

**STATE OF VERMONT
VERMONT SUPREME COURT
SEPTEMBER TERM, 2022**

Emergency Order Promulgating Amendments to Rules 17 and 20 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 17(b) of the Vermont Rules of Admission to the Bar be amended to read as follows (new matter underlined):

Rule 17. Hearing Process

(b) **Applicant’s Participation.** The Committee must provide the Applicant with written notice of the hearing. The Applicant may appear and present information to substantiate good moral character and fitness. The panel may preside remotely and may allow or require remote participation by the applicant, witnesses, and other necessary participants as provided in Vermont Rule of Civil Procedure 43.1.

Board’s Notes—2022 Amendment

Rule 17(b) is amended to allow the panel to preside remotely or to allow or require remote participation by others pursuant to Vermont Rule of Civil Procedure 43.1. Following the COVID-19 pandemic, remote hearings were authorized and encouraged under Administrative Order 49, ¶ 15(d). This practice was an effective method for participation and therefore remote participation is incorporated into the rules.

2. That Rule 20(e)(3) of the Vermont Rules of Admission to the Bar be added to read as follows (new matter underlined):

Rule 20. Process for Admission and Licensure

(e) **Oaths of Admission.**

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(3) Remote Administration. A person authorized to administer the oaths of admission may administer the oaths remotely, without being in the physical presence of the Applicant if the administering person can both see and hear the Applicant using audio-visual communication for the purpose of positively identifying the Applicant.

Board's Notes—2022 Amendment

Rule 20(e)(3) is added to incorporate an interim measure taken during the COVID-19 pandemic to permit the oath of admission to be administered remotely in real time. Administrative Order 49, ¶ 15(e) allowed the oath to be administered remotely by video in real time. This procedure has been an efficient way to administer the oath without requiring Applicants to travel to the courthouse.

3. That these rules as amended are prescribed and promulgated effective October 1, 2022. The Board's Notes are advisory.

4. That the Court finds that this emergency amendment must be promulgated without resort to the notice and comment procedures set forth in Administrative Order No. 11, to provide use of remote participation in panel hearings and allow remote administration of the attorney oath that have been authorized and implemented by Administrative Order No. 49, ¶ 15, which will expire on September 30, 2022, without disruption or uncertainty as to procedural rules.

5. That the Court Administrator is directed to send this rule as amended out for comment pursuant to Administrative Order No. 11, with comments to be made to the Board of Bar Examiners. The Board is directed to review any comments received and advise the Court whether the amendments should be revised or remain permanent.

6. 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 13th day of September, 2022.



Signed by the Vermont Supreme Court

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