

REPORTS OF STANDING COMMITTEES

STANDING COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW

Yvonne DeBruyn Weight, Chair

The Standing Committee on Unauthorized Practice of Law is charged with two duties. First, the committee investigates complaints alleging that individuals or business entities are engaged in the unauthorized practice of law. Second, the committee is charged with rendering opinions to Virginia-licensed attorneys on whether specific conduct constitutes the unauthorized practice of law.

Currently, the committee consists of the following members: Yvonne DeBruyn Weight, chair, Alexandria; Hugh Taylor Antrim, vice chair, Richmond; Walter A. Wilson III, Richmond; Craig D. Johnston, Manassas; Jon C. Poulson, Accomac; Megan E. Kelly, Prince William; James M. Pates, Fredericksburg; Linda B. Liles, lay member, Richmond; and Olin V. Hyde, lay member, Richmond.

During the past year, 59 new investigations were opened in addition to the 20 investigations remaining on the committee's docket from previous years. Of those open investigations, 42 were closed during the year, with four handled as a referral to a commonwealth's attorney. The committee also has the option of referring matters to the attorney general's office for prosecution and five files were referred to that office during fiscal year 2002.

The committee addressed five requests for opinions in fiscal year 2002, one of which was carried over from fiscal year 2001. In one instance, no opinion was issued and the inquirer was advised that a prior opinion answered the question. Four opinions were issued. Of the four opinions issued, three were required by the rules to be approved by the VSB council for submission to the Virginia Supreme Court, and of those three opinions one has been approved by the Court, one has been sent to the court for consideration, and one will be sent to the council for consideration at the October meeting. Also, UPL Opinion 183 concerning real estate settlements has been withdrawn due to the approval of proposed revisions to Unauthorized Practice Rule 6 by the Virginia Supreme Court.¹

During fiscal year 2002, the committee proposed amendments to Unauthorized Practice Rule 6, which were prompted by statutory changes in recent years permitting nonlawyer settlement agents licensed under the Consumer Real Estate Settlement Protection Act (CRESPA) to provide escrow, settlement and closing services in the Commonwealth of Virginia. The rule amendments were approved by the Virginia Supreme Court and went into effect June 24, 2002. The committee also drafted and approved a new rule concerning paralegals. The proposal to adopt UPR 10 was approved by the committee May 23, 2002, and will be sent to the council for approval in October 2002.

I would like to thank the committee members—James A. Butts III; Hugh T. Antrim; William Ho-Gonzalez; Craig D. Johnston; Jon C. Poulson; Walter A. Wilson III; and Linda Binns Liles—for their hard work and dedication to the mission of the committee during the past year, as well as many years previous to that. I also wish to thank a particularly dedicated and hard working staff at the VSB, who have made the work on the committee as streamlined as possible. At the same time, the committee welcomes its new members: Ms. Kelly, Mr. Pates and Mr. Hyde. With the support of its new members, the committee looks forward to tackling the never-ending panoply of the misguided, the errant and the miscreant who might be engaging in the practice of law in the Commonwealth.

¹ Opinions:

Requests docketed during FY02:	4	(UPL Ops. 203, 204, 205, 206)
Requests pending from previous yrs:	1	(UPL Op. 202)
Opinions Issued:	4	(UPL Ops. 202, 203, 204, 206)
Requests docketed, no opinion issued:	1	(UPL Op. 205)
Pending Council approval:	1	(UPL Op. 206)
Pending Supreme Court approval:	1	(UPL Op. 204)
Approved by Supreme Court:	1	(UPL Op. 203)

