

Rules for Admission to the Bar of the Vermont Supreme Court

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

(a) An eligible intern may appear as legal counsel before the Vermont Supreme Court, Environmental Court or any Superior, District, Family, or Probate Court under the following conditions:

- (1) The written consent of the client has been filed with the court; and
- (2) The written consent of a supervising attorney has been filed with the court; and
- (3) The written agreement of the intern to be bound in the matter by the Rules of Professional Conduct has been filed with the court; and
- (4) The court has, in the exercise of its discretion granted permission, and said permission has not been revoked; and
- (5) The supervising attorney has filed with the Court a certificate that he or she has in force professional liability insurance that will cover the actions of the intern.

The permission of a court pursuant to this section to appear as legal counsel shall authorize the intern to prepare and, with the signature of a supervising attorney, to sign, motions, petitions, answers, briefs, and other documents in connection with the pending matter, and to conduct before said court any argument, trial, or other hearing in the pending matter.

(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 semesters, or the equivalent thereof, in such a school; or
- (2)
 - (A) have graduated from an approved law school, as that phrase is defined by § 6(h)(2) of these rules, and
 - (B) be in the process of completing the period of three months law office study prescribed by § 6(i)(1), or, having completed said period of law office study, be awaiting review by the Character and Fitness Committee or admission to the Bar of the Vermont Supreme Court at the next earliest opportunity; or
- (3)
 - (A) have completed three years of law office study pursuant to § 6(g)(1) or one year of law office study pursuant to § 6(j), and
 - (B) be in the process of completing the final year of such law office study, or having completed law office study, be registered for the next bar examination, awaiting review by the Character and Fitness Committee or admission to the Bar of the Vermont Supreme Court at the next earliest opportunity; or
- (4)
 - (A) be eligible for admission to the Bar of the Supreme Court of Vermont on motion under § 7 of these rules, or

(B) have applied for admission under § 7 and be awaiting review by the Character and Fitness Committee or admission to the Bar of the Vermont Supreme Court at the earliest opportunity.

(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) 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) 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.

(f) 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.