

**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: Thirteenth Amendment to Administrative Order No. 49 – Declaration of Judicial Emergency and Changes to Court Procedures & Miscellaneous Information

DATE: July 24, 2020

For your information, please find:

- [AO 49 Amendment - Declaration of Judicial Emergency and Changes to Court Procedures 7-23-20](#)
- [Appendix A](#)
- [Appendix B](#)
- *Odyssey Electronic Filing & Other Important Info*
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED RULE AMENDMENT

[AO 49 Amendment - Declaration of Judicial Emergency and Changes to Court Procedures 7-23-20](#)
[Appendix A](#)
[Appendix B](#)

This Order was promulgated on July 23, 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.

The July 23 amendments add ¶¶ 21 and 22 to establish special pleading requirements for eviction and foreclosure proceedings potentially affected by the federal CARES Act, Pub. L. No. 116-136. That Act provides specific requirements for evictions for nonpayment from, and foreclosures of, properties financed by federally backed loans or participating in certain federal housing programs.

Paragraph 21 requires that in any eviction action of a tenant in residential housing commenced on or after March 27, 2020, the effective date of the CARES Act, the plaintiff must attach to the complaint a certificate that either the Act does not apply to the leased property or that the plaintiff has complied with the applicable provisions of the Act, specifically § 4024, codified at 15 U.S.C. § 9058.

A form for the plaintiff's certification is attached as Appendix A and certifications must be in substantially this form.

Similar provisions of ¶ 22 provide, for actions for residential foreclosure filed between March 27, 2020, and December 31, 2020, that the plaintiff must certify compliance with applicable provisions of the CARES Act that require the lender to grant up to 360 days of forbearance on request of the borrower and of federal regulations that require the lender to advise the borrower of this right. Paragraph 22(c) requires the plaintiff's certification to be in substantially the form as Appendix B. The form requires that, subject to perjury or other sanctions, the lender either state that the CARES Act does not apply because the subject mortgage does not secure a federally backed loan, or that if it does, the lender has advised the borrower of the opportunity to request forbearance and that the borrower has either not responded to or declined the offer.

Both ¶ 21 and ¶ 22 have a similar justification. In both eviction and foreclosure proceedings, the court must be informed as to whether the CARES Act applies. The information necessary to make that determination is not readily accessible to the individual tenant or homeowner. Plaintiff landlords and lenders have both the need for this information in their operations and the capacity to acquire and present it with relatively little effort.

The July 23 amendment also clarifies that victims of crimes and victim advocates are among the individuals allowed to enter courthouses for the purpose of attending hearings in the relevant cases.

The July 23 amendment also modifies the MCLE requirements for continuing legal education for the 2019-2021 reporting cycle to account for the ongoing limitations on in-person gatherings because of the COVID pandemic.

More information regarding COVID-19 and court operations can be found at <https://www.vermontjudiciary.org/news/information-regarding-coronavirus-disease-2019-covid-19-and-court-operations>

II. 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/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>.
- **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. 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.