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## SUPREME COURT OF VIRGINIA



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March 18, 2008

Howard W. Martin, Jr., Esq.  
Crenshaw, Ware & Martin, P.L.C.  
1200 Bank of America Center  
One Commercial Place  
Norfolk, VA 23510-2111

Dear Howard:

As I mentioned during our last telephone conversation, the Justices of the Supreme Court continued our discussion on the Petition to Amend Part Six, Section IV of the Rules of Court: Paragraph 3. This proposed rule relates to emeritus members who would like to provide supervised pro bono legal services to the poor and working poor through approved legal assistance organizations, but not otherwise practice law. The proposed rule states in relevant part:

"(i) Is a Virginia licensed legal aid society or other not for profit entity, or program or clinic of an American Bar Association accredited law school, or governmental agency providing any legal services or pro bono referral services or dispute resolution services benefiting low income persons; and"

"(ii) Shall either receive funding for these undertakings from an agency or entity of the federal government or the Commonwealth of Virginia, or from the Virginia Law Foundation or shall provide, for the previous fiscal year, an acceptable audit conducted under standards set by the American Institute of Certified Public Accountants; and"

"(iii) Provides legal malpractice insurance, on behalf of individuals engaged in these activities, in a minimum amount of \$250,000 per claim or a higher amount as may be set from time to time by the Virginia State Bar; or provides professional liability coverage under the Commonwealth's risk management policy; or operates under statutory immunity provisions for court-certified volunteer mediators."

The Justices have the following questions: What is the purpose of Paragraph (ii) that requires "an acceptable audit conducted under standards set by the American Institute of Certified Public Accountants?" To whom must the audit be acceptable and what are the standards that govern the acceptability of the audit? What is the impact of the requirement of legal malpractice insurance upon law schools that do not participate in the Commonwealth's risk management program? Should there be a requirement that the law schools or government agency obtain insurance for emeritus lawyers who engage in pro bono work even though a similar requirement does not exist for practicing lawyers who are members of the State Bar?

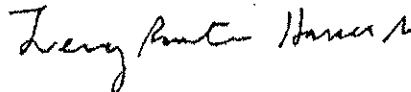
The Justices have decided that the Virginia State Bar should not post any information about disciplinary complaints filed against lawyers on the Virginia State Bar's website until a decision has been made adverse to the lawyer and the time for filing an appeal from that decision to the Supreme Court has expired. If the lawyer who is the subject of the complaint has filed an appeal, the Virginia State Bar should not post any information on its website about the complaint until the date that the Supreme Court issues a mandate or order. The Supreme Court would like this policy implemented immediately.

During our meeting on May 1, 2008 at 2:00 p.m. in Richmond during the Solo and Small-Firm Practitioner Forum, I would like to discuss with you ways in which the Virginia State Bar may be able to reduce expenses, including its leasing arrangements and information technology services.

I appreciate, very much, your outstanding service as the President of the Virginia State Bar.

Best regards.

Sincerely,



Leroy Rountree Hassell, Sr.