

Highlights of Council Meeting

October 18, 2002

At its regular fall meeting on October 18, 2002, in Roanoke, the Virginia State Bar Council heard the following reports and took the following significant actions:

Legal Ethics

The Council approved 23 amendments to the Virginia Rules of Professional Conduct proposed by the Standing Committee on Legal Ethics. These ranged from fairly minor administrative or editorial changes to a few significant modifications, and they were the result of a comprehensive review of the Rules of Conduct, which have now been in place in Virginia since January 2000. Three proposed rule changes, including a significant rewrite of Rule 4.4 dealing with inadvertent receipt by a lawyer of confidential information, were withdrawn by the committee for further study and work.

The rule changes that were approved by Council will now be submitted to the Supreme Court of Virginia for consideration and approval by that body. A summary of all of the proposed changes is available on the bar's Web site at www.vsb.org.

Unauthorized Practice of Law

Council unanimously approved the addition of UPR 10 to the Unauthorized Practice Rules. The new rule deals with activities and supervision of paralegals and legal assistants, and it makes clear that legal assistants can operate only under the supervision of a licensed attorney and are not free to establish themselves as so-called independent paralegals.

Again, the proposed new rule will be submitted to the Supreme Court of Virginia for its consideration and approval.

Admission of Corporate Counsel

Council unanimously approved a revised proposed rule authorizing limited admission of corporate counsel in Virginia on the basis of their being licensed and in good standing in another jurisdiction in this country. Council had approved an earlier version of this proposed rule at its meeting in February 2002, but the task force reconvened and made further modifications after receiving a large amount of input from the corporate counsel community. The rule would allow in-house counsel admitted under it to function as an active member of the Virginia State Bar, with his or her practice limited to representing the corporate employer. The lawyer

would be subject to the VSB's regulatory authority and membership requirements. The revised rule enjoys wide support among corporate counsel located in Virginia, and it has been transmitted to the Supreme Court of Virginia for its consideration.

Lawyers Helping Lawyers

Council heard a report from the current chair of the Substance Abuse Committee of The Virginia Bar Association concerning the Lawyers Helping Lawyers program, which provides assistance to Virginia lawyers experiencing substance abuse problems. The group plans to incorporate as a non-stock, non-profit corporation early next year, and they would like to expand their services to include assistance for lawyers suffering from depression and other mental illnesses. The Virginia State Bar currently provides \$50,000 per year from its budget to help support the Lawyers Helping Lawyers program, and the group is requesting an increase in that support in order to facilitate the new structure and range of services. The Virginia State Bar has also been requested to appoint three members to the board of directors of the new corporate entity.

Council unanimously approved a resolution supporting the planned changes in the program and committing the Virginia State Bar to assist financially to the extent it is able.

Budget and Finance

Council was apprised of the current activities of the Standing Committee on Budget and Finance, including a planned review of the bar's current budget to determine if there are any additional resources which could be shifted to its professional regulation activities. It is hoped that the current shortfall being experienced in the state's general fund will not have any adverse impact on the bar's budget or reserve, but because of a deficiency in the bar's appropriation from the Virginia General Assembly, the current budget may need to be reduced somewhat. The bar's senior staff and the committee will be working to identify areas where expenditures can be curtailed, if that becomes necessary.

Memorial Resolution

Council unanimously approved a resolution honoring the memory of Robert G. Cabell, Jr., of Richmond, who had served as a member of Council from the 13th Judicial Circuit since 1995. Mr. Cabell passed away on August 25, 2002.