

Highlights of Council Meeting

June 19, 2003

At its regular summer meeting on June 19, 2003, in Virginia Beach, VSB Council heard the following reports and took the following significant actions:

Lawyer Discipline

The Standing Committee on Lawyer Discipline presented two proposals to further streamline and improve the procedures for handling attorney discipline matters. One amendment to Paragraph 13 of the Rules of Court would allow the bar to dismiss pending complaints, without prejudice, when an attorney's license has been revoked without consent on other charges or the attorney has passed away. Another Paragraph 13 amendment would do away with the concept of a dismissal with terms, changing that sanction to an admonition with terms, thus making it clear that a finding of misconduct has been made. These rule changes will be recommended to the Supreme Court of Virginia for adoption.

A task force will be appointed to study the Virginia statutes under which a receiver can be appointed for an attorney's practice and recommend any changes that may be needed in order to make the receiver-ship process more effective and efficient.

VSB Budget for 2003–2004

The Standing Committee on Budget and Finance recommended a budget for the Virginia State Bar for the 2003–2004 fiscal year, calling for revenues just over \$9,000,000 and expenditures just under that amount. Included in the budget are funds for two new assistant bar counsel positions and an additional \$50,000 in support for the Lawyers Helping Lawyers program. Council unanimously adopted the proposed budget.

Senior Lawyers Conference Representation on the Executive Committee

The Senior Lawyers Conference was created two years ago as a successor to the bar's Senior Lawyers Section, and its chair serves as an ex-officio member of Council. In light of the activities and projects carried out by the conference during the past two years, including significant educational efforts with respect to the need for succession planning by lawyers prior to their death or disability, the conference requested that the by-laws of Council be amended to provide that the chair of the conference would also serve as an ex-officio member of the Executive Committee. The by-law amendment was approved by Council.

Judicial Salaries

Council approved legislative activity by the VSB in support of legislation now

pending in Congress under which federal judges would be provided with a 16.5% pay increase. In addition, Council authorized the Virginia State Bar to become a co-sponsor of a resolution submitted to the ABA House of Delegates for action by that body in August 2003, calling for adequate compensation for state court judges and the creation of an independent commission to review and set compensation for judges in each state.

Resolutions Honoring President Bernard J. DiMuro and Thanking His Law Firm for His Services

Council unanimously adopted resolutions thanking and commending 2002–2003 VSB President Bernard J. DiMuro for his diligent and effective service, and expressing thanks to his law firm for the extra commitments required of others in the firm to enable him to serve as president.

Mailing List Available Under Freedom of Information Act

Council received updated advice and information from the Office of the Attorney General about the bar's membership mailing list and its availability under FOIA. For many years, the bar has had a mailing list policy that prohibits release of the mailing list for commercial or political purposes, and prior advice from the Office of the Attorney General indicated this policy was proper. In light of recent interpretations of FOIA by the FOIA Council, however, the Office of the Attorney General has concluded that our members' names, addresses of record and telephone numbers are, indeed, available upon request under FOIA to any person eligible to invoke the provisions of the act. Accordingly, Council acted to repeal the bar's mailing list policy. The bar staff will work with the Office of the Attorney General and the FOIA Council to craft legislation we hope will narrow the availability of our membership data, especially in electronic format.

Members who wish to change their address of record or delete other information from their records should send the request in writing to the VSB Membership Department at 707 E. Main Street or fax to (804) 775-0554.