

Written Comments in Response to Survey

Describe your initial experience with the e-filing system once you received an explanation of how it worked:

I have only e-filed one envelope so far (my office and majority of my practice is in Bennington County). It was re rejected twice before I got it right the third time.

Very poor interface with some of the fields having unclear meanings.

It was pretty simple, no training needed. In fact, the training sucked. Just let me use it.

Unclear when to separate documents

Difficult to impossible to view previously filed documents and orders.

Amin work

A little cumbersome and overwhelming to start. Going live felt a bit rushed.

The system itself is easy to use and understand, but not initially.

Many parts of the interface appear to not be finished. For example to file an Inquest Subpoena I have to put the incident number in by adding party - Incident Number, then checking Business/Agency, then putting the Incident Number in the Business Name field. Not logical and pretty easy to fix on the software side. That's just one of multiple examples. We figured all of this out by trial and error collectively in our office.

There are a number of problems with the system, and no clear information on how to solve them or why they are occurring.

The envelope training provided to WOW was for a civil case. We do not do civil cases as SAS offices.

I didn't understand that I needed to attach all documents being filed together, as a result I had to pay extra fees to add the certificate of service

You must file each document for each docket separately, very cumbersome! You must input the parties email addresses each time, despite the fact that they are known to the system. "Efile " is the default rather than "efile and serve" making ex parte communication the norm, that is just crazy. Difficulty filing motions that are not listed.

System is internally inconsistent and has no intuitive methods.

easy to use just too many steps to get to what you need

not user friendly

Very confusing as to how the court wants multiple filings like certs of service and other documents, whether grouped or separate.

Templates are not designed as clearly as they could be. System does not do well with out-of-the-ordinary issues, as simple as names of filings outside of the provided categories.

The judiciary should have stayed with the eCabinet which was and is a better system

When we trained with Tyler Technologies they only focused on the technical aspects of filing, they were unable to guide us in terms of how the Courts wanted documents filed in the envelope method. The Courts made available e-filing guides online but an actual "live" presentation by Court personnel would be helpful. Also, setting up firm contacts in existing cases is confusing, it seems we have to enter contact information in a couple of different places.

The training failed to inform us about envelope fees. The categories of documents in the Odyssey system are not complete and are vague and ambiguous.

It would be nice to be able to check your docs to make sure you are filing the correct ones.

I did not even know this system was going live. There was no training offered to my office in Burlington. The clerks had poor training and could not help. The help line from Tyler was an offer to participate in a web based training in September. The entire mess is a debacle and an embarasement to the Judiciary

Self taught on the usage/filing in the Odyssey

The default settings are bad. The default should be efile and serve, not efile.

The program is not user-friendly, and the instructions from the Court contradicted instructions from Tyler Technologies staff

The actual filing is not difficult but we have continuously had filings rejected for reasons that seem inconsistent. In addition, we had a filing that was neither accepted or rejected and just sat in limbo.

fees are very confusing and not easily tracked (if it's possible at all) for billing to clients, who aren't happy with additional fees; adding staff to receive copies of documents is very confusing

Not all forms are depicted.

There was no direction on setting up service contacts and the difference between "File" and "File and Serve"

Working with our trained staff, I nevertheless routinely have our documents rejected 1-3 times for each filing.

takes a VERY long time to file something. not at all user friendly or intuitive

The training seemed straightforward, but actually using the filing system was confusing. The layout was clunky and it wasn't clear as to how or what should be considered a lead document, and what should be attached.

**What benefits have you experienced from using the e-filing system as opposed to the traditional paper filing system?
Please select all that apply.**

Comments:

I think the sensation of benefit will come with more use.

I like the idea of being able to view all previously filed pleadings, notices, and orders in all cases, not just those that your attorneys are in.

can't think of one

not needing the DDR, and not having a need for a notary is also helpful

The arrival of the filing at court is faster.

21st century tech that other states already have!

Cost savings comes from not needing to file multiple copies on paper and staff time to do that.

None of the above apply to our office.

None of the above

I think paper filings should still be allowed. I can't imagine how pro se litigants can do this. Also I had a client spend an extra day in jail because the court refused to take emailed stipulated paperwork!!

Claims of reduced costs are specious. Any cost saved in postage is far outweighed by increased attorney time involved with filing pleadings.

I have not experienced any benefits.

This convenience reference is to the eCabinet system, changing to Odyssey was a mistake

No benefits. The system is terrible.

The only convenience is being able to file without using the postal service. The costs were not reduced; instead, they were increased by the envelope fees, until intervention by the legislature. The communication surrounding the roll-out of the Odyssey system was poor.

None. In every way, this system is worse. Particularly since we were routinely filing documents as .pdf email attachments which worked very well, was free and very uncomplicated.

Environmental impact of reducing paper filing

Diminished use of paper, which is better for the environment.

Costs are higher than paper filing

With AO 49, we have been filing and serving by email in non e-filing courts, which is easy to do e-filing more accessible for remote work

Hahaha! How is \$5.40 per envelope less expensive than 50¢ for a stamp? I'll wait...

I can access documents with opposing counsel does not copy me.

saving paper and thus trees

None of the above apply..its great to be able to use the portal to look into cases, but the information one needs is seldom there...the clerks are confused and struggling...notice of filings and orders is compromised and causes the attorney to have to double check everything the clerks are doing in every case they have lest they don't have what they need to work the case

If you have used the e-filing system, what, if any, resources have you taken advantage of?

Comments:

Self-Teaching

Notes in the court's rejection notices.

Odyssey sucks. Why are sending money to Texas??

I had familiarity with the system as I had used Odyssey in New Hampshire. I had previously had to teach myself through the resources New Hampshire had available. They also had folks who are specifically assigned to answer questions about how to file but are also New Hampshire judiciary employees. I felt it was helpful to have folks with firsthand knowledge of the judiciary answering questions rather than sending me to Tyler Technologies. Because I had to learn everything before Vermont began using Odyssey, I felt comfortable using it from the beginning.

None I can think of

Efiling new cases ourselves means that we don't have time now for even our regular (pre-e-filing) duties let alone looking for answers/support.

My own staff, who are more proficient than I am

They should have just expanded the eCabinet system

Trial and error.

Court help desk

Have previously e-filed in other states, federal support from clerks

We have had little to no help. No one seems to know how this system works or how to use it. Tyler's support is a joke.

NONE

contacted Tyler Technologies - very helpful

What barriers have you experienced while using the e-filing system as opposed to the traditional paper filing system? Please select all that apply.

Comments:

The training provided was not adequate as it did not address the issues relating to filing cases in Vermont. Also the e-filing service is not user friendly when it comes to filing cases in the juvenile docket. Specifically, having to file multiple envelopes for multiple children, and having to upload each exhibit as an individual file. This is time consuming when uploading large numbers of exhibits.

Drop-down menu options fail to include type of document filed

N/A

Can't figure out how to make sure my admin gets CC'd

Webinar training was not very helpful but rather confusing. Learned system through trial and error and a lot of help from my peers!

The first rollout happened quickly. With utilization of the Odyssey Stage Environment, I believe that will be helpful to allow users to practice before becoming comfortable with the platform. After learning the platform, I have found it easy to use.

Some browsers do not work with the system sometimes.

Extreme anger at our judiciary for another shitty vendor contract.

We have several cases in the W.O.W. courts and we immediately began adding our attorneys as service contacts for their cases. I contact the Courts with specific questions and clerks at the local level couldn't answer questions. I understand that the program is new, but it seems that they should have some knowledge of how to use the program from an outside perspective. I also had questions initially on our firm account information because we were not being charged initially and I thought our payment account was set up incorrectly. No one with the Vermont judiciary nor Tyler Technologies could verify that the information on our payment account was incorrect. I couldn't even view it to confirm. This was frustrating and I spend an extensive amount of time on the phone trying to get information. I also think there is an issue with the delay in getting a filing reviewed by the Court. I understand things need to be reviewed by someone, but it does not seem acceptable that it takes a week to view a filing. If the filing is incorrect, you then have time to correct it. But also, if service contacts are listed and that is your method of service, it shouldn't be allowed to take a week before the other side receives their "served" copy through the file and serve option.

Orange County Court was not helpful at all in assisting

Difficult to impossible to access previously filed documents and orders. A system like PACER would be much better for everyone.

Filing fees (though suspended) are ridiculous.

I have to file paperwork in each docket when I file a VOP. Time consuming. Easier if there was an option to select which dockets and have the paperwork apply singularly to those dockets.

Lack of consistency between the courts. Being told one thing by this person and something completely different by another person. Having the court make process changes without notifying the DOC (which causes rejected filings that didn't need to be). Needs to be centralized to admin staff, that's their role

files rejected but unable to fix, and the court doesn't know how to fix it either

The other system just seemed to work and work well. It was super easy and Courts Online was smooth and easy as well. This seems like it requires multiple log ins and you have to search for persons in just the right manner otherwise they will not be found.

Inconsistency on how information is filed between courts. A uniform way will be much easier for all instead of different ways for different courts.

When there are problems, the courts say Tyler Technologies has to handle it and Tyler says it is the court, and after protracted useless communications, the result is placing blame on the filer every time.

I have not used the system enough to be able to answer this

Delays, can't file certain kinds of pleadings

Filings can be rejected without Magistrate having seen the filing and precluding any chance to appeal a court clerk's decision a filing was not properly filed.

All courts do not follow the same "rules" or procedures

none

The system and implementation almost completely disregarded the fact that it would also be used by the DOC or other agencies where the filers are not attorneys.

In terms of technical barriers - the Judiciary Portal often throws errors (not the e-filing portal - the one where I go to look up COR etc) where I need to go back and open a case multiple times before I can see the section I need. When reported they just told us to use a different browser - that didn't make any difference. Other - e-filing new cases takes longer than pre-e-filing and yet the deadlines the Court set to get them in have not been extended. Instead, in several instances, they've been shortened so it's a double crush on our office.

unsure how to access documents from files I was involved with prior to Odyssey

System has a number of glitches and lack of programming

all various levels of clearance needed no matter what takes too long to get the clearance to access documents--

Pleadings are even as of this date not filed on opposing parties, even when service is requested. Pleadings are rejected when paper filings would have been accepted in the past. The reasons asserted demonstrate a new focus on supporting the easy gathering of statistics for Montpelier instead of providing service to litigants.

Too expensive. Even an acceptance of service required filing fee. You should have one fee per docket like a \$10 fee at initial filing.

Parties have consistently not been receiving notices of filings

eCabinet a much cheaper and more convenient system

Costs for filing EVERYTHING unreasonable.

Failure to notify users of the envelope fee.

Have a issue right now that I have been unable to get resolved.

Default seems to be "file" rather than "file and serve" ... which sometimes trips up the service component; I'm not sure why anyone would ever want to only "file" rather than "file and serve"

Inconsistent directions on why a filing was rejected

Lack of available training sessions

What FAQ section? What docket-specific info? The fact that we have to use one portal to file and a different one to view documents in our cases is very cumbersome.

There are times when the system won't let me move forward with a filing for no apparent reason. I have also been double charged filing or service fees.

Flakey behaviour in Chrome browser

In juvenile cases with siblings, it is inconvenient and time-consuming to have to file into each child's docket. I also find it time consuming and inconvenient to add service information for all other parties.

Until COVID happened, it cost \$5 per filing, no matter what was filed, a single sheet of paper would cost \$5. This is a blatant access to justice impediment.

Training was inadequate for both e-filers and for court staff. I was frequently told by Court staff that they "hadn't been trained in that" with regards to handling a particular type of filing or other issues with the system. No where in the training was it explained that for the cases being transferred into the new system you would have to enter your service contact. We were told to do that when entering Notices of Appearance or new cases, but not for the cases the Court staff was transferring into Odyssey. That caused weeks of delay in getting that done. We were told that electronic service was automatic- during the training we were not told to pick "E-file and Serve" for electronic service through the system. We were told to pick that when we wanted the Court to serve, i.e., Certified Mail. It was not just the web training I attended, I spoke to someone else who attended a different training and they received the same information. Filings hang out in the system until Court staff processes them, so although the filed on date is the date it is submitted, it is not served until after Court staff processes, which has been at times later than the date when the response is due. In order to ensure that opposing counsel or pro se opponents have our filings in a timely manner, we have to e-mail or mail copies when we file, which adds an unnecessary step and makes the process take twice as long as it did before e-filing. Additionally the "type" of filing was never outlined. The pulldown menu is extensive, but many types of pleadings are not listed leaving only the option "document". There is no option for "Hearing Exhibit" even though we now have to submit exhibits electronically prior to hearings. Options should be restricted for the type of case you are filing in, so that you do not have to wade through all the types of juvenile pleadings when you are filing in a divorce. Even Court staff is not necessarily familiar with the new Rules of Electronic Filing, and pleadings have been rejected for lack of a Certificate of Service, although that is not required with e-service, and we are now submitting Certificates of Service in some Courts in order to avoid rejection of pleadings. I could go on and on.

The fees are an actual political scandal. I hope the legislature holds the judiciary's feet to the fire on this.

the drop down in the probate division needs to expand it's list of document filings; initial filing is very confusion and should start with Petition; also more training needs to be provided to court staff

The listing of documents to file is difficult to view thru the list for searching the appropriate document. Would be easier if grouped in a category with a sub-category (like E-Cabinet). The additional fees to file a simple Return of Service or Letter to the Court, etc seems excessive (\$5.40 plus the fee for use of a credit card). Some of the Small Claims Filing Options do not work, ie: not able to attach documents or is for an unknown reason rejected

expense for client with every document filed that doesn't normally incur any fees

Why is there no way to batch file (e.g. file the same document in multiple cases at the same time?)

Identifying document name from drop down list

The additional fees represents a barrier.

Rigid; far more costly; more time consuming than paper

I had a filing issue where a drop down didn't clear and no longer populated the option I needed.

We weren't able to find a case because it had not been correctly added to the system, so we were unable to file into that case until the issue had been resolved.

Filing an affidavit only had options of public-limited or confidential, and thus was rejected because it wasn't a "public" document, even though there was no option for just "public." Tyler said it was set up by court that way and could have been done inadvertently

Unreasonable delays between "filing submitted" and "filing accepted." Inability to file miscellaneous pleadings prior to the Court establishing a case number.

Court staff rejects documents but can't provide tech support requiring calls to Texas where they usually can't tell why something is rejected either and just tell you to redo the whole thing. There is a significant time lapse between filing and notice of either acceptance or rejection

system should allow for assistants to automatically get copies of documents, as the old system did

unclear what needs to be filed as an "attachment" to pleadings

Other attorneys not entering service contacts, so you cannot "file and serve"

Interface is not intuitive & too many "confirmation"/"submit" steps

Courts seem to sit on filings for a long time. Then if a clerk does not accept an appearance, the attorney can not access the case in the portal, making this all useless.

Hard to keep track of which cases can be e-filed vs. not. We wind up with fees that we didn't have to pay in the past. Multiple rejections with different reasons each time. delayed messages re: rejections mean missed deadlines. Doing this in the middle of COVID means lack of support from staff. Hard to know whether delays and problems are due to roll out of Odyssey or court schedule delay

Working through elevated access to obtain permission to view confidential pleadings was a problem. Even after elevated access is granted some materials appears inaccessible, which may well result from court clerk errors in classifying materials.

I didn't receive 2 Notices of Hearing, 1 on a case I had been counsel on for years (prior counsel was listed as service contact), and one on a case I had just entered my appearance (it hadn't been entered into the system yet?)

the need to completely redo the technology of the office to be able to access Odyssey and portal

Failed to receive Court Order due to clerks not having sufficient support and training

My cases are all confidential and, at least at first, they were not accessible even though I had attorney-level access; Also, the system keeps listing a colleague as lead attorney, even though I am lead on my cases, making it difficult for me to access my cases

The benefits of the e-filing system and related support come with a cost. Acknowledging that e-filing service charges only apply to certain case types, in your opinion, how should those costs be borne?

Comments:

Not sure.

By a realistic cost amount tied to cost drivers, not a nonsensical per-document fee.

There shouldn't be any to begin with. What was wrong with the Rutland system?

Access to justice already comes at a cost for filing fees which are understandable. However, someone shouldn't have to pay filing fees per filing if they were injured in an accident for example. I don't think it makes sense to have a filing fee for small documents like a discovery certificate or returns of service for example. There should be certain types of filings that require a fee but not all. I also think if there are filing fees, those fees should be given to the State of Vermont and not to Tyler Technologies.

Ridiculous that cost for motion does not include discovery certificate. Costs are high and presumably there will be a reduction in court staff. If that is the case, expense for filings should be reduced.

I do not have this answer.

I don't know

as I work for VDOC, i really do not have an opinion on this
Court fees - like other states do (CT as example).

General fund but also, isn't an electronic filing system supposed to save labor? Should there be a reduction in force since we don't need as many admin/clerical staff?

It should not cost money to access courts/justice.

By Motion/Petition/Request not simply each envelope as the court seems inclined to require every "attachment" be treated as a new event/envelope

Per case fee assessed at the beginning of the case on each party

I think that for the parties that are not exempt from filing fee's there should be just one initial filing fee to open a case by the filer but then no additional fee's to file into the case by anyone after that.

I don't have an opinion on this topic.

SAS does not pay for e-filing.

haven't given it enough thought to comment

For the most part, the costs should be borne by the party filing the motion. However, if the client is low-income and is being represented by a legal services office, all e-filing fees should be waived.

Defender General - no fee Not applicable

There needs to be an easy to use Waiver system for pro-bono organizations. Filling out a Fee Waiver Motion each time is too time consuming for attorneys.

Perhaps the same way as the federal system and the systems in states that do not charge filers.

The change to Odyssey was an unnecessary mistake, should have stayed with eCabinet

Initial filing fee pd by filing party and no other fees assessed just to use the judiciary system which is right for litigants.

There should be a one time filing fee, counterclaim fee and post-judgment fee. If we are required to file by e-filing, then we should not be charged for every document filed. The filing fees may have to go up.

I don't believe it is fair to charge a filing fee for every document filed. There should be an initial filing fee (which should be increased to cover the system and support costs. Then the standard fees should still apply (i.e. counterclaim filing fee, post judgment filing fee, etc.). There should not be a surcharge for filing something like a Return of Service into a case after it has been filed.

It depends. A required stip should not result in expenses. A COS should not result in expenses. The Court requires parties to file exhibits separate from their document, which results in double fees. Filings pursuant to a court's order should not result in expenses. The filer of a motion should pay a one-time fee that covers the motion, the opposition, and the reply. It isn't fair to force a party opposing a motion to incur an additional expense.

Fees are very high, and my client (or anyone for that matter) should be forced to pay the high filing fee without the option of a free filing method (such as paper filing). New Hampshire utilizes the same system and there are no fees associated with filings.

What was wrong with the old system? I've used it in Florida and it works as well as the federal ECF system.

Not sure as I am exempt. I believe by filer of an envelope but only if everything that needs to be filed is done in one envelope or for one fee. Also not sure everything should be charged for but because I am exempt it is not clear to me.

Combination of case initiator and general fund

No position.

Filing fees should still apply as they did with in-person filing and should cover the cost of the system. Additional, new fees prevent access to justice..

This question presumes that an expensive e-filing system is necessary or beneficial. I do not accept that presumption. If there are additional fees for such a system beyond the usual court fees which already exist, those fees should be paid by the Judiciary from the Judiciary's budget. If this means a budget increase for the Judiciary, the Judiciary needs to work that out with the Legislature.

filer should bear cost of court filing fees; administrative costs should be paid with state's general fund.

It is to file a new case or Post Judgment Motion the fee should be paid by the filer. However a simple letter, return of service or certificate of service there should be no fee at all

in probate filing everything that needs to be filed gets expensive very quickly a single filing fee for that might be helpful and easier to explain to a client.

A one time fee for filing a case; not a fee per filing

I don't know who should be responsible for the fees currently being paid for out of the COVID-19 funding but there should be some way so that these are not passed on to clients or absorbed by law firms

Requiring a filer to enter a contract with, and pay, Tyler Industries in order to have access to courts/justice is an express violation of the Vermont Constitution (Article 4).

Like Federal PACER system. filing fee at inception of case

The same as the prior e-filing system

The judiciary should not have signed a contract to have fees for e-filing. It isn't needed in the federal system, why is it needed here?

Each party to a civil matter pays their own fees each time that party files a packet, with exceptions for small filings, such as certificates or correspondence to the Court (ie. different fees for a 20-page memo vs. a discovery certificate) pro bono and low bono cases no fees

I disagree with the premise of this question, which is that Tyler's charges are part of a cost benefit analysis. Having charges for e-filing indicates that this is a for profit enterprise, which it is not. The court system is part of the government. If the government has chosen to pay Tyler to run the e-filing system, then the costs should be paid through the general fund.

Raise the filing fee to \$300 to account for the additional cost

Not sure. The per envelope fee can be unfair because of size limits per envelope. But a fixed per-case fee could be OK, if it weren't too high, eg. \$20 for the case.

Gebrüll fund...since only attorneys and their clients are forced to pay fees for this "service" that is discriminatory and should not be permitted

By those who can afford it.

Probably private firms pay, while non-profits and govt agencies rely on public funding

Why not a per page fee, like PACER?

Thank you for taking the time to complete this survey. In the space below, please provide any additional comments/concerns you might have.

Comments:

It would have been nice it was made clear to agency filers that an attorney does not need to be added to the agency account in order for admins or social workers to submit Court documentation. The big red message on the home page that says we need to add an attorney has created confusion in a number of districts as attorneys do not want admins filing on their behalf, however the site appears to say you need an attorney added to the account in order to submit filings... but in fact you don't necessarily need this. I had to figure this out via trial and error.

1 In general, a training specific to agency filers would have been useful as both the live and pre-recorded training sessions included lengthy segments related to filings fees and other items that don't apply to agency filers at all.

Aside from some confusion about the initial setup the system works great and I must say it is hugely beneficial to be able to access PDF files of the historical orders and filing submissions via Odyssey.

Thank you for collecting our feedback.

2 E-filing has been helpful and necessary during the COVID-19 crisis. There should not be additional fees associated with filing documents. The judiciary could also consider raising the cost of filing fees to cover costs, or make it part of the overall judiciary's budget each fiscal year. There are significant equity issues and access to justice issues with the filing fees.

3 Questions 11 should have allowed for more than one response to be entered. Question 7 should have allowed for a "maybe" response.

4 I think the separation of documents in the Mental Health filing has lengthened the filing process dramatically. Instead of 2 minutes it now takes 10 minutes and if you do 3-4 of those a day it adds up. That being said, I am now pretty efficient at the filing requirements.

5 I rely principally on my staff now to complete these filings, but I have had to train to be able to supervise and assist.

- 6 How can a basic ecommerce platform cost \$12,000,000 plus \$500,000 a year? Did you shop around for the highest bidder and tell them they had come back with a higher price?
- 7 I for one never understood the "scandal" about the fees when Odyssey launched. The fees were clearly explained in every training I attended, and the logic behind them made sense to me. I've found the Odyssey launch to be exactly the amount of confusing I would expect with the launch of any new, complicated system, and the resources available to be helpful in resolving any ambiguity or confusion.
- 8 e-Cabinet seemed to work fine, I'm not sure why there had to be a change. I find using the Odyssey system to be less than intuitive. It took me a very long time to figure out how to access filings on line. I strongly oppose the notion of paying for the pleasure of filing motions - it is an unnecessary barrier to the access of justice.
- 9 I think the service contacts and file and serve option need to be mandatory for all attorneys. It should not be an option to elect to be a service contact in your cases, it should be a requirement. There is a huge benefit of the service contact because it takes care of the service function for you. However, if the service contacts have not been listed for opposing parties, you have to remember to serve them by another method. I don't think that makes sense and seems potentially prejudicial to not make it a requirement for all attorneys in all cases.
- 10 The court gave very confusing info and created more work on our end. Also, they rejected our filing because they said each exhibit to a document had to be separated. Doesn't make sense that the exhibits would not stay with the document that refers them. I am very computer savvy, but Orange Court hindered my experience.
- 11 I think it is a great system. I have developed a DOC-specific training so when other areas are ready to come on board, they will have answers to some of the things we had issues with. Having said that, something as simple as one clerk requiring us to file a certain way defeats the purpose of the consistency we are attempting to establish.
- 12 Make searching cases easier and less cumbersome. Have everything under one portal and not multiple screens, multiple log ins. Encourage court staff to be more patient with us e-filers.
- 13 I think it will actually be easier when all courts use this system

14 Notices do not always get sent. We were unaware of a court order for almost a week as a result. The COM blamed us for not receiving the order, which is ludicrous. There should be no fees charged by a private company, a company that has already been paid millions of dollars for a barely functioning system. The state should have used the same developer of the U.S. Court PACER system, which has functioned for many years without issue.

15 The fees are ridiculous. Cost 50 cents to mail a letter but over \$5 to efile. There needs to be a proper investigation as to how the filing fees were approved. How public was that process. IF we want to mail a filing vs efile we should have that right, especially if there is a filing fee of over \$5 every time you make a filing.

16 Electronic filing is good. Electronic dockets would be better. We're in the year 2020, why don't we have this yet? I started practicing in CT where it's all electronic. It makes practicing easier, cheaper, and more efficient. Please, can we enter the 21st century?
My three comments about the cost of the system:

1) This is an access to justice issue. The general fund should pay it.

17 2) It is not fair to impose a fee on filings by lawyers and not by pro se litigants.

3) The funding mechanism should have been figured out before the e-filing system was purchased and the private bar should not be expected to pick up the tab just because we don't have to buy as many postage stamps now.

18 Litigants should retain the ability to e-file or select the traditional filing method. E-filing has some advantages, but hand-filing motions must continue as an option.

19 Flexibility in accepting filings that are consistent with efilings rules but not necessarily in sync with how a particular court clerk deems the filing should be submitted.

20 Currently I have filed exactly the same way in 2 different courts, one court will accept the filing but the other court rejects it, even though it's exactly the same

21 I like having the ability to e-file - I haven't done it a lot, and the 1-3 filings per week is more than my average. System feels a little clunky, but it gets easier to use each time

22

My name is *(name removed to protect the identity of the respondent)*. Our office was among the first to have to use the system for filing Probation violations, discharge requests, reports, etc. AS I said earlier, the system was clearly designed to cater to Attorneys and Law Firms. In order to sign up, it required listing your "firm" information and attorney's in the firm. I don't think the design took into account that it would also be used by agencies and non-attorneys. As the first one to use this, I ended up having to work with the vendor, court staff and project leaders in order to work out the many issues required before we could utilize the system. I had to basically create an entire protocol that I have shared with the rest of my counterparts around the state. I believe corrections and other agency IT divisions should have been more involved with the planning and roll out so this could have been a smoother process. This goes back to a larger problem in that over the past few years every agency has had to upgrade IT systems and have all done so individually with multiple expensive systems that are often not compatible. It would have made a lot more sense to create a statewide unified system that would have allowed Police,SA, Court,DCF, Corrections etc. to interact and share non-confidential information and data. That all being said, having finally worked out most of the kinks, I certainly prefer the ability to e-file over the previous process and the system is fairly user friendly and provides additional services such as courtesy copies and notes to the court I find helpful.

I skipped the question about reverting to paper filing because what I'd really prefer is for them to have planned a better roll-out of e-filing to include capacity shifting from the Judiciary Branch to the SA offices. Also, one of the Defense Attorneys in this week's Criminal Bench Bar stated that he uses Odyssey File and Serve in New Hampshire and doesn't have any of the issues he's facing with the Odyssey File and Serve in Vermont. If the issues with the process/tools can be addressed then I'm for saving paper, but the process/system as it stands isn't working.

23

On a whole the Court Clerks I deal with on a daily basis have been great. They often don't know the process either so we figure out what works together.

Oh - this is the first I've read/heard that there are docket specific user guides available. At

this point it's not something I'm giving my lunch up for to find/read, but it might have been helpful when we moved to the system - I don't know.

24 This survey should have gone out months ago!

This is surely an ambitious project. However, the biggest issue that was not anticipated was that there would a lag time between the time a filing is made and when it is actually accepted by the court staff, which is dependent on the court staff. Cutbacks, lack of training and many errors of staff have caused chaos on many occasions. Filings fall through the cracks, are not properly accepted and docketed, and orders are not timely issued or properly docketed. Other major issues are the ever present pro se litigant issues. The cumbersome system for adding contacts to each case ensure that pro se litigants still do not copy the other party on filings.

25 This is a major, major issue. There needs to be automatic service on the other party electronically and the system should have to force a party to add all contacts in order to "efile and serve." Giving an option not to do that is totally unproductive. There are also glitches such as lack of programming to ensure that if you file several motions that require fees at once that only the highest fee is charged. There is no programming for that. There are also not enough options to choose from when you file a motion, document or exhibit to correctly characterize what you are filing. And finally, the electronic filing fees is entirely not appropriate. There was never a "paper filing fee" and depending on the type of case that is being filed, a litigant can really get whacked for fees. And what about pro bono cases? The General Fund should pay, or it should be covered by the filing fee and spread out over all the dockets.

26 Too many steps to get to where you need to go. Sign in timeout is way too short. You are forever having to sign back in.
The requirement to label each document filed is difficult, because the options in the drop down menu do not cover all the possibilities of filing. For example, there is no option for a responsive motion. Or for an Exhibit.

27 When initiating a new case, the system requires filling out all the information included on the Form 800 information sheet. But a recent filing was rejected for lack of an information sheet. Typing in the exact same information in various places is tedious and time consuming which costs our clients additional money.

Filings are rejected for lack of desired, but not required by statute or rule documents. Filings should not be rejected for these reasons.

28 While electronic filing provides some convenience to litigators, it has come at great expense to users, both literal and figurative. The judiciary's attempt to foist a patently unreasonable per envelope filing fee (especially when no charge has ever existed for paper filings), combined with a dismissive attitude towards litigants, was an affront most of us will not soon forget. The court administrator's claim that a \$5.50 fee was less expensive than the cost of first class postage was an insult to the intelligence of the Vermont Bar. Failure to publicize exceptions for criminal, relief from abuse, stalking, and similar cases until loud complaints were made further reinforced this impression. Electronic filing, along with the implementation of call centers and difficulty interacting generally with actual court staff in person or by telephone, has dehumanized the judicial system, both for lawyers and litigants alike. Court staff remain insufficiently trained to aid litigants with questions and concerns about how to file or resolve problems with service. Instead, they attempt to push off such issues to remote, overworked help desks. The electronic filing system has been organized with an emphasis towards serving the needs of the bureaucracy rather than litigants who depend upon the judiciary for dispute resolution.

29

I have been e-filing under the federal system for nearly two decades. Vermont's system is rudimentary, at best. The rollout was clunky. Court staff were ill-prepared and I am more than a little concerned that clerks have been given the equivalent of judicial oversight over the acceptance of filings. Having two separate portals is silly. I should be able to file and view documents in the same place. While I don't want to paper-file, I also do not think this system is the solution to electronic filing. My documents are not being served until the clerk "accepts" the filing, which impacts response timeline. The fees are essentially a tax for those who hire attorneys. This should be mandatory for everyone, not just attorneys. The training was more focused on how to set up users and not how to file. I figured it out anyway, but the trainers should revise the training to make it more useful to end-users. If I were to assign a grade to the system and the rollout, it would receive a "D".

30

You should only charge on e-filing fee per case at initiation of case at reasonable cost like \$10. It should not cost each time you file a document. It is too expensive and impacts access to justice.

31

Overall, I appreciate the e-filing system. It's very user-friendly and easy to understand. The primary issue that I've experienced is inconsistent notice to parties when motions are filed or the Court rules on a matter. Sometimes we're receiving notices and other times not, even in the same case. This is concerning when we're relying on an automated email message to tell us that something's been filed. We also do not receive notice immediately when something's been filed. We don't receive notice until the Court "receives and approves" of the motion, which sometimes is many days after it's filed. Since motions are rarely rejected by the Court, it would be much more useful if all parties received notice when a motion is filed and then all parties similarly receive notice if the motion is rejected. This would me more efficient than waiting 7 days to find out that a motion was filed 7 days ago and then only having 7 days left to respond. Or worse, finding out that your deadline to respond has expired and the Court has already made a ruling.

32

There should not be two separate websites for filing and accessing documents. Entries in the portal should be listed in chronological order. The system should mimic the federal system or the system of a state whose system works. Other states had systems better than this at least as far back as the early 2010s. And the system's dispute resolution mechanism should not be mandatory arbitration in Texas.

33 Those of us who practiced in Windsor County and before the Environmental Court had become accustomed to the ease and less expensive eCabinet system. It had flaws but was not a complex or as expensive as the Odyssey system. This move was a major mistake. Covid 19 has further complicated issues making it difficult to get certain forms of municipal nuisance actions filed at all.

34 Our bookkeeper has indicated that it is next to impossible to track the various charges when filing documents. It should be one charge - distributed by the Court.

35 Attorney's are required to e-file but pro-se Defendants are not. It is not just to require only one party to e-file and pay a service fee while the other not required to do so. Re answer to # 7. I don't wish to revert to paper filing, because the U. S. Postal Service is not reliable. However, I do not wish to continue with the Odyssey system in its present form. It allows clerks to reject filings for failure to comply with the vague and ambiguous Odyssey system rules, not based on Vermont substantive or procedural law, which harms clients. In addition, the categories of filings are incomplete, vague and ambiguous and need improvement.

36

37 They need to review the court forms and not be so general as I have some forms that are not even listed on the choices. Making a filer "pay per play" by having to pay for each filing seems like it hinders fair access to court. If you are the case initiator, you can make the determination of whether to file. If you are a defendant it may be unconstitutional to force them to pay a fee every time something must be filed.

38

39 New Hampshire has the same Odyssey filing system. Fees are not assessed. If Vermont is going to assess fees, then a new fee structure needs to be created because the current one is unfair. Required stips should not result in expenses. A COS should not result in expenses (or, if fees will be charged for a simple COS, then it should be a small amount). Filings pursuant to a court's order should not result in expenses. The filer of a motion should pay a one-time fee that covers the motion, the opposition, and the reply. It isn't fair to force a party opposing a motion to incur an additional expense.

40 The Portal is absolute garbage. About 80-90% of the time I am unable to find a case on the system. This occurs across all case types - probate, family, civil and criminal. When it works, it is very helpful, however that only happens rarely. Attorneys should be granted increased access to review the documents/docket sheets associated with any case unless it is confidential. Most cases are public record, so it doesn't make sense that they cannot be accessed.

41 See above. What was wrong with the old system? Why didn't we just upgrade that? I've used
the E-Cabinet system in Florida and it works as well as the federal ECF system (better than
TylerHost or Vermont's E-Cabinet).

42 Efiling was not adequately explained nor were the add on fees properly warned.

43 In some cases, I am not receiving notice of filed documents or hearings and must proactively
check my case dockets in the public portal. It seems that courts are also not getting notice of
motions, etc, even though they have been filed and are showing up online. I am completely
confused now about whether I have to add myself as a service contact - and why is this even
required if I'm listed as an attorney of record? I don't understand why there have been so
many problems. NH uses the same system, and it is MUCH better and easier to use.

44 Hearing notices aren't properly listed on the judiciary website. Copies of filings aren't always
provided even when file and serve is selected.

45 With the new Odyssey filing system, the attorney's second e-mail address (most frequently
the legal assistant) is not e-mailed a confirmation of filings, only the attorney's primary email
address is sent notifications. Same for receiving notice of opposing counsel's filings. Only
the attorney's primary email address is notified. e-Cabinet uses both email addresses for
notification.

46 One of the significant issues with the filing system is only one attorney receives any
communication from the system. If there is more than one attorney as counsel for a party,
just the so-called lead counsel gets notifications. We have had on more than one matter, a
co-counsel gets listed as "lead". I have had to make multiple calls to the clerk's office to
attempt to sort out these issues. Even after calling on one matter, the same issue came up
on the next matter.

47

There is a problem with the delay in filing and accepting and posting. Sometimes the hearing is over before notice of the filing is received or the parties have the filing but the Judge does not. I realize parties can file earlier but sometimes in juvenile court, that is not possible. The efile and serve should be the default, not the efile option. I like that I can get copies of things filed in these COVID times because having multiple offices often means the file is not where I am(home). Consistency is not yet established. Sometimes I am notified of a new case and am told to go get it on Odyssey and other times it is all attached from Odyssey or in a separate email. The next time, I don't know how it is being done. Hearing notices have not been sent to me but are in the case(w/no notation of being sent to parties. I accept it is a learning curve for court staff but it creates issues for us. It is been good that some of our complaints have been recognized and addressed (like enhanced access, access to criminal record checks, ability to see warrants existence and data bases for contact service providers so we don't have to look up email addresses every time). Requesting filings of exhibits pre hearing does not necessary distinguish those accepted as exhibits and those not in the case.

1) It is clear that a substantial portion of the general costs of the overall system (including those NOT related to e-filing) are being shifted to the per-envelope fee.

2) As someone with experience in the software industry, it appears that the state negotiated another poor IT deal and is overpaying.

48

3) System is very over-complicated compared to other e-filing systems I have used. I have extensive experience with e-filing (free!) in other contexts.

4) E-filing should be SAVING money, not costing money. A number of Federal agencies require e-filing and penalize paper filing due to the cost savings. If it is costing Vermont more there is something very wrong.

5) The wording of question 10 is conclusory and faintly insulting. Not surprising, as much of the communication regarding issues and concerns with the system have been blatantly insulting to the legal community.

49

Charging a fee for ANY document submitted via the odyssey portal is a justice tax that should not be imposed on the citizenry, rather the state needs to shoulder the burden of bringing its services into the 21st century.

50 The additional fee for motions (\$5.40) is absurd. We file so many motions in Family Court and the expense is a hardship for clients already financially stretched.

51 Training was inadequate for both e-filers and for court staff. I was frequently told by Court staff that they "hadn't been trained in that" with regards to handling a particular type of filing or other issues with the system. No where in the training was it explained that for the cases being transferred into the new system you would have to enter your service contact. We were told to do that when entering Notices of Appearance or new cases, but not for the cases the Court staff was transferring into Odyssey. That caused weeks of delay in getting that done. We were told that electronic service was automatic- during the training we were not told to pick "E-file and Serve" for electronic service through the system. We were told to pick that when we wanted the Court to serve, i.e., Certified Mail. It was not just the web training I attended, I spoke to someone else who attended a different training and they received the same information. Filings hang out in the system until Court staff processes them, so although the filed on date is the date it is submitted, it is not served until after Court staff processes, which has been at times later than the date when the response is due. In order to ensure that opposing counsel or pro se opponents have our filings in a timely manner, we have to e-mail or mail copies when we file, which adds an unnecessary step and makes the process take twice as long as it did before e-filing. Additionally the "type" of filing was never outlined. The pull-down menu is extensive, but many types of pleadings are not listed leaving only the option "document". There is no option for "Hearing Exhibit" even though we now have to submit exhibits electronically prior to hearings. Options should be restricted for the type of case you are filing in, so that you do not have to wade through all the types of juvenile pleadings when you are filing in a divorce. Even Court staff is not necessarily familiar with the new Rules of Electronic Filing, and pleadings have been rejected for lack of a Certificate of Service, although that is no required with e-service, and we are now submitting Certificates of Service in some Courts in order to avoid rejection of pleadings. I could go on and on.

- 52 I am outraged that the Judiciary executed a contract which mandated e-filing user fees that were not approved by the Legislature after the Legislature specifically denied the Judiciary authority to self-determine fees for e-filing. This is an actual political scandal and I fail to understand why it is generating so little attention or controversy. It is incredible that the people responsible at the Judiciary for signing a contract which is an open (and known) violation of the separation of powers still have jobs. They should have been fired immediately. Even worse, the subterfuge of using federal Covid relief money to quell the outrage over the user fees is unbelievable. It is an obvious scam for the State to channel Covid relief funds to Legal Aid so Legal Aid can pay the user fees for all users. This is totally out of control and completely unethical if it is even legal. Whole sectors of our tenuous, hospitality dependent State economy have been devastated by Covid and need every available relief dollar to stay in business. Using money intended to help these people to coverup a government scandal is a massive breach of the trust citizens place in government. This is our State Government scamming the federal government openly. Where is the accountability? Who is in charge of this mess? If this happened in the private sector, US Attorney's Office would be all over it (see Jay Peak...). This is totally rotten in every way that matters and this is OUR JUDICIARY. How can we expect public trust in our institutions when the Judiciary behaves this way?
- 53 At times the length of time it takes to get the "accepted/service copy" emails. As of today on a recent filing I still haven't received notification of acceptance after 36 hours which is totally unacceptable. What's the point of "file & serve" if the filer then has email the opposing party with the documents filed because they still haven't been received? The system should be able to generate immediate service and if rejected, generate a notice to all service contacts that the filing has been rejected and needs to be corrected (similar to the federal filing system).
- 54 Comments on accepted filing notifications are often overlooked. Court needs to communicate with filer more effectively.
- 55 Good system but the added costs is a real barrier to justice.
- 56 I am concerned about the additional credit card fee as an access to justice issue. If the state's filers are exempt from paying the fee and private attorneys or pro se litigants are required to pay it, this seems unjust.

On at least two occasions hearings were missed because notices were not received. I do not know if this is a training issue or system/software issue.

57

Sometimes when filing a document there is not appropriate "choice" for the document I am trying to file. So far it hasn't been an issue but I wonder if Correspondence could be added and Motion or Notice for the documents that don't fit into another name from the drop down.

58

I appreciate that the envelope fee has been removed. I also think the technical support team has been very helpful during the times I have needed them.

59

Virtually all of the problems that have been articulated with the e-filing system would be resolved by making e-filing discretionary. Every single one.

60

The cost of the e-filing system is a cost of operation of the judiciary and should be covered like other costs, not paid by parties who may not be able to afford the cost.

61

E-Filing is not a problem for me. The Judicial Portal has more problems in my opinion. For one, to search for someone we have to type in the name completely and exactly, instead of using for example a last name and first initial. I'm a public defender and we get out-of-county cases brought to our court, courts online was a lot easier to navigate to find dockets than the portal is.

62

I don't feel that the Court staff understands the process.

63

This is a terrible system. I don't understand how the registered email addresses from eCabinet do not get pulled into Odyssey without inputting the service contacts into EACH case.

64

Please identify how to file one document across multiple dockets with one envelope. If that is already a feature, please make it clear in the FAQ page.

65

Training is inadequate. Court staffs in the WOW counties are currently overwhelmed and in my experience, have been slow to check the filing queues or do not check each other's queues if a particular clerk is out. This prevents an attorney from accessing particular cases. It also causes distress to litigants if they do not know the status of their filings.

66

I found the web training to be very basic and did not address the difficulties we encountered once the system went live (i.e. fees and service contacts). The system has also listed the wrong time for hearings and failed to send a reaction form from a judge.

67 Problems noted above with service
The federal system is wonderful. This system is not. Some aspects have potential but much
68 more work needs to be done to refine and figure out how to equitably administer such a
system.
69 The time it takes for a document to be accepted has been extremely long.

70 The judiciary is completely unresponsive and unwilling to listen to users to make changes to
the system that will assist the those of us using Odyssey. Any suggestion and/or complaint is
dismissed by the judiciary.
71 I think it is a great tool in the
making.

72 The system was very difficult to use at first, but seems to have gotten better over time. Again,
my cases are mostly confidential cases. Evidently the clerks had to manually upload the
cases, some of which have been open for years. Family Div guardianship cases get coded as
Probate cases, which is just inaccurate and confusing. All of my clients are indigent. Client
should not have to pay a fee to request a fee waiver. And for whatever reason, a colleague is
consistently listed as lead attorney, despite my having appeared in the case. Because my
cases are confidential and access is granted only to the attorneys listed on the case, this
means I cannot access my case. Or I have to get the clerk to change it, which sometimes
does not end up happening, despite good intentions. So I have had, and continue to have,
difficulty accessing my cases through the public portal. Though again, the situation does
seem to have improved with time, presumably as the clerks learn the new system as well, and
the kinks get ironed out.