

STATE OF VERMONT
SUPREME COURT
APRIL TERM

Order Promulgating Amendments to §§ 7 and 8 of Administrative Order No. 41

1. Pursuant to the Vermont Constitution, Chapter II, §§ 30, 31, and 37, Administrative Order No. 41, §§ 7 and 8, is amended as follows (new matter underlined; deleted matter overstruck):

LICENSING OF ATTORNEYS

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§ 7. The following provisions apply to all licensing statements.

(a) Contents. The licensing statement shall include:

(1) the current office mailing and electronic mail address and the residential mailing address of the attorney;

(2) the attorney's pooled interest bearing trust (IOLTA) account number, or indication of exemption, provision to claim inactive status as provided in § 5, supra;

(3) ~~a certification~~ 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 of the date such declaration is made;

(4) a certification that the attorney is not under an obligation to pay child support or is in good standing with respect to any and all child support payable;

(5) a certification that the attorney has registered one or more e-mail addresses pursuant to Administrative Order No. 44; and

(6) other information which the Court Administrator deems necessary.

(b) Signature. The attorney shall sign the statement.

(c) Reporting Requirement. An attorney shall report to the Court Administrator within thirty days any change of the office mailing or electronic mail address or change of residential address or change of the IOLTA account. The office mail or electronic mail addresses reported to the 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 shall be 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.

§ 8. An attorney is in good standing with respect to any and all taxes due to the State of Vermont if the attorney:

(a) has paid all taxes due to the State of Vermont and has filed all returns;

(b) has entered into an agreement with the Commissioner of Taxes for becoming current on an unpaid tax obligation;

(c) has appealed the alleged obligation;

(d) has requested the Commissioner of Taxes to abate the unpaid tax claim for good cause; or

(e) has filed a court challenge to the claim.

Notes—2016 Amendment

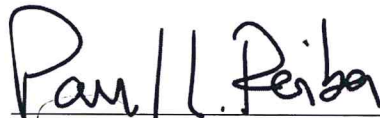
Section 7 of Administrative Order No. 41 is amended for style and substance. The stylistic changes are intended to make the rule more readable by breaking the requirements into subdivisions and adding headings. The substantive change relates to the requirements about the certification of good standing with respect to taxes. The rule is amended to require that an attorney submit a written declaration under the pains and penalties of perjury that the attorney is in good standing for tax purposes.

Section 8 is amended to add to the definition of good standing for tax purposes that the attorney has filed all returns. This makes the definition consistent with that in the general statute on licensing. See 32 V.S.A. § 3113(g).

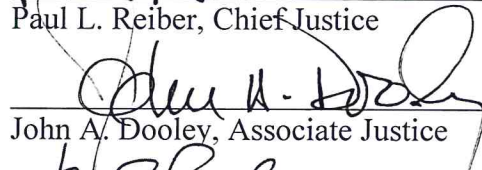
2. That this order, as amended, becomes effective on May 2, 2016. The Reporter's Notes are advisory.

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.

Dated in Chambers at Montpelier, Vermont, this 26th day April, 2016.



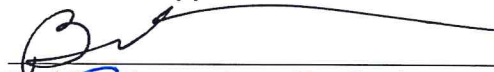
Paul L. Reiber, Chief Justice



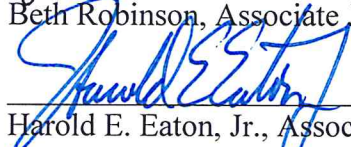
John A. Dooley, Associate Justice



Marilyn S. Skoglund, Associate Justice



Beth Robinson, Associate Justice



Harold E. Eaton, Jr., Associate Justice