

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: Promulgated, Proposed Rules & Miscellaneous Information
DATE: September 16, 2020

For your information, please find:

- [Order Promulgating Amendments to Rule 6\(b\)\(5\) of the Vermont Rules for Public Access to Court Records](#)
- [Proposed Amendments to Rule 6\(b\) of the Vermont Rules for Public Access to Court Records, Rules 4\(c\) and 10 of the Vermont Rules Governing Qualifications, List, Selection and Summoning of All Jurors, Rule 24\(a\)\(2\) of the Vermont Rules of Criminal Procedure, and Rule 47\(a\)\(2\) of the Vermont Rules of Civil Procedure](#)
- *Odyssey Electronic Filing & Other Important Info*
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED RULE AMENDMENTS

[Order Promulgating Amendments to Rule 6\(b\)\(5\) of the Vermont Rules for Public Access to Court Records](#)

This Order was promulgated on September 14, 2020; effective November 16, 2020.

Rule 6(b)(5) is amended to conform the rule to statutory amendments regarding expungement and sealing of criminal-history record information in cases where a judicial officer has found no probable cause for some, but not all, of the charges brought in a single information by the prosecuting attorney. Per 2019, No. 32, 13 V.S.A. § 7603(a)(1)(A) now provides that unless either party objects in the interests of justice, the court shall issue an order sealing the criminal history record related to the citation or arrest of a person within 60 days after the final disposition of the case if the court does not make a determination of probable cause at the time of arraignment. This amendment is consistent with Vermont Rule for Public Access to Court Records 6(b)(5) and its long-standing predecessor Rule 6(b)(24). However, 13 V.S.A. § 7606(c)(1) and (2) now provide that the court shall remove an expunged offense from any accessible database that it maintains, but that until all charges on a docket are expunged, the case file shall remain publicly accessible. The present amendment accordingly states that until all charges on a docket are expunged, the case file shall remain publicly accessible.

II. PROPOSED RULE AMENDMENTS

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

[Proposed Amendments to Rule 6\(b\) of the Vermont Rules for Public Access to Court Records, Rules 4\(c\) and 10 of the Vermont Rules Governing Qualifications, List, Selection and Summoning of All Jurors, Rule 24\(a\)\(2\) of the Vermont Rules of Criminal Procedure, and Rule 47\(a\)\(2\) of the Vermont Rules of Civil Procedure](#)

The proposed amendment to Rule 6(b)(19) clarifies the confidentiality of responses by potential jurors to questionnaires completed in determining qualification for service. The proposed addition of this exception to the rules for public access accompanies proposed contemporaneous amendments of a number of other procedural rules, including Rules 4 and 10 of the Rules Governing Qualifications, List, Selection and Summoning of All Jurors (which provide for questionnaires to potential jurors in determination of qualification and eligibility for service and circumstances of access to content), as well as V.R.C.P. 47(a) and V.R.Cr.P. 24(a), which primarily govern access to juror questionnaire information by parties and their attorneys for purposes of voir dire in jury selection. The proposal also seeks to remedy inconsistencies among the existing rules as to the specific juror questionnaire content that is publicly accessible, and that which is not. In consequence of the proposed contemporaneous amendments, most content of juror responses to questionnaires related to service remains accessible to attorneys and parties in the case for which the juror may be chosen to serve. However, such information is not publicly accessible, absent a judicial determination of good cause for the disclosure. The proposed amendments clarify that as to public access, there is no bar to disclosure of information contained in a questionnaire in the voir dire process itself, in interrogation of potential jurors and in the exercise of challenges by attorneys and self-representing parties.

Comments on these proposed amendments should be sent by **November 16, 2020**, to Hon. Walter Morris, (Ret.), Reporter for the Advisory Committee on Rules of Criminal Procedure, at the following address:

Honorable Walter Morris (Ret.), Reporter
Advisory Committee on Rules of Criminal Procedure
Walter.Morris@vermont.gov

III. MISCELLANEOUS

a. Odyssey Electronic Filing and Other Important Information

The Addison, Bennington, Chittenden and Rutland trial courts and Environmental Division began using Odyssey on 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/ofsw eb>. 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>.

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 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>.

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

Register for a live e-filing training webinar. Starting September 10, 2020, Tyler Technologies will offer online training session on how to electronically file documents using Odyssey File & Serve. These sessions are offered for free and registration is open to all, including attorneys, firm administrators, self-represented litigants, and state agency employees. To register please click here: <https://register.gotowebinar.com/rt/7806326256261273102>

Watch a pre-recorded e-filing training webinar. 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. You may also watch a pre-recorded webinar by Tyler Technologies, by visiting <https://register.gotowebinar.com/recording/5669820132306504203> and registering.

Practice setting up your firm and submitting filings. Do you want hands on practice using the system? Create your firm, register users and begin filing practice cases in the Vermont "Stage" environment. Be sure that the web address you're using includes the word "stage" (<https://vermont-stage.tylerhost.net/ofswab>). 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 e-filing site when you are ready.

Read Vermont specific e-filing guides. The Vermont Judiciary's website includes several e-filing 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.

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.