

**SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR**

THERESE CORSONES, Esq.
State Court Administrator
Therese.Corsones@vtcourts.gov



www.vermontjudiciary.org

Mailing Address
Office of the Court Administrator
109 State Street
Montpelier, VT 05609-0701

Telephone (802) 828-3278
FAX: 802 828-3457

TO: Members of the Vermont Bar

FROM: Teri Corsones, Esq., State Court Administrator

RE: Promulgated and Proposed Rules, Odyssey File and Serve and Public Portal Information, Filing of Exhibits & Other Miscellaneous Info

DATE: June 3, 2024

For your information, please find:

- *Important Notices*
- *Promulgation Order Amending A.O. 50 (Adding Rutland Unit)*
- *Promulgation Order Amending A.O. 55*
- *Promulgation Order Amending Rules 4(c), (d), (e), and (f) of the Vermont Rules of Civil Procedure*
- *Promulgation Order Amending Rules 2, 9(c)(2) and 10 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court*
- *Promulgation Order Amending Rules 2(c) and 8(c) of the 2020 Vermont Rules for Electronic Filing*
- *Proposed Order Amending Rules 16.2 and 26(f) of the Vermont Rules of Civil Procedure*
- *Proposed Order Amending Rule 80.1(b)(3) of the Vermont Rules of Civil Procedure*

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.

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.

The VDEP website includes a user guide and recorded training tutorial.

<https://www.vermontjudiciary.org/about-vermont-judiciary/vermont-digital-evidence-project>

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

I. PROMULGATED RULE AMENDMENTS

a. *Promulgation Order Amending A.O. 50 (Adding Rutland Unit)*

<https://www.vermontjudiciary.org/PROMULGATED-AO50amendmentRd--STAMPED>

This Order was promulgated on **June 3, 2024, effective immediately.**

Administrative Order 50, which authorizes a pilot project for service by the Office of Child Support in certain cases, is amended to expand the project to the Rutland Unit.

b. *Promulgation Order Amending A.O. 55*

<https://www.vermontjudiciary.org/PROMULGATED-AO55Amendment2--STAMPED>

This Order was promulgated on **June 3, 2024, effective immediately.**

Administrative Order 55, § 3 is amended to make VDEP mandatory in all units and divisions of the superior court.

c. *Promulgation Order Amending Rule 4(c), (d), (e), and (f) of the Vermont Rules of Civil Procedure*

[https://www.vermontjudiciary.org/PROMULGATED--VRCP4\(c\)\(d\)\(e\)\(f\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED--VRCP4(c)(d)(e)(f)--STAMPED)

This Order was promulgated on **June 3, 2024, effective January 1, 2025.**

The amendments to Rule 4 update its provisions to current practice and terminology. The amendments to the caption and text of Rule 4(d) and (e) delete the references to “personal” service. Rule 4(d)(2) is amended to aggregate into a single subdivision the methods of service on the State of Vermont or any agency or officer thereof. Former Rule 4(f)(2), relating to mail service on an officer of the state as a statutory process agent, is moved to Rule 4(d)(2). The existing provision of Rule 4(d)(2), for service in false claims actions, is reworded for clarity with no change of meaning intended. The amendment recaptions Rule 4(f) to “Service by Mail Outside the State.” The text is reorganized to clarify each step in the mail service process and, in some cases, to modify the requirements of the existing rule. The amendment to Rule 4(f)(1) clarifies what was implicit in the original rule, that it applies only to service by mail outside the state. Rule 4(f)(2) changes the requirement to use “registered or certified mail, with restricted delivery and return receipt requested” to any mail delivery method that “requires a signature by the addressee or by the agent of the addressee for receipt of mail.” The amendment to Rule 4(f)(3) clarifies when service by first-class mail under Rule 4(f) is permitted and how it is completed.

d. *Promulgation Order Amending Rules 2, 9(c)(2), and 10 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court*

[https://www.vermontjudiciary.org/PROMULGATED-VermontRulesofAdmissiontoBar2_9\(c\)\(2\)10--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VermontRulesofAdmissiontoBar2_9(c)(2)10--STAMPED)

This Order was promulgated on **June 3, 2024, effective January 1, 2025.**

Rules 2 and 10 are amended in preparation for the transition to the NextGen bar exam at a future date. The 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 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 amendments remove former subdivision 10(b) because it referenced the Multistate Bar Examination. Subdivisions (c) and (d) are relabeled (b) and (c).

The amendments to Rule 9 make the exam application deadlines in Rule 9(c)(2)(A) and (B) two weeks earlier to allow more time for the Board to process requests for exam accommodations, including the possible use of outside experts. The rule change does not become effective until January 1, 2025. Therefore, the existing exam application deadline in Rule 9(c)(2)(B) of December 1, 2024 remains in effect for the February 2025 exam.

e. Promulgation Order Amending Rules 2(c) and 8(c) of the 2020 Vermont Rules for Electronic Filing

[https://www.vermontjudiciary.org/PROMULGATED-VREF2\(c\)8\(c\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VREF2(c)8(c)--STAMPED)

This Order was promulgated on **June 3, 2024, effective January 1, 2025.**

The amendment to Rule 2(c) clarifies that the electronic case file is limited to the items in the Judiciary’s electronic case management system.

The amendment to Rule 8(c) addresses digital evidence exhibits that cannot be filed through the electronic filing system. Electronically filed documents must be in PDF format. See 2020 V.R.E.F. 7(a). Some digital evidence with different file types, such as audio and video files, cannot be submitted through the electronic filing system or stored in the case management system. This digital evidence must be submitted to the court through the Vermont Digital Evidence Portal (VDEP) as provided in Administrative Order 55. However submitted, all exhibits must be listed on the litigant’s exhibit list and the electronic case record must be updated to reflect whether the exhibit was offered and admitted.

II. PROPOSED RULE AMENDMENTS

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

a. Proposed Order Amending Rules 16.2 and 26(f) of the Vermont Rules of Civil Procedure

[https://www.vermontjudiciary.org/PROPOSED--VRCPP16.2-26\(f\)--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED--VRCPP16.2-26(f)--FORCOMMENT)

The proposed amendments Rule 16.2 on scheduling orders seek to conform the rule to best practice. Under the proposed changes, a scheduling order may be issued on stipulation of the parties, without the necessity of a hearing or conference. A date for the close of all discovery is added to the list of contents of a scheduling order. This conforms to the standard form and is the key deadline used by clerks in case-flow management. In addition, the proposal adds “other appropriate matters” to the list of contents of a scheduling order. The proposed rule also updates and re-organizes the language of the rule for clarity, without changing the meaning or intent.

The proposed amendment to Rule 26(f) states that the plan and schedule for discovery to be established following a Rule 26(f) discovery conference will be a scheduling order under Rule 16.2 and that, if Rule 16.3 requires mediation, the discovery conference order must include a date for completion of mediation.

Comments on these proposed amendments should be sent by **August 3, 2024**, 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

b. Proposed Order Amending Rule 80.1(b)(3) of the Vermont Rules of Civil Procedure
[https://www.vermontjudiciary.org/PROPOSED--VRCP80.1\(b\)\(3\)--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED--VRCP80.1(b)(3)--FORCOMMENT)

The proposed amendment to Rule 80.1(b)(3) requires service of a blank Foreclosure Verified Answer form and a blank Notice of Appearance form. Rule 4(b) already requires service of blank answer and notice of appearance forms. Rule 80.1(c) requires that the answer in a foreclosure case be verified to avoid default. The proposed amendment specifies that the answer form served be a verified answer form conforming substantially to the form approved by the Court Administrator for use in foreclosure.

Comments on this proposed amendment should be sent by **August 3, 2024**, 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

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 \(zendesk.com\)](#). 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 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://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 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 \(cognitofrms.com\)](#)

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.