

VIRGINIA:

IN THE SUPREME COURT OF VIRGINIA  
AT RICHMOND

IN THE MATTER OF  
PROPOSED RULE OF PROFESSIONAL CONDUCT 6.5

(VSB Petition ID: 25-02)

PETITION OF THE VIRGINIA STATE BAR

Michael MacKager York, President  
Cameron M. Rountree, Executive Director  
Emily F. Hedrick, Ethics Counsel  
Virginia State Bar  
1111 East Main Street, Suite 700  
Richmond, VA 23219  
Phone (804) 775-0560  
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**VIRGINIA:**

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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 this Court, and requests review and approval of Rule of Professional Conduct 6.5, as set forth below. The proposed Rule was approved by 54-2 vote of the VSB Council on March 1, 2025 (Appendix, p. 14).

**I. Overview of the Issues**

The VSB Standing Committee on Legal Ethics (“committee”) has proposed amendments to Rule 6.5.

The proposed amendments to Rule 6.5 clarify that attorneys providing short-term limited legal services as court-appointed counsel for first appearance or same-day bail hearings are not required to conduct a conflict check before representation.

The proposed rule is based on the recommendations from the Joint Legislative Audit and Review Commission (JLARC) report on Indigent Criminal Defense and Commonwealth’s Attorneys, issued in November 2023. The report recommended that the committee study limited representation at first appearances and same-day bail hearings and, if appropriate, refer a rule of professional conduct on limited representation in these settings for review and approval.

Based on its study of the issues raised by the JLARC report, the committee determined that extending Rule 6.5 to cover these limited scope representations would reduce administrative burdens while maintaining ethical safeguards. The rule provides that lawyers participating in limited scope programs covered by the rule must consider known conflicts at the time of representation but are not required to perform a broader conflict check unless the representation extends beyond the initial limited scope appointment.

The proposed rule is included below in Section III.

## **II. Publication and Comments**

The committee approved the proposed rule at its meeting on November 21, 2024 (Appendix, p. 2). The VSB issued a publication release dated November 22, 2024, pursuant to Part 6, § IV, Paragraph 10-2(c) of the Rules of this Court (Appendix, p. 3). Notice of the proposed rule was also published on the “Rule

Changes, Legal Ethics Opinions, and Unauthorized Practice of Law Opinions” page (Appendix, p. 5), on the VSB’s website “News and Information“ page on November 22, 2024 (Appendix, p. 6), and in the VSB’s December 2, 2024, and January 2, 2025, E-News (Appendix, pgs. 7 & 8).

Three comments were received, all in support of the proposal, from: Amari Harris (Appendix, p. 9), Mel Williams (Appendix, p. 10), and Bethny Barrett (Appendix, p. 11).

After considering the feedback, no changes were made to the proposed rule.

### **III. Proposed Rule**

#### **Rule 6.5 Nonprofit and Court-Annexed Limited Legal Services Programs**

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, including a court-appointed short-term limited scope representation, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter and without the lawyer being retained or appointed to continue representation in the matter:

(1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer

associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

#### Comment

[1] Legal services organizations, courts and various nonprofit organizations have established programs through which lawyers provide short-term limited legal services - such as advice or the completion of legal forms - that will assist persons to address their legal problems without further representation by a lawyer. In these programs, such as court-appointed representation at first appearance, legal-advice hotlines, advice-only clinics or *pro se* counseling programs, a client-lawyer relationship is established, but there is no expectation that the lawyer's representation of the client will continue beyond the limited consultation. Such programs are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation. *See, e.g.,* Rules 1.7, 1.9 and 1.10.

[2] A lawyer who provides short-term limited legal services pursuant to this Rule must secure the client's informed consent to the limited scope of the representation. *See* Rule 1.2(b). If a short-term limited representation would not be reasonable

under the circumstances, the lawyer may offer advice to the client but must also advise the client of the need for further assistance of counsel. Except as provided in this Rule, the Rules of Professional Conduct, including Rules 1.6 and 1.9(c), are applicable to the limited representation.

[3] Because a lawyer who is representing a client in the circumstances addressed by this Rule ordinarily is not able to check systematically for conflicts of interest, paragraph (a) requires compliance with Rules 1.7 or 1.9(a) only if the lawyer knows that the representation presents a conflict of interest for the lawyer, and with Rule 1.10 only if the lawyer knows that another lawyer in the lawyer's firm is disqualified by Rules 1.7 or 1.9(a) in the matter.

[4] Because the limited nature of the services significantly reduces the risk of conflicts of interest with other matters being handled by the lawyer's firm, paragraph (b) provides that Rule 1.10 is inapplicable to a representation governed by this Rule except as provided by paragraph (a)(2). Paragraph (a)(2) requires the participating lawyer to comply with Rule 1.10 when the lawyer knows that the lawyer's firm is disqualified by Rules 1.7 or 1.9(a). By virtue of paragraph (b), however, a lawyer's participation in a short-term limited legal services program will not preclude the lawyer's firm from undertaking or continuing the

representation of a client with interests adverse to a client being represented under the program's auspices. Nor will the personal disqualification of a lawyer participating in the program be imputed to other lawyers participating in the program.

[5] If, after commencing a short-term limited representation in accordance with this Rule, a lawyer undertakes to represent the client in the matter on an ongoing basis, Rules 1.7, 1.9(a) and 1.10 become applicable.

#### **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.

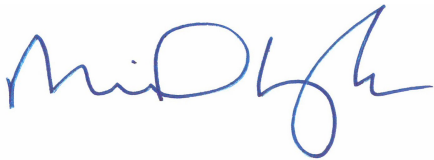
Pursuant to this statutory authority, the Court has promulgated rules and regulations relating to the organization and government of the VSB. Va. S. Ct. R., Pt. 6, § IV Paragraph 10 of these rules sets forth the process by which legal ethics advisory opinions and rules of professional conduct are promulgated and implemented. Proposed Rule 6.5 was developed and approved in compliance with all requirements of Paragraph 10, approved by the committee at its meeting on January 16, 2025, and by VSB Council on March 1, 2025.

THEREFORE, the VSB requests that the Court approve proposed Rule of


Professional Conduct 6.5 for the reasons stated above.

Respectfully submitted,

VIRGINIA STATE BAR

By  \_\_\_\_\_

Michael MacKager York, President

By  \_\_\_\_\_

Cameron M. Rountree, Executive Director

Dated this 6th day of March, 2025.

**VIRGINIA:**

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

**IN THE MATTER OF  
PROPOSED RULE OF PROFESSIONAL CONDUCT 6.5**

**(VSB Petition ID: 25-02)**

**APPENDIX TO PETITION OF THE VIRGINIA STATE BAR**

Michael MacKager York, President  
Cameron M. Rountree, Executive Director  
Emily F. Hedrick, Ethics Counsel  
Virginia State Bar  
1111 East Main Street, Suite 700  
Richmond, VA 23219  
Phone (804) 775-0560  
Fax (804) 775-0501

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**MINUTES  
LEGAL ETHICS COMMITTEE  
Hybrid Teams Meeting  
November 21, 2024  
10:00 AM**

The Virginia State Bar (VSB) Standing Committee on Legal Ethics met in the VSB Board Room, 1111 East Main Street, Suite 700, Richmond, VA, with a quorum of members participating on November 21, 2024, pursuant to public notice.

**Members Present in Person:** K. Brett Marston (Chair), Megan Clark, Patrick Hanes, Michael HuYoung, and Michael Robinson.

**Members Present on Teams:** Pursuant to Va. Code § 2.2-3708.3(B), the following committee members appeared remotely: Katie Dougherty (attending remotely from Richmond, VA for personal reasons requiring her to be on-site at a client location), Jeffery Mitchell (attending remotely from his office in Blacksburg, VA because he lives more than 60 miles from the meeting location)

**Members Unable to Attend:** Naveed Kalantar, Nia A. Vidal

**Guests Present:** N/A

**VSB Staff Present:** Cameron Rountree, Executive Director; Emily Hedrick, Ethics Counsel; Krista Mathis, Assistant Ethics Counsel; Diane Ferguson, Assistant Ethics Counsel; and Executive Assistant to Clerks, Sylvia Daniel.

**I. Approval of remote participation**

Remote attendance of the members identified above was approved on a motion from Megan Clark, seconded, and unanimously approved by voice vote.

**II. Approval of minutes**

The minutes of the May 15, 2024, meeting were approved on a motion from Megan Clark, seconded, and unanimously approved by voice vote.

### **III. Update**

#### **A. VBA AI Task Force**

Michael Robinson reported on the activities of the VBA task force. Michael HuYoung then shared a communication he received from a VSB member, encouraging the committee to provide guidance on value billing and alternative fee arrangements when legal work is done using AI in light of criticisms of the ABA ethics opinion's approach to the topic. After discussion, a motion to form a subcommittee to examine this issue was made by Michael HuYoung, seconded, and approved by voice vote. Members of the subcommittee are Michael HuYoung, Patrick Hanes, and Michael Robinson.

### **VI. Proposed Opinions and Rules of Professional Conduct**

#### **A. Proposed Rule 1.5(g)**

After discussion of the comments received during the public comment period, Megan Clark made a motion to approve the proposed rule and submit it to Council for its approval. The motion was seconded and passed unanimously by voice vote.

#### **B. JLARC Report on Counsel at First Appearance / Proposed Amendment to Rule 6.5**

After discussion of the proposed amendment to Rule 6.5, Michael Robinson made a motion to approve the amendment for public comment, which was seconded and passed by voice vote.

##### **a. Request to Consider Rule Change on Former Client Conflicts / Imputation**

After discussion, the committee agreed to continue consideration of a rule change and will review proposed options at the next meeting.

#### **C. Rule 1.5(d) Fees – Contingent fees in domestic cases**

After discussion of the information received from the Access to Legal Services Committee, the committee agreed to continue consideration of a rule change and will review proposed options at the next meeting.

### **VII. Adjournment**

The meeting was adjourned at 11:57am.

The next meeting of the committee is scheduled for Thursday, January 16, 2025.



# 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: November 22, 2024

## **The Virginia State Bar Seeks Public Comment on Amendments to Rule 6.5 regarding Limited Legal Services Programs**

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 amendments to Rule 6.5, Nonprofit And Court-Annexed Limited Legal Services Programs.

The proposed amendments to paragraph (a) and Comment [1] clarify that a program to provide court-appointed counsel at first appearance and/or same-day bail hearings in criminal cases is within the scope of the rule and that a lawyer is not required to conduct a conflict check before providing the short-term limited legal services.

This proposal was developed in response to a Joint Legislative Audit and Review Commission (JLARC) report on Indigent Criminal Defense and Commonwealth's Attorneys issued in November 2023. The report recommended that the VSB Legal Ethics Committee study limited representation at first appearances and same-day bail hearings and, if appropriate, refer a rule of professional conduct on limited representation at first appearances and same-day bail hearings for review and approval by VSB Council.



# Virginia State Bar

*An agency of the Supreme Court of Virginia*

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[Fastcase](#)

**On behalf of:** [\(select\)](#)

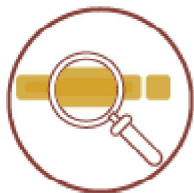
## Actions on: Rule Changes, Legal Ethics Opinions, and Unauthorized Practice of Law Opinions

### FILTER BY TYPE:

[Legal Ethics Opinion](#) | [Regulation](#) | [Rules](#) | [Rules of Professional Conduct](#) | [Unauthorized Practice of Law](#)

CLEAR TYPE FILTER

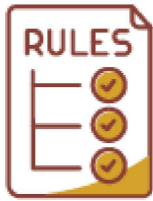
### [VSB Seeks Comment on Proposed Amendments to Part 6, § I Unauthorized Practice Rules](#)



*Posted on 1/17/2025*

The Virginia State Bar seeks public comment on proposed amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules.

## [Supreme Court of Virginia Restores Delinquency Fees to Pre-Pandemic Levels and Amends Other Rules](#)

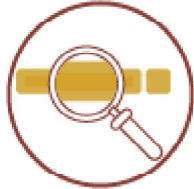


*Posted on 1/15/2025*

Ordered on January 15, 2025, and effective March 17, 2025, the Supreme Court of Virginia amended a number of its rules.

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## [Proposed | Rule 6.5 Regarding Limited Legal Services Programs](#)

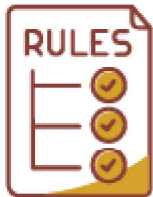


*Posted on 11/22/2024*

Proposed amendments to Rule 6.5, Nonprofit and Court-Annexed Limited Legal Services Programs pending approval by VSB Council.

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## [Supreme Court of Virginia Amends Canons of Judicial Conduct; Rules 1:1A and 5A:35](#)

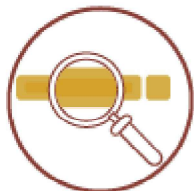


*Posted on 9/26/2024*

On September 26, 2024, the Supreme Court of Virginia amended the Canons of Judicial Conduct Canon 2H(1) and Rules 1:1A and 5A:35.

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## [Proposed | Amendments to Rule 1.5 Regarding Nonrefundable Legal Fees](#)

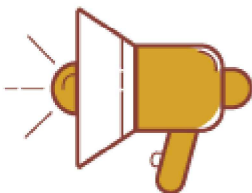


*Posted on 8/30/2024*

Proposed amendments to Rule 1.5 Regarding Nonrefundable Legal Fees pending approval by VSB Council.

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## [Remote Participation Policy](#)



*Posted on 8/8/2024*

At its meeting on October 11, 2024, VSB Council approved proposed amendments to the VSB Council's "Policy on Individual Remote Participation in Meetings and All-Virtual Meetings."

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# Virginia State Bar

*An agency of the Supreme Court of Virginia*

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## VSB Seeks Comment on Amendments to Rule 6.5 Regarding Limited Legal Services Programs

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November 22, 2024

The Virginia State Bar seeks public comment on proposed amendments to Rule 6.5, Nonprofit and Court-Annexed Limited Legal Services Programs.

The proposed amendments to paragraph (a) and Comment [1] clarify that a program to provide court-appointed counsel at first appearance and/or same-day bail hearings in criminal cases is within the scope of the rule and that a lawyer is not required to conduct a conflict check before providing the short-term limited legal services.

This proposal was developed in response to a Joint Legislative Audit and Review Commission (JLARC) report on Indigent Criminal Defense and Commonwealth's Attorneys issued in November 2023. The report recommended that the VSB Legal Ethics Committee study limited representation at first appearances and same-day bail hearings and, if appropriate, refer a rule of professional conduct on limited representation at first appearances and same-day bail hearings for review and approval by VSB Council.

### ***Inspection and Comment***

The proposed rule 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 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 rule amendments with Cameron M. Rountree, executive director of the Virginia State Bar, not later than January 10, 2025. Comments may be submitted via email to [publiccomment@vsb.org](mailto:publiccomment@vsb.org).

Hall, Kristi

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**From:** Virginia State Bar <virginiastatebar@vsb.org>  
**Sent:** Monday, December 2, 2024 11:46 AM  
**To:** Hall, Kristi  
**Subject:** EXTERNAL SENDER December 2024 | VSB News: Volunteers Sought; New Council Members; VSB Gets a Hearing Room; Lawyer Jobs!

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



## Governance and News

### [Sean Dolan and Gifford Hampshire Join VSB Council](#)

Sean P. Dolan of the Suffolk City Attorney's Office and Gifford R. Hampshire of Blankingship & Keith, PC have met the criteria to serve unexpired terms representing the 5th and 19th Judicial Circuits on VSB Council.

### [CPF Pays \\$123,462.50 on Ten Petitions](#)

The Virginia State Bar Clients' Protection Fund Board authorized payments totaling \$123,462.50 in reimbursement to petitioners regarding five Virginia attorneys at its September 18, 2024, meeting.

### [VSB Seeks Comment on Amendments to Rule 6.5 Regarding Limited Legal Services Programs](#)

The Virginia State Bar seeks public comment on proposed amendments to Rule 6.5, Nonprofit and Court-Annexed Limited Legal Services Programs.

### [VSB Seeks Lawyers to Serve as GALs in Impairment Proceedings](#)

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

### [Volunteers Sought for 2025 VSB Board and Committee Vacancies](#)

Hall, Kristi

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**From:** Virginia State Bar <virginiastatebar@vsb.org>  
**Sent:** Thursday, January 2, 2025 4:16 PM  
**To:** Hall, Kristi  
**Subject:** EXTERNAL SENDER January 2025 | VSB News: Volunteer with the VSB; New Bar Exam; Nominate a Pro Bono Hero; Free Trust Account Software

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



## Governance and News



### [Volunteer to Serve as a Bar Leader!](#)

K. Brett Marston, president-elect of the VSB, seeks active and in-good-standing Virginia lawyers willing to serve on committees in 2025.

The privilege of self-regulation starts with you, so please consider joining a VSB committee in 2025.

Interested in serving on a local disciplinary district committee? The [deadline to apply](#) is March 7, 2025.

### [Virginia Board of Bar Examiners to Adopt NextGen Bar Exam Format in July 2028](#)

The Virginia Board of Bar Examiners has announced its decision to adopt a new test format for the bar exam—the NextGen Bar Exam—developed by the National Conference of Bar Examiners.



### [Comments Sought on Rule 6.5 Regarding Limited Legal Services Programs](#)

The Virginia State Bar seeks public comment on proposed amendments to Rule 6.5, Nonprofit and Court-Annexed Limited Legal Services Programs. Deadline January 10.

**From:** [publiccomment](#)  
**To:** [Rountree, Cameron](#); [Hedrick, Emily](#)  
**Subject:** FW: EXTERNAL SENDER Proposed Amendments to Rule 6.5  
**Date:** Friday, December 13, 2024 12:36:11 PM  
**Attachments:** [image001.png](#)

---



**Janet P. Van Cuyk, Deputy Executive Director**  
Virginia State Bar  
1111 East Main Street, Suite 700 | Richmond, Virginia 23219-0026  
(804) 775-0553 | [www.vsb.org](http://www.vsb.org) | [jvancuyk@vsb.org](mailto:jvancuyk@vsb.org)

---

**From:** Amari Harris <[aharris@vadefenders.org](mailto:aharris@vadefenders.org)>  
**Sent:** Thursday, December 12, 2024 4:03 PM  
**To:** publiccomment <[PublicComment@vsb.org](mailto:PublicComment@vsb.org)>  
**Subject:** EXTERNAL SENDER Proposed Amendments to Rule 6.5

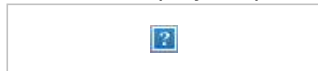
You don't often get email from [aharris@vadefenders.org](mailto:aharris@vadefenders.org). [Learn why this is important](#)

Good afternoon,

I am in support of the amendment to Rule 6.5. As someone who essentially represents court appointed counsel in Virginia from an administrative perspective, and as someone who was very active in the court appointed bar previously this amendment is favorable to our constituents/clients by minimizing unnecessary delays in bail representation. Sometimes minor confusion on minor offenses can lead to people who are employed, parents, and tax paying citizens to sitting in jail and having their lives unravel because there is no one to speak on their behalf due to administrative red tape or concerns about resolvable conflicts. This rule will help alleviate issues like this.

--

Amari Harris  
General Counsel and  
Director of Equity & Operations



1604 Santa Rosa Road, Suite 200  
(804) 662-7249 ext. 123  
[www.vadefenders.org](http://www.vadefenders.org)

He/Him/His

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**From:** [publiccomment](#)  
**To:** [Rountree, Cameron](#)  
**Cc:** [Hedrick, Emily](#)  
**Subject:** FW: EXTERNAL SENDER Proposed | Amendments to Rule 6.5 Regarding Limited Legal Services Programs  
**Date:** Monday, January 6, 2025 9:26:54 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Public Comment on proposed changes to Rule 6.5



**Janet P. Van Cuyk, Deputy Executive Director**

Virginia State Bar

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

(804) 775-0553 | [www.vsb.org](http://www.vsb.org) | [jvancuyk@vsb.org](mailto:jvancuyk@vsb.org)

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**From:** Mel Williams <[mel@williamsstrickler.com](mailto:mel@williamsstrickler.com)>  
**Sent:** Thursday, January 2, 2025 7:33 PM  
**To:** publiccomment <[PublicComment@vsb.org](mailto:PublicComment@vsb.org)>  
**Subject:** EXTERNAL SENDER Proposed | Amendments to Rule 6.5 Regarding Limited Legal Services Programs

You don't often get email from [mel@williamsstrickler.com](mailto:mel@williamsstrickler.com). [Learn why this is important](#)

As an attorney having served as court appointed counsel for many years, I wholeheartedly support this recommendation. Criminal defendants are too often held in jail for days when an attorney is not readily available to represent the defendant in a bond hearing on short notice.

Melvin E. "Mel" Williams  
WILLIAMS & STRICKLER, PLC  
1320 Third Street, SW  
Roanoke, Virginia 24016  
540-266-7800  
540-206-3857 *facsimile*  
[mel@williamsstrickler.com](mailto:mel@williamsstrickler.com)  
[williamsstrickler.com](http://williamsstrickler.com)



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**From:** [publiccomment](#)  
**To:** [Bethny Barrett](#)  
**Cc:** [Rountree, Cameron](#); [Van Cuyk, Janet](#); [Hedrick, Emily](#); [Hall, Kristi](#); [publiccomment](#)  
**Subject:** Rule 6.5 Public Comment  
**Date:** Friday, February 14, 2025 10:27:59 AM

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Dear Ms. Barrett,

Thank you for submitting your comments on the Ethics Committee's proposed amendments to Rule 6.5. Please be advised that Rule 6.5 is currently pending approval by the VSB Council at its meeting on March 1, 2025.

All the best,

*Kristi R. Hall*

Kristi R. Hall, Executive Assistant to Operations  
Virginia State Bar  
1111 East Main Street, Ste. 700 | Richmond, Virginia 23219-0026  
804-775-0557  
[www.vsb.org](http://www.vsb.org) | [khall@vsb.org](mailto:khall@vsb.org)

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**From:** Bethny Barrett <[bethnybarrettesq@gmail.com](mailto:bethnybarrettesq@gmail.com)>  
**Sent:** Tuesday, January 7, 2025 1:57 PM  
**To:** publiccomment <[PublicComment@vsb.org](mailto:PublicComment@vsb.org)>  
**Subject:** EXTERNAL SENDER Rule 6.5 Public Comment

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

Hello,

I am writing to simply state that I am in favor of the proposed amendments to Rule 6.5.

Bethny Barrett #94656

**MINUTES**  
**LEGAL ETHICS COMMITTEE**  
**Hybrid Teams Meeting**  
**January 16, 2025**  
**10:00 AM**

The Virginia State Bar (VSB) Standing Committee on Legal Ethics met in the VSB Board Room, 1111 East Main Street, Suite 700, Richmond, VA, with a quorum of members participating on January 16, 2025, pursuant to public notice.

**Members Present in Person:** K. Brett Marston (Chair), Katie Dougherty (Vice Chair), Patrick Hanes, Michael HuYoung, Jeff Mitchell, and Michael Robinson.

**Members Present on Teams:** Pursuant to Va. Code § 2.2-3708.3(B), the following committee members appeared remotely: Naveed Kalantar (Virginia Beach, VA, more than 60 miles from the meeting location), Nia Vidal (Roanoke, VA, more than 60 miles from the meeting location)

**Members Unable to Attend:** Megan Clark

**Guests Present:** David Neumeyer and John Whitfield (via Teams)

**VSB Staff Present:** Cameron Rountree, Executive Director; Janet Van Cuyk, Deputy Executive Director; Emily Hedrick, Ethics Counsel; Krista Mathis, Assistant Ethics Counsel; and Diane Ferguson, Assistant Ethics Counsel

**I. Approval of remote participation**

Remote attendance of the members identified above was approved on a motion from Michael Robinson, seconded, and unanimously approved by voice vote.

**II. Approval of minutes**

The minutes of the November 21, 2024, meeting were approved on a motion from Patrick Hanes, seconded, and unanimously approved by voice vote.

**VI. Proposed Opinions and Rules of Professional Conduct**

**A. Proposed amendment to UPL rules**

Following a presentation from David Neumeyer and John Whitfield on the access to justice implications of court clerks, librarians, and navigators providing assistance with form selection, the committee agreed to release the proposed amendment for public comment, on a motion from Michael HuYoung, followed by a second and a unanimous voice vote. Brett Marston did not participate in the discussion or vote on this matter.

**B. Proposed amendment to Rule 6.5**

After reviewing the comments received, the committee approved the proposed amendment for submission to VSB Council, on a motion from Jeff Mitchell, followed by a second and a unanimous voice vote.

**C. Discussion of former client conflicts/imputation**

After discussion of the materials prepared by staff, the committee agreed to continue consideration of proposed changes and requested staff provide additional materials for review at the next meeting.

**D. Recommendation from AI Subcommittee**

Michael Robinson presented the recommendation on behalf of the subcommittee that the committee consider issuing an LEO on the permissibility of value-based fees in the context of AI use by lawyers. After discussion, the committee agreed and asked staff to prepare draft materials for the next meeting.

**E. Proposed amendment to Rule 1.5(d) – contingent fees in domestic cases**

After discussion, the committee agreed to continue considering options for modifying this rule and asked staff to prepare additional materials for the next meeting.

**F. LEO request – duty to convey conditional plea offers**

The committee agreed that an LEO is not necessary as this question is addressed by existing rules.

**G. LEO request – billing for withdrawal from case**

After discussion, the committee requested that staff provide additional research on how other jurisdictions have addressed these issues for the next meeting.

**F: Do you approve of the amendments to RPC 6.5?****Results Summary**

<b>Response</b>	<b>Count</b>
<b>Yes</b>	54
<b>No</b>	2
<b>Abstain</b>	0
<b>Total</b>	<b>56</b>

<b>Count</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
1	3/1/2025 11:03	Patricia Smith	Yes
2	3/1/2025 11:03	Tom Bell	Yes
3	3/1/2025 11:03	Richard Howard-Smith	Yes
4	3/1/2025 11:03	Peter McDermott	Yes
5	3/1/2025 11:03	Bob Walker	Yes
6	3/1/2025 11:03	Hope Townes	Yes
7	3/1/2025 11:03	Adam Krischer	Yes
8	3/1/2025 11:03	Kyle Elliott	Yes
9	3/1/2025 11:03	Brett Marston	Yes
10	3/1/2025 11:03	Nicole Upshur	Yes
11	3/1/2025 11:03	Paul Melnick	Yes
12	3/1/2025 11:03	Gina Schaecher	Yes
13	3/1/2025 11:03	Gary Davis	Yes
14	3/1/2025 11:03	Molly Newton	Yes
15	3/1/2025 11:03	Mark Dix	Yes
16	3/1/2025 11:03	Kevin W. Holt	Yes
17	3/1/2025 11:03	D Brian Richardson	Yes
18	3/1/2025 11:03	Penn Bain	Yes
19	3/1/2025 11:03	K Dickerson	Yes
20	3/1/2025 11:03	David Hagan	Yes
21	3/1/2025 11:03	Cullen Seltzer	Yes
22	3/1/2025 11:03	Susie Baker	Yes
23	3/1/2025 11:03	Ann Marie Park	Yes
24	3/1/2025 11:03	Chip nunley	Yes
25	3/1/2025 11:03	Greg Hunter	Yes
26	3/1/2025 11:03	Derek Davis	Yes
27	3/1/2025 11:03	Joel McClellan	Yes
28	3/1/2025 11:03	Gifford Hampshire	Yes
29	3/1/2025 11:03	Bruce Russell	Yes
30	3/1/2025 11:03	Adrienne George-Eliades	Yes
31	3/1/2025 11:03	Rex Flynn	Yes
32	3/1/2025 11:03	Lisa Wilson	Yes
33	3/1/2025 11:03	Sebastian Norton	Yes
34	3/1/2025 11:03	Stephanie Grana	Yes

<b>Count</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
35	3/1/2025 11:03	Christine Mougín-Boal	Yes
36	3/1/2025 11:03	Joanna Suyes	Yes
37	3/1/2025 11:03	Luis Perez	Yes
38	3/1/2025 11:03	Juli Porto	Yes
39	3/1/2025 11:03	Damian J Hansen	Yes
40	3/1/2025 11:03	Susan Tarley	Yes
41	3/1/2025 11:03	Naveed Kalantar	Yes
42	3/1/2025 11:03	E M Wright Jr	Yes
43	3/1/2025 11:04	Caswell Richardson	Yes
44	3/1/2025 11:03	Debra Powers	Yes
45	3/1/2025 11:03	Chidinma Harley	Yes
46	3/1/2025 11:03	Tamika Jones	Yes
47	3/1/2025 11:03	Sean Dolan	Yes
48	3/1/2025 11:03	Patrick C. Murphrey	Yes
49	3/1/2025 11:03	Shameka Rhoades	Yes
50	3/1/2025 11:03	Overman Rollins	Yes
51	3/1/2025 11:03	Will Egen	Yes
52	3/1/2025 11:03	Dale Pittman	Yes
53	3/1/2025 11:03	Michael York	Yes
54	3/1/2025 11:03	Susan Butler	Yes
55	3/1/2025 11:03	James Hundley	No
56	3/1/2025 11:03	Allen Bareford	No