

**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 and Proposed Rules, Court Administrator Directive TC-5, eFile and Serve and Public Portal Information, Filing of Exhibits & Other Miscellaneous Info

**DATE:** February 10, 2025

For your information, please find:

- *Promulgation Order Amending Administrative Order No. 24 (Advisory Committee on the Rules of Probate Procedure)*
- *Promulgation Order Deleting V.R.C.P. 11(e) and amending V.R.C.P. 43(d) and Rule 43(h); V.R.C.P. 56(c)(1), (2), and (6); and Rule 56(d) and Rule 56(h)*
- *Promulgation Order Amending Rules 3, 4(a)(2), (d)(6)(A), (e)(5), 5(a)(2), (b)(1), (b)(4)(A), (c), (f), (h)(1)(A) and (k)(1), of the Vermont Rules for Environmental Court Proceedings*
- *State Court Administrator Directive TC-5—2025 Update to Appendices to Rules 5 and 6 of the Rules for Public Access to Court Records*
- *Proposed Order Amending Rule 30(b) and (e) of the Vermont Rules of Appellate Procedure*
- *Proposed Order Amending Rule 65(b)(1) of the Vermont Rules of Civil Procedure*
- *Proposed Order Amending Rule 106 of the Vermont Rules of Evidence*
- *Proposed Order Amending Rules 2(a), 9(b), 9(c)(7)(D), 11, 12, 13, 15(b) and (c), and 20(c) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court*

**I. PROMULGATED RULE AMENDMENTS**

- a. *Promulgation Order Amending A.O. 24 (Advisory Committee on the Rules of Probate Procedure)*

<https://www.vermontjudiciary.org/PROMULGATED--AO24Amendment--STAMPED>

This Order was promulgated on **February 3, 2025, effective immediately.**

Administrative Order 24, § 1 is amended to add a superior court clerk to the committee, increasing the overall size of the committee from eleven to twelve members. The addition of a superior court clerk will provide helpful insight on court processes across divisions.

- b. *Promulgation Order Deleting V.R.C.P. 11(e) and amending V.R.C.P. 43(d) and Rule 43(h); V.R.C.P. 56(c)(1), (2), and (6); and Rule 56(d) and Rule 56(h)*  
[https://www.vermontjudiciary.org/PROMULGATED--VRCP-Deleting11\(e\)Amending43\(d\)\(h\)56\(c\)\(1\)\(2\)\(6\)\(d\)\(h\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED--VRCP-Deleting11(e)Amending43(d)(h)56(c)(1)(2)(6)(d)(h)--STAMPED)

This Order was promulgated on **February 3, 2025, effective July 1, 2025.**

The amendments involve the use of a declaration in place of an affidavit or notarized statement. Rule 11(e), which authorized use of a declaration in lieu of a statement made under oath, an affidavit, or a notarized document is deleted. Rule 11(e) did not apply when an oath, affidavit, or notarization was required by statute. Amendments to 4 V.S.A. § 27b by 2023, No. 46, § 4, permit a broadening of the declaration rule. The changes simultaneously adopt Rule 43(h) and authorize use of a declaration without exception whenever the rules or a court order require filing or service of an affidavit or a statement signed under oath. Rule 56 is amended to refer to a “declaration,” an unsworn document signed subject to the penalties of perjury under these rules or applicable law. Under Rule 56(b)(6), a declaration used to support or oppose a summary judgment motion must be based on personal knowledge.

- c. *Promulgation Order Amending Rules 3, 4(a)(2), (d)(6)(A), (e)(5), 5(a)(2), (b)(1), (b)(4)(A), (c), (f), (h)(1)(A) and (k)(1) of the Vermont Rules for Environmental Court Proceedings*  
<https://www.vermontjudiciary.org/PROMULGATED--VRECP3etal--STAMPED>

This Order was promulgated on **February 3, 2025, effective July 1, 2025.**

The amendment to Rule 5(b)(4)(A) requires service of the notice of appeal on the applicant immediately after the appellant files the notice of appeal and mails a copy to the municipal panel. The purpose of this proposed amendment is to provide sufficient notice to applicants and mitigate delay while appellants are in the process of identifying other interested persons to notify.

References to the now-abrogated 2010 Vermont Rules for Electronic Filing, which were replaced with the 2020 Vermont Rules for Electronic Filing, have been deleted.

## **II. STATE COURT ADMINISTRATOR DIRECTIVE**

*State Court Administrator Directive TC-5—2025 Update to Appendices to Rules 5 and 6 of the Rules for Public Access to Court Records*  
<https://www.vermontjudiciary.org/CourtAdministratorAdministrativeDirectiveTC5>

This Directive was promulgated on **January 29, 2025; effective immediately.**

Vermont Rules for Public Access to Court Records 5 and 6 have accompanying appendices that list provisions of statutes and court rules granting specific rights of access to otherwise nonpublic information or limit access to judicial branch case records. The Court Administrator is obligated to update the appendices each year. This directive provides amendments to those appendices.

### III. PROPOSED RULE AMENDMENTS

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

- a. *Proposed Order Amending Rule 30(b) and (e) of the Vermont Rules of Appellate Procedure*  
[https://www.vermontjudiciary.org/PROPOSED--VRAP30\(b\)and\(e\)--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED--VRAP30(b)and(e)--FORCOMMENT)

The proposed amendment adds Rule 30(e) to state the filing deadlines for a required printed case and any optional printed case. These deadlines were inadvertently omitted when the requirement of a printed case was reinstated in 2024. Rule 30(e) provides that the appellant must file a required printed case, or any optional printed case, when the appellant's principal brief is filed. The deadline for an appellee to file any supplemental printed case, formerly subdivision (b), is unchanged and is now in subdivision (e). Former subdivision (e), relating to costs of production is relabeled as (f).

Comments on this proposed amendment should be sent by **March 5, 2025**, to Allan Keyes, Esq., Chair of the Advisory Committee on the Rules of Civil Procedure, at the following address:

Allan Keyes, Esq., Chair  
Advisory Committee on the Rules of Civil Procedure  
[ark@rsclaw.com](mailto:ark@rsclaw.com)

- b. *Proposed Order Amending Rule 65(b)(1) of the Vermont Rules of Civil Procedure*  
[https://www.vermontjudiciary.org/PROPOSED--VRCP65\(b\)\(1\)--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED--VRCP65(b)(1)--FORCOMMENT)

The proposed amendment to Rule 65(b)(1) deletes the option to apply for a preliminary injunction in the complaint without a motion. Use of this option resulted in inadvertent scheduling delays. Under the proposed rule, a motion is required. This brings an application for preliminary injunction within the uniform motion practice of Rule 7, under which a party must apply for a court order by motion stating the grounds with particularity and must request to present evidence by motion stating the evidence the party wishes to offer. V.R.C.P. 7(b)(1) & (6). The proposed amendment makes other changes for clarity and consistency intended to be stylistic only.

Comments on this proposed amendment should be sent by **April 10, 2025**, to Allan Keyes, Esq., Chair of the Advisory Committee on the Rules of Civil Procedure, at the following address:

Allan Keyes, Esq., Chair  
Advisory Committee on the Rules of Civil Procedure  
[ark@rsclaw.com](mailto:ark@rsclaw.com)

- c. *Proposed Order Amending Rule 106 of the Vermont Rules of Evidence*  
<https://www.vermontjudiciary.org/PROPOSED--VRE106--FORCOMMENT>

The proposed amendment follows a similar amendment to the Federal Rules of Evidence, and clarifies that, in situations where fairness requires completion, completing statements are admissible over a hearsay objection. The rule of completeness is grounded in fairness and cannot fulfill its function if the party that creates a misimpression about the meaning of a proffered

statement can then object on hearsay grounds and exclude a statement that would correct the misimpression.

Comments on this proposed amendment should be sent by **April 10, 2025**, to the Hon. Dickson Corbett, Esq., Chair of the Advisory Committee on Rules of Evidence, at the following address:

Hon. Dickson Corbett, Chair  
Advisory Committee on Rules of Evidence  
[Dickson.Corbett@vtcourts.gov](mailto:Dickson.Corbett@vtcourts.gov)

- d. Proposed Order Amending Rules 2(a), 9(b), 9(c)(7)(D), 11, 12, 13, 15(b) and (c), and 20(c) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court  
[https://www.vermontjudiciary.org/PROPOSED--RulesofAdmission2\(a\)etal--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED--RulesofAdmission2(a)etal--FORCOMMENT)

The Board of Bar Examiners recommend several changes to the rules of admission to encourage new attorneys to stay and practice in Vermont. The proposed amendment to Rule 2(a)(8) removes the requirement in the catch-all provision that the legal work must be performed in a jurisdiction in which the applicant is admitted. The proposed amendment to Rule 9(b)(1) removes the requirement that the UBE exam must be taken no later than 5 years after an applicant completes the necessary educational requirements. To the Board's knowledge, no other jurisdiction has such a rule. The proposed amendment to Rule 9(c)(7)(D) allows an applicant who is denied admission after achieving a passing score to use that score to satisfy the exam requirement for admission for up to five years. Rule 11 requires an applicant to achieve a passing score on the MPRE within 3 years of passing the UBE and the proposed amendment removes the existing provision allowing an extension for good cause.

The proposal makes several amendments to Rule 12 concerning CLEs and the mentorship requirement. Under the proposed changes, applicants may commence their mentorship up to one year prior to admission to the bar, which is parallel to the allowed timing of the CLE requirement in Rule 12(a)(1). In addition, applicants may count CLEs towards their mentorship hours. This change reflects the Board's desire to lessen the post-admission burden to applicants admitted by examination or transferred UBE score. Finally, the proposed amendment to Rule 12(b) changes the result of a failure to complete the first-year requirements from suspension to a change to inactive status, to reflect that some applicants may have a change of circumstances that make completion of the Rule 12(a) requirements within the first year of admission impracticable or impossible.

Rule 13, concerning admission by transferred UBE score, has several proposed amendments. The amendment to Rule 13(b)(2) extends the age of a qualifying transferred UBE score to 5 years. To conform to the Rule 9 changes, Rule 13(d) is deleted to remove the five-years-from-graduation requirement. In conjunction with the proposed amendment to Rule 11, former Rule 13(e) pertaining to the MPRE removes the good-cause extension. Also, the age of a usable MPRE score is extended to 5 years, to match the age of a usable UBE score. The proposed amendment to Rule 15(b) requires attorneys seeking admission without examination to be in good standing in all jurisdictions where they are admitted, not just in the jurisdictions where they practice. The proposed amendment to Rule 15(c) simplifies the language and requires that an attorney admitted without examination is subject to the post-admission CLE requirement detailed in Rule 12(a)(1). The proposed amendment to Rule 20(c) allows the Board to extend for good cause the

90-day time limit on completing an oath of admission, signing the licensing statement, and paying the licensing fee.

Comments on these proposed amendments should be sent by **April 10, 2025**, to Andrew Strauss, Licensing Counsel of the Office of Attorney Licensing, at the following address:

Andrew Strauss, Licensing Counsel  
[Andrew.Strauss@vtcourts.gov](mailto:Andrew.Strauss@vtcourts.gov)

#### IV. eFILE & SERVE AND PUBLIC PORTAL INFORMATION

eFile and Serve has 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 use eFile and Serve. Please use the following links to access the electronic filing and portal systems and for more information.

#### Reminders for eFile Users:

##### 1) PDFs must be "flattened" prior to efile through eFile and Serve

With the increased use in electronic signature tools, it is important for eFile filers to remember that all PDFs must be flattened prior to filing in eFile. 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.

**eFile & Serve.** eFile and Serve is the platform through which you electronically file with the courts. To access eFile, 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](http://www.vermontjudiciary.org/efiling)

For technical support regarding eFile, please contact Tyler Technologies at 800-297-5377 or [efiling.support@tylertech.com](mailto:efiling.support@tylertech.com)

If you have procedural questions about eFile, please email the judiciary at [EFileSupport@vtcourts.gov](mailto:EFileSupport@vtcourts.gov)

**Odyssey Public Portal.** The Odyssey Public Portal allows you to view your case files. To access the portal, please visit <https://portal.vtcourts.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 [itsupport@vtcourts.gov](mailto:itsupport@vtcourts.gov) When emailing, please write “**Public Portal**” in the subject line.

## **V. 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>

## **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](#)

*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 [itsupport@vtcourts.gov](mailto:itsupport@vtcourts.gov)
- Telephone the Judiciary helpdesk at 802-828-4357
- Use the online form [eCabinet Registration/Update \(cognitofrms.com\)](https://cognitofrms.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.