

Highlights of Council Meeting

February 21, 2004

At its regular winter meeting on February 21, 2004, in Richmond, Council of the Virginia State Bar heard the following reports and took the following significant actions:

Lawyer Discipline

Council approved several changes to Paragraph 13 of the Rules of Court recommended by the Standing Committee on Lawyer Discipline. Among the changes is a proposal to require lawyers who choose three-judge panels for their disciplinary cases to provide available dates for the hearing within 120 days of the request for the panel. The change, should it be approved by the Supreme Court, would make it easier for the Court to appoint panels, and would ensure that most cases are heard within four months. Council also approved and recommended to the Court changes in the rules governing disability proceedings against lawyers, changing the terminology to “impairment proceedings” and putting the focus on impairments that would affect the lawyer’s fitness or competence to practice law.

Legal Ethics: Procedures for Issuing Opinions

Council approved and recommended to the Court changes in Paragraph 10 of the Rules of Court that would enable the bar’s standing committees on Legal Ethics, Lawyer Advertising and Solicitation and Unauthorized Practice of Law to issue their opinions first in draft form and seek comments at that time, rather than continuing the present practice of finalizing committee opinions and then seeking comments for consideration by Council and the Court only in those instances where review and approval of those bodies is sought.

UPL Guidance for Court Clerks

Council approved and recommended to the Court new Unauthorized Practice Rule 10 as recommended by the UPL Committee. If approved, the new rule would give guidance to court personnel about assistance they may permissibly give to self-represented persons seeking to use the court system.

Fundraising for Legal Services to the Poor

On the recommendation of the Special Committee on Access to Legal Services, Council gave the VSB the go-ahead to join with other statewide bars to conduct a fundraising campaign to benefit Legal Services Corporation of Virginia, which provides funds to all but one of the state’s licensed legal aid programs. Council also authorized the bar’s officers to seek to have carried over to 2005 House Bill 1173, which would require the VSB to include a donation check-off for LSCV on its annual dues statement.

Council endorsed two other proposals related to legal services for the poor. One is a recommendation developed by the Pro Bono Custody Commission to expand representation in child custody cases, using the services of pro bono volunteer attorneys in contested custody matters. Chief Justice Leroy R. Hassell, Sr., asked for Council’s approval. Council also voted to adopt the American Bar Association’s “Ten Principles of a Public Defense Delivery System,” and authorized creation of an Indigent Defense Task Force to recommend requirements for Virginia, in light of a recent ABA study citing serious deficiencies.

“Emeritus Status” for Retired Lawyers Proposed

Council unanimously approved proposed Paragraph 3(e) of the Rules of Court, creating a new class of membership that would allow lawyers who leave the active practice of law to continue to do pro bono work under supervision of a licensed Virginia attorney. The work must be for clients of an approved legal-assistance organization. The proposed “emeritus member” status will now be sent to the Supreme Court for its consideration.

Lawyers Helping Lawyers Update

Lawyers Helping Lawyers announced it has hired a mental health coordinator to evaluate clients for depression and other psychological problems, and to make appropriate referrals. The expansion of the program beyond substance abuse services was made possible in part by a one-time budget amendment to the current VSB budget, approved by Council in October 2003, transferring one hundred thousand dollars from the VSB reserve to Lawyers Helping Lawyers.

Local Bar Conference Representation on the Executive Committee

The chair of the Conference of Local Bar Associations now will sit on the VSB Executive Committee, under a by-law change approved by Council. Now all three VSB Conferences—including Senior Lawyers and Young Lawyers—have ex officio seats on the committee.