

STATE OF VERMONT
VERMONT SUPREME COURT
_____ TERM, 2023

Order Promulgating Amendments to Rules 9(b)(1), 11, and 13(e) 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)(1) of the Vermont Rules of Admission to the Bar be amended to read as follows (new matter underlined; deleted matter struck through):

RULE 9. ADMISSION BY EXAMINATION

(b) Examination Requirements and Passing Score.

(1) *Within Five Years.* An Applicant must sit for the UBE within five years of graduating from law school or completing the LOS Program. The Board may waive this requirement upon the Applicant's showing of good cause. For the purposes of this rule, "good cause" means a demonstration that the Applicant's legal education is not stale, considering such factors as legal employment or legal study. This requirement does not apply to an Applicant ~~already~~ currently licensed to practice law and on active status in another U.S. jurisdiction.

Board's Notes—2023 Amendment

Rule 9(b)(1) is amended to clarify that an applicant must be on active status in the other U.S. jurisdiction to qualify for the exemption from the five-years-from-graduation requirement.

2. That Rule 11 of the Vermont Rules of Admission to the Bar be amended to read as follows (new matter underlined):

Rule 11. Multistate Professional Responsibility Examination

An Applicant for admission by examination must achieve a scaled score of 80 or higher on the MPRE within a period beginning three years before achieving a Uniform Bar Examination score that meets Vermont's passing score requirement and concluding one year after written notification to the Applicant of achieving such a score, unless time is extended for good cause. For purposes of this rule, "good cause" means a demonstration that the Applicant has the necessary current knowledge and understanding of legal ethics, considering such factors as legal employment or legal study.

The Applicant is responsible for ensuring that the Board receives an official report from the NCBE certifying the Applicant's score and the MPRE administration date at which the score was achieved.

Board's Notes—2023 Amendment

In conjunction with a similar amendment to Rule 13(e), Rule 11 is amended to clarify what good cause means in the context of the Board of Bar Examiners' determination of whether to extend the time within which the Board will accept an MPRE score.

3. That Rule 13(e) of the Vermont Rules of Admission to the Bar be amended to read as follows (new matter underlined):

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 UBE score of 270 or higher:

(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 3 years before the date on which the application for admission by transferred UBE score was filed; or

(3) in an administration of the UBE which occurred more than 3 years but less than 5 years before the date of filing of the application for admission by transferred UBE score if the Applicant has been Actively Engaged in the Practice of Law for at least 2 years in another U.S. jurisdiction in which the Applicant was a member in good standing.

(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) **Timing of UBE.** The required score must have been achieved at an administration of the UBE no later than 5 years after the Applicant completed the educational requirements set forth in Rule 6. The Board may waive this requirement upon the Applicant's showing of good cause. For purposes of this rule, "good cause" means a demonstration that the Applicant's legal education is not stale, considering such factors as legal employment or legal study.

(e) **MPRE.** The Applicant must have achieved a scaled score of 80 or higher on the MPRE taken within a period beginning 3 years before, and concluding 1 year after, the date on which the application for admission by transferred UBE score was filed, unless the time is extended for good cause. For purposes of this rule, "good cause" means a demonstration that the Applicant has the necessary current knowledge and understanding of legal ethics, considering such factors as legal employment or legal study.

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

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

Board's Notes—2023 Amendment

In conjunction with a similar amendment to Rule 11, Rule 13(e) is amended to clarify what good cause means in the context of the Board of Bar Examiners' determination of whether to extend the time within which the Board will accept an MPRE score.

4. That these rules as amended are prescribed and promulgated effective _____. The Board's Notes are advisory.

5. 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 _____, 2023.

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