

In order to guide the Board in its determinations, the Court has adopted the following criteria to be applied by the Board in assessing applications for admission to the bar of Virginia without examination:

THRESHOLD REQUIREMENTS

1. Reciprocity. The Board will consider an application for admission without examination only from a person who has been admitted to practice before the court of last resort of a jurisdiction (i.e., a state or territory of the United States, or the District of Columbia) that permits lawyers licensed in Virginia to be admitted to practice without taking a bar examination in such jurisdiction (a “Reciprocal Jurisdiction”). The purpose of the reciprocity requirement is to encourage other jurisdictions to grant the same privilege to Virginia lawyers.

2. Minimum Period of Bar Admission. Before being eligible to apply for admission without examination, the applicant must have been admitted to practice law before the court of last resort of a state or territory of the United States, or the District of Columbia, for at least five years.

3. Requirement of Minimum Current Practice. An applicant may apply for admission without examination only if the applicant has been engaged in the full-time practice of law for at least three of the last five years immediately preceding his or her application for admission to the Virginia State Bar. Except as provided in Threshold Requirement 4 below, the applicant must have been licensed to engage in the practice of law in the jurisdiction where such practice occurred. Practice from an office located in a foreign country will not be accepted as qualifying practice. Persons holding a Virginia Corporate Counsel Certificate under Part I of Rule 1A:5 may receive credit as provided in such Rule. Persons holding a Virginia Legal Aid Counsel Certificate under Rule 1A:9 may receive credit as provided in such Rule.

4. Practice of law. For purposes of admission without examination, “practice of law” ordinarily means (i) private practice as a sole practitioner or for a law firm, legal services office, legal clinic, or similar entity; (ii) practice as an attorney for a corporation, limited liability company, partnership, trust, individual or other entity, provided such practice involved the primary duties of furnishing legal counsel, drafting legal documents and pleadings, interpreting and giving advice regarding the law, and preparing, trying or presenting cases before courts or administrative agencies; (iii) practice as an attorney for the federal or a state or local government with the same primary duties as described above regarding attorneys for a corporation; (iv) employment as a judge for the federal or a state government; (v) service as a judicial law clerk for a state or federal court; or (vi) service on active duty in a branch of the armed forces of the United States as a judge advocate or law specialist, as those terms are defined in the Uniform Code of Military Justice, 10 U.S.C. § 801, as amended, provided that such position requires a valid license to practice law and involves the same primary duties as described above regarding attorneys for a corporation. With the exception of the positions described in (iv) and (v) above, qualifying law practice must have involved an attorney-client relationship and, with the exception of the positions described in (iv), (v) and (vi) above, must have occurred subsequent to having been issued a license to engage in the practice of law in the jurisdiction where the law practice was conducted, unless the applicant establishes, by satisfactory evidence, that such practice is permitted by statute, rule, court order, or by written confirmation from the admitting or disciplinary authority of the jurisdiction where the practice occurred. The applicant must demonstrate that he or she meets the practice of law requirement to the satisfaction of the Board. The Board may require the applicant to produce substantiating evidence which may include, but

is not limited to, a detailed description of legal services provided, letters from clients and/or opposing counsel, certification of a judge, samples of work product, and detailed time records. In addition, the Board may require the applicant to appear personally before the Board and furnish such additional information as may be required. For purposes of admission without examination, “practice of law” ordinarily does not mean document review work.

5. Legal Education. The applicant must have received either (i) a J.D. degree from a law school that was approved by the American Bar Association at the time of such applicant’s graduation, or (ii) a J.D. degree from a law school not approved by the American Bar Association at the time of such applicant’s graduation (including a J.D. degree from a foreign law school), and an LL.M. from a law school approved by the American Bar Association at the time of such applicant’s graduation, and passed a bar exam in a state or territory of the United States, or the District of Columbia.

6. Bar Examination History. The applicant must have failed no more than two bar examinations of any of the states or territories of the United States (including Virginia), or the District of Columbia, and must have failed no bar examination within the five years immediately preceding the application for admission to the Virginia State Bar.

7. Instruction in Virginia Law. The applicant must have completed twelve hours of instruction approved by the Virginia Continuing Legal Education Board on Virginia substantive and/or procedural law within six months immediately prior to filing an application and must have read and be familiar with the Virginia Rules of Professional Conduct.