

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 and Proposed Rules, List of Approved Financial Institutions Odyssey Electronic Filing & Other Miscellaneous Info

DATE: January 5, 2021

For your information, please find:

- [*Order Promulgating Amendments to Rules 2\(a\), 7\(f\), 9\(c\), 12\(a\), and 15\(c\) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court*](#)
- [*Proposed Order Amending V.R.C.P. 7 and 56 and abrogating V.R.C.P. 78*](#)
- [*Proposed Order Adding V.R.P.P. 73*](#)
- *List of Approved Financial Institutions*
- *Odyssey Electronic Filing & Other Important Info*
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED RULE AMENDMENTS

[*Order Promulgating Amendments to Rules 2\(a\), 7\(f\), 9\(c\), 12\(a\), and 15\(c\) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court*](#)

This Order was promulgated on January 5, 2021; effective March 8, 2021.

Rule 2(a)(6) and (7) are added to broaden the definition of “actively engage in the practice of law” and specifically allow law professors and qualified arbitrators and mediators to be eligible for admission without examination. New Rule 2(a)(8) contains a catchall provision.

Rule 7(f) is amended to remove the requirement in former 7(f)(2)(A)(v) that Law Office Study registrants submit their six-month reports in duplicate, as this is no longer administratively necessary and places a burden on registrants.

Rule 9(c)(5), which details the eligibility requirements to sit for the UBE prior to graduation, is amended to require that applicants take the academic instruction necessary to prepare for the UBE and are approved by their law school to sit for the UBE prior to graduation. The time in which an

early examination applicant must submit proof of graduation is increased to accommodate applicants who sit for the July bar and graduate at the end of the following fall semester.

Rules 12(a)(1) and 15(c) are amended to make the first-year CLE requirement consistent with recent changes to the Rules for Mandatory Continuing Legal Education. Specifically, the prior distinction between live and self-study in 12(a)(1) is replaced with the distinction between Moderated Programming, Non-Moderated Programming with Interactivity as a Key Component, and other. Further, the minimum number of hours of programming that is Moderated or Non-Moderated with Interactivity as a Key Component is increased from 6 to 9.

II. PROPOSED RULE AMENDMENT

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

a. [Proposed Order Amending V.R.C.P. 7 and 56 and abrogating V.R.C.P. 78](#)

The proposed amendment to V.R.C.P. 7(b) consolidates and modernizes provisions of the civil rules governing motions. Pertinent provisions of V.R.C.P. 78, which are proposed to be simultaneously abrogated, are incorporated in this proposed amendment. The proposed amendment provides a procedure for responding not only to a motion for summary judgment under V.R.C.P. 56, but to all dispositive motions, including motions to dismiss for untimely service or filing of the complaint under V.R.C.P. 3, for judgment on a claim or on the pleadings under V.R.C.P. 12(b) or (c), for judgment as a matter of law under V.R.C.P. 50(a), for default judgment under V.R.C.P. 55(a), or any other motion that may result in dismissal of all or part of a claim without trial. The proposal addresses response time, oral argument, and evidentiary hearings on motions.

Proposed new V.R.C.P. 56(c)(5) states that a reply to a memorandum in opposition to a motion for summary judgment, as provided in the simultaneous amendment to V.R.C.P. 7(b)(4), is available.

The proposal abrogates V.R.C.P. 78, which required the Presiding Judge of each superior court to establish “motion days” at regular intervals. The rule is no longer consistent with practice in the superior court as currently constituted.

Comments on these proposed amendments should be sent by **March 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

b. [Proposed Order Adding V.R.P.P. 73](#)

Proposed new Rule 73 is added to implement 14 V.S.A § 118, added by Act 195, Acts of 2017 (Adj. Sess.), § 2, providing for referral of a Probate Division matter to the Civil Division, with the consent of the Civil Division.

Comments on this proposed amendment should be sent by **March 8, 2021**, to Hon. Jeffrey Kilgore, Chair of the Advisory Committee on the Rules of Probate Procedure, at the following address:

Hon. Jeffrey Kilgore
Jeffrey.Kilgore@vermont.gov

III. LIST OF APPROVED FINANCIAL INSTITUTIONS

Rule 1.15B(a)(1) of the Vermont Rules of Professional Conduct requires lawyers to maintain their trust accounts only in financial institutions approved by the Professional Responsibility Board. Financial institutions which have not been so approved may obtain information as to how to become certified by contacting the Office of Disciplinary Counsel (802) 859-3000. For a complete list of Approved Financial Institutions, please click on the following link and select “Attorney Trust Accounts”:

<https://www.vermontjudiciary.org/about-vermont-judiciary/boards-and-committees/professional-responsibility>

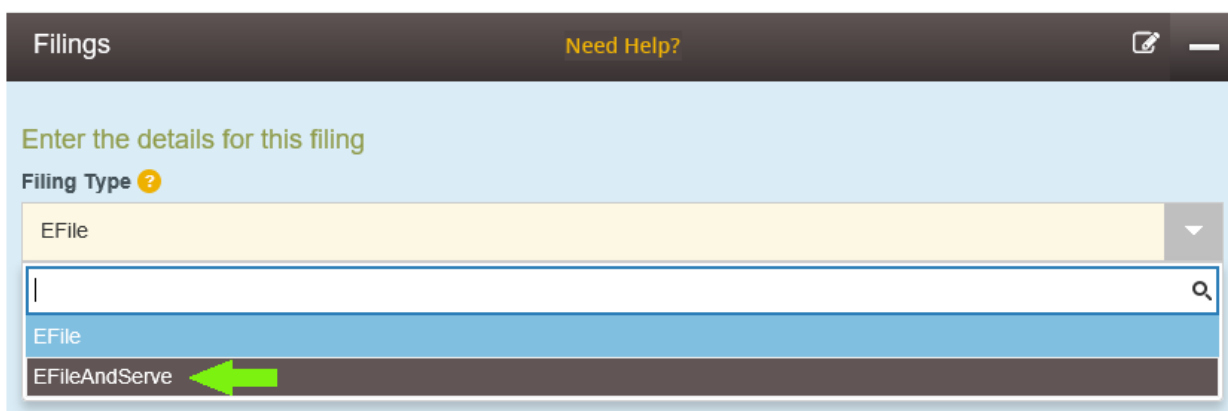
IV. Odyssey and Electronic Filing Information

Please find the following important Odyssey File & Serve and Public Portal updates below:

- Serving Documents through Odyssey File & Serve
- Filing into Individual Cases Required
- Templates and Copying Envelopes in Criminal, Juvenile, and Environmental Division Cases
- Odyssey, Electronic Filing and Other Important Info

a. Serving Documents through Odyssey File & Serve

Odyssey File & Serve provides filers with the ability to electronically serve their filings on other parties. To use eservice, filers must update the “Filing Type.” The “Filing Type” default setting is “Efile.” To complete eservice, filers must select “**EFileAndServe**,” and then select the parties to be served.



The screenshot shows a web interface titled "Filings" with a "Need Help?" link. Below the title is a light blue box with the instruction "Enter the details for this filing". A "Filing Type" dropdown menu is open, showing two options: "EFile" and "EFileAndServe". A green arrow points to "EFileAndServe", indicating it is the selected option.

If electronic service is properly selected on the filing, the document itself is served after the clerk’s review, it is not immediate.

If electronic service is not required, a filer can send a copy of what was filed by adding an email address in the “Courtesy Copies” field.

b. Efiling into Each Individual Case Required

Efiling into each individual case is required. Users of Odyssey File & Serve must file a pleading into the specific case related to that pleading. This will ensure that filings are docketed in the correct cases.

If a pleading includes several case numbers, the filer must file the pleading into each individual case listed on the pleading. Court staff will not copy the pleading and file it into the additional cases on behalf of the filer.

c. Templates and Copying Envelopes in Criminal, Juvenile, and Environmental Division Cases

Efilers who initiate criminal, juvenile delinquency, youthful offender, and environmental civil citation cases should not use templates for initial filings. Also, when an initial filing is rejected by the courts in OFS, filers should not copy the rejected envelope when resubmitting the filing. Using a template to initiate such cases and copying rejected initial filings will cause errors and result in delayed case processing.

d. Odyssey, Electronic Filing, and Other Important 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 will begin using Odyssey on February 1, 2021, and electronic filing through Odyssey File & Serve is scheduled to commence approximately 45 days later. 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/ofswb> 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 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 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 includes the word "stage" (<https://vermont-stage.tylerhost.net/ofswab>). 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.

V. 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 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.