

Highlights of Council Meeting

June 13, 2002

At its summer meeting on June 13, 2002, the Virginia State Bar Council took the following significant actions:

Budget and Finance

The council unanimously approved the 2002–2003 VSB budget, which projects revenues of \$8,713,010, expenditures of \$9,037,338 and \$324,328 drawn on reserves. The projected reserve balance at the end of FY 2003 is \$1,946,892.

Multidisciplinary Practice

The council voted overwhelmingly to reject the recommendations of the Joint Commission on Multidisciplinary Practice.

Lawyer Discipline

The council unanimously approved and recommended to the Virginia Supreme Court the following three amendments to paragraph 13 of the Rules of Court:

- Amendments to ¶ 13 B.5, 6, and 7, which would authorize the Disciplinary Board to suspend an attorney who failed to comply with a summons or subpoena in connection with a disciplinary proceeding;
- Amendments to ¶ 13 B. 8 and 13 N. dealing with confidentiality of disciplinary records and proceedings; and
- Amendments to ¶ 13 H. and I., which would provide for the dismissal of charges when a district committee or the Disciplinary Board cannot reach agreement by majority vote.

By divided vote, the council approved and recommended an amendment to ¶ 13 G.1, which makes it clear that a subcommittee may consider an attorney's prior disciplinary record in deciding whether to dismiss a matter in a manner that creates a record or to refer it to the district committee or the Disciplinary Board.

The council unanimously approved a \$200 administrative fee when cases are resolved by agreed dispositions at the subcommittee level.

Legal Ethics

The council unanimously approved and recommended to the Supreme Court an amendment to Virginia Rule of Professional Conduct 8.3, that would create a duty for a lawyer to report to the Virginia State Bar when the lawyer is disciplined for an ethical violation or convicted of certain crimes in another jurisdiction or in federal court. The council re-referred to the Ethics Committee proposed amendments to Rule 8.4 dealing with the prohibition against a lawyer engaging in conduct involving, dishonesty, fraud, deceit, or misrepresentation.

Lawyer Advertising and Solicitation

The council unanimously approved and recommended to the Supreme Court amendments to Virginia Rule of Professional Conduct Rule 7.1 and a new Rule 7.2 dealing with communications and advertising by lawyers.

Military Law Section

By divided vote, the council approved and recommended a proposal that would authorize military assistance lawyers who are licensed in other states to represent low-income eligible military clients and/or their dependents in Virginia courts.

Membership Requirements

The council unanimously approved and recommended to the Supreme Court proposed amendments to ¶ 3 of the Rules of Court relating to membership requirements. Amendments to 3(a) would require that each member give the VSB a physical address where process can be served. Amendments to 3(d) would require an active member electing disabled status to provide documentation of the disability. It also would require a retired or disabled member who wished to reactivate his or her membership to petition for reinstatement and document their fitness to resume practice.