



## **STANDING COMMITTEE ON LEGAL ETHICS**

*James O. Broccoletti, chair*

### **Ethics Opinions**

In addition to opinion requests carried over from the prior year, the Standing Committee on Legal Ethics received five new opinion requests this year. The committee issued twelve opinions during the 2005–2006 fiscal year. Those requests addressed a wide range of topics. Specifically, opinions responded to inquiries regarding:

- Possibility of converting all paper files to electronic files.
- Contingent fee agreement with a provision directing the attorney's fee should representation end prior to the end of the case.
- Potential conflict of interest where a local government attorney must represent a Board of Zoning Appeals in one matter and sue them in a second matter.
- Attorney providing training to social workers to assist nonattorneys with warrants in debt.
- Attorney representing party suing a corporation on whose board the attorney's partner serves.
- Attorney departing firm and writing clients regarding his departure without providing the firm a copy of the letter or the list of clients to whom it was sent.
- Criminal defense attorney electing a bench trial without discussing the waiver of a jury trial with the client beforehand.
- Potential conflict of interest for attorney serving as commissioner in chancery where his partner had previously represented one of the parties.
- Attorney's duty when suicidal client requests attorney put on no defense in capital case.
- Duty of attorney who missed his client's appeal deadline in a criminal case.
- Whether attorney working as a lobbyist ever creates attorney/client relationships with his lobbying customers.
- Potential conflicts of interest for attorneys working in both a law firm and a mediation company.
- Whether an attorney serving as a claims agent for a railroad may contact injured workers who have obtained counsel regarding their injuries.

### **Ethics Telephone Calls**

From July 1, 2005, through June 30, 2006, the average number of ethics calls per month to Virginia State Bar staff attorneys was 349. This represents an increase from fiscal year 2005's average of 339 calls per month. This number also represents a steady increase of calls in the past five years. FY 2004's average was 344; FY 2003's average was 305 calls per month; FY 2002's average was 280 calls per month; and FY 2001's average was 266 calls per month.

I wish to thank the members of the committee—Vice Chair Roger T. Creager, Jennifer A. Brust, Kathleen A. Dooley, John P. Fishwick, Leonard C. Heath Jr., David Ross Rosenfeld, Thomas E. Spahn and Steven J. Telfeyan—for their dedication and contributions to the work of the committee during the past year.

