

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 and Promulgated Rule Amendments, Information Regarding Recent Training Session, Odyssey Electronic Filing & Other Miscellaneous Info

DATE: March 9, 2021

For your information, please find:

- [Emergency Order Abrogating 2010 Vermont Rules for Electronic Filing and Amending Administrative Orders 44 and 45](#)
- [AO 49 Amendment - Declaration of Judicial Emergency and Changes to Court Procedures 3-8-21](#)
- [Order Promulgating Amendments to § 1 of Administrative Order No.29, Advisory Committee on Rules for Family Proceedings](#)
- [Order Promulgating Amendments to V.R.C.P. 80.1\(f\) and 80.5\(e\)](#)
- [Order Promulgating Amendments to 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 Abrogating 2010 Vermont Rules for Electronic Filing and Amending Administrative Orders 44 and 45](#)

This Order was promulgated on March 8, 2021, effective March 15, 2021.

The 2010 Vermont Rules for Electronic Filing were enacted to coincide with the implementation of eCabinet in Vermont in 2010. That electronic filing system is now replaced by Odyssey File and Serve, which is implemented throughout the state and uses the updated 2020 Vermont Rules for Electronic Filing.

Administrative Orders No. 44 and No. 45 are amended to update their provisions consistent with the implementation of the Odyssey electronic case management and electronic filing system throughout Vermont and the abrogation of the 2010 Vermont Rules for Electronic Filing. Amended A.O. 44 requires all attorneys on active and pro bono emeritus status and those admitted pro hac vice to register and maintain and update up to three email addresses in the eCabinet system. Newly admitted attorneys and attorneys who change to active or pro bono emeritus status must also register. As detailed in A.O. 45, the superior courts, the Supreme Court, the Judicial Bureau, and the judicial boards are authorized to use these email addresses to send notices, orders, and other documents to attorneys.

b. [AO 49 Amendment - Declaration of Judicial Emergency and Changes to Court Procedures 3-8-21](#)

This Order was promulgated on March 8, 2021, effective March 15, 2021.

This order further amends A.O. 49, which declared a Judicial Emergency on March 16, 2020, in response to the COVID-19 pandemic.

Paragraph 2 is amended to extend the effective date of the Administrative Order until May 31, 2021, based on the projections of public-health experts concerning the course of the pandemic.

Paragraph 3(a), which previously suspended jury trials in civil cases until at least January 1, 2021, is deleted. The resumption of civil and criminal jury trials is governed by former ¶ 3(b), requiring court-by-court authorization of the Chief Superior Judge and the Court Administrator based on various specified factors.

Paragraph 6, regarding filing and service by email, is amended to reflect that the provisions of the 2020 Vermont Rules for Electronic Filing govern service by and to attorneys in all Superior Courts as of March 15, 2021.

Paragraph 23 is amended to authorize the Board of Bar Examiners to administer the July 2021 UBE by remote means.

Added ¶ 24 amends Vermont Rule of Civil Procedure 68 to allow plaintiffs to make offers of judgment as previously provided in the rule only for defendants. The Advisory Committee on the Rules of Civil Procedure proposed the emergency amendment.

The full Order and other updates regarding the Coronavirus Disease 2019 (COVID-19) and court operations are available at [<https://www.vermontjudiciary.org/about-vermont-judiciary/covid-19-and-court-operations>]

c. [Order Promulgating Amendments to § 1 of Administrative Order No.29, Advisory Committee on Rules for Family Proceedings](#)

This Order was promulgated on March 8, 2021; effective immediately.

Administrative Order 29, § 1 is amended to decrease the composition of the committee from seventeen to sixteen members by reducing the number of lawyers in private practice on the committee from four to three. The additional lawyer member was added in December 2017 and the current amendment reestablishes the committee size that existed prior to that amendment.

d. [Order Promulgating Amendments to V.R.C.P. 80.1\(f\) and 80.5\(e\)](#)

This Order was promulgated on March 8, 2021; effective May 12, 2021.

The amendment to Rule 80.1(f) updates a cross-reference to V.R.C.P. 55 setting forth the appropriate procedure to be followed in proceedings by default against a minor or incompetent defendant.

The amendment to Rule 80.5(e) reflects the fact that 23 V.S.A. § 1203(k), as amended by 2007, No. 153 (Adj. Sess.), § 2, now provides that in DUI cases the fee for video reproduction is \$45.00.

- e. [Order Promulgating Amendments to Rules 2\(a\)\(2\) and 4.0\(b\)\(2\)\(3\)\(B\) of the Vermont Rules for Family Proceedings](#)

This Order was promulgated on March 8, 2021; effective May 12, 2021.

Rules 2(a)(2) and 4.0(b)(2)(3)(B) are amended for consistency with the amendments to V.R.C.P. 3.1, which eliminated all reference to “in forma pauperis” and replaced it with “waiver of filing fee and service costs.”

II. INFORMATION REGARDING RECENT TRAINING SESSION

The Judiciary held an educational session on March 4, 2021 to discuss revisions to the Rules for Public Access to Court Records and the adoption of the 2020 Rules for Electronic Filing. These rule changes were linked to implementation of the Odyssey electronic case management system and Odyssey File and Serve. The session provides an overview of some of the key rule provisions, explains recent amendments, and demonstrates how the rule requirements interact in a practical way with Odyssey and eFiling. A recording of the session and the materials from the session are available on the Judiciary website.

<https://www.vermontjudiciary.org/news/rules-public-access-court-records-and-rules-electronic-filing-educational-session>

III. ODYSSEY AND ELECTRONIC FILING INFORMATION

The Vermont Legislature has appropriated CARES Act funds for a grant to Vermont Legal Aid to cover the cost of the Tyler eFiling use fees through March 31, 2021, to ensure all court users have timely access to justice as the judicial system resumes operations relying on greater digital remote online processes to ensure public health and safety after closure due to COVID-19. During this period, the Tyler eFiling use fee will not be charged to filers but will be charged to the CARES Act grant to Legal Aid.

The Caledonia, Essex, Franklin, Grand Isle, Lamoille, Orleans, and Washington trial courts began using Odyssey on February 1, 2021, and electronic filing through Odyssey File & Serve is scheduled to commence on March 15, 2021. Odyssey and electronic filing are already operational in Addison, Bennington, Chittenden, Orange, Rutland, Windsor, and Windham trial courts and the Environmental Division 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 OFS, please visit <https://vermont.tylerhost.net/ofswb> You can access user guides through the “User Guides” link in the “Self Help” window. You can also access docket specific user guides on the judiciary’s website at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>

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

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. When emailing, please write "**Public Portal**" in the subject line.

FAQ. Please visit <https://www.vermontjudiciary.org/odyssey> for answers to frequently asked questions and updates about the project.

Efiling Training Opportunities

Watch a pre-recorded efilng training webinar from the Vermont Judiciary. The judiciary's NG-CMS project team recorded a demonstration of how to use Odyssey File & Serve that you can view here: https://www.youtube.com/watch?v=ke2ouMDK4VQ&feature=emb_title

Register for a live efilng webinar with Tyler Technologies. Starting February 24, 2021, Tyler Technologies will offer a series of live webinars on how to use Odyssey File & Serve. To register, visit <https://register.gotowebinar.com/rt/8175684102182380812>

Practice setting up your firm and submitting filings. For hands on practice, you can create your firm, register users, and begin filing practice cases in the Vermont "**Stage**" environment. Be sure that the web address includes the word "stage" (<https://vermont-stage.tylerhost.net/ofswweb>). The Stage environment is available any time. Please note that submissions will only be reviewed periodically, so you may not get a timely response on whether your practice submissions have been accepted. The Stage environment is available now only for familiarity and direct hands-on experience and is not a substitute for registering on the actual efilng site when you are ready.

Read Vermont specific efilng guides. The Vermont Judiciary's website includes several efilng guides to help you navigate Odyssey File & Serve. Visit <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing> and click on Odyssey File and Serve User Guides to view the most updated versions.

IV. 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); 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.

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. 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.