



Civil Division eFiling Guide

v9 September 2023

NOTE: This guide is NOT intended to be a comprehensive guide to use of the Odyssey File & Serve System. It provides supplemental division-specific guidance for eFiling in the Civil Division. Detailed instructions about registering and using the eFiling system are available at:

<https://vermont.tylertech.cloud/OfsWeb/> -Self-Help section of the eFiling website contains links to manuals for general system use, as well as various other help resources including training videos and webinars.

<https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing> - VT Judiciary website eFiling page, contains division-specific filer guides, videos and training and support information.

Contents

Accessing Odyssey File & Serve.....	2
Registration	2
Training and Support.....	2
Filing New Cases.....	3
Administrative Document – Answer No Complaint Filed:.....	3
Appeal – Administrative Agency	3
Tort – Intentional Tort.....	3
Permission to File Pursuant to 15 VSA Sec 1185.....	3
Foreign Subpoena	4
Party Information.....	4
Filings	4
Documents:.....	4
Optional Services:	5
Fees	5
Submission Agreements.....	6
Filing into Existing Cases.....	7
Counter Claims, Cross Claims, and Third Party Claims	7
Post Judgment Motions	7
*Note Regarding Motion to Withdraw Limited Appearance.....	7
Motion for Permission to File Pursuant to 15 VSA Sec 1182	7
Agency Filers	7
Appeals.....	8

Copies and other Optional Services	8
Refiling after Rejection	9
Support and Troubleshooting	9

Accessing Odyssey File & Serve

All Vermont Courts have adopted universal eFiling in all dockets through the Odyssey File & Serve (OFS) system, which is a web-based platform accessible from any modern browser on a computer or mobile device. OFS can be accessed directly at <https://vermont.tylertech.cloud/OfsWeb/> or via a link on the Vermont Judiciary’s website’s eFiling page at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>

Registration

Registration for eFiling is free and simple. All that is required is a valid email address. There are different registration options for firm/organizational users and independent users such as self-represented litigants. Instructions on how to register are found in the user guides and other materials in the “self-help” section of the OFS homepage.

Note: all users including attorneys and self-represented litigants who choose to eFile must self-register. Court staff cannot complete registrations on behalf of filers or edit any user’s registration information.

Training and Support

For general information and questions about use of the eFiling system, on the OFS homepage <https://vermont.tylertech.cloud/OfsWeb/> there is a “self-help” section with numerous resources:

- Live web training sessions and recorded trainings that can be viewed any time
- A Database of FAQs
- Chat, messaging and other contact options for support
- Training videos
- Downloadable user guides

Vermont-specific guides about filing in various division and case types are on the Judiciary website’s eFiling page <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>, also accessible here from the homepage:



- There is also a Judiciary eFiling helpdesk for Vermont-specific eFiling procedural questions at JUD.EFileSupport@vermont.gov Please use this email for eFiling questions and do not send eFiling questions to the main Judiciary Helpdesk email.

Filing New Cases

- a. **Location** – Select the appropriate county
- b. **Category** – Select “Civil” for all civil division case types, including Small Claims
- c. **Case Types**- Below are notes on some common civil case types. Additional case types are available to select when filing.

Administrative Document – Answer No Complaint Filed:

To be used only if filing an Answer to a case that has not been already filed. Filer should first try to find the Case Number, and if the Case Number does not exist, filer can use this case type to file Answer.

Small Claims – Choose the correct case type based on the amount and type of claim:

Small Claims \$1,000 or less
Small Claims \$1,001 - \$10,000
Small Claims Medical Debt \$1,000 or less
Small Claims Medical Debt \$1,001 - \$5,000
Small Claims Consumer Credit Debt \$1,000 or less
Small Claims Consumer Credit Debt \$1,001 - \$5,000

Stalking and Sexual Assault – There are four case types:

Sexual Assault
Sexual Assault on behalf of a Minor
Stalking
Stalking on behalf of a Minor

There are no filing fees for a Stalking/Sexual Assault case. Filers may use a “waiver” account, which is a payment method the OFS user must add in their account settings, when filing these cases.

Contract

Contract – Other
Contract – Buyer Plaintiff – Case type is used for cases involving a buyer of goods or services alleging failure of the seller to deliver goods or service

Appeal – Administrative Agency

This case type may be used for appeals of revocation of furlough status under 28 V.S.A. §.724.

Tort – Intentional Tort

Abusive litigation concerning legally protected health care activity per 12 V.S.A. §7302

Permission to File Pursuant to 15 VSA Sec 1185

To petition the court for an order restricting abusive litigation, filers should select the Filing Code “Initial Filing” to attach the Application.

There are no filing fees for a Petition under 15 VSA sec. 1185. Filer may use a “Waiver” account when filing this case type to waive all fees.

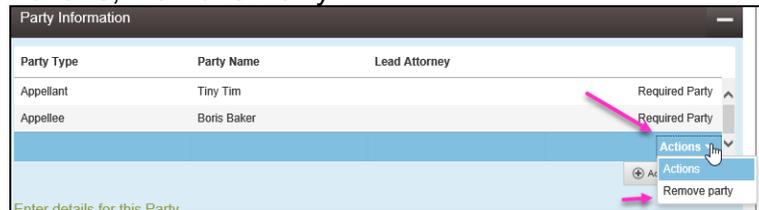
Foreign Subpoena

- Cases are usually filed by an out of state attorney. Out of state attorneys must register in File and Serve with an Individual account, not a firm account since they do not maintain a Vermont Bar number.
- Filing fee is \$295.00, 32 V.S.A. §1431(b)(1)
- Parties: Case type requires a petitioner and a respondent. The petitioner can be who is requesting the subpoena, and the respondent is the requestee.

** Filer must click **Save Changes** after each section before progressing to the next section*

Party Information

- Fill in all party information as completely and accurately as possible
- After first party information entered, filer must click “Save Changes” before moving to enter next party.
- Required parties in each case type will be listed by default and must be added.
- Additional parties may be added by clicking the “add another party” button.
 - If filer accidentally clicks “Add Another Party”, to remove the line, click **Actions, Remove Party**:



Filings

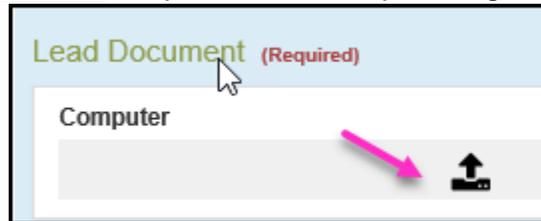
- **Filing Type:** If using the “eServe” feature (see info in user guides), select “eFile & Serve” or “Serve” from the Filing Type dropdown menu. Otherwise select “eFile”. *Please see Vermont eService Guide for details on electronic service.*
- **Filing Code:** For all new cases in the civil division (including Small Claims), select “**Initial Filing**” as the Filing Code for uploading the Summons and Complaint and other initiating documents.

Documents:

- Documents must be uploaded in PDF Format.
- Documents must be flattened (fillable fields and other embedded objects removed). *Usually accomplished by “printing to PDF”- more detailed instructions available in VT Policy and Procedure Guide)*
- The complaint or other initiating document should be uploaded as the “lead” document and other supporting documents should be individually uploaded as separate Attachments.

- Each document uploaded must have a Security type selected or filer cannot proceed.
- Documents containing confidential information such as social security numbers must be labeled as a “confidential document” from the Security dropdown menu by the document, and where required by the new Rules of Electronic Filing, a redacted version must also be filed.

Lead Document – Upload the main pleading



- Select document from computer to upload
- Click Save Changes if no Attachment to upload

Attachment – Upload any supporting document to the Lead document

- Click Save Changes after uploading Attachment.

**If Filer wants to add another filing, separate and apart from the original lead document, filer must click “Save Changes” then click “Add Another Filing.”*

Optional Services:

To request copies of documents, exemplified copies, certified copies, or public record retrieval.

- Click “Add Optional Services and Fees”.
- Select service in drop down
- If filer accidentally clicks Optional Services and Fees Click Actions and Remove Optional Service:



Filer must click “Save Changes” to proceed.

Fees

- Filer selects payment account
- If Filer files an Application to Waive Filing Fees, filer will need to create a Waiver Account to use for the filing fee, which will waive all filing fees.
- Filer selects person responsible for fees, which is the person filing
- Filing Attorney – will populate when using Attorney Account
- Click “Save Changes”

The Vermont Judiciary has instituted a new per case filing fee structure for the e-Filing system, effective **April 1, 2021**. This new fee structure is the result of a collaborative effort and the culmination the e-Filing Fees Study Committee, as well as continued dialogue with the Vermont Bar Association and Tyler Technologies. The new per case fee is \$14.00 per filer or firm, payable

upon a party's first filing. Convenience fees remain in place with a 2.89% processing fee for credit card payments and \$1.00 per case for eCheck payments. However, a number of exemptions remain in place. All criminal filings are automatically exempt from the case fee and for any case type where there is no court fee, the party filing will not incur the user fee either.

Please note:

- *The new per case fee is \$14 per party, per filer within a firm, charged once upon first filing. If a party's representation changes from one firm to another, the fee will be charged again upon the new firm's first filing into the case. A pro se litigant who chooses to use the eFiling system is also required to pay the fee upon first filing. If a pro se litigant later seeks representation, the fee would be charged again upon the firm's first filing against the firm's payment account.*
- *Some filers may be erroneously re-assessed the \$14 charge as a result of merging of system entities in Odyssey (a process to correct duplicate records for the same individual). When a party entity for whom the per case fee has been paid is merged into another entity for whom the fee has not been paid, the fee will assess again. Filers in those situations may contact Tyler Technologies for a refund.*

For the following exemptions, parties must still choose a waiver account when filing:

Statutory or rule exemptions

- Government and appointed filers, pursuant to 32 V.S.A. § 1433 and Rule 10(d)(1) of the Rules for Electronic Filing (2021)
- Stalking & Sexual Assault cases, pursuant to 12 V.S.A. § 5133(f)
- Relief from Abuse cases, pursuant to 15 V.S.A. § 1103(f)
- Abuse Prevention for Vulnerable Adult, pursuant to 33 V.S.A § 6933(b)

As applied economic hardship exemptions

- Fee waiver determination, pursuant to 32 V.S.A. § 1431(h) or 32 V.S.A. § 1434(b) in Probate cases, and
- Fee waiver determination, pursuant to V.R.C.P. 3.1 and V.R.P.P. 3.1

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. There is a guide to creating a waiver account posted at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>.

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 in PDF format along with their other filing(s) and are notified after court review whether the application has been granted. If the request is denied, the filing will still be accepted but the filer will be sent a notice of a deadline for making payment of the appropriate fee.

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

The latest updates and answers to frequently asked questions regarding electronic filing are available on the Judiciary website at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>.

In order to submit a filing, the filer must complete checkboxes to certify
(1) compliance with the Rules for Public Access to Court Records
(2) compliance with service obligations under V.R.E.F.

After completing the checkboxes, the filer will be able to click “Summary” to proceed. The summary page displays the whole filing for a final review. Filer must click “Submit” to actually submit the filing.

Filing into Existing Cases

All existing pending and closed cases that were in the legacy case management system will be searchable in OFS and available for making subsequent filings. For older cases that originated in the previous case management system, use the existing docket number in its full original format (including the 4 letter county initial/docket code at the end).

Select Location: You can find case by entering case number or search for party name
When case comes up, click Actions and select appropriate option (“File into Case”)

Counter Claims, Cross Claims, and Third Party Claims

Select the appropriate filing code for each so that accompanying fee is assessed

Civil Counterclaim - \$90.00

Civil Crossclaim - \$120.00

Civil Third Party Claim - \$120.00

If filing with an Answer, label the code with the Claim, and include in description Answer

Post Judgment Motions

All motions filed after Judgment require a filing fee except for small claims actions, and motions to confirm the sale of property in foreclosure. See 32 V.S.A. 1431(e).

*Note: A Motion for Tack Order, if filed after judgment has issued, will require a post-judgment fee.

*Note Regarding Motion to Withdraw Limited Appearance

To withdraw from a case for a limited appearance, attorney should choose Filing Code – Motion to Withdraw Limited Appearance—and there is no filing fee for this motion type if post-judgment.

If filing a post judgment motion, select the Filing Code for the existing motion with a post judgment fee or if there is not a listed motion Filing Code with a fee, select Filing Code - Motion Miscellaneous with \$90.00 fee.

Motion for Permission to File Pursuant to 15 VSA Sec 1182

To petition the court for an order to restrict abusive litigation in an existing case. There is no filing fee and filer may use a waiver account to avoid all fees.

Agency Filers

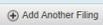
Government Agency Filers and other entities who are exempt by rule or statute from

paying any court filing fees will continue to be exempt from paying fees when filing in OFS. Such filers should set up a “waiver” payment account when registering and use this for filings made in the course of their official job duties.

Waiver of Filing Fees (formerly known as “In Forma Pauperis” Process)

To request a waiver of filing fees when submitting either a new or a subsequent case filing through OFS, select “waiver” as the payment method (the filer must have a waiver account set up as a payment method – this can be done in the filer’s OFS account settings).

You must include a completed Application to Waive Filing Fees (form # 228, available on www.vermontjudiciary.org) in PDF format.

Do not upload the form as an attachment to your lead document; rather, after uploading your other documents, click on “Add another Filing”  then use the filing code “Application to Waive Filing and Service Fees.”

Cases will be accepted by the court through OFS regardless of whether the filer qualifies for a waiver or not. Review is completed by court staff after the initial acceptance from the eFiling system. If the request to waive fees is denied, or if the filer fails to submit the application form, they will receive notice from the court instructing them on how much is due and the date by which it must be paid to avoid dismissal of the filing.

Appeals

When filing an Appeal of a Civil case, file the Notice of Appeal in the existing civil case and pay the filing fee to the Civil Division.

Copies and other Optional Services

Regular photocopies, certified copies and exemplified copies of court documents may be requested in the “optional services” section when submitting a filing.

IMPORTANT: when selecting any of these services, please also upload a document (the format does not specifically matter, and the filing code of “Copy Request” can be used) clearly stating the request including the specific documents for which you want printed copies, and whether you need a regular, certified or exemplified copy. There are different fees for each so be sure to select the correct option.

Photocopies: Regular printed copies of court documents cost 25 cents/page and there is a \$1.00 minimum for any copies, so if the document is 1-4 pages long the cost will be \$1.00(select the option for “photocopies 1-4”). Printed copies of documents longer than 4 pages will be [# of pages X 25 cents] (select the option for “photocopies 5+” and enter the total # of pages of the document(s)).

Please also indicate clearly on your filed request document whether you want the documents mailed to you (if so, specify address), or whether you wish to be notified when the copies are available for pickup (if so, specify notification method).

Certified Documents: Documents may be certified electronically and delivered to you via email if electronic certification is suitable for your purposes. Please specify if you would like that option (likely shorter turnaround time) or need a hard copy with a raised/embossed seal (may be required for some foreign jurisdictions).

Refiling after Rejection

When a filing is rejected:

- Filer will receive an email with the rejection reason and any comment the court may add
- Filer can see the envelope on the Dashboard of Filer's Account
 - Click Returned Filings
 - Find rejected envelope
 - Click Actions
 - View Envelope Details
- If filing was rejected, filer has **7 days** to refile with a correct document in order to retain the original filing date. Process to follow:
 - On the rejected filing click "Copy this envelope"

Support and Troubleshooting

Case and docket-specific questions (not specifically about eFiling):

(e.g., which forms to file for a particular case type) please contact court staff or consult information available at <https://www.vermontjudiciary.org/civil>.

Technical issues or questions related to the functioning of Odyssey File & Serve:

Please see the resources available in the "Self-Help" section on the OFS homepage. These resources include live assistance with Tyler Technologies support staff through various methods (phone, email, live chat) as well as a variety of user guides, FAQs and other sources of information.

Vermont-specific eFiling policy and procedure questions: see other resources available on the Judiciary website eFiling page at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing> including the Vermont OFS Policy and Procedure Guide, the eService Guide and other materials.

There is also a dedicated eFiling helpdesk email available at jud.efilesupport@vermont.gov.