

VIRGINIA:

**IN THE SUPREME COURT OF VIRGINIA
AT RICHMOND**

**IN THE MATTER OF
SUPREME COURT RULES, PART 6, § IV, PARAGRAPH 13**

(VSB Petition ID: 23-6)

PETITION OF THE VIRGINIA STATE BAR

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PETITION

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES OF THE SUPREME COURT OF VIRGINIA:

NOW COMES the Virginia State Bar (“VSB”), by its president and executive director, pursuant to Va. Code § 54.1-3909, and requests review and approval of proposed amendments to Part 6, § IV, Paragraph 13 of the Rules of this Court governing the Procedure for Disciplining, Suspending, and Disbarring Attorneys (“Paragraph 13”), as set forth below. The proposed amendments were approved by a unanimous vote of the VSB Council (“Council”) on June 15, 2023. (Appendix, p. 46).

I. Overview of the Issues

The VSB Standing Committee on Lawyer Discipline (“COLD”) proposed, unanimously approved, and recommended to Council revisions to Paragraphs 13-16.BB, 13-18.O, 13-20, 13-24, 13-25, and 13-29 to add specific mechanisms for respondents to elect a three-judge circuit court in all disciplinary proceedings. The amendments also clarify related definitions in Paragraph 13-1.

A. Statutory Right to Demand Three-Judge Circuit Court in Attorney Disciplinary Proceedings

All attorneys subject to disciplinary proceedings in Virginia have the statutory right to demand a three-judge circuit court. See Va. Code § 54.1-3935, “Any attorney who is the subject of a disciplinary proceeding of the Virginia State Bar may elect to terminate the proceeding before the Bar Disciplinary Board or a district committee and demand that further proceedings be conducted by a three-judge circuit court. Such demand shall be made in accordance with the rules and procedures set forth in Part Six, Section IV, Paragraph 13 of the Rules of Supreme Court of Virginia.” (Appendix, p. 2). Similarly, Virginia Code § 54.1-3915 states that, “In no case shall an attorney who demands to be tried by a court of competent jurisdiction for the violation of any rule or regulation adopted under this article be tried in any other matter.” (Appendix, p. 1). Additionally, this Court has held that “[f]ailure [of an attorney charged with misconduct] to make timely demand for a three-judge court constitute[s] a conclusive waiver of the right to subsequently file such demand.” *Fails v. Va. State Bar*, 265 Va. 3, 574 S.E.2d 530, 533 (2003) (quoting *Wright v. Virginia State Bar*, 233 Va. 491, 357 S.E.2d 518, 520 (1987)).

Disciplinary proceeding is not defined in Va. Code § 54.1-3935.

B. Revision of Paragraph 13 to Add a Three-Judge Circuit Court Election to All Disciplinary Proceedings

Virginia Code § 54.1-3935 is tailored to address Disciplinary Proceedings for Disciplinary Rule violations.¹ See Paragraph 13-16 (District Committee Proceedings) and Paragraph 13-18 (Board Proceedings Upon Certification). The remaining Disciplinary Proceedings under Paragraph 13, almost all of which lie within the jurisdiction of the Board pursuant to Paragraph 13-6.F, include:

- Enforcement of Terms by the District Committee. Paragraph 13-16.BB.
- Perfecting an Appeal of a District Committee Determination by the Respondent. Paragraph 13-17.
- Enforcement of Terms by the Board. Paragraph 13-18.O.
- Board Proceedings Upon Certification for Sanction Determination. Paragraph 13-20.
- Board Proceedings Upon a First Offender Plea. Paragraph 13-21.
- Board Proceedings Upon a Guilty Plea or an Adjudication of a Crime. Paragraph 13-22.

¹ Disciplinary Proceeding means any proceeding governed by Paragraph 13 except an Impairment Proceeding. See Paragraph 13-1. Proposed amendments do not recommend three-judge circuit court as an alternate tribunal for Impairment Proceedings or for Interim Suspensions for failure of a Respondent to comply with an order, summons, or subpoena issued in connection with a Disciplinary Proceeding. See Paragraphs 13-23, 13-6.F and G.

- Board Proceedings Upon Disbarment, Revocation or Suspension in Another Jurisdiction (“Reciprocal Proceedings”). Paragraph 13-24.

- Board Proceedings for Reinstatement (“Reinstatement Proceedings”).² Paragraph 13-25. In Reinstatement Proceedings the Board makes a recommendation to this Court which decides whether or not to reinstate a Respondent’s license. The proposed amendment provides a mechanism for a Respondent to request a three-judge circuit court which would make a recommendation as the Board does.

- Duties of Disbarred or Suspended Respondent. Paragraph 13-29.

Paragraphs 13-17, 13-21, and 13-22 contain a specific mechanism and deadline for Respondents to demand a three-judge circuit court. Paragraphs 13-16.BB, 13-18.O, 13-20, 13-24, 13-25, and 13-29 do not. The proposed amendments seek to conform Paragraphs 13-16.BB, 13-18.O, 13-20, 13-24, 13-25, and 13-29 to Disciplinary Proceedings for Disciplinary Rule violations and Paragraphs 13-17, 13-21, and 13-22 by adding a specific mechanism for a Respondent to request a three-judge circuit court.

The proposed revisions to Disciplinary Proceedings for Enforcement of Terms at Paragraphs 13-16.BB and 13-18.O, the proposed Paragraph 13-20.F

² Although Reinstatement Proceedings do not involve the imposition of additional discipline, they are included within the definition of “Disciplinary Proceeding” in Paragraph 13-1.

(Board Proceedings Upon Certification for Sanction Determination), and Paragraph 13-29.B (Duties of Disbarred or Suspended Respondents) propose a 10-day deadline to request a three-judge circuit court. Paragraph 13-24.I (Reciprocal Proceedings) proposes a 14-day deadline consistent with Paragraph 13-21 (Board Proceedings Upon First Offender Plea) and Paragraph 13-22 (Board Proceedings Upon Guilty Plea or Adjudication of Crime). Finally, the proposed revisions to Paragraph 13-25 (Board Proceedings for Reinstatement) impose a 21-day deadline. The differing deadlines are consistent with the public protection concerns and differing natures of the Disciplinary Proceedings.

II. Publication and Comment

During its January 25, 2023 meeting, COLD unanimously approved the addition of Paragraph 13-24.I to Reciprocal Proceedings. Paragraph 13-24.I clarifies (1) the timeframe and method by which the attorney must demand a three-judge circuit court and (2) whether the summary suspension, which is issued pending resolution of the reciprocal disciplinary matter, remains in place. On January 31, 2023, the VSB posted proposed Paragraph 13-24.I for public comment on the “Actions on Rule Changes and Legal Ethics Opinions” and “News and Information” pages of the VSB website. (Appendix, pp. 19-20). The VSB also included notice of proposed Paragraph 13-24.I in the VSB’s February and March

E-News on February 1, and March 1, 2023. (Appendix, pp. 21, 24). The deadline to comment was April 1, 2023.

Three comments were received on the revisions, two in favor and one against. (Appendix, pp. 32-34). The comment against the changes argued that “the professionals who handle these matters should continue to do so.” (Appendix, p. 34). During its April 19, 2023 meeting, COLD reviewed the comments and unanimously approved the amendments for presentation to Council.

During its April 19, 2023 meeting, COLD also unanimously approved proposed amendments to add specific mechanisms for Respondents to demand three-judge circuit courts at Paragraph 13-16.BB, 13-18.O, 13-20, 13-25, and 13-29 and to clarify related definitions in Paragraph 13-1. On April 19, 2023, the VSB posted these proposed amendments for public comment on the VSB website on the “Actions on Rule Changes and Legal Ethics Opinions” and “News and Information” pages (Appendix, pp. 27-28). Notice of the proposed amendments was also published in the VSB’s May E-News on May 1, 2023 (Appendix, p. 29). The deadline to comment was May 19, 2023. The VSB did not receive any comments. During its May 31, 2023 meeting, COLD unanimously approved the amendments for presentation to Council.

Subsequently, on June 14, 2023, Mr. Cargill, who opposed Paragraph 13-24.I in a comment submitted in March 2023, stated that he “actually favor[ed] the

Bar’s proposal” and “had misinterpreted the rule change as diminishing the power of the Virginia State Bar to both discipline Virginia lawyers and pass on reinstatement requests.” (Appendix, pp. 34-35). On June 15, 2023, by a vote of 62-0, Council approved the proposed amendments for submission to this Court.

III. Proposed Amendments

Additions are denoted by underlining and deletions by strikethroughs.

13. PROCEDURE FOR DISCIPLINING, SUSPENDING, AND DISBARRING ATTORNEYS

13-1. DEFINITIONS

* * *

“Investigation” means any inquiry by Bar Counsel, Committee Counsel, or the Bar’s designee concerning any alleged Misconduct or Crime committed by an Attorney, ~~or~~ any Impairment of an Attorney, or any petition for Reinstatement.

* * *

“Petitioner” means:

1. A former an Attorney seeking Reinstatement after a Revocation; or
2. An Attorney seeking termination of an Impairment Suspension; or
3. A Bar Counsel or District Committee Chair seeking an expedited hearing before the Board and alleging 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.

* * *

“Reinstatement” means the restoration ~~by this Court~~ of a Petitioner or an

Attorney's License in the manner provided in this Paragraph.

"Reinstatement Proceeding" means the proceeding which takes place upon ~~referral from this Court of a Petition for Reinstatement by an Attorney~~ the filing of a petition by a former attorney whose License was previously revoked.

* * *

"Respondent" means any Attorney:

1. Who is the subject of a Complaint;
2. Who is the subject of any proceeding under this Paragraph, Va. Code §§ 54.1-3900.01, 54.1-3935, 54.1-3936, or RESA; or
3. Who is the subject of an Adjudication of a Crime Proceeding, Proceedings upon Disbarment, Revocation or Suspension in another jurisdiction, or Impairment Proceeding, ~~or Reinstatement Proceeding~~.

* * *

13-16. DISTRICT COMMITTEE PROCEEDINGS

* * *

- BB. Enforcement of Terms. In all cases where Terms are included in the disposition, the District Committee must specify the time period within which compliance must be completed and, if required, the time period within which the Respondent must deliver a written certification of compliance to Bar Counsel. The District Committee must specify the alternative disposition if the Terms are not complied with or, if required, compliance is not certified to Bar Counsel. Bar Counsel is responsible for monitoring compliance and reporting any noncompliance to the District Committee. Whenever it appears that the Respondent has not complied with the Terms imposed, including written certification of compliance if required, Bar Counsel must serve notice requiring the Respondent to show cause why the alternative disposition should not be imposed. If the Respondent elects to have further show cause proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the

Clerk within 10 days of the date of mailing of the notice to show cause and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the District Committee must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the District Committee, and the show cause proceeding~~Such show cause proceeding~~ must be set for hearing before the District Committee at its next available hearing date as determined in the discretion of the District Committee Chair. The burden of proof is on the Respondent to show compliance by clear and convincing evidence. If the Respondent has failed to comply with the Terms, including written certification of compliance if required, within the stated time period as determined by the District Committee, the alternative disposition must be imposed. Any show cause proceeding involving the question of compliance is deemed a new matter and not a continuation of the matter that resulted in the imposition of Terms.

* * *

13-18. BOARD PROCEEDINGS UPON CERTIFICATION

* * *

- O. Enforcement of Terms. In all cases where Terms are included in the disposition, the Board must specify the time period within which compliance must be completed and, if required, the time period within which the Respondent must deliver a written certification of compliance to Bar Counsel. The Board must specify the alternative disposition if the Terms are not complied with or, if required, compliance is not certified to Bar Counsel. Bar Counsel is responsible for monitoring compliance and reporting any noncompliance to the Board. Whenever it appears that the Respondent has not complied with the Terms imposed, including written certification of compliance if required, Bar Counsel must

serve notice requiring the Respondent to show cause why the alternative disposition should not be imposed. If the Respondent elects to have further show cause proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 10 days of the date of mailing of the notice to show cause and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board, and the show cause proceeding~~Such show cause proceeding~~ must be set for hearing before the Board at its next available hearing date. The burden of proof is on the Respondent to show compliance by clear and convincing evidence. If the Respondent has failed to comply with the Terms, including written certification of compliance if required, within the stated time period, as determined by the Board, the alternative disposition must be imposed. Any show cause proceeding involving the question of compliance is deemed a new matter and not a continuation of the matter that resulted in the imposition of Terms.

* * *

13-20. BOARD PROCEEDINGS UPON CERTIFICATION FOR SANCTION DETERMINATION

* * *

F. Demand for Three-Judge Circuit Court. If the Respondent elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 10 days of the date of mailing of the notice of hearing and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the

complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board.

* * *

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

I. Demand for Three-Judge Circuit Court. If the Respondent elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 14 days of the date of mailing of the Board order and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. Any summary Suspension issued by the Board must remain in effect until the court designated under Va. Code § 54.1-3935 enters a final order. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board.

* * *

13-25. ~~BOARD~~ PROCEEDINGS FOR REINSTATEMENT

* * *

E. Petition for Reinstatement After Revocation. After a Revocation, a Petitioner may file with the Clerk 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 will be determined by the Clerk after the petition is filed, and the Clerk will notify the Petitioner of compliance or noncompliance. Upon a determination of compliance with the requirements of subparagraph 13-25.F, the Clerk will enter the petition on the docket of the Board and 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 must be taken by this Court.~~

* * *

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

* * *

3. Completion of Investigation and Hearing Date. As soon as practicable, Bar Counsel must complete the Investigation and notify the Clerk and the Petitioner of the completion of the Investigation in writing. The Petitioner may elect to have further proceedings on the petition conducted by a three-judge circuit court by filing a demand with the Clerk not later than 21 days after Bar Counsel's notice of completion of Investigation is served. The demand must include the Petitioner's available dates for a hearing on the petition not less than 30 days nor more than 120 days after the date of the demand; however, the 30 to 120-day time frame does not constitute a deadline for the hearing to be held. If the Petitioner does not file a demand with the Clerk to have further proceedings conducted by a three-judge circuit court by the 21-day deadline, the Petitioner will be deemed to have consented to the jurisdiction of the Board. If the Petitioner elects further proceedings before a three-judge circuit court as set forth in this subsection, Bar Counsel must file a petition for rule to show cause, attaching the petition for Reinstatement, in the Circuit Court for the City of Richmond, and the chief judge must issue a rule against the Petitioner to show cause why the Petitioner's license should be reinstated.

The Circuit Court for the City of Richmond must then certify the fact of issuance of the rule to show cause and the time and place of the hearing thereon to the Chief Justice of the Supreme Court, who must designate a three-judge circuit court consisting of three circuit court judges from any circuit to hold a hearing on the petition. The date of the hearing must be determined by the Clerk in consultation with the Bar Counsel and the Petitioner.

* * *

6. Powers of the Board or a Three-Judge Circuit Court in Reinstatement Cases. The Board or, if designated, a three-judge circuit court is empowered to hold a hearing and make its recommendation to this Court either to approve or disapprove the petition.
 - a. Hearing. On the date set for the hearing, the Petitioner has the right to representation by counsel, to examine and cross-examine witnesses and to present evidence. The testimony and other incidents of the hearing must be transcribed and preserved, together with all exhibits (or copies thereof) received into evidence or refused. Bar Counsel must appear and represent the Commonwealth and its citizens. Bar Counsel has the right to cross-examine, call witnesses and present evidence in opposition to the petition. Board or, if designated, three-judge circuit court members may examine witnesses called by either party. Legal advice to the Board or, if designated, three-judge circuit court, if required, must be rendered by the Office of the Attorney General.
 - b. Factors to be Considered. In considering the matter prior to making a recommendation to this Court, the Board or, if designated, three-judge circuit court may consider the following factors:

* * *

- c. Character Witnesses. Up to five character witnesses

supporting and up to five character witnesses opposing the petition may be heard. In addition, the Board or, if designated, three-judge circuit court may consider any letters submitted regarding the Petitioner's character and fitness.

- d. Character and Fitness Determination. The Board or, if designated, three-judge circuit court must offer an opinion in its recommendation as to whether the Petitioner is a person of honest demeanor and good moral character and possesses the requisite fitness to practice law.
- e. Determination by the Board or the Three-Judge Circuit Court. The Board or, if designated, three-judge circuit court must, within 60 days after the receipt of the transcript, forward the record and its recommendations to this Court. A copy of the recommendation must be forwarded to the Petitioner and Bar Counsel.
 - i. If the Board or, if designated, three-judge circuit court recommends Reinstatement, it may be conditioned upon Petitioner obtaining malpractice insurance coverage and/or a blanket fidelity bond or dishonesty insurance coverage in an amount(s) set by the Board or, if designated, three-judge circuit court from an approved professional insurance carrier for a definite term or on an ongoing basis.
 - ii. At the conclusion of the Reinstatement Proceeding, the Clerk must determine the Costs associated with such Proceeding. The Clerk must refund any remaining surplus or must assess to the Petitioner any deficiencies that exist and submit a report on same to the Clerk of this Court as part of the Board's or, if designated, three-judge circuit court's recommendation order.
 - iii. Upon approval of a petition by this Court, the

Petitioner must meet the following requirements prior to and as a condition of his or her Reinstatement:

* * *

- c) If required by the Board or, if designated, three-judge circuit court, obtain and maintain a professional liability insurance policy issued by a company authorized to write such insurance in Virginia at the cost of the Petitioner in an amount and for such term as set by the Board or, if designated, three-judge circuit court; and
- d) If required by the Board or, if designated, three-judge circuit court, obtain and maintain a blanket fidelity bond or dishonesty insurance policy issued by a company authorized to write such bonds or insurance in Virginia at the Petitioner's cost in an amount and for such term as set by the Board or, if designated, three-judge circuit court.

* * *

13-29. DUTIES OF DISBARRED OR SUSPENDED RESPONDENT

A. Duties After Suspension or Revocation. After a Suspension against a Respondent is imposed by either a Summary Order or Memorandum Order and no stay of the Suspension has been granted by this Court, or after a Revocation against a Respondent is imposed by either a Summary Order or Memorandum Order, Respondent must forthwith give notice, by certified mail, of his or her Revocation or Suspension to all clients for whom he or she is currently handling matters and to all opposing Attorneys and the presiding Judges in pending litigation. The Respondent must also make appropriate arrangements for the disposition of matters then in his or her care in conformity with the wishes of his or her clients. The Respondent must give such notice

immediately and in no event later than 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Revocation or Suspension. The Respondent must also furnish proof to the Clerk within 60 days of the effective date of the Revocation or Suspension that such notices have been timely given and such arrangements have been made for the disposition of matters. The Board must decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof is on the Respondent to show compliance. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph 13-29.

B. Demand for Three-Judge Circuit Court. If the Respondent elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 10 days of the date of mailing of the petition for show cause and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30-to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board.

* * *

IV. Conclusion

The Supreme Court is authorized to regulate the practice of law in the Commonwealth of Virginia and to prescribe procedures for disciplining, suspending, and disbaring attorneys. Va. Code §§ 54.1-3909, 3910. Pursuant to this statutory authority, the Court has promulgated rules and regulations relating to

the organization and government of the VSB. Va. S. Ct. R., Pt. 6, § IV. Attorneys facing disciplinary proceedings have a statutory right to demand a three-judge circuit court. The proposed amendments add a specific mechanism to the relevant sections of Paragraph 13 which currently do not specify how and when a Respondent may elect to proceed before a three-judge circuit court. COLD proposed, vetted, and approved the amendments. Council likewise approved the amendments by a unanimous vote.

THEREFORE, the VSB requests that the Court approve the proposed amendments to the attorney disciplinary procedure that add mechanisms to request three-judge circuit courts at Paragraphs 13-16.BB, 13-18.O, 13-20, 13-24, 13-25, and 13-29, and amendments that clarify related definitions in Paragraph 13-1 for the reasons stated above.

Respectfully submitted,
VIRGINIA STATE BAR



By _____
Chidi I. James, President

By 
Cameron M. Rountree, Executive Director

Dated this 9th day of August, 2023.

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APPENDIX TO PETITION OF THE VIRGINIA STATE BAR

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Code of Virginia
Title 54.1. Professions and Occupations
Chapter 39. Attorneys

§ 54.1-3915. Restrictions as to rules and regulations.

Notwithstanding the foregoing provisions of this article, the Supreme Court shall not promulgate rules or regulations prescribing a code of ethics governing the professional conduct of attorneys which are inconsistent with any statute; nor shall it promulgate any rule or regulation or method of procedure which eliminates the jurisdiction of the courts to deal with the discipline of attorneys. In no case shall an attorney who demands to be tried by a court of competent jurisdiction for the violation of any rule or regulation adopted under this article be tried in any other manner.

Code 1950, § 54-51; 1974, c. 536; 1988, c. 765.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

6/15/202

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§ 54.1-3935. Procedure for disciplining attorneys by three-judge circuit court.

A. Any attorney who is the subject of a disciplinary proceeding or the Virginia State Bar may elect to terminate the proceeding before the Bar Disciplinary Board or a district committee and demand that further proceedings be conducted by a three-judge circuit court. Such demand shall be made in accordance with the rules and procedures set forth in Part Six, Section IV, Paragraph 13 of the Rules of Supreme Court of Virginia. Upon receipt of a demand for a three-judge circuit court, the Virginia State Bar shall file a complaint in a circuit court where venue is proper and the chief judge of the circuit court shall issue a rule against the attorney to show cause why the attorney shall not be disciplined. At the time the rule is issued by the circuit court, the court shall certify the fact of such issuance and the time and place of the hearing thereon to the Chief Justice of the Supreme Court, who shall designate the three-judge circuit court, which shall consist of three circuit court judges of circuits other than the circuit in which the case is pending, to hear and decide the case. The rules and procedures set forth in Part Six, Section IV, Paragraph 13 of the Rules of Supreme Court of Virginia shall govern any attorney disciplinary proceeding before a three-judge circuit court.

B. Bar Counsel of the Virginia State Bar shall prosecute the case. Special counsel may be appointed to prosecute the case pursuant to § 2.2-510.

C. The three-judge circuit court hearing the case may dismiss the case or impose any sanction authorized by Part Six, Section IV, Paragraph 13 of the Rules of Supreme Court of Virginia. In any case in which the attorney is found to have engaged in any criminal activity that violates the Virginia Rules of Professional Conduct and results in the loss of property of one or more of the attorney's clients, the three-judge circuit court shall also require, in instances where the attorney is allowed to retain his license, or is permitted to have his license reinstated or restored, that such attorney maintain professional malpractice insurance during the time for which he is licensed to practice law in the Commonwealth. The Virginia State Bar shall establish standards setting forth the minimum amount of coverage that the attorney shall maintain in order to meet the requirements of this subsection. Before resuming the practice of law in the Commonwealth, the attorney shall certify to the Virginia State Bar that he has the required insurance and shall provide the name of the insurance carrier and the policy number.

D. The attorney, may, as of right, appeal from the judgment of the three-judge circuit court to the Supreme Court pursuant to the procedure for filing an appeal from a trial court, as set forth in Part 5 of the Rules of Supreme Court of Virginia. In any such appeal, the Supreme Court may, upon petition of the attorney, stay the effect of an order of revocation or suspension during the pendency of the appeal. Any other sanction imposed by a three-judge circuit court shall be automatically stayed prior to or during the pendency of the appeal.

E. Nothing in this section shall affect the right of a court to require from an attorney security for good behavior or to fine the attorney for contempt of court.

Code 1950, §§ 54-74, 54-75; 1956, Ex. Sess., c. 33; 1964, c. 201; 1970, c. 430; 1972, c. 103; 1980, c. 289; 1984, cc. 289, 703; 1988, c. 765; 1997, c. 238; 1998, cc. 339, 637; 2009, c. 287; 2017, cc. 40, 91.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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* * *

“Reinstatement” means the restoration ~~by this Court~~ of a Petitioner or an Attorney’s License in the manner provided in this Paragraph.

“Reinstatement Proceeding” means the proceeding which takes place upon ~~referral from this Court of a Petition for Reinstatement by an Attorney~~ the filing of a petition by a former attorney whose License was previously revoked.

* * *

“Respondent” means any Attorney:

1. Who is the subject of a Complaint;
2. Who is the subject of any proceeding under this Paragraph, Va. Code §§ 54.1-3900.01, 54.1-3935, 54.1-3936, or RESA; or
3. Who is the subject of an Adjudication of a Crime Proceeding, Proceedings upon Disbarment, Revocation or Suspension in another jurisdiction, or Impairment Proceeding, ~~or Reinstatement Proceeding~~.

* * *

13-16. DISTRICT COMMITTEE PROCEEDINGS

* * *

BB. Enforcement of Terms. In all cases where Terms are included in the disposition, the District Committee must specify the time period within which compliance must be completed and, if required, the time period within which the Respondent must deliver a written certification of compliance to Bar Counsel. The District Committee must specify the alternative disposition if the Terms are not complied with or, if required, compliance is not certified to Bar Counsel. Bar Counsel is responsible for monitoring compliance and reporting any noncompliance to the District Committee. Whenever it appears that the Respondent has not complied with the Terms imposed, including written certification of compliance if required, Bar Counsel must serve notice requiring the Respondent to show cause why the alternative disposition should not be imposed. If the Respondent elects to have further show cause proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 10 days of the date of mailing of the notice to show cause and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the District Committee must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the District Committee, and the show cause proceeding~~Such show cause proceeding~~ must be set for hearing before the District Committee at its next available hearing date as determined in the discretion of the District Committee Chair. The burden of proof is on the Respondent to show compliance by clear and convincing evidence. If the Respondent has failed to comply with the Terms, including written certification of compliance if required, within the stated time period as determined by the District Committee, the alternative disposition must be imposed. Any show cause proceeding involving the question of compliance is deemed a new matter and not a continuation of the matter that resulted in the imposition of Terms.

* * *

13-18. BOARD PROCEEDINGS UPON CERTIFICATION

* * *

- O. Enforcement of Terms. In all cases where Terms are included in the disposition, the Board must specify the time period within which compliance must be completed and, if required, the time period within which the Respondent must deliver a written certification of compliance to Bar Counsel. The Board must specify the alternative disposition if the Terms are not complied with or, if required, compliance is not certified to Bar Counsel. Bar Counsel is responsible for monitoring compliance and reporting any noncompliance to the Board. Whenever it appears that the Respondent has not complied with the Terms imposed, including written certification of compliance if required, Bar Counsel must serve notice requiring the Respondent to show cause why the alternative disposition should not be imposed. If the Respondent elects to have further show cause proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 10 days of the date of mailing of the notice to show cause and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board, and the show cause proceeding ~~Such show cause proceeding~~ must be set for hearing before the Board at its next available hearing date. The burden of proof is on the Respondent to show compliance by clear and convincing evidence. If the Respondent has failed to comply with the Terms, including written certification of compliance if required, within the stated time period, as determined by the Board, the alternative disposition must be imposed. Any show cause proceeding involving the question of compliance is deemed a new matter and not a continuation of the matter that resulted in the imposition of Terms.

* * *

13-20. BOARD PROCEEDINGS UPON CERTIFICATION FOR SANCTION DETERMINATION

* * *

- F. Demand for Three-Judge Circuit Court. If the Respondent elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 10 days of the date of mailing of the notice of hearing and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by

Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board.

* * *

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

- I. Demand for Three-Judge Circuit Court. If the Respondent elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 14 days of the date of mailing of the Board order and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. Any summary Suspension issued by the Board must remain in effect until the court designated under Va. Code § 54.1-3935 enters a final order. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board.

* * *

13-25. ~~BOARD~~ PROCEEDINGS FOR REINSTATEMENT

* * *

- E. Petition for Reinstatement After Revocation. After a Revocation, a Petitioner may file with the Clerk 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 will be determined by the Clerk after the petition is filed, and the Clerk will notify the Petitioner of compliance or noncompliance. Upon a determination of compliance with the requirements of subparagraph 13-25.F, the Clerk will enter the petition on the docket of the Board and 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 must be taken by this Court.~~

* * *

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

* * *

3. Completion of Investigation and Hearing Date. As soon as practicable, Bar Counsel must complete the Investigation and notify the Clerk and the Petitioner of the completion of the Investigation in writing. The Petitioner may elect to have further proceedings on the petition conducted by a three-judge circuit court by filing a demand with the Clerk not later than 21 days after Bar Counsel's notice of completion of Investigation is served. The demand must include the Petitioner's available dates for a hearing on the petition not less than 30 days nor more than 120 days after the date of the demand; however, the 30 to 120-day time frame does not constitute a deadline for the hearing to be held. If the Petitioner does not file a demand with the Clerk to have further proceedings conducted by a three-judge circuit court by the 21-day deadline, the Petitioner will be deemed to have consented to the jurisdiction of the Board. If the Petitioner elects further proceedings before a three-judge circuit court as set forth in this subsection, Bar Counsel must file a petition for rule to show cause, attaching the petition for Reinstatement, in the Circuit Court for the City of Richmond, and the chief judge must issue a rule against the Petitioner to show cause why the Petitioner's license should be reinstated. The Circuit Court for the City of Richmond must then certify the fact of issuance of the rule to show cause and the time and place of the hearing thereon to the Chief Justice of the Supreme Court, who must designate a three-judge circuit court consisting of three circuit court judges from any circuit to hold a hearing on the petition. The date of the hearing must be determined by the Clerk in consultation with the Bar Counsel and the Petitioner.

* * *

6. Powers of the Board or a Three-Judge Circuit Court in Reinstatement Cases. The Board or, if designated, a three-judge circuit court is empowered to hold a hearing and make its recommendation to this Court either to approve or disapprove the petition.

- a. Hearing. On the date set for the hearing, the Petitioner has the right to representation by counsel, to examine and cross-examine witnesses and to present evidence. The testimony and other incidents of the hearing must be transcribed and preserved,

together with all exhibits (or copies thereof) received into evidence or refused. Bar Counsel must appear and represent the Commonwealth and its citizens. Bar Counsel has the right to cross-examine, call witnesses and present evidence in opposition to the petition. Board or, if designated, three-judge circuit court members may examine witnesses called by either party. Legal advice to the Board or, if designated, three-judge circuit court, if required, must be rendered by the Office of the Attorney General.

- b. Factors to be Considered. In considering the matter prior to making a recommendation to this Court, the Board or, if designated, three-judge circuit court may consider the following factors:

* * *

- c. Character Witnesses. Up to five character witnesses supporting and up to five character witnesses opposing the petition may be heard. In addition, the Board or, if designated, three-judge circuit court may consider any letters submitted regarding the Petitioner's character and fitness.
- d. Character and Fitness Determination. The Board or, if designated, three-judge circuit court must offer an opinion in its recommendation as to whether the Petitioner is a person of honest demeanor and good moral character and possesses the requisite fitness to practice law.
- e. Determination by the Board or the Three-Judge Circuit Court. The Board or, if designated, three-judge circuit court must, within 60 days after the receipt of the transcript, forward the record and its recommendations to this Court. A copy of the recommendation must be forwarded to the Petitioner and Bar Counsel.
- i. If the Board or, if designated, three-judge circuit court recommends Reinstatement, it may be conditioned upon Petitioner obtaining malpractice insurance coverage and/or a blanket fidelity bond or dishonesty insurance coverage in an amount(s) set by the Board or, if designated, three-judge circuit court from an approved professional insurance carrier for a definite term or on an ongoing basis.
- ii. At the conclusion of the Reinstatement Proceeding, the Clerk must determine the Costs associated with such Proceeding. The Clerk must refund any remaining surplus or must assess to the Petitioner any deficiencies that exist

and submit a report on same to the Clerk of this Court as part of the Board's or, if designated, three-judge circuit court's recommendation order.

- iii. Upon approval of a petition by this Court, the Petitioner must meet the following requirements prior to and as a condition of his or her Reinstatement:

* * *

- c) If required by the Board or, if designated, three-judge circuit court, obtain and maintain a professional liability insurance policy issued by a company authorized to write such insurance in Virginia at the cost of the Petitioner in an amount and for such term as set by the Board or, if designated, three-judge circuit court; and
- d) If required by the Board or, if designated, three-judge circuit court, obtain and maintain a blanket fidelity bond or dishonesty insurance policy issued by a company authorized to write such bonds or insurance in Virginia at the Petitioner's cost in an amount and for such term as set by the Board or, if designated, three-judge circuit court.

* * *

13-29. DUTIES OF DISBARRED OR SUSPENDED RESPONDENT

- A. Duties After Suspension or Revocation. After a Suspension against a Respondent is imposed by either a Summary Order or Memorandum Order and no stay of the Suspension has been granted by this Court, or after a Revocation against a Respondent is imposed by either a Summary Order or Memorandum Order, Respondent must forthwith give notice, by certified mail, of his or her Revocation or Suspension to all clients for whom he or she is currently handling matters and to all opposing Attorneys and the presiding Judges in pending litigation. The Respondent must also make appropriate arrangements for the disposition of matters then in his or her care in conformity with the wishes of his or her clients. The Respondent must give such notice immediately and in no event later than 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Revocation or Suspension. The Respondent must also furnish proof to the Clerk within 60 days of the effective date of the Revocation or Suspension that such notices have been timely given and such arrangements have been made for the disposition of matters. The Board

must decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof is on the Respondent to show compliance. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph 13-29.

B. Demand for Three-Judge Circuit Court. If the Respondent elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 10 days of the date of mailing of the petition for show cause and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board.

13. PROCEDURE FOR DISCIPLINING, SUSPENDING, AND DISBARRING ATTORNEYS

13-1. DEFINITIONS

* * *

“Investigation” means any inquiry by Bar Counsel, Committee Counsel, or the Bar’s designee concerning any alleged Misconduct or Crime committed by an Attorney, any Impairment of an Attorney, or any petition for Reinstatement.

* * *

“Petitioner” means:

1. A former attorney seeking Reinstatement after a Revocation; or
2. An Attorney seeking termination of an Impairment Suspension; or
3. A Bar Counsel or District Committee Chair seeking an expedited hearing before the Board and alleging 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.

* * *

“Reinstatement” means the restoration of a Petitioner or an Attorney’s License in the manner provided in this Paragraph.

“Reinstatement Proceeding” means the proceeding which takes place upon the filing of a petition by a former attorney whose License was previously revoked.

* * *

“Respondent” means any Attorney:

1. Who is the subject of a Complaint;
2. Who is the subject of any proceeding under this Paragraph, Va. Code §§ 54.1-3900.01, 54.1-3935, 54.1-3936, or RESA; or
3. Who is the subject of an Adjudication of a Crime Proceeding, Proceedings upon Disbarment, Revocation or Suspension in another jurisdiction, or Impairment Proceeding.

* * *

13-16. DISTRICT COMMITTEE PROCEEDINGS

* * *

BB. Enforcement of Terms. In all cases where Terms are included in the disposition, the District Committee must specify the time period within which compliance must be completed and, if required, the time period within which the Respondent must deliver a written certification of compliance to Bar Counsel. The District Committee must specify the alternative disposition if the Terms are not complied with or, if required, compliance is not certified to Bar Counsel. Bar Counsel is responsible for monitoring compliance and reporting any noncompliance to the District Committee. Whenever it appears that the Respondent has not complied with the Terms imposed, including written certification of compliance if required, Bar Counsel must serve notice requiring the Respondent to show cause why the alternative disposition should not be imposed. If the Respondent elects to have further show cause proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 10 days of the date of mailing of the notice to show cause and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the District Committee must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the District Committee, and the show cause proceeding must be set for hearing before the District Committee at its next available hearing date as determined in the discretion of the District Committee Chair. The burden of proof is on the Respondent to show compliance by clear and convincing evidence. If the Respondent has failed to comply with the Terms, including written certification of compliance if required, within the stated time period as determined by the District Committee, the alternative disposition must be imposed. Any show cause proceeding involving the question of compliance is deemed a new matter and not a continuation of the matter that resulted in the imposition of Terms.

* * *

13-18. BOARD PROCEEDINGS UPON CERTIFICATION

* * *

- O. Enforcement of Terms. In all cases where Terms are included in the disposition, the Board must specify the time period within which compliance must be completed and, if required, the time period within which the Respondent must deliver a written certification of compliance to Bar Counsel. The Board must specify the alternative disposition if the Terms are not complied with or, if required, compliance is not certified to Bar Counsel. Bar Counsel is responsible for monitoring compliance and reporting any noncompliance to the Board. Whenever it appears that the Respondent has not complied with the Terms imposed, including written certification of compliance if required, Bar Counsel must serve notice requiring the Respondent to show cause why the alternative disposition should not be imposed. If the Respondent elects to have further show cause proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 10 days of the date of mailing of the notice to show cause and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board, and the show cause proceeding must be set for hearing before the Board at its next available hearing date. The burden of proof is on the Respondent to show compliance by clear and convincing evidence. If the Respondent has failed to comply with the Terms, including written certification of compliance if required, within the stated time period, as determined by the Board, the alternative disposition must be imposed. Any show cause proceeding involving the question of compliance is deemed a new matter and not a continuation of the matter that resulted in the imposition of Terms.

* * *

13-20. BOARD PROCEEDINGS UPON CERTIFICATION FOR SANCTION DETERMINATION

* * *

- F. Demand for Three-Judge Circuit Court. If the Respondent elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 10 days of the date of mailing of the notice of hearing and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the

hearing to be held. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board.

* * *

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

- I. Demand for Three-Judge Circuit Court. If the Respondent elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 14 days of the date of mailing of the Board order and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. Any summary Suspension issued by the Board must remain in effect until the court designated under Va. Code § 54.1-3935 enters a final order. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board.

* * *

13-25. PROCEEDINGS FOR REINSTATEMENT

* * *

- E. Petition for Reinstatement After Revocation. After a Revocation, a Petitioner may file with the Clerk 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 will be determined by the Clerk after the petition is filed, and the Clerk will notify the Petitioner of compliance or noncompliance. Upon a determination of compliance with the requirements of subparagraph 13-25.F, the Clerk will enter the petition on the docket of the Board and refer it to the office of Bar Counsel for investigation.

* * *

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

* * *

3. Completion of Investigation and Hearing Date. As soon as practicable, Bar Counsel must complete the Investigation and notify the Clerk and the Petitioner of the completion of the Investigation in writing. The Petitioner may elect to have further proceedings on the petition conducted by a three-judge circuit court by filing a demand with the Clerk not later than 21 days after Bar Counsel's notice of completion of Investigation is served. The demand must include the Petitioner's available dates for a hearing on the petition not less than 30 days nor more than 120 days after the date of the demand; however, the 30 to 120-day time frame does not constitute a deadline for the hearing to be held. If the Petitioner does not file a demand with the Clerk to have further proceedings conducted by a three-judge circuit court by the 21-day deadline, the Petitioner will be deemed to have consented to the jurisdiction of the Board. If the Petitioner elects further proceedings before a three-judge circuit court as set forth in this subsection, Bar Counsel must file a petition for rule to show cause, attaching the petition for Reinstatement, in the Circuit Court for the City of Richmond, and the chief judge must issue a rule against the Petitioner to show cause why the Petitioner's license should be reinstated. The Circuit Court for the City of Richmond must then certify the fact of issuance of the rule to show cause and the time and place of the hearing thereon to the Chief Justice of the Supreme Court, who must designate a three-judge circuit court consisting of three circuit court judges from any circuit to hold a hearing on the petition. The date of the hearing must be determined by the Clerk in consultation with the Bar Counsel and the Petitioner.

* * *

6. Powers of the Board or a Three-Judge Circuit Court in Reinstatement Cases. The Board or, if designated, a three-judge circuit court is empowered to hold a hearing and make its recommendation to this Court either to approve or disapprove the petition.
- a. Hearing. On the date set for the hearing, the Petitioner has the right to representation by counsel, to examine and cross-examine witnesses and to present evidence. The testimony and other incidents of the hearing must be transcribed and preserved, together with all exhibits (or copies thereof) received into evidence or refused. Bar Counsel must appear and represent the Commonwealth and its citizens. Bar Counsel has the right to cross-examine, call witnesses and present evidence in opposition to the

petition. Board or, if designated, three-judge circuit court members may examine witnesses called by either party. Legal advice to the Board or, if designated, three-judge circuit court, if required, must be rendered by the Office of the Attorney General.

- b. Factors to be Considered. In considering the matter prior to making a recommendation to this Court, the Board or, if designated, three-judge circuit court may consider the following factors:

* * *

- c. Character Witnesses. Up to five character witnesses supporting and up to five character witnesses opposing the petition may be heard. In addition, the Board or, if designated, three-judge circuit court may consider any letters submitted regarding the Petitioner's character and fitness.
- d. Character and Fitness Determination. The Board or, if designated, three-judge circuit court must offer an opinion in its recommendation as to whether the Petitioner is a person of honest demeanor and good moral character and possesses the requisite fitness to practice law.
- e. Determination by the Board or the Three-Judge Circuit Court. The Board or, if designated, three-judge circuit court must, within 60 days after the receipt of the transcript, forward the record and its recommendations to this Court. A copy of the recommendation must be forwarded to the Petitioner and Bar Counsel.
 - i. If the Board or, if designated, three-judge circuit court recommends Reinstatement, it may be conditioned upon Petitioner obtaining malpractice insurance coverage and/or a blanket fidelity bond or dishonesty insurance coverage in an amount(s) set by the Board or, if designated, three-judge circuit court from an approved professional insurance carrier for a definite term or on an ongoing basis.
 - ii. At the conclusion of the Reinstatement Proceeding, the Clerk must determine the Costs associated with such Proceeding. The Clerk must refund any remaining surplus or must assess to the Petitioner any deficiencies that exist and submit a report on same to the Clerk of this Court as part of the Board's or, if designated, three-judge circuit court's recommendation order.

- iii. Upon approval of a petition by this Court, the Petitioner must meet the following requirements prior to and as a condition of his or her Reinstatement:

* * *

- c) If required by the Board or, if designated, three-judge circuit court, obtain and maintain a professional liability insurance policy issued by a company authorized to write such insurance in Virginia at the cost of the Petitioner in an amount and for such term as set by the Board or, if designated, three-judge circuit court; and
- d) If required by the Board or, if designated, three-judge circuit court, obtain and maintain a blanket fidelity bond or dishonesty insurance policy issued by a company authorized to write such bonds or insurance in Virginia at the Petitioner's cost in an amount and for such term as set by the Board or, if designated, three-judge circuit court.

* * *

13-29. DUTIES OF DISBARRED OR SUSPENDED RESPONDENT

- A. Duties After Suspension or Revocation. After a Suspension against a Respondent is imposed by either a Summary Order or Memorandum Order and no stay of the Suspension has been granted by this Court, or after a Revocation against a Respondent is imposed by either a Summary Order or Memorandum Order, Respondent must forthwith give notice, by certified mail, of his or her Revocation or Suspension to all clients for whom he or she is currently handling matters and to all opposing Attorneys and the presiding Judges in pending litigation. The Respondent must also make appropriate arrangements for the disposition of matters then in his or her care in conformity with the wishes of his or her clients. The Respondent must give such notice immediately and in no event later than 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Revocation or Suspension. The Respondent must also furnish proof to the Clerk within 60 days of the effective date of the Revocation or Suspension that such notices have been timely given and such arrangements have been made for the disposition of matters. The Board must decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof is on the Respondent to show compliance. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements

of this subparagraph 13-29.

- B. Demand for Three-Judge Circuit Court. If the Respondent elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 10 days of the date of mailing of the petition for show cause and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board.

Virginia State Bar

Public Comment Request

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

Facsimile: (804) 775-0501 VOICE/TTY 711 or (800) 828-1120

Release Date: January 31, 2023

The Virginia State Bar Seeks Public Comment on Paragraph 13

RICHMOND – The Virginia State Bar seeks public comment on proposed amendments to the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-24 (“Paragraph 13-24”) regarding reciprocal disciplinary proceedings.

Unlike most bar proceedings, Paragraph 13-24 does not contain a specific process by which the respondent can demand a three-judge circuit court. *See* Virginia Code §§ 54.1-3915 and 3935. Accordingly, the Committee on Lawyer Discipline (“COLD”) has approved the addition of Paragraph 13-24.I which clarifies (1) the timeframe and method by which the attorney must demand a three-judge circuit court, and (2) whether the summary suspension, which is issued pending resolution of the reciprocal disciplinary matter, remains in place.

The proposed amendments may be inspected below or at the office of the Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0060, between the hours of 9:00 am and 4:30 pm, Monday through Friday.

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed opinion to Cameron Rountree, executive director of the Virginia State Bar, not later than **April 1, 2023**. Comments may be submitted via email to publiccomment@vsb.org.



Proposed | regarding reciprocal disciplinary proceedings. Comments due by April 1, 2023.

January 31, 2023

The Virginia State Bar seeks public comment on proposed amendments to the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-24 (“Paragraph 13-24”) regarding reciprocal disciplinary proceedings.

Unlike most bar proceedings, Paragraph 13-24 does not contain a specific process by which the respondent can demand a three-judge circuit court. See Virginia Code §§ 54.1-3915 and 3935. Accordingly, the VSB Committee on Lawyer Discipline (“COLD”) has recommended the addition of Paragraph 13-24.I which clarifies (1) the timeframe and method by which the attorney must demand a three-judge circuit court, and (2) whether the summary suspension, which is issued pending resolution of the reciprocal disciplinary matter, remains in place.

Inspection and Comment

The proposed amendments may be inspected below or at the office of the Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0060, between the hours of 9:00 am and 4:30 pm, Monday through Friday.

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed opinion to Cameron Rountree, executive director of the Virginia State Bar, not later than **April 1, 2023**. Comments may be submitted via email to publiccomment@vsb.org.

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

I. Demand for Three-Judge Circuit Court. If the Respondent elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent must file a demand with the Clerk within 14 days of the date of mailing of the Board order and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. Any summary Suspension issued by the Board must remain in effect until the court designated under Va. Code § 54.1-3935 enters a final order. If the Respondent fails to file a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board.

Contact Numbers

All Departments (804) 775-0500
Voice/TTY 711 or (800) 828-1120



Office Hours

Mon thru Fri 8:15am to 4:45pm
(excluding [holidays](#))
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Governance

Be a VSB leader in 2023: Virginia lawyers are needed to run for VSB Council and to volunteer in the disciplinary system or serve on a variety of VSB committees beginning July 1, 2023.



The VSB seeks public comment on proposed amendments to the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-24 regarding **reciprocal disciplinary proceedings.**

On January 6, the Supreme Court of Virginia **approved LEO 1899** on whether a lawyer representing a client on a flat (or fixed) fee agreement can provide for an alternative fee arrangement (a conversion clause) if the client terminates the relationship without cause.

The Court also amended the **Virginia Legal Aid Counsel Rule** that allows non-Virginia lawyers to apply for a certificate as a Virginia Legal Aid Counsel to practice in Virginia when employed by a Virginia Licensed Legal Aid Society.

On January 18, 2023, the Supreme Court of Virginia approved a petition by the VSB and its Council to amend Part Six, Section IV, Paragraph 3(c) of the Rules of Court regarding **judicial class membership** in the VSB.

Compliance


The deadline for reporting 2022 MCLE hours and paying outstanding MCLE delinquency fees for the 2022 compliance period is **March 15, 2023, at 4:45 pm ET.**



Use the [2022 MCLE Form 1](#) or Notice of Noncompliance to report remaining hours.

Pay fees online using the [VSB Member Portal](#). Mastercard and Visa are acceptable forms of payment.

[Review MCLE deadline information.](#) Please contact the MCLE Department if you have any questions regarding MCLE compliance.

 The Supreme Court of Virginia has amended **the Rules concerning IOLTA accounts** affecting lawyers in private practice. The compliance deadline is **July 1, 2023**. Have questions? More information and answers are [on the VSB website.](#)

Discipline

Disciplinary hearings are public meetings found on the [disciplinary docket](#) and on the [VSB calendar.](#)

Recent disciplinary system actions:

Joseph T. Prendergast, license suspended, effective January 26, 2023.
Duncan Kenner Brent, administrative suspension, effective January 10, 2023.
Brittani Nata'lita Baldwin, administrative suspension, effective January 4, 2023.
Kevin Benedict Rack, public reprimand, effective December 27, 2022.
Susan Page Allen, public reprimand, effective January 4, 2023.
Robert Overbey Jr., public reprimand, effective January 13, 2023.
Private discipline: admonitions – 4; reprimands – 2

Virginia Lawyer Referral Service

As of February 1, **pay no annual fee to join or renew VLR panel membership!**



Why join?

- Grow your firm's business.
- The VLR has **generated more than \$3 million** in reported revenue for participating attorneys in the last three years.
- Free CLE programs throughout the year. Ethics CLE coming in March!
- Free section membership. Choose any two from the full list of VSB offerings!

Contact Toni Dunson at tdunson@vsb.org to join or learn more.

Pro Bono / Access to Justice

Nominate a pro bono hero for one of these awards by April 7, 2023:

- Virginia Legal Aid Award
- Oliver White Hill Pro Bono Law Student Award

Full details on our [webpage](#).

Get to 30! Challenge — Two Months to the Finish Line!

There's still time to [sign up!](#) Lawyers who complete the challenge will be recognized in *Virginia Lawyer* and at the Access to Legal Services Committee 30th Anniversary Dinner at the VSB Annual Meeting in June. Service hours and donations you've made since July 1, 2022, can be counted.



Events, Awards, and CLE



The **Honorable Robert E. Payne**, senior United States District Court judge for the Eastern District of Virginia, has been awarded the prestigious Harry L. Carrico Professionalism Award for 2023 by the Virginia State Bar Section on Criminal Law. The award will be presented at the Criminal Law Seminar on February 10 in Williamsburg.

Plan to attend the **53rd Criminal Law Seminar** on February 3 in Charlottesville or February 10 in Williamsburg. Topics include recent criminal law developments, admission of the defendant's mental condition, cross-examination and the proffer, what to do with a guilty verdict, the 2022 legislative update, and ethics in criminal practice.

Earn 7.0 CLE credits and network with your fellow criminal practitioners, commonwealth's attorneys, and judges.

The **2023 VSB Techshow** is virtual April 24. Up to 7 hours of LIVE CLE credits (3 Ethics) are possible, depending on your session attendance. Your \$50 registration fee includes access to sessions you don't attend live, for a total of 13 hours CLE/3 hours Ethics if you watch all sessions. That's a full year of CLE for just \$50!



The **VSB Annual Meeting** is June 14-17 in Virginia Beach. Great CLEs, fun receptions, sporting events, networking, and the induction of 2023-24 VSB President Chidi I. James are just some of the reasons we hope you will attend.



Don't forget to check out the VSB's **list of free and low cost webinar CLEs.**



AWARD NOMINATIONS:



Nominate your colleagues for these prestigious awards.

- Military Law Section **Pro Bono Award** (Due March 1)
- **Tradition of Excellence Award** (Due April 3)
- The **Clarence M. Dunnville Jr. Award** (Due April 15)
- **CLSBA** – Awards of Merit, Local Bar Leader of the Year, Specialty Bar Leader of the Year, Bar Association of the Year (Due April 21)

Virginia Lawyer

The **Diversity Conference Issue** features articles on diversity in the law, why Americans don't love the metric system, the Fourth Circuit's gender dysphoria ruling, and the IRS and third-party payment apps.

Write for us! If you are a member of the VSB, you are qualified to write for *Virginia Lawyer*. Have a non-legal topic you are interested in writing about? We'd like to hear about it as well! Email Dee Norman, or call her at 804-775-0594.



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Governance

At its February 25 meeting, VSB Council **voted on a number of issues** affecting lawyers in Virginia.

We need your leadership! Virginia lawyers are needed to run for VSB Council and to volunteer on a variety of Virginia State Bar committees beginning July 1, 2023.



The VSB seeks public comment on proposed amendments to the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-24 regarding **reciprocal disciplinary proceedings** and whether a respondent may demand a three-judge circuit court.

The Supreme Court of Virginia amended the Rules for Integration of the Virginia State Bar regarding **Board Proceedings for Reinstatement** when a lawyer resigns from the Bar and then wishes to rejoin. The Order is effective April 30, 2023.

Compliance

The deadline to report hours and pay fees for 2022 MCLE compliance is 4:45 pm EDT, March 15, 2023.



Report hours using the [MCLE Form 1 End of Year Report](#) or Notice of Impending Suspension. Use a verifiable delivery service such as FedEx or UPS close to the deadline. Postmarks are not considered. Please do not fax or email your documents for 2022 compliance. MCLE delinquency fees can be paid by check made payable to the Treasurer of Virginia or online at the [VSB Portal](#) with a Visa or Mastercard.

Your continued good standing is important to us. Please call if you have any questions: (804) 775-0577.



The Supreme Court of Virginia has amended **the Rules concerning IOLTA accounts** affecting lawyers in private practice. The compliance deadline is **July 1, 2023**. Have questions? More information and answers are [on the VSB website](#).

Discipline

Disciplinary hearings are public meetings found on the [disciplinary docket](#) and on the [VSB calendar](#).

Recent disciplinary system actions:

[Harry Tun](#), license revoked, effective February 9, 2023.

Patrick Nicholas Anderson, license suspended, effective February 6, 2023.

[Brittani Nata'lita Baldwin](#), license suspended, effective February 6, 2023.

[Jenifer Shirey](#), public reprimand, effective January 26, 2023.
Phillip Ben-Zion Leiser, public reprimand, effective February 14, 2023.
[Duncan Kenner Brent](#), public reprimand, effective February 15, 2023.
[John Paul Gregorio](#), public reprimand, effective February 17, 2023.

Private discipline: 1 admonition; 2 reprimands

Pro Bono / Access to Justice

Have you performed 30 hours of pro bono or donated \$270 or more to a legal services organization since the start of the bar year? **Sign up for the GetTo30! Challenge** so we can recognize you in June! The challenge ends on March 31, and it's not too late to be recognized this summer!



Recognize a legal aid lawyer or a law student who serves the underserved by nominating them for one of our pro bono awards to be given at the VSB Annual Meeting in June:

Virginia Legal Aid Award
Oliver White Hill Law Student Pro Bono Award
Deadline: Friday, April 7, 2023

Events, Awards, and CLE

If your cases involve bankruptcy, don't miss the **Annual Bankruptcy Practice Seminar** on March 10, live in Richmond or with virtual options. Read the agenda and [register here](#).



39th Annual Advanced Family Law Seminar, April 13, 2023

The premier advanced family law program! For nearly 40 years this seminar, at the Jefferson Hotel in Richmond, has been the destination of choice for family lawyers in Virginia. You may attend the full seminar in person OR virtually via live-interactive webcast or telephone.

The Diversity Conference presents the **Third Annual Forum on Diversity in the Legal Profession**, to be held at the Williamsburg Lodge in Williamsburg on Friday, April 21. This CLE program will again cover a range of timely topics relating to the importance of diversity, equity, and inclusion in the legal profession. Interested in attending: **Agenda and registration**.



The **2023 VSB Techshow** is completely virtual on April 24. Hear a national panel of tech experts discuss cutting edge issues on tech in the law and get a full year of CLE for just \$50!



The **VSBA Annual Meeting** is June 14-17 in Virginia Beach. If you've never been, make this the year to come alone, with your firm, or with your family. We hope to see you at the beach!



CLE Don't forget to check out the VSB's **list of free and low cost webinar CLEs**.

AWARD NOMINATIONS:

Don't be shy! Nominate a colleague or peer for one of these prestigious awards:

- **Tradition of Excellence Award** (Due March 29)
- The YLC **Young Lawyer of the Year Award** (Due March 31)
- The **Clarence M. Dunnville Jr. Award** (Due April 15)
- **CLSBA** – Awards of Merit, Local Bar Leader of the Year, Specialty Bar Leader of the Year, Bar Association of the Year, and Excellence in Wellness and Well-Being in the Legal Profession (Due April 21)



Virginia Lawyer

Haven't finished your magnum opus? Well, why not start by writing for us? If you are a member of the VSB, you are qualified to write for [Virginia Lawyer](#). Have a non-legal topic you are interested in writing about? We'd like to hear about that as well! Email [Dee Norman](#), or call her at 804-775-0594.

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Virginia State Bar

Public Comment Request

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

Facsimile: (804) 775-0501 VOICE/TTY 711 or (800) 828-1120

Release Date: April 19, 2023

The Virginia State Bar Seeks Public Comment on the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13 (“Paragraph 13”) Procedure for Disciplining, Suspending, and Disbarring Attorneys

RICHMOND – Consistent with proposed amendments to Paragraph 13-24 adding a specific mechanism for respondents to demand a three-judge panel in reciprocal proceedings, the Committee on Lawyer Discipline (“COLD”) has proposed amendments which add a specific mechanism for Respondents to demand three-judge panels at Paragraph 13-16.BB, 13-18.O, 13-20, 13-25, and 13-29. The proposed amendments also clarify related definitions in Paragraph 13-1.

Paragraph 13-1 Definitions of Petitioner, Respondent, Reinstatement, and Reinstatement Proceeding
Paragraph 13-16.BB District Committee Proceedings. Enforcement of Terms
Paragraph 13-18.O Board Proceedings Upon Certification. Enforcement of Terms
Paragraph 13-20 Board Proceedings Upon Certification for Sanction Determination
Paragraph 13-25 Board Proceedings for Reinstatement
Paragraph 13-29 Duties of Disbarred or Suspended Respondent

The proposed amendments may be inspected below or at the office of the Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0060, between the hours of 9:00 am and 4:30 pm, Monday through Friday.

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed opinion to Cameron Rountree, executive director of the Virginia State Bar, not later than **May 19, 2023**. Comments may be submitted via email to publiccomment@vsb.org.



Proposed | amendments adding a mechanism for a three-judge panel at 13-16.BB, 13-18.O, 13-20, 13-25, and 13-29; amendments clarifying related definitions in Paragraph 13.1

Comments due by May 19, 2023.

April 19, 2023

The Virginia State Bar seeks public comment on proposed amendments to the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13.

Consistent with proposed amendments to Paragraph 13-24 adding a specific mechanism for respondents to demand a three-judge panel in reciprocal proceedings, the Committee on Lawyer Discipline (“COLD”) has proposed amendments which add a specific mechanism for Respondents to demand three-judge panels at Paragraph 13-16.BB, 13-18.O, 13-20, 13-25, and 13-29. The proposed amendments also clarify related definitions in Paragraph 13-1.

Paragraph 13-1 Definitions of Petitioner, Respondent, Reinstatement, and Reinstatement Proceeding

Paragraph 13-16. BB District Committee Proceedings. Enforcement of Terms

Paragraph 13-18. O Board Proceedings Upon Certification. Enforcement of Terms

Paragraph 13-20 Board Proceedings Upon Certification for Sanction Determination

Paragraph 13-25 Board Proceedings for Reinstatement

Paragraph 13-29 Duties of Disbarred or Suspended Respondent

Inspection and Comment

The proposed amendments may be inspected below or at the office of the Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0060, between the hours of 9:00 am and 4:30 pm, Monday through Friday.

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed opinion to Cameron Rountree, executive director of the Virginia State Bar, not later than **May 19, 2023**. Comments may be submitted via email to publiccomment@vsb.org.

[View proposed revisions to Paragraph 13](#) (pdf)

Contact Numbers

All Departments (804) 775-0500
Voice/TTY 711 or (800) 828-1120



Office Hours

Mon thru Fri 8:15am to 4:45pm
(excluding [holidays](#))
The Clerk’s Office does not accept filings after 4:45pm

Address and Directions

1111 East Main Street, Suite 700
Richmond, Virginia 23219-0026

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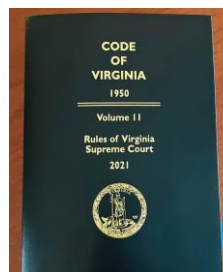
Governance

VSBC Council Welcomes 22 New Leaders

The Virginia State Bar Council has 22 new members (and 3 at-large members) from across the Commonwealth whose terms will begin July 1, 2023.

VSBC Seeks Comment on Changes to Bylaws

The Virginia State Bar seeks public comment on proposed amendments to the bylaws of the Virginia State Bar and the Virginia State Bar Council.



VSBC Seeks Lawyers to Serve as GALs for Impairment Proceedings

The Virginia State Bar is seeking attorneys across the Commonwealth to serve as guardians ad litem (GALs) for lawyers appearing before the Disciplinary Board in impairment proceedings.

Comments Sought on Proposed Amendments to Paragraph 13 Regarding Three Judge Panel Demands

The VSB seeks public comment on proposed amendments to Paragraph 13 which add a specific mechanism for Respondents to demand three-judge panels at 13-16.BB, 13-18.O, 13-20, 13-25, and 13-29, and clarifies related definitions in Paragraph 13-1.

Supreme Court of Virginia Requests Public Comment on Proposed Amendments to Rule 1A:1

Comments on the proposed amended rule must be received by June 12, 2023.

Comments Sought on Rules of Court Regarding Preliminary Injunctions

On April 25, 2023, the Advisory Committee on Rules of Court in Virginia issued a call for public comment on proposed Rule 3:26: Preliminary Injunctions—Standard for Granting.

The new VSB website and member portal went live on April 4.

Read our [Frequently Asked Questions](#) regarding the new website, which include step-by-step instructions for logging in, reporting MCLE, and accessing Fastcase.

Discipline

Disciplinary hearings are public meetings found on the [disciplinary docket](#) and on the [VSB calendar](#).

Recent disciplinary system actions:

John F. Kennedy, license revoked, effective to January 6, 2023.

Elizabeth Kathryn Brown, license revoked, effective April 18, 2023.

Elizabeth Kathryn Brown, license suspended, effective April 3, 2023.

Duncan Kenner Brent, license suspended, effective April 13, 2023.

Robert Adam May Jr., license suspended, effective May 1, 2023.
A. James Kauffman, public reprimand, effective April 19, 2023.
Brian John Hooper, public admonition, effective April 4, 2023.
Stacey Tharp Davenport, public admonition, Effective April 11, 2023.

Private discipline: 2 Private Admonitions

2023 Annual Meeting June 14-17

The **VSB Annual Meeting** is June 14-17 in Virginia Beach. This year's meeting features the historic induction of new VSB President Chidi I. James, as well as Judiciary Squares with your favorite judges, showcase CLEs, sports, awards, and a chance to have fun with your peers from across the Commonwealth. **Register before May 19** to receive early bird pricing!



Pro Bono / Access to Justice



Join us on June 15 in Virginia Beach to celebrate **30 years of the VSB Access to Legal Services Committee**.

Dine and socialize with friends, judges, and bar leadership while taking in breathtaking views of the ocean. Enjoy keynote remarks from **Chief Justice S. Bernard Goodwyn**.

Celebrate the accomplishments of pro bono standouts and the Virginia Legal Aid Award winner. The Virginia Access to Justice Commission is hosting a dessert reception immediately following the dinner.

You can sign up for the dinner as part of your **Annual Meeting registration** or purchase tickets for the dinner as a standalone event **here**.

Awards, Events, and CLE



Darrel Tillar Mason has received the **2023 Edward L. Chambers Jr. Award**, recognizing an exemplary lawyer who, in the spirit of Ed Chambers, has performed extensive and selfless volunteer work with the VSB. The Chambers Award will be presented to Mason on June 14 at the **VSB Annual Meeting** in Virginia Beach.

Virginia Law Foundation

Nominate a peer to be an esteemed Virginia Law Foundation Fellow, recognized for leadership in their practices, their communities, and the Commonwealth. **Nominate a colleague** for this prestigious recognition by June 15!



Don't forget to check out the VSB's **list of free and low cost webinar CLEs**.



The Supreme Court of Virginia has amended **the Rules concerning IOLTA accounts** affecting lawyers in private practice. The compliance deadline is **July 1, 2023**. Have questions? More information and answers are **on the VSB website**. Find a list of **IOLTA approved banks** here.

Virginia Lawyer and VSB Classifieds

Advertise or Write for *Virginia Lawyer*

Virginia Lawyer reaches about 50,000 VSB lawyers, judges, and law schools in Virginia and across the country, and we are the best way to reach them all. Let us help you promote your firm, your services, or your law school. Contact Dee Norman or call her at 804-775-0594 to learn more.

Check out our new **VSB Classifieds** when you are looking for a new job, office space, or trying to hire a lawyer. Full time lawyer positions of 50 words or so are free to VSB members.

Stay connected to the VSB.



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From: [Sandra Havrilak](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-24
Date: Wednesday, March 1, 2023 3:04:19 PM

Dear Mr. Rountree,

I am writing regarding the proposed amendments to the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-24 regarding reciprocal disciplinary proceedings and whether a respondent may demand a three-judge circuit court. I support the amendment. A respondent should be entitled to a three-judge panel if requested. It is equally as important to continue a Summary Suspension until the final order is entered, if the Board entered one. The Rules need to explicitly set forth what is already being done. Thank you for your consideration of this matter.

Sandy

Sandra L. Havrilak, Attorney at Law
The Havrilak Law Firm, P.C.
9990 Fairfax Boulevard, Suite 410
Fairfax, Virginia 22030
(703) 591-1515

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From: [Kenneth Pankey](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER Comment on proposed amendments regarding reciprocal disciplinary proceedings
Date: Wednesday, March 1, 2023 4:24:06 PM

You don't often get email from kpankey@vacourts.gov. [Learn why this is important](#)

With respect to the proposed amendment to the Rules of Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-24, I would recommend only that the amendment allow the three judges who compose the circuit court to be retired or senior judges in such instances where the Respondent is a member of the General Assembly. If that would already be possible, then I have no further recommendation and would support the amendment.

Thank you.

Kenneth G. Pankey, Jr., VSB # 29059

Senior Planner

Department of Judicial Services

Office of the Executive Secretary

Supreme Court of Virginia

(804) 786-7588, Fax: (804) 786-4542

kpankey@vacourts.gov

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From: [publiccomment](#)
To: [Rountree, Cameron](#); [Van Cuyk, Janet](#)
Cc: [publiccomment](#); [Lawrence, Michael](#); [Hall, Kristi](#)
Subject: FW: EXTERNAL SENDER Reciprocal Disciplinary Proceedings and three-judge panels
Date: Monday, March 6, 2023 12:26:11 PM

Cameron and Janet,

Please see the publiccomment from Randy Cargill below as a result of the VSB's request for comments on Para 13-24.

Best,
Kristi

From: Randy Cargill <Randy_Cargill@fd.org>
Sent: Wednesday, March 1, 2023 2:59 PM
To: Brennan, Renu <RBrennan@vsb.org>
Subject: EXTERNAL SENDER Reciprocal Disciplinary Proceedings and three-judge panels

You don't often get email from randy_cargill@fd.org. [Learn why this is important](#)

I hope this is the correct way to comment on this proposed rule change. If not, would you please forward this to the appropriate committee considering this change? I am not in favor of the change. I believe the Virginia State Bar professionals who handle these matters should continue to do so. We are a self-governing profession. Taking this out of the hands of those whose only focus is on enforcing our rules of professional conduct and placing the decision in the hands on judges is a mistake in my view. We all like to think that judges are above politics and reappointment considerations in making decisions and I believe in the main this belief is justified. But this is different. This would be judges forcing a disbarred attorney back into our ranks. I'd rather this decision be made by us.

Randy V. Cargill
Assistant Federal Public Defender
Western District of Virginia
210 First Street, SW, Suite 400
Roanoke, VA 24011
Direct: (540) 777-0886
FAX: (540) 777-0890
randy_cargill@fd.org

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From: [Randy Cargill](#)
To: [Brennan, Renu](#)
Subject: EXTERNAL SENDER Call
Date: Tuesday, June 13, 2023 4:32:06 PM

Renu: Thank you again for calling. And, to reiterate, I actually favor the Bar's proposal. I had misinterpreted the rule change as diminishing the power of the Virginia State Bar to both discipline Virginia lawyers and pass on reinstatement requests. I favor self-governance above all and oppose any sort of end run around procedures aimed at ensuring that disbarred attorneys are allowed back into this profession without the full (and controlling) input of Virginia lawyers. Best Regards,

Randy V. Cargill
Assistant Federal Public Defender
Western District of Virginia
210 First Street, SW, Suite 400
Roanoke, VA 24011
Direct: (540) 777-0886
FAX: (540) 777-0890
randy_cargill@fd.org

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**MINUTES OF THE VIRGINIA STATE BAR
COUNCIL MEETING**

Date: June 15, 2023, 9:00 am
Location: Hilton Oceanfront Hotel, 3001 Atlantic Avenue, Virginia Beach

The VSB Council met in-person on Thursday, June 15, 2023. At 9:15 a.m., President Stephanie E. Grana called the meeting to order. Sixty-five (65) Council members attended in-person satisfying Pt. 6., § IV, Para. 7 of the Rules of the Supreme Court of Virginia. There was no remote participation.

President Stephanie E. Grana	Member Susan M. Butler
President-elect Chidi I. James	Member Gary V. Davis
Immediate Past President Jay B. Myerson	Member Kyung “Kathryn” N. Dickerson
Member D.J. Hansen	Member Brian C. Drummond
Member Ryan G. Ferguson	Member Carly J. Hart
Member Naveed Kalantar	Member Sandra L. Havrilak
Member Bretta Zimmer Lewis	Member Tamika D. Jones
Member Matthew R. Foster	Member Nathan J. Olson
Member Charlene A. Moring	Member Luis A. Perez
Member Corrynn J. Peters	Member Debra L. Powers
Member Derek A. Davis	Member Susan M. Pesner
Member Benjamin M. Mason	Member Robert B. “Bob” Walker
Member Veronica E. Meade	Member Michael M. York
Member Susan B. Tarley	Member R. Penn Bain
Member E. M. Wright, Jr.	Member Susan F. Pierce
Member P. George Eliades II	Member G. Andrew Hall
Member Timothy R. Baskerville	Member Daniel P. Frankl
Member Mark D. Dix	Member Kevin W. Holt
Member Cullen D. Seltzer	Member William T. Wilson
Member Neil S. Talegaonkar	Member Peter K. McDermott II
Member Samuel T. Towell	Member Bruce H. Russell II
Member Henry I. Willett III	Member Anna B. Bristle
Member Craig B. Davis	Member at Large James W. Hundley
Member Thomas A. Edmonds	Member at Large Molly E. Newton
Member Allen F. Bareford	Member at Large Lonnie D. “Chip” Nunley III
Member Richard H. Howard-Smith	Member at Large Joanna L. Suyes
Member Ann Marie Park	Member at Large Nicole E. Upshur
Member Carole H. Capsalis	Member at Large David P. Weber
Member G. L. “Rex” Flynn, Jr.	Member at Large Lisa A. Wilson
Member David E. Sher	CLSBA Chair Luis A. Perez
Member Nicholas J. Gehrig	Senior Lawyer Conference Chair Gary C. Hancock
Member Sebastian M. Norton	Diversity Conference Chair Alicia R. Johnson
Member Todd A. Pilot	

Absent:

Member W. Grant Back
Member D. Sue Baker
Member Eugene N. Butler
Member W. Huntington "Hunter" Byrnes, Sr.
Member Bradley D. Fleming
Member Stephen K. Gallagher
Member Jennifer S. Golden
Member Shaun R. Huband
Member Adam M. Krischer
Member Neil S. Lowenstein
Member Joel R. McClellan
Member at Large Lenard T. "Len" Myers, Jr.
Member Debra L. Powers
Member Thomas G. Shaia
Member at Large Patricia E. Smith
Member Susheela Varky
Young Lawyer's Conference President Craig E. Ellis

Council Guests - 2023-24 Council Members

Circuit 2 Jeremiah A. "Jake" Denton IV
Circuit 4 W. Caswell Richardson
Circuit 19 Chidinma U. Harley
Circuit 19 Gina L. Schaecher
Circuit 19 Gobind S. Sethi
Circuit 24 Hope R. Townes
Circuit 25 D. Brian Richardson

Council Invitees:

Valerie O'Brien Virginia Trial Lawyers Association
K. Danielle Payne Virginia Association of Criminal Defense Lawyers

Also attending:

Cameron M. Rountree VSB Executive Director and Chief Operating Officer
Janet P. Van Cuyk VSB Deputy Executive Director
Renu M. Brennan VSB Bar Counsel
Vivian R. Byrd VSB Deputy Clerk
Marni E. Byrum VSB Special Committee on Rules and Procedures chair
Sylvia S. Daniel VSB Assistant to the Deputy Executive Director
DaVida M. Davis VSB Director of Regulatory Compliance
Emily F. Hedrick VSB Ethics Counsel
Crystal T. Hendrick VSB Director of Finance and Procurement
R. Braxton Hill IV VSB Committee on Lawyer Discipline chair
Shawne D. Moore VSB Assistant to the Executive Director
Caryn B. Persinger VSB Director of Communications

I. Reports and Information Items

A. President's Report

Stephanie Grana reported on her activities. The June 2023 President's Report was included in the materials provided to Council.

B. Executive Director's Report

Cameron Rountree reported on matters relating to the VSB. The Executive Director's June 2023 written report was included in the materials provided to Council.

C. Financial Report

Crystal Hendrick presented the April 2023 financial report. The Financial Report as of April 30, 2023 was included in the materials provided to Council.

D. Bar Counsel Report

Renu Brennan reported on the activities in the Office of Bar Counsel. The Disciplinary System report dated June 12, 2023 was included in the materials provided to Council.

E. Conference of Local & Specialty Bar Associations Report

Chair Luis Perez reported on the activities of the Conference of Local & Specialty Bar Associations. His written report was included in the materials provided to Council.

F. Diversity Conference Report

Chair Alicia Johnson reported on the activities of the Diversity Conference. The Report of the Diversity Conference dated June 2023 was included in the materials provided to Council.

G. Senior Lawyers Conference Report

Chair Gary Hancock reported on the activities of the Senior Lawyers Conference. The Report of the Senior Lawyers Conference dated May 10, 2023 was included in the materials provided to Council.

H. Young Lawyer Conference Report

Alicia Johnson presented the YLC President's Report dated May 2023. A copy of the report was included in the materials provided to Council.

I. Virginia Judges and Lawyers Assistance Program Report

Timothy R. Carroll, Executive Director of the Virginia Judges and Lawyers Assistance Program, provided an executive summary of the activities of the program since the last report to Council on June 16, 2022. A written report was included in the materials provided to Council.

II. Action Items

A. Minutes of the February 25, 2023 Meeting

A motion was made by Chidi James and seconded by Michael York, to amend the minutes to add David P. Weber, and all members who were present at the February 25, 2023 meeting to the list of Council members in attendance. The motion passed and Council approved the minutes of the February 25, 2023 meeting. Members Gary Davis, Thomas Edmonds and D.J. Hansen voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

B. Paragraph 13 Changes re Three-Judge Circuit Courts

R. Braxton Hill IV presented a summary review of the proposed Paragraph 13 Changes re Three-Judge Circuit Courts. A copy of the memo dated May 31, 2023, from Bar Counsel and Senior Assistant Bar Counsel, re: the Committee on Lawyer Discipline’s proposed changes to the Rules of Supreme Court of Virginia Part Six, Section IV, Paragraph 13 to provide a specific mechanism for respondents to elect a three-judge panel in all disciplinary proceedings was included in the materials provided to Council. Renu Brennan also referenced and provided a copy of an email with a public comment from Randy V. Cargill, Assistant Federal Public Defender, Western District of Virginia, dated and time stamped June 13, 2023 4:32 PM. After a discussion, a motion was made by Chidi James and seconded by Bruce Russell, to vote to forward the recommendations of the Committee on Lawyer Discipline to the Supreme Court. Council voted in favor of the proposed amendments. The motion passed and Council approved sending the recommendations to the Supreme Court. Member Thomas Edmonds voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

C. Approval of Disciplinary District Committee appointments

Cameron Rountree presented the 2023-2024 nominees for Disciplinary District Committees. A copy of the June 2023 report as amended with additional nominees was included. A motion was made by Bruce Russell and seconded by Jay Myerson, to vote to approve the slate of nominees, as amended. The motion passed and Council approved the slate of nominees, as amended. Members D. J. Hansen and Thomas Edmonds voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

- First District Committee
 - Attorneys
 - Robert C. Barclay IV
 - Nancy G. Parr
 - Non-Attorneys
 - Phil Johnson
 - Ann W. Templeman
- Second District Committee, Section I

- Attorneys
 - Gordon C. Ufkes
- Non-Attorneys
 - Lewis J. Georges
 - Lloyd Petersen
 - Zoah Scheneman
- Second District Committee, Section II
 - Attorneys
 - Solomon H. Ashby, Jr.
 - Jessica H. Dixon
 - Patrick L. Maurer
 - Shannon Twohig
 - Non-Attorneys
 - Sarah B. Stedfast
- Third District Committee, Section I
 - Attorneys
 - Mary Katherine Martin
 - Non-Attorneys
 - Gordon R. Hickey
 - Garrison M. Hickman
 - R. Douglas Robbins
- Third District Committee, Section II
 - Attorneys
 - Matthew G. Howells
 - Julie E. McConnell
 - Non-Attorneys
 - Vanessa Griggs
- Third District Committee, Section III
 - Attorneys
 - Dennis R. Kiker
 - Tracy E. Paner
 - Brewster S. Rawls
 - Non-Attorneys
 - Elizabeth Chancy
 - Barbara S. Lanier
- Fourth District Committee, Section I
 - Attorneys
 - Allison H. Carpenter
 - Gregory J. Golden
 - Robert T. Hicks
 - Non-Attorneys
 - Roxan Ordal
- Fourth District Committee, Section II

- Attorneys
 - Michelle Bartoli-Cain
 - Samuel C. Moore
 - Sean A. O. Sherlock
- Non-Attorneys
 - Jennifer J. Krischer
- Fifth District Committee, Section I
 - Attorneys
 - David E. Bateman
 - Tara J. Mooney
 - Andrea C. Weiss-Bryk
- Fifth District Committee, Section II
 - Attorneys
 - Lauren A. D'Agostino
 - Richard B. Orsino
 - Brandon R. Sloane
 - Non-Attorneys
 - Courtney Reheiser
 - Jeffrey A. Skigen
- Fifth District Committee, Section III
 - Attorneys
 - Kristen L. Kugel
 - Matthew P. Tsun
 - Non-Attorneys
 - Barbara W. Hutto
- Sixth District Committee
 - Attorneys
 - Jane S. Chambers
 - Gary D. Godman
 - John Tarley, Jr.
 - Non-Attorneys
 - David Fagiano
- Seventh District Committee
 - Attorneys
 - Bret M. Reed
 - Ryan D. Ruzic
 - Non-Attorneys
 - Matt Caesar
 - Kimberly Gregg
- Eighth District Committee
 - Attorneys
 - James W. Curd
 - Vicki L. Francois

- Non-Attorneys
 - Eric W. Bond
 - Charles S. Coulter
- Ninth District Committee
 - Attorneys
 - Kemper M. Beasley III
 - Greg T. Haymore
 - Michael C. Keenan
 - Non-Attorneys
 - Sharlene Howell
 - Thomas J. Miles III
- Tenth District Committee, Section I
 - Attorneys
 - Phillip L. Blevins
 - Anthony D. Covington
 - Alexandra D. Goodpaster
- Tenth District Committee, Section II
 - Attorneys
 - Chase D. Collins
 - Aaron M. Gillespie
 - Non-Attorneys
 - Connie Comer
 - Jenny Nichols

D. UPL Opinion 219

Michael York presented a memo from Ethics Counsel to the Executive Committee for Proposed UPL Opinion 219 – Non-Lawyer Entity Representation in Practice Before State Agency. A copy of the memo dated June 15, 2023 and Draft Opinion – 3/1/2023 were included in the materials provided to Council. After a discussion, a motion was made by Chidi James and seconded by Jay Myerson, to vote to accept the recommendations of the Ethics Committee and forward the memo and draft opinion to the Supreme Court. The motion passed and Council voted to forward the memo and draft opinion to the Supreme Court. Member Thomas Edmonds voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

E. Proposed Changes to the Bylaws of the VSB and VSB Council

Marni Byrum presented the Proposed amendments to Part I, Article V, Section 1 of the Bylaws of the VSB and Part II, Article VI of the Bylaws of the VSB Council. A copy of the memorandum dated June 5, 2023 from the Special Committee on Rules and Procedures was included in the materials provided to Council. After a discussion, the proposed changes to Part I (Bylaws of the Virginia State Bar), Article V, Section 1 were withdrawn by the Special Committee on Rules and Procedures.

Part II (Bylaws of the Council of the Virginia State Bar), Article VI (Executive Committee), Section 3

After comments from members Thomas Edmonds, Sandra Havrilak, Susan Pesner and Susan Tarley, member Debra Powers offered an amendment to the proposed changes. A motion to adopt the proposed amendment and approve the proposed changes as amended, to Part II, Article V, Section 3, was made by Chidi James and seconded by Jay Myerson. The motion passed and Council adopted the proposed changes, as amended by the requisite two-third threshold required to amend the bylaws and approved sending the proposed changes to the Supreme Court. Two (2) members Thomas Edmonds and Susan Pesner voted “no” verbally, and one (1) member Susan Pierce voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

Part II (Bylaws of the Council of the Virginia State Bar), Article VI (Executive Committee), Section 4

A motion was made by Jay Myerson and seconded by Bruce Russell to amend subsection (i) to add language allowing the president to serve on the performance review subcommittee or appoint a designee. The motion passed and Council adopted the proposed changes, as amended by the requisite two-third threshold required to amend the bylaws and approved sending the proposed changes to the Supreme Court. One (1) member Thomas Edmonds voted “no” verbally, and one (1) member Neil Talegaonkar voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

F. Approval of Resolutions Honoring Stephanie E. Grana and Law Firm Cantor Grana Buckner Bucci, P. C.

Chidi James presented resolutions dated June 15, 2023 to Stephanie E. Grana to honor her for her outstanding service as the 84th president of the Virginia State Bar, and to Cantor Grana Buckner Bucci, P.C. to express gratitude to the members of the firm for their contributions to the Virginia State Bar. Copies of the resolutions were included in the materials provided Council. A motion was made by Michael York and seconded by Jay Myerson, to vote to approve both resolutions. The motion passed unanimously, and Council approved both resolutions. Council members verbally voted “yes” in favor of both resolutions.

At 12:04 p.m. the meeting was adjourned.

**A. Do you approve of the minutes
from the February 25, 2023 meeting
as amended?**

Screen name	Participant ID	A. Do you approve of the minutes from the February 25, 2023 meeting as amended?	Received at (CDT)
Robert B. Walker	888280	Yes	6/15/2023 9:39
Kevin W. Holt	951778	Yes	6/15/2023 9:39
Susan Pierce	43168	Yes	6/15/2023 9:39
Corrynn Peters	964991	Yes	6/15/2023 9:39
Matt Foster	888460	Yes	6/15/2023 9:39
Peter McDermott	1018836	Yes	6/15/2023 9:39
Ann Marie Park	790178	Yes	6/15/2023 9:39
David Sher	880216	Yes	6/15/2023 9:39
Bill Wilson	556802	Yes	6/15/2023 9:39
Anna Bristle	389645	Yes	6/15/2023 9:39
Gary Hancock	608703	Yes	6/15/2023 9:39
Lisa Wilson	424758	Yes	6/15/2023 9:39
Molly Newton	449101	Yes	6/15/2023 9:39
Carole capsalis	771673	Yes	6/15/2023 9:39
Alicia Johnson	494621	Yes	6/15/2023 9:39
Chidi James	821695	Yes	6/15/2023 9:39
Daniel P. Frankl	959741	Yes	6/15/2023 9:39
Jay Myerson	826635	Yes	6/15/2023 9:39
Nicole Upshur	838593	Yes	6/15/2023 9:39
Craig Davis	1007062	Yes	6/15/2023 9:39
Luis Perez	159131	Yes	6/15/2023 9:39
Nathan Olson	949984	Yes	6/15/2023 9:39
DJ Hansen	40075		
Ryan Ferguson	1032534	Yes	6/15/2023 9:39
K. Dickerson	319034	Yes	6/15/2023 9:39
Benjamin M. Mason	831082	Yes	6/15/2023 9:39
Tamika Jones	857536	Yes	6/15/2023 9:39
Naveed Kalantar	695856	Yes	6/15/2023 9:39
Susan Pesner	885565	Yes	6/15/2023 9:39
Richard Howard-Smith	934381	Yes	6/15/2023 9:39
Michael York	930989	Yes	6/15/2023 9:39
Charlene A Morring	197403	Yes	6/15/2023 9:39
Sandra Havrilak	592677	Yes	6/15/2023 9:39
David Weber	822273	Yes	6/15/2023 9:39
Carly Hart	491798	Yes	6/15/2023 9:39
Nick Gehrig	107147	Yes	6/15/2023 9:39
Allen Bareford	902000	Yes	6/15/2023 9:39
Susan Butler	398412	Yes	6/15/2023 9:39
Sam Towell	220725	Yes	6/15/2023 9:39
Neil Talegaonkar	769716	Yes	6/15/2023 9:39
Brian Drummond	992888	Yes	6/15/2023 9:39
Susan Tarley	176608	Yes	6/15/2023 9:39

Screen name	Participant ID	A. Do you approve of the minutes from the February 25, 2023 meeting as amended?	Received at (CDT)
Debra Powers	662073	Yes	6/15/2023 9:39
Henry I. Willett III	858557	Yes	6/15/2023 9:39
Jim Hundley	557609	Yes	6/15/2023 9:39
Veronica Meade	563421	Yes	6/15/2023 9:39
Stephanie Grana	985474	Yes	6/15/2023 9:39
Mark Dix	960384	Yes	6/15/2023 9:39
George Eliades	50967	Yes	6/15/2023 9:39
Derek Davis	93425	Yes	6/15/2023 9:39
Rex Flynn	191022	Yes	6/15/2023 9:39
Sebastian Norton	798368	Yes	6/15/2023 9:39
Penn Bain	607222	Yes	6/15/2023 9:39
Cullen D. Seltzer	330089	Yes	6/15/2023 9:39
Tim Baskerville	873408	Yes	6/15/2023 9:39
e m wright jr	981863	Yes	6/15/2023 9:39
Joanna Suyes	281068	Yes	6/15/2023 9:39
Bruce Russell	967357	Yes	6/15/2023 9:39
Todd Pilot	6924	Yes	6/15/2023 9:39
G. Andrew Hall	1008700		
Gary Davis	884729		
Chip nunley	125445		
Bretta Lewis	701150		

B. Do you approve the amendments to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraphs 13-16.BB, 13-18.O, 13-20, 13-25, and 13-29, adding specific mechanisms for Respondents to demand three-judge panels in disciplinary proceedings?

Screen name	Participant ID		Received at (CDT)
Robert B. Walker	888280	Yes	6/15/2023 9:48
Kevin W. Holt	951778	Yes	6/15/2023 9:48
Susan Pierce	43168	Yes	6/15/2023 9:48
Corrynn Peters	964991	Yes	6/15/2023 9:48
Matt Foster	888460	Yes	6/15/2023 9:48
Peter McDermott	1018836	Yes	6/15/2023 9:48
Ann Marie Park	790178	Yes	6/15/2023 9:48
David Sher	880216	Yes	6/15/2023 9:48
Bill Wilson	556802	Yes	6/15/2023 9:48
Anna Bristle	389645	Yes	6/15/2023 9:48
Gary Hancock	608703	Yes	6/15/2023 9:48
Lisa Wilson	424758	Yes	6/15/2023 9:48
Molly Newton	449101	Yes	6/15/2023 9:49
Carole capsalis	771673	Yes	6/15/2023 9:48
Alicia Johnson	494621	Yes	6/15/2023 9:48
Chidi James	821695	Yes	6/15/2023 9:48
Daniel P. Frankl	959741	Yes	6/15/2023 9:48
Jay Myerson	826635	Yes	6/15/2023 9:48
Nicole Upshur	838593	Yes	6/15/2023 9:48
Craig Davis	1007062	Yes	6/15/2023 9:48
Luis Perez	159131	Yes	6/15/2023 9:48
Nathan Olson	949984	Yes	6/15/2023 9:49
DJ Hansen	40075	Yes	6/15/2023 9:48
Ryan Ferguson	1032534	Yes	6/15/2023 9:48
K. Dickerson	319034	Yes	6/15/2023 9:48
Benjamin M. Mason	831082	Yes	6/15/2023 9:48
Tamika Jones	857536	Yes	6/15/2023 9:48
Naveed Kalantar	695856	Yes	6/15/2023 9:48
Susan Pesner	885565	Yes	6/15/2023 9:48
Richard Howard-Smith	934381	Yes	6/15/2023 9:48
Michael York	930989		
Charlene A Morring	197403	Yes	6/15/2023 9:48
Sandra Havrilak	592677	Yes	6/15/2023 9:48
David Weber	822273	Yes	6/15/2023 9:48
Carly Hart	491798	Yes	6/15/2023 9:48
Nick Gehrig	107147	Yes	6/15/2023 9:48
Allen Bareford	902000	Yes	6/15/2023 9:48

B. Do you approve the amendments to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraphs 13-16.BB, 13-18.O, 13-20, 13-25, and 13-29, adding specific mechanisms for Respondents to demand three-judge panels in disciplinary proceedings?

Screen name	Participant ID		Received at (CDT)
Susan Butler	398412	Yes	6/15/2023 9:48
Sam Towell	220725	Yes	6/15/2023 9:48
Neil Talegaonkar	769716	Yes	6/15/2023 9:48
Brian Drummond	992888	Yes	6/15/2023 9:48
Susan Tarley	176608	Yes	6/15/2023 9:48
Debra Powers	662073	Yes	6/15/2023 9:48
Henry I. Willett III	858557	Yes	6/15/2023 9:48
Jim Hundley	557609	Yes	6/15/2023 9:48
Veronica Meade	563421	Yes	6/15/2023 9:48
Stephanie Grana	985474	Yes	6/15/2023 9:48
Mark Dix	960384	Yes	6/15/2023 9:48
George Eliades	50967	Yes	6/15/2023 9:48
Derek Davis	93425	Yes	6/15/2023 9:48
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Tim Baskerville	873408	Yes	6/15/2023 9:48
e m wright jr	981863	Yes	6/15/2023 9:48
Joanna Suyes	281068	Yes	6/15/2023 9:48
Bruce Russell	967357	Yes	6/15/2023 9:48
Todd Pilot	6924	Yes	6/15/2023 9:48
G. Andrew Hall	1008700	Yes	6/15/2023 9:48
Gary Davis	884729	Yes	6/15/2023 9:48
Chip nunley	125445	Yes	6/15/2023 9:49
Bretta Lewis	701150		

Screen name	Participant ID	C: Do you approve of the proposed slate of district committee appointments?	Received at (CDT)
Robert B. Walker	888280	Yes	6/15/2023 9:54
Kevin W. Holt	951778	Yes	6/15/2023 9:54
Susan Pierce	43168	Yes	6/15/2023 9:54
Corrynn Peters	964991	Yes	6/15/2023 9:55
Matt Foster	888460	Yes	6/15/2023 9:54
Peter McDermott	1018836	Yes	6/15/2023 9:54
Ann Marie Park	790178	Yes	6/15/2023 9:54
David Sher	880216	Yes	6/15/2023 9:54
Bill Wilson	556802	Yes	6/15/2023 9:54
Anna Bristle	389645	Yes	6/15/2023 9:54
Gary Hancock	608703	Yes	6/15/2023 9:54
Lisa Wilson	424758	Yes	6/15/2023 9:54
Molly Newton	449101	Yes	6/15/2023 9:55
Carole capsalis	771673	Yes	6/15/2023 9:54
Alicia Johnson	494621	Yes	6/15/2023 9:54
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Daniel P. Frankl	959741	Yes	6/15/2023 9:54
Jay Myerson	826635	Yes	6/15/2023 9:54
Nicole Upshur	838593	Yes	6/15/2023 9:54
Craig Davis	1007062	Yes	6/15/2023 9:54
Luis Perez	159131	Yes	6/15/2023 9:54
Nathan Olson	949984	Yes	6/15/2023 9:54
DJ Hansen	40075		
Ryan Ferguson	1032534	Yes	6/15/2023 9:54
K. Dickerson	319034	Yes	6/15/2023 9:55
Benjamin M. Mason	831082	Yes	6/15/2023 9:54
Tamika Jones	857536	Yes	6/15/2023 9:55
Naveed Kalantar	695856	Yes	6/15/2023 9:55
Susan Pesner	885565	Yes	6/15/2023 9:54
Richard Howard-Smith	934381	Yes	6/15/2023 9:54
Michael York	930989	Yes	6/15/2023 9:54
Charlene A Morring	197403	Yes	6/15/2023 9:54
Sandra Havrilak	592677	Yes	6/15/2023 9:54
David Weber	822273	Yes	6/15/2023 9:54
Carly Hart	491798	Yes	6/15/2023 9:54
Nick Gehrig	107147	Yes	6/15/2023 9:54
Allen Bareford	902000		
Susan Butler	398412	Yes	6/15/2023 9:54
Sam Towell	220725	Yes	6/15/2023 9:55
Neil Talegaonkar	769716	Yes	6/15/2023 9:54
Brian Drummond	992888	Yes	6/15/2023 9:54
Susan Tarley	176608		

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Tim Baskerville	873408	Yes	6/15/2023 9:54
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Joanna Suyes	281068	Yes	6/15/2023 9:54
Bruce Russell	967357	Yes	6/15/2023 9:55
Todd Pilot	6924	Yes	6/15/2023 9:55
G. Andrew Hall	1008700	Yes	6/15/2023 9:54
Gary Davis	884729	Yes	6/15/2023 9:55
Chip nunley	125445	Yes	6/15/2023 9:55
Bretta Lewis	701150		

**D. Do you concur that the
conduct in proposed Opinion
219 constitutes the**

Screen name	Participant ID	Unauthorized practice of law?	Received at (CDT)
Robert B. Walker	888280	Yes	6/15/2023 10:00
Kevin W. Holt	951778	Yes	6/15/2023 10:00
Susan Pierce	43168	Yes	6/15/2023 10:00
Corrynn Peters	964991	Yes	6/15/2023 10:00
Matt Foster	888460	Yes	6/15/2023 10:00
Peter McDermott	1018836	Yes	6/15/2023 10:00
Ann Marie Park	790178	Yes	6/15/2023 10:00
David Sher	880216	Yes	6/15/2023 10:00
Bill Wilson	556802	Yes	6/15/2023 10:00
Anna Bristle	389645	Yes	6/15/2023 10:00
Gary Hancock	608703	Yes	6/15/2023 10:00
Lisa Wilson	424758	Yes	6/15/2023 10:00
Molly Newton	449101	Yes	6/15/2023 10:00
Carole capsalis	771673	Yes	6/15/2023 10:00
Alicia Johnson	494621	Yes	6/15/2023 10:00
Chidi James	821695	Yes	6/15/2023 10:00
Daniel P. Frankl	959741	Yes	6/15/2023 10:00
Jay Myerson	826635	Yes	6/15/2023 10:00
Nicole Upshur	838593	Yes	6/15/2023 10:00
Craig Davis	1007062	Yes	6/15/2023 10:00
Luis Perez	159131	Yes	6/15/2023 10:00
Nathan Olson	949984	Yes	6/15/2023 10:00
DJ Hansen	40075	Yes	6/15/2023 10:00
Ryan Ferguson	1032534	Yes	6/15/2023 10:00
K. Dickerson	319034	Yes	6/15/2023 10:00
Benjamin M. Mason	831082	Yes	6/15/2023 10:00
Tamika Jones	857536	Yes	6/15/2023 10:00
Naveed Kalantar	695856	Yes	6/15/2023 10:00
Susan Pesner	885565	Yes	6/15/2023 10:00
Richard Howard-Smith	934381	Yes	6/15/2023 10:00
Michael York	930989	Yes	6/15/2023 10:00
Charlene A Morring	197403	Yes	6/15/2023 10:00
Sandra Havrilak	592677	Yes	6/15/2023 10:00
David Weber	822273	Yes	6/15/2023 10:00
Carly Hart	491798	Yes	6/15/2023 10:00
Nick Gehrig	107147	Yes	6/15/2023 10:00
Allen Bareford	902000	Yes	6/15/2023 10:00
Susan Butler	398412	Yes	6/15/2023 10:00

**D. Do you concur that the
conduct in proposed Opinion
219 constitutes the**

Screen name	Participant ID	Unauthorized practice of law?	Received at (CDT)
Sam Towell	220725	Yes	6/15/2023 10:00
Neil Talegaonkar	769716	Yes	6/15/2023 10:00
Brian Drummond	992888	Yes	6/15/2023 10:00
Susan Tarley	176608	Yes	6/15/2023 10:00
Debra Powers	662073	Yes	6/15/2023 10:00
Henry I. Willett III	858557	Yes	6/15/2023 10:00
Jim Hundley	557609	Yes	6/15/2023 10:00
Veronica Meade	563421	Yes	6/15/2023 10:00
Stephanie Grana	985474	Yes	6/15/2023 10:00
Mark Dix	960384	Yes	6/15/2023 10:00
George Eliades	50967	Yes	6/15/2023 10:00
Derek Davis	93425	Yes	6/15/2023 10:00
Rex Flynn	191022	Yes	6/15/2023 10:00
Sebastian Norton	798368	Yes	6/15/2023 10:00
Penn Bain	607222	Yes	6/15/2023 10:00
Cullen D. Seltzer	330089	Yes	6/15/2023 10:00
Tim Baskerville	873408	Yes	6/15/2023 10:00
e m wright jr	981863	Yes	6/15/2023 10:00
Joanna Suyes	281068	Yes	6/15/2023 10:00
Bruce Russell	967357	Yes	6/15/2023 10:00
Todd Pilot	6924	Yes	6/15/2023 10:00
G. Andrew Hall	1008700	Yes	6/15/2023 10:00
Gary Davis	884729		
Chip nunley	125445		
Bretta Lewis	701150	Yes	6/15/2023 10:00

E1: Do you approve of the amendments to Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 3, regarding the authority of the Executive Committee to employ and review VSB staff?

Screen name	Participant ID	E1: Do you approve of the amendments to Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 3, regarding the authority of the Executive Committee to employ and review VSB staff?	Received at (CDT)
Robert B. Walker	888280	Yes	6/15/2023 10:09
Kevin W. Holt	951778	Yes	6/15/2023 10:09
Susan Pierce	43168		
Corrynn Peters	964991	Yes	6/15/2023 10:09
Matt Foster	888460	Yes	6/15/2023 10:09
Peter McDermott	1018836	No	6/15/2023 10:10
Ann Marie Park	790178	Yes	6/15/2023 10:09
David Sher	880216	Yes	6/15/2023 10:09
Bill Wilson	556802	Yes	6/15/2023 10:11
Anna Bristle	389645		
Gary Hancock	608703	Yes	6/15/2023 10:09
Lisa Wilson	424758	Yes	6/15/2023 10:09
Molly Newton	449101	No	6/15/2023 10:09
Carole capsalis	771673	Yes	6/15/2023 10:09
Alicia Johnson	494621	Yes	6/15/2023 10:09
Chidi James	821695	Yes	6/15/2023 10:09
Daniel P. Frankl	959741	Yes	6/15/2023 10:09
Jay Myerson	826635	Yes	6/15/2023 10:09
Nicole Upshur	838593	Yes	6/15/2023 10:09
Craig Davis	1007062	Yes	6/15/2023 10:09
Luis Perez	159131	Yes	6/15/2023 10:09
Nathan Olson	949984	Yes	6/15/2023 10:09
DJ Hansen	40075	Yes	6/15/2023 10:09
Ryan Ferguson	1032534	Yes	6/15/2023 10:09
K. Dickerson	319034	Yes	6/15/2023 10:09
Benjamin M. Mason	831082	Yes	6/15/2023 10:09
Tamika Jones	857536	Yes	6/15/2023 10:09
Naveed Kalantar	695856	Yes	6/15/2023 10:09
Susan Pesner	885565		
Richard Howard-Smith	934381	Yes	6/15/2023 10:09
Michael York	930989	Yes	6/15/2023 10:09
Charlene A Morring	197403	Yes	6/15/2023 10:09
Sandra Havrilak	592677	No	6/15/2023 10:10
David Weber	822273	Yes	6/15/2023 10:09
Carly Hart	491798	No	6/15/2023 10:09
Nick Gehrig	107147	Yes	6/15/2023 10:09

E1: Do you approve of the amendments to Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 3, regarding the authority of the Executive Committee to employ and review VSB staff?

Screen name	Participant ID	E1: Do you approve of the amendments to Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 3, regarding the authority of the Executive Committee to employ and review VSB staff?	Received at (CDT)
Allen Bareford	902000	Yes	6/15/2023 10:09
Susan Butler	398412	No	6/15/2023 10:10
Sam Towell	220725	Yes	6/15/2023 10:09
Neil Talegaonkar	769716	Yes	6/15/2023 10:09
Brian Drummond	992888	Yes	6/15/2023 10:09
Susan Tarley	176608	Yes	6/15/2023 10:09
Debra Powers	662073	Yes	6/15/2023 10:09
Henry I. Willett III	858557	Yes	6/15/2023 10:09
Jim Hundley	557609	Abstain	6/15/2023 10:09
Veronica Meade	563421	Yes	6/15/2023 10:09
Stephanie Grana	985474	Yes	6/15/2023 10:09
Mark Dix	960384	Yes	6/15/2023 10:09
George Eliades	50967	Yes	6/15/2023 10:09
Derek Davis	93425	Yes	6/15/2023 10:09
Rex Flynn	191022	Yes	6/15/2023 10:09
Sebastian Norton	798368	Yes	6/15/2023 10:09
Penn Bain	607222	Yes	6/15/2023 10:09
Cullen D. Seltzer	330089	Yes	6/15/2023 10:09
Tim Baskerville	873408	Yes	6/15/2023 10:09
e m wright jr	981863	Yes	6/15/2023 10:09
Joanna Suyes	281068	Yes	6/15/2023 10:09
Bruce Russell	967357	Yes	6/15/2023 10:09
Todd Pilot	6924	Abstain	6/15/2023 10:10
G. Andrew Hall	1008700	Yes	6/15/2023 10:09
Gary Davis	884729		
Chip nunley	125445	Yes	6/15/2023 10:10
Bretta Lewis	701150	Yes	6/15/2023 10:09

E2: Do you approve of the adoption of Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 4, regarding the Executive Committee's performance review of the VSB executive director (as moved and amended)?

Screen name	Participant ID	E2: Do you approve of the adoption of Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 4, regarding the Executive Committee's performance review of the VSB executive director (as moved and amended)?	Received at (CDT)
Robert B. Walker	888280	Yes	6/15/2023 10:53
Kevin W. Holt	951778	Yes	6/15/2023 10:53
Susan Pierce	43168	Yes	6/15/2023 10:54
Corrynn Peters	964991	Yes	6/15/2023 10:53
Matt Foster	888460	Yes	6/15/2023 10:53
Peter McDermott	1018836	Yes	6/15/2023 10:53
Ann Marie Park	790178	Yes	6/15/2023 10:53
David Sher	880216	Yes	6/15/2023 10:53
Bill Wilson	556802	Yes	6/15/2023 10:53
Anna Bristle	389645		
Gary Hancock	608703	Yes	6/15/2023 10:53
Lisa Wilson	424758		
Molly Newton	449101	No	6/15/2023 10:53
Carole capsalis	771673	Yes	6/15/2023 10:53
Alicia Johnson	494621	Yes	6/15/2023 10:53
Chidi James	821695	Yes	6/15/2023 10:53
Daniel P. Frankl	959741	Yes	6/15/2023 10:53
Jay Myerson	826635	Yes	6/15/2023 10:53
Nicole Upshur	838593	Yes	6/15/2023 10:53
Craig Davis	1007062	Yes	6/15/2023 10:53
Luis Perez	159131	Yes	6/15/2023 10:53
Nathan Olson	949984	Yes	6/15/2023 10:53
DJ Hansen	40075	Yes	6/15/2023 10:53
Ryan Ferguson	1032534	No	6/15/2023 10:53
K. Dickerson	319034	Yes	6/15/2023 10:54
Benjamin M. Mason	831082	Yes	6/15/2023 10:53
Tamika Jones	857536	No	6/15/2023 10:53
Naveed Kalantar	695856	Yes	6/15/2023 10:53
Susan Pesner	885565	No	6/15/2023 10:53
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Michael York	930989	Yes	6/15/2023 10:53
Charlene A Morring	197403	No	6/15/2023 10:53
Sandra Havrilak	592677	No	6/15/2023 10:53
David Weber	822273	Yes	6/15/2023 10:54
Carly Hart	491798	Yes	6/15/2023 10:53
Nick Gehrig	107147	Yes	6/15/2023 10:53

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Screen name	Participant ID	E2: Do you approve of the adoption of Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 4, regarding the Executive Committee's performance review of the VSB executive director (as moved and amended)?	Received at (CDT)
Allen Bareford	902000	No	6/15/2023 10:53
Susan Butler	398412	Yes	6/15/2023 10:54
Sam Towell	220725	No	6/15/2023 10:54
Neil Talegaonkar	769716		
Brian Drummond	992888	Yes	6/15/2023 10:53
Susan Tarley	176608	Yes	6/15/2023 10:53
Debra Powers	662073	Yes	6/15/2023 10:53
Henry I. Willett III	858557	Yes	6/15/2023 10:53
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Bretta Lewis	701150	Yes	6/15/2023 10:53