

SUPREME COURT OF VERMONT  
OFFICE OF THE COURT ADMINISTRATOR

**PATRICIA GABEL, ESQ.**  
State Court Administrator  
[patricia.gabel@vermont.gov](mailto:patricia.gabel@vermont.gov)



[www.vermontjudiciary.org](http://www.vermontjudiciary.org)

**Mailing Address**  
Office of the Court Administrator  
109 State Street  
Montpelier, VT 05609-0701

**Telephone** (802) 828-3278  
**FAX:** 802 828-3457

TO: Members of the Vermont Bar  
FROM: Patricia Gabel, Esq., State Court Administrator  
RE: Promulgated Rules & Miscellaneous Information  
DATE: June 15, 2020

For your information, please find:

- [Promulgation Order Amending V.R.P.P. 77\(e\)](#)
- [Promulgation Order Amending V.R.P.P. 66 and 80.3 and Adding V.R.P.P. 74](#)
- [Promulgation Order Adding V.R.P.P. 80.9, 80.10, and 80.11](#)
- [Promulgation Order amending V.R.C.P. 3.1 and V.R.A.P. 24](#)
- [Promulgation Order amending V.R.P.P. 3.1](#)
- [Promulgation Order amending V.R.F.P. 4.3\(f\)](#)
- *Notice to Attorneys Due to Renew Licenses in 2020*
- *Odyssey Electronic Filing & Other Important Info*
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

## I. PROMULGATED RULE AMENDMENTS

### a. [Promulgation Order Amending V.R.P.P. 77\(e\)](#)

**This Order was promulgated on June 12, 2020; effective August 18, 2020.**

The amendment to Rule 77(e) deletes paragraphs (1)-(5) and instead incorporates the amended Vermont Rules for Public Access to Court Records, promulgated effective July 1, 2019, as the source of exceptions to the general rule of public access to probate division records. The Public Access Rules support the implementation of the electronic case management system in all dockets in all courts.

b. [Promulgation Order Amending V.R.P.P. 66 and 80.3 and Adding V.R.P.P. 74](#)

**This Order was promulgated on June 12, 2020; effective August 18, 2020.**

The amendments to Rule 66 clarify its provisions in light of the Vermont Trust Code, 14A V.S.A. §§ 101-1204. The amendments clarify that its requirements do not apply to a trustee, consistent with 14A V.S.A. § 201. The amendment adds a requirement to file a supplemental inventory for omitted or newly discovered assets or information in Rule 66(a)(2) to implement 14 V.S.A. § 1053(a) as added by 2017, No. 195 (Adj. Sess.), § 6, effective July 1, 2018. New Rule 66(c)(4), requiring a sworn statement by the fiduciary that there are no outstanding expenses or unpaid debts or other claims against the estate, is added to provide assurance that the estate will not be reopened after compliance with Rules 66(c)(3) (final inventory) and 60.1(a)(2),(3) (closure of estate upon submission and court approval of fiduciary's report).

Amended Rule 74 implements the provisions of 14 V.S.A. §§ 1851-1854, enacted by 2017, No. 195 (Adj. Sess.), § 12. The statute provides a process for the court to waive further administration for all estates, other than small estates opened under 14 V.S.A. §§ 1901-1903. The provisions of the rule track the statute with some variations in language and a few additional features.

The amendment to Rule 80.3 makes it consistent with the statutory provisions governing small estates, 14 V.S.A. §§ 1901-1903, as amended by 2019, No. 36, § 1, effective July 1, 2019.

c. [Promulgation Order Adding V.R.P.P. 80.9, 80.10, and 80.11](#)

**This Order was promulgated on June 12, 2020; effective August 18, 2020.**

New Rules 80.9-80.11 incorporate, with appropriate modifications, provisions of Rules 6, 6.1, 7, and 7.1 of the Rules for Family Proceedings regarding appointment of a guardian ad litem or an attorney.

New Rule 80.9 regarding representation of minors by guardians ad litem incorporates many provisions of V.R.F.P. 6. Throughout Rule 80.9, "minor" is substituted for "ward," "proposed ward," "person under guardianship," or "child" for uniformity and simplicity of usage.

New Rule 80.10 relates to representation by attorneys and guardians ad litem of adults in specified proceedings. It is adapted from V.R.F.P. 6.1.

New Rule 80.11 concerns representation by guardians ad litem and attorneys of child witnesses. It is adapted from V.R.F.P. 7.1.

d. [Promulgation Order amending V.R.C.P. 3.1 and V.R.A.P. 24](#)

**This Order was promulgated on June 12, 2020; effective August 18, 2020.**

The amendment to Rule 3.1 simplifies some provisions and eliminates ambiguous, inconsistent, or obsolete language, including the time-honored but unspecific label "in forma pauperis." Simultaneous conforming amendments are made to V.R.A.P. 24 and V.R.P.P. 3.1.

The amendment eliminates consideration of the income of "the applicant's cohabiting family members" in determining the applicant's income as ambiguous and overbroad. To the extent that

paragraph (b)(2), covering an applicant who is not an aid recipient, requires consideration of more than the applicant's resources, the proposal uses "household income" instead. The amendment eliminates language in paragraph (b)(1), which limited qualifying public assistance to that constituting "a major portion of subsistence" because of its breadth and ambiguity and the burden of calculation that it imposes on the clerk or designee.

Rule 24 is amended for consistency with the simultaneous amendments to V.R.C.P. 3.1 and V.R.P.P. 3.1.

*e. [Promulgation Order amending V.R.P.P. 3.1](#)*

**This Order was promulgated on June 12, 2020; effective August 18, 2020.**

The amendment to Rule 3.1 eliminates ambiguous, inconsistent, or obsolete language, including the time-honored but unspecific label "in forma pauperis." The amendment also simplifies the process, consistent with the simultaneous amendments to V.R.C.P. 3.1 and V.R.A.P. 24.

*f. [Promulgation Order amending V.R.F.P. 4.3\(f\)](#)*

**This Order was promulgated on June 12, 2020; effective August 18, 2020.**

The addition of Rule 4.3(f) gives a uniform procedure in the Family Division for the enforcement of judgments or orders to pay money rendered in Family Division proceedings under V.R.F.P. 4.0-4.3.

## II. MISCELLANEOUS

**NOTICE TO ATTORNEYS DUE TO RENEW LICENSES IN 2020:** In light of the impact of COVID-19 on Office of Attorney Licensing processes, attorneys renewing their license for the 2020-2022 reporting period must renew using the online license renewal portal <https://secure.vermont.gov/courts/licensing/>. Absent extraordinary circumstances, paper renewals will not be accepted.

*a. [Odyssey Electronic Filing and Other Important Information](#)*

Odyssey is now operational in the Orange, Windsor, and Windham trial courts and the Judicial Bureau. Please use the following links to access the Odyssey case management programs 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](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.