

Thursday

30th

September, 2004.

On July 14, 2004 came the Virginia State Bar, by David P. Bobzien, its President, and Thomas A. Edmonds, its Executive Director and Chief Operating Officer, and presented to the Court a petition, approved by the Council of the Virginia State Bar, praying that Paragraph 13, Section IV, of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court, be amended to read as follows:

13. Procedure for Disciplining, Suspending, and Disbarring Attorneys.

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G. *Subcommittee Action*

1. Following receipt of the report of Investigation and Bar Counsel's recommendation, the Subcommittee may refer the matter to Bar Counsel for further Investigation. Once the Investigation is complete to the Subcommittee's satisfaction, it shall take one of the following actions.

a. Dismiss the Complaint when:

* * *

(4) the Subcommittee concludes that a Dismissal for Exceptional Circumstances should be imposed; or

(5) the action alleged to be Misconduct is protected by superseding law.

In making the determination in subparagraph (3) and (4), the Subcommittee shall have access to Respondent's prior Disciplinary Record. Respondent, within ten days after the issuance of a dismissal which creates a Disciplinary Record, may request a hearing before the District Committee.

b. Impose Admonition Without Terms. In making this determination, the Subcommittee shall have access to Respondent's prior Disciplinary Record. Respondent, within ten days after the issuance of an Admonition Without Terms, may request a hearing before the District Committee.

c. Certify the Complaint to the Disciplinary Board pursuant to this Paragraph or file a complaint in a Circuit Court, pursuant to Va. Code § 54.1-3935. Certification shall be based on a reasonable belief that the Respondent has engaged or is engaging in Misconduct that, if proved, would justify a Suspension or Revocation. In making this determination, the Subcommittee shall have access to Respondent's prior Disciplinary Record.

d. Approve an Agreed Disposition imposing one of the following conditions or sanctions:

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e. Set the Complaint for hearing before the District Committee. In making this determination, the Subcommittee shall have access to Respondent's prior Disciplinary Record.

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H. *District Committee Proceedings*

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3. Reconsideration of Action by District Committees

a. A Charge of Misconduct dismissed by a District Committee may be reconsidered only upon:

(1) a finding by a majority vote of the Panel that heard the matter originally that material evidence not known or available when the matter was originally presented has been discovered; or

(2) a unanimous vote of the Panel that heard the matter originally.

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Upon consideration whereof, it is ordered that the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court, be and the same hereby are amended in accordance with the prayer of the petition aforesaid, effective January 1, 2005.

A Copy,

Teste:

Clerk