

SUPREME COURT OF VERMONT

In re Ahmed M. Hamid-Ahmed, 2018 VT 113

200 A.3d 179 (Vt. 2018) · No. 2018-045 · Decided October 12, 2018

SUMMARY

The Vermont Supreme Court affirmed the Board of Bar Examiners' denial of Ahmed M. Hamid-Ahmed's application to take the Vermont bar examination. The court held that the Rule 8(c)(4) curing provision applies to applicants with qualifying foreign law degrees who satisfy the other Rule 8(b) requirements, and rejected the applicant's due process argument as harmless.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Skoglund, J.; Reiber, C.J.; Robinson, J.; Eaton, J.; Carroll, J.
JURISDICTION	Vermont
DECIDED	October 12, 2018
DOCKET	2018-045
DISPOSITION	affirmed
PROCEDURAL POSTURE	Applicant appealed, in the Vermont Supreme Court's original jurisdiction, from the Vermont Board of Bar Examiners' denial of his application to take the Vermont bar examination.
STANDARD OF REVIEW	The court applied a plain-meaning interpretation of the Vermont Rules of Admission to the Bar and reviewed the alleged notice error for prejudice and harmlessness.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion; precedential
PARTIES	Ahmed M. Hamid-Ahmed v. Vermont Board of Bar Examiners

TOPICS

appellate procedure statutory interpretation plain meaning rule due process harmless error

PRACTICE AREAS

appellate procedure bar admission statutory and rule interpretation constitutional procedure

QUESTIONS PRESENTED

1. Whether an applicant who lacks a qualifying foreign law degree and admission to another bar may use Vermont Rule of Admission to the Bar 8(c)(4)'s curing provision solely by obtaining an LLM degree.
2. Whether the Board violated the applicant's due process rights by denying his application without expressly notifying him of the procedure for appealing to the Vermont Supreme Court.

HOLDINGS

1. Rule 8(c)(4)'s curing provision applies only to applicants who satisfy the other requirements of Rule 8(b), including having a qualifying foreign law degree and having been admitted to and maintained good standing in another bar. An LLM alone does not make an applicant eligible to take the Vermont bar examination.
2. Any failure by the Board to provide express notice of the appellate procedure was harmless because the applicant timely appealed and received a merits judgment; the alleged error therefore did not warrant reversal.

KEY QUOTATIONS

“It is an essentially universal practice to interpret rules, regulations, and statutes based on the plain meaning of the language when read in context of the text as a whole.” (¶ 7)

“To cure a shortcoming in foreign law degree, an applicant must have a foreign law degree and must also meet the other requirements of Rule 8(b).” (¶ 8)

“Because applicant suffered no prejudice from the Board’s failure to inform him of the appellate procedures—he timely appealed to this Court and we have rendered judgment on the merits—any alleged error resulting from the Board’s lack of notice was harmless and therefore does not warrant reversal.” (¶ 9)

FACTUAL BACKGROUND

Hamid-Ahmed had a bachelor's degree in criminal justice and a Master of Laws degree from Widener University School of Law. He did not have a Juris Doctor or substantially equivalent law degree from a foreign or domestic non-approved law school, had not enrolled in a law office study program, and had not been admitted to any other bar. The Board denied his application to take the Vermont bar examination, and he timely appealed.

PROCEDURAL HISTORY

The Vermont Board of Bar Examiners denied Hamid-Ahmed's application to sit for the Vermont bar examination. He appealed to the Vermont Supreme Court, arguing that his Master of Laws degree qualified him under the curing provision of Vermont Rule of Admission to the Bar 8(c)(4) and that the Board violated due process by failing to notify him expressly of the appellate procedure. The Supreme Court rejected both arguments and affirmed.

DISPOSITION

affirmed

CASES CITED

- City of Burlington v. Dep't of Emp't & Training, 148 Vt. 151, 154, 530 A.2d 573, 575 (1987)
- Heffernan v. State, 2018 VT 47, ¶ 7, 187 A.3d 1149
- Trudell v. State, 2013 VT 18, ¶ 30, 193 Vt. 515, 71 A.3d 1235
- Parker v. Hoefer, 118 Vt. 1, 10-11, 100 A.2d 434, 441 (1953)