The Virginia Bar Association 2014 Legislative Agenda

With the 2014 Virginia General Assembly convening on January 8, 2014, your Reed Smith LLP lobbying team looks forward to working with VBA members to achieve enactment of the VBA’s 2014 Legislative Agenda. The agenda set forth below reflects decisions made at the VBA’s 2014 Legislative Day on September 26, 2013, and at the VBA Board of Governor’s October meeting.

Check the VBA website for updates to the 2014 VBA Legislative Agenda.

Boyd-Graves Conference

- **Appellate Review of Permanent Injunction**  
  Proposed legislation would modify § 8.01-626 of the Code of Virginia to permit a petition for review of the granting of a permanent injunction. Currently, the petition for review process is not available after a final judgment that grants a permanent injunction; instead the appellant must use the lengthier appeals process in instances of permanent injunctions. The proposal modifies the existing Code section dealing with petitions for review to allow such petitions for permanent injunctions, as well.

- **Recoverable Costs and Fees on Appeal**  
  Proposed legislation would delete portions of the Code section that provides for a de minimis award of attorney’s fees ($50.00) to a successful litigant as part of taxable costs. In examining the issue of whether the applicable Rules and Statutes should be modified, the committee found that the awards provided in § 17.01-624 of the Code could prevent a subsequent petition for fees because the court has already awarded these de minimis fees.

- **Qualifications for Administrators in Personal Injury and Wrongful Death Actions**  
  Proposed legislation would make two changes to the qualifications for administrators in personal injury and wrongful death actions. The proposed legislation would clarify that non-residents may qualify as administrators and ensure that a resident and a non-resident may be appointed as co-administrators to prosecute or defend wrongful death and survival actions.

- **Personal Information in Court Filings**  
  Proposed legislation would require parties, when filing motions, pleadings, subpoenas, exhibits, or other documents with the court, to make reasonable efforts to redact all but the final four numbers of a personal identification number or account number. The legislation clarifies that no private right of action is established through the proposal.
Commission on the Needs of Children

- **Grand larceny threshold**
  Proposed legislation would increase the grand larceny threshold to $500. The current felony threshold ($200) has not been modified since 1980.

Family Law Coalition

- **Life Insurance Policies in Divorce Proceedings**
  Proposed legislation provides that a party in a suit for divorce, annulment, separate maintenance, or child custody or visitation may be ordered to maintain any existing life insurance policy on the life of either spouse and name as beneficiary the other party, the parties' children, or a person in trust for the children. The court may order that the cost of the premiums of such insurance be allocated between the parties.

Real Estate Section

- **Corrective Errors in Deeds**
  Proposed legislation would allow an attorney to record a corrective affidavit to correct an obvious description error contained in a recorded deed, deed of trust, or mortgage.

- **Updating of Recordation Statutes**
  Proposed legislation would modernize a number of statutes dealing with recordation of real estate transactions to address deficiencies in the Code in addressing a number of procedures and transactions that currently take place.

Wills, Trusts & Estates Section

- **Defenses available to trust directors**
  Proposed legislation would clarify that, where a settlor has invoked § 64.2-770(E) to relieve from liability a trustee who follows the instructions of a trust director by imposing fiduciary liability on the trust director, the trust director may avail himself or herself of the same defenses to liability otherwise available to a trustee.

- **Update statutory allowances**
  Proposed legislation would amend multiple sections of Title 64.2 to increase the statutory allowances and other amounts related to wills, trusts and fiduciaries to conform with Va. Code § 8.01-606 to reflect cost of living increases, and otherwise to simplify the administration of small estates and trusts.
Virginia State Bar Proposals Supported by Virginia Bar Association

- Risk Management Plan for Virginia State Bar pro bono volunteers
  Proposed legislation would authorize the Commonwealth’s Division of Risk Management to provide insurance coverage for “any attorney for any claim arising out of the provision of pro bono legal services under a program authorized by the Virginia State Bar.”

- Continuation of Client Protection Fund Assessment
  Proposed legislation would indefinitely extend an existing $25 assessment for the benefit of the Client Protection Fund, administered by the Virginia State Bar. The assessment is currently set to sunset on June 30, 2015.

Other

- Full judicial funding
  In support of a resolution signed by the VBA and eight other statewide Virginia bar associations, the VBA’s 2014 agenda includes advocating for full judicial funding, including funding for whatever judicial vacancies exist at the end of 2013.