

# Executive Director's Message

by Karen A. Gould



## News You Will Use from the VSB

### FY 2010 Financial Results

Financial information for fiscal year 2010, which ended June 30, has been finalized. We are pleased to report that revenue exceeded expenses by \$1,336,216 and that this amount has been added to the bar's reserve. The Virginia State Bar's reserve as of June 30, 2010, is \$5,026,916. The reserve is a healthy 40.9 percent of the amount budgeted for expenditures in FY 2011 — \$12,286,235 — which includes a 3 percent one-time bonus for all employees.

### Legal Ethics Hotline

The VSB Ethics Hotline is a confidential consultation service for members of the Virginia State Bar. Nonlawyers may submit only unauthorized practice of law questions. Questions can be submitted to the hotline by calling (804) 775-0564 or by clicking on the blue "E-mail Your Ethics Question" box on the Ethics Questions and Opinions web page (<http://www.vsb.org/site/regulation/ethics/>). See screen capture on page 13.

Depending on the complexity of the question, the response will be provided by either an e-mail or a return phone call. The ethics staff strives to respond to inquiries the day they are received. We have been getting very positive responses to the e-mail hotline. One member commented on the fast response and that the new e-mail system is an improvement on playing phone tag.

### MCLE Regulatory Changes Delayed

The Mandatory Continuing Legal Education Board decided on July 21, 2010, to defer until November 1, 2011, the implementation of amended regulations, including a requirement that Virginia lawyers must earn at least four hours of MCLE credit through live, interactive programs, which include traditional live classes, live telephone seminars, live webcasts, and prerecorded programs during which the speaker is available to answer questions. The MCLE Board decided that more time is needed so that lawyers and MCLE providers have an opportunity to clearly understand the regulations before they go into effect.

### Supreme Court Forms

The Supreme Court of Virginia's Forms for Bar Members project has been completed, and the forms are available through the limited-access "Member Login" area of the VSB website at <http://www.vsb.org/site/members/>. The forms are ones that are not placed on the Court's public website and to which lawyers have indicated they would like to have online access.

### VSB/VBA Corporate Counsel

#### Pro Bono Task Force

The Joint Virginia State Bar/Virginia Bar Association Corporate Counsel Pro Bono Task Force met on July 20, 2010, to draft a revised corporate counsel pro bono rule. A report on the proposed changes will be sent to the Supreme

Court with a request for guidance on what further action the task force should take.

### Permanent Bar Cards Update

Due to concerns raised by administrative law judges, a decision was made to issue permanent bar cards to active judicial members in December 2010. Associate members received their newly designed permanent card when they paid their 2011 dues this summer.

Active members in good standing were sent a temporary card, and will be sent a permanent card with a new design in December. Although the Virginia State Bar had extensively advertised plans for the change, we received many calls about the 12/31/2010 expiration date on the temporary card.

### Paragraph 17 Task Force

The Paragraph 17 Task Force, chaired by Howard W. Martin Jr., met July 8, 2010, and recommended changes that would give the VSB Council oversight over the MCLE Board.

Under the current procedures, the MCLE Board adopts regulations without any oversight by the council—the elected representatives of Virginia's twenty-nine thousand active lawyers. The board has twelve members, but regulations or amendments can be adopted by a majority of a quorum of five members, although this has never been known to occur.

The proposed changes would require the MCLE Board (1) to:

- approve new regulations or amendments by a majority of the full twelve-member board;
- submit proposed changes to regulations or new regulations to the council for advice and comment prior to being adopted by the MCLE Board; and

- permit the council to reject any board-approved regulations or amendments by a two-thirds vote of those members of the council present and voting.

### Clients' Protection Fund

The VSB's Clients' Protection Fund is supported by Virginia lawyers to help clients who have been victims of attorney dishonesty. The fund is a commitment by the profession to the integrity of

its name. For an example of how the CPF Board worked quickly to relieve bankruptcy clients whose attorney took their money and provided little or no service, see the story "Making Clients Whole" on page 17.

Below is a screen shot that shows access to the Ethics Hotline at <http://www.vsb.org/site/regulation/ethics/>.

The screenshot shows the Virginia State Bar website. The header includes the logo, the text "Virginia State Bar An agency of the Supreme Court of Virginia", and navigation links: "About the Bar | Contact Us | Directions | Site Map". A search bar is present on the right. The main content area is titled "Ethics Questions and Opinions" and features a prominent "E-mail Your Ethics Questions" button. Below this is the "Legal Ethics Hotline" section, which provides information on how to contact the hotline and submit questions. A sidebar on the right contains "Ethics Information" with links to FAQs, LEOs Online, Request an LEO, LEOs Pending Comment, Mission of Legal Ethics Committee, Members Legal Ethics Committee, and Legal Ethics Hotline. A left sidebar contains a navigation menu with categories like Professional Regulation, Member Resources, and Public Resources.

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**Ethics Questions and Opinions**

**E-mail Your Ethics Questions**

**Legal Ethics Hotline**

The Ethics Hotline is a confidential consultation service for members of the Virginia State Bar. Nonlawyers may submit only unauthorized practice of law questions. Before you submit a question, please review the FAQs about [Legal Ethics](#) and [Trust Accounting](#).

**Call the Ethics Hotline:** Any member of the bar may seek informal ethics or unauthorized practice of law advice by calling the Ethics Hotline at (804) 775-0564. You will be prompted to leave a voice mail message, and your call will be returned in the order of receipt.

**E-mail the Ethics Hotline:** Any member of the bar may submit an e-mail question by clicking on E-mail Your Ethics Questions. Depending on the complexity of your question, you will receive either an e-mail response or a return phone call. The ethics staff strives to respond to your questions within the same day.

**Nonlawyers:** If you are a member of the public and are questioning the ethical practice of a lawyer, please see [How to File a Misconduct Inquiry About a Lawyer](#) or call the Intake Department at (804) 775-0570. Virginia State Bar staff lawyers cannot give ethics opinions or legal advice to nonlawyers.

**Ethics Information**

- [FAQs](#)
- [LEOs Online](#)
- [Request an LEO](#)
- [LEOs Pending Comment](#)
- [Mission of Legal Ethics Committee](#)
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