

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Tuesday, the 14th day of April, 2020.

ORDER MODIFYING RULES OF THE SUPREME COURT OF VIRGINIA PART 6, § IV GOVERNING THE VIRGINIA STATE BAR IN RESPONSE TO COVID-19 EMERGENCY

It is hereby ORDERED that the Rules of the Supreme Court of Virginia governing the Virginia State Bar contained in Part 6, Section IV, shall be modified as follows, effective immediately, through December 31, 2020.

11. Dues.

Each active member shall pay to the Treasurer of the Virginia State Bar, annual dues not to exceed \$250, and each associate member shall pay to the Treasurer of the Virginia State Bar annual dues not to exceed \$125, on or before the 30th day of September, 2020, provided that persons admitted to practice by examination or under Rule 1A:1 of the Supreme Court of Virginia shall not be liable for dues in the year of admission if admitted during the last three months of any fiscal year. Persons admitted to practice under Rule 1A:1 at any other point during any fiscal year shall pay the full amount of dues as specified above at the time they register with the Virginia State Bar. Persons admitted to practice by examination at any other point during any fiscal year shall pay one-half the amount of dues as specified above at the time they register with the Virginia State Bar. On or before April 1st, the Bar shall report to the Court the annual dues amount proposed for the next fiscal year.

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16. Clients' Protection Fund.

The Council may establish a Clients' Protection Fund for the purposes of reimbursing all or part of losses sustained by a client or other person or entity to whom a fiduciary duty is owed as a result of dishonest conduct of a member of the Virginia State Bar. The Board shall be appointed by Council, and shall receive, hold, manage, invest and distribute funds appropriated to it by Council or otherwise received, in accordance with procedures established by Council.

Effective July 1, 2018, each active member of the Virginia State Bar shall be assessed a required fee of \$10 for the Clients' Protection Fund on the bar's annual dues statement. The fee shall be in addition to each member's annual dues as prescribed in Part 6, Section IV, Paragraph 11 of these rules, and it shall be paid on or before the 30th day of September, 2020.

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17. Mandatory Continuing Legal Education Rule.

C. Continuing Legal Education Requirements. — (1) All active members of the Virginia State Bar shall annually complete and certify attendance at a minimum of twelve (12) credit hours of approved Continuing Legal Education courses of which at least two (2) hours shall be in the area of legal ethics or professionalism, except those lawyers expressly exempted from the requirement by this Rule or by decision of the Continuing Legal Education Board; provided, however, that for the period July 1, 2001 through October 31, 2002, active members shall complete and certify attendance at a minimum of fifteen (15) credit hours of approved Continuing Legal Education courses of which at least two (2) hours shall be in the area of legal ethics or professionalism, except those lawyers expressly exempted from the requirement by this rule or by decision of the Continuing Legal Education Board. Each active member shall complete the required Continuing Legal Education courses each year during the period November 1 through December 31 of the following year; provided, however, the next completion period following June 30, 2001, shall be July 1, 2001 through October 31, 2002.

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D. Certificate of Attendance. — (1) Each active member of the Virginia State Bar shall certify prior to February 15, 2021, that such lawyer attended approved Mandatory Continuing Legal Education programs for the minimum number of hours required during the previous calendar year ending December 31; provided, however, the next certification deadline following July 31, 2001, shall be December 15, 2002. The failure to certify shall cause suspension of such lawyer's license to practice law. An untruthful certification shall subject the lawyer to appropriate disciplinary action.

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18. Financial Responsibility.

In order to make available to the public information about the financial responsibility of each active member of the Virginia State Bar for professional liability claims, each such member shall, upon admission to the bar, and with each application for renewal thereof, submit the certification required herein or obtain a waiver for good cause shown. The active member shall certify to the bar on or before the 30th day of September, 2020: a) whether or not such member is currently covered by professional liability insurance, other than an extended reporting endorsement; b) whether or not such member is engaged in the private practice of law involving

representation of clients drawn from the public, and, if so, whether the member intends to maintain professional liability insurance coverage during the period of time the member remains engaged in the private practice of law; and c) the date, amount, and court where rendered, of any unsatisfied final judgment(s) against such member, or any firm or professional corporation in which he or she has practiced, for acts, errors, or omissions (including, but not limited to, acts of dishonesty, fraud, or intentional wrongdoing) arising out of the performance of legal services by such member.

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23. Attorney Wellness Fund.

Effective July 1, 2019, the Supreme Court of Virginia hereby authorizes and directs the Virginia State Bar to collect on its behalf up to \$30 each year from its active members as an Attorney Wellness Fund fee. The specific amount of the fee will be directed by the Court. The Attorney Wellness Fund fee is to be used to fund a judges and lawyers assistance program (JLAP), CLE courses, and other initiatives relating to wellness, behavioral health, and substance abuse. The well-being of lawyers, judges and law students in the Commonwealth of Virginia is integral to professional competence.

Each active member of the Virginia State Bar is required to pay to the Virginia State Bar the Attorney Wellness Fund fee set forth on the dues statement. The fee shall be in addition to each member's annual dues as prescribed in Part 6, Section IV, Paragraph 11 of these rules, and it shall be paid on or before the 30th day of September, 2020.

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These temporary rule changes shall expire as of December 31, 2020, and the rules shall revert to their original language. It is so ORDERED.

A Copy,

Teste:



Clerk