

**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, Abrogated and Proposed Rules, eFile and Serve and Public Portal Information, Filing of Exhibits & Other Miscellaneous Info

DATE: December 16, 2024

For your information, please find:

- Promulgation Order Abrogating A.O. 5 (*Prompt Disposition of Criminal Cases*)
- Promulgation Order Amending § 11(b) of Administrative Order No. 41 (*Licensing of Attorneys*)
- Promulgation Order Amending Promulgation Order Amending Rules 16.2 and 26(f) of the Vermont Rules of Civil Procedure
- Proposed Order Amending Rule 3 (b)(1)(B)(3) of the Vermont Rules of Probate Procedure

I. PROMULGATED RULE AMENDMENTS

- a. Promulgation Order Abrogating A.O. 5 (Prompt Disposition of Criminal Cases)*
<https://www.vermontjudiciary.org/ABROGATED--A.O.5--STAMPED>

This Order was promulgated on **December 16, 2024, effective immediately.**

Administrative Order No. 5 is abrogated in its entirety.

This order was promulgated in 1972 to promote the prompt and efficient disposition of criminal causes. The order established priorities for scheduling of criminal cases and set time periods within which a trial should proceed depending on whether a defendant was in custody and absent exceptional circumstances. The time frames were discretionary, however, and did not bind trial courts or entitle defendants to dismissal for noncompliance. Moreover, the time frames were not realistic, particularly for complex felony cases and became outdated. The disposition guidelines for criminal cases are separately established in Administrative Directive 24 and are concurrently updated (<https://www.vermontjudiciary.org/SCTAdministrativeDirective24-CriminalCaseDispositionalGuidelinesAmended12-16-2024--STAMPED>).

- b. *Promulgation Order Amending § 11(b) of Administrative Order No. 41 (Licensing of Attorneys)*

[https://www.vermontjudiciary.org/PROMULGATED--AO41Section11\(b\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED--AO41Section11(b)--STAMPED)

This Order was promulgated on **December 16, 2024, effective July 1, 2025.**

Administrative Order 41 § 11(b) requires attorneys on pro bono emeritus status to obtain MCLE credit in ethics. The amendment changes the amount of time from two hours to one to make § 11(b) consistent with Rule 3(B)(4) of the Vermont Rules for Mandatory Continuing Legal Education, which sets the ethics requirement for attorneys on pro bono emeritus status at one hour.

- c. *Promulgation Order Amending Promulgation Order Amending Rules 16.2 and 26(f) of the Vermont Rules of Civil Procedure*

[https://www.vermontjudiciary.org/PROMULGATED--VRCP16.2-26\(f\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED--VRCP16.2-26(f)--STAMPED)

This Order was promulgated on **December 16, 2024, effective July 1, 2025.**

The amendments Rule 16.2 on scheduling orders conform the rule to best practice. Under the 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 amendment adds “other appropriate matters” to the list of contents of a scheduling order. The amended rule also updates and re-organizes the language of the rule for clarity, without changing the meaning or intent.

The amendment to Rule 26(f) clarifies 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. Rule 26(f) is amended to delete an existing provision about altering or amending a discovery order.

II. PROPOSED RULE AMENDMENTS

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

Proposed Order Amending Rule 3(b)(1)(B)(3) of the Vermont Rules of Probate Procedure

[https://www.vermontjudiciary.org/PROPOSED--VRPP3\(b\)\(1\)\(B\)\(3\)--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED--VRPP3(b)(1)(B)(3)--FORCOMMENT)

The proposed amendment to Rule 3(b)(1)(B)(3) is to make it consistent with 14 V.S.A. § 107 which enables the court to allow a petition if all the heirs at law and surviving spouse consent. Consent is not required of all other interested parties.

Comments on this proposed amendment should be sent by **February 17, 2025**, to Hon. Kathryn Kennedy, Chair of the Advisory Committee on the Rules of Probate Procedure, at the following address:

Hon. Kathryn A.C. Kennedy
Kathryn.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 \(cognitofirms.com\)](https://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.