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COMMONWEALTH of VIRGINIA

Virginia Board of Bar Examiners

February 16, 2023

His Excellency Glenn A. Youngkin
Office of the Governor
PO Box 1475
Richmond, VA 23218

Dear Governor Youngkin:

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, revenue for the Board came from fees paid by applicants applying for the Virginia bar exam, admission without examination, the law reader program, corporate counsel certificate, admission as a foreign legal consultant, military spouse provisional admission, legal aid counsel, fees paid for the character and fitness investigation, 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, 2021, and June 30, 2022, as follows:

	FY 2021	FY 2022
Appropriations	\$1,762,384	\$1,762,384
Revenue Collected	\$1,742,806	\$1,566,230
Interest Paid on Deposits	\$6,787	\$2,475
Expenditures	\$1,462,174	\$1,513,546
Cash with the Treasurer of Virginia	\$1,505,534	\$1,559,369
Investment in Fixed Assets	\$13,905	\$11,852

The Board is a non-general fund agency. 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 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 (due to COVID-19, three exams were held in fiscal year 2021) 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 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 responsible for evaluating the qualifications of attorneys applying for a corporate counsel certificate pursuant to Rule 1A:5 of the Rules of the Supreme Court; 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; dependent spouses of active duty service members stationed in the Commonwealth applying for Military Spouse Provisional Admission pursuant to Rule 1A:8 of the Rules of the Supreme Court of Virginia; and persons applying for admission to the Virginia bar as a Virginia Legal Aid Counsel pursuant to Rule 1A:9 of the Rules of the Supreme Court of Virginia. The Board conducts a character and fitness background investigation for each applicant for the Virginia bar, whether by examination or otherwise, to determine if 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, and monitors the program as authorized by statute (Va. Code §54.1-3926).
- (iii) **Statistical information regarding the bar exam, admission without examination and other admission types, administrative hearings and decisions of the Board.** On behalf of the Board, the Character and Fitness Committee (the Committee) conducts inquiries, interviews, hearings, accesses criminal history records and issues subpoenas to determine an applicant's character and fitness to practice law. In the last biennium, the Committee held 33 such character and fitness hearings, and the Board conducted 2 reviews or appeals of the Committee's recommendations. Except for the hearings conducted by the Committee, and reviews and appeals of decisions of the Committee, the Board normally holds no administrative hearings; rather, its activities center around the two bar examinations administered annually, admission without examination and other admission processes. The Board's admission statistics follow:

	FY 2021	FY 2022
Number of applicants who took the Virginia Bar Exam:	839	898
Number of applicants who passed the Virginia Bar Exam:	652	650
Number of applicants who passed the Virginia Bar Exam and were licensed to practice law:	649	642
Number of Admission Without Examination applications received:	279	216
Number of Admission Without Examination applicants approved by the Board who were sworn in by the Supreme Court of Virginia:	260	228
Number of applicants who applied for Foreign Legal Consultant:	0	0
Number of applicants who applied for Military Spouse Provisional Admission:	4	1
Number of applicants who applied for Virginia Corporate Counsel:	44	56
Number of applicants who applied for Virginia Legal Aid Counsel (Rule 1A:9 went into effect 3/12/2022):	0	2
Number of applicants who applied for the Law Reader Program:	4	2

- (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 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 and members of the Board are sometimes 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, participate in forums on bar admission issues at various approved law schools in Virginia, and the Virginia Judges and Lawyers Assistance Program.

Respectfully submitted,

Virginia Board of Bar Examiners

By 
Secretary-Treasurer

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