

REPORTS OF STANDING COMMITTEES

STANDING COMMITTEE ON LAWYER DISCIPLINE

Rhysa G. South, Chair

The Standing Committee on Lawyer Discipline (COLD) has general oversight responsibility for the operation of the bar's disciplinary system. Specific responsibilities include monitoring the performance of the office of bar counsel in the investigation and prosecution of disciplinary matters, monitoring district committees' disposition of complaints, recommending amendments to the rules of procedure for disciplining, suspending and disbaring attorneys and seeking to enhance the efficient and effective administration of the disciplinary system.

COLD is composed of ten active members of the bar and two non-lawyers, with the vice chair of the disciplinary board serving as an *ex officio*, non-voting member. The committee meets monthly at the bar offices in Richmond. Each lawyer member serves as liaison to one or more district committees. Each liaison confers at least quarterly with the district committee's leadership and with the bar counsel assigned to the committee to review the docket and discuss general administrative matters.

COLD's focus in fiscal year 2003 was to increase the efficiency of the disciplinary process without sacrificing fairness. COLD liaisons to district committees worked with bar counsel to ensure that cases were moving at a reasonable pace and reported regularly on progress toward resolving pre-fiscal year 2001 cases. Seven out of 17 district committees met their goal of resolving those cases so that at year-end, only 77 pre-fiscal year 2001 cases remained on investigative or hearing dockets.

Andrew H. Goodman, COLD member, chaired the oversight subcommittee. The oversight subcommittee randomly reviewed disciplinary files and addressed complaints about the disposition of specific disciplinary matters when requested to do so by a party to the proceeding in question. The random reviews require the oversight subcommittee to determine whether bar counsel and district committees followed proper procedures in resolving complaints and imposing discipline and to request follow up where warranted.

The rules subcommittee, chaired by COLD Vice Chair Eric F. Schell, drafted an exceptional number of proposed changes to Part Six, Section IV, Paragraph 13 of the *Rules of Court*. The Virginia State Bar Council approved all the changes proposed by COLD and considered by the executive committee. Petitions for adoption of the proposed rule changes were submitted to the Supreme Court of Virginia in March and July 2003. The proposed rule changes submitted to the Court in March 2003, among other things, set out a new procedure for dealing with imposition of an alternate sanction after a respondent has allegedly failed to comply with terms associated with a public reprimand, service of subpoena duces tecum by certified mail, assessment of costs in CRESPA and disciplinary matters in which sanctions are imposed, testimony by the clerk of the disciplinary system regarding the authenticity of records and continuances of disciplinary board hearings. The proposed rule changes submitted in July 2003 address the terminology used for certain disciplinary sanctions and the disposition of complaints against deceased attorneys.

COLD hosted a disciplinary conference for new and returning volunteers in Richmond on July 18, 2002. Twenty-two volunteers attended the conference. On behalf of the members of COLD, I wish to thank the 135 bar members and 55 lay people who devoted many hours this year to service on district committees and the Disciplinary Board and to the many individuals who offered suggestions about ways in which we can continue to improve our disciplinary system.

