

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: Eighteenth Amendment to A.O. 49, Proposed Rules & Miscellaneous Information
DATE: December 7, 2020

For your information, please find:

- [AO 49 Amendment - Declaration of Judicial Emergency and Changes to Court Procedures 12-4-20](#)
- [Proposed Order Amending V.R.C.P. 80.1\(f\)](#)
- *Odyssey Electronic Filing & Other Important Info*
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED RULE AMENDMENTS

- [AO 49 Amendment - Declaration of Judicial Emergency and Changes to Court Procedures 12-4-20](#)

This Order was promulgated on December 4, 2020, effective immediately.

This order further amends A.O. 49, which declared a Judicial Emergency on March 16, 2020, in response to the COVID-19 pandemic.

A.O. 49 ¶ 2 is amended to further extend the judicial emergency and effective date of the Administrative Order to March 31, 2021. The extension is necessary based on the need to alter court operations to respond to the ongoing dynamic nature of the pandemic and to provide enough notice to court staff and court users regarding scheduling and operations.

Paragraph 3 is amended to clarify the process for deciding when courts can hold jury trials. As previously indicated in the order, criminal jury trials are not formally suspended, and civil jury trials will not be suspended after January 1. Under the revised language superior courts seeking to hold a jury trial must secure the approval of the Chief Superior Judge and the Court Administrator before summoning jurors and holding a jury trial. The amendment identifies a host of factors to be considered by the Court Administrator and Chief Superior Judge to ensure that the necessary steps are taken to protect trial participants and public health, and that the Judiciary has adequate staffing to support a proposed jury trial.

Paragraph 5, concerning remote participation in hearings is amended to address hearings in the judicial bureau. New ¶ 5(c) gives the judicial bureau express authority to preside remotely and requires all participants to appear by remote means, either by video or audio conference. In recognition of the ongoing public health and safety concerns caused by the pandemic, in-person hearings are postponed, and all hearings will be conducted by remote means (audio or video, in the discretion of the judicial officer). Prior ¶ 5(c) is renumbered as ¶ 5(d).

Finally, ¶ 7(a)(ii) is amended to clarify that pretrial service coordinators are among the participants authorized to enter the courthouse to participate in a hearing that has not been suspended or ordered to be heard remotely.

The full Order and other updates regarding the Coronavirus Disease 2019 (COVID-19) and court operations are available at [<https://www.vermontjudiciary.org/about-vermont-judiciary/covid-19-and-court-operations>]

II. PROPOSED RULE AMENDMENT

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

Proposed Order Amending V.R.C.P. 80.1(f)

The proposed amendment to Rule 80.1(f) updates a cross-reference to the provision of the Civil Rules setting forth the appropriate procedure to be followed in proceedings by default against a minor or incompetent defendant.

By virtue of an amendment of V.R.C.P. 55 promulgated November 5, 2019, effective January 6, 2020, the relevant provisions of former V.R.C.P. 55(b) are now incorporated in V.R.C.P. 55(c). The amended language refers to V.R.C.P. 55(c)(1), which carries forward former V.R.C.P. 55(b)(1) in revised form, setting forth specific requirements regarding representation for minor or incompetent parties, with the added requirement of an affidavit as to the movant's knowledge of the age and competency of the party.

Comments on this proposed amendment should be sent by **February 8, 2021**, to Allan Keyes, Esq., Chair of the Advisory Committee on the Rules of Civil Procedure, at the following address:

Allan Keyes, Esq., Chair
Advisory Committee on the Rules of Civil Procedure
ark@rsclaw.com

III. MISCELLANEOUS

a. Odyssey, Electronic Filing, and Other Important Information

The Addison, Bennington, Chittenden, and Rutland trial courts and Environmental Division began using Odyssey on September 1, and electronic filing through Odyssey File & Serve began in these courts on October 19. 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>.

For technical support regarding Odyssey File & Serve, please contact Tyler Technologies at 800-297-5377 or efiling.support@tylertech.com

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>.

For technical support regarding the Public Portal, please contact the Vermont Judiciary's HelpDesk at Jud.helpdesk@vermont.gov. When emailing, please write "**Public Portal**" in the subject line.

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

Efiling Training Opportunities

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/ofsw eb>). 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.

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.