

VIRGINIA:

JAN 05 2009

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Tuesday the 30th day of December, 2008.

On July 11, 2008 came the Virginia State Bar, by Manuel A. Capsalis, 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 Comment [9] to Rule 2.11, Section II, of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court, be amended to read as follows:

Rule 2.11. Mediator

* * *

Comment

* * *

Mediation

[9] While a lawyer is cautioned in Rule 1.7 regarding the special considerations in common representation, these should not deter a lawyer-mediator from accepting clients for mediation. In mediation, a lawyer-mediator represents none of the parties and should be trained to deal with strong emotions. In fact, mediation can be especially useful in a case where communication and relational breakdown have made negotiation or litigation of legal issues more difficult.

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Upon consideration whereof, it is ordered that the Rules for Integration of the Virginia State Bar, Part Six, Comment [9] to Rule 2.11, 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:

John L. Hamigan

Clerk