

Vermont eFiling General Policy and Procedure Guide

About This Guide

This guide summarizes Vermont’s policies and requirements for use of the Odyssey File and Serve electronic filing system. All filers are encouraged to review it thoroughly to insure they understand and comply with all requirements.

Policies are governed by the Vermont Rules of Electronic Filing, available at <https://www.vermontjudiciary.org/sites/default/files/documents/PROMULGATED%2012-10-19%20VREF%202020.pdf>

and the Vermont Rules for Public Access to Court Records, available at <https://www.vermontjudiciary.org/sites/default/files/documents/PROMULGATED%20VPACR.pdf>

This guide does not provide full detailed instructions for use of the system. Additional information is contained in division-specific Vermont filler guides available at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing> and in system user guides and other training resources from Tyler Technologies available in the “Self Help” section on the OFS website.

eFiling System

Odyssey File & Serve (OFS) is a web-based platform for electronically filing documents in all units and divisions of Vermont Superior Court as well as the Vermont Supreme Court and the Judicial Bureau. Electronic filing will be accessible to all court users, including self-represented litigants, and will become available regionally in conjunction with the phased statewide transition to the Odyssey case management system. For more information on the Judiciary’s Next Generation Case Management System project, including projected timelines by region, see www.vermontjudiciary.org.

OFS may be accessed from a link on the Court’s website or may be directly accessed here: <https://vermont.tylerhost.net/ofswb> . The system is accessible from most modern web browsers and from smartphones and mobile devices.

OFS is hosted by Tyler Technologies, which provides ongoing support and service for the system. More information about Tyler is available at <https://www.tylertech.com/>.

Who must eFile

All attorneys are required to file documents electronically through OFS.¹ The requirement will become effective by county and region at the direction of the Court Administrator in conjunction with the statewide regional transition to the Odyssey system. Notice will be provided at least 30 days in advance of the effective date via an Administrative Order to the bar.

With certain exceptions, all other filers, including self-represented litigants, can choose between filing electronically and filing documents in paper form. Once a filer has filed a document through OFS, he or she must continue to use OFS to file documents for the rest of the case.²

Documents that Cannot be eFiled

A few types of documents cannot be filed through OFS. The rules of electronic filing allow for filings by alternative means (hard copy or by email with the court's permission) in these situations:

- Wills deposited for safekeeping or original wills filed in probate cases.
- After hours emergency filings that require immediate attention prior to the next business day, unless specific arrangements have been made with after hours personnel (court staff or judge)
- Documents that are sent to the court, but are not related to any specific case file. For example, invoices, records requests and other communications addressed to a staff member or judge.
- Post judgment motions in older cases (generally pre-1990) that were never entered in the legacy (pre-Odyssey) case management system. This includes petitions to expunge criminal record.
- Criminal Division matters initiated by filers other than authorized state agency criminal filers (including civil suspensions, civil miscellaneous cases, ordinance cases and investigative requests if filed directly by law enforcement).

NOTE: The Court will not accept responsive filings and motions in any format for Criminal Division matters that have not yet been initiated by the state and filed with

¹ VREF 3(a)

² VREF 3(d)(2)

the court. As soon as the case is submitted by the filing agency it will become available for subsequent filings in OFS.

Filing Fees

All filing fees are paid through OFS at the time of filing. Filers create a payment account to pay with a MasterCard, Visa, or Discover credit card or with e-checks.

In addition to case-related filing fees paid to the Court, there is a fee of \$5.25 system use fee for each “envelope” (an assemblage of documents filed together at one time in one case) submitted to the court. This fee is charged by the system vendor and is not paid to the Court.

Government agency filers and others who are statutorily exempt from paying filing fees may file via a “waiver” account that can be set up for each registered user.

A waiver account would also be used by anyone filing an Application to Waive Filing and Service Fees (*formerly IFP/In Forma Pauperis*). Filers upload the completed application along with their other filing(s) and are notified after court review whether the application has been granted.

Case filing fees paid to the Court are established by statute. Current fees and authorizing statutes are available at <https://www.vermontjudiciary.org/fees> .

Serving Documents with OFS

The efilings system’s “Serve” function can be used to serve documents electronically on other registered OFS users who have added themselves as service contacts in a case. This function can be used on its own or concurrent with submission of documents to the court. There is no additional fee for using the serve function.

The rules require registered OFS users to add themselves as service contacts for all cases in which they are involved and to serve one another using the OFS Serve function unless parties agree in writing to serve each other in some alternative way.³ The rules generally require initial service at the commencement of an action (when there is not

³ VREF 11(d)(2)

yet a case for the other party (s) to add themselves for service) to take place through other methods specified by applicable rules of procedure.⁴

The document will not be served on the parties until the clerk has accepted the filing.

When the other party to the filing is not a registered OFS user service must be completed via the applicable rules of procedure for the case type.

OFS may not be used for service where a rule or statute requires personal service of documents.

Receiving Documents Served Through OFS

When a document is served through OFS, the recipient will receive an email containing a link to the document. The document will be available for download for 30 days after the date of service. Beyond that time, the document would be accessed through the Public Portal <https://publicportal.courts.vt.gov/Portal/> .

Responsibilities of OFS Users to Add Themselves as Service Contacts

All OFS users, when initiating a case, initially responding to another's filing or making entry into an existing case, should enter themselves or an appropriate email recipient from their firm or organization as a service contact on the case. Multiple service contacts may be entered. See OFS user guides for steps to do this.

It is the responsibility of each OFS user to maintain a current active email address in the system.⁵

User Registration

Every OFS user self-registers with an individual username and password, but users within a firm, agency or organization may register under a firm account managed by a firm administrator. They may then share payment accounts, service contacts and other features, but every user within the firm maintains individual login credentials.

Paralegals, administrative and other support staff members may register as filers and may file documents on behalf of attorneys in their firm (the actual filed documents must be signed by the attorney). See user guides on OFS website for registration instructions.

⁴ VREF 11(a)(1)

⁵ VREF 4(b)(3)

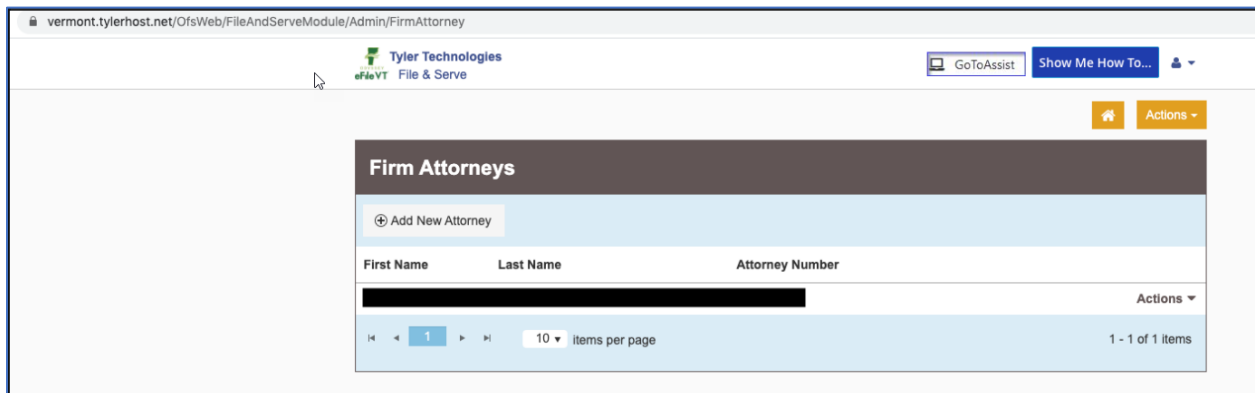
Self-represented litigants and other filers not associated with a firm or organization may register for individual OFS accounts.

Bar Number in OFS Registration

Attorneys must register in Odyssey File and Serve with their Bar Number, not the ERN number assigned by eCabinet. The Bar Number is labeled Attorney Number in the OFS Registration process.

To find this number after one has already registered:

1. Log into the OFS site
2. Click Actions – top left
3. Select Firm Attorneys
4. Click Name to edit number



Availability of OFS

OFS is available for filing and service 24 hours a day, seven days a week, except for times of regular and as-needed maintenance. Notice of such downtimes will be posted on the OFS homepage and on the Judiciary website.

Documents may be filed through OFS at any time. A document will be deemed filed as of a particular day if it has been successfully submitted by 11:59 p.m.⁶, unless it is subsequently rejected and returned by the court reviewer.⁷

Electronic Signatures

⁶ VREF 5(c)(1)

⁷ In such situations, the filer may correct the defective filing and resubmit it with a request that the original filing date be retained. VREF 5(d)(3)

The rules allow a variety of types of signatures on efiled documents.⁸

- A scanned image of a document with an original signature affixed by hand
- A facsimile signature image electronically applied to a document
- A typographical signature containing the filer's typed-in name preceded by "/s/

A filing of any stipulation or agreement signed by multiple parties constitutes a representation by the filer that all signatures are valid and that all parties consented to the filing of the document.

Also note that the rules also require filers to include their printed name, mailing address and email address under an electronic signature.⁹

Notarized Documents

A document that would otherwise require notarization may be filed electronically by inserting the following language above the signature and date¹⁰:

"I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I will be subject to the penalty of perjury."

Alternatively, an electronic scanned copy of an original notarized document will also be accepted.

Public vs. Non-Public Information – Filer Responsibilities

Filers are responsible for appropriately designating each individual document filed as either public or confidential. This is done as a mandatory step in the filing process. Filers should be familiar with the Vermont Rules of Public Access to Court Records, as well as the rules for the applicable case type, to determine whether a filing is public or non-public. There are many categories of information that are considered not public (confidential). Filers should carefully review Vermont Rule of Public Access 6(b) and the Appendix to that rule in certifying their compliance with the VREF and Public Access rules.

A document may be confidential in its entirety, such as a medical or financial record. This should be identified as a confidential document. Alternatively, a particular document may include certain information, such as a social security number, that is confidential. In such situations, it is the filer's responsibility to redact or omit non-public

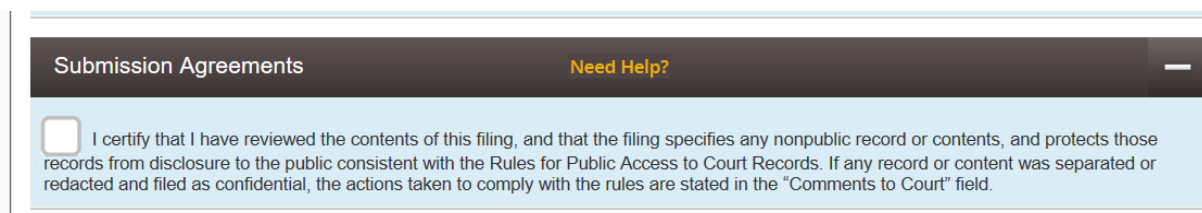
⁸ VREF 9

⁹ VREF

¹⁰ 4 VSA 27b; VREF 9(c).

information on public documents, and to separately file the complete or unredacted document as a confidential document. See PACR Rule 7 for more details.

OFS requires filers to check a box certifying that their filings comply with all applicable rules. It should be noted that OFS requires users to check this box for documents that are served, but not filed, though the certification applies only to documents filed with the court.



****** Note: Checking this box meets the requirements for a certificate of compliance under Vermont Rules of Public Access to Court Records Rule 7(a)(1) and Vermont Rules of Electronic Filing Rule 7(a)(5). Checking the box once will apply to all documents within an envelope. No separate certificate of compliance needs to be filed.***

Confidential Case Masking

Juvenile, Mental Health and other confidential case types will be available for parties to file into through OFS, but will be identifiable only by their case number – party names for these cases are not displayed in OFS. All parties filing into confidential case types will need to know the case number and unit (county) of the case.

Certification of Compliance with Rules for Public Access to Court Records

By checking the box under Submission Agreements for an electronically filed envelope, filer certifies that all filings in the envelope are in compliance with the Rules for Public Access to Court Records.

Document Formatting Requirements ¹¹

All electronically filed documents must be submitted in PDF format. If a situation arises in which a filer is required to submit a document in Word or other format, a judge may direct the filer to submit it through alternative means.

Filers are responsible for ensuring that scanned PDF documents are viewable and legible after scanning.

¹¹ VREF 7

Every individual document in a filing must be submitted as a separate PDF. Filings will not be accepted if multiple filed documents are scanned/uploaded together as one combined PDF. Multi-page documents should be submitted as one PDF.

OFS allows filers to submit multiple documents within the same “envelope” when filing. Documents that are related to each other should be filed as part of the same envelope. The OFS system use fee is charged per-envelope so it is to the filer’s benefit to include all related documents within the same envelope submission.

Documents that cannot reasonably scanned and submitted as a PDF because of their size, shape or condition may be filed through alternative means.¹²

Form-Fillable PDFs

When eFiling a form-fillable PDF which includes all of the posted court forms, 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 fillable form:

1. Open fillable form.
2. Add appropriate data.
3. Right click on document and select Print. NOTE: if document opens in Adobe, Select File and select Print.
4. 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.)
5. Select OK.
6. Specify location to save the printed, "flattened" version of the form.
7. Select Save.

Support

OFS is hosted by Tyler Technologies, which provides primary customer support to users. Court staff have only a limited ability to assist with eFiling questions and problems. Tyler provides the following support guidance (information also available on OFS website):

For technical assistance, please contact us through one of the below methods:

¹² VREF

Although we would like to help in every situation, there are times when you will need to contact the court you are filing into for more information. Listed below are some examples of when it would be appropriate to contact technical support and when it would be best to contact the courts.

Vermont court contact information can be found at <https://www.vermontjudiciary.org/court-locations>

Technical Support	Courts
Site access	To suggest additions or modifications to data selection values available on the site
One-on-one training over the phone	Court specific procedures
Webinars	Questions related to filing codes
Desktop/Browser support	Court dates
Filing status	Changes to party information
Issues viewing stamped documents	Information about rejected filings beyond the rejection comments in the system
Financial reconciliation	Court portal/ Docket viewing
Internal errors	Court specific procedures for cancellations and refunds of accepted filings

Email Us: Efiling.Support@Tylertech.com Emails received during normal business hours are normally responded to within 24 hours, Monday - Friday between 7:00am and 9:00pm Central Time. E-mails received after 9:00pm Central Time or on a holiday will be responded to on the following business day.

Click Here to Chat With Us :Start a chat for immediate assistance, and one of our trained specialists will assist. Normal business hours are Monday - Friday, 8 am - 7 pm Central Time. (Holiday hours may vary)

Call Us: We are available Monday - Friday, 7 am - 9 pm Central Time. (Holiday hours may vary)
1.800.297.5377

Users are also encouraged to consult all the resources available on the OFS website’s “Self Help” section, which contains user manuals, training materials and a knowledge base of troubleshooting questions and answers and other information.