

# Proposed Rule Change Allowing Former Disciplinary Board Members to Participate in Disciplinary Board Proceedings

*Comments should be directed to Thomas A. Edmonds, Executive Director, Virginia State Bar, 707 East Main Street, Richmond, Virginia, 23212 and should be received no later than October 15, 2001.*

The Standing Committee on Lawyer Discipline approved the proposed amendment to the Rules of Court, Part Six, Section IV, Paragraph 13.C.(3) at its meeting on August 7, 2001. The proposed amendment would permit former Disciplinary Board members to participate in Board proceedings whenever the Chair, Vice-Chair or the Clerk of the Disciplinary System determines that such service is necessary to establish a quorum.

The proposed amendment should facilitate expeditious hearings of Disciplinary Board matters and is analogous to provisions allowing retired judges to sit as substitute judges.

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

### C. The Board and Procedure Before the Board:

- (3) Notice of Meetings; Quorum: The Board shall meet on reasonable notice by the ~~Chairman~~, or a Vice-Chair~~man~~. Five members shall constitute a quorum and the action of a majority of a quorum shall constitute action of the Board. Former members of the Board may participate in Board pro-

ceedings whenever the Chair, Vice-Chair or the Clerk of the Disciplinary System determines that such service is necessary to establish a quorum.

One of the five members assigned to any proceeding shall be a non-lawyer. If the scheduled non-lawyer member is unable to attend and if an alternate non-lawyer member is not reasonably available, participation by a non-lawyer member shall not be required in any proceeding if a quorum is otherwise present.