

# Highlights of Virginia State Bar Council Meeting

## March 3, 2006

**At its regular meeting on March 3, 2006, in Richmond, the Virginia State Bar Council heard the following significant reports and took the following actions:**

**FastCase**—the Virginia State Bar's new online legal research service—was up and running earlier than the March 1, 2006, start-up date. Few problems have been reported. The service is provided as a membership benefit, without charge, to active, associate, judicial and emeritus members of the bar who are in good standing.

A search committee has begun its work to find a **new VSB counsel** to replace Barbara Ann Williams, who left in February to return to private practice at McGuireWoods. Virginia State Bar President-elect Karen A. Gould is chair of the committee, which began screening applicants in early March. The committee hopes to have a recommendation to present to the council at its June meeting.

In response to the General Assembly's election of judicial candidates who bypassed statewide bar screening processes for state appellate vacancies, VSB President Phillip V. Anderson will appoint a task force to study **judicial nominations**. Members of the council expressed frustration at the 2006

Assembly's rejection of two Court of Appeals candidates who were recommended by the VSB Judicial Nominations Committee, in favor of two who did not submit to the process in a timely fashion.

The council approved a **lawyer-lookup feature** on the VSB Web page, at the recommendation of the Committee on Publications and Public Information. Lawyers must sign up on the Web page to have their names, address of record and business telephone number listed in the database, which will be available to the public.

The VSB will use **mass e-mails** to members in extraordinary circumstances only, under a new policy adopted by the council. Mass e-mails must be approved by the executive director or a majority of the officers.

The VSB will develop a periodic **electronic newsletter** that will list continuing legal education programs, meeting notices and other brief items of interest to Virginia lawyers. The e-newsletter will go to members who do not unsubscribe when they receive an issue of the publication.

The council approved a change to the Rules of Professional Conduct that would give the VSB **disciplinary authority** over

lawyers who are licensed in other states or countries, and who are practicing in Virginia temporarily. The change, which will be sent to the Supreme Court of Virginia for its consideration, is one of a series designed to bring Virginia into the mainstream with other states in dealing with the increasing presence in their jurisdictions of foreign lawyers representing clients. The change was recommended by the Multijurisdictional Practice Task Force.

The council endorsed an amendment to the Rules of Professional Conduct that would prohibit an attorney from entering into an agreement that restricts the attorney's **ability to practice law**. The current rule—Rule 5.6(b)—contains language that in some circumstances allows settlement agreements to include a provision that limits a lawyer's future practice activities. The amendment was requested by the Boyd-Graves Conference and approved by the VSB Standing Committee on Legal Ethics. It will be sent to the Supreme Court for consideration.

The council unanimously adopted a resolution honoring and thanking **Barbara Ann Williams** for her exemplary service during the past eight years as Bar Counsel.