

Virginia State Bar Council to Review Proposed Rule Change Regarding Communication and Lawyer Advertising

Pursuant to Part Six: Section IV, Paragraph 10(d)(i) of the Rules of the Supreme Court of Virginia, the Virginia State Bar Council, at its meeting on June 13, 2002, in Virginia Beach, Virginia, will consider for approval, disapproval or modification, a proposed rule change proposed by the Standing Committee on Lawyer Advertising and Solicitation.

RPC 7.1

The Standing Committee on Lawyer Advertising and Solicitation (SCOLAS) has reevaluated and rewritten proposed amendments to the Rules of Professional Conduct (RPC) 7.1 and 7.2 at its meeting March 12, 2002. The Committee presented their original proposed amendments Rule 7.1 and 7.2 to Executive Committee and Bar Council at their meeting on February 22 and 23, 2002, for consideration and comment only. After receiving comment from the bar members and Bar Council, the Committee reassessed their proposed change to Rule 7.2 that prohibits advertising specific and cumulative case results. The Committee remains staid in their long-standing decision to prohibit advertising specific and cumulative case results with an added caveat

that an appropriate disclaimer or qualifying language *may* put such case results in a context so as not to be misleading. The other proposed amendments to Rule 7.1 and 7.2 are as set forth previously in our prior press release.

Inspection And Comment

The proposed rule amendment may be inspected at the office of the Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday. Copies of the proposed amendment can be obtained from the offices of the Virginia State Bar by contacting the Office of Ethics Counsel at (804) 775-0557, or can be found at the Virginia State Bar's Web site at www.vsb.org/profguides/proposed.html. Any individual or business which seeks to make comment in support of, or opposition to, the proposed rule amendments must submit ten (10) copies of written comments to Thomas A. Edmonds, Executive Director, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219, on or before May 16, 2002.

Virginia State Bar Proposes to Amend Rule 8.3, Virginia Rules of Professional Conduct to Require Self-reporting of Professional Discipline or Certain Criminal Convictions in Other Jurisdictions

Pursuant to Part Six: Section IV, Paragraph 10(c)(iv) of the Rules of the Supreme Court of Virginia, the Virginia State Bar Council, at its meeting on June 13, 2002, in Virginia Beach, is expected to consider for approval, disapproval, or modification, a proposed amendment to Rule 8.3 of the Virginia Rules of Professional Conduct.

The Virginia State Bar's Standing Committee on Legal Ethics and Standing Committee on Lawyer Discipline will ask the Council of the Virginia State Bar at its meeting on June 13, 2002, to approve an amendment to Rule 8.3 of the Virginia Rules of Professional Conduct which would require an attorney to inform the Virginia State Bar if:

- (1) the lawyer has been disciplined for a violation of the rules of professional conduct in another jurisdiction;
- (2) the lawyer has been convicted in another jurisdiction of an offense declared to be a felony;
- (3) the lawyer has been convicted in another jurisdiction of a crime involving theft, fraud, extortion, bribery or perjury; or an attempt, solicitation or conspiracy to commit any of the foregoing offenses.

The purpose of this amendment is to improve enforcement of the current Rules of the Supreme Court permitting appropriate action by the Disciplinary Board if an attorney has been disciplined in another jurisdiction or has been convicted of a felony or "crime" as defined

under Paragraph 13. However, the Virginia State Bar does not have access to criminal convictions outside of Virginia, and the reporting of disciplinary action taken in other states is neither uniform nor complete. The duty of a lawyer under this proposed rule to report that he or she has been convicted of a reportable crime or has been disciplined in another state is triggered only after the decision in the other jurisdiction has become final.

The proposed rule amendment may be inspected at the office of the Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday.

Copies of the proposed amendment can be obtained from the offices of the Virginia State Bar by contacting the Office of Ethics Counsel at (804) 775-0557, or can be found at the Virginia State Bar's Web site at www.vsb.org/profguides/proposed.html.

Any individual, business or other entity may file or submit written comments in support of, or in opposition to, the advisory opinion by filing ten copies with Thomas A. Edmonds, the Executive Director of the Virginia State Bar, not later than May 16, 2002.

If the amendment is approved by Council, the Virginia State Bar will petition the Supreme Court of Virginia to adopt Rule 8.3 as amended.

Virginia State Bar Proposes to Amend Rule 8.4, Virginia Rules of Professional Conduct to Revise the Prohibition Against Dishonesty, Fraud, Deceit, or Misrepresentation

Pursuant to Part Six: Section IV, Paragraph 10(c)(iv) of the Rules of the Supreme Court of Virginia, the Virginia State Bar Council, at its meeting on June 13, 2002, in Virginia Beach, is expected to consider for approval, disapproval, or modification, a proposed amendment to Rule 8.4 of the Virginia Rules of Professional Conduct.

The Virginia State Bar's Standing Committee on Legal Ethics and Standing Committee on Lawyer Discipline will ask the Council of the Virginia State Bar at its meeting on June 13, 2002, to approve amendments to Rule 8.4 of the Virginia Rules of Professional Conduct which would add a qualification to the prohibition against dishonesty, fraud, deceit, or misrepresentation so that the prohibition would only apply to such conduct that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law.

The purpose of these amendments is to allow for traditionally permissible activities, such as misrepresentation of one's identity or purpose by government attorneys in the areas of intelligence, law enforcement, and housing discrimination testing that would otherwise have been prohibited under this rule. Much of the language of the amendments incorporate language that previously appeared in this context in the former Code of Professional Responsibility.

The proposed rule amendment may be inspected at the office of the Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

Copies of the proposed amendment can be obtained from the offices of the Virginia State Bar by contacting the Office of Ethics Counsel at (804) 775-0557, or can be found at the Virginia State Bar's Web site at www.vsb.org/profguides/proposed.html.

Any individual, business or other entity may file or submit written comments in support of, or in opposition to, the advisory opinion by filing ten copies with Thomas A. Edmonds, the Executive Director of the Virginia State Bar, not later than May 16, 2002.

If the amendment is approved by Council, the Virginia State Bar will petition the Supreme Court of Virginia to adopt Rule 8.4 as amended.