

VIRGINIA STATE BAR COUNCIL TO REVIEW THE STANDING COMMITTEE ON LEGAL ETHICS' PROPOSED REVISIONS TO THE RULES 3.5 & 5.3

RICHMOND, VA—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 21–22, 2002, in Richmond, Virginia, is expected to consider for approval, disapproval, or modification, proposed amendments to Rules 3.5 and 5.3 of the Virginia Rules of Professional Conduct. The amendments are the result of a comprehensive review of the Rules of Professional Conduct by the Standing Committee on Legal Ethics (“Committee”). That review had two primary goals: (1) the Committee reviewed the American Bar Association’s Ethics 2000 initiative, which involved revising the Model Rules of Professional Conduct; and (2) the Committee reviewed Virginia’s current rules to determine, now that they have been in place since January 2000, whether any provisions need clarification. The proposed revisions to Rules 3.5 & 5.3 were preceded by a larger package of proposed revisions that were reviewed at the October 2002 Council meeting.

Rule 3.5

The committee proposes additional restriction on an attorney’s contact with jurors after the discharge of the jury. This revision is not related to the ABA Ethics 2000 initiative; rather, committee consensus was that these restrictions would further the goals of Rule 3.5’s protection of jurors.

Rule 5.3

The committee proposes clarifying language to this rule that is not intended to significantly change the substance of this rule. The purpose of the proposed language is to clarify the rule’s general applicability to all lawyers.

Inspection and Comment

The proposed rule amendments 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.

Copies of the proposed amendments can be obtained from the offices of the Virginia State Bar by contacting the Office of Ethics Counsel at (804) 775-0557, or can be found at the Virginia State Bar’s Web site at <http://www.vsb.org/profguides/proposed>.

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 December 2, 2002.

If the amendment is approved by Council, the Virginia State Bar will petition the Supreme Court of Virginia to adopt Rules 3.5 & 5.3 as amended.