

Tips and Frequently Asked Questions – Exam Applicants

Application Information

You will want to begin the application process as early as possible. If you file on or immediately prior to the deadline and there is no time to correct errors or missing information you may not be eligible to sit for the exam.

You should review all instructions, on the WVBLE and NCBE sites, carefully and gather copies of necessary and helpful documents, such as undergrad and law school admission applications, documents from creditors, documentation of legal proceedings, residence history, driving records, etc.

Your application data will be saved in your NCBE online account as you work on it, and you may log in at any time to answer remaining questions and upload documents, if applicable, as you have them available.

Do not use responses such as “will provide later” as your application may be considered incomplete and/or your investigation process will be delayed, which in turn can delay your admission.

You will want to confirm all entries carefully before application submission. If you make errors (typographical or otherwise) and are required to submit additional details to NCBE this can delay your character and fitness investigation, which in turn can delay your admission.

Add “@ncbex.org”, “@courtswwv.gov”, and “@westvirginia.ilgexam360.com” extensions to your email address book and check your “junk” or “spam” folder to make sure you don’t miss any correspondence. Monitor your NCBE account as well as the email address(es) you provide in your application to avoid delays and confirm you are responding promptly, and within deadlines, to NCBE and WVBLE requests.

You must complete the forms and affidavits as provided. These may not be modified. The Board cannot make advisory opinions. An application must be filed according to the Rules and instructions. There are no waivers to the Rules or instructions.

Q. When is the application due?

A. Detailed information on filing can be found under the website instructions.

Q. How much is the application fee?

A. The fee schedule can be found under the *Fee Schedule and Other Requests* page on the WVBLE website. Those not admitted in any jurisdiction, or admitted for less than a year at the time the application is correctly filed will pay the “Bar Exam Application Filing Fee”; those admitted for one year or more in any jurisdiction, at the time of application, must pay the “Attorney Bar Exam Application Filing Fee”. In addition, all applicants must pay the National Conference of Bar Examiners (NCBE) separately for the character and fitness background investigation. The NCBE’s fee schedule is listed on their website. A late fee may also be applicable, as noted on the fee schedule. The laptop fee is separate from the application fee and is payable at a later date.

Q. Should I send the application and all of the supporting documents at the same time or may they arrive separately?

A. All items listed under FOURTH must be included in your initial application filing to the WVBLE office. Transcripts may be issued electronically, and you will want to include a cover letter noting the

date this has been ordered; these must be received by the filing deadline. A complete application includes all attachments as required in the application (legal proceedings, financial responsibility, military, etc.), if applicable; if you no longer have these materials, contact the issuing agency and if they no longer have copies of these available to you provide their response in writing.

If filed early enough, deficient applications may be corrected. Applications not filed according to the Rules/instructions and received in the WVBLE office on or after the deadline will be returned as incomplete as there is no time to correctly file them.

Supporting credentials, listed under SIXTH in the application instructions, may be mailed after receipt of your application; confirmation of your J.D. must be received in the WVBLE office before you sit for the exam. Your character interview cannot be conducted until all credentials are received and successful exam passage and the NCBE report have been completed.

Q. What general concerns should I be aware of?

A. Make sure you are familiar with the *Rules for Admission to the Practice of Law* and *Rules of Professional Conduct*. You will be expected to understand and abide by these requirements throughout the application process.

Go to your NCBE account and, if it is not already there, add the current exam for which you are sitting and *West Virginia* under “Bar Exams” in the dashboard.

Q. I went to a non-ABA accredited law school and am interested in sitting for the bar exam ...

A. The policy on equivalency under Rule 3.0 (b) (1) allows for graduates of non-ABA accredited law schools to sit for a West Virginia bar examination administration if an individual has successfully passed the bar examination of another state, the District of Columbia, or commonwealth or territory of the United States, and if the applicant has been admitted to practice in such state, district, commonwealth, or territory providing they meet all other applicable Rules requirements.

The policy on equivalency under Rule 3.0 (b) (2) (A), (B), and (C) also allows for graduates of non-ABA accredited law schools to sit for a West Virginia bar examination administration if the individual is a graduate of a law school, which school is of such stature that its graduates are eligible to take the bar examination of the state, District of Columbia, commonwealth or territory of the United States in which such law school is located, and if the applicant has completed three (3) years of law office study and work in West Virginia as a legal assistant or paralegal, under the supervision of an attorney or attorneys admitted to practice in West Virginia (active and in good standing), and if two attorneys admitted to practice in West Virginia (active and in good standing), at least one of whom shall have actively supervised the applicant for a period of not less than six months, certify to the Board that they believe that the applicant is knowledgeable in the law, competent to practice law, and of good moral character and providing the individual meets all other applicable Rules requirements.

Alternatively, under Rule 3.0 (b) (3) (A), graduates of reputable law schools, not accredited by the ABA, but determined by the Board to be substantially the equivalent of an ABA-accredited school (i.e., the law school was on its way to earning ABA accreditation at the time the applicant earned their degree from the institution), may be deemed eligible to sit. Those seeking application under this policy must apply according to the instructions and Rules and the application must be received in the WVBLE office at least sixty (60) days before a regular Board meeting, typically held in May and November. The application fee will not be deposited unless the Board determines the law school to be substantially equivalent (E.g., the law school achieved ABA accreditation). The Board cannot consider requests made that do not follow the application instructions, and the burden of establishing

eligibility to take the bar examination to the satisfaction of the Board of Law Examiners shall be on the applicant and upon the institution seeking admission to the bar examination for its graduate(s).

Q. I graduated from a law school in a foreign country and am interested in sitting for the bar exam ...

A. The policy on equivalency under Rule 3.0 (b) (4) (A), (B), and (C) allows for graduates of law schools of a foreign country to sit for the exam where the common law of England exists as the basis of its jurisprudence, and if the requirements for admission to the bar in said country are substantially the same as those of West Virginia, and the applicant has satisfied those requirements, and if the applicant has successfully completed study at an ABA-accredited law school, with a minimum of 30 credit hours of basic courses selected from the following areas of law: Professional Responsibility /Legal Ethics, Contracts, Property (Real and Personal), Uniform Commercial Code, Criminal Law, Evidence, Business Organizations/Corporations, Domestic Relations, Wills, Trusts and Estates, Constitutional Law, Civil Procedure, Criminal Procedure, Torts, Federal Taxation and Conflict of Laws, and which such study shall be completed within a period of 36 calendar months from the date of the inception of such study. Those seeking application under this policy must apply according to the instructions and Rules; the application fee will not be deposited until an applicant's eligibility is confirmed by the Board. The Board cannot consider requests made that do not follow the application instructions, and the burden of establishing eligibility to take the bar examination to the satisfaction of the Board of Law Examiners shall be on the applicant and upon the institution seeking admission to the bar examination for its graduate(s).

Q. I've sat for the exam several times but have not been successful in passing and would like to sit again for the bar exam ...

A. Applicants who have failed to pass their first, second, or third examination in this and/or another jurisdiction may apply so long as they meet all other applicable Rules requirements. An applicant who has failed a total of four or more examinations, in this or any other jurisdiction, *shall not again be admitted to an examination except upon permission of the Board of Law Examiners for good cause shown. The Board so granting the permission may, as a condition to the granting of another examination, prescribe a further course of study.* Applicants requesting permission to sit will want to provide scores (total score along with essay and MBE breakdown, where applicable) from other jurisdictions, from all prior examinations as well as MPRE score(s), in support of their request. You must file a complete application according to the Rules and instructions for the Board to review your request; the application fee will not be deposited unless the Board grants your request.

Q. I will be moving after graduation ... what address/contact information should I provide ... I am getting married later this summer/fall ... how do I submit a name change?

A. Provide your mailing address at the time of application. If you move, you will need to update your application with our office (use the *Application Update Form* under SEVENTH in the Application Instructions) and the NCBE (follow their instructions). If your name changes, fill out an *Application Update Form* and provide a copy of the official legal document noting your name change.

Use an email address that will remain available to you and that you will access regularly for at least the next eight months.

Q. I recently sat for the bar examination in another jurisdiction and ... scores have not yet been released ... I passed but am not yet admitted but will be soon ... how do I respond to this application request?

A. The information you provide in your application should be current at the time you complete it. As timely as possible, you will want to complete an amendment form with the NCBE and an *Application*

Update Form with the WVBLE noting any changes to your application and providing required credentials (copies of applications filed, original Certificates of Good Standing, etc.) where applicable.

Q. I was licensed in another jurisdiction several years ago but then moved and didn't continue practicing there ... my admission is inactive in another jurisdiction ... what fee is applicable in my situation?

A. The Attorney Bar Exam Application Filing Fee is for attorneys *admitted one year or more* applying to sit for the exam.

Q. I am admitted in another jurisdiction but was suspended for non-payment of dues ... CLE noncompliance ... another administrative or disciplinary action... can I sit for the bar examination?

A. To be admitted to practice law in West Virginia, applicants must be in good standing in every state in which they have been admitted to practice and must submit evidence of that standing.

Q. I took a couple of classes at two other universities or sat for college-level classes in high school ... do I need to list that in the application? Do I need that transcript?

A. Follow the instructions in the application to, "List complete information regarding all college/university attendance..." Transcripts required by the WVBLE office must show graduation (degree and date conferred) from an approved college or university in support of this Rule requirement. If you took classes but did not obtain a degree from a university or college, a transcript for this need not be submitted to the WVBLE office. Include "Details" to clarify your application responses.

Q. I don't know the exact dates/details ... I was employed, lived at a residence, received a traffic citation, etc.... what do I do?

A. Fill out the application as precisely as possible. insurance provider or the DMV for your driving history. If you cannot recall past residences, check your old tax returns, emails, and old addresses saved under online shopping sites. Failure to provide complete information about prior employment, residences, and other matters will delay the processing of your application, which in turn can delay your admission. Be as thorough and accurate as possible in answering all application questions. Include "Details" to clarify your application responses.

Q. I lived at my parents' home during summer break and returned to the same apartment while attending college/law school. Do I have to list these each time?

A. Follow the instructions on the application which notes the length of time required for *Residence History*. Individual entries must be listed for each change of address for the period listed, and residences/locations will need to match your employment/education periods listed. Include "Details" to clarify your application responses.

Q. Where do I report my Rule 10 admission to prevent being charged the attorney fee?

A. Note this information under the *Additional Information* section near the end of the application.

Q. I served as a TA in undergrad but received class credit and was not paid ... I volunteered at a special event to build a house over a weekend ... does this count as employment?

A. Carefully review the application and what employment encompasses; for more information on such requests, you will want to reach out to the NCBE as they conduct the background investigation and can clarify the exact information required.

Q. What if the place I was employed is no longer in business or I'm unable to identify a contact at a former employer?

A. Find someone (who is unrelated by blood or marriage) willing to accept the correspondence from the NCBE who will verify your employment. You should contact all the references you list in your application to confirm current contact information (preferably email) and to notify them they should expect this correspondence from the NCBE. The ideal contact is a supervisor who can confirm your employment, but if that person is not available try the human resources or records department, a co-worker or client who is aware of your employment. Include the contact information for your reference if different from the required employer information. Add “Details” to clarify your responses. If you do not provide complete or correct responses this can delay your character and fitness investigation, and in turn can delay your admission.

Q. When and how will my references be contacted... what will they be asked?

A. The NCBE will carefully review your application following intake (including payment) and confirm dates and addresses under education/employment match with residences for the time periods listed (add “Details,” such as “lived in Shagri-La while working remotely in Babylon” to clarify your responses). They will reach out to references, typically by email, following this. References will be requested to confirm the details you have provided and their association with you. Please note that if you have listed anyone as a reference who is related to you by blood or marriage, or an individual under *Character References* who is listed under *Employment*, you will be required to find another reference; a request such as this can delay your character and fitness investigation, and in turn can delay your admission. Include “Details” to clarify your application responses, particularly if you are listing a reference who coincidentally may have the same last name as yours.

Q. Do I need to have known references for 5 years? Must I have one person from each geographic location?

A. Review the application instructions carefully. Note that it is requested you have six references, “preferably” known for a minimum of five years, and “encouraged” to include a reference from every locality you have lived. Be sure to not include anyone related by blood or marriage, anyone living with you, or anyone listed under your Employment History.

Q. Must I list all civil actions I have been a party to, including large class actions?

A. Follow the instructions as noted under the application question and reply as requested regarding “any civil action” to which you have been a named party. Be sure to provide a copy of the required documents, for each response, as requested on the application to the NCBE and the WVBLE.

Q. I have \$100k in student loans ... will this impact me in my interview?

A. Knowledge of your financial situation will not hurt you. We recommend that you carefully review your credit report you are submitting in support of your application.

Q. I got behind in credit card payments ... do I have to report this ... will it hurt me?

A. You must report your finances according to the application questions. Knowledge of your financial situation and a plan moving forward to address any issues will not hurt you; lack of candor may require further review and delay or prohibit admission.

Q. I want to transfer my MBE score from a test I took in another jurisdiction. How do I do this?

A. Review Rule 3.2(e) to confirm that your MBE score meets this requirement and, if it does, follow the steps as noted under the Bar Examination Application Instructions under “Fourth” by completing and submitting the *MBE Transfer Certification Request*, and answering the MBE-related question on your application with the appropriate information. As the rule indicates, you may not transfer an MBE score that was achieved on an exam held more than 13 months before the exam for which you are applying. You may not transfer an MBE score from an exam you did not pass in its entirety, and you may only transfer an MBE score the first time you sit for the West Virginia bar examination. If you use

a transferred MBE score to calculate your total bar examination score, you will not achieve a UBE score; a successful bar exam score will be valid for admission in West Virginia only.

Q. How long is my MPRE score valid?

A. You must achieve a passing score on an MPRE administration (test date) within 25 months of the date of your successful West Virginia bar examination administration (test date).

Q. I have a bankruptcy ... criminal conviction ... in my history ... can I even apply?

A. The Board cannot make advisory opinions. You will want to carefully review all Rules, including any case opinion by the Supreme Court of Appeals of West Virginia referenced within the Rules.

Taking the Bar Exam

Q. Where is the exam held?

A. The exam is held in Charleston, and details on the exact location will be confirmed by email, approximately two months before the exam date, with all those deemed eligible to sit.

Q. May I use my laptop on the exam?

A. You must pay an additional fee directly to the laptop provider to utilize your laptop for the essays administered on day one (Tuesday) of the exam. You will want to check this option on your application, and you will receive instructions by email approximately ten weeks before the exam date. Applicants who wish to use their laptop must complete all laptop registration instructions, including uploading the trial exam by the deadline, to use their laptop. Laptops are prohibited during the MBE portion of the exam on day two. Applicants must pay the laptop licensing fee each time they sit for the exam.

Q. What am I allowed to bring to the exam?

A. Details on items permitted and prohibited, as well as those items provided by the BLE will be emailed to applicants approximately two months before the exam date. Applicants will want to review these carefully and reach out to the WVBLE office with any questions regarding this information.

Q. When are scores released?

A. Historically, scores have been released approximately 6 – 8 weeks following the exam administration dates.

Jurisdiction-Specific Character and Fitness Interview

Q. When will I be interviewed?

A. The interview will typically occur following successful completion (passed) of the bar examination, completed NCBE report received in the WVBLE office, and submission of all required credentials.

Q. Where will I be interviewed?

A. You will be interviewed in or near the county you enter on your application. This county should be the one where you will primarily practice or where you are residing at the time of scores release, as interviews are typically conducted during the work week (Monday – Friday, 9 a.m. – 5 p.m.). If you will be living out of state at the time of the interview, choose the county that is most geographically convenient for your travels. If you need to update your interview county, you should notify our office immediately/before the release of scores as interviews will be scheduled at that time.

Admission

Q. Do I have to attend the Supreme Court of Appeals of West Virginia Admission Ceremony?

A. You must appear in person in the courtroom before the Supreme Court of Appeals for the entry of your license and admission order. Attorneys are sworn in during scheduled admission ceremonies, which are typically held every couple of months during the two terms of the Court each year.

Q. Are guests allowed to attend the admission ceremony?

A. Guests are welcome. You may obtain details on the Court's (argument) webcast and call-in line on the website at <https://www.courtswv.gov/appellate-courts/argument-webcast> to share with family unable to attend in person.

Post Exam/Admission

Q. When will I receive my West Virginia Bar ID/number?

A. Membership in the West Virginia State Bar is mandatory in this jurisdiction and their office will contact you within several days following admission with important information, including dues, Bar ID, IOLTA, and CLE requirements.

Q. How do I get admitted to practice before the United States District Court?

A. When the opportunity is available, the United States District Court for the Southern District of West Virginia, with a Courthouse in Charleston, West Virginia, may hold admissions following the admissions ceremony before the Supreme Court of Appeals of West Virginia. If coordination of these events is not possible, all those admitted to the West Virginia State Bar may seek admission to this and/or the United States District Court for the Northern District of West Virginia by following the admissions instructions on the Courts' websites.

Q. How do I transfer my UBE score from West Virginia to another jurisdiction?

A. For questions regarding UBE score portability and score services, go to ncbex.org and access UBE under NCBE Exams. NCBE performs UBE score services for all UBE jurisdictions. All requests to have UBE scores sent to another jurisdiction must be submitted to the NCBE and not to the testing jurisdiction.

Q. How do I obtain a copy of my WV application, MBE Score, MPRE Score, Certificate of Good Standing, etc., for application to another jurisdiction?

A. Review the *Fee Schedule and Other Requests* page on the WVBLE website for information on these requests.