

CHIEF JUSTICE
CYNTHIA D. KINSER

JUSTICES

DONALD W. LEMONS
S. BERNARD GOODWYN
LEROY F. MILLETTE, JR.
WILLIAM C. MIMS
ELIZABETH A. McCLANAHAN
CLEO E. POWELL

SENIOR JUSTICES

HARRY L. CARRICO
CHARLES S. RUSSELL
ELIZABETH B. LACY
LAWRENCE L. KOONTZ, JR.

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
RICHMOND, VIRGINIA 23219
804-786-2251

CLERK
PATRICIA L. HARRINGTON

EXECUTIVE SECRETARY
KARL R. HADE

CHIEF STAFF ATTORNEY
GREGORY E. LUCYK

REPORTER OF DECISIONS
KENT SINCLAIR

STATE LAW LIBRARIAN
GAIL WARREN

Supreme Court of Virginia Press Release

Media Contact: Patricia L. Harrington, Clerk

Release Date: October 22, 2012

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.

Comments on the proposed amendments to the Rules should be sent by **December 1, 2012** to:

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

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

scvclerk@courts.state.va.us

The amendments below reflect the proposed changes made to the current Rules:

Rule 1A:1. Foreign Attorneys - When Admitted to Practice in This State Without Examination.

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 here may be admitted to practice there without examination.

The applicant shall:

(1) File with the secretary of the Virginia Board of Bar Examiners an application, under oath, upon 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 of the jurisdiction in which the applicant is ~~entitled~~licensed to practice law, stating that the applicant has been so licensed for at least five years.

(3) 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 prescribe, concerning the applicant's past practice and record, and pay the fee for such report.

(4) Pay such filing fee as may be fixed from time to time by the Board.

Thereafter, the Board will determine in accordance with guidelines approved regulations issued by the Supreme Court whether the applicant has established by satisfactory evidence that he or she:

(a) Is a proper person to practice law.

~~(b)~~(b) Has practiced law full time for at least five of the immediately preceding seven years within a jurisdiction other than Virginia while holding an unrestricted license to practice law therein and has made such progress in the practice of law that it would be unreasonable to require the applicant to take an examination.

~~(c) Intends~~if admitted to practice full-time law in this Commonwealth, intends for at least five years immediately thereafter to practice predominantly in this Commonwealth as a member of the Virginia State Bar. "Predominantly" means that during each year the applicant's practice in Virginia must exceed, or be equal to, his or her practice in all other jurisdictions combined.

(d) Has furnished evidence of having completed within the prior six months 12 hours of Continuing Legal Education on Virginia substantive and/or procedural law in courses approved by the Virginia State Bar Mandatory Continuing Legal Education Board.

In the determination of these matters the Board may require the applicant to appear personally before the Board, the Character and Fitness Committee of the Board, or a member of either the Board or the Committee, and furnish such information as may be required.

If it is determined that the applicant has established that he or she meets all of the aforementioned requirements, the Board shall notify the applicant that ~~some~~ a member of the Virginia State Bar who is qualified to practice before the Supreme Court may make an oral motion in open Court for the applicant's admission to practice law in this Commonwealth.

Upon such motion for admission, the applicant shall thereupon take and subscribe to the oaths required of attorneys at law, whereupon the ~~Board shall issue to the applicant~~ shall be issued a certificate to practice law in the Commonwealth, and the applicant shall, upon payment of applicable dues, become an active member of the Virginia State Bar.

Rule 1A:3. Revocation of Certificates Issued to Non-compliant Foreign Attorneys.

Until a person who has been admitted under Rule 1A: 1 has practiced law predominately in Virginia for a total of five years following his or her admission, which are not required to be five consecutive years, such person shall certify annually to the Virginia State Bar whether he or she currently satisfies the requirements of clause (c) of that Rule and furnish such supporting evidence as the Bar may require. Following receipt of evidence satisfactory to the Supreme Court that a person who has been admitted to practice pursuant to Rule 1A:1 no longer satisfies the requirement of clause (c) of that ~~section or~~ Rule, the Supreme Court may revoke the certificate issued to that person; provided, however, that a person who has practiced law predominately in Virginia for at least five years after having been admitted to practice pursuant to Rule

~~1A:2 prior to July 1, 2000, no longer satisfies shall thereafter be deemed to have satisfied the requirement of clause (c) of that section, the Supreme Court may revoke the certificate issued to that person. Rule.~~

If a person admitted under Rule 1A: 1 who has practiced law predominately in Virginia for less than five years elects to stop practicing law predominately in Virginia, he or she shall immediately notify the Virginia State Bar, at which time such person shall be transferred to Associate status. When such person thereafter notifies the Virginia State Bar in writing of his or her intent to resume practicing law predominantly in Virginia, he or she shall be returned to Active status upon satisfying the requirements then in effect.

Following receipt of evidence that a person who has been admitted to practice pursuant to Rule 1A:1, or 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.