

**SUPREME COURT OF VERMONT  
OFFICE OF THE COURT ADMINISTRATOR**

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**TO:** Members of the Vermont Bar

**FROM:** Scott Griffith, Interim State Court Administrator

**RE:** Important News, Promulgated and Proposed Rules, Odyssey File and Serve and Public Portal Information, Filing of Exhibits & Other Miscellaneous Info

**DATE:** June 6, 2022

For your information, please find:

- *Vermont Judiciary Seeks Vermont Licensed Attorneys to Serve as Hearing Panel Counsel for the Professional Responsibility Program on a Contract Basis*
- *Admission and Licensing Applications*
- [Promulgation Order Amending Rule 6\(b\)\(14\) of the Vermont Rules for Public Access to Court Records](#)
- [Proposed Order Adding Rule 26.2 to the Vermont Rules for Criminal Procedure and Amending A.O. 47](#)
- *Odyssey File and Serve and Public Portal Information*
- *Filing of Exhibits*
- *Miscellaneous*

## **I. IMPORTANT NEWS**

- a. Vermont Judiciary Seeks Vermont Licensed Attorneys to Serve as Hearing Panel Counsel for the Professional Responsibility Program on a Contract Basis*

Hearing Panel Counsel provides legal advice and support to the Professional Responsibility Program's hearing panels. The hearing panels are the Program's equivalent of the "trial courts" and preside over formal attorney disciplinary and disability proceedings. The State Court Administrator seeks proposals from Vermont-licensed attorneys to serve by special appointment to specific matters on a part-time schedule. For further information, please review this announcement:

[VBA-advert-Hearing-Panel-Counsel.pdf \(vtbar.org\)](#)

- b. Admission and Licensing Applications*

The Office of Attorney Licensing is now accepting most admission and licensing applications, including pro hac vice applications, only through Vermont's eFiling system. Some of the necessary updated application forms (including an updated pro hac vice application) can be found on the [Attorney Licensing](#) section of the Judiciary's website. Updated applications for admission are made

available by the NCBE. Instructions on how to file these applications can be found in the [Attorney Licensing eFiling Guide](#).

## II. PROMULGATED RULE AMENDMENTS

### [Promulgation Order Amending Rule 6\(b\)\(14\) of the Vermont Rules for Public Access to Court Records](#)

This Order was promulgated on **June 6, 2022, effective August 8, 2022.**

Rule 6(b)(14) contains a list of exemptions of personally identifying information. Rule 6(b)(14)(v) previously exempted the name “of a child alleged to be a victim” in a criminal case. To alleviate any confusion regarding whether the exemption referred to the alleged victim’s age at the time of the offense or currently, the amendment clarifies that the exemption applies to an alleged victim who was a minor at the time of the offense. The amendment also substitutes the term “minor” for “child” because minor is a legal term already defined by statute. See 1 V.S.A. § 173.

## III. PROPOSED RULE AMENDMENTS

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

### [Proposed Order Adding Rule 26.2 to the Vermont Rules for Criminal Procedure and Amending A.O. 47](#)

Proposed new Rule 26.2 allows for video conference testimony in criminal proceedings, upon agreement of the parties and approval by the court. In contrast to the provisions of V.R.C.P. 43.1 and V.R.P.P. 43.1, video testimony under the proposed rule may not be provided over defendant’s objection, and absent express waiver, in recognition of the Sixth Amendment and Article 10 rights to confrontation and cross examination accorded to the accused. The proposed rule sets the timing and required content of a notice of intent to provide testimony of a witness via video conference. The proposal requires the court to address the defendant directly in open court and determine that the defendant understands the nature of the rights being waived. The proposed rule sets out the requirements for providing video conference testimony. Finally, the rule provides criteria for the court to consider if a party seeks to withdraw from agreement for testimony of a witness by video teleconference.

The proposed amendment to A.O. 47 § 1 incorporates the technical standards currently applicable in video and audio proceedings under V.R.P.P. 43.1 and V.R.C.P. 43.1 to proceedings under V.R.Cr.P. 26.2.

Comments on this proposed amendment should be sent by **August 8, 2022**, to Hon. John Treadwell, Chair of the Advisory Committee on Rules of Criminal Procedure, at the following address:

Honorable John Treadwell, Chair  
Advisory Committee on Rules of Criminal Procedure  
[John.Treadwell@vermont.gov](mailto:John.Treadwell@vermont.gov)

#### IV. ODYSSEY FILE & SERVE AND PUBLIC PORTAL INFORMATION

All Superior Courts, including the Environmental Division, the Judicial Bureau, and the Supreme Court are using Odyssey and accepting electronic filings through Odyssey File & Serve. Please use the following links to access Odyssey electronic filing and portal systems and for more information.

##### Reminders for OFS Users:

**1) PDFs must be “flattened” prior to efile through Odyssey File & Serve**

With the increased use in electronic signature tools, it is important for OFS filers to remember that all PDFs must be flattened prior to filing in OFS. In order to eFile a form-fillable PDF or a PDF that has been electronically signed, you must first save them as a flat file. Otherwise, the filing will fail and you will need to refile.

Follow the steps below to "flatten" a completed PDF:

1. Open the completed PDF.
  2. Right click on document and select Print. NOTE: if document opens in Adobe, Select File and select Print.
  3. Select the PDF printer. (The Adobe PDF printer is installed automatically with Adobe Acrobat. Numerous free PDF printer drivers are available for download from the Internet.)
  4. Select OK.
  5. Specify location to save the printed, "flattened" version of the form.
  6. Select Save
- 2) Attorneys must select the party they represent as the “person responsible for fees” in the Fee section of the filing process. Additionally, when the attorney represents more than one party, attorneys should continue to select the same party as the “person responsible for fees”; otherwise, the attorney will incur an additional efile use fee.

**Odyssey File & Serve.** Odyssey File & Serve (OFS) is the platform through which you 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 and a new Frequently Asked Questions on the judiciary’s website at [www.vermontjudiciary.org/efiling](http://www.vermontjudiciary.org/efiling)

For technical support regarding Odyssey File & Serve, please contact Tyler Technologies at 800-297-5377 or [efiling.support@tylertech.com](mailto:efiling.support@tylertech.com)

If you have procedural questions about OFS, please email the judiciary at [JUD.EFileSupport@vermont.gov](mailto:JUD.EFileSupport@vermont.gov)

**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](mailto:Jud.helpdesk@vermont.gov). When emailing, please write "**Public Portal**" in the subject line.

## V. FILING OF EXHIBITS

Per the 2020 Vermont Rules for Electronic Filing, all electronically filed documents (including exhibit lists and exhibits) must be submitted in PDF format. It is recommended that the exhibit list be filed in Odyssey File & Serve (OFS) as a "Lead Document" and that any PDF exhibits be filed as attachments to that exhibit list.

Multimedia files that cannot be converted to PDF format should be submitted by nonelectronic means on a DVD or USB flash drive (aka thumb drive) and can be mailed or delivered to the court. It is recommended that filers indicate this on the exhibit list being filed in OFS. Please note that while the courts are equipped to view common multimedia formats (such as .mp3, .mp4, .mpeg, .mov, .wmv files), the filer will have to provide compatible player software if an exhibit is in a proprietary multimedia format.

Finally, please remember that regardless of how an exhibit is filed, it is the filer's responsibility during a hearing to present the exhibits. During remote hearings, this means the filer must either assure that all witnesses have been provided with the marked exhibits in advance and have them available to view; or be able to share his or her screen to allow all participants to view the exhibit. If the exhibit is a video or audio file, the litigant must be prepared to play it during the hearing.

## VI. 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). To update changes in your contact information, please access your attorney account with the [Attorney Portal](#)

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

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. This website works best with Explorer. 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.

Updating information in the [Attorney Portal](#) or in **eCabinet** does not automatically notify the other. It is your responsibility to update both. If you are a member of the Vermont Bar Association, you will also need to separately notify the VBA.

To ensure you continue to receive these emails, please add [JUD.AttyLicensing@vermont.gov](mailto:JUD.AttyLicensing@vermont.gov) and [JUD.CAOMemotoBar@vermont.gov](mailto:JUD.CAOMemotoBar@vermont.gov) to your Safe Senders list.