



**EXECUTIVE SUMMARY,
KEY FINDINGS AND RECOMMENDATIONS
of the
Report on the Entry, Growth, and Distribution of Virginia Attorneys**

December 2025

Introduction

In recent years, there has been growing concern within the legal profession about the disparities in the geographic distribution of attorneys. The American Bar Association's 2020 *Profile of the Legal Profession* highlighted the issue of "legal deserts" in the United States, with numerous counties or cities having fewer than one attorney per 1,000 residents. Virginia was notably affected, with 60 out of 133 counties or cities identified as legal deserts.

By 2023, the Virginia State Bar (VSB) Executive Director Cameron M. Rountree identified a declining number of Virginia Bar Examinees and new VSB admissions, alongside an aging legal workforce, as additional challenges facing Virginia's legal profession. Longitudinal data, from 2012 through 2024, revealed a 57% decline in Virginia Bar Examinees, including those taking only the Virginia-essay component; according to the National Conference of Bar Examiners (NCBE), a 61% decline in examinees taking the multistate component; and a 56% decline in new VSB admissions by examination (ABE).

In response to these trends, then-VSB President Chidi I. James established the Entry, Growth, and Distribution of Virginia Attorneys Committee (Committee) to study (i) the declines in Virginia Bar Examinees and new VSB admissions and (ii) the distribution of attorneys throughout the Commonwealth of Virginia. The Committee's work culminated in a comprehensive report supporting its 30 recommendations, based on 7 key findings, to address these trends and to mitigate their effects. The recommendations were approved by the Committee (25 unanimously, 4 with 1 vote in opposition, and 2 with 2 opposing votes).



Virginia State Bar
An agency of the Supreme Court of Virginia

Key Finding I: New Admissions by Examination

VSB admissions have dropped primarily due to fewer Virginia Bar Examinees.

Virginia has seen a sharp decline in Virginia Bar Exam participation and new VSB admissions over the past decade, far exceeding national trends. This drop cannot be explained by law school enrollment alone and is linked to the Virginia Bar Exam’s limited portability and perceived difficulty and Virginia’s decision not to adopt the Uniform Bar Examination (UBE). These trends highlight growing concerns about the accessibility and competitiveness of Virginia’s path to licensure (Report, Parts I-III).

Significant Observations

- The total new admissions to the VSB declined by 46% from 2012 to 2024 – more than 7.5 times the national average.
- The total Virginia Bar Examinees, from 2012 to 2024, declined 57% for all examinees, including individuals taking only the Virginia-law essay component. According to the NCBE, during this period there was a 61% decline in examinees taking the multistate component of the Virginia Bar Exam – compared to a 15% decrease nationally.
- The decline in law school enrollment during this period does not explain the decrease in Virginia Bar Exam participation.
- Virginia law school graduates are more likely than out-of-state students to take the Virginia Bar Exam, but the rate of examination has declined across both groups – with only 28% of Virginia law school graduates taking the Virginia Bar Exam in 2024.
- Virginia law students cite lack of portability, examination difficulty, and a burdensome application process as deterrents to taking the Virginia Bar Exam.
- Virginia law school deans view the Virginia Bar Exam as outdated, inflexible, and unnecessarily complex, with some reporting not encouraging or discouraging students to take the Virginia Bar Exam.
- The decrease in Virginia Bar Examinees is largely attributed to Virginia’s decision not to adopt the UBE, which offers score portability, access to multiple legal markets, and broader employment opportunities for law school graduates.
- Many UBE jurisdictions also offer higher starting salaries, an abundance of job options, and more opportunities to specialize, factors that law students indicated as most important in deciding where they take the bar examination or otherwise seek admission.
- Bar examination rates in neighboring jurisdictions increased following UBE adoption, most significantly in the District of Columbia (D.C.). Virginia’s highest rate of decline was in 2017, the year following D.C.’s adoption of the UBE. D.C.’s decision in 2022 to no longer accept transferred Multistate Bar Examination scores, the multistate component of the Virginia Bar Exam, exacerbated the decline, particularly given that law students identified D.C. as the most preferred out-of-state practice jurisdiction.

- Law students are more likely to take the Virginia Bar Exam and practice in Virginia if they receive an attractive job offer that requires licensure in Virginia for employment.¹
- There is no evidence that the Virginia Bar Exam is disproportionately difficult, and Virginia’s pass rates are comparable to national averages.

Promising Developments

Beginning in July 2028, Virginia will implement the National Conference of Bar Examiners’ NextGen UBE Bar Examination (NextGen UBE), which emphasizes practical lawyering skills and offers score portability across jurisdictions. Virginia will also require a half-day state-specific component, joining several other states that will supplement the NextGen with local content.

Recommendations (Key Finding I)

1. Market and promote the adoption of the NexGen UBE and related benefits (Committee vote: unanimous).
2. Increase collaboration between attorneys, legal educators, law schools, and regulatory bodies to improve communication, welcome ideas, address credible concerns, and dispel negative perceptions of the Virginia Bar Exam (Committee vote: unanimous).
3. Consider adoption of alternative pathways to licensure, including diploma privilege, admission of in-state law school graduates by special examination if they meet specific educational requirements and/or complete specialized training and supervised practice (Committee vote: unanimous).
4. Provide access to affordable test preparation materials, courses, and resources for candidates preparing for the Virginia Bar Exam and offer other financial incentives for law graduates willing to take the Virginia examination. (Committee vote: unanimous).

¹ While not deliberated in Committee, to attract attorneys who would not take the Virginia Bar Exam absent a secure job opportunity, field hearing testimony recommended legal employers (i) advertise positions as “Virginia-license eligible” rather than “Virginia-license required” to allow non-Virginia licensed attorneys to qualify and (ii) allow candidates to be conditionally hired subject to becoming licensed in Virginia within a reasonable time period following employment.

Key Finding II: New Admissions Without Examination

Paths for out-of-state attorneys to gain Virginia admission are underutilized, a problem largely attributed to a burdensome application process and restrictive eligibility criteria.

II (a) Admission Without Examination (AWE)

The current AWE eligibility criteria require the applicant to have engaged in the "active practice of law" on a full-time basis for three out of the last five years immediately preceding the application. "Full-time" is defined as 32 hours per week during the qualified 3-year active practice period (Report, Parts I and III).

Significant Observations

- All Virginia attorneys are governed by the Virginia Rules of Professional Conduct, which require competency (per Rule 1.1 and its comments).
- No evidence engaging in "full-time practice," defined as 32 hours a week, in 3 of the 5 years before applying for AWE, is correlated with higher levels of competency.
- The criteria limit potential applicants from practicing in Virginia without evidence supporting that there is a reciprocal benefit to public protection. Priority should be placed on having the broadest criteria to ensure competent attorneys are available to serve the public.
- The definition of the "active practice of law" is too narrow (e.g., it limits individuals who work in attorney roles but do not meet the required "active practice" definition), potentially excluding qualified candidates.

Recommendations (Key Findings II (a))

5. Amend AWE eligibility to either:
 - a. Remove the 32-hour per week full-time practice of law requirement and allow attorneys with an active license for at least 3 of the past 5 years, without MCLE-related suspensions, in a reciprocal jurisdiction to qualify (Committee vote: unanimous) or
 - b. Reduce the minimum weekly hours requirement for AWE to allow those engaged in the part-time practice of law (e.g., 20 hours per week) to qualify (Committee vote: unanimous).
6. Expand the definition of "active practice" to include attorneys who have been employed in federal, state, or local government legal roles, provided that the role requires bar admission. Allow these individuals to qualify even if they did not maintain active status during the qualifying period (Committee vote: unanimous).

II (b) Limited Admission

Most limited admission pathways are underutilized due to a process perceived to be burdensome and expensive, without the necessary return on investment.

Significant Observations

- Out-of-state corporate counsel attorneys are less likely to seek active membership through limited admission in recent years, compared to before 2019.
- The reduction in out-of-state corporate counsel seeking active membership is largely attributed to 2019 amendments to Part 1 of Rule 1A:5 of the Rules of the Supreme Court of Virginia to require corporate counsel candidates seeking active membership to apply to the VBBE and undergo character and fitness qualification (CFQ), which attorneys and Virginia corporations perceive as burdensome and costly.
- Limited use of Military Spouse Provisional Admission and Military Legal Services Attorney admission pathways, which have consistently low membership counts, is mainly due to the perceived burden and cost of the VBBE application process, along with restricted practice authorization.
- The negative view of limited admissions options discourages out-of-state applicants and deters employers from supporting attorneys in these pathways.

Promising Developments

- 2025 amendments to the Virginia Legal Aid Counsel Rule clarify that attorneys certified under the Rule can appear in federal courts in Virginia on immigration and other matters as counsel for legal clients within the scope of their employment.

Recommendations (Key Findings II (b))

7. Develop limited admission rule proposals, with input from stakeholders, to ensure they are (i) narrowly tailored to fulfill the purpose of the practice authorization, (ii) utilize the least restrictive method, and (iii) support public protection (Committee vote: unanimous).
8. Allow provisional admission under each limited admission pathway to allow attorneys to begin work upon completing the VBBE application (Committee vote: unanimous).
9. Consider a more limited CFQ for out-of-state attorneys seeking limited admission (Committee vote: unanimous).

Key Finding III: Attorney Demographics

**Virginia faces a significant shortage of attorneys, particularly in rural areas.
This shortage is exacerbated by the aging attorney population.**

Over 40% of Virginia's cities and counties are legal deserts, with fewer than 1 active attorney per 1,000 residents. The shortage is more severe when analyzing the number of attorneys who are in private practice and represent members of the public, with over 70% of all geographic areas qualifying as private practice deserts. The aging attorney population and the preference of new attorneys for urban areas further exacerbate the issue. Economic and legal market factors heavily influence new attorneys' decisions on where to practice, suggesting that targeted incentives are necessary to attract new attorneys to underserved areas (Report, Parts IV-VI).

Significant Observations

- Of Virginia judicial circuits, 29% are lagging in attorney growth, meaning the number of attorneys has not kept pace with population growth in the Commonwealth overall.
- Of Virginia's 133 localities, 44% are "legal deserts" (with fewer than 1 attorney per 1,000 residents) and 73% are "private practice deserts" (with fewer than 1 attorney engaged in private practice per 1,000 residents).
- Less than 26% of Virginia attorneys are under the age of 40, and urban areas have the highest concentration of attorneys in their 20s and 30s. In rural areas, there are more attorneys aged 60 or older than those under 40.
- Most law students and recent graduates surveyed do not plan to practice in Virginia. Of those planning to live in Virginia, most reported a preference for urban areas.
- Pre-admission ties to Virginia increase the likelihood that a law school graduate will seek Virginia admission, and ties to a geographic region increase the likelihood of returning to the region.
- Economic conditions and legal market dynamics are primary determinants for law students' and recent graduates' residency and job choices, surpassing personal and quality of life factors.
- Incentives such as loan forgiveness, competitive salaries, and professional mentorship could be crucial in attracting young and new attorneys to rural areas.

Recommendations (Key Findings III)

10. Promote the legal profession to students of all ages across the Commonwealth; encourage promising candidates to pursue law school through scholarships and local talent development pathways. Leverage existing regional partnerships or develop new ones to expand outreach, mentoring, and collaboration, and effectiveness (Committee vote: unanimous).
11. Implement policies to increase in-state enrollment at Virginia law schools (Committee vote: unanimous).

12. Adopt financial incentives to recruit attorneys to underserved areas, including, but not limited to, stipend incentives, student loan forgiveness programs, waiving bar application fees, or paying for bar examination preparation for those agreeing to practice in rural areas (Committee vote: unanimous).
13. Promote rural legal practice opportunities for Virginia law students, recent law school graduates, and newly admitted attorneys (Committee vote: unanimous).
14. Devote career services resources to expanding job placements in rural and underserved areas (Committee vote: unanimous).
15. Formulate and disseminate best practices to assist rural attorneys in effectively attracting talent and provide guidance to those transitioning into retirement on marketing the sale of their practice or client base to individuals interested in solo practice or self-employment (Committee vote: unanimous).
16. Provide training opportunities and mentorship to attorneys seeking their own practice in Virginia or who are interested in starting a law firm in a legal desert or private practice desert area (Committee vote: unanimous).

Key Finding IV: Financial Impact of Legal Education

The cost of law school is driving attorneys to urban and “Big Law” legal markets, exacerbating attorney shortages in Virginia, particularly in rural areas.

Law school tuition has steadily increased over the past four decades, and the average tuition at Virginia law schools is \$48,000 a year. Most Virginia law school graduates incur debt during law school, averaging \$107,000. Given the cost of law school and related student debt, economic factors that maximize the new attorneys’ ability to pay down debt (e.g., a high starting salary) are the highest priorities to law students when selecting a geographic practice or employment location. Virginia’s median attorney wage and legal market are less competitive than several highly desired jurisdictions, many of which have more large law firms, diverse employment and practice opportunities, and participate in the UBE. New attorneys working in the Commonwealth generally prefer the urban areas of the Northern and Central Regions of Virginia over rural legal markets where salaries are lower, and job options are more limited (Report, Parts IV-VI).²

Significant Observations

- Virginia attorneys are generally concentrated in urban areas, particularly those under 40.
- 2023 Virginia law graduates earned an average starting salary of \$131,000 in the private sector, compared to \$168,000 for graduates nationwide.

² The Northern Region consists of the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the counties of Arlington, Fairfax, Loudoun, and Prince William.

The Central Region consists of the cities of Colonial Heights, Emporia, Hopewell, Petersburg, and Richmond and the counties of Charles City, Chesterfield, Dinwiddie, Goochland, Greensville, Hanover, Henrico, New Kent, Powhatan, Prince George, Surry, and Sussex. All nine geographic regions are defined on page 54 and 55 of the Report.

- Tuition rates have increased nationally on average by approximately \$1,000 each year since 2011; the annual rate of increase for Virginia law school tuition exceeded the national average.
- The average annual tuition at Virginia’s law schools in 2023 was \$50,000 in-state, \$63,000 out-of-state, and \$48,000 at private law schools, excluding living expenses and other costs.
- Of the 2023 Virginia law school graduates, 67% incurred debt, with an average amount per student of \$107,000.
- Of law school and recent graduate survey respondents, 72% reported accruing debt during law school, with over 62% owing \$100,000 or more, and 24% will owe \$200,000 or more – 48% of these students do not plan to practice in Virginia.
- Surveyed students prioritized economic and legal market factors when deciding where to work, preferring locations with high starting salaries, numerous job opportunities, and specialization options.
- The desired minimum starting salary varies with student loan debt levels, increasing as debt rises. Students owing over \$200,000 are likely to seek starting salaries above \$150,000.
- Most students seeking starting salaries above \$150,000 indicated a preference to practice in California, New York, and D.C., where attorney wages are highest.
- Those likely to remain in Virginia favor the Northern Region and urban areas with higher wages. The preference for urban regions increases with the desired starting salary.
- Law students interested in the Southwest Region were willing to accept minimum starting salaries below \$90,000.³
- A large proportion of Virginia’s 2023 graduates are employed at firms with 500+ attorneys.
- An estimated 14 such firms have a presence in Virginia, with only three having 100+ attorneys based locally. California, D.C., and New York have more "Big Law" firms and locally based attorneys.
- Field hearing attendees noted the decline of medium and large law firms in rural areas, complicating efforts to attract new attorneys.
- Legal professionals in rural areas commented that local attorneys struggle to recruit, and solo attorneys winding down their practice cannot find attorneys willing to take over their clients or legal practice.

Promising Developments

- In 2023, the University of Virginia School of Law revised the terms of the Virginia Loan Forgiveness Program (VLFP III) to increase assistance to graduates entering low-paying (less than \$100,000 annually) public service legal employment with their law school educational loan obligations, including expanding the types of qualifying employment.

³ The Southwest Region consists of the cities of Bristol, Galax, and Norton and the counties of Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe.

Recommendations (Key Findings IV)

17. Broaden student loan forgiveness to include attorneys engaged in private practice in rural and underserved areas and performing legal services aligned with demonstrated community needs (Committee vote: unanimous).
18. Develop incentives to reduce the cost of law school – such as expanding grant programs, part-time enrollment programs, virtual attendance options, and similar initiatives that improve the affordability and accessibility of law school for low-income and working individuals (Committee vote: unanimous).
19. Adopt alternative pathways to licensure that reduce financial barriers to joining the profession – to encourage quality candidates who cannot afford law school to become Virginia attorneys (Committee vote: unanimous)
20. Expand the Virginia Law Reader Program to increase participation (Committee vote: unanimous).

Key Finding V: Impact of Attorney Shortages and Practice Limitations

Attorney shortages, fewer private practitioners, and changing practice models in Virginia are reducing access to legal services.

The VSB has over 32,000 Active Members – but not all are available to represent the public. The number of attorneys engaged in private practice has declined from 66% in 2010 to 41% in 2025. This decline results in fewer attorneys being available to meet the public's demand for legal services. Private practice shortages impact Virginia residents and small businesses more significantly than corporate and institutional clients, and the availability of legal services is highly dependent on the type of law local attorneys are practicing (Report, Part VI).

Significant Observations

- The number of VSB Active Members engaged in private practice declined 25% from 2010 to 2025.
- The decline in private practice is coupled with a rise of "lawyers for organizations" and the decline of "lawyers for the people," noted by legal industry research and demonstrated in VSB section membership trends.
- The decline in private practice attorneys representing individual clients has decreased the public's access to legal services and has impacted legal services in rural and underserved locations more acutely.
- The availability of attorneys is highly dependent on the legal needs of each community, and the practice focus of local attorneys, with significant unmet needs reported in various regions across all income levels.
- Legal professionals and business professionals in rural areas and smaller legal markets report shortages of attorneys available to take on real estate matters, protective orders, estate and

probate matters, nonprofit representation, and court-appointed assignments, including as guardians ad litem.

- There is a shortage of private family law practitioners able to represent clients in protective order cases, and there are not enough domestic violence attorneys employed by legal aid to meet demand.
- The Northern Region has the highest number of Active Members but the lowest rate of private practitioners (51%).
- The Southwest Region has the second-lowest number of Active Members but the highest rate of private practitioners.
- Utilizing non-local attorneys can help relieve access strains in underserved locations, but it comes with drawbacks for legal practitioners, the courts, and the public.
- Transportation and geographic barriers further limit access to legal resources, especially in rural communities.
- Remote lawyering and electronic communication have emerged as partial solutions to access challenges in underserved locations but have not yet reached widespread use.

Recommendations (Key Findings V)

21. Train attorneys to effectively, ethically, and responsibly use technology solutions, including artificial intelligence, to increase efficiency, expand competency, minimize administrative costs, and increase margins for private attorneys (Committee vote: 10 to 1).
22. Explore options for making technological solutions, including artificial intelligence, more available and affordable to solo- and small-firm practitioners and attorneys working in underserved legal markets (Committee vote: unanimous).
23. Invest in creative incentives to draw private practitioners to underserved geographic areas, such as free or reduced-cost office space, stipends, or other economic benefits (e.g., loan forgiveness) for attorneys willing to work in legal practice areas to address unmet legal needs in the community (Committee vote: unanimous).
24. Embrace and support the expansion of technology solutions that increase access to the courts, like e-filing and remote appearances (Committee vote: unanimous).

Key Finding VI: Cost of Legal Services and Ability to Pay

The cost of legal services impacts access for individuals and small businesses, posing a significant barrier for low- and moderate-income Virginia households.

Financial instability makes hiring an attorney unaffordable for more than 40% of households in Virginia. Private practitioners in rural areas struggle to recruit new talent, and economic conditions make it difficult to scale fees for clients in need of lower-cost services. Legal aid organizations cannot meet the demand for legal services for all low-income Virginians (Report, Part VI).

Significant Observations

- There is a large volume of unrepresented litigants appearing in Virginia courts, particularly in Virginia’s district courts, on cases impacting the family, housing, and economic stability of Virginians and the safety of domestic violence survivors.
- The mean fee for legal representation to individuals in various matter types ranges from \$1,200 for bankruptcy to \$13,100 for administrative government matters.
- Many Virginians are unable to afford private counsel but are ineligible for legal aid services.
- Those qualified for legal aid and pro bono legal services often cannot secure representation due to a limited supply of legal aid attorneys and pro bono attorneys.
- More than 87% of the legal needs of low-income Virginians go unmet, and all 9 Virginia legal aid service regions qualify as legal aid deserts (localities with fewer than 1 legal aid attorney for every 1,000 low-income residents).

Recommendations (Key Findings VI)

Improve the availability of legal services throughout the Commonwealth by exploring and adopting alternative forms of legal assistance, including, but not limited to, the following recommendations:

25. Implement allied legal professional and/or limited license paralegal programs as a market solution to scale the cost of legal services – consider the programs that several states have explored when deciding training requirements and permitted areas of practice (Committee vote: 9 to 1).
26. Adopt community justice worker programs in which lay advocates, who have been trained and are supervised or supported by attorneys (most often legal aid attorneys), provide legal advice and representation in routine, high-volume matters (Committee vote: 9 to 1).
27. Explore loosening the unauthorized practice of law restrictions to allow increased access to legal information and advice – with training and regulatory safeguards (Committee vote: 8 to 2).
28. Permit legal regulatory sandboxes – which allow legal providers to propose and implement access to legal services solutions – while reporting to and being monitored by a VSB- or Court-oversight group (Committee vote: 8 to 2).
29. Consider leading or encouraging the creation of artificial intelligence tools allowing members of the public to understand and respond to legal problems or actions that they face when they are unable to secure representation (Committee vote: 9 to 1).

Key Finding VII: Unavailability of Court-Appointed Attorneys

Fewer attorneys accept court-appointed cases due to low economic viability, especially in rural and underserved areas with general attorney shortages.

Virginia courts face increasing difficulty securing court-appointed counsel, especially in rural areas. Low fees make participation economically unfeasible, leading to attorney shortages, travel burdens, delays, and overreliance on a small number of attorneys (Report, Part VI).

Significant Observations

- Court-appointed fees in Virginia are extremely low, and courts struggle to maintain enough attorneys on the court-appointed lists to meet the volume of cases requiring representation.
- Some rural courts report heavy reliance on outside attorneys who must travel more than 30 miles to appear, reducing attorney margins, increasing cost, and causing docket delays.
- Some court-appointed attorneys are overutilized, leading to burnout, conflicts, and sometimes a decrease in service quality.
- Some courts do not have a single guardian ad litem on their court-appointed list.

Recommendation (Key Findings VII)

30. Increase court-appointed fees. (Committee vote: unanimous)

Conclusion

The legal profession in Virginia faces significant challenges to both the production and distribution of attorneys. The Committee's comprehensive study highlights the need for bar examination score portability, improved perceptions of the bar examination, stronger collaboration between legal educators and regulatory bodies, and developing and implementing alternative pathways to licensure. The Committee also identifies the importance of targeted incentives to attract young attorneys to underserved areas, as well as efforts to reduce the overall cost of legal education. Addressing these challenges will allow Virginia to not only welcome new attorneys into practice but also to achieve a more equitable distribution of legal services that better meet the needs of individuals and small businesses in the Commonwealth.