

# VIRGINIA Lawyers Weekly

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## United front defeats bar discipline overhaul

📌 By: Peter Vieth 🕒 February 14, 2022

Several Virginia bar organizations spoke as one this month to help block a proposal to turn lawyer discipline decisions over to a General Assembly-appointed commission.

A bill to create an independent “jury” to hear lawyer ethics complaints foundered when six voluntary bar organizations joined the Virginia Supreme Court and the Virginia State Bar to oppose changing the current VSB lawyer regulation structure.

The revamp proposed by Sen. Chap Petersen in Senate Bill 561 would have created a General Assembly-appointed commission to replace the VSB’s panels of lawyers and citizens sitting in judgment of bar charges.

Supporters of the Petersen plan said attorneys need independent oversight. Opponents said the legislature is not the appropriate body to sit in judgment of lawyer ethics. The state Senate Judiciary Committee voted 11-4 to kill Petersen’s bill Feb. 2.

Among other provisions, the legislation would have allowed any disbarred attorney to immediately apply for reinstatement and get a confidential hearing before a three-member panel of the commission. Currently, a disbarred lawyer must wait five years to seek reinstatement through a public process before the VSB Disciplinary Board.



In a written statement, five bar groups said lawyer self-regulation is the model used in “every state in the union for generations.”

“No other state has an attorney discipline system administered by, or responsible to, its legislature,” read a Feb. 1 letter signed by the presidents of the five bar associations.

“Establishing a Commission, comprised of political appointees, brings an air of partisanship to a process meant solely to regulate attorneys and protect clients through establishe

The letter was signed by leaders of the Virginia Bar Association, the Virginia Trial Lawyers Association, the Virginia Association of Defense Attorneys, the Old Dominion Bar Association and the Virginia Women Attorneys Association.

The Supreme Court and the Virginia Creditors' Bar Association also opposed the bill at the committee hearing. The VSB is an agency of the Supreme Court.

"I think it's unprecedented I've been able to bring these groups together," Petersen quipped, noting the unified opposition.

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