



ENVIRONMENTAL DIVISION E-FILING GUIDE

V2 March 2021

Notes:

1. *This document is NOT intended to be a comprehensive guide to use of the Odyssey File & Serve System. See information below regarding user guides, trainings, and other materials for filers. This document provides supplemental division-specific guidance for e-filing in the Environmental Division.*
2. *During the initial launch of Vermont's new Odyssey File and Serve e-filing program, it is anticipated that this and other user guides will be subject to frequent updates and revisions. It is recommended that users NOT print hard copies of this guide, but refer as needed to the version online, which will be kept current with all updates*

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Accessing Odyssey File & Serve

All Vermont Courts have adopted universal e-filing in all dockets through the Odyssey File & Serve (OFS) system, which is a web-based platform accessible from any modern browser on a computer or mobile device. OFS can be accessed via a link on the Vermont Judiciary’s website’s e-filing page at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing> or directly at: <https://vermont.tylerhost.net/ofswb>

Registration

Registration for e-filing is free and simple. All that is required is a valid email address. There are different registration options for firm/organizational users and independent users such as self-represented

litigants. Instructions on how to register are found in the user guides and other materials in the “self-help” section of the OFS homepage

Note: all users including attorneys and self-represented litigants who choose to efile must self-register. Court staff cannot complete registrations on behalf of filers or edit any user’s registration information.

Training and Support

- For general information and questions about use of the e filing system, on the OFS homepage <https://vermont.tylerhost.net/ofswb> there is a “self help” section with numerous resources:
 - Live web training sessions and recorded trainings that can be viewed any time
 - A Database of FAQs
 - Chat, messaging and other contact options for support
 - Training videos
 - Downloadable user guides
- Vermont-specific guides about filing in various division and case types are on the Judiciary website’s e filing page <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>, also accessible here from the homepage:



- There is also a Judiciary e filing helpdesk for Vermont-specific e filing procedural questions at JUD.EFileSupport@vermont.gov Please use this email for e filing questions and do not send e filing questions to the main Judiciary Helpdesk email.

Filing New Cases

- a. **Location** – Select “Env” for all Environmental Division case types
- b. **Category** – Select “Civil” or “Criminal”
 - i. (“Criminal would only be used when filing a civil citation case)
- c. **Case Types** – Select from one of the following options:

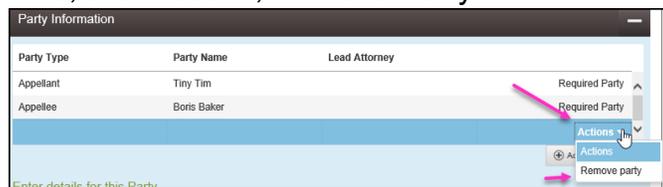
- i. Act 250 and ANR DeNovo Appeals
- ii. Civil Citation
- iii. ANR & NRB Enforcement Appeals
- iv. Municipal DeNovo Appeal
- v. Municipal Enforcement
- vi. Municipal On the Record Appeal
- vii. Other Jurisdiction

**If uncertain which case type applies to your initial filing, please contact the Environmental Division staff for guidance.*

* Filer must click **Save Changes** after each section before progressing to the next section

d. Party Information

- i. Fill in all party information as completely and accurately as possible.
- ii. After first party information entered, filer must click “Save Changes” before moving to enter next party.
- iii. Required parties in each case type will be listed by default and must be added. Additional parties of any type may be added by clicking the “add another party” button.
- iv. If filer accidentally clicks “Add Another Party”, to remove the line, click Actions, Remove Party:



e. Filings

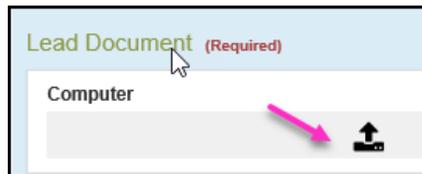
- i. **Filing Type:** If using the “eServe” feature (see user guides available at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>), select “eFile & Serve” from the Filing Type dropdown menu. Otherwise select “eFile”.
- ii. **Filing Code:** For all new cases in the Environmental Division, select the applicable code as the Filing Code for uploading i.e.: Notice of Appeal to the Environmental Division; Complaint Filed; and other initiating documents.

f. Documents:

- Documents must be uploaded in PDF Format
- The complaint or other initiating document should be uploaded as the “lead” document and other supporting

documents should be individually uploaded as separate Attachments.

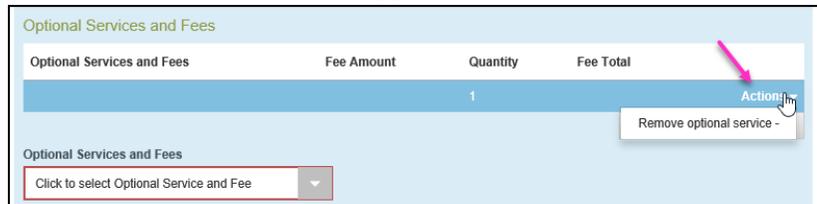
- Each document uploaded must have a Security type selected or filer cannot proceed.
1. Documents containing confidential information such as social security numbers must be labeled as a “confidential document” from the Security dropdown menu by the document, and where required by the new Rules of Electronic Filing, a redacted version must also be filed.
 2. Lead Document – Upload the main pleading



- a. Select document from computer to upload
 - b. Click Save Changes if no Attachment to upload
3. Attachment – Upload any supporting document to the Lead document
 - a. Click Save Changes after uploading Attachment
 4. If Filer wants to add another filing, separate and apart from the original lead document, filer must click “Save Changes” then click “Add Another Filing.”

Optional Services and Fees: Service to request copies of documents, exemplified copies, certified copies, or public record retrieval. See more in Section VII below.

5. Click “Add Optional Services and Fees”
6. Select service in drop down
7. If filer accidentally clicks Optional Services and Fees
 - a. Click Actions and Remove Optional Service:
 - b.



ii. Filer must click “Save Changes”

g. Counter Claims, Cross Claims, and Third Party Claims

i. Select the appropriate filing code for each so that accompanying fee is assessed

1. Additional Appeal - \$120.00
2. Cross Appeal - \$120.00

ii. If filing with an Answer, label the code with the Claim, and include in description

Answer

Fees

- i. Filer selects payment account
- ii. Filer selects person responsible for fees, which is the party on behalf of whom the filing is made
- iii. Filing Attorney – will populate when using Attorney Account
- iv. Click “Save Changes”

The Vermont Judiciary has instituted a new per case filing fee structure for the e-Filing system, effective **April 1, 2021**. This new fee structure is the result of a collaborative effort and the culmination the e-Filing Fees Study Committee, as well as continued dialogue with the Vermont Bar Association and Tyler Technologies. The new per case fee is \$14.00 per filer or firm, payable upon a party’s first filing. Convenience fees remain in place with a 2.89% processing fee for credit card payments and \$1.00 per case for eCheck payments. However, a number of exemptions remain in place. All criminal filings are automatically exempt from the case fee and for any case type where there is no court fee, the party filing will not incur the user fee either.

Please note:

- *The new per case fee is \$14 per party, per filer within a firm, charged once upon first filing. If a party’s representation changes from one firm to another, the fee will be charged again upon the new firm’s first filing into the case. A pro se litigant who chooses to use the eFiling system is also required to pay the fee upon first filing. If a pro se litigant later seeks representation, the fee would be charged again upon the firm’s first filing against the firm’s payment account.*
- *Some filers may be erroneously re-assessed the \$14 charge as a result of merging of system entities in Odyssey (a process to correct duplicate records for the same individual). When a party entity for whom the per case fee has been paid is merged into another entity for whom the fee has not been paid, the fee will assess again. Filers in those situations may contact Tyler Technologies for a refund.*

For the following exemptions, parties must still choose a waiver account when filing:

Statutory or rule exemptions

- Government and appointed filers, pursuant to 32 V.S.A. § 1433 and Rule 10(d)(1) of the Rules for Electronic Filing (2021)
- Stalking & Sexual Assault cases, pursuant to 12 V.S.A. § 5133(f)
- Relief from Abuse cases, pursuant to 15 V.S.A. § 1103(f)
- Abuse Prevention for Vulnerable Adult, pursuant to 33 V.S.A § 6933(b)

As applied economic hardship exemptions

- Fee waiver determination, pursuant to 32 V.S.A. § 1431(h) or 32 V.S.A. § 1434(b) in Probate cases, and
- Fee waiver determination, pursuant to V.R.C.P. 3.1 and V.R.P.P. 3.1

Government agency filers and others who are statutorily exempt from paying filing fees may file via a “waiver” account that can be set up for each registered user. There is a

guide to creating a waiver account posted at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>.

A waiver account would also be used by anyone filing an Application to Waive Filing and Service Fees (*formerly IFP/In Forma Pauperis*). Filers upload the completed application in PDF format along with their other filing(s) and are notified after court review whether the application has been granted. If the request is denied, the filing will still be accepted but the filer will be sent a notice of a deadline for making payment of the appropriate fee.

Case filing fees paid to the Court are established by statute. Current fees and authorizing statutes are available at <https://www.vermontjudiciary.org/fees> .

The latest updates and answers to frequently asked questions regarding electronic filing are available on the Judiciary website at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>

- i. Submission Agreements
 - i. Filer must Certify that filer is in compliance with the Rules for Public Access to Court Records by checking the box.
 - ii. Click Summary

- j. A summary of the Envelope displays, Filer must click “Submit”

Filing into Existing Cases

All existing pending and closed cases will be searchable in OFS and available for making subsequent filings. For older cases that originated in the previous case management system, use the existing docket number in its full original format (including the 4 letter county initial/docket code at the end).

- k. Select Location – “Environmental Division”
- l. You can find case by entering case number or search for partyname
- m. When case comes up, click Actions and select appropriate option

Post Judgment Motions

- n. Most motions filed after Judgment generally require a filing fee.
- o. If filing a post judgment motion, select the existing motion with a post judgment fee or if there is not a listed motion, select Motion Miscellaneous with \$90.00 fee.

i.

**If uncertain which case type applies to your initial filing, please contact the Environmental Division staff for guidance.*

Agency Filers

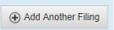
Government Agency Filers and other entities who are exempt by rule or statute from paying any court filing fees will continue to be exempt from paying fees when filing in OFS. Such filers should set up a “waiver” payment account when registering and use this for filings made in the course of their official job duties.

Waiver of Filing Fees (formerly known as “In Forma Pauperis” Process)

To request a waiver of filing fees when submitting either a new or a subsequent case filing through OFS, select “waiver” as the payment method (the filer must have a waiver account set up as a payment method – this can be done in the filer’s OFS account settings).

You must include a completed Application to Waive Filing Fees (form # 228, available on www.vermontjudiciary.org) in PDF format.

Do not upload the form as an attachment to your lead document; rather, after uploading your other documents, click on “Add another Filing”

 then use the filing code “Application to Waive Filing and Service Fees.”

Cases will be accepted by the court through OFS regardless of whether the filer qualifies for a waiver or not. Review is completed by court staff after the initial acceptance from the efilings system. If the request to waive fees is denied, or if the filer fails to submit the application form, they will receive notice from the court instructing them on how much is due and the date by which it must be paid to avoid dismissal of the filing.

Appeals

When filing an Appeal of an Environmental Division case, file the Notice of Appeal in the existing case and pay the filing fee to the Environmental Division through the efilings

system. Use the filing code “Notice of Appeal to Supreme Court”.

Requesting Copies, Public Record Retrieval and other Optional Services

Note: many documents in newer and active cases are available to be printed and downloaded for free from the Public Portal for users with a right of access. Most older cases that have not had recent activity continue to be held in paper files from which copies must be requested.

Regular photocopies, certified copies and exemplified copies of court documents may be requested through the efilings system by filing a request into the case from which you are requesting document copies. Requests may be submitted on their own or in conjunction with other filings.

1. Using the filing code “Copy Request”, submit a letter or document clearly stating the request including the specific documents for which you want printed copies, and whether you need a regular, certified or exemplified copy and how you would like the document(s) sent to you (mail or email). Please note that certified copies produced and delivered electronically will have a certification stamp image and signature electronically applied. For some purposes and in some other jurisdictions a raised seal and original signature is required, so requests should state clearly which method is needed.
2. To submit payment for the copies, in addition to selecting the filing code and attaching a written request, the filer must select the appropriate copy type and fee from the “Optional Services” section. There are different fees for each type of copy so be sure to select the correct option.
 - Regular printed copies of court documents cost 25 cents/page and there is a \$1.00 minimum for any copies, so if the document is 1-4 pages long the cost will be \$1.00 (select the option for “photocopies 1-4”).
 - Printed copies of documents longer than 4 pages will be [# of pages X 25 cents] (select the option for “photocopies 5+” and enter the total # of pages of the document(s)).
 - Certified copies have a fee of \$5.00 per document.
 - Exemplified copies have a fee of \$10.00 per document

Refiling after Rejection

- a. When a filing is rejected:
 - i. Filer will receive an email with the rejection reason and any comment the court may add
 - ii. Filer can see the envelope on the Dashboard of Filer’s Account

1. Click Returned Filings
 2. Find rejected envelope
 3. Click Actions
 4. View Envelope Details -Click to Expand Filings Section
- b. If filing was rejected, filer has **7 days** to refile with a correct document in order to retain the original filing date.
- c. Process to follow:
- i. Go to Filings Tab
 - ii. On the rejected filing, to far right, click 4th button “Copy this envelope”



eService

The e filing system contains a “Serve” feature that allows filers to simultaneously submit documents to the court and serve them on opposing parties/counsel who are also registered in the e filing system.

Vermont’s Rules for Electronic Filing require service of filed documents on other filers to take place through the system unless the parties agree in writing to an alternative method. Please see the eService Guide and other related materials on the Judiciary’s e filing page for further details on using the Serve function.

When a filing is submitted through the e filing system but is served on any parties through any alternative means (because the recipient is not an e filer or because there is an agreement between the parties), the filer must also submit a certificate of service in compliance with applicable rules.

Viewing Case Records

Case records (docket entries, orders, etc) cannot be viewed in the e filing system. Case records are available on the Vermont Judiciary Public Portal at: <https://publicportal.courts.vt.gov/Portal/>.

User guides and other information about the Public Portal is located at <https://www.vermontjudiciary.org/about-vermont-judiciary/public-portal>.