VERMONT SUPREME COURT
OFFICE OF THE STATE COURT ADMINISTRATOR
BOARD OF BAR EXAMINERS

RULES OF ADMISSION TO THE BAR OF THE VERMONT SUPREME COURT

As of January 1, 2025
(unofficial version)

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Introductory Board's Note

The 2016 amendments to the Rules of Admission are comprehensive. Existing rules have been reorganized and renumbered, some rules have been combined, and provisions of other rules have been moved to new locations. Much of the language of the existing rules has been restyled. The adoption of the Uniform Bar Examination required substantive changes to a number of rules.

Because of the comprehensive nature of the proposed revision, it is not possible to present the amendments in a redlined version that highlights changes to the existing rules. These Board's Notes attempt to identify the relevant prior rules and to point out where the new rules reflect a significant substantive change from the prior rules.

PART I. GENERAL PROVISIONS

RULE 1. PURPOSES OF RULES; ESTABLISHMENT OF BOARD AND COMMITTEE

The public interest is best served and protected and the integrity of the Bar of the Vermont Supreme Court is best maintained when applicants for admission are fairly, impartially, and thoroughly examined as to their professional competence as attorneys, and investigated as to their moral character and fitness. The rules serve these purposes. To assist in achieving these results, the Court has established a board, known as the Board of Bar Examiners, which is responsible for examining applicants' competence, and a committee, known as the Character and Fitness Committee, which is responsible for investigating applicants' moral character and fitness.

Board's Notes

This rule is derived from the prior rules §§ 1, 3, and 5. The purpose language is drawn from the prior rule § 5(a).

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.

(b) **"Applicant"** means: A person seeking admission to the Bar of the Vermont Supreme Court under these rules.

(c) **"Application"** means: An Applicant's formal request for admission to the Bar of the Vermont Supreme Court, submitted in accordance with these rules.

(d) **"Approved Law School"** means: Any law school maintaining a course of studies leading to a law degree that is accredited by the American Bar Association or otherwise approved by the Court.

(e) **"Attorney-Applicant"** means: An Applicant who is admitted to the practice of law in another U.S. jurisdiction and is seeking admission without examination.

(f) **"Equivalency Determination"** means: A report prepared in accordance with these rules which evaluates whether the Study of Law at a non-Approved Law School is the equivalent of having completed a legal education at an Approved Law School.

(g) **"Minimal Professional Competence"** includes, but is not limited to:

(1) knowledge of the statutory and common law;

(2) capacity to analyze factual situations and apply principles of law to them; and

(3) facility for written expression.

(h) **"Multistate Professional Responsibility Examination"** (or "MPRE") means: A multiple-choice examination developed and administered by the NCBE that is designed to measure an Applicant's knowledge and understanding of established standards related to a lawyer's professional conduct.

(i) **"NCBE"** means: The National Conference of Bar Examiners.

(j) **"Registrant"** means: A person approved by the Board to apprentice in the Law Office Study Program.

(k) **"Week"** means: A consecutive seven-day period.

(l) **"Uniform Bar Examination"** (or "UBE") means: The bar examination prepared and coordinated by the NCBE that is uniformly administered, graded, and scored by user jurisdictions, including Vermont, and results in a portable score. This includes the NextGen UBE. To the extent that these rules refer to "bar examination," "bar exam," "examination," and "exam," those terms also refer to the UBE.

Board's Notes—2025 Amendment

Along with Rule 10, Rule 2 is amended in preparation for the adoption of the NextGen bar exam. Former subdivisions (h), (i), and (j) containing definitions for "Multistate Bar Examination," "Multistate Essay Examination," and "Multistate Performance Test" are deleted, as those will not be stand-alone sections of the NextGen bar exam. Former (k) through (o) are relabeled (h) to (l). The definition of "Uniform Bar Examination" in new subdivision (l) is amended to include the NextGen exam and to clarify that any mention of "bar examination" or similar terms refer to the Uniform Bar Examination.

Board's Notes—2021 Amendment

Rule 2(a)(6) and (7) are added to broaden the definition of "actively engage in the practice of law" to specifically allow law professors and qualified arbitrators and mediators to be eligible for admission without examination. New Rule 2(a)(8) contains a catchall provision.

Board's Notes

The following definitions are drawn from prior rules:

(a) "Actively Engage in the Practice of Law'': This definition is drawn from prior rule § 7(f). The phrase "subsequent to admission" has been added as a clarification that is consistent with the Board's longstanding interpretation of that rule.

(d) "Approved Law School": This definition is drawn from prior rule § 6(h)(2). The reference to the American Association of Law

Schools was eliminated as unnecessary.

(g) "Minimal Professional Competence": This definition is drawn from prior rule § S(b).

(n) "Week": This definition is based substantially on prior rule § 6(k).

Other definitions are new. Most are consistent with past practice and have been added for clarity and to foster consistency, but some reflect the adoption of the Uniform Bar Examination.

RULE 3. BOARD OF BAR EXAMINERS

(a) **Appointment; Composition of Board; Restriction on Appointments; Terms; Vacancy; Officers; Quorum.**

(1) *Appointment.* The Court appoints the members of the Board.

(2) *Composition of Board.* The Board is comprised of 19 members:

(A) Eleven "Examiners": nine attorneys admitted to the Bar for at least three years before appointment, and two non-attorneys; and

(B) Eight "Associate Examiners": attorneys admitted to the Bar for at least three years before appointment. Associate Examiners assist the Examiners in grading examinations and are not voting members of the Board.

(3) *Restriction on Appointments.* No trustee or faculty member of a law school or trustee of a university with a law school may serve as an Examiner or Associate Examiner.

(4) *Terms.* Terms commence on October 1. Each term of appointment is for four years, plus any additional time necessary for appointment of a successor. No Examiner or Associate Examiner may be appointed for more than two consecutive, full terms, but: (A) an Examiner may be reappointed after a lapse of one year; and (B) an Associate Examiner may be appointed as an Examiner and then will be subject to the terms of appointment of an Examiner.

(5) *Vacancy.* If an Examiner or Associate Examiner resigns, or an appointment is otherwise vacant, the Court will appoint a successor to complete the unexpired term.

(6) *Officers, Appointment of Chairperson and Vice-Chairperson.* Annually, for terms commencing on October 1, the Court designates two Examiners to serve respectively as the Chairperson and Vice-Chairperson of the Board. The Chairperson and Vice-Chairperson will serve in those capacities until their successors are designated. In its discretion, the Court may reappoint the Chairperson for a third consecutive, four-year term.

(7) *Quorum.* A quorum consists of six Examiners, or all Examiners not disqualified, whichever is less.

(b) **Duty to Determine Minimal Professional Competence.** It is the Examiners' duty to determine whether each Applicant has made the necessary showing of Minimal Professional

Competence in accordance with these rules warranting the Applicant's admission to the Bar to engage in the practice of law.

(c) **Annual Report.** Annually, the Board submits a written report to the Court that addresses the bar examination; applications for admission and persons admitted to the Bar; and relevant policy matters and rule changes considered or proposed by the Board.

(d) **Compensation and Expenses.** In the performance of their Board duties, each Examiner and Associate Examiner is eligible to receive per diem compensation and be reimbursed for reasonable and necessary expenses equivalent to that provided by law for comparable boards and commissions. A request for compensation and reimbursement must be made on a Court-approved voucher and be submitted to the Court Administrator.

Board's Notes—2019 Amendment

The amendment to Rule 3, increasing the number of Examiners from nine to eleven by adding two attorney members and increasing the number of Associate Examiners from seven to eight, is to facilitate grading the additional questions contained in the Uniform Bar Examination. The number of Examiners necessary to comprise a quorum has been increased accordingly.

Board's Notes

This rule is drawn from the prior rules §§ 1, 2, and 5.

The role of Associate Examiners has been revised because adoption of the Uniform Bar Examination will change grading practices in some respects. The rule clarifies that Associate Examiners are not voting members of the Board. Prior rule § 1(b) required a lapse of a full term (four years) before a former Examiner could be reappointed to the Board. The new rule shortens that period to one year.

RULE 4. CHARACTER AND FITNESS COMMITTEE

(a) **Appointment; Composition of Committee; Restriction on Appointments; Terms; Vacancy; Officers; Quorum.**

(1) *Appointment.* The Court appoints the Members of the Committee.

(2) *Composition of Committee.* The Committee consists of seven Members:

(A) Either one retired Supreme Court justice or an active or retired judge;

(B) Three attorneys admitted to the Bar for at least three years before appointment; and

(C) Three non-attorneys.

(3) *Restriction on Appointments.* No current Examiner or Associate Examiner of the

Board may serve as a Member of the Committee.

(4) *Terms.* Terms commence on October 1. Each term of appointment is for four years, plus any additional time necessary for appointment of a successor.

(5) *Vacancy.* If a Member resigns, or an appointment is otherwise vacant, the Court will appoint a successor to complete the unexpired term.

(6) *Officers.*

(A) *Appointment of Chairperson and Vice-Chairperson.* The Judge Member will serve as Chairperson of the Committee. Annually on October 1, the Court will designate a Member to serve as the Vice-Chairperson of the Committee. The Chairperson and Vice-Chairperson will serve in such capacities until their successors are designated.

(B) *Responsibilities of Chairperson.* The Chairperson ensures all reporting requirements of the Committee are completed in accordance with these rules.

(7) *Quorum.* A quorum consists of four Members or all Members not disqualified, whichever is less.

(b) **Duty to Determine Good Moral Character and Fitness.** It is the Committee's duty to determine, through fair, impartial, and thorough investigation, whether an Applicant possesses good moral character and fitness warranting the Applicant's admission to the Bar to engage in the practice of law.

(c) **Annual Report.** Annually, by October 1, the Committee must report in writing to the Court its activities and recommendations, if any, relating to policies or procedures for investigating Applicants' moral character and fitness.

(d) **Compensation and Expenses.** In the performance of their Committee duties, each Member is eligible to receive per diem compensation and be reimbursed for reasonable and necessary expenses equivalent to that provided by law for comparable boards and commissions. A request for compensation and reimbursement of expenses must be made on a Court-approved voucher and be submitted to the Court Administrator.

Board's Note – 2019 Amendment

Rule 4(a) is revised to add two members to the Character and Fitness Committee, one attorney and one non-attorney. This change is being made to allow for more efficient processing of character and fitness report reviews during high-need times and for more members to be available for three-member panels. Because the overall size of the Board is increased from five to seven, Rule 4(a)(7) is revised to increase the quorum requirement from three to four.

Board's Notes

This rule is drawn from the prior rules §§ 3 and 5.

The description of the Committee's reporting obligation has

been changed to reflect current practice. The Committee does not separately report (as prior rule § 3 suggested) a list of the applicants found to possess good moral character and fitness. Rather, the Committee identifies those applicants who qualify for admission and those applicants are included on the motion for admission described in Rule 20(b).

RULE 5. GENERAL REQUIREMENTS FOR ADMISSION TO THE BAR

(a) **Prerequisites.** An Applicant must be:

(1) A citizen of the United States or an alien lawfully present in the United States; and

(2) At least 18 years of age.

(b) **Minimal Professional Competence.** An Applicant has the burden of establishing Minimal Professional Competence either by satisfying the requirements for admission by examination, for admission by transferred Uniform Bar Examination score, or for admission without examination.

(c) **Character and Fitness.** An Applicant has the burden of establishing that the Applicant possesses good moral character and fitness warranting the Applicant's admission to the bar.

Board's Notes

This rule is drawn from the prior rules §§ 5, 6(t), and 11. The new rule clarifies the general requirements for all Applicants. The specific requirements for admission are detailed in Part II (Admission by Examination or Transferred UBE Score); Part III (Admission without Examination), and Part IV (Character and Fitness Review).

PART II. ADMISSION BY EXAMINATION OR TRANSFERRED UBE SCORE

RULE 6. STUDY OF LAW REQUIRED PRIOR TO ADMISSION BY EXAMINATION

An Applicant for admission by examination must demonstrate that he or she has:

(a) graduated from an Approved Law School or satisfied the requirements for early examination in Rule 9(c)(5);

(b) completed the Law Office Study Program; or

(c) graduated from a non-Approved Law School, if the equivalency requirements of Rule 8 are met.

Board's Notes

This rule is drawn from the prior rule § 6.

The new rule reflects the adoption of the Uniform Bar Examination and the provision allowing law students to take the bar

exam after completing five semesters of law school.

RULE 7. THE LAW OFFICE STUDY PROGRAM

(a) **Definition.** "Law Office Study Program" (or "LOS Program") means apprenticing for the prescribed term under the supervision of a judge or an attorney who practices in Vermont and has been admitted to practice before this Court not less than 3 years prior to the Registrant's commencement of the apprenticeship.

(b) **Requirements for Study.** The purpose of the LOS Program is to prepare a Registrant to engage in the general practice of law. To ensure this purpose is met:

(1) a Registrant must carefully arrange with the supervising judge or attorney a systematic course of study to prepare the Registrant for the general practice of law, including, but not limited to, the subjects tested on the Uniform Bar Examination and related Vermont law; and

(2) a supervising judge or attorney may, and is encouraged to, enlist the assistance of other judges and attorneys to provide the greatest breadth of experience and instruction to the Registrant.

(c) **Minimum Education Requirements for an LOS Program Registrant.** Prior to enrollment in the LOS Program, a Registrant must have earned a bachelor's degree from an institution of higher education whose accreditor has been approved by the U.S. Department of Education. This requirement may also be satisfied if the Registrant has earned an undergraduate degree in a foreign jurisdiction and can establish that the degree is equivalent to a bachelor's degree from an institution of higher education whose accreditor has been approved by the U.S. Department of Education.

(d) **Measurement of Study.** Study under the supervision of a judge or an attorney is measured as follows:

(1) A week of study consists of (A) not less than 25 hours of study during a period of 7 consecutive days, or (B) not less than 30 hours of study during a period of 14 consecutive days; and

(2) A year of study consists of 12 calendar months during which not less than 44 weeks of study were pursued.

(e) **Term of Study; Credit Awarded Towards Term.** The LOS Program requires four years of approved study. Subject to Court approval, the Board has discretion to award a Registrant partial credit for up to 2 years towards the 4-year term based on a Registrant's prior legal study, if the Registrant demonstrates to the Board's satisfaction that the prior study:

(1) satisfies the purpose of the LOS Program;

(2) is recent and not stale; and

(3) was acquired:

(A) from an Approved or non-Approved Law School, whether or not the Applicant

has graduated;

(B) from a program in another U.S. jurisdiction, which the Registrant can demonstrate is substantially equivalent to the LOS Program; or

(C) through the study of law in a foreign, common-law jurisdiction if the Applicant has been admitted to the practice of law before a court of general jurisdiction.

(f) **Reporting Requirements.** The Registrant is responsible for satisfying all reporting requirements. The Registrant must comply with all deadlines and submit all required notices, certificates, and reports/affidavits to the Board on Board-approved forms.

(1) *Commencement Notice.* The Registrant must file the commencement notice within 30 days after beginning the LOS Program or changing offices where he or she is pursuing the LOS Program. The commencement notice must include:

(A) the date that study began;

(B) the judge's or attorney's representation that he or she has personally investigated the moral character and fitness of the Registrant, and, that to the best of his or her knowledge, the Registrant, at the time of commencement, meets the requirements of good moral character and fitness; and

(C) the supervising judge's or attorney's certification.

(2) *Six-Month Report.*

(A) General Requirements. Each report must be:

(i) in the form of an affidavit;

(ii) filed with the Board within 30 days of the expiration of the current, six-month study period;

(iii) signed by the Registrant/affiant; and

(iv) accompanied by the supervising judge's or attorney's certification that to the best of his or her knowledge, the report is accurate.

(B) Contents. Each report must:

(i) include the number of weeks dedicated to study under the LOS Program;

(ii) describe in detail the areas of study pursued, the tasks performed, and any other relevant study or work completed during the reporting period; and

(iii) outline the Registrant's plan of study for the next reporting period.

(3) *Completion Notice.* Within 30 days of completing the LOS Program, and together with the required six-month report, the Registrant must file with the Board a signed completion notice.

(4) *Failure to Timely Report.* In the Board's discretion, a Registrant's failure to timely file any notice, certificate, or report required may result in the withholding of credit for study, disqualification to take the bar examination, and/or disqualification to be admitted.

(5) *Extensions.* For good cause, the Board may extend by up to 60 days the period to file any notice, certificate, or report.

(6) *Review of Six-Month Reports.* An Examiner will review the Registrant's report and may forward the report to the Board for further review. The Registrant may be required to provide additional information to support a report. The Board will notify the Registrant within 60 days whether the report has been approved for credit or disapproved.

(7) *Deemed Approval.* Commencement notices, six-month reports, and completion notices that are timely filed will be deemed approved unless the Board notifies the Registrant in writing within 60 days of submission that the notice or report is disapproved or that further review is pending.

Board's Notes—2021 Amendment

Rule 7(f) is amended to remove the requirement in former 7(f)(2)(A)(v) that Law Office Study registrants submit their six-month reports in duplicate, as this is no longer administratively necessary and places a burden on registrants.

Board's Notes – 2018 Amendment

Rule 7(c) is revised to allow for all institutions of higher education whose accreditor has been approved by the U.S. Department of Education (DOE) to satisfy the LOS educational requirement. Rule 7(c) is also revised to allow an applicant with an undergraduate degree from a foreign jurisdiction to satisfy that requirement, provided the applicant can establish that such degree is equivalent to a bachelor's degree from a DOE-approved institution. This latter change aligns the rule with Rule 8(b), which allows an applicant with a J.D. from a foreign law school to satisfy the Rule 8 educational requirements if the applicant can establish that the J.D. is equivalent to that from an ABA-approved law school within the United States.

Board's Notes

The rule is drawn from the prior rules §§ 6(g), (k), (m) and 8.

The requirements of the Law Office Study Program are now set forth in a single rule. The new rule consistently uses the terms Law Office Study or "LOS" as an appropriate description of the program, and the term "Registrant" to describe participants in the program. The term "clerkship" is no longer used for this program.

While formerly a Registrant was required to have completed

three-fourths of the work required for a bachelor's degree, Registrants are now required to have a bachelor's degree. Registrants already in the program do not have to meet this new requirement, although the new rule will apply if a current Registrant leaves and then reapplies to the program. The new rule also directs Registrants to study the subjects tested on the Uniform Bar Examination, as well as related Vermont law.

Prior rule § 6(l) provided the Board had discretion to "allow an applicant partial credit for study which does not meet with the minimum requirements prescribed by this section as the Board shall deem just and equitable." Because § 6 addressed several types of prescribed study, and § 6(j) provided certain limited options for credit for the Law Office Study Program, the scope of § 6(l) was not entirely clear. The provisions of new Rule 7(e) (drawn from § 6(j)) set forth the recognized bases for granting credit toward the four-year term for the Law Office Study Program. The requirement that the study be recent and not stale is new, but reflects consistent Board practice in considering requests for credit under § 6(j). The catch-all provision of § 6(l) is not included in the new rule.

RULE 8. GRADUATE OF A NON-APPROVED LAW SCHOOL

(a) **Within the United States.** An Applicant who has graduated from a non-Approved Law School within the United States must satisfy the following requirements no later than the deadline for applying to take the Uniform Bar Examination in Vermont:

(1) demonstrate that the school attended was in the process of seeking accreditation by the American Bar Association during the Applicant's attendance and has not since been denied accreditation; and

(2) file an official transcript from the non-Approved Law School.

(b) **Outside of the United States.** An Applicant who has graduated from a foreign, non-Approved Law School ("Foreign Law School") must establish he or she has:

(1) completed a legal education at a Foreign Law School whose curriculum provided training in a system based on the common law of England and that is otherwise equivalent to graduation from an Approved Law School, as determined by the equivalency determination process; and

(2) been admitted to the bar of a court of general jurisdiction in the country in which the Applicant attended the Foreign Law School and has maintained good standing in that bar or resigned from that bar while still in good standing. The Board may waive this requirement for upon the Applicant's showing of good cause. For the purposes of this rule, "good cause" includes, but is not limited to, consideration of the reason(s) the Applicant is not admitted to the foreign bar, Applicant's admission and practice in another U.S. or foreign jurisdiction, and Applicant's legal employment and/or legal study.

(c) **Equivalency Determination Process**.

(1) *Contents of Equivalency Determination Application.* An application for equivalency determination must include:

(A) the Applicant's official transcript from the Foreign Law School;

(B) the Foreign Law School's course catalogue; and

(C) any other information required by the Board.

(2) *Deadlines.*

(A) To sit for the July Examination, the application for equivalency determination must be submitted no later than the preceding December 1.

(B) To sit for the February Examination, the application for equivalency determination must be submitted no later than the preceding August 1.

(C) An application for equivalency determination may also be submitted together with an application for admission by transferred UBE score.

(3) *Written Report.* To assist in determining the equivalency of an Applicant's course of study to the standards of an Approved Law School, the Board may retain an expert to prepare a written report ("Report''), which will assess:

(A) whether the Foreign Law School's curriculum provides training in a system based on the common law of England;

(B) whether the Foreign Law School is accredited or in the process of obtaining accreditation;

(C) whether the Applicant has studied at least half of the subjects of examination tested on the UBE;

(D) the Applicant's transcript and the Foreign Law School's grading system;

(E) whether the Foreign Law School's graduates are regularly admitted to the practice of law; and

(F) any other factors that may be relevant to determining whether the Applicant has completed a legal education that is equivalent to that of an Approved Law School.

(4) *Additional Information.* Upon completion:

(A) the Report will be provided to the Board and the Applicant; and

(B) the Applicant may provide or the Board may request further information.

(5) *Costs.* The Applicant is responsible for all costs associated with an equivalency determination. The Applicant must make a deposit to the Board before the Equivalency

Determination commences.

(6) *Result of Equivalency Determination.* The Board will determine whether the Applicant has established that the Foreign Law School is equivalent to an Approved Law School.

(7) *Waiver of Report.* If the Board, in its discretion, determines it already has sufficient information to recommend approval of a Foreign Law School, it may waive the Report requirement.

(8) *Extension.* If a final determination on an Equivalency Determination Application has not been made before the administration of the Examination for which the application was submitted, it will remain pending for the subsequent Examination administration.

Board's Notes—2022 Amendment

Rule 8(b)(2) is amended to clarify what factors the Board of Bar Examiners considers when determining whether to waive the requirement of admission to the foreign jurisdiction.

Board's Note – 2021 Amendment

Rule 8 is amended to remove the cure provision in 8(c)(4) that allowed applicants with law degrees from non-common law countries to establish equivalency by completing a qualifying LLM at an ABA-approved law school. This change is based on the Board's experience that the applications from such applicants consume an excessive amount of administrative and Board time and the bar exam passage rate for these applicants is generally low. Notably, most other states do not have a comparable rule. Former Rule 8(c)(5)-(9) are renumbered 8(c)(4)-(8). Note that this amendment does not alter the ability of an applicant with a law degree from a common law country from having the Board consider an LLM from an ABA-approved law school as part of the equivalency determination process, pursuant to Rule 8(c)(3)(F).

Board's Note – 2017 Amendment

Rule 8 is revised to reflect the Board's practice, based on prior Rule § 6(h) and current Rule 8(c)(3)(A), of requiring that an Applicant requesting an equivalency determination for a Foreign Law School have exposure to the common law. This training is now an express requirement of Rule 8(b)(1), ensuring Applicants complete their legal education at a Foreign Law School whose curriculum is based on the principles of the common law.

Rule 8(c)(4) is added to include a cure provision for Applicants who do not otherwise meet the requirements of proposed Rule 8(b)(1). The cure provision permits Applicants to correct a deficiency by completing a Master of Laws degree at an Approved Law School in the United States, subject to specific requirements which focus on ensuring that Applicants receive sufficient training in

common law principles, professional responsibility, legal writing, U.S. law, and UBE topics.

Some of these specific requirements are drawn from the New York Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law, Rule 520.6. The New York Board of Law Examiners processes a much higher number of equivalency determinations than Vermont's Board of Bar Examiners, and its experience was instructive in the drafting of this revision.

Former Rule 8(c)(4)-(8) have been renumbered as 8(c)(5)-(9).

Board's Notes

This rule is drawn from the prior rule § 6(h).

The language regarding schools in the process of seeking accreditation has been revised slightly for clarity. A new provision allows the Board to waive, for good cause, the requirement that an Applicant who is a graduate of a foreign law school be admitted to practice in that jurisdiction. This new provision is consistent with the Board's practice, in exceptional cases, of recommending that the Court waive that requirement for some Applicants. New language has also been added to allow an Applicant seeking admission by transferred UBE score to request an equivalency determination. The provision for waiver of the usual equivalency report has been simplified to afford the Board discretion where the Board has sufficient information to recommend approval of a Foreign Law School. Finally, the new rule provides for the Board to make a final decision, rather than a recommendation to the Supreme Court. The Board's decision may be appealed to the Supreme Court as permitted by Rule 25.

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.

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

administration of the Exam.

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

(4) *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 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.

(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—2025 Amendment

The exam application deadlines in Rule 9(c)(2)(A) and (B) are moved two weeks earlier to April 15 and November 15, respectively, to allow more time for the Board to process requests for exam accommodations, including the possible use of outside experts.

Board's Notes—2023 Amendment

Rule 9(b)(1) is amended to clarify that an applicant must be on active status in the other U.S. jurisdiction to qualify for the

exemption from the five-years-from-graduation requirement.

Board's Notes—2022 Amendment

In conjunction with a similar amendment to Rule 13(d), Rule 9(b)(1) is amended to clarify what factors the Board of Bar Examiners considers when determining whether to waive the requirement that the bar exam be taken within five years of graduating from law school or completing the LOS Program.

The wording in Rule 9(b)(3) regarding the passing UBE score is also corrected to specify that an Applicant must receive a score of 270 or higher.

Board's Notes—2021 Amendment

Rule 9(c)(5), which details the eligibility requirements to sit for the UBE prior to graduation, is amended to require that applicants take the academic instruction necessary to prepare for the UBE and are approved by their law school to sit for the UBE prior to graduation. The purpose of this amendment is to ensure that early examination applicants are properly prepared for the UBE and that the Board is not overwhelmed by too many such applicants.

The time in which an early examination applicant must submit proof of graduation is increased to accommodate applicants who sit for the July bar and graduate at the end of the following fall semester.

Board's Notes – 2018 Amendment

Rules 9(b)(1), 11, and 13(e) have been revised to ensure consistency and clarity with regards to the permitted age of UBE and MPRE scores. Rule 9(b)(1) is revised to make it clear that applicants must be active attorneys to waive the five-year limitation and that Board approval is not necessary for such a waiver. Also, Rule 9(b)(1) now allows for an extension to the time limitation for good cause, consistent with existing Rule 13(d) and the revisions to Rules 11 and 13(e). See Board's Notes to simultaneous amendments to Rules 11 and 13.

Board's Notes – 2017 Amendment

The revised rule, effective April 18, 2016, eliminated the option of applying to the Board for permission, on a showing of good cause, to sit for the exam a fifth time. The amendment to Rule 9(b)(4) reinstates the option of applying to the Board for permission to sit for the Exam a fifth time (which was the prior practice of the Board before the adoption of the UBE). The amendment makes clear that the Board has the discretion to waive the four-attempt limitation where (1) an Applicant has made a strong showing of improved exam preparation, such that he or she is well prepared to

pass the Exam, (2) there is good cause to grant the waiver *(*e.g., a previously undiagnosed learning disorder), and (3) the limitation would not serve to protect the public. The amendment does not allow the Board to grant permission for an Applicant to sit a sixth time.

Board's Notes – 2016 Amendment

An amendment of Rule 9(b)(1), effective December 5, 2016, extends from three years to five years the time within which an applicant must sit for the bar exam after graduating law school or completing the LOS program.

Board's Notes

Elements of Rule 9 are drawn from the prior rules §§ 8, 9, and 10, but much of the rule is new, and reflects the adoption of the Uniform Bar Examination.

Consistent with the adoption of the UBE, the rule provides the Board discretion to coordinate administration of the exam with neighboring jurisdictions, so long as the exam is administered at a site that is reasonably convenient to Vermont. For example, the Board may explore jointly administering the exam with New Hampshire at a central location.

The rule includes a new provision that an Applicant must sit for the bar examination within three years of graduating from law school or completing the law office study program, unless the applicant is licensed to practice law in another jurisdiction.

Another new provision allows law students to sit for the examination after completing five semesters of law school, which for most students in full-time programs would be in February of the third year. To qualify for admission under this provision, an Applicant must graduate within six months of sitting for the exam.

Consistent with the prior rule § 10(k), Applicants may not sit for the examination more than four times. Rule 9 (and Rule 13) apply the same limit to UBE attempts in any jurisdiction. The new rules eliminate the option of applying to the Board for permission, on a showing of good cause, to sit for the exam a fifth time. The former provision cannot be administered uniformly with respect to other UBE jurisdictions, because the Board cannot control who sits for the examination in those jurisdictions.

Other provisions address administrative requirements, either reflecting current practice, such as requiring identification at the exam, or reflecting changes associated with the UBE.

RULE 10. GRADING OF THE UNIFORM BAR EXAMINATION; FINALITY OF SCORES

(a) **Grading.** In conjunction with the NCBE, the Board grades the UBE in accordance with grading procedures and standards set by the NCBE. In its sole discretion, the Board may use professional assistants to assist with grading.

(b) **Certified Uniform Bar Examination Score.** Based on the grading, the NCBE calculates and certifies each Applicant's score on the UBE.

(c) **Finality of Scores.** An Applicant's score on the UBE, as certified by the NCBE, is final.

Board's Notes—2025 Amendment

Along with Rule 2, Rule 10 is amended in preparation for the adoption of the NextGen bar exam. References to "Multistate Bar Examination," "Multistate Essay Examination," and "Multistate Performance Test" are removed, as those will not be standalone parts of the NextGen bar exam. Former subdivision 10(b) is removed because it referenced the Multistate Bar Examination. Subdivisions (c) and (d) are relabeled (b) and (c).

Board's Notes

This rule is new and reflects the adoption of the Uniform Bar Examination. Consistent with the standards for the UBE, the rule provides that certified UBE scores are final. A UBE jurisdiction may not offer the review and appeal process set forth in the prior rules §§ 10(f), (g), (h). Those provisions have accordingly been eliminated.

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—2023 Amendment

In conjunction with a similar amendment to Rule 13(e), Rule 11 is amended to clarify what good cause means in the context of the Board of Bar Examiners' determination of whether to extend the time within which the Board will accept an MPRE score.

Board's Notes—2022 Amendment

The wording in Rule 11 regarding the MPRE passing score is corrected to clarify that an Applicant must receive a score of 80 or higher.

Board's Notes—2022 Amendment

The wording in Rule 11 regarding the MPRE passing score is corrected to clarify that an Applicant must receive a score of 80 or higher.

Board's Notes – 2018 Amendment

Rules 9(b)(1), 11, and 13(e) have been revised to ensure consistency and clarity with regards to the permitted age of UBE and MPRE scores. Rule 11 is revised to make it clear that the triggering date for the time limit for the age of the MPRE score is the date the applicant achieves a passing UBE score, consistent with the prior Board's Notes. Also, Rule 11 now allows for an extension to the time limitation for good cause, consistent with existing Rule 13(d) and the revisions to Rules 9(b)(1) and 13(e). See Board's Notes to simultaneous amendments to Rules 9 and 13.

Board's Notes

Rule 11 is derived from prior rule § 6.

The required score of 80 remains the same. The temporal window in which the MPRE must be taken is now based on the date the Applicant achieved a passing score on the Uniform Bar Examination.

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.

(b) **Reporting.** The Applicant and supervising judge or attorney must certify completion of the requirements of Rule 12(a) within one year of the date of admission, or the Applicant's license will be suspended. In the event that an Applicant's license is suspended for failing to complete the requirements of Rule 12, the Applicant must submit a plan for completing the requirements. If the Applicant asserts that 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 the Applicant's license pending successful completion of the plan approved by the Board.

Board's Notes—2022 Amendment

Rule 12(a)(2) is amended to allow applicants to commence their mentorship prior to admission to the bar, consistent with the clerkship that was required prior to the adoption of the UBE. This amendment does not apply to applicants admitted to the Vermont bar prior to the effective date of the amendment.

The references in Rule 12(a)(1) and (a)(2)(B) to the "the Board of Continuing Legal Education" are changed to "the Board of Mandatory Continuing Legal Education" to accurately reflect the name of that Board.

Board's Notes—2021 Amendment

Rules 12(a)(1) and 15(c) are amended to make the first-year CLE requirement consistent with recent changes to the Rules for Mandatory Continuing Legal Education. Specifically, the prior distinction between live and self-study in 12(a)(1) is replaced with the distinction between Moderated Programming, Non-Moderated Programming with Interactivity as a Key Component, and other. Further, the minimum number of hours of programming that is Moderated or Non-Moderated with Interactivity as a Key Component is increased from 6 to 9.

Board's Notes – 2018 Amendment

Rule 12(a)(1) is revised to make the time period to take the first-year CLE courses for admittees by examination consistent with the corresponding time period for admittees without examination in Rule 15. In removing the reference to the bar exam, this revision also clarifies the corresponding time period for admittees by transferred UBE score.

Rule 12(a)(2) is revised to clarify that for good cause the Board can grant an extension to the time limit for satisfying the first-year mentorship requirement. This aligns Rule 12(a)(2) with Rule 12(a)(1), which similarly allows the Board to grant an extension for good cause shown to the time limit for satisfying the first-year CLE requirement.

Board's Notes – 2017 Amendment

This amendment provides a process by which an Applicant, who is newly admitted to the Vermont Bar, can rectify the untimely filing of a Mentorship Completion Certificate or other minor errors in the completion of the required Mentorship program. The amendment is drawn from a similar rule of the Mandatory Continuing Legal Education Board allowing admitted attorneys time to complete a make-up plan if they fail to have the requisite number of continuing legal education credits by the applicable biannual reporting deadline. See Rules for Mandatory Continuing Legal Education, § 10.

Board's Notes

Together with the adoption of the Uniform Bar Exam, new Rule 12 eliminates the former three-month clerkship requirement and replaces it with a Continuing Legal Education (CLE) program and a post-admission mentorship program. The CLE requirement is similar to that already required of lawyers waiving into Vermont from other states. The purpose of the CLE program is to educate bar applicants and new lawyers about some unique features of Vermont law and to acclimate new lawyers to the Vermont legal community. The required CLE must be completed no later than one year after admission to the Vermont Bar.

The mentorship program requires a newly licensed lawyer to be mentored in the first year of practice by a judge or experienced attorney practicing law in Vermont. The program will help new lawyers become acclimated to the practice of law in Vermont and the Vermont legal community. The mentors will provide guidance to new lawyers as they begin their practice. The mentorship program requires personal contact between the mentor and the new lawyer to foster a personal connection that will continue beyond the formal program requirements. The mentorship program also requires the new lawyer to perform certain legal tasks or attend

certain legal functions to gain exposure to proceedings, institutions, and organizations, as well as to observe experienced attorneys performing tasks that may be relevant to the new attorney's practice. The Board of Continuing Legal Education and Board of Bar Examiners will approve, and periodically revise, a recommended activities list for the mentorship program. The list affords substantial flexibility for new lawyers and their mentors to develop an individualized program that assures broad and relevant exposure to Vermont law, legal practice, and the legal culture.

The mentorship program must be completed within one year of admission to the Vermont Bar. The new program continues a valuable aspect of the former three-month clerkship by encouraging new attorneys to form mentoring relationships with experienced practitioners.

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 3 years before the date on which the application for admission by transferred UBE score was filed; 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.

(e) **MPRE.** The Applicant must have achieved a scaled score of 80 or higher on the MPRE taken within a period beginning 3 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.

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

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

Board's Notes—2023 Amendment

In conjunction with a similar amendment to Rule 11, Rule 13(e) is amended to clarify what good cause means in the context of the Board of Bar Examiners' determination of whether to extend the time within which the Board will accept an MPRE score.

Board's Notes—2021 Amendment

In conjunction with a similar amendment to Rule 9(b)(1), Rule 13(d) is amended to clarify what factors the Board of Bar Examiners considers when determining whether to waive the requirement that the bar exam must be taken within five years of graduating from law school or completing the LOS Program.

Board's Notes – 2018 Amendment

Rules 9(b)(1), 11, and 13(e) have been revised to ensure consistency and clarity with regards to the permitted age of UBE and MPRE scores. Rule 13(e) is revised to impose a one-year outer limit for the MPRE score, consistent with the outer limit in Rule 11. Also, Rule 13(e) now allows for an extension to the time limitation for good cause, consistent with existing Rule 13(d) and the revisions to Rules 9(b)(1) and 11. See Board's Notes to simultaneous amendments to Rules 9 and 11.

In addition to the above change, Rule 13(b) is revised to specifically permit concurrent applicants for admission by transferred UBE score, meaning that an applicant can apply to sit for the UBE in a UBE jurisdiction other than Vermont and at the same time apply for admission by transferred UBE score to the Vermont bar, although the UBE score has not yet been earned.

Board's Notes – 2017 Amendment

Consistent with the recent amendment to Rule 9(b)(1), Rule 13(d) is amended to extend the time in which the Applicant must sit for the UBE from 3 to 5 years. The amendment also provides for an extension of this deadline for good cause shown, consistent with the concurrent amendment to Rule 9(b)(4).

Board's Notes

This rule is new and establishes the process for admission by transferred UBE score. An Applicant may transfer a UBE score for three years, or up to five years if the Applicant has been practicing law in another U.S. jurisdiction for at least two years. After five years, the score is too stale and an Applicant must qualify for admission without examination under Rule 14 or retake the exam.

Generally, Applicants for admission by transferred UBE score must meet the requirements for admission by examination. The rule restates or cross-references those requirements, as appropriate. The rule does not restate the requirements of Rule *5,* because Rule 5 expressly applies to all Applicants.

PART III. ADMISSION WITHOUT EXAMINATION

RULE 14. NECESSARY SHOWING FOR ADMISSION WITHOUT EXAMINATION; RESTRICTION ON ELIGIBILITY

An Attorney-Applicant may seek admission to the Bar without examination by submitting an Application on forms required by the Board and paying the required fee. An Application may be filed at any time. An Attorney-Applicant is not eligible to seek admission under this rule if he or she has failed the Vermont Bar Examination within the preceding 5 years or failed to earn a score of 270 or higher on the Uniform Bar Examination taken in Vermont or another UBE jurisdiction within the preceding 5 years.

Board's Notes

Rule 14 is derived from the prior rule § 7(a), (e)(4).

Rule 14 introduces the process for applying for admission without examination. For purposes of these rules, admission without examination does not include admission by transferred UBE score. Admission without examination is available to certain attorneys who are admitted and have practiced the requisite period of time in another U.S. jurisdiction. Applicants seeking admission under this rule are called "Attorney-Applicants." Consistent with the prior rule § 7(e)(4), admission without examination is not available to Applicants who have failed the Vermont bar examination in the past five years. The new rule extends the same prohibition to Applicants who have taken the UBE and failed to achieve Vermont's required score within the past five years.

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.

(c) **Continuing Legal Education (CLE) Requirement.** 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—2021 Amendment

Rules 12(a)(1) and 15(c) are amended to make the first-year CLE requirement consistent with recent changes to the Rules for Mandatory Continuing Legal Education. Specifically, the prior distinction between live and self-study in 12(a)(1) is replaced with the distinction between Moderated Programming, Non-Moderated Programming with Interactivity as a Key Component, and other. Further, the minimum number of hours of programming that is Moderated or Non-Moderated with Interactivity as a Key Component is increased from 6 to 9.

Board's Notes

Rule 15 is derived from the prior rule § 7.

The requirements for Attorney-Applicants are substantively unchanged. The new rule extends the time period during which an

Attorney-Applicant must complete the required CLE. The new rule for Attorney-Applicants, consistent with the new CLE requirement for newly licensed lawyers under Rule 12, allows for the required CLE to be completed up to one year after admission to the bar. The approved live courses are offered at limited times. The new rule allows additional flexibility while ensuring that the CLE program is timely completed.

PART IV. CHARACTER AND FITNESS REVIEW

RULE 16. REQUIREMENTS AND INVESTIGATION

(a) **Character and Fitness Requirement.** All Applicants must establish their good moral character and fitness to the satisfaction of the Committee to be admitted to the Bar.

(b) **Definition.** "Good moral character and fitness" means that the person's prior conduct reasonably demonstrates that the person presently meets the essential eligibility requirements for the practice of law and otherwise does not likely pose a risk to clients, the legal system, or the administration of justice. Health conditions are relevant only so far as they reasonably demonstrate a present lack of character or fitness.

(c) **Essential Eligibility Requirements.** To be eligible to be admitted to the Vermont bar, Applicants must reasonably demonstrate that they will:

(1) Be able to reason, analyze, and recall complex factual information and integrate such information with complex legal theories;

(2) Conduct themselves with a high degree of honesty, integrity, and trustworthiness in all professional relationships and with respect to all legal and financial obligations;

(3) Conduct themselves with respect for and in accordance with the law, including the Vermont Rules of Professional Conduct;

(4) Conduct themselves professionally and in a manner that engenders respect for the law and the profession.

(5) Exercise good judgment on behalf of clients and in conducting one's professional business;

(6) Communicate with clients, attorneys, courts, and others with a high degree of organization and clarity;

(7) Conduct themselves diligently and reliably in fulfilling all obligations to clients, attorneys, courts, and others; and

(8) Comply with deadlines and time constraints.

(d) Duties of Applicant.

(1) *Burden of Proof.* The Applicant bears the burden of proof of establishing good moral character and fitness.

(2) *Consent and Waiver.* Applicants must consent to an investigation of their moral character and fitness and must provide all necessary waivers of confidentiality and liability to facilitate the investigation.

(3) *References.* The Applicant must provide as references the names and addresses of three persons not related to the Applicant by blood, marriage, or civil union. In addition, an Applicant who, at the time of application for admission, has practiced law in another U.S. jurisdiction for at least one year must provide as further references the names and addresses of two attorneys admitted to practice in that jurisdiction.

(e) Investigation and Report.

(1) *Duty of Committee.* The Committee must investigate each applicant to determine whether the applicant presently possesses good moral character and fitness.

(2) *Appointment of Member.* The Committee assigns a single Member to conduct the investigation of an Applicant's moral character and fitness.

(3) *Decision and Report.* After concluding the investigation, the Member must decide whether to certify the Applicant's good moral character and fitness. The Member must report the decision in writing.

(A) If the Member certifies the Applicant's good moral character and fitness, the Committee need not conduct further review and the Committee will recommend to the Court the Applicant's admission, provided the Applicant has satisfied all other admission requirements.

(B) If the Member does not certify the Applicant's good moral character and fitness, the Member must state the reasons therefore in a report to the Committee and the Committee will convene a hearing on the Applicant's application for admission.

Board's Notes—2021 Amendment

New Rule 16 adopts essential eligibility requirements that affirmatively state the abilities needed to become a licensed lawyer. These requirements provide a clear framework to guide applicants and the Character and Fitness Committee in the determination of whether an applicant has the requisite moral character and fitness to practice law in the state. Further, the American Bar Association has recommended that states adopt essential eligibility requirements to promote lawyer well-being by providing clear eligibility guidelines for lawyers with mental or physical impairments.

The definition of character and fitness in new Rule 16(b) includes a provision making it clear that health conditions, including substance-use disorders or mental-health impairments, are relevant only so far as they impact the applicant's present ability to meet the essential eligibility requirements.

Other than the new provisions noted above, the substance of the rule remains unchanged, although somewhat reorganized to

incorporate the new provisions.

Board's Notes

This rule is derived from portions of the prior rule § 11. Minor changes from prior rule § 11 reflect the Committee's current practice.

RULE 17. HEARING PROCESS

A hearing convened pursuant to Rule 16(e)(3)(B) will be conducted as follows:

(a) **Panel.** The hearing will be before a 3-Member panel of the Committee. The Member who decided not to certify the Applicant's good moral character must not serve on the panel. At the commencement of the hearing, one panel Member will be designated as the presiding Member.

(b) **Applicant's Participation.** The Committee must provide the Applicant with written notice of the hearing. The Applicant may appear and present information to substantiate good moral character and fitness. The panel may preside remotely and may allow or require remote participation by the applicant, witnesses, and other necessary participants as provided in Vermont Rule of Civil Procedure 43.1.

(c) **Counsel.** The Applicant is entitled to be represented by counsel at the hearing. The panel may appoint counsel to present evidence of the Applicant's moral character and fitness.

(d) **Rules of Evidence; Subpoena Power**.

(1) The rules of evidence apply, but evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs and not precluded by statute or privilege.

(2) The Committee may issue subpoenas or compel testimony. All testimony must be under oath administered by the presiding Member of the panel.

(e) **Hearing Closed.** Unless the Applicant requests otherwise, the hearing will be closed except to Members, agents of the Committee, the Applicant, and the Applicant's counsel and witnesses.

(f) **Recording of Hearing.** A record will be made of the hearing. If the panel does not certify an Applicant's good moral character and fitness, it must produce a transcript of the applicable hearing at its expense.

(g) **Expansion of Record.** If, after the hearing, the panel seeks to expand the record to consider additional evidence, it may do so after providing notice and an opportunity to be heard to all parties.

Board's Notes—2022 Amendment

Rule 17(b) is amended to allow the panel to preside remotely or to allow or require remote participation by others pursuant to Vermont Rule of Civil Procedure 43.1. Following the COVID-19

pandemic, remote hearings were authorized and encouraged under Administrative Order 49, ¶ 15(d). This practice was an effective method for participation and therefore remote participation is incorporated into the rules.

Board's Notes—2022 Amendment

The opening sentence of Rule 17 is amended to correct the cross reference to Rule 16.

Board's Notes

This rule is derived from portions of the prior rule § 11. Minor changes from prior rule § 11 reflect the Committee's current practice.

RULE 18. PANEL'S DECISION AFTER HEARING

(a) **Decision.** After the conclusion of the hearing, or the time necessary to expand the record, the panel will prepare a written decision setting forth its findings, conclusions, and recommendations on whether to certify the Applicant's good moral character and fitness.

(b) **Parties Served.** The panel must serve its decision on the Applicant and Applicant's counsel, and file a copy with the Supreme Court. The decision must inform the Applicant of the right to appeal.

(c) **Right to Appeal; Supreme Court's Review.** The Applicant has the right to appeal the decision to the Supreme Court. The Applicant's notice of appeal must be filed within 30 days of the date of the decision. Within 30 days of the date of the decision, the Court may also order review of the decision on its own motion. If the Applicant does not file a timely notice of appeal and the Court does not order review on its own motion, the panel decision will be final.

(d) **Supreme Court Review.** The Court may take any action consistent with its constitutional authority. The Vermont Rules of Appellate Procedure apply to an appeal. If the Court orders review on its own motion, it will specify the issue(s) to be addressed by the parties. The Court may remand the decision to the Committee, with appropriate directions for an expanded record or additional findings, while retaining jurisdiction of the matter. The matter will be continued, pending the Court's receipt of the requested expanded record or additional findings.

(e) **Appeal Public Record.** The notice of appeal and all subsequent proceedings are public.

Board's Notes—2022 Amendment

Rule 18(c) is amended to require an applicant to file a notice of appeal within 30 days of the date of a decision rather than 30 days of date the decision was mailed. This reflects the practice of notifying applicants (via electronic means) of the panel's decision on the same day the decision issues.

Board's Notes

This rule is derived from portions of the prior rule § 11. Minor changes from prior rule § 11 reflect the Committee's current practice.

RULE 19. RESTRICTION ON FUTURE APPLICATION FOR ADMISSION

An Applicant who is denied a certification of Good Moral Character and Fitness is not eligible to apply for admission to the Bar for a period of 2 years after the denial.

Board's Notes

This rule is derived from portions of the prior rule § 11. Minor changes from prior rule § 11 reflect the Committee's current practice.

PART V. ADMISSION & LICENSURE

RULE 20. PROCESS FOR ADMISSION AND LICENSURE

(a) **Deadlines to Satisfy Requirements for Admission.** An Applicant for admission by examination must satisfy all requirements for admission no later than 2 years from the date of the examination on which the Applicant achieved a passing score, or the Application will be deemed withdrawn. An Applicant for admission by transferred UBE score must satisfy all requirements for admission no later than 2 years from the date the Application is filed, or the Application will be deemed withdrawn. An Applicant for admission without examination must satisfy all requirements for admission no later than 2 years from the date the Application is filed, or the Application will be deemed withdrawn. Upon a timely request by an Applicant and a showing of good cause, the Board may extend the deadline to satisfy the requirements for admission.

(b) **Motion for Admission.** The Board must file with the Court a motion for admission to the Bar of those Applicants found qualified under these rules. Once the Court grants the Board's motion for admission, the Board must notify each Applicant of the Court's approval, and provide instructions and necessary forms to be completed to obtain a license to practice law in Vermont.

(c) **Licensure Requirements.** Within 90 days after the Board sends an Applicant notice of approval, 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.

(d) **Issuance of License.** Upon timely completion of the licensure requirements, a license will be issued to the Applicant. Until the license is issued, an Applicant is not licensed to practice law in Vermont.

(e) **Oaths of Admission**.

(1) *Persons Qualified to Administer Oaths.* The oaths of admission may be administered by:

(A) Any justice of the Supreme Court, Vermont Superior Court judge, Vermont probate judge, Vermont magistrate, Vermont assistant judge, clerk or deputy of the Court, or clerk or court operations manager of the Vermont Superior Court; or

(B) A justice, judge, or other equivalent judicial officer of another U.S. jurisdiction.

(2) *Required Oaths for Admission to Bar.* Before admission to the Bar, an Applicant must take the following oaths:

(A) In accordance with 12 V.S.A. §§ 5812 and 5851:

I do solemnly swear (or affirm) that I will do no falsehood, nor consent that any be done in court, and if I know of any, I will give knowledge thereof to the judges of the court or some of them, that it may be reformed; that I will not wittingly, willingly, or knowingly promote, sue, or procure to be sued, any false or unlawful suit, or give aid or consent to the same; that I will delay no person for lucre or malice, but will act in the office of attorney within the court, according to my best learning and discretion, with all good fidelity as well to the court as to my client. (If an oath:) So help me God. (If an affirmation:) Under the pains and penalties of perjury.

(B) In accordance with Chapter II, Section 56 of the Vermont Constitution:

I do solemnly swear (or affirm) that I will be true and faithful to the State of Vermont, and that I will not, directly or indirectly, do any act or thing injurious to the Constitution or the Government thereof (If an oath:) So help me God. (If an affirmation:) Under the pains and penalties of perjury.

(C) Additionally:

I do solemnly swear (or affirm) that I will be true and faithful to the United States of America, and that I will not, directly or indirectly, do any act or thing injurious to the Constitution or the Government thereof (If an oath:) So help me God. (If an affirmation:) Under the pains and penalties of perjury.

(3) *Remote Administration.* A person authorized to administer the oaths of admission may administer the oaths remotely, without being in the physical presence of the Applicant if the administering person can both see and hear the Applicant using audio-visual communication for the purpose of positively identifying the Applicant.

Board's Notes—2022 Amendment

Rule 20(e)(3) is added to incorporate an interim measure taken during the COVID-19 pandemic to permit the oath of admission to be administered remotely in real time. Administrative Order 49, ¶ 15(e) allowed the oath to be administered remotely by video in real time. This procedure has been an efficient way to administer the oath without requiring Applicants to travel to the courthouse.

Board's Notes

This rule is derived from the prior rule § 12.

The rule is a reorganization of the prior rule governing admission and licensing after approval by the Board and the Court. A new provision has been added to set deadlines for completing the requirements for admission.

PART VI. LEGAL INTERNS

RULE 21. ELIGIBILITY REQUIREMENTS

A person who is not yet licensed to practice law in Vermont, but who meets the requirements for legal interns may, under attorney supervision, appear as legal counsel in a Vermont court. An intern is bound by the Vermont Rules of Professional Conduct. An intern must satisfy one of the following four criteria:

(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

This rule is derived from the prior rule § 13.

The rules governing appearance in court by legal interns are reorganized for clarity but largely unchanged in substance.

RULE 22. RESTRICTIONS ON ELIGIBLITY TO PRACTICE AS LEGAL INTERN

(a) **Failure to Pass Examination.**

(1) *One Failure.* An intern who has failed to achieve Vermont's passing score on the bar examination on his or her first attempt in Vermont or another UBE jurisdiction may continue to be a 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 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 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 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 a legal intern.

Board's Notes

This rule is derived from the prior rule § 13.

The rules governing appearance in court by legal interns are reorganized for clarity but largely unchanged in substance. Rule 22, governing prospective interns who have failed the bar examination, reflects a change from § 13(d). The new rule includes certain disclosure requirements for a legal intern who has failed the exam once. Consistent with the prior rule, Rule 22 does not allow a person who has failed the exam twice or more to serve as a legal intern, absent approval by the Board for good cause. A person who has been denied admission for failure to establish good moral character and fitness may not serve as a legal intern.

RULE 23. MANDATORY PREREQUISITES FOR APPEARANCE

Before appearing as legal counsel, a 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 appearance as legal counsel. Legal 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 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 intern, which certification has been filed with the subject court. Legal interns employed by state government agencies are excused from compliance with this prerequisite.

(4) The 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

This rule is derived from the prior rule § 13.

The rules governing appearance in court by legal interns are reorganized for clarity but largely unchanged in substance. Rule 23 includes a new provision that exempts interns in state government agencies from providing proof of insurance. It also exempts government interns (other than those interning for the Office of the Defender General) from providing the client's written consent. These new provisions remove unnecessary barriers to practice by interns in government agencies.

RULE 24. ATTORNEY SUPERVISION; AUTHORIZED ACTIVITIES

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

(b) **Qualification.** To serve as a supervising attorney of a 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 work;

(2) Assist the legal intern as needed;

(3) Introduce the legal intern to the subject court at the legal intern's first appearance before that court;

(4) Appear with the legal intern at all court appearances involving a contested matter; and

(5) Appear with the legal intern at all other court appearances unless:

(C) the supervising attorney's appearance is expressly waived by the court; and

(D) the client's written consent includes consent to appearance by the legal intern without the presence of the supervising attorney.

(d) **Authorized Activities.** A 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's services, and may compensate the legal intern. This rule does not authorize a fee-splitting agreement between the supervising attorney and the legal intern or the direct employment of a legal intern by a client.

Board's Notes – 2019 Amendments

Under this amendment to Rule 24, a legal intern who is admitted in another U.S. jurisdiction, while still subject to the general supervision requirements of the Rule, may now appear in court 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. This amendment essentially gives such legal interns the same authority as that given to nonresident attorneys admitted pro hac vice pursuant to Administrative Order No. 41, but without the need to submit a pro hac vice application and fee for each case in which the legal intern wishes to appear. In doing so, the amendment aims to reduce administrative, staffing, and financial obstacles that may otherwise prevent qualified legal interns, especially those working for state agencies and Vermont Legal Aid, from appearing as legal counsel.

Board's Notes – 2016 Amendments

An Amendment to Rule 24(d), effective December 5, 2016, requires that legal interns complete a course in evidence before handling an evidentiary proceeding.

Board's Notes

This rule is derived from the prior rule § 13.

The rules governing appearance in court by legal interns are reorganized for clarity but largely unchanged in substance. Rule 24 includes a new provision that allows the Board to waive or modify, for good cause, the requirement that a supervising attorney be admitted to the practice of law in Vermont for three years. The rule suggests that good cause may include certain educational and/or prior legal experience and admission to the bar of another jurisdiction.

PART VII. MISCELLANEOUS PROVISIONS

RULE 25. APPEAL TO COURT; ORIGINAL JURISDICTION

Except as otherwise provided in these rules, an individual may appeal from a decision of the Board or Committee by filing an action with the Supreme Court as a matter of original jurisdiction and in accordance with the Vermont Rules of Appellate Procedure.

Board's Notes

Rule 25 is derived from the prior rule § 14(b). The rule is not substantively changed.

RULE 26. FEES; REFUNDS

All required fees must be timely paid. Required fees are set by the Court Administrator and published on the Judiciary website. A request for a fee refund for a withdrawn application must be made to the Board in writing. The Board has discretion to grant a refund based on a showing of extraordinary circumstances. Any refund excludes a nonrefundable administrative fee.

Board's Notes

Rule 26 is derived from the prior rule § 9(d).

The provision requiring timely payment is consistent with past practice and added for clarity. The specific fees have been removed from the rule and will be posted on the Judiciary's website: https://www.vermontjudiciary.org, subject to change by the Court Administrator. Periodic fee increases may be necessary to subsidize purchase of the NCBE testing materials, and it should not be necessary to amend the rules of admission each time a fee is changed.

RULE 27. INQUIRIES

All inquiries regarding these rules and related procedures for admission to the Bar may be addressed to the Board at the address provided on the Judiciary website.

Board's Notes

Rule 27 is derived from the prior rule § 14(d).

The rule is not substantively changed. The rule directs inquiries to be made using the contact information available on the judiciary website: https:/www.vermontjudiciary.org.

RULE 28. REASONABLE ACCOMMODATIONS FOR QUALIFIED APPLICANTS WITH DISABILITIES

These rules do not prevent the Board from providing reasonable accommodations to a qualified Applicant with a disability regarding the application process, administration of the Uniform Bar Examination, and/or admission to the Bar. An Applicant seeking a reasonable accommodation may consult the Board's website for further information and instructions.

Board's Notes

Rule 28 is derived from the prior rule § 14(e).

The prior rule has been edited for clarity and to align terms with common usage, but not substantively changed.

RULE 29. USE OF COMPUTER NETWORKS TO SHARE INFORMATION

To efficiently and effectively perform their duties, the Board and the Committee may utilize various computer-networking options to share information. When using those networks, all reasonable efforts are made to maintain the confidentiality of the shared information.

Board's Notes

Rule 29 is new. It provides Applicants notice regarding the Board's and Committee's use of computer networks to share materials.