

LAWYER DISCIPLINE

William L. Babcock Jr., chair

The Standing Committee on Lawyer Discipline oversees the attorney disciplinary process, including the bar's investigation and prosecution of complaints. COLD also formulates and presents proposed amendments to Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia, which govern the disciplinary process. Proposed amendments are published in the *Virginia Lawyer Register* and presented to the Virginia State Bar Council, which decides whether to petition the Court for adoption of the change.

The committee comprises eight lawyers, two laypersons and one member of the Virginia State Bar Disciplinary Board, who serves ex officio.

For the fiscal year ending June 30, 2008, the officers are William L. Babcock Jr., chair; Afshin Farashahi, vice chair; Julia S. Savage, chair of the rules subcommittee; and John D. Whittington, chair of the oversight subcommittee. There is an ongoing task force, chaired by Julia Savage, working on a reorganization of Paragraph 13, and a study group, chaired by Robert W. Carter, considering an ethics school or course as an addition to the disciplinary system.

The oversight subcommittee randomly reviews case files to ensure that the VSB counsel handled them in a procedurally correct fashion. In addition to the random case file reviews, the oversight subcommittee reviews files where complainants or respondents have questioned the handling of a case.

The Supreme Court approved a change to Paragraph 13 to update terminology used in the rules and to specify that neither district committee members nor board members may serve in a disciplinary proceeding if the member previously represented the respondent. COLD proposed and the bar council approved an amendment restating the notice requirements that must be met by an attorney who is suspended or disbarred and an amendment prohibiting a respondent from moving to dismiss a complaint or investigation. These were submitted to the Court and withdrawn; they will be resubmitted. COLD approved and sent to the council an amendment that sets out specific deadlines for a respondent to supply available dates for a hearing by a three-judge panel, and that clarifies the filing and service requirements for such cases. Two further amendments are pending submission to the council: one would prohibit an appeal from a board determination to which the respondent agreed, and the other would update terminology and the list of sanctions that may be issued by and appealed from a district committee, and would specify that district committee determinations are final ten days after service on the respondent.

COLD held its annual Disciplinary Conference in Williamsburg on July 13 and 14, 2006. The conference was attended by attorney and lay members of the district committees, the Disciplinary Board, and COLD, and judges who sit on three-judge panels hearing disciplinary matters. In attendance were seventy-two district committee members, sixteen Disciplinary Board members, two judges and eight members of COLD. The program included remarks by Justice Elizabeth B. Lacy, an overview of the disciplinary system, presentation and discussion of case vignettes, and break-out sessions for new members, officers, and lay members of district committees. Participants also played an "Ethics Jeopardy" game. Chief Justice Leroy R. Hassell Sr. was the luncheon speaker.

