

Virginia State Bar Council to Review Unauthorized Practice of Law Opinion Concerning Attorneys Employed by Labor Union to Prepare Draft Orders for Labor Union Members' Attorneys

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 February 22, 2002, in Richmond, Virginia, is expected to consider for approval, disapproval, or modification, a proposed unauthorized practice of law opinion issued by the Standing Committee on the Unauthorized Practice of Law.

UPL Opinion 202

Opinion 202 was issued by the Standing Committee on the Unauthorized Practice of Law on September 27, 2001. This opinion generally addresses whether an unincorporated labor union can employ salaried attorneys to prepare draft Qualified Domestic Relations Orders (QDROs) for its members for use by members' attorneys in the members' divorce proceedings. The members would pay an extra fee to the union for this legal service.

In this opinion, the Committee concluded that the described activity would constitute the unauthorized practice of law in Virginia.

Inspection and Comment

The proposed unauthorized practice of law advisory opinion 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.

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 February 4, 2002.

Virginia State Bar Council to Review Unauthorized Practice of Law Opinion Concerning Collection Agencies Obtaining Assignments of Judgment and Proceeding with Collection Through The Court

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 February 22, 2002, in Richmond, Virginia, is expected to consider for approval, disapproval, or modification, a proposed unauthorized practice of law opinion issued by the Standing Committee on the Unauthorized Practice of Law.

UPL Opinion 203

Opinion 203 was issued by the Standing Committee on the Unauthorized Practice of Law on September 27, 2001. This opinion generally addresses whether a collection agent or other type of judgment recovery agent can docket judgments which creditors have assigned to them and proceed to execute and collect on those judgments.

In this opinion, the Committee concluded that it is the unauthorized practice of law for a recovery agent to pursue collection through the courts when the original creditor maintains an interest and will share in any recovery obtained, since this activity

involves appearing in court on someone else's behalf. The Committee also concluded that it would not be unauthorized practice of law for the recovery agent to obtain a complete assignment of a judgment such that the original creditor maintains no interest in the judgment, and therefore, the recovery agent would be appearing in court on his own behalf.

Inspection and Comment

The proposed unauthorized practice of law advisory opinion 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.

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 February 4, 2002.