

JAN 25 2010

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the VIRGINIA STATE BAR
City of Richmond on Friday *the* 22nd *day of* January, 2010.

On July 1, 2009 came the Virginia State Bar, by Jon D. Huddleston, its President, and Karen A. Gould, its Executive Director and Chief Operating Officer, and presented to the Court a petition, approved by the Council of the Virginia State Bar, praying that the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court, be amended.

Amend portions of Part Six, Section IV, Paragraph 10 to read as follows:

Section IV. ORGANIZATION AND GOVERNMENT.

* * *

10. Promulgation of Legal Ethics and Unauthorized Practice of Law Opinions and Rules of Court.

(a) *Definitions.*

(i) "Bar" shall mean the Virginia State Bar.

(ii) "Committee" shall mean the Legal Ethics Committee and the Unauthorized Practice of Law Committee, as required by the context in which it is used.

(iii) "Council" shall mean the Council of the Virginia State Bar.

(iv) "Court" shall mean the Supreme Court of Virginia.

(v) "Member" shall mean any active member of the Virginia State Bar.

(vi) "Executive Director" shall mean the Executive Director of the Virginia State Bar.

(vii) "Advisory Opinion" shall mean a written statement of the

subject involved, the question presented, the Rule of Court or other precedents relied upon, the opinion reached and the reasons therefor; if dealing with a subject of general application, an advisory opinion may be stated in the form of a proposed Rule of Court or amendment thereto.

(viii) "*Ethics Counsel*" shall mean the Ethics Counsel or an Assistant Ethics Counsel of the Virginia State Bar.

(ix) "*Rule*" and "*Rule of Court*" shall mean throughout this paragraph only those rules proposed by either the Standing Committee on Legal Ethics or the Standing Committee on the Unauthorized Practice of Law.

(x) "*Informal Staff Opinion*" shall mean advice and opinions provided to Members requesting same from Ethics Counsel.

(b) *Requests for Advisory Opinions.*

(i) A legal ethics, lawyer advertising, solicitation, or unauthorized practice of law advisory opinion of the Bar concerning contemplated or actual conduct may be requested by any member.

(ii) All requests for advisory opinions shall be in writing, addressed to the appropriate Committee, in the hypothetical, and on a form prepared by the Committee calling for such information as the Committee may request; provided, however, that a request for an opinion as to the propriety of advertising or solicitation may include the specific advertisement or solicitation in question.

* * *

Amend Part Six, Section IV, Rule 7.2 to read as follows:

7.2. Advertising.

* * *

(b) A recording of the actual electronic media advertisement shall be approved by the lawyer prior to its broadcast and retained by the lawyer for a period of one year following the last broadcast date, along with a record of when and where it was used, which recording and date shall be provided to the Standing Committee on Legal Ethics upon its request.

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Upon consideration whereof, it is ordered that the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court, be and the same hereby are amended in accordance with the prayer of the petition aforesaid, effective immediately.

A Copy,

Teste:

Pat L. Haight

Clerk