

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 51.1-309 of the Code of Virginia, relating to Judicial Retirement System;*  
3 *appearance as counsel.*

4  
5 Approved

[S 784]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 51.1-309 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 51.1-309. Appearance as counsel in certain forums prohibited.**

9 A. No former justice or judge of a court of record of the Commonwealth and no former full-time  
10 judge of a court not of record of the Commonwealth, who is retired and receiving retirement benefits  
11 under the provisions of the Judicial Retirement System, shall appear as counsel in any case in any court  
12 of the Commonwealth.

13 B. No former member of the State Corporation Commission or Virginia Workers' Compensation  
14 Commission, who is retired and receiving retirement benefits under the provisions of the Judicial  
15 Retirement System, shall appear as counsel in any case before the Commission of which he was  
16 formerly a member.

17 C. The provisions of subsection A shall not be applicable if ~~(i)~~ the retired justice or judge ~~has been~~  
18 ~~retired for at least two years and~~ is not authorized for or assigned to temporary recall by the Chief  
19 Justice of the Supreme Court, the Chief Judge of the Court of Appeals, or the Senate Committee on the  
20 Judiciary and the House Committee for Courts of Justice *and either (i) (a) the retired judge or justice*  
21 *has been retired for at least two years; (ii) (b) the retired justice or judge is appearing as counsel, pro*  
22 *bono, for an indigent person in a civil matter; (iii) (c) such civil matter is assigned or referred to the*  
23 *retired justice or judge by a nonprofit legal aid program organized under the auspices of the Virginia*  
24 *State Bar; and (iv) (d) the retired justice or judge is not an employee, officer, or board member of such*  
25 *nonprofit legal aid program or (ii) the retired justice or judge is at least 67 years of age and is eligible*  
26 *to receive full Social Security benefits.* Nothing herein shall relieve the retired justice or judge from  
27 having obtained any license or meeting any requirement in connection with the appearance as counsel as  
28 required by law, rule, or regulation. *A retired justice or judge shall not be eligible to be authorized for*  
29 *or assigned to temporary recall after such time that he appears as private counsel pursuant to this*  
30 *subsection.*

ENROLLED

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