

WEST VIRGINIA STATE BAR PUBLIC INTEREST SCHOLARSHIP PROGRAM

Purpose

In recognition of the great need the poor in our State have for legal services, the West Virginia State Bar and the West Virginia University College of Law establish the West Virginia State Bar Public Interest Scholarship Program. By establishing this program, the West Virginia State Bar and the West Virginia University College of Law intend to encourage talented and energetic law students to enter public interest law in West Virginia.

It is the parties' intention for this program to continue from year to year. A party may withdraw from the program, however, by providing written notice to the other party of its intention to withdraw by February 1 of the year during which it desires to withdraw. If such a withdrawal by the West Virginia State Bar were to take place, it is the parties' intention that the withdrawal be phased, if possible; to illustrate, if the West Virginia State Bar should give notice of its intention to withdraw, that withdrawal would be phased in over two years, such that in year one the West Virginia State Bar would continue to support scholarship students in their 2L and 3L years and in year two, the Bar would continue to support a scholarship student in his or her 3L year. This is how the withdrawal might appear on a time line:

February 1, year one:	Bar announces its decision to withdraw
August 1, year one:	Bar does not supply funding for a 1L scholarship student. Bar does supply funding for scholarship students entering their 2L and 3L years.
August 1, year two:	Bar supplies funding for scholarship student entering his or her 3L year.
August 1, year three:	Bar supplies no funding.

Outline of Program

Each year a student in the first-year class at West Virginia University College of Law will be chosen to receive a three-year West Virginia State Bar Public Interest Scholarship. In return, the student will be expected to enter public interest work in West Virginia upon graduation and perform three years of service as a public interest lawyer in West Virginia.

It is contemplated that at any one time, there will be three students at the West Virginia University College of Law, each holding a three-year West Virginia State Bar

Public Interest Scholarship – a first-year student, a second-year student, and a third-year student.

Benefits

If the student chosen for the scholarship qualifies for in-state tuition, the Scholarship will pay for the student's full in-state tuition and fees for three years. If the student selected for the scholarship is obligated to pay out-of-state tuition and fees, the Scholarship will defray the student's tuition and fee expenses to the extent of the amount of in-state tuition and fees for three years.

Obligations

Upon graduation, the scholarship student is expected to study for and take the next immediate administration of the West Virginia bar exam. The student is expected to begin employment with a West Virginia public interest employer no later than January 1 of the year following his or her graduation.

Scholarship assistance will be provided in the form of forgivable annual loans. Each year of such scholarship assistance will be provided in return for each consecutive full year of public interest service with a qualified West Virginia public interest employer, as defined below. The scholarship student will sign annual promissory notes, pledging to repay to the State Bar the amounts provided in the event the student does not become employed by a West Virginia public interest employer.

For each consecutive full year of employment, one year of scholarship loans will be forgiven. (Scholarship students will be encouraged to contact their tax advisors to determine the tax consequences of this scholarship.) A student may petition the Scholarship Committee for leave to have non-consecutive years of employment treated as consecutive years for the purpose of loan forgiveness, which the Committee may approve or disapprove in its sole discretion.

Employers considered qualified West Virginia public interest employers are those employers who receive IOLTA funding pursuant to Rule 1.15 of the West Virginia Rules of Professional Conduct as well as all West Virginia state public defender offices. Under unusual circumstances, a student may petition the Scholarship Committee to rule that an organization that is neither mentioned in Rule 1.15 nor a West Virginia state public defender office is nonetheless a qualifying public interest employer.

Operation and Agreement

A student chosen to receive scholarship assistance will enter into an agreement with the State Bar. The student will agree to attend the West Virginia University College of Law for three years, graduate, and take the first post-graduation administration of the West Virginia bar exam. The student will further agree to work for a public interest

employer following graduation, for the same number of years for which scholarship assistance was extended, beginning no later than the January 1 following graduation.

The State Bar will agree to provide scholarship assistance as described under "Benefits" above. The State Bar will also agree to forgive one year of scholarship assistance for each full year the student works for a qualifying public interest employer.

The student will agree to sign a promissory note for each year of assistance rendered.

Bar exam contingencies

In the event a student fails to take and/or pass the first post-graduation administration of the West Virginia bar exam, the loans made to that student will not be forgiven. In the event a graduating student fails to take or pass the first post-graduation administration of the West Virginia bar exam, the graduating student may petition the Scholarship Committee for leave to sit for the next administration of the bar exam and to hold the student's obligation to repay his or her loans in abeyance until the results of that bar examination are announced.

In the event a student fails to take and/or pass the second post-graduation administration of the West Virginia bar exam, the loans made to that student will not be forgiven and will be re-paid in accordance with the terms of the promissory notes signed by the student. The student may petition the Scholarship Committee to hold the student's obligation to repay his or her loans in abeyance until some later date.

Academic contingencies

If a student fails to complete his or her legal education, the loans made to that student will not be forgiven and will be re-paid in accordance with the terms of the promissory notes signed by the student. In the event a student voluntarily or involuntarily withdraws from the College of Law, however, the student may petition the Scholarship Committee to hold the student's obligation to repay his or her loans in abeyance until some later date.

Clerkship contingencies

Service as a judicial clerk does not constitute fulfillment of the student's public interest obligation. A scholarship student who provides the Scholarship Committee with documentation of an offer of a judicial clerkship, however, may apply to the Scholarship Committee for the deferment of his or her service obligation. The Scholarship Committee is authorized to defer the student's service obligation for a period not to exceed two years from the date on which it would have otherwise begun.

Selection

There shall be established a State Bar Public Interest Scholarship Committee. The Committee shall be charged with selecting scholarship recipients. The Committee shall consist of the President of the West Virginia State Bar, one member of the State Bar Board of Governors appointed by the President of the State Bar, a State Bar member appointed by the President of the State Bar, the Dean of the West Virginia University College of Law, and the West Virginia University College of Law faculty member who sits on the Board of Directors of the West Virginia Fund for Law in the Public Interest.

There shall also be established a State Bar Public Interest Nominating Committee. The Nominating Committee shall be charged with nominating a student each year to receive the State Bar Public Interest Scholarship. The nomination shall be tendered to the Scholarship Committee for the approval or disapproval of the Scholarship Committee. The Nominating Committee shall consist of the Dean of the West Virginia University College of Law and the West Virginia University College of Law faculty member who sits on the Board of Directors of the West Virginia Fund for Law in the Public Interest.

Selection Criteria

In determining the identity of scholarship recipients, the Nominating Committee and the Scholarship Committee shall consider, but not be limited to, the following factors: (1) the applicant's history of involvement in public interest work; (2) the applicant's academic record and (3) the applicant's level of commitment to a public interest career.

Administration

The Program will be administered by the West Virginia University College of Law.

Signed:

Harry G. Deitzler
President, West Virginia State Bar

Date

Joyce E. McConnell
Dean, West Virginia University College of Law

Date