

Highlights of Council Meeting

June 14, 2001

The Virginia State Bar Council took the following actions on June 14, 2001:

Budget and Finance

Council approved the 2001-2002 VSB budget projecting revenues of \$8,444,120 and expenditures of \$8,741,177.

Lawyer Discipline

Council approved and recommended to the Supreme Court amendments to Part 6, § IV, ¶ 13 B. and K. of the Rules of the Virginia Supreme Court, which would open district committee hearings to the public and provide information about disciplinary complaints twenty-one days after a subcommittee sets a complaint for hearing and notice is sent to the respondent attorney. The proposed amendments would require two of the three members of a subcommittee to vote to set a matter for a hearing. Currently, one member of a subcommittee can set a hearing. The twenty-one day period will permit negotiation of private discipline in appropriate cases. The amendments define the kinds of matters that are appropriate for private, rather than public discipline, and create a presumption that a lawyer could receive no more than two private disciplines within a ten-year period. These amendments implement the recommendations of the Task Force on Public Access to the Attorney Disciplinary Process.

Council approved and recommended to the Supreme Court amendments to Part 6, § IV, ¶ 13 F., which would enhance the bar's ability to deal with disability cases. Among other changes, the amendments would authorize the following: 1) bar counsel to initiate an investigation upon notice or evidence that an attorney is suffering from a disability; 2) the Disciplinary Board to order a medical examination for good cause shown in the interest of public protection; 3) the Disciplinary Board to appoint a guardian ad litem for an unrepresented attorney who is the subject of a disability; and 4) summary suspension of an attorney who fails to comply with an order entered in connection with a disability proceeding if the public or clients of the attorney were in jeopardy.

Council voted to table proposed amendments to Part 6, § IV, ¶ 13 E., which would have allowed summary suspension of persons who plead guilty to serious criminal offenses under the first offender statute.

Mandatory Continuing Legal Education

Council approved and recommended to the Supreme Court amendments to Part 6, § IV, ¶ 13.2 and 17, which would change the deadline for MCLE compliance from July 1 to October 31.

Fifteen hours of CLE would be required during the July 1, 2001 to October 31, 2002, transition period.

Senior Lawyers Conference

Council established a Senior Lawyers Conference composed of all VSB members in good standing 55 years old or older and recommended an amendment to Part 6, § IV, ¶ 5, which would make the chair of the conference an ex officio member of Council.

Resolution Regarding JLARC Capital Punishment Study

Council adopted a resolution offering the bar's assistance to JLARC in the conduct of its capital punishment study.

Memorial Resolution

Council adopted a memorial resolution honoring the memory of past-president E. Griffith Dodson, who died May 8, 2001.

Don't Forget!

MCLE Certification Deadline July 31, 2001 to avoid Late Filing Fee

Attorneys taking courses after the June 30 completion deadline for compliance with the 2001 MCLE Requirement must pay a \$50 non-compliance penalty

Check your MCLE record on-line at
http://www.vsb.org/mcle/mcle_record.html