

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB784ER

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Locke

3. Committee: Passed Both Houses

4. Title: Appearance as counsel

5. Summary:

The bill provides that the prohibition on a retired justice or judge appearing as counsel in any court in the Commonwealth shall not apply if the retired justice or judge is not authorized for or assigned to temporary recall by the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals, or the Senate Committee on the Judiciary and the House Committee for Courts of Justice and either (a) the retired judge or justice has been retired for at least two years; (b) the retired justice or judge is appearing as counsel, pro bono, for an indigent person in a civil matter; (c) such civil matter is assigned or referred to the retired justice or judge by a nonprofit legal aid program organized under the auspices of the Virginia State Bar; and (d) the retired justice or judge is not an employee, officer, or board member of such nonprofit legal aid program or (ii) the retired justice or judge is at least 67 years of age and is eligible to receive full Social Security benefits. Nothing herein shall relieve the retired justice or judge from having obtained any license or meeting any requirement in connection with the appearance as counsel as required by law, rule, or regulation. A retired justice or judge shall not be eligible to be authorized for or assigned to temporary recall after such time that he appears as private counsel pursuant to this subsection.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court and the Virginia Retirement System, the bill is not expected to have a material fiscal impact on agency resources.

9. Specific Agency or Political Subdivisions Affected: Courts, Virginia Retirement System

10. Technical Amendment Necessary: No

11. Other Comments: None