

# Proposed Increases in Delinquency and Reinstatement Fees

For many years the Virginia State Bar has charged delinquency fees to lawyers who do not comply with their annual membership obligations in a timely fashion. It has also charged reinstatement fees to those lawyers who are administratively suspended for failing to comply with their membership obligations and seek to return to in-good-standing status.

The purpose of these delinquency and reinstatement fees is to require members who do not comply with their membership obligations in a timely way, as well as those who are administratively suspended for noncompliance, to bear a larger share of the cost of operating the bar's membership and Mandatory Continuing Legal Education departments. The costs of operating these two departments and dealing with members who do not comply with their obligations in a timely way have continued to rise through the years, and the bar intends to propose increasing those fees by amendments to Part Six, Section 4, Paragraph 19 of the *Rules of the Supreme Court of Virginia*.

These proposed fee increases will be considered by the Council of the Virginia State Bar at its next meeting on March 2, 2007, and the proposed changes are published below for comment. Any member of the bar having comments about the proposed changes may direct those to: Executive Director, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219-2800 no later than February 15, 2007.

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 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. 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. of these rules shall be \$100. The notice shall be mailed by certified mail to the member at his last address on file at the Virginia State Bar. This would include delinquency fees pursuant to 13.1 for professionalism course.

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 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 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 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 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 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 annual responsibility to attend continuing legal education programs or to pay dues to the Virginia State Bar.