

**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 Rules, TC-4, VDEP Expansion, Odyssey File and Serve and Public Portal Information, Filing of Exhibits & Other Miscellaneous Info

DATE: May 6, 2024

For your information, please find:

- *Important Notices*
- *Promulgation Order Amending A.O. 55 Submission and Storage of Digital Evidence*
- *Promulgation Order Amending V.R.Cr.P. 41.1(b) and (c)*
- *TC-4—2024 Update to Appendices to Rules 5 and 6 of the Rules for Public Access to Court Records*

IMPORTANT NOTICES:

Judiciary Conversion to New Network

The Judiciary has now converted to a new independent network (separate from the Executive Branch's network). All Judiciary staff, judges, and justices have been migrated from a @vermont.gov address to a @vtcourts.gov email account. Please update your contact lists accordingly. Note that all email sent to @vermont.gov will be automatically forwarded to @vtcourts.gov only until May 31.

To ensure that you continue to receive emails from the Judiciary, please add Attylicensing@vtcourts.gov
CAOMemotoBar@vtcourts.gov and
AutomatedCourtEmail@vtcourts.gov to your Safe Senders list.

Thank you.

Vermont Digital Evidence Portal

Starting June 3, 2024, the Vermont Judiciary is expanding use of the Vermont Digital Evidence Portal (VDEP) **to all court divisions and the Judicial Bureau**. VDEP is already being used in the **Criminal** division. 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 users, the Vermont Judiciary will hold remote training sessions on how to use VDEP. The first training session will be offered on Thursday May 23 from 2:00PM-3:30PM and the second

session will be offered on Wednesday May 29 from 9:00AM – 10:30AM. Each session covers the same material and individuals need only attend one.

For Webex links to these trainings, please visit <https://www.vermontjudiciary.org/about-vermont-judiciary/vermont-digital-evidence-project>

This website also includes a user guide and recorded training tutorial.

If you have any questions, please email itsupport@vtcourts.gov

I. PROMULGATED RULE AMENDMENTS

- a. *Promulgation Order Amending A.O. 55 (Submission and Storage of Digital Evidence)*
<https://www.vermontjudiciary.org/PROMULGATED-AO55Amendment--STAMPED>

This Order was promulgated on **May 6, 2024, effective immediately.**

Administrative Order 55, § 3 is amended to clarify that the requirements of the order do not apply to contraband, such as images or video containing child sexual abuse material. Counsel should seek guidance from the court to identify the process for submitting this material into evidence.

- b. *Promulgation Order Amending V.R.Cr.P. 41.1(b) and (c)*
[https://www.vermontjudiciary.org/PROMULGATED--VRCrP41.1\(b\)\(c\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED--VRCrP41.1(b)(c)--STAMPED)

This Order was promulgated on **May 6, 2024, effective January 1, 2025.**

The 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.

II. STATE COURT ADMINISTRATOR DIRECTIVE

State Court Administrator Directive TC-4—2024 Update to Appendices to Rules 5 and 6 of the Rules for Public Access to Court Records
<https://www.vermontjudiciary.org/AdministrativeDirectiveTC4>

This Directive was promulgated on April 16, 2024; 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. 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 \(zendesk.com\)](https://odysseyfileandserve.zendesk.com/hc/en-us/articles/360046887411). 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 efile 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 EFileSupport@vtcourts.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 itsupport@vtcourts.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 itsupport@vtcourts.gov
- Telephone the Judiciary helpdesk at 802-828-4357
- Use the online form [eCabinet Registration/Update \(cognitofirms.com\)](#)

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.