

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1494

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Surovell

3. Committee: Senate Committee on the Judiciary

4. Title: Procedure for disciplining attorneys and reinstatement of attorneys by three-judge circuit court

5. Summary: The proposed bill amends § 54.1-3935 (Procedure for disciplining or reinstating attorneys by three-judge circuit court) to establish that any attorney who is the subject of a disciplinary proceeding or the Virginia State Bar may elect to terminate the proceeding before the Bar Disciplinary Board or a district committee or any former attorney who has had his license revoked and filed a petition for reinstatement with the Virginia State Bar, setting forth in such petition the reasons why his license should be reinstated, may elect and demand that further proceedings be conducted by a three-judge circuit court.

The bill further states that a retired judge may not be designated to sit on a three-judge circuit court convened pursuant to this legislation and that each party must bear its own fees and costs for the proceedings conducted by a three-judge circuit court and any appeal therefrom. In no instance must a former attorney be required to pay a fee when seeking reinstatement.

6. Budget Amendment Necessary: Yes, Item 61

7. Fiscal Impact Estimates: Preliminary (see Item 8 below)

8. Fiscal Implications: According to the Office of the Attorney General (“OAG”), the OAG Trial Unit handles appeals of attorney disciplinary proceedings from the Virginia State Bar Disciplinary Board and from three-judge circuit courts. These appeals are often labor-intensive and time-consuming, due to factors including typically lengthy trial court records and numerous assignments of error. Currently, these appeals are a direct appeal of right to the Supreme Court of Virginia, bypassing the Court of Appeals of Virginia. In 2022, the Trial Unit handled ten appeals of attorney disciplinary proceedings. According to the OAG, if appellants had access to two levels of appellate review, the workload from these appeals could be expected to almost double.

The OAG reports a fiscal impact of 2 FTE’s and \$230,678 annually (costs cover 1 attorney and 1 paralegal).

The Virginia State Bar and the Office of the Executive Secretary of the Supreme Court (“OES”) report that the bill is not expected to have a material fiscal impact on agency resources.

9. Specific Agency or Political Subdivisions Affected: Office of the Attorney General, Virginia State Bar, Courts

10. Technical Amendment Necessary: No

11. Other Comments: None