

VIRGINIA:

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

**IN THE MATTER OF
RULES OF THE SUPREME COURT OF VIRGINIA
RULE 3(f) – CLASSES OF MEMBERSHIP**

(VSB Petition ID: 25-03)

PETITION OF THE VIRGINIA STATE BAR

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Cameron M. Rountree, Executive Director
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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 Rules of the Supreme Court of Virginia (Court), Rule 3(f). The proposed rule was approved by unanimous vote of the VSB Council on March 1, 2025 (Appendix, p. 19).

I. Overview of the Issues

The VSB Access to Legal Services Committee (“committee”) has proposed amendments to Rule 3(f) Emeritus Class of Membership.

This proposed rule expands the eligibility criteria for emeritus membership in the Virginia State Bar (VSB) to increase the number of experienced attorneys

providing pro bono legal services to underserved communities.¹ It eliminates the requirement for recent active practice and reduces the duration of required active practice from twenty years to ten. Additionally, it broadens the definition of "Qualified Legal Services Provider" to align with Rule 6.1 of the Virginia Rules of Professional Conduct, enabling emeritus attorneys to assist a wider range of pro bono clients beyond those strictly defined as "poor or working poor."

The rule strengthens key procedural and compliance elements of emeritus membership by requiring emeritus members to certify their professional liability coverage, establishing consistent pathway for disabled and retired members seeking reinstatement to engage in active practice, and mandating continuing legal education (MCLE) requirements for emeritus members. These changes align the emeritus class with broader VSB membership standards and simplify membership transitions while reinforcing ethical and regulatory consistency for all attorneys engaged in the active practice of law in Virginia.

¹ The committee estimates that broadening eligibility for emeritus membership as proposed will grow the population of emeritus members in Virginia by at least 71%, increasing the volume of attorneys in this class from 35 to 60 or more. Even a modest increase in the number of emeritus attorneys can translate into a substantial service investment because emeritus attorneys have fewer professional demands. Lack of time is the number one barrier to pro bono engagement according to recent Virginia and national surveys. The average contribution reported by active VSB members in the 2024 bar year was a mere 7.4 hours *a year*. Several emeritus members volunteer 20 or more hours *a week* – more than 1,000 hours a year – to clients in need, significantly increasing the capacity of the affiliated service provider without a commensurate increase in the organization's expenses.

The rule provides a structured and inclusive framework for emeritus membership that enhances access to legal services in line with the third prong of the VSB mission and strengthens the pro bono community in Virginia in a fashion that supports and complements the rich regional network of existing service providers.² By broadening eligibility and affirming pro bono service as active legal practice, these amendments bring Virginia’s approach in line with national trends.³ This initiative supports efforts to close the justice gap for low-income and underserved populations while maintaining high professional standards.

Five comments were received when the rule was released for public comment. Three comments supported the proposed amendments as written. Two comments supported the amendments and recommended additional revisions to further broaden eligibility and expand practice authorizations.

Based on James D. Jenkins’ comment, the committee revised the proposed amendments to expand the emeritus practice authorization to include all categories of pro bono legal services defined in Rule 6.1 of the rules of professional conduct.

² Achieving a committed, active, and stable pro bono community is essential to the effective delivery of civil legal services to low-income and underserved populations in Virginia. Emeritus attorneys are particularly well positioned to engage in dedicated, ongoing, and impactful pro bono service in partnership with structured organizations providing the full breadth of legal services outlined under Rule 6.1.

³ Forty-six U.S. states and territories have an emeritus pro bono practice rule, and the majority have less restrictive eligibility criteria than the existing Virginia rule. Thirty-four jurisdictions, including 19 mandatory bar states, do not have a practice duration requirement, and only 13 require some active practice, most less than 20 years. A mere five of the 46 jurisdictions require recent active practice to qualify for emeritus membership.

Pursuant to Andrea Bridgeman’s comment, the committee removed the list of approved activities.

The proposed rule is included below in Section III.

II. Publication and Comments

The committee approved the proposed rule at its meeting on April 22, 2024 (Appendix, p. 2). The VSB issued a publication release dated June 25, 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 June 25, 2024 (Appendix, p. 7), in the VSB’s July 2, 2024, E-News (Appendix, p. 9), and in the August 2024 | Volume 73 of the *Virginia Lawyer Register* (Appendix p. 10).

The committee reviewed five comments: James D. Jenkins (Appendix, p. 11), Paul A. Gregory, Jr. (Appendix, p. 12), Tom McGrath (Appendix, p. 13), Andrea Bridgeman (Appendix, p. 14), and George A. Somerville (Appendix p. 16).

III. Proposed Rule

(Mark-up Version)

Rule 3. Classes of Membership.

(f) Emeritus Members— ~~Those lawyers who are admitted to practice law in~~ A member of the Commonwealth of Virginia State Bar may, upon request to the Virginia State Bar with the supporting materials specified in this subparagraph, become an emeritus member ~~members~~ and provide exclusively pro bono legal services ~~to~~, as defined by Rule 6.1 of the Rules of Professional Conduct and ~~working pro~~ as emeritus members ~~sits comments~~ subject to the terms and conditions stated in this subparagraph. Emeritus members are not required to pay dues, cannot practice law except ~~in the limited manner~~ as specified in this subparagraph, and, except as members of the committees and sections, cannot vote or hold office in the Virginia State Bar.

~~(1) Definitions:~~

~~(A) Active practice of law, for the purposes of this subparagraph, means that a lawyer has been engaged in the practice of law, which includes private practice, corporate~~

~~practice as authorized by Part One A, Rule 1A:5, public employment as a lawyer, or full-time teaching at an American Bar Association approved law school.~~

~~(B) Emeritus member is any person who is admitted to practice law in the Commonwealth of Virginia, who is retiring or has retired from the active practice of law, and who intends to provide exclusively *pro bono* services under this subparagraph; and~~

~~(i) intends to provide *pro bono* legal services as defined by Rule 6.1(a) of the Virginia Rules of Professional Conduct and its comments, subject to the terms and conditions of this subparagraph; and~~

~~(ii) is, at the time of requesting emeritus member status, a lawyer must be an active, associate, judicial, disabled, or retired member in good standing of the Virginia State Bar who has (a) for a total of 10 years or more, either has been an active member of the Virginia State Bar or has practiced law for 20 years~~

~~or more~~ in any U.S. jurisdiction; and

~~(iii) is, at the time of requesting emeritus status, an active, associate, or retired member who~~ (b) has not been disciplined for professional misconduct by the bar or courts of any jurisdiction within the past fifteen years; and

~~(iv) has been engaged in the active practice of law in any U.S. jurisdiction for a minimum of five out of the seven years immediately preceding the application to become an emeritus member; and~~

~~(v) agrees to neither ask for nor receive any compensation of any kind from the client, except for out of pocket expenses, for the legal service to be rendered under this subparagraph.~~

i. Qualified (c) intends to provide exclusively pro bono services in association with one or more qualified legal services provider. A qualified legal services provider, for the purposes of this subparagraph, is a Virginia licensed legal aid society or other not-for-profit entity,

organized to provide and which does provide, in whole or in part, to provide any of those legal services to the poor and/or working poor identified in Rule 6.1 in Virginia.

~~(2) Activities.~~

~~(A) An emeritus member, in association with a qualified agrees to neither ask for nor receive any compensation of any kind from the client, except for out-of-pocket expenses, for the legal services provider, may perform only the following activities:~~

~~(i) appear in any court or before an administrative tribunal or arbitrator in the Commonwealth of Virginia on behalf of a client of a qualified legal services provider.~~

~~(ii) prepare and sign pleadings and other documents to to be filed in court or with an administrative tribunal or arbitrator in this state in any matter in which the emeritus member is involved.~~

~~(iii) render legal advice and perform other~~

appropriate ~~legal services.~~

~~(iv) engage in such other preparatory activities as are
necessary for any matter in which he or she is
properly involved.~~

~~(3) Limitations.~~

a) rendered under this subparagraph. The prohibition against compensation for the of an emeritus member ~~contained in section (1)(B)(v) of this subparagraph will~~does not prevent the qualified legal services provider from reimbursing the emeritus member for actual expenses incurred while rendering ~~services~~services under this subparagraph; nor ~~will~~does it prevent the qualified legal services provider from charging for its services as it may otherwise properly charge. The qualified legal services provider is authorized to receive all court-awarded ~~attorney's~~attorney's fees for any representation rendered by an emeritus member.

An emeritus member, in association with the qualified legal services provider with which the member is affiliated, is authorized to practice law on behalf of current clients of the qualified legal services provider.

~~(2)~~(1) Certification. ~~Permission for~~ Each year, an emeritus member to perform services under this subparagraph becomes effective upon:

~~(A) a determination by~~ must file with the Virginia State Bar that the emeritus member has fulfilled the requirements of such membership and has no disciplinary record as required by section (1)(B) of this subparagraph; and

~~the filing with the Virginia State Bar each year of an affidavit a~~ certification of affiliation ~~with a~~ for each qualified legal services provider ~~by~~ with which the member will be affiliated. The certification must include whether the emeritus member. ~~The emeritus member must also certify in this affidavit whether such member is currently~~ is covered by professional liability insurance. Emeritus members must provide the annual certification to the Virginia State Bar within 60 days of receiving the renewal request from the Virginia State Bar. Failure to timely certify will result in the emeritus member's status being changed to "Not In Good Standing" and the emeritus member's authorization to practice law

under this Rule will be administratively suspended.

ii.

~~(3)(2)~~ Membership Requirements. In order to practice law under this rule, a ~~retired~~ member must comply with the ~~petition and approval~~ membership requirements ~~for reinstatement as an active member~~ prescribed in Paragraph 3~~(d)~~ of Part 6, Section IV of the Rules of the Supreme Court of Virginia including, but not limited to, disabled and retired members petitioning for reinstatement as required herein. ~~Also, associate members must satisfy any outstanding MCLE deficiencies before assuming emeritus status.~~ Emeritus members must comply with the mandatory continuing legal education requirements for active members as provided in paragraph 17. Additionally, emeritus members must comply with all rules and requirements set forth in Part 6, Section IV of the Rules of the Supreme Court of Virginia with the exception that they are not required to pay dues and other fees, nor comply with the ~~professional liability~~ certification requirements in Paragraph 18.

b. ~~(3) Change of Membership Status.~~ An emeritus member may ~~petition for reinstatement~~ change to any membership class upon meeting the requirements of that class as prescribed in this Rule, including changing to active or associate membership without petitioning for reinstatement under the procedure prescribed in subparagraph (e) of this rule for retired members.

(Clean Version)

Rule 3. Classes of Membership.

(f) Emeritus Members— A member of the Virginia State Bar may, upon request to the Virginia State Bar with the supporting materials specified in this subparagraph, become an emeritus member and provide exclusively pro bono legal services, as defined by Rule 6.1 of the Rules of Professional Conduct and its comments subject to the terms and conditions stated in this subparagraph. Emeritus members are not required to pay dues, cannot practice law except as specified in

this subparagraph, and, except as members of the committees and sections, cannot vote or hold office in the Virginia State Bar.

At the time of requesting emeritus member status, a lawyer must be an active, associate, judicial, disabled, or retired member in good standing of the Virginia State Bar who (a) for a total of 10 years or more, either has been an active member of the Virginia State Bar or has practiced law in any U.S. jurisdiction; (b) has not been disciplined for professional misconduct by the bar or courts of any jurisdiction within the past fifteen years; and (c) intends to provide exclusively pro bono services in association with one or more qualified legal services provider. A qualified legal services provider, for the purposes of this subparagraph, is a Virginia licensed legal aid society or other not-for-profit entity, organized to provide and which does provide, in whole or in part, any of those legal services identified in Rule 6.1 in Virginia.

An emeritus member agrees to neither ask for nor receive any compensation of any kind from the client, except for out-of-pocket expenses, for the legal services to be rendered under this subparagraph. The prohibition against compensation of an emeritus member does not prevent the qualified legal services provider from reimbursing the

emeritus member for actual expenses incurred while rendering services under this subparagraph nor does it prevent the qualified legal services provider from charging for its services as it may otherwise properly charge. The qualified legal services provider is authorized to receive all court-awarded attorney's fees for any representation rendered by an emeritus member.

An emeritus member, in association with the qualified legal services provider with which the member is affiliated, is authorized to practice law on behalf of current clients of the qualified legal services provider.

(1) Certification. Each year, an emeritus member must file with the Virginia State Bar a certification of affiliation for each qualified legal services provider with which the member will be affiliated. The certification must include whether the emeritus member is covered by professional liability insurance.

(2) Membership Requirements. In order to practice law under this rule, a member must comply with the membership requirements prescribed in Paragraph 3 of Part 6, Section IV of the Rules of the Supreme Court of Virginia, including, but not limited to, disabled and retired members petitioning for reinstatement as required

herein. Emeritus members must comply with the mandatory continuing legal education requirements for active members as provided in paragraph 17. Additionally, emeritus members must comply with all rules and requirements set forth in Part 6, Section IV of the Rules of the Supreme Court of Virginia with the exception that they are not required to pay dues and other fees, nor comply with the certification requirements in Paragraph 18.

In order to practice law under this rule, a member must comply with the membership requirements prescribed in Paragraph 3 of Part 6, Section IV of the Rules of the Supreme Court of Virginia including, but not limited to, disabled and retired members petitioning for reinstatement as required herein.

(3) Change of Membership. An emeritus member may change to any membership class upon meeting the requirements of that class as prescribed in this Rule, including changing to active or associate membership without petitioning for reinstatement under the procedure prescribed in subparagraph (e) of this rule for retired members.

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, rules of professional conduct, and Rules of Court are promulgated and implemented. These proposed amendments to Rule 3 were developed and approved in compliance with all requirements of Paragraph 10, approved by the committee at its meeting on October 17, 2024, and by unanimous vote of the VSB Council on March 1, 2025.

THEREFORE, the VSB requests that the Court approve Supreme Court of Virginia Rule 3 for the reasons stated above.

Respectfully submitted,

VIRGINIA STATE BAR



By _____

Michael MacKager York, President

By Cameron M. Rountree

Cameron M. Rountree, Executive Director

Dated this 6th day of March, 2025.

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(VSB Petition ID: 25-03)

APPENDIX TO PETITION OF THE VIRGINIA STATE BAR

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MINUTES
ACCESS TO LEGAL SERVICES COMMITTEE
Hybrid Meeting
April 22, 2024
10:00 a.m.

The Virginia State Bar (VSB) Standing Committee on Access to Legal Services (Committee) met with a quorum of members participating in person (1111 E. Main Street, Suite 700, Richmond, VA 23219) and virtually (Teams) on April 22, 2024, pursuant to public notice.

Notice of the meeting was posted to the VSB website on March 11, 2024. The meeting materials were distributed to the members of the Committee and were made available for public inspection on the VSB website on April 18, 2024.

Members Present in Person: Joanna Suyes, Tara Casey, Llezelle Dugger, Kristopher McClellan, Scott Reid, Robert Poggenklass, and Adonica Baine.

Members Present on Teams: Timothy Freilich, Brandy Disbennett-Albrecht, Henry Su, and Joshua Peterson.

Members Unable to Attend: Donna Sue Baker, Teirra M. Everette, Alexandra D. Goodpaster, and Dale W. Pittman.

Guests Present: Special guest, Valerie L' Herrou, and Special Guest, Kevin Hudson; regular guest, David Neumeyer, and regular guest John Whitfield.

VSB Staff Present in Person: Director of Legal Services, Crista Gantz; VSB President, Chidi James; VSB President Elect, Mike York; Immediate Past President, Stephanie Grana; and Kristi R. Hall, Executive Assistant to Operations.

VSB Staff Present on Teams: Executive Assistant to the Clerks, Sylvia Daniel.

A list of locations from which members participated is below.

Name	Attendance	Location
Joanna Suyes (chair)	In Person	VSB Offices
Tara Casey (vice chair)	In Person	VSB Offices
Timothy Freilich (member)	Present Virtually	Charlottesville, VA
Brandy Disbennett-Albrecht (member)	Present Virtually	Rocky Mount, VA
Llezelle Dugger (member)	In Person	VSB Offices
Henry Su (member)	Present Virtually	Bethesda, MD
Kristopher McClellan (member)	In Person	VSB Offices
Scott Reid (member)	In Person	VSB Offices

The FAQs need the Committee's approval to be posted. Cris Gantz summarized proposed changes.

Chair Suyes invited questions/discussion; hearing none, she reminded the members that a motion is unnecessary. Tara Casey seconded. A roll call vote yielded unanimous agreement with the subcommittee's recommendation as follows:

Member Name	Vote
Joanna Suyes (chair)	Agree
Adonica Baine	Agree
Tara Casey	Agree
Brandy Disbennett-Albrecht	Agree
Llezelle Dugger	Agree
Kristopher McClellan	Agree
Rob Poggenklass	Agree
Scott Reid	Agree
Henry Su	Agree
Timothy Freilich	Agree

4. Proposed amendments to description of the Emeritus Class of Membership*

Henry Su explained that the Emeritus designation is for those returning to practice limited to pro bono work. The Rules Subcommittee streamlined the language to align with other membership classes, moving some text within the rule. John Whitfield and Krista Mathis were acknowledged for their contributions.

Ms. Gantz elaborated on the referral to the Rules Subcommittee, aiming to align Emeritus membership requirements with those of active members while ensuring adherence to RPCs. Changes included allowing limited voting rights, modifying the 20-year practice requirement to accommodate career breaks, and clarifying the certification of affiliation with Qualified Legal Services Providers (QLSPs), particularly regarding malpractice coverage.

After discussion, the Committee agreed to reword some of the language.

After thorough discussion, and upon a motion and subsequent second by Tara Casey, Chair Suyes conducted a roll call vote. The vote resulted in unanimous agreement with the Rule subcommittee's recommendations, incorporating the additional changes suggested by the Committee, and the decision to release these amendments for public comment.



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VSB Seeks Comment on amendments to Paragraph 3 regarding Emeritus Class Members

June 25, 2024

The Virginia State Bar seeks public comment on proposed amendments to Part 6, Section IV, Para. 3(f) of the Rules of the Supreme Court of Virginia regarding Emeritus class members of the VSB.

Proposed by the Access to Legal Services Committee, the following amendments to Paragraph 3(f) broaden the eligibility criteria for emeritus membership with the goal of allowing additional experienced Virginia attorneys to exclusively provide pro bono legal services to the poor and working poor in affiliation with a Qualified Legal Services Provider. Most significantly, the proposed amendments eliminate the recent active practice requirement and reduce the active practice duration from twenty (20) years to ten (10). The amendments also streamline the language and make it consistent with other membership class requirements.

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 9:00 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 M. Rountree, executive director of the Virginia State Bar, not later than July 26, 2024. Comments may be submitted via email to publiccomment@vsb.org.

[View proposed revisions to Paragraph 3\(f\)](#) (pdf)

Rules & Regulation



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[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.

[VSJ Seeks Comment on Raising the Required Minimum Balance Threshold for a Dues Increase](#)



Posted on 7/1/2024

The Virginia State Bar seeks comment on amending Part 6, Section IV, Paragraph 11 of the Rules of the Supreme Court of Virginia to raise the required minimum balance threshold of the state bar fund and administration and finance account.

[Proposed | amendments to Paragraph 3 regarding Emeritus Class Members](#)



Posted on 6/25/2024

The proposed amendments to Paragraph 3(f) broaden eligibility criteria for emeritus membership is pending approval by VSB Council.

[Supreme Court of Virginia Amends Multiple Rules of Court](#)



Posted on 6/21/2024

On June 21, 2024, the Supreme Court of Virginia amended the Rules of Court covering a range of topics.

[Supreme Court of Virginia Adds Rule on TROs and Preliminary Injunctions](#)



Posted on 6/6/2024

On June 5, 2024, the Supreme Court of Virginia added Rule 3:26. — Temporary Restraining Orders and Preliminary Injunctions.

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[VSB Seeks Comment on Amendments to Rule 1.5 Regarding Nonrefundable Legal Fees](#)



Posted on 8/30/2024

The Virginia State Bar seeks public comment on proposed amendments to Rule 1.5, Fees. The proposal adds a new paragraph (g) and new comments [10] and [11].

[VSB Seeks Comment on Changes to Remote Participation Policy](#)



Posted on 8/8/2024

The Virginia State Bar seeks public comment on proposed amendments to the VSB Council's "Policy on Individual Remote Participation in Meetings and All-Virtual Meetings."

[VSBS Seeks Comment on Providing Free Billing Software to Members](#)



Posted on 8/5/2024

The Virginia State Bar (VSB) seeks public comment on proposed VSB provision of free legal billing software to members. The proposal is designed to be revenue and cost neutral for the VSB.

[VSBS Seeks Comment on Raising the Required Minimum Balance Threshold for a Dues Increase](#)



Posted on 7/1/2024

The Virginia State Bar seeks comment on amending Part 6, Section IV, Paragraph 11 of the Rules of the Supreme Court of Virginia to raise the required minimum balance threshold of the state bar fund and administration and finance account.

[VSBS Seeks Comment on amendments to Paragraph 3 regarding Emeritus Class Members](#)



Posted on 6/25/2024

The VSB seeks public comment on proposed amendments to Paragraph 3(f) broaden eligibility criteria for emeritus membership.

[VSBS Seeks Comment on Restoring Delinquency Fees to Pre-Pandemic Levels](#)



Posted on 6/3/2024

The Virginia State Bar (VSB) is seeking public comment on the proposal to seek VSB Council authorization to petition the Supreme Court of Virginia to restore to pre-pandemic levels delinquency fees associated with some rule violations.

Looking for a specific call for public comment?

Hall, Kristi

From: Virginia State Bar <virginiastatebar@vsb.org>
Sent: Tuesday, July 2, 2024 2:01 PM
To: Hall, Kristi
Subject: EXTERNAL SENDER July 2024: CPF Pays \$155,171; SCOVA Amends Rules; Dues renewal; Comments sought; CLE & Volunteer Opportunities



Governance



[CPF Pays \\$155,171 on Fifteen Petitions](#)

The Virginia State Bar Clients' Protection Fund Board authorized payments totaling \$155,171 in reimbursement to petitioners regarding six Virginia attorneys at its April 19, 2024, meeting.

The 15 payments ranged in amounts from \$500.00 to \$70,000.00.

[Supreme Court of Virginia Amends Multiple Rules of Court](#)

On June 21, 2024, the Supreme Court of Virginia amended the Rules of Court covering a range of topics.

[VSB Seeks Comment on Raising the Required Minimum Balance Threshold for the Court's Authorization of a Dues Increase](#)

The VSB seeks public comment on amending Part 6, Section IV, Paragraph 11 of the Rules of the Supreme Court of Virginia to raise the required minimum balance threshold of the state bar fund and administration and finance account before the Supreme Court will authorize an annual dues increase.

[VSB Seeks Comment on amendments to Paragraph 3 regarding Emeritus Class Members](#)

The VSB seeks public comment on amending Part 6, Section IV, Paragraph 3(f) of the Rules of the Supreme Court of Virginia to broaden eligibility criteria for emeritus membership.

Most significantly, the proposed amendments eliminate the recent active practice requirement and reduce the active practice duration from 20 years to 10 years.



[VSB Seeks Comment on Restoring Delinquency Fees to Pre-Pandemic Levels](#)

The VSB seeks public comment on restoring to pre-pandemic levels delinquency fees associated with some rule violations governed by Part 6, Section IV, Paragraph 19 of the Rules of the Supreme Court of Virginia.

Compliance

You may now [sign in](#) to your member portal to pay your membership dues, certify your liability insurance coverage, comply with IOLTA requirements, report pro bono, and join VSB sections. You may also request changes to your membership status in your member portal.



You should have received reminders throughout the year that the VSB is no longer mailing dues statements. **Be sure to complete all requirements for license renewal by July 31.**

Discipline

Disciplinary hearings are public meetings and may be followed on the [disciplinary docket](#) and by checking the [VSB calendar](#) for the details for a particular date.

[Henry W. McLaughlin III](#), license revoked, effective June 7, 2024.

[Bradley Glenn Pollack](#), license suspended, effective May 29, 2024.

[Arnold Reginald Henderson V](#), license suspended, effective June 6, 2024.

[Marlene Alice Harris](#), license suspended, effective June 21, 2024.

[Eppa Hunton VI](#), license suspended, effective June 27, 2024.

[Patrick Michael McGraw](#), public reprimand, effective June 20, 2024.

[Matt Clay Pinsker](#), public admonition, effective June 13, 2024.

Private discipline: 3 private reprimands.

Access to Justice/Pro Bono

NOTICES TO LAWYERS

VSb Seeks Comment on Restoring Delinquency Fees to Pre-Pandemic Levels

The Virginia State Bar (VSB) is seeking public comment on the proposal to seek VSB Council authorization to petition the Supreme Court of Virginia to restore to pre-pandemic levels delinquency fees associated with some rule violations.

<https://www.vsb.org/Site/news/news-items/20240603-fees-return-prepandemic.aspx>

Supreme Court of Virginia Adds Rule on TROs and Preliminary Injunctions

On June 5, 2024, the Supreme Court of Virginia added Rule 3:26. — Temporary Restraining Orders and Preliminary Injunctions.

https://www.vsb.org/Site/news/news-items/20240606-SCV-rules-3_26.aspx

Supreme Court of Virginia Amends Multiple Rules of Court

On June 21, 2024, the Supreme Court of Virginia amended the Rules of Court covering a range of topics.

<https://www.vsb.org/Site/news/news-items/20240621-SCV-rules-multiple.aspx>

VSb Seeks Comment on amendments to Paragraph 3 regarding Emeritus Class Members

The VSB seeks public comment on proposed amendments to Paragraph 3(f) broaden eligibility criteria for emeritus membership.

<https://www.vsb.org/Site/news/rules-news/20240624-rules-para-3.aspx>

VSb Seeks Comment on Raising the Required Minimum Balance Threshold for a Dues Increase

The Virginia State Bar seeks comment on amending Part 6, Section IV, Paragraph 11 of the Rules of the Supreme Court of Virginia to raise the required minimum balance threshold of the state bar fund and administration and finance account.

<https://www.vsb.org/Site/news/news-items/20240701-vsbc-comment-minimum-balance-increase.aspx>

VSb News July 2024

The VSB News monthly email was sent to all Virginia lawyers on July 2, 2024.

<https://www.vsb.org/Site/news/news-items/20240702-vsbn-news.aspx>

Virginia Law Foundation Awards \$714,000 in 2024 Grants to Law-Related Projects

Powered by the generosity of Virginia's lawyers and legal community, the Virginia Law Foundation (VLF) awarded \$714,199.77 to 35 organizations across the state.

<https://www.vsb.org/Site/news/news-items/20240711-law-foundation.aspx>

VSb News June 2024

The VSB News monthly email was sent to all Virginia lawyers on June 6, 2024.

<https://www.vsb.org/Site/news/news-items/20240606-vsbn-news.aspx>



You Help Make It Right: the Clients' Protection Fund

Self-regulation comes with the responsibility of making things right for those who suffer a financial loss from attorney malfeasance. Your VSB dues fund the Clients' Protection Fund (CPF) which reimburses losses from a VSB member's dishonest conduct. The CPF helps to right those wrongs when members of the public are financially damaged by attorneys who have been suspended or revoked.

For more information: www.vsb.org

From: [James D. Jenkins](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER Comments on proposed changes to Emeritus rule
Date: Tuesday, July 2, 2024 2:45:12 PM

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

Dear Mr. Rountree:

I am a Virginia State Bar member and am writing in support of the proposed changes to the rule on pro bono practice by Emeritus members. In my view, any rule that expands access to pro bono services while still protecting vulnerable clients who need those services is a good thing. By reducing the active practice requirement from 20 years to 10, this will open up emeritus membership to far more attorneys and thus offer greater opportunities for pro bono service.

However, I would respectfully suggest that the revisions may not go far enough. I wonder if even a ten-year requirement is necessary. A Virginia lawyer, active and in good standing, can represent a Legal Aid client with no experience whatsoever; if the Emeritus lawyer is licensed by either Virginia or another state and is fully covered by the Legal Aid organization's malpractice insurance, and is supervised by a licensed Virginia attorney from the Legal Aid organization, I wonder what the benefit to the 10-year practice requirement is? Idaho has a similar Emeritus program with a five-year practice requirement; other states, like Texas and Vermont, have no minimum practice requirement at all for their Emeritus pro bono licenses.

I also question the restriction on pro bono services as being limited to the "poor and working poor". Rule 6.1 makes clear that pro bono services include not only direct representation of the impoverished, but also matters involving civil rights and public interest law that will benefit society as a whole, including but not limited to the poor. Some years ago, Virginia made out-of-state attorneys admitted under part 1 of the Corporate Counsel rule eligible to perform all the types of pro bono activity listed in Rule 6.1, not limiting such practice to work on behalf of qualified legal services providers. I do not see any reason to make the Emeritus program more restrictive in that regard than the Corporate Counsel rule.

As someone who devotes his entire practice to pro bono work, this is an issue I feel strongly about, and I applaud the Virginia State Bar's moves in the right direction, toward opening up additional pathways for qualified lawyers to provide pro bono services. I hope that it will continue to look for ways to go even further in this regard, as alluded to above.

Best regards,

James D. Jenkins
(804) 873-8528

From: paulgreg444@yahoo.com
To: [publiccomment](#)
Subject: EXTERNAL SENDER Proposed changes to Emeritus Class
Date: Tuesday, July 2, 2024 6:34:14 PM

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I believe these would be very useful changes. I practiced law for 20 plus years before becoming a middle school science teacher and subsequently a Chief Magistrate, Magistrate Advisor, and Magistrate in the Virginia Magistrate System. I would be pleased to be able to assist an organization providing legal assistance to the poor.

I am confident that I could make a valuable contribution if the requirements for Emeritus Class were modified. I have social security, my VRS retirement income and other funds which would allow me to serve without any fee.

I hope you will make the proposed changes.

Respectfully,
Paul A. Gregory, Jr.
U. Va. Law Class of 73
VSB 13293

From: [Tom McGrath](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER Paragraph 3 Public Comment
Date: Tuesday, July 2, 2024 3:01:19 PM

You don't often get email from jtmcgrath40@gmail.com. [Learn why this is important](#)

I support this proposed change. As a former member of the Bar I would have liked to be able to continue membership knowing that at 83 years old I would be able to continue to assist people without the necessity for CLE's and dues.

Tom McGrath
Admitted 1970

From: [Andrea Bridgeman](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER Comments on Proposed Emeritus Eligibility Rule Change
Date: Friday, July 26, 2024 1:21:54 PM

Dear ED Roundtree:

I commend the Virginia State Bar and its Access to Legal Services Committee for its work on amending Rule of the Supreme Court of Virginia Part 6, Sec. IV, Paragraph (3)(f) to expand the eligibility criteria for membership in the VSB with Emeritus status. I gratefully support the proposed changes.

As a former chair of the Committee and current member of the Court's Access to Justice Commission, I am fully aware of the justice gap in our Commonwealth and how woefully our pro bono efforts contribute to closing that gap. Two years ago, in conjunction with the Senior Lawyers Conference, I made phone calls to *all* of the VSB's Emeritus members—sadly, there were no more than three dozen—to discuss their experiences in that capacity. The vast majority of those I reached were enthusiastic about the program and rued the paucity of their numbers. We need more Emeriti!

That said, I have some substantive comments:

I see no need to list 'approved' legal services for Emeritus members. The rule requires that representation be made only in association with a qualified legal services provider, and other rules of court and limits of professional conduct supply guardrails for every attorney that must be obeyed. Does this list add value, enhance, or further limit the pro bono work that may be performed, or does it perhaps muddy the waters? I ask this in the context of decades of paid practice that never involved court appearances or contested matters, but focussed heavily on counseling, negotiating, document drafting, etc. Not all doctors are surgeons, and not all lawyers are litigators. Thus, might the language be modified to indicate that the services to be performed must occur only in association with a QLSP—the other rules and limitations already apply and do not need reiteration.

The final proposed amendment, to add a requirement for annual certification with 60 days of receiving the renewal request from the VSB—would that request occur 'randomly' or in conjunction with the annual renewal certification requirements of, for instance, active bar members at the end of July? If the scheme is to be the latter, could it be rephrased to make that clear? (Although I see no issue with the Bar's ability to request such a certification at any time, if that is what was intended.)

Small drafting points—

- the terms 'pro bono' and 'pro bono publico' seem to be used interchangeably. I recommend settling on one form and sticking with that. Current usage seems to prefer the former, but consistency matters more than which you use., and rule 6.1 uses pro bono publico;
- I believe that QLSP is defined elsewhere in the Supreme Court's rules and suggest either incorporating that definition by reference or making darn sure that the two definitions are exactly the same and stay that way.

I applaud you for undertaking this effort and sincerely thank all involved. My best regards,

Andrea L. Bridgeman
McLean, VA
VSB #26877
bridgemanesq@gmail.com
703.216.9310

From: gsomerville99551@gmail.com
To: [publiccomment](#)
Subject: EXTERNAL SENDER Comment on amendments to Paragraph 3 regarding Emeritus Class Members
Date: Monday, July 8, 2024 5:33:04 PM

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I am a retired member in good standing of the Virginia State Bar (VSB #22419). I am not eligible for Emeritus status under current rules, because I retired effective August 1, 2022. (I attempted to obtain Emeritus status at that time, but I was frustrated by the bureaucratic inertia of my local qualified legal services provider.) If the proposed changes are adopted, however, I will become eligible, and I plan to avail myself of that opportunity. For those reasons alone, I strongly support the proposed amendments.

I also support the proposed amendments because the need for volunteer, pro bono legal services is great, and therefore I am in favor of measures to increase the availability of such services – provided, of course, that applicable rules and procedures do as much as possible to ensure that persons providing such services are highly competent in the areas in which they volunteer.

Respectfully submitted,
George A. Somerville

“I should dearly love that the world should be ever so little better for my presence. Even on this small stage we have our two sides, and something might be done by throwing all one's weight on the scale of breadth, tolerance, charity, temperance, peace, and kindness to man and beast. We can't all strike very big blows, and even the little ones count for something.” Sir Arthur Conan Doyle

(Please overlook typos and dictation errors.)

**STANDING COMMITTEE ON ACCESS TO LEGAL SERVICES
MINUTES**

Hybrid Teams Meeting

Williamsburg Lodge

October 17, 2024

9:00 AM

Italics connote members' late arrival as noted

Order of Business

I. Welcome and Call to Order/Roll Call/Introductions

The Virginia State Bar (VSB) Standing Committee on Access to Legal Services (Committee) convened on October 17, 2024, with a quorum present, via virtual participation (Teams), in accordance with public notice. The meeting notice was posted on the VSB website on September 26, 2024, and meeting materials were made available to the Committee members and the public on October 10, 2024.

Members Present:

Scott Reid (Chair), Llezelle Dugger, Robert Poggenklass, Nicole Upshur, Timothy Freilich, *Andrea Dunlap, Michael Maskell*

Members Present via Teams:

Henry Su (DC Office > 60 mi.), Tara Casey (University of Richmond > 60 mi.), *Brandy Disbennett-Albrecht* (Home-Rocky Mount > 60 mi.)

Members Absent:

Teirra Everette, Donna Sue Baker, Alexandra Goodpaster, Dale Pittman, and Joshua Peterson.

VSB Staff Present:

Crista L. Gantz (Director of Legal Services), Janet P. VanCuyk (Deputy Executive Director), Kristi R. Hall (Executive Assistant to Operations)

Guest:

Sarah Morton, Esq. (In person)

Brandy Disbennett-Albrecht was welcomed to the meeting.

IV. Old Business (taken out of order)

a. Proposed Amendments to Emeritus Class of Membership – Henry Su

Su presented proposed amendments to the Emeritus Rule, which aims to make the rule more inclusive by reducing the practice experience requirement from 20 to 10 years, eliminating the recent active practice requirement, and aligning language on pro bono work with Rule 6.1. These amendments were also intended to clarify that Emeritus members can practice pro bono under qualified legal service providers without listing specific legal activities.

Action Taken:

The proposed amendments to the Emeritus Rule were presented for submission to Council. Llezelle made a motion to approve the draft rule as follows: I move that we approve the proposed amendments to the Emeritus Rule for submission to Council in February.

The motion was seconded and passed unanimously via roll call vote as follows:

Scott, Dugger, Dunlap, Freilich, Upshur, Poggenklass, Maskell, Su, Casey, Disbennett-Albrecht – **Approve**

III. New Business (Continued)

c. Other New Business – Public Comment: Dane Lindsay, Esq.

Dane Lindsay asked the Committee to consider examining the Rules of the Supreme Court pertaining to standards for certifying foreign attorneys to practice law in Virginia and related code section 54.1-3931(A). He proposed broadening the eligibility criteria for out-of-state attorneys seeking a certificate to practice law in Virginia to address attorney shortages and related access challenges. Specifically, he asked the Committee to advocate for amending the practice requirement to either 1) reduce the practice requirement from 5 to 2 years (citing the Legal Aid Counsel Rule) or 2) eliminate it entirely (citing the Virginia Corporate Counsel Rule).

Action Taken:

None at this time.

d. Pro Bono Conference & Celebration Dinner Debrief

The Committee discussed feedback from the recent joint Virginia State Bar Pro Bono Conference and VPLC event. While the hybrid format allowed broader participation, technical difficulties and logistical challenges were noted. Suggestions for future improvements included switching to a fully virtual format and implementing a late cancellation fee.

D: Do you approve the proposed amendments to Rule 3 (f) regarding Emeritus class of membership, as amended?

Results Summary

Response	Count
Yes	57
No	0
Abstain	0
Total	57

Count	Started At (CST)	Screen Name	Response
1	3/1/2025 10:44	Patricia Smith	yes
2	3/1/2025 10:44	Tom Bell	Yes
3	3/1/2025 10:44	Richard Howard-Smith	Yes
4	3/1/2025 10:44	Bob Walker	Yes
5	3/1/2025 10:44	Hope Townes	Yes
6	3/1/2025 10:44	Adam Krischer	Yes
7	3/1/2025 10:44	Kyle Elliott	Yes
8	3/1/2025 10:44	Brett Marston	Yes
9	3/1/2025 10:44	Nicole Upshur	Yes
10	3/1/2025 10:44	Paul Melnick	Yes
11	3/1/2025 10:44	Gina Schaecher	Yes
12	3/1/2025 10:44	Gary Davis	Yes
13	3/1/2025 10:44	Molly Newton	Yes
14	3/1/2025 10:44	Mark Dix	Yes
15	3/1/2025 10:44	Kevin W. Holt	Yes
16	3/1/2025 10:44	D Brian Richardson	Yes
17	3/1/2025 10:44	Susan Butler	Yes
18	3/1/2025 10:44	Penn Bain	Yes
19	3/1/2025 10:44	K Dickerson	Yes
20	3/1/2025 10:44	David Hagan	Yes
21	3/1/2025 10:44	Cullen Seltzer	Yes
22	3/1/2025 10:44	Susie Baker	Yes
23	3/1/2025 10:44	Ann Marie Park	Yes
24	3/1/2025 10:44	Chip nunley	Yes
25	3/1/2025 10:44	Greg Hunter	Yes
26	3/1/2025 10:44	Derek Davis	Yes
27	3/1/2025 10:44	James Hundley	Yes
28	3/1/2025 10:44	Joel McClellan	Yes
29	3/1/2025 10:44	Gifford Hampshire	Yes
30	3/1/2025 10:44	Bruce Russell	Yes
31	3/1/2025 10:44	Adrienne George-Eliades	Yes

Count	Started At (CST)	Screen Name	Response
32	3/1/2025 10:44	Rex Flynn	Yes
33	3/1/2025 10:44	Lisa Wilson	Yes
34	3/1/2025 10:44	Gobind Sethi	Yes
35	3/1/2025 10:44	Sebastian Norton	Yes
36	3/1/2025 10:44	Stephanie Grana	Yes
37	3/1/2025 10:44	Christine Mougín-Boal	Yes
38	3/1/2025 10:44	Joanna Suyes	Yes
39	3/1/2025 10:44	Allen Bareford	Yes
40	3/1/2025 10:44	Luis Perez	Yes
41	3/1/2025 10:44	Juli Porto	Yes
42	3/1/2025 10:44	Damian J Hansen	Yes
43	3/1/2025 10:44	Susan Tarley	Yes
44	3/1/2025 10:44	Naveed Kalantar	Yes
45	3/1/2025 10:44	E M Wright Jr	Yes
46	3/1/2025 10:44	Caswell Richardson	Yes
47	3/1/2025 10:44	Debra Powers	Yes
48	3/1/2025 10:44	Chidinma Harley	Yes
49	3/1/2025 10:44	Michael York	Yes
50	3/1/2025 10:44	Tamika Jones	Yes
51	3/1/2025 10:44	Craig E. Ellis	Yes
52	3/1/2025 10:44	Sean Dolan	Yes
53	3/1/2025 10:44	Patrick C. Murphrey	Yes
54	3/1/2025 10:44	Shameka Rhoades	Yes
55	3/1/2025 10:44	Overman Rollins	Yes
56	3/1/2025 10:44	Will Egen	Yes
57	3/1/2025 10:44	Dale Pittman	Yes