

SENATE BILL NO. 784

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations

on February 1, 2023)

(Patron Prior to Substitute--Senator Locke)

A BILL to amend and reenact § 51.1-309 of the Code of Virginia, relating to Judicial Retirement System; appearance as counsel.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 51.1-309 of the Code of Virginia is amended and reenacted as follows:**

**§ 51.1-309. Appearance as counsel in certain forums prohibited.**

A. No former justice or judge of a court of record of the Commonwealth and no former full-time judge of a court not of record of the Commonwealth, who is retired and receiving retirement benefits under the provisions of the Judicial Retirement System, shall appear as counsel in any case in any court of the Commonwealth.

B. No former member of the State Corporation Commission or Virginia Workers' Compensation Commission, who is retired and receiving retirement benefits under the provisions of the Judicial Retirement System, shall appear as counsel in any case before the Commission of which he was formerly a member.

C. The provisions of subsection A shall not be applicable if ~~(i)~~ the retired justice or judge ~~has been retired for at least two years and~~ is not authorized for or assigned to temporary recall by the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals, or the Senate Committee on the Judiciary and the House Committee for Courts of Justice and either (i) (a) the retired judge or justice has been retired for at least two years; ~~(ii)~~ (b) the retired justice or judge is appearing as counsel, pro bono, for an indigent person in a civil matter; ~~(iii)~~ (c) such civil matter is assigned or referred to the retired justice or judge by a nonprofit legal aid program organized under the auspices of the Virginia State Bar; and ~~(iv)~~ (d) the retired justice or judge is not an employee, officer, or board member of such nonprofit legal aid program

27 or (ii) the retired justice or judge is at least 67 years of age and is eligible to receive full Social Security  
28 benefits. Nothing herein shall relieve the retired justice or judge from having obtained any license or  
29 meeting any requirement in connection with the appearance as counsel as required by law, rule, or  
30 regulation. A retired justice or judge shall not be eligible to be authorized for or assigned to temporary  
31 recall after such time that he appears as private counsel pursuant to this subsection.

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