

SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR

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TO: Members of the Vermont Bar
FROM: Patricia Gabel, Esq., State Court Administrator
RE: Promulgated, Proposed Rules & Miscellaneous Information
DATE: August 18, 2020

For your information, please find:

- [Administrative Order No. 50 – Pilot Project for Service by Office of Child Support](#)
- [Proposed Amendments to Rules 9.1 and 55\(c\)\(7\) of the Vermont Rules of Civil Procedure and Rules 2\(a\), 3, and 8\(c\) of the Vermont Rules of Small Claims Procedure](#)
- *Odyssey Electronic Filing & Other Important Info*
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED RULE AMENDMENTS

[Administrative Order No. 50 – Pilot Project for Service by Office of Child Support](#)

This Order was promulgated on August 7, 2020; effective October 1, 2020.

Administrative Order No. 50 creates a pilot project that is a result of a joint effort between the Judiciary and the Office of Child Support (OCS) to more efficiently provide service to defendants in cases filed where OCS is providing services under Title IV-D of the federal Social Security Act, which established a Child Support Enforcement Program. See 33 V.S.A. § 4101(a) (designating OCS as agency responsible for Title IV-D). In cases in Windham and Windsor Units, where e filing has been implemented, OCS will be able to effect service. Administrative Order 50 revises provisions of V.R.F.P. 4.1(a)(2) to implement this pilot project and allows service by email under specified conditions.

II. PROPOSED RULE AMENDMENTS

(NOTE: THE FOLLOWING AMENDMENTS HAVE BEEN PROPOSED AND HAVE NOT BEEN APPROVED BY THE SUPREME COURT.)

[Proposed Amendments to Rules 9.1 and 55\(c\)\(7\) of the Vermont Rules of Civil Procedure and Rules 2\(a\), 3, and 8\(c\) of the Vermont Rules of Small Claims Procedure](#)

The proposed amendments to V.R.C.P. 9.1 implement the recommendation of the Civil Division Oversight Committee that credit card debt collection actions and other actions brought by a debt-buyer rather than the original creditor be removed from small claims and brought in the

civil division. Simultaneous amendments to V.R.C.P. 55(c)(7) and V.R.S.C.P. 2 and 3 are being proposed to accomplish this purpose.

The proposal is made based on the growing complexity of these cases, the inconsistency in how cases are handled by the lawyers serving as Acting Judges in small claims cases, and the difficulty of using lawyers as Acting Judges in these cases with the new case management system.

The proposed amendment to Rule 8(c) eliminates the possibility of arrest as a result of contempt in small claims proceedings, in keeping with the goal of avoiding the imposition of such severe sanctions for failure to pay debts. See, e.g., <https://www.aclu.org/report/pound-flesh-criminalization-private-debt>.

Comments on these proposed amendments should be sent by **October 19, 2020**, to Allan Keyes, Esq., Chair of the Advisory Committee on the Rules of Civil Procedure, at the following address:

Allan Keyes, Esq., Chair
ark@rsclaw.com

III. MISCELLANEOUS

a. Odyssey Electronic Filing and Other Important Information

The Addison, Bennington, Chittenden and Rutland trial courts and Environmental Division will begin using Odyssey starting September 1st, with electronic filing to commence on or about October 19th. Odyssey and electronic filing are already operational in the Orange, Windsor, and Windham trial courts and the Judicial Bureau. Please use the following links to access Odyssey electronic filing and portal systems and for more information.

Odyssey File & Serve. Odyssey File & Serve (OFS) is the platform through which you will electronically file with the courts. To access Odyssey File & Serve, please visit <https://vermont.tylerhost.net/ofsw eb>. This page contains user guides in the lower left-hand corner. They include instructions on how to register and use OFS.

For information about OFS processing fees and for docket specific user guides, please visit <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>.

Odyssey Public Portal. The Odyssey Public Portal allows you to view your case files. To access the portal, please visit <https://publicportal.courts.vt.gov/Portal/>. Before you can view your case files, you must first register in the portal and then request elevated access. The Public Portal User Guide contains instructions on how to register and request elevated access. You can read the user guide via this link:

<https://www.vermontjudiciary.org/sites/default/files/documents/VT%20Public%20Portal%20User%20Guide%20v8.pdf>. For full information on how to use the portal, please visit <https://www.vermontjudiciary.org/about-vermont-judiciary/public-portal>.

FAQ. Please visit <https://www.vermontjudiciary.org/odyssey> for answers to frequently asked questions and updates about the project.

Efiling Training Opportunities

Register for a live e-filing training webinar. Starting September 10, 2020, Tyler Technologies will offer online training session on how to electronically file documents using Odyssey File &

Serve. These sessions are offered for free and registration is open to all, including attorneys, firm administrators, self-represented litigants, and state agency employees. To register please click here: <https://register.gotowebinar.com/rt/7806326256261273102>

Watch a pre-recorded e-filing training webinar. The judiciary's NG-CMS project team recorded a demonstration of how to use Odyssey File & Serve that you can view here: https://www.youtube.com/watch?v=ke2ouMDK4VQ&feature=emb_title. You may also watch a pre-recorded webinar by Tyler Technologies, by visiting <https://register.gotowebinar.com/recording/5669820132306504203> and registering.

Practice setting up your firm and submitting filings. Do you want hands on practice using the system? Create your firm, register users and begin filing practice cases in the Vermont "Stage" environment. Be sure that the web address you're using includes the word "stage" (<https://vermont-stage.tylerhost.net/ofswb>). The Stage environment is available any time. Please note that submissions will only be reviewed periodically, so you may not get a timely response on whether your practice submissions have been accepted. The Stage environment is available now only for familiarity and direct hands-on experience and is not a substitute for registering on the actual e-filing site when you are ready.

Read Vermont specific e-filing guides. The Vermont Judiciary's website includes several e-filing guides to help you navigate Odyssey File & Serve. Visit <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing> and click on Odyssey File and Serve User Guides to view the most updated versions.

Important Notice about Court Operations During Phase III Odyssey Roll Out in the Addison, Bennington, Chittenden, and Rutland Trial Courts and Environmental Division

In preparation for the Phase III Odyssey roll out, the Addison, Bennington, Chittenden, and Rutland trial courts and the Environmental Division will be closed to the public on several dates during the months of August and September. Below is a schedule of court closures and information about court operations during these dates.

The courts will be closed according to the following schedule:

- **All courts in these units will be closed from Monday August 31st through Monday September 7th. Operations will resume on Tuesday September 8th.**
- **Addison Criminal, Probate, and Family** will be closed Friday August 7th, Friday August 14th, Thursday August 20th, and Friday August 28th.
- **Addison Civil** will be closed Friday August 7th, Friday August 14th and Thursday August 20th.
- **Bennington Civil and Probate** will be closed Friday August 7th, Friday August 14th, Friday August 21st, and Friday August 28th.
- **Bennington Criminal and Family** will be closed Tuesday August 11th, Thursday August 20th, and Tuesday August 25th.
- **Chittenden Unit** will be closed Friday August 14th, Friday August 21st, and Friday August 28th.
- **Rutland Civil and Probate** will be closed Friday August 14th, Thursday August 20th, and Thursday August 27th.
- **Rutland Criminal** will be closed Thursday August 13th, Friday August 21st, and Friday August 28th.
- **Rutland Family** will be closed Wednesday August 12th, Tuesday August 18th, and Tuesday August 25th.
- **Environmental Division** will be closed Friday August 21st and Thursday August 27th.

Court users should know that on these dates:

- Units will only hold emergency hearings. This includes criminal lodgings, relief from abuse cases, stalking cases, juvenile emergency custodial orders and mental health emergencies.
- Judges from other units or retired judges may sit on these emergency hearings remotely.
- Any non-emergency hearings currently scheduled for this period will be rescheduled.
- Individuals can still call or email the courts, though some calls will be directed to the Information Center first.
- Individuals can still deposit paperwork at the courts' drop boxes and pick up court forms at court entrances.

The Phase III roll out encompasses staff and courts from seven buildings across four counties. Court staff, finance staff, and RIS staff will be managing data conversion, performing manual data entry, and scanning paper files into Odyssey. This dedicated time is essential to ensure a successful transition onto the new case management system. We appreciate your patience and consideration during this time.

b. Court Forms

Court forms are constantly being updated. Please refer to the judiciary website for the most up-to-date forms, <https://www.vermontjudiciary.org/court-forms>.

Please use the link below to report any form question, concern or issue <http://www.vermontjudiciary.org/website-feedback-form> or you can access our Website Feedback program at the bottom of each web page.

c. Obligation under A.O. 41

Attorneys are reminded that an “attorney must report to the State Court Administrator within thirty days any change of the office mailing or electronic mail address” and that “[n]otice sent to a reported address is sufficient even if not received by the attorney because of failure to report the proper address or failure of delivery not caused by the court.” A.O. 41, § 4(c); see A.O. 44, § 1.

Please email those changes to JUD.AttyLicensing@vermont.gov. Your cooperation is very much appreciated.

To ensure you continue to receive these emails, please add JUD.AttyLicensing@vermont.gov to your Safe Senders list.

d. eCabinet Registration

Administrative Order No. 44 requires attorneys in active status to register up to three email addresses in **eCabinet** for purposes of receiving notices of hearing and other documents. *You may include staff email addresses in the three email addresses that you specify. eCabinet registration is required whether you practice in court or not.*

If you have already registered in **eCabinet**, the email address(es) you provided as part of that process will be used.

If you have not already registered in **eCabinet**, please go to <https://efiling.eservices.crt.state.vt.us/>, click **Register Now**, and follow the simple prompts.

Attorneys will need their attorney license numbers to register. Helpful information about the Attorney Email Registration process is also available on the *Electronic Filing* page of the judiciary website at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>. Please contact jud.helpdesk@vermont.gov or call the Helpdesk at 802-828-4357 with any questions in the meantime.

You are also reminded that you are required to update the email address(es) and other contact information you have registered as soon as there are any changes, including changes to staff email addresses you may have included with your registration. To revise the information, please go to <https://efiling.eservices.crt.state.vt.us/>, log into **eCabinet**, click “**Account**,” choose “**My Profile**,” and make the necessary changes to your contact information.

Notification to JUD.AttyLicensing@vermont.gov or in **eCabinet** of a change to your contact information does not automatically notify the other. It is your responsibility to notify both. If you are a member of the Vermont Bar Association, you will also need to separately notify the VBA.