

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

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TO: Members of the Vermont Bar

FROM: Teri Corsones, Esq., State Court Administrator

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

DATE: February 7, 2023

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For your information, please find:

- *Order Amending Rules 9(b)(1), 11, and 13(e) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court*
- *Order Amending Rule 4.3(a) of the Vermont Rules for Family Proceedings*
- *Order Amending Rules 6(b)(9) and 11(c) of Vermont Rules for Public Access to Court Records*
- *Approved Financial Institutions*
- *Odyssey File and Serve and Public Portal Information*
- *Filing of Exhibits*
- *Miscellaneous*

I. PROMULGATED RULE AMENDMENTS

- a. *Order Amending Rules 9(b)(1), 11, and 13(e) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court*
[https://www.vermontjudiciary.org/PROMULGATED--VermontRulesofAdmissiontoBar-Rules9\(b\)\(1\),11and13\(e\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED--VermontRulesofAdmissiontoBar-Rules9(b)(1),11and13(e)--STAMPED)

This Order was promulgated on **February 6, 2023, effective April 10, 2023.**

The amendment to Rule 9(b)(1) clarifies that an applicant must be on active status in the other U.S. jurisdiction to qualify for the exemption from the five-years-from-graduation requirement.

In conjunction with a similar amendment to Rule 13(e), the amendment to Rule 11 clarifies what good cause means in the context of the Board of Bar Examiners' determination of whether to extend the time within which the Board will accept an MPRE score.

- b. *Order Amending Rule 4.3(a) of the Vermont Rules for Family Proceedings*
[https://www.vermontjudiciary.org/PROMULGATED--VRFP4.3\(a\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED--VRFP4.3(a)--STAMPED)

This Order was promulgated on **February 6, 2023, effective June 5, 2023.**

The amendment to Rule 4.3(a) clarifies provisions related to consolidation of relief-from-abuse cases and domestic cases. The amended language specifies that the rule applies to all actions subject to Rule 4.0 where a relief from abuse action is filed either prior to or following the filing of the action subject to Rule 4.0. The actions subject to Rule 4.0 are set forth in Rule 4.0(a)(1). In addition to divorce and annulment actions, they include legal separation, dissolution of a civil union, parentage, desertion, and nonsupport. The amendment to Rule 4.3(a)(3) automatically consolidates cases where a relief from abuse action is filed after the Rule 4.0 action and a temporary order is issued or, in the case of a denial, a request for hearing is filed, when one of the following three circumstances exists: (1) the complaint in that action is still pending; (2) there are pending post-judgment motions; or (3) the requests for relief in the abuse-prevention action conflict with an outstanding order in the action subject to Rule 4.0.

- c. *Order Amending Rules 6(b)(9) and 11(c) of Vermont Rules for Public Access to Court Records*
[https://www.vermontjudiciary.org/PROMULGATED-VRPACR6\(b\)\(9\)and11\(c\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VRPACR6(b)(9)and11(c)--STAMPED)

This Order was promulgated on **February 6, 2023, effective April 10, 2023.**

The amendment to Rule 6(b)(9)(A) clarifies the existing provision that exempts the complaint and affidavit from public access until defendant has an opportunity for a hearing. The revised rule provides that temporary orders granting relief are publicly accessible. The amended rule clarifies the public access status of the complaint, affidavit, and resulting order when relief is denied. Where temporary relief is denied and plaintiff does not pursue the case, the complaint, affidavit, and order denying relief remain nonpublic. Where temporary relief is denied and plaintiff does pursue the case, the order denying relief is not publicly accessible until the defendant has the opportunity for a hearing pursuant to statute.

The amendments to Rule 6(b)(9)(B) and (C) implement the restrictions of public access created by V.R.F.P. 9(b) and (g)(1) and V.R.C.P. 80.10(b). The purpose of the family and civil proceeding rules is to protect location and access information of the abuse-prevention proceeding plaintiff, and in a limited circumstance the defendant, from being accessible to the other party, the other party's lawyer, or the public.

The amendment to Rule 11(c) reflects the fact that the Research and Information Services Division of the Court Administrator's office has been reorganized and renamed as the Technology Services Center.

II. LIST OF APPROVED FINANCIAL INSTITUTIONS

List of Approved Financial Institutions

Rule 1.15B(a)(1) of the Vermont Rules of Professional Conduct requires lawyers to maintain their trust accounts only in financial institutions approved by the Professional Responsibility Board. Financial institutions which have not been so approved may obtain information as to how to become certified by contacting jud.attylicensing@vermont.gov

For a complete list of Approved Financial Institutions, please click on the following link and select "Attorney Trust Accounts":

<https://www.vermontjudiciary.org/about-vermont-judiciary/boards-and-committees/professional-responsibility>

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 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

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>

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 FOR EVIDENTIARY HEARING

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 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](#)

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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 only works with Internet Explorer. If you do not have access to Internet Explorer, please contact the helpdesk. 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 if you have difficulty accessing eCabinet or with any questions.

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 and JUD.CAOMemotoBar@vermont.gov to your Safe Senders list.