

VIRGINIA:

**IN THE SUPREME COURT OF VIRGINIA
AT RICHMOND**

**IN THE MATTER OF
SUPREME COURT RULES, PART 6, § IV, PARAGRAPH 13**

(VSB Petition ID: 24-1)

PETITION OF THE VIRGINIA STATE BAR

Chidi I. James, President
Cameron M. Rountree, Executive Director
Renu M. Brennan, Bar Counsel
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VIRGINIA:

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PETITION

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES OF THE SUPREME COURT OF VIRGINIA:

NOW COMES the Virginia State Bar (“VSB”), by its president and executive director, pursuant to Va. Code § 54.1-3909, and requests review and approval of proposed amendments to Part 6, § IV, Paragraph 13 of the Rules of this Court governing the Procedure for Disciplining, Suspending, and Disbarring Attorneys (“Paragraph 13”), as set forth below. The proposed amendments were approved by a vote of 56 in favor, two against, with three abstentions by the VSB Council (“Council”) on February 24, 2024. (Appendix, pp. 19, 22, 25-26).

I. Overview of the Issues

The Standing Committee on Lawyer Discipline (“COLD”) proposed, unanimously approved, and recommended to Council revisions to Paragraph 13-5 increasing the lay membership of COLD from two to three members in order to facilitate the Oversight subcommittee’s review of complaints dismissed by Bar Counsel.

Currently, as dictated by Paragraph 13-5 and the VSB Bylaws, COLD has twelve members, ten of whom must be Active lawyers of the VSB and two of whom must be lay members. The two lay member limitation restricts lay membership to one member each on COLD's two subcommittees, Rules and Oversight. This limitation particularly affects the Oversight subcommittee which routinely meets to review dismissed complaints. Whereas the attorney members of the Oversight subcommittee may rotate, the lay member must serve on all review panels. The limitation affects the efficiency and timeliness of file reviews as well as creating a disproportionate burden on the lay member.

II. Publication and Comment

During its October 18, 2023, meeting, COLD unanimously approved and recommended to Council the proposed amendments to Paragraph 13-5 increasing the lay membership of COLD from two to three members in order to facilitate the Oversight subcommittee's review of complaints dismissed by Bar Counsel. On October 19, 2023, the VSB posted these proposed amendments for public comment on the VSB website on the "Actions on Rule Changes and Legal Ethics Opinions" and "News and Information" pages (Appendix, pp. 3-5). Notice of the proposed amendments was also published in the VSB's November E-News on November 1, 2023, and in the VSB's December E-News on November 30, 2023 (Appendix, pp. 6-16). The deadline to comment was December 18, 2023.

Two comments were received when the proposed revisions were released for public comment (Appendix, pp. 17-18). One comment stated that two lay members are sufficient to represent the community's interests, and the other argues generally against lay membership on COLD. During its January 24, 2024, meeting, COLD reviewed the comments and unanimously approved and recommended the amendments for presentation to Council. On February 24, 2024, by a vote of 56 in favor, two against, with three abstentions, Council approved the proposed amendments for submission to this Court.

III. Proposed Amendments

Additions are denoted by underlining and deletions by strikethroughs.

* * *

13-5 AUTHORITY AND DUTIES OF COLD

All powers and duties of Council, with respect to the Disciplinary System, except the power to appoint District Committee members, may be exercised by COLD, subject to the direction and control of Council. Notwithstanding any rule to the contrary, any member of COLD may attend proceedings of the Subcommittees, District Committees or the Board. Service by an Attorney on COLD is deemed to be a professional relationship within the meaning of Rules of Professional Conduct 1.6, 1.7, 1.9, 1.10 and 3.7. Such service is deemed the holding of public office within the meaning of Rules of Professional Conduct 1.11 and 1.12. Consent under Rules of Professional Conduct 1.6, 1.7 and 1.9 is deemed to include Bar Counsel's consent on behalf of the Bar. The membership of COLD must consist of ~~twelv~~thirteen persons, ten of whom must be active members of the Bar and ~~two~~three must be nonlawyers. In addition, a vice chair of the Board is an ex-officio, nonvoting member.

* * *

IV. Conclusion

The Supreme Court is authorized to regulate the practice of law in the Commonwealth of Virginia and to prescribe procedures for disciplining, suspending, and disbaring attorneys. Va. Code §§ 54.1-3909, 3910. Pursuant to this statutory authority, the Court has promulgated rules and regulations relating to the organization and government of the VSB. Va. S. Ct. R., Pt. 6, § IV. The proposed amendments to Paragraph 13-5 increase the lay membership of COLD from two to three members in order to facilitate the Oversight subcommittee's review of complaints dismissed by Bar Counsel. COLD proposed, vetted, and approved the amendments. Council likewise approved the amendments by vote of 56 in favor, two against, with three abstentions.

THEREFORE, the VSB requests that the Court approve the proposed amendments to the attorney disciplinary procedure that increase the lay membership of COLD from two to three members at Paragraph 13-5 for the reasons stated above.

Respectfully submitted,
VIRGINIA STATE BAR



By _____
Chidi I. James, President

By Cameron M. Rountree
Cameron M. Rountree, Executive Director

Dated this 8th day of March, 2024.

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APPENDIX TO PETITION OF THE VIRGINIA STATE BAR

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PART SIX, SECTION IV, PARAGRAPH 13, RULES OF THE SUPREME COURT OF VIRGINIA

13-5 AUTHORITY AND DUTIES OF COLD

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PART SIX, SECTION IV, PARAGRAPH 13, RULES OF THE SUPREME COURT OF VIRGINIA

13-5 AUTHORITY AND DUTIES OF COLD

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Virginia State Bar

Public Comment Request

1111 East Main Street, Suite 700
Richmond, Virginia 23219-0026
Telephone: (804) 775-0500

Facsimile: (804) 775-0501 VOICE/TTY 711 or (800) 828-1120

Release Date: October 18, 2023

The Virginia State Bar Seeks Public Comment on Paragraph 13 and Virginia State Bar (“VSB”) and Council Bylaws

RICHMOND – The VSB seeks public comment on proposed amendments to the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-5 (“Paragraph 13-5”) and Bylaws of the VSB and Council, Part II, Article VIII, Section 2 (“Bylaws”) which add a lay member to the Standing Committee on Lawyer Discipline (“COLD”).

Currently, there are only two nonlawyer and 10 lawyer members of COLD. One lay member serves on the Rules Subcommittee and one on the Oversight Subcommittee. The Oversight Subcommittee lay member thus must serve on all review panels of dismissed complaints, whereas attorney members can rotate, and the lay member may be tasked with a disproportionate amount of work. The proposed amendments to Paragraph 13-5 and the Bylaws ease the burden on the lay member and ensure the efficient review of files.

The proposed amendments may be inspected below or at the office of the Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0060, between the hours of 9:00 am and 4:30 pm, Monday through Friday.

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed opinion to Cameron Rountree, executive director of the Virginia State Bar, not later than **December 18, 2023**. Comments may be submitted via email to publiccomment@vsb.org.



Proposed | amendments to Paragraph 13-5 and Bylaws of the VSB Council, which add a lay member to the Committee on Lawyer Discipline.

Approved by COLD January 24, 2024. Pending approval by VSB Council.

January 24, 2024

At its meeting on January 24, 2024, the Committee on Lawyer Discipline unanimously approved recommending the proposed Paragraph 13-5 and Bylaws revisions to VSB Council for approval at its February 24, 2024, meeting.

October 19, 2023

The VSB seeks public comment on proposed amendments to the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-5 (“Paragraph 13-5”) and Bylaws of the Council, Part II, Article VIII, Section 2 (“Bylaws”) which add a lay member to the Committee on Lawyer Discipline (“COLD”).

Currently, there are only two nonlawyer and 10 lawyer members of COLD. One lay member serves on the Rules Subcommittee and one on the Oversight Subcommittee. The Oversight Subcommittee lay member thus must serve on all review panels of dismissed complaints, whereas attorney members can rotate, and the lay member may be tasked with a disproportionate amount of work. The proposed amendments to Paragraph 13-5 and the Bylaws ease the burden on the lay member and ensure the efficient review of files.

The proposed amendments may be inspected below or at the office of the Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0060, between the hours of 9:00 am and 4:30 pm, Monday through Friday.

Inspection and Comment

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed opinion to Cameron Rountree, executive director of the Virginia State Bar, not later than **December 18, 2023**. Comments may be submitted via email to publiccomment@vsb.org.

PART SIX, SECTION IV, PARAGRAPH 13, RULES OF THE SUPREME COURT OF VIRGINIA

13-5 AUTHORITY AND DUTIES OF COLD

All powers and duties of Council, with respect to the Disciplinary System, except the power to appoint District Committee members, may be exercised by COLD, subject to the direction and control of Council. Notwithstanding any rule to the contrary, any member of COLD may attend proceedings of the Subcommittees, District Committees or the Board. Service by an Attorney on COLD is deemed to be a professional relationship within the meaning of Rules of Professional Conduct 1.6, 1.7, 1.9, 1.10 and 3.7. Such service is deemed the holding of public office within the meaning of Rules of Professional Conduct 1.11 and 1.12. Consent under Rules of Professional Conduct 1.6, 1.7 and 1.9 is deemed to include Bar Counsel’s consent on behalf of the Bar. The membership of COLD must consist of ~~twelve~~ thirteen persons, ten of whom must be active members of the Bar and ~~two~~ three must be nonlawyers. In addition, a vice chair of the Board is an ex-officio, nonvoting member.

PART II – BYLAWS OF THE COUNCIL

ARTICLE VIII

Sec. 2. Committee on Lawyer Discipline — There shall be a standing committee to be appointed by the president and to be known as the Committee on Lawyer Discipline. The committee shall consist of ~~twelve~~ thirteen persons, ten of whom shall be active members of the bar and ~~two~~ three shall be non-lawyers. In addition, the vice-chairman of the Virginia State Bar Disciplinary Board shall be an ex-officio, non-voting member of the committee. At least two of the lawyers who are members shall be members of the Council. All members shall serve a three-year term and the president shall appoint members to the committee so as to allow for the retirement from the committee of one third of its membership at the end of each fiscal year. No member shall serve more than two consecutive three-year terms. A member appointed to fill an unexpired term shall be eligible to serve two additional full three-year terms. An eligible member wishing to be reappointed shall be required to reapply in writing under procedures

established by Council and administered by the executive director. All powers and duties of the Council with respect to operation of the bar's disciplinary system, not otherwise delegated or reserved, shall be exercised and discharged by the committee.

Contact Numbers

All Departments (804) 775-0500
Voice/TTY 711 or (800) 828-1120

Office Hours

Mon thru Fri 8:15am to 4:45pm
(excluding holidays)
The Clerk's Office does not accept filings after 4:45pm

Address and Directions

1111 East Main Street, Suite 700
Richmond, Virginia 23219-0026

[DIRECTIONS](#)

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Governance

[Highlights of the October 13 VSB Council Meeting](#)

At its meeting on October 13, 2023, in Williamsburg, the Virginia State Bar Council heard the following significant reports and took these actions.



[The VSB seeks public comment on proposed amendments to Paragraph 13-5 and Bylaws](#)

The VSB seeks public comment on proposed amendments to Paragraph 13-5 and Bylaws of the VSB Council, which add a lay member to the Committee on Lawyer Discipline.

[The Supreme Court of Virginia Raises Fees for Court-Appointed Counsel](#)

The Supreme Court of Virginia has revised the fee structure used for compensating court-appointed counsel in appeals of criminal convictions and terminations of parental rights.

[Volunteers Sought for Local Disciplinary District Committees 2024](#)

Volunteer attorneys and lay members are needed to serve on the Virginia State Bar's Local Disciplinary District Committees beginning on July 1, 2024. Applications in the form of a résumé and short statement of interest are due February 28, 2024.

[Supreme Court of Virginia Corrects Judicial Canons Order](#)

On October 13, 2023, the Supreme Court of Virginia issued an Order correcting an order of December 15, 2021 (effective January 1, 2022) in which it amended Part Six, Section III, Canons of Judicial Conduct.

Compliance

Have you finished your 2023 CLE requirement? All CLE hours, whether used for compliance or carryover, **must be reported to our office no later than 4:45 pm EST, December 15, 2023.** You may report your CLE hours online by logging into your account on the VSB website.



Dues statements will not be sent by mail in 2024. Lawyers should keep emails current with the VSB to receive reminders.

Discipline

Disciplinary hearings are public meetings found on the disciplinary docket and on the VSB calendar.

Recent disciplinary system actions:

Kelley Elizabeth Clements Keller, license suspended, effective October 5, 2023.

Sheila Bridget Thurmond Mayers, license suspended, effective October 5, 2023.

Julia Elizabeth Mills, license suspended, effective October 18, 2023.

Duncan Kenner Brent, license suspended, effective October 25, 2023.

Denise Ann Daniels, license suspended, effective October 27, 2023.

Michael Ben Gunlicks, reprimand, effective October 10, 2023.

Weon Geun Kim, reprimand, effective October 24, 2023.

Shalonda Michelle Tillman, admonition, effective October 12, 2023.

Private discipline: 2 admonitions; 3 reprimands

Pro Bono / Access to Justice

William “Bill” E. Shmidheiser III of Harrisonburg, who recently retired from Flora Pettit, has been named the **2023 Lewis F. Powell Jr. Pro Bono Award** recipient.

He has taken pro bono cases since 1982, and over the decades has handled dozens of often lengthy and frequently difficult cases.



Events and Award Nominations



Nominate a colleague or peer for the prestigious **Harry L. Carrico Professionalism Award** created by the Criminal Law Section to recognize an individual (judge, defense attorney, prosecutor, clerk, or other citizen) who has made a singular and unique contribution to the improvement of the criminal justice system in the Commonwealth of Virginia. **Deadline: December 1, 2023.**

Nominations are now being accepted for the **William R. Rakes Leadership in Education Award**. Nominate a deserving individual from the bench, the practicing bar, or the academy before December 1, 2023. The recipient will be recognized at the 2024 Annual Meeting.

CLE



44th Annual Construction Law and Public Contracts Seminar is November 3 & 4 in Charlottesville at the Boar's Head Resort or via webcast.

If you like last minute plans, join the Construction Law Section at the beautiful Boar's Head and make a great fall weekend of it. 12.0 CLE (2 Ethics) means you're finished with CLE for 2024 before it even starts, and cross that off your New Year's Resolutions!

49th Annual Advanced Business Law

Conference: Friday, Dec. 8 and Saturday, Dec. 9. This CLE is the section's marquee event, offering 10 hours of CLE (2 hours ethics). Bank your 2024 CLE, get a year end tax deduction or two, and spend the day at the winter wonderland Reston Town Center getting your holiday shopping finished! 📺



Volunteers Sought for VSB Disciplinary Board 2024

Three volunteer attorneys and one lay member are needed to serve on the

Virginia State Bar Disciplinary Board beginning on **July 1, 2024**.

Learn more about [other volunteer opportunities](#) at the VSB.

VSB Advertising

Looking for a new job? There are a whole lot of lawyer positions available in our new **Classifieds**. Have office space to lease, something to sell, or a service to advertise? Right now, we are offering all ads placed in December 2023 free as our end of year gift to our favorite lawyers so that we can make the VSB classifieds a useful tool for all our members.

Virginia Lawyer. There's no better place or better prices for reaching 50,000 lawyers across Virginia and the USA than *Virginia Lawyer* magazine. So if you would like to promote your services, your law school, or your attorneys, Contact [Dee Norman](#) to discuss advertising, or if you have a topic you'd like to write about. As always, thank you to our authors, readers, and our wonderful advertisers.

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Governance

[Virginia State Bar Clients' Protection Fund Board Pays \\$130,014 on Twenty-three Petitions](#) regarding six Virginia attorneys at its Sept. 15, 2023, meeting.

[The VSB Seeks Public Comment on Proposed Amendments to Paragraph 13-5 and Bylaws](#), which adds a lay member to the Committee on Lawyer Discipline. Comments due by Dec. 18.

[VSB Training Set for Lawyers who serve as GALs for Impairment Proceedings](#), with CLE credit, on Dec. 8.

[Supreme Court of Virginia Amends Rules 5A and 4](#)

Ordered on November 21, 2023, the Supreme Court of Virginia has amended Rule 5A:19 effective immediately, and Rules 4:1(g), 4:8(d), 4:9(b), 5A:25, 5A:6, 5A:8, and 5A:10, effective January 20, 2024.

Volunteers Needed to Regulate the Profession

[Local Disciplinary District Committees 2024](#)

Attorneys and lay members are needed to serve beginning on July 1, 2024.

[Board and Committee Vacancies](#)

Attorneys are needed to serve on the VSB CPF Board, MCLE Board, Judicial Candidate Evaluation Committee, and as Council Members at Large beginning on July 1, 2024.

[The Fee Dispute Resolution Program](#)



Attorney and lay member fee dispute arbitrators, as well as Supreme Court-certified attorneys and lay member mediators needed. Even if you can't serve, but know of someone who might be willing, please put them in contact with Paulette Davidson pdavidson@vsb.org. Online training provided.

Discipline

Disciplinary hearings are public meetings found on the [disciplinary docket](#) and on the [VSB calendar](#).

Recent disciplinary system actions:

Charles Gregory Phillips, license revoked, effective October 18, 2023.

Dale Reese Jensen, license revoked, effective October 26, 2023.

Matt Clay Pinsker, license suspended, effective November 28, 2023.

James Randall Perkins, public reprimand, effective November 3, 2023.

Peter Linn Goldman, public reprimand, effective November 6, 2023.

Thomas Joseph Robl, public reprimand, effective November 13, 2023.

Erik M. Helbing, public reprimand, effective November 16, 2023.

Compliance



The **2023 MCLE End of Year Report Form 1** is available for review in your member portal. Report approved courses online in the VSB Portal. If you are unable to certify a course online, follow the instructions on [Form 1](#), available [online](#).

ALL CLE hours for the 2023 CLE period must be reported **no later than 4:45 pm ET on December 15, 2023**.

Dues statements will be emailed, not mailed, in 2024, so please keep your email current with the VSB. **Sign in** to make sure you have also joined the sections and conferences you are interested in!

Pro Bono / Access to Justice

To spread some holiday cheer, we are celebrating the winners of our **GetTo30! Pro Bono Challenge drawing**. In addition to completing the challenge and being recognized in *Virginia Lawyer* magazine, these winners receive free access to special bar events in 2024. Congratulations!



- **Sheri Ann Thaxton** of Henrico – All-Inclusive Onsite Package to the 2024 VSB Annual Meeting (\$700+ value)
- **Julia Christine Phillips** of Alexandria – On-Demand Annual Meeting CLE Package (\$100 value)
- **Dawnee Henley Tate** of Falls Church – VSB Techshow Pass (\$50 value)
- **Emily Elizabeth Sripinyo** of Alexandria – Presidents' Lunch: A lunch with VSB President Chidi James and Immediate Past President Stephanie Grana (priceless)

What to give that lawyer who has everything? Fill stockings and the justice gap by donating to a legal services organization in honor of a friend or colleague. Donate to Virginia's state and local legal service providers **on their websites**.

VSB Members' Insurance

Give Your Health & Life Insurance a Check-up!

Selected by thousands of VSB lawyers, these VSB Personal Insurance Plans include **health, dental, vision, term life, and disability insurance**. VSB Members' Insurance Center (operated by OneDigital) assists with obtaining coverage, questions about plans, and serving as your liaison with insurance companies. Whether for one lawyer or an entire firm, group rates are available through the purchasing power of the VSB.

Contact: debbiestocks@vsbmic.com or 804-656-3540, ext 52005.



VSB CLE

Three reasons to register for the **49th Annual Advanced Business Law Conference**

December 8 & 9, Friday & Saturday

Live, in-person conference at the Hyatt Regency Reston at Reston Town Square (10.0 CLE, 2 Ethics)

1. Bank 10 CLE hours for 2024 before the year even begins!
2. Those CLE & travel costs are tax deductible so add them to your 2023 business deductions.
3. Start (or finish!) your holiday shopping and enjoy the winter wonderland and dining at the Reston Town Center after your CLE. 🎁



Virginia CLE® in the Netherlands 2024

Travel with us to Holland

Enjoy CLE in The Hague – **MAY 2-6, 2024**
Add Optional Nights in Amsterdam – **MAY 6-8**

Limited space remains
Learn more at cle-abroad.com/trip/VLF50th

Virginia Law Foundation  Virginia CLE®

VSB Real Property Section Releases Second Living Library Video Series

Real Property Litigation

Video 1: John Altmiller on Real Property Litigation



John Altmiller provides a brief overview of common real property litigation issues including establishing titles, modifying titles, quiet title actions, partition suits, and adverse possession. Throughout his talk, Altmiller emphasizes the value of collaboration and collegiality.

Video 2: Michael Derdeyn on Real Property Litigation



Michael Derdeyn dives deeper into adverse possession and quiet title actions. He pays special attention to the burden of truth in Virginia. Specifically, the necessity of the counsel's ability to establish legal title, trace the title, and establish boundaries, among other factors.

Video 3: Altmiller-Derdeyn Joint Session



Altmiller and Derdeyn discuss some of the practical issues facing lawyers in real estate litigation. A key to success is realizing that clients may not always have the facts about the property. Lawyers must recognize it is essential to do a thorough discovery to trace each title. Secondly, the goal may be simply coming to a resolution on some level. The value of the case for clients may not always be in winning, but rather in having finality.

The Real Property Section has completed the second series in the Living Library Project, with three new videos on real property law.

The videos are intended to assist lawyers who work in property law and to encourage other attorneys to join the ranks of the "dirt lawyers."

Nominate a Colleague!



Know of a leader in the law? Nominations are being sought for the following:

The Criminal Law Section's Harry L. Carrico Professionalism Award. Deadline: Dec. 1, 2023.

The Section on the Education of Lawyers's **William R. Rakes Leadership in Education Award**. Deadline: Dec. 1, 2023.

Family Law Section's **Betty A. Thompson Lifetime Achievement Award** or the **Family Law Service Award**. Deadline: Jan. 24, 2024.

Upcoming Events: Save the Date

The annual **Criminal Law Seminar** will be held on February 2 in Charlottesville and February 9 in Williamsburg.

This year's **Bar Leaders Institute** will be held on Friday, March 8, 2024, at the Virginia Museum of History and Culture. **The Hon. Cleo E. Powell** will be the keynote speaker.



The **Diversity Conference** will host the 4th Annual **Forum on Diversity in the Legal Profession** on Friday, March 15, 2024, at the Jepson Alumni Executive Center at the University of Mary Washington in Fredericksburg.

Registration for the 2024 VSU Techshow opens December 1, 2023.

Virginia Lawyer Magazine and Advertising



IN THE MAIL: The December issue of Virginia Lawyer magazine is sponsored by the Construction Law & Public Contracts Section, with articles on a range of topics thanks to the prolific and talented writers of the VSB. Thank you to everyone who contributed and to our advertisers.

If you would like to promote your services, your accomplishments, or your attorneys, there's no better place to reach 50,000 lawyers across Virginia and the USA.

Contact Dee Norman to discuss advertising, or if you

have a topic you'd like to write about.

Looking for a new job? There are many lawyer positions available in our new Classifieds as well as a move-in ready office lease in Warrenton. Right now, we are offering all ads placed in December 2023 free to VSB members as our end of year gift to our favorite lawyers.

Stay connected to the VSB.



From: Faye Carroll <fc@virginiafamilylawcenter.com>
Sent: Thursday, November 30, 2023 11:30 AM
To: publiccomment
Subject: EXTERNAL SENDER Proposed | amendments to Paragraph 13-5 and Bylaws of the VSB Council, which add a lay member to the Committee on Lawyer Discipline.

You don't often get email from fc@virginiafamilylawcenter.com. [Learn why this is important](#)

Opposed. Two lay members are sufficient to represent the interests of the community in the discipline of lawyers.

Best regards,

Faye Carroll
Managing Partner
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Fairfax, Virginia 22030
(703) 865-5839
www.virginiafamilylawcenter.com

Fairfax VA Family Law Attorney | Virginia
Divorce, Child Custody & Support
Lawyer

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www.virginiafamilylawcenter.com

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Sent: Sunday, December 10, 2023 11:38 PM
To: publiccomment
Cc: Gus Bequai
Subject: EXTERNAL SENDER Comment on Proposed amendments to Par. 13-5 and Bylaws of the Council

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The above noted proposal would add a lay person to the Committee on Lawyer Discipline ("COLD") if passed. While the idea has merit on paper, it falls short when put to the test. COLD addresses legal issues that impact on the livelihood and career of an attorney. In my opine, COLD is in need of attorneys who have both experience and credentials. Unfortunately, politics plays a role in the selection and often emotions supplant the law. COLD is serious business, and I fail to see what a lay person can bring on the table to enhance its legal acumen.

I have sat over the years on many Boards, Committees, etc., where lay people do play a role and I have often pushed for expanding the scope of those groups to include members of the lay public. Criticism that has been directed at COLD has not been one of manipulation in favor of "crooked" lawyers, but rather one of lacking in depth. In short, lawyering is a profession with an ancient history. Political fads come and go and are swept away by history as fast as they have made their way into the body politic.

In short, the public at large will be better served if we have lawyers on the COLD that bring a depth in the workings of the law and broad experience. If I thought for a minute that a lay person could bring anything of real value by service on COLD, I would go so far as to reimburse their out-of-pocket expenses. Thank you and wishing you all well for the upcoming Holidays.

August Bequai, Esq.
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McLean, VA 22102
Tel.: (703) 893-4806
Fax: (703) 388-0648
attyabeq@aol.com

**MINUTES OF THE VIRGINIA STATE BAR
COUNCIL MEETING**

Date: February 24, 9:00 am
Location: Omni Richmond Hotel, 110 S. 12th Street, Richmond

The Virginia State Bar Council met in-person on Saturday, February 24, 2024. At 9:07 am, President Chidi I. James called the meeting to order. Sixty (60) committee members attended in-person satisfying the meeting quorum requirement in Part I, Art. V, Sec. 2 of the Bylaws of the Virginia State Bar (VSB). There was no remote participation.

Committee members in attendance:

President Chidi I. James
President-elect Michael M. York
Immediate Past President Stephanie E. Grana

Circuit 1	D.J. Hansen	Circuit 19	Tamika D. Jones
Circuit 2	Jeremiah A. "Jake" Denton IV	Circuit 19	Paul H. Melnick
Circuit 2	Bretta Zimmer Lewis	Circuit 19	Nathan J. Olson
Circuit 3	Matthew R. Foster	Circuit 19	Luis A. Perez
Circuit 4	Corrynn J. Peters	Circuit 19	Debra L. Powers
Circuit 4	Caswell W. Richardson	Circuit 19	Gina L. Schaecher
Circuit 5	Thomas G. Shaia	Circuit 19	Gobind S. Sethi
Circuit 6	Derek A. Davis	Circuit 19	Robert B. "Bob" Walker
Circuit 7	Patrick C. Murphrey	Circuit 20	R. Penn Bain
Circuit 8	Veronica E. Meade	Circuit 20	Marie E. Washington
Circuit 9	Susan B. Tarley	Circuit 21	G. Andrew Hall
Circuit 10	E. M. Wright, Jr.	Circuit 22	W. Huntington "Hunter" Byrnes, Sr.
Circuit 13	Timothy R. Baskerville	Circuit 23	Kevin W. Holt
Circuit 13	Jonathan M. Petty	Circuit 24	Hope R. Townes
Circuit 13	Cullen D. Seltzer	Circuit 25	David B. "Brian" Richardson
Circuit 13	Samuel T. Towell	Circuit 26	Peter K. McDermott II
Circuit 13	Susheela Varky	Circuit 27	W. Grant Back
Circuit 14	William J. Egen	Circuit 28	Bruce H. Russell II
Circuit 14	Joel R. McClellan	Circuit 29	Bradley D. Fleming
Circuit 15	Allen F. Bareford	Circuit 30	D. Sue Baker
Circuit 16	Richard H. Howard-Smith	Circuit 31	Anna B. Bristle
Circuit 16	Ann Marie Park	Member at Large	Lenard T. Myers, Jr.
Circuit 17	Carole H. Capsalis	Member at Large	Molly E. Newton
Circuit 17	Jennifer S. Golden	Member at Large	Lonnie D. "Chip" Nunley III
Circuit 18	Nicholas J. Gehrig	Member at Large	Nicole E. Upshur
Circuit 18	Sebastian M. Norton	Member at Large	Lisa A. Wilson
Circuit 18	Todd A. Pilot	CLSBA Chair-elect	Christine H. Mouglin-Boal
Circuit 19	Susan M. Butler	DC Chair	Candace A. Blydenburgh
Circuit 19	Stephen K. Gallagher	SLC Chair	W. Carter Younger
Circuit 19	Chidinma U. Harley	YLC President	Craig E. Ellis

Absent:

Circuit 2	Naveed Kalantar
Circuit 4	Charlene A. Moring
Circuit 11	Dale W. Pittman
Circuit 12	P. George Eliades II
Circuit 13	Mark D. Dix
Circuit 13	Henry I. Willett III
Circuit 14	Thomas A. Edmonds
Circuit 17	G. L. "Rex" Flynn, Jr.
Circuit 17	Adam M. Krischer
Circuit 17	David E. Sher
Circuit 19	Gary V. Davis
Circuit 19	Kyung N. "Kathryn" Dickerson
Circuit 19	Carly J. Hart
Circuit 23	Daniel P. Frankl
Member at Large	Patricia E. Smith
Member at Large	Joanna L. Suyes
Member at Large	David P. Weber
CLSBA Chair	Dillina W. Stickley

Council Invitees:

David J. Gogal	Virginia Law Foundation
Shelia B. Holmes	Old Dominion Bar Association
Alison R. Mullins	Virginia Women Attorneys Association
Valerie O'Brien	Virginia Trial Lawyers Association
K. Danielle Payne	Virginia Association of Criminal Defense Lawyers
W. Ryan Snow	Virginia Bar Association
Shannon L. Taylor	Virginia Association of Commonwealth's Attorneys
T. Vaden Warren, Jr.	Virginia Trial Lawyers Association

Also attending:

Cameron M. Rountree	VSB Executive Director and Chief Operating Officer
Janet P. Van Cuyk	VSB Deputy Executive Director
Renu M. Brennan	VSB Bar Counsel
Marni E. Byrum	VSB Standing Committee on Budget and Finance chair
DaVida M. Davis	VSB Director of Regulatory Compliance
Joanne "Jo" Fronfelter	VSB Clerk of the Disciplinary System
Crystal T. Hendrick	VSB Director of Finance and Procurement
Lauren P. Langley	VSB Deputy Director of Regulatory Compliance
Kevin E. Martingayle	VSB Mandatory Continuing Legal Education Board member
Shawne D. Moore	VSB Assistant to the Executive Director
Caryn B. Persinger	VSB Director of Communications
Aidan Stengel	VSB IT Specialist
Maureen D. Stengel	VSB Director of Bar Services
Jennifer J. West	VSB Standing Committee on Lawyer Discipline member

I. Reports and Information Items

A. President's Report

President Chidi I. James reported on his activities. The President's Report for February 2024 was included in the materials provided to Council. President James highlighted the In Memoriam section of the report and requested Cameron M. Rountree was invited to say a few words about the late Hon. Robert G. Doumar, a U. S. District Court Judge for the Eastern District. W. Carter Younger was asked to say a few words to recognize the passing of former VSB Bar President Edward B. Lowry. Afterwards, a moment of silence was held.

B. Executive Director's Report

Executive Director Cameron M. Rountree reported on matters relating to the VSB. The Executive Director's February 2024 report was included in the materials provided to Council.

C. Financial Reports

Director of Finance Crystal T. Hendrick presented the VSB financial report. The Financial Report as of December 31, 2023, was included in the materials provided to Council.

D. Bar Counsel Report

Bar Counsel Renu M. Brennan reported on the activities in the Office of Bar Counsel. The Disciplinary System report dated January 31, 2024, and the Supplement to Bar Counsel Report for February 2024, were included in the materials provided to Council.

E. Conference of Local & Specialty Bar Associations Report

Chair-elect Christine H. Mouglin-Boal reported on the activities of the Conference of Local & Specialty Bar Associations (CLSBA) on behalf of Chair Dillina W. Stickley. A copy of the CLSBA report dated February 23-24, 2024, was included in the materials provided to Council.

F. Diversity Conference Report

Chair Candace A. Blydenburgh presented the report on the activities of the Diversity Conference. The Report of the Diversity Conference dated January 29, 2024 was included in the materials provided to Council.

G. Senior Lawyers Conference Report

Chair W. Carter Younger reported on the activities of the Senior Lawyers Conference. The Report of the Senior Lawyers Conference dated February 24, 2024, was included in the materials provided to Council.

H. Young Lawyer Conference Report

Young Lawyer Conference (YLC) President Craig E. Ellis reported on the activities of the YLC. The YLC President's Report dated February 2024 was included in the materials provided to Council.

I. Mandatory Continuing Legal Education Board Report (MCLE)

Board member Kevin E. Martingayle provided an informational summary of the MCLE recommendations for increasing MCLE sponsor fees:

1. To recoup VSB expenses from course sponsors due to rising costs, and
2. To ameliorate the vast gulf between what non-accredited and law firm sponsors pay, on the one hand, compared to what accredited sponsors pay on the other.

A copy of the Board Recommendation for Sponsor Fee Increase dated February 2024 was made available electronically on the VSB website.

II. Action Items

A. Minutes of the October 13, 2023 Meeting

President Chidi I. James presented the minutes of the October 13, 2023, meeting and solicited a motion. A motion was made by Bruce H. Russell II and seconded by Luis A. Perez to approve the minutes of the October 13, 2023, meeting.

The motion passed and Council approved the minutes of the October 13, 2023, meeting. Members Carole H. Capsalis, Peter K. McDermott II, and Molly E. Newton voted “yes” verbally. Member Anna B. Bristle verbally voted to “abstain.” All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

B. Approval of the VSB FY 2025 Proposed Budget

Budget and Finance Committee Chair Marni Byrum presented the FY 2025 Proposed Budget on behalf of the committee. A copy of the memorandum dated January 26, 2024, from the Director of Finance and Procurement, and the FY 2025 Proposed Budget were included in the materials provided to Council. A motion was made by Stephanie E. Grana and seconded by Bruce H. Russell II to approve the committee’s request for approval to send the proposed budget for FY 2025 to the Supreme Court for approval.

The motion passed and Council approved the request. Members Carole H. Capsalis and Caswell W. Richardson voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

C. Approval of Proposed changes to Paragraph 13-5 and Bylaws of the Council, Article VIII, Section 2 to add a third lay member to the Committee on Lawyer Discipline (COLD)

Committee member, and subcommittee chair, Jennifer J. West presented the request for Approval of Proposed changes to Paragraph 13-5 and Bylaws of the Council, Article VIII, Section 2 to add a third lay member on behalf of the COLD Oversight Subcommittee. A copy of the memo dated January 25, 2024, from Bar Counsel on the proposed revisions to Part Six, Section IV, Paragraph

13-5 (“Para. 13-5” Authority and Duties of COLD) of the Rules of the Supreme Court of Virginia and Bylaws of the Virginia State Bar and Council, Part II, Article VIII, Section 2 (“VSB Bylaws”) was included in materials provided to Council. After a discussion, a motion was made by Susan B. Tarley and seconded by Bruce H. Russell II to approve the subcommittee’s request for approval to add a third lay member to COLD, and to send to the Supreme Court.

The motion passed and Council approved the request. Members Paul H. Melnick and Michael M. York voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

D. Approval of Nominating Committee Recommendations for 2024-2025

Nominating Committee Chair Stephanie E. Grana presented the request for approval of the Nominating Committee Recommendations for 2024-2025. A copy of the Nominating Committee Report dated January 24, 2024, was included in the materials provided to Council. A motion was made by Tamika D. Jones and seconded by Luis A. Perez to accept and approve the recommendations of the Nominating Committee for the American Bar Association House of Delegates and the Clients’ Protection Fund Board, and to approve and send the recommendations for Council Members at Large, Disciplinary Board and Mandatory Continuing Legal Education Board to the Supreme Court for appointment to the appropriate entities.

- American Bar Association House of Delegates
 - Weiner, Brianna B., Fairfax/YLC Member

- Clients’ Protection Fund Board
 - Reiner, Jacqueline M., Richmond
 - Engle, Elizabeth G., Charlottesville
 - Owens, Mary K. B., Chesterfield

- Council Members at Large
 - Suyes, Joanna L., Richmond
 - Upshur, Nicole E., Virginia Beach
 - Ellis, Craig E., Fairfax

- Disciplinary Board
 - Royer, Jennifer D., Attorney-Roanoke
 - Gibney, Yvonne S., Attorney-Chesterfield
 - Moore, Michael C., Attorney-Henrico
 - Massenber, Jr., Samuel E., Lay Member-Haymarket

- Mandatory Continuing Legal Education Board
 - Mullins, Alison R., Alexandria
 - Lehman, Jessica R., Fairfax
 - Obregón, Raymond J., Fairfax

The motion passed and Council approved the request. Members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

E. Approval of 2024-2025 Disciplinary Board Chair and Vice-Chair Recommendations

Council Member at Large Lisa A. Wilson presented a request from the Disciplinary Board. A copy of the memorandum from the Clerk of the Disciplinary System dated January 26, 2024, was included in the materials provided to Council. A motion was made by Bruce H. Russell II and seconded by Samuel T. Towell to accept the recommendations of the board and send them to the Supreme Court for appointment.

1. David J. Gogal, Chair.
2. Jennifer D. Royer, First Vice-Chair.

The motion passed and Council approved the request. Members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

F. Presentation of Council Service Award to Samuel T. Towell

President Chidi I. James presented a Council Service Award to Samuel T. Towell, with deep appreciation for significant service as a member of Council from July 2022 to March 2024. On January 24, 2024, Mr. Towell was appointed by the General Assembly to the State Corporation Commission as a Commissioner.

There being no other business for the Council, at 11:08 am the meeting was adjourned.

C. Do You Approve of the Proposed Changes to Paragraph 13-5 and the Bylaws of the Council, Article VIII, Section 2 to Add a Third Lay Member to the Committee on Lawyer Discipline?

Results Summary:

Response	Count
Yes	55
Abstain	3
No	2
Total	60

Individual Results:

Response #	Created At	Screen name	Response
1	2/24/2024 9:54	Susie Baker	Yes
2	2/24/2024 9:54	Allen Bareford	Yes
3	2/24/2024 9:54	Carole capsalis	Yes
4	2/24/2024 9:54	Gina Schaecher	Yes
5	2/24/2024 9:54	Chidi James	Yes
6	2/24/2024 9:54	Stephanie Grana	Yes
7	2/24/2024 9:54	Chip Nunley	Yes
8	2/24/2024 9:54	Tim Baskerville	Yes
9	2/24/2024 9:54	Jonathan Petty	Yes
10	2/24/2024 9:54	Peter McDermott	Yes
11	2/24/2024 9:54	Todd Pilot	Yes
12	2/24/2024 9:54	Derek Davis	Yes
13	2/24/2024 9:54	W. Grant Back	Yes
14	2/24/2024 9:54	Molly Newton	Yes
15	2/24/2024 9:54	Nick Gehrig	Yes
16	2/24/2024 9:54	Jennifer Golden	Yes
17	2/24/2024 9:54	Ann Marie Park	Yes
18	2/24/2024 9:54	e m wright jr	Yes
19	2/24/2024 9:53	Hope Townes	Yes
20	2/24/2024 9:53	Glen Andrew Hall	Yes
21	2/24/2024 9:53	Gobind Sethi	Yes
22	2/24/2024 9:53	Christine Mouglin-Boal	Yes
23	2/24/2024 9:53	Corrynn Peters	Yes
24	2/24/2024 9:53	Robert Walker	Yes
25	2/24/2024 9:53	Sam Towell	Yes
26	2/24/2024 9:53	Patrick C. Murphrey	Yes
27	2/24/2024 9:53	Tamika Jones	Yes

C. Do You Approve of the Proposed Changes to Paragraph 13-5 and the Bylaws of the Council, Article VIII, Section 2 to Add a Third Lay Member to the Committee on Lawyer Discipline?

28	2/24/2024 9:53	Bretta Lewis	Yes
29	2/24/2024 9:53	Cas Richardson	Yes
30	2/24/2024 9:53	Lisa Wilson	Yes
31	2/24/2024 9:53	Wells Huntington Byrnes	Yes
32	2/24/2024 9:53	Brad Fleming	Yes
33	2/24/2024 9:53	Kevin W. Holt	Yes
34	2/24/2024 9:53	Anna Bristle	Yes
35	2/24/2024 9:53	W. Carter Younger	Yes
36	2/24/2024 9:53	Lenard Myers	Yes
37	2/24/2024 9:53	Debra Powers	Yes
38	2/24/2024 9:53	Bruce Russell	Yes
39	2/24/2024 9:53	Susan Butler	Yes
40	2/24/2024 9:53	Nicole Upshur	Yes
41	2/24/2024 9:53	Richard Howard-Smith	Yes
42	2/24/2024 9:53	Candace Blydenburgh	Yes
43	2/24/2024 9:53	Thomas Shaia	Yes
44	2/24/2024 9:53	Joel McClellan	Yes
45	2/24/2024 9:53	DJ Hansen	Yes
46	2/24/2024 9:53	Jeremiah Denton IV	Yes
47	2/24/2024 9:53	William Egen	Yes
48	2/24/2024 9:53	Susheela Varky	Yes
50	2/24/2024 9:53	Matthew Foster	Yes
51	2/24/2024 9:53	Penn Bain	Yes
52	2/24/2024 9:53	Cullen Seltzer	Yes
53	2/24/2024 9:53	Sebastian Norton	Yes
54	2/24/2024 9:53	Susan Tarley	Yes
55	2/24/2024 9:53	Chidinma Harley	Yes
56	2/24/2024 9:54	D Brian Richardson	No
57	2/24/2024 9:53	Jim Hundley	No
58	2/24/2024 9:54	Luis Perez	Abstain
59	2/24/2024 9:53	Nathan Olson	Abstain
60	2/24/2024 9:53	Stephen Gallagher	Abstain