

Bar Exam

National Conference of Bar Examiners has allowed some changes. Email Andrew Strauss with any specific questions, he is very knowledgeable and responsive. (Part of his job is to point applicants in the right direction. andrew.strauss@vermont.gov)

With COVID-19, there was an issue as to whether there was going to be a bar exam or whether applicants would be granted “diploma privilege”—eligibility based on having graduated from law school.

VT decided not to allow this. The Vermont pass rate for the bar exam has historically been low; this last time it was below 60 percent. Understood it was tough to prepare, tough to do online, but still not willing to allow anyone in. Pass rate shows we did the right thing.

The future of the Bar Exam will be more of an integrated approach to make the activities more real life. Testing whether have skills to be a first year lawyer, it is in the early stages of being integrated. Four to five years out.

Considering testing on client counseling, negotiations. These are fundamental skills.

Online—considering pros and cons of keeping the exam online in the future.

Vermont Board of Bar Examiners is always looking for volunteers. Great way to give back, you get credit for being on the Board of Bar Examiners. Looking for diversity in people, practice groups, and geography. Please check the box on your licensing statement

Admission Process

Question: If your character and fitness review isn't completed by the swearing in ceremony, what is the swearing in process after that scheduled ceremony?

Answer: Any Vermont judge can administer the oath of admission. If you need help finding a judge to swear you in, contact Andy Strauss at andrew.strauss@vermont.gov

Watch Remote Swearing In Ceremony January 26, 2021 at 3:00 p.m.

https://vtbar.webex.com/vtbar-en/url.php?frompanel=false&gourl=https://www.youtube.com/channel/UCx5naSorUsDA-rgrF1_SGkw/videos

CLEs

New rule promulgated modifying “in person” CLE requirements. Now it is either with or without a minimum amount of interactivity or moderation. The rule can be found here:

https://www.vermontjudiciary.org/sites/default/files/documents/PROMULGATEDRulesofAdmission%202020_7_9_12_15.pdf

First Year Requirements

Historical changes to the Mentorship Program

1. When Keith Kasper was admitted in Vermont in the 1980's, the rule was you had to do a 6 month clerkship.
2. This requirement was lessened in light of rising student debt new attorneys now face.

Historical changes to the Bar Exam Related to Mentorship Program and CLEs

1. Vermont was an early adopter of the Uniform Bar Exam
2. Prior to that, it was one day of multiple choice multistate, MPTs, and one day of Vermont based essays
3. UBE was adopted to help the Vermont attorneys who organized, wrote, and graded the Vermont questions, but VT wanted to maintain a Vermont specific requirement.
4. In order to keep a Vermont specific component, instituted the mentorship program: 40 hours of "checklist" style requirements to get new lawyers out into the legal community to integrate them into the legal community. See the form here: https://vtbar.webex.com/vtbar-en/url.php?frompanel=false&gourl=https://www.vermontjudiciary.org/sites/default/files/documents/900-00012_0.pdf
5. Attorneys who have been out for 3 or more years: please volunteer to become one. You get some credit for doing this. Andy Strauss maintains the list of volunteers; if you need a mentor you can contact him for that as well. andrew.strauss@vermont.gov

Question: I would love to know which (if any) first year/ pro bono activities can be done remotely? I have applied to LawLine a few times but never heard back.

Answer: Contact Mary Ashcroft at the VBA Access to Justice project. mashcroft@vba.org. She coordinates programs throughout the state and can connect attorneys with low bono opportunities for practice.

Specific to the "remote" question: you can do anything remotely that you can do in person, as we are learning. If you are having trouble accessing opportunities to observe remote hearings, depositions, etc. reach out to your mentor for help.

Character and fitness

It is an arduous process. Judge Durkin apologizes, but we take it seriously.

The Character and Fitness Committee does want to work with applicants, however.

Attorney Licensing in the Time of Covid
Panel Presentation Notes and Participant Questions and Answers
YLD Thaw 2021

Once the application and motion are completed, you must either pass the Vermont bar exam or have admission on motion granted before the Committee will review the application. Five volunteers; not practicable otherwise.

Each individual application is assigned to a member of the Committee.

The member reviews, and if no issues, complete, thorough, then they fill out a Status Sheet indicating so, and you are done.

If the member has questions, the Status Sheet will say so. That applicant can request a hearing of a three member panel, none of whom are the initial reviewer.

While applicants need to take that hearing process seriously, remember that the Committee's goal is to get to know you better. "Try hard not to freak out, get prepared."

Request the hearing, and prepare for it.

Before COVID, the hearing was in person. Now, we are not allowed into the courthouses, so they are being held by WebEx.

When someone is brought before a hearing panel, they are entitled to legal representation but they must pay.

It is recommended that applicants hire an attorney to represent them, someone with experience in that work. The VBA has a lawyer referral service. They can give you a list of people with expertise in that area.

The three member panel's review of the application is de novo.

They review NCBE application, Vermont application, and any other materials provided.

Recommendations are good, but make sure they will be supportive recommendations. The panel follows up with them. They will listen to both the applicant and the recommender.

After hearing, the panel sends a letter notifying the applicant of its decision. There are specific findings of fact and conclusions of law. To give notice to the applicants of the basis for recommendation.

In rules for admission, the Vermont Supreme Court on its own motion can review the application de novo. This goes either way—when the Committee either recommends or does not recommend admission.

The Committee does not share its files with any other agencies. However, the professional responsibility office can request the application.

There is no "perfect" application. But the real test is how do you respond to the faults that you have created in your life? If you confront those transgressions, discover the lesson from them, and learn tools so that you do not repeat them, that is what matters.

BUT if you try to hide the warts, they will find them and that puts your application into question.

Question: If you have not secured an attorney job, how does that work re: pro/low bono?

Answer: The Access to Justice project has CLE training specific to the areas where they have projects. Also consider the New Attorney Incubator Program. Both are mashcroft@vba.org

Question: What is the usual review period for character and fitness?

Answer: Truthfully, it depends. There will be a wait, most likely. Members try to review files as soon as possible. Andy Strauss says approximately 2-4 weeks after report from NCBE is received. Respond promptly to any notifications from NCBE or the Committee of anything that is needed to complete the application. It also depends on what is in the application.