One day in June 1910, 161 young men—well, they were all men, though not necessarily all young—sat down in a room in Roanoke and took the first Virginia Bar Examination.

The first question was in four parts:

• What is a freehold estate?
• What is an estate in fee simple?
• What is an estate in remainder?
• What is the distinction between a vested and a contingent remainder?

A little while later they ran into question five on the thirty question test. It was in two parts:

• A, who is 20 years of age, is engaged in the livery business, and is sued in assumpsit by B, who hired a hack from him, for injury caused by the negligence of A’s driver:
• A, a lunatic, denounced B in the newspaper as the murderer of C; B sues him for damages:

Can there be recovery in (a), in (b)?

These days the questions might be:

• What’s a hack?
• And how much money might you lose in a suit after calling someone a lunatic?

In the end, 133 men passed the exam. Many of the twenty-eight who failed were joined by a few newcomers when thirty-eight men took the next exam in November 1910. Fifteen passed that second exam.

And so it has gone for more than 100 years. Current Board of Bar Examiners President Robert E. Glenn tells us that in July 2011, 1,513 men and women sat for the exam, with 1,156 passing.

To date, more than 83,000 people have sat for the bar exam in Virginia.

The first woman licensed by the board, by the way, was Rebecca Pearl Lovenstein, in July 1920. Perhaps not so coincidentally, the 19th Amendment was ratified one month later.

W. Scott Street III, who has been secretary of the Board of Bar Examiners for 40 years, said that
most of those 83,000 applicants have passed —
most the first time they took the exam, and since
people can take it five times as a matter of right,
some eventually.

The first Virginia Board of Law Examiners
met at the Hotel Roanoke at 10 a.m. on June 22,
1910. They didn’t know whether they were
required to take some sort of oath of office, so
they did as “a precautionary measure.” That oath
included the usual language about doing their
duty and supporting the constitutions of the
United States and Virginia. They also swore that
they had never “fought a duel with a deadly
weapon… and that we will not fight a duel with a
deadly weapon.”

And so the Board of Bar Examiners as we
know it today was born. Gauntlets, we’re assured,
were not thrown down.

The exam hasn’t always been positively
reviewed. Back in 1912, A.W. Patterson appeared
before the Virginia State Bar’s Legal Education
and Admission to the Bar Committee to com-
plain. He presented an editorial he had written:
“Slaughtered by the Legal Examiners,” in which he
noted that sixty out 112 men who had taken the

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**Virginia Board of Bar Examiners, By the Numbers**

42

The number of members of the Virginia Board of
Bar Examiners in its 102-year history.

11

The number of men who have served as
president of the board.

22

The number of years Stuart B. Campbell Jr.
served as president of the board. He is the
longest-serving president, and was on the board
from 1921 to 1968.
test had failed because “the questions asked were too difficult.”

On the other hand, William F. Stone told an audience of Washington and Lee Law School students in 1954 that the Board of Law Examiners was performing a worthwhile task. He quoted a 1660 act passed by the Virginia General Assembly that noted “all courts in this country are many times hindered and troubled in their judicial proceedings by the impertinent discourses of many busy and ignorant men who will pretend to assist their friend in his business and clear the matter more plainly to the court, although never desired or requested.”

In 1745 the General Assembly passed another law licensing lawyers which begins: “Whereas, the great number of ignorant and unskillful attorneys practicing in the county courts of this colony, is become a grievance to the country, in respect to their neglect and mismanagement of their clients causes….”

Clearly, Stone said back then, the exam was needed and if you didn’t believe him, just go back a couple of centuries to find confirmation. He also dismissed the notion that the thing was too hard: “I can say to you here that if you have a reasonable knowledge of the law and will keep your head when you take the examination, then the chances are that you will pass … the first time you take it.”

These days, Bob Glenn sides with Stone. The exam is the board’s attempt to set minimum standards, he said. The people who write the exam simply try to ask practical questions on issues that may confront a new lawyer in general practice.

And, as Glenn pointed out, echoing Street, “Most people can pass it…. Our pass rate is equivalent to most states across the country.”

The pass rate for that first exam was about 82 percent. The most recent summer exam — it’s given in July and February — was about 76 percent. Over time, the pass rate has been fairly consistent, but there have been a few variations. For example, the worst pass rate was in July 1951 when 378 people were tested and 67 passed for a rate of about 17 percent.
Why? One can only speculate. Korean War? G.I. Bill? Harry Truman?
The winter test almost always has a lower pass rate than the summer test. Street said that’s largely because most of the people who take the winter test are those who failed the summer test.

Street said the test serves a goal that is at once lofty and practical. “The purpose is public protection. What segment of the population needs protection? It’s primarily the unsophisticated consumer of personal legal services.”

He pointed out that the great majority of practicing lawyers are in small firms or are solo practitioners. As Street knows from experience—he began with a small firm and practiced solo for several years—those lawyers don’t usually have a great deal of backup—they can’t go down the hall to get advice from an associate—and so need to have a broad base of knowledge. The exam “is the practicing lawyers’ evaluation of what the young lawyer without a great deal of backup needs to know.”

“The law schools have not necessarily focused on that.”

The board also is responsible for evaluating applicants’ past conduct as it may reflect their character and fitness to handle the responsibilities of practicing law. Since 1995 this duty has been handled by the Character and Fitness Committee, which investigates, conducts hearings, and makes recommendations to the board. The current members of the committee, who are appointed by the Supreme Court, are Henry M. Sackett III, chair; Curtis M. Hairston Jr.; Julia B. Judkins; Linda S. Laibstain; and Nancy C. Dickenson. Stephen A. Isacs is the director.

On January 11, the Supreme Court of Virginia began its day by recognizing and honoring the Virginia Board of Bar Examiners.

In an interview before that session, Chief Justice Cynthia D. Kinsler said, “The Court is pleased it has this opportunity to recognize the importance of the board.”

She said all members of the board, and all but one of the living members of past boards, were to attend the session. “I’m glad we can stop in open court and recognize them for their hard work and dedication.”

As for that exam, which so many frightened lawyers have successfully completed, Kinsler is firmly on the team with Street and Glenn. “It ensures you’ve got a certain level of competence,” she said. “It protects the public and people seeking assistance.”

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**Virginia Board of Bar Examiners, By the Numbers**

**83,000**
The number of people who have taken the bar exam since 1910.

**3**
The number of men who have served as secretaries of the board. They are:
- Maury Baldwin Watts, 1910–1951
- Howard G. Turner, 1951–1972
- W. Scott Street III, 1972–

**$7.50**
The fee for taking the first bar exam.
Good morning, ladies and gentlemen. Before we hear argument this morning, the Court is pleased to take a few moments to recognize a dedicated group of individuals, the Virginia Board of Bar Examiners members and its staff. We do so this morning to celebrate the 100th anniversary of the Virginia Board of Bar Examiners, although actually it is its 102nd anniversary. We are a little late. We apologize.

Since 1643, Virginia has required attorneys to be licensed to practice law. At that time, attorneys were required to obtain a license or permission from the Court in which the attorney wished to practice. The examination of attorneys began in the early 19th century at which time three judges in the Superior Courts conducted the examination. In 1896, the General Assembly directed this Court to promulgate rules and regulations for the examination of attorneys. Finally, in 1910, the General Assembly created the Virginia Board of Bar Examiners, which was composed of five members charged with examining “the legal learning and general qualifications” of prospective attorneys. The statute now states that 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.” By statute, the Board elects one of its members to serve as its President and may appoint a qualified member of the Virginia State Bar to act as the Secretary-Treasurer of the Board. Since its inception in 1910, forty-two individuals have served on the Board of Bar Examiners. However, one of those individuals resigned the same day that he was appointed. The fact that so few people have served on the Board during the past 100 years demonstrates the level of commitment these individuals have to the important tasks and responsibilities entrusted to the Board.

Virginia’s historic requirement that attorneys be licensed has always been for the purpose of ensuring the quality of legal representation for Virginia’s citizens. An Act in 1660 requiring attorneys to be licensed before practicing cited as a reason the fact that courts were “hindered and troubled . . . by the impertinent discourses of many busy and ignorant men who will pretend to assist their friend . . . although never desired or requested thereunto by the person whom they pretended to assist.” The preamble to a 1745 Act cited the “great number of ignorant and unskillful attorneys practicing in the county courts of this colony.” Thankfully, Virginia no longer suffers from this malady, in large part because of the hard work and dedication of the Virginia Board of Bar Examiners.

At the Board’s first meeting in June 1910 at the Hotel Roanoke, in Roanoke, Virginia, the members took an oath of office as a precautionary measure. Part of that oath, I am told, required each member to swear that he had not fought a duel with a deadly weapon, or sent or accepted such a challenge and that he would not henceforth do so. I am reliably informed that the Board members no longer take that oath.

Since 1910, the Board has administered two bar exams each year to a total of approximately 83,000 people. One of the bar exams each year has always been in Roanoke. In 1910, 199 people took the exam and the passage rate was 82.6%. The 1951 exam had the lowest passage rate of 17.1%. I am glad I was not in that group. In 2010, 2,078 people took the exam. Every year, the members of the Board and the Board’s staff spend a great deal of time preparing, administering, and grading the bar exams, as well as meeting with law professors and deans to discuss the exam. This immense amount of work ensures that all Virginians have access to quality legal representation.

For their constant hard work and dedication to such important responsibility, this Court, all the courts of the Commonwealth, and the legal profession are grateful. We thank the current Board members and all those who have served in the past and on behalf of the judiciary and the legal profession, I congratulate the Board of Bar Examiners on its 100th anniversary.
I would now like to recognize the Board members who are able to be with us today and some of the past Board members and the staff. First, I would like to recognize Robert Glenn, who is the President of the Virginia Board of Bar Examiners and has been since 1993. Also with us is Stephen Quillen, who has been a member of the Virginia Board of Bar Examiners since 1983; Anita Poston, a member since 1990; and Grady Carlson, who is not able to be with us today—he resides in Fairfax and has been a member since 1993. And finally, of the current members who are with us is Brian Jackson, who has been a member of the Virginia Board of Bar Examiners since 2001.

We are pleased that three of the past members are also with us. George Martin, who served as a member of the Virginia Board of Bar Examiners from 1991 to 2001; John F. Kay Jr. who served as a member of the Virginia Board of Bar Examiners from 1978 to 1991, serving as its President from 1990 to 1991; and finally, A. Hugo Blankingship Jr. who served as a member from 1982 to 1993, serving as President from 1991 to 1993. Not with us today is a former member, Francis Crenshaw who served as a member of the Board of Bar Examiners from 1973 to 1990 and served as the President of the Board from 1983 to 1990. We regret that Mr. Crenshaw couldn’t be with us; he just recently celebrated his 89th birthday.

We are also pleased that the Secretary-Treasurer is able to be with us today. W. Scott Street III has served in that capacity since 1992. It is interesting to note that there have only been three Secretary-Treasurers of the Virginia Board of Bar Examiners. Initially, that was a responsibility of the Clerk of the Supreme Court of Virginia. The prior Secretary-Treasurers were Maury B. Watts and Howard G. Turner. Mr. Street succeeded Mr. Turner and Mr. Turner remained as the Clerk of this Court for several years thereafter.

Finally, we are pleased that Stephen Isaacs who serves as the Director of the Character and Fitness Committee of the Virginia Board of Bar Examiners is able to be with us. He has served in that capacity since 1994 and that committee plays an important part in the licensing of attorneys in Virginia. I would now like to call on Mr. Glenn, President of the Virginia Board of Bar Examiners, for some brief remarks.

ROBERT E. GLENN:

Thank you, Chief Justice, for your kind remarks. It is a pleasure to be here. It has been an honor and a privilege for us to serve, not only for me but the other present members of the Board and the previous members. We do spend a fair amount of time on our work.

It has been my experience that new members who come on the Board are sometimes put aback by the amount of work that we do but they soon settle in and stay on for a reasonable period of time. The present five members have served a total of 106 years and that is about twenty percent of the time that the Board has been in existence.

We do several things that are unusual for Boards of Bar Examiners. One of them I think you will recognize and that is that we require the applicants to be dressed as if they were going to court when they take the exam. We found that to be quite beneficial in that it maintains or helps us maintain order. They take the exam more seriously and testing experts that come from other states are surprised at the orderliness of our examinations.

We also do one other thing that is unique and that is that we have a re-grade meeting at the end. After we finish grading all of the papers, we take the number that have failed and take ten percent of those, the ten percent that do the best, and regrade them and sometimes we pass a number of them, sometimes we do not pass very many but at least we know we have gotten to the bottom of the pile.

Thank you again for this. It has been a privilege to serve and we thank you for that opportunity.

CHIEF JUSTICE KINSEY:

Thank you.

Again, on behalf of the Justices, I congratulate the Board and we are so pleased that almost all of the current members could be with us today and that some of the past living members were also able to be here. This concludes our ceremony.

I want to thank everyone for joining us today to celebrate the 100th anniversary of the Virginia Board of Bar Examiners and I am especially pleased that we have with us today representatives of some of our state-wide bar groups including representatives from the Virginia State Bar and the Virginia Bar Association. We are always pleased to have those individuals present in our courtroom.

Again, congratulations and we thank all of you for your tireless work on behalf of Virginia’s citizens to ensure that we have quality legal representation in this Commonwealth. Congratulations and have a nice day.

Thank you.