

# VIRGINIA BOARD OF BAR EXAMINERS

## LAW READER PROGRAM RULE

- (a) **Applicants.** Every applicant for enrollment in the law reader program shall:
- (1) Furnish satisfactory proof that the applicant is a person of honest demeanor and good moral character and possesses the requisite fitness to practice law;
  - (2) Present satisfactory proof of having been granted a bachelor's degree, other than a bachelor of laws, by an accredited baccalaureate institution of higher education;
  - (3) Submit, on forms provided by the Board of Bar Examiners (i) an application for admission to the law reader program, (ii) the Supervising Attorney's statement required by section (b)(6) of this rule, (iii) if requested by the Board, the applicant's score on the Law School Admission Test (LSAT) achieved within one year of the application, and (iv) the prescribed application fee; and
  - (4) Appear for an interview, provide any additional information or proof, and cooperate in any investigation, as may be deemed relevant by the Board of Bar Examiners.
- (b) **Supervising Attorneys.** A lawyer may act as Supervising Attorney for only one law reader at a time. To be eligible to act as a Supervising Attorney in the law reader program, a lawyer shall:
- (1) Be an active member in good standing of the Virginia State Bar whose full time is devoted to the practice of law, or a retired circuit court judge who served the Commonwealth as a circuit court judge for a minimum of ten (10) years and who at the time of commencement of acting as a Supervising Attorney will have been retired for not more than five (5) years. The Supervising Attorney shall satisfy the Board that he or she adheres to the highest ethical standards. No practicing lawyer or retired circuit court judge shall be approved as a Supervising Attorney if a disciplinary sanction has been imposed upon such person within the five (5) years immediately preceding the filing of the law reader's application for enrollment. The Board may consider the nature and results of any other disciplinary complaints in determining whether to approve a proposed Supervising Attorney;
  - (2) Have been actively and continuously engaged in the full time practice of law in the Commonwealth of Virginia for at least ten (10) of the twelve (12) years immediately preceding the filing of the law reader's application for enrollment, or is a retired circuit court judge who served the Commonwealth as a circuit court judge for a minimum of ten (10) years and who at the time of commencement of acting as a Supervising Attorney will have been retired for not more than five (5) years;
  - (3) Provide evidence that the Supervising Attorney's practice has been sufficiently general so as to be able to provide to the law reader the benefits of broad experience;
  - (4) Provide satisfactory evidence that the Supervising Attorney has an adequate library for the unrestricted use of the law reader;
  - (5) Provide evidence of teaching ability, preferably by prior teaching experience in a law school or as an instructor in continuing legal education programs approved by the Virginia State Bar; and
  - (6) Provide a Supervising Attorney's statement certifying to the Supervising Attorney's eligibility, and agreeing to instruct and examine the law reader in the curriculum and in accordance with the conditions prescribed by the Board of Bar Examiners.
- (c) **Length of Study.** A law reader, whose application for enrollment has been accepted by the Board of Bar Examiners, shall study for three (3) calendar years. Each calendar year shall consist of at least 40 weeks, with a minimum of 25 hours of study each week, at least eighteen (18) of which hours of study must be within the confines of the Supervising Attorney's office in Virginia, either (i) during regular office hours between 8:00 a.m. and 6:00 p.m. weekdays, or (ii) at such other times outside of regular office hours when both the reader and the Supervising Attorney are physically present together in the office. The Supervising Attorney shall give personal supervision to the law reader for at least 3 hours each week. "Personal supervision" is defined as time actually spent one-on-one with the law reader for the exposition and discussion of the law, the recitation of cases, and the critical analysis of the law reader's written assignments.

## LAW READER PROGRAM REGULATIONS

- (d) **Course of Study.** The subjects to be studied, the sequence in which they are to be studied, and any other matters pertaining thereto shall be as prescribed by the Board of Bar Examiners.
- (e) **Examinations.** All law readers shall:
- (1) At the conclusion of each course, complete a written examination prepared, administered, and graded by the Supervising Attorney. The examination shall be answered without research, assistance, or reference to source materials during the examination. The examination shall not be based, in whole or in part, on prior bar examination questions;
  - (2) Annually, or at such other intervals as may be established by the Board, appear with the Supervising Attorney before the Board, or one or more of its members or designees, for an oral evaluation of the law reader's progress. In its discretion the Board may require the Supervising Attorney and the law reader to submit a written report in addition to or in lieu of any oral examination.
- (f) **Certificates.** In addition to the Supervising Attorney's statement required by section (b)(5) of this rule, the Supervising Attorney shall submit, on forms provided by the Board of Bar Examiners:
- (1) A quarterly certificate stating the number of hours the law reader studied each week, the number of hours spent by the Supervising Attorney in personal supervision each week, that the written examinations were administered as required, and that, in the opinion of the Supervising Attorney, the law reader is progressing satisfactorily; and
  - (2) At the conclusion of the law reader's course of study, a certificate stating that the law reader has completed the prescribed length and course of study, and, in the Supervising Attorney's opinion, is qualified to take the bar examination and is competent to practice law.
- (g) **Termination.** The Board of Bar Examiners may direct a law reader to change Supervising Attorneys, and may terminate the enrollment of law readers or remove Supervising Attorneys from the program. The Board of Bar Examiners may terminate the enrollment of the law reader in the program for:
- (1) Failure to complete the prescribed length and course of study within five (5) years from the date the law reader's application for admission was accepted;
  - (2) Failure of the Supervising Attorney to submit the examinations and quarterly certificates within fifteen (15) days following the end of each calendar quarter;
  - (3) Failure to comply with any of the requirements of the law reader program; and
  - (4) Any other grounds deemed pertinent by the Board.
- (h) **Advanced Standing.** The Board of Bar Examiners may, but shall not be required to, grant advanced standing to an enrolled law reader who has attended a law school approved by the American Bar Association as a regularly enrolled student; provided that no credit shall be given for any course with a grade below "C" or its equivalent, or for any course taken while on academic probation.
- (i) **Effective Date.** November 1, 1992, last revised July 1, 2017.

## LAW READER PROGRAM REGULATIONS

### Regulation 1.

#### GENERAL

##### 1-1 Authority and Purpose.

- A. The law reader program authorized by Section 54.1-3926 of the Code of Virginia, 1950, as amended, and implemented in these regulations is administered by the Board of Bar Examiners, which is an agency of the Supreme Court of Virginia.
- B. The law reader program is intended to provide an alternative legal education for people who, although otherwise qualified for admission to law school, are, by reason of various circumstances, unable to take or complete a law school course of study. The program is not intended for persons who are unable, by reason of academic, aptitude, or other deficiencies, to obtain admission to an approved law school. The program is designed to supply, in combination, a theoretical, scholastic and clinical experience.

##### 1-2 Special Considerations.

- A. The law reader program is not an exact equivalent of law school. It cannot provide all the benefits traditionally associated with a law school environment and education.
- B. These regulations are premised on concepts of good faith and integrity. The Board cannot administer and supervise the readership on the daily basis expected in a traditional law school environment. The Board expects the Supervising Attorney and the reader to adhere to the letter and the spirit of the program.
- C. The Board will not help an applicant for the law reader program find a Supervising Attorney and will not evaluate in advance the qualifications of a potential Supervising Attorney.
- D. The reader may not be employed by and may not receive any remuneration or perquisites from the Supervising Attorney, any firm of which the Supervising Attorney may be a member associate, or anyone with whom the Supervising Attorney may share office facilities. The Supervising Attorney is not precluded from charging reasonable monetary compensation in return for instructing the reader; but the law reader program is not to be used as a means for a Supervising Attorney to obtain inexpensive labor.

##### 1-3 Definitions. For the purpose of the regulations implementing Section 54.1-3926 of the Code of Virginia, these terms shall have the following definitions:

- A. "Board of Bar Examiners" or "Board" means the Virginia Board of Bar Examiners, whose members are appointed by the Supreme Court of Virginia.
- B. "Full time practice of law" may include, at the discretion of the Board, service as a law clerk for a trial or appellate judge or employment as an instructor or professor at an ABA approved law school.
- C. "Reader" means a person whose application for enrollment in the law reader program has been accepted by the Board.
- D. "Program" means the law reader program authorized by Section 54.1-3926 of the Code of Virginia and implemented in these regulations.
- E. "Five-year rule" means the maximum amount of time any reader shall be permitted to stay in the program without successfully completing the course of study, and is measured from the first day of the month in which the reader is authorized to begin the program. For good cause shown, the Board may, in its discretion, extend the time a reader is permitted to stay in the program.

## LAW READER PROGRAM REGULATIONS

### Regulation 2.

#### BOARD OF BAR EXAMINERS

2-1 **Responsibilities.** The Board will make decisions regarding:

- A. Acceptance or rejection of an application for enrollment in the program.
- B. Acceptance or rejection of a lawyer to act as a Supervising Attorney.
- C. A petition for advanced standing.
- D. A direction to the reader to change Supervising Attorneys.
- E. Termination of a reader's enrollment in the program.
- F. A petition for readmission.
- G. Changes in course contents, course descriptions, or program completion requirements.
- H. Any exceptions to the running of the five-year rule.
- I. Any other matter related to the program or referred to the Board by the Supreme Court of Virginia.

2-2 **Filing.** All petitions or requests shall be in writing and shall be directed to the Board at the office of the Secretary of the Board of Bar Examiners. No application, petition, request, or other document is deemed filed until actually received, complete with all attachments, in the Office of the Secretary of the Board.

### Regulation 3.

#### APPLICATION PROCEDURES

3-1 **Applicants.** Every applicant for enrollment in the program shall:

- A. Complete the appropriate forms and file them with the Board on or before the filing deadlines, which shall be October 1 for applicants desiring to begin study on the following January 1, and April 1 for applicants desiring to begin study on July 1;
- B. Submit a transcript, certified by the institution, which shows all undergraduate and graduate course work, and the grades received, the date a bachelor's degree was awarded and the subject in which it was granted;
- C. Provide such evidence as the Board may require to prove that the applicant is a person of honest demeanor and good moral character and possesses the requisite fitness to practice law, including filing a Character and Fitness Questionnaire (see Section III of the Rules of the Virginia Board of Bar Examiners);
- D. Designate the month (either January or July) in which the applicant plans to begin the program if the application is approved;
- E. Attach the required Supervising Attorney's statement;
- F. Pay a nonrefundable application fee of \$2500; and
- G. Appear for an interview, provide any additional information or proof, or cooperate in any investigation, as may be directed by the Board.

3-2 **Notification.** The Board will notify an applicant of acceptance or rejection of the application for enrollment. If accepted, the notification will specify the month the reader is authorized to begin the program. All programs shall begin on either the first day of January or the first day of July, as specified in the notice.

## LAW READER PROGRAM REGULATIONS

### **Regulation 4.**

#### **ADVANCED STANDING**

- 4-1 **Eligibility.** An applicant may request credit toward completion of the program for subjects previously studied at an approved law school within five years of the commencement of the program.
- 4-2 **Prescribed Courses.** All readers are required to pass the prescribed courses established in Regulation 6. This requirement may not be waived. Readers seeking advanced standing must establish, to the satisfaction of the Board, that the courses for which they seek credit are equivalent to specified prescribed courses in Regulation 6.
- 4-3 **Special Application Procedures.** An applicant may petition the Board for advanced standing.
- A. The petition shall explain, under these headings:
- (1) The law school subjects for which credit is sought;
  - (2) Which of those law school subjects are claimed to satisfy prescribed course requirements; and
  - (3) Which of those law school subjects appear to be equivalent to the approved electives in Regulation 6-2F.
- B. The applicant shall attach:
- (1) A law school transcript showing all course work and grades, and certified by the institution;
  - (2) A law school bulletin or other information from the institution describing the subject matter taught in the courses for which credit is sought; and
  - (3) Any additional information the applicant believes will be helpful or which the Board has requested.
- 4-4 **Determination.**
- A. In granting advanced standing, the Board will specify:
- (1) Any prescribed courses the applicant has been deemed to have completed; and
  - (2) Any prescribed courses the applicant will be required to pass.
- B. In its discretion, the Board may also require the applicant to take and pass certain subjects which appear necessary to prepare the applicant to practice law in this state, regardless of whether or not those courses are prescribed courses or approved elective courses. The Board may require the applicant to take remedial or other legal or nonlegal instruction.

## LAW READER PROGRAM REGULATIONS

### Regulation 5.

#### SUPERVISING ATTORNEYS

##### 5-1 Potential Supervising Attorneys.

###### A. Responsibility.

- (1) The Supervising Attorney is responsible for supervising and guiding the reader's education, and for setting an example of the highest ethical and professional conduct. The Supervising Attorney has an obligation not only to instruct the reader, but to ensure that only fully competent readers sit for the bar examination.
- (2) In addition to any other requirements, a potential Supervising Attorney shall appear for an interview, provide any additional information or proof, or cooperate in any investigation, as may be directed by the Board.

B. **Qualifications.** The potential Supervising Attorney must meet the qualifications established by the Board. For the purposes of the rule and these regulations, the Supervising Attorney is required to remain an active member in good standing of the Virginia State Bar throughout the period of the supervision.

##### 5-2 Supervising Attorney's Duties. In addition to the "personal supervision" required, the Supervising Attorney's responsibilities shall include:

- A. Choosing textbooks, casebooks, and resource materials for each course.
- B. Guiding and assisting the reader's study of each subject, using the course descriptions as a basic outline of course content and emphasizing pertinent state law. Throughout the curriculum the Supervising Attorney shall emphasize legal ethics and professional responsibility issues which arise during the course of study of all subjects.
- C. Assisting the reader in planning the sequence and timing of each prescribed course and of the three-year curriculum.
- D. Evaluating the reader's progress.
- E. Developing, administering, and grading the examinations.
- F. Submitting the graded examinations and the required quarterly certificates to the Board in the manner and within the time prescribed in these regulations.
- G. Submitting the course grade to the Board within fifteen (15) working days of the end of the quarter in which the course was completed.
- H. Appearing before the Board or its designees during the oral evaluation or at such other times as the Board may direct.
- I. Providing the reader with an adequate workstation and with reasonable access to an adequate law library.

##### 5-3 Examinations. The Supervising Attorney is responsible for the content and administration of all examinations.

- A. **Content.** Although no specific substantive content is prescribed by the Board, it is anticipated such an examination will test the reader's comprehension of the current subject matter, and the reader's understanding of the ethical, professional and practical aspects of practicing law.
- B. **Course Descriptions.** The course descriptions in Regulation 9 state the minimum level of knowledge the Board expects a reader to obtain in each subject, and provide guidance to the Supervising Attorney in formulating examinations.
- C. **Timing.** The Supervising Attorney shall administer to the reader an examination covering the subject or subjects immediately following the completion of study of such subjects.

## LAW READER PROGRAM REGULATIONS

### Regulation 6.

#### COURSE OF STUDY

##### 6-1 Structure.

- A. The program is a three (3) calendar year course of study. A reader completes the program by passing all the prescribed courses.
- B. Each calendar year consists of 40 weeks during which the reader is required to study six subjects. A reader may not take more course work in any calendar year than is prescribed by these regulations, without prior Board approval.
- C. The program is structured so the reader may elect to study only one subject at a time and pass it before beginning the next subject, or may elect to study two or more courses during the same period. The minimum number of hours to be devoted to each subject is prescribed by regulation.
- D. All courses in the program are to be graded as pass/fail only. "Pass" means that the reader has exhibited reasonable comprehension of the theory and practice of any given subject to the satisfaction of the Supervising Attorney and the Board.
- E. The Supervising Attorney shall use textbooks, casebooks, and other written, legal materials, selected from those in use at any of the ABA approved law schools in Virginia, to guide the reader through the subject matter of each course. The Supervising Attorney may use other appropriate materials with the prior approval of the Board.

##### 6-2 Subjects.

- A. Jurisprudence. Every reader is required to take the Jurisprudence course, which is a three year reading program intended to familiarize the reader with legal history, philosophy, theory and biography.
- B. Professional Responsibility and Legal Ethics. Although Professional Responsibility is designated as a specific course to be completed during a reader's third year of study it is expected that the Supervising Attorney will identify, emphasize and examine the reader on the ethical issues which arise during the study of every prescribed course and elective.
- C. **First Year.** To complete the first year of the program, the reader shall pass the following prescribed courses. The course entitled "Basic Legal Skills" shall be studied and passed first. Thereafter, the courses may be studied in any order.

Course	Hours
Basic Legal Skills	150
Civil Procedure I	150
Torts	200
Contracts	200
Criminal Law and Procedure	150
Property, Real and Personal	150
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- D. **Second Year.** To complete the second year of the program, the reader shall pass the following prescribed courses, in any order:

Course	Hours
Conflict of Laws	75
Constitutional Law	175
Corporations and Limited Liability Companies	175
Evidence	250
Agency and Partnership	75
Uniform Commercial Code	250
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## LAW READER PROGRAM REGULATIONS

- E. **Third Year.** To complete the third year of the program, the reader shall pass the following prescribed courses, in any order:

<b>Course</b>	<b>Hours</b>
Equity (Remedies) and Procedure	175
Professional Responsibility	200
Domestic Relations	150
Wills, Estates, Trusts Probate	200
Virginia Civil Procedure	200
Personal Federal Income Tax	75
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### **Regulation 7.**

#### **BOARD EVALUATIONS**

- 7-1 **Frequency.** At least annually, the Board, through one or more of its members or designees, may conduct an oral evaluation at which the reader and the Supervising Attorney shall be personally present. The Board may at any other time, in its discretion, conduct an oral evaluation at which the reader and the Supervising Attorney shall be personally present. The Board may, in its discretion, require the Supervising Attorney and the law reader to submit a written report in addition to or in lieu of any oral examination.
- 7-2 **Procedure.**
- A. **Determination.** The Board will not normally test the reader's substantive knowledge, but will ascertain whether or not the reader appears to be progressing satisfactorily in the program.
- B. **Materials.** In making its evaluation, the Board may consider:
- (1) The substantive contents of all examinations;
  - (2) The Supervising Attorney's quarterly certificates;
  - (3) Any written course work;
  - (4) Any other written or oral materials deemed to be pertinent by the Board.
- C. **Decision.** At the conclusion of an evaluation, the Board may:
- (1) Determine the reader appears to have successfully achieved an understanding of the preceding year's work and is eligible and authorized to begin the next year of the program;
  - (2) Determine the reader has satisfactorily completed the program and is qualified to sit for the bar examination, subject to any other requirements for sitting for the bar examination as set forth in the Rules of the Virginia Board of Bar Examiners;
  - (3) Direct the reader to repeat designated prescribed or elective courses, devote more time to each course, take remedial legal or nonlegal instruction, appear before the Board at more frequent intervals for an examination which may be written or oral;
  - (4) Require the reader to change Supervising Attorneys;
  - (5) Advise the reader that the reader's enrollment in the program is terminated.
- 7-3 **Other Evaluations.** Either the Supervising Attorney or the reader may petition the Board for an evaluation or consultation at times other than those specified by the Board.



## LAW READER PROGRAM REGULATIONS

7-4 **Notice.** At the conclusion of any evaluation, the Board will provide a brief, written summary of its decision to the reader and to the Supervising Attorney.

### Regulation 8.

#### WITHDRAWAL

##### 8-1 By Reader.

- A. **Voluntary.** A reader who wishes to withdraw from the program shall notify the Board in writing. The Supervising Attorney shall give the Board a written report summarizing the Supervising Attorney's evaluation of the reader's progress and standing in the program.
- B. **Involuntary.** A reader will be deemed to have withdrawn from the program and will be required to petition for readmission if:
  - (1) Any examination or quarterly Supervising Attorney's certificate is not received by the Board within the time specified by regulation;
  - (2) The reader is absent from the program for more than four (4) weeks in a calendar year without the Board's prior approval of a petition for a leave of absence.

##### 8-2 By Supervising Attorney.

- A. **Voluntary.** A Supervising Attorney who wishes to withdraw from that position shall notify the Board and the reader in writing at least two (2) months prior to the expected date of such withdrawal, unless the action is necessitated by illness in which event the time limit does not apply.
- B. **Involuntary.** The Supervising Attorney will be deemed to have withdrawn from the position (1) if a disciplinary sanction is imposed upon a Supervising Attorney, whether or not the sanction is appealed, or (2) if the Supervising Attorney is convicted of a felony or any misdemeanor which involves lying, cheating, stealing or other dishonesty.
- C. **Effect on the Five-Year Rule.** If the need to change Supervising Attorneys is not a result of the reader's actions, the Board will suspend the running of the five-year rule during the reasonable time the reader uses his or her best efforts to find a replacement Supervising Attorney.

### Regulation 9.

#### COURSE DESCRIPTIONS

##### 9-1 First Year.

- A. **Basic Legal Skills.** Introduction to basic legal reference materials (including judicial, legislative and administrative primary and secondary sources) and their use; techniques of legal reasoning, analysis and synthesis; legal writing styles. Familiarization with the structure of the federal and state court systems; the concept of case law in a common law jurisdiction; fundamental principles of stare decisis and precedent; the legislative process; principles of statutory construction and interpretation. Reader should be assigned projects of increasing difficulty such as: case abstracts; analysis of a trial record to identify issues; short quizzes to demonstrate ability to locate primary and secondary sources; office memoranda or trial oriented memoranda of authorities to demonstrate ability to find the law applicable to a factual situation and to differentiate unfavorable authority; an appellate level brief.
- B. **Civil Procedure I.** Fundamentals of pleading and procedure in civil litigation, as structured by the Federal Rules of Civil Procedure and the Rules of the Supreme Court of Virginia. Study shall include: jurisdiction over the person and subject matter; venue; time limits; commencement of actions; pleadings; parties; impleader; interpleader; motions; class actions and intervention; res judicata and collateral estoppel; discovery and other pretrial devices; joinder, summary judgment; judgments; post-trial motions. Reader should be required to draft complaints and other initial pleadings; answers and grounds of defense; motions; jury instructions; findings of fact and conclusions of law; judgment orders and decrees; interrogatories; requests for admission.

## LAW READER PROGRAM REGULATIONS

- C. **Contracts.** Study of legal principles related to the formation, operation and termination of the legal relation called contract. General topics include: offer and acceptance; consideration; issues of interpretation; conditions; performance; breach; damages or other remedies; discharge; the parole evidence rule; the statute of frauds; illegality; assignments; beneficiaries.
- D. **Criminal Law and Procedure.** Study of substantive criminal law including concepts such as elements of criminal responsibility; principles of justification and excuse; parties; attempts, conspiracy; specific crimes; statutory interpretation; some introduction to sentencing philosophies and to juvenile offender law. Constitutional doctrines governing criminal procedure. Topics include: Fourth, Fifth, Sixth and Eighth Amendments, pertinent due process provisions of Fourteenth Amendment; search and seizure, confessions, identification procedures, right to counsel, arrest, jury trial, double jeopardy, and pertinent provisions of the state constitution. Part 3A of the Rules of the Supreme Court of Virginia are examined as they relate to the procedural aspects of the constitutional issues.
- E. **Property, Real and Personal.** Study of the ownership, use, and transfer of real and personal property in both historical and modern times. Topics include: estates and interests in land; future interests; concurrent ownership; easements; equitable servitudes; conveyances; real estate contracts; land trusts; nuisance; adverse possession; land use controls; landlord-tenant; the recording system; title insurance.
- F. **Torts.** Study of the historical development, principles, concepts and purposes of the law relating to redress of private injuries. Topics include: conversion; trespass; nuisance; intentional tort; negligence; strict liability; products liability; concepts of duty, causation, and damage; limitations on liability such as proximate cause, contributory negligence, assumption of the risk, immunity; comparative negligence.

### 9-2 Second Year.

- A. **Agency and Partnership.** Legal principles of agency law, including definition of the agency relationship, authority and power of agents, notice and knowledge, rights and duties between participants in the relationship, termination of agency relationship, master-servant relationship. Partnership law using the Uniform Partnership Act as a model code. Topics include; formation, partners' rights and duties between themselves, powers, unauthorized acts, notice and knowledge, incoming partner liability, indemnification, contribution, partner's two-fold ownership interest, co-ownership interests and liabilities, creditor's claims and remedies, dissolution events; winding up, distribution of asset rules. Study of the Uniform Limited Partnership Act and joint venture law.
- B. **Conflict of Laws.** Study of that part of the law that determines by which state's law a legal problem will be solved. Topics include: choice-of-law problems in torts, contracts, property, domestic relations, administration of estates, and business associations.
- C. **Constitutional Law.** Course first covers basic constitutional document, excluding the Bill of Rights. Topics include: taxing clause, commerce clause, contract clause, war power and treaty power. Allocation and distribution of power within the federal system, and between federal and state systems, including economic regulatory power and police power; limitations on powers of state and national governments; constitutional role of the courts. Second part of course examines the Bill of Rights. Topics include: free speech, prior restraint, obscenity; libel, fair trial and free press, loyalty oaths, compulsory disclosure laws, sedition and national security, picketing, symbolic conduct, protest, subversive advocacy; due process; equal protection, development and analysis; fundamental rights and entitlements; religious clause; jury trial right in civil actions; constitutional protection and interpretation under state as contrasted to federal constitutional documents.
- D. **Corporations and Limited Liability Companies.** Business corporations for profit using the Virginia Stock Corporation Act and the Virginia Limited Liability Company Act. Topics include: promotion, formation and organization; theories of corporations; corporate purposes and powers; disregard of corporate form; common law and statutory duties and liabilities of shareholders, directors, and officers; allocation of control, profit and risk; rights of shareholders; derivative suits and class action suits by shareholders; mergers and consolidations, sale of assets, and other fundamental changes in corporate structure; corporate dissolution; SEC proxy rules and Rule 10(b)(5).

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- E. **Evidence.** Rules of proof applicable to judicial trials. Topics include: admission and exclusion of evidence, relevancy, hearsay rule and its exceptions, authentication of writings, the best evidence rule, examination and competency of witnesses, privileges, opinion and expert testimony, demonstrative evidence, presumptions, burden of proof, judicial notice; Federal Rules of Evidence.
- F. **Uniform Commercial Code.** Course covers Articles I, II, III, IV, VI, VII, and X of the Uniform Commercial Code. Course first examines problems in the sale of goods as governed by Article II (with a brief survey of its antecedents) including: warranty, risk of loss, acceptance and rejection, tender of delivery, revocation, remedies for breach of contract. Some discussion of other laws relating to warranties, Article VI on Bulk Sales, and Article VII on documents of title and bills of lading.

Course next examines commercial paper, bank deposits and collections under UCC Articles III and IV, including: formation and use of negotiable instruments with an emphasis on checks, rights and liability of parties to negotiate instruments, defenses to liability, study of bank collection process and bank's relationship with its customers.

Course finally examines secured transactions under UCC Article IX, including: types of security interests, perfection of such interests, priority of claims, rights to proceeds of collateral, multi-state transactions, rights of parties after debtor's default.

### 9-3 Third Year.

- A. **Equity (Remedies) and Equity Procedure.** Historical development and use of judicial remedies that provide relief for past or potential injuries to interests in real or personal property. Topics include: history of equity, power of equity courts, restitution, specific performance, injunctions, equitable defenses, compensatory and punitive damages, unjust enrichment, constructive trusts, equitable liens, tracing and subrogation.
- B. **Professional Responsibility.** Study of legal ethics and a lawyer's role in society, including lawyer-client relations, lawyer-public relations, and a lawyer's responsibility to the courts and the profession. Topics also include: organization of an integrated bar, Supreme Court's supervisory powers, professional service corporations, pre-paid legal services arrangements, malpractice, and Rules for Admission to the Bar, the Virginia Code of Professional Responsibility, Unauthorized Practice Rules, the Legal Ethics Opinions, and the Virginia State Bar Disciplinary Board Rules of Procedure.
- C. **Domestic Relations.** Study of the substantive and procedural law affecting the formation, disintegration and dissolution of family relations, including those of husband and wife, parent and child, and non-marital. Topics include: jurisdiction, procedure, costs, maintenance, child support, property division, equitable distribution, custody, modification and enforcement of orders, some discussion of conflict of laws, taxation, and URESA.
- D. **Wills, Estates, Trusts, Probate.** Study of the voluntary transfer of assets during lifetime and at death. Topics include: disposition by will, creation of and disposition by a trust, effectiveness of the disposition in the creation of present and future interests in property, intestate succession, construction problems, powers of appointment, restrictions on perpetuities and accumulations, alternative methods of wealth transmission, some instruction to the basic tax framework important in formulating plans of disposition, and fiduciary administration and management of decedent's estates and trusts.
- E. **Basic Federal Income Tax.** Examination of federal income tax law as it applies to individuals, including their roles as partners and shareholders. Topics include: concepts of income, gross income, net income; when income should be taxed, to whom it should be taxed and its character as unearned, earned or capital gain income. Deductions are also examined in detail. Basic partnership and corporate tax law is examined.
- F. **Virginia Civil Procedure.** It is expected that Virginia Civil Procedure will be taught throughout the three years of the program. This course is designed to review the important provisions of Title 8.01 of the Code of Virginia and the Rules of the Supreme Court of Virginia as they apply to actions at law and suits in equity and appeals.

- 9-4 **Jurisprudence.** A three-year course of reading consisting of two (2) books each year, to be selected by the Supervising Attorney. Upon completion of each book, the reader shall prepare and submit to the Board a short book report.

REV: 11/1/92; 02/01/93; 03/01/93; 07/01/95; 07/01/98; 07/01/17