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Virginia Board of Bar Examiners

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October 26, 2018

His Excellency Ralph S. Northam
 Office of the Governor
 PO Box 1475
 Richmond, VA 23218

Dear Governor Northam:

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 (admission without examination for experienced lawyers from reciprocal jurisdictions), character and fitness investigation fees, application fees for the law reader program, admission as a foreign legal consultant, 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, 2017, and June 30, 2018, as follows:

	FY 2017	FY 2018
Appropriations	1,638,875	\$1,677,263
Revenue Collected	1,411,055	\$1,534,420
Interest Paid on Deposits	10,483	12,849
Expenditures	\$1,589,808	\$1,581,327
Cash with the Treasurer of Virginia	\$1,283,426	\$1,235,833
Investment in Fixed Assets	\$24,492	\$21,534

The Board is a non-general fund agency, consistent with the status of other Virginia licensing agencies. Fees, which are set by the Board,

are 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 issues licenses to practice law in Virginia to those applicants who, by their performance on such examination, demonstrate at least the minimum level of competence expected of Virginia attorneys. The Board also evaluates the qualifications of persons applying for admission without examination 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 is also responsible for evaluating the qualifications of members of the military applying for admission to the Virginia bar as a Registered Military Legal Assistance Attorney pursuant to Rule 1A:6 of the Rules of the Supreme Court of Virginia, foreign lawyers applying for admission as Foreign Legal Consultants pursuant to Rule 1A:7 of the Rules of the Supreme Court of Virginia, and dependent spouses of active duty service members stationed in the Commonwealth applying for Military Spouse Provisional Admission pursuant to Rule 1A:8. The Board conducts a character and fitness background investigation for each applicant for the Virginia bar, whether by examination or otherwise, 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. Additionally, the Board reviews and approves law reader program applicants and supervising attorneys, as well as monitors the program as authorized by statute (Va. Code §54.1-3926).

- (iii) **Statistical information regarding the bar exam, admission without examination 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 issues subpoenas as the Board may deem necessary. In

the last biennium, the Committee held 62 such character and fitness hearings and the Board held 11 hearings involving either reviews or appeals of the Character and Fitness Committee's recommendations. Except for the hearings conducted by the Character and Fitness Committee and reviews and appeals of decisions of the Character and Fitness Committee, the Board normally holds no "administrative hearings;" rather, its activities center around the two bar examinations administered annually and the admission without examination process. The Board's admission statistics follow:

	FY 2017	FY 2018
Number of applicants taking the Virginia Bar Examination:	1428	1205
Number of applicants who passed the Virginia Bar Examination:	966	787
Number of applicants who were licensed to practice law who passed the Virginia Bar Exam:	974	809
Number of Admission Without Examination applications received:	244	240
Number of approved Admission Without Examination applicants who were admitted as attorneys by the Supreme Court of Virginia:	190	238

- (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 separate agency of the Commonwealth, 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 often interviewed by news reporters concerning its activities. The Board maintains a web site containing its Rules, Application Forms, Instructions, and answers to Frequently Asked Questions. See www.barexam.virginia.gov.

In addition, the Secretary and members of the Board, as well as the Director and members of the Character and Fitness Committee, have participated in forums on bar admission issues at various approved law schools in Virginia.

Respectfully submitted,

Virginia Board of Bar Examiners

By 
Secretary-Treasurer

cc: All Members of the Board
General Assembly (reportdocs@dls.virginia.gov)