

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

SCOTT GRIFFITH
Interim State Court Administrator
Scott.Griffith@vermont.gov



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: Scott Griffith, Interim State Court Administrator

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

DATE: March 8, 2022

To ensure you continue to receive these emails, please add JUD.AttyLicensing@vermont.gov and JUD.CAOmemotoBar@vermont.gov to your Safe Senders list.

For your information, please find:

- [AO 49 Amendment - Declaration of Judicial Emergency and Changes to Court Procedures 3-07-22](#)
- [Promulgation Order Amending A.O. 50](#)
- [Proposed Order Amending V.R.C.P. 26\(e\)\(4\)](#)
- [Proposed Order Amending V.R.C.P. 80.6\(c\)\(4\)](#)
- [Proposed Order Amending V.R.C.P. 79.1\(e\)](#)
- [Odyssey File and Serve and Public Portal Information](#)
- [Filing of Exhibits](#)
- [Miscellaneous](#)

I. PROMULGATED RULE AMENDMENTS

a. [AO 49 Amendment - Declaration of Judicial Emergency and Changes to Court Procedures 3-07-22](#)

This Order was promulgated on **March 7, 2022, effective immediately.**

Paragraph 13 relates to remote participation in court-ordered mediation. The first two sentences of ¶ 13 contained provisions authorizing remote participation for proceedings conducted under V.R.C.P. 16.3(b)(3) and directing the Advisory Committee on the Rules of Civil Procedure to consider a permanent change to the rule. A permanent rule amendment to V.R.C.P. 16.3(b)(3) was promulgated December 13, 2021, and effective February 14, 2022. Therefore, these sentences are deleted.

The full text of Administrative Order 49 and other updates regarding COVID-19 and court operations are available at [<https://www.vermontjudiciary.org/about-vermont-judiciary/covid-19-and-court-operations>]

b. Promulgation Order Amending A.O. 50

This Order was promulgated on **March 7, 2022, effective April 1, 2022.**

Administrative Order No. 50, originally promulgated in August 2020, created a pilot project to serve defendants more efficiently in cases where the Office of Child Support (OCS) is providing services under federal law. The pilot project began in Windham and Windsor Units, was extended to Caledonia and Orange Units in August 2021, and is now extended to Orleans Unit.

II. PROPOSED RULE AMENDMENTS

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

a. Proposed Order Amending V.R.C.P. 26(e)(4)

The proposed amendment to Rule 26(e) conforms the Vermont rule to the federal rule in two respects. The first relates to supplementation of expert disclosures and expert depositions. The proposed rule requires supplementation of disclosure of information provided about expert witnesses or by expert witnesses when deposed. The second proposed change is a clarification. As originally drafted, the federal and state rules on supplementation referred to supplementing a response that was correct when initially made. The Vermont rule now follows the federal rule by deleting “thereafter acquired” from the first sentence of the rule. This proposed change eliminates any interpretation of the rule that the duty to correct or supplement does not arise if information available to the disclosing party at the time of the initial disclosure rendered the initial disclosure incomplete or inaccurate.

Comments on this proposed amendment should be sent by **May 9, 2022**, 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 Amending V.R.C.P.80.6(c)(4)

The proposed amendment to Rule 80.6(c)(4) replaces a statutory reference to 24 V.S.A. § 1977(a) rather than to 24 V.S.A. § 1979(c) because Rule 80.6(c)(4) provides for the issuance of municipal complaints rather than their hearing. Thus, § 1977(a) is the appropriate statutory reference.

Comments on this proposed amendment should be sent by **May 9, 2022**, 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

c. [Proposed Order Amending V.R.C.P. 79.1\(e\)](#)

The proposed amendment to Rule 79.1(e) makes clear that admission pro hac vice is a matter of course on motion supported by the pro hac vice licensing card issued by the Court Administrator pursuant to A.O. 41, § 16. The card is issued on payment of fee and on the basis of the applicant's certification that the applicant is not suspended or disbarred in any jurisdiction and is in good standing and admitted to practice in the applicant's licensing state. The licensing card should be sufficient to let the court where the case is pending know that the applicant is in good standing and not subject to any discipline. The court retains control over the conduct of the out-of-state attorney and of the sponsoring attorney whose signature is on the motion and may revoke the admission for good cause.

Comments on this proposed amendment should be sent by **May 9, 2022**, 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

III. 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 efilng 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 efilng 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/ofsweb>

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

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

If you have procedural questions about OFS, please email the judiciary at
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](http://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.

IV. 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 CD, 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.

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). 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 and 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 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.