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HOUSE BILL NO. 427

House Amendments in [] — February 8, 2000

A BILL to amend the Code of Virginia by adding in Article 6 of Chapter 39 of Title 54.1 a section numbered 54.1-3938.1, relating to subpoena issued pursuant to law of another jurisdiction in lawyer disciplinary proceedings.

Patrons—McDonnell, Griffith and Rust

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 6 of Chapter 39 of Title 54.1 a section numbered 54.1-3938.1 as follows:

§ 54.1-3938.1. Subpoena issued pursuant to law of another jurisdiction.

Whenever a subpoena is sought in this Commonwealth pursuant to the laws of another jurisdiction for use in lawyer discipline or disability proceedings, and where the [~~issuance of~~ request for] the subpoena has been duly approved under the laws of the other jurisdiction, the chair or a vice-chair of the Virginia State Bar Disciplinary Board, upon receiving an application from Bar Counsel, may issue a subpoena as provided in this section to compel the attendance of witnesses and production of documents in the county or city in the Commonwealth where the witness resides or is employed or elsewhere as agreed by the witness. The circuit courts shall have the power to enforce a subpoena issued pursuant to this section and to adjudge disobedience thereof as contempt. The privilege extended by this section shall be available only to those jurisdictions that extend a similar privilege [~~to~~ for disciplinary proceedings in] this Commonwealth.

ENGROSSED

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