

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 Promulgated, Promulgated and Proposed Rules & Miscellaneous Information

DATE: July 15, 2020

For your information, please find:

- [Emergency Order Amending Rules 3\(b\) and 4 of the 2020 Vermont Rules for Electronic Filing](#)
- [Promulgation Order Amending V.R.F.P. 4.3\(b\)](#)
- [Proposed Order Amending Rules 2\(a\)\(2\) and 4.0\(b\)\(2\)\(3\)\(B\) of the Vermont Rules for Family Proceedings](#)
- *Odyssey Electronic Filing & Other Important Info*
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

## I. PROMULGATED RULE AMENDMENTS

- a. [Emergency Order Amending Rules 3\(b\) and 4 of the 2020 Vermont Rules for Electronic Filing](#)

**This Order was promulgated on July 15, 2020; effective immediately.**

The emergency amendment to Rule 3(b)(1) clarifies that government agencies, which are required to submit reports and other case documents such as Department of Corrections (presentence investigation reports) and Department for Children and families (disposition reports) and law enforcement entities must efile and are not excepted from efile as self-represented litigants.

New paragraph 3(b)(4) is added to clarify that nonelectronic filing may be permitted by the court for documents such as a handwritten or edited stipulations, agreements, or other case documents that are created or finalized by parties and/or counsel who are present at court premises for related proceedings, including proceedings such as scheduled case-manager conferences.

The emergency amendment to Rule 4, subdivision (a) conforms the text of the rule to actual practice in the Odyssey efile system. In Odyssey, in contrast to an Independent (self-represented) User, a “Firm” registers, which includes solo practitioners, as well as government agencies. The Firm Administrator authorizes access for all user accounts in that firm.

The amended language in Rule 4(b)(4) addresses how others inside a firm may be authorized to file and view on an attorney’s behalf.

Rule 4(c) is amended to further clarify the process to secure elevated access to case documents not publicly accessible via the internet. Registration in the efile system provides access to documents filed by the efiler. To view other documents in the case, including those filed by another party, the filer must register with the public access portal, and receive authorization. This is a one-time process for each portal user, which provides ongoing access for all subsequent cases in which the user is involved. See also V.R.P.A.C.R. 5 (governing specific rights of access by attorneys, parties, and others, to case records that are not otherwise publicly accessible).

Comments on these emergency amendments should be sent by **September 15, 2020**, to Hon. John A. Dooley (Ret.), Chair of the Special Advisory Committee on Rules for Electronic Filing, at the following address:

Honorable John A. Dooley, (Ret.), Chair  
[John.Dooley@vermont.gov](mailto:John.Dooley@vermont.gov)

*b. [Promulgation Order Amending V.R.F.P. 4.3\(b\)](#)*

**This Order was promulgated on July 13, 2020; effective September 14, 2020.**

The amendment to Rule 4.3(b) deletes former paragraph (1) providing for a motion by a nonparty for relief from a parentage judgment. The amendment also deletes references to that motion in the caption and first sentence of subdivision (b), renumbers the amended first sentence as paragraph (1), and deletes the now superfluous caption of paragraph (2).

Former Rule 4.3(b)(1) was added by amendment in 2017 as a narrow response to the concern raised by the Supreme Court in Columbia v. Lawton, 2013 VT 2, 193 Vt. 165, 71 A.3d 1218, that existing law, 15 V.S.A. § 302(a), prohibited such a nonparty action in the absence of a constitutional claim. See Reporter’s Notes to 2017 Amendment. Subsequently, the Legislature enacted the Vermont Parentage Act, 15C V.S.A. §§ 101-809, and repealed the prior statute involved in Columbia. 2017, No 162 (Adj. Sess.), §§ 1, 2. The Act was effective July 1, 2018, § 6, and, per § 5, in certain proceedings before that date. The Vermont Parentage Act is a comprehensive measure, setting forth procedural provisions and means of establishing parentage, and providing requirements of standing and time limits for proceedings by nonparties challenging adjudications, acknowledgements, and presumptions of parentage. Essentially, the Act renders obsolete former Rule 4.3(b)(1).

## **II. PROPOSED RULE AMENDMENTS**

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

a. *[Proposed Order Amending Rules 2\(a\)\(2\) and 4.0\(b\)\(2\)\(3\)\(B\) of the Vermont Rules for Family Proceedings](#)*

The proposed amendments to Rules 2(a)(2) and 4.0(b)(2)(3)(B) are amended for consistency with the recent amendment of V.R.C.P. 3.1 eliminating all reference to “in forma pauperis” and replacing it with “waiver of filing fee and service costs.”

Comments on these proposed amendments should be sent by **September 15, 2020**, to Hon. Michael Kainen, Chair of the Advisory Committee on Rules for Family Proceedings, at the following address:

Hon. Michael Kainen, Chair  
[Michael.Kainen@vermont.gov](mailto:Michael.Kainen@vermont.gov)

### 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/ofswab>. 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.

#### *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](mailto:JUD.AttyLicensing@vermont.gov). Your cooperation is very much appreciated.

To ensure you continue to receive these emails, please add [JUD.AttyLicensing@vermont.gov](mailto: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](mailto: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](mailto: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.