

**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: Emergency, Promulgated, Abrogated and Proposed Rules, e-File and Serve and Public Portal Information, Filing of Exhibits & Other Miscellaneous Info

DATE: November 4, 2024

For your information, please find:

- *Emergency Order Amending Rule 4.2(e) of the Vermont Rules for Family Proceedings*
- *Promulgation Order Amending Rules 4.1(a)(2) and (3) and 4.3 of the Vermont Rules for Family Proceedings*
- *Promulgation Order Abrogating A.O. 54 (Provision of Legal Services Following Flood Emergency)*
- *Proposed Order Amending A.O. 9, Rule 12.D*

I. PROMULGATED RULE AMENDMENTS

- a. Emergency Order Amending Rule 4.2(e) of the Vermont Rules for Family Proceedings*
[https://www.vermontjudiciary.org/EMERGENCYPROMULGATED--VRFP4.2\(e\)--STAMPED](https://www.vermontjudiciary.org/EMERGENCYPROMULGATED--VRFP4.2(e)--STAMPED)

This Emergency Order promulgated on **November 4, 2024, effective immediately.**

V.R.F.P. 4.2(e) which determines the venue for post-judgment motions is amended by emergency order to accommodate changes in process due to the advent of electronic filing. Under the prior rule, if one or both parties lived in Vermont but neither resided in the county where the most-recent final judgment was entered, the filing party could file a post-judgment motion in the county of current residence, and the court would move the paper file from the prior county to the county where the motion was filed. The e-filing system will not accept electronic filings into a county different from that indicated on the case. Therefore, regardless of current residence, a post-judgment motion must initially be filed in the county where the most-recent judgment was entered.

Under the amended rule if either party still resides in the county where the most-recent judgment was entered, venue remains in that county regardless of whether the filer continues to reside in that county. If neither party resides in that county and the filer affirms in writing that the

filer is still a resident of Vermont, venue shifts to the filer's county of current residence. The filer does not have to file a motion to change venue. The court on its own motion automatically changes the venue for the case to the county where the filer resides.

Comments on this emergency amendment should be sent by **January 6, 2025**, to Hon. Kerry Ann McDonald-Cady, Chair of the Advisory Committee on the Rules for Family Proceedings, at the following address:

Hon. Kerry Ann McDonald-Cady, Chair
Kerry.McDonald-Cady@vtcourts.gov

- b. *Promulgation Order Amending Rules 4.1(a)(2) and (3) and 4.3 of the Vermont Rules for Family Proceedings*

[https://www.vermontjudiciary.org/PROMULGATED--VRFP4.1\(a\)\(2\)\(I\),\(a\)\(3\)\(D\)and4.3\(g\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED--VRFP4.1(a)(2)(I),(a)(3)(D)and4.3(g)--STAMPED)

This Order promulgated on **November 4, 2024, effective January 3, 2025.**

This Order has been promulgated without using an effective date of January 1 or July 1 as ordinarily required by Administrative Order 11, § 9, because there is an immediate need for the rules to comply with the statutory requirements of 14 V.S.A. § 3098, including waiver of service.

The amendments to Rules 4.1 and 4.3 are in response to legislative changes from 2020 related to vulnerable noncitizen children under 14 V.S.A. § 3098. The Vermont legislation applies in any court with jurisdiction over an unmarried individual under the age of 21 and not a citizen of the United States. In the family division this includes all proceedings governed by Rule 4.1 in which custody of a noncitizen child is at issue and a petition for special findings has been filed. Rule 4.1(a)(2)(I) is added to permit the court to waive service of the petition for special findings as authorized by § 3098(d). Rule 4.1(a)(3)(D) is added to permit the postponement of a case-manager conference in cases where a petition for special findings has been filed until the court has heard and decided the petition.

- c. *Promulgation Order Abrogating A.O. 54 (Provision of Legal Services Following Flood Emergency)*

<https://www.vermontjudiciary.org/ABROGATED--A.O.54--STAMPED>

This Order promulgated on **November 4, 2024, effective January 1, 2025.**

Administrative Order No. 54 is abrogated in its entirety. On August 7, 2023, in response to the floods that devastated Vermont in July 2023, the Court promulgated Administrative Order 54. The order created a "Limited Emergency Pro Bono Law License" that authorized Vermont lawyers on inactive status and out-of-state lawyers to provide pro bono legal services to those impacted by the floods without activating their law licenses or obtaining formal admission under Administrative Order 41. Under § 6, the basis for the emergency license was set to end when the Court "declares that the Flood Emergency has either ended or abated to such an extent that relaxation of the Rules of Admission to the Bar of the Supreme Court and Supreme Court Administrative Order 41 is no longer required."

Although many Vermonters continue to cope with the impact of the 2023 floods, the emergency has ended, at least to the extent that it warranted relaxation of the Rules of Admission and Administrative Order 41. Therefore, the Administrative Order is abrogated.

II. PROPOSED RULE AMENDMENTS

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

Proposed Order Amending Rule 12.D of Administrative Order No. 9, Permanent Rules Governing Establishment and Operation of the Professional Responsibility Program
<https://www.vermontjudiciary.org/PROPOSED--AO9Rule12D--FORCOMMENT>

Current Board policy requires a complainant to seek review of Screening Counsel's decision within 30 days of the date of the decision. This proposed amendment changes the requirement from policy to rule.

The final sentence clarifies that review is on the record. The Board Chair is not required to review information that was not provided to Screening Counsel. The Chair may, however, consider such information as a reason to ask Screening Counsel to reopen the file. When review is requested, the Board Chair is not required to interview or meet with the complainant.

Comments on these proposed amendments should be sent by **January 6, 2025**, to Michael Kennedy, Bar Counsel, at the following address:

Michael Kennedy, Bar Counsel
Michael.Kennedy@vtcourts.gov

III. eFILE & SERVE AND PUBLIC PORTAL INFORMATION

eFile 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 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

For technical support regarding eFile, please contact Tyler Technologies at 800-297-5377 or efiling.support@tylertech.com

If you have procedural questions about eFile, 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 \(cognitofirms.com\)](#)

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.