

# Proposed Amendments to Part 6, Section IV, Paragraph 5, Rules of Supreme Court of Virginia

On July 2, 2007, President Howard W. Martin Jr. appointed a task force to examine the current size of the Virginia State Bar Council and consider recommending changes in Paragraph 5. This provision governs the circumstances under which a circuit qualifies for additional representation on council beyond the one council member guaranteed for each of the 31 circuits.

The size of the elected component of council grew from 40 members in the late 1970s to 60 members by the early 1990s, when Paragraph 5 was last amended to increase the number of active members required for an additional seat in a given circuit from 300 to 400. At that time all circuits were grandfathered so that no circuit lost any council representation. This change arrested the size of council until quite recently, when additional seats were added in circuits 19 and 20.

At its meeting on September 20, 2007, the task force concluded that action should be taken to prevent the council from growing further in the foreseeable future in order to keep it a policy-making body of reasonable size where all members have an opportunity to speak and participate during meetings. It also was agreed that the current arrangement under which all circuits are guaranteed at least one member of the council should be retained.

Accordingly, the task force voted with one member absent and one no vote to recommend that the number of active members required for an additional seat in a circuit again be increased from 400 members to 500 members, or major fraction thereof. In addition, the task force voted to change the date in the grandfather clause of the paragraph from July 1, 1992, to July 1, 2008, the anticipated effective date of the proposed rule changes. This will preserve the three additional seats that have been added since 1992 in circuits 19 and 20, as well as any that may be added during the 2007-08 bar year in any circuit.

The proposed rule change will be considered by the Council of the Virginia State Bar at its next meeting on March 1, 2008, and the proposed change is published below for comment. Any member of the bar having comments about the proposed change may direct those to: Executive Director, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219-2800, no later than February 1, 2008.

5. THE COUNCIL.—The powers of the Virginia State Bar shall be exercised by a Council composed of at least thirty-seven members in addition to the President, President-elect and Immediate Past President, as ex officio members, elected and appointed as follows:

At least one active member from each of the thirty-one judicial circuits, elected for a term of three years by the members of the bar of each circuit, and nine members appointed by the Supreme Court of Virginia from the active members of the bar of the state at large. The Court shall appoint the at-large members to serve for a term of three years and, further, shall appoint in such a manner as to ensure that three members are appointed annually. A person who has served two successive full three-year terms as an elected or appointed member of Council shall not be eligible for election or appointment to a third successive term.

For each additional judicial circuit, whenever created, there shall be a member of the Council, who shall be an active member of the bar of that circuit. An election shall be held in such circuit within sixty (60) days after the creation of such circuit or as soon thereafter as may be feasible in the manner provided at Paragraph 6. The Council at its meeting next thereafter shall determine the length of the term

of the first member from that circuit so that, as nearly as possible, the terms of one-third of the members of the Council expire each year.

Any circuit having as of the ~~15th~~ 1st day of March in any year more than ~~400~~ 500 active members in good standing who are domiciled or principally practice their profession in such circuit shall be entitled to one additional member of the Council for each additional ~~400~~ 500 members or major fraction thereof. In the event that the membership in a circuit as of March ~~15~~ 1 is such that it is no longer entitled to one or more additional members, the term of such additional member[s] of the Council shall end at the expiration of the term for which the member[s] was elected. Provided, however, that the number of Council members from each circuit as of July 1, ~~1992~~ 2008, shall not be reduced unless the active membership in the circuit first increases to the number which will sustain its allocation of Council members as of July 1, ~~1992~~ 2008, under the above formula, and subsequently falls below that number.

Whenever a judicial circuit shall be abolished, the term of any member of the Council from that circuit shall end forthwith.

The President of the Young Lawyers Conference shall serve as an ex officio member of the Council.

The Chair of the Conference of Local Bar Associations shall serve as an ex officio member of the Council.

The Chair of the Senior Lawyers Conference shall serve as an ex officio member of the Council.