No. 20-1423

Supreme Court of the United States

Robert Grundstein Esq.

vs

Vermont Board of Bar Examiners

On Petition for Writ of Certiorari to the Vermont State Supreme Court

PETITION FOR WRIT OF CERTIORARI

Robert H. Grundstein Esq.
18 Griggs Road
Morrisville, Vermont 05661
rgrunds@pshift.com
802-397-8839
Attorney for Petitioner

Joshua Diamond/Assistant AG
109 State Street
Montpelier, VT 05609
Joshua.Diamond@vermont.gov
802-595-8397
Attorney of Record

QUESTIONS PRESENTED FOR REVIEW

Opportunity to Resolve Vermont Violations and Circuit Splits Pertinent to Bar Admissions

What Levels of Due Process are Required for Bar Admission?
Can A State Impose a Five Year Maximum Between Date Applicant Graduates from Law School and Sits for Exam?

1

Insufficient 5th and 14th Amendment Due Process for Vermont Character and Fitness Procedures Circuit Splits on Level of Due Process for Character and Fitness

Is an informal interview before a State Character and Fitness Committee, without additional hearings or standards of evidence and burdens of proof similar to those required by the Administrative Procedures Act, sufficient Due Process if a party is denied summary admission to a State Bar? (Most states have an administrative hearing and appeal after informal interview. Vermont doesn't)

2

Violation of Equal Protection and Fundamental Rights
Vermont Cannot Limit Bar Seating to Those Who Graduated from Law School within Five Years of Exam
Vermont Circuit Creates Circuit Split as Only State to Impose This Limitation

Can Vermont limit Bar Exam seating to those who graduated within Five Years of a scheduled exam? There is no rational relation between this restriction on a fundamental right to pursue a profession.

3

Vermont Violations of 14th Amendment Equal Protection and Fifth Amendment Due Process in Bar Admission
Cannot Require Only One Successful Applicant to Perform Acts Not Described in Rules

If an applicant successfully completes all Vermont State Bar requirements under the Rules for Admission to the Bar, does it violate Equal Protection and Due Process if the State requires one, discrete, solitary party to do things not described in the Rules and which no other applicant has to do?

4

Separation of Powers
Supreme Court Cannot Perform Legislative, Executive and Adjudicative Functions

If a Supreme Court writes its own Rules for Admission to the Bar, does not send them to the legislature as required by State Statute, appoints parties to administer these rules and adjudicates activities under these rules, does it violate separation of powers?

TABLE OF CONTENTS

TABLE OF AUTHORITIES

PETITION FOR A WRIT OF CERTIORARI

Petitioner seeks a writ of certiorari to review the November 13, 2020 Opinion and Order of the Vermont Supreme Court by which his successful application to the bar was refused and he was not allowed to reapply for Bar Status.

LIST OF PROCEEDINGS IN LOWER COURTS

February 1, 2017; Vermont Character and Fitness Opinion;

April 17, 2020; Appeal to Vermont Supreme Court from Vermont Board of Bar Examiners April 13, 2020 decision to deny Petitioner's 2020 Application and Right to Reapply

November 13, 2020; Appeal Denied

November 20, 2020; Rehearing Denied

STATEMENT OF JURISDICTION

This Court's jurisdiction is based upon 28 U.S.C. 1257. It seeks review from the Vermont Supreme Court.

The Vermont Supreme Court issued its opinion on November 13, 2020. (2020 VT 122) Petitioner filed for Reconsideration on November 16, 2020. It was denied on November 20, 2020. There was no re-hearing.

CONSTITUTIONAL PROVISIONS

STATEMENT OF THE CASE

1

Petitioner Required to Perform Acts for Bar Admission Not Described in Rules and Not Required of Any Other Applicants/Discrimination against Class of One
Character and Fitness Performed Prior to Bar Exam under Vermont Law

Petitioner Grundstein passed the Vermont February 2016 Bar Exam. It was his third attempt. Subsequent to the successful exam, he was asked to go before Vermont's "Character and Fitness Committee for a second time. Vermont law requires Character and Fitness prior to the Bar exam. Only people of "good character" are allowed to sit for the exam. Petitioner was screened prior to the exam by the Vermont Board of Bar Examiners and was permitted to sit for it.

His second scrutiny took place, post-exam, in October, 2016. There were no new ethical concerns.

2

Inadequate Due Process
Informal Interview Not Sufficient
Vermont Character and Fitness is a Standardless Process
It Has No Administrative Procedures Act Style Formal Hearing and Rules
No Articulated Standard of Review
No Articulated List of Proscribed Behaviors

Character and Fitness is an informal interview. There was no additional formal administrative hearing available if the Character and Fitness Committee does not approve a candidate. There is no articulated quantum of evidence (clear and convincing, preponderance, etc.), no rules of evidence, no neutral third party hearing officer (Committee Chair is representative of Supreme Court) and the burden of proof/ persuasion is reversed. The applicant is asked to prove admissibility under the rules when it is up to the state to prove a party is not admissible.

There is no articulated standard of review. There is no list of proscribed behaviors for which a party is denied admission. The same behavior for which a party would NOT be disbarred could be the basis for denying admission to the Bar.

There are three criteria under Vermont's Rules for Admission to the Bar. They are;

1) Good Character (honesty), VRAB 16(b)(1);

2) Competence; which is proved by passing the bar and completing the office affiliation requirement, VRAB 5(b) and 6(i)(1);

3) Fitness; which by rule is limited to physical and psychiatric defect, Vt. Administrative Order 9, Rule 16(b)(2), VRAB 16(b)(2) and VRAB 6,

Petitioner Satisfies All Criteria for Bar Admission under State Rules for Admission to Bar

The Committee found that Petitioner was of Good Character and said it "does not have reason to doubt Mr. Grundstein's honesty, ethics or truthfulness", "Character and Fitness Committee Op.", pg. 23 (February 1, 2017)

Petitioner passed the bar and completed the office affiliation.

Petitioner had no psychiatric, physical or substance abuse problems as defined under the Vermont Rule for "Fitness", which is limited to physical and psychiatric criteria.

Finally, there is no articulated list of violations or bad acts for which a party could be excluded from bar admission. The same act for which a party would NOT be disbarred is an event on which the Character and Fitness Committee could deny admission.

Equal Protection and Due Process Violated
Petitioner Required to Do Something Not in Rules and to Which No Other Successful Examinee Was Subject/Violate Equal Protection against Class of One

The Character and Fitness Committee said it wanted Petitioner to get "more experience" and reapply. There is no

rule in support of additional "experience" beyond that defined in the Vermont Rules for Admission to the Bar.

No other successful bar examinee was ever asked to do more "experience".

Reapplication could not take place until two years after the Committee determination and any appeal.

Petitioner appealed to the State Supreme Court which said; "Fitness" includes "experience".

"Experience" is not included in the Vermont definition of "Fitness". "Experience" and "minimum competence", is covered in a completely separate rule with its own number. "Minimum Competence" and "Experience" are completely separate from "Fitness", which is also described in a completely discrete section with its own number.

4

Vermont Refuses to Accept 2016 Successful Bar Score on Reapplication
Requires Petitioner to Take Bar Again but Won't Let Him Sit for Exam
Vermont Changed Rules for Admission to the Bar during Interim
Only Parties Who Graduated from Law School within Five Years of Exam Seating Allowed to Apply for Bar Exam

Petitioner reapplied in 2019/2020. The Board of Bar Examiners refused to accept his 2016 Bar Score and said he must sit for the exam again...but that he couldn't. Vermont adopted new Rules for Admission to the Bar which now require an examinee to have graduated from law school within five years of the date he/she sits for the exam. VRAB 9(b)(1)

5

Circuit Split on Time Constraint between Bar Exam and Law School Graduation
No Rational Relation

No other jurisdiction has this time limitation, or any interval specification, between graduation from law school and sitting for the bar. There is not even a "rational relation"

between this rule and a state interest because Vermont will accept foreign bar scores without regard for the time interval between the foreign applicant's exam and law school matriculation dates.

6

Separation of Powers Violated
State Supreme Court Not Sending Rules to Legislature

12 VSA 1(3)(e) requires the Vermont Supreme Court to send all its draft rules to the Vermont Legislative Committee on Supreme Court Rules. The Vermont Supreme Court does not send them to this committee and has changed the Vermont Rules for Admission to the Bar several times over the past 12 years without legislative consultation.

This violates separation of powers and is a conflict of interest. An entity cannot draft its own rules, appoint people to enforce them (Board of Bar Examiners, Character and Fitness Committee) and adjudicate these same rules. The Vermont Supreme Court cannot perform Adjudicative, Legislative and Executive powers with respect to Bar Admission.

7

Violation of Contracts and Ex Post Facto Clauses

Petitioner accepted and fulfilled the contract terms between himself and Vermont when he passed the 2016 Bar. The state cannot impair this right by disregarding its obligation or by subsequent rule making.

"Article I, Section 10, Clause 1:

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, **ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.**

REASONS TO GRANT CERTIORARI

Introduction

Vermont's Rules for Admission to the Bar Practice Unconstitutional Divergence from Minimum Standards of Due Process for Bar Admission and Violate Fundamental Rights
Vermont Presents Stark Circuit and State Jurisdictional Splits on What Due Process is Required

Vermont not only violates minimum Constitutional standards of Due Process when admission is subject to Character and Fitness procedures but is in stark contrast to other state jurisdictions and federal bars for this process. It also distinguishes itself as the only State in the Union and State/Federal jurisdiction which has imposed a five year limitation on the time between which a party must graduate from law school and take the bar exam (VRAB 9(b)(1).

Vermont's Constitutional failures with respect to Petitioner are violations as administered and by virtue of unconstitutional rules and practices.

I

Vermont Character and Fitness Procedure Is Unconstitutional under,"Willner v. Committee on Character", 373 U.S. 96 (1963) citing, "Coleman v Watts" 80 S.2d 650 (FL 1955) Informal Interview is Not Sufficient Due Process/Need Formal Hearing
This is a Circuit Split/Divergence from Minimum Standards in Other State and Federal Jurisdictions

Vermont's Character and Fitness Due Process is inadequate and represents a circuit split on what is Due Process when admission to the bar is not on a pro forma basis.

An informal interview is not sufficient. It is also insufficient if it makes no reference to objective standards for admission (rules of professional conduct), has no independent third party hearing officer, an administrative procedures act style hearing, rules of evidence, quantum of evidence, burden of proof or standards of review. It also has reversed the burden

of proof for a fundamental right. It is up to the state to prove that its procedures are constitutional and that the state must prove that a candidate is not suitable for admission.

Alabama, Delaware, Washington D.C., Florida, Georgia, Hawaii, Illinois, Kansas, Michigan, New Hampshire, Rhode Island and Texas...and many others, all have Administrative Procedures Act style hearings similar to proceedings for Attorney Discipline/Disbarment, with an articulated standard of review on appeal when a party is not approved for Bar Admission after the informal "Character and Fitness" interview.

The US Supreme Court wrote "Willner v. Committee on Character", 373 U.S. 96 at 123 (1963), which cited "Coleman v. Watts", ibid;

"Upon being denied a certificate by the Board, the applicant petitioned the court for a ruling as to the nature of the hearing which he should be accorded before the Board or the court. An order was entered requiring the Board to serve formal written charges against the petitioner, and a record of all evidence produced at the hearing was subsequently reviewed by the court. While the Board's ruling was ultimately upheld by the court, **the case serves admirably to illustrate the rights of an applicant in a situation precisely like that under consideration in the case at bar.**

In that same jurisdiction it was recognized at an early date, **even in the absence of any specific statute or rule providing for notice and hearing upon the issue of moral fitness for admission to the bar, that such hearings should properly be conducted along the general lines followed in disbarment proceedings,"**

Florida Character and Fitness procedures give a formal hearing if a party is not approved after informal interview. See excerpts from Florida Rules of the Supreme Court Relating to Admissions to the Bar;

"3-23.1 Specifications. Specifications are formal charges filed in those cases where the board has cause to believe that the applicant or registrant is not qualified for admission to The Florida Bar.

3-23.2 Formal Hearing. Except as provided in rule 3-23.1, any applicant or registrant who receives Specifications is entitled to a formal hearing before the board, representation by counsel at his or her own expense, disclosure by the Office of General Counsel of its witness and exhibit lists, cross-examination of witnesses, presentation of witnesses and exhibits on his or her own behalf, and access to the board's subpoena power. After receipt of the answer to Specifications, the board will provide notice of the dates and locations available for the scheduling of the formal hearing. Formal hearings are conducted before a panel of the board that will consist of not fewer than 5 members. The formal hearing panel will consist of members of the board other than those who participated in the investigative hearing."

Cannot Exclude Applicant without Sufficient Due Process/ Formal Hearing

"A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment.", "Wilner", ibid at 102, citing "Schware v. Board of Bar Examiners", 353 U. S. 232, 353 U. S. 238-239.

"As the Court said in "Ex parte Garland", 4 Wall. 333, 71 U. S. 379, the right is not "a matter of grace and favor.", "Willner", ibid, at 102.

II

Vermont Rule for Admission to the Bar 9(b)(1) Is a Divergent Circuit Split from All Other State and Federal Jurisdictions It Violates Substantive Due Process and Equal Protection under the Fourteenth Amendment
Vermont Cannot Restrict the Bar Exam to Parties Who Graduated from Law School within Five Years of an Exam As Applied Against Petitioner, It Violates the Contract Clause and Is an Ex Post Facto Rule

There is no Rational, Substantial or Compelling interest for the application of new VRAB 9(b)(1) which restricts parties who have not graduated from law school in the past five years from taking the Vermont Bar. **VT is the only state**

with this restriction and represents a circuit split.

It is an arbitrary classification which violates Equal Protection and denies parties a fundamental right.

1

Profession as Fundamental Right

Pursuing a profession is a fundamental right which cannot be abridged by statute or rule unless the rule is necessarily related to a compelling state interest. VRAB 9(b)(1) is not even rationally related to a legitimate state interest.

See "Supreme Court of New Hampshire vs Kathryn Piper" 470 U.S. 274, 105 S.Ct. 1272 84 L.Ed.2d 205;

"In United Building & Construction Trades Council v. Mayor & Council of Camden, 465 U.S. 208, 104 S.Ct. 1020, 79 L.Ed.2d 249 (1984), we stated that "the pursuit of a common calling is one of the most fundamental of those privileges protected by the Clause." Id., at 219, 104 S.Ct., at 1028. We noted that "[m]any, if not most, of our cases expounding the Privileges and Immunities Clause have dealt with this basic and essential activity.", ("Piper", ibid, sec. III, para 18).

This is followed and affirmed by other circuits. See "McBurney v. Young" 667 F.3d 454, Sec. I, para 1 (2012) 4th Circuit, citing "Toomer v. Witsell" 334 US 385, 396;

"The ability to pursue one's profession or "common calling" is one of the limited number of foundational rights protected under the Privileges and Immunities Clause. "Toomer v. Witsell", op cit. (1948)

2

Fundamental Rights Subject to Strict Scrutiny

Justice William Brennan Jr. wrote, "a government practice or statute which restricts 'fundamental rights' or which contains 'suspect classifications' is to be subjected to 'strict scrutiny' and can be justified only if it furthers a compelling government purpose and, even then, only if no less restrictive alternative is available.", "Regents of Univ. of Cal. v. Bakke", 438 U.S. 265, 357 (1978).

According to Justice Clarence Thomas, "strict scrutiny" is the "appropriate standard" for "infringements of fundamental rights.", "Troxel v. Granville", 530 U.S. 57, 80 (2000)

Justice Antonin Scalia has recognized that "strict scrutiny will be applied to the deprivation of whatever sort of right we consider 'fundamental.", "United States v. Virginia, 518 U.S. 515, 568

3

Vermont Rule for Admission to the Bar 9(b)(1) is Not Necessarily or Substantially Related to a Compelling or Substantial State Interest
It is Not Even Rationally Related to a Legitimate State Interest

i

Vermont Rules for Admission to the Bar Define "Minimum Competence" Independent of Graduation Date

Minimum Competence is proved by passing the bar and completing the office affiliation requirement, VRAB 5(b) and 6(i)(1). The Exam and office affiliation/apprenticeship determine competence under the rules, not the interval between graduation and a successful score. The score remains the same and is not worth less or more relative to a graduation date.

"Graduation Date" is Unconstitutional Prior Restraint Must Allow Parties Opportunity to Take Exam to Prove Competence

If an exam and practical experience prove competence, there can be no Graduation Date condition precedent which interferes with the right to take a Bar Exam. The right to prove competence cannot be arbitrarily removed from a party who has completed the educational requirements to take Vermont's Bar. A state cannot conclude that someone who has made the enormous investment of time, effort and money in law school cannot have the opportunity to sit for its exam.

ii

VRAB 9(b)(1) is Not Necessarily Related to a Compelling State Interest
No Legislative Review or Legislative Committee Study to Support It

There is no legislative or committee activity with respect to this rule. The VRAB were and are never sent to the Vermont Legislative Committee on Supreme Court Rules as required under 12 VSA 1 (3)(e). There is no responsible, scientific or scholarly study which proves parties who sit for the bar more than five years after graduation cannot be competent or reliable attorneys. There is no data on this at all.

I'm sure most licensed attorneys who passed the bar 20 years ago could not pass it today.

iii

Vermont Allows UBE Scores from Other Jurisdictions Independent of the Time between Which the Out of State Score Was Achieved Relative to Graduation
In Doing So, Vermont Violates Its Own Internal Logic

The irony is comical. Vermont discriminates between parties who sit for the bar in Vermont on the basis of the Graduation-Exam Time Interval, but don't impose this Interval Restriction on Bar Exam Scores achieved in the jurisdiction of another state.

This is the reverse of Article II Section 4 Privileges and Immunities by which Vermont FAVORS out of state exams and violates the Fourteenth Amendment Privileges and Immunities/Equal Protection standards which belong to parties inside Vermont.

Vermont Rule for Admission to the Bar 9(b)(1) Violates The Contract and Ex Post Facto Clause
Vermont Cannot Say a Successful Exam Applicant Must Take Another Exam Then Pass a Rule Which Excludes Him from Future Seating

Article I, Section 10, Clause 1:

"No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility."

A "law" in this context may be a statute or administrative regulation having the force and operation of a statute. See, "Grand Trunk Ry. v. Indiana R.R. Comm'n", 221 U.S. 400 (1911); "Appleby v. Delaney", 271 U.S. 403 (1926), both of which involved commissions enforcing administrative regulations.

Petitioner Grundstein fulfilled all the requirements necessary for admission to the Vermont Bar in February, 2016. He formed a contract with the State of Vermont by which if he performed all the requirements for Bar admission, he would be admitted under the terms of the active rules at the time. There was no reason to submit Petitioner to another exam and Vermont refused him the opportunity to take it again.

Vermont Board of Bar Examiners would not accept the February 2016 score and insisted that Petitioner must reapply and take a new exam. It also said he couldn't take a new exam because a new rule, VRAB9(b)(1) was published which restricted exam seating to parties who graduated from law school within five years of the Bar Exam.

VRAB 9(b)(1) was not written then. It was part of Vermont Supreme Court rules published later (Effective Sept.18, 2017) and cannot be used against Petitioner.

III

Vermont Rules for Admission to the Bar Do Not Meet Separation of Powers Standard They Were Not Drafted by the Legislature or Submitted to It As Required by Constitution and Vermont Statute Annotated 12 Sec 1 and 3(e)

1

Separation of Powers Authority

"United States v. Munoz-Flores", 495 US 385, 394 (1990);

"This Court has repeatedly emphasized that, "the Constitution diffuses power the better to secure liberty.", "Morrison", supra, at 694 (quoting "Youngstown Sheet & Tube Co. v. Sawyer", 343 U. S. 579, 635 (1952) (Jackson, J., concurring)). See also "Morrison", supra, at 697. (SCALIA, J., dissenting, "The Framers of the Federal Constitution . . . viewed the principle of separation of powers as the absolutely central guarantee of a just Government"

2

Courts Are Not Subject to Constituent Selection

The Vermont Supreme Court has no electoral constituency. Its lack of such a constituency is a reason why the Supreme Court should not be considered a legislature on the premise that a legislative body is legitimate in a democracy only if it is directly or indirectly elected. It is undesirable to promulgate legislation of any kind in an undemocratic forum.

3

Courts Must Be Subject to External Scrutiny of Legislature

The constitutional problem posed by the structure of the Supreme Court as a legislature can be viewed as analogous to the constitutional problem posed by the structure of the government as a whole: If the institution is not subjected to regulation by some external legal authority.

If we accept the fact that the Supreme Court is a legislative body, there appears to be no agency to subject it to judicial review to assure its subordination to the law. If the essence of the rule of law is the ubiquity of such subordination, then the Court's exercise of legislative powers is itself a violation of the rule of law. This, in essence, is the constitutional basis of the argument that the Court "is" not a legislative body: It would be constitutionally intolerable if it were.

The Federal Judiciary Acts created court jurisdiction to hear "cases and controversies", not to write statutes or rules determining substantive rights.

4

Separation of Powers Ensures Judges Are Not Only Accountable to Themselves

Who judges the judges?", can be answered by saying, "They judge themselves." All political institutions, in fact, engage continuously in a process of self-examination and redirection. They should try to bring to bear their faculties of reflection, teaching, action, and forbearance in such a way as to inhibit and counterbalance destructive tendencies within the institution itself. But they often, don't. This is not regarded as a sufficient safe-guard in most political institutions, hence the system of checks and balances.

IV

Vermont Bar Excludes Petitioner as "Class of One" and Violates Fourteenth Amendment Equal Protection

Petitioner already passed the 2016 February bar and complied with all prerequisites under Vermont Rules for Admission to Bar. He was told he would not be admitted until he had "more experience" and was told to re-apply, at which time (3 years later) he was told he could not reapply because new rules had been published which do not make a state Bar Exam available to anyone who has not graduated from law school within five years of an exam date.

There was and is no legal basis to impose an additional "experience" requirement on Petitioner which was not been applied to any other bar applicant in his exam group or any other Vermont State Bar applicant, ever.

The Equal Protection Clause of the 14th Amendment says, "...nor shall any State...deny to any person within its jurisdiction the equal protection of the laws." This means all persons similarly situated should be treated alike.

"Similarly situated" means a comparator who is similar in all relevant and material respects, "McDonald v. Village of Winnetka", 371 F.3d 992 (7thCir. 2004), or when there is an extremely high degree of similarity between plaintiff and comparator(s), "Clubside, Inc. v.Valentin", 468 F.3d 144 (2nd-Dist. 2006).

A non-suspect class may bring equal protection claims, so long as it is a discrete, identifiable group. "Corey Airport Services, Inc. v Clear Channel Outdoor, Inc".,2012 WL 1970236 (11thCir. 2012).

U.S. Supreme Court Recognizes Class of One
"Olech v. Village of Willowbrook", 528 U.S. 562 (2000

"Olech v. Village of Willowbrook, op. cit, held that the Equal Protection Clause gives rise to cause of action on behalf of "class of one" where plaintiff did not allege membership in a class or group. A "class of one" may bring a claim where she has been intentionally treated different from others similarly situated and there is no rational basis for the disparate treatment.

CONCLUSION

Circuit Splits Between Vermont and All Other State and Federal Jurisdictions Need to Be Resolved in Favor of Higher Due Process Standards for Bar Admission Procedures
Petitioner Should Be Awarded His License

Vermont has personalized, subjectified and contradicted its standards for Bar Admission in violation of Due Process, Equal Protection and operating standards in most, if not all other state and federal jurisdictions.

Petitioner met all the standards under the "Vermont Rules for Admission to the Bar" (VRAB) in 2016. There was no basis to defer his license at that time.

Vermont's Character and Fitness procedure is inadequate and standard-less. It is limited to an informal interview before the Character and Fitness Committee and has no formal hearing with Administrative Procedures Act style rules.

Vermont's Supreme Court rule making pertinent to the Rules for Admission to the Bar violates state and Constitutional law. The rules were not sent to the state legislature as required by 12 VSA Sec 1 and 3(e) and thereby offend Separation of Powers.

Vermont (new) Rule for Admission to the Bar 9(b)(1) cannot meet any level of scrutiny under Equal Protection or Fundamental Rights analysis. It can't even meet a rational relation standard. There is no reason for a Five Year limitation between law school graduation and the right to sit for a Bar Exam.

Finally, VRAB 9(b)(1) cannot be applied against Petitioner as an Ex Post Facto rule. It didn't exist at the time he and several other met all the requirements for admission to the Bar in 2016.

Petitioner should be awarded his license on the basis of his successful February 2016 bar exam score.

S/s Robert Grundstein Esq.
Attorney for Petitioner
18 Griggs Road
Morrisville, VT 05661
802-397-8839/rgrunds@pshift.com