

STATE OF VERMONT  
VERMONT SUPREME COURT  
JUNE TERM, 2017

**Order Promulgating Amendments to Rules 9(b)(4), 12(b), and 13(d) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court**

Pursuant to Chapter II, Section 37, of the Vermont Constitution, it is hereby ordered:

1. That Rule 9(b)(4) 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.**

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(4) *Limitation on Continued Sittings.* An Applicant who has failed the bar examination four times will not be permitted to sit for the UBE in Vermont. For purposes of this rule, attempts to achieve a passing score on the UBE count toward the limit of four regardless of where the Applicant sat for the UBE. The four-attempt limitation may be waived upon a strong showing, to the Board's satisfaction, that the Applicant has substantially improved his or her Exam preparation and there is good cause warranting the requested waiver.

**Board's Notes—2017 Amendment**

The revised rule, effective April 18, 2016, eliminated the option of applying to the Board for permission, on a showing of good cause, to sit for the exam a fifth time. The amendment to Rule 9(b)(4) reinstates the option of applying to the Board for permission to sit for the Exam a fifth time (which was the prior practice of the Board before the adoption of the UBE). The amendment makes clear that the Board has the discretion to waive the four-attempt limitation where (1) an Applicant has made a strong showing of improved exam preparation, such that he or she is well prepared to pass the Exam, (2) there is good cause to grant the waiver (e.g., a previously undiagnosed learning disorder), and (3) the limitation would not serve to protect the public. The amendment does not allow the Board to grant permission for an Applicant to sit a sixth time.

2. That Rule 12(b) of the Vermont Rules of Admission to the Bar be amended to read as follows (new matter underlined; deleted matter struck through):

**Rule 12. Additional CLE and Experiential Requirements for Applicants Qualifying for Admission by Examination**

(b) **Reporting.** The Applicant and supervising judge or attorney must certify completion of the requirements of Rule 12(a) within one year of the date of admission, or the Applicant's license will be suspended. In the event that an Applicant's license is suspended for failing to complete the requirements of Rule 12, the Applicant must submit a plan for completing the requirements. If the Applicant asserts that he or she has completed some portion of the requirements for the mentorship under Rule 12(a)(2), the Applicant must submit verification to support this assertion certified by the supervising judge or attorney. In its discretion, the Board may reinstate the Applicant's license pending successful completion of the plan approved by the Board.

**Board's Note—2017 Amendment**

This amendment provides a process by which an Applicant, who is newly admitted to the Vermont Bar, can rectify the untimely filing of a Mentorship Completion Certificate or other minor errors in the completion of the required Mentorship program. The amendment is drawn from a similar rule of the Mandatory Continuing Legal Education Board allowing admitted attorneys time to complete a make-up plan if they fail to have the requisite number of continuing legal education credits by the applicable biannual reporting deadline. See Rules for Mandatory Continuing Legal Education, § 10.

3. That Rule 13(d) of the Vermont Rules of Admission to the Bar be amended to read as follows (new matter underlined; deleted matter struck through):

**Rule. 13 Admission by Transferred Uniform Bar Examination Score**

(d) **Timing of UBE.** The required score must have been achieved at an administration of the UBE no later than 3 5 years after the Applicant completed the educational requirements set forth in Rule 6, unless time is extended for good cause.

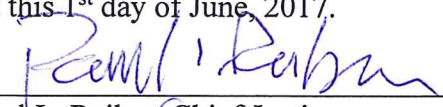
**Board's Note—2017 Amendment**

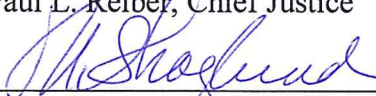
Consistent with the recent amendment to Rule 9(b)(1), Rule 13(d) is amended to extend the time in which the Applicant must sit for the UBE from 3 to 5 years. The amendment also provides for an extension of this deadline for good cause shown, consistent with the concurrent amendment to Rule 9(b)(4).


4. That these rules, as amended, are prescribed and promulgated, effective August 1, 2017. The Board's Notes are advisory.

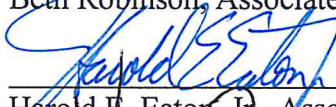
5. That the Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

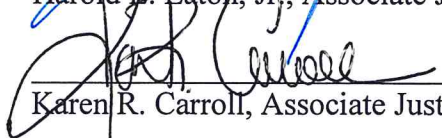
Dated in Chambers at Montpelier, Vermont this 1<sup>st</sup> day of June, 2017.

  
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Paul L. Reiber, Chief Justice

  
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Marilyn S. Skoglund, Associate Justice

  
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Beth Robinson, Associate Justice

  
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Harold F. Eaton, Jr., Associate Justice

  
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Karen R. Carroll, Associate Justice