

STATE OF VERMONT
SUPREME COURT
JULY TERM 2023

Order Amending Administrative Order No. 41 §§ 4 and 16

Pursuant to the Vermont Constitution, Chapter II, §§ 30, 37, it is hereby ordered:

1. That Administrative Order No. 41, §§ 4 and 16 be amended as follows (new matter underlined; deleted matter struck through):

LICENSING OF ATTORNEYS

§ 4. **Licensing Statement.** The following provisions apply to all licensing statements.

(a) *Contents.* The licensing statement must be ~~on a form~~ completed in a manner approved by the State Court Administrator and must include the following:

(1) a certification that the attorney is not obligated to pay child support or is in good standing with respect to any and all child support payable, as defined by § 14;

(2) a signed written declaration under the pains and penalties of perjury that the attorney is in good standing with respect to any and all taxes due to the State of Vermont, as defined by § 13, as of the date such declaration is made;

(3) an option for the attorney to select active, inactive, judicial, or pro bono emeritus status;

(4) current postal addresses for the attorney's office and residence;

(5) a current email address;

(6) a certification that the attorney has registered at least one current email address if required to by ~~pursuant to~~ Administrative Order No. 44;

(7) the attorney's pooled interest-bearing trust account number(s) (IOLTA), or an indication of exemption;

(8) the attorney's professional liability insurance disclosure or an indication of exemption; and

(9) any other information deemed necessary by the State Court Administrator.

(b) *Signature.* The attorney must sign the statement. An electronic signature complies with this rule.

(c) *Reporting Requirement.* ~~An attorney must report to the State Court Administrator update within thirty days any change of~~ Attorneys are responsible for updating their information with attorney licensing, including the office mailing address, or electronic email address, or change of residential address, or change of the and IOLTA account information. Notice to renew a license sent to a registered email address is sufficient even if not received by the attorney due to a failure to update an email address. The office mail or electronic mail addresses reported to the State 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 is

~~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.~~

§ 16. Admission Pro Hac Vice.

(a) An attorney who is not a member of the Bar of the Vermont Supreme Court, but who is admitted to practice law in another state or the District of Columbia (hereinafter called a “nonresident attorney”), and who is not currently suspended or disbarred in any state or the District of Columbia, must file a pro hac vice licensing statement and pay the required fee in accordance with this administrative order prior to filing a motion to be admitted in a particular case pursuant to V.R.C.P. 79.1(e), V.R.Cr.P. 44.2(b), V.R.F.P. 15(e), V.R.P.P. 79.1(d), or V.R.A.P. 45.1(d) ~~(e)~~.

(b) The nonresident attorney seeking admission pro hac vice must complete under oath and submit to the State Court Administrator an application on a pro hac vice licensing statement form prescribed by the State Court Administrator. The applicant must attach to the licensing statement a Certificate of Good Standing from a state in which the applicant is admitted. The applicant must complete a separate licensing statement for each case in which the applicant wants to be admitted. The nonresident attorney must pay the fee set in the fee schedule approved by the State Court Administrator; however, the licensing fee may be waived to permit pro bono representation of an indigent client or clients, at the discretion of the State Court Administrator.

(c) A pro hac vice licensing card must be filed in the court in which the case is pending along with a motion by a member of the Vermont Bar pursuant to V.R.C.P. 79.1(e), V.R.Cr.P. 44.2(b), V.R.F.P. 15(e); V.R.P.P. 79.1(d) or V.R.A.P. 45.1(d) ~~(e)~~ if not previously filed in that case pursuant to one of the preceding listed rules.

(d) A nonresident attorney admitted pro hac vice must comply with and is subject to Vermont statutes and rules of the Vermont Supreme Court, including the Rules of Professional Conduct and the Rules Governing Establishment and Operation of the Professional Responsibility Program.

Reporter’s Notes—2023 Amendment

Administrative Order 41, § 4(a) is amended to clarify that the attorney licensing statement must be submitted in a manner approved by the State Court Administrator. At the moment, relicensing is done through an online portal and not using a paper form. A user guide and important information about the portal is provided on the Judiciary website. Section 4(c), regarding an attorney’s obligation to report any changes to contact information, is amended to clarify that attorneys are responsible for keeping their contact information current and notice sent to the registered email address is sufficient even if not received due to a failure to update the information. Currently, attorney contact information is

updated directly in the attorney portal. IOLTA account information is updated by contacting attorney licensing at jud.attylicensing@vermont.gov. The amendment removes the reference to the email being used to send court notices. Court notices are currently sent to the email(s) registered in the eCabinet registration system pursuant to Administrative Order 44.

Administrative Order 41, § 16 is amended to correct a cross reference to Vermont Rule of Appellate Procedure 45.1 regarding appearance of attorneys not admitted in Vermont. The references in § 16(a) and (c) are amended from V.R.A.P. 45.1(e) to V.R.A.P. 45.1(d).

2. That this Order, as amended, will become effective October 2, 2023. The Reporter’s Notes are advisory.

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

Done in chambers at Montpelier, Vermont this 10th day of July, 2023.



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