

STATE OF VERMONT
VERMONT SUPREME COURT
_____ TERM, 2025

**Order Promulgating Amendments to Rules 2(a), 9(b), 9(c)(7)(D), 11, 12, 13, 15(b) and (c),
and 20(c) 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 2(a) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court be amended as follows (deleted matter struck through):

RULE 2. DEFINITIONS

(a) **“Actively Engage in the Practice of Law”** means: Any of the following qualified work performed for at least 25 hours per week and subsequent to the admission to the practice of law in another U.S. jurisdiction:

- (1) representing one or more clients in the private practice of law;
 - (2) serving as a lawyer with a local, state, or federal agency, including military service;
 - (3) serving as a judge in a local, state, or federal court of record;
 - (4) serving as a judicial law clerk;
 - (5) serving as in-house corporate counsel (i.e., practice as an employed attorney for an entity or individual, in which the primary duties involve furnishing legal counsel, interpreting and providing advice regarding the law, drafting legal documents, and/or preparing for and prosecuting or defending cases or claims before agencies, boards, bureaus, commissions, panels, executive departments, or courts);
 - (6) teaching law at a law school approved by the American Bar Association;
 - (7) engaging in work as an arbitrator or mediator for which the primary duty is the interpretation of law and the application of legal knowledge and skill, provided that such work is performed in a jurisdiction in which the applicant is admitted to the practice of law;
- or
- (8) engaging in any other employment of which the primary duty is the interpretation of law and the application of legal knowledge and skill, provided that such employment is available only to licensed attorneys ~~and is performed in a jurisdiction in which the applicant is admitted.~~

The “practice of law” does not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

Board’s Notes—2025 Second Amendment

Rule 2(a)(8) is amended to remove the requirement in the catch-all provision that the legal work must be performed in a jurisdiction in which the applicant is admitted, in recognition that,

in modern legal practice, many attorneys practice pursuant to a license from a jurisdiction where they do not reside.

2. That Rule 9(b) and 9(c)(7)(D) 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 9. ADMISSION BY EXAMINATION

(a) **Administration of the UBE.** The Uniform Bar Examination is administered twice each year, in February and in July, on dates designated by the NCBE. The Board may administer the UBE in Vermont or, in its discretion, may cooperate with a neighboring state that has adopted the UBE to jointly administer the examination, so long as the examination is offered at a location reasonably convenient to Vermont.

(b) **Examination Requirements and Passing Score.**

~~(1) *Within Five Years.* An Applicant must sit for the UBE within five years of graduating from law school or completing the LOS Program. The Board may waive this requirement upon the Applicant's showing of good cause. For the purposes of this rule, "good cause" means a demonstration that the Applicant's legal education is not stale, considering such factors as legal employment or legal study. This requirement does not apply to an Applicant currently licensed to practice law and on active status in another U.S. jurisdiction.~~

~~(12) *Sitting for Entire Examination.* An Applicant must sit for all parts of the UBE at a single administration of the Exam.~~

~~(23) *Passing Score.* To pass the UBE for admission to the Vermont Bar, an Applicant must attain a score of 270 or higher.~~

~~(34) *Limitation on Continued Sittings.* An Applicant who has failed the bar examination four times will not be permitted to sit for the UBE in Vermont. For purposes of this rule, attempts to achieve a passing score on the UBE count toward the limit of four regardless of where the Applicant sat for the UBE. The four-attempt limitation may be waived upon a strong showing, to the Board's satisfaction, that the Applicant has substantially improved ~~his or her~~ the Applicant's Exam preparation and there is good cause warranting the requested waiver.~~

(c) **Application Process.** To be eligible to take the Uniform Bar Examination, an Applicant must file an Application with the Board. It is the Applicant's burden of proof to establish compliance with the Application process.

(1) *Application Contents.* Each Application must:

- (A) be on the appropriate Board-approved forms;
- (B) include the Applicant's NCBE number; and
- (C) include a signed authorization and release form.

(2) *Deadlines for Filing.* An Application must be received on or before the applicable deadline.

(A) July Examination: Application must be received by the preceding April 15.

(B) February Examination: Application must be received by the preceding November 15.

(3) *Late-Filed Application.* A late-filed Application must be accompanied by an official law school transcript and a written request to the Board seeking permission for the late filing. The Applicant must demonstrate extraordinary circumstances to justify the late

filing. The Board has discretion to accept or deny a late-filed petition.

(4) *Proving Fulfillment of Education Requirements.* Before taking the Uniform Bar Examination, the Applicant must prove fulfillment of the education requirements. The NCBE verification will suffice to demonstrate graduation from law school, but the Board has the discretion to request an official law school transcript to ensure compliance.

(5) *Early Examination.* An Applicant studying at an Approved Law School may sit for the UBE before graduation if the Applicant has successfully completed the equivalent of five semesters of full-time study (including academic instruction on each of the subjects tested on the UBE) prior to taking the UBE. Before sitting for the examination, the Applicant must submit an official law school transcript documenting that study and a letter from the law school stating that the school has determined that the Applicant is academically prepared for early testing. To qualify for admission, the Applicant must graduate from an Approved Law School within seven months after sitting for the UBE. The Applicant must also satisfy all other requirements for admission.

(6) *Continuing Application.* An Application is considered a continuing application, meaning the Applicant has a duty to supplement all information provided to the Board up to and including the date of admission to the Bar.

(7) *Refiling Application.* An Application must be refiled if an Applicant:

- (A) does not sit for the examination as previously permitted;
- (B) does not achieve a score of 270 or higher on the UBE;
- (C) withdraws the Application; or
- (D) is denied admission. If the Applicant is denied admission after achieving a passing score, the Applicant can use that passing exam score to satisfy the exam requirement for admission by examination for up to 5 years after the date of the administration of the exam.

(d) **Notifying Applicants.** The Board will send an informational letter to each Applicant, which will include at least the following:

- (1) The dates, times, and locations for the UBE;
- (2) An anonymous identification number to be used on all examination materials;
- (3) An admission ticket to be used for admission to the UBE;
- (4) The rules and procedures for the administration of the UBE; and
- (5) The procedure for reporting of scores.

For the February Examination, the informational letter will be sent before February 1. For the July Examination, the informational letter will be sent before July 1.

(e) **Identifying Applicants.** At the examination site, Applicants are required to present government-issued photo-identification. Applicants may also be required to have their fingerprints taken for identification purposes.

(f) **Deadline to Request Reasonable Accommodations.** A request for reasonable accommodations for the UBE must be filed no later than the Application deadline, except upon a showing of extraordinary circumstances.

Board's Notes—Second 2025 Amendment

In conjunction with an amendment to Rule 13, Rule 9(b)(1) is deleted to remove the requirement that the exam must be taken no later than 5 years after the Applicant completed the necessary

educational requirements. To the Board's knowledge, no other jurisdiction has such a rule. Further, in the Board's experience, whether an Applicant passes the bar exam is a more concrete measure of minimal competence such that the five-years-from-graduation rule is not necessary to protect the public. Former paragraphs 9(b)(2)-(4) are renumbered (b)(1)-(3). The binary gender pronouns in former (b)(4) are removed.

Rule 9(c)(7)(D) is amended to allow an Applicant who obtains a passing score on the exam but is denied admission to use that exam score to satisfy the exam requirement for admission by examination for up to five years from the date of the administration of the exam.

3. That Rule 11 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court be amended as follows (deleted matter struck through):

RULE 11. MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION

An Applicant for admission by examination must achieve a scaled score of 80 or higher on the MPRE within a period beginning three years before achieving a Uniform Bar Examination score that meets Vermont's passing score requirement and concluding one year after written notification to the Applicant of achieving such a score, ~~unless time is extended for good cause. For purposes of this rule, "good cause" means a demonstration that the Applicant has the necessary current knowledge and understanding of legal ethics, considering such factors as legal employment or legal study.~~

The Applicant is responsible for ensuring that the Board receives an official report from the NCBE certifying the Applicant's score and the MPRE administration date at which the score was achieved.

Board's Notes—2025 Amendment

In conjunction with an amendment to Rule 13(e), Rule 11 is amended to remove the good cause extension. This change is based on the Board's experience that the good cause standard is unwieldy and difficult to apply in a consistent manner across applicants. The Board also finds that the MPRE is the most objective demonstration of recent ethical knowledge and the exam itself is not an unreasonable burden if the applicant must take it again.

4. That Rule 12 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 12. ADDITIONAL CLE AND EXPERIENTIAL REQUIREMENTS FOR APPLICANTS QUALIFYING FOR ADMISSION BY EXAMINATION

(a) **Requirements.** An Applicant who qualifies for admission by examination must satisfy the following requirements.

(1) *Continuing Legal Education (CLE).* The Applicant must attend at least 15 hours of CLE on Vermont practice and procedure in courses approved by the Board of Mandatory Continuing Legal Education and certified by the Board of Bar Examiners as satisfying the requirements of this rule. A minimum of 9 of the 15 CLE hours must be earned by attendance at programs delivered either as Moderated Programming or Non-Moderated Programming with Interactivity as a Key Component, as those terms are defined in the Vermont Rules for Mandatory Continuing Legal Education. ~~All CLE courses that satisfy this requirement must be completed no earlier than 1 year before, and no later than 1 year after, the Applicant is admitted to the Vermont Bar. For good cause, the Board may extend the time necessary to satisfy this CLE requirement.~~

(2) *Mentorship.* The Applicant must complete a mentorship under the supervision of a judge or attorney practicing in Vermont. The supervising judge or attorney must be admitted to the Vermont Bar for at least 3 years when the mentorship begins. The mentorship must last at least 6 months. ~~For applicants for admission by examination, the mentorship can commence no earlier than the date applicants receive notice of having passed the bar exam. For applicants for admission by transferred UBE score, the mentorship can commence no earlier than the date applicants receive notice that they are eligible for admission. The mentorship must be completed within one year of the Applicant's admission to the Vermont Bar. For good cause, the Board may extend the time necessary to satisfy this mentorship requirement.~~ To complete the mentorship, the Applicant must:

(A) meet regularly with the supervising judge or attorney, no less than 10 times, to discuss the Applicant's practice and issues relevant to Vermont practice and procedure; and

(B) engage in at least 40 hours of activities on the mentorship program list compiled by the Board of Mandatory Continuing Legal Education and certified by the Board of Bar Examiners as satisfying the requirements of this Rule, which may include the CLE hours described in Rule 12(a)(1).

(b) **Reporting.** ~~The Applicant and supervising judge or attorney may commence the Rule 12(a) requirements up to one year prior to the date of admission and must certify completion of these requirements of Rule 12(a) within one year of after the date of admission, unless time is extended by the Board for good cause shown. or the Applicant's license will be suspended. In the event that an Applicant's fails to timely certify completion, the Applicant's license status will be changed to inactive (if not already inactive). license is suspended for failing to complete the requirements of Rule 12 Before that Applicant's license status can be changed to active, the Applicant must submit a plan for completing the requirements and have it approved by the Board. If the Applicant asserts that the Applicant he or she has completed some portion of the requirements for the mentorship under Rule 12(a)(2), the Applicant must submit verification to support this assertion certified by the supervising judge or attorney. In its discretion, the Board may reinstate approve changing the Applicant's license status to active pending successful completion of the plan approved by the Board.~~

Board's Notes—2025 Amendment

Rule 12 has been amended in several ways. First, for clarity, the timing for commencement and completion of the Rule 12(a) requirements has been placed in Rule 12(b). As part of this change, applicants are now permitted to commence their mentorship up to one year prior to admission to the bar, which is parallel to the allowed timing of the CLE requirement in Rule 12(a)(1). This better aligns the mentorship rule with the rules on legal interns in Part VI, which allows applicants to appear in court earlier than the timelines given in the prior Rule 12(a)(2). Further, this change better serves applicants who may be engaged in legal employment prior to admission to the bar, as well as participants in the Law Office Study Program, which is substantially similar to the mentorship. At the same time, the one-year cut off ensures that the mentorship experience is not stale.

Second, Rule 12(a)(2)(B) is amended to allow applicants to count the Rule 12(a)(1) CLEs towards their Rule 12(a)(2) mentorship hours. This change reflects the Board's desire to lessen the post-admission burden to applicants admitted by examination or transferred UBE score. Given that Rule 12(a)(1) and 12(a)(2) overlap somewhat, this rule change will not negatively impact the applicant's education on Vermont law and acclimation to the Vermont legal community.

Finally, Rule 12(b) is amended to change the result of a failure to complete the first-year requirements from suspension to a change to inactive status, to reflect that some Applicants may have a change of circumstances that make completion of the Rule 12(a) requirements within the first year of admission impracticable or impossible. The binary gender pronouns in 12(b) are deleted.

5. That Rule 13 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 13. ADMISSION BY TRANSFERRED UNIFORM BAR EXAMINATION SCORE

(a) **General Requirements.** To be admitted by transferred UBE score earned in another U.S. jurisdiction, the Applicant must file an Application on forms required by the Board, pay the required fee, and arrange for the NCBE to transfer the Applicant's UBE score to Vermont. The following additional requirements must be met.

(b) **Age of Score.** The Applicant must achieve a UBE score of 270 or higher:

- (1) in the administration of the UBE immediately subsequent to the date on which the application for admission by transferred UBE score was filed; or
- (2) in an administration of the UBE which occurred within 35 years before the date on

which the application for admission by transferred UBE score was filed;⁵ or

~~(3) in an administration of the UBE which occurred more than 3 years but less than 5 years before the date of filing of the application for admission by transferred UBE score if the Applicant has been Actively Engaged in the Practice of Law for at least 2 years in another U.S. jurisdiction in which the Applicant was a member in good standing.~~

(c) **Attempts.** The required score must have been achieved within no more than 4 sittings for the UBE. For purposes of this rule, attempts to achieve the required score count toward the limit of 4 regardless of where the Applicant sat for the UBE.

~~(d) **Timing of UBE.** The required score must have been achieved at an administration of the UBE no later than 5 years after the Applicant completed the educational requirements set forth in Rule 6. The Board may waive this requirement upon the Applicant's showing of good cause. For purposes of this rule, "good cause" means a demonstration that the Applicant's legal education is not stale, considering such factors as legal employment or legal study.~~

~~(d e) **MPRE.** The Applicant must have achieved a scaled score of 80 or higher on the MPRE taken within a period beginning 3 5 years before, and concluding 1 year after, the date on which the application for admission by transferred UBE score was filed, unless the time is extended for good cause. For purposes of this rule, "good cause" means a demonstration that the Applicant has the necessary current knowledge and understanding of legal ethics, considering such factors as legal employment or legal study.~~

~~(e f) **Educational Requirement.** The Applicant must meet the educational requirements set forth in Rule 6.~~

~~(f g) **Additional CLE and Experiential Requirements.** The Applicant must satisfy the requirements set forth in Rule 12.~~

Board's Notes—2025 Amendment

Rule 13(b)(2) is amended to extend the age of a qualifying transferred UBE score to 5 years. At the same time, the provision in (b)(3) pertaining to UBE scores that are between 3 and 5 years old is removed. The basis for this change is the Board's experience that the added requirements for scores that are 3 to 5 years old are unnecessary to ensure that an Applicant's legal knowledge is not stale.

In conjunction with an amendment to Rule 9, Rule 13(d) is deleted to remove the requirement that the UBE score must be from an administration no later than 5 years after the Applicant completed the necessary educational requirements. Former subdivisions (e) to (g) are relabeled as (d) to (f).

In conjunction with an amendment to Rule 11, former Rule 13(e) pertaining to the MPRE is amended to remove the good-cause extension. Also, the age of a usable MPRE score is extended to 5 years, to match the age of a usable UBE score.

6. That Rule 15(b) and (c) 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 15. REQUIREMENTS FOR ATTORNEY-APPLICANTS

An Attorney-Applicant must meet all the following requirements.

(a) **Practice of Law.** The Attorney-Applicant must have been Actively Engaged in the Practice of Law for 5 of the preceding 10 years in one or more U.S. jurisdictions.

(1) *Waiver.* Part of the 5-year requirement may be waived if:

(A) any jurisdiction in which the Attorney-Applicant is currently licensed and in which he or she has been Actively Engaged in the Practice of Law for not less than six months requires fewer than 5 years' admission as a condition of admission on motion and without examination for attorneys licensed in that jurisdiction; and

(B) the Attorney-Applicant has been Actively Engaged in the Practice of Law for not less than 3 of the preceding 10 years.

(2) *Waiver for Maine and New Hampshire.* The 5-year requirement may be waived if the Attorney-Applicant is currently licensed to practice law in Maine or New Hampshire and has been Actively Engaged in the Practice of Law in Maine or New Hampshire for not less than 3 years immediately preceding filing an Application for admission under this rule. This provision of the rule shall remain in effect only so long as the equivalent Maine or New Hampshire rule remains effective.

(b) **Current Licensing and Status.** The Attorney-Applicant must be currently licensed to practice in at least one U.S. jurisdiction; not under suspension or revocation in any jurisdiction for disciplinary reasons; and be a member in good standing in all jurisdictions in which the Attorney-Applicant ~~practices law~~ is admitted.

(c) **Continuing Legal Education (CLE) Requirement.** ~~The Attorney-Applicant must satisfy the post-admission CLE requirement set forth in Rule 12. An Attorney-Applicant must attend at least 15 hours of CLE on Vermont practice and procedure in courses approved by the Board of Continuing Legal Education and certified by the Board of Bar Examiners as satisfying the requirements of this rule. A minimum of 9 of the 15 CLE hours must be earned by attendance at programs delivered either as Moderated Programming or Non-Moderated Programming with Interactivity as a Key Component, as those terms are defined in the Vermont Rules for Mandatory Continuing Legal Education. The Attorney-Applicant must satisfy this requirement within one year before or one year after admission to the Vermont Bar. The Applicant must timely certify satisfaction of this requirement or the Applicant's license will be suspended. For good cause, the Board may extend the time necessary to satisfy this CLE requirement.~~

Board's Notes—2025 Amendment

Rule 15(b) is amended to require attorneys seeking admission without examination to be in good standing in all jurisdictions where they are admitted, not just in the jurisdictions where they practice.

Rule 15(c) is amended to simply specify that an attorney admitted without examination is subject to the post-admission CLE requirement detailed in Rule 12(a)(1), rather than restating that requirement.

7. That Rule 20(c) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court be amended as follows (new matter underlined):

RULE 20. PROCESS FOR ADMISSION AND LICENSURE

(c) **Licensure Requirements.** Within 90 days after the Board sends an Applicant notice of approval, unless time is extended for good cause, an Applicant must:

- (1) Take the Oaths of Admission and certify the same in the “certification of oath” form;
- (2) Complete and sign the required licensing statement; and
- (3) Submit to the Board the forms and required licensing fee under Administrative Order No. 41, §§ 1 and 4.

Board’s Note—2025 Amendment

Rule 20(c) is amended to allow the Board to extend the 90-day time limit for good cause.

8. That these rules as amended are prescribed and promulgated effective _____. The Board’s Notes are advisory.

9. 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 ____ day of _____, 2025.

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice