

Virginia Lawyer Register

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The Virginia Lawyer Register has a new look. It will continue to bring you essential regulatory information, including new rules and statutes, proposals published for comment, and disciplinary cases. Much of the information will be summarized, with readers directed to the Virginia State Bar website for full versions of the documents. The Web links will be provided, as well as telephone numbers that readers can call to have a full copy sent to them. This publication gives you access to all the information you are used to receiving from the *Register*, at significantly less cost to your dues dollars for printing and mailing. Your comments are welcome. Please send them to coggin@vsb.org.

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Suspensions — Failure to Pay Disciplinary Costs				
Henry Leigh Adkins Jr.	Roanoke, Va.		June 18, 2008	n/a
Andrew Ira Becker	Virginia Beach, Va.		April 18, 2008	n/a
Jeffrey Frederick Bradley	Mount Sidney, Va.		June 17, 2008	n/a
Roger Jeffrey McDonald	Glen Allen, Va.		May 5, 2008	n/a
Suspensions — Failure to Comply with Subpoena				
Reuben Voll Greene	Richmond, Va.		April 9, 2008	n/a
Alana Sherrise Powers	Norfolk, Va.		June 17, 2008	n/a

Virginia Lawyer Register

The Official Publication of the Virginia State Bar

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The Virginia State Bar publishes the *Virginia Lawyer Register* five times annually. The *Register* is primarily a compilation of disciplinary actions against attorneys licensed to practice law in the commonwealth; administrative suspensions; legal ethics opinions; and proposed amendments to the Rules of the Supreme Court of Virginia. All documents submitted to the state bar for inclusion in the *Register* are subject to alteration as to typography and formatting, in order to conform to the requirements of the *Register*, without changing the intent of any document.

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DISCIPLINARY SUMMARIES

The following are summaries of disciplinary actions for violations of the Virginia Rules of Professional Conduct (Rules of the Supreme Court of Virginia, Part 6, § II, eff. Jan. 1, 2000) (RPC) or other Supreme Court rules (Rules). Copies of complete disciplinary orders are available at the Web link provided with each summary or by contacting the Virginia State Bar clerk's office at (804) 775-0539 or clerk@vsb.org. VSB docket numbers are provided.

CIRCUIT COURT

JOSEPH TAYLOR BROWN

Fredericksburg, Virginia

05-060-2406, 05-060-2407, 05-060-2408

On February 19, 2008, a three-judge panel of the Caroline County Circuit Court imposed a public reprimand with terms on Joseph Taylor Brown for violating professional rules that govern competence, diligence, and communication. This was an agreed disposition of misconduct cases. RPC 1.1, 1.3(a), 1.4(a)

http://www.vsb.org/docs/Brown_5-20-08.pdf

ROBERT WILLIAM HAAS

McLean, Virginia

06-051-1284

On March 10, 2008, a three-judge panel of the Fairfax County Circuit Court imposed a public reprimand on Robert W. Haas for violating professional rules that govern diligence, fairness to opposing party and counsel, truthfulness in statements to others, and safekeeping property. This was an agreed disposition of misconduct cases. RPC 1.3(a), (b); 3.4(a); 4.1(b); 1.15(c)(4)

http://www.vsb.org/docs/Hass_6-11-08.pdf

ERNEST KENNETH WALL

Fairfax, Virginia

03-051-0361, 04-051-0859, 05-051-3855

On March 19, 2008, a three-judge panel of the Fairfax County Circuit Court imposed a public admonition with terms on Ernest Kenneth Wall. Mr. Wall violated the professional rule that governs communications concerning a lawyer's services. Mr. Wall must revise solicitation letters, contracts, and website contents that he uses in his business, which provides tax services but not legal services. This was an agreed disposition of misconduct cases. RPC 7.1(a)

http://www.vsb.org/docs/Wall_4-25-08.pdf

DISCIPLINARY BOARD

ROBERT JOSEPH ABALOS

Seattle, Washington

04-032-2633 and 06-022-1744

On March 28, 2008, the Virginia State Bar Disciplinary Board revoked the law license of Robert Joseph Abalos. In disputes with two purchasers of legal publications written by Mr. Abalos, he violated professional rules that govern fairness to opposing party and counsel, communication with persons represented by counsel, and misconduct. RPC 3.4(i), 4.2, 8.4(b)

http://www.vsb.org/docs/Abalos_4-16-08.pdf

GLORIA SALAZAR CALONGE

Falls Church, Virginia

08-000-073258

On February 22, 2008, the Virginia State Bar Disciplinary Board suspended Gloria Salazar Calonge's license to practice law for two years, based on a felony conviction of misprision, or concealing knowledge of a felony perpetrated by another. Ms. Calonge pleaded guilty to the charge in the U.S. District Court—Eastern District of Virginia in Alexandria. Rules Part 6, § IV, ¶ 13.I.5.c.(21)

http://www.vsb.org/docs/Calonge_4-25-08.pdf

KELLY RALSTON DENNIS

McLean, Virginia

06-051-3305

On March 21, 2008, the Virginia State Bar Disciplinary Board suspended Kelly Ralston Dennis's license to practice law for sixty days, effective May 1, 2008. Mr. Dennis violated professional rules that govern competence, scope of representation, diligence, communication, fees, safekeeping property, and declining or terminating representation. Mr. Dennis did not deposit a client's funds into a trust account as required under the rules. He also did not inform the client about rescheduled trial dates. As a result, the client twice was arrested and incarcerated on capias warrants. This was an agreed disposition of misconduct charges. RPC 1.1; 1.2(a); 1.3(a), (b), (c); 1.4(a), (b), (c); 1.5(b); 1.15(a)(2), (c)(3), (4); 1.16(d), (e)

http://www.vsb.org/docs/DENNIS_06-03-08.pdf

DISCIPLINARY SUMMARIES

LESLIE WAYNE LICKSTEIN

Fairfax, Virginia
08-000-073284

On February 22, 2008, the Virginia State Bar Disciplinary Board revoked Leslie Wayne Lickstein's license to practice law, based on a felony conviction of conspiracy to commit bank fraud. Mr. Lickstein pleaded guilty to the charge in the U.S. District Court—Eastern District of Virginia in Alexandria. He consented to the revocation. Rules Part 6, § IV, ¶ 13.L

http://www.vsb.org/docs/Lickstein_4-25-08.pdf

BRIAN MERRILL MILLER

Fairfax, Virginia
06-053-2860

On April 22, 2008, the Virginia State Bar Disciplinary Board suspended Brian Merrill Miller's license to practice law for thirty days for violating rules of professional conduct that govern diligence and communication. The board found that Mr. Miller failed to act promptly and he did not keep his client reasonably informed about her domestic relations matter. This was an agreed disposition of a misconduct case. RPC 1.3(a), 1.4(a), (b)

http://www.vsb.org/docs/Miller_6-4-08.pdf

ASHRAF WAJIB NUBANI

McLean, Virginia
06-051-0381, 06-051-0713, 06-051-1961

On May 20, 2008, the Virginia State Bar Disciplinary Board imposed a public reprimand on Ashraf Wajih Nubani for violating the disciplinary rule that governs safekeeping of property. On three occasions, the Virginia State Bar received notices of overdrafts on Mr. Nubani's trust account. Mr. Nubani has taken steps to avoid a recurrence of the events that led to the overdrafts, including hiring a law office management consultant. This is an agreed disposition of misconduct cases. RPC 1.15(a)(1), (2); (e); (f)(1)(i), (2), (4)(i), (ii); (5)(i), (ii), (iii); (6)

http://www.vsb.org/docs/Nubani_052108.pdf

BERNADETTE WILBON O'NEAL

Alexandria, Virginia
05-042-2627

On March 21, 2008, the Virginia State Bar Disciplinary Board suspended Bernadette Wilbon O'Neal's license to practice law for thirty days, effective May 1, 2008, for violating professional rules that govern competence, diligence, communication, and candor toward the tribunal. The charges involved Ms. O'Neal's defense of a client facing felony charges. This was an agreed disposition of a misconduct case. 1.1; 1.3(a), (b), (c); 1.4(a); 3.3(a)(1)

http://www.vsb.org/docs/ONEAL_06-03-08.pdf

CHARLES MATTHEW RUST-TIERNEY

Fairfax, Virginia
08-000-073609

On April 25, 2008, the Virginia State Bar Disciplinary Board revoked Charles Matthew Rust-Tierney's license to practice law, based on a felony conviction of receipt of child pornography. Mr. Rust-Tierney pleaded guilty to the charge in the U.S. District Court Eastern—District of Virginia in Alexandria. Rules Part 6, § IV, ¶ 13.I.5.c.(2)

http://www.vsb.org/docs/Rust-Tierney_070308.pdf

DISTRICT COMMITTEE

DEL M. MAUHRINE BROWN

Prince George, Virginia
07-031-2688

On March 21, 2008, the Virginia State Bar Third District Committee, Section I, imposed a public admonition on Del M. Mauhrine Brown for missing jurisdictional deadlines in three cases before the Virginia Court of Appeals, which resulted in the cases being dismissed. Ms. Brown violated the professional rule that governs diligence. This was an agreed disposition of a misconduct case. RPC 1.3(a)

http://www.vsb.org/docs/Brown_070308.pdf

NEVILLE PAUL CRENSHAW

Fairfax, Virginia
07-051-2304, 07-051-070059, 07-051-070607, 07-051-070987,
08-051-072466

On June 23, 2008, the Virginia State Bar Fifth District Committee, Section I, imposed a public reprimand with terms on Neville Paul Crenshaw for violating professional rules that govern competence, diligence, and communication. The violations occurred in divorce and custody representations. Mr. Crenshaw has taken steps to avoid a recurrence of the events giving rise to this misconduct, including retaining the services of a law office practice management consultant. He is required to adopt the consultant's recommendations or face additional discipline. This was an agreed disposition of misconduct charges. RPC 1.1, 1.3(a), 1.4(a)

http://www.vsb.org/docs/Crenshaw_070308.pdf

JON IAN DAVEY

Danville, Virginia
08-090-072907

On May 6, 2008, the Virginia State Bar's Ninth District Committee imposed a public reprimand with terms on Jon Ian Davey for violating disciplinary rules that govern diligence and communication. Mr. Davey failed to properly perfect an appeal to the Virginia Court of Appeals and then did not properly seek a delayed appeal. He also did not tell his client about the problems with the appeals. RPC 1.3(a), 1.4(a)

http://www.vsb.org/docs/Davey_06-03-08.pdf

DISCIPLINARY SUMMARIES

DENIS C. ENGLISBY
Chesterfield, Virginia
07-031-2018

On June 3, 2008, the Virginia State Bar Third District Committee, Section I, imposed a public reprimand on Denis C. Englisby for violating disciplinary rules that govern confidentiality of information and conflict of interest. Mr. Englisby sent information about a former client to the client's attorney in a different matter. When he sent the information, Mr. Englisby was representing a party adverse to the former client. This was an agreed disposition of a misconduct case. RPC 1.6(a); 1.9(c)(1), (2)

http://www.vsb.org/docs/Englisby_070308.pdf

COREY MARTIN NICHOLSON
Richmond, Virginia
08-033-063786

On May 27, 2008, the Virginia State Bar Third District Committee, Section III, imposed a public reprimand with terms on Corey Martin Nicholson for violating professional rules that govern competence, diligence, and communication. Mr. Nicholson defaulted in an appeal by failing to file the trial transcript, which caused the appeal to be dismissed without being considered on its merits. Thereafter, Mr. Nicholson failed to advise his client that his appeal had been dismissed. This was an agreed disposition of a misconduct case. RPC 1.1, 1.3(a), 1.4(a)

http://www.vsb.org/docs/Nicholson_6-4-08.pdf

MARCUS NOAH PERDUE III
Covington, Virginia
08-080-072976

On May 28, 2008, the Virginia State Bar Eighth District Committee imposed a public reprimand on Marcus Noah Perdue for violating the professional rule that governs candor toward a tribunal. Mr. Perdue did not promptly reveal to a court that, when he was unavailable for scheduled depositions in a divorce case, his secretary improperly took the depositions, notarized them, and filed them with the court. This was an agreed disposition of a misconduct case. RPC 3.3(d)

http://www.vsb.org/docs/Perdue_070308.pdf

TRAVIS RYAN WILLIAMS
Chester, Virginia
07-031-1459

On April 21, 2008, the Virginia State Bar Third District Committee, Section I, imposed a public reprimand with terms on Travis Ryan Williams for violating rules of professional conduct that govern diligence and communication. In a court-appointed criminal defense, he failed to properly perfect an appeal to the Virginia Court of Appeals, and he did not protect his client's interests in a habeas corpus petition. This was an agreed disposition of a misconduct case. RPC 1.3(a), 1.4(a)

http://www.vsb.org/docs/Williams_Travis_6-11-08.pdf

REINSTATEMENT PETITION

Pursuant to Part 6 § IV, ¶ 13.1.9.e of the Rules of the Supreme Court of Virginia, Rickey Gene Young petitioned the Court on February 4, 2008, for reinstatement of his license to practice law. The Virginia State Bar Disciplinary Board will hear the petition on October 24, 2008, at 9:00 AM in the General Assembly Building, 910 Capitol Street, House Room D, Richmond. After hearing evidence and oral argument, the board will make factual findings and recommend to the Supreme Court whether the petition should be granted or denied.

The disciplinary board seeks information about Mr. Young's fitness to practice law. Written comments or requests to testify at the hearing should be submitted to Barbara S. Lanier, Clerk of the Disciplinary System, 707 East Main Street, Suite 1500, Richmond, Virginia 23219, or by e-mail to clerk@vsb.org, no later than October 10, 2008. Comments will become a matter of public record. Copies of the VSB revocation order and the petition for reinstatement are available by contacting clerk@vsb.org or (804) 775-0539.

Rickey Gene Young

Mr. Young was licensed to practice law in Virginia in September 1980. In 2001, Mr. Young was convicted in the U.S. District Court for the Western District of Virginia on misdemeanor charges of criminal contempt and failure to file tax returns. On August 17, 2001, the Virginia State Bar Disciplinary Board suspended Mr. Young's license to

practice law for eighteen months, effective August 1, 2001. On August 26, 2001, Mr. Young began serving a prison sentence. After finishing his term, Mr. Young tendered an affidavit consenting to revocation of his license. At that time, he had ten open complaints against him. In an affidavit, he admitted that charges were true in nine outstanding cases. The disciplinary board accepted Mr. Young's consent to revocation by order dated February 26, 2003.

In his reinstatement petition, Mr. Young states that he was released from all probation on February 28, 2004. He also states that he still owes \$3,000 mandatory costs associated with the trial that led to his conviction. In September 2004, Mr. Young began working as an appeals hearing officer for the Tennessee Department of Labor and Workforce Development, where he continued to be employed as of the date of filing the petition.

Mr. Young states he that is active in his church, and he worked in his community for shelters for the homeless. Mr. Young states that he has kept current with the law, has continued to read recent Supreme Court of Virginia decisions, and has completed seventy-five hours of continuing legal education, with twelve in ethics. Mr. Young states that he successfully completed the Multistate Professional Responsibility Examination with a scaled score of 111. He further states that he has not been able to pay back the costs assessed against him or the \$15,733.33 he owes to the VSB Clients' Protection Fund.

PROPOSED RULE CHANGE

PROPOSED AMENDMENTS TO PART 6, SECTION IV, PARAGRAPHS 18 AND 19 RULES OF SUPREME COURT OF VIRGINIA

The proposed rule changes for Paragraphs 18 and 19, providing that all active members of the Virginia State Bar regularly engaged in the private practice of law representing clients (either individuals or entities) drawn from the general public be covered under a professional liability (malpractice) insurance policy, will be debated by the council of the Virginia State Bar at its October 17, 2008, meeting.

NOTE: THESE PROPOSED RULE CHANGES HAVE BEEN PRESENTED TO THE VSB COUNCIL FOR CONSIDERATION BY THE BAR'S SPECIAL COMMITTEE ON LAWYER MALPRACTICE INSURANCE. NEITHER THE COMMITTEE NOR THE COUNCIL HAVE TAKEN A FORMAL POSITION ON THE MERITS OF REQUIRING MALPRACTICE INSURANCE. RULE CHANGES MUST BE PUBLISHED BEFORE ANY ACTION CAN BE TAKEN BY THE COUNCIL.

Any member of the bar may direct comments about the proposed changes to Executive Director, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219-2800, no later than September 26, 2008.

PROPOSED PARAGRAPH 18

18. MANDATORY MALPRACTICE INSURANCE RULE FINANCIAL RESPONSIBILITY. — In order to make available to protect the public and promote make available to information about the financial responsibility of each active member of the Virginia State Bar in regard to for professional liability claims, each such member shall, upon admission to the bar, and with each application for renewal thereof, submit the certification required herein or obtain a waiver for good cause shown. The active member shall certify to the bar on or before July 31 of each year: a) whether or not such member is regularly currently covered by professional liability insurance, other than an extended reporting endorsement; b) whether or not such member is engaged in the private practice of law involving representation of clients (individuals or entities) drawn from the public, and, if so, whether the member intends to maintain. All members so engaged are required to be covered under a professional liability (malpractice) insurance policy written by an insurer authorized by state or federal law to offer such insurance in the jurisdiction in which the member practices and providing minimum coverage limits of EITHER \$100,000 per claim with a claims expense allowance of at least \$50,000 outside the policy limits OR \$200,000 per claim where claims expenses are inside the policy limits. The active member shall then certify that he or she has the required insurance and shall provide the name of the insurance carrier and the policy number, during the period of time the member remains engaged in the private practice of law; and c) the date, amount, and court where rendered, of any

unsatisfied final judgment(s) against such member, or any firm or professional corporation in which he or she has practiced; for acts, errors, or omissions (including, but not limited to, acts of dishonesty, fraud, or intentional wrongdoing) arising out of the performance of legal services by such member.

The foregoing shall be certified by each active member of the Virginia State Bar in such form as may be prescribed by the Virginia State Bar. By signing the certification, the member authorizes the bar to verify the existence of such policy with the named insurer and authorizes the named insurer to release such information to the bar, and shall be made available to the public by such means as may be designated by the Virginia State Bar. Each active member who certifies to the bar that such member is covered by under a professional liability insurance policy shall notify the bar in writing within thirty (30) days if the insurance policy providing coverage lapses, is no longer in effect or terminates for any reason, unless the policy is replaced with another policy and no lapse in coverage occurs. An extended reporting endorsement or "tail coverage" would not meet this requirement. The member shall provide the bar with the name of the insurance carrier and the policy number for any replacement policy.

Failure to comply with this Rule shall subject the active member to the penalties set forth in Paragraph 19 herein. An untruthful certification or unjustified failure to notify the bar of a lapse or termination of coverage shall subject the member to appropriate disciplinary action.

"Good cause shown" as used herein shall include illness, absence from the Commonwealth of Virginia, or such cause as may be determined by the Executive Committee of the Virginia State Bar whose determination shall be final. Any determination by the Executive Committee may be reviewed by the Supreme Court upon request of the member seeking a waiver.

PROPOSED PARAGRAPH 19

19. PROCEDURE FOR THE ADMINISTRATIVE SUSPENSION OF A MEMBER.— Whenever it appears that a member of the Virginia State Bar has failed to comply with any of the Rules of Court relating to such person's attorney's membership in the bar, the Secretary-Treasurer shall mail a notice to the member advising of the member's noncompliance and demanding (1) compliance within sixty (60) days of the date of such notice and (2) payment of a delinquency fee of \$50; for each Rule violated, provided, however, that the delinquency fee for an attorney who does not comply with the timely completion requirements of Paragraphs 13.2 and 17 (C), or the insurance coverage requirements of Paragraph 18, of these rules shall be \$100, and the delinquency fee for an attorney who does not comply with the certification requirements of Paragraphs 13.2, and 17 (D), or 18 of these rules shall be \$100. The notice shall be mailed by certified mail to the member at his or her last address on file at the Virginia State Bar.

PROPOSED RULE CHANGE

In the event the member fails to comply with the directive of the Secretary-Treasurer within the time allowed, the Secretary-Treasurer will then mail a notice to the member by certified mail to advise (1) that the attorney's membership in the bar has been suspended and (2) that the attorney may no longer practice law in the Commonwealth of Virginia or in any way hold himself or herself out as a member of the Virginia State Bar. Thereafter the attorney's membership in the Virginia State Bar may be reinstated only upon showing to the Secretary-Treasurer (1) that the attorney has complied with all the Court's rules relating to his or her membership in the bar and (2) upon payment of a reinstatement fee of \$150 for each Rule violated, provided, however, that the reinstatement fee for an attorney who was suspended for noncompliance with Paragraphs 13.2, and 17, or 18 of these rules shall be \$250, and shall increase by \$50 for each subsequent such suspension, not to exceed a maximum of \$500.

Whenever the Secretary-Treasurer notifies a member that his or her membership in the bar has been administratively suspended, the Secretary-Treasurer shall also (1) advise the Chief Judges of the circuit and district in which the attorney has his or her office, as well as the clerks of those courts and the Clerk of the Supreme Court, of such suspension and (2) publish notice of the suspension in ~~the next issue of the~~ *Virginia Lawyer Register*.

An administrative suspension shall not relieve the delinquent member of his or her annual responsibility to attend continuing legal education programs or to pay his or her dues to the Virginia State Bar.

PROPOSED MANDATORY CERTIFICATION

MANDATORY CERTIFICATION REGARDING PROFESSIONAL LIABILITY INSURANCE — All ACTIVE members (including attorneys selecting active status) are required to complete this form. Pursuant to Supreme Court Rules Part 6, Section IV, Paragraph 18, all active members in private practice regularly representing clients drawn from the public are required to maintain professional liability insurance. You **MUST ANSWER** the following questions, SIGN the certification and return it to the Virginia State Bar to remain in good standing.

1. Are you engaged in the private practice of law regularly representing clients (individuals or entities) drawn from the public?
— If your answer to question 1 is YES, then answer question 2; if NO, continue to the Name and Signature lines. Yes No
2. Are you currently covered under a professional liability (malpractice) insurance policy written by an insurer authorized by state or federal law to offer such insurance in the jurisdiction in which you practice and providing minimum coverage limits of EITHER \$100,000 per claim with a claims expense allowance of at least \$50,000 outside the policy limits OR \$200,000 where claims expenses are inside the policy limits. An extended reporting endorsement (tail coverage) is insufficient to satisfy this requirement.
— If your answer to question 2 is YES, then provide the following information; if NO, you will be notified by the Virginia State Bar regarding your noncompliance with Paragraph 18. Yes No

The name of the insurance carrier (not the agent) providing your malpractice insurance and the policy number:

Name of Malpractice Insurance Carrier

Policy Number

I certify that the information above is true and correct; and, if I have certified that I am currently covered under a professional liability insurance policy, I authorize the Virginia State Bar to verify the existence of such policy with the named insurer and authorize the insurer to release such information to the bar. I understand that the Supreme Court Rule requires me to notify the Virginia State Bar in writing within 30 days if my coverage lapses or terminates and is not replaced within the 30 days. I understand that an untruthful certification or unjustified failure to notify the bar of a lapse or termination of coverage shall subject me to appropriate disciplinary action.

Name (Please print):

Signature (Required)

LEGAL ETHICS OPINIONS

The Virginia State Bar's Standing Committee on Legal Ethics issued the following Legal Ethics Opinion as final on May 6, 2008.

LEGAL ETHICS OPINION 1836

CONFLICTS OF INTEREST INVOLVED WHEN CITY ATTORNEY PROVIDES LEGAL SERVICES TO MULTIPLE CONSTITUENTS WITHIN AN ORGANIZATION

Details can be found at <http://www.vacle.org/opinions/1836.htm>

The Virginia State Bar's Standing Committee on Legal Ethics issued the following Legal Ethics Opinion as final on June 27, 2008.

LEGAL ETHICS OPINION 1841

CAN A LAWYER WHO IS A MEMBER OF THE TOWN'S GOVERNING BODY REPRESENT A CLIENT CHALLENGING THE CONSTITUTIONALITY OF AN ORDINANCE THE LAWYER VOTED TO ADOPT?

Details can be found at <http://www.vacle.org/opinions/1841.htm>

VIRGINIA STATE BAR'S STANDING COMMITTEE ON LEGAL ETHICS SEEKING PUBLIC COMMENT ON LEGAL ETHICS OPINION 1842

Pursuant to Part Six: Section IV, Paragraph 10(c)(iii) of the Rules of the Supreme Court of Virginia, the Virginia State Bar's Standing Committee on Legal Ethics ("Committee") is seeking public comment on proposed advisory Legal Ethics Opinion 1842, *Obligations of a Lawyer Who Receives Confidential Information via Law Firm Website or Telephone Voice Mail*.

Any individual, business, or other entity may file or submit written comments in support of, or in opposition to, the proposed advisory opinion by filing ten copies with Karen A. Gould, Executive Director, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219-2800, not later than **September 29, 2008**.

Details can be found at the Virginia State Bar's website at <http://www.vsb.org/site/regulation/ethics-opinions/#pending>

CLIENTS' PROTECTION FUND

CLIENTS' PROTECTION FUND BOARD PAYMENTS

The Clients' Protection Fund Board has made payments to five petitioners whose claims were approved by the board at its May 16, 2008, meeting.

Details can be found at <http://www.vsb.org/site/news/item/cpf-board-petitions-paid/>

SUSPENSIONS

Members of the Virginia State Bar have been suspended for failure to comply with the Mandatory Continuing Education Requirements as prescribed in Part 6, Section IV, Paragraphs 17, 13.2 and/or 19, Rules of the Supreme Court of Virginia, Organization and Government of the Virginia State Bar. Suspensions are posted at <http://www.vsb.org/site/members/administrative-suspensions/#MCLE>

NOMINATIONS SOUGHT FOR DISCIPLINARY BOARD, MCLE BOARD, AND COUNCIL MEMBERS AT LARGE

Details can be found at <http://www.vsb.org/site/news/item/nominations-boards-0809/>

Nominations, along with a brief résumé, should be sent by **September 8, 2008**, to Howard W. Martin Jr., Chair, VSB Nominating Committee, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219, or e-mailed to Valerie Breeden at breeden@vsb.org.

PROPOSED RULE CHANGE

PROPOSED AMENDMENT TO PART SIX, SECTION IV, PARAGRAPH 13 RULES OF SUPREME COURT OF VIRGINIA

On May 7, 2008, the Standing Committee on Lawyer Discipline approved a restructured version of Rules of Court, Part Six, Section IV, Paragraph 13 (Paragraph 13). The new structure changes the internal numbering, inserts subheadings for clarity, and collapses many of the provisions so it will be easier to navigate and citations will be shorter. Proposed Paragraph 13 will appear in the *Professional Guidelines* with headers indicating the first and last sections on each page of the document in order to enhance the ability of the user to find provisions more quickly. Changes in wording were made only where existing language was confusing or where there were clearly recognizable errors — e.g., "Certification of terms compliance" instead of "certification of terms compliance," since "Certification" is an unrelated defined word. The *Professional Guidelines* presentation of Paragraph 13 will also include a revised table of contents and a detailed index. As a result, Paragraph 13 should be a more user-friendly document. The proposed Paragraph 13 without table of contents and index will be presented to the Virginia State Bar Council for consideration at its meeting on October 17, 2008. Comments should be submitted to Karen A. Gould, Executive Director, Virginia State Bar, Suite 1500, 707 East Main Street, Richmond, VA 23219, by **October 3, 2008**.

The full proposal can be found at <http://www.vsb.org/site/regulation/par13-restructured/>