

The University of Richmond School of Law

2019-20 Bar Information Handbook

This handbook is designed to give you the information and tools required to negotiate the bar admissions process.

The best source for current information about bar admissions requirements is the website of the National Conference of Bar Examiners (NCBE) at www.ncbex.org.

For a summary of bar admission information specific to the jurisdiction in which you are interested in becoming licensed, go to www.ncbex.org and select your jurisdiction from the drop down menu under "Jurisdiction Information." This page will also link you to your state's bar admission authority's website and give you the contact information. The NCBE's Comprehensive Guide to Bar Admission Requirements, available at <http://www.ncbex.org/assets/BarAdmissionGuide/NCBE-CompGuide-2019.pdf>, is also a very useful resource.

The NCBE also provides information about the Multistate Professional Responsibility Exam (MPRE) and the other multistate exams, such as the Multistate Bar Exam (MBE), which are authored by the NCBE.

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Much of this handbook was influenced by Georgetown Law's Bar Information Handbook. Thanks to Prof. Michael Frisch and Denise Sangster for sharing their excellent work product.

BAR ADMISSIONS – A BASIC OVERVIEW

In order to obtain a license to practice law, almost all law school graduates must apply for bar admission through a state board of bar examiners.

The criteria for eligibility to take the bar examination or to otherwise qualify for bar admission are set by each state.

Licensing involves a demonstration of worthiness in two distinct areas. The first is competence to practice law. For initial licensure, competence is ordinarily established by a showing that the applicant holds an acceptable educational credential, a JD degree from a law school that meets the educational standards, and by achieving a passing score on the licensing exam (i.e. the bar examination).

The second area of inquiry by bar examiners involves the character and fitness of applicants for a law license. Bar examiners seek background information concerning each applicant that is relevant to the appropriateness of granting a professional credential.

DECIDING WHICH BAR EXAM TO TAKE

For most legal jobs, the attorney must be licensed in the state in which she is practicing law. Thus, if you have accepted a job requiring admission to the bar, you naturally will sit for the bar exam in the state in which you will be practicing.

If you will be clerking for a judge or working for the federal government, you may not be required to take the bar exam in the state in which you are working initially. Please discuss this issue with your employer.

If you have a job that does not require admission in a particular jurisdiction, or if you have not yet secured employment, you should think carefully about where you would like to take the bar. Consider where you would like to have a career and live long-term, as well as where you feel like you have the best prospects for finding employment. This decision is a very personal one and is very much dependent on your individual circumstances, and accordingly, we strongly recommend that you meet with Professor Reeves and/or a counselor in the Career Development Office. Nevertheless, some suggestions apply universally:

- Taking the bar exam is a very significant undertaking, in terms of time, money and energy. Therefore, while it is certainly possible to take multiple bar exams

during successive administrations, we recommend that you give considerable thought to where you would like to live and practice and minimize the likelihood that you will have to take several bar exams. If, for example, you truly want to live in another state long-term, avoid the temptation to take the Virginia bar exam simply because you are already here. Additionally, if you have registered for a bar review course in particular state, it may be possible to transfer your registration to another state.

- As of September, 36 jurisdictions, including Maryland, New York, North Carolina and Washington DC, have adopted the **Uniform Bar Exam** (UBE). All UBE jurisdictions accept transferred scores from other UBE jurisdictions. If you take the bar exam in a UBE jurisdiction, you may be able to be admitted in another UBE jurisdiction without taking the bar exam again. Please see the National Conference of Bar Examiners' website, www.ncbex.org, and the National Conference of Bar Examiners' Comprehensive Guide to Bar Admissions Requirements, available at <http://www.ncbex.org/assets/BarAdmissionGuide/NCBE-CompGuide-2019.pdf>.
- For non-UBE jurisdictions, check the reciprocity rules for states that you are interested in. Although each state has different rules, many states allow an attorney who passed the bar in another state to "waive in," referred to as admission on motion, without taking another bar exam. Most jurisdictions require an attorney to have practiced law for a period of time, most commonly five years, before she is eligible to waive in. Not all states, however, share reciprocity. For example, Virginia will not permit Maryland lawyers to waive into the Virginia bar, and vice versa. A few states, such as Florida, have no procedure for admission on motion. If you want to practice law in one of those states, you must pass its bar exam. To research admission on motion requirements in particular jurisdictions, you should start by reviewing the National Conference of Bar Examiners' Comprehensive Guide to Bar Admissions Requirements, available at <http://www.ncbex.org/assets/BarAdmissionGuide/NCBE-CompGuide-2019.pdf>. Also, check the detailed requirements of the state's bar admission authority, which are generally available on their websites.

BAR ADMISSIONS REQUIREMENTS

Most jurisdictions require the following for admission to the bar:

- (1) Character and Fitness Investigation
- (2) Bar Examination, and

(3) Multistate Professional Responsibility Exam (MPRE)

More detailed information on each of these requirements follows.

New York Requirements:

*If you are planning to take the **New York** bar exam, all applicants for admission by examination to the New York Bar must meet a pro bono requirement and a skills competency and professional values requirement.*

(1) Pro Bono Requirement

All applicants for admission by examination to the New York Bar must perform 50 hours of law related pro bono service prior to filing their application.

If you are planning to take the New York bar exam, we encourage you to learn more about this requirement, and the qualifying work that satisfies it, please go to

<https://law.richmond.edu/academics/PDF/NY-pro-bono-info.pdf>.

You may also contact Prof. Tara Casey, Director of the Carrico Center for Pro Bono Service, to discuss the rule in more detail.

(2) Skills Competency and Professional Values Requirement

Applicants seeking admission in New York to establish that they have acquired skills and professional values necessary to competently practice law. There are several possible ways to satisfy this requirement, including (1) earning 15 credits - up to 6 of which can be earned in law school certified non-credit-bearing summer employment programs - of practice-based experiential coursework designed to foster professional competency training, (2) completion of a six-month post-graduate apprenticeship and (3) authorization to practice law in another U.S. jurisdiction or a country outside the United States and practice in that jurisdiction full-time for one year, or part-time for two years.

For more information on the skills competency and professional values requirement, go to <http://www.nycourts.gov/ctapps/news/skills.pdf>. You may also contact Prof. Reeves to discuss this requirement.

FILING DEADLINES

The bar examination is administered twice per year – in February and July - typically on the last Tuesday and Wednesday of the month. You must register in advance to take the bar exam.

Registration, or filing, deadlines vary significantly between different states. The first step in the bar admission process is to check the filing deadlines for the state(s) in which you

are interested in being licensed to practice law. Some states have a single filing deadline, and other states have both an early and a late filing deadline, typically associated with an increased filing fee. Please note that a few states have surprisingly early absolute deadlines. For example, the filing deadlines for the February and July bar exams in South Carolina are September 30 and January 31, respectively, and in Alabama the filing deadlines are October 1 and February 1, respectively.

The typical filing deadlines for the February and July bar exams for some of the states in which Richmond graduates frequently sit for the bar exam:

Virginia

February bar exam: December 15

July bar exam: May 10

Note: These are absolute deadlines. No late filings permitted.

Washington, DC

February bar exam:

Early filing – December 15

Late filing – December 30

July bar exam:

Early filing – May 2

Late filing – May 19

Maryland

February bar exam: December 20

July bar exam: May 20

Note: These are absolute deadlines. No late filings permitted.

North Carolina

February bar exam:

Early filing – October 1

Late filing – November 5

July bar exam:

Early filing – January 2

Late filing – March 5

New York

February bar exam: November 30

July bar exam: April 30

Note: These are absolute deadlines. No late filings permitted.

To check filing deadlines in other jurisdictions, check your state's bar examining authority's website. The website of the National Conference of Bar Examiners (NCBE), www.ncbex.org, provides links to all jurisdictions' individual websites. From www.ncbex.org, under Jurisdiction Information, select your jurisdiction from the drop-down menu. You can also find links to all states' bar examining authority websites at www.barexam.org.

Please pay careful attention to the jurisdiction's rules regarding timely filing. In Virginia, for example, the application generally must be actually received prior to the filing deadline, with a few narrowly defined and strictly enforced exceptions.

APPLICATION & FEES

Most jurisdictions require a bar examination application, a character and fitness questionnaire and payment of fees with application. Check your jurisdiction's website to download application forms and to determine applicable fees. Pay careful attention to your jurisdiction's rules concerning payment of fees. For example, in Virginia, all fees must be paid by certified check or money order only.

CHARACTER AND FITNESS INVESTIGATION

The character and fitness questionnaire typically is very lengthy, and filling it out is often very time consuming. Additionally, you may need to track down information that you do not already have. Accordingly, we recommend beginning the process of completing your character and fitness forms several weeks before they are due.

Information *typically* required on character and fitness forms includes:

- Passport-style photographs
- DMV records
- Fingerprints
- Credit reports
- Birth Certificate
- Educational verification
- Addresses for current and previous residences, schools, employers
- Character references
- Loan information

Note that some jurisdictions do not require all of these items, and, depending on your particular circumstances and the jurisdiction, additional information may be required.

Some important logistical information about completing your Character and Fitness forms:

- Fingerprinting: Fingerprint cards are available in the Dean's Office and the University police typically come to the law school in the spring to do fingerprinting. It is also possible for students to visit the campus police office for free fingerprinting, but please call (804) 289-8715 to ensure that someone is available.
- Educational verification:
 - o If you are taking the Virginia bar exam: The Dean's Office will prepare a letter indicating that you are expected to graduate in May (or January) and give you this letter to send with your bar application. The Dean's Office then automatically sends the educational verification for final graduation to the Virginia Board of Bar Examiners for all students taking the Virginia bar exam.
 - o If you are sitting for the bar in another jurisdiction, please bring your education verification form to the Dean's Office to be completed.
- Notaries: Katy Campbell, Sharon Krol, Terry Poland, Stacy Price and Leslee Stone are notaries and are available to notarize your bar applications.
- DMV records: Links to all states' DMV offices can be found at http://www.dmvnv.com/50_state_dmv_list.html.
- Official transcript: If your jurisdiction requires an official transcript, please note that you must request it from the registrar's office. The law school cannot send your transcript without a request from you.

It is extremely important to answer all character and fitness questions completely and honestly. The Virginia bar examiners give the following instruction on the Character and Fitness Questionnaire:

You must answer each question on this questionnaire fully and truthfully. Any omission, untruthful answer, or incomplete answer may result in your being denied the privilege of taking the Virginia Bar Examination and practicing law in Virginia.

Failure to disclose relevant information may have more detrimental consequences than would have resulted from proper disclosure of the underlying matter. Applicants must also be certain to update character and fitness information, if additional relevant events occur after filing.

Additionally, as part of the character and fitness investigation, the bar examiners will, among other things, review your law school application. If there is a possibility that you failed to disclose any misconduct on your application, please contact the Admissions Office at your earliest convenience to amend your application.

You also must inform the law school of any misconduct during your tenure as a law student.

BAR EXAMINATION

As previously noted, each state determines the requirements for its bar examination. The most common testing configuration is a two-day bar exam, although some states, such as Texas¹, have a three-day bar exam. In nearly all jurisdictions, one day is devoted to the Multistate Bar Examination (MBE), a standardized 200-item multiple-choice test covering seven substantive areas (Constitutional Law, Contracts and Sales, Criminal Law and Procedure, Evidence, Federal Civil Procedure, Real Property and Torts). The second day of testing is typically comprised of essays questions covering a broader range of subjects and often testing state-specific law. A large number of states - including the UBE jurisdictions and California - include performing testing on the bar exam. Visit the NCBE's website at www.ncbe.org for more information on performance testing.

Virginia's bar exam is structured as follows:

Day 1: Nine Virginia-law essay questions and 10 multiple-choice questions

Day 2: MBE

The Uniform Bar Exam (UBE) is structured as follows:

¹ Texas will begin to administer the UBE in February, 2021.

Day 1: Two Multistate Performance Test (MPT) questions and six Multistate Essay Exam (MEE) questions
Day 2: MBE

The bar examination is administered twice per year – in February and July - on the last Tuesday and Wednesday of the month.

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAM (MPRE)

The purpose of the National Conference of Bar Examiners' Multistate Professional Responsibility Exam (MPRE) is to measure the examinee's knowledge and understanding of established standards related to a lawyer's professional conduct. The MPRE consists of 60 multiple-choice questions, and the exam is two hours and five minutes. For more detailed information on the MPRE, visit www.ncbex.org.

Nearly all jurisdictions require applicants to achieve a passing score on the MPRE, although the passing score varies in different jurisdictions.

The MPRE is separately administered from the bar examination and it is offered three times per year: in March, August and November. The remaining 2019 test date is November 9, 2019. You may register for the MPRE on line by following a link from the National Conference of Bar Examiners' website, www.ncbex.org.

Most jurisdictions allow students to take the MPRE during the second year of law school. Virginia requires applicants to pass the MPRE within two years of passing the Virginia bar exam.

ADA ACCOMODATIONS

Applicants may request exam accommodations for the MPRE or state bar examinations. The Americans with Disabilities Act (ADA) standards established by the NCBE and the state boards of bar examiners may differ, however, from higher education standards and other standardized testing guidelines, such as the SAT or LSAT. In other words, receipt of ADA accommodations in college and/or law school does not guarantee approval for exam accommodations on any bar exam. Further, the state boards of bar examiners and NCBE's clinical documentation standards are very detailed, clear, and time sensitive. For example, if an applicant's documentation date exceeds their established timeframe, they may require additional and more current assessments to validate the presence of a disabling condition.

We advise you to plan early and take the time to review the testing accommodation standards for each agency. Applying early and planning carefully will allow you to maximize your chances of successfully submitting requests for ADA accommodations on

the MPRE and/or state bar examinations. If you have questions or concerns about this process, please see Dean Sklut or Professor Reeves.

For more information on requesting non-standard testing accommodations on the Virginia bar exam, please visit <http://www.vbbe.state.va.us/bar/barnst.html>.

BAR EXAM PREPARATION

1. Law School Offerings

The law school offers a non-credit course during the spring semester that is designed to give you a head start reviewing the substantive material tested on the bar exam (e.g. Real Property, Contracts, Sales, etc.) and to strengthen your test-taking skills for multiple choice and essay questions. This course is open to all third-year students and is provided at no extra charge. You will receive more detailed information about the program in the late fall.

The law school also recently began offering two for-credit courses that are specifically designed to prepare graduates for the bar exam: Selected Topics in Virginia Law and Core Legal Concepts.

Additionally, the law school provides individual tutoring and counseling for all graduates preparing for the February or July bar exam, also at no extra charge.

To maximize your chances of passing the bar exam on your first attempt, we urge you to take advantage of the bar preparation programs offered by the law school.

2. Commercial Bar Review Courses

The law school's bar preparation programs are intended to *supplement* -- not replace -- a traditional, commercial bar review course. Nearly all law school graduates take such a course in preparation for the bar exam, and we emphatically recommend that you do so.

Currently, BARBRI, Themis and Kaplan offer comprehensive courses for Virginia. Additionally, there are other courses serving other jurisdictions. The law school does not endorse any particular bar review course; however, we strongly recommend that you thoroughly research each company's product and consider which program would fit best with your strengths and weaknesses and your study habits.

Please be aware that the bar preparation period is long and the workload is extremely heavy. Among other things, you should consider the amount of structure, accountability and feedback offered by the various courses.

BAR EXAM FREQUENTLY ASKED QUESTIONS

The following are questions frequently asked about the bar application process. Please contact Prof. Reeves in office 227 or at epaulett@richmond.edu if you have further questions.

When is the bar and when do I need to register to take the bar exam?

Bar examinations are offered at the end of February and July, with considerably more applicants taking the summer test because it falls after graduation from law school.

Check with your jurisdiction to determine its filing deadlines. You can find links to all bar examining authorities' websites at www.ncbex.org.

If I have questions about the bar application, where do I go?

Check the state bar examining authority's website, and then contact that entity directly with any questions.

What is the Educational Verification and how do I take care of it?

Most states require a certificate from your law school attesting to the fact that you have graduated from law school.

If you are taking the Virginia bar exam, the Dean's Office will prepare and give to you to include with your application a letter indicating that you are expected to graduate in May (or January). The Dean's Office will subsequently send the required verification of graduation directly to the Virginia Board of Bar Examiners.

If you are taking the bar in another jurisdiction, your jurisdiction will have an educational verification form on the webpage. Please print the form and give it to Sharon Krol in the Dean's Office for completion.

What is MBE and how does it work?

The MBE is a six-hour, 200 question multiple-choice examination covering Contracts and Sales, Torts, Constitutional Law, Criminal Law and Procedure, Federal Civil Procedure, Evidence, and Real Property. The exam questions are designed to be answered by applying fundamental legal principles rather than local case or statutory law. The MBE score is one of a number of measures that a state board of bar examiners uses in determining competence to practice. Each

jurisdiction determines its own policy with regard to the relative weight given to the MBE and other scores.

Do I take both the state bar exam and the MBE, or does the MBE serve as a substitute for the state exam?

In most states, you must take the MBE and state bar exam. The MBE does not substitute for the state bar exam. Nearly all states require the MBE. Please check your local bar exam's website for details.

Which bar subjects, if any, are especially good to take in law school?

Most required first year courses cover some subject matter covered on the MBE. Examples of other courses whose content appears on the bar exam include Evidence, Wills and Trusts, procedure of the jurisdiction (e.g. Civil Litigation, Virginia Civil Procedure), Uniform Commercial Code (Core Commercial Concepts or Sales, Secured Transactions and Commercial Payment Systems), Criminal Procedure and Business Associations Law (Agency & Partnership and BA), but these can and will vary from state to state.

Nearly all students take a commercial bar review course after graduation to review subject matter and take practice tests.

PAYING FOR THE BAR AND BAR REVIEW

How do I pay for the bar and a bar review course?

Contact the financial aid office for more information about bar loans.

Do firms usually pay for bar exams?

Some larger firms pay bar expenses, but not all firms do. For more information, visit www.nalpdirectory.com.

What about public employers, such as judges, government agencies and non-profits?

Generally, these employers do not pay for the bar or bar review.

If I work as a judicial clerk, am I responsible for my own bar costs, or do firms pay for the costs?

Larger firms usually pay for these costs so long as the student is committed to work for the firm when the clerkship is over.

RECIPROCITY / PORTABILITY OF BAR EXAM SCORES

Is there reciprocity between state bars?

In many states, an attorney licensed and practicing for a period of time in one jurisdiction is admitted to the bar of another jurisdiction without having to write and pass the bar examination of the second jurisdiction. A number of states share reciprocal admission; others do not.

Requirements regarding duration of licensure and nature, extent, duration, and location of prior practice vary widely from state to state.

For more information concerning reciprocity between given jurisdictions, check the National Conference of Bar Examiners' Comprehensive Guide to Bar Admissions Requirements, available on line at <http://www.ncbex.org/assets/BarAdmissionGuide/NCBE-CompGuide-2019.pdf>.

If I take the UBE, can I be admitted in more than one jurisdiction right away?

As of September, 2019, 36 jurisdictions have adopted the Uniform Bar Exam (UBE). All UBE jurisdictions accept transferred scores from other UBE jurisdictions. If you take the bar exam in a UBE jurisdiction, you may be able to be admitted in another UBE jurisdiction without taking the bar exam again. Please see the National Conference of Bar Examiners' website, www.ncbex.org, and the National Conference of Bar Examiners' Comprehensive Guide to Bar Admissions Requirements, available at <http://www.ncbex.org/assets/BarAdmissionGuide/NCBE-CompGuide-2019.pdf>.

BAR REVIEW AND PREPARATION

When should I register and pay for bar review courses?

Registration and payment for bar review courses varies by state and course. First-year students who apply in their first year may pay a reduced fee.

What are the various bar review companies that students use, and where can I find information on each of them?

Currently, BARBRI, Themis and Kaplan offer comprehensive courses for Virginia. Additionally, there are other courses serving other jurisdictions. The law school does not endorse any particular bar review course; however, we strongly recommend that you thoroughly research each company's product and consider which program would fit best with your strengths and weaknesses and your study habits.

Please be aware that the bar preparation period is long and the workload is extremely heavy. Among other things, you should consider the amount of structure, accountability and feedback offered by the various courses.

Are there package deals for MPRE and regular bar review prep?

Each bar-review company has different offerings. To find out what package deals (if any) a company offers, visit that company's web site.

How soon after graduation do students begin study for the bar? Is there time to travel?

Generally, bar review classes begin shortly after graduation so most students save their traveling until after the bar exam. Time to travel depends on each candidate's schedule for exam preparation and employment. Schedules for bar review courses are company specific. Visit the website of the company for more information.

MPRE

What is the MPRE?

The purpose of the NCBE *Multistate Professional Responsibility Examination* (MPRE) is to measure the examinee's knowledge and understanding of established standards related to a lawyer's professional conduct. The MPRE consists of 60 multiple-choice test items, and the examination is two hours and five minutes in length. Test items covering judicial ethics measure applications of the ABA Model Code of Judicial Conduct (CJC). Other items will deal with discipline of lawyers by state disciplinary authorities; in these items, the correct answer will be governed by the current ABA Model Rules of Professional Conduct (MRPC). The remaining items, outside of the disciplinary context, are designed to measure an understanding of the generally accepted rules, principles, and common law regulating the legal profession in the United States; in these items, the correct answer will be governed by the view reflected in a majority of cases, statutes, or regulations on the subject.

When should I take the MPRE?

This is a personal choice. However, the test needs to be taken before you can be admitted to your state's bar. Also, please be sure to check on your state's requirements for when the MPRE may be taken.

Do I need to take professional responsibility before taking the MPRE?

Taking professional responsibility is not required before taking the MPRE. However, taking professional responsibility can help your test preparation.

For more information about the MPRE and to register for the MPRE, visit the National Conference of Bar Examiners' website at www.ncbex.org.

VIRGINIA BAR Frequently Asked Questions

The Virginia Board of Bar Examiners' website includes an extensive section on Frequently Asked Questions at <http://barexam.virginia.gov/faqall.html> in the following topic areas:

- Bar Examination
- Character & Fitness
- Scoring
- Fees
- Laptop Program
- Forms Submission
- VBBE Online Forms
- Contact Information
- MPRE Information
- Other Programs