

**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: Vermont Digital Evidence Portal (VDEP), Proposed Rules, Odyssey File and Serve and Public Portal Information, Filing of Exhibits & Other Miscellaneous Info

DATE: January 8, 2024

For your information, please find:

- **Vermont Digital Evidence Portal (VDEP)**

The Vermont Judiciary is expanding the Vermont Digital Evidence Portal (VDEP) to all **Criminal** courts beginning February 12, 2024. VDEP is already being used in the **Criminal** divisions of the Addison, Bennington, Rutland, Windham, and Windsor courts. The purpose of VDEP is to provide an efficient and safe method for court users to electronically file digital evidence. Digital evidence includes audio and video recordings and other non-PDF files. Regular PDF exhibits will continue to be filed through Odyssey File & Serve.

To prepare attorneys and litigants in these courts, the Vermont Judiciary will hold remote training sessions on how to use VDEP. The first training session is on Tuesday January 30th from 11AM-12PM and the second session is on Wednesday February 7th from 1:30PM-2:30PM. Each session covers the same material and individuals need only attend one. For a link to either training, please email the jud.helpdesk@vermont.gov

In addition to the upcoming training, you can prepare for the roll out by reviewing the manual and a recorded training on the Judiciary website: <https://www.vermontjudiciary.org/about-vermont-judiciary/vermont-digital-evidence-project>

- *Proposed Order Amending Rules 2 and 10 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court*
- *Proposed Order Amending Rule 6(6) and Adding Rule 14 of the Rules of Supreme Court for Disciplinary Control of Judges*

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

I. PROPOSED RULE AMENDMENTS

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

- a. *Proposed Order Amending Rules 2 and 10 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court*

<https://www.vermontjudiciary.org//PROPOSED--OrderAmendingRules2and10VermontRulesofAdmissiontoBar--FORCOMMENT>

The proposed amendments to Rule 2 and 10 are in preparation for the adoption of the NextGen bar exam at a future date. The proposed amendments to Rule 2 include deleting former subdivisions (h), (i), and (j), which contain definitions for “Multistate Bar Examination,” “Multistate Essay Examination,” and “Multistate Performance Test,” as those will not be stand-alone sections of the NextGen bar exam. Former (k) through (o) are relabeled (h) to (l). The definition of “Uniform Bar Examination” in proposed subdivision (l) is amended to include the NextGen exam and to clarify that any mention of “bar examination” or similar terms refer to the Uniform Bar Examination.

The proposed amendments remove former subdivision 10(b) because it referenced the Multistate Bar Examination. Subdivisions (c) and (d) are relabeled (b) and (c).

Comments on these proposed amendments should be sent by **March 8, 2024**, to Andrew Strauss, Licensing Counsel of the Office of Attorney Licensing, at the following address:

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

- b. *Proposed Order Amending Rule 6(6) and Adding Rule 14 of the Rules of Supreme Court for Disciplinary Control of Judges*

[https://www.vermontjudiciary.org//PROPOSED--DisciplinaryControlJudgesRules6\(6\)andAdding14--FORCOMMENT](https://www.vermontjudiciary.org//PROPOSED--DisciplinaryControlJudgesRules6(6)andAdding14--FORCOMMENT)

The proposed amendment to Rule 6(6) imposes two requirements regarding complaints of misconduct or disability. First, proposed Rule 6(6)(a) requires that the complaint must contain a concise statement of facts to support the alleged misconduct or disability. This requirement allows the Board to focus its attention and resources on colorable complaints. Second, under proposed Rule 6(6)(b), repetitive complaints need not be addressed by the Board. The Chair or Vice Chair of the Board determines whether a complaint is repetitive.

The proposed addition of Rule 14 provides a mechanism for the Board to restrict the filing of complaints by complainants who have abused the procedure. Successive and frivolous complaints strain limited resources and do not further the purposes of the complaint procedure. The proposed rule is based on a federal court rule also aimed at curtailing abuse of the complaint procedure.

Comments on these proposed amendments should be sent by **March 8, 2024**, to Barbara Blackman, Esq., Chair of the Judicial Conduct Board, at the following address:

Barbara Blackman, Esq., Chair
Judicial Conduct Board
c/o Lynn Wdowiak, Board Clerk, lcw@rsclaw.com

II. 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 efilng 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 efilng 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.

III. 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>

IV. 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 \(cognitofirms.com\)](http://cognitofirms.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.