

SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR



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TO: Members of the Vermont Bar
FROM: Patricia Gabel, State Court Administrator
RE: Promulgated and Proposed Rule Amendments, and Miscellaneous Information
DATE: February 6, 2018

For your information, please find the following information:

- [Order Promulgating Amendment to Rule 54\(a\) of the Vermont Rules of Criminal Procedure](#)
- [Proposed Order Amending § 10 of Administrative Order No. 41](#)
- [Proposed Order Promulgating Amendments to Rules 7\(c\), 9\(b\)\(1\), 11, 12\(a\), and 13\(b\) and \(e\) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court](#)
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED RULE AMENDMENT

- a. [Order Promulgating Amendment to Rule 54\(a\) of the Vermont Rules of Criminal Procedure](#)

This Order was promulgated on February 5, 2018, effective April 9, 2018.

The amendment to Rule 54(a)(2) comports with statutory amendments. 23 V.S.A. §§ 2201-2207, referred to in the former rule as the “Traffic Act,” were repealed per 2015, No. 47, § 38. The offenses and tickets formerly covered under the repealed statutes were placed under the jurisdiction of the Judicial Bureau and subject to enforcement under 4 V.S.A. Chapter 29, under procedural rules promulgated by the Supreme Court. See 4 V.S.A. § 1106(f). The rules governing Judicial Bureau proceedings are prescribed in V.R.C.P. 80.6. In consequence, references to proceedings under the “Traffic Act” in Rule 54(a)(2) have been deleted.

II. PROPOSED RULE AMENDMENTS

(NOTE: THE FOLLOWING AMENDMENTS HAVE BEEN PROPOSED BY THE COMMITTEES OR BOARDS AND HAVE NOT BEEN REVIEWED BY THE SUPREME COURT.)

a. [Proposed Order Amending § 10 of Administrative Order No. 41](#)

The proposed amendment to § 10 revises the rule to permit federal judges and magistrates to claim judicial status as well as authorizing the MCLE Board to grant judicial status to a justice, judge, or magistrate from another jurisdiction upon request and showing of good cause.

Comments on this proposed amendment should be sent by **April 6, 2018**, to Andrew Strauss, Licensing Counsel of the Office of Attorney Licensing, at the following address:

Andrew Strauss, Licensing Counsel
Office of Attorney Licensing
Costello Courthouse
32 Cherry Street, Suite 213
Burlington, VT 05401
Andrew.Strauss@vermont.gov

b. [Proposed Order Promulgating Amendments to Rules 7\(c\), 9\(b\)\(1\), 11, 12\(a\), and 13\(b\) and \(e\) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court](#)

The proposed amendment to Rule 7(c) allows for all institutions of higher education whose accreditor has been approved by the U.S. Department of Education to satisfy the LOS educational requirement. The proposed amendment to Rule 7(c) allows an applicant with an undergraduate degree from a foreign jurisdiction to satisfy that requirement, provided the applicant can establish that such degree is equivalent to a bachelor's degree from a Department of Education-approved institution.

The proposed amendments to Rules 9(b)(1), 11, and 13(e) ensure consistency and clarity with regards to the permitted age of UBE and MPRE scores. The proposed amendment to Rule 9(b)(1) clarifies that applicants must be active attorneys to waive the five-year limitation and that Board approval is not necessary for such a waiver. Also, the proposed amendment to Rule 9(b)(1) allows for an extension to the time limitation for good cause.

The proposed amendment to Rule 11 clarifies that the triggering date for the time limit for the age of the MPRE score is the date the applicant achieves a passing UBE score, consistent with the prior Board's Notes and the three-year age limit for the MPRE in Rule 13(e). Also, the proposed amendment to Rule 11 allows for an extension to the time limitation for good cause.

The proposed amendment to Rule 12(a)(1) makes the time period to take the first-year CLE courses for admittees by examination consistent with the corresponding time period for admittees without examination in Rule 15. The proposed amendment to Rule 12(a)(2) clarifies that for good cause the Board can grant an extension to the time limit for satisfying the first-year mentorship requirement.

The proposed amendment to Rule 13(e) imposes a one-year outer limit for the MPRE score, consistent with the outer limit in Rule 11. Also, the proposed amendment to Rule 13(e) allows for an extension to the time limitation for good cause. The proposed amendment to Rule 13(b) specifically permits concurrent applications for admission by transferred UBE score, meaning that an applicant can apply to sit for the UBE in a UBE jurisdiction other than Vermont and at the same time apply for admission by transferred UBE score to the Vermont bar, although the UBE score has not yet been earned.

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III. MISCELLANEOUS

a. Court Forms

Court forms are constantly being updated. Please refer to the judiciary website for the most up-to-date forms. <https://www.vermontjudiciary.org/court-forms>

b. Obligation under A.O. 41

Attorneys are reminded that an “attorney must report to the State Court Administrator within thirty days any change of the office mailing or electronic mail address” and that “[n]otice 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.” A.O. 41, § 4(c); see A.O. 44, § 1.

Please email those changes to JUD.AttyLicensing@vermont.gov. Your cooperation is very much appreciated.

To ensure you continue to receive these emails, please add JUD.AttyLicensing@vermont.gov to your Safe Senders list.

c. eCabinet Registration

Administrative Order No. 44 requires attorneys in active status to register up to three email addresses in **eCabinet** for purposes of receiving notices of hearing and other documents. *You may include staff email addresses in the three email addresses that you specify. eCabinet registration is required whether you practice in court or not.*

If you have already registered in **eCabinet**, the email address(es) you provided as part of that process will be used.

If you have not already registered in **eCabinet**, please go to <https://efiling.eservices.crt.state.vt.us/>, click **Register Now**, and follow the simple prompts. Attorneys will need their attorney license numbers to register. Helpful information about the Attorney Email Registration process is also available on the *Electronic Filing* page of the judiciary website at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>. Please contact jud.helpdesk@vermont.gov or call the Helpdesk at 802-828-4357 with any questions in the meantime.

You are also reminded that you are required to update the email address(es) and other contact information you have registered as soon as there are any changes, including changes to staff email addresses you may have included with your registration. To revise the information, please go to <https://efiling.eservices.crt.state.vt.us/>, log into **eCabinet**, click “**Account**,” choose “**My Profile**,” and make the necessary changes to your contact information.

Notification to JUD.AttyLicensing@vermont.gov or in **eCabinet** of a change to your contact information does not automatically notify the other. It is your responsibility to notify both. If you are a member of the Vermont Bar Association, you will also need to separately notify the VBA.