

STATE OF VERMONT
VERMONT SUPREME COURT
JANUARY TERM, 2026

Order Promulgating Amendments to Rules 21, 22, 23, and 24 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court

Pursuant to Chapter II, § 30, of the Vermont Constitution, it is hereby ordered:

1. That Rule 21 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court be amended as follows (new matter underlined; deleted matter struck through):

RULE 21. ELIGIBILITY REQUIREMENTS

A person who is not yet licensed to practice law in Vermont ~~or in another U.S. jurisdiction;~~ but who meets the requirements ~~for legal interns below~~ may, under attorney supervision, ~~act as a Legal Intern. A Legal Intern may represent clients in Vermont and appear as legal counsel in a Vermont court, under the conditions laid out below.~~ An intern A Legal Intern is bound by the Vermont Rules of Professional Conduct. ~~An intern~~ To be eligible to be a Legal Intern, a person must satisfy one of the following four criteria:

(a) **Law Students.** The person must be pursuing the study of law at an Approved Law School, be in good standing at the Approved Law School, and have completed at least 3 semesters (or the equivalent) at that Approved Law School.

(b) **Law Office Study (LOS) Participants.** The person must have completed 3 years of the LOS Program (or the equivalent) under Rule 7 and be in the process of completing the final year of the LOS Program.

(c) **Applicants for Admission by Examination.** The person must (1) be registered for the next administration of the bar examination; (2) have taken the bar examination and be awaiting the results; or (3) have passed the bar examination and be awaiting the Committee's investigation report or admission to the Bar.

(d) **Applicants for Admission by Transferred UBE Score.** The person must have been determined by the Board of Bar Examiners to be eligible for admission by transferred UBE score and be awaiting the Committee's investigation report or admission to the Bar.

(a) ~~**For Students at Approved Law Schools, the intern must:**~~
~~(1) be pursuing the study of law at an Approved Law School;~~
~~(2) be in good standing at the Approved Law School; and~~
~~(3) have completed at least 3 semesters (or the equivalent) at that Approved Law School.~~

(b) ~~**For Graduates of Approved Law Schools, the intern must either:**~~
~~(1) be registered for the next administration of the bar examination;~~
~~(2) have taken the bar examination and be awaiting the results; or~~
~~(3) have passed the bar examination and be awaiting the Committee's investigation report or admission to the Bar.~~

(c) ~~**For LOS Registrants, the intern must:**~~

- (1) ~~have completed 3 years of the LOS Program (or the equivalent) under Rule 7 and be in the process of completing the final year of the LOS Program; or~~
- (2) ~~have completed the LOS Program and either:~~
 - (A) ~~be registered for the next administration of the bar examination;~~
 - (B) ~~have taken the bar examination and be awaiting the results; or~~
 - (C) ~~have passed the bar examination and be awaiting the Committee's investigation report or admission to the Bar.~~
- (d) **For Attorney Applicants, the intern must:**
 - (1) ~~have his or her application for admission without examination be approved by the Board; and~~
 - (2) ~~either be awaiting the Committee's investigation report or admission to the Bar.~~

Board's Notes—2026 Amendment

Rule 21 is amended in conjunction with the adoption of § 19 to Administrative Order 41, which allows applicants who are pending admission and a member in good standing in another jurisdiction to practice under a provisional license. The Legal Intern Rules are revised to pertain only to law students, Law Office Study participants, and applicants for admission who are not admitted in another U.S. jurisdiction. Rule 21(a) regarding the requirements for legal interns who are current law students is reformatted, but the requirements remain the same. Former Rule 21(b) and (d), which governed graduates of approved law schools and attorney applicants are removed. New Rule 21(c) and (d) address the requirements for applicants by for admission by examination and by transferred UBE score.

2. That Rule 22 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court be amended as follows (new matter underlined; deleted matter struck through):

RULE 22. RESTRICTIONS ON ELIGIBILITY TO PRACTICE AS LEGAL INTERN

(a) Failure to Pass Examination.

(1) *One Failure.* ~~An intern~~ A Legal Intern who has failed to achieve Vermont's passing score on the bar examination on ~~his or her~~ the first attempt in Vermont or another UBE jurisdiction may continue to be a ~~legal intern~~ Legal Intern in accordance with these rules provided the intern:

- (A) is registered for the next administration of the bar examination; and
- (B) has notified ~~his or her~~ the supervising attorney of the failure to achieve Vermont's passing score and the supervising attorney has agreed to continue supervising the Applicant.

(2) *More than One Failure.* ~~An intern~~ A Legal Intern who has failed to achieve Vermont's passing score within two consecutive administrations in either Vermont or another UBE jurisdiction is no longer eligible to be ~~an intern~~ a Legal Intern. However, the Board has discretion to waive this restriction for good cause.

(b) **Failure to Establish Good Moral Character and Fitness.** An individual denied admission to the Bar for failure to establish Good Moral Character and Fitness is not eligible to be ~~an intern~~ a Legal Intern.

Board's Notes—2026 Amendment

Rule 22 is amended to use the term “Legal Intern” for consistency with Rule 21. Gendered pronouns in Rule 22(a)(1) and (a)(1)(B) are removed.

3. That Rule 23 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court be amended as follows (new matter underlined; deleted matter struck through):

RULE 23. MANDATORY PREREQUISITES FOR APPEARANCE

Before appearing as legal counsel, a ~~legal intern~~ Legal Intern must comply with all of the following prerequisites:

(a) File with the subject court:

(1) The client’s written consent to the ~~legal intern’s~~ Legal Intern’s appearance as legal counsel. ~~Legal interns~~ Interns employed by state government agencies other than the Office of the Defender General are excused from compliance with this prerequisite.

(2) The supervising attorney’s written consent to the ~~intern’s~~ Legal Intern’s appearance as legal counsel.

(3) The supervising attorney’s certification of compliance with these rules and of professional liability insurance that covers the actions of the ~~Legal Intern intern~~, which certification has been filed with the subject court. ~~Legal Interns interns~~ employed by state government agencies are excused from compliance with this prerequisite.

(4) The Legal Intern’s ~~intern’s~~ certification of compliance with these rules and written agreement to be bound by the Rules of Professional Conduct.

(b) Receive permission, which has not been revoked, from the subject court in the exercise of its discretion.

Board's Notes—2026 Amendment

Rule 23 is amended to use the term “Legal Intern” when for consistency with Rule 21.

4. That Rule 24 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court be amended as follows (new matter underlined; deleted matter struck through):

RULE 24. ATTORNEY SUPERVISION; AUTHORIZED ACTIVITIES

(a) **Supervision Required.** Appearance of a Legal Intern ~~legal intern~~ as legal counsel is conditioned upon the Legal Intern ~~legal intern~~ being supervised by an attorney.

(b) **Qualification.** To serve as a supervising attorney of a Legal Intern ~~legal intern~~, the attorney must be admitted to the Vermont Bar for not less than 3 years before the commencement of supervision. For good cause (for example, certain educational and/or prior legal experience; admission to the bar of another jurisdiction), the Board may modify or waive the requirement that the supervising attorney have been admitted to the Vermont Bar for at least 3 years.

(c) **Duties of Supervision.** A qualified supervising attorney must:

- (1) Assume personal professional responsibility for the Legal Intern's legal intern's work;
- (2) Assist the Legal Intern legal intern as needed;
- (3) Introduce the Legal Intern legal intern to the subject court at the Legal Intern's legal intern's first appearance before that court;
- (4) Appear with the Legal Intern legal intern at all court appearances involving a contested matter; and
- (5) Appear with the Legal Intern legal intern at all other court appearances unless:
 - (A) the supervising attorney's appearance is expressly waived by the court; and
 - (B) the client's written consent includes consent to appearance by the Legal Intern legal intern without the presence of the supervising attorney.
- (d) **Authorized Activities.** A Legal Intern legal intern is authorized to:
 - (1) prepare and sign, with the co-signature of the supervising attorney, petitions, complaints, answers, motions, briefs, and other documents in connection with the pending matter;
 - (2) with supervision, conduct any nonevidentiary trial, argument, or hearing in the pending matter, before the subject court; and
 - (3) with supervision, conduct any evidentiary trial or hearing in the pending matter before the court if the legal intern has satisfactorily completed either a course in evidence or, if a LOS registrant, a systematic study of evidence certified by the supervising attorney.
- (e) ~~**Exceptions for Applicants Admitted in Other States.** If the legal intern is admitted to practice law in another state or the District of Columbia and is not currently suspended or disbarred in any state or the District of Columbia, the legal intern may appear at court appearances without the presence of the supervising attorney and may sign documents in connection with the pending matter without the co-signature of the supervising attorney.~~
- (f) **Legal Fees for Legal Intern's Services; Compensation to Legal Intern.** The supervising attorney, the attorney's law firm, or other employer may charge the client a legal fee, which reflects the legal intern Legal Intern's services, and may compensate the Legal Intern legal intern. This rule does not authorize a fee-splitting agreement between the supervising attorney and the Legal Intern legal intern or the direct employment of a Legal Intern legal intern by a client.

Board's Notes—2026 Amendment

Rule 24 is amended in conjunction with the adoption of § 19 of Administrative Order 41, which creates a provisional licensure for applicants for admission who are admitted in another U.S. jurisdiction. The Legal Intern Rules are revised to pertain only to law students, Law Office Study participants, and applicants for admission who are not admitted in another U.S. jurisdiction. In contrast to attorneys who are provisionally licensed, Legal Interns are subject to supervision requirements and limitations on their authorized practice. Rule 24 is amended throughout to use the term "Legal Intern" for consistency. Former Rule 24(e), which addressed applicants admitted in other states is deleted. Rule 24(f) is relabeled Rule 24(e).

5. That these rules as amended are prescribed and promulgated effective **July 1, 2026**. The Board's Notes are advisory.

6. That the Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont this 6th day of January, 2026.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Nancy J. Waples, Associate Justice