

## **VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 22nd day of December, 2021.*

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect are hereby amended, effective February 20, 2022.

On October 1, 2021, came the Virginia State Bar, by Jay B. Myerson, its President, and Karen A. Gould, its Executive Director and Chief Operating Officer, and presented to the Court a petition, approved by the Council of the Virginia State Bar, praying that Rules 1.10 and 1.15, Part Six, Section II of the Rules of Court, be amended. The petition is approved and Rules 1.10 and 1.15 are amended to read as follows:

### **RULE 1.10. Imputed Disqualification: General Rule.**

\* \* \*

#### **COMMENT**

##### ***Definition of "Firm"***

[1] Whether two or more lawyers constitute a firm as defined in the Terminology section can depend on the specific facts. For example, two practitioners who share office space and occasionally consult or assist each other ordinarily would not be regarded as constituting a firm. However, if they present themselves to the public in a way suggesting that they are a firm or conduct themselves as a firm, they should be regarded as a firm for the purposes of the Rules. The terms of any formal agreement between associated lawyers are relevant in determining whether they are a firm, as is the fact that they have mutual access to information concerning the clients they serve. Furthermore, it is relevant in doubtful cases to consider the underlying purpose of the Rule that is involved. A group of lawyers could be regarded as a firm for purposes of the Rule that the same lawyer must not represent opposing parties in litigation, while it might not be so regarded for purposes of the Rule that information acquired by one lawyer is attributed to the other.

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### **Rule 1.15. Safekeeping Property.**

\* \* \*

**COMMENT**

[1] A lawyer must hold property of others with the care required of a professional fiduciary. Securities must be kept in a safe deposit box, except when some other form of safekeeping is warranted by special circumstances. For purposes of this Rule, the term “fiduciary” includes personal representative, trustee, receiver, guardian, committee, custodian, and attorney-in-fact. All property that is the property of clients or third persons must be kept separate from the lawyer's business and personal property and, if funds, in one or more trust accounts. Separate trust accounts may be warranted when administering estate funds or acting in similar fiduciary capacities.

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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 February 20, 2022.

A Copy,

Teste:

A handwritten signature in blue ink, appearing to read "M. Keith Pines".

Clerk