

**STATE OF VERMONT
VERMONT SUPREME COURT
SEPTEMBER TERM, 2015**

**Order Promulgating Amendment to § 13 of the Rules of Admission to the Bar
of the Vermont Supreme Court**

Pursuant to Chapter II, Section 37, of the Vermont Constitution and 12 V.S.A. § 1, it is hereby ordered:

1. That § 13 of the Rules of Admission to the Bar of the Vermont Supreme Court be amended to read as follows (new matter underlined; deleted matter overstruck):

13. Appearance in court by interns; authorized activities; eligibility; supervision; limitations

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(b) To be an eligible intern pursuant to this section, an individual must:

(1)(A) be pursuing the study of law and be enrolled in good standing at an approved law school, as that phrase is defined by § 6(h)(2) of these rules, and

(B) have completed the study of law for at least ~~four~~ three semesters, or the equivalent thereof, in such a school; or

* * * * *

~~(c) To be an eligible intern pursuant to this section the individual must have satisfactorily completed a course in evidence, or, in the case of those who are pursuing the study of law in the office of an attorney, have completed a systematic study of evidence as certified by the attorney who is supervising the law office study.~~

~~(d)~~ (c) Notwithstanding any other provision of this section, no person may be deemed an eligible intern who has sat for the Vermont Essay Examination or the Multistate Bar Examination, has received a grade on either examination and has not, following the second administration of such examinations, thereafter obtained a passing grade on all sections of the Vermont Bar Examination (including the Multistate Professional Responsibility Examination). In its discretion, the Board of Bar Examiners may for good cause shown waive the foregoing limitation. No person may be deemed an eligible intern who has been denied admission to the Bar of the Vermont Supreme Court for failure to establish good moral character or fitness.

~~(e)~~ (d) An attorney who supervises an intern shall:

- (1) Be an attorney admitted to practice in this state who has been admitted to practice before this Court not less than three years prior to the supervision;
- (2) Assume personal professional responsibility for the intern's work;
- (3) Assist the intern as needed;
- (4) Introduce the intern to the court at his or her first appearance before the court;
- (5) Appear with the intern at all court appearances involving a contested matter;
and
- (6) Appear with the intern at all other court appearances unless the attorney's presence is expressly waived by the court and the client's written consent includes consent to appearance by the intern without the presence of the supervising attorney.

⊕ (e) The supervising attorney, the attorney's law firm or other employer may charge the client a legal fee which reflects the intern's services, and may compensate the intern. This section shall not be construed to authorize a fee splitting agreement between the supervising attorney and the intern, nor shall it be construed to authorize the direct employment of an intern by the client.

Board's Notes – 2015 Amendment

The amendment makes two changes to the requirements for law student interns. A law student in good standing is now eligible to practice as a law student intern after completing three semesters, or the equivalent, instead of four. The amendment also eliminates the requirement of a course in evidence as a prerequisite to practice under this rule. These changes will allow law students more access to clinical experience and training and provide greater opportunities for law students and law school clinics to serve indigent clients. The amendment leaves unchanged the requirement that the supervising attorney for a law student intern “[a]ssume personal professional responsibility for the intern’s work.” Thus, although the amendment eases some of the requirements for law student interns, a supervising attorney must still ensure that an intern has sufficient education and preparation to appear in court and represent clients. Former paragraphs (d), (e) and (f) have been renumbered as (c), (d), and (e).

2. That these rules, as amended, are prescribed and promulgated, effective November 16, 2015. 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 15th day of September, 2015.

/s/ Paul L. Reiber, Chief Justice

/s/ John A. Dooley, Associate Justice

/s/ Beth Robinson, Associate Justice

DISSENTING:

We object to the removal of the § 13(c) requirement that to be an eligible intern the individual must have satisfactorily completed a course in evidence, or, in the case of those who are pursuing the study of law in the office of an attorney, have completed a systematic study of evidence as certified by the attorney who is supervising the law office study.

/s/ Marilyn S. Skoglund, Associate Justice

/s/ Harold E. Eaton, Jr., Associate Justice