

STATE OF VERMONT
VERMONT SUPREME COURT
_____ TERM, 2008

**Order Promulgating Amendments to §§ 7 and 9 of Administrative Order No. 41
Licensing of Attorneys**

Pursuant to Chapter II, Section 37, of the Vermont Constitution and 12 V.S.A. § 1, it is hereby ordered:

1. That § 7 of Administrative Order No. 41 is amended to read as follows (new matter underlined):

§ 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 account (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, a certification that the attorney is in good standing with respect to any unpaid judgment issued by the judicial bureau or district court for fines or penalties for a violation or criminal offense, 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.

Reporter's Notes – 2008 Amendment

Section 7 is amended to include certification that an attorney is in good standing with respect to any unpaid judgment issued by the judicial bureau or district court for fines or penalties for a violation or a criminal offense. The amendment is made to conform with the addition of 4 V.S.A. § 1110. See 2007, No. 51, § 4.

2. That § 9.A. of Administrative Order No. 41 is added to read as follows (new matter underlined):

§ 9.A. An attorney is in good standing with respect to any unpaid judgment issued by the judicial bureau or district court for fines or penalties for a violation or criminal offense if:

- (a) 60 days or fewer have elapsed since the date a judgment was issued; or
- (b) the attorney is in compliance with a repayment plan approved by the judiciary.

Reporter's Notes – 2008 Amendment

Section 9.A. is added to provide that an attorney is in good standing with respect to any unpaid judgment issued by the judicial bureau or district court for fines or penalties for a violation or criminal offense if 60 days or fewer have elapsed since the date a judgment was issued or the attorney is in compliance with a repayment plan approved by the judiciary. The amendment is made to conform with the addition of 4 V.S.A. § 1110. See 2007, No. 51, § 4.

- 3. That these rules as amended or added are prescribed and promulgated to become effective on _____. The Reporter'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 _____, 2008.

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice