

Tuesday 31st October, 2006.

On July 18, 2006 came the Virginia State Bar, by Karen A. Gould, its President, and Thomas A. Edmonds, its Executive Director and Chief Operating Officer, and presented to the Court a petition, approved by the Council of the Virginia State Bar, praying that Paragraph 13, Section IV, of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court, be amended to read as follows:

13. Procedure for Disciplining, Suspending, and Disbarring Attorneys.

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B. *Authority of the Courts, Council, COLD, the Board, District Committees, Bar Counsel and the Clerk of the Disciplinary System*

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- 6. Authority and Duties of District Committee.
- h. Recusal or Disqualification

In the event of recusal or disqualification of so many District Committee Members that the District Committee is unable to discharge its responsibilities under this Rule, the District Committee may supplement its membership with members from other District Committees to achieve a quorum. If every member of a District Committee is recused or is disqualified from considering Charges of Misconduct, the Clerk of the Disciplinary System shall assign the Charges of Misconduct to another District Committee.

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*F. Participation and Disqualification of Counsel in
Disciplinary Proceedings*

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3. Disqualification of Counsel, District Committee or Board Members, in Disciplinary Proceedings.

a. A member or former member of a District Committee or the Board shall be disqualified from adjudicating any matter with respect to which the member has any personal or financial interest that might affect or reasonably be perceived to affect the member's ability to be impartial. The Chair shall rule on the issue of disqualification, subject to being overruled by a majority of the Panel or Subcommittee.

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d. Unless otherwise stated, all questions of interpretation under this Paragraph 13.F. shall be decided by the tribunal before which the proceeding is pending, except that COLD shall determine discretionary termination of membership or further service.

e. Any member or former member of a District Committee or the Board shall be ineligible to serve in a Disciplinary Proceeding in which:

(1) the District Committee or Board member or any member of his or her firm is involved in any significant way with the matter on which the District Committee or Board would act;

(2) the Board member or any member of the Board member's firm was serving on the District Committee that certified the matter to the Board or has otherwise acted on the matter;

(3) A Judge would be required to withdraw from consideration of, or presiding over, the matter under the Canons of Judicial Conduct adopted by this Court;

(4) the District Committee or Board member previously represented the Respondent; or

(5) the District Committee or Board member, upon reasonable notice to the Clerk of the Disciplinary System or to the Chair, presiding over a matter, disqualifies himself or herself from participation in the matter, because such member believes that he or she is unable to participate objectively in consideration of the matter or for any other reason.

Upon consideration whereof, it is ordered that the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court, be and the same hereby are amended in accordance with the prayer of the petition aforesaid, effective January 1, 2007.

A Copy,

Teste:

Clerk