

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

DATE: December 12, 2023

For your information, please find:

- *Emergency Promulgation Order Replacing Order Promulgating Amendments to Rule 6(a), (b), and (c) of the Vermont Rules for Public Access to Court Records*
- *Promulgation Order Making Permanent the Amendments to V.R.S.C.P. 2*
- *Proposed Order Amending Rule 1(i)(2)(B) of the Vermont Rules for Family Proceedings*
- *Proposed Order Amending Rules 41.1(b) and (c) of the Vermont Rules of Criminal Procedure*
- *Proposed Order Amending Rule 9 (c)(2) of the Vermont Rules of Admission to the Vermont Bar*
- *Proposed Order Amending Rules 1(D) and 4(A) of the Vermont Rules for Mandatory Continuing Legal Education*

To ensure that you continue to receive emails from the judiciary, please add JUD.AttysLicensing@vermont.gov, JUD.CAOMemotoBar@vermont.gov and JUD.AutomatedCourtEmail@vermont.gov to your Safe Senders list. Thank you.

I. PROMULGATED RULE AMENDMENTS

- a. *Emergency Promulgation Order Replacing Order Promulgating Amendments to Rule 6(a), (b), and (c) of the Vermont Rules for Public Access to Court Records*
<https://www.vermontjudiciary.org/PROMULGATED--EMERGENCYREPLACINGPROMULGATED-VRPACR2567and9--STAMPED>

This Order was promulgated on **December 11, 2023; effective January 1, 2024.**

On October 10, 2023, the Court promulgated amendments to Rules 2, 5, 6, 7, and 9 of the Rules for Public Access to Court Records, to be effective January 1, 2024. Those amendments included adding the following second sentence to Rule 6(b): “The exceptions to public access involve a type of case, a record, information, or a record and part of the information within it, as specified in each

of the exceptions.” Based on comments and after further consideration, the Advisory Committee on the Rules for Public Access to Court Records concluded that this additional sentence was not necessary and was confusing, and recommended that the October 10 promulgation order be revised. The Court promulgated this order to revise the October 10, 2023 promulgation order to amend the rule without this additional sentence. The rule, as revised, becomes effective on January 1, 2024.

b. Promulgation Order Making Permanent the Amendments to V.R.S.C.P. 2

<https://www.vermontjudiciary.org/PROMULGATEDEMERGENCYMADEPERMANENT--VRSCP2--STAMPED>

This Order was promulgated on **December 11, 2023; effective immediately.**

On August 14, 2023, Rule 2 was amended in an emergency order to conform the rule language to 12 V.S.A. § 5531, which raised the jurisdictional limit of the small claims court to \$10,000.00, except for certain debt collection actions. The emergency amendment is now made permanent.

II. PROPOSED RULE AMENDMENTS

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

a. Proposed Order Amending Rule 1(i)(2)(B) of the Vermont Rules for Family Proceedings

[https://www.vermontjudiciary.org/PROPOSED--VRFP1\(i\)\(2\)\(B\),\(i\)\(7\)--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED--VRFP1(i)(2)(B),(i)(7)--FORCOMMENT)

The proposed amendments to V.R.F.P. 1(i)(2)(B) replace outdated terminology. The proposed amendments are not intended to change the range of disabilities covered by the previous terminology.

Comments on this proposed amendment should be sent by **February 12, 2024**, to Hon. Thomas Carlson, Chair of the Advisory Committee on the Rules for Family Proceedings, at the following address:

Hon. Thomas Carlson, Chair
Thomas.Carlson@vermont.gov

b. Proposed Order Amending Rules 41.1(b) and (c) of the Vermont Rules of Criminal Procedure

[https://www.vermontjudiciary.org/PROPOSED--VRCrP41.1\(b\)\(c\)--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED--VRCrP41.1(b)(c)--FORCOMMENT)

The proposed amendments to Rules 41.1(b) and (c) make the rule consistent with V.R.Cr.P. 41(d)(4), enabling applications for nontestimonial identification orders to be made by reliable electronic means, as well as in person, with supporting affidavits sworn to either in person, or by telephone if the application is by reliable electronic means.

Comments on this proposed amendment should be sent by **February 12, 2024**, to Hon. John Treadwell, Chair of the Advisory Committee on Rules of Criminal Procedure, at the following address:

Honorable John Treadwell, Chair
Advisory Committee on Rules of Criminal Procedure
John.Treadwell@vermont.gov

- c. *Proposed Order Amending Rule 9 (c)(2) of the Vermont Rules of Admission to the Vermont Bar*

[https://www.vermontjudiciary.org/PROPOSED--OrderAmendingRule9\(c\)\(2\)VermontRulesofAdmissiontoBar--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED--OrderAmendingRule9(c)(2)VermontRulesofAdmissiontoBar--FORCOMMENT)

The proposed amendments make the exam application deadlines in Rule 9(c)(2)(A) two weeks earlier to allow more time for the Board to process requests for exam accommodations, including the possible use of outside experts.

Comments on this proposed amendment should be sent by **February 12, 2024**, to Andrew Strauss, Licensing Counsel of the Office of Attorney Licensing, at the following address:

Andrew Strauss, Licensing Counsel
Andrew.Strauss@vermont.gov

- d. *Proposed Order Amending Rules 1(D) and 4(A) of the Vermont Rules for Mandatory Continuing Legal Education*

[https://www.vermontjudiciary.org/PROPOSED--MCLE1\(D\)and4\(A\)--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED--MCLE1(D)and4(A)--FORCOMMENT)

The proposed amendments to Rules 1(D) and 4(A) clarify that programs for judicial officers do not qualify for credit as continuing legal education because they are not aimed at increasing or maintaining an attorney's professional competence. Individuals who are judicial officers and also maintain a law practice must maintain legal education separate from judicial education. This is in keeping with the program standards in Rule 4, which requires programs to be designed "to increase the attendee's professional competence and skills as an attorney." Rule 4(A).

Comments on these proposed amendments should be sent by **February 12, 2024**, to Andrew Strauss, Licensing Counsel of the Office of Attorney Licensing, at the following address:

Andrew Strauss, Licensing Counsel
Andrew.Strauss@vermont.gov

III. ODYSSEY FILE & SERVE AND PUBLIC PORTAL INFORMATION

Odyssey File and Serve has recently provided information for court users who are not receiving email notifications and who question whether their email addresses have mistakenly been placed on a "Suppression List." Here's a link to information in that regard [Why was my email placed on the Suppression List? – eFile \(zendesk.com\)](#). Here's another link for court users who wish to have their email addresses "Safelisted" to ensure proper delivery <https://odysseyfileandserve.zendesk.com/hc/en-us/articles/360046887411>.

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 efilings 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.tylertech.cloud/OfsWeb/Home>

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. The Vermont Judiciary's website provides detailed instructions on how to submit exhibits for use at trials and other kinds of evidentiary hearings. <https://www.vermontjudiciary.org/FilersGuidetoExhibitsforHearings>

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](#)

c. Receipt of Court Notices and Orders (eCabinet)

The Vermont courts send all court-issued documents (hearing notices, orders, etc.) to attorneys by email using the email addresses registered in a system called eCabinet. Attorneys may register up to three email addresses in the system and are responsible for keeping the information updated. The email address(es) registered in eCabinet are not used for service of documents filed by opposing parties, which is done through service contacts in Odyssey File & Serve.

To create an eCabinet account or update an existing account, attorneys must contact the Judiciary helpdesk through one of the methods listed below. Please include your attorney bar license number in your communication.

- Email JUD.Helpdesk@vermont.gov
- Telephone the Judiciary helpdesk at 802-828-4357
- Use the online form [eCabinet Registration/Update \(cognitoforms.com\)](#)

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.