

**VIRGINIA STATE BAR
EXECUTIVE COMMITTEE MEETING
RICHMOND, VIRGINIA
THURSDAY, SEPTEMBER 26, 2019**

AGENDA

**Noon Executive Committee Meeting and Lunch – Third Floor Conference Room
 3rd Floor, Bank of America Building, 1111 E. Main St., Richmond**

I. Welcome to New Executive Committee Members

- A. Executive Committee roster and list of new members 1
- B. Introductions

II. Reports and Information Items

- A. President's report – Marni E. Byrum, President 2
- B. Executive Director's report – Karen A. Gould, Executive Director 3
- C. Financial report – Crystal T. Hendrick, Finance/Procurement Director 4
 - Financial Report for FY 2019 4
 - Current Financial Report 5
- D. Bar Counsel's report – Renu M. Brennan, Bar Counsel 6
- E. Virginia Lawyer Referral Service Committee update – Eugene M. Elliott, Jr., chair 7
- F. Opportunity for questions, comments, ideas

III. Action Items

- A. Approval of minutes of June 12, 2019 meeting 8
- B. Proposed amendments to Rule 1.15, Safekeeping Property – James M. McCauley, Ethics Counsel 9
- C. Solicitation funding requests – Maureen D. Stengel, Director of Bar Services 10
 - 1. 2018 Annual Meeting Solicitations
 - 2. Education Section
 - a. William R. Rakes Leadership in Education Award
 - b. Law School & Law Firm Membership Contributions
 - 3. Family Law

- a. Outstanding Graduate Awards
 - b. Travel Board Meeting Reception
 - 4. IDT – 14th Annual IDT Seminar Reception and Dinner
 - 5. Diversity Conference
 - 6. Young Lawyers Conference
 - a. Bench Bar Dinner
 - b. Immigration Outreach Committee
- D. Reinstatement of June E. Collmer to Active status – Karen A. Gould 11
- E. Reinstatement of Frank J. DeGaetani, Jr. to Active status – Karen A. Gould 12
- F. Reinstatement of Willis F. Hutchins to Active status – Karen A. Gould 13
- G. VSB Mission Statement – Cameron M. Rountree, Deputy Executive Director 14

IV. Notice of Upcoming Receptions, Dinners & Meetings

12:30 p.m., Thursday, October 24, 2019, lunch and Executive Committee meeting, The Alexandrian, Alexandria.

6:30 p.m., Thursday, October 24, 2019, Council reception and dinner, The Alexandrian, Alexandria.

9:00 a.m., Friday, October 25, 2019, Council meeting, The Alexandrian, Alexandria.

12 Noon, Friday, February 28, 2020, lunch and Executive Committee meeting, 1111 E. Main St., 3rd Floor Conference Room, Richmond.

6:30 p.m., Friday, February 28, 2020, Council reception and dinner, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond.

9:00 a.m. Saturday, February 29, 2020, Council meeting, Omni Richmond Hotel, 100 S. 12th Street, Richmond.

12 Noon, Thursday, April 16, 2020, lunch and Executive Committee meeting, 1111 E. Main St., 3rd Floor Conference Room, Richmond.

12 Noon, Wednesday, June 17, 2020, lunch and Executive Committee meeting, Vista Del Mar Room, 6th Floor, Southside Tower, Holiday Inn & Suites North Beach, Virginia Beach.

6:30 p.m., Wednesday, June 17, 2020, Council reception and dinner, Sheraton Virginia Beach Oceanfront Hotel, 3501 Atlantic Avenue, Virginia Beach.

9:00 a.m., Thursday, June 18, 2020, Council meeting, Cape Henry Room, Holiday Inn & Suites North Beach, Virginia Beach.

12 Noon, Thursday, September 24, 2020, lunch and Executive Committee meeting, 1111 E. Main St., 3rd Floor Conference Room, Richmond.

12 Noon, Thursday, October 22, 2020, lunch and Executive Committee meeting, The Homestead, Hot Springs.

6:30 p.m., Thursday, October 22, 2020, Council reception and dinner, The Homestead, Omni, Hot Springs.

9:00 a.m., Friday, October 23, 2020, Council meeting, The Homestead, Omni, Hot Springs.

12 Noon, Friday, February 26, 2021, lunch and Executive Committee meeting, 1111 E. Main St., 3rd Floor Conference Room, Richmond.

6:30 p.m., Friday, February 26, 2021, Council reception and dinner, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond.

9:00 a.m. Saturday, February 27, 2021, Council meeting, Omni Richmond Hotel, 100 S. 12th Street, Richmond.

TAB 1

Virginia State Bar
2019-20 Executive Committee - New Members

Maryse C. Allen, Prince William

Ann B. Brogan, Norfolk

William T. Wilson, Covington

CONFERENCE CHAIRS AND PRESIDENT

Lewis A. Martin, III

Conference of Local and Specialty Bar Associations

Chidi I. James

Diversity Conference

John D. Eure

Senior Lawyers Conference

Farnaz F. Thompson, president

Young Lawyers Conference

VIRGINIA STATE BAR

Activities Report

2019-2020

Executive Committee

19-Sep-2019

Member	Address	Contact	Term Expires / Number
Marni Elaine Byrum, Esq. President	McQuade Byrum PLLC 602 North Columbus Street Alexandria, VA 22314	703-548-4200 ext.1: Fax:548-4647 mebyrum@mcquadebyrum.com	2020 / -
Brian Lawrence Buniva, Esq. President Elect	B.L. Buniva Strategic Advisor, PLLC SunTrust Building 919 E Main St Ste 1300 Richmond, VA 23219	804-873-0610 BLBrichmond@gmail.com	2020 / -
Leonard Claro Heath, Jr., Esq. Immediate Past President	Heath, Overbey, Verser & Old, P.L.C. 11832 Rock Landing Dr Ste 201 Newport News, VA 23606	757-243-1461 Fax:599-0735 lheath@hovplc.com	2020 / -
Maryse Celine Allen, Esq. Member	Compton & Duling, L.C. Suite 350 12701 Marblestone Drive Prince William, VA 22192-8307	703-565-5143 Fax:583-6066 mcallen@comptonduling.com	2022 / 2
Ann Burke Brogan, Esq. Member	Davey Brogan, P.C. Suite 300 101 Granby Street Norfolk, VA 23510	757-622-0100 Fax:333-4501 ann.brogan@daveybroganpc.com	2022 / 2
Eugene Millan Elliott, Jr., Esq. Member	Professional Arts Bldg 30 Franklin Rd Ste 202 Roanoke, VA 24011-2411	540-981-0164 Fax:982-5660 emejr@emelliottlaw.com	2021 / 2
Eva Nicole Juncker, Esq. Member	Paley Rothman 252 N Washington St Falls Church, VA 22046	301-656-7603 Fax:562-8224 ejuncker@paleyrothman.com	2022 / 1
Jay Barry Myerson, Esq. Member	Suite 100 11860 Sunrise Valley Drive Reston, VA 20191	703-715-9600 Fax:715-2230 myerson@myersonlaw.net	2020 / 2
William T. Wilson, Esq. Member	Law Offices of William T. Wilson PO Box 590 Covington, VA 24426	540-962-4529 Fax:962-8423 wtw1130@aol.com	2020 / 1
Chidi Iregbulem James, Esq. Diversity Conference	Blankingship & Keith, PC Suite 300 4020 University Drive Fairfax, VA 22030	703-691-1235 Fax:691-3913 cjames@blankeith.com	2020 / 1
John Dickens Eure, Esq. Senior Lawyers Conference	Johnson, Ayers & Matthews, P.L.C. 310 First St SW Ste 700 PO Box 2200 Roanoke, VA 24011	540-767-2033 Fax:982-1552 JEURE@JAMLAW.NET	2020 / 1
Lewis Ashby Martin, III, Esq. Conference of Local and Specialty Bar Association	MartinWren, P.C. 400 Locust Ave Ste 1 Charlottesville, VA 22902	434-817-3100 Fax:817-3110 martin@martinwrenlaw.com	2020 / 1

VIRGINIA STATE BAR

Activities Report

2019-2020

Executive Committee

19-Sep-2019

Member	Address	Contact	Term Expires / Number
Farnaz Farkish Thompson, Esq. Young Lawyers Conference	U.S. Department of Education 400 Maryland Avenue SW Washington, DC 20202	202-453-7063 Fax:982-3070 farnaz.thompson@ed.gov	2020 / 1

TAB 2

President's Report

June 5, 2019	Virginia Supreme Court Admissions & Orientation Ceremony	Richmond, VA
June 11-15, 2019	VSB Annual Meeting	Virginia Beach, VA
June 11, 2019	VSB Officer's Dinner	Virginia Beach, VA
June 12, 2018	Executive Committee	Virginia Beach, VA
June 12, 2019	Council Reception & Dinner	
June 13, 2019	Council Meeting	
June 27, 2019	Arlington Bar Event	Arlington, VA
July 17-21, 2019	ALPS Bar Leaders Institute	Missoula, MT
July 24-26, 2019	Disciplinary Conference - Attended Board Meeting, Conference reception and dinner; gave welcoming remarks to the Conference	Glen Allen, VA
August 14, 2019	Senior Law Day Conference at Lancaster Community College with Alleghany-Bath-Highland Bar Association	Clifton Forge, VA
August 15, 2019	VLF Fellows Committee Meeting	Richmond, VA
August 19, 2019	VLF Grantee Luncheon	Richmond, VA
August 26, 2019	Professionalism Faculty Dinner	McLean, VA
August 27, 2019	Professionalism Course	McLean, VA
August 27-28	General District Court Judicial Conference	Williamsburg, VA
August 29, 2019	Ethics CLE Panel	Richmond, VA
September 12, 2019	Alexandria Bar Dinner	Alexandria, VA
September 13, 2019	1- VSB Nominating Committee 2 - Special Committee on Rule Revisions	Richmond
September 18, 2019	Bench Bar Committee Strategic Planning Meeting	Richmond, VA
September 19, 2019	VSB Committee & Section Chair Meeting	Richmond, VA
September 19, 2019	Diversity Conference Board Dinner	Williamsburg, Va
September 20, 2019	VSB Diversity Conference 2 nd Annual Forum on Diversity in the Legal Profession	Williamsburg, VA
September 24, 2019	Professionalism Faculty Dinner	Richmond, VA
September 25, 2019	Professionalism Course	Richmond, VA
September 26, 2019	Executive Committee	Richmond, VA

TAB 3

EXECUTIVE DIRECTOR'S REPORT
Karen A. Gould
September 2019

I. STATUS OF FLOOD RECOVERY

The Discipline Department was able to move back into its part of the 6th Floor space on September 18, 2019, a week ahead of schedule. Work has commenced on remediation of the damage in the Regulatory Compliance area of the space. Regulatory Compliance staff was relocated to temporary quarters on the 9th floor provided by the building. Discipline Department staff has been located on the 7th floor. Some attorneys do not have offices, hence the decision to expedite the process by having the Discipline area remediated first.

II. DUES RENEWAL STATISTICS

Dues renewal statistics as of 8/27/2019

Renewal Stats	
Total Renewals Mailed FY20	46,120 (32,892 active, 13,228 associate)
Total number of lawyers late FY20	4,195 (9%) (2,638 active, 1,518 associate)
Total number of lawyers late FY19	4,153
FY20 Resignations	64 (as of Aug. 27, 2019)
FY19 Resignations	122
FY18 Resignations	99

Method of Payment (approx.)	FY 19	FY 20
Lockbox	33%	27.5%
Online Renewal	53%	60%
In-House Checks ¹	13%	12%
In-House Credit Card ²	1%	.5%

III. JUDICIAL CANDIDATE EVALUATION COMMITTEE

The VSB has been asked by U.S. Senators Kaine and Warner to evaluate candidates for the upcoming vacancy on the United States District Court for the Eastern District of Virginia, Norfolk Division, due to the senior status of Judge Rebecca Smith.

¹ "In-house checks" means that the check was mailed to the VSB, not to the lockbox, then deposited.

² "In-house credit cards" means that the credit card charge was processed in-house by a VSB staff member using a ipad, not online by the user.

Seventeen candidates have asked to be evaluated. Interviews have been scheduled for October 11, 2019, in the VSB Richmond office.

The candidates are as follows, alphabetically by last name with their VSB jurisdiction:

1. Carina A. Cuellar Amrod,³ Alexandria
2. Michael A. Beverly, Norfolk
3. Philip L. Bradfield, Newport News
4. Gary A. Bryant, Norfolk
5. Polly Chong, Newport News
6. Hon. Mary Jane Hall, Norfolk
7. Hon. Stephen E. Heretick, Portsmouth
8. Hon. David W. Lannetti, Norfolk
9. Hon. Lawrence R. Leonard, Norfolk
10. Hon. Douglas E. Miller, Norfolk
11. Mary T. Morgan, Virginia Beach
12. Patricia A. Nagel, Williamsburg
13. Jay V. Prabhu, Alexandria
14. Coke M. Stewart, Alexandria
15. Farnaz F. Thompson, Washington, D.C.
16. Hon. Victoria A.B. Willis, Stafford
17. Hon. Roderick C. Young, Richmond

III. SCV ACTION ON PROPOSED VSB RULE CHANGES

The Supreme Court of Virginia has not met since the June Council meeting, therefore, no action has been taken on the proposed rule changes approved by Council at that meeting.

IV. FY 2018 AUDIT REPORT

The auditors have completed their work for FY 2018 and the attached audit has been issued. Randy Webe, HR Director, and Selina Deale, IT Director, will be at the meeting to answer any questions you may have.

Attachments: July, August, September VSB E-News, FY 2018 Audit Report

³ Ms. Amrod is not admitted to practice law in Virginia.

Holloman, Asha

From: Virginia State Bar <vsbnews@vsb.org>
Sent: Tuesday, July 2, 2019 5:26 AM
To: Holloman, Asha
Subject: July 2019: News for Virginia Lawyers



The monthly news summary of the Virginia State Bar
[View this email as a webpage](#)

Governance

The Standing Committee on Legal Ethics seeks comments on proposed **amendments to Rule 1.15** regarding the safekeeping of property. Comments due before July 19.

The Supreme Court of Virginia amended the rule **governing court costs**.

The Advisory Committee on the Rules of Court of the Supreme Court of Virginia is seeking public comment on revising the rules as they pertain to the use of the **potentially ambiguous word "shall."** Deadline for comment is July 12.

The Committee also **seeks public comment** on revising two rules due August 25. One concerns the use of **live testimony from remote locations** using video technology in civil cases, and the other concerns two pending proposed rule amendments relating to **depositions in discovery**.

Read highlights of the **June 13 Bar Council meeting**.

Marni E. Byrum of Alexandria is the VSB's new president.

Brian L. Buniva of Richmond is the Bar's president-elect for 2020-21.

The Bar urges Virginia lawyers to be **vigilant about a recent scam** involving a "client" with a fake severance agreement from the Tractor Supply Company.





The Bar seeks **volunteers for boards and committees** by August 2 for terms that begin July 1, 2020: Council members-at-large, the Disciplinary Board, and the MCLE Board.

Final appointments will be made by the Supreme Court of Virginia.

Professional Regulation

Recent **disciplinary actions**:

Jahangir Ghobadi, license revoked, effective June 28, 2019.

Lawrence Jacob Song, license suspended, effective June 7, 2019.

Christian Matthew Vaughn, license suspended, effective June 20, 2019.

Edward Gonzalez, license suspended, effective June 24, 2019.

Elizabeth Christine Griffin, public reprimand, effective May 31, 2019.

John D. Shin, public reprimand, effective June 10, 2019.

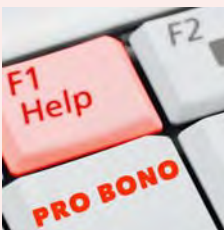
Richard Farr MacDowell Jr., public reprimand, effective June 19, 2019.

John Francis Haugh, public admonition, effective May 23, 2019.

At its most recent meeting in May, the **Clients' Protection Fund Board** made **payments totaling \$39,322.02** to petitioners who had suffered a quantifiable financial loss due to qualifying conduct or status of a Virginia lawyer.

On June 28, 2019, the Virginia State Bar Disciplinary Board announced that it will recommend that the Supreme Court of Virginia deny Ann Bridgeforth Tribbey's petition for reinstatement of her license to practice law. The board's recommendation will be filed with the Court, which will take final action on the petition.

Pro Bono



The Access to Legal Services Committee is **seeking nominations** for the **Lewis F. Powell Jr. Pro Bono Award** and the **Frankie Muse Freeman Organizational Pro Bono Award**. The nomination deadline is August 16.

Thinking about retiring? Don't let your years of experience go unused. Consider switching your membership status to **Emeritus**. Eligible lawyers are dues-free if they agree to practice only pro bono

in affiliation with a qualified legal services provider. Learn more and start the transition to emeritus status at any time.

Compliance

You should have received your **dues statements** in the mail in June. Be sure to complete the requirements for license renewal by July 31. You may pay your dues and fees, certify your liability insurance coverage, report pro bono, and join VSB sections **online**.



What's new on your dues statement this year? Find out **here**.

Need to change your status? Check the appropriate box under Status Change Request on your **dues statement**. More information on status changes can be found **here**.

Volunteer Opportunities

Mentor a Young Lawyer! The Young Lawyers Conference Mentorship Network, in partnership with the Senior Lawyers Conference, helps newer lawyers learn from experienced lawyers — retired lawyers, too! Fill out the online form **here** if you are willing to help.

Interested in becoming a **Fee Dispute Resolution arbitrator or mediator**? A training CLE will be held in the early fall of 2019 to prepare volunteers to handle attorney-client fee disputes. Contact Stephanie Blanton at blanton@vsb.org or 804-775-0576 for more information.

The Virginia Lawyer Referral Service needs lawyers!

Looking for a way to build your practice and assist Virginians with a legal quandary? Join the Virginia Lawyer Referral Service and start receiving prescreened calls today: www.vlrs.net. Your first year of membership is **free** if you are a new lawyer.



Annual Meeting Recap



The **81st Annual Meeting** was a wonderful time. Thank you to the sponsors, speakers, and attendees who made it possible.

Read a recap, **review the photo album**, and consider joining your colleagues next year for learning, networking, and professional improvement.

Looking for a job? Or hiring for a legal position? The **VSB Classifieds** offer you a cost-effective way to reach all 50,000 VSB members online and in *Virginia Lawyer* magazine. Ads of 50 words or less for legal jobs are free to VSB members.

The VSB will be closed on Thursday, July 4, and Friday, July 5, in observance of Independence Day. Have a wonderful holiday!

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VSB Member Resources

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Subject: August 2019: News for Virginia Lawyers



The monthly news summary of the Virginia State Bar [View this email as a webpage](#)

Senators Mark Warner and Tim Kaine have asked the VSB to assist in soliciting and evaluating interested candidates for the judicial vacancy in the U.S. District Court for the Eastern District of Virginia.



Governance

On July 2, 2019, the **Supreme Court of Virginia** issued an order amending a number of Rules. The amendments take effect on September 1, 2019.

The **Advisory Committee on Rules of Court** for the Supreme Court of Virginia is seeking public comment on two proposals for amendments to the Rules of Court. Comments on the proposed revisions are due by August 25, 2019.

Discipline

Recent disciplinary actions:

Michael F. Fasanaro Jr., license revoked, effective July 26, 2019.
Louise Adamson Moore, public reprimand, effective July 11, 2019.
Judith Mara Cofield, public admonition, effective May 30, 2019.
Eric Nelson Strom, public admonition, effective July 9, 2019.

The **Bar Disciplinary System** held its 39th Annual Disciplinary Conference in Glen Allen last week with over 200 lawyers and lay people convening to discuss self-regulation, professionalism, and maintaining the integrity of the Virginia legal system.

Professional Opportunities

Volunteers are needed to serve on the Virginia State Bar's **2020 boards and committees**. The Nominating Committee will refer interested lawyers to Bar Council for consideration at its October meeting. All final appointments are made by the Supreme Court of Virginia, and new appointees may serve 2 consecutive 3-year terms.

Interested in becoming a **Fee Dispute Resolution arbitrator or mediator**? Four training CLEs will be held in the early fall of 2019 to prepare volunteers to handle attorney-client fee disputes. Please [register here](#) for one of the training sessions. Contact Stephanie Blanton at blanton@vsb.org or 804-775-0576 for more information.

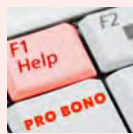
Consider joining the **VSB-VBA Joint Alternative Dispute Resolution Committee** to keep abreast of Virginia ADR developments, enhance your negotiation and ADR skills and meet your ethical obligations to counsel clients on ADR options. Renew or join [here](#).

Compliance

Now is the time to [check](#) your online record and plan your MCLE compliance. Apply now for any non-approved course that you have attended. The MCLE compliance deadline is October 31, 2019.



Pro Bono



Nominate a pro bono hero! The Access to Legal Services Committee is [seeking nominations](#) for the **Lewis F. Powell Jr. Pro Bono Award** and the **Frankie Muse Freeman Organizational Pro Bono Award**. The nomination deadline is August 16.

Virginia **Corporate Counsel** are reminded to adhere to professional [statutes](#) when performing pro bono.

Events

Join keynote speaker the **Honorable S. Bernard Goodwyn** of the Supreme Court of Virginia on September 20th at the **VSB Diversity Conference's** CLE program highlighting diversity issues in the practice of law, including how implicit bias affects the decision-making process, best business practices, and how diversity and inclusion can be a business asset. Register [here](#).



Would you like to participate in a town hall meeting with the **Honorable William C. Mims**, only the second person in history to serve as a justice on the Supreme Court of Virginia, as a member of the Virginia General Assembly and as Attorney General of Virginia? Then register now for the **Solo & Small-Firm Practitioner Forum** on Thursday, October 18, at the Wytheville Meeting Center that offers CLE and Ethics credits.

Mark your calendars for the October 29, 2019, **Bench-Bar Dinner** to recognize newly-elected or newly-elevated female and minority judges that will be held at the Hilton Downtown Richmond.

Thank you to the lawyers and advertisers who contributed to our June/July **Virginia Lawyer** magazine sponsored by the Construction Law and Public Contracts section.



Our August issue, sponsored by the **Criminal Law** section, mails August 19.



Have a caller who you can't assist due to a conflict, time crunch, or lack of subject matter experience?

Consider referring them to the **Virginia Lawyer Referral Service**. For \$35, they can discuss their issue with a Virginia lawyer: 800-552-7977 or www.vlrs.net.

Looking for a job? Or hiring for a legal position? The **VSB Classifieds** offer you a cost-effective way to reach all 50,000 VSB members online and in *Virginia Lawyer* magazine. Ads of 50 words or less for legal jobs are **free** to VSB members.

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Subject: September 2019: compliance, discipline, CLE opportunities & events



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Governance

Interested in becoming a **Fee Dispute Resolution arbitrator or mediator**? Four training CLEs will be held in October to prepare volunteers to handle attorney-client fee disputes. [Register for one of the training sessions.](#)

Annual reports for the 2018-19 year from the VSB's boards and committees are posted. [See what your bar is up to.](#)

Discipline

Recent [disciplinary actions](#):

[Jerry Mack Douglas Jr.](#), license revoked effective July 30
[George Ernest Marzloff](#), license revoked effective August 14
John James Good Jr., license revoked effective August 23
[Andrew Ira Becker](#), license revoked effective August 29
[Cynthia Ann King](#), license suspended effective August 12
[Paul Granville Watson IV](#), license suspended and reinstated on August 16
[Barry Ray Taylor](#), license suspended effective August 22
[Edith Charmaine Gray](#), public reprimand effective August 6
[Jordan Jones Hays](#), public reprimand effective August 7

We may have clients for you.

The Virginia Lawyer Referral Service [has a need for lawyers in certain parts of the commonwealth](#) and with certain expertise. Find out where they are and how to join the VLRS panel.



Compliance



Active lawyers: Now is the time to [check your online record and plan for MCLE compliance](#). Apply now for any non-approved courses you have attended.

Please note our fax machine was lost in the recent office flooding. To report your CLE hours, either log into your online account or mail your completed Certifications of Attendance to our office for processing.

Hours need to be completed no later than **October 31**.



Virginia Lawyer mailed on Aug. 20.

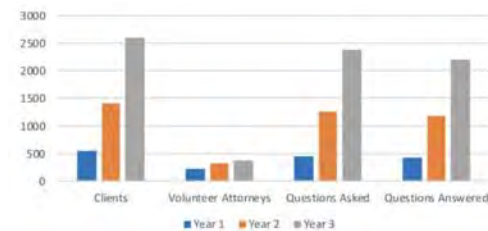
[You can read the digital version online.](#)

NEW! You can now [log on to the bar's website](#) to opt in or out of receiving the print magazine.

Pro Bono / Access



The **Pro Bono Conference** on Oct. 16 in Harrisonburg features a Poverty Simulation and three CLEs. At dinner, help honor



August 22 was the three-year anniversary of the launch of **Virginia Free Legal Answers** – it's growing! But not quite as fast as needed. [You can sign up today and start](#)

recipients of two pro bono awards: **Kelly Guzzo PLC** of Fairfax and **Herb Sebren** of Tappahannock. [Register online now.](#)

[answering questions from anywhere.](#)

Missed the **Eviction Helpline** training CLE? [You can watch the webinar online](#) and start taking calls.

And the Young Lawyers Conference is co-sponsoring a Richmond **Wills for Heroes** session in October for Virginia State and Capitol Police. [Learn more and sign up to volunteer!](#) No estate planning experience is necessary.

CLE & Events

Diversity Conference



Annual Forum on Diversity in the Legal Profession
William & Mary
September 20
5 hours CLE approved
[register online](#)
FREE

Conference of Local & Specialty Bar Associations



Solo & Small-Firm Practitioner Forum
Harrisonburg
October 22
5.5 hours CLE
2 Ethics (pending)
[register online](#)
FREE

General Practice Section & Young Lawyers Conference



A Day in General Practice
Richmond
October 16
7 hours CLE
2 Ethics (pending)
[register online](#)
\$85

The Young Lawyers Conference seeks volunteers for the [Hampton Roads Minority Pre-Law Conference](#) at William and Mary Law School on Oct. 12. [Email the organizers](#) if you can help.

And this year's Celebration of Women & Minorities in the Legal Profession **Bench Bar Dinner** is scheduled for [Richmond on October 29.](#)

The National Conference of Bar Examiners is asking lawyers to help them as they study the content and design of the future bar examination. [The survey takes about 20 minutes.](#)

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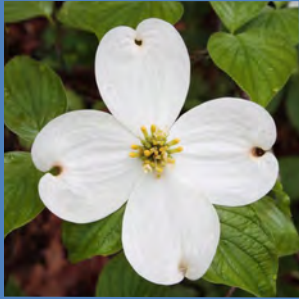
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VIRGINIA STATE BAR

REPORT ON AUDIT FOR THE YEAR ENDED JUNE 30, 2018

Auditor of Public Accounts
Martha S. Mavredes, CPA

www.apa.virginia.gov

(804) 225-3350



AUDIT SUMMARY

Our audit of the Virginia State Bar for the fiscal year ended June 30, 2018, found:

- proper recording and reporting of all transactions, in all material respects, in the Commonwealth's accounting and financial reporting system and Virginia State Bar's internal accounting system;
- instances involving internal control and its operation necessary to bring to management's attention; and
- instances of noncompliance with applicable laws and regulations or other matters that are required to be reported.

- TABLE OF CONTENTS -

	<u>Pages</u>
AUDIT SUMMARY	
AUDIT FINDINGS AND RECOMMENDATIONS	1-2
AGENCY HIGHLIGHTS	3-5
INDEPENDENT AUDITOR'S REPORT	6-7
AGENCY RESPONSE	8
AGENCY OFFICIALS	9

AUDIT FINDINGS AND RECOMMENDATIONS

Improve Oversight of Third-Party Service Providers

Type: Internal Control and Compliance

Repeat: No

During the fiscal year in review, Virginia State Bar (State Bar) did not protect their externally hosted sensitive data in accordance with the Commonwealth's Hosted Environment Information Security Standard, SEC 525 (Security Standard). The State Bar stored and processed data that was sensitive in regards to confidentiality, integrity, and availability on both internal and externally hosted information technology (IT) systems. However, they did not follow required protocols to ensure the protection of externally hosted data.

Specifically, State Bar relied on three vendors, Virginia Interactive, Microsoft, and Barracuda, to host and process sensitive data. State Bar's policies and processes to ensure data protection by these vendors did not include the certain requirements from the Security Standard. Specifically, State Bar did not:

- include IT systems and data hosted on their behalf by third-party vendors in the data sensitivity and classification listing (*Security Standard, section 4*);
- document external IT systems (and other required details) with which data was shared (*Security Standard, section CA-3-COV and sub-sections*);
- define and document agency and third-party roles and responsibilities in their contracts with vendors as required by internal policy (*Security Standard, section SA-9 (b)*);
- provide evidence of an enforceable agreement with one of their third-party vendors, Barracuda, requiring the third party to comply with the Commonwealth's information security controls (*Security Standard, section SA-9 (a)*); and
- document their annual reviews and determinations of possible compensating controls of deficiencies found in third parties' independent audit reports (*Security Standard, sections SA-8 and SA-9-COV-3 (1)*).

The omission of these controls introduced several weaknesses into State Bar's IT environment. State Bar risked not applying appropriate controls to those systems and not gaining assurance over their third-party providers' IT environments. In addition, they did not provide adequate oversight of the third-party providers; nor did they consistently validate that the providers had effective security controls to protect the State Bar's sensitive data. Finally, by not documenting an annual review of independent audit assurance and implementing possible compensating controls for each third-party service provider, State Bar did not ensure an adequate level of security controls, thus putting its sensitive data at risk.

In the last two years, the State Bar experienced turnover of the Information Security Officer and the Director of IT positions. As a result, the agency did not implement internal policies and processes, which contributed to inadequate protection of data stored and processed by third-party vendors. State Bar has recently taken steps to improve its oversight of third-party service providers, including adding a policy requirement to document review of independent audit reports and consideration of possible compensating controls to offset any vendor deficiencies. They have also obtained the services of a cybersecurity planning firm to assist in the development of their information security program with the goal of achieving full compliance with the IT service provider control requirements.

State Bar should continue to take measures to ensure that third-party vendors adhere to the same security controls that govern their internal IT systems, maintaining continued oversight over third-party vendors to confirm overall compliance with the requirements outlined in the Security Standard. Finally, they should continue to improve their information security program.

Comply with Federal Regulations for Documentation of Employment Eligibility

Type: Internal Control and Compliance

Repeat: No

The State Bar did not properly complete Employment Eligibility Verification (I-9) forms for some new employees. For four of six employees (67%) tested, the preparer and/or translator certification on Form I-9 Section 1 was not completed. For two of six employees (33%), the employment start date on Form I-9 Section 2 did not agree to the start date indicated in agency records.

The Immigration Reform and Control Act of 1986 requires that all employers complete an I-9 Form to verify both identity and employment eligibility for all employees hired after November 6, 1986. Additionally, the U.S. Department of Homeland Security's Guidance for Completing Form I-9 Handbook for Employers issued by the U.S. Citizenship and Immigration Services prescribes federal requirements for completing I-9 Forms. Not complying with federal requirements could result in civil and/or criminal penalties and debarment from government contracts.

Employees in the Human Resources (HR) department indicated they were unaware of the specific instructions for the completion of the Form I-9. HR personnel did not realize that the first day of employment on Form I-9 should agree to the date as stated on the employment offer letter and agency payroll records.

HR management should communicate I-9 requirements and provide adequate training and resources to HR personnel responsible for I-9 completion to reinforce the expectation of compliance with the applicable federal requirements. In addition, HR management should perform an adequate review of I-9 forms completed by personnel to ensure accurate completion and compliance with federal statutes and regulations.

AGENCY HIGHLIGHTS

The State Bar is an administrative agency of the Supreme Court of Virginia and is governed by an Executive Committee and 81-member Bar Council. The State Bar’s primary mission is the regulation, improvement, and education of members of the legal profession. All persons practicing law in Virginia must be members of the State Bar. In addition to other responsibilities, the State Bar initiates and prosecutes lawyer disciplinary actions.

The State Bar records most of its financial operating activities in the Commonwealth’s accounting and financial reporting system under the Regulation of Professions and Occupations program. They maintain separate detailed internal records for the Administration and Finance Fund and the Clients’ Protection Fund and report these in summary format. In addition to its financial operating activities, State Bar transfers funds to affiliated parties for legal defense.

Table 1 shows the State Bar’s sources of operating revenue for the dedicated special revenue fund.

Analysis of Actual Operating Revenues for the Year Ended June 30, 2018

Table 1

	Revenues	Percentage of Total Revenues
Membership dues	\$ 9,994,405	71%
Miscellaneous revenue	2,539,780	18%
Clients’ Protection Fund collections	823,867	6%
Fines and costs	555,612	4%
Administration and Finance Fund collections	110,438	1%
Total operating revenues	\$14,024,102	100%

Source: Commonwealth accounting and financial reporting system

Membership dues provide the primary funding for operations. For fiscal year 2018, total operating revenues totaled approximately \$14.0 million, a decrease of approximately \$88,327 from prior year total operating revenues.

State Bar is the trustee for the Clients’ Protection Fund, a separate account that compensates clients for injuries or losses resulting from the dishonest conduct of a State Bar member. The Fund’s main sources of revenue include an annual mandatory assessment on all active Virginia State Bar members, interest on investments, and reimbursements from attorneys for client settlement payments. As of June 30, 2018, the Clients’ Protection Fund had a balance of \$9,555,935.

State Bar records Administration and Finance Fund collections as revenues in the Commonwealth’s accounting and financial reporting system and then transfers the amounts collected to a separate account and records all activities related to the Fund in their internal accounting system. This fund accounts for meeting revenue and expenses related to the annual meeting and other official

functions of the State Bar. State Bar’s annual meeting registration fees generate the Administration and Finance Fund’s revenue and pays for the meetings according to the rules of the Supreme Court. As of June 30, 2018, the Fund’s balance was \$242,993.

Miscellaneous revenues consist primarily of mandatory continuing legal education fees, section dues, seminar registrations, mandatory professionalism course registrations, lawyer referral service revenue, and professional corporation registration.

Table 2 shows the State Bar’s original budget, final budget, and actual expenses.

Analysis of Budgeted and Actual Expenses for the Year Ended June 30, 2018

Table 2

	Original Budget	Final Budget	Actual Expenses
General fund	\$ 4,791,644	\$ 4,791,489	\$ 4,791,479
Legal aid services special revenue fund	7,350,000	7,350,000	6,405,653
Dedicated special revenue	14,835,813	14,835,813	13,262,938
Total	\$26,977,457	\$26,977,302	\$24,460,070

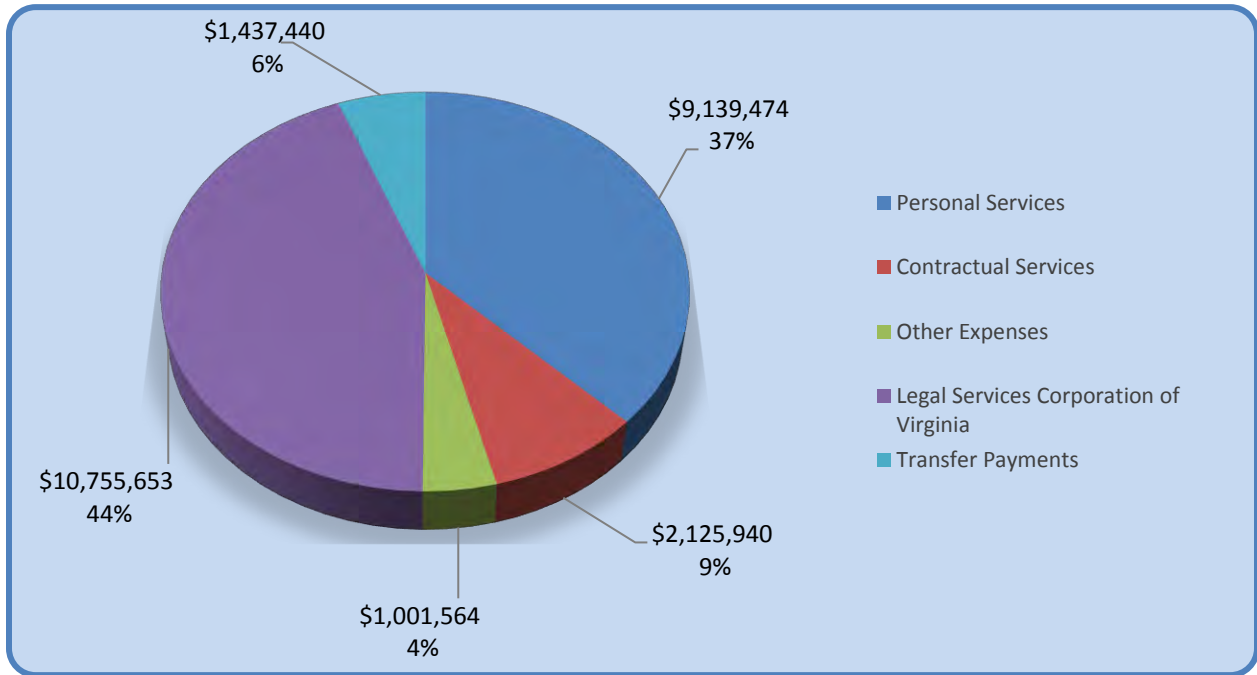
Source: Commonwealth’s accounting and financial reporting system

State Bar transferred \$4.35 million in General funds to the Legal Services Corporation of Virginia (Corporation), as required by Chapter 836, 2017 Acts of Assembly. The Corporation provides civil legal services for needy Virginians. In addition, State Bar transferred the special revenue it received from circuit court civil filing fees, totaling approximately \$6.4 million in fiscal year 2018, to the Corporation. They also transferred \$352,500 in General funds to the Virginia Capital Representation Center (Center). The Center is a separate not-for-profit corporation with its own board, which offers assistance or consultation to death-sentenced inmates, and defendants charged with or convicted of a federal or state capital crime in Virginia. Additionally, State Bar transferred \$75,000 in General funds to the Community Tax Law Project, as required by Chapter 836, 2017 Acts of Assembly. The Community Tax Law Project provides legal assistance to low income taxpayers and to nonprofit start-up organizations whose mission is to assist low-income individuals.

State Bar accounts for operating expenses in the dedicated special revenue fund which totaled approximately \$13.3 million in fiscal year 2018, \$325,722 less than in fiscal year 2017. Chart 1 shows actual expenses for fiscal year 2018 broken down by type of expense.

Analysis of Actual Expenses for Fiscal Year 2018

Chart 1



Source: Commonwealth's accounting and financial reporting system

*Other Expenses include Supplies and Materials, Equipment, and Continuous Charges



Martha S. Mavredes, CPA
Auditor of Public Accounts

Commonwealth of Virginia

Auditor of Public Accounts

P.O. Box 1295
Richmond, Virginia 23218

July 18, 2019

The Honorable Ralph S. Northam
Governor of Virginia

The Honorable Thomas K. Norment, Jr.
Chairman, Joint Legislative Audit
and Review Commission

We have audited the financial records and operations of the **Virginia State Bar** (State Bar) for the year ended June 30, 2018. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Audit Objectives

Our audit's primary objectives were to evaluate the accuracy of recorded financial transactions in the Commonwealth's accounting and financial reporting system and State Bar's internal accounting system, review the adequacy of the State Bar's internal controls, and test compliance with applicable laws, regulations, contracts, and grant agreements.

Audit Scope and Methodology

The State Bar's management has responsibility for establishing and maintaining internal control and complying with applicable laws, regulations, contracts, and grant agreements. Internal control is a process designed to provide reasonable, but not absolute, assurance regarding the reliability of financial reporting, effectiveness and efficiency of operations, and compliance with applicable laws, regulations, contracts, and grant agreements.

We gained an understanding of the overall internal controls, both automated and manual, sufficient to plan the audit. We considered significance and risk in determining the nature and extent of our audit procedures. Our review encompassed controls over the following significant cycles, classes of transactions, and account balances.

Revenue
Expenses (including payroll)
Information system security

We performed audit tests to determine whether the State Bar’s controls were adequate, had been placed in operation, and were being followed. Our audit also included tests of compliance with provisions of applicable laws and regulations. Our audit procedures included inquiries of appropriate personnel, inspection of documents and records, and observation of the State Bar’s operations. We performed analytical procedures, including budgetary and trend analyses. We also tested details of transactions to achieve our objectives.

A nonstatistical sampling approach was used. Our samples were designed to support conclusions about our audit objectives. An appropriate sampling methodology was used to ensure the samples selected were representative of the population and provided sufficient, appropriate evidence. We identified specific attributes for testing each of the samples and when appropriate, we projected our results to the population.

Conclusions

We found that the State Bar properly stated, in all material respects, the amounts recorded and reported in the Commonwealth’s accounting and financial reporting system and State Bar’s internal accounting system. The financial information presented in this report came directly from the Commonwealth’s accounting and financial reporting system and State Bar’s internal accounting system.

We noted certain matters involving internal control and its operation and compliance with applicable laws, regulations, contracts, and grant agreements that require management’s attention and corrective action. These matters are described in the section entitled “Audit Findings and Recommendations.”

Exit Conference and Report Distribution

We discussed this report with management on August 27, 2019. Management’s response to the finding identified in our audit is included in the section titled “Agency Response.” We did not audit management’s response and, accordingly, we express no opinion on it.

This report is intended for the information and use of the Governor and General Assembly, management, and the citizens of the Commonwealth of Virginia and is a public record.

AUDITOR OF PUBLIC ACCOUNTS

DGS/vks

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Karen A. Gould
Executive Director and
Chief Operating Officer

Cameron M. Rountree
Deputy Executive Director

Renu M. Brennan
Bar Counsel

Virginia State Bar

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August 28, 2019

Martha S. Mavredes, CPA
Auditor of Public Accounts
James Monroe Building
101 North 14th Street 8th Floor
Richmond, Virginia 23219

RE: FY 2018 AUDIT

Dear Ms. Mavredes:

The Virginia State Bar has reviewed the Fiscal Year 2018 Audit Report provided by your office. We have discussed the areas noted in the "Internal Control and Compliance Findings and Recommendations" with your team during the exit conference.

The Virginia State Bar acknowledges and concurs with the recommendations for internal control and compliance findings with respect to "Improving Oversight of Third-Party Providers." We have remediated, or are in the process of instituting corrective measures to remediate, these findings in a robust manner.

As it concerns "Complying with Federal Regulations for Documentation of Employment Eligibility," the VSB has hired 15 employees since February 2018; in all cases, the preparer and/or translator box of Section I of the Form I-9 was completed. Prior to February 2018, we acknowledge there was a failure to complete the preparer/translator certification for four of six employees in Section I of the I-9.

As for the incongruity of the start date in Section 2 of the I-9, in the future we will consistently use the payroll start date.

Very truly yours,

Karen A. Gould, Executive Director
Virginia State Bar

VIRGINIA STATE BAR

As of June 30, 2018

Doris E. H. Causey, President
Leonard C. Heath, Jr., President-elect
Michael W. Robinson, Immediate Past President
Karen A. Gould, Executive Director and Chief Operating Officer

EXECUTIVE COMMITTEE

Brian L. Buniva	Christopher R. Fortier, Ex-Officio
Marni E. Byrum	Robert E. Hawthorne, Ex-Officio
Carole H. Capsalis, Ex-Officio	Beverly P. Leatherbury
Nancy C. Dickenson	Bernard A. McGraw, Ex-Officio
Eugene M. Elliott, Jr.	Jay B. Myerson

TAB 4

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MEMORANDUM

TO: Executive Committee

FROM: Crystal Hendrick

DATE: September 13, 2019

SUBJECT: Financial Report for the Year Ended June 30, 2019

For the year ended June 30, 2019, approximately \$13.8 million was received in revenue, which exceeded projections by approximately \$333,000. MCLE fees received were approximately \$1.4 million and exceeded projections by almost \$167,000.

Expenditures and cash transfers for the year totaled approximately \$12.9 million, which was approximately \$1.2 million under budget. FY 2019 revenue exceeded expenditures and transfers which contributed more than \$842,000 to the operating reserve balance.

Cash with the Treasurer of Virginia at June 30, 2019 was approximately \$5.3 million. The Administration and Finance Account ended the year with a cash balance of approximately \$275,000.

The cash balance in the Clients' Protection Fund (CPF) at June 30, 2019 was approximately \$10.2 million. The fund received approximately \$329,000 from the \$10 CPF assessment. The fund earned approximately \$184,000 in interest during the fiscal year, received approximately \$17,000 in reimbursements, and paid claims totaling approximately \$132,000.

Please let me know if you have questions concerning the financial report for the year ended June 30, 2019. I can be reached at (804) 775-0523 or hendrick@vsb.org.



Commonwealth of Virginia
CARDINAL TRIAL BALANCE REPORT

Run Date: 07/12/2019
Run Time: 03:33 00

Report ID: VGLR001

Page No. 1 of 1

Business Unit : 11700 Virginia State Bar
Fiscal Year : 2019 Accounting Period : 12
Account Details : Summary Ledger Selection : ACTUALS
ChartField Selection : By BU,Fund Adj. Period :

<u>Business Unit</u>	<u>Fund Code</u>	<u>Account</u>	<u>Description</u>	<u>Beginning Balance</u>	<u>Net Activity</u>	<u>Ending Balance</u>
11700	09117					
		101010	Cash With The Treasurer Of VA	6,248,026.24	1,095,117.05	7,343,143.29
		131030	Petty Cash Advances	0.00	0.00	0.00
Asset Total :				6,248,026.24	1,095,117.05	7,343,143.29
		205025	Accts Payable-AP/EX Accruals	(171,037.77)	(6,682.58)	(177,720.35)
		2402100	Def Rev-Licenses & Permits	0.00	0.00	0.00
		2402101	Def Rev-Businss/Professnal Lic	0.00	(50,583.00)	(50,583.00)
		2402433	Def Rev-Client Protectn Fd Fee	0.00	(49,040.00)	(49,040.00)
		2402440	Def Rev-Attorney Wellness Fund	0.00	(147,360.00)	(147,360.00)
		2402618	Def Rev-Atty Registration Fee	0.00	(1,571,230.00)	(1,571,230.00)
		255470	Susp Acct-Deposit Pend Distrib	(5,000.00)	0.00	(5,000.00)
Liability Total :				(176,037.77)	(1,824,895.58)	(2,000,933.35)
		308000	Fund Balance	(4,500,111.66)	0.00	(4,500,111.66)
Equity Total :				(4,500,111.66)	0.00	(4,500,111.66)
Revenue Total :				(13,591,030.73)	(190,376.85)	(13,781,407.58)
Expense Total :				12,019,153.92	730,526.38	12,749,680.30
		609870	Cash Transfer Out-App Act Pt 3	0.00	189,629.00	189,629.00
Transfers Total :				0.00	189,629.00	189,629.00
Total for Fund :	09117	Dedicated Special Revenue-VSB		0.00	0.00	0.00
Total for BU :	11700	Virginia State Bar		0.00	0.00	0.00



Report ID: RGL008

Commonwealth of Virginia
REVENUE STATUS REPORT

Run Date: 07/12/2019

Run Time: 03:34 00

Business Unit: 11700 : Virginia State Bar
Revenue Budget Ledger: CC_REVEST
Fiscal Year: 2019
Accounting Period To: 12

Bus Unit	Fund	Account	Description	Estimated Revenue	Year to Date Current Year	Year to Date Last Year	Month - 12 Current Year	Month - 12 Last Year
11700	02354	4008123	Legal Aid Filing Fees	0.00	6,622,371.40	6,431,203.93	545,008.00	538,841.00
Total for Fund 02354				\$ 0.00	\$ 6,622,371.40	\$ 6,431,203.93	\$ 545,008.00	\$ 538,841.00
09117	4002100		Licenses & Permits	0.00	38,670.00	33,900.00	2,700.00	3,450.00
	4002101		Business & Professnal Licenses	381,665.00	376,282.00	384,695.00	(5.00)	25.00
	4002199		Misc Licenses, Permits & Fees	60,000.00	27,777.53	54,077.91	0.00	48.00
	4002306		Corp Registered Name Fees	120,000.00	143,500.00	128,210.00	10,650.00	8,550.00
	4002404		Real Estate Sttlmt Agt Reg Fee	29,000.00	25,610.27	21,730.00	1,080.00	2,360.00
	4002433		Clients Protection Fund Fee	341,250.00	344,654.49	823,867.13	1,423.48	1,180.00
	4002452		Miscellaneous Regulatory Fees	0.00	10,739.03	6,213.07	2,802.10	293.82
	4002501		Admission Receipts	173,500.00	172,225.00	179,175.00	7,600.00	7,400.00
	4002618		Attorneys Registration Fees	10,121,250.00	10,046,887.50	9,994,405.00	2,825.00	2,437.50
	4003002		State Publications Sales	2,000.00	3,302.00	1,812.00	79.00	104.00
	4005046		Other Business Fees	168,625.00	170,310.00	172,060.00	15,230.00	15,075.00
	4006103		Other Edu Gifts/Grants-Private	0.00	15,000.00	26,000.00	0.00	0.00
	4008000		Fine/Fort/Court Fee/Cst/Penlty	100,000.00	128,271.50	111,574.62	18,405.54	2,108.78
	4008316		Pnlty/Past Dues-Attorneys Reg	475,000.00	548,757.00	444,037.50	11,396.00	3,575.00
	4009000		Other Revenue	1,190,000.00	1,356,705.00	1,321,010.00	65,925.00	68,525.00
	4009004		Reg Fees For Workshops/Classes	110,000.00	88,740.97	110,437.93	22,015.00	19,467.93
	4009060		Miscellaneous Revenues	176,530.00	189,069.86	214,790.70	28,250.73	27,548.54
	4009084		Refund-Exp/Misc Disburse Pr Yr	0.00	94,905.43	(3,893.50)	0.00	0.00
Total for Fund 09117				\$ 13,448,820.00	\$ 13,781,407.58	\$ 14,024,102.36	\$ 190,376.85	\$ 162,148.57
Total for Business Unit 11700				\$ 13,448,820.00	\$ 20,403,778.98	\$ 20,455,306.29	\$ 735,384.85	\$ 700,989.57

VIRGINIA STATE BAR

REVENUE CROSSWALK

Account	Cardinal Description	VSB Description
4002100	Licenses & Permits	Dues – Corporate Counsel Reg
4002101	Business & Professional Licenses	Sections
4002199	Misc Licenses, Permits & Fees	Virginia Lawyer Revenue
4002306	Corp Registered Name Fees	Professional Corporation
4002404	Real Estate Settlement Agt Reg Fee	CRESPA Registration Fees
4002433	Clients Protection Fund Fee	Clients Protection Fund Receipts
4002452	Miscellaneous Regulatory Fees	Dues - Over/Under Payments
4002501	Admission Receipts	Professionalism Course Fees
4002618	Attorney Registration Fees	Dues - Attorney Dues
4003002	State Publication Sales	Pamphlet Sales
4005046	Other Business Fees	Lawyer Referral Revenue
4006103	Other Edu Gifts/Grants-Private	Grants
4008000	Fines/Fort/Court Fee/Cst/Penlty	Cost Assessment
4008316	Pnlty/Past Dues-Attorney Reg	Past & Penalty Dues
4009000	Other Revenue	MCLE Fees
4009004	Reg Fees for Workshops/Classes	A&F Account Receipts
4009060	Miscellaneous Revenue	Seminar & Miscellaneous
4009084	Refund-Exp/Misc Disburse Pr Yr	Expenditure Refunds Prior Year



Commonwealth of Virginia June 2019 Expenditure Summary

Report ID: RGL035
Layout ID: VGLR0035
Period Ending: June 30, 2019

Run Date: July 12, 2019
Run Time: 3:49:55 PM

Business Unit: 11700 Virginia State Bar

Cost Center	Description	Budget	2019-12	Current Year Expenditures	(Over) Under Budget	% of Budget Remaining
6000	Salaries	9,599,425.00	372,072.30	9,108,378.26	491,046.74	5%
6020	Benefits	0.00	2,887.69	86,630.63	(86,630.63)	0%
6040	Wages & Professional Services	0.00	1,061.50	11,633.52	(11,633.52)	0%
6060	Receiverships	210,000.00	8,202.49	54,298.86	155,701.14	74%
6080	Dues & Subscriptions	43,620.00	6,972.20	39,370.26	4,249.74	10%
6100	Rent: Office Space	581,000.00	49,245.13	580,103.49	896.51	0%
6103	Grants	0.00	0.00	15,040.67	(15,040.67)	0%
6120	Rent: Office Equipment	16,000.00	1,304.52	15,700.67	299.33	2%
6140	Office Supplies	40,450.00	3,899.88	25,877.49	14,572.51	36%
6160	Stationery & Forms	16,700.00	0.00	3,215.50	13,484.50	81%
6180	Office Furniture & Equipment	6,000.00	0.00	223.40	5,776.60	96%
6200	Staff Travel	138,880.00	16,490.61	117,526.26	21,353.74	15%
6220	Office Insurance	12,000.00	6,919.00	6,919.00	5,081.00	42%
6240	Repairs and Maintenance	19,800.00	2,962.98	14,376.72	5,423.28	27%
6260	Printing & Copying	188,700.00	12,387.01	162,785.41	25,914.59	14%
6280	Postage	176,300.00	2,662.59	113,015.58	63,284.42	36%
6300	Communication Technology	82,860.00	7,627.45	84,428.30	(1,568.30)	-2%
6320	Advertising	19,600.00	1,282.44	8,972.52	10,627.48	54%
6340	Other Contractual Services	350,550.00	4,657.81	261,382.75	89,167.25	25%
6360	Computer Operating	329,060.00	29,094.43	282,713.23	46,346.77	14%
6380	Other Technology Projects	117,500.00	0.00	67,183.49	50,316.51	43%
6400	Professionalism Course-Trav	174,050.00	4,681.37	128,733.88	45,316.12	26%
6420	Professionalism Course-Misc	18,600.00	1,884.00	11,010.36	7,589.64	41%
6440	Council, Comm, Boards-Trav	514,700.00	58,044.22	351,421.03	163,278.97	32%
6460	Council, Comm, Boards-Misc	164,700.00	27,303.34	131,958.62	32,741.38	20%
6480	Sections-Trav	131,282.00	10,187.65	101,890.91	29,391.09	22%
6500	Sections-Print	32,163.00	4,895.82	20,619.76	11,543.24	36%
6520	Sections-Comm	27,383.00	2,808.19	10,379.99	17,003.01	62%
6540	Sections-Other	142,678.00	33,187.01	109,510.69	33,167.31	23%
6560	Senior Lawyers Conf-Trav	10,300.00	2,721.36	12,090.04	(1,790.04)	-17%
6580	Senior Lawyers Conf-Print	9,000.00	0.00	7,601.66	1,398.34	16%
6600	Senior Lawyers Conf-Comm	1,200.00	10.66	890.99	309.01	26%
6620	Senior Lawyers Conf-Misc	4,500.00	203.28	814.97	3,685.03	82%
6640	Young Lawyers Conf-Program	63,650.00	9,799.76	40,235.51	23,414.49	37%
6660	Young Lawyers Conf-Print	4,200.00	0.00	2,783.62	1,416.38	34%
6680	Young Lawyers Conf-Travel	30,850.00	3,503.34	38,978.59	(8,128.59)	-26%
6700	Young Lawyers Conf-Misc	400.00	714.79	2,272.09	(1,872.09)	-468%

6702	Diversity Conference - Program	28,090.00	(970.02)	16,650.11	11,439.89	41%
6704	Diversity Conference - Print	1,800.00	288.00	425.25	1,374.75	76%
6706	Diversity Conference - Travel	10,200.00	3,290.25	9,030.89	1,169.11	11%
6708	Diversity Conference - Misc	750.00	203.85	970.37	(220.37)	-29%
6710	CLSBA-Travel	9,800.00	2,233.42	10,356.30	(556.30)	-6%
6715	CLSBA-Print	8,000.00	0.00	8,490.19	(490.19)	-6%
6725	CLSBA-Communications	400.00	0.00	138.96	261.04	65%
6730	CLSBA-Other	2,500.00	820.66	3,139.27	(639.27)	-26%
6740	Lawyers Helping Lawyers	150,000.00	12,500.00	137,500.00	12,500.00	8%
6760	Attorney General Costs	75,000.00	(3,683.08)	13,565.93	61,434.07	82%
6780	A&F Trans	110,000.00	24,500.00	88,524.82	21,475.18	20%
6800	Clients' Protection Fund Trans	341,250.00	1,668.48	345,319.49	(4,069.49)	-1%
6820	Online Legal Research	85,000.00	0.00	84,600.00	400.00	0%
	All Cost Centers	<u>\$14,100,891.00</u>	<u>\$730,526.38</u>	<u>\$12,749,680.30</u>	<u>\$1,351,210.70</u>	<u>10%</u>

**VIRGINIA STATE BAR
ADMINISTRATION & FINANCE ACCOUNT
AS OF JUNE 30, 2019**

Cash Balance as of July 1, 2018	\$ 296,412.17
Year-to-Date Revenue through June 30, 2019	92,975.08
Year-to-Date Expenses through June 30, 2019	<u>(114,084.90)</u>
Cash Balance as of June 30, 2019	<u><u>\$ 275,302.35</u></u>

LEDGER

**BALANCE
06/30/2019**

Annual Meeting	\$ 239,554.61
Midyear Seminar	43,193.64
Council, Committees, etc.	(2,721.09)
Other	<u>(4,724.81)</u>
Total Ledger Balance	<u><u>\$ 275,302.35</u></u>

**VIRGINIA STATE BAR
ADMINISTRATION & FINANCE ACCOUNT
MONTHLY STATEMENT OF REVENUE & EXPENSES
FOR JUNE 2019**

	BALANCE 6/1/2019	JUNE 2019 ACTIVITY	BALANCE 6/30/2019
Revenue:			
Annual Meeting	\$ 68,715.00	\$ 24,245.00	\$ 92,960.00
Money Market Account Interest	13.84	1.24	15.08
Total Revenue	68,728.84	24,246.24	92,975.08
Expenses:			
Annual Meeting	81,224.47	25,399.45	106,623.92
National Meetings and Miscellaneous	2,571.09	150.00	2,721.09
Employee Recognition	3,618.53	562.05	4,180.58
Bank Service Charges	532.71	26.60	559.31
Expenses to be Reimbursed	0.00	0.00	0.00
Total Expenses	87,946.80	26,138.10	114,084.90
Total Revenue Over/(Under) Expenses	\$ (19,217.96)	\$ (1,891.86)	\$ (21,109.82)

**CLIENTS' PROTECTION FUND
CASH BALANCE
AS OF JUNE 30, 2019**

Cash Balance as of July 1, 2018	\$ 9,765,666.08
Year-to-Date Revenue through June 30, 2019	529,791.56
Year-to-Date Expenses through June 30, 2019	<u>(137,491.73)</u>
Cash Balance as of June 30, 2019	<u><u>\$ 10,157,965.91</u></u>
Liability for claims approved but not paid:	<u>11,400.00</u>
June 30, 2019 Available Cash Balance :	<u><u>\$ 10,146,565.91</u></u>

Funds Invested/Maintained as Follows:

BB&T Business Checking Account	1,182,965.91
Federal Home Loan Bank (Face Value \$2,350,000)	2,350,000.00
Federal Home Loan Mortgage Corp. (Face Value \$300,000)	300,000.00
Federal National Mortgage Association (Face Value \$2,675,000)	2,675,000.00
Federal Farm Credit Bank (Face Value \$3,650,000)	<u>3,650,000.00</u>
Total Cash and Investments	<u><u>\$ 10,157,965.91</u></u>

**VIRGINIA STATE BAR
 CLIENTS' PROTECTION FUND
 MONTHLY STATEMENT OF REVENUE & EXPENSES
 FOR JUNE 2019**

	BALANCE 6/1/2019	JUNE 2019 ACTIVITY	BALANCE 6/30/2019
REVENUE			
INTEREST:			
Investment Interest	\$ 163,677.07	\$ 20,315.00	\$ 183,992.07
REIMBURSEMENT FROM ATTORNEYS:			
AG's Collections	1,600.00	0.00	1,600.00
Debt Set-Off Receipts	5,283.89	0.00	5,283.89
Individual Restitution	8,652.12	1,013.48	9,665.60
TRANSFERS:			
CPF Assessment	328,595.00	655.00	329,250.00
Total Revenue:	\$ 507,808.08	\$ 21,983.48	\$ 529,791.56
EXPENSES			
Bank Service Charges	-	0.00	0.00
Attorney General's Fees	480.00	0.00	480.00
CPF Board Expenses - Oper. Acct. Reim.	-	4,708.25	4,708.25
Payments to Clients	94,481.46	37,822.02	132,303.48
Total Expenses:	\$ 94,961.46	\$ 42,530.27	\$ 137,491.73
Total Revenue Over/(Under) Expenses	\$ 412,846.62	\$ (20,546.79)	\$ 392,299.83

Virginia State Bar
Clients' Protection Fund
Financial Summary

Fiscal Year	Fund	Contributions	CPF	Interest	Other	Petitions Paid:		Fund
	Balance-July 1	From Bar	Assessment	Earned on	Deposits &	Number	Amount	Balance-June 30
		Operating Budget		Investments	Charges			
1976 -1996	0	2,677,022	0	864,048	193,885	409	1,537,620	2,197,335
1997	2,197,335	200,000	0	147,174	10,873	17	102,539	2,452,843
1998	2,452,843	200,000	0	160,299	36,137	41	135,122	2,714,157
1999	2,714,157	0	0	149,555	18,342	46	179,382	2,702,672
2000	2,702,672	0	0	147,239	-20,909	26	72,884	2,756,119
2001	2,756,119	0	0	146,568	46,042	54	132,099	2,816,630
2002	2,816,630	0	0	139,203	9,566	31	61,458	2,903,941
*2003	2,903,547	0	0	111,218	17,379	60	244,893	2,787,251
2004	2,787,251	500,000	0	142,255	32,907	72	227,074	3,235,339
2005	3,235,339	250,000	0	125,848	16,191	80	280,956	3,346,421
2006	3,346,421	0	0	135,464	17,244	47	161,838	3,337,291
2007	3,337,291	0	0	144,532	24,641	25	99,877	3,406,588
2008	3,406,588	0	672,375	168,011	20,528	18	202,899	4,064,603
2009	4,064,603	0	687,525	202,134	17,688	16	177,556	4,794,393
2010	4,794,393	0	703,395	153,016	27,624	218	900,560	4,777,868
**2011	4,777,868	0	721,050	152,556	17,101	165	228,140	5,440,435
2012	5,440,435	100,000	742,225	192,471	55,365	52	648,902	5,881,594
2013	5,881,594	0	755,850	126,798	13,542	34	325,078	6,452,707
2014	6,452,707	0	770,275	101,935	-14,780	57	353,540	6,956,597
2015	6,956,597	0	789,270	103,189	8,351	59	260,412	7,596,994
2016	7,596,994	0	800,025	108,509	15,986	43	212,288	8,309,226
2017	8,309,226	0	805,600	110,900	29,386	50	343,428	8,911,684
2018	8,911,684	0	813,060	138,161	5,891	28	103,130	9,765,666
2019	9,765,666	0	329,250	183,992	11,361	25	132,303	10,157,966
Grand Total		3,927,022	8,589,900	4,155,075	610,341	1,673	7,123,978	

* Beginning fund balance for 2003 changed from the ending balance in 2002 due to a change in the method of accounting for investments from an historical cost basis to an amortized cost basis.

** Petitions Paid is net 3 checks totalling \$3,503.56 written in FY 2010 and voided in FY 2011.

TAB 5

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Karen A. Gould
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Cameron M. Rountree
Deputy Executive Director

Renu M. Brennan
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Virginia State Bar

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Richmond, Virginia 23219-0026
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MEMORANDUM

TO: Executive Committee

FROM: Crystal Hendrick

DATE: September 13, 2019

SUBJECT: Financial Report as of August 31, 2019

The August 2019 financial report is attached for your review. The revenue detail is on page 2. As of August 31, we have collected approximately \$10.8 million. The total received for bar dues, the largest source of revenue, is approximately \$9.5 million.

The expenditure data is summarized on pages 4 and 5. As of August 31, total expenditures are approximately \$2.9 million.

The Administration and Finance Account is reflected on pages 6 and 7. This account handles the receipts and expenses for the annual meeting. The cash balance as of August 31 is approximately \$226,000.

The Clients' Protection Fund is reflected on pages 8 and 9. The current balance is approximately \$10.5 million. Assessments collected and transferred to the fund as of August 31 total \$308,615.

I will be available during the meeting to answer any questions you may have. Please contact me at any time if you have questions concerning the monthly financial data. I can be reached at (804) 775-0523 or hendrick@vsb.org.



Commonwealth of Virginia
CARDINAL TRIAL BALANCE REPORT

Run Date: 09/04/2019

Run Time: 10:50 00

Report ID: VGLR001

Page No. 1 of 1

Business Unit : 11700 Virginia State Bar
Fiscal Year : 2020 Accounting Period : 2
Account Details : Summary Ledger Selection : ACTUALS
ChartField Selection : By BU,Fund Adj. Period :

<u>Business Unit</u>	<u>Fund Code</u>	<u>Account</u>	<u>Description</u>	<u>Beginning Balance</u>	<u>Net Activity</u>	<u>Ending Balance</u>
11700	09117					
		101010	Cash With The Treasurer Of VA	14,311,865.38	(878,952.92)	13,432,912.46
		131030	Petty Cash Advances	0.00	0.00	0.00
Asset Total :				14,311,865.38	(878,952.92)	13,432,912.46
		205025	Accts Payable-AP/EX Accruals	(83,307.00)	(85,708.48)	(169,015.48)
		2402101	Def Rev-Businness/Professnal Lic	0.00	0.00	0.00
		2402433	Def Rev-Client Protectn Fd Fee	0.00	0.00	0.00
		2402440	Def Rev-Attorney Wellness Fund	0.00	0.00	0.00
		2402618	Def Rev-Atty Registration Fee	0.00	0.00	0.00
		255470	Susp Acct-Deposit Pend Distrib	(5,000.00)	0.00	(5,000.00)
Liability Total :				(88,307.00)	(85,708.48)	(174,015.48)
		308000	Fund Balance	(5,342,209.94)	0.00	(5,342,209.94)
Equity Total :				(5,342,209.94)	0.00	(5,342,209.94)
Revenue Total :				(10,283,359.28)	(522,199.69)	(10,805,558.97)
Expense Total :				1,402,010.84	1,486,861.09	2,888,871.93
Total for Fund :	09117	Dedicated Special Revenue-VSB		0.00	0.00	0.00
Total for BU :	11700	Virginia State Bar		0.00	0.00	0.00



Report ID: RGL008

Commonwealth of Virginia
REVENUE STATUS REPORT

Run Date: 09/13/2019
Run Time: 02:41 00

Page No. 1 of 2

Business Unit: 11700 : Virginia State Bar
Revenue Budget Ledger: CC_REVEST
Fiscal Year: 2020
Accounting Period To: 2

Bus Unit	Fund	Account	Description	Estimated Revenue	Year to Date Current Year	Year to Date Last Year	Month - 02 Current Year	Month - 02 Last Year
11700	02354	4008123	Legal Aid Filing Fees	0.00	1,152,711.00	1,138,341.00	577,143.00	579,396.00
Total for Fund 02354				\$ 0.00	\$ 1,152,711.00	\$ 1,138,341.00	\$ 577,143.00	\$ 579,396.00
09117	4002100		Licenses & Permits	0.00	5,850.00	7,750.00	4,500.00	3,600.00
	4002101		Business & Professnal Licenses	372,715.00	368,335.00	368,343.00	38,872.00	23,498.00
	4002199		Misc Licenses, Permits & Fees	30,000.00	15,574.90	572.90	0.00	382.50
	4002306		Corp Registered Name Fees	125,000.00	20,640.00	20,200.00	9,940.00	11,150.00
	4002404		Real Estate Sttlmt Agt Reg Fee	21,000.00	2,720.00	5,240.00	1,480.00	4,040.00
	4002433		Clients Protection Fund Fee	343,100.00	312,210.00	317,728.22	28,720.00	18,445.00
	4002440		Attorney Wellness Fund Fee	984,300.00	42,465.00	0.00	(805,750.00)	0.00
	4002452		Miscellaneous Regulatory Fees	0.00	15,451.00	9,047.00	(23,976.57)	(11,540.00)
	4002501		Admission Receipts	173,000.00	9,500.00	16,275.00	4,350.00	7,750.00
	4002618		Attorneys Registration Fees	10,155,625.00	9,484,975.00	9,525,262.50	860,682.50	565,577.50
	4003002		State Publications Sales	2,000.00	425.00	567.00	245.00	203.00
	4005046		Other Business Fees	173,250.00	28,425.00	29,920.00	15,035.00	16,850.00
	4006103		Other Edu Gifts/Grants-Private	0.00	1,200.00	0.00	0.00	0.00
	4008000		Fine/Fort/Court Fee/Cst/Penlty	100,000.00	27,605.37	26,291.59	13,093.26	6,141.18
	4008316		Pnlty/Past Dues-Attorneys Reg	450,000.00	321,202.50	215,407.50	305,865.00	199,670.00
	4009000		Other Revenue	1,200,000.00	130,110.00	136,885.00	57,585.00	65,675.00
	4009004		Reg Fees For Workshops/Classes	110,000.00	650.00	1,650.97	0.00	1,020.00
	4009060		Miscellaneous Revenues	159,850.00	18,345.20	20,528.61	11,683.50	9,193.40
	4009084		Refund-Exp/Misc Disburse Pr Yr	0.00	0.00	29,909.20	0.00	575.26
Total for Fund 09117				\$ 14,399,840.00	\$ 10,805,683.97	\$ 10,731,578.49	\$ 522,324.69	\$ 922,230.84
Total for Business Unit 11700				\$ 14,399,840.00	\$ 11,958,394.97	\$ 11,869,919.49	\$ 1,099,467.69	\$ 1,501,626.84

VIRGINIA STATE BAR

REVENUE CROSSWALK

Account	Cardinal Description	VSB Description
4002100	Licenses & Permits	Dues – Corporate Counsel Reg
4002101	Business & Professional Licenses	Sections
4002199	Misc Licenses, Permits & Fees	Virginia Lawyer Revenue
4002306	Corp Registered Name Fees	Professional Corporation
4002404	Real Estate Settlement Agt Reg Fee	CRESPA Registration Fees
4002433	Clients Protection Fund Fee	Clients Protection Fund Receipts
4002452	Miscellaneous Regulatory Fees	Dues - Over/Under Payments
4002501	Admission Receipts	Professionalism Course Fees
4002618	Attorney Registration Fees	Dues - Attorney Dues
4003002	State Publication Sales	Pamphlet Sales
4005046	Other Business Fees	Lawyer Referral Revenue
4006103	Other Edu Gifts/Grants-Private	Grants
4008000	Fines/Fort/Court Fee/Cst/Penlty	Cost Assessment
4008316	Pnlty/Past Dues-Attorney Reg	Past & Penalty Dues
4009000	Other Revenue	MCLE Fees
4009004	Reg Fees for Workshops/Classes	A&F Account Receipts
4009060	Miscellaneous Revenue	Seminar & Miscellaneous
4009084	Refund-Exp/Misc Disburse Pr Yr	Expenditure Refunds Prior Year



Commonwealth of Virginia August 2019 Expenditure Summary

Report ID: RGL035
Layout ID: VGLR0035
Period Ending: June 30, 2020

Run Date: September 13, 2019
Run Time: 2:53:02 PM

Business Unit: 11700 Virginia State Bar

Cost Center	Description	Budget	2020-2	Current Year Expenditures	(Over) Under Budget	% of Budget Remaining
6000	Salaries	9,901,540.00	791,620.59	1,959,287.19	7,942,252.81	80%
6020	Benefits	0.00	4,805.50	22,818.50	(22,818.50)	0%
6040	Wages & Professional Services	0.00	0.00	60.00	(60.00)	0%
6060	Receiverships	200,000.00	0.00	0.00	200,000.00	100%
6080	Dues & Subscriptions	41,420.00	1,381.24	12,181.25	29,238.75	71%
6100	Rent: Office Space	595,000.00	44,698.01	93,943.14	501,056.86	84%
6103	Grants	0.00	15,000.00	15,000.00	(15,000.00)	0%
6120	Rent: Office Equipment	16,000.00	1,304.52	2,609.04	13,390.96	84%
6140	Office Supplies	40,425.00	679.03	2,639.93	37,785.07	93%
6160	Stationery & Forms	8,950.00	0.00	0.00	8,950.00	100%
6180	Office Furniture & Equipment	4,000.00	0.00	0.00	4,000.00	100%
6200	Staff Travel	158,715.00	4,357.29	7,750.58	150,964.42	95%
6220	Office Insurance	8,300.00	0.00	0.00	8,300.00	100%
6240	Repairs and Maintenance	21,125.00	27.91	435.59	20,689.41	98%
6260	Printing & Copying	194,810.00	22,458.03	23,503.16	171,306.84	88%
6280	Postage	160,825.00	21,492.81	39,892.02	120,932.98	75%
6300	Communication Technology	129,765.00	11,382.85	18,099.05	111,665.95	86%
6320	Advertising	44,000.00	483.20	1,452.49	42,547.51	97%
6340	Other Contractual Services	354,000.00	77,594.31	110,211.72	243,788.28	69%
6360	Computer Operating	502,690.00	107,051.67	112,750.26	389,939.74	78%
6380	Other Technology Projects	587,500.00	0.00	0.00	587,500.00	100%
6400	Professionalism Course-Trav	168,050.00	6,279.14	6,240.51	161,809.49	96%
6420	Professionalism Course-Misc	20,000.00	85.40	85.40	19,914.60	100%
6440	Council, Comm, Boards-Trav	521,085.00	33,989.84	49,185.38	471,899.62	91%
6460	Council, Comm, Boards-Misc	175,900.00	12,508.81	14,523.30	161,376.70	92%
6480	Sections-Trav	137,808.00	1,147.21	27,550.78	110,257.22	80%
6500	Sections-Print	30,935.00	0.00	1,001.00	29,934.00	97%
6520	Sections-Comm	22,576.00	6.62	263.98	22,312.02	99%
6540	Sections-Other	138,853.00	4,906.43	11,006.78	127,846.22	92%
6560	Senior Lawyers Conf-Trav	9,800.00	1,854.40	4,817.84	4,982.16	51%
6580	Senior Lawyers Conf-Print	9,000.00	0.00	0.00	9,000.00	100%
6600	Senior Lawyers Conf-Comm	1,200.00	12.28	401.89	798.11	67%
6620	Senior Lawyers Conf-Misc	5,000.00	336.36	1,285.86	3,714.14	74%
6640	Young Lawyers Conf-Program	64,250.00	2,329.88	7,312.87	56,937.13	89%
6660	Young Lawyers Conf-Print	3,600.00	420.00	507.89	3,092.11	86%
6680	Young Lawyers Conf-Travel	30,850.00	806.31	1,292.98	29,557.02	96%
6700	Young Lawyers Conf-Misc	400.00	165.37	165.37	234.63	59%

6702	Diversity Conference - Program	29,000.00	4,014.15	5,047.80	23,952.20	83%
6704	Diversity Conference - Print	1,800.00	1.68	97.68	1,702.32	95%
6706	Diversity Conference - Travel	8,890.00	2,354.60	5,873.12	3,016.88	34%
6708	Diversity Conference - Misc	1,150.00	0.00	22.86	1,127.14	98%
6710	CLSBA-Travel	11,800.00	2,244.80	2,624.06	9,175.94	78%
6715	CLSBA-Print	9,000.00	0.00	0.00	9,000.00	100%
6725	CLSBA-Communications	400.00	0.00	47.94	352.06	88%
6730	CLSBA-Other	2,400.00	60.85	123.69	2,276.31	95%
6740	Lawyers Helping Lawyers	0.00	0.00	12,500.00	(12,500.00)	0%
6760	Attorney General Costs	75,000.00	0.00	4,179.03	70,820.97	94%
6780	A&F Trans	110,000.00	0.00	650.00	109,350.00	99%
6800	Clients' Protection Fund Trans	343,100.00	309,000.00	309,430.00	33,670.00	10%
6820	Online Legal Research	85,000.00	0.00	0.00	85,000.00	100%
	All Cost Centers	<u>\$14,985,912.00</u>	<u>\$1,486,861.09</u>	<u>\$2,888,871.93</u>	<u>\$12,097,040.07</u>	<u>81%</u>

**VIRGINIA STATE BAR
ADMINISTRATION & FINANCE ACCOUNT
AS OF AUGUST 31, 2019**

Cash Balance as of July 1, 2019	\$	275,302.35
Year-to-Date Revenue through August 31, 2019		707.56
Year-to-Date Expenses through August 31, 2019		(50,268.41)
Cash Balance as of August 31, 2019	\$	225,741.50

<u>LEDGER</u>		<u>BALANCE</u> <u>08/31/2019</u>
Annual Meeting	\$	182,859.72
Midyear Seminar		43,193.64
Council, Committees, etc.		-
Other		(311.86)
Total Ledger Balance	\$	225,741.50

**VIRGINIA STATE BAR
ADMINISTRATION & FINANCE ACCOUNT
MONTHLY STATEMENT OF REVENUE & EXPENSES
FOR AUGUST 2019**

	BALANCE 8/1/2019	AUGUST 2019 ACTIVITY	BALANCE 8/31/2019
Revenue:			
Annual Meeting	\$ 650.00	\$ 55.00	\$ 705.00
Money Market Account Interest	1.28	1.28	2.56
Total Revenue	651.28	56.28	707.56
Expenses:			
Annual Meeting	31,696.91	18,257.08	49,953.99
National Meetings and Miscellaneous	0.00	0.00	0.00
Employee Recognition	0.00	261.22	261.22
Bank Service Charges	26.60	26.60	53.20
Expenses to be Reimbursed	0.00	0.00	0.00
Total Expenses	31,723.51	18,544.90	50,268.41
Total Revenue Over/(Under) Expenses	\$ (31,072.23)	\$ (18,488.62)	\$ (49,560.85)

**CLIENTS' PROTECTION FUND
CASH BALANCE
AS OF AUGUST 31, 2019**

Cash Balance as of July 1, 2019	\$	10,157,965.91
Year-to-Date Revenue through August 31, 2019		336,534.10
Year-to-Date Expenses through August 31, 2019		<u>(120.00)</u>
Cash Balance as of August 31, 2019	\$	<u>10,494,380.01</u>
Liability for claims approved but not paid:		<u>11,400.00</u>
Available Cash Balance as of August 31, 2019:	\$	<u>10,482,980.01</u>

Funds Invested/Maintained as Follows:

BB&T Business Checking Account		619,380.01
Federal Home Loan Bank (Face Value \$2,450,000)		2,450,000.00
Federal Home Loan Mortgage Corp. (Face Value \$300,000)		300,000.00
Federal National Mortgage Association (Face Value \$2,675,000)		2,675,000.00
Federal Farm Credit Bank (Face Value \$4,450,000)		<u>4,450,000.00</u>
Total Cash and Investments	\$	<u>10,494,380.01</u>

**VIRGINIA STATE BAR
 CLIENTS' PROTECTION FUND
 MONTHLY STATEMENT OF REVENUE & EXPENSES
 FOR AUGUST 2019**

	BALANCE 8/1/2019	AUG 2019 ACTIVITY	BALANCE 8/31/2019
REVENUE			
INTEREST:			
Investment Interest	\$ 10,489.66	\$ 16,494.44	\$ 26,984.10
REIMBURSEMENT FROM ATTORNEYS:			
AG's Collections	400.00	0.00	400.00
Debt Set-Off Receipts	-	0.00	0.00
Individual Restitution	150.00	385.00	535.00
TRANSFERS:			
CPF Assessment	-	308,615.00	308,615.00
Total Revenue:	\$ 11,039.66	\$ 325,494.44	\$ 336,534.10
EXPENSES			
Bank Service Charges	-	0.00	0.00
Attorney General's Fees	120.00	0.00	120.00
CPF Board Expenses - Oper. Acct. Reim.	-	0.00	0.00
Payments to Clients	-	0.00	0.00
Total Expenses:	\$ 120.00	\$ -	\$ 120.00
Total Revenue Over/(Under) Expenses	\$ 10,919.66	\$ 325,494.44	\$ 336,414.10

TAB 6



Virginia State Bar

1111 East Main Street Suite 700
Richmond, Virginia 23219-0026
Telephone: (804) 775-0500

Fax: (804) 775-0597 TDD: (804) 775-0502

To: Executive Committee

From: Renu M. Brennan
Bar Counsel

Date: September 13, 2019

BAR COUNSEL'S REPORT ON THE STATE OF THE DISCIPLINE SYSTEM

I. Overview

Thus far in FY 2020 our office has received more complaints and has more open cases than last year. See attached charts for five-year and six-month comparisons. Bar counsel are promptly processing the increased cases within the aspirational deadlines, meaning dismissing or referring for investigation within 60 days of receipt from Intake. Compared to the same time last year, we have received 35 more complaints (663 vs. 628), up 5.5% from last year. While we have more complaints and more open cases than last year, the number of district committee cases older than 180 days has substantially decreased from last year, down 29 cases from 102 to 73, and the preliminary investigation and district committee cases have decreased, down 20 cases from 293 to 273. Cases awaiting certifications to be written by bar counsel are steady at 8, while cases awaiting charges of misconduct are down 11, from 16 to 5. Similarly, within the last six months, the district committee cases over 180 days have decreased 12, from 95 to 73 and the preliminary investigation and district committee cases have decreased 18 from 291 to 273. Further, as set forth below, more sanctions and consents to revocation have issued this year as compared to last year and the past five years.

[The amendments to Paragraph 13 of Part 6, Section IV of the Rules of the Supreme Court of Virginia](#) that unanimously passed Council at the annual meeting in June remain pending before the Court. If approved, the Office will work with the Clerk's Office and IT to ensure smooth implementation.

The 39th Annual Disciplinary Conference held July 25 and 26, 2019 in Glen Allen, Virginia was well-received and well-attended (137 attendees, up 11 from last year). On September 19-20, all VSB discipline attorneys will attend a regional conference of bar counsel from DC, Maryland, Delaware, and New Jersey. This conference will be held in Richmond and economically affords us the opportunity to collaborate with our regional counterparts.

Finally, as reported previously, we have reached out to banks, Commonwealth Attorneys, Clerks of Court, and Commissioners of Accounts to enhance dialogue and reporting of possible misconduct. Most recently, we have communicated with the clerks of the circuit, general district, and juvenile courts and Patricia S. Moore, the President of the Virginia Court Clerks' Association (VCCA) as well as the U.S. attorneys for the Eastern and Western Districts of Virginia.

II. FY 20 Workloads as of August 9, 2019

A. Total Open Cases:

I.	08-09-2019:	340
II.	08-10-2018:	331
III.	08-10-2017:	350
IV.	08-10-2016:	360
V.	08-10-2015:	415
VI.	08-08-2014:	463

B. Total Cases to be Tried:

I.	08-09-2019:	45
II.	08-10-2018:	47
III.	08-10-2017:	37
IV.	08-10-2016:	40
V.	08-10-2015:	46
VI.	08-08-2014:	63

C. Sanctions Issued by District Committee Subcommittees (Y-T-D):

I.	08-09-2019:	10
II.	08-10-2018:	6
III.	08-10-2017:	3
IV.	08-10-2016:	0
V.	08-10-2015:	4
VI.	08-08-2014:	4

D. Consents to Revocation (Y-T-D):

I.	08-09-2019:	3
II.	08-10-2018:	0
III.	08-10-2017:	1
IV.	08-10-2016:	0
V.	08-10-2015:	0
VI.	08-08-2014:	0

E. Trials Held Y-T-D (District Committee and Disciplinary Board/Circuit Court):

I.	08-09-2019:	0
II.	08-10-2018:	0
III.	08-10-2017:	0
IV.	08-10-2016:	0
V.	08-10-2015:	2
VI.	08-08-2014:	1

F. Agreed Dispositions Y-T-D (District Committee and Disciplinary Board/Circuit Court):

I.	08-09-2019:	3
II.	08-10-2018:	3
III.	08-10-2017:	3
IV.	08-10-2016:	4
V.	08-10-2015:	4

G. Cases Awaiting Certification to be Written by Bar Counsel:

I.	08-09-2019:	8
II.	08-10-2018:	8
III.	08-10-2017:	3
IV.	08-10-2016:	8
V.	08-10-2015:	7
VI.	08-08-2014:	16

H. Closed Impairments Y-T-D:

I.	08-14-2019:	0
II.	08-10-2018:	0
III.	06-06-2017:	0

I. Cases More than 365 days old:

I.	08-14-2019:	37
II.	08-10-2018:	51
III.	06-06-2017:	45
IV.	08-08-2016:	81
V.	11-02-2015:	67

J. Pre FY cases:

I.	08-09-2019:	34
II.	08-22-2018:	41

III.	08-24-2017:	34
IV.	08-08-2016:	45
V.	08-06-2015:	46
VI.	08-26-2014:	66

III. Appeals Decided by the Supreme Court of Virginia

On July 29, 2019, the Court dismissed **Sammy Edward Ayer's** appeal.

On July 18, 2019, the Court unanimously upheld the three-judge panel's findings that **Joseph D. Morrissey** violated Rules of Professional Conduct 5.1(b), 5.5(c), and 8.4(b) and the revocation of his license. As a threshold issue, the Court rejected Morrissey's argument that the three-judge panel's memorandum opinion reciting the parties' stipulated facts did not contain sufficiently detailed factual findings to satisfy Paragraph 13. The Court held that Morrissey's failure to confirm that his associate had taken the oath of office before representing clients violated Rule 5.1(b) requiring a lawyer having direct supervisory authority over another lawyer to make reasonable efforts to ensure the lawyer's behavior conforms to the Rules of Professional Conduct. The associate's court appearance without having taken the oath violated Va. Code § 54.1-3903 (requiring attorneys to take the oath before practicing law) and Rule 5.5(c) (prohibiting a lawyer from practicing law in violation of the regulation of the legal profession). Specifically, the Court found undisputed that Morrissey, a founder of the firm bearing his name, had supervisory authority over the associate, a recent law school graduate, and it found the record devoid of any efforts or inquiry by Morrissey to ensure the associate had taken the oath or could properly appear in court. The Court noted the requirement that a supervisor inquire as to whether an associate has taken the oath is not onerous. The Court rejected as irrelevant to the fact of the Rule 5.1(b) violation Morrissey's arguments that the oath-taking was a mere formality, the associate was competent to handle the hearing, the associate did not remind him that she had not taken the oath, the associate suggested she was now a lawyer before making the appearance, the associate took the oath shortly after the appearance, and the associate only made one court appearance in violation of the regulations while with the firm.

Notably, the Court cited Va. Sup. Ct. R., Part 6, § II, Preamble in finding that Morrissey's contribution to the delinquency of a minor (his solicitation and hiring of an underage girl knowing that she was below the age of legal consent and his sexual relationship with her in his firm soon thereafter) violated Rule 8.4(b). "The practice of law demands more than technical proficiency. A lawyer 'is an officer of the legal system' whose 'conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs.'" (Morrissey Op., p. 8.)

IV. Rule Changes and LEOs Approved by the Supreme Court of Virginia

Effective July 1, 2019, [the Court approved revisions to Part 6, §I of the Rules of the Supreme Court of VA on the unauthorized practice of law.](#)

Also, effective July 1, 2019, [the Court approved amendments to Paragraph 17 regarding MCLE.](#) Beginning with the November 2019 through October 2020 MCLE compliance period, the revised Paragraph 17 requires active members to affirm that they have attended at least one hour of lawyer well-being education within the past three years. Members will be required to provide this information during the end-of-year reporting process for the period ending October 31, 2020, and annually thereafter.

V. Matters Pending in the Supreme Court of Virginia

A. Reinstatement Cases

On August 5, 2019, the Board entered its Order of Recommendation to the Supreme Court of Virginia that **Ann Bridgeforth Tribbey** be denied reinstatement of her license. The Board heard Ms. Tribbey's case June 28.

Steven Frank Helm's motion for reconsideration of the Court's denial of his petition for reinstatement remains pending before the Court.

B. Appeals Pending before the Supreme Court of Virginia

A motion to dismiss **Rhetta Moore Daniel's** appeal is pending before the Court.

C. Rule Changes and LEOs Pending with the Supreme Court of Virginia

The following matters remain pending with the Court, as reported in the July report:

[Rule 3.8\(d\) – Additional obligations of prosecutors. Revised Comment 5.](#)

[Rule 4.4\(b\) – Receipt of inadvertently disclosed information.](#)

[LEO 1872 – Virtual law office and use of executive office suites.](#)

[LEO 1750 – Advertising compendium opinion.](#)

VI. Rule Amendments Under Consideration by the Ethics Committee

[Rule 1.15 – Safekeeping Property.](#) The Committee unanimously approved these amendments, which will be submitted to the Executive Committee (September) and Council (October) for consideration.

[Rule 1.17 – Sale of Law Practice, in Comment 12.](#)

[Rule 1.18 – Duties to Prospective Client, in Comment 6.](#)
[Rule 5.5 – Unauthorized Practice of Law; Multijurisdictional Practice of Law.](#)

The Committee approved minor revisions to address typos/inconsistencies but voted to delay submission to Council pending additional revisions by staff in response to comments received.

[LEO 1890 – Communications with represented persons.](#) This proposed opinion addresses 15 different scenarios arising under Rule of Professional Conduct Rule 4.2, and collects authorities including Rule 4.2 and its comments, other LEOs, case law, and other states' ethics opinions to explain the purpose and application of Rule 4.2 to the most common issues raised by the rule. The Committee will submit the proposed opinion to Council for approval at its October 25, 2019 meeting.

[LEO 1891 Communications with represented government officials.](#) This proposed opinion addresses whether there are instances where communication with represented government officials is “authorized by law” for purposes of Rule 4.2, considering the constitutional and statutory rights of citizens to access the government and to petition for the redress of grievances. The opinion concludes that yes, communication with a represented government official is authorized by law and does not require the government lawyer's consent if the communication is made for the purposes of addressing a policy issue and the government official being addressed has the ability or authority to take or recommend government action, or otherwise effectuate government policy on the issue. A lawyer making such a communication is not required to give the government lawyer notice of the intended communication. The Committee will submit the proposed opinion to Council for approval at its October 25, 2019 meeting.

[Rule 8.4 – Misconduct.](#) Staff will present a comment to Rule 8.4 at the October 17, 2019 Committee meeting.

VII. Unauthorized Practice of Law Update

There are 12 open investigations (six are out for investigation, five are pending final resolution, and one is in the preliminary stage awaiting response). Six matters are under review. Since the last UPL update, two cases were resolved with letter agreements.

VIII. Receiverships

The receivership budget for FY 2020 is \$200,000. As of August 19, 2019, the bar has a surplus of \$32,922.64 due to two reimbursements in FY 2019: \$22,700.31 received on July 13, 2019, (**Mason** \closed receivership) and \$64,521.19 received on the **Atkins** receivership. The bar has incurred \$101,923.44 in costs on the **Atkins** receivership to date and expects to incur more before it is closed. As of September 13, there are currently six open receiverships: **Atkins** (Charlottesville 5/20/16); **Davey** (Danville 04/04/17); **Fabre** (Fairfax 12/16/16);

Farmer (Prince William 04/19/17); **Hamlin** (Chesapeake 11/20/18) and **Speakman** (Loudon 9/06/19).

NUMBERS – FIVE-YEAR COMPARISON						
Docket Period Ending→	6/28/19	6/29/18	6/30/17	6/30/16	6/30/15	6/30/14
Total Open Cases	325	343	352	348	416	485
DISTRICT COMMITTEE CASES OVER 180 DAYS						
Cases Awaiting Report by Investigator	40	57	50	48	68	78
Cases Awaiting Report by Bar Counsel !	25	38	42	60	35	50
Cases Awaiting Meeting by Subcommittee*!	2	2	10	1	4	1
Total	67	97	102	109	107	129
CASES OVER AND UNDER 180 DAYS						
In-House	75	97	122	99	118	142
District Committee	190	201	198	210	249	273
Total	265	298	320	309	367	415
SANCTIONS ISSUED BY DISTRICT COMMITTEE SUBCOMMITTEES Y-T-D						
Total	25	35	27	36	37	38
DC CASES AWAITING CERTIFICATION TO DB TO BE WRITTEN BY BAR COUNSEL						
Total	7	8	7	12	8	14
DC CASES AWAITING CHARGE OF MISCONDUCT TO BE WRITTEN BY BAR COUNSEL						
Total	4	12	6	4	18	12
CONSENTS TO REVOCATION/IMPAIRMENTS Y-T-D						
Total	13/5	18/4	15	5	24	14
CASES TO BE TRIED						
District Committee	5	13	6	4	20	12
Post Committee	42	32	22	23	21	51
Total	47	45	28	27	41	63
TRIALS HELD Y-T-D						
District Committee	5	1	2	4	6	8
Post Committee	35	28	42	39	41	53
Total	40	29	44	43	47	61
AGREED DISPOSITIONS Y-T-D						
District Committee	34	49	44	41	62	77
Post Committee	31	14	23	21	34	34
Total	65	63	67	62	96	111
AGREED DISPOSITIONS, TRIALS & CONSENTS TO REVOCATION & IMPAIRMENTS Y-T-D						
Total	123	114	126	110	167	186

STATISTICS – FIVE-YEAR COMPARISON						
Docket Period Ending→	8/9/19	8/10/18	8/10/17	8/10/16	8/10/15	8/8/14
Total Open Cases	340	331	350	360	415	463
DISTRICT COMMITTEE CASES OVER 180 DAYS						
Cases Awaiting Report by Investigator	41	47	58	52	83	76
Cases Awaiting Report by Bar Counsel !	24	49	49	61	49	63
Cases Awaiting Meeting by Subcommittee*!	8	6	14	7	12	18
Total	73	102	212	120	144	157
PRELIMINARY INVESTIGATIONS & DC CASES						
Preliminary Investigation Cases	72	95	109	100	109	114
District Committee Cases	201	198	204	217	259	276
Total	273	293	313	317	368	390
SANCTIONS ISSUED BY DISTRICT COMMITTEE SUBCOMMITTEES Y-T-D						
Total	10	6	3	0	4	4
DC CASES AWAITING CERTIFICATION TO DB TO BE WRITTEN BY BAR COUNSEL						
Total	8	8	3	8	7	16
DC CASES AWAITING CHARGE OF MISCONDUCT TO BE WRITTEN BY BAR COUNSEL						
Total	5	16	6	6	18	9
CASES TO BE TRIED						
District Committee	6	17	7	6	19	10
Disciplinary Board / Circuit Court	39	30	30	34	27	53
Total	45	47	37	40	46	63
CONSENTS TO REVOCATION Y-T-D						
Total	3	0	1	0	0	0
TRIALS HELD Y-T-D						
District Committee	0	0	0	0	1	1
Disciplinary Board / Circuit Court	0	0	0	0	1	0
Total	0	0	0	0	2	1
AGREED DISPOSITIONS Y-T-D						
District Committee	2	0	3	0	2	1
Disciplinary Board / Circuit Court	1	3	0	4	2	1
Total	3	3	3	4	4	2
CLOSED IMPAIRMENTS Y-T-D						
	0	0	0			

STATISTICS – SIX-MONTH COMPARISON						
Docket Period Ending→	8/9/19	6/10/19	5/10/19	4/10/19	3/8/19	2/8/19
Total Open Cases	340	324	344	356	341	333
DISTRICT COMMITTEE CASES OVER 180 DAYS						
Cases Awaiting Report by Investigator	41	43	46	43	43	46
Cases Awaiting Report by Bar Counsel !	24	27	30	27	34	43
Cases Awaiting Meeting by Subcommittee *!	8	11	2	10	13	6
Total	73	81	78	80	90	95
PRELIMINARY INVESTIGATION & DC CASES						
Preliminary Investigation Cases	72	71	89	123	97	100
District Committee Cases	201	195	197	181	203	191
Total	273	266	286	304	300	291
SANCTIONS ISSUED BY DISTRICT COMMITTEE SUBCOMMITTEES Y-T-D						
Total	10	23	21	21	18	16
DC CASES AWAITING CERTIFICATION TO DB TO BE WRITTEN BY BAR COUNSEL						
Total	8	8	5	9	9	6
DC CASES AWAITING CHARGE OF MISCONDUCT TO BE WRITTEN BY BAR COUNSEL						
Total	5	7	8	7	9	8
CASES TO BE TRIED						
District Committee	6	7	10	9	11	9
Disciplinary Board/Circuit Court	39	38	40	33	26	33
Total	45	45	50	42	37	42
CONSENTS TO REVOCATION Y-T-D						
Total	3	13	13	13	8	5
TRIALS HELD Y-T-D						
District Committee	0	5	4	4	4	4
Disciplinary Board/Circuit Court	0	32	29	26	23	15
Total	0	37	33	30	27	19
AGREED DISPOSITIONS Y-T-D						
District Committee	2	25	22	17	12	11
Disciplinary Board/Circuit Court	1	29	27	25	22	22
Total	3	54	49	42	34	33
CLOSED IMPAIRMENTS Y-T-D						
Total	0	2	2	2	1	1

TAB 7

Special Committee on Lawyer Referral EC Update

9/26/19

Eugene Elliott, Jr., Chair

The VSB Special Committee on Lawyer Referral commends the 303 VLRS lawyer panel members for their (past and present) service to the bar and their communities. In FY 19 the VLRS welcomed 44 first-time lawyer panel members. The Committee's goals this year were to bring awareness of the VLRS to VSB members by promoting the value of its panel membership, and to provide consumer protection to the public when referring in-good standing VSB members (private lawyers) to ensure their legal needs were being met. These goals were met by:

1. Rule revisions for the VLRS.

The rules adopted by the Special Committee on Lawyer Referral were approved by the Supreme Court of Virginia on April 10, 2019 to become effective on July 1, 2020. The approved rules heighten the eligibility of the VLRS panel members to ensure they uphold their Active-In Good Standing status as defined in the Rules of Court, as well as listing only their law areas of competency; quality control by monitoring of the public and member satisfaction of the VLRS; and allow the VLRS to be self-sustaining in order to continue to provide the much needed public service.

2. Marketing Campaigns for VLRS.

The Committee members and VLRS staff promoted panel membership, along with the VSB Access to Legal Services Director, at the: 49th Annual VSB Criminal Law Seminar in Charlottesville & Williamsburg (February 2019); Conferences of Local and Specialty Bar Association (CLSBA) & the Solo and Small-Firm Forum in Wytheville (October 2018), in Suffolk (March 2019) & in Fredericksburg (May 2019); VSB Techshow in Richmond (April 2019); Bar Leaders Institute in Richmond (April 2019); VSB 81st Annual Meeting in Virginia Beach (June 2019); and the VSB YLC Admission & Orientation Ceremony in Richmond (June 2019). At the onsite promotions, VSB members with 5 or less years of VSB membership were offered a 1-year free VLRS panel membership with paid consumer referrals. The VLRS was also excited to display our new VLRS promotional floor and table banner signage.

With the assistance of the VSB Communication Department the VLRS ran semi-monthly VSB *Virginia Lawyer Magazine* ads - "*Virginia Lawyers: Do You Have More Business Than You Can Handle?*" (August & October 2018); "*Potential Clients are Looking for Virginia Lawyers*" (December 2018 & February 2019); "*Thank You*" list of all VLRS current lawyer panel members (April 2019); "*We take the calls, you get the clients*" (June 2019).

To enhance the awareness of the consumer services provided by VLRS to the citizens of Virginia and worldwide, the VLRS has utilized the social media platforms of Face Book & Google with monthly posting that highlight different law topics of Bankruptcy (March 2019), Family Law-Divorce & Custody (March 2019), Estate Planning (April 2019), Criminal Law-Traffic Defense (May 2019); Civil Disputes (May 2019); and Juvenile Law (June 2019) - that has resulted in reaching over 62,000 consumers and receiving over 400 "*Likes*".

3. Partnerships.

The VLRS assisted the VSB Young Lawyers Conference (YLC) Emergency Legal Service (ELS) in response to the natural disaster of Hurricane Florence in August 2018; and charities in Eastern Virginia by providing free lawyer referrals to persons affected by the hurricane and to those victims' families and survivors of the Virginia Beach shooting in June 2019. The VLRS Staff also had an informational and strategic meeting with the Virginia Bar Association (VBA) on February 12, 2019 to discuss how to best assist callers who reach out to both agencies seeking legal assistance.

The Special Committee on Lawyer Referral met on Thursday, August 9, 2018, Monday, March 4, 2019, and Monday, September 23, 2019.

Committee Members

Eugene M. Elliott, Jr., Chair; Jack Harris, vice Chair; Joseph M. Bowen, Angela T. Isabell, John A. Kassabian, Neil S. Lowenstein, D. Adam McKelvey, Sarah M. Morton, D. David Parr, Jr., Todd A. Pilot, Jeanette D. Rogers, and Christopher L. Spinelli.

Updated 9/17/19

TAB 8

DRAFT

**VIRGINIA STATE BAR
EXECUTIVE COMMITTEE MEETING
MINUTES
Virginia Beach, Virginia
June 12, 2019**

The Executive Committee of the Virginia State Bar (VSB) met in Virginia Beach, Virginia, at the Holiday Inn & Suites North Beach on June 12, 2019. President Leonard C. Heath, Jr. called the meeting to order at 12:45 p.m.

The following Executive Committee members were present or absent as indicated:

Ex officio members:

President Leonard C. Heath, Jr.	present
President-elect Marni E. Byrum	present
Immed. Past Pres. Doris H. Causey	absent
CLSBA Chair Charles M. Lollar	present
DC Chair Luis A. Perez	present
SLC Chair Carollyn C. Cox	present
YLC Brian T. Wesley	present

At-large members:

Joseph M. Bowen	present
Brian L. Buniva	present
Eugene M. Elliott, Jr.	present
<hr/>	vacancy ¹
Beverly P. Leatherbury	present
Jay B. Myerson	present

VSB Staff:

Karen A. Gould, Executive Director
Cameron Rountree, Deputy Executive Director
Renu M. Brennan, Bar Counsel
Crystal T. Hendrick, Director of Finance and Procurement
James M. McCauley, Ethics Counsel
Demetrios Melis, Director of Regulatory Compliance
Maureen D. Stengel, Director of Bar Services
Caryn B. Persinger, Director of Communications & Creative Director
Emily F. Hedrick, Assistant Ethics Counsel
M. Brent Saunders, Senior Assistant Bar Counsel

¹This vacancy was created by the April 2019 resignation of William E. Glover from the Executive Committee and Council due to his election to the circuit court bench.

I. INFORMATION AGENDA

A. PRESIDENT'S REPORT

Mr. Heath reported on his activities. His written report was included in the materials provided to the Executive Committee.

B. EXECUTIVE DIRECTOR'S REPORT

Ms. Gould reported on matters involving the VSB. Her written report was included in the materials provided to the Executive Committee.

C. FINANCIAL REPORT

Ms. Hendrick reported on the April 2019 financial report, which was included in the materials provided to the Executive Committee.

D. PROFESSIONAL REGULATION DEPARTMENT REPORT

Ms. Brennan reported on activities in the department. Her written report was included in the materials provided to the Executive Committee.

E. REPORT ON AMENDMENTS TO THE MCLE REGULATIONS

Background: On September 19, 2018 the Supreme Court of Virginia (SCV) Committee on Lawyer Well-being released a report (report) entitled "A Profession at Risk." The report contained a recommendation "to permit the MCLE Board to authorize MCLE attendance and teaching credit to active members of the VSB who, on a volunteer, non-compensated basis, prepare approved written materials for, or present approved instruction to, judges or law students regarding professional health initiatives." Additionally, amendments were made to bring consistency and uniformity to language regarding 'lawyer well-being.'

After a 30-day public comment period, the Virginia MCLE Board received two public comments regarding this regulatory action. Both comments expressed support for the amendments.

On May 6, 2019, the MCLE Board approved the following final amendments to the MCLE Regulations as follows:

Regulation 101 Definitions

A "qualified wellness and professional health initiatives course or component" is a clearly identified segment of a course or program which meets the requirements of Regulation 103(c)2 and is devoted to one or more topics designed to educate and encourage lawyers, law students, and judges to recognize that the personal health and wellness of legal professionals are inseparable from the duty of such professionals to provide competent services to the public and ensure its protection. Such a segment must be appropriately described or entitled in the course materials and must have a defined duration in the course or program schedule.

**Regulation 102(b)
Requirements and Computations**

(b) Credit will be given to a member who personally attends an approved course and to a member who prepares written materials for an approved course and to a member who personally participates as an instructor for such course. Credit in the area of legal ethics or professionalism will be given to a member who attends a course approved for credit in such area and to a member who personally prepares materials for a qualified ethics or professionalism component of such course and to a member who personally participates as an instructor for such a component. Credit will be given to a member who personally prepares written materials for a qualified course on a volunteer non-compensated basis concerning lawyer well-being initiatives and to a member who personally participates as an instructor for such courses given to judges or law students on a volunteer non-compensated basis.

**Regulation 103(c)(2)
Standard for Approval of Programs**

(c) The course must pertain to a recognized legal subject or other subject matter which integrally relates to the practice of law, or to the professional responsibility or ethical obligations of the participants.

(2) A course which addresses substance abuse, stress management, or work/life balance issues promotes lawyer well-being issues may be approved if the topics relate to the practice of law and the quality of legal services rendered to the public so long as other requirements applicable to all CLE programs are met. Such lawyer well-being programs must be clearly and primarily designed, directed to, and intended for attorneys, not a general audience. A course designed to educate judges and law students regarding the need for well-being in the legal and judicial environment and how to achieve that well-being will also satisfy the standards for approval under this regulation.

II. ACTION AGENDA

A. MINUTES OF FEBRUARY 22, 2019 MEETING

The Executive Committee approved by unanimous vote the minutes of the February 22, 2019 meeting.

B. VSB BYLAW AMENDMENTS²

The Executive Committee approved by unanimous vote the proposed bylaw amendments as follows and recommends them for approval by Council:

PART II – BYLAWS OF THE COUNCIL

ARTICLE VIII

Standing Committees

² A bylaw amendment must be posted for comment 30 days prior to vote of Council. These proposed bylaw changes were posted on the VSB website on February 26, 2019.

Sec. 1. Committee on Legal Ethics —...

~~*Sec. 2. Committee on Unauthorized Practice of Law*—There shall be a standing committee to be appointed by the president and to be known as the Committee on the Unauthorized Practice of Law. The committee shall consist of nine members. Seven of the members shall be active members of the bar, at least two of whom shall be members of the Council. Two of the members shall be non-lawyers. All powers and duties of the Council with respect to the unauthorized practice of the law, not otherwise delegated or reserved, shall be exercised and discharged by the committee.~~

~~—Members shall be appointed to three-year terms. No member shall serve more than two consecutive three-year terms. A member appointed to fill an unexpired term shall be eligible to serve two additional full three-year terms. An eligible member wishing to be reappointed shall be required to reapply in writing prior to the end of his or her current term under procedures established by Council and administered by the executive director.~~

Sec. 23. Committee on Lawyer Discipline —...

Sec. 34. Committee on Professionalism —...

Sec. 45. Budget and Finance Committee —...

Sec. 5. Committee on Access to Legal Services --There shall be a standing committee to be appointed by the president and to be known as the Committee on Access to Legal Services. The committee shall consist of fifteen members, each of whom shall be an active or judicial member of the bar. At least two of the committee members shall be members of the Council. Additionally, at least one of the committee members shall be a member of the Virginia Access to Justice Commission; at least one shall be a staff attorney, director or executive director of a licensed legal aid society; and at least one shall be an executive director or director of Legal Services Corporation of Virginia.

All members shall serve for a three-year term. No member may serve more than two consecutive three-year terms. A member appointed to fill an unexpired term shall be eligible to serve two additional full three-year terms. An eligible member wishing to be reappointed shall be required to reapply in writing under procedures established by Council and administered by the executive director.

All powers and duties of Council with respect to advancing the availability of legal services provided to the people of Virginia and assisting in improving access to the legal system for all Virginians, not otherwise delegated or reserved, shall be exercised and discharged by the Committee.

C. PARAGRAPH 13 AMENDMENTS

The Executive Committee approved by unanimous vote the proposed amendments, as follows, to Paragraph 13 and recommends them for approval by Council.

:

13. PROCEDURE FOR DISCIPLINING, SUSPENDING, AND DISBARRING ATTORNEYS

13-1 DEFINITIONS

As used in this Paragraph, the following terms shall have the meaning herein stated unless the context clearly requires otherwise:

* * *

“Admonition” means a finding that Respondent has committed Misconduct but: private sanction imposed by a Subcommittee sua sponte, a private or public sanction based upon an Agreed Disposition approved by a Subcommittee, or a public sanction imposed by a District Committee or the Board upon a finding that Misconduct has been established, but that no substantial harm to the Complainant or the public has occurred, and that no further disciplinary action is necessary.

1. No substantial harm to the Complainant or the public has occurred; or
2. The Misconduct is minor and Respondent has taken reasonable precautions against a recurrence or there is otherwise little likelihood of repetition; or
3. There exist exceptional circumstances, which must be set forth in writing.

An Admonition may be imposed as a

1. Private sanction by a Subcommittee sua sponte;
2. Private or public sanction based upon an Agreed Disposition approved by a Subcommittee; or
3. Public sanction imposed by a District Committee, or the Board, or a three-judge Circuit Court.

* * *

“~~Clerk of the Disciplinary System~~” means the Clerk of the Disciplinary System ~~employee of the Bar~~ who, together with such assistants as may be required, provides administrative support to the disciplinary system and serves as official custodian of the ~~Disciplinary Records~~ records of the disciplinary system, unless the context indicates otherwise.

* * *

“Disciplinary Proceeding” means any proceeding governed by this Paragraph except an Impairment Proceeding.

“Disciplinary Record” means any tangible or electronic record of:

1. Any proceeding in which the Respondent has been found guilty of to have committed Misconduct, including those proceedings in which (a) the Board’s or three-

judge Circuit Court's finding of Misconduct has been appealed to this Court; (b) the Respondent's License has been revoked upon consent to revocation or Respondent has been found guilty of a Crime; or (c) the Respondent has received a sanction pursuant to this Paragraph; and

~~2. Any proceeding which has been resolved by (a) a *De Minimis* Dismissal; (b) a Dismissal for Exceptional Circumstances; or (c) an Admonition; and~~

~~3.2. Any proceeding in which the Respondent has been found guilty of to have committed~~ a violation of CRESPA or RESA; and

~~4.3. Any proceeding in this or any other jurisdiction~~ which resulted in a sanction creating a disciplinary record at the time it was imposed.

"Disciplinary Record" does not include administrative, interim, summary, or Impairment Suspensions.

* * *

"Private Discipline" means ~~an Admonition without Terms issued by a Subcommittee *sua sponte*, a Private Reprimand or any form of discipline which that~~ is not public.

* * *

"Summary Order" means a bench order entered by the Chair or three-judge Circuit Court following a Disciplinary Proceeding that outlines in summary form the findings as to the allegations of Misconduct, the sanctions to be imposed, if any, the effective date of any sanctions imposed and any notice requirements.

* * *

13-1.1 BURDEN OF PROOF

The burden of proof in all Disciplinary Proceedings and Impairment Proceedings is clear and convincing evidence.

* * *

13-4 ESTABLISHMENT OF DISTRICT COMMITTEES

* * *

B. Panel Quorum. A Panel quorum shall consist of five or more persons. No member of the Subcommittee that considered a Complaint pursuant to subparagraph 13-15 may sit on the Panel that hears the Complaint. One person assigned to a ~~District Committee~~ Panel ~~shall~~ should be a ~~present current~~ or former nonlawyer member of a District Committee. If the scheduled nonlawyer is unable to attend, and if an alternate nonlawyer is not reasonably available, participation by a nonlawyer member shall not be required in a proceeding if a quorum is otherwise present. The action of a majority of a quorum shall be the action of the ~~District Committee~~ Panel.

* * *

F. Persons Ineligible for Appointment. Any potential appointee shall be ineligible for appointment to a District Committee if such potential appointee has: (1) ever been convicted in any jurisdiction of a Crime; (2) ever committed any criminal act that reflects adversely on the potential appointee's honesty, trustworthiness or fitness as a member of a District Committee; (3) a Disciplinary Record in any jurisdiction consisting of a Disbarment, Revocation, Suspension imposed at any time or Public Reprimand imposed within the ten years immediately preceding the proposed appointment date; or (4) a Disciplinary Record in any jurisdiction, imposed within the five years immediately preceding the proposed appointment date, consisting of Private Discipline or an Admonition, except for a *de minimis* dismissal or a dismissal for exceptional circumstances, ~~or an Admonition imposed within the five years immediately preceding the proposed appointment date~~. The Standing Committee on Lawyer Discipline shall have the sole discretion to determine whether a *de minimis* dismissal or a dismissal for exceptional circumstances shall disqualify a potential appointee.

* * *

13-5 AUTHORITY AND DUTIES OF COLD

All powers and duties of Council, with respect to the Disciplinary System, except the power to appoint District Committee members, may be exercised by COLD, subject to the direction and control of Council. Notwithstanding any rule to the contrary, any member of COLD may attend proceedings of the Subcommittees, District Committees or the Board. Service by an Attorney on COLD shall be deemed to be a professional relationship within the meaning of ~~Disciplinary Rules~~ Rules of Professional Conduct 1.6, 1.7, 1.9, 1.10 and 3.7. Such service shall be deemed the holding of public office within the meaning of ~~Disciplinary Rules~~ Rules of Professional Conduct 1.11 and 1.12. Consent under ~~Disciplinary Rules~~ Rules of Professional Conduct 1.6, 1.7 and 1.9 shall be deemed to include Bar Counsel's consent on behalf of the Bar. The membership of COLD shall consist of twelve persons, ten of whom shall be active members of the Bar and two shall be nonlawyers. In addition, a vice chair of the Board shall be an ex-officio, nonvoting member.

13-6 DISCIPLINARY BOARD

* * *

B. Persons Ineligible for Appointment. Any potential appointee shall be ineligible for appointment to the Board if such potential appointee has: (1) ever been convicted in any jurisdiction of a Crime; (2) ever committed any criminal act that reflects adversely on the potential appointee's honesty, trustworthiness or fitness as a member of a District Committee; (3) a Disciplinary Record in any jurisdiction consisting of a Disbarment, Revocation, Suspension imposed at any time or Public Reprimand imposed within the ten years immediately preceding the proposed appointment date; or (4) a Disciplinary Record in any jurisdiction, imposed within the five years immediately preceding the proposed appointment date, consisting of Private Discipline or an Admonition, except for a *de minimis* dismissal or a dismissal for exceptional circumstances, ~~or an Admonition imposed within the five years immediately preceding the proposed appointment date~~. The Standing Committee on Lawyer Discipline shall have the sole discretion to determine whether a *de minimis* dismissal or a dismissal for exceptional circumstances shall disqualify a potential appointee.

* * *

D. Meetings and Quorum. The Board shall meet on reasonable notice by the Chair or a Vice Chair. A Panel of five members shall constitute a quorum, and the action of a majority of a Panel shall constitute action of the Board. One of the five persons assigned to any Panel shall be a present or former nonlawyer member. ~~If the~~ unless the scheduled nonlawyer is unable to attend and an alternate nonlawyer member or former member is not reasonably available. In such event, participation by a nonlawyer shall not be required in any ~~Proceeding~~ if a quorum is otherwise present.

E. Roster. The Clerk ~~of the Disciplinary System~~ shall establish a roster of Board members sufficient to constitute a quorum for action on the matter to which they are being assigned. Former members of the Board may serve on a Panel of the Board or participate in Board matters whenever the Chair, Vice Chair or Clerk ~~of the Disciplinary System~~ determines that such service is necessary for the orderly administration of the Board's work.

F. Jurisdiction. The Board shall have jurisdiction to consider: (1) Appeals from Public or Private Reprimands, with or without Terms, or Admonitions, with or without Terms, imposed by District Committees or Dismissals that otherwise create a Disciplinary Record; (2) Complaints and Certifications submitted to it by a Subcommittee or a District Committee; (3) Misconduct by reason of conviction of a Crime; (4) Impairment Proceedings; (5) Revocation or Suspension in another jurisdiction; (6) Petitions from Bar Counsel or the Chair of a District Committee seeking summary Suspension upon a belief that an Attorney is engaging in Misconduct likely to result in injury to or loss of property of a client or other entity or alleging an Attorney poses imminent danger to the public; (7) Petitions for Reinstatement referred to the Board for its recommendation to ; (8) Violations of RESA or any regulations adopted pursuant thereto; (9) Failure of Respondent to make a complete transcript part of the Record, as provided in this Paragraph; (10) Failure of an Attorney to comply with an order, summons or subpoena issued in connection with a Disciplinary Proceeding or Impairment Proceeding; and (11) Failure of Respondent to fulfill the terms of a Public Reprimand with Terms certified to it by a District Committee for sanction determination.

G. Additional Board Powers. The Board shall have the following powers in addition to all other powers granted to the Board:

* * *

2. On its own motion or upon request by Bar Counsel or the Respondent, to summon and examine witnesses under oath or affirmation administered by any member of the Board and to compel the attendance of witnesses and the production of documents necessary or material to any proceeding. Any summons or subpoena may be issued by any Board member or the Clerk ~~of the Disciplinary System~~ and shall have the force of and may be enforced as a summons or subpoena issued by a Circuit Court. A subpoena duces tecum which compels the Respondent to produce documents may be served upon the Respondent by certified mail at the Respondent's last address of record for membership purposes with the Bar or, if service cannot be effected at the Respondent's last address on record, and if the Respondent is a Foreign Lawyer, a lawyer engaged pro hac vice in the practice of law in Virginia, or a lawyer not admitted in Virginia, when mailed by first class mail to the Clerk ~~of the Supreme Court of Virginia~~ this Court.

3. To impose an interim Suspension if an Attorney fails to comply with a summons or subpoena issued by any member of the Board, the Clerk ~~of the Disciplinary System~~ . . .

* * *

H. Agreed Disposition. Whenever Bar Counsel and Respondent are in agreement as to the disposition of a Disciplinary Proceeding, the parties may submit a proposed Agreed Disposition to five members of the Board selected by the Chair. The five members so selected will constitute a Panel. If the proposed Agreed Disposition is accepted by a majority of the Panel so selected, the Agreed Disposition will be adopted by order of the Board. No appeal will lie from any sanction to which Respondent has agreed. If the Agreed Disposition is not accepted by the Panel, the Disciplinary Proceeding will then be set for hearing before another Panel of the Board at the earliest possible date. No member of the Panel which considered the proposed Agreed Disposition shall be assigned to the Panel which hears the Disciplinary Proceeding.

13-7 DISTRICT COMMITTEES

A. Powers.

Each District Committee and Section thereof shall have the power to:

4. Issue, through any of its Attorney members or through Bar Counsel, any summons or subpoena necessary to compel the attendance of witnesses and the production of documents or evidence necessary or material to any Investigation or Disciplinary Proceeding. Any such summons or subpoena issued to a non-Attorney shall have the force of and be enforced as a summons or subpoena issued by a Circuit Court. A subpoena duces tecum which compels the Respondent to produce documents may be served upon the Respondent by certified mail at the Respondent's last address of record for membership purposes with the Bar or, if service cannot be effected at the Respondent's last address on record, and if the Respondent is a Foreign Lawyer, a lawyer engaged pro hac vice in the practice of law in Virginia, or a lawyer not admitted in Virginia, when mailed by first class mail to the Clerk of ~~the Supreme Court of Virginia~~ this Court.

* * *

G. Preferred Venue. If preferred venue does not lie with any District Committee able to adjudicate the Complaint against a Respondent, such Complaint may be filed with and adjudicated by a District Committee designated by the Clerk ~~of the Disciplinary System~~. In determining to which District Committee a Complaint should be referred, the Clerk ~~of the Disciplinary System~~ shall consider the volume of Complaints pending before the District Committee and the inconvenience imposed upon the Respondent and the witnesses by the location of the District Committee.

H. Objections to Venue. Either the Respondent or Bar Counsel may object to venue by filing a notice of objection with the Clerk ~~of the Disciplinary System~~ within ten days of notification of the referral of the Complaint to a District Committee. Objections to venue shall be deemed waived unless made within this ten-day time period. Upon receipt of a timely filed notice of objection, the Clerk ~~of the Disciplinary System~~ shall forward the notice of objection to the Chair of the Board for decision.

* * *

J. Service by a Member of the Bar and Professional Relationship. Service by a member of the Bar on a District Committee shall be deemed to be a professional relationship within the meaning of ~~Disciplinary Rules~~ Rules of Professional Conduct 1.6, 1.7, 1.9, 1.10 and 3.7. Such service shall be deemed the holding of public office within the meaning of ~~Disciplinary Rules~~ Rules of Professional Conduct 1.11 and 1.12.

K. Consent by Bar Counsel. Consent under ~~Disciplinary Rules~~ Rules of Professional Conduct 1.6, 1.7 and 1.9 shall be deemed to include Bar Counsel's consent on behalf of the Bar.

L. Recusal or Disqualification of District Committee Members. In the event of recusal or disqualification of so many District Committee members that the District Committee is unable to discharge its responsibilities under this Rule, the District Committee may supplement its membership with members from other District Committees to achieve a quorum. If every member of a District Committee is recused or is disqualified from considering Charges of Misconduct, the Clerk ~~of the Disciplinary System~~ shall assign the Charges of Misconduct to another District Committee.

13-8 BAR COUNSEL

A. Authority. Bar Counsel shall have the authority, to the extent provided in this Paragraph and subject to the general supervision of COLD, to:

1. Initiate, investigate, present or prosecute Complaints or other ~~P~~proceedings

* * *

B. Acting Bar Counsel. In the event of disqualification or recusal of Bar Counsel in any ~~P~~proceeding, . . .

13-9 CLERK OF THE DISCIPLINARY SYSTEM

A. Current Dockets. The Clerk ~~of the Disciplinary System~~ shall maintain a docket of current Attorney discipline and RESA matters pending before the District Committees, the Board or courts of this Commonwealth.

B. Records Retention. The Clerk ~~of the Disciplinary System~~ shall retain all Files with respect to any Disciplinary Record for a period of at least five years from the date of the final Order in the Disciplinary Proceeding that created that Disciplinary Record. The Clerk may destroy all other Files upon the expiration of one year after the Dismissal.

D. Preservation of Determinations and Orders. The Clerk ~~of the Disciplinary System~~ shall preserve a copy of all District Committee Determinations and Board or court orders in which an Attorney has been found to have engaged in Misconduct, to be impaired, to have committed a violation of RESA or requested Reinstatement.

E. Costs. The Clerk ~~of the Disciplinary System~~ shall assess Costs against the Respondent in the following cases:

* * *

G. Public Notification of Sanctions. The Clerk shall issue a statement to the communications media and individuals and entities listed below summarizing each public Admonition, Public Reprimand,

Suspension, or Revocation upon receipt of a Summary Order, District Committee Determination, or Memorandum Order approving an Agreed Disposition:

1. The Clerk of ~~the Supreme Court~~ this Court;
2. Clerks of the Circuit and District Courts in each judicial circuit in the Commonwealth where the Attorney resides or maintains an office; and
3. Disciplinary authorities for jurisdictions, federal or state, wherein it is reasonable to expect that the Attorney may be licensed.

* * *

13-12 SUBSTANTIAL COMPLIANCE, NOTICE AND EVIDENTIARY RULINGS, AND ADDRESS NOTIFICATION

* * *

B. Time Deadlines. Where specific time deadlines are provided, such deadlines shall be jurisdictional, except when the Clerk of ~~the Disciplinary System~~, Bar Counsel, a District Committee or the Board is granted specific authority herein to extend or otherwise modify any such deadline.

C. Service. Whenever any notice or other writing directed to the Respondent is required or permitted under this Rule, such notice or other writing shall be deemed effective and served when mailed by certified mail to the Respondent at the Respondent's last address on record for membership purposes with the Bar or, if service cannot be effected at the Respondent's last address on record, and if the Respondent is a Foreign Lawyer, a lawyer engaged pro hac vice in the practice of law in Virginia, or a lawyer not admitted in Virginia, when mailed by first class mail to the Clerk of ~~the Supreme Court of Virginia~~ this Court.

* * *

* * *

13-14 DISQUALIFICATION OF DISTRICT COMMITTEE MEMBER OR BOARD MEMBER

E. Ineligibility. Any member or former member of a District Committee or the Board shall be ineligible to serve in a Disciplinary Proceeding or Impairment Proceeding in which:

* * *

5. The District Committee or Board member, upon reasonable notice to the Clerk of ~~the Disciplinary System~~ or to the Chair presiding over a matter, disqualifies himself or herself from participation in the matter, because such member believes that he or she is unable to participate objectively in consideration of the matter or for any other reason.

13-15 SUBCOMMITTEE ACTION

* * *

B. Other Actions. Once the Investigation is complete to the Subcommittee's satisfaction, it will take one of the following actions.

1. Dismiss. It shall dismiss the Complaint when:

a. As a matter of law the conduct questioned or alleged does not constitute Misconduct; or

b. The evidence available shows that the Respondent did not engage in the Misconduct questioned or alleged, or there is no credible evidence to support any allegation of Misconduct by Respondent, or the evidence available could not reasonably be expected to support any allegation of Misconduct under a clear and convincing evidentiary standard; or

c. The evidence available shows that the conduct questioned or alleged was *de minimis*, there is little or no injury to any of the following: a client, the public, the legal system or profession, and there is no or very little likelihood of repetition by the Respondent; or

d. There exist exceptional circumstances mitigating against further proceedings, which circumstances shall be set forth in writing, unless they relate to Respondent's health or other information that the Subcommittee determines should remain confidential; or

~~e. The Subcommittee concludes that a Dismissal *De Minimis* should be imposed; or~~

~~d. The Subcommittee concludes that a Dismissal for Exceptional Circumstances should be imposed; or~~

ee. The action alleged to be Misconduct is protected by superseding law.

~~In making the determination in the preceding subparagraphs B.1.c. and B.1.d., the Subcommittee shall have access to Respondent's prior Disciplinary Record. Respondent, within ten days after the issuance of a dismissal which creates a Disciplinary Record, may request a hearing before the District Committee.~~

In dismissing cases under Paragraph 13-15.B.1.c. or d., the Subcommittee shall have access to Respondent's prior Disciplinary Record and any prior dismissals issued pursuant to Paragraph 13-15.B.1.c. or d. When any Respondent has received a dismissal under Paragraph 13-15.B.1.c. or d. during the ten-year period immediately preceding the Bar's receipt of the oldest Complaint that the Subcommittee is considering, it shall be presumed that another dismissal on the same basis is not an appropriate disposition, unless there are sufficient facts and circumstances to rebut such presumption.

* * *

* * *

E. Notice of Action of the Subcommittee. If a Subcommittee has dismissed the Complaint, the Chair shall promptly provide written notice to the Complainant, the Respondent and Bar Counsel of such Dismissal and the factual and legal basis therefor. If a Subcommittee determines to issue an Admonition with or without Terms, or a Private or Public Reprimand with or without Terms, the Chair shall promptly send the Complainant, the Respondent and Bar Counsel a copy of the Subcommittee's determination. If a Subcommittee elects to certify a Complaint to the Board, the Subcommittee Chair shall promptly mail a copy of the Certification to the Clerk ~~of the Disciplinary System~~, Bar Counsel, the Respondent and the Complainant.

* * *

13-16 DISTRICT COMMITTEE PROCEEDINGS

* * *

B. Response by Respondent Required. After the Respondent has been served with the Charge of Misconduct, the Respondent shall, within 21 days after service of the Charge of Misconduct:

1. File an answer to the Charge of Misconduct with the Clerk, which answer shall be deemed consent to the jurisdiction of the District Committee; or
2. File an answer to the Charge of Misconduct and a demand with the Clerk ~~of the Disciplinary System~~ . . .

* * *

D. Pre-Hearing Orders. The Chair may, *sua sponte* or upon motion of the Respondent or Bar Counsel, enter such pre-hearing order as is necessary for the orderly conduct of the hearing before the District Committee. Such order may establish time limits and:

1. Direct Bar Counsel and Respondent to file with the Clerk and provide to each other, ~~with a copy to~~ and the Chair, a list of and copies of all exhibits proposed to be introduced at the Misconduct stage of the hearing;
2. Encourage Bar Counsel and Respondent to confer and discuss stipulations; and
3. Direct Bar Counsel and Respondent to file with the Clerk and ~~serve on~~ provide to each other, ~~with a copy to~~ and the Chair, lists setting forth the name of each witness the party intends to call.

* * *

I. Oral Testimony and Exhibits. Oral testimony shall be taken and preserved by a Court Reporter. All exhibits or copies thereof received in evidence or ~~marked~~ refused by the District Committee shall be filed with the Clerk ~~preserved in the District Committee file on the matter~~.

* * *

X. Sanctions. If the District Committee finds that Misconduct has been shown by clear and convincing evidence, then the District Committee shall, prior to determining the appropriate sanction to be imposed, inquire whether the Respondent has ~~been the subject of any Disciplinary Proceedings a~~ Disciplinary Record in this or any other jurisdiction and shall give Bar Counsel and the Respondent an opportunity to present material evidence in aggravation or mitigation, as well as argument. In determining what disposition of the Charge of Misconduct is warranted, the District Committee shall consider the Respondent's Disciplinary Record. A District Committee may:

- ~~1. Conclude that a Dismissal *De Minimis* should be imposed;~~
- ~~2. Conclude that a Dismissal for Exceptional Circumstances should be imposed;~~
- 3.1. Conclude that an Admonition, with or without Terms, should be imposed;
- ~~4.2.~~ Issue a Public Reprimand, with or without Terms; or
- 5.3. Certify the Charge of Misconduct to the Board or file a complaint in a Circuit Court, pursuant to Va. Code § 54.1-3935.

Y. Summary Orders and District Committee Determinations. Upon conclusion of a hearing, the Chair must issue a Summary Order. If the District Committee finds that the evidence shows the Respondent engaged in Misconduct by clear and convincing evidence, then the Chair shall issue the District Committee's Determination, in writing, setting forth the following:

* * *

Z. Notices.

If the District Committee:

1. Issues a Dismissal, the Chair shall promptly provide written notice to the Complainant, the Respondent and Bar Counsel of such Dismissal and the factual and legal basis therefor.
2. Issues a Public Reprimand, with or without Terms; or an Admonition, with or without Terms; ~~a Dismissal *De Minimis*; or a Dismissal for Exceptional Circumstances,~~ the Chair shall promptly send the Complainant, the Respondent and Bar Counsel a copy of the District Committee's Determination.
3. Finds that the Respondent failed to comply with the Terms imposed by the District Committee, the Chair shall notify the Complainant, the Respondent and Bar Counsel of the imposition of the alternative disposition.
4. Has elected to certify the Complaint, the Chair of the District Committee shall promptly mail to the Clerk ~~of the Disciplinary System~~ a copy of the Certification. A copy of the Certification shall be sent to Bar Counsel, Respondent and the Complainant.

AA. District Committee Determination Finality and Public Statement. Upon the expiration of the ten-day period after service on the Respondent of a District Committee Determination, if either a notice of appeal or a notice of appeal and a written demand that further Proceedings be conducted before a three-judge Circuit Court pursuant to Va. Code § 54.1-3935 has not been filed by the Respondent, the District Committee Determination shall become final, and the Clerk of the Disciplinary System shall issue a public statement as provided for in this Paragraph for the dissemination of public disciplinary information.

* * *

CC. Alternative Disposition and Procedure for Public Reprimand with Terms. The alternative disposition for a Public Reprimand with Terms shall be a Certification for Sanction Determination. Upon a decision to issue a Certification for Sanction Determination, Bar Counsel shall order the transcript of the show cause hearing and file it and a true copy of the Public Reprimand with Terms determination with the Clerk of the Disciplinary System.

* * *

13-17 PERFECTING AN APPEAL OF A DISTRICT COMMITTEE DETERMINATION BY THE RESPONDENT

A. Notice of Appeal; Demand. Within ten days after service on the Respondent of the District Committee Determination, the Respondent may file with the Clerk of the Disciplinary System . . .

B. Staying of Discipline. If the Clerk of the Disciplinary System . . .

C. Filing the Transcript and Record on Appeal. The Respondent shall certify in the notice of appeal or written demand that he or she has ordered from the Court Reporter a complete transcript of the proceedings before the District Committee, at the Respondent's cost. Upon receipt of the notice of appeal or written demand, Bar Counsel shall forward those portions of the record in his or her possession to the Clerk of the Disciplinary System. The transcript is a part of the record when it is received in the office of the Clerk of the Disciplinary System within 40 days after filing of the notice of appeal or written demand. The Clerk of the Disciplinary System shall retain the records until the transcript has been received or for 40 days after the notice of appeal or written demand has been received, whichever occurs first, and shall then dispose of the record as prescribed in the records retention policy set forth in this Paragraph. Failure of the Respondent to make the complete transcript a part of the Record as specified herein shall result in Dismissal of the appeal by the Board, whether initiated by notice of appeal or written demand, and affirmance of the sanction imposed by the District Committee. Bar Counsel shall initiate the three-judge Circuit Court process for the appeal only after receipt of the transcript by the Clerk of the Disciplinary System.

D. Appeal to a Circuit Court. An appeal to a Circuit Court pursuant to Va. Code § 54.1-3935 shall be conducted before a duly convened three-judge Circuit Court as an appeal on the record using the same procedure prescribed for an appeal of a District Committee Determination before the Board under this Paragraph. The Clerk of the Disciplinary System shall forward the record to the clerk of the designated Circuit Court only upon receipt of the transcript as provided in the preceding subparagraph C.

* * *

13-18 BOARD PROCEEDINGS UPON CERTIFICATION

A. Filing by Respondent. After a Subcommittee or District Committee certifies a matter to the Board, and the Respondent has been served with the Certification, the Respondent shall , within 21 days after service of the Certification:

1. File an answer to the Certification with the Clerk of the ~~Disciplinary System~~, which answer shall be deemed consent to the jurisdiction of the Board; or file an answer to the Certification and a demand with the Clerk of the ~~Disciplinary System~~ that the proceedings before the Board be terminated and that further proceedings be conducted pursuant to Va. Code § 54.1-3935; and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand.

* * *

D.

* * *

5. At least five days prior to the date set for hearing, the Respondent shall—either file an answer to the petition with the Clerk of the ~~Disciplinary System~~, which answer shall be conclusively deemed consent to the jurisdiction of the Board; or file an answer and a demand with the Clerk of the ~~Disciplinary System~~ . . .

E. Pre-Hearing Orders. The Chair may, *sua sponte* or upon motion of the Respondent or Bar Counsel, enter such pre-hearing order as is necessary for the orderly conduct of the hearing before the Board in Misconduct cases. Such order may establish time limits and:

1. Direct Bar Counsel and the Respondent to provide to each other, with a copy to the Clerk of the ~~Disciplinary System~~, a list of and copies of all exhibits proposed to be introduced at the Misconduct stage of the hearing;
2. Encourage Bar Counsel and the Respondent to confer and discuss stipulations; and
3. Direct Bar Counsel and the Respondent to provide to each other, with a copy to the Clerk of the ~~Disciplinary System~~, lists setting forth the name of each witness the party intends to call.

F. Continuance of a Hearing. Absent exceptional circumstances, once the Board has scheduled a hearing, no continuance shall be granted unless, in the judgment of the Chair, the continuance is necessary to prevent injustice. No continuance will be granted because of a conflict with the schedule of the Respondent or the Respondent's counsel unless such continuance is requested in writing by the Respondent or the Respondent's counsel within 14

days after mailing of a notice of hearing. Any request for a continuance shall be filed with the Clerk of the ~~Disciplinary System~~.

* * *

K. Deliberations. As soon as practicable after the conclusion of the evidence and arguments as to the issue of Misconduct, the Board shall deliberate in private. If the Board finds by clear and convincing evidence that the Respondent has engaged in Misconduct, the Board shall, prior to determining the

appropriate sanction to be imposed, inquire whether the Respondent has ~~been the subject of any Disciplinary Proceeding~~ a Disciplinary Record in this or any other jurisdiction and shall give Bar Counsel and the Respondent an opportunity to present material evidence and arguments in aggravation or mitigation. The Board shall deliberate in private on the issue of sanctions. The Board may address any legal questions to the Office of the Attorney General.

* * *

R. Reconsideration of Board Action. No motion for reconsideration or modification of the Board's decision shall be considered unless it is filed with the Clerk ~~of the Disciplinary System~~ within 10 days after the hearing before the Board. The moving party shall file ~~an original and six copies of both~~ the motion and all supporting exhibits with the Clerk ~~of the Disciplinary System~~. Such motion shall be granted only to prevent manifest injustice upon the ground of:

* * *

3. If such a motion is timely filed, the Clerk ~~of the Disciplinary System~~ . . .

13-19 BOARD PROCEEDINGS UPON APPEAL

A. Docketing An Appeal. Upon receipt of notice from the Clerk ~~of the Disciplinary System~~ that a Respondent has filed an appeal from a District Committee Determination the Board shall place such matter on its docket for review.

B. Notice to the Appellant. The Clerk ~~of the Disciplinary System~~ shall notify the appellant when the entire record of the Proceeding before the District Committee has been received or when the time for appeal has expired.

* * *

D. Briefing. Thereafter, briefs shall be filed in the office of the Clerk ~~of the Disciplinary System~~, as follows:

1. The appellant shall file an opening brief within 40 days after the mailing of the notice to the appellant regarding the record by the Clerk ~~of the Disciplinary System~~ . . .

* * *

13-20 BOARD PROCEEDINGS UPON CERTIFICATION FOR SANCTION DETERMINATION

A. Initiation of Proceedings. Upon receipt of the Certification for Sanction Determination from a District Committee, the Clerk ~~of the Disciplinary System~~ shall issue a notice of hearing on the Certification for Sanction Determination giving Respondent the date, time and place of the Proceeding and a copy of the Certification for Sanction Determination.

* * *

13-21 BOARD PROCEEDINGS UPON A FIRST OFFENDER PLEA

A. Action Upon Receipt of Notification. Whenever the Clerk of the Disciplinary System . . .

* * *

C. Demand for Three Judge Court. If the Attorney elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Attorney shall file a demand with the Clerk of the Disciplinary System . . .

13-22 BOARD PROCEEDINGS UPON A GUILTY PLEA OR AN ADJUDICATION OF A CRIME

A. Action Upon Receipt of Notification. Whenever the Clerk of the Disciplinary System . . .

* * *

F. Procedure. The procedure applicable to Proceedings related to Misconduct shall apply to Proceedings relating to guilty pleas or Adjudication of a Crime. If the Respondent

elects to have further Proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent shall file a demand with the Clerk of the Disciplinary System . . .

13-23 BOARD PROCEEDINGS UPON IMPAIRMENT

* * *

B. Burden of Proof. Whenever the existence of an Impairment is alleged in a Proceeding under this Rule or in mitigation of allegations of Misconduct, the burden of proving such an Impairment shall rest with the party asserting its existence. The issue of the existence of an Attorney's Impairment may be raised by any person at any time, and if a District Committee or the Board, during the course of a hearing on allegations of Misconduct against a Respondent, believes that the Respondent may then have an Impairment, the District Committee or the Board may postpone the hearing and initiate an Impairment Proceeding under this Rule. In Proceedings to terminate a Suspension for Impairment, the burden of proving the termination of an Impairment shall be on the Respondent.

* * *

D. Summary Suspension. Upon receipt of a notice from the Clerk of the Disciplinary System . . .

* * *

H. Examination. Following a psychiatric, physical or other medical examination, written reports of the results of such examination, along with written reports from other qualified physicians or other health care providers who have examined Respondent, may be considered as evidence by the Board. Such reports shall be filed with the Clerk of the Disciplinary System.

* * *

13-24 BOARD PROCEEDINGS UPON DISBARMENT, REVOCATION OR SUSPENSION IN ANOTHER JURISDICTION

* * *

B. Initiation of Proceedings. Upon receipt of a notice from the Clerk ~~of the Disciplinary System~~ . . .

C. Opportunity for Response. Within 14 days of the date of mailing of the Board order, via certified mail, to Respondent's last address of record with the Bar, Respondent shall file with the Clerk ~~of the Disciplinary System~~ a written response, which shall be confined to argument and exhibits supporting one or more of the following grounds for dismissal or imposition of lesser discipline:

* * *

* * *

E. Provision of Copies. The Clerk ~~of the Disciplinary System~~ . . .

* * *

13-25 BOARD PROCEEDINGS FOR REINSTATEMENT

* * *

D. Reinstatement After Disciplinary Suspension for More than One Year. After a Suspension for more than one year, the License of the Attorney subject to the Suspension shall not be ~~reinstated~~ considered for Reinstatement unless the Attorney ~~demonstrates to the Board~~ has provided the Clerk clear and convincing evidence of proof of compliance that he or she has:

1. Attended 12 hours of continuing legal education, of which at least two hours shall be in the area of legal ethics or professionalism, for every year or fraction thereof of the Suspension;
2. Taken the Multistate Professional Responsibility Examination since imposition of discipline and received a scaled score of 85 or higher;
3. Reimbursed the Bar's Clients' Protection Fund for any sums of money it may have paid as a result of the Attorney's Misconduct;
4. Paid to the Bar all Costs that have been assessed against him or her, together with any interest due thereon at the judgment rate at the time the Costs are paid; and
5. Reimbursed the Bar for any sums of money it may have paid as a result of a receivership involving Petitioner's law practice.

Compliance with subparagraph 13-25.D will be determined by the Clerk. The Clerk will notify the Attorney of compliance or noncompliance. Upon a determination of compliance with the requirements of subparagraph 13-25.D, the Clerk will forward the request and supporting documentation to the Board for approval or disapproval of Reinstatement.

E. Petition for Reinstatement After Revocation. After a Revocation, a Petitioner may file with the Clerk ~~of the Disciplinary System~~ a petition for Reinstatement, setting forth in that petition the reasons

why his or her License should be reinstated. The Petitioner must comply with the requirements of subparagraph 13-25.F as a precondition to filing the petition. Compliance with subparagraph 13-25.F ~~shall~~ will be determined by the Clerk of the Disciplinary System after the petition is filed, and the Clerk of the Disciplinary System ~~shall~~ will notify the Petitioner of compliance or noncompliance. Upon a determination of compliance with the requirements of subparagraph 13-25.F, the Clerk of the Disciplinary System ~~shall~~ will enter the petition on the docket of the Board and ~~shall~~ refer it to the office of Bar Counsel for investigation. The Board may recommend approval or disapproval of the petition. Final action on the petition shall be taken by ~~the Supreme Court of Virginia~~ this Court.

* * *

G. Reinstatement Proceedings After a Revocation. If the threshold requirements of subparagraph 13-25.F have been met, the following processes shall ensue:

* * *

2. Bill of Particulars. On written request by Bar Counsel, served by certified mail, return receipt requested, a Petitioner seeking Reinstatement shall file with the Clerk of the Disciplinary System within 21 days after service of the request, an original and six copies of a bill of particulars setting forth the grounds for Reinstatement. The petition for Reinstatement shall not proceed without such Bill of Particulars being filed with the Clerk of the Disciplinary System.

3. Hearing Date. The date of the hearing shall be determined by the Clerk of the Disciplinary System in consultation with the Bar Counsel and the Petitioner.

4. Notice. Reasonable notice of filing of the petition and the date of the hearing shall be distributed by mail or electronic means by the Clerk of the Disciplinary System to all members of the Bar of the circuit in the jurisdictions in which the Petitioner resided, and of the circuit in which the Petitioner maintained a principal office, at the time of the Revocation. The Clerk of the Disciplinary System shall also distribute by mail or electronic means the notice to the members of the District Committee who heard the original Complaint, to members of the Board who heard the original Complaint, to the members of the District Committee for the judicial circuit in which the Petitioner currently resides, to the complaining witness or witnesses on all Complaints pending against the Petitioner before the Board, a District Committee or a court at the date of the Revocation or Suspension and to such other individuals as the Clerk of the Disciplinary System deems appropriate. The Clerk of the Disciplinary System . . .

* * *

6. Powers of the Board in Reinstatement Cases. . .

* * *

e. Determination by the Board. The Board shall, within 60 days after the receipt of the transcript, forward the record and its recommendations to ~~the Supreme Court of Virginia~~ this Court . . .

* * *

ii. At the conclusion of the Reinstatement Proceeding, the Clerk of the ~~Disciplinary System~~ shall determine the Costs associated with such Proceeding. The Clerk of the ~~Disciplinary System~~ shall refund any remaining surplus or shall assess to the Petitioner any deficiencies that exist and submit a report on same to the Clerk of the ~~Supreme Court of Virginia~~ this Court as part of the Board's recommendation order.

* * *

13-26 APPEAL FROM BOARD DETERMINATIONS

A. Right of Appeal. As a matter of right any Respondent may appeal to this Court from an order of Admonition, Public Reprimand, Suspension, or Disbarment imposed by the Board, except for any sanction to which Respondent has agreed, using the procedures outlined in Rule 5:21(b) of the Rules of the ~~Supreme Court of Virginia~~ this Court. An appeal shall lie once the Memorandum Order described in this Paragraph has been served on the Respondent. No appeal shall lie from a Summary Order or Agreed Disposition. If a Respondent appeals to the ~~Supreme Court~~ this Court, then the Bar may file assignments of cross-error pursuant to Rule 5:28 of the Rules of the ~~Supreme Court of Virginia~~ this Court.

* * *

13-27 RESIGNATION

A. Application. A sworn and notarized application to resign from the practice of law shall be submitted to the Clerk of the ~~Disciplinary System~~ . . .

B. Procedure. The Clerk of the ~~Disciplinary System~~ shall submit applications for resignation to Bar Counsel, who shall investigate each application and determine whether, based upon the information available, the statements in the sworn application appear to be true and complete. If Bar Counsel files a written objection to the application with the Clerk of the ~~Disciplinary System~~, ...

* * *

13-28 CONSENT TO REVOCATION

A. When Permitted. An Attorney who is the subject of a disciplinary complaint, investigation or Proceeding involving allegations of Misconduct may consent to Revocation, but only by delivering to the Clerk of the ~~Disciplinary System~~ an affidavit declaring the Attorney's consent to Revocation and stating that:

* * *

C. Procedure. The Clerk of the ~~Disciplinary System~~ shall submit the affidavit to Bar Counsel, who shall investigate the affidavit and determine whether, based upon the information available, the statements in the sworn application appear to be true and complete. If Bar Counsel files a written objection to the affidavit with the Clerk of the ~~Disciplinary System~~, the Board shall hold a hearing on whether the affidavit and consent to Revocation should be accepted. If Bar Counsel does not file an objection, the Board shall enter an order revoking the Attorney's License by consent without a hearing.

* * *

E. Dismissal of Complaints or Allegations of Misconduct. When an Attorney's License is revoked by consent, Bar Counsel, in his or her discretion, may dismiss without prejudice any and all Complaints or allegations of Misconduct then pending by notifying the Clerk of the Disciplinary System and the District Committee, Board or court wherein the matter or matters lie.

* * *

13-30 CONFIDENTIALITY OF DISCIPLINARY RECORDS AND PROCEEDINGS

A. Confidential Matters. Except as otherwise provided in this subparagraph 13-30, or in subparagraph 13-11, all District Committee, Board, and three-judge Circuit Court hearings and all determinations imposing public discipline and orders of summary, interim, or administrative Suspension are public; and the following Disciplinary Proceedings, records, and information are confidential and shall not be disclosed:

1. Complaints, unless filed in a Disciplinary Proceeding set for hearing or introduced at a public hearing or incorporated in a Certification, petition for expedited hearing, or pending Charge of Misconduct, when the matter Charge of Misconduct is placed on the public District Committee hearing docket or a Certification;
2. Investigations, except that Investigative Reports admitted as exhibits at a public hearing are public;
3. Impairment ~~p~~Proceedings, except that ~~final~~all Suspension orders are public;
4. Notes, memoranda, research, and all other work product of Bar Counsel;
5. Records, communications, and information protected by ~~Disciplinary Rule~~ Rule of Professional Conduct 1.6;
6. Subcommittee records and proceedings, except determinations imposing public discipline; ~~and~~
7. Deliberations and working papers of District Committees, the Board, or a three-judge Circuit Court; and
8. Records or information sealed or proceedings closed for good cause shown by order of a District Committee, the Board, or three-judge Circuit Court.

B. Timing of Disclosure of Disciplinary Record in Review of Agreed Dispositions and Sanctions Proceedings. If an Attorney has a Disciplinary Record and is subsequently found by a Subcommittee, a District Committee, the Board, or a three-judge Circuit Court empaneled under Va. Code § 54.1-3935 to have engaged in Misconduct, the facts and circumstances giving rise to such Disciplinary Record may be disclosed (i) to the Subcommittee, District Committee, Board or three-judge Circuit Court prior to the imposition of any sanction and (ii) by the Subcommittee, District Committee, Board or three-judge Circuit Court in its findings of fact set forth in its order. The facts and circumstances giving rise to such Disciplinary Record may also be disclosed to the Board during a hearing concerning whether an affidavit

and consent to Revocation should be accepted. An Attorney's Disciplinary Record, and the facts and circumstances giving rise to such Disciplinary Record, may also be disclosed to a Subcommittee, District Committee, the Board, or a three-judge Circuit Court as part of the review of an Agreed Disposition.

C. Timing of Public Access to Disciplinary Information. ~~All records of a matter set for public hearing remain confidential until the matter is dismissed or a public sanction is imposed except:~~

1. A Charge of Misconduct is public when the matter is placed on the public District Committee hearing docket; and
2. A Certification or petition for expedited hearing is public when filed with the Clerk ~~of the Disciplinary System;~~ and
3. All notices, orders, pleadings, and other documents filed with the Clerk or Circuit Court in any Disciplinary Proceeding set for hearing are public upon such filing.

D. Public Statements Concerning Disciplinary Information. To the extent necessary to exercise their official duties, Bar Officials have access to all confidential information; however, except for Bar Counsel, no Bar Official shall communicate with a member of the media or the public concerning a matter that is confidential under this Paragraph. If an inquiry is made about a matter that, although confidential under this Paragraph, has become a matter of public record or has become known to the public, Bar Counsel may confirm whether the Bar is

conducting an Investigation or if an Investigation resulted in a determination that further proceedings were not warranted.

E. Protection of the Public. Bar Counsel may transmit confidential information to persons or agencies outside of the disciplinary system if ~~such disclosure~~ Bar Counsel has reason to believe disclosure is necessary to protect the public or the administration of justice.

F. Disclosure to Other Jurisdictions. Bar Counsel may share confidential information regarding an Investigation with his or her counterparts in other jurisdictions provided that such jurisdiction agrees to maintain the confidentiality of the information as provided in this Paragraph.

* * *

I. Waiver of Confidentiality. Confidential information, excluding notes, memoranda, research, and all other work product of Bar Counsel, may upon written request be disclosed when and to the extent confidentiality is waived by Bar Counsel, the Respondent, ~~by~~ the Complainant, and, if protected by ~~Disciplinary Rule~~ Rule of Professional Conduct 1.6, by Respondent's client.

J. Testimony about Disciplinary Proceedings.

1. In no case shall Bar Counsel, a member of COLD, a member of a District Committee, a member of the Board, or a Committee Counsel be subject to a subpoena or otherwise compelled to testify in any proceeding regarding any matter investigated or considered in such person's official capacity, except that

an Investigator may be compelled to testify in a Disciplinary Proceeding, subject to rulings of the three-judge Circuit Ceourt or Chair.

2. In no case shall the Clerk ~~of the Disciplinary System~~ be subject to a subpoena or otherwise compelled to testify regarding any matter investigated or considered in the disciplinary system, or the records of any

such matter, dealt with by the Clerk ~~of the Disciplinary System~~ in his or her official capacity, except that the Clerk ~~of the Disciplinary System~~ may

be compelled to testify in a Disciplinary Proceeding or Impairment Proceeding in order to authenticate records of the Clerk ~~of the Disciplinary System~~.

K. Records of the Disciplinary System. In no case shall confidential records of the attorney disciplinary system be subject to subpoena.

* * *

13-31 DISMISSAL OF COMPLAINTS AND ALLEGATIONS OF MISCONDUCT UPON REVOCATION WITHOUT CONSENT, OR UPON DEATH

When an Attorney's License is revoked without consent, or upon the death of an Attorney, Bar Counsel, in his or her discretion, may dismiss without prejudice any and all Complaints or allegations of Misconduct then pending against said Attorney by notifying the Clerk ~~of the Disciplinary System~~, the Complainant(s) and the District Committee, Board or court wherein the matter(s) lies.

D. LEO 1750: LAWYER ADVERTISING AND SOLICITATION

The Executive Committee approved by unanimous vote proposed LEO 1750 and recommends it for approval by Council.

E. LEO 1872: VIRTUAL LAW OFFICE AND USE OF EXECUTIVE OFFICE SUITES

The Executive Committee approved by unanimous vote proposed LEO 1872 and recommends it for approval by Council.

F. LEO 1890: COMMUNICATION WITH REPRESENTED PERSONS

LEO 1890 was withdrawn from consideration at this time.

G. REVISIONS TO RULE OF PROFESSIONAL CONDUCT 4.4(b)

The Executive Committee approved by unanimous vote the proposed revisions to Rule 4.4(b) as follows (additions denoted by underlining) and recommends the revisions for approval by Council:

Rule 4.4 Respect for Rights of Third Persons

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or

electronically stored information is privileged and was inadvertently sent shall immediately terminate review or use of the document or electronically stored information, promptly notify the sender, and abide by the sender's instructions to return or destroy the document or electronically stored information.

Comments

[1] Responsibility to a client requires a lawyer to subordinate the interests of others to those of the client, but that responsibility does not imply that a lawyer may disregard the rights of third persons. It is impractical to catalogue all such rights, but they include legal restrictions on methods of obtaining evidence from third persons and unwarranted intrusions into privileged relationships, such as the client-lawyer relationship.

[2] Paragraph (b) recognizes that lawyers sometimes receive a document or electronically stored information that was mistakenly sent or produced by opposing parties or their lawyers. A document or electronically stored information is inadvertently sent when it is accidentally transmitted, such as when an email or letter is misaddressed or a document or electronically stored information is accidentally included with information that was intentionally transmitted. If a lawyer knows or reasonably should know that such a document or electronically stored information was sent inadvertently and is privileged, then this Rule requires the lawyer to promptly notify the sender in order to permit that person to take protective measures and to abide by any instructions to return or destroy the document or information that was inadvertently sent. Regardless of whether it is obvious that the document or electronically stored information was inadvertently sent, the receiving lawyer knows or reasonably should know that the document or information was inadvertently sent if the sender promptly notifies the receiving lawyer of the mistake. If the receiving lawyer lacks actual or constructive knowledge that the document or electronically stored information was inadvertently sent, then paragraph (b) does not apply. Similarly, the lawyer may know that the document or electronically stored information was inadvertently sent but not that it is privileged; in that case, the receiving lawyer has no duty under this rule.

This Rule does not address the legal duties of a lawyer who receives a document or electronically stored information that the lawyer knows or reasonably should know may have been inappropriately obtained by the sending person. For purposes of this Rule, "document or electronically stored information" includes, in addition to paper documents, email and other forms of electronically stored information, including embedded data (commonly referred to as "metadata"), that is subject to being read or put into readable form. Metadata in electronic documents creates an obligation under this Rule only if the receiving lawyer knows or reasonably should know that the metadata was inadvertently sent to the receiving lawyer and that it contains privileged information.

[3] Preservation of lawyer-client confidences is such a vital aspect of the legal system that it is appropriate to require that lawyers not take advantage of a mistake or inadvertent disclosure by opposing counsel to gain an undue advantage. See LEO 1702. This means that the lawyer is prohibited from informing the lawyer's client of relevant, though inadvertently disclosed, information, and that the lawyer is prevented from using information that is of great significance to the client's case. In such cases, paragraph (b) overrides the lawyer's communication duty under Rule 1.4. As stated in Comment 1, diligent representation of the client's interests does not authorize or warrant intrusions into privileged communications.

Where applicable discovery rules, agreements, or other law permit the recipient to contest the sender's claim of privilege, use of such a process does not constitute "use" as prohibited by this rule, and the recipient may sequester the document or information pending resolution of that process. When there is no such applicable law, such as in a matter that does not involve litigation, the recipient lawyer must abide by the sender's instructions to return or destroy the document. See also LEO 1871.

H. AMENDMENTS TO CORPORATE COUNSEL SECTION BYLAWS

The Executive Committee unanimously approved the proposed amendments to the Corporate Counsel Section bylaws and recommends that they be approved by Council.

I. AMENDMENTS TO CRIMINAL LAW SECTION BYLAWS

The Executive Committee unanimously approved the proposed amendments to the Criminal Law Section bylaws and recommends that they be approved by Council.

J. ELECTION OF DISTRICT DISCIPLINARY COMMITTEE MEMBERS

The Executive Committee unanimously approved the slate of district disciplinary members for appointment and reappointments and recommends that they be approved by Council as follows:

**2019 – 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019
FIRST DISTRICT COMMITTEE**

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Polly Chong	Newport News	2019-2
Brian D. Lytle	Newport News	2019-2
Veronica E. Meade	Hampton	2019-1
Nicole A. Belote	Portsmouth	2020-1
[vacancy]	Chesapeake	2020-U
Vaughn T. Breedlove	Suffolk	2021-2
James E. Short	Chesapeake	2021-2

<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Everett C. Harris	Suffolk	2020-2
Andrew R. Owen	Suffolk	2020-1
Walter P. Nullet	Chesapeake	2021-2

Vacancies:

Two (2) attorneys to serve a term of three (3) years each
Two (2) attorneys to fill the unexpired terms of Nicole Belote and Erin Evans-Bedois who were appointed to the bench effective July 1, 2019, and April 1, 2019, respectively
One (1) attorney reappointment to serve a term of three (3) years

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Veronica E. Meade	Hampton	2022-2
Lisa M. Moore	Newport News	2022-1
Nosku P. Kim	Newport News	2022-1
Steven F. Shames	Chesapeake	2020-U
Robert C. Barclay	Portsmouth	2020-U

**2019 – 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

SECOND DISTRICT COMMITTEE, SECTION I

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Lisa L. Thatch	Norfolk	2019-2
Kenneth N. Whitehurst, III	Norfolk	2019-2
Karen M. Crowley	Norfolk	2019-1
Christopher I. Jacobs	Norfolk	2019-1
Melinda R. Glaubke	Virginia Beach	2020-2
Cela J. Burge	Accomack	2021-1
Kathryn N. Byler	Virginia Beach	2021-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Dennis M. Wance	Virginia Beach	2020-2
Raietta M. Johnson	Virginia Beach	2020-1
L. Dixon Leatherbury	Machipongo	2020-1

Vacancies:

Two (2) attorneys to serve a term of three (3) years each

Two (2) attorney reappointments to serve a term of three (3) years each

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Karen M. Crowley	Norfolk	2022-2
Christopher I. Jacobs	Norfolk	2022-2
Jeffrey H. Gray	Virginia Beach	2022-1
Anne G. Bibeau	Norfolk	2022-1

**2019 – 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

SECOND DISTRICT COMMITTEE, SECTION II

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Wanda J. Cooper	Virginia Beach	2019-2
Cal T. Bain	Virginia Beach	2019-1
Scott C. Vachris	Virginia Beach	2020-2
Emily Rebecca Gantt	Norfolk	2020-1
Laura G. Gross	Norfolk	2020-1
Corrynn J. Peters	Norfolk	2020-1
Adam M. Carroll	Virginia Beach	2021-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
John L. Hodges	Virginia Beach	2019-1
Patricia A. Johnson	Virginia Beach	2019-1
Francis R. Nance	Virginia Beach	2020-2

Vacancies:

One (1) attorney to serve a term of three (3) years
One (1) attorney reappointment to serve a term of three (3) years
Two (2) non-attorney reappointments to serve a term of three (3) years each

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Cal T. Bain	Virginia Beach	2022-2
Gerald L. Harris	Virginia Beach	2022-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
John L. Hodges	Virginia Beach	2022-2
Patricia A. Johnson	Virginia Beach	2022-2

**2019 - 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

THIRD DISTRICT COMMITTEE, SECTION I

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Kevin V. Logan	Midlothian	2019-2
Reiss F. Wilks	Richmond	2019-2
Jessica V. Bailey	Hopewell	2019-1
Charles Butler Barrett	Emporia	2020-1
Jennifer J. West	Richmond	2021-2
Theresa J. Royall	Nottoway	2021-1
Michael C. Moore	Richmond	2021-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Charles J. Kehoe	Midlothian	2020-2
Marx Eisenman, Jr.	Richmond	2020-1
Louise D. Hartz	Richmond	2020-1

Vacancies:

Two (2) attorneys to serve a term of three (3) years each
One (1) attorney to fill the unexpired term of Theresa J. Royall who has been appointed to the bench effective July 1, 2019
One (1) attorney reappointment to serve a term of three (3) years each

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Jessica V. Bailey	Hopewell	2022-2
Doris E. H. Causey	Richmond	2022-1
Meghan F. Campbell	Colonial Heights	2022-1
Shaun R. Huband	Petersburg	2021-U

**2019 – 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

THIRD DISTRICT COMMITTEE, SECTION II

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Alexander S. de Witt	Richmond	2019-2
R. Braxton Hill, IV	Richmond	2019-2
Alexander N. Simon	Richmond	2019-2
Annemarie D. Cleary	Richmond	2020-1
Robert S. Westermann	Richmond	2020-1
John S.H. Jung	Richmond	2021-2
Eric H. Feiler	Richmond	2021-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Michelle H. Papierniak	Chester	2019-1
John Nicoll	Richmond	2020-1
Rabbi Randi C. Nagel	Henrico	2021-1

Vacancies:

Three (3) attorneys to serve a term of three (3) years each
One (1) non-attorney reappointment for a term of three (3) years

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Guy C. Crowgey	Richmond	2022-1
Meredith M. Haynes	Richmond	2022-1
Brielle M. Hunt	Richmond	2022-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Michelle H. Papierniak	Chester	2022-2

**2019 - 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

THIRD DISTRICT COMMITTEE, SECTION III

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Collin J. Hite	Richmond	2019-2
[vacancy]	Richmond	2020-U
John D. Gilbody	Henrico	2020-1
Michael S. Huberman	Henrico	2020-1
Sean P. Byrne	Richmond	2021-2
Lynn M. Tucker	Richmond	2021-2
Melanie A. Friend	N. Chesterfield	2021-1

<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Russell M. Finer	Glen Allen	2020-2
Charles Thomas Elliott	Henrico	2020-1
Rev. Daniel R. Greenwood	Petersburg	2021-1

Vacancies:

One (1) attorney to serve a term of three (3) years
One (1) attorney to fill the unexpired term of Lonnie Nunley
who was appointed to Bar Council

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Alison G. M. Martin	Richmond	2020-U
K. Matthew Long	Richmond	2022-1

**2019 – 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

FOURTH DISTRICT COMMITTEE, SECTION I

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Paul H. Melnick	Falls Church	2019-2
[vacancy]	Falls Church	2019-1
Sudeep Bose	Arlington	2020-2
Adam M. Krischer	Arlington	2020-2
Jason L. McCandless	Arlington	2020-1
Gawin L. Flynn, Jr.	Arlington	2021-U
Devanshi P. Patel	Arlington	2021-1

<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Robert C. McCarthy	Arlington	2019-2
Barbara L. Kelley	Arlington	2020-1
Sandra K. Bushue	Arlington	2021-2

Vacancies:

Two (2) attorneys to serve a term of three (3) years each
(Jason Rucker was appointed to the bench effective March 15, 2019)
One (1) non-attorney to serve a term of three (3) years

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Elizabeth Tuomey	Arlington	2022-1
Dusty S. Reed	Arlington	2022-1

<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Amy L. Williams	Arlington	2022-1

**2019 – 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

FOURTH DISTRICT COMMITTEE, SECTION II

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Karen E. Kelly	Alexandria	2019-2
Joseph D. King	Alexandria	2019-1
Sean P. Schmergel	Alexandria	2019-1
Sean C. E. McDonough	Alexandria	2020-2
Gretchyn G. Meinken	Alexandria	2020-1
Natalie T. Page	Alexandria	2020-1
Kiersten L. Jensen	Alexandria	2021-2

<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Marian E. Wiggins	Alexandria	2019-1
Jeanne M. O’Leary	Alexandria	2020-2
Barbara M. Moore	Alexandria	2021-1

Vacancies:

One (1) attorney to serve a term of three (3) years
Two (2) attorney reappointments for a term of three (3) years each
One (1) non-attorney reappointment for a term of three (3) years

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Joseph D. King	Alexandria	2022-2
Sean P. Schmergel	Alexandria	2022-2
Kenneth E. Labowitz	Alexandria	2022-1

<u>Non-Attorney</u>	<u>Address</u>	<u>Term Expires</u>
Marian E. Wiggins	Alexandria	2022-2

**2019 - 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

FIFTH DISTRICT COMMITTEE, SECTION I

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Cary S. Greenberg	Vienna	2019-1
Stephanie J. Smith	Fairfax	2019-1
David I. Gold	Vienna	2020-1
Colleen M. Haddow	Fairfax	2020-1
Cary Z. Cucinelli	Fairfax	2021-2
Brendan D. Harold	Fairfax	2021-1
Michael K. Kim	Fairfax	2021-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
David M. Bowie	Fairfax Station	2019-2
Kathleen E. Harold	Falls Church	2019-1
Marshall B. Rose	Springfield	2021-1

Vacancies:

Two (2) attorney reappointments to serve a term of three (3) years each

One (1) non-attorney to serve a term of three (3) years

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Cary S. Greenberg	Vienna	2022-2
Stephanie J. Smith	Fairfax	2022-2
<u>Non-Attorney</u>	<u>Address</u>	<u>Term Expires</u>
Jeffrey J. Berkin	Vienna	2022-1

**2019 - 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

FIFTH DISTRICT COMMITTEE, SECTION II

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Richard B. Orsino	Fairfax	2019-1
Catherine M. Reese	Fairfax	2019-1
Susan M. Butler	Fairfax	2020-1
Joseph C. Davis	Reston	2020-1
Robert M. Worster, III	Fairfax	2020-1
Anita V. McFadden	Fairfax	2021-2
Robert H. Cox	Vienna	2021-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Samuel E. Massenberg, Jr.	Haymarket	2019-1
Reba H. Davis	Fairfax	2020-2
Stephen J. McArdle, Jr.	Springfield	2020-2

Vacancies:

Two (2) attorney reappointments to serve a term of three (3) years each
One (1) non-attorney to serve a term of three (3) years
(Samuel Massenberg does not wish to serve a second term)

Nominees:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Richard B. Orsino	Fairfax	2022-2
Catherine M. Reese	Fairfax	2022-2
<u>Non-Attorney</u>	<u>Address</u>	<u>Term Expires</u>
Avery Dale Mims	Haymarket	2022-1

**2019 - 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

FIFTH DISTRICT COMMITTEE, SECTION III

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Peter J. Schwartz	Fairfax	2019-2
John A. Kassabian	Annandale	2019-1
Samuel A. Leven	Oakton	2019-U
[vacancy]		2020-U
Laurie L. Kirkland	Fairfax	2020-1
Kevin L. Leahy	Manassas	2021-1
Jane M. Reynolds	Woodbridge	2021-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Patricia C. Palmer	Reston	2019-2
[vacancy]		2020-U
Maura Burke Weiner	Fairfax	2021-1

Vacancies:

- One (1) attorney to serve a term of three (3) years
- One (1) attorney to fill the unexpired term of William P. Daley who resigned
- One (2) attorney reappointments to serve a term of three (3) years each
- One (1) non-attorney to serve a term of three (3) years
- One (1) non-attorney to fill the unexpired term of Mark Ausbrooks who resigned

Nominees:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
John A. Kassabian	Annandale	2022-2
Samuel A. Leven	Oakton	2022-1
Dawn E. Boyce	Fairfax	2022-1
Tania M. L. Saylor	Fairfax	2020-U
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Rory Dippold	Arlington	2020-U
Poonam H. Magar	Fairfax	2022-1

**2019 - 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

SIXTH DISTRICT COMMITTEE

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
James H. Hudson, III	West Point	2019-1
Lisa A. Seward	Hanover	2019-1
Edward L. Chambers, Jr.	Williamsburg	2020-1
Joshua P. DeFord	Williamsburg	2020-1
Jason S. Greenwood	Fredericksburg	2020-1
Bruce C. Phillips	Fredericksburg	2021-2
Robert P. Stenzhorn	Yorktown	2021-1

<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
George S. Hrichak	Yorktown	2019-1
Teresa B. McNally	Fredericksburg	2020-1
Donald C. Hill	Williamsburg	2021-1

Vacancies:

Two (2) attorney reappointments to serve a term of three (3) years each
One (1) non-attorney reappointment to serve a term of three (3) years

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
James H. Hudson, III	West Point	2022-2
Lisa A. Seward	Hanover	2022-2

<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
George S. Hrichak	Yorktown	2022-2

2019 - 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019

SEVENTH DISTRICT COMMITTEE

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
James C. Chamblin	Leesburg	2019-2
J. Scott Kulp	Manakin-Sabot	2019-2
David W. Thomas	Charlottesville	2019-2
Joseph D. Platania	Charlottesville	2019-1
Zaida C. Thompson	Leesburg	2020-2
William D. Ashwell	Warrenton	2020-1
Joshua E. Hummer	Winchester	2021-2
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Brock A. Petrie	Charlottesville	2020-1
Caroline A. Polk	Charlottesville	2020-1
Dr. Stephen J. Napolitano	Round Hill	2021-1

Vacancies:

Three (3) attorneys to serve a term of three (3) years each
One (1) attorney reappointment to serve a term of three (3) years

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Joseph D. Platania	Charlottesville	2022-2
Seth J. Ragosta	Charlottesville	2022-1
Juan L. Vega	Charlottesville	2022-1
Kevin J. Gerrity	Warrenton	2022-1

2019 - 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019

EIGHTH DISTRICT COMMITTEE

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
David D. Lawrence	Roanoke	2019-2
Allegra M. C. Black	Roanoke	2020-2
Susan B. Read	Staunton	2020-2
Malissa L. Giles	Roanoke	2021-2
Jennifer D. Royer	Salem	2021-2
Jennifer K. M. Crawford	Covington	2021-1
Mary Beth Nash	Roanoke	2021-1

<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Katherin A. Elam	Roanoke	2019-1
Jonathan D. Jencks	Staunton	2020-2
Michael M. Waldvogel	Roanoke	2020-1

Vacancies:

One (1) attorney to serve a term of three (3) years
One (1) attorney to fill the unexpired term of Susan Read who
has been appointed to the bench effective July 1, 2019
One (1) non-attorney reappointment for a term of three (3) years

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
James W. Curd	Fishersville	2020-U
Paul C. Kuhnel	Roanoke	2022-1

<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Katherin A. Elam	Roanoke	2022-2

**2019 - 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

NINTH DISTRICT COMMITTEE

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Eric H. Ferguson	Rocky Mount	2020-2
Patrick J. Skelley, II	Bedford	2020-2
Sarah W. Bell	Lynchburg	2020-1
Nolan G. Elder	Charlotte C.H.	2021-1
Michael C. Pflieger	Lynchburg	2021-1
Melissa E. Fraser	South Boston	2021-1
Joan Ziglar	Martinsville	2021-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Larry D. Clark	Halifax	2019-2
S. Renay Hairston	Collinsville	2020-1
Betsy L. Worthington	Lynchburg	2020-1

Vacancies:

One (1) attorney to fill the unexpired term of Joan Ziglar who has been appointed to the bench effective July 1, 2019
One (1) non-attorney to serve a term of three (3) years

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Kimble Reynolds, Jr.	Martinsville	2021-U
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Marc A. Schewel	Lynchburg	2022-1

**2019 - 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

TENTH DISTRICT COMMITTEE, SECTION I

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Carl A. Needham	Christiansburg	2019-1
Angi N. Simpkins	Dublin	2019-1
Raquel A. Lyons	Hillsville	2020-2
Karen O. Boyer	Hillsville	2020-1
Scot S. Farthing	Wytheville	2020-1
Bettye E. Ackerman	Blacksburg	2021-1
Robert A. Campbell	Wytheville	2021-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Shannon Zeman	Willis	2019-1
D. Michael Barber	Christiansburg	2021-1
James N. Lloyd	Rural Retreat	2021-1

Vacancies:

Two (2) attorney reappointments to serve a term of three (3) years each
One (1) non-attorney reappointment to serve a term of three (3) years

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Carl A. Needham	Christiansburg	2022-2
Angi N. Simpkins	Dublin	2022-2
<u>Non-Attorney</u>	<u>Address</u>	<u>Term Expires</u>
Shannon Zeman	Willis	2022-2

**2019 - 2020
NOMINEES FOR DISTRICT COMMITTEES
June 2019**

TENTH DISTRICT COMMITTEE, SECTION II

Current Composition:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
David J. Hutton	Abingdon	2019-1
Frank Bradley Pyott	Tazewell	2020-1
Eric W. Reecher	Bristol	2020-1
David R. Tiller	Lebanon	2020-1
Roy M. Jessee	Norton	2021-2
Malcolm M. Brown	Marion	2021-1
Stacy E. Munsey	Jonesville	2021-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Nancy B. Bailey	Big Stone Gap	2019-U
Wayne M. Largen	Abingdon	2020-1
Peggy L. Riley	Tazewell	2020-1

Vacancies:

One (1) attorney reappointment to serve a term of three (3) years
One (1) non-attorney to serve a term of three (3) years
(Nancy Bailey does not wish to serve a second term)

Nominees are:

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
David J. Hutton	Abingdon	2022-2
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Angela C. Fannon	Pennington Gap	2022-1

K. NOMINATING COMMITTEE REPORT

The Executive Committee unanimously approved the report of the Nominating Committee with its recommendations for appointments and reappointments to the Executive Committee, Clients' Protection Fund Board, Judicial Candidate Evaluation Committee and American Bar Association House of Delegates, and recommend they be approved by Council as follows:

Executive Committee

Thirteen members, six of whom shall be elected annually by and from the Council with the president, president-elect, immediate past president, President of the Young Lawyers Conference, Chair of the Diversity Conference, Chair of the CLBA and Chair of the Senior Lawyers Conference serving as ex officio members.

Vacancies: 6

Joseph M. Bowen	Tazewell (2019/2)
Brian L. Buniva	Richmond (president-elect)
Eugene M. Elliott, Jr.	Roanoke (2021/2)
William E. Glover	Fredericksburg (appt to bench)
Beverly P. Leatherbury	Eastville (2019/2)
Jay B. Myerson	Reston (2020/2)

Ex-Officio Members: 7

President	Marni E. Byrum
President-elect	Brian L. Buniva
Immediate Past President	Leonard C. Heath, Jr.
Conference of Local Bars Chair	Lewis A. Martin, III, Charlottesville
Diversity Conference Chair	Chidi I. James, Fairfax
Senior Lawyers Conference Chair	John D. Eure, Roanoke
Young Lawyers Conference President	Farnaz F. Thompson, Washington, DC

Recommendations:

Maryse C. Allen	Prince William
Ann B. Brogan	Norfolk
Eugene M. Elliott, Jr.	Roanoke
Eva N. Juncker	Falls Church
Jay B. Myerson	Reston
William T. "Bill" Wilson	Covington

President:	Marni E. Byrum
President-Elect:	Brian L. Buniva
Immediate Past President:	Leonard C. Heath, Jr.

Clients' Protection Fund Board

Fourteen members, one of whom shall be a non-lawyer, appointed by the Council. One (1) member shall be from each of the ten (10) Disciplinary Districts in Virginia, and four (4) shall be appointed from the State at large. Can serve two 3-year terms.

Vacancies: 4

		Disciplinary District
D. Sue Baker	Wise	10
Adam D. Elfenbein	Arlington	4
Kenneth B. Murov	Newport News	1 (<i>not seeking second term</i>)
Margaret A. Nelson	Lynchburg	9

Reappointments: 4

David B. Oakley	Virginia Beach	2
Mary Grace O'Malley	Manassas	5
Mary Yancey Spencer	Richmond	At large
Rev. Dr. Theodore Smith	Ladysmith	Lay Member

Continuing Members: 6

Phillip V. Anderson	Roanoke	8
Thomas A. Edmonds	Richmond	At large
Paul G. Gill	Richmond	3
C. Frank Hilton	Harrisonburg	7
Melissa W. Robinson	Roanoke	At large
Susan B. Tarley	Williamsburg	6

Recommendations:

Joseph M. Bowen	Tazewell	10
Christopher A. Corbett	Stuart	9
Brian D. Lytle	Newport News	1
Lisa A. Wilson	Arlington	4

Chair: Susan B. Tarley

Vice Chair: Mary Grace O'Malley

Judicial Candidate Evaluation Committee

Thirteen active lawyer members, one from each of the bar's ten disciplinary districts and three from the state at large, elected to staggered three-year terms by Council on recommendation of the nominating committee. Committee members are not eligible to serve a second consecutive three-year term, but former members may serve as members pro tempore. The VSB's Executive Committee shall assign a representative to serve as a liaison to the JCEC as a non-voting member.

Vacancies: 3

		Disciplinary District
William E. Glover	Fredericksburg	6
W. David Harless	Richmond	At large
Michael M. York	Reston	5

Continuing Members: 11

Bevin R. Alexander, Jr.	Lynchburg	9
Alan S. Anderson	Alexandria	At large
William J. Dinkin	Richmond	At large
Linda D. Frith	Roanoke	8
Karla C. Haynes	Suffolk	1
Eva N. Juncker	Falls Church	4
Christy E. Kiely	Richmond	3
E. Kyle McNew	Charlottesville	7
Helen E. Phillips	Abingdon	10
Judith L. Rosenblatt	Virginia Beach	2
Irving M. Blank, EC Representative		

Recommendations:

Maryse C. Allen	Prince William	5
Elizabeth C. Hutson	Fredericksburg	6
Crystal Y. Twitty	Sandston	3

**American Bar Association House of Delegates
(Can serve 3 two-year terms)
(Vacancies occurring after 8/31/2019)**

Vacancies: 1

David P. Bobzien Fairfax

Reappointments: 2

2nd Term Expires 2019:

Maureen E. Danker McLean

Michael A. Glasser Norfolk

Continuing delegates:

YLC Representative:

Providence E. Napoleon Washington, DC

Ex-Officio:

Leonard C. Heath, Jr. Newport News

(to be replaced by incoming president-elect Brian L. Buniva of Richmond at the expiration of the August 2019 ABA House of Delegates meeting)

Marni E. Byrum Alexandria

Recommendation:

Martha JP McQuade Alexandria

L. LSCV MEMBERS ELECTED

The Executive Committee approved the election of the following individuals to the LSCV Board by unanimous vote and recommends that they be approved by Council:

Class A Directors

Luis Perez: Luis has agreed to serve another 3-yr term.

Mark Rubin: Mark has agreed to serve another 3-yr term.

Class B Directors

Jay Spruill: Jay has agreed to serve another 3-yr term.

Thelma Watson: Thelma has agreed to serve another 3-yr term.

M. BB&T RESOLUTION AND AGREEMENT FOR SECURITIES' ACCOUNT

The Executive Committee approved by unanimous vote the proposed BB&T resolution and agreement for the Clients' Protection Fund securities' account.

N. REINSTATEMENT OF BRUCE J. CHASAN

The Executive Committee approved by unanimous vote the reinstatement of Bruce J. Chasan from retired status to active status.

IV. TIME AND PLACE OF UPCOMING MEETINGS

12 Noon, Thursday, September 26, 2019, lunch and Executive Committee meeting, 1111 E. Main Street, 3rd Floor Conference Room, Richmond, VA

12:30 p.m., Thursday, October 24, 2019, lunch and Executive Committee meeting, The Alexandrian, Alexandria.

6:30 p.m., Thursday, October 24, 2019, Council reception and dinner, The Alexandrian, Alexandria.

9:00 a.m., Friday, October 25, 2019, Council meeting, The Alexandrian, Alexandria.

12 Noon, Friday, February 28, 2020, lunch and Executive Committee meeting, 1111 E. Main St., 3rd Floor Conference Room, Richmond.

6:30 p.m., Friday, February 28, 2020, Council reception and dinner, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond.

9:00 a.m. Saturday, February 29, 2020, Council meeting, Omni Richmond Hotel, 100 S. 12th Street, Richmond.

12 Noon, Wednesday, June 17, 2020, lunch and Executive Committee meeting, Vista Del Mar Room, 6th Floor, Southside Tower, Holiday Inn & Suites North Beach, Virginia Beach.

6:30 p.m., Wednesday, June 17, 2020, Council reception and dinner, Sheraton Virginia Beach Oceanfront Hotel, 3501 Atlantic Avenue, Virginia Beach.

8:30 a.m., Thursday, June 18, 2020, Council meeting, Cape Henry Room, Holiday Inn & Suites North Beach, Virginia Beach.

III. ADJOURNMENT

The meeting was adjourned at 2:30 p.m. on June 12, 2019.

TAB 9

MEMORANDUM

TO: Virginia State Bar Executive Committee and Council
FROM: Emily F. Hedrick, Assistant Ethics Counsel
DATE: September 26, 2019
RE: Proposed amendments to Rule 1.15, Safekeeping Property

These amendments were proposed by the Discipline Department based on feedback from investigators that lawyers are frequently confused about the arcane terminology in the current rule, some of which is out of step with the way certain terms are used in the accounting field. Bar Counsel surveyed language used in other states and drafted this proposal to simplify and clarify the trust account recordkeeping requirements, using terminology that is more easily understood and spelling out in the body of the rule exactly what information must be included in the required records.

The proposed changes to paragraph (c) remove the term “cash” and clarify that a check register can be used as the required journal, as long as it includes the necessary information. The proposal also removes the term “subsidiary ledger” to clarify that the rule only requires a separate record or ledger page for each client.

The same terminology is carried over to paragraph (d)(3), on reconciliations, and paragraphs (d)(3)(ii) and (d)(3)(iii) are revised to include an explanation of exactly what steps must be taken to complete the required reconciliations. The proposed amendments also require all reconciliations to be completed monthly, since that is consistent with the usual bank statement reporting period, and will allow lawyers to identify and correct errors more quickly and easily. Under the current rule, some reconciliations are monthly, and some are quarterly; the proposed rule standardizes the requirement so all reconciliations must be done monthly. The proposed amendments retain the requirement that a lawyer must approve all reconciliations and add a requirement in proposed Comment [5] that any discrepancies discovered in the reconciliation process must be explained, and that explanation must also be approved by the lawyer.

When the proposed amendments were released for public comment, two comments were received – one positive, and one expressing no comment on the proposal.

1 **RULE 1.15 Safekeeping Property**

2
3 (a) Depositing Funds.

4
5 (1) All funds received or held by a lawyer or law firm on behalf of a client or a
6 third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for
7 costs and expenses shall be deposited in one or more identifiable trust accounts; all other
8 property held on behalf of a client should be placed in a safe deposit box or other place of
9 safekeeping as soon as practicable.

10
11 (2) For lawyers or law firms located in Virginia, a lawyer trust account shall be
12 maintained only at a financial institution approved by the Virginia State Bar, unless
13 otherwise expressly directed in writing by the client for whom the funds are being held.

14
15 (3) No funds belonging to the lawyer or law firm shall be deposited or maintained
16 therein except as follows:

17
18 (i) funds reasonably sufficient to pay service or other charges or fees
19 imposed by the financial institution or to maintain a required minimum balance to
20 avoid the imposition of service fees, provided the funds deposited are no more
21 than necessary to do so; or

22
23 (ii) funds in which two or more persons (one of whom may be the lawyer)
24 claim an interest shall be held in the trust account until the dispute is resolved and
25 there is an accounting and severance of their interests. Any portion finally
26 determined to belong to the lawyer or law firm shall be withdrawn promptly from
27 the trust account.

28
29 (b) Specific Duties. A lawyer shall:

30
31 (1) promptly notify a client of the receipt of the client's funds, securities, or other
32 properties;

33
34 (2) identify and label securities and properties of a client, or those held by a
35 lawyer as a fiduciary, promptly upon receipt;

36
37 (3) maintain complete records of all funds, securities, and other properties of a
38 client coming into the possession of the lawyer and render appropriate accountings to the
39 client regarding them;

40
41 (4) promptly pay or deliver to the client or another as requested by such person
42 the funds, securities, or other properties in the possession of the lawyer that such person
43 is entitled to receive; and
44

45 (5) not disburse funds or use property of a client or of a third party with a valid
 46 lien or assignment without their consent or convert funds or property of a client or third
 47 party, except as directed by a tribunal.
 48

49 (c) Record-Keeping Requirements. A lawyer shall, at a minimum, maintain the
 50 following books and records demonstrating compliance with this Rule:

51
 52 (1) ~~Cash~~ Receipts and disbursements journals for each trust account, including
 53 ~~entries for receipts, disbursements, and transfers, and also including, at a minimum: an~~
 54 ~~identification of the client matter; the date of the transaction; the name of the payor or~~
 55 ~~payee; and the manner in which trust funds were received, disbursed, or transferred from~~
 56 ~~an account. These journals shall include, at a minimum: identification of the client or~~
 57 ~~matter; date and amount of the transaction; name of the payor or payee; manner in which~~
 58 ~~the funds were received, disbursed, or transferred; and current balance. A checkbook or~~
 59 ~~transaction register may be used in lieu of separate receipts and disbursements journals as~~
 60 ~~long as the above information is included.~~

61
 62 (2) A ~~subsidiary client~~ ledger containing with a separate entry record for each
 63 client, other person, or entity from whom money has been received in trust. Each entry
 64 shall include, at a minimum: identification of the client or matter; date and amount of the
 65 transaction; name of the payor or payee; source of funds received or purpose of the
 66 disbursement; and current balance.

67
 68 ~~The ledger should clearly identify:~~

69
 70 (i) ~~the client or matter, including the date of the transaction and the payor~~
 71 ~~or payee and the means or methods by which trust funds were received, disbursed~~
 72 ~~or transferred; and~~

73
 74 (ii) ~~any unexpended balance.~~

75
 76 (3) In the case of funds or property held by a lawyer as a fiduciary, the required
 77 books and records shall include an annual summary of all receipts and disbursements and
 78 changes in assets comparable in detail to an accounting that would be required of a court
 79 supervised fiduciary in the same or similar capacity; including all source documents
 80 sufficient to substantiate the annual summary.
 81

82 (4) All records subject to this Rule shall be preserved for at least five calendar
 83 years after termination of the representation or fiduciary responsibility.
 84

85 (d) Required Trust Accounting Procedures. In addition to the requirements set forth in
 86 Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to
 87 all trust accounts.
 88

89 (1) Insufficient Fund Reporting. All accounts are subject to the requirements
 90 governing insufficient fund check reporting as set forth in the Virginia State Bar
 91 Approved Financial Institution Agreement.

92
 93 (2) Deposits. All trust funds received shall be deposited intact. Mixed trust and
 94 non-trust funds shall be deposited intact into the trust fund and the non-trust portion shall
 95 be withdrawn upon the clearing of the mixed fund deposit instrument. All such deposits
 96 should include a detailed deposit slip or record that sufficiently identifies each item.

97
 98 (3) The following Reconciliations must be made monthly and approved by a
 99 lawyer in the law firm:-

100
 101 (i) ~~At least quarterly a A reconciliation shall be made that reflects the trust~~
 102 ~~account of the client ledger balance for each client, other person, or other entity~~
 103 ~~on whose behalf money is held in trust:-~~

104
 105 (ii) ~~A monthly reconciliation shall be made of the cash trust account~~
 106 ~~balance, adjusting the ending bank statement balance by adding any deposits not~~
 107 ~~shown on the statement and subtracting any checks or disbursements not shown~~
 108 ~~on the statement. This adjusted balance must equal the balance in the checkbook~~
 109 ~~or transaction register; and that is derived from the cash receipts journal, cash~~
 110 ~~disbursements journal, the trust account checkbook balance and the trust account~~
 111 ~~bank statement balance.~~

112
 113 (iii) ~~At least quarterly, a A reconciliation of the trust account balance~~
 114 ~~((d)(3)(ii)) and the client ledger balance ((d)(3)(i)). The trust account balance~~
 115 ~~must equal the client ledger balance. shall be made that reconciles the cash~~
 116 ~~balance from (d)(3)(ii) above and the subsidiary ledger balance from (d)(3)(i).~~

117
 118 (iv) ~~Reconciliations must be approved by a lawyer in the law firm.~~

119
 120 (4) The purpose of all receipts and disbursements of trust funds reported in the
 121 trust journals and ledgers shall be fully explained and supported by adequate records.

122
 123 **COMMENT**

124
 125 [1] A lawyer should hold property of others with the care required of a professional
 126 fiduciary. Securities should be kept in a safe deposit box, except when some other form of
 127 safekeeping is warranted by special circumstances. For purposes of this Rule, the term
 128 “fiduciary” includes personal representative, trustee, receiver, guardian, committee, custodian,
 129 and attorney-in-fact. All property that is the property of clients or third persons should be kept
 130 separate from the lawyer's business and personal property and, if funds, in one or more trust
 131 accounts. Separate trust accounts may be warranted when administering estate funds or acting in
 132 similar fiduciary capacities.

133

134 [2] Separation of the funds of a client from those of the lawyer not only serves to protect
135 the client but also avoids even the appearance of impropriety, and therefore commingling of such
136 funds should be avoided.

137
138 [2a] In relation to (b)(5), consent can be inferred from the engagement agreement or any
139 consequential agreement between the lawyer and the client regarding the disbursement of fees,
140 i.e., when earned fees are routinely withdrawn from the lawyer's trust account upon an
141 accounting to the client, when costs and expenses of litigation are routinely withdrawn, or when
142 other fees/costs or expenses are agreed upon in advance.

143
144 [3] Lawyers often receive funds from third parties from which the lawyer's fee will be
145 paid. If there is risk that the client may divert the funds without paying the fee, the lawyer is not
146 required to remit the portion from which the fee is to be paid. However, a lawyer may not hold
147 funds to coerce a client into accepting the lawyer's contention. The disputed portion of the funds
148 should be kept in trust and the lawyer should suggest means for prompt resolution of the dispute,
149 such as arbitration or mediation. The undisputed portion of the funds shall be promptly
150 distributed.

151
152 [4] Paragraphs (b)(4) and (b)(5) do not impose an obligation upon the lawyer to protect
153 funds on behalf of the client's general creditors who have no valid claim to an interest in the
154 specific funds or property in the lawyer's possession. However, a lawyer may be in possession
155 of property or funds claimed both by the lawyer's client and a third person; for example, a
156 previous lawyer of the client claiming a lien on the client's recovery or a person claiming that the
157 property deposited with the lawyer was taken or withheld unlawfully from that person.
158 Additionally, a lawyer may have a duty under applicable law to protect such third-party claims
159 against wrongful interference by the client, and accordingly may refuse to surrender the property
160 to the client. For example, if a lawyer has actual knowledge of a third party's lawful claim to an
161 interest in the specific funds held on behalf of a client, then by virtue of a statutory lien (e.g.,
162 medical, workers' compensation, attorneys' lien, a valid assignment executed by the client, or a
163 lien on the subject property created by a recorded deed of trust) the lawyer has a duty to secure
164 the funds claimed by the third party. Under the above described circumstances, paragraphs (b)(4)
165 and (b)(5) require the lawyer either to deliver the funds or property to the third party or, if a
166 dispute to the third party's claim exists, to safeguard the contested property or funds until the
167 dispute is resolved. If the client has a non-frivolous dispute with the third party's claim, then the
168 lawyer cannot release those funds without the agreement of all parties involved or a court
169 determination of who is entitled to receive them, such as an interpleader action. A lawyer does
170 not violate paragraphs (b)(4) and (b)(5) if he has acted reasonably and in good faith to determine
171 the validity of a third-party's claim or lien.

172
173 [5] The reconciliations required by paragraph (d)(3) must include an explanation of any
174 discrepancy discovered and how it was corrected. This explanation must be approved by the
175 lawyer who approves the reconciliations.

176
177 [56] The obligations of a lawyer under this Rule are independent of those arising from
178 activity other than rendering legal services. For example, a lawyer who serves as an escrow

179 agent is governed by the applicable law relating to fiduciaries even though the lawyer does not
180 render legal services in the transaction.

181
182 [67] Nothing in this Rule is intended to prohibit an attorney from using electronic
183 checking for his trust account so long as all requirements in this Rule are fulfilled. It is the
184 lawyer's responsibility to assure that complete and accurate records of the receipt and
185 disbursement of entrusted property are maintained in accordance with this rule. Many businesses
186 are now converting paper checks to automated clearinghouse (ACH) debits. Authorized ACH
187 debits that are electronic transfers of funds (in which no checks are involved) are allowed
188 provided the lawyer maintains a record of the transaction as required by this rule. The record,
189 whether consisting of the instructions or authorization to debit the account, a record or receipt
190 from the financial institution, or the lawyer's independent record of the transaction, must show
191 the amount, date, recipient of the transfer or disbursement, and the name of the client or other
192 person to whom the funds belong.

193

COMMENTS



Cullen D. Seltzer
Attorney

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July 16, 2019

BY ELECTRONIC MAIL (publiccomment@vsb.org)

Karen A. Gould, Executive Director
Virginia State Bar
1111 East Main Street
Suite 700
Richmond, Virginia 23219

Re: Proposed Amendments to Rule 1.15 (Safekeeping Property)
of Rules of Professional Conduct

Dear Ms. Gould:

I write to thank the Standing Committee on Legal Ethics and the Bar for the proposed amendments to Rule 1.15 (Safekeeping Property) of the Rules of Professional Conduct.

In my experience, talking to lawyers about the rules governing trust accounts has long been a needless source of apprehension and confusion. It may be that so many of us come to practice without the benefit of a business background, but the language of escrow and trust and ledgers, has the tendency to put some practitioners, particularly those new to the bar, on their back foot.

Simplification and clarity are hallmarks of good drafting. That is the case with the updated version of Rule 1.15. For example, the new sentence in 1.15(c)(1), concerning record-keeping requirements is a welcome bit of explanation: "A checkbook or transaction register may be used in lieu of separate receipts and disbursements journals as long as the above information [required identification of the payment] is included."

I support the proposed amendments to Rule 1.15.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Cullen D. Seltzer".

Cullen D. Seltzer

CDS/sa

CITY OF CHARLOTTESVILLE

"A World Class City"

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RECEIVED

JUL 22 2019

VIRGINIA STATE BAR

July 18, 2019

Karen A. Gould
Executive Director
Virginia State Bar
1111 East Main Street, Suite 700
Richmond, Virginia 23219-0026

Re: Proposed Amendment to Rule 1:15

Dear Ms. Gould:

Thank you for the opportunity to comment on the Virginia State Bar's proposed amendments to Rule of Professional Conduct 1:15. As these amendments are not specifically related to the practice of local government law, the Local Government Attorneys of Virginia Ethics Committee will not provide any formal comment on these proposed amendments.

Sincerely,

John C. Blair, II
Chair, LGA Ethics Committee

TAB 10

Executive Committee Meeting
September 26, 2019

Virginia State Bar Section and Conference Solicitation Requests

VSBS Annual Meeting	Various AM Receptions and Events	June 2020
VSBS Tech Show	2019 Speaker Dinner	April 2020
	AV/WIFI for 2019 Program	April 2020
Indigent Defense Criminal Defense Seminar	Speakers Dinner	May 2020
	WIFI for 2020 Program	May 2020
Diversity Conference	2020 Forum Reception	Fall 2020
	2020 VLF Grant for Oliver Hill/Samuel Tucker Law Institute	Summer 2020
Young Lawyers Conference	Minority PreLaw Conference	Fall & Spring
	Wills for Heroes Program	Various
Section on the Education Of Lawyers	Law School & Law Firm Contributions	September 2019
Family Law Section	Award Books for Law Students	May 2020
	Board Meeting Reception	Spring 2020

VIRGINIA STATE BAR REQUEST FORM FOR SOLICITATION OF GRANTS AND OTHER FUNDS

2020 Annual Meeting Solicitation Request

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? _____yes no

Are you soliciting funds from individuals? yes ___no

Are you soliciting or receiving funds from organizations? yes _____no

- 1. Describe the project or event you want funded by money solicited or received from another entity. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries etc.**

Historically, the Annual Meeting has been conducted using a number of sponsorships to support various aspects of the event. Primarily, the solicitations/donations are for activities that involve alcohol which the VSB is precluded from underwriting from its budget. There are several donations that are made by sponsoring entities to enhance the entity's collaboration with the Virginia State Bar for a specific aspect of Annual Meeting (VLF/Virginia Legal Aid Luncheon; Personal Insurance/opening reception; Diversity Conference Reception; and City of Virginia Beach/transportation). Several entities view the sponsorship as a great marketing event (Virginia Lawyers Weekly/run t-shirts; and The McCammon Group/banquet).

Attached is a chart listing the proposed sponsorships which will involve solicitations and/or donations for the June 2020 Annual Meeting.

- 2. What is the budget for this project or event?**

The 2020 Annual Meeting is budgeted to break even or show a slight profit. For the most part, sponsorship income and expenses are handled outside of the VSB's A&F account because alcohol is involved. Sponsors are direct billed for these events. However, a few sponsorships such as that for the legal aid luncheon (VLF) and the run (VLW) are simply 'pass through' deposits into the A&F account to be offset by direct expenses of the luncheon (ALPS) and t-shirts (VLW). Similarly, McCammon's banquet sponsorship is a 'pass through' donation into/out of the President's Fund.

- 3. How much money will be provided from the solicited organization? Will the bar be obligated in any way (dollars or staff support)?**

The amount from sponsorships and donations will be is approximately **\$53,550**.

4. Why do you want to use funds solicited from individuals or another organization? Why is this project not included in the VSB operating budget?

Primarily, sponsorships are to underwrite expenses for events that include alcohol and/or activities that are outside the funding scope of the Virginia State Bar. The VSB is prohibited from underwriting alcohol expenses. In a few instances, the sponsoring organization sees the sponsorship as an important part of the entity's mission (VLF sponsorship for Virginia Legal Aid lunch; Personal Insurance sponsorship); and/or as a great marketing opportunity (VLW and McCammon).

5. Who will manage/oversee the project or event?

Maureen Stengel, Director of Bar Services and staff liaison to the BAM Committee, oversees and manages the planning for the Annual Meeting, and is responsible for coordinating the sponsorships.

6. Has this project has been implemented before?

Yes, solicitations for the events on the attached chart have been on an annual basis as part of the Annual Meeting planning process overseen by BAM Committee.

7. Is there any other bar association that has a similar project?

N/A

8. Have there been previous requests for solicitation for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?

Yes, the Executive Committee has historically authorized similar solicitations and donations under its policy on solicitations.

9. If this is a solicitation for funds from individuals or organizations, please provide the following:

- a. Who/how many persons or entities will be solicited. Approximately 10-15 for specific events/activities listed on chart. In addition, the VSB president-elect will solicit firms, individuals, and other entities on behalf of the President's Fund.**
- b. Whether the person or entity has been solicited before by the VSB: YES**
- c. Whether this is a one-time solicitation request: NO**
- d. Amount/contribution requested: Collective amount anticipated at \$53,550**

Submitted by: Maureen Stengel on behalf of the BAM Committee

Date: 9/13/19

Approved by: _____

Date: _____

cc: VSB Finance/Procurement Director

2020 Proposed Annual Meeting Sponsors

Wednesday, June 17, 2020

EVENT	SPONSOR	AMOUNT
Shuttle Transportation	City of Virginia Beach	\$8,000
Diversity Conference Reception	Sponsors TBA	\$3,000
Council Reception	Sheraton Oceanfront Hotel	\$6,500
Council Dinner Wine	President's Entertainment Fund	\$1,500

Thursday, June 18, 2020

EVENT	SPONSOR	AMOUNT
Opening AM Reception	VSB Members' Insurance Center	\$10,000

Friday, June 19, 2020

EVENT	SPONSOR	AMOUNT
Run in the Sun	Virginia Lawyers Weekly	\$650
Virginia Legal Aid Luncheon	VLF	\$1,200
YLC Luncheon	TBD	\$500
YLC Reception	Virginia CLE	\$750
President's Reception	President' Entertainment Fund	\$9,500
Band	President's Entertainment Fund	\$3,500
Banquet	The McCammon Group	\$5,000

Saturday, June 20, 2020

EVENT	SPONSOR	AMOUNT
Raffle/Bingo Prizes	President's Entertainment Fund	\$3,000
Volleyball Tournament	Harris, Matthews & Crowder PC	0*
Tennis Tournament	MichieHamlett	\$450

*will carry over \$500 from 2019

\$53,550

DRAFT 8/29/19

VIRGINIA STATE BAR REQUEST FORM FOR SOLICITATION OR RECEIPT OF GRANTS AND OTHER FUNDS

VSB Techshow Speakers' Dinner - Wine

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant or receipt of funds, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? yes no

Are you soliciting or receiving funds from individuals? yes no

Are you soliciting or receiving funds from organizations? yes no

On a separate piece of paper, please respond to the following:

1. Describe the project or event you want funded by money solicited or received from another entity or from grant funds. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries, etc.

2020 VSB Techshow Speakers' Dinner (wine) – Speakers come into town the night before the Techshow and we provide a dinner.

2. **If this is a grant**, what organization will be providing the funds if the grant application is approved? Please attach a copy of the grant application you intend to file.
3. What is the budget for this project or event?

\$1,000

4. How much money will be provided by the granting organization? Will the bar be obligated in any way (dollars or staff support)?

\$400-500

5. Why do you want to use grant funds or funds solicited or received from individuals or another organization? Why is this project not included in the VSB operating budget?

VSB cannot pay for alcohol.

6. Who will manage/oversee the project or event? Grant management includes making sure expenses are allowed within the approved grant and within the guidelines of the Virginia State Bar; reviewing and approving invoices for payment and filing periodic reports as required by the grantor in a timely manner.

Paulette Davidson

7. Has this project has been implemented before?

Yes

8. Is there any other bar association that has a similar project?

The ABA.

9. Have there been previous requests for solicitation or grant funds for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?

Yes. All previous requests have been approved.

10. **If this is a solicitation** for funds or approval request for receipt of funds from individuals or organizations, please provide the following:

a. Who/how many persons or entities will be solicited or who and how many persons or entities are offering or donating funds.

Sharon Nelson/Sensei Ent.

b. Whether the person or entity has been solicited before by the VSB or has previously donated or offered funds to the VSB.

Yes, they have donated toward several VSB events over the years.

c. Whether this is a one-time solicitation request.

This request will be made every year as needed.

d. Amount/contribution requested.

\$400-500.

Submitted by: Paulette Davidson on behalf of Chris Fortier and John Simek, Techshow co-chairs

Date: 9/13/19

Approved by: _____

Date: _____

cc: VSB Finance/Procurement Director

VIRGINIA STATE BAR REQUEST FORM FOR SOLICITATION OR RECEIPT OF GRANTS AND OTHER FUNDS

VSB Techshow - AV/WiFi

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant or receipt of funds, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? ____yes ___X___no

Are you soliciting or receiving funds from individuals? ____yes ___X___no

Are you soliciting or receiving funds from organizations? ___X___yes ____no

On a separate piece of paper, please respond to the following:

1. Describe the project or event you want funded by money solicited or received from another entity or from grant funds. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries, etc.

2020 VSB Techshow – Provides continuing education on technology issues and products, which in turn helps attorneys fulfill their ethical obligations under the Rules of Professional Conduct.

2. **If this is a grant**, what organization will be providing the funds if the grant application is approved? Please attach a copy of the grant application you intend to file.
3. What is the budget for this project or event?

\$57,000

4. How much money will be provided by the granting organization? Will the bar be obligated in any way (dollars or staff support)?

\$10,000 toward AV/WiFi, plus tchotchkes and a gift for a drawing. ALPS will place materials on attendee tables, they will be thanked throughout the day, and attendees will be encouraged to visit their table to register for the drawing.

5. Why do you want to use grant funds or funds solicited or received from individuals or another organization? Why is this project not included in the VSB operating budget?

The chief justice approved the event if it funds itself. We try to offer the event at a reasonable rate so that all attorneys can participate. The funds received through registrations are not enough to offer AV/WiFi.

6. Who will manage/oversee the project or event? Grant management includes making sure expenses are allowed within the approved grant and within the guidelines of the Virginia

State Bar; reviewing and approving invoices for payment and filing periodic reports as required by the grantor in a timely manner.

Paulette Davidson

7. Has this project has been implemented before?

Yes

8. Is there any other bar association that has a similar project?

The ABA.

9. Have there been previous requests for solicitation or grant funds for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?

Yes. All previous requests have been approved.

10. **If this is a solicitation** for funds or approval request for receipt of funds from individuals or organizations, please provide the following:

a. Who/how many persons or entities will be solicited or who and how many persons or entities are offering or donating funds.

ALPS only

b. Whether the person or entity has been solicited before by the VSB or has previously donated or offered funds to the VSB.

Yes, they have donated toward several VSB events over the years.

c. Whether this is a one-time solicitation request.

This request is made every year.

d. Amount/contribution requested.

\$10,000 toward AV/WiFi, plus tchotchkes and a gift for a drawing.

Submitted by: Paulette Davidson on behalf of Chris Fortier and John Simek, Techshow co-chairs

Date: 9/13/19

Approved by: _____

Date: _____

cc: VSB Finance/Procurement Director

**VIRGINIA STATE BAR REQUEST FORM FOR
SOLICITATION OR RECEIPT OF GRANTS AND OTHER FUNDS**

**Leroy Rountree Hassell Sr. Indigent Criminal Defense Seminar, Speakers'
Reception & Dinner**

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant or receipt of funds, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? yes no

Are you soliciting or receiving funds from individuals? yes no

Are you soliciting or receiving funds from organizations? yes no

- 1. Describe the project or event you want funded by money solicited or received from another entity or from grant funds. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries, etc.**

The IDT Seminar Speakers' Reception/Dinner is an annual event that is held the evening prior to the seminar to allow the speakers (mostly out of town) and planning committee members to meet face-to-face and get acquainted with each other. Logistics for the next day's seminar are reviewed briefly as part of the event.

The law firm of Benjamin & DesPortes has offered to underwrite the reception expense for 10 of the last 12 years. The President's fund was used to host the reception in 2019, and 2018. Bonnie Hoffman and James Broccoletti split the expense in 2017, and Bonnie Hoffman hosted the reception in 2016.

- 2. What is the budget for this project or event?**

Approximately \$400.00 - \$800.00. The cost varies based on the number of speakers and committee members in attendance.

- 3. How much money will be provided by the granting organization? Will the bar be obligated in any way (dollars or staff support)?**

Approximately \$400.00 - \$800.00.

VSB staff members organize and manage the arrangements for the reception and dinner. Staff also attends the event and is responsible for paying for non-alcohol expenses.

- 4. Why do you want to use grant funds or funds solicited or received from individuals or another organization? Why is this project not included in the VSB operating budget?**

The VSB is unable to underwrite expenses for alcohol.

5. Who will manage/oversee the project or event?

VSB staff members, Dolly Shaffner and Maureen Stengel oversee and manage planning for the event.

6. Has this project has been implemented before?

Yes, this is an annual reception and dinner.

5. Is there any other bar association that has a similar project?

Not that I am aware of.

6. Have there been previous requests for solicitation or grant funds for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?

No formal requests in the past. In November 2015, this event was included on a list of solicitations from the Bar Services department that was provided to the Executive Director upon request.

7. If this is a solicitation for funds or approval request for receipt of funds from individuals or organizations, please provide the following:

- a. **Who/how many persons or entities will be solicited or who and how many persons or entities are offering or donating funds.** 2-6
- b. **Whether the person or entity has been solicited before by the VSB or has previously donated or offered funds to the VSB:** Yes
- c. **Whether this is a one-time solicitation request:** No.
- d. **Amount/contribution requested:** Range from \$400.00 to \$800.00

Submitted by: Dolly Shaffner on behalf of Bonnie Hoffman and IDT Committee

Date: 9/13/19

Approved by: _____

Date: _____

**VIRGINIA STATE BAR REQUEST FORM FOR
SOLICITATION OR RECEIPT OF GRANTS AND OTHER FUNDS**

**Leroy Rountree Hassell Sr. Indigent Criminal Defense Seminar – Wifi
Sponsorship**

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant or receipt of funds, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? ____yes no

Are you soliciting or receiving funds from individuals? ____yes no

Are you soliciting or receiving funds from organizations? yes ____no

- 1. Describe the project or event you want funded by money solicited or received from another entity or from grant funds. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries, etc.**

The IDT Seminar Planning Committee would like to again ask ALPS to sponsor the wifi access at the Greater Richmond Convention Center on May 1, 2020. There will be approximately 625 court appointed and public defenders at this Seminar and ALPS is a natural sponsor as malpractice prevention is a very important topic for these attorneys, many of whom are in private practice.

- 2. What is the budget for this project or event?**

The IDT seminar is mandated by the Supreme Court of Virginia and costs the VSB \$90,000 to host the seminar in three locations. At the Richmond location, wifi access for attendees is not included in the room rental costs and adds approximately \$4000. The cost varies based on the number of attendees and how many devices they use to log on. We encourage them to only use one device per person.

- 3. How much money will be provided by the granting organization? Will the bar be obligated in any way (dollars or staff support)?**

ALPS will be asked to contribute approximately \$4000.

VSB staff members organize and manage the seminar and will work with the planning committee to ensure that at least 15 minutes of malpractice prevention tips for criminal defense attorney is covered per ALPS usual request.

- 4. Why do you want to use grant funds or funds solicited or received from individuals or another organization? Why is this project not included in the VSB operating budget?**

The VSB has a budget of \$90,000, which unfortunately, does not cover wifi for the Richmond location.

5. Who will manage/oversee the project or event?

VSB staff members, Dolly Shaffner and Maureen Stengel oversee and manage planning for the event.

6. Has this project has been implemented before?

Yes, this was successfully implemented last year.

5. Is there any other bar association that has a similar project?

No.

6. Have there been previous requests for solicitation or grant funds for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?

Yes, previous requests have been granted.

7. If this is a solicitation for funds or approval request for receipt of funds from individuals or organizations, please provide the following:

- a. **Who/how many persons or entities will be solicited or who and how many persons or entities are offering or donating funds.** 1
- b. **Whether the person or entity has been solicited before by the VSB or has previously donated or offered funds to the VSB:** Yes
- c. **Whether this is a one-time solicitation request:** No.
- d. **Amount/contribution requested:** \$4,000

Submitted by: Dolly Shaffner on behalf of Bonnie Hoffman and IDT Committee

Date: 9/13/19

Approved by: _____

Date: _____

cc: VSB Finance/Procurement Director

VIRGINIA STATE BAR REQUEST FORM FOR SOLICITATION OR RECEIPT OF GRANTS AND OTHER FUNDS

Diversity Conference

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant or receipt of funds, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? yes no

Are you soliciting or receiving funds from individuals? yes no

Are you soliciting or receiving funds from organizations? yes no

- 1. Describe the project or event you want funded by money solicited or received from another entity or from grant funds. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries, etc.**

The third Annual Forum on Diversity in the Legal Profession will take place in the fall of 2020 location to be determined. The Diversity Conference is putting together an exciting and entertaining program which will highlight issues such as understanding diversity and how it is impacting the practice of law within the Commonwealth of Virginia, what is implicit bias and how it affects the decision-making process, best business practices, and how diversity and inclusion can be a business asset. The program is free for all VSB members. The Diversity Conference is seeking approval for four hours of CLE credits, and plans to host a networking reception following the program. This request is to cover alcohol expenses at the reception.

- 2. If this is a grant, what organization will be providing the funds if the grant application is approved? Please attach a copy of the grant application you intend to file.**

n/a

- 3. What is the budget for this project or event?**

The Diversity Conference has budgeted \$5,000.00 for this event.

- 4. How much money will be provided by the granting organization? Will the bar be obligated in any way (dollars or staff support)?**

The solicited amount will be approx. \$1,200.00. The VSB will not be obligated in any way for the cost of alcoholic beverages at this event.

- 5. Why do you want to use grant funds or funds solicited or received from individuals or another organization? Why is this project not included in the VSB operating budget?**

It is against VSB policy/guidelines to use VSB funds for alcohol.

- 6. Who will manage/oversee the project or event? Grant management includes making sure expenses are allowed within the approved grant and within the guidelines of the Virginia State Bar; reviewing and approving invoices for payment and filing periodic reports as required by the grantor in a timely manner.**

The Diversity Conference Annual Forum Subcommittee will oversee the program and reception. VSB staff liaison will work with the committee and Diversity Conference board to ensure expenses are paid according to VSB guidelines.

- 7. Has this project has been implemented before?**

Yes

- 8. Is there any other bar association that has a similar project?**

Many local bar associations host receptions after CLE/seminars.

- 9. Have there been previous requests for solicitation or grant funds for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?**

Yes, VSB EC has approved solicitation of funds for the Diversity Conference Fore Golf Tournament receptions held at the VSB annual meetings in 2017 and 2018, and the Annual Forum in Nov 2018.

- 10. If this is a solicitation for funds or approval request for receipt of funds from individuals or organizations, please provide the following:**

- a. Who/how many persons or entities will be solicited or who and how many persons or entities are offering or donating funds.**

We will seek donations from up to 10 local law firms.

b. Whether the person or entity has been solicited before by the VSB or has previously donated or offered funds to the VSB.

Not known.

c. Whether this is a one-time solicitation request.

If the reception is well-attended, the Diversity Conference foresees hosting receptions following future annual forums on diversity and inclusion in the law.

d. Amount/contribution requested.

Approx. \$1,200.00

Submitted by:  **Chidi James, Program Chair & Diversity Conference Chair**

Date: **August 28, 2019**

Approved by: _____

Date: _____

VIRGINIA STATE BAR REQUEST FORM FOR SOLICITATION OR RECEIPT OF GRANTS AND OTHER FUNDS

Diversity Conference – Virginia Law Foundation Grant (2020-2021)

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant or receipt of funds, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? yes no

Are you soliciting or receiving funds from individuals? yes no

Are you soliciting or receiving funds from organizations? yes no

1. Describe the project or event you want funded by money solicited or received from another entity or from grant funds. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries, etc.

The Oliver Hill/Samuel Tucker Pre-Law Institute (OH/ST) is an annual program for diverse and academically at-risk high school students, geared towards increasing diversity in the legal profession. OH/ST consists of a one-week summer stay on a college campus during which the students attend mock classes and seminars on career opportunities in the field of law, test taking strategies, and the college admission process. The students meet with law school professors, judges, guest lecturers, and state and local bar association members. The students also participate in a networking event and an etiquette dinner, all on the college campus. Approximately 30 (thirty) students and interns attend this program yearly.

2. If this is a grant, what organization will be providing the funds if the grant application is approved? Please attach a copy of the grant application you intend to file.

Virginia Law Foundation (VLF). Application is due March 15, 2020.

3. What is the budget for this project or event?

Total project cost is approximately \$30,000.

4. How much money will be provided by the granting organization? Will the bar be obligated in any way (dollars or staff support)?

The grant is \$15,000. The Diversity Conference (DC) has allocated \$15,000 of its budget to the OH/ST program. No additional VSB funds are requested.

The DC Pipeline and Community Projects Committee and DC board members manage/oversee the program.

5. Why do you want to use grant funds or funds solicited or received from individuals or another organization? Why is this project not included in the VSB operating budget?

The OH/ST program serves thirty students and costs approximately \$30,000.

The DC would like to apply for a \$15,000 VLF grant for fiscal year 2020-2021. This grant, along with \$15,000 from the DC budget, will cover the cost of the OH/ST program.

6. Who will manage/oversee the project or event? Grant management includes making sure expenses are allowed within the approved grant and within the guidelines of the Virginia State Bar; reviewing and approving invoices for payment and filing periodic reports as required by the grantor in a timely manner.

The DC Pipeline and Community Projects Committee will oversee the program. VSB staff liaison will work with the committee and DC board to ensure expenses are paid according to VSB and VLF guidelines.

7. Has this project has been implemented before?

The OH/ST program was implemented in 2001.

8. Is there any other bar association that has a similar project?

N/A

9. Have there been previous requests for solicitation or grant funds for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?

Yes. The requests were approved.

10. If this is a solicitation for funds or approval request for receipt of funds from individuals or organizations, please provide the following:

- a. Who/how many persons or entities will be solicited or who and how many persons or entities are offering or donating funds.**

The VLF is the only outside source of funding for this project.

- b. Whether the person or entity has been solicited before by the VSB or has previously donated or offered funds to the VSB.**

The VLF has issued \$15,000 grants in FY2015-2016, FY2016-2017, FY2017-2018, FY2018-2019 and 2019-2020 for the OH/ST program.

- c. Whether this is a one-time solicitation request.**

The DC plans to solicit VLF grants in the future for this program.

- d. Amount/contribution requested.**

\$15,000.

Submitted by: **Chidi James, VSB Diversity Conference**

Date: **August 26, 2019**

Approved by: _____

Date: _____

**VIRGINIA STATE BAR REQUEST FORM FOR
SOLICITATION OF GRANTS AND OTHER FUNDS**

YLC Minority Pre-Law Conference for Bar Year 2019-2020

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? yes no

Are you soliciting funds from individuals? yes no

Are you soliciting or receiving funds from organizations? yes no

- 1. Describe the project or event you want funded by money solicited or received from another entity. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries etc.**

The Minority Pre-Law Conference is a semi-annual conference that the YLC organizes to provide undergraduate students at colleges and universities with information about applying for law school and careers in the legal profession. The YLC organizes this conference in the Tidewater region in the fall and in northern Virginia in the spring. The host schools often provide in-kind donations in the form of services or a waiver of fees such as fees for renting space in a building, for janitorial services, or for parking. The YLC will cover any costs for catering and other major items necessary for the program.

The Minority Pre-Law Conference will be held at William & Mary Law School on October 12, 2019. The Minority Pre-Law Conference in Spring 2020 is scheduled for April 11, 2020 at George Mason University.

- 2. What is the budget for this project or event?**

The YLC budget is \$2,500 for the Minority Pre-Law Conference in the Tidewater region and \$3,600 for this same Conference in northern Virginia.

- 3. How much money will be provided from the solicited organization? Will the bar be obligated in any way (dollars or staff support)?**

The in-kind donations from host schools are difficult to estimate, as room rentals, parking fees, and clean-up fees may vary.

4. Why do you want to use funds solicited from individuals or another organization? Why is this project not included in the VSB operating budget?

The YLC budget provides sufficient funding for the Minority Pre-Law Conference. In the past, host schools provided in-kind donations for certain services, as the host school appreciates the benefits of this Conference and would like the YLC to hold the Conference at that school. The Spring MPC has received donations of pens, notepads, bags and other similar items for attendees from test prep vendors and law firm sponsors. The in-kind donations/gifts from the schools allow the YLC to use its budget to more directly assist a great number of students who are aspiring attorneys. The YLC returns any money that is allocated, but not used for this Conference, to the VSB general fund.

5. Who will manage/oversee the project or event?

The YLC Program Chairs Chanel Gray, Brittany Johnson, Mark Franco, and Dustin Narcisse organize the Minority Pre-Law Conference.

6. Has this project has been implemented before?

Yes, this project has been implemented in the past.

7. Is there any other bar association that has a similar project?

The YLC is unaware of other bar associations with similar projects for undergraduate students at colleges and universities in Virginia.

8. Have there been previous requests for solicitation for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?

The YLC submitted a solicitation request for in-kind donations for this program in bar year 2018-2019, which the Executive Committee granted.

9. If this is a solicitation for funds from individuals or organizations, please provide the following:

- a. Whether the person or entity has been solicited before by the VSB:** According to the VSB Liaison to the YLC, Ms. Mallory Ralston, the VSB Section on the Education of Lawyers solicits law schools in Virginia for donations, but these solicitation requests are not related to the YLC Minority Pre-Law Conference. The Minority Pre-Law Conference was previously held at Regent University School of Law in fall 2018 and at George Mason University in spring 2019. The Minority Pre-Law Conference will be held at William & Mary Law School this fall and likely at George Mason University in spring 2020.

- b. Whether this is a one-time solicitation request:** No. The YLC likely will make a similar request for permission to receive in-kind services from the host school for this Conference in future years, if the host school offers to provide such in-kind services.

- c. Amount/contribution requested:** The in-kind donation estimate is approximately **\$500.**

Submitted by: Farnaz F. Thompson

Date: September 5, 2019

Approved by: _____

Date: _____

cc: VSB Finance/Procurement Director

**VIRGINIA STATE BAR REQUEST FORM FOR
SOLICITATION OF GRANTS AND OTHER FUNDS**

YLC Request for Laptops/Printers for Wills for Heroes for Bar Year 2019-2020

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? **yes** **no**

Are you soliciting funds from individuals? **yes** **no**

Are you soliciting or receiving funds from organizations? **yes** **no**

- 1. Describe the project or event you want funded by money solicited or received from another entity. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries etc.**

The Wills for Heroes program (WFH) began after the September 11, 2001 terrorist attacks, when the legal community realized that most of the first responders who perished in the line of duty lacked basic estate planning documents. In recognition of the services and sacrifices made by the first responders, Virginia's WFH program provides free basic legal estate planning services, including Wills, Advance Medical Directives, and Powers of Attorney, to Virginia first responders and their spouses. The Virginia State Bar Young Lawyers Conference (VSB YLC) and the Virginia Bar Association Young Lawyers Division (VBA YLD) jointly sponsors the WFH program. The YLC and YLD work closely with interested local bar associations and young lawyers' groups to implement the program in cities and counties across the Commonwealth.

Since its inception in Virginia in 2003, the YLC has helped organize WFH programs in the Counties of Arlington, Roanoke, Botetourt, Cumberland, Albemarle, Loudoun, Chesterfield, Henrico, Hanover, Prince William and Fauquier along with the Cities of Roanoke, Salem, Williamsburg, Danville, Norfolk, Charlottesville, Richmond, Portsmouth, Fredericksburg, Lynchburg and Alexandria. During that time, the WFH program provided over 2,000 estate planning documents.

The program was most recently held in Hampton Roads in May 2019. An upcoming program is scheduled for October 2019 in Richmond and will be held in collaboration with the Office of the Honorable Ralph Northam, Governor of the Commonwealth of Virginia.

The YLC does not regularly request solicitations for the WFH programs, but there is a need for new laptops and printers, as the current equipment is outdated.

- 2. What is the budget for this project or event?**

The YLC budget for the WFH program is \$250.00. The YLC is separately requesting a budget reallocation to increase the budget to \$1,250.00.

3. How much money will be provided from the solicited organization? Will the bar be obligated in any way (dollars or staff support)?

The VBA has informally agreed to bear some of the costs of the laptops by applying for a grant, but the YLC is uncertain what the amount of the grant will be. The VSB YLC also would like to help solicit funds to cover the costs of the laptops and printers. Ideally, the WFH program will receive 12-15 laptops and 2 printers, estimated at approximately \$6,000.00. The laptops will need to be able to support Microsoft Office products and the HotDocs software, and also should have WiFi/internet connection capabilities. The current equipment is outdated and runs on Windows Vista, which is no longer supported by Microsoft and, thus, may be more vulnerable to security risks and viruses. Additionally, the HotDocs software used for this program likely will not be compatible with Vista for its next update.

The Bar will not be obligated to pay for any goods or maintenance for these laptops.

4. Why do you want to use funds solicited from individuals or another organization? Why is this project not included in the VSB operating budget?

The replacement of the current outdated equipment is not a recurring annual expense, and the YLC recently received more requests to provide the WFH program this bar year than in previous bar years. The average lifespan of a laptop is three to five years. The laptops used for this program are approximately nine years old. Although purchasing laptops every five years may seem expensive, the expense is well worth the benefit. The Hampton Roads Wills for Heroes program, alone, saved the first responder community approximately \$40,000, collectively.

5. Who will manage/oversee the project or event?

The YLC Wills for Heroes Program Chairs, Melissa Moser, Nicolle Vasquez Del Favero, and Erin Yates, will manage and oversee the solicitations, donation requests, and any grant submissions.

6. Has this project has been implemented before?

Yes, the YLC first implemented the WFH program in the Commonwealth in 2003. Hunton Andrew Kurth LLP, formerly Hunton Williams, donated the laptops that the YLC currently uses in approximately 2010 or 2011, when Christy Kiely served as the YLC President.

7. Is there any other bar association that has a similar project?

Yes, Wills for Heroes is a nation-wide program. In 2007, the American Bar Association Young Lawyers Division proclaimed WFH as its national public service program, encouraging its affiliates and members to bring this unique, sought-after program to serve their respective local first responders. At least 30 states actively organize WFH programs or are in the process of implementing such a program.

8. Have there been previous requests for solicitation for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?

There is no solicitation request on file for the laptops that were previously donated.

9. If this is a solicitation for funds from individuals or organizations, please provide the following:

- a. Whether the person or entity has been solicited before by the VSB:** The WFH Program Chairs have not yet decided whether to approach Hunton Andrew Kurth LLP for any solicitation requests.
- b. Whether this is a one-time solicitation request:** This solicitation request is a one-time solicitation request for the bar year 2019-2020. The YLC may submit a similar solicitation request for laptops in the future, when the laptops become outdated.
- c. Amount/contribution requested:** The YLC would like to request permission to raise \$6,000 to purchase 12-15 laptops and 2 printers.

Submitted by: Farnaz F. Thompson (President, YLC)

Date: September 6, 2019

Approved by: _____

Date: _____

cc: VSB Finance/Procurement Director

VIRGINIA STATE BAR REQUEST FORM FOR SOLICITATION OF GRANTS AND OTHER FUNDS

Section on the Education of Lawyers in Virginia Annual Law School & Law Firm Membership Contributions

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? ____yes no

Are you soliciting funds from individuals? ____yes no

Are you soliciting or receiving funds from organizations? yes ____no

- 1. Describe the project or event you want funded by money solicited or received from another entity. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries etc.**

In March 1992, the Virginia State Bar sponsored a conclave on the education of lawyers in Virginia, the first of its kind in the country, spearheaded by a planning committee chaired by incoming president Bill Rakes. The theme of this conclave was *Sharing the Responsibility Among Law Schools, the Bar and the Bench*. "The conclave focused on the kinds of education and training available to members of the bar in Virginia at every stage of their careers – from entry into law school and immediately following graduation, to their achievement of senior status - and how those educational and training experiences can be enhanced."

A concrete outgrowth of the conclave was creation of the Section on the Education of Lawyers in Virginia in 1992-1993, to serve as a vehicle for effective collaboration and continuing dialogue and activity among the bench, the practicing bar and the academy to address issues and enhance legal education in Virginia. When discussions took place regarding establishment of an entity within the VSB to engage legal education issues among the bench, bar and the academy, the VSB officers determined that the preferred vehicle would be a section, rather than a conference that would be totally funded by the bar's operating budget. However, it was also recognized that membership solicitation and funding for this section would require a slightly different approach due to the section's unique purpose/mission which was not practice-oriented, as are all other sections of the bar. Excerpt from the Section's statement of purpose:

This Section was formed by uniting the work of the longstanding VSB Committee on Legal Education and Admissions to the Bar with the contributions of two and ideas resulting from two conclaves on the education of lawyers in Virginia held in the early 1990s. Legal education begins in law school, moves through a period dominated by bar review courses and bar exams, and continues through all stages of a lawyer's professional life. This Section, the first of its kind in the country, brings together law school deans and professors, judiciary members and practicing lawyers in a collaborative effort to improve every phase of legal education in Virginia.

The bar recognized the importance of engaging all three constituencies with a stake in legal education through the work of the Section, both through membership and funding. In the mid-1990s the Executive Committee authorized the Section to include a miscellaneous revenue line item in its annual operating budget request to accommodate annual membership contributions from each of the Virginia law schools, and similar contributions from Virginia law firms. These contributions allow for group memberships of all full-time faculty members at each law school and group memberships within law firms as well. The managing partners at the law firms select five -ten law firm members to join the Section with the group membership contribution. The Section's budget also anticipates at least 150 individual dues paying members. There are approximately 50 judicial members who pay no dues.

Two featured programs planned during the bar year include:

(1) Law School Professionalism Programs

In partnership with the Standing Committee on Professionalism and the law schools, the Section has sponsored this program since 2000. Lawyers and judges make an annual presentation to all 1Ls in the Virginia law schools as a precursor to the mandatory Carrico Professionalism Course required of all new admittees. The program includes short presentations and interactive breakout sessions with the students. There is currently a faculty of approximately 40-50 lawyers and judges who participate. The target audience is 875 students participate. Many schools require attendance.

(2) Legal Writing CLE

As a follow up to the 2012 Conclave discussion concerning legal education reform, the Section created and piloted a high-quality, intensive, 'immersion' legal writing CLE program in collaboration with Virginia CLE and the VBA Law Practice Management Division in April 2016. This program was replicated in the spring of 2017.

The Section publishes a newsletter for its approximately 400 members and periodically conducts at the VSB Annual Meeting programs of interest to all three constituencies of the Section. In addition, since its establishment in 2012, the Section has sponsored the Rakes Leadership in Education Award.

2. What is the budget for this project or event?

Section's FY20 budget includes anticipated revenue of \$7,000. This includes the annual membership contributions of \$500 from each of the eight law schools which is requested in early June in advance of the annual dues billing process.

3. How much money will be provided from the solicited organization? Will the bar be obligated in any way (dollars or staff support)?

Law firms will be asked to make an annual contribution of \$500. The managing partners of the law firms receive an annual group membership /contribution request letter in the fall of each year. **Sample attached.**

VSB staff time is involved in overseeing the distribution of law firm letters and law school notices, and in depositing any monies received.

4. Why do you want to use funds solicited from individuals or another organization? Why is this project not included in the VSB operating budget?

The contributions from the law firms and law schools is used to augment the dues paid by a limited number of individual bar members to facilitate programs and projects of mutual interest to all three constituencies integral to the mission and purpose of the Section: the practicing bar, bench and the academy. Since the Section's inception, the Virginia State Bar has supported the Section's mission to achieve collaboration and engagement among these three constituencies which are represented on the Section's board of governors. Contributions and group memberships of law firms and law schools have enhanced engagement by law firms/managing partners and by law school deans and faculty to collaborate on important work in the areas of professionalism and continuing education after law school, concepts integral to the mission of the Virginia State Bar.

5. Who will manage/oversee the project or event?

Mallory Ralston, staff liaison to Section on the Education of Lawyers in Virginia.

6. Has this project has been implemented before?

Yes, on an annual basis as part of the VSB budgeting process since mid-1990's.

7. Is there any other bar association that has a similar project?

No, this is the only section of its kind in Virginia.

8. Have there been previous requests for solicitation for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?

Yes, the original funding process was authorized by the VSB Executive Committee and executive director in the early/mid-1990s.

9. If this is a solicitation for funds from individuals or organizations, please provide the following:

- a. Who/how many persons or entities will be solicited. **Approximately 10-20 firms.**
- b. Whether the person or entity has been solicited before by the VSB: **Yes.**
- c. Whether this is a one-time solicitation request: **No.**
- d. Amount/contribution requested: Annual amount: **\$7,000 (total for law schools and law firms)**

Submitted by: _____Bernadette S. Peele, Section Chair_____

Date: _____ September 4, 2019 _____

Approved by: _____

Date: _____

cc: VSB Finance/Procurement Director

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Date

Address Block

Dear Salutation:

As a member of the Virginia State Bar, I am sure you appreciate the numerous educational opportunities the State Bar offers not only to its practicing attorneys, but also to its Virginia law students. The Education of Lawyers Section, whose Board of Governors is comprised of leaders from the judiciary, law practice, and Virginia's law schools, need your firm's continued support to further the Section's work.

As a proud Section Chair, let me share with you some of great work we have been doing.

- **Law School Professionalism Program**: This highly rated program is designed to introduce first-year law students at each of Virginia's eight law schools to the concepts of professionalism and ethics.
- **Legal Writing CLE**: Now in its fourth year, the Section, in partnership with Virginia CLE, has developed a very well-received intensive writing workshop for attorneys at all levels of practice. The next CLE will be held in Spring 2020 and we encourage you consider having someone from your firm attend.
- **William R. Rakes Leadership in Education Award**: Established by the Section in 2012, this award recognizes a Virginia lawyer, educator or judge whose exceptional leadership and vision enhances legal education, professionalism, and collaboration among the bench, bar and academy.
- **Annual Meeting CLE**: Since 2017 and continuing this June at the 2020 Virginia State Bar Annual Meeting, our Section has provided high quality CLE programs that speak to a broad variety of attorneys on topics including technology, wellness, and teaching law.

If you are willing to support our work, please send your contribution, payable to the Virginia State Bar, to the attention of Mallory Ralston, 1111 East Main Street, Suite 700, Richmond, Virginia 23219. Any contribution from your firm over \$500.00 will qualify your firm to add up to five members to the Section. Simply contact Ms. Ralston at (804) 775-0514 to assist.

I deeply appreciate your time and consideration and invite you to call me at (703) 792-6620 if you wish to discuss any of our Section's work or plans.

Very truly yours,

Bernadette S. Peele, Chair
Section on the Education of Lawyers

**VIRGINIA STATE BAR REQUEST FORM FOR
SOLICITATION OR RECEIPT OF GRANTS AND OTHER FUNDS
Family Law Section
Outstanding Family Law Graduate Awards**

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant or receipt of funds, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? yes no

Are you soliciting or receiving funds from individuals? yes no

Are you soliciting or receiving funds from organizations? yes no

- 1. Describe the project or event you want funded by money solicited or received from another entity or from grant funds. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries, etc.**

Each year, Thomson Reuters donates eight hard cover books, “*Virginia Practice: Family Law Theory, Practice and Forms*” to the VSB Family Law Section for its use in making annual awards to an ‘Outstanding Family Law Graduate’ at each Virginia Law School.

- 2. What is the budget for this project or event?**

The value of the donated books is approximately \$3,040.

- 3. How much money will be provided by the granting organization? Will the bar be obligated in any way (dollars or staff support)?** Thomson Reuters donates the eight hard cover books.

Dolly Shaffner, the VSB’s staff liaison for the Family Law Section works with the VSB publications department to coordinate printing of book plates. The staff liaison also arranges for printing and framing of the certificates for the award recipients, and mailing of the books to the student award recipients at each law school.

Why do you want to use grant funds or funds solicited or received from individuals or another organization? Why is this project not included in the VSB operating budget?

The section believes this is an important partnership with the Virginia law schools, and sees the annual awards as an opportunity to interact with outstanding law students at Virginia law schools. Thomson Reuters is appreciative of the opportunity to increase the visibility of its publications both to the section and to the law schools through the law students.

- 4. Who will manage/oversee the project or event? Grant management includes making sure expenses are allowed within the approved grant and within the guidelines of the Virginia State Bar; reviewing and approving invoices for payment and filing periodic reports as required by the grantor in a timely manner.**

The Family Law Section's law school liaison oversees the project by requesting the books from Thomson Reuters and soliciting the name of an outstanding student from the dean at each law school. The VSB staff liaison for the Family Law Section then coordinates the administrative logistics involved in getting the books to the award recipient at each law school prior to their graduation ceremony in the spring of each year.

5. Has this project has been implemented before?

Yes, this project has been implemented for many years.

6. Is there any other bar association that has a similar project?

We are not aware of any bar association that has a similar project.

7. Have there been previous requests for solicitation or grant funds for a similar project? If so, what was the Executive Committee or executive director action on any previous requests? No.

8. If this is a solicitation for funds or approval request for receipt of funds from individuals or organizations, please provide the following:

- a. **Who/how many persons or entities will be solicited or who and how many persons or entities are offering or donating funds.** Thomson Reuters is the sole entity donating books for this project.

Whether the person or entity has been solicited before by the VSB or has previously donated or offered funds to the VSB. Yes, this is an annual request.

- b. **Whether this is a one-time solicitation request.** No, it is made annually.

- c. **Amount/contribution requested.** Eight hard cover books entitled, *Virginia Practice: Family Law Theory, Practice and Forms*

Submitted by: Dolly Shaffner on behalf of Susan Butler, Family Law Section Chair

Date: 9/13/19

Approved by: _____

Date: _____

cc: VSB Finance/Procurement Director

VIRGINIA STATE BAR REQUEST FORM FOR SOLICITATION OR RECEIPT OF GRANTS AND OTHER FUNDS

Family Law Section, Board of Governors Travel Meeting Reception Expenses

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant or receipt of funds, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? yes no

Are you soliciting or receiving funds from individuals? yes no

Are you soliciting or receiving funds from organizations? yes no

- 1. Describe the project or event you want funded by money solicited or received from another entity or from grant funds. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries, etc.**

In December of each year, the Family Law Section's board of governors customarily holds a meeting in the city in which the section chair lives. Historically, a reception and dinner has been held the evening prior to this travel board meeting. The section chair and vice chair usually split the expenses for the reception prior to dinner.

- 2. What is the budget for this project or event?**

Approximately \$400-\$700. The amount will vary depending on the number of board members and spouses who attend the reception.

- 3. How much money will be provided by the granting organization? Will the bar be obligated in any way (dollars or staff support)?**

Approximately \$400-\$700. The reception expenses are direct-billed to the sponsor.

The VSB staff liaison, Dolly Shaffner, organizes the event, and attends the reception, dinner, and board meeting. The staff liaison is responsible for paying for the non-alcohol expenses associated with the dinner and board meeting.

- 4. Why do you want to use grant funds or funds solicited or received from individuals or another organization? Why is this project not included in the VSB operating budget?**

The VSB is unable to underwrite expenses for alcohol.

- 5. Who will manage/oversee the project or event?**

The VSB staff for the Family Law Section, Dolly Shaffner, will oversee and manage planning for the event.

6. Has this project has been implemented before?

Yes, it is an annual event.

7. Is there any other bar association that has a similar project?

No.

8. Have there been previous requests for solicitation or grant funds for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?

No formal requests in the past. In November 2015, this event was included on a list of solicitations from the Bar Services department that was provided to the Executive Director upon request.

9. If this is a solicitation for funds or approval request for receipt of funds from individuals or organizations, please provide the following:

- a. **Who/how many persons or entities will be solicited or who and how many persons or entities are offering or donating funds:** The section chair and vice chair usually split the reception expenses.
- b. **Whether the person or entity has been solicited before by the VSB or has previously donated or offered funds to the VSB:** No
- c. **Whether this is a one-time solicitation request:** This is an annual dinner, but the chair and vice chair change every year.

d. Amount/contribution requested: \$400.00 to \$700.00

Submitted by: Dolly Shaffner on behalf of Susan Butler, Family Law Section Chair

Date: 9/13/19

Approved by: _____

Date: _____

cc: VSB Finance/Procurement Director

TAB 11

Rule Pertaining to Reinstatement Requests

The Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 3(c) provides in pertinent part:

Those retired members who, after removal from active membership on account of age or disability, desire to return to the practice of law must submit a petition to the executive director in writing for reinstatement to active membership and state in the petition each circumstance that has changed since the member elected disabled or retired status. Adequate medical and/or psychological documentation must be submitted with the petition showing that the member is fit and capable of practicing law. If there are any misconduct complaints or proceedings pending when the executive director receives a petition for reinstatement, or if the member appears to suffer from a disability, the executive director shall defer consideration of the petition until the misconduct or disability issues are resolved. The Executive Committee of the Virginia State Bar shall consider and act on any such petition, taking into account the recommendation of the executive director. The Executive Committee may deny a petition for reinstatement if the member is publicly disciplined or is determined to have a disability raising a serious question as to the member's fitness or capacity to practice law. If the Executive Committee approves the petition, the member shall be returned to active status upon payment of active member dues, tender of sufficient MCLE credits to satisfy the requirements for one bar year, satisfaction of any other required membership obligations, and payment of any outstanding financial obligations to the bar. Medical and/or psychological information provided pursuant to this subparagraph (d) is confidential and shall not be disclosed by the bar.

June Elaine Collmer, Esq.
VSB #41359
126 W. Beverley St., Apt. B
Staunton, VA 24401
(434) 825-8038
July 14, 2019

Mrs. Karen Gould
VSB Executive Director
Virginia State Bar
1111 East Main St., Suite 700
Richmond, Virginia 23219-0026

Re: Changing Status from Retired to Active

Dear Mrs. Gould:

I am writing to apply for reinstatement from retirement status to active status. I changed my status from inactive to retired last cycle for the sole purpose of not paying the dues as I was not practicing at the time. I have completed all MCLEs required for the past cycles had I remained in inactive status.

For the past three years I have been working full time but not as an attorney and not in a law-related company.

I have recently been very honored unexpectedly to accept a position in a law firm here in Staunton and have begun working there in a non-lawyer capacity. I was hired with the understanding that I would change my status from retired to active very shortly after beginning employment.

I recently had a complete physical done by my regular, family practitioner of many years. I have obtained a letter from my physician confirming my physical and psychological capability to engage in the practice of law. I also have completed the MCLEs that I believe would satisfy the MCLE requirements had I remained in my inactive status during this past and current cycle.

Following a recent telephone conversation with the VSB Member Department I submitted the following: Copies of the CLE Certificates of Completion, a letter from my physician addressing the issue of my competence, a check in the amount of \$290 (I was expecting to pay for this year dues and last years dues - had I remained inactive - but was informed only the \$290 was required.), and a statement that I wished to change my status to active.

I misunderstood the process and understood incorrectly that I could expect a turn-around of one to two days and informed my employer accordingly. As a follow-up on Friday, July 12th, I called the VSB Member Department and was informed that I needed to petition you directly to

request consideration of my wish to change my status and that the check in the amount of \$290. was being returned in the mail.

Given my current circumstances with the law firm that has recently employed me, I am asking for your consideration of this petition at your earliest convenience. My enormous apologies for asking for expediency in this consideration.

Enclosed is a newly issued check in the amount of \$290. I have not yet received the paper copy of the letter from the Member Department. There is no mention in the VSB letter (which was sent to me via email at my request) of the letter from my physician that I had enclosed with the CLE Certificates of Completion. Until I receive the actual VSB letter I will assume my physician's letter was retained by the Member Department. Upon receipt of the actual letter if that letter is enclosed I will scan a copy of that and get it to you immediately.

Again, my sincere apologies for the request to expedite consideration of this petition.

Thanking you very much for your consideration.

Sincerely,



June Collmer

Enclosure: Letter from VSB Member Department, dated July 12, 2019

check in amt of \$ 290.



**Anchor
Healthcare, P.C**

BRUCE D. CAMPBELL, M.D.
4303 Free Union Road
P.O. Box 220
Free Union, VA 22940
(434) 978-1691

DAVID W. BROWN, M.D.
H. AUGUST SANUSI, M.D.
ANNIKA M. ABRAHAMSON, M.D.
Albemarle Center
For Family Medicine
Charlottesville, VA

DAVID L. MORRIS, M.D.
Charlottesville, VA

LAWRENCE E. KELLER, M.D.
MATTHEW R. GIESE, M.D.
NANCY A. SCHMITZ, M.D.
MICHAEL J. SILVESTER, M.D.
THOMAS E. WOLANSKI, M.D.
Orange Family Physicians
Orange, VA

D. ANDREW MACFARLAN, M.D.
DEBORAH L. CAMPBELL, M.D.
JANE R. SHAW, M.D.
Albemarle Square Family Healthcare
Charlottesville, VA

MARY S. MAYO, M.D.
ROBERT S. MICHEL, M.D.
JOCELYN K. SCHAUER, M.D.
CAROL A. BOERSMA, M.D.
GRETCHEN L. WASSERSTROM, M.D.
Piedmont Pediatrics
Charlottesville, VA

ERNEST PUGH, M.D.
JOHN CARPENTER, M.D.
Rio Family Medicine
Charlottesville, VA

To Whom it May Concern,

June Collmer has been a loyal patient of mine for ³⁰seven years. Her last comprehensive physical exam was 5/15/19. June is in good physical and emotional health.

Bruce D. Campbell MD

TAB 12

Rule Pertaining to Reinstatement Requests

The Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 3(c) provides in pertinent part:

Those retired members who, after removal from active membership on account of age or disability, desire to return to the practice of law must submit a petition to the executive director in writing for reinstatement to active membership and state in the petition each circumstance that has changed since the member elected disabled or retired status. Adequate medical and/or psychological documentation must be submitted with the petition showing that the member is fit and capable of practicing law. If there are any misconduct complaints or proceedings pending when the executive director receives a petition for reinstatement, or if the member appears to suffer from a disability, the executive director shall defer consideration of the petition until the misconduct or disability issues are resolved. The Executive Committee of the Virginia State Bar shall consider and act on any such petition, taking into account the recommendation of the executive director. The Executive Committee may deny a petition for reinstatement if the member is publicly disciplined or is determined to have a disability raising a serious question as to the member's fitness or capacity to practice law. If the Executive Committee approves the petition, the member shall be returned to active status upon payment of active member dues, tender of sufficient MCLE credits to satisfy the requirements for one bar year, satisfaction of any other required membership obligations, and payment of any outstanding financial obligations to the bar. Medical and/or psychological information provided pursuant to this subparagraph (d) is confidential and shall not be disclosed by the bar.

FRANK J. DEGAETANI, JR
7363 McCaul Court, Mechanicsville, Virginia 23111
Home (804) 730-7011* Cell (804) 512-0017
fdegaetanilaw@gmail.com

July 19, 2019

Karen Gould, Executive Director
Virginia State Bar
1111 East Main Street, Suite 700
Richmond, Virginia 23219-0026

RECEIVED

JUL 22 2019

VIRGINIA STATE BAR

Re: Request for change of classification to "Active"
VSB #22815

Dear Ms. Gould:

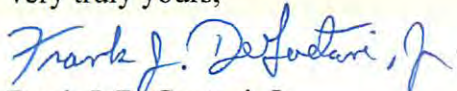
I am writing to request that my Membership Class be reinstated to "Active." When I retired at the end of 2018 I changed my classification to "Retired" with no intention of practicing law; however, I did intend to seek temporary employment for document review projects as I did in the past when I was between firms. I have now discovered that the lack of an "Active" classification limits my opportunities for placement on such projects. At this time I do not intend to engage in the private practice of law involving representation of clients drawn from the public and, accordingly, I am not covered by professional liability insurance; however, I will advise your office accordingly if that changes.

Pursuant to the VSB Professional Guidelines, I have enclosed herewith the requisite letter from my family physician regarding my fitness and capability of practicing law.

I trust that you will find this information satisfactory to act favorably upon my request; however, please contact me if you have any questions or require further information.

Thank you for your consideration and I look forward to hearing from you soon in this regard.

Very truly yours,



Frank J. DeGaetani, Jr.

FJDjr/
Enclosure



Cold Harbor Family Medicine

Robert Dausch, MD
James Jernigan, MD
Matthew Jones, MD
Martha Litos, MD
Patricia Ryan, MD
Diane Burton, FNP
Sara H. Majewski, FNP
Yauna Williams, DNP, FNP

July 16th, 2019

Karen Gould, Executive Director
Virginia State Bar
1111 East Main Street, Suite 700
Richmond, Virginia 2219-0026

Re: Frank J. DeGaetani, Jr.

Dear Ms. Gould:

I have been the primary care physician for Frank J. DeGaetani, Jr for more than fifteen (15) years and his last annual physical was on April 4, 2019. I can state without any reservation that Mr. DeGaetani is fit and capable of practicing law.

I trust you find this information satisfactory; however, please feel free to contact me if you have any questions or require further information.

Very truly yours,

A handwritten signature in black ink that reads 'James E. Jernigan, MD'. The signature is fluid and cursive, with the initials 'MD' written at the end.

James E. Jernigan, MD

TAB 13

Rule Pertaining to Reinstatement Requests

The Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 3(c) provides in pertinent part:

Those retired members who, after removal from active membership on account of age or disability, desire to return to the practice of law must submit a petition to the executive director in writing for reinstatement to active membership and state in the petition each circumstance that has changed since the member elected disabled or retired status. Adequate medical and/or psychological documentation must be submitted with the petition showing that the member is fit and capable of practicing law. If there are any misconduct complaints or proceedings pending when the executive director receives a petition for reinstatement, or if the member appears to suffer from a disability, the executive director shall defer consideration of the petition until the misconduct or disability issues are resolved. The Executive Committee of the Virginia State Bar shall consider and act on any such petition, taking into account the recommendation of the executive director. The Executive Committee may deny a petition for reinstatement if the member is publicly disciplined or is determined to have a disability raising a serious question as to the member's fitness or capacity to practice law. If the Executive Committee approves the petition, the member shall be returned to active status upon payment of active member dues, tender of sufficient MCLE credits to satisfy the requirements for one bar year, satisfaction of any other required membership obligations, and payment of any outstanding financial obligations to the bar. Medical and/or psychological information provided pursuant to this subparagraph (d) is confidential and shall not be disclosed by the bar.

P.O. Box 1165
Deltaville, Virginia 23043
July 20, 2019

Virginia State Bar
Demetrios J. Melis, Membership Compliance Director
Membership Department
1111 East Main Street, Suite 700
Richmond, Virginia 23219—0026

RECEIVED
AUG 05 2019
VIRGINIA STATE BAR

RE: Petition for Reinstatement to Active Status
Willis Franklin Hutchens
ID Number: 13312

Dear Mr. Melis:

I am petitioning the Virginia State Bar, for reinstatement from Retired to Active status. The following is stated:

When my status was changed from Associate to Retired, I was unaware and did not authorize such change. At all times since the firm of Hutchens & Hutchens P.C. was created, I have owned all stock, managed, and controlled said firm.

In January of 2019, Suzette Hutchens, without my knowledge and while I was out of the state, removed all equipment, files, and records from the Hutchens & Hutchens P.C. law offices located at 2201 Libbie Avenue, Richmond, Virginia. Suzette Hutchens then proceeded to use aforementioned files and the Hutchens & Hutchens telephone number to create her own corporation under the name of SLH LAW PLLC in a new location at the Paragon Building in Henrico County, Virginia.

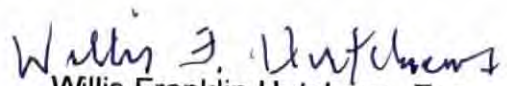
I find it necessary and essential to return to Active Status and thereby reestablish the respected law firm of Hutchens & Hutchens P.C., which remains registered with the State Corporation Commission to this date. I personally founded, marketed, and expended considerable effort and resources to provide future financial security for my family and myself.

I have enclosed two letters from my personal physician, Dr. Eddy Pizzani, stating my physical and mental ability to carry out the duties of an active attorney in the Commonwealth of Virginia. I am also enclosing a Virginia State Bar Disciplinary Certificate of Good Standing, a letter from the Third District

Committee dismissing the sole complaint filed, and the Virginia State Bar Certificate of Good Standing.

Upon authorization, I will proceed to complete the required 12 hours of Continuing Education, of which 6 hours will be of Ethics and pay all dues and other costs involved.

Respectfully submitted,


Willis Franklin Hutchens, Esq.

Enclosures (5)

VIRGINIA STATE BAR

CERTIFICATE OF GOOD STANDING

THIS IS TO CERTIFY THAT WILLIS FRANKLIN HUTCHENS IS A RETIRED MEMBER OF THE VIRGINIA STATE BAR IN GOOD STANDING. MR. HUTCHENS WAS LICENSED TO PRACTICE LAW IN VIRGINIA ON SEPTEMBER 21, 1973, AFTER SUCCESSFULLY PASSING THE BAR EXAMINATION GIVEN BY THE VIRGINIA BOARD OF BAR EXAMINERS.



Issued July 1, 2019

A handwritten signature in black ink, appearing to read "Karen A. Gould".

KAREN A. GOULD
EXECUTIVE DIRECTOR AND
CHIEF OPERATING OFFICER



Virginia State Bar

1111 East Main Street, Suite 700
Richmond, Virginia 23219-0026
Telephone: (804) 775-0539

TDD (804) 775-0502

July 3, 2019

Disciplinary Certificate of Good Standing

This is to certify that Willis Franklin Hutchens is an retired member of the Virginia State Bar in good standing, licensed to practice law in Virginia since September 21, 1973, after successfully passing the bar examination given by the Virginia Board of Bar Examiners.

The Virginia State Bar is the mandatory bar in Virginia, and all disciplinary actions against Virginia licensed attorneys are handled by this office. A careful search of the Virginia State Bar records has been made, and no record has been found of any public or private disciplinary sanctions imposed upon Willis Franklin Hutchens for misconduct as defined by the rules of professional conduct, nor are there any pending disciplinary proceedings.

DaVida M. Davis

DaVida M. Davis

Clerk of the Disciplinary System



Virginia State Bar

THIRD DISTRICT COMMITTEE

PLEASE REPLY TO:

R. Hunter Manson, Esq.

P. O. Box 30

Richmond, VA 23201-0030

PERSONAL AND CONFIDENTIAL

received
6-01-92 lcf

Willis Franklin Hutchens, Esq.
2201 Libbie Avenue
Richmond, VA 23230

Re: In the Matter of Willis Franklin Hutchens
VSB Docket #92-032-1164

Dear Mr. Hutchens:

This is to inform you that following an investigation of the above-referenced matter, the subcommittee dismissed the complaint against you.

The dismissal was based upon Virginia State Bar Council Rule of Disciplinary Procedure IV(B)(2)(c) which states that the alleged misconduct is clearly not of sufficient magnitude to warrant disciplinary action and that you have taken reasonable precautions against a recurrence of same.

Please be aware that this disposition will remain a part of your disciplinary record.

Thank you for your cooperation in this investigation.

Sincerely,

R. Hunter Manson
Acting Chair

RHM:lcf

cc: ✓ Virginia S. Duvall, Asst. Bar Counsel
Donald W. Lemons, Committee Chair

GASTROINTESTINAL ASSOCIATES OF VIRGINIA, INC.

INTERNAL MEDICINE AND GASTROENTEROLOGY

ST. MARY'S MEDICAL BUILDING, NORTH

5855 BREMO ROAD, SUITE 101

RICHMOND, VIRGINIA 23226-1926

(804) 288-3291 FAX (804) 285-2637

Director of Legal States

Virginia State Bar

Richmond, VA

July 17, 2019

RE: Willis Hutchens

DOB: 03/13/1937

Our Chart #81088

To Whom It May Concern:

Mr. Willis Franklin Hutchens has been a patient of mine for many years. Upon examining him I find no physical or mental deficiencies that would preclude him from the practice of law.

Sincerely,



Eddy Pizzani, MD

EP/jjhd

EDDY PIZZANI, M.D.

T. DEWEY DAVIS, M.D., 1899-1977 • THOMAS D. DAVIS, JR., M.D., RETIRED

GASTROINTESTINAL ASSOCIATES OF VIRGINIA, INC.

INTERNAL MEDICINE AND GASTROENTEROLOGY

ST. MARY'S MEDICAL BUILDING, NORTH

5855 BREMO ROAD, SUITE 101

RICHMOND, VIRGINIA 23226-1926

(804) 288-3291 FAX (804) 285-2637

May 22, 2019

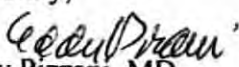
Joseph F. Grove, P.C.
9097 Atlee Station Rd
Suite 116
Mechanicsville, VA 23116

RE: Willis Franklin Hutchens, Esquire
Our Chart 81088

Dear Mr. Grove:

Mr. Hutchens has been my patient for a number of years. there is no evidence of any mental or physical disorder at this point. He also had colonoscopy, upper endoscopy, complete physical exam, and laboratory tests without any abnormalities.

Sincerely,


Eddy Pizzani, MD

EP/jjhd

EDDY PIZZANI, M.D.

T. DEWEY DAVIS, M.D., 1899 - 1977 • THOMAS D. DAVIS, JR., M.D., RETIRED

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FROM:

Willis F. Hutchens
 PO Box 1165
 Deltaville, VA 23043-1165

TO: Virginia State Bar
 Demetrios Melis, Membership Director
 Membership Dept.
 1111 East Main St, Ste 700
 Richmond, VA
 23219-0026



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TAB 14

PROPOSED AMENDMENTS TO VSB MISSION STATEMENT

The Virginia State Bar proposes amending its mission statement to make it consistent with its strategic plan, approved by Council at its October 2018 meeting, and to reflect the renaming of certain departments. For instance, the Office of Bar Counsel and the Department of Professional Regulation have been renamed the “Discipline Department.” The Membership Department has been renamed the “Regulatory Compliance Department.” Specifically, the redlined draft below reflects the proposed changes. Additions are denoted by underlining and deletions are indicated by strikethroughs.

Mission Statement

The mission of the Virginia State Bar, as an administrative agency of the Supreme Court of Virginia, is (1) to protect the public; ~~(12)~~ to regulate the legal profession of Virginia; ~~(23)~~ to advance access to legal services; and ~~(34)~~ to assist in improving the legal profession and the judicial system.

Commentary

The Mission Statement contains the ~~three~~four basic elements which are found in most of the sources relating to the existence, power, and authority of the Virginia State Bar. They are (1) protect the public~~professional regulation~~; (2) regulate the legal profession~~public access to legal services~~; and (3) advance access to legal services; and (4) improve the legal profession and the judicial system~~improving the system~~. The authority for the Mission Statement is found in, e.g., Va. Code Section 54.1-3909 (the Supreme Court’s authority to promulgate rules and regulations regarding the practice of law), Va. Code Section 54.1-3910 (establishing VSB as an administrative agency of the Court for professional regulation). Rules of Court Part 6, Section IV, paragraph 9(j)(the “necessary powers”).

Everything the VSB does should and can be related to one of these ~~three~~four areas. In the list which follows, each of the State Bar’s present functions has been placed in one or more of these categories.

I. Protect the Public

- A. Discipline Department
- B. Clerk of the Disciplinary System
- C. Disciplinary Board
- D. Disciplinary District Committees
- E. Standing Committee on Lawyer Discipline
- F. Standing Committee on Legal Ethics/Staff
- G. Mandatory Continuing Legal Education Board
- H. Regulatory Compliance Department
- I. Communications Department

- J. Clients' Protection Fund
- K. Standing Committee on Professionalism/Professionalism Course

II. Regulating the Legal Profession

- A. ~~Office of Bar Counsel/Professional Regulation Department/Clerk of the Disciplinary System~~ Discipline Department
- B. ~~Disciplinary Board~~ Clerk of the Disciplinary System
- ~~BC.~~ Disciplinary Board
- ~~CD.~~ Disciplinary District Committees
- ~~DE.~~ Standing Committee on Lawyer Discipline
- ~~E.~~ Standing Committee on Legal Ethics
- ~~EF.~~ Mandatory Continuing Legal Education Board
- ~~FG.~~ Regulatory Compliance Department
- ~~H.~~ Membership Department
- ~~I.~~ Administrative Support
- ~~GH.~~ Communications Department

III. Improving Advance Access to Legal Services to Public

- A. ~~Lawyer Regulation (see I. above)~~
- ~~B. Standing Committee on Professionalism/Professionalism Course~~
- ~~C. Standing Committee on Access to Legal Services/Director~~
- ~~BD.~~ Lawyer Referral Committee/Staff
- ~~CE. ADR/Alternative Dispute Resolution Joint Committee/Staff~~
- ~~DF.~~ Communications Department
- ~~G.~~ Clients' Protection Fund
- ~~H.~~ Access to Justice Director
- ~~I.~~ Membership Department
- ~~J.~~ Administrative Support

IV. Improving the Legal Profession and Judicial System

- A. ~~Lawyer Regulation~~ Protect the Public (see Part I above)
- B. ~~Professionalism~~ Regulate the Legal Profession (see Part II above)
- C. ~~Judicial Nominations Committee~~ Advance Access to Legal Services (see Part III above)
- D. Special Committee on Bench Bar Relations
- E. ~~Sections and Conferences and Sections/Staff~~
- F. ~~MCLE (see I. above)~~ Judicial Candidate Evaluation Committee
- ~~F.~~ Lawyer Assistance Program
- G. Local and Specialty Bar Relations Coordinator
- ~~H.~~ Bench Bar Relations Committee
- ~~I.~~ Administrative Support

Approved by VSB Council
February 28, 1998

Amended by VSB Executive Committee

Amended by VSB Council
