



ENVIRONMENTAL DIVISION E-FILING GUIDE

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SCOPE OF THIS FILER GUIDE

This guide is NOT intended to be a comprehensive guide to use of the eFile & Serve System. It provides supplemental division-specific guidance for eFiling in the Environmental Division. Detailed instructions about registering and using the eFiling system are available at:

<https://odysseyfileandservecloud.zendesk.com/hc/en-us> and additional Vermont-specific user guides and other information and training materials about electronic filing are available on the Vermont Judiciary's website at:

<https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>.

SYSTEM NAME UPDATES

The Vermont Judiciary's electronic case management and electronic filing systems have recently been rebranded by the vendor that produces them (Tyler Technologies), resulting in some updates to the labels by which those systems are known. For the court's case management system, the name "Odyssey" has been replaced by "Enterprise Justice" or "EJ" for short. For the electronic filing system, the name "Odyssey File & Serve" (OFS) has been replaced by "eFile & Serve" (EFS), with our specific Vermont version also being referred to as "eFileVT." It is understood that many internal and external users may still refer to these systems as Odyssey, and that is perfectly acceptable for purposes of communication to the court and among court users. This notice is being provided to offer context as to why the court's updated instructional materials and announcements will no longer reference the "Odyssey" systems. If there are any questions or concerns about these changes, please feel free to reach out to itsupport@vtcourts.gov.

ACCESSING eFILE AND SERVE

All Vermont Courts have adopted universal eFiling in all dockets through the eFile & Serve system, which is a web-based platform accessible from any modern browser on a computer or mobile device. eFile & Serve can be accessed directly at: <https://efilevt.tylertech.cloud/OfsEfsp/ui/landing> or via a link on the Vermont Judiciary's website's eFiling page at:

<https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>.

REGISTRATION

Registration for eFiling is free and simple. All that is required is a valid email address. There are different registration options for firm/organizational users and independent users such as self-represented litigants. Instructions on how to register are found in the user guides and other materials in the "self-help" section of the eFile & Serve homepage.

NOTE: All users including attorneys and self-represented litigants who choose to eFile must self-register. Court staff cannot complete registrations on behalf of filers or edit any user's registration information.

TRAINING AND SUPPORT

For general information and questions about use of the eFiling system, on the eFile & Serve homepage <https://efilevt.tylertech.cloud/OfsEfsp/ui/landing> there are numerous resources:

- Live web training sessions and recorded trainings that can be viewed any time
- A Database of FAQs
- Chat, messaging and other contact options for support
- Training videos
- Downloadable user guides

Vermont-specific guides about filing in various division and case types are on the Judiciary website's eFiling page <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>, also accessible here from the homepage:



There is also a Judiciary eFiling helpdesk for Vermont-specific eFiling procedural questions at EFileSupport@vtcourts.gov. *Please use this email for eFiling questions and do not send eFiling questions to the main Judiciary Helpdesk email.*

FILING NEW CASES

Location:

Select “Environmental Division” for all Environmental Division case types

Category:

- Select “Civil” or “Criminal”
- (“Criminal would only be used when filing a civil citation case)

Case Types:

Select from one of the following options:

- Act 250 and ANR De Novo Appeals
- ANR & NRB Enforcement Actions
- Municipal De Novo Appeal
- Municipal Enforcement
- Municipal On the Record Appeal
- Other Jurisdiction
- Civil Citation

**If uncertain which case type applies to your initial filing, please contact the Environmental Division staff for guidance.*

At any point in this process, you may select “Save Draft and Exit” in the bottom-left in order to save any current progress and come back to the filing later.

Select “Parties →” in the bottom-right to continue.

PARTY INFORMATION

- Fill in all party information as completely and accurately as possible
- After first party information entered, filer must click “Save” in the bottom-right before moving to enter next party.
- Required parties in each case type will be listed by default and must be added.
- Additional parties may be added by clicking the “add another party” button.
 - If “+ Add More” is clicked by accident, click “Cancel” in the bottom-right to return to the Parties screen.
 - If a party has been mistakenly added and needs to be removed, select the Trash Can icon next to the party’s name under “Actions” to delete the party (hovering over the icon will show text “Delete party.” There will be a confirmation pop-up asking to verify whether or not the party should really be deleted.
 - If the party that needs to be removed is one of the original required parties, that party’s information will need to be edited to the correct information, or you will need to go back and start a new filing, as eFile & Serve will not allow you to delete the party.

Parties			
Party Type	Party Name	Lead Attorney	Actions
* Petitioner ✓	[Redacted]		[Edit]
Respondent ✓	[Redacted]		[Edit]
Respondent ✓	[Redacted]		[Edit] [Trash]
Agency ✓	[Redacted]		[Edit] [Trash]

+ Add More

- Select “Filings →” in the bottom-right to continue.

FILINGS

- Start by selecting “+ Add Filing.” This will bring you to a section to Edit Filing Details which is split into two sections: Filing Requirements and Additional Services and Fees.
- **Filing Type:** If using the “eServe” feature (see info in user guides), select “eFile & Serve” or “Serve” from the Filing Type dropdown menu. Otherwise select “eFile Only.” *Please see Vermont eService Guide for details on electronic service.*

FILING INFORMATION

- **Filing Code:** For all new cases in the Environmental Division, select the appropriate Filing Code for your new case (i.e. Notice of Appeal to the Environmental Division; Complaint Filed; [Other Initiating Documents])
- **Optional Sections:**
 - Filing Description
 - Client Reference Number
 - Comments to Court

UPLOADING DOCUMENTS

Documents being uploaded can either be dragged from a folder and dropped into the gray box in eFile & Serve that says “Drag files here or,” or they can be uploaded by selecting “Select file” under the appropriate section (Lead Document or Attachments), and that will allow you to locate and upload files from a File Upload pop-up.

LEAD DOCUMENT—PRIMARY PLEADING

*** Lead Document (Required)**



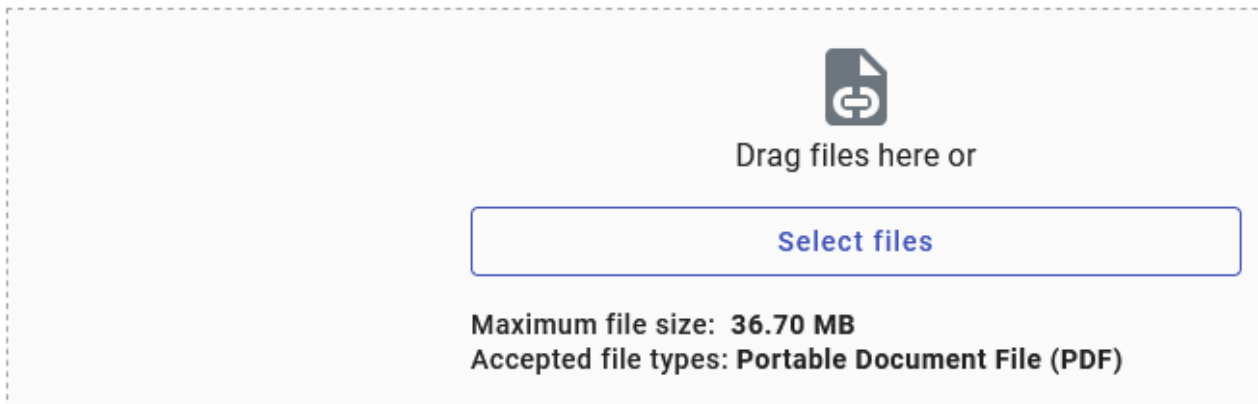
Drag files here or

[Select file](#)

Maximum file size: 36.70 MB
Accepted file types: Portable Document File (PDF)

ATTACHMENT—ANY AND ALL SUPPORTING DOCUMENTS

Attachments

A screenshot of a web interface for uploading attachments. It features a dashed rectangular box containing a document icon with a circular arrow, the text "Drag files here or", a blue-outlined button labeled "Select files", and two lines of text: "Maximum file size: 36.70 MB" and "Accepted file types: Portable Document File (PDF)".

Drag files here or

Select files

Maximum file size: 36.70 MB
Accepted file types: Portable Document File (PDF)

NOTES ABOUT DOCUMENTS

- Documents must be uploaded in PDF Format.
- Documents **MUST BE FLATTENED** (fillable fields and other embedded objects removed). *Usually accomplished by “printing to PDF.” More detailed instructions available in VT Policy and Procedure Guide).*
- When filing a new case, the Complaint or other initiating document should be uploaded as the “Lead” document and other supporting documents should be individually uploaded as separate Attachments.
- Each document uploaded must have a Security type selected, or you cannot proceed.
- Documents containing confidential information such as social security numbers must be labeled as a “Confidential Document” from the Security dropdown menu by the document. Where required by the new Rules of Electronic Filing, a redacted version MUST also be filed.
- Under Communications, you may list email addresses for individuals that you wish to receive courtesy copies of the filing.
- Click “Save” in the bottom-right to save the current filing.
- Additional filings may be made by selecting “+ Add More” and repeating the filing code selection and document upload processes.

OPTIONAL SERVICES

To request copies of documents, exemplified copies, certified copies, or public record retrieval.

- Click “Additional Services and Fees” directly under “Edit Filing Details” and to the right of “Filing Requirements” OR click “Add Additional Services →” in the bottom-right when scrolled to the bottom of the Filing Requirements Section.
- Check the box or boxes of whichever services you wish to use.
- If you wish to remove additional services that have been added in previously, you can go back into the filing, go back into the Additional Services and Fees section, uncheck the boxes, and Save.

Edit Filing Details

Filing Requirements

Additional Services And Fees

Additional services and fees

The additional services and fees you see below are based on the filing code you picked.

☐	Type	Fee Amount	Quantity	Total
☐	Certification / Authentication	\$5.00	Quantity 5	
☐	Photocopies - Pages 1-4	\$1.00		
☐	Photocopies - Pages 5+	\$0.25	Quantity	
☐	Public Record Retrieval	\$7.50	Quantity	

Support

← Filing Requirements

Cancel

Save

- Once all filings are set up (Additional filings can be entered by selecting “+ Add More” at the bottom of the Filings box), either select “Service →” or “Skip to Fees” in the bottom-right of the page depending upon whether the filing is eFile Only or eFile and Serve.

SERVICE FOR EFILE AND SERVE FILINGS

- Add service contacts by selecting “Add” and then picking an option from the dropdown menu. You can add yourself, someone from the Party List, someone from a Firm List, someone from a Public List, or choose to Add a New Contact.
 - You may add as many service contacts as you need. Contacts can also be edited or removed by clicking on the three stacked dot icon next to the contact’s name and then selecting either “Edit Service Contact” or “Delete Service Contact.”
- Select “Fees” in the bottom-right corner to proceed.

FEES

- Either select a payment account from the drop-down menu or add a new payment account.
- If you are filing with an Application to Waive Filing Fees, will need to create a Waiver Account to use for the filing fee, which will waive all filing fees.
- Select the person responsible for fees (The filer is responsible for fees)
- Filing Attorney – will populate when using Attorney Account
- Click “Calculate Fees” to see a breakdown of the fees for the filing(s).
- Select “Summary” in the bottom-right of the page to continue.

The Vermont Judiciary has instituted a new per case filing fee structure for the eFiling system, effective **April 1, 2021**. This new fee structure is the result of a collaborative effort and the culmination the eFiling Fees Study Committee, as well as continued dialogue with the Vermont Bar Association and Tyler Technologies. The new per case fee is \$14.00 per filer or firm, payable upon a party's first filing. Convenience fees remain in place with a 2.89% processing fee for credit card payments and \$1.00 per case for eCheck payments. However, a number of exemptions remain in place. All criminal filings are automatically exempt from the case fee and for any case type where there is no court fee, the party filing will not incur the user fee either.

PLEASE NOTE

- *The new per case fee is \$14 per party, per filer within a firm, charged once upon first filing. If a party's representation changes from one firm to another, the fee will be charged again upon the new firm's first filing into the case. A pro se litigant who chooses to use the eFiling system is also required to pay the fee upon first filing. If a pro se litigant later seeks representation, the fee would be charged again upon the firm's first filing against the firm's payment account.*
- *Some filers may be erroneously re-assessed the \$14 charge as a result of merging of system entities in Enterprise Justice (a process to correct duplicate records for the same individual). When a party entity for whom the per case fee has been paid is merged into another entity for whom the fee has not been paid, the fee will assess again. Filers in those situations may contact Tyler Technologies for a refund.*

For the following exemptions, parties must still choose a waiver account when filing:

STATUTORY OR RULE EXEMPTIONS

- Government and appointed filers, pursuant to 32 V.S.A. § 1433 and Rule 10(d)(1) of the Rules for Electronic Filing (2021)
- Stalking & Sexual Assault cases, pursuant to 12 V.S.A. § 5133(f)
- Relief from Abuse cases, pursuant to 15 V.S.A. § 1103(f)
- Abuse Prevention for Vulnerable Adult, pursuant to 33 V.S.A § 6933(b)

AS APPLIED ECONOMIC HARDSHIP EXEMPTIONS

- Fee waiver determination, pursuant to 32 V.S.A. § 1431(h) or 32 V.S.A. § 1434(b) in Probate cases, and
- Fee waiver determination, pursuant to V.R.C.P. 3.1 and V.R.P.P. 3.1

Government agency filers and others who are statutorily exempt from paying filing fees may file via a "waiver" account that can be set up for each registered user. There is a guide to creating a waiver account posted at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>.

A waiver account would also be used by anyone filing an Application to Waive Filing and Service Fees (*formerly IFP/In Forma Pauperis*). Filers upload the completed application in PDF format along with their other filing(s) and are notified after court review whether the application has been granted. If the

request is denied, the filing will still be accepted but the filer will be sent a notice of a deadline for making payment of the appropriate fee.

Case filing fees paid to the Court are established by statute. Current fees and authorizing statutes are available at <https://www.vermontjudiciary.org/fees> .

The latest updates and answers to frequently asked questions regarding electronic filing are available on the Judiciary website at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>.

SUBMISSION AGREEMENTS

In order to submit a filing, boxes must be checked to certify:

- compliance with the Rules for Public Access to Court Records
- compliance with service obligations under V.R.E.F.

Along with the submission agreement checkboxes, this page also has a summary of the envelope information, including Case Information, Parties, Filings, and Fees. Each section has an Edit button in the top-right of the section that can be clicked to go back and make changes in that particular section. Once the boxes are checked under Submission Agreement and all information looks good in the summary, click on “Submit →” in the bottom-right of the page to submit the filing. Once submitted, there should be a pop-up window in eFile & Serve indicating that the envelope submitted successfully and offering options to either view a receipt of the filing or to return to the eFile & Serve dashboard.

FILING INTO EXISTING CASES

NOTE: All existing pending and closed cases that were in the legacy case management system will be searchable in eFile & Serve and available for making subsequent filings. For older cases that originated in the previous case management system, use the existing docket number in its full original format (including the 4-letter docket code at the end. Ex. 1-1-01 Vtec).

To start filing into an existing case, while logged into eFile & Serve and on the Dashboard page, select “Start Filing” followed by “File Into Existing Case.”

Location:

Select “Environmental Division.”

Search Options:

Select the bubble to search for a case either via the Case Number or by searching the Party Name. A Case Number will bring up one individual case while a Party Name search will bring up more cases if the party searched is/was involved in more than one case.

When the case being searched for appears, click on “Actions” in the top-right of the case followed by “File Into Case” to begin filing into the existing case.

Similarly to filing into a new case, there are sections for Case Information, Parties, Filings, Service, Fees, and a Summary. Case Information and Parties cannot be altered or amended here, however, additional parties can be added. Filings, Service, Fees, and Summary all follow the same general instruction as when filing a new case. There are some specific things to note for particular filings that go into existing cases:

COUNTER CLAIMS, CROSS CLAIMS, AND THIRD-PARTY CLAIMS

Select the appropriate filing code for each so that accompanying fee is assessed

- Additional Appeal - \$120.00
- Cross Appeal - \$120.00

If filing an appeal with an Answer, select the appropriate code for the Claim, and include in description: "Answer"

POST JUDGMENT MOTIONS

- Most motions filed after Judgment generally require a filing fee.
- If filing a post judgment motion, select the existing motion with a post judgment fee or if there is not a listed motion, select Motion Miscellaneous with \$90.00 fee.

**If uncertain which case type applies to your initial filing, please contact the Environmental Division staff for guidance.*

AGENCY FILERS

Government Agency Filers and other entities who are exempt by rule or statute from paying any court filing fees will continue to be exempt from paying fees when filing in EFS. Such filers should set up a "waiver" payment account when registering and use this for filings made in the course of their official job duties.

WAIVER OF FILING FEES (FORMERLY KNOWN AS "IN FORMA PAUPERIS" PROCESS)

To request a waiver of filing fees when submitting either a new or a subsequent case filing through eFile & Serve, select "waiver" as the payment method (the filer must have a waiver account set up as a payment method – this can be done in the filer's eFile & Serve account settings).

You must include a completed Application to Waive Filing Fees (form # 228, available on www.vermontjudiciary.org) in PDF format.

Do not upload the form as an attachment to your lead document. After uploading your other documents, click on "+ Add More" then use the filing code "Application to Waive Filing and Service Fees."

Cases will be accepted by the court through eFile & Serve regardless of whether the filer qualifies for a waiver or not. Review is completed by court staff after the initial acceptance from the eFiling system. If the request to waive fees is denied, or if the filer fails to submit the application form, they will receive notice from the court instructing them on how much is due and the date by which it must be paid to avoid dismissal of the filing.

APPEALS TO THE SUPREME COURT

When filing an Appeal of an Environmental Division case, file the Notice of Appeal in the existing case and pay the filing fee to the Environmental Division through the eFiling system. Use the filing code "Notice of Appeal to Supreme Court."

REQUESTING COPIES, PUBLIC RECORD RETRIEVAL, AND OTHER OPTIONAL SERVICES

NOTE: *Many documents in newer and active cases are available to be printed and downloaded for free from the Public Portal for users with a right of access. Most older cases that have not had recent activity continue to be held in paper files from which copies must be requested.*

Regular photocopies, certified copies and exemplified copies of court documents may be requested through the eFiling system by filing a request into the case from which you are requesting document copies. Requests may be submitted on their own or in conjunction with other filings.

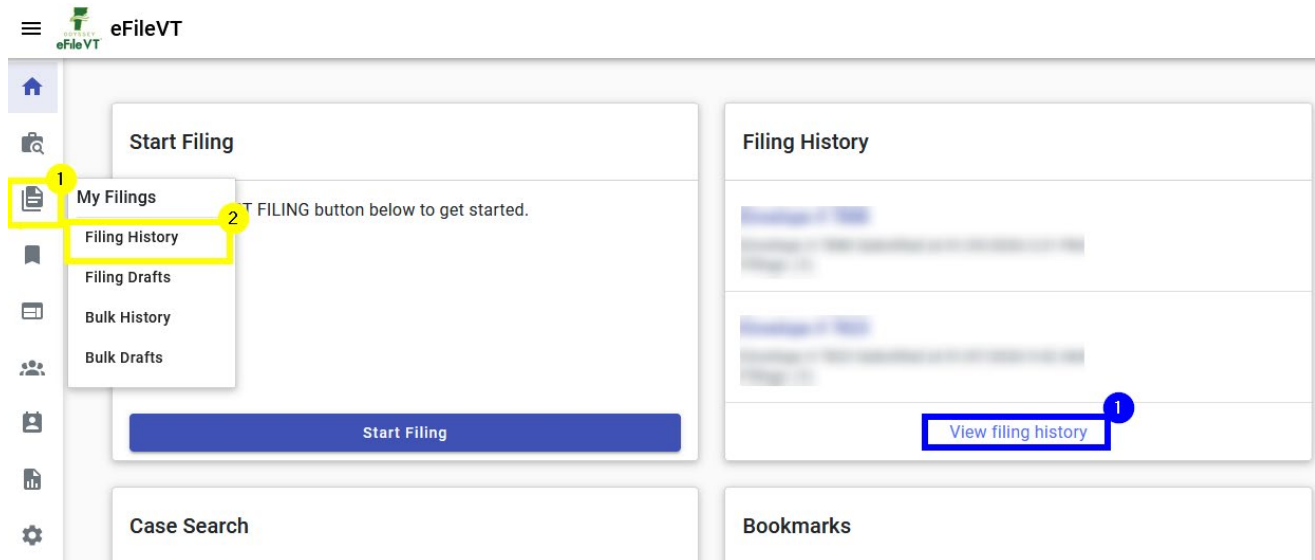
- Using the filing code "Copy Request," submit a letter or document clearly stating the request including the specific documents for which you want printed copies, and whether you need a regular, certified or exemplified copy and how you would like the document(s) sent to you (mail or email). Please note that certified copies produced and delivered electronically will have a certification stamp image and signature electronically applied. For some purposes and in some other jurisdictions a raised seal and original signature is required, so requests should state clearly which method is needed.
- To submit payment for the copies, in addition to selecting the filing code and attaching a written request, the filer must select the appropriate copy type and fee from the "Optional Services" section. There are different fees for each type of copy so be sure to select the correct option.
 - Regular printed copies of court documents cost 25 cents/page and there is a \$1.00 minimum for any copies, so if the document is 1-4 pages long the cost will be \$1.00 (select the option for "photocopies 1-4").
 - Printed copies of documents longer than 4 pages will be [# of pages X 25 cents] (select the option for "photocopies 5+" and enter the total# of pages of the document(s)).
 - Certified copies have a fee of \$5.00 per document.

- Exemplified copies have a fee of \$10.00 per document

REFILING AFTER REJECTION

When a filing is rejected:

- Filer will receive an email with the rejection reason and any comment the court may add
- Filer can see the envelope on the Dashboard of Filer's Account
 - Click on either "View Filing History" in the middle of the dashboard page, or on the "My Filings" icon followed by "Filing History" on the left-side toolbar.



- Find rejected envelope
 - Locating the envelope can be made easier by changing sort options or changing search filters.
- Click Actions
- Click Envelope Details
 - If filing was rejected, filer has **7 days** to refile with a correct document in order to retain the original filing date. Process to follow:
 - On the rejected envelope click "Actions" followed by "Copy Envelope."
 - Make any required changes and edits and upload any required documents if any were missing or required changes.
 - Continue with the standard submission process and click "Submit →" when done.

eSERVICE

The eFiling system contains a "Service" feature that allows filers to simultaneously submit documents to the court and serve them on opposing parties/counsel who are also registered in the eFiling system.

Vermont's Rules for Electronic Filing require service of filed documents on other eFilers to take place through the system unless the parties agree in writing to an alternative method. Please see the eService Guide and other related materials on the Judiciary's eFiling page for further details on using the Service function.

When a filing is submitted through the eFiling system but is served on any parties through any alternative means (because the recipient is not an eFilers or because there is an agreement between the parties), the filer must also submit a certificate of service in compliance with applicable rules.

VIEWING CASE RECORDS

Case records (docket entries, orders, etc.) cannot be viewed in the eFiling system. Case records are available on the Vermont Judiciary Public Portal at: <https://portal.vtcourts.gov/Portal>

User guides and other information about the Public Portal is located at:
<https://www.vermontjudiciary.org/about-vermont-judiciary/public-portal>.