

## **VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday, the 16th day of May, 2025.*

On March 6, 2025, came the Virginia State Bar, by Michael MacKager York, its President, and Cameron M. Rountree, its Executive Director and Chief Operating Officer, and presented to the Court a petition, approved by the Council of the Virginia State Bar, praying that Paragraph 3, Part Six, Section IV of the Rules of Court, be amended. The petition is approved, as modified by the Court, and Paragraph 3 is amended to read as follows:

### **3. Classes of Membership.**

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(f) Emeritus Members — A member of the Virginia State Bar may, upon request to the Virginia State Bar with the supporting materials specified in this subparagraph, become an emeritus member and provide exclusively pro bono legal services, as defined by Rule 6.1 of the Rules of Professional Conduct and its comments subject to the terms and conditions stated in this subparagraph. Emeritus members are not required to pay dues, cannot practice law except as specified in this subparagraph, and, except as members of the committees and sections, cannot vote or hold office in the Virginia State Bar.

At the time of requesting emeritus member status, a lawyer must be an active, associate, judicial, disabled, or retired member in good standing of the Virginia State Bar who (a) for a total of 10 years or more, either has been an active member of the Virginia State Bar or has practiced law in any U.S. jurisdiction; (b) has not been disciplined for professional misconduct by the bar or courts of any jurisdiction within the past 10 years; and (c) intends to provide exclusively pro bono services in association with one or more qualified legal services provider. A qualified legal services provider, for the purposes of this subparagraph, is a Virginia licensed legal aid society, or other not-for-profit entity, organized to provide and which does provide, in whole or in part, any of those legal services identified in Rule 6.1 in Virginia.

An emeritus member agrees to neither ask for nor receive any compensation of any kind from the client, except for out-of-pocket expenses, for the legal services to be rendered under this subparagraph. The prohibition against compensation of an emeritus member does not prevent the

qualified legal services provider from reimbursing the emeritus member for actual expenses incurred while rendering services under this subparagraph nor does it prevent the qualified legal services provider from charging for its services as it may otherwise properly charge. The qualified legal services provider is authorized to receive all court-awarded attorney's fees for any representation rendered by an emeritus member.

An emeritus member, in association with the qualified legal services provider with which the member is affiliated, is authorized to practice law on behalf of current clients of the qualified legal services provider.

(1) Certification. Each year, an emeritus member must file with the Virginia State Bar a certification of affiliation for each qualified legal services provider with which the member will be affiliated. The certification must include whether the emeritus member is covered by professional liability insurance. Emeritus members must provide the annual certification to the Virginia State Bar within 60 days of receiving the renewal request from the Virginia State Bar. Failure to timely certify will result in the emeritus member's status being changed to "Not In Good Standing" and the emeritus member's authorization to practice law under this paragraph will be administratively suspended.

(2) Membership Requirements. In order to practice law under this paragraph, a member must comply with the membership requirements prescribed in Paragraph 3 of Part 6, Section IV of the Rules of the Supreme Court of Virginia, including, but not limited to, disabled and retired members petitioning for reinstatement as required herein. Emeritus members must comply with the mandatory continuing legal education requirements for active members as provided in paragraph 17. Additionally, emeritus members must comply with all requirements set forth in Part 6, Section IV of the Rules of the Supreme Court of Virginia with the exception that they are not required to pay dues and other fees, nor comply with the certification requirements in Paragraph 18.

(3) Change of Membership. An emeritus member may change to any membership class upon meeting the requirements of that class as prescribed in Paragraph 3, including changing to active or associate membership without petitioning for reinstatement under the procedure prescribed in subparagraph (e) of this rule for retired members.

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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 July 15, 2025.

A Copy,

Teste:

  
Clerk