

REPORT OF THE PRESIDENT

The 2002–2003 bar year was a successful one for the Virginia State Bar in many ways. It has been my greatest honor and privilege to serve as the bar's president. Due to the hard work of many across the commonwealth, collectively, we have made great progress in a number of areas. I know that the future leaders will continue a tradition of service to the bar and the public. What follows are the highlights of just a few of the many achievements.



Judicial Independence

Virginia is one of just two or three states in which the state legislature appoints and re-appoints members of the judiciary. This has raised concerns about the status of judicial independence in the commonwealth—an issue addressed by the bar this year. First, in September 2002, the President's Council, comprised of the presidents of each of the statewide bar associations, convened to discuss the importance of judicial independence. Second, working off of those discussions, the President's Council drafted and published a research paper on judicial independence and the movement towards merit selection of judges across the country. Third, the state bar participated in town meetings sponsored by the Supreme Court to discuss and debate the concept and its practical importance to the citizens of Virginia. Finally, the leaders of the state bar met regularly with members of the General Assembly to discuss the issue.

Efforts to Reduce Fee Disputes

A task force to study alternative fee dispute resolutions, led by Robert Ballou of Roanoke, met regularly to find ways to help the bar re-invigorate the resolution of fee disputes by voluntary and alternative dispute resolution. The task force is comprised of a blue-ribbon panel of lawyers, judges, mediators and arbitrators from across Virginia whose goal is to make sure that the state bar provides every opportunity for fee disputes to be resolved by way of voluntary mediation. One-third of the complaints filed against lawyers are fee dispute matters. These disputes usually do not arise from any unethical conduct by attorneys, but rather because of a lack of communication. The faster the system can have those disputes sent to alternative dispute resolution, the sooner all will benefit.

Noting the Good Things Lawyers Accomplish

Throughout the year, members of the bar council and its executive committee met with members of the General Assembly, as well as with local and statewide bar associations to publicize good things lawyers do in the provision of *pro bono* legal services and their contributions to countless charitable and civic endeavors. The state bar has surveyed the entire local and statewide bar associations seeking information about their programs or projects that fit these categories. The state bar publications department published a pamphlet on the pro bono, civic and charitable activities of local and statewide bars entitled, *Legally Informed*. The state bar is proud of this effort because we are taking proactive steps to inform the public about the wonderful contributions made by attorneys within their communities.

Ongoing Dialogue with Other Statewide Bar Associations and the General Assembly

The state bar has also made great strides in seeking the views of leaders of all of the statewide bar associations. I asked them to share with me their views on matters important to their constituencies. We emphasized the issue of judicial independence, which is vitally important to all attorneys and the clients we serve.

Better Annual Meeting Committee

Following the 2002 annual meeting, a committee considered new ideas to reinvigorate future annual meetings. The committee of 16 people, chaired by Jeannie Dahnk, then president-elect, met regularly to discuss long- and short-term issues, including the meeting format, location, substantive programming and the social and professional activities that usually take place in conjunction with the meeting. For the 2003 annual meeting, the committee focused on developing a showcase CLE event sponsored by five sections; developing a non-CLE program with broad based appeal for both lawyers and their spouses; streamlining the schedule to eliminate several events; enhancing our sponsorships for the meeting; and asking law firms to support the meeting by encouraging attendance.

Efforts to Study *Pro Hac Vice* Admission

Virginia is one of the few states that does not have any registration requirements for the *pro hac vice* admission of attorneys from other states. This has begun to cause great concern about the number of non-Virginia attorneys who are admitted regularly *pro hac vice* to appear in Virginia courts. A task force instituted in this bar year continues to study the need to propose rules that require the registration of these attorneys and to monitor the frequency with which they appear in Virginia courts.

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Maintain and Increase State Bar's Assistance for Lawyers

The state bar has successfully informed the membership that the bar has programs to assist and counsel lawyers. These programs include the "Ethics Hotline," staffed by Jim McCauley and others. Jim and his colleagues answer questions free of charge on matters of ethics and professional responsibility. Also, the bar's risk manager, John Brandt, provides free advice to Virginia attorneys on risk management in their practices. The bar's law office management auditor, for a nominal fee, audits the operations and procedures of a Virginia law office to help insure that the office minimizes its risk to adverse claims by clients.

Finally, Lawyers Helping Lawyers remained a cornerstone of our commitment to assist lawyers in need. Lawyers Helping Lawyers has recently completed their transition from a committee structure to 501(c)(3) non-profit corporation. The state bar appointed several members to its board of directors and increased its contribution to this important program. As part of the transition, LHL has also expanded its mission to assist lawyers who need assistance in the mental health area.

The Bar's Other Missions Advanced

The Senior Lawyers Conference, under the leadership of its chair, Cal Thomas, continued to contribute in significant ways to our profession and the public by elevating the profession and the quality of legal services provided in the commonwealth.

The Young Lawyers Conference, led by Lori Elliott, continued its fine work in assisting Virginians through its joint Emergency Legal Services program with The Virginia Bar Association and its many other programs.

It has been the highest honor to lead the Virginia State Bar. You can all be proud of your many contributions to the profession and the communities in which you live.

Respectfully submitted,

Bernard J. DiMuro