

STATE OF VERMONT
VERMONT SUPREME COURT
_____ TERM, 2024

Order Promulgating Amendments to Rules 2 and 10 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court

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

1. That Rule 2 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 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 Bar Examination”** (or “MBE”) means: A multiple-choice examination developed by the NCBE and administered by Vermont as part of the Uniform Bar Examination.~~

~~(i) **“Multistate Essay Examination”** (or “MEE”) means: An essay examination developed by the NCBE and administered by Vermont as part of the Uniform Bar Examination.~~

~~(j) **“Multistate Performance Test”** (or “MPT”) means: A lawyering skills test developed by the NCBE and administered by Vermont as part of the Uniform Bar Examination.~~

~~(k)~~ **“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.

~~(l)~~ **“NCBE”** means: The National Conference of Bar Examiners.

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

(n k) **“Week”** means: A consecutive seven-day period.

(o 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. It is composed of the MEE, two MPT tasks, and the MBE. 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—2024 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.

2. That Rule 10 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 10. GRADING OF THE UNIFORM BAR EXAMINATION; FINALITY OF SCORES

(a) ~~Multistate Essay Examination and Multistate Performance Tests~~ Grading. In conjunction with the NCBE, The the Board grades and assigns raw scores to the Multistate Essay Examination and the Multistate Performance Tests 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. The NCBE scales the raw scores on the MEE and MPT to the MBE to calculate a written scaled score for each Applicant. The MEE is weighted 30%, the MPT is weighted 20%, and the MBE is weighted 50% in calculating an Applicant’s UBE score.

(b) ~~Multistate Bar Examination.~~ ~~The NCBE scores the MBE.~~

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

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

Board’s Notes—2024 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).

3. That these rules as amended are prescribed and promulgated effective _____. 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 ____ day of _____, 2024.

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice

