STATE OF VERMONT
VERMONT SUPREME COURT
FEBRUARY TERM, 2021

Order Promulgating Amendments to Rule 8(c) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court

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

1. That Rule 8(c) of the Vermont Rules of Admission to the Bar be amended to read as follows (new matter underlined; deleted matter struck through):

Rule 8. Graduate of a non-Approved Law School

(c) **Equivalency Determination Process**

(1) *Contents of Equivalency Determination Application.* An application for equivalency determination must include:

(A) the Applicant's official transcript from the Foreign Law School;

(B) the Foreign Law School's course catalogue; and

(C) any other information required by the Board.

(2) *Deadlines*.

(A) To sit for the July Examination, the application for equivalency determination must be submitted no later than the preceding December 1.

(B) To sit for the February Examination, the application for equivalency determination must be submitted no later than the preceding August 1.

(C) An application for equivalency determination may also be submitted together with an application for admission by transferred UBE score.

(3) *Written Report*. To assist in determining the equivalency of an Applicant's course of study to the standards of an Approved Law School, the Board may retain an expert to prepare a written report ("Report''), which will assess:

(A) whether the Foreign Law School's curriculum provides training in a system based on the common law of England;

(B) whether the Foreign Law School is accredited or in the process of obtaining accreditation;

(C) whether the Applicant has studied at least half of the subjects of examination tested on the UBE;

(D) the Applicant's transcript and the Foreign Law School's grading system;

(E) whether the Foreign Law School's graduates are regularly admitted to the practice of law; and

(F) any other factors that may be relevant to determining whether the Applicant has completed a legal education that is equivalent to that of an Approved Law School.

~~(4) *Cure Provision*. Applicants who do not meet the requirements of paragraph (b)(1) of this rule, may cure such deficiency by obtaining an LLM degree (Master of Laws) at an Approved Law School in the United States. The Applicant's course of study must meet all the following requirements:~~

~~(A) Applicants must successfully complete the requirements of and be awarded an LLM degree within 24 months of matriculation. Prior to sitting for the Bar Exam, an Applicant must have a completed transcript showing award of a qualified LLM degree.~~

~~(B) The LLM program must consist of a minimum of 24 hours of credit. Applicants may not count credits in any type of bar review or preparation course, independent study, directed study, research projects, or externships towards the required 24 hours of credit. The LLM program must take place over at least 2 semesters of at least 13 calendar weeks each, or the equivalent, exclusive of reading periods, examination and breaks.~~

~~(C) The LLM degree must include completion of the following credit-hour requirements:~~

~~(i) at least 2 credits in professional responsibility;~~

~~(ii) at least 2 credits in a legal research, writing, and analysis course (which may not be satisfied by a research and writing requirement in a substantive course);~~

~~(iii) at least 2 credits in a course on American legal studies, the American legal system, or a similar course designed to introduce students to U.S. law; and~~

~~(iv) at least six credits in subjects tested on the UBE.~~

~~(5)~~(4) *Additional Information*. Upon completion:

(A) the Report will be provided to the Board and the Applicant; and

(B) the Applicant may provide or the Board may request further information.

~~(6)~~(5) *Costs*. The Applicant is responsible for all costs associated with an equivalency determination. The Applicant must make a deposit to the Board before the Equivalency Determination commences.

~~(7)~~(6) *Result of Equivalency Determination*. The Board will determine whether the Applicant has established that the Foreign Law School is equivalent to an Approved Law School.

~~(8)~~(7) *Waiver of Report*. If the Board, in its discretion, determines it already has sufficient information to recommend approval of a Foreign Law School, it may waive the Report requirement.

~~(9)~~(8) *Extension*. If a final determination on an Equivalency Determination Application has not been made before the administration of the Examination for which the application was submitted, it will remain pending for the subsequent Examination administration.

Board's Notes—2021 Amendment

Rule 8 is amended to remove the cure provision in 8(c)(4) that allowed applicants with law degrees from non-common law countries to establish equivalency by completing a qualifying LLM at an ABA-approved law school. This change is based on the Board's experience that the applications from such applicants consume an excessive amount of administrative and Board time and the bar exam passage rate for these applicants is generally low. Notably, most other states do not have a comparable rule. Former Rule 8(c)(5)-(9) are renumbered 8(c)(4)-(8). Note that this amendment does not alter the ability of an applicant with a law degree from a common law country from having the Board

consider an LLM from an ABA-approved law school as part of the equivalency determination process, pursuant to Rule 8(c)(3)(F).

2. That this rule as amended is prescribed and promulgated effective August 2, 2021. The Board'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 1st day of February, 2021.

Signed by the Vermont Supreme Court

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Paul L. Reiber, Chief 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

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William D. Cohen, Associate Justice