

RULES
THE VIRGINIA BOARD OF BAR EXAMINERS
(Reference: Title 54.1 of the Code of Virginia of 1950, as amended.)

SECTION I: EXAMINATIONS

1. Unless otherwise directed by the Virginia Board of Bar Examiners (the "Board"), in each year bar examinations will be held on two successive days in either the City of Richmond or Norfolk beginning on the Tuesday immediately preceding the last Wednesday in February at 9:00 a.m., and in the City of Roanoke beginning on the Tuesday immediately preceding the last Wednesday in July at 9:00 a.m.

2. Each examination will consist of two parts, with each part having a morning and an afternoon session. The first part, given on Tuesday, is the Essay part, which is prepared and graded under the supervision of the Virginia Board of Bar Examiners. This part includes essay and short-answer questions and will test the applicant's knowledge in the following areas:

Agency	Criminal Law	Professional Responsibility	Uniform Commercial Code
Conflict of Laws	Domestic Relations	Real and Personal Property	Virginia Civil and Criminal
Constitutional Law	Equity	Sales	Procedure (including
Contracts	Evidence	Taxation	appellate practice)
Business Organizations	Federal Practice and Procedure	Torts	Wills and Estate Administration
Creditor's Rights	Local Government Law	Trusts	

The second part, given on Wednesday, is the Multistate Bar Examination, compiled and graded under the supervision of the National Conference of Bar Examiners Office of Testing. The second part is intended to test the applicant's knowledge of:

Constitutional Law	Criminal Law	Real Property
Contracts	Evidence	Torts

3. All applicants must concurrently take the Essay part and the Multistate part of an examination at the same exam administration in Virginia. The scores of both parts will be weighted and combined to determine if the applicant has achieved an overall passing score as set by the Board. Such weighting shall be made by a credit of 60% being given the scaled score made on the Essay part and a credit of 40% being given the scaled score made on the Multistate part. Only applicants who achieve such overall passing score and who have satisfied all other requirements for admission will be licensed to practice law in Virginia. No applicant will be eligible to be licensed after the expiration of five (5) years from the date of the examination on which such applicant received a passing score.

4. **Multistate Professional Responsibility Examination.** Before being licensed to practice law in Virginia an applicant must submit to the Board evidence that the applicant has, within the calendar year the applicant passes the Virginia Bar Examination or within the two calendar years immediately preceding or following such year, achieved a scaled score of 85 or better on the Multistate Professional Responsibility Examination ("MPRE") administered by the designee of the National Conference of Bar Examiners. The applicant is responsible to file a timely application for the MPRE directly with the designee of the National Conference of Bar Examiners that administers the MPRE and to see that the applicant's score on the MPRE is certified by the MPRE administrator directly to the Virginia Board of Bar Examiners. The MPRE is administered in March, August and November of each year at various locations across the country.

SECTION II: ACADEMIC REQUIREMENTS

1. An applicant for a Virginia Bar Examination shall:

(A) Have received a degree from a law school approved by the American Bar Association, or the Board; or

(B) Be enrolled and in good standing in any such approved law school and, in the course of regular study, complete ALL degree requirements prior to the time such examination is given; or

(C) Have been approved by the Board and thereafter completed the required period of law study as set forth in the *Law Reader Program Rule and Regulations* of the Virginia Board of Bar Examiners.

2. Requirements for Bar Exam Applicants with Foreign Legal Training – See page 7.

3. No applicant will be issued a license to practice law in this state until the applicant has received a degree from an approved law school, or has successfully completed the required period of law study referred to above, and has furnished evidence of same to the Board.

4. Study by correspondence or in a non-approved law school does not satisfy the foregoing requirements.

SECTION III: CHARACTER AND FITNESS REQUIREMENTS

1. No person shall be licensed to practice law in Virginia by the Virginia Board of Bar Examiners unless such person first produces evidence satisfactory to the Board that the applicant is a person of honest demeanor and good moral character and possesses the

requisite fitness to perform the obligations and responsibilities of a practicing attorney. The applicant has the burden to prove by clear and convincing evidence that the applicant possesses these qualifications. If an applicant fails to answer any question on the Character and Fitness Questionnaire or which is otherwise propounded by the Board, or to supply any requested documentary material, the Board may find that the applicant has not met the burden of proving good moral character and fitness.

2. The primary purposes of character and fitness screening before admission to the Virginia Bar are to assure the protection of the public and safeguard the system of justice. An attorney should be one whose record of conduct justifies the trust of clients, adversaries, courts, and others with respect to the professional duties owed to them. A record manifesting a significant deficiency in the honesty, trustworthiness, diligence, or reliability of an applicant may constitute a basis for denial of admission. The revelation or discovery of any of the following may be treated as cause for further inquiry before the Board decides whether the applicant possesses the character and fitness to practice law:

- (A) commission or conviction of a crime;
- (B) violation of the honor code of the applicant's college or university, law school, or other academic misconduct;
- (C) making of false statements or omissions, including failing to provide complete and accurate information concerning the applicant's past;
- (D) misconduct in employment;
- (E) other than an honorable discharge from any branch of the armed services;
- (F) acts involving dishonesty, fraud, deceit or misrepresentation;
- (G) abuse of legal process;
- (H) neglect of financial responsibilities;
- (I) neglect of professional obligations;
- (J) violation of an order of a court;
- (K) denial of admission to the bar in another jurisdiction on character and fitness grounds;
- (L) disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction, including pending, unresolved disciplinary complaints against the applicant;
- (M) commission of an act constituting the unauthorized practice of law, or unresolved complaints involving allegations of the unauthorized practice of law;
- (N) any other conduct that reflects adversely upon the character or fitness of an applicant.

3. The Board shall determine whether the present character and fitness of an applicant shall qualify the applicant for admission to the practice of law. In making this determination, the following factors will be considered in assigning weight and significance to the applicant's prior conduct:

- (i) age of the applicant at the time of the conduct;
- (ii) recency of the conduct;
- (iii) reliability of the information concerning the conduct;
- (iv) seriousness of the conduct;
- (v) factors underlying the conduct;
- (vi) cumulative effect of the conduct or information;
- (vii) evidence of rehabilitation;
- (viii) positive social contributions of the applicant since the conduct;
- (ix) candor of the applicant in the admissions process; and
- (x) materiality of any omissions or misrepresentations.

4. The Board's obligation to the public requires the Board to address recent mental health and chemical or psychological dependency matters, which may affect, or if untreated could affect, an applicant's ability to perform any of the obligations and responsibilities of a practicing lawyer in a competent and professional manner. Accordingly, the Board will inquire concerning (i) mental or emotional instability and (ii) existing and untreated drug or alcohol dependency. The mere fact of treatment for mental health problems or chemical or psychological dependency is not, in itself, a basis on which an applicant is ordinarily denied admission in

Virginia, and the Board of Bar Examiners regularly licenses individuals who have demonstrated personal responsibility and maturity in dealing with mental health and chemical or psychological dependency issues. The Board encourages applicants who may benefit from treatment or counseling to seek it. A license may be denied or deferred when an applicant's ability to function is impaired in a manner relevant to the practice of law at the time the licensing decision is made, or when an applicant's responses demonstrate a lack of candor.

5. Each applicant must file with the Board a completed Character and Fitness Questionnaire and pay the required character investigation fee. The investigation fee shall be set out from time to time by the Board. The current fee schedule is available from the Office of the Secretary of the Board.

SECTION IV: FILING AN APPLICATION FOR EXAMINATION

FILING PROCEDURE

A person who meets the foregoing education, character, and fitness requirements may file an application to take a Virginia Bar Examination. A prospective applicant should read these Rules thoroughly *before* attempting to complete and submit an application for a bar examination.

It is the responsibility of each applicant to see that the application is filed in strict compliance with these Rules. **Such application shall (1) be on the proper form supplied by the Board with all answers fully and accurately supplied, (2) include the filing fee and all required attachments, and (3) either be (i) RECEIVED in the Office of the Secretary on or before the filing deadline, or (ii) filed in full compliance with § 54.1-3925 of the Code of Virginia.** All recitals in and provisions of the application shall become binding upon the applicant when filed.

If an application contains all required attachments and is otherwise complete and properly submitted, the applicant will be informed by the Office of the Secretary that the applicant is *filed* for the current examination. If an application does not contain all required attachments, or is otherwise incomplete or improperly submitted, the applicant may be informed by the Office of the Secretary that the applicant is *not filed* for the current examination. If the application is not properly completed by a specified date, the applicant will be informed that the application is being carried forward to the next Virginia Bar Examination. The applicant must thereafter supply the missing attachments or information by the appropriate deadline to be considered *filed* for the subsequent examination.

FEES

No application will be considered filed unless at the time it is delivered to the Office of the Secretary there is attached the current application fee in the form of a money order, cashier's check or certified check payable to "Virginia Board of Bar Examiners." **This fee is in addition to the Character and Fitness Certification Fee.** NO APPLICATION ACCOMPANIED BY CASH, PERSONAL CHECK OR FIRM CHECK WILL BE ACCEPTED. The application fee and the character and fitness certification fee shall be nonrefundable. The current fee schedule is available on our website www.vbbe.state.va.us or upon written request from the Office of the Secretary of the Board.

FILING DEADLINE

The proper form of application, complete with fee and *all* required attachments, must be **RECEIVED** in the Office of the Secretary on or before **December 15** when applying for the February examination, or **May 10** when applying for the July examination. **ONLY APPLICATIONS RECEIVED ON OR BEFORE THE FILING DEADLINE OR OTHERWISE FILED IN FULL COMPLIANCE WITH § 54.1-3925 OF THE CODE OF VIRGINIA WILL BE ACCEPTED. All others will be returned to the applicant.** No Application for Examination will be accepted unless the applicant's completed Character and Fitness Questionnaire, with the applicable fee, is simultaneously filed with the Secretary of the Board.

FORM REQUIRED

When filing for examination in Virginia for the first time, the applicant shall submit the "Application For Examination And For License To Practice Law" with all answers fully supplied and all required attachments enclosed. When an applicant has taken a previous Virginia Bar Examination, the applicant shall submit the "Application For Re-Examination" with all answers fully supplied and all attachments enclosed.

The Rules and application forms should be **downloaded** from the Virginia Board of Bar Examiners' website at www.vbbe.state.va.us. The application and Character and Fitness Questionnaire are provided in a special program that can be completed on each applicant's own computer. No special software is required. Both Macintosh® and Windows® versions are available.

After the forms are completed on computer, each applicant **must** (i) PRINT a copy of the application forms and Character and Fitness Questionnaire, and (ii) follow the instructions to copy the appropriate file onto a USB flash drive, or "burn" it onto a CD-R disk, and **(iii) include such flash drive or disk** with the completed printed application.

The applicant's full legal name (first, middle or maiden, and last, Jr., etc.) must be used in all places where such name is required. Every Application and Character and Fitness Questionnaire must be sworn to or affirmed before a Notary Public and must bear the Notary's seal.

**NO PART OF THE APPLICATION OR REQUIRED ATTACHMENTS MAY BE TRANSMITTED BY
FACSIMILE**

ATTACHMENTS REQUIRED OF ALL APPLICANTS

1. EDUCATIONAL CERTIFICATES. At the time an application is filed in the Office of the Secretary of the Board, it must include the appropriate certification of the applicant's legal education as described below. Such certificates must be original documents, personally signed, and where appropriate must be on school stationery and under school seal. Copies, transcripts, and rubber stamp signatures are not acceptable.

(A) *Graduates of Approved Law Schools:* A certificate from the president, dean, or other proper official stating what degree the applicant received and the date such degree was awarded.

(B) *Persons Enrolled in Law Schools At The Time Of Filing For Examination:* Both (1) a certificate dated within ninety days of the filing deadline, signed by the registrar or other proper official of the approved law school stating that the applicant is regularly enrolled and in good academic standing at said law school and is scheduled, in the regular course of study, to complete all requirements for a specified degree prior to the date of examination for which application is being made; and (2) after all degree requirements have been completed the applicant must submit to the Office of the Secretary either a certificate of graduation or a certificate from the law school stating that the applicant has completed all degree requirements and the date such requirements were completed (which date must be prior to the date of the upcoming bar examination), and also stating the date on which the applicant will receive the degree from such law school. This certificate must be received before the date of the scheduled Virginia Bar Examination.

(C) *Persons Who Have Studied Law Under A Supervising Attorney in the Approved Law Reader Program:* On forms provided by the Office of the Secretary of the Board, either (1) certification that the entire required period of study has been completed, or will be completed prior to the examination, under the supervision of an approved attorney, or (2) certification that the required period of study was completed partly in an approved law school and partly in an approved attorney's office.

2. CHARACTER AND FITNESS INVESTIGATION. Every applicant for a Virginia Bar Examination must furnish evidence attesting that the applicant meets the requirements of Section III of these Rules. (*Va. Code Ann. § 54.1-3925.1*).

3. FINGERPRINTS. Each applicant must file with the application for examination one set of clear and distinct fingerprints, making certain that all the personal history data (height, weight, age, etc.) is listed in the spaces provided on the fingerprint card and that the card is signed both by the applicant and the person taking the fingerprints. These fingerprints must be taken by an authorized police official on the form prescribed by the Office of the Secretary of the Board, a form used by authorized police officials, or the form for an "Applicant" by the U.S. Government Printing Office (Form #1-391).

To receive a fingerprint card, a request form is available on our website www.vbbe.state.va.us or from the Registrar's Offices of the approved law schools in Virginia.

4. PHOTOGRAPHS. Each applicant for examination must attach to the proper application form two (2) identical unmounted, passport style photographs of the applicant taken within the preceding twelve months. Snapshots will not be accepted.

ATTACHMENTS REQUIRED OF SOME APPLICANTS

5. CERTIFICATES OF GOOD STANDING. Any applicant for a Virginia bar examination who has been admitted to the bar of another jurisdiction must attach to the application for examination a certificate of good standing from a judge or the clerk of the court of last resort of such jurisdiction. Such certificate must be an *original document* and dated within ninety (90) days of the filing deadline for such examination. If the applicant is in an inactive status with any other jurisdiction, the certificate from such jurisdiction must state that the applicant was in good standing at the time the applicant elected inactive status. If an applicant is admitted to the bar of another jurisdiction between the time of filing for such examination and the date of the examination, the applicant must obtain and forward to the Office of the Secretary such certificate of good standing. If an applicant has ever applied for admission, by examination or otherwise, to any jurisdiction and was not admitted thereto, the applicant must file with the application a statement listing each such jurisdiction and the dates of application, and stating the reason the applicant was not admitted. Any applicant who, either at the time of filing the application or at any time subsequent thereto, is under disbarment or suspension in any jurisdiction shall not be eligible to take the Virginia Bar Examination.

6. APPLICANTS WITH FOREIGN LEGAL TRAINING. An applicant whose legal training has been partially received in a foreign law school must review page 7 of these Rules and enclose the required attachments with the application for examination.

7. CERTIFICATION OF STUDY FOR RE-EXAMINATION. An applicant for re-examination in Virginia shall execute and file with the other application materials, upon a form provided by the Office of the Secretary of the Board, which form may or may not be combined with another form, a certificate that the applicant will have, within the four months preceding the examination, studied diligently not less than ninety (90) hours in preparation therefor.

8. SUPPLEMENTARY SHEETS. Any questions on the application form which cannot be fully answered in the space provided may be answered on a supplementary sheet, so long as the appropriate space on the application notes the attachment of supplementary sheets, and each such sheet is on standard 8-1/2" x 11" paper, properly labeled, and signed by the applicant.

9. APPLICANTS WITH DISABILITIES. It is the policy of the Board that the Virginia Bar Examination be administered to all eligible applicants in a manner which does not discriminate against applicants with proven disabilities. An applicant who is otherwise eligible to take the Virginia Bar Examination may request a modification of the manner in which the examination is administered if, by reason of a temporary or permanent disability, such applicant is unable to take the examination under normal testing conditions. An applicant requesting non-standard testing conditions must file with the Secretary, NOT LATER THAN THE FILING DEADLINE FOR THE APPLICATION FOR EXAMINATION (except where the disability first occurs after the filing deadline), a Petition for Non-Standard Testing Conditions on the form available on our website www.vbbe.state.va.us. Because the Petition is a detailed document requiring the applicant to attach statements from law school officials and treating professionals, any applicant requesting non-standard testing conditions is encouraged to request, complete, and submit the Petition to the Secretary as early as possible to permit an evaluation of the request. Insofar as practicable any accommodation requested shall be consistent with the security of the examination.

SECTION V: RE-EXAMINATIONS

Any applicant failing to pass an examination may, after such failure, be re-examined not exceeding four additional times, provided that no examination may be taken more than five times except upon conditions recited in Section 54.1-3930 of the Code of Virginia. Upon seeking re-examination, the applicant shall:

(A) File the Application for Re-Examination, with all required attachments enclosed, in the place and by the deadlines described herein; and

(B) Pay the current application fee at the time of filing the application; and

(C) File the Character and Fitness Update form, updating the information in the applicant's Character and Fitness Questionnaire, (the Board may require a new character and fitness investigation if more than four years have elapsed since the applicant's graduation from law school or from the date of completion of the original character and fitness investigation); and

(D) Procure and file current certificates of good standing from the court of last resort of all jurisdictions to which the applicant has been admitted.

SECTION VI: FILING AN APPLICATION BUT NOT TAKING THE EXAMINATION

An applicant who properly applies for an examination with the Office of the Secretary but fails to take the examination shall forfeit the application fee for that examination unless:

(A) By written notice to the Office of the Secretary such applicant requests that the application for examination on file be carried forward to an examination within one year of the date of the examination for which the original application was made.

(1) Such notice shall be received by the Office of the Secretary of the Board within thirty days of the date of the examination which the applicant missed; and

(2) The applicant shall thereafter timely file with the Office of the Secretary of the Board such documents as are necessary to update the application for the subsequent examination, including (a) an Update of Previously Filed Application form; (b) a Character and Fitness Update form, updating the information in the applicant's Character and Fitness Questionnaire, (the Board may require a new character and fitness investigation if more than four (4) years have elapsed since the applicant's graduation from law school or from the date of completion of the original character and fitness investigation); (c) current certificates of good standing from the court of last resort of any jurisdiction to which the applicant has been admitted; (d) a carry-forward update fee in the amount of \$100; and (e) if the application fee for the examination has been increased since the examination for which the applicant did not appear, the amount of the difference in such fees.

(B) No portion of the application or carry-forward fees shall be refundable.

SECTION VII: GENERAL INFORMATION

1. A person who has been admitted to practice before the court of last resort of any state or territory of the United States or of the District of Columbia may be eligible to file an application to be admitted to practice law in this Commonwealth without examination, if counsel licensed to practice in Virginia may be admitted to practice in such jurisdiction without examination. Information about the requirements for admission under Rule 1A:1 is available on our website at www.vbbe.state.va.us.

2. Every applicant will be required to sign the following pledge before taking the examination:

"I hereby certify that I will neither receive nor give aid or assistance in any manner during this examination. If any violation of this pledge by others comes to my knowledge, I will report it promptly to the Examiners."

Should any applicant violate this pledge, the applicant's answers will not be read on that examination, nor will the applicant be admitted to any future examinations; but the Board may thereafter by unanimous vote remove such prohibition upon a showing of changed circumstances which, in its opinion, clearly justify such action.

3. Applicants must write the answers to the Essay portion of the examination with ink (dark blue or black, with a typewriter, or on a laptop computer as a properly registered participant in the laptop program, and must mark the answers to the Multistate portion of the examination with pencil. They may bring nothing else into the examination rooms. The Board will furnish each applicant with material in which the answers to the questions shall be written.

4. The manner of dress for the examination shall conform to the standard of suitable attire for a lawyer appearing in a Virginia court of record; *i.e.*, a suit or jacket with tie for males, or a suitable dress or suit for females.

5. Members of the Virginia Board of Bar Examiners are:

Robert E. Glenn, Esquire - President
Roanoke, Virginia

Stephen M. Quillen, Esquire
Lebanon, Virginia

Anita O. Poston, Esquire
Norfolk, Virginia

Grady K. Carlson, Esquire
Fairfax, Virginia

Brian K. Jackson, Esquire
Richmond, Virginia

6. The Secretary of the Board is W. Scott Street, III, Esquire. The Office of the Secretary is located at 2201 W. Broad Street, Suite 101, Richmond, Virginia, 23220-2022. Telephone: (804) 367-0412.

VIRGINIA BOARD OF BAR EXAMINERS
Rules for Bar Exam Applicants with Foreign Legal Training

In Virginia the minimum education requirements for taking the Virginia bar examination are established by statute: an applicant for the Virginia bar examination is required to have completed all requirements for a degree from a law school approved by the American Bar Association (the "ABA"). Several years ago the Virginia Board of Bar Examiners applied a liberal interpretation of the statutory education requirement in the adoption of paragraph 2 of Section II of the Board's Rules, thus providing a potential avenue for a person who had obtained his or her legal education from a foreign law school that was not eligible to request ABA approval and who also had earned a degree other than Juris Doctor ("JD") from an approved law school in the United States to take the Virginia bar examination, upon the condition that such person demonstrate that his or her education was equivalent in quality and level to that provided in the JD degree program at an ABA approved law school in Virginia. Effective April 25, 2011, the Board will no longer follow this interpretation and has withdrawn the rule as formerly set out in paragraph 2, Section II.

There are a number reasons for the withdrawal of the previous interpretation. Unfortunately, the results of the Board's rule have been disappointing. The success rate on the Virginia bar examination of persons whose primary legal education was obtained in a foreign law school and who have a one-year LL.M. degree from a law school in the United States has been consistently poor. There are currently no ABA standards for LL.M. programs offered to foreign students. Whereas the ABA Standards require that, except in very unusual circumstances, only those who have completed at least three years of a four-year undergraduate academic program may begin the study of law, that requirement does not exist in many foreign countries. Legal education in many countries is not a three-year graduate program, as in the United States, but frequently consists of only an undergraduate program that is seldom, if ever, comparable to the graduate level program required for a JD degree in an ABA approved law school. The Board relied on the deans of the approved law schools in Virginia to evaluate the legal education of such applicants and to certify the equivalency of their education. After the deans of the Virginia law schools recognized these facts, they were increasingly reluctant to provide equivalency certifications to foreign educated persons.

Subsequent to the Board's rule interpreting the "approved degree" statutory requirement, the ABA made it clear that its approval of a law school is limited solely to the school's JD degree program. The ABA does not currently approve the education programs for any other degrees, including the LL.M. degrees commonly offered to foreign-trained persons. Because the ABA's approval of any law school is clearly and expressly limited to the school's JD degree program, it appears that Virginia's statutory requirement for an approved degree contemplates a JD degree, the only degree for which the ABA grants its approval, and that the Board's rule is inconsistent with the intent of the statute.

Transition rule. The Board is aware that there may be persons who obtained an LL.M. degree and who hoped that their foreign legal education, together with the studies required for that LL.M. degree, would be certified by a Virginia law school dean as the equivalent to the education required for a JD degree in an ABA law school in Virginia. Therefore, as an interim measure to accommodate persons in that category who had planned to apply either for the July 2011, the February 2012, or the July 2012 Virginia bar examination, the Board will deem such person's legal education sufficient to satisfy the Virginia requirements upon presentation to the Board of either (i) proof of an LL.M. degree and an equivalency certificate from the dean of an approved law school in Virginia, or (ii) satisfactory documentation evidencing all of the following:

1. Proof of an LL.M. degree from an ABA approved law school in the United States; and
2. Proof of a law degree from a recognized law school in a country other than the United States that was earned in a program of at least three years of graduate study subsequent to a minimum of three years of post-secondary undergraduate study; and
3. Evidence that the foreign legal degree was obtained from a law school in a country, the legal system of which is based on the English common law; and
4. Evidence of successful completion, either in such common law country's law school or in a law school in the United States, the JD degree program of which is currently approved by the ABA, of all of the following courses, which are required for a JD degree in Virginia law schools:
 - a. United States Constitutional Law,
 - b. United States Federal Civil Procedure,
 - c. Criminal Law and Procedure,
 - d. Contracts, including the Uniform Commercial Code,
 - e. Property,
 - f. Torts, and
 - g. Legal Ethics or Professional Responsibility of Lawyers.

Each of the above required courses shall be substantially equivalent in content and duration to those offered in the ABA approved JD degree programs in Virginia law schools.

There will be no exceptions to the foregoing requirements.