

VIRGINIA:

IN THE SUPREME COURT OF VIRGINIA
AT RICHMOND

IN THE MATTER OF
SUPREME COURT RULES, PART 6, § IV, PARAGRAPH 13
GOVERNING ORGANIZATION & GOVERNMENT OF THE
VIRGINIA STATE BAR

PETITION

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

COMES NOW the Virginia State Bar, by its president and executive director, pursuant to Part 6, § IV of the Rules of this Court, and requests review and approval of proposed amendments to Paragraph 13 of Part 6, § IV of the Rules of Court, as set forth below. The proposed amendments were unanimously approved by the Council of the Virginia State Bar on June 18, 2015.

I. Overview of the Issues

The Standing Committee on Lawyer Discipline (COLD) has proposed changes to paragraph 13, which sets forth the procedural rules for disciplinary cases.

**A. Revisions to subparagraph 13-11.B -
disclosure of confidential information**

The proposed amendments are the result of discussions among the members of COLD, the Executive Committee, and Council concerning the obligation of bar counsel to disclose exculpatory evidence to respondents under Paragraph 13-11.B, notwithstanding other rules that proscribe such disclosure on the basis that the information found in bar complaints, bar investigations and private disciplinary actions, as set forth in Paragraph 13-30.A, is confidential and not to be disclosed. The proposed amendments allow for notice by regular mail to attorneys and complainants affected by the disclosure of otherwise confidential information pertaining to them and allows for an exception to this notification if bar counsel decides that giving such notice prejudices a disciplinary investigation. This language is drawn from existing Paragraph 13-30.G, which allows for an identical exception when bar counsel furnishes evidence of criminal activity to law enforcement authorities. These amendments are meant to

make the bar's duty to disclose exculpatory evidence clear and to remove any ambiguity posed by other rules stating that the information is confidential and not to be disclosed.

B. Revisions to subparagraph 13-25 - reinstatement proceedings

The proposed amendments to Paragraph 13-25 restructure the reinstatement rule to bring order and clarity to the procedure. Currently, a lawyer seeking reinstatement after disbarment has to talk to the Clerk of the Disciplinary System to understand how the process really works. With these revisions, the process is clearly set forth.

Currently, petitions for reinstatement after revocation are filed with the Clerk of the Supreme Court of Virginia. The revised rule would require the petitions be filed with the Clerk of the Disciplinary System at the Virginia State Bar. Other parts of Paragraph 13-25 not dealing with reinstatement after a revocation have been moved to the first part of the

rule. See, for instance, "Investigation of Impairment in Reinstatement Matters," proposed 13-25.B (current 13-25.1); "Readmission After Resignation," proposed 13-25.C. (current 13-25.B.); "Reinstatement After Disciplinary Suspension for more than One Year," proposed 13-25.D (current 13-25.H). The substance of these sections was not changed.

The threshold requirements before a petition for reinstatement after revocation can be pursued would be consolidated in proposed Subparagraph 13-25.F, instead of being listed in three locations, i.e., current Subparagraphs 13-25.C, 13-25.E.1-4., and 13-25.E. One of the current threshold determinations before the petition can be processed is that the Petitioner be of good and honest demeanor and good moral character and possess the requisite fitness to practice law (see revision at 13-25.G.5). Since such a determination cannot be made without hearing evidence and making a judgment, that analysis is more properly contained in the hearing section (see proposed 13-25.G.6.d).

The revised rule reorganizes and restates the reinstatement process to reflect the way the process actually operates. Compare the process proposed in 13-25.G with the procedures set forth in current 13-25.J. Changes in technology are also reflected in the rule. For instance, instead of requiring that notices to the membership be mailed (current 13-25.J.5), proposed 13-25.G.4 would permit those notices to be distributed by mail or electronic means, e.g., email. Instead of referring to the factors spelled out *In the Matter of Alfred Lee Hiss*, VSB Docket No. 83-26 (Va. Sup. Ct. July 2, 1984), the *Hiss* factors are set forth in the proposed revision (compare current 13-25.J.8 with proposed 13-25.G.6.b). A change was made in the investigation paragraph (proposed 13-25.G.1) regarding the written request for permission to conduct an inquiry into Petitioner's background, clarifying that the petition will not proceed without such forms and permissions being signed by the Petitioner and returned to Bar Counsel (under the current system, sometimes the

Petitioner fails to return these forms to Bar Counsel, which are essential to an adequate investigation). The same would apply to the Bill of Particulars being filed with the Clerk of the Disciplinary System (proposed 13-25.G.2).

The section identified as "Determination by the Board," contained in proposed 13-25.G.6.e, is a compilation of current 13-25.J.10, 13-25.F and 13-25.G, which all relate to what happens once the Board issues its recommendation. Subparagraph 13-25.G.6.e.ii was revised to show the payment or refund of the bond required by Subparagraph 13-25.F.8 (current 13-25.E).

The quorum language contained in current 13-25.J.1 was eliminated as being unnecessary because Paragraph 13-6.D establishes that a quorum of the Disciplinary Board is five members.

II. Publication and Comments

The proposed amendments to Paragraph 13-11 and 13-25 were approved by COLD on April 1, 2015. Notice of the proposed amendments, with a request for written

comments and questions was posted on the bar's website, and a link to the website was provided in the Virginia State Bar E-News dated April 8, 2015. Three comments were received regarding Paragraph 13-11, and the bar received one comment on Paragraph 13-25. Council unanimously approved the proposed amendments on June 18, 2015. The four comments are attached.

III. Proposed Rule Changes¹

A. Revisions to subparagraph 13-11.B - disclosure of confidential information

13. PROCEDURE FOR DISCIPLINING, SUSPENDING, AND DISBARRING ATTORNEYS

* * *

13-11 LIMITED RIGHT TO DISCOVERY

There shall be no right to discovery in connection with disciplinary matters, including matters before three-judge Circuit Courts, except:

A. Issuance of such summonses and subpoenas as are authorized; and

B. Bar Counsel shall furnish to Respondent a copy of the Investigative Report considered by the Subcommittee when the Subcommittee set the Complaint for hearing before the District Committee or certified the Complaint to the Board, with the following limitations:

1. Bar Counsel shall not be required to produce any information or document

¹ Additions are denoted by underlining. Deletions are noted by strikethroughs.

obtained in confidence from any law enforcement or disciplinary agency, or any documents that are protected by the attorney-client privilege or work product doctrine, unless attached to or referenced in the Investigative Report;

2. Bar Counsel shall not be required to reveal other communications between the Investigator and Bar Counsel, or between Bar Counsel and the Subcommittee; and
3. Bar Counsel shall make a timely disclosure to the Respondent of all known evidence that tends to negate the Misconduct of the Respondent or mitigate its severity or which, upon a finding of Misconduct, would tend to support imposition of a lesser sanction than might be otherwise imposed. Bar Counsel shall comply with the duty to disclose this evidence regardless of whether the information is confidential under this Paragraph. If Bar Counsel discloses under this subparagraph information that is otherwise confidential, Bar Counsel shall promptly notify the Attorney or Complainant who is the subject of the disclosure unless Bar Counsel decides that giving such notice will prejudice a disciplinary investigation. Notice shall be in writing and shall be deemed effective when mailed by first-class mail to the Bar's last known address of the subject Complainant or Attorney.

* * *

**B. Revisions to subparagraph 13-25 -
reinstatement proceedings**

13. PROCEDURE FOR DISCIPLINING, SUSPENDING, AND
DISBARRING ATTORNEYS

* * *

13-25 BOARD PROCEEDINGS FOR REINSTATEMENT

A. Waiver of Confidentiality. The filing by a former Attorney of a petition for Reinstatement shall constitute a waiver of all confidentiality relating to the petition, and to the Complaint or Complaints that resulted in, or were pending at the time the former Attorney resigned or his or her License was revoked.

B. Investigation of Impairment in Reinstatement Matters. Upon receipt of notice or evidence that an individual seeking Reinstatement has or may have an Impairment, Bar Counsel shall cause an Investigation to be made to determine whether there is reason to believe that the Impairment exists. As part of the Investigation of whether an Impairment exists, and for good cause shown in the interest of public protection, Bar Counsel may petition the Board to order the individual:

1. To undergo at his or her expense a psychiatric, physical or other medical examination by a qualified physician or other health care provider selected by the Board; and
2. To provide appropriate releases to health care providers authorizing the release of his or her psychiatric, physical or other medical records to Bar Counsel and the Board for purposes of the Investigation and any subsequent Reinstatement Proceedings.

The Board shall hold a hearing to determine whether such examination(s) and releases(s) are appropriate, upon notice to the individual petitioning for Reinstatement.

C.B. Readmission After Resignation. If after resigning from the Bar, a former Attorney wishes to resume practicing law in the Commonwealth of Virginia, the former Attorney must apply to the Board of Bar Examiners, satisfy the character and fitness requirements and pass the Bar examination. Before being readmitted to the Bar, the former Attorney must also satisfy any membership obligations that were delinquent when the former Attorney resigned.

D.H. Reinstatement After Disciplinary Suspension for More than One Year. After a Suspension for more than one year, the License of the Attorney subject to the Suspension shall not be reinstated unless the Attorney demonstrates to the Board that he or she has:

1. Attended 12 hours of continuing legal education, of which at least two hours shall be in the area of legal ethics or professionalism, for every year or fraction thereof of the Suspension;
2. Taken the Multistate Professional Responsibility Examination since imposition of discipline and received a scaled score of 85 or higher;
3. Reimbursed the Bar's Clients' Protection Fund for any sums of money it may have paid as a result of the Attorney's Misconduct;
4. Paid to the Bar all Costs that have been assessed against him or her, together with any interest due thereon at the judgment rate at the time the Costs are paid; and
5. Reimbursed the Bar for any sums of money it may have paid as a result of

a receivership involving Petitioner's law practice.

~~E.C. Petition for Reinstatement After Revocation. After a Revocation, a Petitioner may file with the Clerk of the Disciplinary System a petition for Reinstatement ~~petition this Court for Reinstatement~~, setting forth in that petition the reasons why his or her License should be reinstated. The Petitioner must comply with the requirements of subparagraph 13-25.F as a precondition to filing the petition. Compliance with subparagraph 13-25.F shall be determined by the Clerk of the Disciplinary System after the petition is filed, and the Clerk of the Disciplinary System shall notify the Petitioner of compliance or noncompliance. Upon a determination of compliance with the requirements of subparagraph 13-25.F, the Clerk of the Disciplinary System shall enter the petition on the docket of the Board and shall refer it to the office of Bar Counsel for investigation. The Board may recommend approval or disapproval of the petition. Final action on the petition shall be taken by the Supreme Court of Virginia. ~~The following requirements shall apply: the petition shall be filed under oath or affirmation with penalty of perjury; no petition may be filed sooner than five years from the effective date of the Revocation; and the Petitioner must certify in the petition that he or she has met the requirements of the following subparagraph D. This Court may deny the petition or refer it to the Board for recommendation, together with the record before the clerk of this Court. The Board may recommend approval or disapproval of the petition. Final action on the petition shall be taken by this Court.~~~~

~~F.D. Threshold Requirements for Reinstatement After Revocation. Evidence Required for Reinstatement After Revocation. After a Revocation, Petitioner's License shall not be~~

considered for Reinstatement ~~reinstated~~ unless the Petitioner has provided ~~proves by~~ clear and convincing evidence of proof of compliance with the following requirements that Petitioner:

1. No petition may be filed sooner than five years from the effective date of the Revocation;
2. The petition has been filed under oath or affirmation with penalty of perjury;
- 3.1. Within five years prior to the filing of the petition, Petitioner has attended 60 hours of continuing legal education, of which at least ten hours shall be in the area of legal ethics or professionalism;
- 4.2. The Petitioner has ~~Has~~ taken the Multistate Professional Responsibility Examination and received a scaled score of 85 or higher;
- 5.3. The Petitioner has ~~Has~~ reimbursed the Bar's Clients' Protection Fund for any sums of money it may have paid as a result of Petitioner's Misconduct;
- 6.4. The Petitioner has ~~Has~~ paid the Bar all Costs ~~that have been~~ previously assessed against Petitioner, together with any interest due thereon at the judgment rate;
- 7.5. The Petitioner has ~~Has~~ reimbursed the Bar for any sums of money ~~it may have~~ paid as a result of a receivership involving Petitioner's law practice; and
6. ~~Is a person of honest demeanor and good moral character and possesses the requisite fitness to practice law.~~
- 8.E. ~~Bond Required for Reinstatement After Revocation.~~ The Petitioner has posted ~~shall post~~ with his or her petition

for Reinstatement a \$5,000 cash bond for payment of Costs resulting from the Reinstatement Proceedings.

G.J.-Reinstatement Proceedings After a Revocation Hearings. If the threshold requirements of subparagraph 13.25-F have been met, the following processes shall ensue: ~~The Clerk of the Disciplinary System shall advise the Petitioner in writing upon receipt of a petition for Reinstatement from the clerk of this Court and arrange a hearing date with the Petitioner and Bar Counsel.~~

~~1. Quorum. A quorum shall be five members of the Board.~~

1.4. Investigation. Bar Counsel shall conduct such Investigation and make such inquiry as it deems appropriate. On request of Bar Counsel, the Petitioner shall promptly sign such forms and give such permission as are necessary to permit inquiry of the Petitioner's background through the Internal Revenue Service, the National Criminal Information Center, the National Criminal Information Network and any other similar information network or system. The petition for Reinstatement shall not proceed without such forms and permissions being signed by Petitioner and returned to Bar Counsel.

2.6. Bill of Particulars. On written request by Bar Counsel, served by certified mail, return receipt requested, a Petitioner seeking Reinstatement shall file with the Clerk of the Disciplinary System within 21 days after service of the request, an original and six copies of a bill of particulars setting forth

the grounds for Reinstatement. The petition for Reinstatement shall not proceed without such Bill of Particulars being filed with the Clerk of the Disciplinary System.

3. Hearing Date. The date of the hearing shall be determined by the Clerk of the Disciplinary System, in consultation with the Bar Counsel and the Petitioner. Chair. ~~Upon the scheduling of a hearing date, the Clerk of the Disciplinary System shall file six copies of the available transcript, exhibits, pleadings, and orders from the original Disciplinary Proceeding.~~

~~4.5.~~ Notice. Reasonable notice of filing of the petition and the date of the hearing shall be distributed by mail or electronic means ~~mailed~~ by the Clerk of the Disciplinary System to all members of the Bar of the circuit in the jurisdictions in which the Petitioner resided, and of the circuit in which the Petitioner maintained a principal office, at the time of the Revocation ~~or Suspension~~. The Clerk of the Disciplinary System shall also distribute by mail or electronic means ~~mail~~ the notice to the members of the District Committee who heard the original Complaint, to members of the Board who heard the original Complaint, to the members of the District Committee for the judicial circuit in which the Petitioner currently resides, to the complaining witness or witnesses on all Complaints pending against the Petitioner before the Board, a District Committee or a

court at the date of the Revocation or Suspension and to such other individuals as the Clerk of the Disciplinary System deems appropriate. The Clerk of the Disciplinary System shall publish a synopsis of the petition in the ~~Virginia Lawyer Register~~ or *Virginia Lawyer* and in a newspaper of general circulation in the judicial circuit where the Petitioner currently resides and where the Petitioner maintained a principal office at the time of the Revocation or Suspension. The entire petition, as well as the transcript, exhibits, pleadings and orders from the original Disciplinary Proceedings and Bill of Particulars, and exhibits together with the documents referred to in subparagraph 13-25.F ~~D.~~ above, shall be available for inspection and copying ~~by interested persons~~ at the office of the Bar on reasonable notice and on payment of costs incurred to make the copies.

5. Petitioner must prove by clear and convincing evidence that Petitioner is a person of honest demeanor and good moral character and possesses the requisite fitness to practice law. After a Revocation, an attorney's license shall not be reinstated without such proof.

6.2. Powers of the Board in Reinstatement Cases. The Board is empowered to hold a hearing and make its recommendation to this Court either to approve or disapprove the petition.

a.7. Hearing. On the date set for the hearing, the Petitioner shall have the

right to representation by counsel, to examine and cross-examine witnesses and to present evidence. The testimony and other incidents of the hearing shall be transcribed and preserved, together with all exhibits (or copies thereof) received into evidence or refused. Bar Counsel shall appear and represent the Commonwealth and its citizens. Bar Counsel shall have the right to cross-examine, call witnesses and present evidence in opposition to the petition. Board members may examine witnesses called by either party. Legal advice to the Board, if required, shall be rendered by the Office of the Attorney General.

~~b.8.~~ Factors to be Considered. In considering the matter prior to making a recommendation to this Court the Board may consider the following factors: ~~, but is not bound by, the factors spelled out *In the Matter of Alfred Lee Hiss*, VSB Docket No. 83-26 (Va. Sup. Ct. July 2, 1984).~~

- i. The severity of the Petitioner's Misconduct, including, but not limited to, the nature and circumstances of the Misconduct;
- ii. The Petitioner's character, maturity and experience at the time of his or her Revocation;
- iii. The time elapsed since the Petitioner's Revocation;
- iv. Restitution to the clients and/or the Bar;

- v. The Petitioner's activities since Revocation, including, but not limited to, his or her conduct and attitude during that period of time;
- vi. The Petitioner's present reputation and standing in the community;
- vii. The Petitioner's familiarity with the Virginia Rules of Professional Conduct and his or her current proficiency in the law;
- viii. The sufficiency of the punishment undergone by the Petitioner;
- ix. The Petitioner's sincerity, frankness and truthfulness in presenting and discussing factors relating to his Revocation and Reinstatement; and
- x. The impact upon public confidence in the administration of justice if the Petitioner's License is restored.

c.9. Character Witnesses. Up to five character witnesses supporting and up to five character witnesses opposing the petition shall be heard. In addition, the Board may consider any letters submitted regarding the Petitioner's character and fitness.

d. Character and Fitness Determination. The Board shall offer an opinion in its recommendation as to whether the Petitioner is a person of honest

demeanor and good moral character and possesses the requisite fitness to practice law.

e.10. Determination by the Board. The Board shall, within 60 days after the receipt of the transcript, forward the record and its recommendations to the Supreme Court of Virginia. ~~this Court~~ with a A copy of the recommendation shall be forwarded to the Petitioner and Bar Counsel.

i. If the Board recommends Reinstatement A ~~recommendation of approval,~~ it may be conditioned upon Petitioner obtaining malpractice insurance coverage and/or a blanket fidelity bond or dishonesty insurance coverage in an amount(s) set by the Board from an approved professional insurance carrier for a definite term or on an ongoing basis.

ii.F. ~~Determination of Costs for Reinstatement After Revocation.~~ At the conclusion of the Reinstatement Proceeding, ~~the Board or the Clerk of the Disciplinary System shall determine the Costs associated with such Proceeding. and submit that determination to the clerk of his Court as part of the Board's findings of fact.~~ The Clerk of the Disciplinary

System shall refund any remaining surplus or shall assess to the Petitioner any deficiencies that exist and submit a report on same to the Clerk of the Supreme Court of Virginia as part of the Board's recommendation order.

iii.G. Additional Requirements After Approval of Petition.
Upon approval of a petition by this Court, the Petitioner shall meet the following requirements prior to and as a condition of his or her Reinstatement:

- a)1. Pay to the Bar any Costs assessed in connection with the Reinstatement Proceeding;
- b)2. Take and pass the written portion of the Virginia State Bar examination;
- c)3. If required by the Board, obtain and maintain a professional liability insurance policy issued by a company authorized to write such insurance in Virginia at the cost of the Petitioner in an amount and for such term as set by the Board; and
- d)4. If required by the Board, obtain and maintain a blanket fidelity bond or dishonesty insurance policy issued by a company authorized to

write such bonds or insurance in Virginia at the Petitioner's cost in an amount and for such term as set by the Board.

* * *

IV. Conclusion

The Virginia State Bar, by its president and executive director, respectfully requests the Court to adopt the foregoing amendments to Part 6, § IV, Paragraph 13 for the reasons stated above.

Respectfully submitted,
VIRGINIA STATE BAR

By 

Edward L. Weiner, President

By 

Karen A. Gould, Executive Director

Dated this 29th day of June, 2015

From: Guthrie, Karen (contractor) [<mailto:karen.guthrie@twc-contractor.com>]

Sent: Tuesday, May 05, 2015 11:24 AM

To: publiccomment

Subject: Proposed | amendments to Paragraph 13-11 regarding disclosure of exculpatory evidence (comments due May 15, 2015)

Complaint to the Board, with the following limitations:

1. Bar Counsel shall not be required to produce any information or document obtained in confidence from any law enforcement or disciplinary agency, or any documents that are protected by the attorney-client privilege or

work product doctrine, unless attached to or referenced in the Investigative Report;

2. Bar Counsel shall not be required to reveal other communications between the Investigator and Bar Counsel, or between Bar Counsel and the Subcommittee; and

3. Bar Counsel shall make a timely disclosure to the Respondent of all known evidence that tends to negate the Misconduct of the Respondent or mitigate its severity or which, upon a finding of Misconduct, would tend to support imposition of a lesser sanction than might be otherwise imposed. Bar Counsel shall comply with the duty to disclose this evidence regardless of whether the information is confidential under this Paragraph. If Bar Counsel discloses under this subparagraph information that is otherwise confidential, Bar Counsel shall promptly notify the Attorney or Complainant who is the subject of the disclosure unless Bar Counsel decides that giving such notice will prejudice a disciplinary investigation. Notice shall be in writing and shall be deemed effective when mailed by first-class mail to the Bar's last known address of the subject Complainant or Attorney.

3. **REVISED** Bar Counsel shall make a timely disclosure to the Respondent of all known evidence of Misconduct of the Respondent or that evidence which may mitigate the severity or which, upon a finding of Misconduct, would tend to support imposition of a lesser sanction than might be otherwise imposed. Bar Counsel shall comply with the duty to disclose this evidence regardless of whether the information is confidential under this Paragraph **however the exclusions of paragraph 1 above shall apply to the disclosure.** If Bar Counsel intends or inadvertently discloses under this subparagraph information that is otherwise confidential, Bar Counsel shall promptly notify the Attorney or Complainant who is the subject of the disclosure. Notice shall be in writing and shall be deemed effective when mailed by first-class mail to the Bar's last known address of the subject Complainant or Attorney

Cordially,

Karen

Karen Guthrie, Esq.

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From: J Sonies [mailto:jms484@verizon.net]
Sent: Tuesday, May 12, 2015 1:24 PM
To: publiccomment
Subject: * COMMENT/Paragraph 13-11.B.3 regarding disclosure of exculpatory evidence
Importance: Low

EXCLUSION OF "CONFIDENTIAL" REPORTS, et al, FROM ANY LAW ENFORCEMENT/DISCIPLINARY AGENCY APPEARS (1) TO BE A LOOPHOLE LARGE ENOUGH TO DRIVE AN ARMoured DIVISION THRU, & (2) UNNECESSARY EXCEPT AS A "COURTESY" TO THAT AGENCY

ADDITIONALLY, ANYTHING THAT LAW ENFORCEMENT/DISCIPLINARY AGENCY HAS TO SAY THAT IS RELEVANT TO PROCEEDING SHOULD BE SUBJECT TO DISCLOSURE IN TIMELY FASHION (ie, TO AVOID AMBUSH)

US HAD MORE THAN ITS SHARE OF WHISPERING, et al, CAMPAIGNS, ORIGINATED OR ORCHESTRATED BY A LAW ENFORCEMENT AGENCY (FBI) DURING COMMUNIST WITCH HUNTS OF LATE 40s & EARLY 50s, & THE SINS OF THAT ERA SHOULD HAVE BEEN WELL-LEARNED & NOT FORGOTTEN

HOW CAN CREDIBILITY OR PROBITY OF ANY ALLEGATION BE GUAGED WITH ANYTHING APPROACHING REASONABLE ACCURACY IF SUPPORTING "INFORMATION" FROM PERTINENT LAW ENFORCEMENT/DISCIPLINARY AGENCY NOT DISCLOSED TO EXTENT SUFFICIENT TO ALLOW DECISION ON CREDIBILITY OR PROBITY?

& WHY SHOULD ANY LAW ENFORCEMENT/DISCIPLINARY AGENCY BE GIVEN A FREE PASS?

APART FROM OBVIOUS REASONS THAT (1) THEY WANT IT AND/OR (2) THEY ARE ENTITLED OR OTHERWISE PRIVILIGED (IN EITHER CASE, BECAUSE THEY ARE SPECIAL)

NOTE THAT FEDERAL AGENCIES TEND TO BE PARTICULARLY RESISTANT TO TIMELY DISCLOSURE, & WILL CLAIM "STATE SECRETS" AS JUSTIFICATION

J M SONIES (VXB # 2 4 2 5 1)

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From: Ann B. Brogan [<mailto:ABrogan@clrbfirm.com>]
Sent: Wednesday, May 13, 2015 7:47 AM
To: publiccomment
Subject: COLD proposed change to Rule 13-11

I fear the proposed changes to Rule 13-11 B are confusing. My stab at clarification:

3. Bar Counsel shall make a timely disclosure to the Respondent of all known evidence, including information in subparagraphs 1 and 2, that tends to negate the Misconduct of the Respondent or mitigate its severity or which, upon a finding of Misconduct, would tend to support imposition of a lesser sanction than might be otherwise imposed. Unless Bar Counsel decides that giving notice of a disclosure will prejudice a disciplinary investigation, Bar Counsel shall promptly notify any Attorney or Complainant who is the subject of the disclosure in writing which shall be deemed effective when mailed by first-class mail to the Bar's last known address for such Complainant or Attorney.

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From: Attyabeg@aol.com [<mailto:Attyabeg@aol.com>]
Sent: Wednesday, May 13, 2015 3:54 PM
To: publiccomment
Subject: Proposed Rule Change Regarding Reinstatement

I see no reason to change the current regulations regarding reinstatement. I fail to understand the benefits. It only serves to fuel the public's perception that the VSB is ruled by a small cabal, who wants to usurp the Va. Supreme Court's power in this matter.

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