

VIRGINIA:

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

**IN THE MATTER OF
PROPOSED LEGAL ETHICS OPINION 1900**

(VSB Petition ID: 23-8)

PETITION OF THE VIRGINIA STATE BAR

Chidi I. James, President
Cameron M. Rountree, Executive Director
Emily F. Hedrick, Ethics Counsel
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PETITION

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

NOW COMES the Virginia State Bar (“VSB”), by its president and executive director, pursuant to Part 6, § IV, Paragraph 10-4 of the Rules of the Supreme Court of Virginia, and requests review and approval of Legal Ethics Opinion (“LEO”) 1900, as set forth below. The proposed opinion was approved by a vote of 56-1 of the VSB Council (“Council”) on October 13, 2023. (Appendix, p. 24).

I. Overview of the Issues

The VSB Standing Committee on Legal Ethics (“committee”) has proposed Legal Ethics Opinion 1900. The committee agreed to submit the draft opinion to Council on September 15, 2023, by a vote of 6-0. (Appendix, p. 22).

This proposed opinion addresses the extent of a lawyer’s obligation to disclose the death of a client during the lawyer’s representation. Beginning from the legal premise that the lawyer has no client and no authority to accept or make a

settlement offer or otherwise continue the representation once the client dies, unless and until hired by the client's personal representative or other successor in interest, the opinion concludes that it is misleading to act as if the lawyer still has authority to take action on behalf of a deceased client.

The opinion concludes that the lawyer must disclose the client's death before any further substantive communication with opposing counsel and must disclose the client's death to a court, if in litigation, no later than the first communication or appearance after learning of the client's death. The lawyer does not violate Rule 4.1 by simply avoiding any substantive communication with opposing counsel while, for example, determining whether there is a representative of the client's estate and whether that representative wishes to hire the lawyer to continue to pursue the deceased client's claim.

The opinion overrules LEO 952 (1987), which concluded that a lawyer can accept a settlement offer without disclosing the client's death absent a direct inquiry about the client's health. LEO 952 did, however, advise that the lawyer should disclose the client's death when accepting the offer to avoid an "appearance of impropriety." LEO 952 also has a later-added Legal Ethics Committee Note indicating that "[i]f the client's death would arguably affect the settlement, failing to disclose the death might violate Rule 3.3(a)(2) and Rule 4.1(b), which

prohibit[] a lawyer from knowingly failing to disclose a fact if disclosure is necessary ‘to avoid assisting a criminal or fraudulent act by a client.’”

Because “appearance of impropriety” is not a standard used in any of the Rules of Professional Conduct and because the committee notes create ambiguity about when the client’s death “would arguably affect the settlement” and therefore potentially require disclosure, the committee determined that the question should be revisited and clarified. Expressly overruling LEO 952 clarifies that the duty to disclose the client’s death when having any substantive communication with opposing counsel is mandatory under Rule 4.1.

The proposed opinion is included below in Section III.

II. Publication and Comments

The committee approved releasing the proposed opinion for public comment at its meeting on March 16, 2023, by a vote of 5-0 with one abstention. (Appendix, p. 1). The VSB issued a publication release dated March 20, 2023, pursuant to Part 6, § IV, Paragraph 10-2(c) of the Rules of this Court. (Appendix, p. 4). Notice of the proposed opinion was also published in the VSB’s April 1, 2023, E-News, (Appendix, p. 6), on the VSB’s website on the “Actions on Rule Changes and Legal Ethics Opinions” page, (Appendix, p. 8), and on the VSB’s “News and Information” page on March 20, 2023. (Appendix, p. 10). Notice of the proposed

opinion was also published in the *Virginia Lawyer Register*, Volume 71, in the April 2023 issue. (Appendix, p. 11).

When the proposed opinion was released for public comment, eight comments were received: Peter Katt, (Appendix, p. 12), Mona Flax, (Appendix, p. 14), Julie Cillo, (Appendix, p. 15), Robert Lamborn, (Appendix, p. 16), David Corrigan, on behalf of the LGA, (Appendix, p. 17), August Bequai, (Appendix, p. 18), John Crouch, (Appendix, p. 19), and Valerie O'Brien, on behalf of the Virginia Trial Lawyers' Association ("VTLA"), (Appendix, p. 20). Of those comments, one offered no comment on the proposal, four (Flax, Cillo, Crouch, and Bequai) fully supported the proposed opinion, and three (Katt, Lamborn, and O'Brien) raised questions about whether the proposed opinion would undermine lawyers' duties to their clients, including successors or beneficiaries of a deceased client.

After considering the comments, the committee made minor revisions to the opinion to remove a specific example and to explicitly say that Rule 4.1 allows a lawyer to delay substantive communication with opposing counsel in order to determine whether there is a representative of the client's estate and, if so, whether that representative wishes to hire the lawyer to continue to pursue the estate's claim.

The committee considered the comment from the VTLA but ultimately concluded that it was not appropriate to make any changes to the opinion based on that comment. Both examples given in the comment identify the lawyer as having ethical duties to a deceased client that the committee believes are not accurate. In the first example, the comment suggests that there is an “ethical duty to their deceased client and the decedent’s beneficiary” to complete the settlement of a claim that has already been negotiated but had not been carried out at the time of the client’s death. As explained in the proposed opinion, the lawyer has no authority to complete a settlement when their client has died and no successor client has retained the lawyer to pursue the claim. There is no ethical duty that is violated when the lawyer discloses the client’s death and the fact that the settlement cannot be concluded; in fact, the lawyer is generally ethically obligated to disclose that for the reasons stated in the opinion.

Likewise, the second example in the comment involves a lawyer representing a decedent’s estate in a wrongful death matter when the administrator of the estate is not a beneficiary of the estate; the VTLA’s comment indicates that the death of the individual client should not affect the lawyer’s responsibility to the estate and its beneficiaries. As established in prior opinions, a lawyer who represents an administrator of the estate represents the administrator, not the

beneficiaries, nor the “estate” as an abstract concept. The lawyer cannot assist the administrator in violating any fiduciary duties to the beneficiaries or the estate, but the lawyer has no client-lawyer duty to the beneficiaries. See LEOs 1452, 1599 (approved by Council 1995), 1720, and 1778.

III. Proposed Opinion

LEGAL ETHICS OPINION 1900. LAWYER’S DUTY TO DISCLOSE DEATH OF CLIENT.

QUESTION PRESENTED

When a lawyer’s client dies during the representation, what duty does the lawyer have to disclose the client’s death to opposing counsel or to the court?

APPLICABLE RULES AND OPINIONS

Rule 3.3. Candor Toward The Tribunal.

(a) A lawyer shall not knowingly:

- (1) make a false statement of fact or law to a tribunal;
- (2) fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client;

* * *

Rule 4.1. Truthfulness In Statements To Others.

In the course of representing a client a lawyer shall not knowingly:

- (a) make a false statement of fact or law; or
- (b) fail to disclose a fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client.

Legal Ethics Opinion: 952 (1987).

ANSWER

The lawyer must disclose the client's death to opposing counsel or the opposing party if pro se before any further substantive communication. If the matter is before a court, the lawyer must disclose the client's death to the court no later than the next communication with, or appearance before, the court.

ANALYSIS

The ethical duties begin with the legal conclusion that the death of the client terminates the representation and the lawyer's actual authority to act for the client. Restatement (Third) of the Law Governing Lawyers, § 31 Termination of a Lawyer's Authority, Comment *e*. Given that foundation, any act or omission that perpetuates the belief that the lawyer represents the client or has any authority to act on behalf of a client violates Rule 4.1 either by affirmatively misrepresenting the lawyer's authority or by failing to act and therefore passively misrepresenting the lawyer's authority.

In Formal Opinion 397, the American Bar Association Standing Committee on Ethics and Professional Responsibility concluded:

The death of a client means that the lawyer, at least for the moment, no longer has a client and, if she does thereafter continue in the matter, it will be on behalf of a different client. We therefore conclude that a failure to disclose that occurrence is tantamount to making a false statement of material fact within the meaning of Rule 4.1(a). ... Prior to the death, the lawyer acted on behalf of an identified client. When,

however, the death occurs, the lawyer ceases to represent that identified client. Accordingly, any subsequent communication to opposing counsel with respect to the matter would be the equivalent of a knowing, affirmative misrepresentation should the lawyer fail to disclose the fact that she no longer represents the previously identified client.

The opinion also concludes that an appearance before a court without disclosing the client's death would violate Rule 3.3 by making a false statement of material fact to the court. Therefore, the ABA concluded, the lawyer must inform the opposing lawyer and the court of the client's death in her first communication after learning of that fact.

The committee agrees that the lawyer must disclose the client's death before any further substantive communication with opposing counsel and must disclose to the court no later than the first communication or appearance after learning of the client's death. The lawyer does not violate Rule 4.1 by simply avoiding any substantive communication with opposing counsel while, for example, determining whether there is a representative of the client's estate and whether that representative wishes to hire the lawyer to continue to pursue the client's claim.

LEO 952, which concluded that a lawyer can accept a settlement offer without disclosing the client's death absent a direct inquiry about the client's health, but that the lawyer should disclose the client's death when accepting the offer to "avoid an appearance of impropriety," is overruled by this opinion. The

committee concludes that a lawyer cannot accept or make an offer of settlement on behalf of a deceased client, even if the lawyer discloses the client's death at the same time. As stated above, the lawyer has no client and no authority to accept or make a settlement after the client's death unless and until the administrator of the estate or other successor in interest retains the lawyer to pursue any remaining claim on behalf of the estate.

IV. Conclusion

The Court is authorized to regulate the practice of law in the Commonwealth of Virginia and to prescribe a code of ethics governing the professional conduct of 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. Part 6, § IV, Paragraph 10 of the Rules of this Court sets forth the process by which legal ethics advisory opinions and rules of professional conduct are promulgated and implemented. Proposed Legal Ethics Opinion 1900 was developed and approved in compliance with all requirements of Paragraph 10, adopted by the committee at its meeting on September 15, 2023, by a vote of 6-0, and by the Council, by a vote of 56-1, on October 13, 2023.

THEREFORE, the VSB requests that the Court approve proposed Legal

Ethics Opinion 1900 for the reasons stated above.

Respectfully submitted,
VIRGINIA STATE BAR



By _____
Chidi I. James, President



By _____
Cameron M. Rountree, Executive Director

Dated this 8th day of November, 2023.

VIRGINIA:

**IN THE SUPREME COURT OF VIRGINIA
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APPENDIX TO PETITION OF THE VIRGINIA STATE BAR

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**VIRGINIA STATE BAR
LEGAL ETHICS COMMITTEE
MINUTES
Hybrid Meeting
In-Person and Electronic/via Microsoft Teams**

The Virginia State Bar Legal Ethics Committee met on **March 16, 2023**, commencing at **10:00 a.m. in the Board Room of the Virginia State Bar**. Those individuals appearing remotely did so with the approval of the Chair, via the Microsoft Teams platform, pursuant to public notice.

Name	Remote/location; in-person; absent	Why member attended remotely	Approved by Chair yes/no
Michael M. York, Chair	In-person	N/A	N/A
Vera Kathleen Dougherty, Vice- Chair	In-person	N/A	N/A
Teresa Goody Guillen, Member	Absent	N/A	N/A
Michael HuYoung, Member	Absent	N/A	N/A
Naveed Kalantar, Member	In-person	N/A	N/A
Kenneth Brett Marston, Member	In-person	N/A	N/A
Jeffery K. Mitchell, Member	Remote/Blacksburg, VA	"A client issue came up and I was not able to get out of Blacksburg in time to make it to Richmond."	YES
Michael Wayne Robinson, Member	Absent	N/A	N/A
Nia Ayanna Vidal, Member	In-person	N/A	N/A

The following Legal Ethics Committee staff members were present in-person as indicated:

VSB Staff:

Emily F. Hedrick, Ethics Counsel
Janet Van Cuyk, Deputy Executive Director
Barbara Balogh Saunders, Assistant Ethics Counsel
Dorian L. Dalton, Assistant Ethics Counsel
Krista Mathis Samuels, Assistant Ethics Counsel
Kristi R. Hall, Ethics Executive Asst./Paralegal

I. Approval of Minutes

The minutes of the January 19, 2023, meeting were approved by roll call vote as follows: Abstaining: 1 (York); For: 5 (Dougherty, Marston, Kalantar, Mitchell, and Vidal); Against: 0; Absent: 3.

II. Proposed opinions and Rules of Professional Conduct

A. UPL 219 – Non-lawyer entity representation in practice before state agency

The committee voted to send the UPL Opinion as revised to Council for approval in June, as follows: Abstaining: 1 (York); For: 5 (Dougherty, Vidal, Kalantar, Marston, and Mitchell); Against: 0; Absent: 3.

B. LEO 1900 – Obligation to disclose client's death

The committee voted to release the opinion for public comment, as follows: Abstaining: 1 (York); For: 5 (Kalantar, Dougherty, Marston, Mitchell, and Vidal); Against: 0; Absent: 3.

C. Rule change – Prohibiting agreement not to file bar complaint

The committee directed staff to prepare a draft rule amendment for review at the May meeting.

D. LEO Request – Separation between law practice and title company & use of email addresses

The committee directed staff to LEI this request.

- E. LEO Request – Whether a buyer in a RE transaction must obtain seller's consent to charge settlement agent fees to the seller

The committee directed staff to LEI this request.

- F. UPL Opinions 160 and 178 – Withdrawal of UPL opinions

The committee voted to withdraw the UPL opinions, as follows:
Abstaining: 1 (York); For: 5 (Vidal, Kalantar Dougherty, Marston, and Mitchell); Against: 0; Absent: 3.

III. Adjournment

The Chair adjourned the meeting at 11:30 a.m. The next regular meeting of the committee will be held on May 18, 2023.



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: March 20, 2023

The Virginia State Bar Seeks Public Comment on Legal Ethics Opinion 1900

RICHMOND - Pursuant to Part 6, § IV, ¶ 10-2(C) of the Rules of the Supreme Court of Virginia, the Virginia State Bar is seeking public comment on proposed advisory Legal Ethics Opinion 1900 (Duty to disclose the death of the client).

This proposed opinion generally addresses whether, and under exactly what circumstances, a lawyer has to disclose that their client has died.

Regarding this issue, the Standing Committee on Legal Ethics concluded that the lawyer must disclose the client's death to opposing counsel or the opposing party if pro se before any further substantive communication. If the matter is before a court, the lawyer must disclose the client's death to the court no later than the next communication with, or appearance before, the court.

Inspection and Comment

The proposed opinion 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 with Cameron Rountree, executive director of the Virginia State Bar, not later than **May 1, 2023**. Comments may be submitted via email to publiccomment@vsb.org.

SHARE:

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[To view this email with images in your browser, click here.](#)

Governance

Michael M. York of the law firm of Wehner & York, P.C. in Reston will be elected as the 2023-24 president-elect of the VSB at the 2023 Annual Meeting in June.



As the VSB prepares to **launch a new lawyer portal and database**, we ask for your patience as some services on the website and lawyer login page will be inaccessible until the new website soft launches by April 4.

The Supreme Court of Virginia announced that **Justice Thomas P. Mann** has been appointed by Chief Justice S. Bernard Goodwyn to serve as chair of the Virginia Lawyers' Wellness Initiative, succeeding Senior Justice William C. Mims.

The VSB Clients' Protection Fund Board authorized **payments totaling \$71,130.00** in reimbursement to petitioners regarding nine Virginia attorneys at its January 27 meeting.

Ethics

The VSB is seeking public comment on proposed advisory Legal Ethics Opinion 1900 (**Duty to disclose the death of the client**).

Recent bank failures have prompted lawyers to **check on the status of the banks holding their trust accounts**. The regulation and soundness of banks

and other financial institutions is beyond the purview of the VSB, but lawyers should be informed about the FDIC deposit insurance of their IOLTA accounts.

Discipline

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

Recent disciplinary system actions:

Thomas Martin Liles, license revoked, effective March 9, 2023.

Matthew Taylor Morris, license suspended, effective April 24, 2023.

Bruce Patrick Ganey, license suspended, effective May 20, 2023.

Stephen Phillip Givando, public reprimand, effective March 3, 2023.

Doris Weston Gelbman, public reprimand, effective March 9, 2023.

James Patrick Hodges, public reprimand, effective March 9, 2023.

Matthew Taylor Morris, public reprimand, effective March 20, 2023.

Don Leonard Scott Jr., public reprimand, effective March 20, 2023.

Alisa Lachow Correa, public reprimand, effective March 21, 2023.

Private discipline: 2 Private Admonitions

Pro Bono / Access to Justice

Get Recognized for Your Pro Bono Contributions!

Have you performed 30 hours of pro bono or donated \$270 or more to a legal services organization since July 1, 2022? If so, complete the survey below to be recognized for meeting the GetTo30! Challenge!

Take this **2-minute survey** so we can honor you in June by publishing your name in *Virginia*

Lawyer magazine and recognizing you at the VSB Annual Meeting! You'll also be entered into a drawing for some great prizes, including...



- All-Inclusive **Onsite Package to the 2023 VSB Annual Meeting** (\$800+ value)
- On-Demand **Annual Meeting CLE Package** (\$100 value)
- **VSB Techshow Pass** (\$50 value)
- **Presidents' Lunch:** one-on-one lunch for you and a guest with VSB President Stephanie Grana and President-elect Chidi James (priceless)

Professional Guidelines

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- [Pro Hac Vice](#)
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- [Foreign Legal Consultant](#)
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The Virginia State Bar

Professional Guidelines

Search the Professional Guidelines

[Home](#) > [Actions on Rule Changes and Legal Ethics Opinions](#) > LEO 1900, Duty to disclose the death of the client.

Proposed | LEO 1900, Duty to disclose the death of the client. Comments due by May 1, 2023.

The Virginia State Bar Seeks Public Comment on Legal Ethics Opinion 1900

Pursuant to Part 6, § IV, ¶ 10-2(C) of the Rules of the Supreme Court of Virginia, the Virginia State Bar is seeking public comment on proposed advisory Legal Ethics Opinion 1900 (Duty to disclose the death of the client).

This proposed opinion generally addresses whether, and under exactly what circumstances, a lawyer has to disclose that their client has died.

Regarding this issue, the Legal Ethics Committee concluded that the lawyer must disclose the client's death to opposing counsel or the opposing party if pro se before any further substantive communication. If the matter is before a court, the lawyer must disclose the client's death to the court no later than the next communication with, or appearance before, the court.

Inspection and Comment

The proposed opinion may be inspected below.

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

[View proposed LEO 1900](#)

Updated: March 20, 2023

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1111 East Main Street, Suite 700 | Richmond, Virginia 23219-0026
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Voice/TTY 711 or (800) 828-1120
Office Hours: Mon.-Fri. 8:15 am to 4:45 pm (excluding holidays)
The Clerk's Office does not accept filings after 4:45 pm



Virginia State Bar

An agency of the Supreme Court of Virginia

NEWS AND INFORMATION

March 20, 2023

VSB Seeks Comment on Disclosure of Client Death

The Virginia State Bar is seeking public comment on proposed advisory [Legal Ethics Opinion 1900](#) (Duty to disclose the death of the client).

This proposed opinion generally addresses whether, and under exactly what circumstances, a lawyer has to disclose that their client has died.

Regarding this issue, the Legal Ethics Committee concluded that the lawyer must disclose the client's death to opposing counsel or the opposing party if pro se before any further substantive communication. If the matter is before a court, the lawyer must disclose the client's death to the court no later than the next communication with, or appearance before, the court.

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[View proposed LEO 1900](#)

Updated: Mar 20, 2023

ADDITIONAL INFO
LEO 1900

CLIENTS’ PROTECTION FUND PROCEEDINGS

Docket Number	Lawyer’s Name	City of Record	Amount Paid	Type of Case
23-555-003389	Jonathan Preston Fisher	Blacksburg, VA	\$4,250.00	Unearned Fee/Criminal Law
22-555-003367	Paul Reddick Hedges	Chesapeake, VA	\$1,000.00	Unearned Fee/Family Law
23-555-003387	Paul Reddick Hedges	Chesapeake, VA	\$750.00	Unearned Fee/Family Law
23-555-003398	David Brooks Hundley	Richmond, VA	\$35,000.00	Embezzlement/Personal Injury Property/Damage
22-555-003362	Herbert Lawrence Jackson	Lawrenceville, VA	\$1,000.00	Unearned Fee/Civil Law - State
23-555-003393	Tina Tracy Neyhart	Blacksburg, VA	\$375.00	Unearned Fee/Family Law
23-555-003390	Raul Novo	Richmond, VA	\$405.00	Unearned Fee/Traffic Offenses
23-555-003394	Raul Novo	Richmond, VA	\$1,050.00	Unearned Fee/Immigration
22-555-003363	Robert Steven Pope	Aldie, VA	\$1,850.00	Embezzlement/Real Estate
22-555-003360	Kevin Peter Shea	Hampton, VA	\$15,000.00	Unearned Fee/Civil Law – State
22-555-003364	Kevin Peter Shea	Hampton, VA	\$7,500.00	Unearned Fee/ Malpractice/Negligence
23-555-003365	Kevin Peter Shea	Hampton, VA	\$2,150.00	Unearned Fee/Civil Law – State Malpractice – Legal Personal Injury/Property Damage
22-555-003375	Charles James Swedish	Vienna, VA	\$800.00	Unearned Fee/Traffic Offenses

NOTICES TO LAWYERS

Supreme Court Amends Reinstatement Procedures

On March 1, 2023, the Supreme Court of Virginia amended Section IV, Paragraph 13-25(C) of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court. The amendment is effective April 30, 2023.

https://bit.ly/vsbnews_030123

Concerns Regarding FDIC Insurance of Trust Accounts Addressed

Recent bank failures have prompted lawyers to check on the status of the banks holding their trust accounts. The regulation and soundness of banks and other financial institutions is beyond the purview of the VSB, but lawyers should be informed about the FDIC deposit insurance of their IOLTA accounts.

https://bit.ly/vsbnews_031623

SCOVA Amends Rule on VSB Judicial Members

On Wednesday January 18, 2023, the Supreme Court of Virginia amended Part Six, Section IV, Paragraph 3(c) of the Rules of Court regarding judicial class membership in the Virginia State Bar.

https://bit.ly/vsbnews_011823


VSB Seeks Comment on Disclosure of Client Death

The Virginia State Bar is seeking public comment on proposed advisory Legal Ethics Opinion 1900. This proposed opinion generally addresses whether, and under exactly what circumstances, a lawyer has to disclose that their client has died.

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed opinion with Cameron Rountree, executive director of the Virginia State Bar, not later than **May 1, 2023**.

Comments may be submitted via email to publiccomment@vsb.org.

https://bit.ly/vsbnews_032023



National Healthcare Decisions Day is April 16 annually, and this year it is easier than ever to imagine the repercussions not only for yourself, but family and friends when you don’t have an advance care plan in place. Without an agent or power of attorney, there is no one to see that your wishes are being followed while you are incapacitated.

Virginia lawyers can take advantage of the information specific to VA for their clients and themselves at bit.ly/VANHDD. Additionally, The Conversation Project has numerous resources available at www.nhdd.org.

From: [Peter A. Katt](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER Proposed LEO 1900
Date: Wednesday, March 22, 2023 1:40:54 PM

You don't often get email from pkatt@crandalllaw.com. [Learn why this is important](#)

There is a circumstance that proposed LEO does not seem to consider. Assume prior to suit being filed an offer for settlement is made. After the offer is made, the client dies. The death of the client diminishes the value of the claim, and disclosure of his death would likely trigger a rescission of the offer. Since the attorney no longer has a client at his death, is the attorney still obligated to make the other party aware of his former client's death? Assume further that the former client involved his wife in representation and consultations about the former client's claim. The wife contacts the attorney informing him of her husband's death and wants him to continue representation once she qualifies as the personal representative, which he agrees to do. Would it not be against the wife's best interest for the attorney to volunteer the information about the death of the client, and violate his duty of loyalty to his client? Although an attorney could not make any misrepresentations about the health or life of his former client, it seems that the attorney would have the duty not to disclose the death of his former client until the wife is qualified and can decide whether to accept the offer. It is conceded that on acceptance of the offer, the death of the former client would have to be disclosed to effectuate the final agreement.

Otherwise, I think proposed LEO 1900 is well reasoned.

Sincerely,
Peter A. Katt, Esq.

Crandall & Katt

Attorneys & Counselors at Law
366 Elm Avenue, SW, Roanoke, VA 24016

[Web](#) [Map](#)

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From: [Mona Flax](#)
To: [publiccomment](#)
Cc: [Jeffrey Flax](#)
Subject: EXTERNAL SENDER Proposed LEO 1900
Date: Thursday, March 30, 2023 1:22:51 PM
Attachments: [image001.png](#)
[image002.png](#)

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I wholeheartedly endorse the passage of this LEO. This issue recently arose in one of my cases. A party was terminally ill but failed to disclose the illness in discovery. My client entered into an agreement days before her husband's death and a deed was delivered to counsel AFTER the death of the party. The attorney then gave the deed to the estate administrator who has attempted to record the deed. We are now involved in litigation that is costly to my client.

Mona Schapiro Flax, Attorney
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Super Lawyers

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LEGAL ELITE**

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From: [Julie Cillo](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER Proposed LEO 1900
Date: Thursday, March 30, 2023 1:25:47 PM

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Thank you for circulating this proposed LEO on a lawyer's duty to disclose the death of a client.

My proposed revision is that the duty to disclose to the other attorney, party if pro se, and court be done within a definitive number of days upon the lawyer learning of the death.

It seems reasonable that a lawyer could notify the other attorney, party if pro se, and court within 14 days ideally and 30 days at most.

The necessity of a more definitive time frame is based on the concept that the other attorney may be preparing for trial, working with experts, and otherwise doing substantive work on a matter that results in attorney fees and/or expert fees being incurred by the living party because no one is aware that the nature of the litigation has changed or ended due to the death of that party.

I appreciate you considering this feedback. If you have any questions, please feel free to contact me.

Julie M. Cillo

Partner

Owen & Owens PLC

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Midlothian, Virginia 23113

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[Bio](#) | www.owenowens.com

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From: [Robert Lamborn](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER LEO 1900
Date: Thursday, March 30, 2023 7:12:34 PM

You don't often get email from rlamborn@gmail.com. [Learn why this is important](#)

It makes eminent good sense that a lawyer should have to reveal the death of a client to opposing counsel and the court. Certainly this is a material fact with bearing on every aspect of the representation.

However, it is waste of time and money (for at least the client's estate and the court) to insist that a lawyer must cease all actions on behalf of the now deceased client. When the lawyer knows the ends / goal sought by the client, why not honor the client's expressed wishes by continuing -- perhaps even completing - the work?

Might a lawyer / client avoid the effect of this proposed LEO by simply executing a retainer agreement in the name of both the client *and* the client's estate? Certainly a client should be able to choose whom to represent the interests of his own estate.

The attorney-client privilege and duty of confidentiality survive the death of the client, indicating that the law respects the integrity of the client's wishes and reputation even after death. (This is to say nothing of the legal effect given to a validly executed will.) Why not then honor the client's wishes as expressed and understood at the outset of the representation?

Respectfully,

Rob Lamborn

DAVID P. CORRIGAN
804.762.8017
DIRECT FAX | 804.212.0862
dcorrigan@hccw.com
Respond to: Richmond

April 19, 2023

VIA EMAIL at publiccomment@vsb.org

Cameron Rountree, Executive Director
Virginia State Bar
1111 East Main Street, Suite 700
Richmond, VA 23219-0026

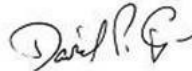
Re: Proposed Legal Ethics Opinion 1900

Dear Mr. Rountree:

Thank you for seeking public comment on proposed advisory Legal Ethics Opinion 1900, regarding duty to disclose the death of the client.

After reviewing the proposed opinion, the Ethics Committee of the Local Government Attorneys of Virginia, Inc. ("LGA") has determined that the proposed LEO does not have any impact unique to the practice of local government law. Therefore, the Committee has no comment on this proposed LEO. However, we do appreciate the continuing opportunity to provide comments on proposed Legal Ethics Opinions and Rule changes.

Very truly yours,



David P. Corrigan
Chair, LGA Ethics Committee

cc: Mark C. Popovich, Esq., LGA President (via email)
Andy Herrick, Albemarle County Deputy County Attorney (via email)

From: attyabeq@aol.com
To: [publiccomment](#)
Subject: EXTERNAL SENDER VSB Seeking Comment on Disclosure of Client Death/Proposed Legal Ethics Opinion 1900
Date: Tuesday, April 18, 2023 3:08:12 PM

While the privilege continues after death, nevertheless, there is no logic for a lawyer to withhold that information from those with a need to know. Ignorance, especially in matters involving probate and other financial issues is an invitation at times for abuses by lawyers. Dipping into estate funds, especially when the heirs may be in the dark, leads to temptation. In short, there is no logic to keeping the death of a client a secret to those that have a legitimate need to know. Than you.

August Bequai, Esq.
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1750 Tysons Blvd., Suite 1500
McLean, VA 22102
Tel.: (703) 893-4806
Fax: (703) 388-0648
attyabeq@aol.com

From: johnc@comcast.net
To: john@comcast.net
Subject: ESTATE PLANNING: 1001, Death of Client
Date: Wed, 14 Feb 2018 14:45:59 PM

[You don't often get email from johnc@comcast.net. Learn why this is important at <https://aka.ms/WindowsMailHotfixes>]

I wholeheartedly agree.

John Crouch
Crouch & Crouch, Law Offices
2111 Wilson Boulevard, Suite 800
Arlington, Virginia 22201
703-234-6700
Fax: 703-522-6107

johnc@comcast.net
<https://www.crouchandcrouch.com/>
<https://www.crouchandcrouch.com/2018/01/10/estate-planning-1001/>
Fellow, International Academy of Family Lawyers (IAFL) and International Academy of Collaborative Professionals

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Valerie M. O'Brien
Executive Director
vobrien@vtla.com

May 12, 2023

Cameron Rountree, Esq.
Executive Director
Virginia State Bar
111 East Main Street, Suite 700
Richmond, VA 23219

Re. Proposed Legal Ethics Opinion 1900

Dear Cameron,

Please accept this letter as the formal comment of the Virginia Trial Lawyers Association (“VTLA”) on Proposed Ethics Opinion 1900, currently titled “Lawyer’s Duty to Disclose Death of Client.” This is a scenario that our members confront with some regularity, and it is of great importance that the LEO accurately describe the situation and provide clear guidance. In its present form, we believe that the LEO does not account for certain nuanced situations in which a lawyer’s ethical duty may diverge from that as stated in the draft LEO. VTLA requests that this draft of LEO 1900 be withdrawn, or its adoption postponed so that we may have members of our association who have confronted this scenario provide further input and assist in development of further drafts. As an alternative, we would ask that the Committee consider incorporating into the draft LEO some of the issues raised below.

As presently drafted, the LEO overly generalizes the issue and broadly construes the circumstances surrounding the death of a *client* as compared to the continuation and/or potential resolution of a particular *claim* (which is not extinguished upon the death of a client but becomes an asset of their estate as soon as they die). In many situations—in fact, in the majority of situations—there is little debate that the death of a client materially changes the substance and nature of a claim (e.g. when a portion of the claimed damages in a personal injury matter include future lost earnings or when the client in a wrongful death matter is the only living beneficiary of the decedent) and as such, the lawyer for the client should be ethically bound to alert the court and opposing counsel of their client’s death as outlined in the proposed LEO.

However, the issue is more nuanced and fact-dependent than the LEO suggests in its present draft. Our members have encountered specific scenarios wherein their ethical duties to “abide by a client’s decision...to accept an offer of settlement of a matter” (*See* Virginia Rules of Professional Conduct Rule 1.2) may conflict with their ethical duties of candor and truthfulness to the court and opposing counsel.

Consider an example that crystallizes the point: a client informs their lawyer of their decision to accept an offer of settlement which has already been made, but then dies with only a single



beneficiary under intestate succession. That beneficiary may automatically have a right to the assets of the estate of the decedent by operation of law upon the death of the decedent, and if the lawyer has communicated with and obtained the agreement of the single beneficiary (in addition to the deceased client prior to their death) the lawyer's responsibility to their client (which includes the deceased client, the decedent's estate, and now the single beneficiary) is to accept such offer of settlement, *so long as* the nature and substance of the claim is not affected by the client's death. In such cases, when there is no claim for future losses such that the death of the client does not affect the value of a case, the valuation has been completed *by both parties*, and all that remains is resolution of the matter. Then, lawyer's ethical duty to their deceased client, and the decedent's beneficiary is to ensure that the information of the client's death is not used to improperly devalue a case when the valuation has already been completed.

A similar situation arises when a lawyer represents a decedent's estate in a wrongful death matter and the administrator of the estate is not a beneficiary of the estate (e.g. when a sibling of a decedent is the administrator of the estate and the decedent has minor children who are the only statutory beneficiaries). In that situation, the death of the individual "client" (the administrator of the estate) has no effect on the claim or the lawyer's responsibility to the decedent's estate and its beneficiaries which continues after the death of the administrator.

So, as the above examples make clear, there are certain circumstances in which a lawyer's ethical duties to their client do not conflict with the lawyer's duties to the court, opposing counsel, or a third-party, but the proposed LEO, in its present form, does not account for those situations. As stated above, this is a very important issue for VTLA members and we ask that the draft LEO be withdrawn, or its adoption postponed, so that VTLA members may provide further input to create a better and more accurate LEO on this issue. Alternatively, we ask that the Committee consider incorporating some of the issues identified above into the proposed LEO.

If you have any questions, please contact me and I will make sure we get you any clarifications you may need.

Thank you for your consideration.

Respectfully submitted,



Valerie M. O'Brien

cc: Anthony T. Greene, Esq., Co-Chair VTLA Ethics and Professionalism Committee
Joel McClellan, Esq., Co-Chair VTLA Ethics and Professionalism Committee
T. Vaden Warren, Jr., Esq., VTLA President

**VIRGINIA STATE BAR
LEGAL ETHICS COMMITTEE
MINUTES
Hybrid Meeting
Microsoft Teams**

The Virginia State Bar Legal Ethics Committee met on **September 15, 2023**, commencing at **10:00 a.m. in the Board Room of the Virginia State Bar**. Those individuals appearing remotely did so with the approval of the Chair, via the Microsoft Teams platform, pursuant to public notice.

Name	Remote/location; in-person; absent	Why member attended remotely	Approved by Chair yes/no
Michael M. York Chair	In-person	N/A	N/A
Vera Kathleen Dougherty Vice-Chair	In-person	N/A	N/A
Teresa Goody Guillen Member	Absent	N/A	N/A
Michael HuYoung, Member	In-person	N/A	N/A
Naveed Kalantar, Member	Absent	N/A	N/A
Kenneth Brett Marston Member	In-person	N/A	N/A
Jeffery K. Mitchell Member	Remote	Visiting daughter who attends grad school at the University of Georgia, in celebration of her birthday	Yes
Michael Wayne Robinson Member	In-person	N/A	N/A
Nia Ayanna Vidal, Member	Absent	N/A	N/A

The following Legal Ethics Committee staff members were present in-person as indicated:

VSB Staff:

Cameron M. Rountree, Executive Director
Janet Van Cuyk, Deputy Executive Director
Emily F. Hedrick, Ethics Counsel
Dorian L. Dalton, Assistant Ethics Counsel
Krista Mathis Samuels, Assistant Ethics Counsel
Kristi R. Hall, Ethics Exec. Asst./Paralegal/FOIA Officer

I. Approval of Minutes

The minutes of the May 18, 2023, meeting were approved unanimously, via voice vote.

II. Proposed opinions and Rules of Professional Conduct

A. LEO 1900 – Obligation to disclose client's death

After discussion, the committee voted unanimously, via voice vote, to submit the draft opinion as amended to Council for approval at its next meeting on October 13, 2023.

B. Rule 8.4(f) – Agreement not to file bar complaint

After discussion, the committee voted unanimously, via voice vote, to submit the draft rule to Council for approval at its next meeting on October 13, 2023.

C. LEO request – Waiver of oral argument in criminal appeal

The committee directed staff to LEI this request.

III. Adjournment

The Chair adjourned the meeting at 11:14 a.m.

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

Date: October 13, 2023, 9:00 am

Location: The Williamsburg Lodge, Tidewater Room, 310 S. England Street, Williamsburg

The VSB Council met in-person on Friday, October 13, 2023. At 9:04 a.m., President Chidi I. James called the meeting to order. Sixty-four (64) committee members attended in-person satisfying the meeting quorum requirement in Part I, Art. V, Sec. 2 of the Bylaws of the Virginia State Bar (VSB). There was no remote participation.

Committee members in attendance:

President Chidi I. James

President-elect Michael M. York

Immediate Past President Stephanie E. Grana

Circuit 1	D.J. Hansen	Circuit 19	Susan M. Butler
Circuit 2	Jeremiah A. "Jake" Denton IV	Circuit 19	Gary V. Davis
Circuit 2	Naveed Kalantar	Circuit 19	Kyung "Kathryn" N. Dickerson
Circuit 4	Corrynn J. Peters	Circuit 19	Stephen K. Gallagher
Circuit 4	Caswell W. Richardson	Circuit 19	Carly J. Hart
Circuit 6	Derek A. Davis	Circuit 19	Gina L. Schaecher
Circuit 7	Patrick C. Murphrey	Circuit 19	Gobind S. Sethi
Circuit 8	Veronica E. Meade	Circuit 20	R. Penn Bain
Circuit 9	Susan B. Tarley	Circuit 20	Marie E. Washington
Circuit 10	E. M. Wright, Jr.	Circuit 21	G. Andrew Hall
Circuit 11	Dale W. Pittman	Circuit 23	Kevin W. Holt
Circuit 12	P. George Eliades II	Circuit 24	Hope R. Townes
Circuit 13	Timothy R. Baskerville	Circuit 25	David B. "Brian" Richardson
Circuit 13	Mark D. Dix	Circuit 26	Peter K. McDermott II
Circuit 13	Jonathan M. Petty	Circuit 27	W. Grant Back
Circuit 13	Cullen D. Seltzer	Circuit 28	Bruce H. Russell II
Circuit 13	Samuel T. Towell	Circuit 19	Susan M. Butler
Circuit 13	Susheela Varky	Circuit 19	Gary V. Davis
Circuit 13	Henry I. Willett III		
Circuit 14	William J. Egen	Member at Large	Lenard T. Myers, Jr.
Circuit 14	Joel R. McClellan	Member at Large	Molly E. Newton
Circuit 15	Allen F. Bareford	Member at Large	Lonnie D. "Chip" Nunley III
Circuit 16	Richard H. Howard-Smith	Member at Large	Patricia E. Smith
Circuit 16	Ann Marie Park	Member at Large	Joanna L. Suyes
Circuit 17	Adam M. Krischer	Member at Large	Nicole E. Upshur
Circuit 17	David E. Sher	Member at Large	David P. Weber
Circuit 18	Nicholas J. Gehrig	Member at Large	Lisa A. Wilson
Circuit 18	Sebastian M. Norton		
Circuit 18	Todd A. Pilot	CLSBA Chair	Dillina W. Stickley
Circuit 19	Tamika D. Jones	SLC Chair	W. Carter Younger
Circuit 19	Paul H. Melnick	YLC President	Craig E. Ellis
Circuit 19	Nathan J. Olson		

Absent:

Circuit 2	Bretta Zimmer Lewis
Circuit 3	Matthew R. Foster
Circuit 4	Charlene A. Moring
Circuit 5	Thomas G. Shaia
Circuit 14	Thomas A. Edmonds
Circuit 17	Carole H. Capsalis
Circuit 17	G. L. "Rex" Flynn, Jr.
Circuit 17	Jennifer S. Golden
Circuit 19	Chidinma U. Harley
Circuit 19	Luis A. Perez
Circuit 19	Debra L. Powers
Circuit 19	Robert B. "Bob" Walker
Circuit 22	W. Huntington "Hunter" Byrnes, Sr.
Circuit 23	Daniel P. Frankl
Circuit 29	Bradley D. Fleming
Circuit 30	D. Sue Baker
Circuit 31	Anna B. Bristle
Member at Large	James W. Hundley
DC Chair	Candace A. Blydenburgh

Council Invitees:

Solomon H. Ashby, Jr.	Old Dominion Bar Association
Shannon L. Taylor	Virginia Association of Commonwealth's Attorneys
Valerie O'Brien	Virginia Trial Lawyers Association

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
Sylvia S. Daniel	VSB Assistant to the Deputy Executive Director
DaVida M. Davis	VSB Director of Regulatory Compliance
Crista L. Gantz	VSB Director of Access to Legal Services
Emily F. Hedrick	VSB Ethics Counsel
Crystal T. Hendrick	VSB Director of Finance and Procurement
Shawne D. Moore	VSB Assistant to the Executive Director
Caryn B. Persinger	VSB Director of Communications
Maureen D. Stengel	VSB Director of Bar Services

I. Reports and Information Items

A. President's Report

President Chidi I. James reported on his activities. The President's Report for October 2023 was included in the materials provided to Council.

B. Executive Director's Report

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

C. Financial Reports

Director of Finance Crystal T. Hendrick presented the VSB financial reports. The Financial Report for the Year Ended June 30, 2023, and the Financial Report as of August 31, 2023, were included in the materials provided to the Council.

D. Bar Counsel Report

Bar Counsel Renu M. Brennan reported on the activities in the Office of Bar Counsel. The Disciplinary System report dated September 21, 2023, and the October 10, 2023 Report Update were included in the materials provided to Council.

E. Conference of Local & Specialty Bar Associations Report

Chair Dillina W. Stickley reported on the activities of the Conference of Local & Specialty Bar Associations (CLSBA). A copy of the CLSBA report dated October 12-13, 2023, was included in the materials provided to Council.

F. Diversity Conference Report

President Chidi I. James presented the report on the activities of the Diversity Conference on behalf of chair Candace Blydenburgh. The Report of the Diversity Conference dated September 2023 was included in the materials provided to Council.

G. Senior Lawyers Conference Report

Chair W. Carter Younger reported on the activities of the Senior Lawyers Conference. The Report of the Senior Lawyers Conference dated October 13, 2023, was included in the materials provided to Council.

H. Young Lawyer Conference Report

Young Lawyer Conference (YLC) President Craig E. Ellis reported on the activities of the YLC. The YLC President's Report dated October 2023 was included in the materials provided to Council.

I. Standing Committee on Access to Legal Services Report

Chair Joanna L. Suyes provided a summary of the pro bono activities reported by the VSB members. A copy of the Access to Legal Services Committee's (Access Committee's) October 2023 Pro Bono Month Report was included in the materials provided to Council.

II. Action Items

A. Minutes of the June 15, 2023 Meeting

President Chidi I. James presented the minutes of the June 15, 2023, meeting and solicited a motion. A motion was made by Bruce H. Russell II and seconded by Timothy R. Baskerville to approve the minutes of the June 15, 2023, meeting.

The motion passed and Council approved the minutes of the June 15, 2023, meeting. Member Gary V. Davis voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

B. Request for Approval of the Amendments to the Conference Bylaws

Deputy Executive Director Janet P. Van Cuyk, on behalf of the chairs of the Senior Lawyers Conference (SLC), the YLC, and the CLSBA, presented the request for approval of the amendments to each conferences’ bylaws. A copy of the memo dated October 13, 2023, for the Proposed Changes to the Bylaws of the SLC and YLC and to the Bylaws and Constitution of the CLSBA was included in the materials provided to the Council. A motion was made by Bruce H. Russell II and seconded by Stephanie E. Grana to approve the following.

1. Amendments to the CLSBA Bylaws and Repeal of the CLSBA Constitution.
2. Amendments to the SLC Bylaws.
3. Amendments to the YLC Bylaws.

The motion passed and Council approved the requests. Members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

C. Request for Approval of the Amendments to the VSB Bylaws Relating to Quorum and the Virginia Freedom of Information Act Requirements

Deputy Executive Director Janet P. Van Cuyk, on behalf of the chair of the Access Committee, presented the request for approval of the amendments to the VSB Bylaws relating to quorum and Virginia Freedom of Information Act Requirements. A copy of the memo dated October 13, 2023, for the VSB Bylaws Proposed Changes Regarding Committee and Board Quorum Requirements was included in the materials provided to the Council. A motion was made by Joanna L. Suyes and seconded by Susan B. Tarley to approve the amendments to the VSB Bylaws relating to quorum and Virginia Freedom of Information Act requirements.

The motion passed and Council approved the requests. Members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

D. Request for Approval from the Committee on Access to Legal Services to Authorize the Virginia State Bar to Engage in Legislative Activity in Support of Virginia Child Dependency Legal Representation Workgroup Recommendations

Chair Joanna L. Suyes presented the request from the Access Committee for approval to authorize the VSB to engage in legislative activity. A copy of the memo dated September 19, 2023, requesting approval of VSB Legislative Activity to Support Efforts to Improve the Quality of Legal Services Provided by Court-Appointed Parents’ Counsel was included in the materials provided to

the Council. A motion was made by Bruce H. Russell II and seconded by Tamika D. Jones to approve the request of the Access Committee for submission to the Supreme Court of Virginia for approval.

The motion passed and Council approved the request. Member Allen F. Bareford voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

E. Request for Approval of Proposed LEO 1900, Regarding Disclosure of the Death of a Client

Chair Michael M. York presented a request from the Legal Ethics Committee (Ethics Committee) to the Council for Proposed Legal Ethics Opinion 1900 addressing a lawyer’s duty to disclose the death of a client. A copy of the memo from Ethics Counsel Emily Hedrick, dated October 13, 2023, and Draft Opinion, dated August 18, 2023, were included in the materials provided to the Council. After a discussion, a motion was made by Michael M. York and seconded by David P. Weber to amend the proposed draft opinion. The motion to amend was adopted unanimously by voice vote. A motion was made by Michael M. York and seconded by David P. Weber to approve the proposed draft opinion, as amended, for submission to the Supreme Court of Virginia.

The motion passed and Council approved the request. Members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

F. Request for Approval of Proposed Rule 8.4(f), Prohibiting Agreements Not to File Bar Complaint

Chair Michael M. York presented a request from the Ethics Committee to the Council for Proposed Rule 8.4(f) – prohibiting agreements not to file a bar complaint. A copy of the memo from Ethics Counsel Emily Hedrick, dated October 13, 2023, was included in the materials provided to Council. After a discussion, a motion was made by Michael M. York and seconded by Bruce H. Russell II to accept the recommendations of the Ethics Committee and approve the proposed amendment (f) to Rule 8.4 and forward the memo for submission to the Supreme Court of Virginia.

The motion passed and Council approved the request. Members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes

G. Request for Approval of Appointment for Clients’ Protection Fund Board Member

Deputy Executive Director Janet P. Van Cuyk presented a request, on behalf of Brian D. Lytle, Chair of the Clients’ Protection Fund (CPF) Board, for approval of a 2023-2024 interim appointment. A copy of the October 13, 2023, memo from chair Brian D. Lytle, was included in the materials provided to the Council. A motion was made by Bruce H. Russell II and seconded by Susan

B. Tarley to approve the appointment of attorney Jacqueline M. Reiner to the CPF Board, with a term ending on June 30, 2024.

The motion passed and Council approved the request. Members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

H. Request for Approval of Resolution Honoring Mark D. Braley

Executive Director Cameron M. Rountree presented a resolution drafted in honor of Mark D. Braley, former executive director of the Legal Services Corporation of Virginia, in appreciation of 19 years of service to the Access Committee and 31 years of service to Virginia's legal aid programs. A copy of the resolution was included in the materials provided to the Council. A motion to adopt the resolution was made by Michael M. York and seconded by Timothy R. Baskerville.

The motion passed unanimously, and Council members verbally voted "yes" in favor of adopting the resolution.

There being no other business for the Council, at 10:54 a.m. the meeting was adjourned.

Response #	Started At (CDT)	Screen Name	E: Do you approve the Proposed LEO 1900, Death of a Client, as amended?
1	10/13/2023 9:41	Chidi I. James	Yes
2	10/13/2023 9:41	Corrynn Peters	Yes
3	10/13/2023 9:41	Patrick C. Murphrey	Yes
4	10/13/2023 9:41	Michael York	Yes
5	10/13/2023 9:41	Gobind Sethi	Yes
6	10/13/2023 9:42	Gina Schaecher	Yes
7	10/13/2023 9:41	George Eliades	Yes
8	10/13/2023 9:41	Tamika Jones	Yes
9	10/13/2023 9:42	Peter McDermott	Yes
10	10/13/2023 9:42	W. Grant Back	Yes
11	10/13/2023 9:41	Lisa Wilson	Yes
12	10/13/2023 9:41	Samuel Towell	Yes
13	10/13/2023 9:41	Patricia Smith	Yes
14	10/13/2023 9:41	Carly J Hart	Yes
15	10/13/2023 9:41	Kevin W. Holt	Yes
16	10/13/2023 9:42	Will Egen	Yes
17	10/13/2023 9:42	Bareford Allen	Yes
18	10/13/2023 9:41	Susan Tarley	Yes
19	10/13/2023 9:41	Henry Willett	Yes
20	10/13/2023 9:42	Todd Pilot	No
21	10/13/2023 9:41	Paul Melnick	Yes
22	10/13/2023 9:41	Richard Howard-Smith	Yes
23	10/13/2023 9:41	Veronica Meade	Yes
24	10/13/2023 9:41	Dale Pittman	Yes
25	10/13/2023 9:42	STEPHEN K GALLAGHER	Yes
26	10/13/2023 9:42	Derek Davis	Yes
27	10/13/2023 9:41	Craig E. Ellis	Yes
28	10/13/2023 9:41	Penn Bain	Yes
29	10/13/2023 9:41	DJ Hansen	Yes
30	10/13/2023 9:42	Stephanie Grana	Yes
31	10/13/2023 9:42	Joel McClellan	Yes
32	10/13/2023 9:41	e m wright jr	Yes
33	10/13/2023 9:41	Dr. David P. Weber	Yes
34	10/13/2023 9:42	Susheela Varky	Yes
35	10/13/2023 9:41	Hope Townes	Yes
36	10/13/2023 9:42	W Carter Younger	Yes
37	10/13/2023 9:41	Jeremiah Denton IV	Yes
38	10/13/2023 9:42	Nicole Upshur	Yes
39	10/13/2023 9:41	Dillina Stickley	Yes
40	10/13/2023 9:41	Sebastian M Norton	Yes
41	10/13/2023 9:42	Nathan Olson	Yes
42	10/13/2023 9:42	Lonnie Nunley	Yes
43	10/13/2023 9:42	Marie Washington	Yes
44	10/13/2023 9:41	Susan Butler	Yes
45	10/13/2023 9:41	Cullen Seltzer	Yes
46	10/13/2023 9:42	Timothy Baskerville	Yes
47	10/13/2023 9:41	Joanna Suyes	Yes
48	10/13/2023 9:42	Lenard Myers	Yes
49	10/13/2023 9:41	Bruce Russell	Yes
50	10/13/2023 9:41	Molly Newton	Yes
51	10/13/2023 9:41	Caswell Richardson	Yes

52	10/13/2023 9:42	Jonathan Petty	Yes
53	10/13/2023 9:41	Naveed Kalantar	Yes
54	10/13/2023 9:42	Nick Gehrig	Yes
55	10/13/2023 9:42	D. Brian Richardson	Yes
56	10/13/2023 9:42	Glen Andrew Hall	Yes
57	10/13/2023 9:41	Mark Dix	Yes

Response Count

Yes 56

No 1

Abstain 0

Total 57