

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

DATE: October 7, 2025

For your information, please find:

- *Standard Practices Feedback Form*
- *Order Promulgating Emergency Amendment to Rule 80.3(g) of the Vermont Rules of Probate Procedure*
- *Order Promulgating Emergency Amendment to Rule 5(d)(1) of the 2020 Vermont Rules for Electronic Filing*
- *Promulgation Order Amending Rule 9(d) of the 2020 Vermont Rules for Electronic Filing*
- *Promulgation Order Amending A.O. 9, Rules 2, 5, 6.C and D, and 12 (Permanent Rules Governing Establishment and Operation of the Professional Responsibility Program)*
- *Promulgation Order Amending Rule 4(c) of the Vermont Rules of Civil Procedure*
- *Promulgation Order Amending Rules 10(b)(8)(A) and 31(a)(1) of the Vermont Rules of Appellate Procedure*
- *Promulgation Order Amending Rule 54(a) of the Vermont Rules of Probate Procedure*
- *Proposed Order Amending Rule 11(f) of the 2020 Vermont Rules for Electronic Filing*
- *Proposed Order Amending Rule 3(k) of the Vermont Rules of Criminal Procedure*
- *Proposed Order Adding Rules 6(b)(18) and (19) to the Vermont Rules for Public Access to Court Records*
- *Proposed Order Amending Rule 13 of the Vermont Rules of Probate Procedure*
- *eFile & Serve and Public Portal Information*
- *Filing of Exhibits for Evidentiary Hearing*
- *Miscellaneous*

Standard Practices Feedback Form

The Judiciary has a Standard Practices Committee that works to improve operations by developing standard business practices throughout all divisions and units in the state. There is a Standard Practices Committee Feedback and Suggestions Form available on the Committee's

webpage <https://www.vermontjudiciary.org/about-vermont-judiciary/boards-and-committees/standard-practices>

Members of the bar and court users are invited to share experiences and ideas for addressing situations where practices may differ across court locations or staff. Thank you for your help in identifying opportunities to promote greater consistency and clarity in court operations. Please note, if you have a concern or question regarding a particular case, please contact the court directly.

I. PROMULGATED RULE AMENDMENTS

- a. *Order Promulgating Emergency Amendment to Rule 80.3(g) of the Vermont Rules of Probate Procedure*

<https://www.vermontjudiciary.org/PROMULGATED%20EmergencyAmendmentVRPP803-FORCOMMENT>

This Emergency Order was promulgated on **October 6, 2025, effective January 1, 2025.**

Rule 80.3(g) is amended to correct cross references from paragraphs (a)(4) and (5) to (a)(5) and (6). The rule is amended without a notice and comment period to avoid any confusion from the existing incorrect cross references.

Comments on this emergency amendment should be sent by **December 6, 2025**, to Hon. Kathryn Kennedy, Chair of the Advisory Committee on Rules of Probate Procedure, at the following address:

Hon. Kathryn A.C. Kennedy
Kathryn.Kennedy@vtcourts.gov

- b. *Order Promulgating Emergency Amendment to Rule 5(d)(1) of the 2020 Vermont Rules for Electronic Filing*

<https://www.vermontjudiciary.org/PROMULGATED-EmergencyAmendmentVREF5--STAMPED--FORCOMMENT>

This Emergency Order was promulgated on **October 6, 2025, effective immediately.**

When court filings were entirely paper, court staff reviewed filings for confidential information before the filings were made public to prevent confidential information from being disclosed to the public. When e-filing was first rolled out beginning in March 2020, the Vermont Rules for Electronic Filing required clerk review before electronically filed documents were publicly accessible for the same reason. Filings with confidential information were rejected and efilers were directed to redact and resubmit.

The COVID-19 pandemic struck at the same time that e-filing was being rolled out, resulting in staffing shortages and equipment challenges. Associated delays in reviewing new civil complaints prompted a lawsuit in the United States District Court for the District of Vermont that led to an injunction against any pre-access review of new civil complaints in late 2021. Pursuant to an Emergency Order amending Rule 5(d) of the Vermont Rules for Electronic Filing dated December

20, 2021, new civil complaints were made accessible before clerk review as a result of the District Court's injunction while the decision was appealed to the United States Court of Appeals for the Second Circuit. A "Press Review Tool" allowing public access to new civil complaints before clerk review was incorporated into the Judiciary's Public Access Terminals as a result of the injunction.

On appeal, the Second Circuit found that the pandemic-impacted pre-access review process did not pass constitutional muster. It also observed that the "speed and efficiency" of the Judiciary's process to review new complaints had improved substantially over time and found that "forbidding any and all review of complaints" prior to public release was "not justified," and vacated the District Court's injunction due to its overbreadth. Courthouse News Serv. v. Corsones, 131 F.4th 59, 63 (2d Cir. 2025). Pursuant to this ruling, the District Court entered a revised injunction on remand that enjoined only the pre-access review process that was in place "during the Trial Evidence Period." The Trial Evidence Period ended on August 6, 2021.

In short, the Second Circuit joined other courts in confirming that there is not an unconditional right of instantaneous access to court filings. Id. at 66. Pre-access review for confidential information is permissible if it is "well-tailored" and "sufficiently speedy" to comply with the First Amendment's demands. Id. at 76. In accordance with that guidance, the rule amendment provides for new civil complaints to be reviewed for confidential information before becoming publicly available. An expedited process for that limited pre-access review has also been implemented. The Press Review Tool that allowed public access to new civil complaints before clerk review for confidential information is discontinued.

Members of the public can continue to access new civil complaints on the Public Access Terminals in courthouses or through the Judiciary's procedure to request access to court records. Information about both of these access methods are set forth on the Judiciary's website, linked [here](#). For general questions regarding e-filing processes, please contact efilesupport@vtcourts.gov

Comments on this emergency amendment should be sent by **December 6, 2025**, to Hon. John A. Dooley (Ret.), Chair of the Advisory Committee on Rules for Electronic Filing, at the following address:

Honorable John A. Dooley, (Ret.), Chair
John.Dooley@vtcourts.gov

- c. *Promulgation Order Amending Rule 9(d) of the 2020 Vermont Rules for Electronic Filing*
<https://www.vermontjudiciary.org/PROMULGATED-VREF9d--STAMPED>

This Order was promulgated on **October 6, 2025, effective January 1, 2026.**

The amendments to Rule 9(d)(1), (d)(1)(B), and (d)(2) are to align the rule language more closely with current practice. The rule previously allowed electronic signatures to be used on "court-generated" documents. Courts and court personnel may electronically sign documents, such as proposed orders, that are not generated by the court.

- d. *Promulgation Order Amending A.O. 9, Rules 2, 5, 6.C and D, and 12 (Permanent Rules Governing Establishment and Operation of the Professional Responsibility Program)*

<https://www.vermontjudiciary.org/PROMULGATED--AO9Rules256CDand12--STAMPED>

This Order was promulgated on **October 6, 2025, effective January 1, 2026.**

In 2021, the Court amended A.O. 9 to create the Bar Assistance Program. The amendments included removing Bar Counsel from the process by which disciplinary complaints are screened based on a recommendation from the Professional Responsibility Board. The Board now recommends amending A.O. 9 to return the screening function to Bar Counsel to provide consistency in screening and guidance, and ensure an active nondisciplinary, dispute-resolution process remains a critical component of regulation. Therefore, Rule 2 is amended to remove the position of Screening Counsel. The amendment to Rule 5.A. reflects that, pursuant to Rule 12.A, Bar Counsel will screen all disciplinary complaints. The remaining paragraphs are re-lettered. The changes to Rules 6.C and 6.D reflect the amendments to Rules 5 and 12 designating to Bar Counsel the task of screening disciplinary complaints. The amendment to Rule 6.D reflects the fact that there will be situations in which dismissing a complaint is not appropriate even though a disciplinary investigation or disciplinary prosecution is not warranted. The amendments to Rule 12 replace all references to "Screening Counsel" with "Bar Counsel." Rule 12 is also reorganized for clarity.

e. Promulgation Order Amending Rule 4(c) of the Vermont Rules of Civil Procedure
<https://www.vermontjudiciary.org/PROMULGATED-VRCP4c--STAMPED>

This Order was promulgated on **October 6, 2025, effective January 1, 2026.**

Rule 4(c) is amended to expedite the special appointment of a process server in response to concerns about delayed service of process due to limited availability of county officers. The rule now aligns with 12 V.S.A. § 731, which authorizes special appointment if it appears that service will be more economical or efficient than service by an officer. The amended rule requires service of the appointment order with the other documents to address concerns that the party being served will recognize the validity of the service.

f. Promulgation Amending Rules 10(b)(8)(A) and 31(a)(1) of the Vermont Rules of Appellate Procedure
<https://www.vermontjudiciary.org/PROMULGATED-VRAP10b8Aand31a1--STAMPED>

This Order was promulgated on **October 6, 2025, effective January 1, 2026.**

The amendment to V.R.A.P. 10(b)(8) updates a cross reference to V.R.A.P. 24, which was renumbered in 2021. The amendment to V.R.A.P. 31(a) deletes an obsolete cross reference to V.R.A.P. 10(c)(2), which was deleted in 2021 after the superior courts ceased using video-recorded proceedings.

g. Promulgation Order Amending Rule 54(a) of the Vermont Rules of Probate Procedure
<https://www.vermontjudiciary.org/PROMULGATED--VRPP54a--STAMPED>

This Order was promulgated on **October 6, 2025, effective January 1, 2026.**

Rule 54(a) is amended to provide a list decrees and orders in the probate division that are appealable. Appealable orders were not previously defined in either the civil rules or the probate rules but developed through case law. Given the nature of probate proceedings, many interim orders may be final and appealable. The amendment is meant to provide guidance to parties and the court to expedite proceedings and prevent delay or loss of appellate rights.

II. PROPOSED RULE AMENDMENTS

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

- a. *Proposed Order Amending Rule 11(f) of the 2020 Vermont Rules for Electronic Filing*
<https://www.vermontjudiciary.org/PROPOSED-VREF11f--FORCOMMENT>

The proposed amendment to Rule 11(f) conforms the rule to current practice. When first enacted, Rule 11(f) indicated that electronic filers would receive transmission of court notices, orders, and other documents through electronic means. Due to technical constraints, the automated electronic notice through the case-management system is available only for attorneys and not for self-represented litigants who choose to electronically file. In general, courts send official notice to self-represented litigants using regular mail. To alleviate confusion, the subdivision is amended to simply indicate that the court will transmit notices and orders to all parties and that the method may vary.

Comments on this proposed amendment should be sent by **December 6, 2025**, to Hon. John A. Dooley (Ret.), Chair of the Advisory Committee on Rules for Electronic Filing, at the following address:

Honorable John A. Dooley, (Ret.), Chair
John.Dooley@vtcourts.gov

- b. *Proposed Order Amending Rule 3(k) of the Vermont Rules of Criminal Procedure*
<https://www.vermontjudiciary.org/PROPOSED--VRCrP3k--FORCOMMENT>

The proposed amendments provide clarity and flexibility regarding after-hours requests for bail or conditions of release following arrest. The proposed amendment deletes the existing sentence which requires that “[t]he affidavit or sworn statement must indicate the crimes to be charged by the arresting officer,” as it is the prosecuting attorney who is solely authorized to charge criminal offenses. Second, the proposal provides that “[t]he procedures and standards established by the Presiding Judge of each unit pursuant to V.R.Cr.P. 5(b) must require that the affidavit or sworn statement include the charge or charges that the prosecuting attorney intends to file, and may require that the affidavit also include any conditions of release, including bail or an order to hold without bail, that the prosecuting attorney is requesting.” This provides clarity as to a judge’s authority to require the arresting officer to include in the affidavit a statement of a prosecuting attorney’s intended charges and recommended bail or conditions of release for the individual.

Comments on this proposed amendment should be sent by **November 5, 2025**, to Hon. John Treadwell, Chair of the Advisory Committee on Rules of Criminal Procedure, at the following address:

Honorable John Treadwell, Chair
Advisory Committee on Rules of Criminal Procedure
John.Treadwell@vtcourts.gov

- c. *Proposed Order Adding Rules 6(b)(18) and (19) to the Vermont Rules for Public Access to Court Records*

<https://www.vermontjudiciary.org/PROPOSED-VRPACR6b1819--FORCOMMENT>

The proposal adds Rule 6(b)(18) to clarify that documents filed in connection with inquest proceedings are not publicly accessible. An inquest is a statutory discovery procedure used to determine whether sufficient evidence exists to prosecute a criminal matter. Traditionally, an inquest was an in-person proceeding at which the prosecutor would examine witnesses. Pursuant to statute, the hearing and transcript are not public. An inquest has become more focused on production of documents and there is no statute or rule addressing this modern use or the public-access status of documents filed with the court in that process. There is also no statute or rule addressing the public-access status of documents filed in a traditional inquest proceeding, other than the transcript of the evidentiary hearing. Proposed new Rule 6(b)(18) clarifies that all documents filed in connection with an inquest proceeding, whether it is a traditional in-person proceeding or the modern inquest subpoena process, are exempt from public access. This conforms with existing practice in the superior court.

Similarly, the proposal adds Rule 6(b)(19) to clarify that records of requests for nontestimonial identification orders (NTOs) are not publicly accessible. Vermont Rule of Criminal Procedure 41.1 provides the authority for NTOs. Rule 41.1 does not state whether records of pre-charge NTO proceedings are confidential. Proposed new Rule 6(b)(19) clarifies that such records are exempt from public access, consistent with current superior court practice and the exemption for search warrants. See V.R.P.A.C.R. 6(b)(2).

Comments on these proposed amendments should be sent by **December 6, 2025**, to Hon. Timothy B. Tomasi, Chair of the Advisory Committee on Rules for Public Access to Court Records, at the following address:

Honorable Timothy B. Tomasi, Chair
Timothy.Tomasi@vtcourts.gov

- d. *Proposed Order Amending Rule 13 of the Vermont Rules of Probate Procedure*

<https://www.vermontjudiciary.org/PROPOSED-VRPP13--FORCOMMENT>

This proposal reorganizes the rule regarding the statutory election rights and allowances available to a surviving spouse and minor children in accordance with amendments made to the relevant statutes in 2017. The rights of the surviving spouse and any minor children are now addressed separately and timeframes for the exercise of the rights are identified.

As the homestead interest of the surviving spouse in Title 27 differs from the election in Title 14, both the title of the rule and the delineation of the rule have been modified to reflect the distinction. The homestead interest is not subject to a statutory deadline for its exercise. The proposed rule requires the spouse to exercise the right “within four months following the later of

the date of service of the notice of election and rights or the date of service of the inventory.” In the absence of legislative changes to the homestead provisions, this timeframe provides clarity and consistency.

Comments on this proposed amendment should be sent by **December 6, 2025**, to Hon. Kathryn Kennedy, Chair of the Advisory Committee on 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 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:

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 eFiling 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.

d. Notice of Vacation

Attorneys may notify the superior courts of their vacation schedules by emailing CentralClerkReview@vtcourts.gov. The information will be available to all trial courts, including the Probate Division and the Judicial Bureau, for scheduling purposes. Attorneys do not need to send notices separately to each county or division of the superior court.

If attorneys wish to also notify the Vermont Supreme Court of their vacation schedules, they should copy supremecourt@vtcourts.gov on the email. Any questions, please contact centralclerkreview@vtcourts.gov.

e. Vermont Judiciary Migrating Virtual Hearing Capabilities

The Vermont Judiciary is migrating virtual hearing capabilities from Webex to Zoom in calendar year 2025. Please be on the lookout for additional communication from the Judiciary regarding migration of individual counties and training sessions. More information can be found at <https://zoom.vtcourts.gov> including timelines and documentation about using the Zoom platform.