

Department of Planning and Budget

2017 Fiscal Impact Statement

1. Bill Number: SB 874

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Norment

3. Committee: Senate Committee for Courts of Justice

4. Title: Attorney discipline; procedures

5. Summary: Conforms the statutory procedures for disciplining attorneys to the Rules of Supreme Court of Virginia. Amends Va. Code § 54.1-3935.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: Pursuant to Va. Code § 54.1-3910, the Virginia State Bar (VSB) is an agency of the Supreme Court of Virginia charged with the regulation of the legal profession in the Commonwealth of Virginia. In the ordinary course, ethics complaints against Virginia lawyers are lodged with, and processed by, the VSB pursuant to the Procedure for Disciplining, Suspending, and Disbarring Attorneys set forth in Part Six, Section IV, Paragraph 13 of the Rules of Supreme Court of Virginia (“Paragraph 13”).

Currently, Va. Code § 54.1-3935 predates and conflicts with Paragraph 13. Va. Code § 54.1-3935(A) provides a rarely used alternative procedure for lodging ethics complaints directly with the Supreme Court of Virginia, the Court of Appeals, or a circuit court. When such a complaint is made, the court may assign the matter to the VSB for investigation. Then, based upon either its own review of the complaint or the investigation report generated by the VSB, the court may issue a rule against such attorney to show cause why his license to practice law should not be revoked. Va. Code § 54.1-3935(B) details the process by which the Chief Justice of the Supreme Court designates three circuit court judges to hear and decide the case and requires the panel to adopt and apply the rules and procedures of Paragraph 13 to its proceedings. From 2004 to 2016, there were only 15 complaints filed directly in the Supreme Court of Virginia. One of the complaints was referred to VSB for investigation, one was dismissed after it was investigated and the remaining 13 complaints were dismissed.

According to the Office of the Executive Secretary of the Supreme Court (OES), since the proposed legislation conforms the statutory procedures for disciplining attorneys to the Rules of Supreme Court of Virginia, no material fiscal impact is anticipated on court system resources.

9. **Specific Agency or Political Subdivisions Affected:** VSB and Supreme Court of Virginia

10. **Technical Amendment Necessary:** No

11. **Other Comments:** Identical to HB 1479