

VIRGINIA ACTS OF ASSEMBLY -- 1998 RECONVENED SESSION

CHAPTER 796

An Act to amend and reenact §§ 54.1-3900, 54.1-3919, 54.1-3922, 54.1-3925.1, 54.1-3926, 54.1-3928 and 54.1-3931 of the Code of Virginia, relating to practice of law; reciprocity.

[S 488]

Approved April 22, 1998

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3900, 54.1-3919, 54.1-3922, 54.1-3925.1, 54.1-3926, 54.1-3928 and 54.1-3931 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3900. Practice of law; student internship program; definition.

Persons who hold a license *or certificate* to practice law under the laws of this Commonwealth and have paid the license tax prescribed by law may practice law in the Commonwealth.

Any person authorized and practicing as counsel or attorney in any state or territory of the United States, or in the District of Columbia, may for the purpose of attending to any case he may occasionally have in association with a practicing attorney of this Commonwealth practice in the courts of this Commonwealth, in which case no license fee shall be chargeable against such nonresident attorney.

Nothing herein shall prohibit the limited practice of law by military legal assistance attorneys who are employed by a military program providing legal services to low-income military clients and their dependents pursuant to rules promulgated by the Supreme Court of Virginia.

Nothing herein shall prohibit a limited practice of law under the supervision of a practicing attorney by (i) third-year law students or (ii) persons who are in the final year of a program of study ~~in the office of an attorney~~ as authorized in ~~subdivision 2~~ of § 54.1-3926, pursuant to rules promulgated by the Supreme Court of Virginia.

Further, nothing herein shall prohibit an employee of a state agency in the course of his employment from representing the interests of his agency in administrative hearings before any state agency, such representation to be limited to the examination of witnesses at administrative hearings relating to personnel matters and the adoption of agency standards, policies, rules and regulations.

As used in this chapter "attorney" means attorney-at-law.

§ 54.1-3919. Composition of Board; quorum.

The Board of Bar Examiners shall be responsible for the examination of applicants *and otherwise ascertaining the qualifications of applicants* for admission to the bar and shall be composed of five attorneys who are residents of the Commonwealth. Three members of the Board shall constitute a quorum for holding examinations or the transaction of other business. The word "Board" when used in this chapter shall mean the Board of Bar Examiners.

§ 54.1-3922. Powers, rules and regulations.

The Board shall do, or cause to be done, all things it considers necessary, convenient or expedient in connection with the preparation, conduct and grading of examinations, in determining the qualifications of applicants, ~~and~~ in determining requirements for taking and passing examinations, *and in granting such certificates to practice law as may be authorized by the Supreme Court*. The Board may promulgate rules and regulations to aid in the exercise of its authority and in the discharge of its duties.

§ 54.1-3925.1. Proof of character and fitness required of applicant; character and fitness committee; fees.

A. Before issuing to any applicant a license *or certificate* to practice law in Virginia, the Board shall have found from satisfactory evidence produced by the applicant in such form as the Board may require that the applicant is a person of honest demeanor and good moral character, is over the age of eighteen and possesses the requisite fitness to perform the obligations and responsibilities of a practicing attorney at law.

B. In making such determinations, the Board shall conduct such further inquiries, interviews and hearings as the Board may deem necessary. At the request of the Board, the Supreme Court may appoint a separate character and fitness committee, some of the members of which may be persons who are not licensed attorneys, to assist in reviewing character and fitness evidence and to make recommendations to the Board based upon standards adopted by the Board; however, no applicant shall be denied a license on character and fitness reasons except by action of a majority of the Board, after notice to the applicant and an opportunity for the applicant to be heard before the Board.

C. The Board shall from time to time set character and fitness application fees sufficient to cover the costs of the character and fitness process.

§ 54.1-3926. Preliminary proof of education required of applicant.

~~In addition to the certificate required by § 54.1-3925,~~ Before ~~taking~~ *an applicant will be permitted to take* an examination under this article, the applicant shall furnish to the Board satisfactory evidence that

he has:

1. Completed all degree requirements from a law school approved by the American Bar Association or the Board; or

2. Received a bachelor's degree from a four-year accredited college or university and studied law for three years, in the office of an attorney practicing in this Commonwealth, whose full time is devoted to the practice of law, or studied law for at least three years partly in a law school approved by the American Bar Association or the Board and partly in the practicing attorney's office. The attorney in whose office the applicant intends to study shall be approved by the Board which shall prescribe reasonable conditions as to the course of study.

§ 54.1-3928. Issuance of license or certificate; list of persons certified to Supreme Court.

The Board shall issue a license to practice law in this Commonwealth to every applicant who successfully passes the examination on all the subjects required and complies with the requirements of this chapter and the rules of the Board. *The Board shall issue a certificate to practice law in the Commonwealth to an applicant if the Board is satisfied that the applicant meets the criteria for the certificate established by Rules of the Supreme Court.*

The license *or certificate* shall be signed by at least three members of the Board. The Board shall forthwith certify to the Supreme Court a list of persons whom it has licensed *or to whom it has issued a certificate*, ~~which~~ and the list shall be spread upon the records of the Court.

§ 54.1-3931. Granting certificates without examination; law professors.

The Supreme Court shall have discretion to grant a certificate without examination to any attorney who has been admitted to practice law before the court of last resort of any state or territory of the United States or the District of Columbia for at least five years. The certificate shall entitle the holder, after paying his license tax, to practice in the courts of this Commonwealth.

The Supreme Court shall also have discretion to grant a certificate without examination to any person connected with any foreign embassy or legation to appear in the courts of this Commonwealth in all matters connected with his official duties, provided that the person has been admitted to practice in the court of last resort of the jurisdiction of the embassy or legation to which he is attached or he has received a degree from a law school approved by the American Bar Association.

The Supreme Court shall have the authority to promulgate rules and regulations allowing professors in law schools located in the Commonwealth, which are accredited by the American Bar Association, to become members of the Virginia State Bar, limited to associate membership.

The Supreme Court may authorize the Board or any committee thereof to administer the provisions of this section.

All other persons shall take the examinations and comply with the applicable provisions of this chapter.