

Proposed Rule Change

Dismissal Without Prejudice When Attorney is Deceased or When Attorney's License is Revoked Without Consent

On February 4, 2003, COLD approved a proposed amendment providing that complaints against an attorney may be dismissed without prejudice when the attorney has died or had his license revoked without consent.

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

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

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- O. When an Attorney's license is revoked without consent, or upon the death of an Attorney, Bar Counsel, in his or her discretion, may dismiss without prejudice any and all Complaints or Charges of Misconduct then pending against said Attorney by notifying the Clerk of the Disciplinary System, the Complainant(s) and the District Committee, Board or court wherein the matter(s) lies.

Comments should be directed to Thomas A. Edmonds, Executive Director, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219, and should be received no later than April 15, 2003.