STATE OF VERMONT
VERMONT SUPREME COURT
OCTOBER TERM, 2026

Order Promulgating Amendments to Rules 9(b) and 13 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court

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

1. That Rule 9(b) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court be amended as follows (deleted matter struck through):

RULE 9. ADMISSION BY EXAMINATION

(b) **Examination Requirements and Passing Scores**

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

(2) *Passing Score.* To pass the UBE for admission to the Vermont Bar, an Applicant must attain a score of 270 or higher on the legacy Uniform Bar Examination or a score of 620 or higher on the NextGen Uniform Bar Examination.

~~(3) *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 the Applicant's Exam preparation and there is good cause warranting the requested waiver.~~

Board's Notes—2027 Amendment

Rules 9(b)(3) and 13(c) are deleted to remove the provisions precluding applicants from taking the bar examination after four failed attempts or using a transferred UBE score achieved after four failed attempts. Many other states do not limit the number of attempts needed to earn a passing score. See Comprehensive Guide to Bar Admission Requirements, https://reports.ncbex.org/charts/chart-5. Moreover, removing the limitation might increase the number of admitted attorneys in Vermont and thereby increase access to legal services. Although the Court previously recognized that the limit on attempts was rationally related to maintaining a minimal level of competence, the potential for increased access to legal services outweighs the minimal protection that the continued sittings limitation provided. The limitation on continued sittings is therefore eliminated to best serve Vermonters.

2. That Rule 13 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court be amended as follows (new matter underlined; deleted matter struck through):

RULE 13. ADMISSION BY TRANSFERRED UNIFORM BAR EXAMINATION SCORE

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

(b) **Age of Score.** The Applicant must achieve a passing UBE score, as defined in Rule 9(b):

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

~~(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~~c) **MPRE.** The Applicant must have achieved a scaled score of 80 or higher on the MPRE taken within a period beginning 5 years before, and concluding 1 year after, the date on which the application for admission by transferred UBE score was filed.

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

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

Board's Notes—2027 Amendment

Rules 9(b)(3) and 13(c) are deleted to remove the provisions precluding applicants from taking the bar examination after four failed attempts or using a transferred UBE score achieved after four failed attempts. Many other states do not limit the number of attempts needed to earn a passing score. See Comprehensive Guide to Bar Admission Requirements, https://reports.ncbex.org/charts/chart-5. Moreover, removing the limitation might increase the number of admitted attorneys in Vermont and thereby increase access to legal services. Although the Court previously recognized that the limit on attempts was rationally related to maintaining a minimal level of competence, the potential for increased access to legal services outweighs the minimal protection that the continued sittings limitation provided. The limitation on continued sittings is therefore eliminated to best serve Vermonters.

3. That these rules as amended are prescribed and promulgated **effective January 1, 2027.** The Board's Notes are advisory.

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

Dated in Chambers at Montpelier, Vermont this 27th day of October, 2026.

Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Nancy J. Waples, Associate Justice

Christina E. Nolan, Associate Justice

Michael P. Drescher, Associate Justice