

## VIRGIN ISLANDS SUPREME COURT RULES VIRGIN ISLANDS BAR

The Supreme Court, being the highest court of the Virgin Islands, and pursuant to section 21(a) of the Revised Organic Act, as amended and 4 V.I.C. § 32(e), shall govern the admission of all attorneys to the Virgin Islands Bar, ("V.I. Bar") which shall consist of all attorneys, in whatever category, admitted to practice law in the Supreme Court of the Virgin Islands. The membership of the V.I. Bar shall consist of four (4) categories of attorneys, as follows:

*Pro Hac Vice Admissions.* Attorneys admitted *Pro Hac Vice* pursuant to the provisions of Rule 201.

*Special Admissions.* Government Attorneys specially admitted to practice pursuant to the provisions of Rule 202.

*Regular Admissions.* Attorneys regularly admitted to practice pursuant to the provisions of Rule 204.

*Prior Admissions.* Attorneys regularly admitted to practice pursuant to prior versions of Rule 204 are deemed member of the bar of the Supreme Court of the Virgin Islands.

### **Rule 204. Regular admission**

(a) **Regular Admission.** An applicant for regular admission to the Virgin Islands Bar must comply with the requirements of this rule.

(b) **Committee of Bar Examiners.**

(1) **Committee of Bar Examiners Composition.** The Chief Justice shall appoint a special committee to be known as the Committee of Bar Examiners whose function shall be to assist the court in the administration of the Virgin Islands Bar Examination, which includes character investigations and other matters related to admission to the Virgin Islands Bar. The Bar Examinations shall be conducted semi-annually. The committee shall consist of not less than five (5) members of the Virgin Islands Bar in good standing whose appointments shall be for varied terms and who shall serve until their terms expire, until their successors are appointed, or until removed by the Chief Justice for cause.

(2) **Immunity from Suit.** The duties of the Committee are inherently judicial functions which are being performed on behalf of the Court. The Court accordingly hereby adopts the American Bar Association's (ABA's) Model Immunity Rule entitled Civil Immunity of Board of Law Examiners, its members, employees and agents, and entities providing information regarding an application to the board, as adopted February 1998, and which provides as follows:

(a) The Committee of Bar Examiners, and its members, employees, and agents are immune from all civil liability for conduct and communications occurring in the

performance of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.

(b) Records, statements of opinion and other information regarding an applicant for admission to the Bar communicated by an entity, including any person, firm or institution, without malice, to the Committee of Bar Examiners, or its members, employees or agents are privileged, and civil suits predicated thereon may not be instituted.

**(c) Application Procedure.**

(1) A timely application for regular admission to the Virgin Islands Bar shall be made electronically to the Supreme Court no later than December 1 for the February administration or May 1 for the July administration, and shall be accompanied by a fee of \$1,100.00, which shall not be refunded if the application is withdrawn, if the applicant loses or fails to submit the character questionnaire, or if the Bar Examination is not taken as scheduled, except for good cause shown. \$100.00 of the \$1,100.00 fee shall be retained by the clerk as a filing fee and the remaining \$1,000.00 shall be remitted to the Committee of Bar Examiners to defray the local costs of examinations, investigations and administration. Applicants shall submit two checks or money orders, one for \$100.00 payable to the Clerk of the Supreme Court and the other \$1,000.00 payable to the Committee of Bar Examiners.

(2) The Court will entertain an untimely application if filed no later than January 2 for the February administration or June 1 for the July administration, provided that the application is accompanied by a \$250.00 late fee, which shall be retained by the Committee of Bar Examiners. No application for regular admission shall be accepted after these late filing deadlines.

(3) In addition to the aforesaid fees, each applicant will be responsible for paying all ancillary fees, including the fees for sitting for the Multi-State Professional Responsibility Examination (MPRE) and for undergoing the character and fitness investigation by the National Conference of Bar Examiners (NCBE), directly to the pertinent agency.

(4) The clerk shall open a bar admissions file for each application, assign a case number, and refer the application to the Director of Bar Admissions of the Supreme Court, who shall coordinate the processing of the application with the Committee of Bar Examiners.

(5) No application to the V.I. Bar may be filed by anyone who has been disbarred, suspended or sanctioned, without reinstatement or exoneration, or who is under pending disciplinary action by the Bar of any State, District or Territory of the United States or any foreign jurisdiction, or any Federal Court.

(6) Applicants wishing to take the essay portion of the Virgin Islands Bar Exam using a laptop computer shall pay a non-refundable \$150.00 fee, which shall be paid directly to the Committee of Bar Examiners no later than two weeks before the date of the exam, as well as complete all registration requirements established by the Committee of Bar Examiners. Applicants who fail to pay the required fee, do not successfully complete the registration

requirement, or who encounter hardware or software failure or other technical difficulties will be required to complete the essay examination by handwriting and will not receive a refund of the \$150.00 fee. No additional time or other accommodation shall be given if a hardware or software failure or other technical difficulty occurs while taking the exam.

(d) **Criteria for Application.** Each applicant for regular admission must allege and prove to the satisfaction of the committee that the applicant is:

1. At least twenty-one years of age;
2. A citizen of the United States or a resident non-United States citizen who is a legal immigrant, i.e., an immigrant who has lawfully been admitted for permanent residence in the United States;
3. A person of good moral character who has not been disbarred, suspended or sanctioned, or who has been reinstated or exonerated, and who is not under pending disciplinary action, by any State, District, Territorial, Federal, or foreign jurisdiction;
4. If previously admitted to the bar of any other jurisdiction, a current member in good standing of that jurisdiction; and
5. A graduate of an accredited law school approved by the American Bar Association.

(e) **Composition of Examination.** Each applicant is required to pass the following examinations:

- (1) The Virgin Islands Bar Examination, consisting of the components of the Uniform Bar Examination (UBE), including the Multi-State Bar Examination (MBE), and an essay portion, consisting of the Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT);
- (2) The examination on the unique aspects of Virgin Islands law that is administered after completion of the Virgin Islands Law Course;
- (3) The Multi-State Professional Responsibility Examination (MPRE); and
- (4) Character Examination and Personal Interview.

The Virgin Islands Bar Examination shall be held semi-annually in February and July on St. Thomas, Virgin Islands, and when warranted by the number of applicants, may be held simultaneously on St. Croix, Virgin Islands. The dates of the UBE and the MPRE will coincide with the dates established by the National Conference of Bar Examiners. The Committee shall also examine applicants as to their character and may conduct such character investigations and personal interviews as are required. In so doing, the applicants may be required to appear before it for questioning or furnish it with answers to such questions as are

appropriate. The committee may employ the administrative staff necessary to satisfactorily perform its work, and coordinate the character examinations with the National Conference of Bar Examiners.

An applicant needing special accommodations for the administration of the Virgin Islands Bar Examination, or any component thereof, due to a disability shall submit a written request for such accommodations to the Committee, on a form to be approved by the Committee for that purpose. Unless the chair of the Committee determines there is good cause to allow a late request, written requests for special accommodations must be submitted by January 1<sup>st</sup> for the February administration and June 1<sup>st</sup> for the July administration.

(f) **Scoring of Examination.** In order to pass the Virgin Islands Bar Examination, each applicant must receive a minimum combined score of 266 on the UBE components. A minimum scaled score of 75 shall be required to pass the MPRE. When calculating a combined score for the UBE, the MBE, MEE, and MPT shall be weighed as provided for by the National Conference of Bar Examiners.

No applicant shall be given access to the answers the applicant submitted during the Virgin Islands Bar Examination, or any component thereof. The results reported for the examination are final, and no applicant shall be allowed to seek regrading or any other review of the results of the examination.

(g) **Score Transfers.**

(1) *Application for Admission by UBE Score Transfer, Generally.*

Applicants may apply for admission to the Virgin Islands Bar using a UBE score transferred from another UBE jurisdiction, provided that:

- (i) the score attained on the UBE meets or exceeds 266;
- (ii) no more than three years have passed since the applicant sat for the administration of the UBE for which the qualifying UBE score was attained; and
- (iii) the applicant meets all other application requirements set forth in this Rule 204, including holding a J.D. or LL.B. degree from a law school approved by the American Bar Association at the time the applicant matriculated or graduated.

(2) *Transfer of MBE Score.* An MBE score obtained in another United States jurisdiction, or from a prior administration of the Virgin Islands Bar Examination, may be accepted by the committee, provided that a scaled score of at least 133 has been achieved and provided further that the score certified is no more than three years old.

An applicant who relies upon a passing MBE score obtained in a prior administration may sit for the MEE and MPT in the Virgin Islands, but shall not earn a portable UBE score. In such a case, the applicant must achieve a scaled score of 133 in the written portion of the examination.

(3) *Transfer of MPRE Score.* An MPRE score obtained in another States jurisdiction may be accepted by the committee, provided that the minimum passing scaled score of 75 has been achieved and provided further that the score certified is no more than three years old.

**(h) Re-taking Bar Examination.**

An applicant who is not admitted to practice within three (3) years after achieving a scaled score of 133 on the MBE or a combined total score of 266 shall be required to retake the entire examination and must re-apply for admission and for re-examination, including submitting an updated character report, and paying the appropriate fees. The result of any bar examination that is more than three (3) years old shall not be acceptable for current admission.

**(i) Admission Procedure.**

(1) The Committee of Bar Examiners, effective January 1, 2018, shall require applicants who have passed the bar examination and applicants who have been admitted on motion or admitted pursuant to a transferred UBE score to complete a Virgin Islands Law Component (VILC) on important and unique aspects of Virgin Islands law that are not tested on the Virgin Islands Bar Examination. The VILC shall be developed by the Committee of Bar Examiners, which may invoke the assistance of the Virgin Islands Bar Association and its Continuing Legal Education Committee, and which may be assessed by a multiple-choice or other such method of examination.

(2) When an applicant has satisfied all of the criteria for admission to the Virgin Islands Bar, and has met all other requirements of this rule, the Committee of Bar Examiners shall so certify to the Supreme Court by written motion for the applicant's admission. The motion shall be reviewed by the Supreme Court and if satisfactory, the applicant shall be admitted to the Virgin Islands Bar in open court upon taking the oath (or affirmation) required of applicants for admission to the Bar of the Supreme Court of the United States. The clerk of the court shall thereafter issue to the applicant a Certificate of Admission as a member of the Virgin Islands Bar and shall enter the applicant's name on the Roll of Attorneys, provided that no such attorney may commence the practice of law unless and until all appropriate membership dues and licensing fees have been paid.

Every person to be admitted as a member of the Virgin Islands Bar shall be administered the following oath or affirmation before he or she may exercise any of the privileges or responsibilities of that position:

“I do solemnly swear (or affirm):

I will support the Constitution and laws of the United States applicable to the Virgin Islands, and the laws of the Virgin Islands;

I will maintain the respect due to courts of justice and judicial officers, and conduct myself in accordance with the Virgin Islands Rules of Professional

Conduct;

I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice;

I will strive to uphold the honor and maintain the dignity of the profession and to improve not only the law, but the administration of justice; and  
I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed upon members of the bar as conditions for the privilege to practice law in the Virgin Islands.

So help me God. (I hereby affirm)''

**(j) Application for Admission on Motion.**

(1) *Eligibility.* An applicant may be admitted to the Virgin Islands Bar on motion without taking the Virgin Islands Bar Examination if the applicant satisfies the following criteria:

- (i) holds a J.D. or LL.B. degree from a law school approved by the American Bar Association at the time the applicant matriculated or graduated;
- (ii) has been admitted after passage of a written examination to the practice of law in another United States jurisdiction;
- (iii) is admitted to the practice of law in another United States jurisdiction that admits members of the Virgin Islands Bar to the practice of law in that jurisdiction on motion without oral or written examination;

(iv) is currently in good standing in all jurisdictions where licensed to practice law;

(v) is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any jurisdiction;

(vi) has been primarily engaged in the active practice of law in one or more United States jurisdictions for five of the seven years immediately preceding the date upon which the application is filed; and

(vii) produces satisfactory evidence of good moral character, an adequate knowledge of the standards and ideals of the profession, and proof that the applicant is otherwise fit to take the oath and perform the obligations and responsibilities of a lawyer as required of all other applicants for admission to the Virgin Islands Bar; and

(viii) completes the VILC and passes the required examination on its contents.

(2) *Active Practice of Law*. For purposes of this rule, the “active practice of law” includes the following activities, if performed in a jurisdiction in which the applicant is admitted and authorized to practice, or if performed in a jurisdiction that affirmatively permits such activity by a lawyer not admitted in that jurisdiction; however, in no event will any activities that were performed in advance of bar admission in a state, territory, or the District of Columbia be accepted towards the durational requirement:

(i) representation of one or more clients in the practice of law;

(ii) service as a lawyer with a local, state, territorial, or federal agency, including military service;

(iii) teaching law at a school approved by the American Bar Association;

(iv) service as a judge, magistrate, hearing examiner, administrative law judge, or similar official of the United States, including the independent agencies thereof, or of any state, territory or municipality of the United States with the duties of hearing and deciding cases and controversies in judicial or administrative proceedings, provided such employment is available only to a lawyer;

(v) service as a judicial law clerk;

(vi) service as in-house counsel provided to the lawyer’s employer or its organizational affiliates; or

(vii) any combination of subparagraphs (i)-(vi) above.

For purposes of this rule, the “active practice of law” does not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

(3) *Fees and Filing Instructions.* An applicant for admission on motion shall file under oath or affirmation the Supreme Court’s form application for admission on motion, together with documents proving that the applicant qualifies for admission on motion under this rule. The applicant shall enclose with the application a copy of the court rule, statute, or other authority that establishes that the requirements of Rule 204(j)(1)(iii) are satisfied.

Applicants for admission on motion shall pay a fee of \$2,500.00, of which \$500.00 shall be retained by the clerk as a filing fee and the remaining \$2,000.00 remitted to the Committee of Bar Examiners to defray the local costs of investigations and administration. Applicants shall submit two checks or money orders, one for \$500.00 payable to the Clerk of the Supreme Court and the other \$2,000.00 payable to the Committee of Bar Examiners. In addition to the aforesaid fees, each applicant will be responsible for paying all ancillary fees, including the fee for undergoing the character and fitness examination by the National Conference of Bar Examiners.

(4) *Recommendations and Jurisdiction.* When an applicant has satisfactorily demonstrated that he or she meets all requirements of this rule, including passage of the VILC examination mandated by Rule 204(i)(1), the Committee of Bar Examiners shall so certify to the Supreme Court by written motion for the applicant’s admission. The motion shall be reviewed by the Supreme Court and if satisfactory, the applicant shall be admitted to the Virgin Islands Bar in open court upon taking the oath (or affirmation) prescribed in Rule 204(i)(2). The clerk of the court shall thereafter issue to the applicant a Certification of Admission as a member of the Virgin Islands Bar and shall enter the applicant’s name on the Roll of Attorneys; provided, however, that the Committee of Bar Examiners may retain jurisdiction over the applicant for up to one year following admission.

An applicant for admission on motion is not authorized to practice law in the Virgin Islands until and unless the motion for admission is granted and the applicant has taken the oath prescribed in this Rule 204(i). Failure of an applicant to take the required oath or affirmation within one year of notification by the Supreme Court that the motion has been granted shall result in the application being dismissed for failure to prosecute.

– Adopted April 24, 2015, eff. May 1, 2015; Amended March 14, 2017; Amended April 26, 2017; Amended July 24, 2017.