

## Proposed Rule Change

### Availability of Attorney's Disciplinary Board in CRESPA Sanctions Proceedings

On May 6, 2003, COLD approved a proposed amendment providing that when an attorney is found to have violated the Consumer Real Estate Protection Act (CRESPA), the attorney's disciplinary record may be disclosed (1) to a Subcommittee, District Committee, Disciplinary Board or three-judge Circuit Court prior to imposition of sanctions and (2) by those entities in the resulting order.

Part 6, Section IV, Paragraph 13 of the Rules of the Virginia Supreme Court

#### 13. PROCEDURE FOR DISCIPLINING, SUSPENDING, AND DISBARRING ATTORNEYS.

\* \* \*

##### N. Confidentiality of Disciplinary Records and Proceedings:

\* \* \*

##### 2. Timing of Disclosure of Disciplinary Record in Sanctions Proceedings

If an Attorney has a Disciplinary Record and is subsequently found by a Subcommittee, a District Committee, the Board or a three-judge Circuit Court empaneled under Va. Code § 54.1-3935 to have engaged in Misconduct or to have violated CRESPA, the facts and circumstances giving rise to such Disciplinary Record may be disclosed (i) to the Subcommittee, District Committee, Board or three-judge Circuit Court prior to the imposition of any sanction and (ii) by the Subcommittee, District Committee, Board or three-judge Circuit Court in its findings of fact set forth in its order.

*Comments or questions should be submitted in writing to Thomas A. Edmonds, Executive Director of the Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219, no later than September 15, 2003. The Virginia State Bar Council will consider the proposed amendments when it meets on October 16, 2003.*