

Monday 2nd November, 2009.

On July 1, 2009 came the Virginia State Bar, by Jon D. Huddleston, its President, and Karen A. Gould, 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 Paragraphs 1, 2 and 3, 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:

Section IV. ORGANIZATION AND GOVERNMENT.

1. Name.

The name of the Organization shall be the Virginia State Bar.

2. Membership and Registration.

(a) Every person licensed by the Virginia Board of Bar Examiners or admitted by the Supreme Court of Virginia is a member of the Virginia State Bar. Such persons shall register with the Virginia State Bar within one year after licensure or admission. Attorneys who are seeking active membership in the Virginia State Bar under Virginia Supreme Court Rule 1A:5, Part I (Virginia Corporate Counsel) must complete their registration requirements with the Virginia State Bar and their admission before the Supreme Court of Virginia within six months; otherwise such attorneys will be required to initiate a new application process.

(b) Every lawyer making application to the Virginia State Bar as a Corporate Counsel Registrant under Virginia Supreme Court Rule 1A:5 Part II, and every lawyer issued a certificate by the Virginia Board of Bar Examiners under Virginia Supreme Court Rules 1A:6 or 1A:7 must complete their registration requirements with the Virginia State Bar within six months; otherwise such attorneys will

be required to initiate a new application process.

3. Classes of Membership.

Members of the Virginia State Bar shall be divided into five classes, namely: (a) Active Members, (b) Associate Members, (c) Judicial Members, (d) Disabled and Retired Members; and (e) Emeritus Members. Each member shall submit in writing to the membership department of the Virginia State Bar an address of record which will be used for all membership and regulatory purposes, including official mailings and notices of disciplinary proceedings. If a member's address of record is not a physical address where process can be served, the member must submit in writing to the membership department an alternate address where process can be served. The alternate address is personal information and shall not be disclosed pursuant to Section 2.2-3704, *Code of Virginia*. Members have a duty promptly to notify the membership department in writing of any changes in either the address of record or any alternate address. Members, by request, may have their names and addresses removed from the Virginia State Bar's membership list when it is distributed for other than official purposes.

(a) *Active Members*. – Those attorneys who are admitted to practice law in this state and who are engaged in the practice of law, either full-time or part-time, salaried or non-salaried, shall be active members of the Virginia State Bar. Those attorneys who are admitted to practice law in this state, but who are not presently so engaged, may acquire active status by paying the dues prescribed for active members and satisfying any other required

membership obligations. Each active member's address of record will establish the judicial circuit in which the member is entitled to vote and hold office in the Virginia State Bar.

(b) *Associate Members.* – Those attorneys who have been admitted to practice law in the courts of this state but who are not presently so engaged and all persons on the law faculties of any law schools of this state that have been approved by the American Bar Association may become associate members of the Virginia State Bar upon application to the secretary and payment of the required dues. Associate members shall be entitled to all the privileges of active members except that they may not practice law, vote or hold office (other than as members of committees) in the Virginia State Bar.

(c) *Judicial Members.* – All full-time judges of the State (including federal judges), other officers qualified but forbidden by statute to practice law, and all retired judges who are receiving retirement benefits and are prohibited from appearing as counsel in any case in any court of the Commonwealth under section 51.1-309 of the *Code of Virginia* shall constitute the Judicial Membership of the Virginia State Bar. They shall pay no dues but shall be entitled to all of the privileges of active members except that they may not vote or hold office in the Virginia State Bar, and shall comply with any statutory limitations regulating their practice of law.

(d) *Disabled and Retired Members.* – Any member of the Virginia State Bar, upon attaining the age of 70 or on the basis of a permanent disability, may submit to the executive director of the Virginia State Bar a written request to be transferred to the

disabled and retired class of membership. Members who are electing this status based on a permanent disability must submit adequate medical and/or psychological documentation with the request. Members qualifying for transfer to the disabled and retired class shall not be entitled to practice law. Further, such members shall not be eligible to vote or hold office in the Virginia State Bar. Disabled and retired members may submit a petition to the executive director in writing for reinstatement to active or associate membership and state in the petition each circumstance that has changed since the member elected disabled or retired status. Adequate medical and/or psychological documentation must be submitted with the petition showing that the member is fit and capable of practicing law. If there are any misconduct complaints or proceedings pending when the executive director receives a petition for reinstatement, or if the member appears to suffer from a disability, the executive director shall defer consideration of the petition until the misconduct or disability issues are resolved. The Executive Committee of the Virginia State Bar shall consider and act on any such petition, taking into account the recommendation of the executive director. The Executive Committee may deny a petition for reinstatement if the member is publicly disciplined or is determined to have a disability raising a serious question as to the member's fitness or capacity to practice law. If the Executive Committee approves the petition, the member shall be returned to active or associate status upon payment of the appropriate dues, satisfaction of any other required membership obligations, and payment of any outstanding financial obligations to the bar. Medical and/or psychological information provided

pursuant to this subparagraph (d) is confidential and shall not be disclosed by the bar.

(e) *Emeritus Members*. – Those attorneys who are admitted to practice law in the Commonwealth of Virginia may, upon request to the Virginia State Bar with the supporting materials specified in this subparagraph, become emeritus members and provide *pro bono* legal services to the poor and working poor as emeritus members subject to the terms and conditions stated in this subparagraph. They shall pay no dues, may not practice law except in the limited manner specified in this subparagraph, and may not vote or hold office in the Virginia State Bar.

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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 4, 2010.

A Copy,

Teste:

Clerk