

VIRGINIA:

**IN THE SUPREME COURT OF VIRGINIA
AT RICHMOND**

**IN THE MATTER OF
PROPOSED UNAUTHORIZED PRACTICE OF LAW OPINION 219**

(VSB Petition ID: 23-7)

PETITION OF THE VIRGINIA STATE BAR

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PETITION

TO THE HONORABLE CHIEF JUSTICE AND THE JUSTICES OF THE
SUPREME COURT OF VIRGINIA:

NOW COMES the Virginia State Bar (“VSB”), by its president and executive director, pursuant to Part 6, § IV, Paragraph 10-4 of the Rules of this Court, and requests review and approval of Unauthorized Practice of Law (“UPL”) Opinion 219, as set forth below. The proposed opinion was approved by unanimous vote of the VSB Council (“Council”) on June 15, 2023. (Appendix, p. 25).

I. Overview of the Issues

The VSB Standing Committee on Legal Ethics (“committee”) has proposed UPL Opinion 219. This proposed unauthorized practice of law opinion addresses whether non-lawyer members of a lay consulting firm may represent licensees and licensee applicants in hearings before the ABC Board; whether a lay consulting firm may provide advice for a fee to licensees and licensee applicants regarding legal requirements and procedures for obtaining or maintaining an ABC license

and prepare and file the applications; and whether a lay consulting firm may retain or employ a lawyer to provide legal services to its clients. The opinion concludes that all of these activities are the unauthorized practice of law, and therefore the lay consulting firm is prohibited from engaging in any of them.

The opinion analyzes the definition of “tribunal” found in the UPL rules, which includes “any agency, authority, board, commission or court when it determines the rights and obligations of parties to proceedings before it, as opposed to promulgating rules and regulations of general applicability.” Part 6, § I, Rule 5(A). Under that definition, and the duties of the ABC Board as defined by statute, the ABC Board is a tribunal. The definition of the practice of law includes “represent[ing] another entity or person before a tribunal,” and there is no statutory exception to allow representation by non-lawyers before the ABC Board. Part 6, § I, Rule 2(C). Therefore, any representation before the ABC Board is the practice of law and cannot be performed by non-lawyers.

The opinion provides a similar analysis for providing legal advice for a fee, preparing legal instruments for another, and hiring a lawyer to provide legal services to a lay entity’s customers. *See* Part 6, § I, Rule 2(B) and 5(C).

The opinion also clarifies that the analysis is not specific to the ABC Board, but applies to any agency, board, or other entity that acts as a tribunal. If a tribunal does not have a policy, procedure, statute, or regulation that explicitly allows non-

lawyer representation of parties before it, then representation must be by a lawyer (or a party may always act pro se).

The proposed opinion is included below in Section III.

II. Publication and Comments

The Standing Committee on Legal Ethics approved the proposed opinion at its meeting on November 17, 2022. (Appendix, p. 1). The VSB issued a publication release dated November 28, 2022 pursuant to Part 6, § IV, Paragraph 10-2(c) of the Rules of this Court. (Appendix, p. 3). Notice of the proposed opinion was also published in the VSB’s December 1, 2022, E-News, (Appendix, p. 5); on the VSB’s website on the “Actions on Rule Changes and Legal Ethics Opinions” page, (Appendix, p. 9) and on the VSB’s “News and Information” page on November 28, 2022, (Appendix, p. 11); and in the *Virginia Lawyer Register*, Volume 71, in the February 2023 issue. (Appendix, p. 12). The VSB also requested an opinion from the Office of the Attorney General pursuant to Part 6, § IV, Paragraph 10- 2(D) of the Rules of Court.

When the proposed opinion was released for public comment, seven comments were received: Matt Morrison, (Appendix, p. 13), Brian Buniva, (Appendix, p. 14), Ben Glass, (Appendix, p. 15), William Pelfrey, (Appendix, p.16), Wyatt Beazley, (Appendix, p. 19), August Bequai, (Appendix, p. 22), and Assistant Attorney General Tyler T. Henry, (Appendix, p. 23).

On behalf of the Office of the Attorney General, Mr. Henry advised that the restrictions on competition imposed by the proposed opinion are consistent with Part Six, Section I of the Rules of this Court, which seek to protect the public from the practice of law by individuals lacking the necessary training and education. Further, Mr. Henry noted that any restraint on competition may be immunized from liability under state and federal antitrust law, once approved by the Supreme Court of Virginia, under the state-action immunity doctrine.

Based on Mr. Beazley's comment, the committee revised the opinion to clarify that ministerial assistance in completing forms is indeed not unauthorized practice and is not prohibited by this opinion. Providing any advice in connection with the completion of forms, including advice about form selection, is UPL and is prohibited by the rules and by the proposed opinion. The committee made no other changes based on the comments received.

III. Proposed Opinion

Unauthorized Practice of Law Opinion 219: Non-Lawyer Entity Representation in Practice Before State Agency

Questions Presented

1. Whether non-lawyer members of a lay consulting firm may represent licensees and licensee applicants in hearings before the Virginia Alcohol Beverage Control ("ABC") Board?

2. Whether a lay consulting firm may provide advice, for a fee, to licensees and licensee applicants regarding the legal requirements and procedures for obtaining or maintaining an ABC license and prepare and file the applications for the applicants?
3. Whether a lay consulting firm may retain or employ a lawyer to provide legal services to its clients?

Answers

The answer to all three questions presented is “no,” as all three scenarios contemplate activities that constitute the unauthorized practice of law.

It is the unauthorized practice of law for non-lawyer members of a lay consulting firm to represent licensees or licensee applicants before the Virginia ABC Board, which has no provision in its own regulations and procedures for non-lawyer representation before it, nor is there any other legal authority permitting such representation.

It is the unauthorized practice of law for a lay consulting firm to provide advice, for a fee, to licensees and licensee applicants regarding the legal requirements and procedures for obtaining or maintaining an ABC license and it is the unauthorized practice of law for members of this lay consulting firm to select, prepare and file the applications on behalf of the applicants. It is not unauthorized practice of law merely to assist with completion of a form document selected by

the licensee or applicant and using language dictated by the licensee or applicant.

It is the unauthorized practice of law for a lay consulting firm to retain or employ a lawyer to provide legal services to its clients.

Applicable Rules, Opinions and Statutes

The controlling rules, opinions, and statutes are: Virginia's Unauthorized Practice of Law Rules, Part 6, § I (1), (2), (3)(D) and (R), 5(A), (C) and (D)(1), and 6(H) of the Rules of the Supreme Court of Virginia; Virginia Code §§ 4.1-108, 4.1-103(21) and (23)-(25), and 54.1-3904; 3 Virginia Administrative Code §§ 5-10-30, 5-10-250, and 5-10-120; and UPL Opinion 207.

Analysis

A non-lawyer, defined as “any person, firm, association or corporation not duly licensed or authorized to practice law in the Commonwealth of Virginia,” shall not engage in the practice of law in Virginia or hold himself, herself, or itself out as authorized to do so “except as may be authorized by rule or statute.” Va. Sup. Ct. R., Pt. 6, § I (1). It is a Class 1 misdemeanor for any person or entity to practice law without being licensed or otherwise authorized to do so. Id., Va. Code § 54.1-3904.

Part 6, § I (2) of the Rules of the Supreme Court of Virginia defines the practice of law:

A person or entity engages in the practice of law when representing to another, by words or conduct, that one is authorized to do any of

the following:

- A. Undertake for compensation, direct or indirect, to give advice or counsel to an entity or person in any matter involving the application of legal principles to facts.
- B. Select, draft or complete legal documents or agreements which affect the legal rights of an entity or person.
- C. Represent another entity or person before a tribunal.
- D. Negotiate the legal rights or responsibilities on behalf of another entity or person.

Va. S. Ct. R. Pt. 6, § I (2).

The Unauthorized Practice of Law Rules (“UPL Rules”) include several exceptions which allow non-lawyers and/or lay entities to engage in activities that would otherwise be considered the unauthorized practice of law. Of note, a non-lawyer can represent a party as the party’s advocate or representative before an agency or tribunal which specifically allows for such non-lawyer representation, either by its own rules and procedures or by other law or statute. *Id.* at (3)(D) and (R), (5)(D)(1), and (6)(H).

Unless there is such a specific allowance, a non-lawyer cannot represent an entity or person before a tribunal. The UPL Rules include a definition of a “tribunal”:

The term “tribunal” shall include any agency, authority, board, commission or court when it determines the rights and obligations of parties to proceedings before it, as opposed to promulgating rules and regulations of general applicability.

Id. at (5)(A).

The ABC Board meets these criteria and falls within the definition of a “tribunal.” It conducts hearings addressing the conduct and operation of licensees, issues witness subpoenas and subpoenas duces tecum, administers oaths and takes testimony under oath. It “grant[s], suspend[s], and revoke[s] licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages” and “assess[es] and collect[s] civil penalties and civil charges for violations” of the ABC statutes and regulations. Va. Code § 4.1-103.

Representation before the ABC Board would include filing documents on behalf of the clients, writing briefs, appearing at hearings before the tribunal and representing the clients, making opening statements, closing arguments, examining witnesses, and making objections during the hearing.

With regard to a party’s representation in a hearing before the ABC Board, Virginia Code § 4.1-108 states that a licensee or applicant has “the right to be represented by counsel at any Board hearing for which he has received notice” but is not required to have counsel. There is no provision in the statute for non-lawyer representation. The only exception permitted (other than acting pro se) is that “[a]ny officer or director of a corporation may examine, cross-examine and question witnesses; present evidence on behalf of the corporation; and draw conclusions and make arguments before the Board or hearing officers without being in violation of the provisions of § 54.1-3904.” *See also* 3 Va. Admin. Code §

5-10-30 (representation at hearings before hearing officers of the ABC board: right to representation by counsel, right of officer or director of corporation to represent corporation before ABC board); 5-10-250 (same as 3VAC 5-10-30, but for hearings before the ABC board); and 5-10-120 (defines “interested parties”: applicant, licensee, persons aggrieved by decision of board).

Can a non-lawyer member of a lay consulting firm represent licensees and or licensee applicants before the Virginia Alcohol Beverage Control Board? Or, more broadly, can any non-lawyer represent an entity or person before a tribunal, whether a court or agency, board or any other entity acting as a tribunal? Applying the UPL rules and the statutes cited and discussed above, the answer is “no,” a non-lawyer can do none of this.

While the request that is the basis for this opinion directed its inquiry to practice before the ABC Board, the analysis and application of the UPL Rules apply to practice before *any* agency, board, or other entity that acts as a tribunal. If the tribunal does not have a policy, procedure, statute, or regulation that explicitly allows non-lawyer representation of parties before it, then representation must be by a lawyer or a party may act pro se.

As for the second question raised in this opinion, whether licensees or licensee applicants may hire a lay consulting firm to provide advice, for a fee, regarding the legal requirements and procedure for obtaining an ABC license and

prepare and file the applications for the applicants, the answer is “no.”

A non-lawyer may not “[u]ndertake for compensation, direct or indirect, to give advice or counsel to an entity or person in any matter involving the application of legal principles to facts.” Va. Sup. Ct. R., Pt. 6, § I (2)(A). In the hypothetical presented in this inquiry, licensees and licensee applicants hire a lay consulting firm, for a fee, to provide them advice and to assist the licensees or applicants regarding the legal requirements and procedures specific to the facts and circumstances of their situation. The consultants may also advise as to expected outcomes to hearings or license reviews based on actions the licensee or applicant take.

These consultants then select, prepare and file for the licensee or applicant the appropriate forms or applications to be submitted to the ABC Board. Whether for compensation or not, preparation of legal instruments for another is the unauthorized practice of law. *Id.* at (2)(B). Because these forms and applications impact the legal rights of an entity or person, they are legal documents within the meaning of § I (2)(B).

A non-lawyer may assist a licensee or applicant with completion of forms using language specifically dictated by the licensee or applicant but may not select the forms for the licensee or applicant, advise the licensee or applicant on which forms are appropriate in a particular case, or provide any other legal advice on the

completion of the forms. *See* UPL Opinion 207 (Approved by Supreme Court of Virginia August 26, 2005).

The final question asks whether a lay consulting firm (or any lay entity) may avoid engaging in the unauthorized practice of law by retaining or employing a lawyer to provide legal services to its clients. The answer is “no.”

A lay entity cannot hire or retain a lawyer to provide legal services and representation to the entity’s customers or clients. The UPL Rules specifically prohibit such action. Va. Sup. Ct. R., Pt. 6, § I (5)(C). This is based on the decision of the Supreme Court of Virginia in *Richmond Association of Credit Men v. Bar Association of Richmond*, 167 Va. 327, 334-335 (1937):

[The practice of law] is not a lawful business except for members of the bar who have complied with all the conditions required by statute and the rules of the courts. As these conditions cannot be performed by a corporation, it follows that the practice of law is not a lawful business for a corporation to engage in.

The relation of attorney and client is that of master and servant in a limited and dignified sense, and it involves the highest trust and confidence. It cannot be delegated without consent, and it cannot exist between an attorney employed by a corporation to practice law for it, and a client of the corporation, for he would be subject to the directions of the corporation, and not to the directions of the client.

No lay entity may hire a lawyer or hold out its own lawyer to provide legal services to the entity’s customers or clients. *Id.* at (5)(C). The UPL Rules, as well as case law, are clear that this is unauthorized practice of law.

IV. Conclusion

The Supreme Court is authorized to regulate the practice of law in the Commonwealth of Virginia and to prescribe a code of ethics governing the professional conduct of attorneys. Va. Code §§ 54.1-3909, 3910. Pursuant to this statutory authority, the Court has promulgated rules and regulations relating to the organization and government of the VSB. Va. S. Ct. R., Pt. 6, § IV. Paragraph 10 of these rules sets forth the process by which legal ethics advisory opinions and rules of professional conduct are promulgated and implemented. Proposed UPL Opinion 219 was developed and approved in compliance with all requirements of Paragraph 10, approved by the committee at its meeting on November 17, 2022, and by unanimous vote of the Council on June 15, 2023.

THEREFORE, the VSB requests that the Court approve proposed UPL Opinion 219 for the reasons stated above.

Respectfully submitted,
VIRGINIA STATE BAR



By _____
Chidi I. James, President



By _____
Cameron M. Rountree, Executive Director

Dated this 9th day of August, 2023.

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(VSB Petition ID: 23-7)

APPENDIX TO PETITION OF THE VIRGINIA STATE BAR

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Minutes

The **Standing Committee on Legal Ethics** met in the offices of the Virginia State Bar in Richmond, Virginia on November 17, 2022, commencing at 10:06 a.m.

Members present:

Michael M. York, Chair

Vera “Katie” Dougherty, Vice-Chair

Michael HuYoung

K. Brett Marston (Remote participation approved –Roanoke, Virginia; member residence is more than 60 miles from meeting location)

Jeffery K. Mitchell

Nia A. Vidal

Teresa Goody Guillen (Remote participation approved – Washington D.C.; member residence is more than 60 miles from meeting location)

Naveed Kalantar

Members absent:

Michael W. Robinson

Also present:

Emily F. Hedrick, Ethics Counsel

Barbara B. Saunders, Assistant Ethics Counsel

Dorian L. Dalton, Assistant Ethics Counsel

Krista Mathis Samuels, Assistant Ethics Counsel

Kristi R. Hall, Exec. Assistant/Paralegal

I. Approval of Minutes

The minutes of the September 14, 2022, meeting were unanimously approved.

II. Legal Ethics Opinions

A. UPL opinion 219 – Representation by nonlawyer in administrative proceedings

After discussion, the committee unanimously approved the draft opinion be released for public comment.

B. UPL opinion request – Non-lawyer law enforcement examining grand jury witnesses

After discussion, the committee directed staff to LEI the request.

**ALL unfinished business of the Standing Committee on Legal Ethics is confidential, pursuant to SCV Rule Part 6, Section IV, Paragraph 10.*

- C. LEO 1893 – Representing child and next friend in personal injury case

After discussion, the committee directed staff to meet with VTLA representatives to discuss limited issues related to the draft opinion for discussion at the January 2023 committee meeting.

- D. LEO request – Application of Rule 4.2 to lawyer-mediator

After discussion, the committee directed staff to LEI the request.

- E. LEO proposal – Death of client

After discussion, the committee directed staff to draft an opinion for review at the January 2023 committee meeting.

III. Adjournment

The Chair adjourned the meeting at 11:51 a.m.



Virginia State Bar Public Comment Request

1111 East Main Street, Suite 700
Richmond, Virginia 23219-0026
Telephone: (804) 775-0500

Facsimile: (804) 775-0501 VOICE/TTY 711 or (800) 828-1120

Release Date: November 28, 2022

The Virginia State Bar Seeks Public Comment on Unauthorized Practice of Law Opinion 219

RICHMOND - Pursuant to Part 6, § IV, ¶ 10-2(C) of the Rules of the Supreme Court of Virginia, the Standing Committee on Legal Ethics is seeking public comment on proposed advisory Unauthorized Practice of Law Opinion 219 – Nonlawyer representation in ABC Board proceedings.

This proposed opinion generally addresses whether it is the unauthorized practice of law for a non-lawyer consulting business to advise consumers/clients regarding interpretation and application of ABC laws and regulations, assist consumers/clients with preparation of license applications, represent clients/parties before the ABC Board, and employ a lawyer to advise clients of the consulting business regarding their legal questions relating to ABC procedure.

In this proposed opinion, the committee concludes that all three of the actions described are the unauthorized practice of law and cannot be done by a lay consulting business or any other non-lawyer.

Inspection and Comment

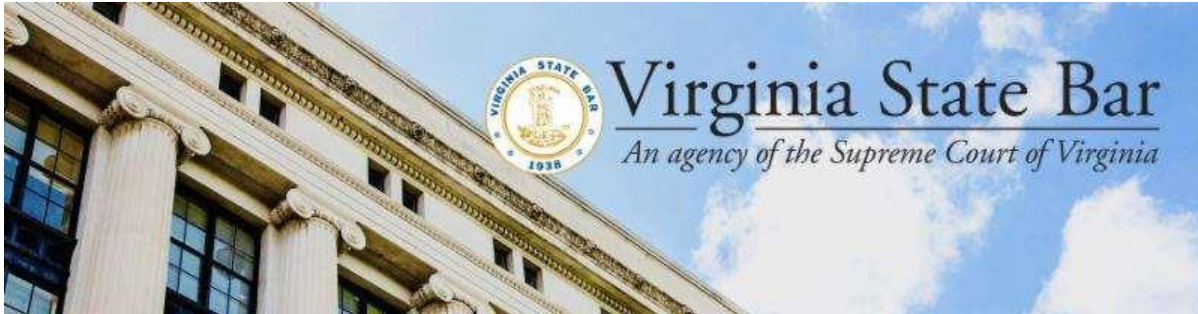
The proposed opinion may be inspected below.

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed opinion with Cameron M.

Rountree, executive director of the Virginia State Bar, not later than **March 1, 2023**. Comments may be submitted via email to publiccomment@vsb.org.

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Governance



We need YOU! Volunteers are needed to serve on **VSB boards and committees**. All appointments will be for the terms specified, beginning on July 1, 2023.

The VSB Clients' Protection Fund **paid \$27,230** on six petitions.

The Supreme Court of Virginia **amended the Rules of Court** and added Rule 3.14A: Intervention by the Commonwealth where constitutionality of law challenged.



Compliance

The 2022 MCLE End of Year Report Form 1 was mailed to active attorneys in November. Report approved courses online in the [VSB Portal](#). If you cannot certify a course online, follow the instructions on Form 1. A blank [Form 1](#) is available on the [MCLE website](#).



ALL CLE hours for the 2022 CLE period need to be reported **no later than 4:45 pm ET December 15, 2022**. This deadline applies to all active attorneys even if the 2022 requirement has been met.



The Supreme Court of Virginia has amended **the Rules concerning IOLTA accounts** affecting lawyers in private practice. Compliance begins on July 1, 2023. Have questions? More information and answers are [on the VSB website](#).

Ethics



Legal Ethics

The VSB seeks public comment on **Unauthorized Practice of Law Opinion 219** - Nonlawyer representation in Virginia Alcoholic Beverage Control Board proceedings.

The VSB continues to seek comments on **Legal Ethics Opinion 1893**, Representing Child and "Next Friend" as Plaintiffs in Personal Injury Case. The deadline for comments is January 3, 2023.

Discipline

Disciplinary hearings are public meetings found on the disciplinary docket.

Recent disciplinary system actions:

Patrick Lynn Edwards, license suspended, effective November 16, 2022.

Denis Charles Englisby, license suspended, effective November 18, 2022.

James McMurray Johnson, license suspended, effective November 20, 2022.

Johnnie Louis Johnson Jr., license suspended, effective November 28, 2022

Benjamin Kent, public reprimand, effective October 28, 2022.

Stephen A. Strickler, public reprimand, effective October 28, 2022.

Elizabeth Farrar Egan, public reprimand, effective November 9, 2022.

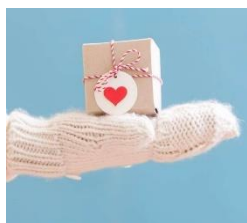
Jon Franklin Mains, public reprimand, effective November 18, 2022.

Kimberly Alice Chandler, public reprimand, effective November 14, 2022.

Evan Stuart Elan, administrative suspension, effective November 1, 2022.

Private discipline: 1 reprimand; 1 admonition

Pro Bono/ Access to Justice



Thank you to the lawyers who registered to give back (money or time) through the Get To 30! Challenge. Want to help? **Sign up** and you will be included in the December, January, February, and March drawings for a gift card!

Our most recent monthly winners are:

August - **Bruce Robinson** of Law Office of Bruce E. Robinson in South Hill

September - **Sarah Dickson** of BWW Law Group, LLC in Greater Richmond

October - **Chidinma Harley** of Pervaiz & Harley PLLC in Fairfax County

Events, Awards, CLE

Plan to attend the **53rd Criminal Law Seminar in 2023** happening February 3 in Charlottesville and February 10 in Williamsburg.



Women in the Law: Save the date for the Mid-Atlantic Women's Legal Professionals' Retreat March 2-5 in Roanoke. Earn 10 or more CLE hours while networking and promoting personal rejuvenation, self-care, and personal empowerment.

Don't forget to check out the VSB's list of free and low cost webinar CLEs.

AWARD NOMINATIONS:

Consider nominating a colleague or peer for these prestigious awards.

- Betty Ann Thompson Lifetime Achievement Award in Family Law (Due January 24)
- Family Law Service Award (Due January 24)
- Edward L. Chambers Lifetime Bar Service Award (Due Feb. 1)

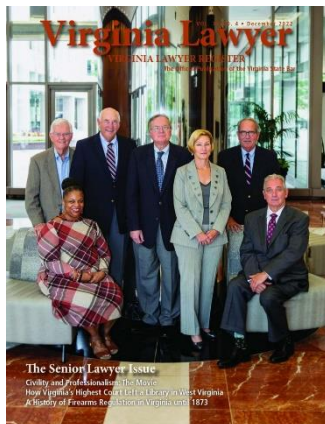


Nota Bene: VJLAP has moved!

As of December 1, 2022, the **Virginia Judges and Lawyers Assistance Program** is located next door to the Virginia Law Foundation Bobzien-Gaither Education Center in Innsbrook. Throughout the move and the holidays, the VJLAP will have continuous operations and maintain 24/7 availability.



Virginia Lawyer



In the mail 📧! Thank you to the Senior Lawyers Conference for sponsoring the December issue.

Virginia Lawyer reaches almost 50,000 VSB lawyers, judges, and law schools in Virginia and across the country. We would love to help you promote your firm, your services, or your law school.

Contact Dee Norman for more information on advertising and how we can help you create an ad campaign.

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The Virginia State Bar

Professional Guidelines

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Proposed | UPL Opinion 219: Non-Lawyer Entity Representation in Practice Before State Agency. Comments Due March 1, 2023

November 28, 2022

The Virginia State Bar Seeks Public Comment on Unauthorized Practice of Law Opinion 219

Pursuant to Part 6, § IV, 110-2(C) of the Rules of the Supreme Court of Virginia, the Virginia State Bar is seeking public comment on proposed advisory Unauthorized Practice of Law Opinion 219 - Nonlawyer representation in ABC Board proceedings.

This proposed opinion generally addresses whether it is the unauthorized practice of law for a non-lawyer consulting business to advise consumers/clients regarding interpretation and application of ABC laws and regulations, assist consumers/clients with preparation of license applications, represent clients/parties before the ABC Board, and employ a lawyer to advise clients of the consulting business regarding their legal questions relating to ABC procedure.

In this proposed opinion, the committee concludes that all three of the actions described are the unauthorized practice of law and cannot be done by a lay consulting business or any other non-lawyer.

Inspection and Comment

The proposed opinion may be inspected below.

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed opinion with Cameron M. Rountree, executive director of the Virginia State Bar, not later than March 1, 2023. Comments may be submitted via email to publiccomment@vsb.org.

[View proposed UPL 219](#) (PDF)

Updated: November 28, 2022

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1111 East Main Street, Suite 700 | Richmond, Virginia 23219-0026
All Departments (804) 775-0500
Voice/TTY 711 or (800) 828-1120
Office Hours: Mon.-Fri. 8:15 am to 4:45 pm (excluding holidays)
The Clerk's Office does not accept filings after 4:45 pm



Virginia State Bar

An agency of the Supreme Court of Virginia

NEWS AND INFORMATION

November 28, 2022

VSB Seeking Public Comment on Proposed UPL 219

The Virginia State Bar seeks public comment on [Unauthorized Practice of Law Opinion 219](#)- Nonlawyer representation in Virginia Alcohol and Beverage Control ("ABC") Board Board proceedings.

This proposed opinion generally addresses whether it is the unauthorized practice of law for a non-lawyer consulting business to advise consumers/clients regarding interpretation and application of ABC laws and regulations, assist consumers/clients with preparation of license applications, represent clients/parties before the ABC Board, and employ a lawyer to advise clients of the consulting business regarding their legal questions relating to ABC procedure.

[In this proposed opinion](#), the committee concludes that all three of the actions described are the unauthorized practice of law and cannot be done by a lay consulting business or any other non-lawyer.

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed opinion with Cameron M. Rountree, executive director of the Virginia State Bar, not later than March 1, 2023. Comments may be submitted via email to publiccomment@vsb.org.

Updated: Nov 28, 2022

NOTICES TO LAWYERS

Supreme Court of Virginia Approves LEO 1899 and Amends Legal Aid Counsel Rule

On Friday, January 6, the Supreme Court of Virginia approved Legal Ethics Opinion 1899 which questioned whether a lawyer representing a client on a flat (or fixed) fee agreement can provide for an alternative fee arrangement (a conversion clause) if the client terminates the relationship without cause. The Court concluded that the fee agreement may include a conversion clause so long as the alternative fee is reasonable and made clear to the client at the outset of representation.

The Court also amended Rule 1A:9. Virginia Legal Aid Counsel, the Rule that allows non-Virginia lawyers to apply for a certificate as a Virginia Legal Aid Counsel to practice in Virginia when employed by a Virginia Licensed Legal Aid Society. www.vsb.org/site/news/item/scova_leo_1899_legal_aid_counsel_rule

Supreme Court of Virginia Announces Building Protocols Effective Immediately

The Supreme Court of Virginia issued a press release detailing protocols that all persons entering the Supreme Court of Virginia building must comply with effective immediately. These protocols include notification of potential exposure to COVID-19, self-screening temperature, and public access to oral argument. The press release can be read in full on the Court's website. www.vsb.org/site/news/item/public_comment_paral3-25_102622

VSBS Seeking Public Comment on Proposed UPL 219

The Virginia State Bar seeks public comment on Unauthorized Practice of Law Opinion 219 - Nonlawyer representation in Virginia Alcoholic Beverage Control ("ABC") Board proceedings.

This proposed opinion generally addresses whether it is the unauthorized practice of law for a non-lawyer consulting business to advise consumers/clients regarding interpretation and application of ABC laws and regulations, assist consumers/clients with preparation of license applications, represent clients/parties before the ABC Board, and employ a lawyer to advise clients of the consulting business regarding their legal questions relating to ABC procedure.

In this proposed opinion, the committee concludes that all three of the actions described are the unauthorized practice of law and cannot be done by a lay consulting business or any other non-lawyer.

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed opinion with Cameron M. Rountree, executive director of the Virginia State Bar, not later than March 1, 2023. Comments may be submitted via email to publiccomment@vsb.org. <https://www.vsb.org/site/news/item/20221128-upl-219-comment>



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From: [Matt Morrison](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER Public Comment on Unauthorized Practice of Law Opinion 219
Date: Thursday, December 1, 2022 1:14:52 PM

You don't often get email from matt@swsrlaw.com. [Learn why this is important](#)

Good Afternoon,

I concur with the proposed opinion that the conduct in question would clearly constitute the unauthorized practice of law.

Thank you.

Regards,

Matt Morrison, Esq.
Sandground, West, Silek, Raminpour & Wright, PLC
9401 Centreville Road, Suite 204
Manassas, Virginia 20110
Tel: (703) 361-5000
Fax: (703) 361-5700

From: [Brian Buniva](#)
To: [publiccomment](#)
Subject: EXTERNAL SENDER UPL # 219
Date: Tuesday, December 6, 2022 2:47:15 PM

Dear Virginia State Bar Executive and Members of the VSB Council:

I write in support of UPL #219 published on the VSB website on November 28, 2022.

Over the course of many years I have engaged in administrative agency practice. Candidly the nuances and intricacies of representing a party before any state administrative agency, including the Virginia Alcoholic Beverage Commission, is a complex proposition and poses many traps for the unwary. The rules are detailed and complex, and the appeals process is equally fraught with danger. Until such practices and procedures are simplified, which I doubt will occur in my lifetime, it would be very unfair to the client to allow non-lawyer representation before the VABC or other state agencies.

I believe the Committee has struck the correct chords in its opinion, and I recommend that Council approve the opinion and forward it onto the Supreme Court for its consideration, and approval.

Best Regards,

Brian L Buniva
B.L. Buniva Strategic Advisor, PLLC
14112 Thorney Court
Midlothian, VA 23113
blbrichmond@gmail.com
804-873-0610

Sent from [Mail](#) for Windows

Please see Ben Glass comment attachments available
at: [https://vsbwebstorage.blob.core.windows.net/\\$web/Ethics/Prop%27d%20UPL%20219%20GLASS%2C%20Ben%20public%20comment_2.15.23.pdf](https://vsbwebstorage.blob.core.windows.net/$web/Ethics/Prop%27d%20UPL%20219%20GLASS%2C%20Ben%20public%20comment_2.15.23.pdf)

From: Ben Glass <bglass@benglasslaw.com>
Sent: Wednesday, February 15, 2023 4:32 PM
To: publiccomment <PublicComment@vsb.org>
Subject: EXTERNAL SENDER Comment on proposed UPL Opinion 219

Attached are my letter and several attachments mentioned in the letter in response to proposed UPL opinion 219

Thank you for your work on moving the legal profession forward

Ben Glass
Ben Glass Law
3998 Fair Ridge Dr.
#250
Fairfax, VA 22033
703-591-9829

TO: Director Cameron Roundtree, Virginia State Bar
From: William V. Pelfrey, Sr. Ph.D.

Public Comments RE: UNAUTHORIZED PRACTICE OF LAW Draft Opinion 219: Non-Lawyer Entity Representation in Practice Before State Agency

Recently I became aware of a Draft Opinion developed by the Virginia Alcohol Beverage Control Board regarding the Unauthorized Practice of Law. I was keenly interested in this topic because a colleague at Virginia Commonwealth University's Department of Criminal Justice worked on a similar topic. Since I had chaired that department and chaired the Committee considering Mike Smith, Ph.D., J.D., for promotion and tenure at VCU, I was aware of his work with the Virginia Supreme Court developing Guidelines to assist Virginia mediators in avoiding the unauthorized practice of law when providing mediation services. The committee on which Mike served consisted of the Executive Director, Supreme Court of Virginia, Ethics Counsel, Virginia State Bar, Chair of the Unauthorized Practice of Law Committee, Virginia State Bar, and other judges, lawyers, and mediators. The Guidelines were both prescriptive and proscriptive, based on case law and opinions, with conclusions that flowed logical from the data.

While I have seen other Virginia State Bar Professional Guidelines of a quality similar to that of the Mediation Guidelines, I was disappointed when I read the Draft Opinion 219. The title suggests very broad application ("Practice Before State Agency") but the body of the draft suggests that it applies primarily, if not exclusively, to the Virginia Alcoholic Beverage Control Authority. Where the Mediation Guidelines nuanced differences in "advice" and "information" as well as tests of the UPL such as "Commonly Understood Test" where long-standing practice in various professions allows non-lawyers to prepare documents such as real estate contracts, tax forms, investment documents and sales contracts, the Draft Opinion 219 seems to provide little in the way of objective foundations for the argument that lay consulting firms are providing legal advice to potential ABC licensees and are engaging in the unauthorized practice of law. The Draft Opinion seems to prohibit lay consulting firms from doing anything related to ABC.

The Draft Opinion 219 poses three questions, with the answers unequivocally NO to all three. The first of the three questions (Whether ... "a lay consulting firm may represent licensees and licensee applicants in hearings before ... ABC Board) is assessed, analyzed and conclusions drawn from Virginia Code, Rules of the Supreme Court of Virginia and Virginia Administrative Code. These offer the foundation of the prohibition from lines 17 to 108 of the Draft Opinion. It appears that the foundation was unnecessary since the Agency or Authority can, through its own rules deny representation by law advocates. Two lines, 79 and 80, appear to be a logical overreach of the definition of "Representation." "Filing documents on behalf of clients" is made equivalent to "writing briefs, appearing at hearings, ... making opening statements, closing statements, examining witnesses, and making objections during the hearing." The equivalency appears to be false, and logic would suggest it is inconsistent with Professional Guidelines, Part 6, section 1, 6. ANNOTATION: A.

The Draft Opinion, in lines 131 through 149, argues that a lay consulting firm may not retain a lawyer to provide legal services to its clients. As the Professional Guidelines, Part 6 section 1, Comments: C. states "It is now well settled that a lay corporation may not ordinarily employ an attorney to provide legal services to customers or clients...." As with question 1, question 3 does not seem to have any evidence of an opposing view nor are there incidents cited of charges, violations, other interpretations. It appears that this issue is "now well settled...."

Question 2 appears to be the heart of the issue ("Whether a lay consulting firm may provide advice, for a fee, to licensees and licensee applicants regarding legal requirements and procedures for obtaining or maintaining an ABC license and file applications for the applicants?"). The question seems to be argued as a hypothetical rather than an existing issue, aside from using the word "consulting" as a pejorative. For example, the argument does not reference Professional Guidelines, Part 6, section 1, 6. ANNOTATION: A, "Preparation of legal instruments incident to the ordinary course of conducting a licensed business is not the unauthorized practice of law." Neither does the Draft Opinion cite *Commonwealth v. Jones & Robins*, 186 Va. 30, 41 S. E. 2d 720. An incontrovertible fact is that anyone with access to a computer can view the entire library of documents regarding Virginia ABC Licenses, instructions, rules and regulations, on the Virginia ABC website. There does not appear to be any information on the ABC website prohibiting another person, even a lay person, from assisting in the completion of the Retail License Application, for example. There is even a notion on page 18 of the 23 page application form stating "Have both THE CURRENT LICENSEE and THE APPLICANT ENTITY sign the affidavit" suggesting that it is likely someone other than the applicant will assist in the completion.

Returning to the Professional Guidelines Applied to Mediators (1999), a section of that Report addressed "Distinguishing Legal Information from Legal Advice" as it applies to the general rule of what constitutes legal advice. That Blue-ribbon panel concluded "A mediator may provide legal resource and procedural information to disputants." The report further states, "Disputing parties are frequently uninformed about local court procedures regarding their cases. To the extent that mediators by training and experience are familiar with local procedures regarding scheduling, required fees, or the steps necessary to have mediated agreement entered as a court order, they may provide this information to the parties without contravening the unauthorized practice of rules or the ethical prohibitions against legal advice," The parallels with ABC are apparent. The ABC code consists of hundreds of administrative rules and criminal laws. While this information is accessible online to anyone with the time and know-how to search for it, most have no idea how to go about doing so. Many people who own or seek to open ABC licensed businesses speak and read English only as a second language. These individuals have difficulty communicating with ABC Agents and headquarters staff and navigating the processes associated with licensure. Alcohol consulting firms are well versed in the ABC license application process. Assisting applicants with paperwork ensures that the documents are filled out properly. This saves the Commonwealth time, and fosters licensee compliance, both of which one might think ABC should welcome.

As a likely practical result, Applicants of licenses from the ABC Board would be denied assistance, facilitation, and training to conform to ABC's legal requirements. ABC appears to be a "regulatory" authority rather than a facilitator so it could be argued that it is in the public's best interest to have facilitators working with Applicants to complete forms, while not engaging in legal advice or predicting results.

The actions to which the Draft Opinion refers, have been exercised for years by non-lawyers who should make it clear they are not lawyers, do not give legal advice, nor is the information provided a substitute for legal assistance and legal options by lawyers. It seems that the Draft Opinion does not cite any case of the Unauthorized Practice of Law referred by ABC to any Commonwealth Attorney, Attorney General, or any other prosecutor, begging the question "Where are the issues this Draft Opinion resolves?"

Instead of placing a case before a trier of fact, the Draft Opinion seeks to criminalize by fiat rather than by established case law. The Draft Opinion appears to leave out exceptions contained in the Professional Guidelines, either due to parsimony or selectivity to strengthen the request. These exceptions are contained in Rules of the Supreme Court of Virginia Part 6, section 1, subsection 3., 4., 5 (D), and 5 (F).

If there were issues or violations associated with non-lawyers violating the Rules of the Supreme Court of Virginia, it would seem prudent for the Supreme Court to develop a comprehensive set of guidelines to assist non-lawyers engaged in facilitating the proper and complete applications for licenses should an applicant desire assistance. A model for the development of guidelines was the Fall, 1998 **Guidelines on Mediation and UPL**. Over a six-month process, a Blue-Ribbon panel of lawyers and non-lawyers met and drafted the Guidelines as they applied to mediation. The report was well-reasoned, comprehensive, and informative. It began with the five "Tests" courts and bar associations have used to determine UPL. The Guidelines also include sections on Rules of Professional Conduct. Legal Ethics and UPL Opinions. While those Guidelines are directly related to Mediation, it would appear that in formulating the Draft Opinion, ABC feels the subject is important enough to merit focused examination of non-lawyers' actions regarding ABC activities.

A troubling lay impression is the pejorative way "consulting" and "consultant" are used more than a dozen times in the Draft Opinion. Having served as a consultant, I have not experienced the wrath of agencies or authorities regarding my work. It may be possible ABC has a basis for what appears to me to be such a negative view of consultants, but it does not seem prudent for the Virginia State Bar or the Virginia Supreme Court to adopt that view.

In conclusion, it would seem to me, a lay person, that the existing Professional Guidelines regarding the Unauthorized Practice of Law are sufficient, and the proposed Draft Opinion 219 adds nothing of substance. If the Virginia State Bar and the Supreme Court of Virginia identify UPL as an issue regarding interactions with the ABC Authority or licensees, I would encourage empaneling a group of experts to assess the extent of the problem and formulate proscriptive and prescriptive guidelines, as was done with the issue of mediation.

Direct Dial: 804.420.6497
wbeazley@williamsmullen.com

February 27, 2023

VIA EMAIL - publiccomment@vsb.org

Cameron M. Rountree
Executive Director
Virginia State Bar
707 East Main Street, Suite 1500
Richmond, Virginia 23219-2800

Dear Mr. Rountree:

This letter responds to the State Bar's request for comments concerning proposed Unauthorized Practice of Law Opinion 219. As currently worded, the answer to the second question addressed by the proposed UPL opinion is overly broad and prohibits conduct that does not constitute the practice of law and, therefore, cannot be the unauthorized practice of law. This issue is acute for our consulting firm client, and, we understand, for large accounting firms or their affiliates, and others, who provide tax compliance and reporting services to their customers.

Our client provides tax compliance and reporting services across a broad range of industries, including businesses in the alcoholic beverage industry. Some of those businesses seek to sell their products in the Commonwealth of Virginia and require a license from the Virginia Alcoholic Beverage Control ("ABC") Authority to do so. Incident to its tax compliance and reporting services, our client and other providers of similar services assist their customers in applying for and renewing such licenses.

But, according to the answer to the second question in the proposed UPL opinion:

It is the unauthorized practice of law for a lay consulting firm to provide advice, for a fee, to licensees and licensee applicants regarding the legal requirements and procedures for obtaining or maintaining an ABC license and it is the unauthorized practice of law for members of this lay consulting firm to select, prepare and file the applications on behalf of the applicants.

Key to understanding why this answer is too broad is the definition of the practice of law set forth in Part 6, § I (2) of the Rules of the Supreme Court of Virginia, and quoted twice in the proposed UPL, as follows:

Cameron M. Rountree
February 27, 2023
Page 2

Undertak[ing] for compensation, direct or indirect, to give advice or counsel to an entity or person in ***any matter involving the application of legal principles to facts.***¹ (Emphasis added.)

As noted in Real Estate Bar Ass'n for Massachusetts, Inc. v. National Real Estate Information Services, 459 Mass. 512, 946 N.E.2nd 665 (2011):

Filling out standard government forms for others is not necessarily the practice of law. Many such forms "can readily be filled out by any intelligent" person. We see little difference between the income tax forms at issue in the *Lowell Bar Ass'n* case and the federally mandated settlement statements in this case. Although there may be legal consequences that flow from filling out these forms, there is no legal advice or legal opinion being offered, and ultimate control over and responsibility for the content of those forms rests with NREIS's lender clients. (Citations omitted.)

In the same vein, the ministerial act of completing forms (The Florida State Bar re Advisory Opinion -Activities of Community Association Managers, 681 So. 2d 1119 (Fla. 1996)), and acting as no more than a scrivener (Franklin v. Chavis, 371 S.C. 527, 640 S.E.2d 873 (2007)), have been found not to constitute the unauthorized practice of law. Virginia UPL Opinion 207, involving assistance by a non-lawyer social worker provided to a *prose* litigant, noted:

The social worker may assist the litigant with completion of the form document using language specifically dictated by the litigant.

Our client and other similar service providers do not provide legal services or legal advice to customers concerning the ABC license application or renewal application process. The ABC has made available on its website resources with regard to licensing that are so clear and easy to understand and use that there is no need for legal analysis or legal advice in applying for or renewing an ABC license. They can be understood "by any intelligent person." The wealth of information that the ABC makes available to the public on its website includes a list of required documents for permit applications, online training on ABC laws, rules, and regulations, and a Licensing Wizard application for licensing banquet activities that informs applicants which license type is required based on information input by the applicants.

¹ The definition of practice of law also includes "select[ing], draft[ing] or complet[ing] legal documents or agreements which affect the legal rights of an entity or person." Our client doesn't draft any legal documents or agreements in providing services to its customers and, for the reasons discussed below, it neither "selects" the documents that it submits to the ABC on behalf of its customers nor does it "complete" them in any sense other than plugging in the information provided by its customers without revision, much as a typist or other clerical worker would do.

WILLIAMS MULLEN

Cameron M. Rountree
February 27, 2023
Page 3

As for the "selection" of the applicable document or documents, the resources provided on the ABC website provide that information at the push of a button. As an example, a beer wholesaler who types in "beer wholesaler" on the ABC licensing web page will be provided both the list of required documents and the license application itself. The ABC license and renewal applications are no more than fill-in-the-blank forms that require no legal analysis or legal advice.

In performing these services for its customers, our client acts merely as a scrivener, performing the ministerial act of taking information provided by its customers and transferring it verbatim into ABC forms that are "selected" by the ABC itself through its website. At no point does our client apply legal principles to facts in providing these services to its customers.

We hereby request that you revise the answer to the second question in the proposed UPL to make clear that it does not constitute the unauthorized practice of law for the hypothetical lay consulting firm to fill out the appropriate form or forms selected automatically by the ABC website by inserting only the information specifically provided by its customers for that purpose.

We have no comments on the first and third questions posed and answered by the proposed UPL opinion.

Thank you for your consideration.

Sincerely,

dhf- 4tt7 e,, IV

Wyatt S. Beazley, IV

From: attyabeg@aol.com
To: [publiccomment](#)
Subject: EXTERNAL SENDER Public Comment on Proposed UPL 219
Date: Monday, February 27, 2023 4:58:34 PM

You don't often get email from attyabeg@aol.com. [Learn why this is important](#)

Upon review of the Proposal, I have to ask what fool suggested it. It takes no common sense to conclude that opening up a controlled industry (both at the Federal and state level) to non-lawyers opens up issues that we don't need. I have no financial interest in the proposal either way, but common sense tells me; also having investigated that industry when in Federal Government, that it is rife with problems. Lawyers, guided by the professional ethics, bring a modicum of security to the table. Thank you.

August Bequai, Esq.
Law Office of August Bequai
1750 Tysons Blvd., Suite 1500
McLean, VA 22102
Tel.: (703) 893-4806
Fax: (703) 388-0648
attyabeg@aol.com

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COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

June 9, 2023

Emily F. Hedrick
Ethics Counsel
Virginia State Bar
1111 East Main Street, Suite 700
Richmond, Virginia 23219

Re: Proposed UPL Opinion 219 – Non-Lawyer Entity Representation in Practice Before State Agency

Dear Ms. Hedrick:

I have reviewed the above-referenced proposed Unauthorized Practice of Law Opinion and submit the following comments pursuant to Part Six, Section IV, ¶10-2(D) of the Rules of the Supreme Court of Virginia, which provides that the Virginia State Bar shall seek comment from the Attorney General's Office about any restraint on competition that may result from promulgation and implementation of a proposed opinion.

Proposed Unauthorized Practice of Law Opinion 219 ("the Proposed Opinion") addresses whether it is the unauthorized practice of law for a non-lawyer consulting business to advise clients regarding interpretation and application of Virginia Alcohol Beverage Control ("ABC") laws and regulations, assist clients with preparation of ABC license applications, represent clients before the ABC Board, or employ a lawyer to advise clients of the consulting business regarding the client's legal questions relating to ABC procedure.

I have examined the Proposed Opinion for restraints on competition that it may impose. The Proposed Opinion restricts non-lawyers from representing licensees and licensee applicants in hearings before the ABC Board and restricts lay consulting firms from providing advice to licensees and licensee applicants regarding the legal requirements and procedures for obtaining or

maintaining an ABC license, regardless of whether those lay consulting firms have retained a lawyer for the purpose of providing legal services to their clients. These restrictions exclude non-lawyers from providing legal services and, therefore, necessarily restrain competition. Nevertheless, the restrictions are consistent with Part Six, Section I of the Rules of the Supreme Court of Virginia, which seek to protect the public from the practice of law by individuals lacking the necessary training and education. I note that any restraint on competition imposed by enforcement of the Proposed Opinion, once approved by the Supreme Court of Virginia, may be immunized from liability under state and federal antitrust law by the “state-action immunity” doctrine first enunciated in *Parker v. Brown*, 317 U.S. 341 (1943) and specifically applied to decisions of state supreme courts in *Hoover v. Ronwin*, 466 U.S. 558, 567-569 (1984).¹

Sincerely,

/s/ Tyler T. Henry

Tyler T. Henry
Assistant Attorney General
Antitrust Unit

¹ The United States Supreme Court affirmed this view as recently as 2015 in *North Carolina State Board of Dental Examiners v. FTC*, 574 U.S. 494, 504 (2015) (“[D]ecision[s] of a state supreme court, acting legislatively rather than judicially . . . are exempt from the operation of the antitrust laws’ because they are an undoubted exercise of state sovereign authority.”) (quoting *Hoover*, 466 U.S. at 567-568).

**MINUTES OF THE VIRGINIA STATE BAR
COUNCIL MEETING**

Date: June 15, 2023, 9:00 am
Location: Hilton Oceanfront Hotel, 3001 Atlantic Avenue, Virginia Beach

The VSB Council met in-person on Thursday, June 15, 2023. At 9:15 a.m., President Stephanie E. Grana called the meeting to order. Sixty-five (65) Council members attended in-person satisfying Pt. 6., § IV, Para. 7 of the Rules of the Supreme Court of Virginia. There was no remote participation.

President Stephanie E. Grana	Member Susan M. Butler
President-elect Chidi I. James	Member Gary V. Davis
Immediate Past President Jay B. Myerson	Member Kyung “Kathryn” N. Dickerson
Member D.J. Hansen	Member Brian C. Drummond
Member Ryan G. Ferguson	Member Carly J. Hart
Member Naveed Kalantar	Member Sandra L. Havrilak
Member Bretta Zimmer Lewis	Member Tamika D. Jones
Member Matthew R. Foster	Member Nathan J. Olson
Member Charlene A. Moring	Member Luis A. Perez
Member Corrynn J. Peters	Member Debra L. Powers
Member Derek A. Davis	Member Susan M. Pesner
Member Benjamin M. Mason	Member Robert B. “Bob” Walker
Member Veronica E. Meade	Member Michael M. York
Member Susan B. Tarley	Member R. Penn Bain
Member E. M. Wright, Jr.	Member Susan F. Pierce
Member P. George Eliades II	Member G. Andrew Hall
Member Timothy R. Baskerville	Member Daniel P. Frankl
Member Mark D. Dix	Member Kevin W. Holt
Member Cullen D. Seltzer	Member William T. Wilson
Member Neil S. Talegaonkar	Member Peter K. McDermott II
Member Samuel T. Towell	Member Bruce H. Russell II
Member Henry I. Willett III	Member Anna B. Bristle
Member Craig B. Davis	Member at Large James W. Hundley
Member Thomas A. Edmonds	Member at Large Molly E. Newton
Member Allen F. Bareford	Member at Large Lonnie D. “Chip” Nunley III
Member Richard H. Howard-Smith	Member at Large Joanna L. Suyes
Member Ann Marie Park	Member at Large Nicole E. Upshur
Member Carole H. Capsalis	Member at Large David P. Weber
Member G. L. “Rex” Flynn, Jr.	Member at Large Lisa A. Wilson
Member David E. Sher	CLSBA Chair Luis A. Perez
Member Nicholas J. Gehrig	Senior Lawyer Conference Chair Gary C. Hancock
Member Sebastian M. Norton	Diversity Conference Chair Alicia R. Johnson
Member Todd A. Pilot	

Absent:

Member W. Grant Back
Member D. Sue Baker
Member Eugene N. Butler
Member W. Huntington "Hunter" Byrnes, Sr.
Member Bradley D. Fleming
Member Stephen K. Gallagher
Member Jennifer S. Golden
Member Shaun R. Huband
Member Adam M. Krischer
Member Neil S. Lowenstein
Member Joel R. McClellan
Member at Large Lenard T. "Len" Myers, Jr.
Member Debra L. Powers
Member Thomas G. Shaia
Member at Large Patricia E. Smith
Member Susheela Varky
Young Lawyer's Conference President Craig E. Ellis

Council Guests - 2023-24 Council Members

Circuit 2 Jeremiah A. "Jake" Denton IV
Circuit 4 W. Caswell Richardson
Circuit 19 Chidinma U. Harley
Circuit 19 Gina L. Schaecher
Circuit 19 Gobind S. Sethi
Circuit 24 Hope R. Townes
Circuit 25 D. Brian Richardson

Council Invitees:

Valerie O'Brien Virginia Trial Lawyers Association
K. Danielle Payne Virginia Association of Criminal Defense Lawyers

Also attending:

Cameron M. Rountree VSB Executive Director and Chief Operating Officer
Janet P. Van Cuyk VSB Deputy Executive Director
Renu M. Brennan VSB Bar Counsel
Vivian R. Byrd VSB Deputy Clerk
Marni E. Byrum VSB Special Committee on Rules and Procedures chair
Sylvia S. Daniel VSB Assistant to the Deputy Executive Director
DaVida M. Davis VSB Director of Regulatory Compliance
Emily F. Hedrick VSB Ethics Counsel
Crystal T. Hendrick VSB Director of Finance and Procurement
R. Braxton Hill IV VSB Committee on Lawyer Discipline chair
Shawne D. Moore VSB Assistant to the Executive Director
Caryn B. Persinger VSB Director of Communications

I. Reports and Information Items

A. President's Report

Stephanie Grana reported on her activities. The June 2023 President's Report was included in the materials provided to Council.

B. Executive Director's Report

Cameron Rountree reported on matters relating to the VSB. The Executive Director's June 2023 written report was included in the materials provided to Council.

C. Financial Report

Crystal Hendrick presented the April 2023 financial report. The Financial Report as of April 30, 2023 was included in the materials provided to Council.

D. Bar Counsel Report

Renu Brennan reported on the activities in the Office of Bar Counsel. The Disciplinary System report dated June 12, 2023 was included in the materials provided to Council.

E. Conference of Local & Specialty Bar Associations Report

Chair Luis Perez reported on the activities of the Conference of Local & Specialty Bar Associations. His written report was included in the materials provided to Council.

F. Diversity Conference Report

Chair Alicia Johnson reported on the activities of the Diversity Conference. The Report of the Diversity Conference dated June 2023 was included in the materials provided to Council.

G. Senior Lawyers Conference Report

Chair Gary Hancock reported on the activities of the Senior Lawyers Conference. The Report of the Senior Lawyers Conference dated May 10, 2023 was included in the materials provided to Council.

H. Young Lawyer Conference Report

Alicia Johnson presented the YLC President's Report dated May 2023. A copy of the report was included in the materials provided to Council.

I. Virginia Judges and Lawyers Assistance Program Report

Timothy R. Carroll, Executive Director of the Virginia Judges and Lawyers Assistance Program, provided an executive summary of the activities of the program since the last report to Council on June 16, 2022. A written report was included in the materials provided to Council.

II. Action Items

A. Minutes of the February 25, 2023 Meeting

A motion was made by Chidi James and seconded by Michael York, to amend the minutes to add David P. Weber, and all members who were present at the February 25, 2023 meeting to the list of Council members in attendance. The motion passed and Council approved the minutes of the February 25, 2023 meeting. Members Gary Davis, Thomas Edmonds and D.J. Hansen voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

B. Paragraph 13 Changes re Three-Judge Circuit Courts

R. Braxton Hill IV presented a summary review of the proposed Paragraph 13 Changes re Three-Judge Circuit Courts. A copy of the memo dated May 31, 2023, from Bar Counsel and Senior Assistant Bar Counsel, re: the Committee on Lawyer Discipline’s proposed changes to the Rules of Supreme Court of Virginia Part Six, Section IV, Paragraph 13 to provide a specific mechanism for respondents to elect a three-judge panel in all disciplinary proceedings was included in the materials provided to Council. Renu Brennan also referenced and provided a copy of an email with a public comment from Randy V. Cargill, Assistant Federal Public Defender, Western District of Virginia, dated and time stamped June 13, 2023 4:32 PM. After a discussion, a motion was made by Chidi James and seconded by Bruce Russell, to vote to forward the recommendations of the Committee on Lawyer Discipline to the Supreme Court. Council voted in favor of the proposed amendments. The motion passed and Council approved sending the recommendations to the Supreme Court. Member Thomas Edmonds voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

C. Approval of Disciplinary District Committee appointments

Cameron Rountree presented the 2023-2024 nominees for Disciplinary District Committees. A copy of the June 2023 report as amended with additional nominees was included. A motion was made by Bruce Russell and seconded by Jay Myerson, to vote to approve the slate of nominees, as amended. The motion passed and Council approved the slate of nominees, as amended. Members D. J. Hansen and Thomas Edmonds voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

- First District Committee
 - Attorneys
 - Robert C. Barclay IV
 - Nancy G. Parr
 - Non-Attorneys
 - Phil Johnson
 - Ann W. Templeman
- Second District Committee, Section I

- Attorneys
 - Gordon C. Ufkes
- Non-Attorneys
 - Lewis J. Georges
 - Lloyd Petersen
 - Zoah Scheneman
- Second District Committee, Section II
 - Attorneys
 - Solomon H. Ashby, Jr.
 - Jessica H. Dixon
 - Patrick L. Maurer
 - Shannon Twohig
 - Non-Attorneys
 - Sarah B. Stedfast
- Third District Committee, Section I
 - Attorneys
 - Mary Katherine Martin
 - Non-Attorneys
 - Gordon R. Hickey
 - Garrison M. Hickman
 - R. Douglas Robbins
- Third District Committee, Section II
 - Attorneys
 - Matthew G. Howells
 - Julie E. McConnell
 - Non-Attorneys
 - Vanessa Griggs
- Third District Committee, Section III
 - Attorneys
 - Dennis R. Kiker
 - Tracy E. Paner
 - Brewster S. Rawls
 - Non-Attorneys
 - Elizabeth Chancy
 - Barbara S. Lanier
- Fourth District Committee, Section I
 - Attorneys
 - Allison H. Carpenter
 - Gregory J. Golden
 - Robert T. Hicks
 - Non-Attorneys
 - Roxan Ordal
- Fourth District Committee, Section II

- Attorneys
 - Michelle Bartoli-Cain
 - Samuel C. Moore
 - Sean A. O. Sherlock
- Non-Attorneys
 - Jennifer J. Krischer
- Fifth District Committee, Section I
 - Attorneys
 - David E. Bateman
 - Tara J. Mooney
 - Andrea C. Weiss-Bryk
- Fifth District Committee, Section II
 - Attorneys
 - Lauren A. D'Agostino
 - Richard B. Orsino
 - Brandon R. Sloane
 - Non-Attorneys
 - Courtney Reheiser
 - Jeffrey A. Skigen
- Fifth District Committee, Section III
 - Attorneys
 - Kristen L. Kugel
 - Matthew P. Tsun
 - Non-Attorneys
 - Barbara W. Hutto
- Sixth District Committee
 - Attorneys
 - Jane S. Chambers
 - Gary D. Godman
 - John Tarley, Jr.
 - Non-Attorneys
 - David Fagiano
- Seventh District Committee
 - Attorneys
 - Bret M. Reed
 - Ryan D. Ruzic
 - Non-Attorneys
 - Matt Caesar
 - Kimberly Gregg
- Eighth District Committee
 - Attorneys
 - James W. Curd
 - Vicki L. Francois

- Non-Attorneys
 - Eric W. Bond
 - Charles S. Coulter
- Ninth District Committee
 - Attorneys
 - Kemper M. Beasley III
 - Greg T. Haymore
 - Michael C. Keenan
 - Non-Attorneys
 - Sharlene Howell
 - Thomas J. Miles III
- Tenth District Committee, Section I
 - Attorneys
 - Phillip L. Blevins
 - Anthony D. Covington
 - Alexandra D. Goodpaster
- Tenth District Committee, Section II
 - Attorneys
 - Chase D. Collins
 - Aaron M. Gillespie
 - Non-Attorneys
 - Connie Comer
 - Jenny Nichols

D. UPL Opinion 219

Michael York presented a memo from Ethics Counsel to the Executive Committee for Proposed UPL Opinion 219 – Non-Lawyer Entity Representation in Practice Before State Agency. A copy of the memo dated June 15, 2023 and Draft Opinion – 3/1/2023 were included in the materials provided to Council. After a discussion, a motion was made by Chidi James and seconded by Jay Myerson, to vote to accept the recommendations of the Ethics Committee and forward the memo and draft opinion to the Supreme Court. The motion passed and Council voted to forward the memo and draft opinion to the Supreme Court. Member Thomas Edmonds voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

E. Proposed Changes to the Bylaws of the VSB and VSB Council

Marni Byrum presented the Proposed amendments to Part I, Article V, Section 1 of the Bylaws of the VSB and Part II, Article VI of the Bylaws of the VSB Council. A copy of the memorandum dated June 5, 2023 from the Special Committee on Rules and Procedures was included in the materials provided to Council. After a discussion, the proposed changes to Part I (Bylaws of the Virginia State Bar), Article V, Section 1 were withdrawn by the Special Committee on Rules and Procedures.

Part II (Bylaws of the Council of the Virginia State Bar), Article VI (Executive Committee), Section 3

After comments from members Thomas Edmonds, Sandra Havrilak, Susan Pesner and Susan Tarley, member Debra Powers offered an amendment to the proposed changes. A motion to adopt the proposed amendment and approve the proposed changes as amended, to Part II, Article V, Section 3, was made by Chidi James and seconded by Jay Myerson. The motion passed and Council adopted the proposed changes, as amended by the requisite two-third threshold required to amend the bylaws and approved sending the proposed changes to the Supreme Court. Two (2) members Thomas Edmonds and Susan Pesner voted “no” verbally, and one (1) member Susan Pierce voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

Part II (Bylaws of the Council of the Virginia State Bar), Article VI (Executive Committee), Section 4

A motion was made by Jay Myerson and seconded by Bruce Russell to amend subsection (i) to add language allowing the president to serve on the performance review subcommittee or appoint a designee. The motion passed and Council adopted the proposed changes, as amended by the requisite two-third threshold required to amend the bylaws and approved sending the proposed changes to the Supreme Court. One (1) member Thomas Edmonds voted “no” verbally, and one (1) member Neil Talegaonkar voted “yes” verbally. All other members voted using the electronic Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

F. Approval of Resolutions Honoring Stephanie E. Grana and Law Firm Cantor Grana Buckner Bucci, P. C.

Chidi James presented resolutions dated June 15, 2023 to Stephanie E. Grana to honor her for her outstanding service as the 84th president of the Virginia State Bar, and to Cantor Grana Buckner Bucci, P.C. to express gratitude to the members of the firm for their contributions to the Virginia State Bar. Copies of the resolutions were included in the materials provided Council. A motion was made by Michael York and seconded by Jay Myerson, to vote to approve both resolutions. The motion passed unanimously, and Council approved both resolutions. Council members verbally voted “yes” in favor of both resolutions.

At 12:04 p.m. the meeting was adjourned.

**A. Do you approve of the minutes
from the February 25, 2023 meeting
as amended?**

Screen name	Participant ID	A. Do you approve of the minutes from the February 25, 2023 meeting as amended?	Received at (CDT)
Robert B. Walker	888280	Yes	6/15/2023 9:39
Kevin W. Holt	951778	Yes	6/15/2023 9:39
Susan Pierce	43168	Yes	6/15/2023 9:39
Corrynn Peters	964991	Yes	6/15/2023 9:39
Matt Foster	888460	Yes	6/15/2023 9:39
Peter McDermott	1018836	Yes	6/15/2023 9:39
Ann Marie Park	790178	Yes	6/15/2023 9:39
David Sher	880216	Yes	6/15/2023 9:39
Bill Wilson	556802	Yes	6/15/2023 9:39
Anna Bristle	389645	Yes	6/15/2023 9:39
Gary Hancock	608703	Yes	6/15/2023 9:39
Lisa Wilson	424758	Yes	6/15/2023 9:39
Molly Newton	449101	Yes	6/15/2023 9:39
Carole capsalis	771673	Yes	6/15/2023 9:39
Alicia Johnson	494621	Yes	6/15/2023 9:39
Chidi James	821695	Yes	6/15/2023 9:39
Daniel P. Frankl	959741	Yes	6/15/2023 9:39
Jay Myerson	826635	Yes	6/15/2023 9:39
Nicole Upshur	838593	Yes	6/15/2023 9:39
Craig Davis	1007062	Yes	6/15/2023 9:39
Luis Perez	159131	Yes	6/15/2023 9:39
Nathan Olson	949984	Yes	6/15/2023 9:39
DJ Hansen	40075		
Ryan Ferguson	1032534	Yes	6/15/2023 9:39
K. Dickerson	319034	Yes	6/15/2023 9:39
Benjamin M. Mason	831082	Yes	6/15/2023 9:39
Tamika Jones	857536	Yes	6/15/2023 9:39
Naveed Kalantar	695856	Yes	6/15/2023 9:39
Susan Pesner	885565	Yes	6/15/2023 9:39
Richard Howard-Smith	934381	Yes	6/15/2023 9:39
Michael York	930989	Yes	6/15/2023 9:39
Charlene A Morring	197403	Yes	6/15/2023 9:39
Sandra Havrilak	592677	Yes	6/15/2023 9:39
David Weber	822273	Yes	6/15/2023 9:39
Carly Hart	491798	Yes	6/15/2023 9:39
Nick Gehrig	107147	Yes	6/15/2023 9:39
Allen Bareford	902000	Yes	6/15/2023 9:39
Susan Butler	398412	Yes	6/15/2023 9:39
Sam Towell	220725	Yes	6/15/2023 9:39
Neil Talegaonkar	769716	Yes	6/15/2023 9:39
Brian Drummond	992888	Yes	6/15/2023 9:39
Susan Tarley	176608	Yes	6/15/2023 9:39

**A. Do you approve of the minutes
from the February 25, 2023 meeting
as amended?**

Screen name	Participant ID	A. Do you approve of the minutes from the February 25, 2023 meeting as amended?	Received at (CDT)
Debra Powers	662073	Yes	6/15/2023 9:39
Henry I. Willett III	858557	Yes	6/15/2023 9:39
Jim Hundley	557609	Yes	6/15/2023 9:39
Veronica Meade	563421	Yes	6/15/2023 9:39
Stephanie Grana	985474	Yes	6/15/2023 9:39
Mark Dix	960384	Yes	6/15/2023 9:39
George Eliades	50967	Yes	6/15/2023 9:39
Derek Davis	93425	Yes	6/15/2023 9:39
Rex Flynn	191022	Yes	6/15/2023 9:39
Sebastian Norton	798368	Yes	6/15/2023 9:39
Penn Bain	607222	Yes	6/15/2023 9:39
Cullen D. Seltzer	330089	Yes	6/15/2023 9:39
Tim Baskerville	873408	Yes	6/15/2023 9:39
e m wright jr	981863	Yes	6/15/2023 9:39
Joanna Suyes	281068	Yes	6/15/2023 9:39
Bruce Russell	967357	Yes	6/15/2023 9:39
Todd Pilot	6924	Yes	6/15/2023 9:39
G. Andrew Hall	1008700		
Gary Davis	884729		
Chip nunley	125445		
Bretta Lewis	701150		

B. Do you approve the amendments to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraphs 13-16.BB, 13-18.O, 13-20, 13-25, and 13-29, adding specific mechanisms for Respondents to demand three-judge panels in disciplinary proceedings?

Screen name	Participant ID		Received at (CDT)
Robert B. Walker	888280	Yes	6/15/2023 9:48
Kevin W. Holt	951778	Yes	6/15/2023 9:48
Susan Pierce	43168	Yes	6/15/2023 9:48
Corrynn Peters	964991	Yes	6/15/2023 9:48
Matt Foster	888460	Yes	6/15/2023 9:48
Peter McDermott	1018836	Yes	6/15/2023 9:48
Ann Marie Park	790178	Yes	6/15/2023 9:48
David Sher	880216	Yes	6/15/2023 9:48
Bill Wilson	556802	Yes	6/15/2023 9:48
Anna Bristle	389645	Yes	6/15/2023 9:48
Gary Hancock	608703	Yes	6/15/2023 9:48
Lisa Wilson	424758	Yes	6/15/2023 9:48
Molly Newton	449101	Yes	6/15/2023 9:49
Carole capsalis	771673	Yes	6/15/2023 9:48
Alicia Johnson	494621	Yes	6/15/2023 9:48
Chidi James	821695	Yes	6/15/2023 9:48
Daniel P. Frankl	959741	Yes	6/15/2023 9:48
Jay Myerson	826635	Yes	6/15/2023 9:48
Nicole Upshur	838593	Yes	6/15/2023 9:48
Craig Davis	1007062	Yes	6/15/2023 9:48
Luis Perez	159131	Yes	6/15/2023 9:48
Nathan Olson	949984	Yes	6/15/2023 9:49
DJ Hansen	40075	Yes	6/15/2023 9:48
Ryan Ferguson	1032534	Yes	6/15/2023 9:48
K. Dickerson	319034	Yes	6/15/2023 9:48
Benjamin M. Mason	831082	Yes	6/15/2023 9:48
Tamika Jones	857536	Yes	6/15/2023 9:48
Naveed Kalantar	695856	Yes	6/15/2023 9:48
Susan Pesner	885565	Yes	6/15/2023 9:48
Richard Howard-Smith	934381	Yes	6/15/2023 9:48
Michael York	930989		
Charlene A Morring	197403	Yes	6/15/2023 9:48
Sandra Havrilak	592677	Yes	6/15/2023 9:48
David Weber	822273	Yes	6/15/2023 9:48
Carly Hart	491798	Yes	6/15/2023 9:48
Nick Gehrig	107147	Yes	6/15/2023 9:48
Allen Bareford	902000	Yes	6/15/2023 9:48

B. Do you approve the amendments to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraphs 13-16.BB, 13-18.O, 13-20, 13-25, and 13-29, adding specific mechanisms for Respondents to demand three-judge panels in disciplinary proceedings?

Screen name	Participant ID		Received at (CDT)
Susan Butler	398412	Yes	6/15/2023 9:48
Sam Towell	220725	Yes	6/15/2023 9:48
Neil Talegaonkar	769716	Yes	6/15/2023 9:48
Brian Drummond	992888	Yes	6/15/2023 9:48
Susan Tarley	176608	Yes	6/15/2023 9:48
Debra Powers	662073	Yes	6/15/2023 9:48
Henry I. Willett III	858557	Yes	6/15/2023 9:48
Jim Hundley	557609	Yes	6/15/2023 9:48
Veronica Meade	563421	Yes	6/15/2023 9:48
Stephanie Grana	985474	Yes	6/15/2023 9:48
Mark Dix	960384	Yes	6/15/2023 9:48
George Eliades	50967	Yes	6/15/2023 9:48
Derek Davis	93425	Yes	6/15/2023 9:48
Rex Flynn	191022	Yes	6/15/2023 9:48
Sebastian Norton	798368	Yes	6/15/2023 9:48
Penn Bain	607222	Yes	6/15/2023 9:48
Cullen D. Seltzer	330089	Yes	6/15/2023 9:48
Tim Baskerville	873408	Yes	6/15/2023 9:48
e m wright jr	981863	Yes	6/15/2023 9:48
Joanna Suyes	281068	Yes	6/15/2023 9:48
Bruce Russell	967357	Yes	6/15/2023 9:48
Todd Pilot	6924	Yes	6/15/2023 9:48
G. Andrew Hall	1008700	Yes	6/15/2023 9:48
Gary Davis	884729	Yes	6/15/2023 9:48
Chip nunley	125445	Yes	6/15/2023 9:49
Bretta Lewis	701150		

Screen name	Participant ID	C: Do you approve of the proposed slate of district committee appointments?	Received at (CDT)
Robert B. Walker	888280	Yes	6/15/2023 9:54
Kevin W. Holt	951778	Yes	6/15/2023 9:54
Susan Pierce	43168	Yes	6/15/2023 9:54
Corrynn Peters	964991	Yes	6/15/2023 9:55
Matt Foster	888460	Yes	6/15/2023 9:54
Peter McDermott	1018836	Yes	6/15/2023 9:54
Ann Marie Park	790178	Yes	6/15/2023 9:54
David Sher	880216	Yes	6/15/2023 9:54
Bill Wilson	556802	Yes	6/15/2023 9:54
Anna Bristle	389645	Yes	6/15/2023 9:54
Gary Hancock	608703	Yes	6/15/2023 9:54
Lisa Wilson	424758	Yes	6/15/2023 9:54
Molly Newton	449101	Yes	6/15/2023 9:55
Carole capsalis	771673	Yes	6/15/2023 9:54
Alicia Johnson	494621	Yes	6/15/2023 9:54
Chidi James	821695	Yes	6/15/2023 9:54
Daniel P. Frankl	959741	Yes	6/15/2023 9:54
Jay Myerson	826635	Yes	6/15/2023 9:54
Nicole Upshur	838593	Yes	6/15/2023 9:54
Craig Davis	1007062	Yes	6/15/2023 9:54
Luis Perez	159131	Yes	6/15/2023 9:54
Nathan Olson	949984	Yes	6/15/2023 9:54
DJ Hansen	40075		
Ryan Ferguson	1032534	Yes	6/15/2023 9:54
K. Dickerson	319034	Yes	6/15/2023 9:55
Benjamin M. Mason	831082	Yes	6/15/2023 9:54
Tamika Jones	857536	Yes	6/15/2023 9:55
Naveed Kalantar	695856	Yes	6/15/2023 9:55
Susan Pesner	885565	Yes	6/15/2023 9:54
Richard Howard-Smith	934381	Yes	6/15/2023 9:54
Michael York	930989	Yes	6/15/2023 9:54
Charlene A Morring	197403	Yes	6/15/2023 9:54
Sandra Havrilak	592677	Yes	6/15/2023 9:54
David Weber	822273	Yes	6/15/2023 9:54
Carly Hart	491798	Yes	6/15/2023 9:54
Nick Gehrig	107147	Yes	6/15/2023 9:54
Allen Bareford	902000		
Susan Butler	398412	Yes	6/15/2023 9:54
Sam Towell	220725	Yes	6/15/2023 9:55
Neil Talegaonkar	769716	Yes	6/15/2023 9:54
Brian Drummond	992888	Yes	6/15/2023 9:54
Susan Tarley	176608		

Screen name	Participant ID	C: Do you approve of the proposed slate of district committee appointments?	Received at (CDT)
Debra Powers	662073	Yes	6/15/2023 9:54
Henry I. Willett III	858557	Yes	6/15/2023 9:55
Jim Hundley	557609	Yes	6/15/2023 9:54
Veronica Meade	563421	Yes	6/15/2023 9:54
Stephanie Grana	985474	Yes	6/15/2023 9:54
Mark Dix	960384	Yes	6/15/2023 9:54
George Eliades	50967	Yes	6/15/2023 9:55
Derek Davis	93425	Yes	6/15/2023 9:54
Rex Flynn	191022	Yes	6/15/2023 9:55
Sebastian Norton	798368	Yes	6/15/2023 9:54
Penn Bain	607222	Yes	6/15/2023 9:54
Cullen D. Seltzer	330089	Yes	6/15/2023 9:54
Tim Baskerville	873408	Yes	6/15/2023 9:54
e m wright jr	981863	Yes	6/15/2023 9:54
Joanna Suyes	281068	Yes	6/15/2023 9:54
Bruce Russell	967357	Yes	6/15/2023 9:55
Todd Pilot	6924	Yes	6/15/2023 9:55
G. Andrew Hall	1008700	Yes	6/15/2023 9:54
Gary Davis	884729	Yes	6/15/2023 9:55
Chip nunley	125445	Yes	6/15/2023 9:55
Bretta Lewis	701150		

**D. Do you concur that the
conduct in proposed Opinion
219 constitutes the**

Screen name	Participant ID	unauthorized practice of law?	Received at (CDT)
Robert B. Walker	888280	Yes	6/15/2023 10:00
Kevin W. Holt	951778	Yes	6/15/2023 10:00
Susan Pierce	43168	Yes	6/15/2023 10:00
Corrynn Peters	964991	Yes	6/15/2023 10:00
Matt Foster	888460	Yes	6/15/2023 10:00
Peter McDermott	1018836	Yes	6/15/2023 10:00
Ann Marie Park	790178	Yes	6/15/2023 10:00
David Sher	880216	Yes	6/15/2023 10:00
Bill Wilson	556802	Yes	6/15/2023 10:00
Anna Bristle	389645	Yes	6/15/2023 10:00
Gary Hancock	608703	Yes	6/15/2023 10:00
Lisa Wilson	424758	Yes	6/15/2023 10:00
Molly Newton	449101	Yes	6/15/2023 10:00
Carole capsalis	771673	Yes	6/15/2023 10:00
Alicia Johnson	494621	Yes	6/15/2023 10:00
Chidi James	821695	Yes	6/15/2023 10:00
Daniel P. Frankl	959741	Yes	6/15/2023 10:00
Jay Myerson	826635	Yes	6/15/2023 10:00
Nicole Upshur	838593	Yes	6/15/2023 10:00
Craig Davis	1007062	Yes	6/15/2023 10:00
Luis Perez	159131	Yes	6/15/2023 10:00
Nathan Olson	949984	Yes	6/15/2023 10:00
DJ Hansen	40075	Yes	6/15/2023 10:00
Ryan Ferguson	1032534	Yes	6/15/2023 10:00
K. Dickerson	319034	Yes	6/15/2023 10:00
Benjamin M. Mason	831082	Yes	6/15/2023 10:00
Tamika Jones	857536	Yes	6/15/2023 10:00
Naveed Kalantar	695856	Yes	6/15/2023 10:00
Susan Pesner	885565	Yes	6/15/2023 10:00
Richard Howard-Smith	934381	Yes	6/15/2023 10:00
Michael York	930989	Yes	6/15/2023 10:00
Charlene A Morring	197403	Yes	6/15/2023 10:00
Sandra Havrilak	592677	Yes	6/15/2023 10:00
David Weber	822273	Yes	6/15/2023 10:00
Carly Hart	491798	Yes	6/15/2023 10:00
Nick Gehrig	107147	Yes	6/15/2023 10:00
Allen Bareford	902000	Yes	6/15/2023 10:00
Susan Butler	398412	Yes	6/15/2023 10:00

Screen name	Participant ID	D. Do you concur that the conduct in proposed Opinion 219 constitutes the unauthorized practice of law?	Received at (CDT)
Sam Towell	220725	Yes	6/15/2023 10:00
Neil Talegaonkar	769716	Yes	6/15/2023 10:00
Brian Drummond	992888	Yes	6/15/2023 10:00
Susan Tarley	176608	Yes	6/15/2023 10:00
Debra Powers	662073	Yes	6/15/2023 10:00
Henry I. Willett III	858557	Yes	6/15/2023 10:00
Jim Hundley	557609	Yes	6/15/2023 10:00
Veronica Meade	563421	Yes	6/15/2023 10:00
Stephanie Grana	985474	Yes	6/15/2023 10:00
Mark Dix	960384	Yes	6/15/2023 10:00
George Eliades	50967	Yes	6/15/2023 10:00
Derek Davis	93425	Yes	6/15/2023 10:00
Rex Flynn	191022	Yes	6/15/2023 10:00
Sebastian Norton	798368	Yes	6/15/2023 10:00
Penn Bain	607222	Yes	6/15/2023 10:00
Cullen D. Seltzer	330089	Yes	6/15/2023 10:00
Tim Baskerville	873408	Yes	6/15/2023 10:00
e m wright jr	981863	Yes	6/15/2023 10:00
Joanna Suyes	281068	Yes	6/15/2023 10:00
Bruce Russell	967357	Yes	6/15/2023 10:00
Todd Pilot	6924	Yes	6/15/2023 10:00
G. Andrew Hall	1008700	Yes	6/15/2023 10:00
Gary Davis	884729		
Chip nunley	125445		
Bretta Lewis	701150	Yes	6/15/2023 10:00

E1: Do you approve of the amendments to Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 3, regarding the authority of the Executive Committee to employ and review VSB staff?

Screen name	Participant ID	Received at (CDT)
Robert B. Walker	888280	6/15/2023 10:09
Kevin W. Holt	951778	6/15/2023 10:09
Susan Pierce	43168	
Corrynn Peters	964991	6/15/2023 10:09
Matt Foster	888460	6/15/2023 10:09
Peter McDermott	1018836	6/15/2023 10:10
Ann Marie Park	790178	6/15/2023 10:09
David Sher	880216	6/15/2023 10:09
Bill Wilson	556802	6/15/2023 10:11
Anna Bristle	389645	
Gary Hancock	608703	6/15/2023 10:09
Lisa Wilson	424758	6/15/2023 10:09
Molly Newton	449101	6/15/2023 10:09
Carole capsalis	771673	6/15/2023 10:09
Alicia Johnson	494621	6/15/2023 10:09
Chidi James	821695	6/15/2023 10:09
Daniel P. Frankl	959741	6/15/2023 10:09
Jay Myerson	826635	6/15/2023 10:09
Nicole Upshur	838593	6/15/2023 10:09
Craig Davis	1007062	6/15/2023 10:09
Luis Perez	159131	6/15/2023 10:09
Nathan Olson	949984	6/15/2023 10:09
DJ Hansen	40075	6/15/2023 10:09
Ryan Ferguson	1032534	6/15/2023 10:09
K. Dickerson	319034	6/15/2023 10:09
Benjamin M. Mason	831082	6/15/2023 10:09
Tamika Jones	857536	6/15/2023 10:09
Naveed Kalantar	695856	6/15/2023 10:09
Susan Pesner	885565	
Richard Howard-Smith	934381	6/15/2023 10:09
Michael York	930989	6/15/2023 10:09
Charlene A Morring	197403	6/15/2023 10:09
Sandra Havrilak	592677	6/15/2023 10:10
David Weber	822273	6/15/2023 10:09
Carly Hart	491798	6/15/2023 10:09
Nick Gehrig	107147	6/15/2023 10:09

E1: Do you approve of the amendments to Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 3, regarding the authority of the Executive Committee to employ and review VSB staff?

Screen name	Participant ID	E1: Do you approve of the amendments to Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 3, regarding the authority of the Executive Committee to employ and review VSB staff?	Received at (CDT)
Allen Bareford	902000	Yes	6/15/2023 10:09
Susan Butler	398412	No	6/15/2023 10:10
Sam Towell	220725	Yes	6/15/2023 10:09
Neil Talegaonkar	769716	Yes	6/15/2023 10:09
Brian Drummond	992888	Yes	6/15/2023 10:09
Susan Tarley	176608	Yes	6/15/2023 10:09
Debra Powers	662073	Yes	6/15/2023 10:09
Henry I. Willett III	858557	Yes	6/15/2023 10:09
Jim Hundley	557609	Abstain	6/15/2023 10:09
Veronica Meade	563421	Yes	6/15/2023 10:09
Stephanie Grana	985474	Yes	6/15/2023 10:09
Mark Dix	960384	Yes	6/15/2023 10:09
George Eliades	50967	Yes	6/15/2023 10:09
Derek Davis	93425	Yes	6/15/2023 10:09
Rex Flynn	191022	Yes	6/15/2023 10:09
Sebastian Norton	798368	Yes	6/15/2023 10:09
Penn Bain	607222	Yes	6/15/2023 10:09
Cullen D. Seltzer	330089	Yes	6/15/2023 10:09
Tim Baskerville	873408	Yes	6/15/2023 10:09
e m wright jr	981863	Yes	6/15/2023 10:09
Joanna Suyes	281068	Yes	6/15/2023 10:09
Bruce Russell	967357	Yes	6/15/2023 10:09
Todd Pilot	6924	Abstain	6/15/2023 10:10
G. Andrew Hall	1008700	Yes	6/15/2023 10:09
Gary Davis	884729		
Chip nunley	125445	Yes	6/15/2023 10:10
Bretta Lewis	701150	Yes	6/15/2023 10:09

E2: Do you approve of the adoption of Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 4, regarding the Executive Committee's performance review of the VSB executive director (as moved and amended)?

Screen name	Participant ID	E2: Do you approve of the adoption of Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 4, regarding the Executive Committee's performance review of the VSB executive director (as moved and amended)?	Received at (CDT)
Robert B. Walker	888280	Yes	6/15/2023 10:53
Kevin W. Holt	951778	Yes	6/15/2023 10:53
Susan Pierce	43168	Yes	6/15/2023 10:54
Corrynn Peters	964991	Yes	6/15/2023 10:53
Matt Foster	888460	Yes	6/15/2023 10:53
Peter McDermott	1018836	Yes	6/15/2023 10:53
Ann Marie Park	790178	Yes	6/15/2023 10:53
David Sher	880216	Yes	6/15/2023 10:53
Bill Wilson	556802	Yes	6/15/2023 10:53
Anna Bristle	389645		
Gary Hancock	608703	Yes	6/15/2023 10:53
Lisa Wilson	424758		
Molly Newton	449101	No	6/15/2023 10:53
Carole capsalis	771673	Yes	6/15/2023 10:53
Alicia Johnson	494621	Yes	6/15/2023 10:53
Chidi James	821695	Yes	6/15/2023 10:53
Daniel P. Frankl	959741	Yes	6/15/2023 10:53
Jay Myerson	826635	Yes	6/15/2023 10:53
Nicole Upshur	838593	Yes	6/15/2023 10:53
Craig Davis	1007062	Yes	6/15/2023 10:53
Luis Perez	159131	Yes	6/15/2023 10:53
Nathan Olson	949984	Yes	6/15/2023 10:53
DJ Hansen	40075	Yes	6/15/2023 10:53
Ryan Ferguson	1032534	No	6/15/2023 10:53
K. Dickerson	319034	Yes	6/15/2023 10:54
Benjamin M. Mason	831082	Yes	6/15/2023 10:53
Tamika Jones	857536	No	6/15/2023 10:53
Naveed Kalantar	695856	Yes	6/15/2023 10:53
Susan Pesner	885565	No	6/15/2023 10:53
Richard Howard-Smith	934381	Yes	6/15/2023 10:54
Michael York	930989	Yes	6/15/2023 10:53
Charlene A Morring	197403	No	6/15/2023 10:53
Sandra Havrilak	592677	No	6/15/2023 10:53
David Weber	822273	Yes	6/15/2023 10:54
Carly Hart	491798	Yes	6/15/2023 10:53
Nick Gehrig	107147	Yes	6/15/2023 10:53

Screen name	Participant ID	E2: Do you approve of the adoption of Part II (Bylaws of the Council of the Virginia State Bar), Art. VI (Executive Committee), Sec. 4, regarding the Executive Committee's performance review of the VSB executive director (as moved and amended)?	Received at (CDT)
Allen Bareford	902000	No	6/15/2023 10:53
Susan Butler	398412	Yes	6/15/2023 10:54
Sam Towell	220725	No	6/15/2023 10:54
Neil Talegaonkar	769716		
Brian Drummond	992888	Yes	6/15/2023 10:53
Susan Tarley	176608	Yes	6/15/2023 10:53
Debra Powers	662073	Yes	6/15/2023 10:53
Henry I. Willett III	858557	Yes	6/15/2023 10:53
Jim Hundley	557609	Yes	6/15/2023 10:53
Veronica Meade	563421	Yes	6/15/2023 10:53
Stephanie Grana	985474	Yes	6/15/2023 10:53
Mark Dix	960384	Yes	6/15/2023 10:53
George Eliades	50967	No	6/15/2023 10:53
Derek Davis	93425	Yes	6/15/2023 10:53
Rex Flynn	191022	No	6/15/2023 10:53
Sebastian Norton	798368	Yes	6/15/2023 10:53
Penn Bain	607222	Yes	6/15/2023 10:53
Cullen D. Seltzer	330089	Yes	6/15/2023 10:53
Tim Baskerville	873408	Yes	6/15/2023 10:53
e m wright jr	981863	Yes	6/15/2023 10:53
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