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# SUPREME COURT OF VIRGINIA



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## Supreme Court of Virginia Press Release

Media Contact: Patricia L. Harrington, Clerk

Release Date: April 15, 2013

### THE SUPREME COURT OF VIRGINIA TO REVIEW PROPOSED AMENDMENTS TO RULES 1A:1 AND 1A:3

RICHMOND - The Supreme Court of Virginia is considering proposed amendments to Rules 1A:1 and 1A:3 related to the admission of foreign attorneys to practice in the Commonwealth of Virginia without examination and the procedure for revocation of certificates issued to foreign attorneys. A previous version of these rules was issued for public comment in 2012. The new version is set out below.

Comments on the proposed amendments to the Rules should be sent by **May 31, 2013** to:

Patricia L. Harrington, Clerk  
Supreme Court of Virginia  
100 North Ninth Street  
5<sup>th</sup> Floor  
Richmond, VA 23219

**OR** via email with the subject line "comment on Rules" to:

[scvclerk@courts.state.va.us](mailto:scvclerk@courts.state.va.us)

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

- (a) Reciprocity - Any person who 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 may file an application to be admitted to practice law in this Commonwealth without examination, if counsel licensed to practice in this Commonwealth may be admitted in that jurisdiction without examination.
  
- (b) Application - An applicant for admission to practice law without examination in this Commonwealth shall:
  - (1) File with the secretary of the Virginia Board of Bar Examiners (the Board) an application under oath on a form furnished by the Board;
  - (2) Furnish a certificate, signed by the presiding judge of the court of last resort or other proper official for every jurisdiction in which the applicant is or has been licensed to practice law, stating:
    - i. that the applicant is in good standing, and if not the reasons why;
    - ii. the length of time the applicant has been or was licensed in that jurisdiction; and
    - iii. any restriction or condition placed on the applicant's license to practice law in that jurisdiction.
  - (3) Certify in writing under oath that the applicant has completed 12 hours of instruction approved by the Virginia Continuing Legal Education Board on Virginia substantive and/or procedural law within the preceding six-month period;
  - (4) Complete the Applicant's Character and Fitness Questionnaire and furnish a report of the National Conference of Bar Examiners, or such other report as the Board may require, concerning the applicant's past practice and record, and pay the fee for such report; and
  - (5) Pay the filing fee as fixed from time to time by the Board.

- (c) Board Review - Upon receipt of a completed application, the Board will determine in accordance with the regulations issued by the Supreme Court whether the applicant has established by satisfactory evidence that he or she:
- (1) Is a proper person to practice law; and
  - (2) 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 general 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.

- (d) Admission - Upon notification by the Board that the applicant's application has been approved, the applicant may be issued a certificate, pursuant to Code § 54.1-3931, to practice law in this Commonwealth if:
- (1) A member of the Virginia State Bar who is qualified to practice before the Supreme Court moves the applicant's admission to practice law in this Commonwealth in open court;
  - (2) The motion is granted; and
  - (3) The applicant takes and subscribes to the oath required of attorneys at law.

The applicant, upon payment of applicable dues, shall become an active member of the Virginia State Bar.

**Rule 1A:3. Revocation of Certificates Issued to Attorneys  
Admitted Pursuant to Rule 1A:2.**

Following receipt of evidence that a person who was admitted to practice pursuant to Rule 1A:2 prior to July 1, 2000, has been disbarred pursuant to Part Six of the Rules, the Supreme Court will revoke the certificate issued to that person.