

**SUPREME COURT OF VIRGINIA APPROVED AMENDMENTS
TO PART 6, SECTION IV, PARAGRAPH 16 OF THE RULES OF
THE SUPREME COURT OF VIRGINIA**

On April 13, 2007, the Supreme Court of Virginia approved, effective July 1, 2007, amendments to Part 6, Section IV, Paragraph 16 of the Rules of the Supreme Court of Virginia. The changes authorize the VSB to begin collecting with each active member's dues an additional \$25 to be earmarked for the Clients' Protection Fund. It is anticipated that this assessment will be collected for approximately eight years and then discontinued when the fund reaches an actuarially sound level of \$9,000,000.

16. CLIENTS' PROTECTION FUND.— The Council may establish a Clients' Protection Fund for the purposes of reimbursing all or part of losses sustained by a client or other person or entity to whom a fiduciary duty is owed as a result of dishonest conduct of a member of the Virginia State Bar. The Board shall be appointed by Council, and shall receive, hold, manage, invest and distribute funds appropriated to it by Council or otherwise received, in accordance with procedures established by Council.

Effective July 1, 2007, each active member of the Virginia State Bar shall be assessed a required fee of \$25 for the Clients' Protection Fund on the bar's annual dues statement. The fee shall be in addition to each member's annual dues as prescribed in Part 6, Section IV, Paragraph 11 of these rules, and it shall be paid on or before the 31st day of July each fiscal year.

All monies collected under this Paragraph 16 shall be accounted for and paid into the State Treasury of Virginia and transferred by the bar from the Treasury to the Clients' Protection Fund. The bar shall report annually on or about January 15 to the Supreme Court of Virginia on the financial condition of the Clients' Protection Fund, and the assessment will be discontinued whenever directed by the Court.

Failure to comply with the requirements of this Paragraph 16 shall subject the active member to penalties set forth in Part 6, Section IV, Paragraph 19 of these rules.

SUPREME COURT OF VIRGINIA APPROVED AMENDMENTS

SUPREME COURT OF VIRGINIA APPROVED AMENDMENTS TO PART 6, SECTION IV, PARAGRAPH 19 OF THE RULES OF THE SUPREME COURT OF VIRGINIA

On April 13, 2007, the Supreme Court of Virginia approved, effective July 1, 2007, amendments to Part 6, Section IV, Paragraph 19 of the Rules of the Supreme Court of Virginia. The changes increase the delinquency and reinstatement fees for VSB members who do not discharge their membership obligations in a timely manner. These fees result in delinquent members paying a larger share of the costs of operating the Membership and MCLE Departments of the bar.

19. PROCEDURE FOR THE ADMINISTRATIVE SUSPENSION OF A MEMBER.—Whenever it appears that a member of the Virginia State Bar has failed to comply with any of the Rules of Court relating to such person's membership in the bar, the Secretary-Treasurer shall mail a notice to the member advising of the member's noncompliance and demanding (1) compliance within sixty (60) days of the date of such notice and (2) payment of a delinquency fee of \$50, for each Rule violated, provided, however, that the delinquency fee for an attorney who does not comply with the timely completion requirements of Paragraphs 13.2 and 17 (C) of these rules shall be \$100, and the delinquency fee for an attorney who does not comply with the certification requirements of Paragraphs 13.2 and 17 (D) of these rules shall be \$100. The notice shall be mailed by certified mail to the member at his last address on file at the Virginia State Bar.

In the event the member fails to comply with the directive of the Secretary-Treasurer within the time allowed, the Secretary-Treasurer

will then mail a notice to the member by certified mail to advise (1) that the attorney's membership in the bar has been suspended and (2) that the attorney may no longer practice law in the Commonwealth of Virginia or in any way hold himself or herself out as a member of the Virginia State Bar. Thereafter the attorney's membership in the Virginia State Bar may be reinstated only upon showing to the Secretary-Treasurer (1) that the attorney has complied with all the Court's rules relating to his or her membership in the bar and (2) upon payment of a reinstatement fee of \$150 for each Rule violated, provided, however, that the reinstatement fee for an attorney who was suspended for noncompliance with Paragraphs 13.2 and 17 of these rules shall be \$250, and shall increase by \$50 for each subsequent such suspension, not to exceed a maximum of \$500.

Whenever the Secretary-Treasurer notifies a member that his or her membership in the bar has been administratively suspended, the Secretary-Treasurer shall also (1) advise the Chief Judges of the circuit and district in which the attorney has his or her office, as well as the clerks of those courts and the Clerk of the Supreme Court, of such suspension and (2) publish notice of the suspension in the next issue of the *Virginia Lawyer Register*.

An administrative suspension shall not relieve the delinquent member of his or her annual responsibility to attend continuing legal education programs or to pay his or her dues to the Virginia State Bar.