

Proposed Amendments to Student Practice Rule (Part 6, Section IV, Paragraph 15, Rules of Virginia Supreme Court)

The bar recently encountered a situation in which a person was certified as a third-year law student for limited practice under Paragraph 15 of the Rules of Court, and subsequently took and passed the Virginia Bar examination. He was denied admission by the Virginia Board of Bar Examiners, however, on the basis of character and fitness issues that were not resolved. The person then began working in a setting where a third-year student practice certificate holder could function under the supervision of a licensed Virginia lawyer, taking the position that his third year practice certificate simply continued indefinitely after he passed the bar examination until such time as he could be regularly admitted.

This is clearly an unintended misuse of the third year practice certificate, and the amendments are designed to obviate the argument that the certificate can continue indefinitely under this situation. With the amendments, the certificate will expire 18 months after the student's graduation, or at the time the results of the next bar examination following his or her graduation are announced, whichever is earlier. A recent graduate who is working in a setting where he or she is continuing to use the third year student practice certificate can be admitted within just a few days after the bar examination results are announced and he or she is licensed by the Virginia Board of Bar Examiners.

15. THIRD YEAR STUDENT PRACTICE RULE. —

* * *

(c) Certification.

The certification of a student by Virginia Board of Bar Examiners, the law school dean or the attorney under whom the student is studying in compliance with Paragraph 15 (b)(ii) and (iii) above:

- (i) Shall be filed with the Executive Director of the Virginia State Bar and, unless it is sooner withdrawn, shall remain in effect until the expiration of eighteen months after it is filed, or until the announcement of the results of the first examination given by the Virginia Board of Bar Examiners following the student's graduation or completion of the program of study, whichever date is earlier. ~~If the student takes, but fails to pass such examination, this certification shall lapse upon notification of such failure. For any student who passes that examination, the certification shall continue in effect until the date he is admitted to the Bar. Thereafter, the certification shall lapse and be of no further force or effect.~~
- (ii) May be withdrawn by the Board, dean or attorney under whom the student is studying at any time by mailing a notice to that effect to the Executive Director of the Virginia State Bar. It is not necessary that the notice state the cause for withdrawal.

* * *