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Senate Judiciary

Dear Sen. Sears

I wanted to follow up on some testimony the Committee heard on September 2, 2020 regarding Odyssey and e-filing training provided to attorneys and law enforcement prior to the roll-out of these new platforms.

First and foremost, Patricia Gabel testified that my office did not participate in any of the available trainings. A statement that is patently untrue. Multiple members of my staff, including myself, have attended either the live training and/or the pre-recorded training for e-filing and/or Odyssey. Our county bar association provided a PowerPoint presentation at a bench bar meeting that was more of an infomercial for the software and less of a practical training opportunity.

On August 25th one of the administrative assistants in my office emailed Joanne Charbonneau, clerk of the statewide courts, to find out when and how the SA admins will get training. The response she received was a link to a website on the Odyssey public Portal to register for one of the trainings and a comment that they were trying to come up with "dates for when we can do Q&A sessions specifically for the SA's, either coinciding with the live webinar training or after watching a recorded training". We received an email a week later with some suggested dates for a Q&A. A Q&A that will happen weeks AFTER the system switched over. Many of the questions we have are the same ones Windham, Windsor and Orange have not received answers to over the last 5 months.

Additionally, I reached out to ALL of the law enforcement chiefs in my county this morning because over this past long weekend, no law enforcement agency in Bennington County had "authorization" or access to view court conditions of release or court dockets. A change that took place with zero communication from the Judiciary to the agencies. I cannot express how problematic this has been for law enforcement. They unanimously indicated they had not received anything directly and had only heard about it from other sources. I have been informed by the chiefs in my county that most chiefs in the state are unaware of this change and how it impacts their practices.

It is smoke and mirrors to claim that it is the fault of my staff for not doing training that has been offered. In reality, it is a systemic failure to communicate and train on the part of the Judiciary when every agency is caught completely unawares and wholly unprepared.

I feel that it is important to share these insights with this Committee because during this process the State of Vermont is repeatedly being asked to supply one-sided funding to a project that in fact impacts ALL of the partners that use the court system. Case in point, the courts fully closed for an entire week to address training and changes. There has been funding for new positions and staffing to cover the expense of this transition but none of the other agencies are being provided with the same funding to match the work this has created for us. The police agencies, departments of corrections, human services, state's attorneys, attorney generals and public defenders are all being asked to fulfill their obligations in an already stressful unconventional environment.

Odyssey and e-filing may be the most effective judicial modernization we've had in years. However, the execution has been dismal and complete the lack of collaboration with the agencies that use the program the most is disheartening.

Thank you for your time,

Erica A Marthage

State's Attorney