STATE OF VERMONT
SUPREME COURT
JULY TERM, 2020

Order Promulgating Amendments to Administrative Order No. 49

Pursuant to the Vermont Constitution, Chapter II, § 30 and Administrative Order No. 48, it is hereby ordered:

1. That ¶ 6(d) of Administrative Order No. 49 be amended to read as follows (new matter underlined; deleted matter struck through):

6. Email filings and service:

d. In the Supreme Court, notwithstanding the provisions of V.R.A.P. 25, V.R.C.P. 5, and any other rules relating to the filing of motions, documents, and briefs with the Supreme Court:

i. Parties may file motions and other documents other than briefs by email. Filings must be sent as an attachment to jud.supremecourt@vermont.gov and the subject line should contain the Supreme Court docket number.

ii. The requirements to file paper copies of appellate briefs and printed cases in V.R.A.P. 31 and 32 are suspended. Appellate briefs and printed cases will be considered filed when transmitted as an attachment by email to jud.supremecourtbriefs@vermont.gov as required by V.R.A.P. 32. Parties must file one paper copy of all appellate briefs and printed cases within 7 days of submitting the electronic copy. ~~Notwithstanding this general suspension of the rules requiring paper filing, the~~ The Court may by order require parties to file additional paper copies of briefs and printed cases.

~~iii. If paper copies have not been filed earlier, within 30 days of the termination of the judicial emergency, or within 30 days of an amendment to this order terminating the suspension of rules requiring the filing of paper briefs and printed cases, a party must file paper briefs and printed cases to the extent and in the manner otherwise required by the Vermont Rules of Appellate Procedure. At such time, a party may request permission to file only a single paper copy of a brief and printed case. In reviewing such motions, the Court will consider the size of the brief and printed case and the progress of the appeal, including whether the Court has already heard or considered the case.~~

2. That ¶ 18 of Administrative Order No. 49 be amended to read as follows (new matter underlined; deleted matter struck through):

18. July Bar Exam: Rule 9(a) of Vermont Rules of Admission to the Bar of the Vermont Supreme Court, which requires the Uniform Bar Examination to be administered in February and July on dates designated by the NCBE, is suspended. ~~The bar examination, currently scheduled by the NCBE~~ The Uniform Bar Examination previously scheduled for July 2020 and rescheduled for September 2020 is cancelled~~, will not be administered in Vermont at that~~

~~time and is postponed to a later date~~. Notwithstanding Rules 9 and 10 of the Vermont Rules of Admission to the Bar, the Board of Bar Examiners is authorized to administer and grade an alternative bar examination in fall 2020 by remote means. This bar examination will provide the same basis for admission under the Vermont Rules of Admission to the Bar as the Uniform Bar Examination.

a. The Board must provide updates on the specifics of the exam as soon as possible to applicants who previously applied for and were found eligible to sit for the July 2020 examination (registered applicants).
b. The remote examination will be created by the NCBE and will consist of fewer questions but will cover the same subjects as the Uniform Bar Examination (UBE).
c. Registered applicants will be registered automatically for the remote examination.
d. Registered applicants may opt out of the remote examination and either:
    i. withdraw their application and receive a full refund of the application fee paid to Vermont; or
    ii. choose to be registered to sit for the February 2021 administration.
e. Registered applicants who decide not to sit for the remote examination and to be registered for the February 2021 examination will be considered to be "registered for the next administration of the bar examination," for the purposes of eligibility to practice as a legal intern under Part VI of the Vermont Rules of Admission to the Bar.
f. The Board is authorized to enter into Memoranda of Understanding with other states offering the NCBE's fall 2020 remote examination to provide for portability of scores earned on that examination, wherever possible.

3. That the following Explanatory Note be added:

Explanatory Note—July 17, 2020 Amendment

The July 17 amendment to ¶ 6(d) eliminates any requirement that multiple paper briefs be filed at the conclusion of the judicial emergency and requires that one set of briefs and printed cases be filed within a week of the electronic filing. The court retains its discretion to, by order, require parties to file additional paper copies of briefs and printed cases. In this amendment, the Court hopes to account for both the challenges of copying and collating multiple briefs in the context of the ongoing pandemic and the necessity that a paper copy of each brief and printed case be filed for the permanent record in each case.

The July 17 amendment also amends ¶ 18 of the Administrative Order regarding the July 2020 bar examination. Due to the ongoing risks to public health from the pandemic, the in-person bar exam originally scheduled for July 2020 and rescheduled to September 2020 is cancelled. The Board of Bar Examiners is authorized to conduct and grade a remote bar examination in the fall of 2020. Applicants who were registered and authorized to sit for the July 2020 examination will be automatically registered for the remote examination. Registered applicants who choose not to take the remote exam may receive a refund or choose to register to sit for the February 2021 exam. To ease the inconvenience and hardship caused by the delayed

exam, those registered applicants choosing to take the exam in February 2021 will be permitted to continue to practice as a legal intern. The Board is also authorized to enter agreements with other states so that scores will be portable.

4. That this order is effective immediately and extends until September 1, 2020, unless extended by order of this Court.

5. That the Chief Justice is authorized to report this order to the General Assembly in accordance with the provisions of 12 V.S.A. §1, as amended.

Done in chambers at Montpelier, Vermont this 17th day of July 2020.

Paul L. Reiber, Chief Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice