

HOUSE JOINT RESOLUTION

Unofficial Copy  
P5

1996 Regular Session  
6lr3034

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**By: The Speaker**

Rules suspended

Introduced and read first time: March 30, 1996

Assigned to: Rules and Executive Nominations

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HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Privilege for Legislative Casework Communications**

3 FOR the purpose of calling on the General Assembly of Virginia to file a Friend of the  
4 Court brief in a pending civil action involving official actions of a member of the  
5 Maryland General Assembly; urging the General Assembly of Virginia to support a  
6 broad reading of legislative and other privileges to include casework  
7 communications and constituency service; and generally relating to privileged  
8 communications.

9 WHEREAS, In November 1995, a suit was filed in Virginia against a former  
10 member of the General Assembly of Maryland for alleged defamatory communications  
11 made in 1994 pursuant to his official duty of representing and helping a constituent; and

12 WHEREAS, This lawsuit, Chaplin, Papa & Gonet v. Kevin Kelly (Case No.  
13 766CL95ML3968-00) is pending in the Circuit Court for the City of Richmond,  
14 Manchester Division; and

15 WHEREAS, The Attorney General's Office in representing the former member has  
16 asserted that casework communications on behalf of a constituent to government officials  
17 and regulators are absolutely privileged and, thus, no liability may attach to a legislator  
18 for such communications; and

19 WHEREAS, The Constitutions of both Virginia and Maryland recognize absolute  
20 legislative privilege and the right to petition the government for the address of grievances;  
21 and

22 WHEREAS, Recognition of a broad privilege for legislative casework  
23 communications will benefit Virginia citizens and members of the Virginia General  
24 Assembly by encouraging legislators to vigorously represent their constituents without  
25 fear of civil liability; now, therefore, be it

26 **RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND,** That the  
27 General Assembly of Virginia is urged to file a Friend of the Court brief in the case of  
28 Chaplin, Papa & Gonet v. Kevin Kelly; and be it further

29 **RESOLVED,** That the General Assembly of Virginia is urged to support a broad  
30 reading of legislative and other privileges to include casework communications and  
31 constituency service; and be it further

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1           RESOLVED, That a copy of this Resolution be forwarded by the Department of  
2 Legislative Reference to the Honorable George F. Allen, Governor of the  
3 Commonwealth of Virginia, 3rd Floor, State Capitol, Richmond, VA 23219;the  
4 Honorable Donald S. Beyer, Jr., Lt. Governor, Supreme Court Building, 14th Floor, 900  
5 E. Main Street, Richmond, VA 23219; the Honorable Stanley Walker, President Pro  
6 Tem, Room 626 State Capitol, Box 396, Richmond, VA 23203; the HonorableThomas W.  
7 Moss, Jr., Speaker, 635 General Assembly Building, Box 406, Richmond, VA 23203; the  
8 Honorable James S. Gilmore, III, Attorney General, Supreme Court Building, 6th Floor,  
9 900 E. Main Street, Richmond, VA 23219; and E. M. Miller, Esquire, Director, Division  
10 of Legislative Services, 2nd Floor, 910 Capitol Street, Richmond, VA 23219.