

REPORTS OF THE STANDING COMMITTEES

STANDING COMMITTEE ON LAWYER DISCIPLINE

Christopher J. Habenicht, 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's performance in the investigation and prosecution of disciplinary matters, monitoring district committees' disposition of complaints, and recommending to Council rules that enhance the efficient and effective administration of the disciplinary system. COLD is composed of ten active members of the bar and two non-lawyers. In addition, the vice-chair of the Disciplinary Board serves as an ex officio, non-voting member, of COLD. The committee meets monthly, except in August, at the bar office in Richmond. Each lawyer member of COLD acts as a liaison with one or more district committees. Each COLD liaison meets at least monthly with the district committee's leadership, as well as the bar counsel assigned to the committee, to review the docket and discuss general administrative matters.

In May 1999, Larry Richardson, a two-term lay member of COLD, passed away. Larry had served the bar and the public faithfully for many years as a non-lawyer district committee member and later on COLD. His wise counsel and good humor will be greatly missed.

Last fiscal year, Steve Test of Virginia Beach chaired the Rules Subcommittee and John Johnson of Roanoke chaired the Oversight Subcommittee.

Steve Test also chaired a special task force to study the structure of the disciplinary system. The task force did not recommend a major restructuring of the district committees. The task force did recommend the addition of a third lay member to each district committee. COLD supported the recommended amendment, and it was approved by the Bar Council and adopted by the Virginia Supreme Court in April 1999. The task force also recommended eliminating the rule that disqualifies subcommittee members who consider a complaint from sitting on the district committee that hears the complaint. That change was approved by COLD and will be presented to Council in February 2000.

Much of COLD's effort since the last report has been directed toward dealing with the staffing shortages in the Office of Bar Counsel and the resulting impact on the Aspirational Timelines adopted by COLD. This past spring, COLD unanimously approved a resolution emphasizing the critical importance of hiring additional employees, including lawyers, investigators and clerical staff, in the Office of Bar Counsel. The resolution was approved by Bar Council in June.

This year, the major issues that COLD expects to consider are the requirements attorneys must meet when they seek reinstatement after revocation of their licenses, and the possibility of opening up the disciplinary system at the district committee level. ❀