RULES
THE VIRGINIA BOARD OF BAR EXAMINERS

(Reference: Title 54.1 of the Code of Virginia of 1950, as amended.)

SECTION I: EXAMINATIONS

A. Unless otherwise directed by the Virginia Board of Bar Examiners (Board), each year bar examinations will be held on two successive days beginning on the Tuesday immediately preceding the last Wednesday in February, and beginning on the Tuesday immediately preceding the last Wednesday in July.

B. The bar examination will consist of one or two exam parts, with each part having a morning and an afternoon session. The Virginia Essay exam, given on Tuesday, is prepared and graded under the supervision of the Board. The Virginia Essay exam includes essay and multiple-choice questions and may test the applicant's knowledge in the following areas:

Contracts	Evidence	Sales (UCC Art. 2)	Virginia Civil and Criminal
Creditor's Rights	Local Government Law	Secured Transactions	Procedure (including
Criminal Law	Professional Responsibility	(UCC Art. 9A)	appellate practice)
Domestic Relations	Real Property	Torts	Wills, Trusts and Estates

The Multistate Bar Examination (MBE), given on Wednesday, is compiled and scored by the National Conference of Bar Examiners. The MBE is intended to test the applicant's knowledge of:

Constitutional Law	Criminal Law and Procedure	Real Property	Civil Procedure
Contracts	Evidence	Torts	

C. All bar exam applicants must take the Virginia Essay exam and select one of the following Options when applying for the exam:

Option 1: The applicant will take the MBE, together with the Virginia Essay exam, because the applicant (i) previously has not taken the MBE, or (ii) has not achieved an MBE scaled score of 133 or greater within 5 years prior to the date of the exam applied for, or (iii) previously has taken the MBE and elects to retake the MBE to attempt to improve the MBE scaled score.

The score for Option 1 applicants will be based on both the Virginia Essay and the MBE. Both parts of the exam will be weighted and combined to determine if the applicant has achieved a minimum overall passing score of 140. Such weighting will be made by combining 60% of the Virginia Essay exam scaled score and 40% of the MBE scaled score.

Option 2: The applicant may use/transfer an MBE scaled score of 133 or greater, taken within 5 years prior to the date of the exam applied for, from (A) a previous bar exam taken in Virginia, or (B) a previous bar exam taken in a jurisdiction other than Virginia.

The score for Option 2 applicants will be based on the Virginia Essay and the previous MBE score the applicant elected to use/transfer. Both parts of the exam will be weighted and combined to determine if the applicant has achieved a minimum overall passing score of 140. Such weighting will be made by combining 60% of the Virginia Essay exam scaled score and 40% of the MBE scaled score.

Option 3: The applicant is an attorney who holds an active license to practice law and is in good standing in a jurisdiction other than Virginia, and has taken and passed a bar exam in a jurisdiction other than Virginia. No MBE score is required.

The score for Option 3 applicants will be based solely on the raw points awarded on the Virginia Essay exam. A minimum score of 64 raw points, out of a possible 100 raw points, is a passing score.

D. Only applicants who achieve the required minimum 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 5 years from the date of the examination on which such applicant received a passing score.

E. Before being licensed to practice law in Virginia, an applicant for a Virginia Bar Exam must submit to the Board evidence that the applicant has achieved a scaled score of 85 or greater on the Multistate Professional Responsibility Examination (MPRE) administered by the National Conference of Bar Examiners at any time before the applicant's passing Virginia bar exam score expires pursuant to Section I.D above.

SECTION II: ACADEMIC REQUIREMENTS

A. Pursuant to §54.1-3926 of the Code of Virginia, an applicant for a Virginia Bar Examination must furnish to the Board satisfactory evidence of:

1. having received a juris doctor degree from a law school approved by the American Bar Association (ABA), or the Board; or
2. being enrolled and in good standing in an ABA or Board approved law school, and having satisfactorily completed legal studies amounting to at least five semesters, or the equivalent of at least five semesters on a system other than a semester system, of full-time study at such law school; or
3. having 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 Board; or
4. having completed all degree requirements from a law school not approved by the ABA (including a foreign law school), obtained an LL.M. from a law school approved by the ABA, and been admitted to practice law before the court of last resort in any state or territory of the United States or the District of Columbia.

B. No applicant will be issued a license to practice law in Virginia until the applicant has:

1. received a juris doctor degree from an ABA or Board approved law school; or
2. successfully completed the required period of law study referred to in Section II.A.3; or
3. completed all degree requirements from a non-ABA law school, obtained an LL.M. from an ABA approved law school, and been admitted to the court of last resort in any state or territory of the United States or District of Columbia.

SECTION III: CHARACTER AND FITNESS REQUIREMENTS

A. No person will be licensed to practice law in Virginia by the Board 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 information or documents, the Board may find that the applicant has not met the burden of proving good moral character and fitness.

B. The primary purpose of character and fitness screening before admission to the Virginia Bar is 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:

1. commission or conviction of a crime, or multiple traffic offenses;
2. violation of the honor code of the applicant's college or university, law school, or other academic misconduct;
3. making of false statements or omissions, including failing to provide complete and accurate information concerning the applicant's past;
4. misconduct in employment;
5. other than an honorable discharge from any branch of the armed services;
6. acts involving dishonesty, fraud, deceit or misrepresentation;
7. abuse of legal process;
8. neglect of financial responsibilities;
9. neglect of professional obligations;
10. violation of an order of a court;
11. denial of admission to the bar in another jurisdiction on character and fitness grounds;
12. disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction, including pending, unresolved disciplinary complaints against the applicant;
13. commission of an act constituting the unauthorized practice of law, or unresolved complaints involving allegations of the unauthorized practice of law;

14. failure to respond promptly to requests from the Board or the Character and Fitness Committee (Committee), or any other failure to cooperate with the Board or the Committee; and

15. any other conduct that reflects adversely upon the character or fitness of an applicant.

C. The Board will determine whether the present character and fitness of an applicant will 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:

1. age of the applicant at the time of the conduct;
2. recency of the conduct;
3. reliability of the information concerning the conduct;
4. seriousness of the conduct;
5. factors underlying the conduct;
6. cumulative effect of the conduct or information;
7. evidence of rehabilitation;
8. positive social contributions of the applicant since the conduct;
9. candor of the applicant in the admissions process; and
10. materiality of any omissions or misrepresentations.

D. Any applicant who affirmatively asserts rehabilitation from prior conduct which bears adversely upon such applicant's character and fitness for admission to the Bar will be required to produce clear and convincing evidence to the satisfaction of the Board of such rehabilitation. That evidence must include, at a minimum:

1. the applicant's strict compliance with specific conditions imposed by the Board or the Committee, as well as any disciplinary, judicial, administrative or other order, where applicable;
2. the applicant's unimpeachable character and moral standing in the community, including affirmative recommendations from people aware of the applicant's misconduct who specifically consider the individual's fitness in light of that misconduct;
3. the applicant's good reputation for professional ability, where applicable;
4. the applicant's lack of malice and ill feeling toward those who by duty were compelled to bring about the disciplinary, judicial, administrative or other proceeding, and to any victim thereof;
5. the applicant's personal assurance, supported by corroborating evidence, of an intention to engage in exemplary behavior in the future;
6. the applicant's restitution of funds or property, where applicable; and
7. the applicant's sustained and substantial behavior in the applicant's occupation, religion, or community or civic service demonstrating rehabilitation, including documentation verifying time spent performing such volunteer service. Merely showing that the applicant is currently living as and doing those things they should have done throughout life, although necessary to prove rehabilitation, does not prove that the applicant has been rehabilitated and has undertaken a useful and constructive place in society.

E. In evaluating whether an applicant is eligible for admission to practice law in Virginia, the Board considers whether the following essential eligibility requirements have been met by clear and convincing evidence, based upon the information supplied by the applicant and from the character and fitness investigation:

1. knowledge of the fundamental principles of law and the ability to recall that knowledge, to reason, to analyze, and to apply one's knowledge to relevant facts;
2. the ability to communicate clearly, candidly and civilly with clients, attorneys, courts, and others;
3. the ability to exercise good judgment in conducting one's professional business;
4. the ability to conduct oneself with a high degree of honesty, integrity, and trustworthiness in all professional relationships and with respect to all legal obligations;
5. the ability to conduct oneself with respect for and in accordance with the law and the Rules of Professional Conduct;
6. the ability to avoid acts that exhibit disregard for the health, safety and welfare of others;

7. the ability to conduct oneself diligently and reliably in fulfilling all obligations to clients, attorneys, courts, and others;

8. the ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others;

9. the ability to comply with deadlines and time constraints; and

10. the ability to conduct oneself professionally and in a manner that engenders respect for the law and the profession.

F. Every applicant must file with the Board a completed Character and Fitness Questionnaire and pay the required fee. The character and fitness fee will be set by the Board. The current fee schedule is available at barexam.virginia.gov.

SECTION IV: FILING AN APPLICATION FOR EXAMINATION

A. FILING PROCEDURE

A person who meets the foregoing education and 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 every applicant to see that the application is filed in strict compliance with these Rules.

Such application must:

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

   a. **received** in the Office of the Secretary on or before the filing deadline, or

   b. filed in full compliance with §54.1-3925 of the Code of Virginia.

All recitals in and provisions of the application will 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 they are 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.

B. 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 fee. **No application accompanied by cash, personal check or firm check will be accepted.** All fees are nonrefundable. The current fee schedule is available at barexam.virginia.gov.

C. FILING DEADLINE

The proper form of application, complete with fees 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. No application will be accepted unless the applicant's completed Character and Fitness form, with the applicable fee, is simultaneously filed with the Secretary of the Board.

D**.** FORM REQUIRED

The Rules, Applications and Character and Fitness forms may be accessed at barexam.virginia.gov. When filing for examination in Virginia for the first time, the applicant must file a completed Application For Examination and For License To Practice Law and Character and Fitness Questionnaire, with all required attachments. When an applicant has taken a previous Virginia Bar Examination, they must file a completed Application For Re-Examination and the required Character and Fitness form. The Application and Character and Fitness forms must be completed online. All completed online forms must be printed, and the Authorization and Release Form must be signed before a Notary Public, swearing to or affirming the accuracy of the information, and have the Notary's seal affixed, and all must be filed in the Office of the Secretary in accordance with §54.1-3925 of the Code of Virginia**.**

All applications must be submitted in the applicant's **full legal name**. Detailed information about the documentation required to prove one's full legal name is available at barexam.virginia.gov.

E. ATTACHMENTS REQUIRED OF ALL APPLICANTS

1. EDUCATIONAL CERTIFICATES. At the time an application is filed in the Office of the Secretary, it must include the appropriate transcript or certificate as described below. Copies and stamped or electronic signatures are acceptable.

   a. *Graduates of ABA Approved Law Schools*: A certificate, signed by the registrar or other proper official, certifying that the applicant was awarded a juris doctor degree from such law school and the date such degree was awarded.

   b. *Graduates of Non-ABA Approved Law Schools (including foreign law schools) with an LL.M. Degree from an ABA Approved Law School*: A certificate, signed by the registrar or other proper official, certifying that the applicant completed all degree requirements from such non-ABA approved law school; and a certificate, signed by the registrar or other proper official, certifying that the applicant was awarded an LL.M. degree from such ABA approved law school and the date such degree was awarded.

   c. *Persons Who Have Completed At Least Five Semesters of Full-Time Study At ABA Approved Law Schools*: An unofficial law school transcript showing that the applicant is regularly enrolled and in good academic standing, has satisfactorily completed legal studies amounting to at least five semesters (or the equivalent of at least five semesters on a system other than a semester system) of full-time study, and is on schedule to receive a juris doctor degree at the conclusion of applicant's sixth semester (or the equivalent thereof) at said law school. The applicant must upload the transcript to their portal when submitting their application. Upon completion of the applicant's juris doctor degree, the applicant must submit a certificate of graduation to the Office of the Secretary in compliance with Section IV.E.1.a.

   d. *Persons Who Have Studied Law Under A Supervising Attorney in the Approved Law Reader Program*: On forms provided by the Office of the Secretary, 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 QUESTIONNAIRE. 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. Every 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 official on the form prescribed by the Office of the Secretary or a form used by authorized law enforcement officials.

   To receive a fingerprint card, a request form is available at barexam.virginia.gov or from the Registrar's Office of Virginia law schools.

4. PHOTOGRAPHS. Every applicant for examination must upload one passport-style photograph of the applicant taken within the preceding twelve months. Snapshots will not be accepted.

F. ATTACHMENTS REQUIRED OF SOME APPLICANTS

1. 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 issued by the jurisdiction no more than ninety (90) days prior to receipt. 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 will not be eligible to take the Virginia Bar Examination.

2. CERTIFICATION OF STUDY FOR RE-EXAMINATION. An applicant for re-examination will certify that within the four months preceding the upcoming examination, that they will study diligently, not less than 90 hours, in preparation therefor.

3. PETITION FOR NON-STANDARD TESTING. In deciding the merits of Petitions for Non-Standard Testing for accommodations on the bar exam, the Board relies upon the definition of disability contained in the Americans with Disabilities Act as amended by the ADA Amendments Act of 2008 (ADA/ADAAA), and as interpreted by controlling case law. 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 standard testing conditions. An applicant requesting non-standard testing conditions must file with the Office of the Secretary a Petition for Non-Standard Testing, with **all** required attachments, **not later than the filing deadline** (unless the disability first occurs after the filing deadline). The Petition for Non-Standard Testing form is available at barexam.virginia.gov. The Petition is a detailed document requiring the applicant to attach transcripts, score reports, statements from healthcare professionals, law school officials, etc. Any applicant seeking non-standard testing conditions should request all required attachments in ample time to submit a fully complete Petition on or before the filing deadline. Any accommodation requested must 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, except upon conditions set forth in Section 54.1-3930 of the Code of Virginia. Upon seeking re-examination, the applicant must:

A. file the Application for Re-Examination, with all required attachments, in the place and by the deadlines described herein; and

B. file the Character and Fitness Update form, with all required attachments, updating the information in the applicant's Character and Fitness Questionnaire (the Board may require a new Character and Fitness Questionnaire if more than four years have elapsed since the date of completion of the original Character and Fitness Questionnaire); and

C. pay the current application and character and fitness fees at the time of filing the application.

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 forfeits 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 must be received by the Office of the Secretary within thirty days of the date of the examination which the applicant missed; and

2. The applicant must thereafter timely file with the Office of the Secretary all documents required to update the application for the subsequent examination, including (a) an Update of a Previously Filed Application; (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 Questionnaire 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 Questionnaire); (c) a current Certificate of Good Standing from the court of last resort of any jurisdiction to which the applicant has been admitted; (d) the applicable fees; 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. All fees are nonrefundable.

SECTION VII: GENERAL INFORMATION

A. 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, and the applicant will be prohibited from taking any future examinations, unless the Board, by unanimous vote, removes such prohibition upon a showing of changed circumstances which, in its opinion, clearly justify such action.

B. Applicants must write the answers to the Virginia Essay exam on a laptop computer as a properly registered participant in the laptop program, or with ink (dark blue or black) on paper provided by the Board, and must mark the answers to the MBE with pencil. The Bar Exam Instructions, which are posted for each exam at barexam.virginia.gov, provide detailed information about the upcoming exam and the items allowed to be brought into the exam room by the applicant.

C. Applicants who come to the Virginia Bar Exam are expected to dress in court-appropriate attire. Court-appropriate attire is a suit or jacket with collared shirt, dress pants, or a dress, skirt and jacket or pant suit. A necktie is optional. Detailed information about the dress code is available at barexam.virginia.gov.

D. ADMISSION WITHOUT EXAMINATION: 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 taking a bar examination. Information about the requirements for admission under Rule 1A:1 or other types of admission to the Virginia bar is available at barexam.virginia.gov.

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

Brian K. Jackson, Esquire - President
Richmond, Virginia

Robert V. Ward, Esquire
Bristol, Virginia

Robert J. Stoney, Esquire
Fairfax, Virginia

Melissa W. Robinson, Esquire
Roanoke, Virginia

Cartwright R. Reilly, Esquire
Virginia Beach, Virginia

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

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