

RULES OF SUPREME COURT OF VIRGINIA  
PART ONE A  
FOREIGN ATTORNEYS

**Rule 1A:9. Virginia Legal Aid Counsel**

Introduction

Notwithstanding any rule of this Court to the contrary, any person employed in Virginia as a lawyer exclusively for a Virginia Licensed Legal Aid Society, for the purpose of providing free and reduced fee legal services, must either (i) be a regularly admitted active member of the Virginia State Bar; or (ii) be issued a Legal Aid Counsel Certificate as provided in this rule and thereby become an active member of the Virginia State Bar with their practice limited as provided herein; provided, however, no person who is or has been a member of the Virginia State Bar, will be issued a Legal Aid Counsel Certificate under this rule. For purposes of this rule, “Legal Aid Employer” is a Virginia Licensed Legal Aid Society.

a. A lawyer admitted to the practice of law in a state (other than Virginia), or territory of the United States, or the District of Columbia, may apply to the Virginia Board of Bar Examiners (“Board”) for a certificate as a Virginia Legal Aid Counsel (“Legal Aid Counsel Certificate”) to practice in Virginia when they are employed by a Legal Aid Employer in Virginia.

b. Required Evidence. Each applicant for a Legal Aid Counsel Certificate must file with the Secretary of the Board an application under oath on a form furnished by the Board and must submit evidence satisfactory to the Board that they:

(1) have been admitted by examination to practice law before the court of last resort of any state or territory of the United States or the District of Columbia;

(2) hold a Juris Doctor degree from a law school accredited by the American Bar Association at the time of their graduation;

(3) are currently an active member of the bar and in good standing in at least one state or territory of the United States, or the District of Columbia, where they are admitted to the practice of law, and are in good standing in all jurisdictions where they have been admitted;

(4) have practiced law continuously in another jurisdiction for at least two years preceding their application for a certificate under this Rule;

(5) are not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

(6) possess the good moral character and general fitness to practice law in Virginia, and have submitted all requested information, in a manner and to the extent established by the Board, including all required supporting documents;

(7) have read and are familiar with the Virginia Rules of Professional Conduct;

(8) have paid such fees as may be set by the Board to cover the costs of the character and fitness investigation and the processing of the application; and

(9) have filed an affidavit, upon a form furnished by the Board, from an officer of their Legal Aid Employer attesting to the fact that the applicant is employed as legal counsel to provide free and reduced fee legal services exclusively on behalf of the Legal Aid Employer; that the applicant is supervised for a minimum of two years by a licensed attorney employed by the Legal Aid Employer; that the nature of the applicant's employment conforms to the requirements of this rule; and that the Legal Aid Employer must notify the Virginia State Bar immediately upon the termination of the applicant's employment. For purposes of this rule, the applicant may appear in court without the presence of a supervisor.

c. Provisional Certificate. During the period in which an application for a Legal Aid Counsel Certificate is pending with the Board until the applicant is notified that either (i) their application is rejected; or (ii) they are eligible to practice pursuant to this rule, the applicant may be employed in Virginia as Legal Aid Counsel on a provisional basis by a Legal Aid Employer furnishing the affidavit required by Part (b)(8) of this rule.

d. Admission. Upon a finding by the Board that the applicant has complied with the requirements of Part (b) of this rule, the Board will notify the applicant that they are eligible to be issued a Legal Aid Counsel Certificate. After the applicant has taken and subscribed to the oath required of attorneys at law, the applicant will be issued a Legal Aid Counsel Certificate, which will permit the applicant to practice law in Virginia solely as provided in Part (e) of this rule. The applicant may take the required oath by appearing before the Justices of the Supreme Court of Virginia at an appointed date and time.

e. Scope. The practice of a lawyer certified pursuant to this rule will be limited to practice exclusively for the Legal Aid Employer furnishing the affidavit required by Part (b)(8) of this rule, and may include appearing before a Virginia court or tribunal as counsel for clients of the

Legal Aid Employer. No lawyer certified pursuant to this rule may (i) undertake to represent any person other than a client of their Legal Aid Employer before a Virginia court or tribunal; (ii) offer or provide legal services in Virginia to any person other than a client of their Legal Aid Employer; or (iii) hold themselves out to be authorized to provide legal services or advice in Virginia to any person other than a client of their Legal Aid Employer.

f. Rights and Obligations. A lawyer issued a Legal Aid Counsel Certificate will immediately become an active member of the Virginia State Bar, with their practice limited as provided in Part (e) of this rule, and must pay to the Virginia State Bar the annual dues required of regularly admitted active members of the Virginia State Bar.

(1) All legal services provided in Virginia by a lawyer certified pursuant to this rule will be deemed the practice of law in Virginia and will subject the lawyer to all rules governing the practice of law in Virginia, including the Virginia Rules of Professional Conduct and Part 6, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia. Jurisdiction of the Virginia State Bar will continue whether or not the lawyer retains the Legal Aid Counsel Certificate and irrespective of the lawyer's presence in Virginia.

(2) A lawyer certified pursuant to this rule will be subject to the same membership obligations as other active members of the Virginia State Bar, including Mandatory Continuing Legal Education requirements. A lawyer certified pursuant to this rule must use as their address of record with the Virginia State Bar a business address in Virginia of the Legal Aid Employer furnishing the affidavit required by Part (b)(8) of this rule.

(3) A lawyer certified pursuant to this rule must promptly report to the Virginia State Bar any change in employment, any change in bar membership status in any state, territory of the United States or the District of Columbia in which the lawyer has been admitted to the practice of law, or the imposition of any disciplinary sanction in a state, territory of the United States, ~~or~~ the District of Columbia, or by any federal court or agency before which the lawyer has been admitted to practice.

(4) The period of time a lawyer practices law under a Legal Aid Counsel Certificate issued pursuant to this rule will be considered in determining whether the lawyer has fulfilled the active practice of law requirement for admission to practice law in Virginia without examination pursuant to Rule 1A:1 and any guidelines approved by the Supreme Court of Virginia for review of applications for admission without examination.

g. Termination. A lawyer's authority to practice law which may be permitted pursuant to this rule will be automatically suspended when (i) employment by the Legal Aid Employer furnishing the affidavit required by Part (b)(8) of this rule is terminated, (ii) the lawyer fails to comply with any provision of this rule, or (iii) when the lawyer is suspended or disbarred for disciplinary reasons in any state, territory of the United States, the District of Columbia, or by any federal court or agency before which the lawyer has been admitted to practice. Any lawyer whose authority to practice is suspended pursuant to (i) above will be reinstated upon evidence satisfactory to the Virginia State Bar that the lawyer is in full compliance with the requirements of this rule, which must include an affidavit furnished by the lawyer's new Legal Aid Employer. Any lawyer whose authority to practice is suspended pursuant to (ii) above may be reinstated by compliance with applicable provisions of Part 6, Section IV, Paragraph 19 of the Rules of the Supreme Court of Virginia. Any lawyer whose authority to practice is suspended or terminated under (iii) above must petition for reinstatement pursuant to Part 6, Section IV, Paragraph 13-25. of the Rules of the Supreme Court of Virginia.

h. The Board and the Virginia State Bar may adopt regulations as needed to implement the requirements of this rule.

**Promulgated by Order dated January 11, 2022; effective March 12, 2022.**