

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday, the 14th day of September, 2018.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective December 1, 2018.

Amend Rule 1A:1 as follows:

PART ONE A FOREIGN ATTORNEYS

Rule 1A:1. Admission to Practice in This Commonwealth Without Examination.

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(c) *Board Review* — Upon receipt of a completed application, the Board will determine in accordance with the regulations issued by the Supreme Court of Virginia whether the applicant has established by satisfactory evidence that he or she:

- (1) Is a proper person to practice law; and
- (2) Pursuant to Code § 54.1-3931, has been admitted to practice law before the court of last resort of any state or territory of the United States or of the District of Columbia for at least five years; and
- (3) Has practiced law for at least three of the immediately preceding five years and has made such progress in the practice of law that it would be unreasonable to require the applicant to take an examination. The Board may require the applicant to appear personally before the Board, the Character and Fitness Committee (the Committee) of the Board, or a member of either the Board or the Committee, and furnish any such additional information as may be required. If the applicant's license to practice law in any other jurisdiction is subject to any restriction or condition, the Board shall determine whether the nature of such restriction or condition is inconsistent with the practice of law and, if so, shall deny the application. If the Board determines that the applicant is qualified to be admitted to the practice of law in this Commonwealth without examination, the Board shall approve the application and shall notify the applicant of its decision.

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Regulations Governing Applications for Admission to Virginia Bar Pursuant to Rule of the Supreme Court of Virginia 1A:1, effective December 1, 2018.

INTRODUCTION

Each person who has met the educational requirements and has proved that he or she satisfies the character and fitness requirements as established by the law of Virginia may seek admission to the Virginia Bar by taking the Virginia Bar Examination. A primary purpose of the Virginia Bar Examination is to determine whether an applicant is able to demonstrate his or her current minimum competency to engage in the practice of law in Virginia.

In addition to admission to the Bar by examination, the Supreme Court of Virginia, in its discretion under Code §54.1-3931, has determined that a person who has been admitted to practice law before the court of last resort of a state or territory of the United States or of the District of Columbia for a minimum of five years, who has been admitted to the bar of a Reciprocal Jurisdiction, hereinafter defined, and who has been engaged in the lawful practice of law on a full-time basis for at least three of the immediately preceding five years, may seek to demonstrate that he or she has made such progress in the practice of law that it would be unreasonable to require the person to take an examination to demonstrate current minimum competency. In other words, an applicant's experience in the practice of law may, at the discretion of the Court, be accepted as adequate evidence of current minimum competency in lieu of the bar examination. For purposes of admission without examination, "full-time" shall mean practicing law for a minimum of 32 hours per week.

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THRESHOLD REQUIREMENTS

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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 (3) of the last five (5) years immediately preceding his or her application for admission to

the Virginia 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 shall 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.

4. Practice of law. For purposes of admission without examination, “practice of law” ordinarily shall mean (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 shall not mean document review work.

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A Copy,

Teste: *Pat L Harrington*

Clerk