



Vermont Judiciary

Odyssey Case Management System

What To Expect: Practical and Ethical Considerations

Hon. Katherine A. Hayes, VT Superior Court

Mike Kennedy, VT Bar Counsel

Andy Stone, J.D., NG-CMS Project Leader



Agenda



Project Overview (10 minutes)

Background ⇒ Goals and Objectives ⇒ Vendor/Partners



Project Status/ Anticipated Rollout Schedule (10 minutes)

Progress toward implementation ⇒ Timelines for phased regional rollouts



New Electronic Filing System: What to Expect (20 minutes)

Odyssey File & Serve (OFS) Overview/ Demonstration



Attorney Ethical Obligations with E-filing (20 minutes)



Questions and Discussion (15 minutes)





Odyssey Project Background: The Need



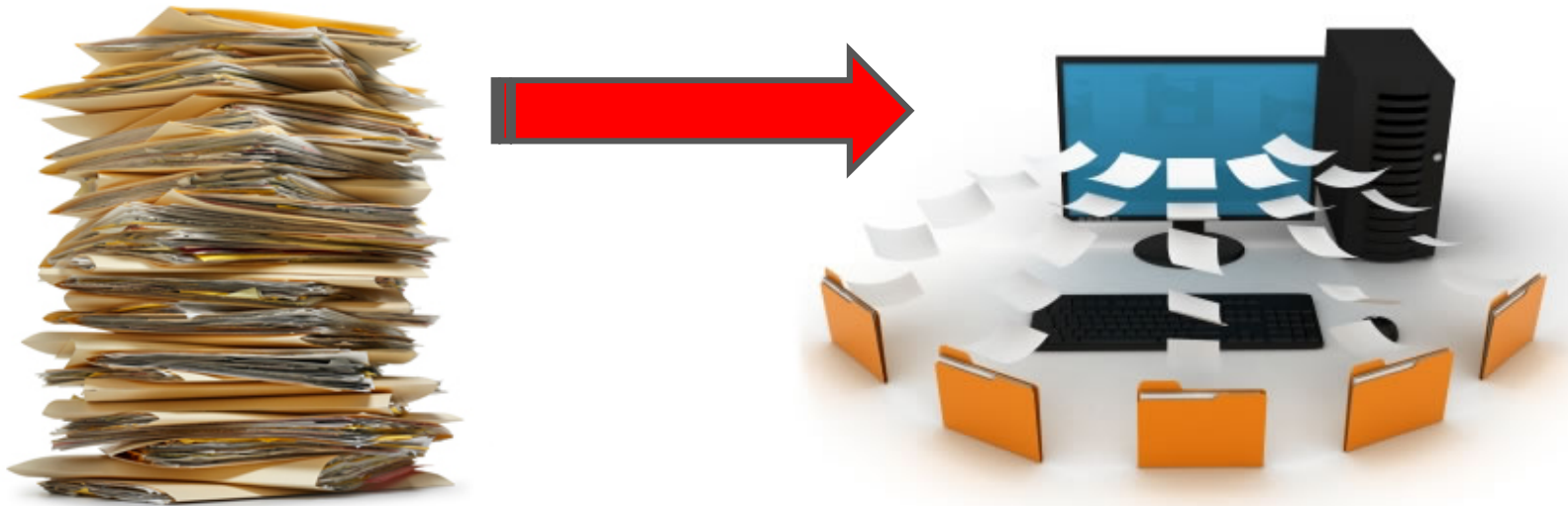
- Antiquated & unsupported legacy system (VTADS)
- Incompatible with 21st century paperless processes
- Very real risk of catastrophic failure



Odyssey Project Goals and Objectives

Case Management Process:

From Paper-driven

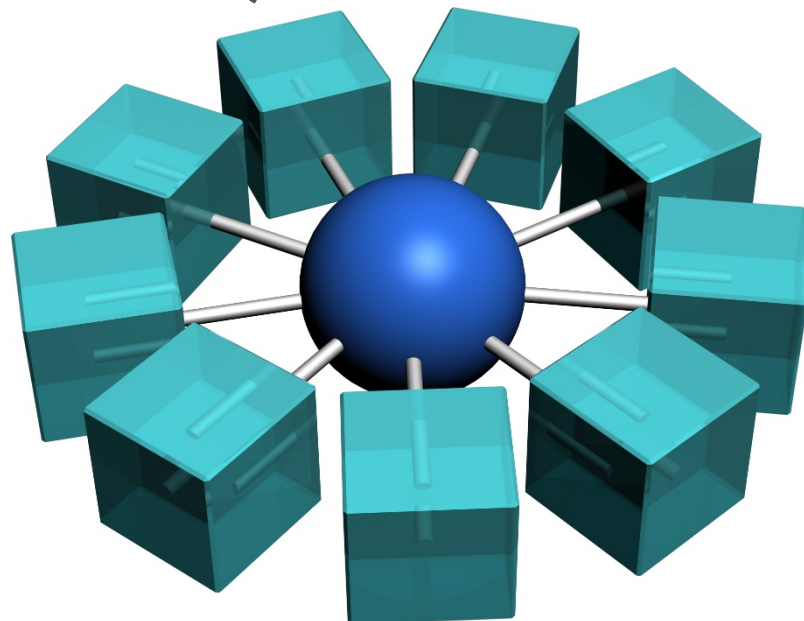
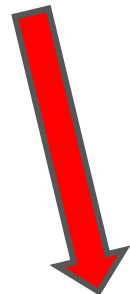
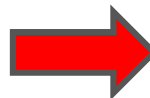


to electronic-focused business model



Odyssey Goals and Objectives Cont.

- Improve access to justice
- Strengthen interagency communication
- Enable more efficient court operations

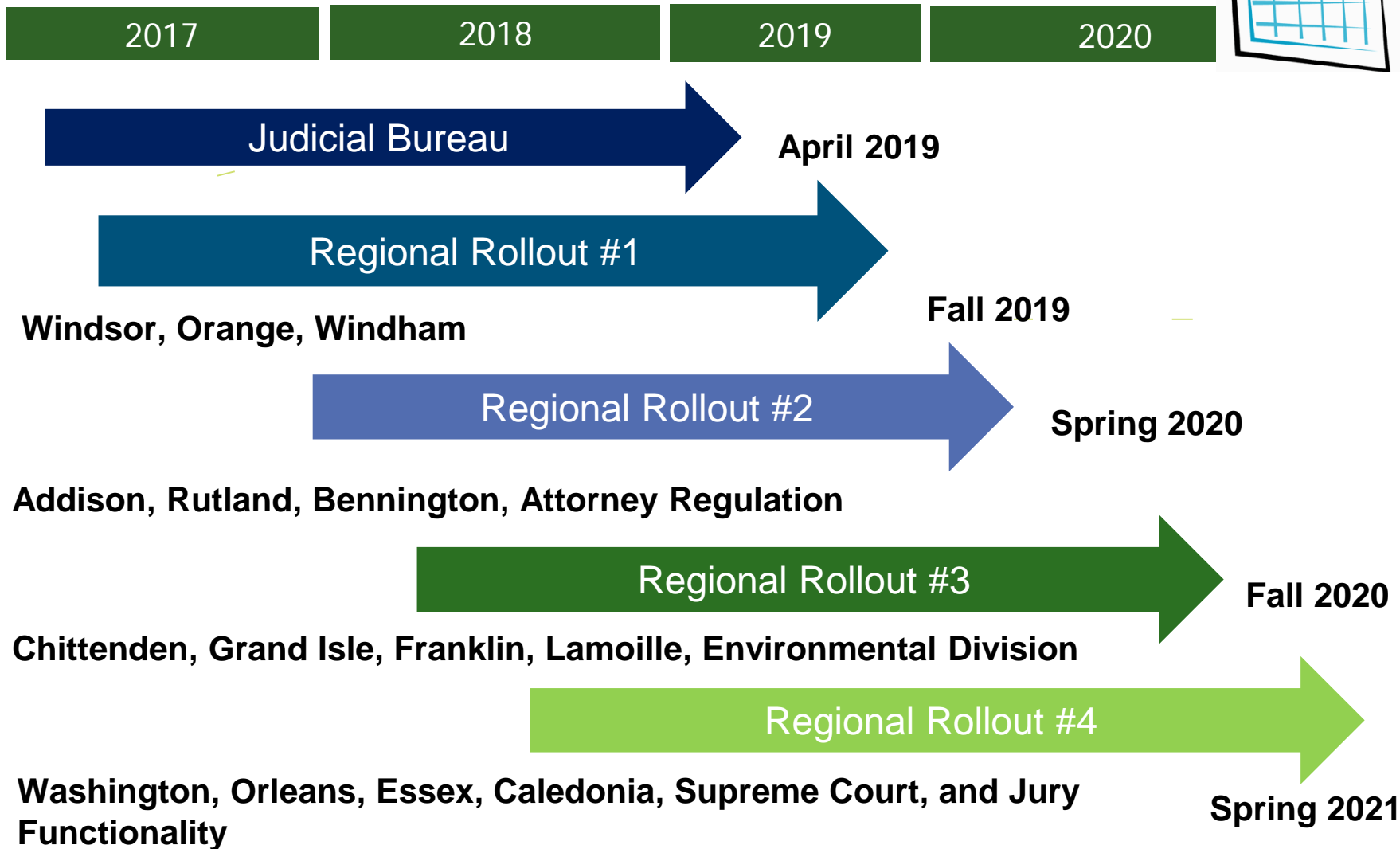




Odyssey Project Timeline



Vermont Statewide Rollout Timing



Tyler is the largest public company in the world focused exclusively on state and local government



Tyler Technologies

- Public Corporation founded in 1966
 - \$5B market capitalization (NYSE:TYL)
 - \$780 million annual revenues
- Solution portfolio
 - ERP / Financial
 - Courts & Integrated Justice
 - Public Safety
 - Appraisal & Tax
 - Schools
 - Municipal Services
- All 50 States, Canada, UK
- 3,000+ Employees



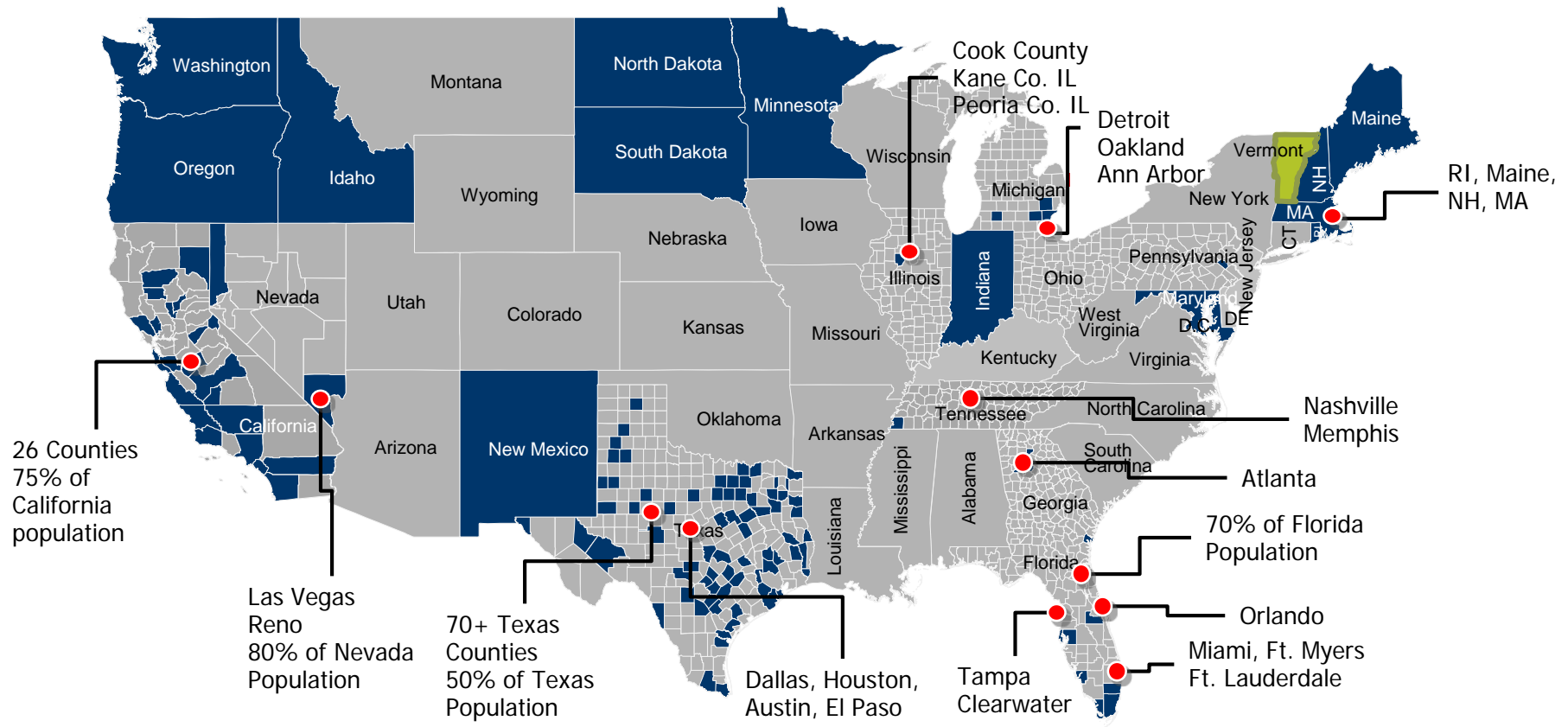
Tyler Courts & Justice Division

- Focused exclusively to Courts & Justice solutions
 - \$140 million annual revenues
 - Court Case Management, Electronic Filing, Jury, Jail, Prosecutor, Public Defender, Supervision
- Over 30 years of expertise
- Operating in 23 States
 - 13 statewide clients
 - Over 600 counties
- 600+ Courts & Justice Employees



Tyler's Odyssey Case Management System

Tyler Courts: 13 Statewide; 600+ Counties



E-Filing: *Odyssey File and Serve*



- Universal e-filing in all dockets in all units
- Electronic service of documents between registered users
- Online payment of filing fees
- 24/7 access to case documents and information
- Prompt notification when new filings occur
- Faster, more efficient case acceptance and processing
- Guided interviews for self-represented litigants
- Public portal to view publicly available case information



E-Filing: *Odyssey File and Serve*

The E-Filing Process



E-Filing: *Odyssey File and Serve*



Email Address

Password

☐ Keep me logged in

[Forgot Password?](#) | [Register Now](#)

MESSAGE OF THE DAY

Welcome to the Vermont Stage eFiling Portal

This site is a test site and is not live and is not monitored.

***NOTICE* Chrome Compatibility Update**

Effective September 1, 2015 Google Chrome will no longer support websites that use Silverlight, including the current eFileVermont website. Google Chrome users will receive a message that their web browser is not compatible, and are encouraged to transition to the new website [HERE](#) or use a different web-browser (Internet Explorer) to eFile.


More information about the NPAPI plugin that supported Silverlight can be found [HERE](#).

LEARN



-  [E-File User Guide](#)
-  [Administrator Guide](#)
-  [Quick Reference Guide](#)
-  [Frequently Asked Questions](#)

TRAIN

Self-study Online Training

-  [Firm Admin - Adding Attorney to Firm](#)
-  [Firm Admin - Adding New Users to Firm](#)
- 

SUPPORT

-  [Need Help?](#)
-  Share your screen with [GoToAssist](#)





E-Filing: *Registration*

Odyssey File & Serve Registration**Step 1 of 5**

I want to Register as a

☐ Firm Administrator

Each firm must have a designated person to administer the E-Filing system. The Administrator will register the firm and be responsible for setting up and maintaining all users, credit card accounts, and attorneys at the firm.

☐ User with an Existing Firm

Your firm has already been registered with the E-Filing system. You must know your firm ID and have been given permission to set up your account by your Firm Administrator. The Firm ID serves as the common identifier for all users within your firm.

☒ An Independent User

You are a single user, not associated with or represented by a law firm.

All required fields are indicated by an "*". There is no registration fee for Odyssey File & Serve.

[Cancel](#)[Next](#)

[Firm Admin - Adding Attorney to Firm](#)



E-Filing: OFS Workspace - Filings

[WORKSPACE](#)[MY ACCOUNT](#)[HELP](#)[ABOUT](#)[LOGOUT](#)

Welcome Vermont Filer

[NEW CASE](#)

Lamoille Unit

18-DM-00121

[Go](#) [Advanced Search](#)[FILINGS](#) [BOOKMARKS](#) [TEMPLATES](#) [SERVICE CONTACTS](#)

My Filings

All Statuses

All Locations

From m/d/yyyy

15

To m/d/yyyy

15

Case or Envelope

[Filter](#)[Export](#)[?](#)

Envelope # 129

Envelope # 129 filed 12/26/2018 at 3:38 PM by Vermont Filer on behalf of Test Attorney

Status	Filing Code	Filing Type	Filing Description	Reference Number
Submitting	Complaint for Divorce, Legal Separation,	EFile		

Draft # 128

Draft # 128 started 12/14/2018 at 1:13 PM by Vermont Filer on behalf of Test Attorney

Envelope # 124

Envelope # 124 filed 12/13/2018 at 10:41 AM by Vermont Filer on behalf of Test Attorney

Status	Filing Code	Filing Type	Filing Description	Reference Number
Cancelled	Complaint for Divorce, Legal Separation,	EFile		

Case # 18-DM-00121 - Homer Simpson v MARGE Simpson

Draft # 123 started 12/13/2018 at 9:30 AM by Vermont Filer on behalf of Test Attorney

Draft # 119

[1 of 2](#)



E-Filing: *New Case Filing*

Envelope 119 Grand Isle Unit - Guardianship - Voluntary Adult

① **Case Information** ② Parties ③ Filings ④ Summary

Enter the Details for the New Case

Required fields are bold and have an asterisk (*).

Select Location*

Grand Isle Unit

Select Category*

Probate or Mental Health

Select Case Type*

Guardianship - Voluntary Adult (\$150.00)

Filing Attorney*

Test Attorney

Payment Account*

TEST MC





E-Filing: *New Case Filing*

Envelope 119 Grand Isle Unit - Guardianship - Voluntary Adult

① Case Information ② Parties ③ Filings ④ Summary

Party Type	Name	Attorney(s)
Respondent		
Guardian		

ADD PARTY

Party Type*

Respondent ▼



Person



Business

Lead Attorney

▼

First Name*

Middle

Last Name*

Suffix

▼

Country

▼

Address Line 1

Address Line 2

City

Region

Zip Code

Phone

Filer ID



Case Information





E-Filing: *New Case Filing*

Envelope 128 Windsor Unit - Estate - No Will - \$150,000 to \$500,000

① Case Information ② Parties ③ Filings ④ Summary

Select Filing Code*

Petition to Open an Estate and Appoint Fiduciary

☒ E-File

Filing Description

Reference Number

Optional Services

Copy - Certified (\$5.00)

Copy - Exemplified (\$10.00)

Mail Service - Certified (\$13.00)

Mail Service - First Class (\$3.00)

Photocopies (\$1.00)

Public Record Retrieval (\$7.50)

Add →

← Remove

Selected Optional Services

Documents

Lead Document* ⓘ

Click to Browse

Attachments ⓘ

Click to Browse

Filing Comments

Courtesy Copies ⓘ



E-Filing: Service

Envelope 134 Orange Unit - Parentage Contested

- ① Case Information ② Parties ③ Filings ④ Service Contacts ⑤ Summary

Select Contacts to Receive Service for this Envelope

☒ Select All Service Contacts

▲ ☒ Plaintiff: test1 test1

☒ **test attorney (testattorney@testfirm.com)**



▲ ☒ Defendant: test2 test2

☒ **Lionel Hutz (lionel@hutzlaw.com)**



☐ Other Service Contacts





E-Filing: *Submission*

EMPLATES SERVICE CONTACTS

All Statuses

All Locations

From m/d/yyyy 15 To m/d/yyyy 15

Case or Envelope

at 9:39 AM by Vermont Filer on behalf of Test Attorney			
Filing Code			Reference Number
Complaint and Summons for Parentage			
at 2:37 PM by Vermont Filer on behalf of Test Attorney			
Filing Code			Reference Number
Complaint and Summons for Parentage			
at 11:28 AM by Vermont Filer on behalf of Test Attorney			
Filing Code	Filing Type	Filing Description	Reference Number
Complaint and Summons for Parentage	EFileAndServe		
at 12:23 PM by Vermont Filer on behalf of Test Attorney			
Filing Code	Filing Type	Filing Description	Reference Number
Complaint for Divorce, Legal Separation, Annulment or Dis	EFile		

Confirmation

Envelope 134 is submitting.

View Receipt

Ok



E-Filing: *OFS Workspace - Templates*



WORKSPACE MY ACCOUNT HEL

NEW CASE

FILINGS BOOKMARKS **TEMPLATES** SERVICE CONTACTS

My Templates All Locations All Case Types

Template 4 - Windsor Eviction

Template created January 13, 2019 at 2:31 PM by Vermont Filer

Location	Case Type	Filing Code
Windsor Unit	Landlord/Tenant - Eviction	Civil Complaint

Template 3 - CHINS A

Template created January 13, 2019 at 2:25 PM by Vermont Filer

Location	Case Type	Filing Code
Windsor Unit	CHINS A - Abused or Neglected	N/A

Template 1 - OCS Parentage

Template created December 28, 2018 at 11:17 AM by Vermont Filer

Location	Case Type	Filing Code
Windsor Unit	Parentage Contested	Complaint and Summons for Parentage





E-Filing: *Filing into an Existing Case*

E [Advanced Search](#)

Advanced Search

Search by Party Name

Location*

☒ Person ☐ Business

First Name*

Middle Name

Last Name*

Case Type*

Show Results Sorted by*



E-Filing: *Notifications*

DeleteRespondQuick StepsMoveTagsEditingSpeechZoom

ew

SA

Stone, Andrew

LaRosa, Laura

12/21/

FW: Document Filed on Case 18-CV-00290

-----Original Message-----

From: Vermont Judiciary <Vermont@judiciary.com>

Sent: Thursday, October 11, 2018 10:02 AM

To: Stone, Andrew <Andrew.Stone@vermont.gov>

Subject: Document Filed on Case 18-CV-00290

A new document has recently been filed.

Case #:

18-CV-00290

Case Style:

John Smith v. Brian Polkster

Court:

Addison Unit

Event:

Civil Complaint Filed

Event Date:

10/11/2018

You are receiving this e-mail because you have elected to be notified when new documents are attached to your case(s).





E-Filing: *Public Portal*



Tyler Odyssey Portal

Register / Sign In  ▾

Notifications

No notifications exist.



Smart Search

Search for court records.



Search Hearings

Search for court hearings
for a specified date range.



Make Payments

Make a payment or select
payment alternatives for
criminal and traffic cases.





E-Filing: *Public Portal*

Tyler Odyssey Portal

Register / Sign In 

1

[Smart Search](#)

2

[Search Results](#)

3

[Details](#)

Smart Search

*Required

Search Criteria

?

* Enter a Record Number or Name in Last, First Middle Suffix Format

Clear

Submit

[Advanced Filtering Options](#) ▾

[Smart Search](#)

[General Options](#)

[Party Search](#)

[Criteria](#)

[Case Search Criteria](#)

[Judgment Search](#)

[Criteria](#)

[Warrant Search](#)

[Criteria](#)

[Protection Order](#)

[Filters](#)

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E-Filing: Public Portal



Tyler Odyssey Portal

[Register / Sign In](#)

Party Search Results

Name

▼ Date of Birth

▼ Simpson, Homer

XX/XX/XXXX

Current Address:
333 Simpson St
Springfield, VT 12345

Warrants (0)
[Cases \(6\)](#)
Judgments (0)
Protection Orders (0)

Cases

Case Number	▼ Style / Defendant	▼ File Date	▼ Type	▼ Status	▼ Location
19-DM-00016	Homer Simpson v Marge Simpson	01/10/2019	Dissolution Contested with No Minor Children	Active - Service Due	Orleans Unit
18-DM-00123	Marge Simpson v. Homer Simpson	12/06/2018	Parentage Contested	Active	Rutland Unit
18-DM-00119	Office of Child Support et al v. Homer Simpson	11/26/2018	Desertion Contested With Minor Children	Active	Orange Unit
18-DM-00107	Marge Simpson v. Homer Simpson	10/05/2018	Desertion Contested With Minor Children	Active	Caledonia Unit
18-DM-00091	Homer Simpson et al v. Marge Simpson	09/13/2018	Dissolution Stipulated with No Minor Children	Active	Addison Unit
18-ENV-00033	City of Barre v. Simpson	07/19/2018	Municipal Enforcement	Active - Service Due	Enviornmental Division

https://ong-test-port01.cms.crt.state.vt.us/TESTPORTAL/SmartSearch/SmartSearchResults?_id=1547753998550&Grid-sort=NameSort-asc





E-Filing: *Public Portal*



Tyler Odyssey Portal

Register / Sign In 

1

[Smart Search](#)

2

[Search Results](#)

3

[Details](#)

Case Information

18-DM-00035 | Homer Simpson v. Marge Simpson

Case Number
18-DM-00035

File Date
04/20/2018

Court
Bennington Unit
Case Type
Dissolution Contested with Minor
Children

Case Status
Active

Print

[Case Information](#)

[Party](#)

[Events and Hearings](#)

[Documents](#)

[Back to top](#)

Events and Hearings

04/20/2018 Motion to Establish Parental Rights and Responsibilities

04/20/2018 Motion to Establish Parent-Child Contact

04/20/2018 Motion to Establish Child Support

04/20/2018 Motion for Property Division

04/20/2018 Complaint and Summons for Dissolution With Minor Children

04/20/2018 Child Support Order ▾

View Document

Order - Child Support



E-Filing: *Public Portal*



Tyler Odyssey Portal

Register / Sign In

[Search Hearings](#)

[Search Results](#)

Hearing Search Results

Hearings for Attorney Name **Test Attorney** between **1/14/2019** and **4/1/2019**



Case Number ▾	Style / Defendant ▾	Case Type ▾	Date / Time ▲ ▾	Hearing Type ▾	Judge ▾	Courtroom ▾	Case Category ▾
18-CV-00070	Greta Green v Betty Blue	Small Claims \$1,000 or Less	1/22/2019 9:00 AM	Motion Hearing			Civil
19-DM-00015	test plf v. test def	Parentage Contested	1/23/2019 9:00 AM	Case Management Conference			Family
18-DM-00019	Marge Simpson v. Homer Simpson	Dissolution Contested with Minor Children	1/24/2019 11:00 AM	Case Management Conference			Family

« 1 »

10 items per page

1 - 3 of 3 items





Odyssey Project: Final Thoughts



Ethics & E-Filing

YLD Thaw

January 18, 2019

Ethics & E-Filing

Which rules apply?

Ethics & E-Filing

Which rules apply?

ALL OF THEM

More Likely to Arise

- ◆ Rule 1.1 – Competence
- ◆ Rule 1.3 – Diligence
- ◆ Rule 1.6 - Confidences
- ◆ Rule 1.16 – File Retention
- ◆ Rule 3.4 – Fairness to Opposing Party & Counsel
- ◆ Rule 5.3 – Non-lawyer Assistants
- ◆ The Honesty Rules

Rule 3.4(c)

A lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no such obligation exists.

Competence & Diligence

- ◆ Rules 1.1 and 1.3
- ◆ Know your job
- ◆ Do your job
- ◆ Do your job in a timely fashion

Competence & Diligence

- ◇ Basic: can't opt-out of “doing tech”
- ◇ Know what the e-filing rules are
 - ◇ subject line, body, limits on size of attachments
 - ◇ what constitutes service?
 - ◇ Different for self-represented litigants?
 - ◇ when do timelines start running?

Competence, Diligence, File Retention

- ◆ Know your obligations about updating an e-mail address
- ◆ Will there be rules on keeping hard copies? Or “wet” copies?
- ◆ Absent a rule, do you want to keep hard copies? What’s one reason you might?

File Delivery

- ◆ Rule 1.16(d): upon the termination of the representation a lawyer shall deliver all papers and property to which the client is entitled.
- ◆ Might check with carriers as well

Confidences

- ◆ Duty to act competently to protect information relating to the representation of a client from inadvertent disclosure or unauthorized access
- ◆ Will you be filing PDFs that you redact?
- ◆ If so, do you know how to redact a PDF so as to ensure that the redacted information remains confidential?
- ◆ Wait, what? Is the other side trying to figure out what I redacted? How can that be ethical??

Non-Lawyer Assistants

- ◆ Rule 5.3 imposes a duty to ensure that non-lawyer assistants comply with your duties
- ◆ Are you likely to delegate e-filing to someone who “knows tech”?
- ◆ Will non-lawyers be authorized access to Odyssey?
- ◆ If not, is it ethical to allow a paralegal to access Odyssey as you? To use your credentials/e-signature?

Honesty

- ◆ The worst ethical dilemma/violation I have experienced with e-filing involved a recently terminated associate from a Regional Workers Comp Firm. He called me to tell me that once his firm terminated him a managing partner apparently ordered a surviving associate to “pull all his files and draft and e-file Motions to Withdraw stating he is no longer with the Firm...” The Partner then directed the associate/assistant to e-file the Motions under terminated attorney’s name and file with his e-file credentials!!!! Terminated attorney received email notifications on several Motions and Orders granting the Motions before he was able to call the Clerk’s office and state that someone was filing under his name without his permission.

Honesty & Competence

- ◆ We transitioned to e-filing from 2014 to 2016, with our Supreme Court being last. When the e-filing rules were being drafted, I successfully advocated that for certain filings requiring the client to electronically sign, the lawyer should also have a “wet” signed copy from the client. This was based on the requirements for the bankruptcy court. If you guys also require a “wet” copy, you should stress this in the cle's. We had several lawyers disciplined in the bankruptcy court for not having the wet signatures, which led to reciprocal discipline in our courts. We have also had some confusion as to who has electronic access to filings, with some attorneys not realizing the rules are a little different for pro se's. We have had a couple of instances of one lawyer allegedly e-signing opponents counsel to an unagreed to stipulation.

Honesty

- ◆ Here's one for you ... a lawyer “e-filed” a declaration with the expert signing electronically (“/s/”) ... but the lawyer knew the expert refused to sign ... our court suspended for 90 days
- ◆ *In re Wooten, (Hawaii, 2013)*

Questions and Discussion

