

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: Emergency Rule Amendments, Upcoming Educational Session, Odyssey Electronic Filing & Other Miscellaneous Info

DATE: February 23, 2021

For your information, please find:

- [Emergency Order Amending Rules 2, 4, and 11 of the 2020 Vermont Rules for Electronic Filing](#)
- *Upcoming Educational Session*
- *Odyssey Electronic Filing & Other Important Info*
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED EMERGENCY RULE AMENDMENTS

[Emergency Order Amending Rules 2, 4, and 11 of the 2020 Vermont Rules for Electronic Filing](#)

This Order was promulgated on February 22, 2021; effective March 15, 2021.

These amendments are intended to clarify aspects of efile registration, service, and certification of service. The amendments are in response to feedback provided by system users and judges and will be effective on March 15, 2021, the date that electronic filing will be implemented in the remaining counties in the state.

Rule 2 is amended in two ways. The definition of “service contact” in amended Rule 2(k) provides a more detailed explanation of the types of service contacts that are used in the efile system, and the source of the “public list,” which is the primary reference for serving another party through Odyssey File and Serve. Rule 2(l) is added to provide a definition of “submission agreement.” A submission agreement is how efilers certify compliance with Rule 5(b)(5) and (6) (regarding nonpublic information) and amended Rule 11(g)(3) (regarding service requirements). The submission agreement appears as certification “boxes” that must be checked to proceed with electronic filing.

Rule 4(b)(3) is amended to clarify that an efiler must enter a current service contact email address as a condition of registration, and to further require immediate updating of a changed service contact address.

Rule 11 is amended in several ways to clarify aspects related to service and certification of service. Rule 11(d) describes the method of service among efilers. Amended paragraph 11(d)(1) clarifies that service of electronic filings between efilers must be made using the electronic filing system by choosing the “File and Serve” function and selecting the party from the Public List. Amended paragraph 11(d)(2) allows agreements among efilers for alternative methods of service, and further prescribes the conditions of such agreements.

Rule 11(g) is amended to clarify how to certify service in the efilings system and to detail the circumstances where a separate certificate of service, complying with either V.R.C.P. 5(h) or V.R.P.P. 5(e), is required. Amended paragraph (g)(1) provides that all efilers must certify compliance with service requirements through a submission agreement. Where all parties are efilers, the submission agreement suffices to certify service. Amended paragraph (g)(2) addresses the efiler’s obligation to file an additional certificate of service when serving: (A) a party who is not required to efile and has not elected to efile; (B) a party who has failed to provide a service contact; or (C) a party with whom the efiler has an agreement for an alternative method of service under subparagraph (d)(2).

Revised Rule (g)(3) prescribes the content of the required submission agreement certification as to service. The certification details that, for any filing that must be served, the efiler has included a certificate of service complying with paragraph (g)(2), and that any remaining parties have service contacts and have been served through the efilings system File and Serve function.

II. Upcoming Educational Session

The judiciary is sponsoring an educational session related to the Rules for Public Access to Court Records and the Rules for Electronic Filing. Please save the date for **Thursday March 4, 2021 from 12:00-1:30 p.m.** The session will include information on protecting confidential information, efilings, and service requirements. The presenters will include J. Dooley, J. Morris, Elizabeth Kruska, Andrew Stone, and Emily Wetherell. The session will be conducted remotely, and the link will be sent closer to the date. If you have any questions, please contact Emily Wetherell, Deputy Clerk of the Supreme Court at emily.wetherell@vermont.gov.

III. Odyssey and Electronic Filing Information

The Vermont Legislature has appropriated CARES Act funds for a grant to Vermont Legal Aid to cover the cost of the Tyler eFiling use fees through March 31, 2021, to ensure all court users have timely access to justice as the judicial system resumes operations relying on greater digital remote online processes to ensure public health and safety after closure due to COVID-19. During this period, the Tyler eFiling use fee will not be charged to filers but will be charged to the CARES Act grant to Legal Aid.

The Caledonia, Essex, Franklin, Grand Isle, Lamoille, Orleans, and Washington trial courts began using Odyssey on February 1, 2021, and electronic filing through Odyssey File & Serve is scheduled to commence on March 15, 2021. Odyssey and electronic filing are already operational in Addison, Bennington, Chittenden, Orange, Rutland, Windsor, and Windham trial courts and the Environmental Division 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 OFS, please visit

<https://vermont.tylerhost.net/ofsw eb> You can access user guides through the “User Guides” link in the “Self Help” window. You can also access docket specific user guides on the judiciary’s website at <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 on our website at <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 efilng training webinar from the Vermont Judiciary. 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

Register for a live efilng webinar with Tyler Technologies. Starting February 24, 2021, Tyler Technologies will offer a series of live webinars on how to use Odyssey File & Serve. To register, visit <https://register.gotowebinar.com/rt/8175684102182380812>

Practice setting up your firm and submitting filings. For hands on practice, you can create your firm, register users, and begin filing practice cases in the Vermont “**Stage**” environment. Be sure that the web address 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 efilng site when you are ready.

Read Vermont specific efilng guides. The Vermont Judiciary’s website includes several efilng 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.

IV. MISCELLANEOUS

a. 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.

b. 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.

c. 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.