

Administrative Order No. 41
LICENSING OF ATTORNEYS

§ 1. An attorney admitted to the Bar of the Supreme Court shall file on or before July first of every other year a licensing statement on a form prescribed by the Court Administrator and shall pay the sum of four hundred dollars as a licensing fee to practice law for a two-year period unless at that time there is in effect a claim of inactive status as provided in § 5, infra.

§ 2. The practice of law without license hereunder is prohibited and may be punished as contempt.

§ 3. All fees received by the Court Administrator shall be transferred to the State Treasurer for deposit into the Attorneys' Admission, Licensing and Professional Responsibility Fund.

§ 4. Prior to or on the date of initial admission to the practice of law in this state, a person shall pay to the Court Administrator a pro-rated license fee and file the statement described in § 1.

§ 5. Inactive status shall be claimed by submission on or before July first of every other year a fully completed licensing statement on a form prescribed by the Court Administrator and a licensing fee. The fee for being on inactive status for a two-year period shall be \$150.00; those persons listed in subsections (b) and (e) below shall be exempt from the payment of the fee and the submission of the licensing statement. The following persons admitted to the Bar of the Supreme Court shall be eligible for inactive status:

(a) Any attorney not engaged in the practice of law who does not desire to assume active status;

(b) Any justice or judge during active service in office who is prohibited from the practice of law;

(c) Any attorney or judge whose permanent residence is outside the State of Vermont and who does not practice law within this state;

(d) Any attorney while on extended active duty in the uniformed services of the United States, and for ninety days thereafter; and

(e) Any justice or judge who is on state judicial retirement and does not practice law.

§ 6. Upon failure to file a fully completed licensing statement or upon failure to pay when due the fee required by § 1, supra, the right to practice law in this state shall be automatically suspended. A notice of suspension shall be forwarded to the attorney by certified mail, return receipt requested, addressed to the attorney's last registered mailing address.

§ 7. The licensing statement shall include the current office mailing and electronic mail

address and the residential mailing address of the attorney, the attorney's pooled interest bearing trust (IOLTA) account number, or indication of exemption, provision to claim inactive status as provided in § 5, supra, a certification that the attorney is in good standing with respect to any and all taxes due to the State of Vermont, a certification that the attorney is not under an obligation to pay child support or is in good standing with respect to any and all child support payable, and other information which the Court Administrator deems necessary. The attorney shall sign the statement. An attorney shall report to the Court Administrator within thirty days any change of the office mailing or electronic mail address or change of residential address or change of the IOLTA account. The office mail or electronic mail addresses reported to the Court Administrator may be used by any court to send notice to an attorney, if notice by electronic mail is authorized by an applicable procedural rule. Notice sent to a reported address shall be sufficient even if not received by the attorney because of failure to report the proper address or failure of delivery not caused by the court. If a court delivers some or all notices by electronic mail, and the attorney fails to maintain a reported, operable electronic mail address, notice is sufficient if available on inquiry at the courthouse.

§ 8. 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;
- (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.

§ 9. 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; or
- (b) liability for any support payable is being contested in a judicial or quasi-judicial proceeding; or
- (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 Court Administrator finds that requiring immediate payment of support due and payable would impose an unreasonable hardship.

§ 10. Upon receipt of a statement filed by an attorney in accordance with the provisions of §§ 1 or 5, supra, the filing thereof shall be acknowledged, on a form prescribed by the Court

Administrator, to enable the attorney on request to demonstrate compliance with these rules.

§ 11. Upon receipt of a license suspension order issued under 15 V.S.A. § 798 for failure to pay child support, the Professional Responsibility Board shall 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 no mistake in identity nor compliance with the underlying child support order, the right of the attorney to practice law in Vermont shall be suspended. The license shall be reinstated:

(a) within five 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) payment of a \$100.00 reinstatement fee to the Board.

§ 12. Any attorney suspended under the provisions of § 6, supra, shall be reinstated without further order upon payment of all delinquent license fees due and the additional sum of one hundred dollars.

§ 13. 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, shall 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), or V.R.A.P. 45.1(e).

(b) The nonresident attorney seeking admission pro hac vice shall complete under oath and submit to the Court Administrator an application on a pro hac vice licensing statement form prescribed by the Court Administrator. The applicant shall attach to the licensing statement a Certificate of Good Standing from a state in which the applicant is admitted. The applicant shall complete a separate licensing statement for each case in which the applicant wants to be admitted. The fee for each licensing statement is \$200; however, the licensing fee may be waived to permit pro bono representation of an indigent client or clients, at the discretion of the Court Administrator.

(c) A pro hac vice licensing card shall 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(e) if not previously filed in that case

pursuant to one of the preceding listed rules.

(d) A nonresident attorney admitted pro hac vice shall 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.

§ 14 Any member of the national guard, state guard or reserve component who is licensed to practice law at the time of activation or deployment shall:

(a) receive an extension of licensure up to 60 days following the attorney's return from activation or deployment, provided that the active licensure is required by the military during the time of such activation or deployment, provided the attorney:

(1) notifies the Licensing Office of his or her activation or deployment prior to the expiration on 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, regardless of whether the military requires the person to maintain the license or certification during the time of activation or deployment.