

## **Instructions & Guidance for Limited Emergency Pro Bono Law License**

Vermont Supreme Court Administrative Order 54 creates a Limited Emergency Pro Bono Law License (LEPL). An LEPL authorizes a lawyer to provide legal services on a pro bono basis to people and organizations affected by the Flood Emergency referenced in AO 54. An LEPL is not a permanent license and will no longer authorize practice once the Supreme Court revokes the order or declares the emergency to have ended or abated.

The purpose of the emergency order is to increase access to legal services by relaxing the court rules that apply to the attorney licensing process. The emergency order eases the process to obtain a law license for two groups: (1) Vermont lawyers with inactive law licenses; and (2) out-of-state lawyers.

### **Eligibility**

To be eligible for an LEPL, a lawyer must hold:

1. an inactive Vermont law license; or,
2. hold an active law license in another United States jurisdiction.

In addition, a lawyer must not be:

1. the subject of a formal disciplinary proceeding in any jurisdiction;
2. disbarred in any jurisdiction;
3. suspended from the practice of law in any jurisdiction; or,
4. otherwise restricted from practicing law in any jurisdiction.

### **Process to Request an LEPL**

The request form is here: <https://www.vermontjudiciary.org/Limited-Emergency-Pro-Bono-Law-License-REQUEST-FORM>

Requests must be submitted on-line with this form. Questions may be directed to via email to [JUD.AttyLicensing@vermont.gov](mailto:JUD.AttyLicensing@vermont.gov) or United States mail to:

Attorney Licensing  
32 Cherry Street, Suite 213  
Burlington, VT 05401

Upon receiving and reviewing a request, Attorney Licensing or Bar Counsel will notify the applicant whether the request has been granted. The notification will be in writing and will serve as proof that the lawyer is authorized to practice under an LEPL. No lawyer is authorized to practice pursuant to an LEPL until having been notified by Attorney Licensing or Bar Counsel of the authority to do so.

### **Authorized Legal Services**

A lawyer practicing under a Limited Emergency Pro Bono Law License is only authorized to provide legal services directly related to the Flood Emergency. Those legal services must be provided pro bono, without compensation, expectation of compensation, or other direct pecuniary gain to the lawyer. Those legal services must be coordinated through an established not-for-profit bar association, pro bono program or legal services program, or through such organization(s) specifically designated by

the Vermont Supreme Court. Attorney Licensing and Bar Counsel will maintain a directory of approved programs.

### **Court Appearances**

An LEPL does not authorize a lawyer to represent a client in court.

To appear in court on behalf of a client, a Vermont lawyer must file with their notice of appearance an affidavit stating that they are representing the client pursuant to an LEPL.

To appear in court on behalf of a client, an out-of-state lawyer must secure pro hac vice admission pursuant to Section 16 of Administrative Order 41. The application fee will be waived.

### **Vermont Rules of Professional Conduct**

Lawyers are subject to the Vermont Rules of Professional Conduct and the disciplinary jurisdiction of the Vermont Supreme Court's Professional Responsibility Program both when requesting and practicing under an LEPL.

### **Duration of Authority**

Once the Vermont Supreme Court determines that the need for legal services necessitating promulgation of this order no longer exists, the authority to practice law under an LEPL is revoked. However, a lawyer with an LEPL who is then representing a client may continue to provide legal services to that client for as long as is reasonably necessary for the representation to end or for 90 days, whichever occurs first.

Attorney Licensing or Bar Counsel will provide written notice of the termination of the emergency order.

It is not anticipated that the emergency conditions necessitating this emergency order will last until or beyond July 1, 2024. However, if they do, Vermont lawyers on inactive status are reminded that Administrative Order 41 and the relicensing rules will apply. On the other hand, an out-of-state lawyer with an LEPL is relieved of any relicensing obligation associated with Supreme Court Administrative Order 41.

### **Court Appearances**

It is anticipated that the bulk of legal services necessitated by the Flood Emergency will not involve court filings or appearance. However, if they do, a lawyer with an LEPL must comply with all court rules, including the Vermont Rules for Electronic Filing. For more information, see the Vermont Judiciary's [Electronic Filing page](#).

