VERMONT SUPREME COURT
OFFICE OF THE STATE COURT ADMINISTRATOR
BOARD OF BAR EXAMINERS
BOARD OF MANDATORY CONTINUING LEGAL EDUCATION

Note: This is an unofficial version of Administrative Order No. 41, updated to reflect amendments approved in January 2026.

ADMINISTRATIVE ORDER NO. 41
LICENSING OF ATTORNEYS

Pursuant to the Vermont Constitution, the following Rules providing for the licensing of attorneys are effective for all licenses issued or renewed for the period beginning on or after July 1, 2017.

§ 1. Unauthorized Practice of Law. Unless otherwise authorized by Rule 5.5 of the Vermont Rules of Professional Conduct, the practice of law without a license is prohibited and may be punished as contempt.

§ 2. License Renewal. Upon being approved for admission to the Bar of the Vermont Supreme Court and on or before June 30 of every other year thereafter, an attorney must:

(a) Complete, sign, and file a licensing statement with the State Court Administrator; and

(b) Remit the licensing fee required by a fee schedule that has been approved by the State Court Administrator. The fee schedule will be approved and published no later than April 1 of each year.

§ 3. Use of Licensing Fees. All fees received by the State Court Administrator pursuant to this order will be transferred to the State Treasurer for deposit into and use consistent with the Attorneys' Admission, Licensing and Professional Responsibility Special Fund. See 4 V.S.A. § 908.

§ 4. Licensing Statement. The following provisions apply to all licensing statements.

(a) Contents. The licensing statement must be completed in a manner approved by the State Court Administrator and must include the following:

(1) a certification that the attorney is not obligated to pay child support or is in good standing with respect to any and all child support payable, as defined by § 14;

(2) a signed written declaration under the pains and penalties of perjury that the attorney is in good standing with respect to any and all taxes due to the State of Vermont, as defined by § 13, as of the date such declaration is made;

(3) an option for the attorney to select active, inactive, judicial, or pro bono emeritus status;

(4) current postal addresses for the attorney's office and residence;

(5) a current email address;

(6) a certification that the attorney has registered at least one current email address if required to by Administrative Order No. 44;

(7) the attorney's pooled interest bearing trust account number(s) (IOLTA), or an indication of exemption;

(8) the attorney's professional liability insurance disclosure or an indication of exemption; and

(9) any other information deemed necessary by the State Court Administrator.

(b) Signature. The attorney must sign the statement. An electronic signature complies with this rule.

(c) Reporting Requirement. Attorneys are responsible for updating their information with attorney licensing, including the office mailing address, email address, residential address, and IOLTA account information. Notice to renew a license sent to a registered email address is sufficient even if not received by the attorney due to a failure to update an email address.

Reporter's Notes — 2023 Amendment

Administrative Order 41, § 4(a) is amended to clarify that the attorney licensing statement must be submitted in a manner approved by the State Court Administrator. At the moment, relicensing is done through an online portal and not using a paper form. A user guide and important information about the portal is provided on the Judiciary website. Section 4(c), regarding an attorney's obligation to report any changes to contact information, is amended to clarify that attorneys are responsible for keeping their contact information current and notice sent to the registered email address is sufficient even if not received due to a failure to update the information. Currently, attorney contact information is updated directly in the attorney portal. IOLTA account information is updated by contacting attorney licensing at jud.attylicensing@vermont.gov. The amendment removes the reference to the email being used to send court notices. Court notices are currently sent to the email(s) registered in the eCabinet registration system pursuant to Administrative Order 44.

§ 5. License. Upon an attorney's compliance with § 2, the State Court Administrator or designee will issue a license to that attorney.

§ 6. Nondisciplinary, Administrative Suspension. Upon an attorney's failure to comply with § 2, an attorney's license to practice law in Vermont will be immediately suspended on a nondisciplinary, administrative basis. The State Court Administrator or designee will send notice of the suspension to the attorney by email, as well as to all courts of the State of Vermont.

§ 7. Reinstatement. As soon as an attorney who has been suspended pursuant to § 6 complies with § 2 and pays an additional reinstatement fee, the State Court Administrator or designee will reinstate the attorney and issue a license.

§ 8. Active Status. An attorney on active status is authorized to practice law in the State of Vermont and must comply with the Mandatory Rules for Continuing Legal Education.

§ 9. Inactive Status. An attorney on inactive status is not authorized to practice law in the State of Vermont. Attorneys on inactive status must comply with § 2, but are exempt from compliance with the Mandatory Rules for Continuing Legal Education, except to the extent that those rules apply to attorneys who transfer to active status.

§ 10. Judicial Status. An attorney admitted in Vermont who is a Supreme Court Justice, Superior Judge, Magistrate, Judicial Bureau Hearing Officer, or federal judge or magistrate has judicial status and is exempt from compliance with § 2. Upon request and a showing of good cause, the Board of Mandatory Continuing Legal Education may grant judicial status to a justice, judge, or magistrate in another jurisdiction who is an attorney admitted in Vermont.

Reporter's Notes — 2018 Amendment

Section 10 is revised to permit federal judges and magistrates to claim judicial status as well as to authorize the MCLE Board to grant judicial status to a justice, judge, or magistrate from another jurisdiction upon a request and showing of good cause.

§ 11. Pro Bono Emeritus Status. An attorney on pro bono emeritus status is not authorized to practice law, except to provide legal services without fee or expectation of fee, under the auspices of a nonprofit organization, to persons of limited means or to charitable, religious, civic, community, governmental, and educational organizations which are designed primarily to address the needs of persons of limited means.

(a) Eligibility. To claim pro bono emeritus status, an attorney must be admitted to the Bar of any state or the District of Columbia and not suspended or disbarred in any jurisdiction in which the attorney is admitted or was formerly admitted.

(b) MCLE. An attorney on pro bono emeritus status is subject to the Mandatory Rules for Continuing Legal Education, except that the attorney must complete at least 8 hours of accredited continuing legal education, including at least one hour in ethics, during each 2-year licensing period.

(c) Disciplinary Jurisdiction. An attorney on pro bono emeritus status is subject to the disciplinary jurisdiction of the Court and the Professional Responsibility Board, as well as to the Vermont Rules of Professional Conduct.

(d) Court Awarded Fees. This rule does not preclude an attorney on pro bono emeritus status from sharing in the award of statutory attorney's fees.

Board's Notes—2025 Amendment

Section 11(b) is amended to make it consistent with Rule 3(B)(4) of the Vermont Rules for Mandatory Continuing Legal Education, which sets the ethics requirement for attorneys on pro bono emeritus status at one hour.

§ 12. Relinquishing a License. An attorney may relinquish a license to practice law in Vermont. An attorney who relinquishes a license to practice is not authorized to practice law in Vermont or to

claim a licensing status.

(a) Eligibility. To relinquish a license, an attorney must:

(1) not currently be the subject of any criminal or disciplinary investigations or proceedings in any jurisdiction;

(2) not currently be suspended or disbarred;

(3) have provided notice of the pending relinquishment to all clients by whom the attorney was retained or to whom the attorney provided legal advice or legal services within the previous 2 years;

(4) have fully complied with Rule 1.16 of the Vermont Rules of Professional Conduct;

(5) submit a form approved by the State Court Administrator in which the attorney certifies compliance with this rule and acknowledges that the license is freely and voluntarily relinquished with a full understanding of this rule; and

(6) complete any forms required by the State Court Administrator or designee.

(b) Continuing Disciplinary Jurisdiction. An attorney who relinquishes a license remains subject to the disciplinary jurisdiction of the Court and the Professional Responsibility Board for conduct that occurred on or before the date that the license was relinquished, even if the conduct is not brought to the attention of the Professional Responsibility Program until after the attorney has relinquished the license.

(c) Subsequent Application for Admission. An attorney who relinquishes a license is no longer admitted to the Bar of the Vermont Supreme Court, is not eligible to practice law in Vermont, and is not eligible to return to active, inactive, or pro bono emeritus status without applying for admission to the Bar of the Vermont Supreme Court, which may include having to pass the bar examination.

§ 13. Good Standing with Respect to Taxes. An attorney is in good standing with respect to any and all taxes due to the State of Vermont if the attorney:

(a) has paid all taxes due to the State of Vermont and has filed all returns;

(b) has entered into an agreement with the Commissioner of Taxes for becoming current on an unpaid tax obligation;

(c) has appealed the alleged obligation;

(d) has requested the Commissioner of Taxes to abate the unpaid tax claim for good cause; or

(e) has filed a court challenge to the claim.

§ 14. Good Standing with Respect to Child Support. An attorney is in good standing with respect to any and all child support payable if:

(a) less than 1/12th of the annual support obligation is overdue;

(b) liability for any support payable is being contested in a judicial or quasi-judicial proceeding;

(c) the person is in compliance with a repayment plan approved by the Office of Child Support or agreed to by the parties or ordered by the court; or

(d) the State Court Administrator finds that requiring immediate payment of support due and payable would impose an unreasonable hardship.

§ 15. Enforcement of Child Support Orders. Upon receipt of a license suspension order issued under 15 V.S.A. § 798 for failure to pay child support, the Professional Responsibility Board will notify the attorney of the pending suspension and provide the attorney with an opportunity to contest the suspension based solely on the grounds of mistaken identity or compliance with the underlying child support order. If the Board finds neither a mistake in identity nor compliance with the underlying child support order, the right of the attorney to practice law in Vermont will be suspended. The license will be reinstated

(a) within 5 days of:

(1) a reinstatement order from the court, or

(2) notification from the Office of Child Support or the custodial parent, where the rights of that parent have not been assigned to the Office of Child Support, that the parent is in compliance with the underlying child support order, and

(b) upon payment of a reinstatement fee set by the fee schedule established by the State Court Administrator.

§ 16. Admission Pro Hac Vice.

(a) An attorney who is not a member of the Bar of the Vermont Supreme Court, but who is admitted to practice law in another state or the District of Columbia (hereinafter called a "nonresident attorney"), and who is not currently suspended or disbarred in any state or the District of Columbia, must file a pro hac vice licensing statement and pay the required fee in accordance with this administrative order prior to filing a motion to be admitted in a particular case pursuant to V.R.C.P. 79.1(e), V.R.Cr.P. 44.2(b), V.R.F.P. 15(e), V.R.P.P. 79.1(d), or V.R.A.P. 45.1(d).

(b) The nonresident attorney seeking admission pro hac vice must complete under oath and submit to the State Court Administrator an application on a pro hac vice licensing statement form prescribed by the State Court Administrator. The applicant must attach to the licensing statement a Certificate of Good Standing from a state in which the applicant is admitted. The applicant must complete a separate licensing statement for each case in which the applicant wants to be admitted. The nonresident attorney must pay the fee set in the fee schedule approved by the State Court Administrator; however, the licensing fee may be waived to permit pro bono representation of an indigent client or clients, at the discretion of the State Court Administrator.

(c) A pro hac vice licensing card must be filed in the court in which the case is pending along with a motion by a member of the Vermont Bar pursuant to V.R.C.P. 79.1(e), V.R.Cr.P. 44.2(b), V.R.F.P. 15(e); V.R.P.P. 79.1(d) or V.R.A.P. 45.1(d) if not previously filed in that case pursuant to one of the preceding listed rules.

(d) A nonresident attorney admitted pro hac vice must comply with and is subject to Vermont statutes and rules of the Vermont Supreme Court, including the Rules of Professional Conduct and the Rules Governing Establishment and Operation of the Professional Responsibility Program.

Reporter's Notes — 2023 Amendment

Administrative Order 41, § 16 is amended to correct a cross reference to Vermont Rule of Appellate Procedure 45.1 regarding appearance of attorneys not admitted in Vermont. The references in § 16(a) and (c) are amended from V.R.A.P. 45.1(e) to V.R.A.P. 45.1(d).

§ 17. Extended Active Duty. Any attorney while on extended active duty in the uniformed services of the United States or member of the national guard, state guard, or reserve component who is licensed to practice law at the time of activation or deployment will:

(a) receive an extension of licensure up to 90 days following the attorney's return from activation or deployment, provided the attorney:

(1) notifies the State Court Administrator of his or her activation or deployment prior to the expiration of the current license, and

(2) certifies that the circumstances of the activation or deployment impede good faith efforts to make timely application for renewal of the license.

(b) be given a reasonable opportunity to meet the terms or conditions of licensure following the person's return from activation or deployment if military service in any way interferes with a good faith effort to complete a term or condition of licensure.

Reporter's Notes — 2017 Amendments

The 2017 amendments to Administrative Order 41 are comprehensive. Some sections have been added, some existing sections have been reorganized and renumbered, and other sections have been deleted. The changes are intended to bring clarity to the licensing (and relicensing process) and to reflect practices that have developed over time. Because of the comprehensive nature of the proposed revision, it is not possible to present the amendments with strike out and underline to show changes. Instead, the prior administrative order has been repealed and replaced. These Notes attempt to identify the relevant prior sections where the language in the sections are drawn and to point out where the new rules reflect a substantive change from the prior requirements.

New § 1 is derived from former § 2 and the language is mostly unchanged. A reference to V.R.Pr.C. 5.5 is added to reflect that there are exceptions to the general prohibition of the unauthorized practice of law.

New § 2 is derived from former § 1. Revised § 2 omits reference to a specific fee and instead references a fee schedule approved by the State Court Administrator. This obviates the need to amend the rules each time fees change.

New § 3 carries over the language former § 3. A specific reference to 4 V. S. A. § 908 is added to reinforce the requirement that attorney licensing fees must be used only for the specific purposes stated in the statute.

New § 4 is derived from former § 7. The new section is revised to add to the licensing statement a requirement that attorneys must choose a particular status.

New § 5 is derived from former § 10 without much change.

New § 6 substantially carries over the language from former § 6. The section is revised to clarify that suspension for failure to pay a licensing fee will be nondisciplinary and administrative. The new section directs that notices of suspension will be sent by email rather than by certified mail as required by the former rule.

New § 7 contains the language from former § 12 without change, except to eliminate reference to a specific reinstatement fee.

The amendments to §§ 8-11 include two new licensing categories: judicial and pro bono emeritus. For clarity, the amendments create a separate rule for each category.

New § 9 concerns inactive status, which was covered by former § 5. Under former § 5, only certain lawyers were authorized to choose “inactive” status. The revised § 9 allows any lawyer to choose inactive status. The new section clarifies that lawyers choosing inactive status must complete and file a licensing statement and are not authorized to practice.

New § 10 is derived from former § 5, which exempted judges from paying a fee and filing a licensing statement, and made them eligible to choose inactive status. New § 10 carries over prior practice, but is intended to create a category specific to the listed judicial officers, rendering them ineligible to claim any other status while in office.

Section 11 creates a pro bono emeritus status—a new category of license in Vermont, but one that has been adopted by 40 other states. The proposal originated with Vermont Bar Association’s Pro Bono Committee and was endorsed by the VBA Board of Bar Managers. A substantial number of Vermonters do not have reasonable and affordable access to legal services. The result is a staggering number of self-represented litigants left to navigate complicated issues in a complex system without legal advice. The

pro bono emeritus status provides a tool for the growing number of attorneys, from within and without Vermont, who are willing to provide legal services to those of limited means, but who want to do so without maintaining an active license that requires a significant fee and completion of 20 hours of mandatory continuing legal education.

Under new § 11, lawyers will be required to complete at least 8 hours of CLE, including 2 hours of ethics. In addition, it is expected that the fee approved by the State Court Administrator for this category will be substantially less than the fee charged to lawyers on active and inactive status.

The amendment limits pro bono emeritus lawyers to providing legal services to the same category of people and organizations listed in Rule 6.1 of the Vermont Rules of Professional Conduct, the rule on Voluntary *Pro Bono Publico* Service.

An attorney on pro bono emeritus status is precluded from charging, collecting, or attempting to collect a fee and must provide legal services without expectation of a fee. However, an attorney on pro bono emeritus status may accept an award of statutory attorney's fee. See V.R.Pr.C. 6.1 cmt. [4]. Attorneys who receive such awards "are encouraged to contribute an appropriate portion of such fees to organizations or projects that benefit persons of limited means." Id.

Attorneys who chose pro bono emeritus status should explore obtaining free liability or malpractice insurance through programs offered by the Vermont Volunteer Lawyers Project, the Vermont Bar Association, and http://vt.freelegalanswers.org.

Section 12 is new and allows a lawyer to relinquish a license to practice law. Under the old rules, a lawyer's choice was limited to active or inactive status. A practice developed in which the Attorney Licensing Office allowed lawyers to resign, subject to agreeing they might be required to go through the entire admission process to return to active status, including the bar exam. Neither former Administrative Order No. 41 nor the Rules of Admission allowed such a practice. This amendment provides lawyers with a tool to relinquish a license, defines who is eligible to relinquish a license, and sets out the consequences of relinquishment of a license.

New § 13 carries over the language of former § 8 without substantive change.

New § 14 carries over the language of former § 9 without substantive change.

New § 15 carries over the language of former § 11 without substantive change.

New § 16 carries over the language of former § 13 without substantive change.

New § 17 carries over the language of former § 14 without substantive change.

Former § 13A, which allowed government attorneys seeking admission without examination to practice pending completion of a three-month clerkship, has been removed because attorneys are no longer required to complete a three-month clerkship prior to admission.

§ 18. Professional Liability Insurance Disclosure.

(a) As part of the licensing statement required by § 4(a)(8) or as part of a "change of status" form required by the Attorney Licensing Office, attorneys who select "active status" for their law license must certify whether they are currently covered by professional liability insurance.

(b) The following attorneys are exempt from the disclosure requirement of paragraph (a):

(1) Full-time government attorneys who, but for participating in a pro bono program, do not represent clients outside their official capacity;

(2) Attorneys who are in-house counsel and who, but for participating in a pro bono program, do not represent clients outside their in-house role;

(3) Attorneys on active status and who, but for participating in a pro bono program, do not represent clients; and,

(4) Attorneys who select any license status other than "active status."

(c) Attorneys who have a law license on active status and who report being covered by professional liability insurance must notify the State Court Administrator or designee in writing within thirty days if the insurance policy providing coverage lapses or terminates for any reason without immediate renewal or replacement with substitute coverage.

(d) The information submitted pursuant to § 18(a), (b), and (c) is publicly available after the second license renewal deadline that follows adoption of this rule.

(e) Knowingly supplying false information in response to § 18(a) or (b) or failing to comply with § 18(c) subjects attorneys to a disciplinary investigation.

Reporter's Notes — 2022 Amendment

Administrative Order 41 is amended to include provisions regarding coverage of malpractice insurance. A joint committee made of members from the Professional Responsibility Board and the Vermont Bar Association met several times, studied the approaches of several jurisdictions, and heard from a variety of individuals, including attorneys involved in attorney discipline and malpractice cases, and representatives of title and malpractice insurers. The committee proposed that the A.O. 41 be amended to

require that the annual licensing statement include a section requiring lawyers to disclose their insurance status. New § 4(a)(8) implements that requirement. New § 18 provides details of the required disclosure, exempting government attorneys, in-house counsel, attorneys on active status that do not represent clients, and attorneys not on active status.

Section 18(d) provides that the information regarding insurance coverage will be publicly available from the Judiciary after a full license renewal period has passed. Attorneys renew their licenses every two years and the delay in providing this information publicly through the Judiciary is to avoid any possibility that there will be incomplete or unclear information. For example, if the rule takes effect in 2022 after the July 1 renewal date, then the information will not be publicly available until after July 1, 2024, so that it will not appear that some attorneys are uninsured when, in fact, they have simply not yet had an opportunity to report their insurance coverage. Although this information will not be immediately available from the Judiciary, prospective and current clients are able and encouraged to obtain information from their attorneys regarding malpractice insurance.

§ 19. Provisional Licensure.

(a) **Eligibility.** An applicant for admission to the Bar of the Vermont Supreme Court is eligible to practice law in the State of Vermont on a provisional basis provided that the applicant:

(1) is currently licensed to practice law in at least one U.S. jurisdiction; is not under suspension or revocation in any jurisdiction for disciplinary reasons; and is a member in good standing in all jurisdictions in which the applicant practices law; and

(2) has been determined to be eligible for admission to the Bar by the Board of Bar Examiners and is awaiting the Character and Fitness Committee's investigation report or admission to the Bar.

(b) **Prerequisites.** Prior to provisional licensure, the applicant must submit a form to the Office of Attorney Licensing certifying compliance with paragraph (a)(1) and agreeing to comply with and be subject to Vermont statutes and the rules of the Vermont Supreme Court, including the Rules of Professional Conduct and the Rules Governing Establishment and Operation of the Professional Responsibility Program.

(c) **Expiration.** Provisional licensure ends when the applicant becomes fully licensed in Vermont, withdraws the applicant's application for admission to the Bar, is denied admission to the Bar for any reason, or no longer meets the requirements of subdivision (a) above.

Reporter's Notes — 2026 Amendment

Section 19 is added to allow applicants for admission who are admitted in another U.S. jurisdiction to fully practice law in Vermont while awaiting the completion of the Character and Fitness process. Applicants, upon successful completion of the Character and Fitness

process, still must complete all required steps for full licensure, including taking the oath of admission.

The Legal Intern rules of the Rules of Admission remain in effect but now apply to only law students, Law Office Study participants, and applicants for admission who are not admitted in another U.S. jurisdiction.