

Supreme Court of Vermont
Office of State Court Administrator

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TO: Sen. Dick Sears, Chair
Senate Judiciary Committee

FROM: Patricia Gabel, Esq., State Court Administrator

DATE: May 13, 2020

RE: Frequently – and Infrequently – Asked Questions re: Tyler File-and-Serve E-Filing User Fee

Dear Senator Sears:

You will find enclosed a list of frequently and infrequently asked questions regarding the Tyler File-and-Serve E-Filing User Fees. Although this list is still in development, it may be a helpful resource for committee consideration as you move forward on this topic.

As I'm sending this, I am just seeing Bradley Myerson's letter to the Committee as filed on the Committee website. As we are meeting with the States Attorneys' Office at the moment, I will not be able to review and respond to Attorney Myerson's letter prior to Attorney Myerson's presentation to your Committee.

Fortunately, there is a video record of my appearance before your Committee regarding the Tyler File-and-Serve filing use fee. Attorney Myerson's selection of phrases and sentences, such as "the real barrier of access to justice are the attorneys" is misleading without including the complete discussion about the many barriers to access to justice faced by litigants as a part of an entire system that we all need to review and improve.

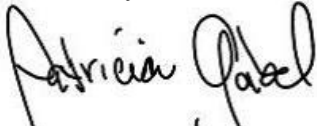
I will refer Committee members and any interested persons to watch my testimony instead. If there is time, I will try to review Attorney Myerson's letter before his testimony so that I am able to respond to his other characterizations of my testimony.

In addition to that, I would note the following:

- See the accompanying FAQs for documentation regarding numerous bench/bar and training opportunities where fees were discussed.

- The statement that it wasn't until April 27 that Ms. Corsones was aware of ISSUES with per envelope fees MUST relate to the word ISSUES, since Ms. Corsones could not have been unaware of these fees given her long participation in a number of activities.
- Any issues with individual e-filing and portal search can be attributed to the learning curve associated with the early stage of implementation. We have a solid support plan in place
- The use fee is consistent through the term of the contract. The contract term, up on 6/2022, allows Vermont to gain experience with e-filing and adjust funding models as needed.
- Tyler's estimates of 2.5 average filings per case would result in e-filing use fees averaging \$13.13 for those who pay. This is less than Rhode Island's per-case eFiling use fee of \$17.50, plus a \$3.25 technology fee per case

Sincerely,



Patricia Gabel, Esq.
State Court Administrator

- cc. Sen. Alice W. Nitka, Vice Chair
Sen. Jeanette K. White
Sen. Joe Benning
Sen. Phillip Baruth
Peggy Delaney, Committee Assistant