

STATE OF VERMONT  
VERMONT SUPREME COURT  
\_\_\_\_\_ TERM, 2019

**Order Promulgating Amendments to Rule 24 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 24 of the Vermont Rules of Admission to the Bar be amended to read as follows (new matter underlined; deleted matter struck through):

**Rule 24. Attorney Supervision; Authorized Activities**

(a) **Supervision Required.** Appearance of a legal intern as legal counsel is conditioned upon the legal intern being supervised by an attorney.

(b) **Qualification.** To serve as a supervising attorney of a legal intern, the attorney must be admitted to the Vermont Bar for not less than 3 years before the commencement of supervision. For good cause (for example, certain educational and/or prior legal experience; admission to the bar of another jurisdiction), the Board may modify or waive the requirement that the supervising attorney have been admitted to the Vermont Bar for at least 3 years.

(c) **Duties of Supervision.** A qualified supervising attorney must:

- (1) Assume personal professional responsibility for the legal intern's work;
- (2) Assist the legal intern as needed;
- (3) Introduce the legal intern to the subject court at the legal intern's first appearance before that court;
- (4) Appear with the legal intern at all court appearances involving a contested matter; and
- (5) Appear with the legal intern at all other court appearances unless:
  - (A) the supervising attorney's appearance is expressly waived by the court; and
  - (B) the client's written consent includes consent to appearance by the legal intern without the presence of the supervising attorney.

(d) **Authorized Activities.** A legal intern is authorized to:

- (1) prepare and sign, with the co-signature of the supervising attorney, petitions,

complaints, answers, motions, briefs, and other documents in connection with the pending matter;

(2) with supervision, conduct any nonevidentiary trial, argument, or hearing in the pending matter, before the subject court; and

(3) with supervision, conduct any evidentiary trial or hearing in the pending matter before the court if the legal intern has satisfactorily completed either a course in evidence or, if a LOS registrant, a systematic study of evidence certified by the supervising attorney.

**(e) Exceptions for Applicants Admitted in Other States.** If the legal intern is admitted to practice law in another state or the District of Columbia and is not currently suspended or disbarred in any state or the District of Columbia, the legal intern may appear at court appearances without the presence of the supervising attorney and may sign documents in connection with the pending matter without the co-signature of the supervising attorney.

**(e f) Legal Fees for Legal Intern's Services; Compensation to Legal Intern.** The supervising attorney, the attorney's law firm, or other employer may charge the client a legal fee, which reflects the legal intern's services, and may compensate the legal intern. This rule does not authorize a fee-splitting agreement between the supervising attorney and the legal intern or the direct employment of a legal intern by a client.

#### **Board's Notes—2019 Amendment**

Under this amendment to Rule 24, a legal intern who is admitted in another U.S. jurisdiction, while still subject to the general supervision requirements of the Rule, may now appear in court without the presence of the supervising attorney and may sign documents in connection with the pending matter without the co-signature of the supervising attorney. This amendment essentially gives such legal interns the same authority as that given to nonresident attorneys admitted pro hac vice pursuant to Administrative Order No. 41, but without the need to submit a pro hac vice application and fee for each case in which the legal intern wishes to appear. In doing so, the amendment aims to reduce administrative, staffing, and financial obstacles that may otherwise prevent qualified legal interns, especially those working for state agencies, from appearing as legal counsel.

2. That this rule, as amended, is prescribed and promulgated effective \_\_\_\_\_, 2019. The Board's Notes are advisory.

3. 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 \_\_\_\_\_, 2019.

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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 E. Eaton, Jr., Associate Justice

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Karen R. Carroll, Associate Justice

PROPOSED