

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 Rule Amendments, Important Notice to All Attorneys Licensed in Vermont, Appellate Remote Argument Survey, Odyssey File and Serve and Public Portal Information, Filing of Exhibits & Other Miscellaneous Info

DATE: June 17, 2021

To ensure you continue to receive these emails, please add JUD.AttyLicensing@vermont.gov and JUD.CAOMemotoBar@vermont.gov to your Safe Senders list.

For your information, please find:

- [*Order Promulgating Amendments to Rules 7 and 56, and abrogating Rule 78 of the Vermont Rules of Civil Procedure*](#)
- *Important Notice to All Attorneys Licensed in Vermont*
- *Appellate Remote Argument Survey*
- *Odyssey File and Serve and Public Portal Information*
- *Filing of Exhibits*
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED RULE AMENDMENTS

[*Order Promulgating Amendments to Rules 7 and 56, and abrogating Rule 78 of the Vermont Rules of Civil Procedure*](#)

This Order was promulgated June 7, 2021; effective August 9, 2021.

These amendments consolidate and modernize provisions of the civil rules governing motions. Amended Rule 7(b) provides a procedure for responding not only to a motion for summary judgment under V.R.C.P. 56, but to all dispositive motions, including motions to dismiss for untimely service or filing of the complaint under V.R.C.P. 3, for judgment on a claim or on the pleadings under V.R.C.P. 12(b) or (c), for judgment as a matter of law under V.R.C.P. 50(a), for default judgment under V.R.C.P. 55(a), or any other motion that may result in dismissal of all or part of a claim without trial. The amended rule provides a 30-day response period for all dispositive motions for consistency with the existing response period for motions under V.R.C.P. 56(b) in response to a summary judgment motion. The response period for nondispositive motions, as well for motions under new V.R.C.P. 56(c)(5), responding to a Rule 56(b) response, is 14 days. The amendment clarifies that the court may allow a surreply memorandum if it would

assist in clarifying the issues. The amendment also addresses oral argument the award of fees and costs.

V.R.C.P. 56(c)(5) is added to make clear that a reply to a memorandum in opposition to a motion for summary judgment, as provided in the simultaneous amendment to V.R.C.P. 7(b)(4), is available.

V.R.C.P. 78 is abrogated. Former Rule 78(a) required the Presiding Judge of each superior court to establish “motion days” at regular intervals. The rule is no longer consistent with practice in the superior court as currently constituted. Former paragraphs 78(b)(1) and (2) have been revised and reorganized in new V.R.C.P. 7(b)(5) and (6).

II. IMPORTANT NOTICE TO ALL ATTORNEYS LICENSED IN VERMONT

Attorney licensing is implementing a new online [Attorney Portal](#) that went live on **May 17, 2021**. Vermont attorneys will be able to conduct their licensing business, such as requesting certificates of good standing and submitting a certification of completion of a MCLE makeup plan, through this Portal. All Attorneys must review the [Attorney Portal User Guide](#) (especially pages 1 through 7) prior to registering and logging in to the Attorney Portal for the first time, as that Guide contains important instructions for the first-time use of the Portal.

Attorneys renewing this year must renew their license through the Attorney Portal. (If you do not recall whether you need to renew your license this year, you can check the [list of attorneys in good standing](#). You should also have received a reminder email.) If you have not done so already, please register with the [Attorney Portal](#) and verify your bar number as soon as possible. You should do this even if you are not yet ready to submit the renewal paperwork, which you can do later (but by no later than July 1).

III. APPELLATE REMOTE ARGUMENT SURVEY

The Supreme Court is interested in feedback from attorneys regarding their experience with and thoughts on remote appellate oral argument. The Court will use this feedback to inform its decisions regarding more permanent rules for remote participation in the future for both full-Court and 3-Justice panel hearings. Please use the link below to participate in the survey.

<https://www.surveymonkey.com/r/VNK22RR>

IV. ODYSSEY FILE & SERVE AND PUBLIC PORTAL INFORMATION

As of April 1, 2021, there is a new efilings use fee structure for users of Odyssey File & Serve (OFS). The new per case fee is \$14 per filer or firm, payable upon a party’s first filing after April 1, 2021. This replaces the previous \$5.25 fee per envelope model. The Judiciary encourages all practitioners and others interested to learn more at www.vermontjudiciary.org/efiling

Currently, all trial courts, the Environmental Division, and Judicial Bureau 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.

Odyssey File & Serve. Odyssey File & Serve (OFS) is the platform through which you will electronically file with the courts. To access OFS, please visit <https://vermont.tylerhost.net/ofswb> 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 <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

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.

Efiling Training Opportunities

Watch a pre-recorded efilings training webinar from the Vermont Judiciary. 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

Practice setting up your firm and submitting filings. For hands on practice, you can create your firm, register users, and begin filing practice cases in the Vermont "**Stage**" environment. Be sure that the web address includes the word "stage" (<https://vermont-stage.tylerhost.net/ofswb>). 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 efilings site when you are ready.

V. FILING OF EXHIBITS

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 CD, DVD, or 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.

VI. 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 works best with Explorer. 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.

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.