

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 31st day of January, 2014.

On October 15, 2013 came the Virginia State Bar, by Sharon D. Nelson, its President, and Karen A. Gould, its Executive Director and Chief Operating Officer, and presented to the Court a petition, approved by the Council of the Virginia State Bar, praying that Paragraph 13, Section IV, of the Rules for Integration of the Virginia State Bar, Part Six of the rules of Court, be amended to read as follows:

13. Procedure for Disciplining, Suspending, and Disbarring Attorneys.

13-1. DEFINITIONS

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"Bar Counsel" means the Attorney who is appointed as such by Council and who is approved by the Attorney General pursuant to Va. Code § 2.2-510, and such deputies, assistants, and Investigators as may be necessary to carry out the duties of the office, except where the duties must specifically be performed by the individual appointed pursuant to Va. Code § 2.2-510.

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13-13. PARTICIPATION AND DISQUALIFICATION OF COUNSEL

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C. Disqualification. An Attorney shall not represent a Respondent with respect to a Complaint or allegation of Misconduct:

1. While such Attorney is a current employee or current officer of the Bar or is a member of Council, COLD, the Board, or a District Committee;

2. For 90 days after such Attorney ceases to be an employee or officer of the Bar or a member of Council, COLD, the Board, or a District Committee;

3. At any time, after such Attorney ceases to be an employee or officer of the Bar or a member of Council, COLD, the Board, or a District Committee, if such Attorney was personally involved in the subject matter of the Complaint, allegation of Misconduct or any related matter while acting as such employee, officer or member;

4. At any time after such Attorney ceased to be a liaison from COLD to a District Committee before which the Disciplinary Proceeding involving such Complaint or Charge of Misconduct was pending during the time such Attorney was such liaison; or

5. If such Attorney is a partner or an associate of, or is a member, shareholder or has a similar relationship with an Attorney who is a current member of COLD or an officer of the Bar, or who was a member of COLD or an officer of the Bar within the previous 90 days.

6. If such Attorney is a partner or an associate of, or is a member, shareholder or has a similar relationship with an Attorney who is a current member of the Board or was a member of the Board within the previous 90 days, unless the Attorney's

representation of the Respondent with respect to a Complaint or allegation of Misconduct preceded the Board member's appointment to the Board. In such cases, the Attorney may continue to represent the Respondent as follows:

a. Before a Three Judge Court in proceedings conducted pursuant to Va. Code § 54.1-3935, or any appeal therefrom;

b. Before any District Committee.

7. If such Attorney is a partner or an associate of, or is a member, shareholder or has a similar relationship with an Attorney who is a member of a District Committee, before that District Committee, or if the District Committee is divided into sections, before the District Committee section of which the Attorney's partner or associate is a member.

D. No Imputation of Conflict. Except as set forth in subparagraph C, there shall be no imputation of conflict that disqualifies an Attorney from representing a Respondent with respect to a Complaint or Charge of Misconduct.

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13-26. APPEAL FROM BOARD DETERMINATIONS

A. Right of Appeal. As a matter of right any Respondent may appeal to this Court from an order of Admonition, Public Reprimand, Suspension, or Disbarment imposed by the Board using the procedures outlined in Rule 5:21(b) of the Rules of the Supreme Court of Virginia. An appeal shall lie once the Memorandum Order described in this Paragraph has been served on the Respondent. No appeal

shall lie from a Summary Order. If a Respondent appeals to the Supreme Court, then the Bar may file assignments of cross-error pursuant to Rule 5:28 of the Rules of the Supreme Court of Virginia.

B. Determination. This Court shall hear the case and make such determination in connection therewith as it shall deem right and proper.

C. Office of the Attorney General. In all appeals to this Court, the Office of the Attorney General, or the Bar Counsel, if so requested by the Attorney General, shall represent the interests of the Commonwealth and its citizens as appellees.

Upon consideration whereof, it is ordered that the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court, be and the same hereby are amended in accordance with the prayer of the petition aforesaid, effective immediately.

A Copy,

Teste:

Oath L. Hamilton

Clerk