

Virginia State Bar Disciplinary Board
New Member Orientation
Virginia State Bar Offices
Thursday, March 21, 2019
1:00 p.m.

AGENDA

- I. Welcome – Lisa A. Wilson, Chair
 - A. Officers
 - 1. Lisa A. Wilson, Chair
 - 2. Yvonne Gibney, 2nd Vice Chair Elect
 - B. New Member
 - 1. Devika E. Davis
 - C. Virginia State Bar Staff
 - 1. Karen A. Gould, Executive Director
 - 2. Vivian R. Byrd, Deputy Clerk
- II. General Information – **Lisa Wilson – Tab 1**
 - A. So You’ve Been Appointed to the Disciplinary Board
 - B. How to Comport Yourself as a Quasi-Judicial Disciplinary Board Member
- III. Hearings and Dockets – **Vivian Byrd – Tab 2**
 - A. Hearing Dates and Locations
 - B. Board Hearing Schedule, Post Committee and Web Docket
 - C. Two-Day Hearings
 - D. Hotels and Travel Expense Reimbursement Guidelines
 - E. Clerk’s Office Phone/Email List
- IV. Scheduling and Postponing Hearings – **Vivian Byrd – Tab 3**
 - A. Panel Member Scheduling/Conflicts
 - 1. Disqualifying Factors for Subcommittee, District Committee and Disciplinary Board Members
 - B. Docketing Procedure
 - C. Continuances and Cancellations
- V. Communication – **Yvonne Gibney - Tab 4**
 - A. Ex Parte Communication
 - B. Dealing with the Press/Media
 - C. Researching the parties’ background prior to a hearing
- VI. Disciplinary Board FOIA Policy and Public Records Act – **Lisa Wilson – Tab 5**

- VII. Overview of a Prehearing Conference Call – **Lisa Wilson - Tab 6**
- VIII. Hearing Procedure – **Officers – Tab 7**
 - A. Aggravating or Mitigating Factors
 - B. Rules Most Frequently Implicated in Disciplinary Proceedings
 - C. Types of Hearings
 - 1. Misconduct - public
 - 2. Reinstatement – public
 - 3. Reciprocal - public
 - 4. Criminal – public
 - 5. Appeals of District Committee Sanctions - public
 - 6. Expedited Petition - public
 - 7. Impairment- private
 - 8. RESA – public
 - 9. Show Cause/Interim Suspensions – Noncompliance with SDT – private
 - 10. Show Cause/Noncompliance with Board order - public
 - 11. Show Cause/Certification for Sanction Determination – public
 - 12. Show Cause/13-29 and Failure to Comply with Terms – public
 - 13. Motions
 - D. Pleadings/Stipulated Documents – **Yvonne Gibney – Tab 8**
 - 1. Encrypted Email
 - 2. Dropbox
 - 3. Tablets – Board Resources
 - a. Paragraph 13 of the Supreme Court of Virginia
 - b. ABA Standards for Imposing Lawyer Sanctions
 - c. Case Law Summary – 2018
 - d. Terms of Alternative Discipline
 - e. Disciplinary Board Handbook – 2018
 - f. Legal Dictionary
- IX. Starting Time – **Yvonne Gibney**
- X. Affirmation of no conflicts – **Yvonne Gibney**
- XI. Questions from Panel – **Lisa Wilson**
- XII. Conversations on entering and leaving Courtroom – Decorum – **Lisa Wilson**
- XIII. Telephone Conference Hearings/Agreed Dispositions – **Lisa Wilson**
 - A. Email instructions from Clerk
 - B. Chair – roll call
 - C. Required Preparation Time
 - D. Panel can offer alternative disposition
- XIV. Disciplinary Board Orders – **Lisa Wilson**
 - A. Order Writing Responsibility
 - 1. Attorney Rotation
 - 2. Symbol - ✍
 - B. Note Taking/Prompt Preparation/Circulation
 - 1. Presentation on order writing by Karen Gould – **Tab 9**

2. Use Board Form Order
 - a. Nicholas Smith Memorandum Order – model for misconduct cases
3. Effective Date of Sanction
4. Case-by-Case Specification of Findings of Fact and Violations found & not found
5. Include Rulings from the Bench
 - a. Pre-hearing Orders
 - b. Motions
 - c. Continuances
 - d. Exhibits Admitted
6. Subject line in email when circulating order: “Confidential, Deliberative and Privileged”
7. Circulation of Order
8. Dissenting Opinion