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# COMMONWEALTH of VIRGINIA

## *Virginia Board of Bar Examiners*

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October 31, 2008

His Excellency Timothy M. Kaine  
Office of the Governor  
Patrick Henry Building, 3<sup>rd</sup> Floor  
1111 East Broad Street  
Richmond, Virginia 23219

Dear Governor Kaine:

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, 2007, and June 30, 2008, as follows:

	FY 2007	FY 2008
Appropriations	\$ 1,210,715	\$ 1,254,060
Revenue Collected	\$ 1,288,288	\$ 1,221,757
Expenditures	\$ 1,198,906	\$ 1,258,870
Expenditure Refunds	\$ 5,411	\$ 6,104
Investment in Fixed Assets	\$ 14,357	\$ 12,369

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. Effective July 1, 2004, fees, set by the Board, were deposited directly with the Treasurer of Virginia for credit to a Special Fund of the Commonwealth. These fees fully offset the Board's appropriation which is set by the General Assembly.

- (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 those applicants to practice law in Virginia 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 57 such character and fitness hearings and the Board held 8 character and fitness appeal hearings. 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. 2007	F.Y. 2008
Number of applicants taking the Virginia Bar Examination:	2,014	2,037
Number of applicants who passed the Virginia Bar Examination:	1,342	1,379
Number of applicants who passed Virginia Bar Examinations in each fiscal year and who were licensed to practice law in Virginia in the fiscal year mentioned:	1,290	1,315
Number of admission on motion applications received:	88	60
Number of approved admission on motion applicants who were admitted as counsel in the Supreme Court of Virginia:	68	66

- (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

By W Scott Strickland  
Secretary-Treasurer