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COMMONWEALTH of VIRGINIA

Virginia Board of Bar Examiners

October 31, 2004

The Honorable Mark R. Warner
Governor of Virginia
State Capitol
Richmond, Virginia 23219

Dear Governor Warner:

Pursuant to Section 54.1-114 of the Code of Virginia, The Virginia Board of Bar Examiners (the "Board") submits the following biennial report:

(i) **Summary of the Board's fiscal affairs.** In the last biennium, the Board received revenues derived from bar examination application fees, application fees for admission to the Virginia bar under the provisions of Section 54.1-3931 of the Code of Virginia (current reciprocity provisions), character and fitness investigation fees, application fees for the law office study program, Multistate Bar Examination score transfer fees and other miscellaneous charges. The Board expended funds for expenses incurred in the performance of its statutory duties for the fiscal years ending June 30, 2003, and June 30, 2004, as follows:

	FY 2001	FY 2002
Appropriations	\$ 909,528	\$ 1,133,909
Revenue Collected	\$ 1,091,106	\$ 1,147,321
Expenditures	\$ 911,345	\$ 923,672
Expenditure Refunds	\$ 1,960	\$ 4,290
Investment in Fixed Assets	\$ 7,361	\$ 6,103

Fees, set by the Board, were deposited directly with the Treasurer of Virginia for credit to the General Fund of the Commonwealth and not available to the Board to meet current operating needs. These fees fully offset the Board's appropriation which is set by the General Assembly. Section 4-1.05a.1 of the Appropriation Act permits the Board to request additional appropriations not to exceed the revenue it generates. In both years of the last biennium, the Board requested additional appropriation. In fiscal year 2003, the request was denied.

The 2004 session of the General Assembly converted the Board to a non-general fund agency, consistent with the status of other Virginia licensing agencies. To permit the revenue collected from applicants for the summer 2004 Virginia bar examination to be carried forward and available to help fund the expenses related to that exam, the Board's fiscal 2004 request was approved.

(ii) **Description of the Board's activities.** The Board administers two Virginia bar examinations annually to applicants who meet the qualifications established by the General Assembly, and licenses to practice law in Virginia those applicants who, by their performance on such examination, demonstrate at least the minimum level of competence expected of Virginia attorneys. In addition, the Board evaluates the qualifications of persons applying for admission to the Virginia bar under the provisions of Section 54.1-3931 of the Code of Virginia and Rule 1A:1 of the Rules of the Supreme Court of Virginia and certifies to the Supreme Court of Virginia those applicants who are qualified for admission without examination. The Board conducts an appropriate character and fitness background investigation for each applicant for the Virginia bar, whether by examination or on motion, which is designed to furnish information sufficient to satisfy the Board that such 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 at law in Virginia. Also, the Board reviews and approves applicants and supervising attorneys and otherwise monitors the program of law office study authorized by statute.

(iii) **Statistical information regarding the bar exam, admission on motion and administrative hearings and decisions of the Board.** In making determinations on an applicant's character and fitness qualifications to practice law, the Character and Fitness Committee (the "Committee") on behalf of the Board conducts such further inquiries, interviews, hearings, accesses criminal history records and subpoenas as the Board may deem necessary. In the last biennium, the Committee held 45 such character and fitness hearings and the Board held one character and fitness appeal hearing. Except for the hearings conducted by the Character and Fitness Committee and appeals of decisions of the Character and Fitness Committee to the Board, the Board normally holds no "administrative hearings" as such; rather, its activities center around the two bar examinations administered annually and the admission on motion process. The Board's admission statistics follow:

	F.Y. 2003	F.Y. 2004
Number of applicants taking the Virginia Bar Examination:	1,819	1,808
Number of applicants who passed the Virginia Bar Examination and were licensed by the Board:	1,184	1,177
Number of applicants for admission on motion:	92	89
Number of admission on motion applicants approved by the Virginia Board of Bar Examiners and admitted as counsel in the Supreme Court of Virginia:	103	83

(iv) **General summary of all complaints received against licensees and the procedures used to resolve the complaints.** Section 54.1-3934 of the Code of Virginia provides that the "Board may, for good cause, revoke any license issued by it at any time before there has been a qualification under it in any of the courts of this Commonwealth, but not thereafter." Because nearly all persons licensed by the Board promptly qualify before a Virginia court, the Board's practical regulatory authority with respect to its licensees is extremely limited. The Board has, to its knowledge, received no complaints during the preceding biennium about any licensees under its jurisdiction. Complaints about licensed attorneys are handled by the Virginia State Bar, a totally separate agency, and by the Supreme Court of Virginia.

(v) **Description of any action taken by the Board designed to increase public awareness of Board operations and to facilitate public participation.** Because the Board's duties involve the examination, evaluation and licensure of the professional qualifications of the applicants, the opportunity for public participation is limited. The Secretary of the Board as well as its members are frequently interviewed by news reporters concerning its activities, and the Board makes its Rules and other information available to all upon request. The Board maintains a web site containing its Rules, Application Forms, Instructions, and answers to Frequently Asked Questions. See <http://www.vbbe.state.va.us/>. In addition, the Secretary and the Director and members of the Character and Fitness Committee and members of the Board have participated in forums at various approved law schools in Virginia and the District of Columbia.

Respectfully submitted,

Virginia Board of Bar Examiners

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