

From: [Brice Simon](#)
To: [Gabel, Patricia](#); [AGO - Info](#)
Cc: [Brice Simon](#)
Subject: FOIA Request re: Tyler Technologies, Inc.
Date: Thursday, April 23, 2020 4:06:15 PM
Attachments: [FOIA Request.BCS Sent.pdf](#)

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Ms. Gabel,

Attached is a Freedom of Information Act Request relative to the State's arrangements with Tyler Technologies, Inc. and the Odyssey filing system.

I am most interested in obtaining a copy of whatever contract allows Odyssey to charge a minimum \$5.40 per filing fee to litigants in non-criminal cases. I would greatly appreciate first being provided with evidence of that compensation arrangement, as I understand the remainder of the request may involve a volume of documents that will take some time to compile a response.

I am copying this request to the Attorney General's Office, as they should be able to provide any contracts executed between Tyler Technologies, Inc. and the State of Vermont.

Please let me know if you have any questions.

Thank you,

Brice C. Simon, Esq.
Breton & Simon, PLC
PO Box 240
Stowe, VT 05672
802.760.6772

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April 23, 2020

Via Electronic Mail ~ Patricia.Gabel@vermont.gov

Court Administrator's Office
Attn.: Patricia Gabel
111 State Street
Montpelier, VT 05602

***Re: Freedom of Information Act Request
Communications and Agreements with Tyler Technologies, Inc. or Others
Regarding Odyssey Electronic Filing and File Management***

Dear Ms. Gabel:

This letter is intended as a formal request, made pursuant to the Vermont Public Records Act, 1 V.S.A. § 315 *et seq.*, for copies of all public records regarding any and all communications with Tyler Technologies, Inc. or others regarding the selection, contract formation, and compensation arrangements or agreement(s) between the State of Vermont and Tyler Technologies, Inc. This request includes, but is not limited to, a request for any and all requests for proposals and contracts related to the Vermont Judiciary Electronic Filing System administered by Tyler Technologies, Inc., including all amendments and addenda thereto, or any other documents or things impacting in any manner the State of Vermont's use of the Odyssey electronic filing and document management system. In addition, this request specifically seeks any and all available documentation regarding any financial arrangements regarding the State's use of the Odyssey system, including but not limited to bonuses and incentives, or any other compensation, and the metrics used to calculate any compensation or allocation of funds related to the Odyssey system.

If possible, please produce copies of the documents I have requested in electronic form. However, I understand that, pursuant to section 316 of the Vermont Public Records Act, you are permitted to assess copying costs for this request. I request a waiver of these costs, considering the information requested is sought to further the

public's interest regarding open access to information, specifically equal access to justice. Fees apparently being charged to file documents using the Odyssey system, which is mandatory for attorneys in the Court Division where it is being utilized, impose additional costs on litigants in the State. Because such costs appear to include a \$5.40 minimum document fee for any filing, the additional fee constitutes a larger percent of the incomes of lower income litigants than higher income litigants. Such fees may cause disruptions in the provision of vital legal services, and may result in delays in filing important documents or the inability to file documents that should and would be filed but for the fee. All of these concerns raise the prospect of negative public impacts, without necessarily saving costs or allocating fees in the public interest. Should you find it necessary to charge me to obtain the information requested herein, I respectfully request that you provide me with an itemized invoice of all charges.

I ask that you contact me upon determining that any of the information requested in this letter is exempt under the Vermont Public Records Act, or otherwise subject to privilege, and provide me with an exemption / privilege log if you withhold any documents.

Very truly yours,



Brice C. Simon, Esq.