

Notice of Proposed Rule Change

*Comments should be directed to Thomas A. Edmonds,
Executive Director, Virginia State Bar, Suite 1500,
707 East Main Street, Richmond, Virginia 23219,
and should be received no later than April 5, 2000.*

The proposed amendment to Paragraph 13.B.(3) clarifies the fact that, as an administrative agency of the Supreme Court of Virginia, bar counsel is authorized to examine an attorney's state and federal criminal history records in the course of investigating and prosecuting a bar complaint.

Part Six, Section IV, Paragraph 13.B.(3)

B. Authority and Duties of the Council, the Standing Committee, Subcommittees, District Committees and Bar Counsel; Investigation and Prosecution of Complaint:

1. * * * * *
2. * * * * *
3. Authority of Bar Counsel:

To the extent provided in this Rule and subject to the general supervision of the Standing Committee, Bar Counsel shall initiate, investigate, present or prosecute Complaints or other proceedings before Subcommittees, District Committees, the Board and the Circuit Courts. This includes, but is not limited to, the authority to examine criminal history record information relating to any Respondent from any state or federal law enforcement agency, examine the financial books and records maintained by an attorney for the practice of law, including, without limitation, any and all trust accounts, estate accounts, fiduciary accounts and operating accounts maintained by the attorney or his/her law firm

Recommended by the Rules Subcommittee and approved
by COLD on February 1, 2000