

Executive Director's Message

by Karen A. Gould



Oversight of the VSDB's Discipline System

AS YOU KNOW, the primary mission of the Virginia State Bar is to regulate the legal profession of Virginia. That is accomplished in large part by the office of the bar counsel and the disciplinary board and district disciplinary committees, which are made up of dozens of volunteers who donate thousands of hours of service to all of us at the bar. Sometimes they agree with the position of the bar counsel, and sometimes they disagree. In every case, though, they work very hard and take their oversight responsibilities seriously.

But, the bar counsel's office and the volunteers who serve the disciplinary process do not operate in a vacuum. The overseers of our disciplinary system are themselves subject to professional oversight.

That supervision of the Virginia State Bar's disciplinary system is provided by the Standing Committee on Lawyer Discipline (COLD). The committee is composed of ten attorneys, two laypersons, and one member of the VSB Disciplinary Board, who serves ex-officio. The list of the current members of COLD can be found on the VSB's website: www.vsb.org/site/about/lawyer-discipline.

COLD's supervision of the attorney disciplinary process includes oversight of the bar's investigation and prosecution of complaints. Members of COLD are assigned to monitor the progress of investigations and prosecutions in each of the district disciplinary committees through interactions and

discussions with VSB counsel and committee chairs. Each COLD member is assigned to two district committees to coordinate the discussion with the committee's chair and the bar counsel assigned to that committee. The bar's chief investigator sits in on each COLD meeting to answer questions that may arise. In addition, the oversight subcommittee of COLD randomly reviews case files to ensure that VSB counsel handled them in a procedurally correct manner. In fiscal year 2015, there were approximately 120 random reviews. Further review is done of specific files if complainants or respondents have questioned the handling of a case, and in FY2014–2015 there were eight such reviews.

COLD also formulates and presents proposed amendments to Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia, which govern the disciplinary process. Proposed amendments are published for comment and then presented to the Virginia State Bar Council, which decides whether to petition the Supreme Court for adoption of the changes. In FY2014–2015, six proposed revisions to Paragraph 13 were published for comment.

COLD hosts an annual Disciplinary Conference, which is attended by attorney and lay members of the district committees, the Disciplinary Board, COLD members, and judges who sit on three-judge circuit court panels that hear disciplinary

COLD comprises fourteen volunteers. The Disciplinary Board comprises twenty volunteers. The seventeen district committees each have ten volunteers. That adds up to more than 100 people who volunteer their time and expertise to help the bar accomplish one of its primary missions.

matters. The programs at the conference are designed to provide education and updates on the disciplinary process to the volunteers serving in the disciplinary system.

Every potential disciplinary case is handled in exactly the same manner — impartially and based on the facts — regardless of the standing or lack of standing of the respondent or complainant. The VSB employees and the volunteers who make the rulings on disciplinary matters take their responsibility seriously. The VSB is the only profession in Virginia that enjoys the privilege of self-regulation. It is a privilege earned through the dedication of our volunteers.