

REPORTS OF THE STANDING COMMITTEES

STANDING COMMITTEE ON LEGAL ETHICS

Robert E. Eicher, Chair

The Legal Ethics Committee is charged with responsibility for the issuance of advisory legal ethics opinions to Virginia State Bar members concerning contemplated or actual conduct. Requests for opinions are required to be stated in the hypothetical on committee-approved forms that are available from the State Bar office. The committee is permitted to decline issuing an opinion regarding any matter that is currently the subject of any disciplinary proceeding or litigation.

During the fiscal year ended June 30, 1999, the committee docketed fourteen requests for opinions. Nine LEOs were issued. Two requests were carried over to the new fiscal year. Five requests were docketed, but no opinion was issued because the request was withdrawn or because it posed legal issues, issues answered in prior LEOs, or issues involved in pending litigation. In addition, 29 requests were answered in Legal Ethics Inquiry letters from staff Ethics Counsel by reference to prior LEOs.

The number of requests for advisory opinions tracked the decline in recent years. The reduction no doubt reflects the value of the VSB Professionalism course and of the publication of LEOs in the additional Code volumes. Despite fewer requests, the issues presented were often complex and controversial (e.g., the propriety of litigation management guidelines and third party bill review required by insurers, and an attorney as member of a local governing body and of a law firm representing a client before the governing body).

In addition to its consideration of requests for ethics opinions, the committee reviewed its prior opinions to match-up applicable provisions of the Rules of Professional Conduct effective January 1, 2000, and to determine whether appropriate notations should be appended to the prior opinions for lawyers' guidance. The committee is grateful for the splendid assistance of the Young Lawyers Section in culling and organizing opinions for committee consideration.

The Ethics Hotline is a significant resource that affords ethics guidance to lawyers without the need for an advisory opinion from the committee. More than 3,000 inquiries, an average of 256 per month, were handled on the Ethics Hotline the past year thanks to the tireless work of Jim McCauley with splendid assistance from Ann Michie and Leslie Haley. The committee is indebted to them and Laurie Fuller for her organizational skills and able support.

Once again, the committee members were dedicated to service to the bar and unselfish with their time in the committee's deliberations and formulation of advisory opinions. The bar was well-served, and I am grateful for the time and talent of each member, Richard AtLee, Marni Byrum, Ben Gardner, Sandra Havrilak, Bob Hawthorne, Glenn Hodge, Bill Petty and Joe Rapisarda.

During the 1999-2000 Bar year, the committee will be chaired by Joe Rapisarda. Bill Petty will serve as vice-chair. ❀