

Highlights of the Virginia State Bar Council Meeting

February 28, 2009

At its regular meeting on February 28, 2009, the Virginia State Bar Council heard the following significant reports and took the following actions:

ALPS

Robert W. Minto Jr., president and chief executive officer of ALPS—the VSB’s endorsed legal malpractice insurance carrier—reported that the company is in good financial condition and profitable. Since 2006, Virginia claims have increased in frequency and severity, primarily in the areas of real estate and plaintiff personal injury. In 2008, Virginia’s loss ratio was 77.26 percent and the claims frequency was 4.32 percent. Both are higher than ALPS’s overall book of business. The trend may result in higher premiums for lawyers in higher-risk practices.

Professional Guidelines

The VSB is reformatting the online version of the *Professional Guidelines* to html, so the rules can be searched more easily and updated on an ongoing basis. With those improvements at VSB.org, the print version will not be mailed to all members, but will be distributed to volunteers and anyone who requests a copy, for a savings of \$38,000 annually.

Web Postings of Disciplinary Cases

The Supreme Court has authorized the VSB to resume posting public discipli-

nary information on the bar’s website following a probable cause determination. The information must include the status of the proceeding and whether an appeal has been filed.

CPF Notices to Be Sent by Regular Mail

The council dropped a requirement that Clients’ Protection Fund petition notices be sent to the lawyer by certified mail with a return receipt request, at a cost of \$4.90 per item currently and \$5 per item beginning in May. Under the new procedure, the petition will be sent by regular mail to the lawyer’s address of record and to any additional address known to the bar.

Proposed Amendment Concerning Communication of Specialty Certification

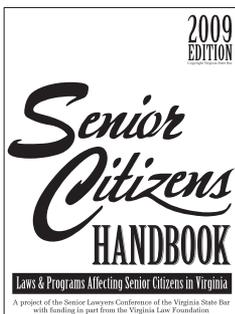
The council approved a proposed amendment to Rule 7.4(d) that would allow a lawyer to advertise a specialty certification without a disclaimer if the certification is granted by an American Bar Association-accredited organization. The current rule permits a lawyer to advertise a specialty certification only if the advertisement contains a disclaimer indicating that there is no Virginia procedure for approving certifying organizations. The motion to approve the amendment and recommend it to the Supreme Court passed by a vote of 30–25.

Proposed Amendments to Paragraph 13

Council voted unanimously to approve and recommend to the Supreme Court the following changes to Paragraph 13: (1) that the definition of “terms” contained in Paragraph 13(A) be amended to allow imposition of terms for certain suspensions; (2) that the definition of “costs” contained in Paragraph 13(A) be amended to include electronic and telephonic conferencing costs; and (3) that Paragraph 13(I)(8)(b) be amended to increase the reinstatement bond from \$3,500 to \$5,000.

Proposed Amendments to Paragraph 19

Council voted to approve and recommend to the Supreme Court the following changes to Paragraph 19: (1) that an additional \$100 delinquency fee be imposed for failure to comply with Mandatory Continuing Legal Education certification by February 1; and (2) that the certified mail requirement for initial notice of noncompliance with membership obligations be deleted.



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