

DOCKET CALL NEWSLETTER

Vol. 16, No. 7 • Spring 2000 • Editor: Michelle M. Jones

Young
Lawyers
Conference



Virginia State Bar

Large Crowd Turns Out for Year 2000 Region III National Trial Competition

by Michelle M. Jones

Approximately 200 judges, attorneys and other volunteers from the Roanoke Valley area participated in this year's Region III National Trial Competition, according to the competition committee's co-chair, Jimmy F. Robinson, Jr. The competition took place in the Roanoke City Courthouse from February 3 through February 5, and a total of 17 teams from nine law schools competed. Volunteers served as judges, bailiffs, witnesses, and evaluators.

Among the judges presiding at the competition were Justice Lawrence L. Koontz, Jr. of the Virginia Supreme Court and Judge James H. Michael, Jr., Senior Judge of the U.S. District Court in Charlottesville. Justice Koontz and Judge Michael served as the presiding judges for the final rounds.

The committee's hospitality and awards coordinators, Mike Whitlow and Melissa Riley, organized a reception that was held on Thursday, February 3, for the teams, judges, evaluators and committee members participating in that evening's competition. Helping sponsor this event was the Roanoke Bar Association.

After the final round, the top scoring team was one of the two teams from Howard University School of Law (the defending champion), and the second place team was one of the two teams from Georgetown University. Both of these teams are representing Region III in the National Trial Competition in Dallas, Texas.

In addition to committee co-chairs Jimmy Robinson, Jr. and Lori Jones, numerous other young lawyers gave of their time and talents to make this event a great success.



On the left, the winning team from Howard University, Melvin Otey and Brandi Harden. In the center, YLC Trial Competition Committee Chairs Jimmy Robinson and Lori Jones, and Precious Murchison and Dorian Dagg, the 2nd place team from Georgetown University.

A Day at the Capitol

by Kathleen Keener Elsner

Last month Virginia's young lawyers launched a new program to help familiarize middle school students with the legislative process in Virginia. The program, entitled "A Day at the Capitol," consisted of a day full of tours, meetings and a session in the General Assembly. The students arrived in Richmond in the morning where young lawyer volunteers who served as guides for the day greeted them. The students were treated to tours of the Capitol Building, the Virginia State Library and the Supreme Court Building. The students also lunched at the General Assembly where various Senators and Delegates spoke to the groups about their roles and responsibilities in the Legislature. Del. Donald

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Just Look Before You Leap!

by Emily L. Sisler

Well, who among you missed the several recent issues of the Legal Times detailing the incredible salaries firms are willing to pay to get, and hopefully to keep, their new young legal talent? With competition in the marketplace from so many employers, including consulting companies and internet start-ups offering equity options, firms are struggling to maintain their share of the young associate pie. It is estimated that approximately 46% of associates leave their jobs within the first three years. Unfortunately for firms, this is just when lawyers begin to be profitable. To avoid these losses, firms are increasing the stakes by increasing their salaries across the board in hopes of slowing down the growing rate of attrition facing all firms.

But as the familiar saying goes: money can't buy you love. While the higher salaries may promise quick returns such as more spending power for young lawyers and more marketplace prestige for firms, higher salaries also typically mean longer work days and more required billable hours. The thrill of the high salary can be quickly overshadowed by the reality of what makes that salary possible.

In addition to the stresses that come from high billing requirements, young lawyers also may find that they receive far less training and mentoring than they anticipated they would at their law firm. A new project is handed over with an instruction that may resemble "handle this." As partners face increased billing requirements and strive to keep their many clients happy, there is little remaining time for mentoring and training. Maybe your phone calls regarding pending assignments are not returned as you would like them to be. Maybe the work you are given reminds you of the movie *Groundhog Day*. If the staff member assigned to you finds it difficult to keep pace with the work assigned to you, your day may feel like a week.

If in response to the newest salary war, your firm chooses to increase your billable hour requirement beyond the imaginable or you find your current working situation dissatisfactory and you're wondering, should I stay or should I go — take time to think through your decision. While the current market for legal talent is a seller's market, moving to another employer may not yield greener pastures.

First, consider where you think your current firm is heading.¹ Is there a steady stream of work available to all lawyers or are some attorneys always busy and others always looking for work? If you have access to new client reports, how many and what kinds of new clients is your firm bringing in? How many different lawyers are bringing in this new work? Are young associates encouraged to seek new business? What kind of clients does your firm currently service? Has your firm updated its technology to compete with firms (law and accounting) who have? Do you know what the vision is of the management or executive committee who makes many of the decisions in your firm? Does your firm have a business plan?

If you do not know the answer to these questions, find someone to ask. Approach a member of the executive/management committee, a member of the associates' committee if one exists, a senior member of the recruiting committee (if this person is recruiting persons to work in your firm, he or she should know the business plan of the firm) or the person handling professional development, if one is in place. Very senior associates are often in the know and may be willing to share information with you if you use it discretely.

Second, consider your current situation. How is your work load and how are your hours? Do you have time for outside activities? What is the quality of your work assignments — are they the same old thing every day or are you receiving a variety of projects? Do you feel that your firm is generating quality work from quality clients? If you are being asked to work on non-billable matters, do you receive any credit (billing or otherwise) for doing so? If not, have you asked to receive some billing credit? Do you like and respect the persons with whom you work? Do they appear to like and to respect one another?

Are you being mentored or trained by more senior lawyers? Have you asked for such training and mentoring and made yourself available to be trained and mentored? Have you set a plan or checklist for your development within the firm? If so, are you asking other lawyers to help you accomplish the goals on that checklist? Who supervises your work and how often? Does that person give you sufficient explanation of assignments and sufficient time to complete them? Does

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From the President

by J. Tracy Walker, IV



At its March 11, 2000 meeting, the Board of Governors approved a proposed amendment to the Young Lawyers Conference Bylaws. The proposed amendment will be presented to the Virginia State Bar Executive Committee and Bar Council, and, if approved by those bodies, will be presented to the membership of the YLC for approval at the Annual Meeting in June. The proposed amendment addresses the eligibility requirements for election as Secretary of the Board and the Board status of the Secretary. Under the current Bylaws, Board members can serve one 2 year term and two 1 year terms. The Secretary is a member of the Board and must serve in that position during or before his or her fourth year on the Board. The proposed amendment would make the Secretary an ex officio member of the Board and would permit the Secretary to serve in that position following four year's membership on the Board.

Unlike other sections and committees, the age limitations attendant to membership in the YLC generally limit a young lawyer to one stint on the Board. If a Board member desires to serve as an officer, he or she must, as a practical matter, express an interest in his or her first or second year on the Board in order to "get in line." Because of the unique age limitations of the YLC, this process sometimes prevents those young lawyers who are well qualified through several years of Board experience from obtaining a leadership position. As an ex officio member of the Board, the Secretary would not be bound by the maximum four year service limitation. In this way, the proposed amendment is intended to create greater opportunity for service in leadership positions on the YLC Board. Ex officio status is also more in keeping with the Secretary's obligations to the Board and the membership, and will permit the election of an additional Board member to handle non-secretarial Board functions. Expanding the size of the Board by one member in this way is also desirable because of the increase in the size of the YLC's membership and the expansion of the YLC's programs and activities.

While there was considerable discussion by the Board concerning how to implement this change, the concept was warmly embraced by all. The Board will ask that you vote in

favor of this proposed amendment at the Annual Meeting. If you have any questions, or concerns about the proposed amendment, please do not hesitate to contact me or any Board member.

The text of the proposed amendment is set out below. The proposed new language is shown in brackets.



PROPOSED AMENDMENT TO THE BYLAWS OF THE VIRGINIA STATE BAR YOUNG LAWYERS CONFERENCE

Article III Officers and Board

Section 3. Election of Officers

... at each Annual Meeting of the Virginia State Bar, the general membership shall elect a President-Elect who shall serve for a one year term commencing on July 1 following said Annual Meeting. The President-Elect shall succeed to the office of President the following year or upon the President's resignation, removal or inability to serve for any reason. In the event of the unavailability of a previously elected President-Elect to commence his or her term as President, the vacancy in the office of President shall be filled by election by the members at the Annual Meeting.

At the ~~first~~ [last] meeting of the Board of Governors ~~following~~ [preceding] the Annual Meeting, the Board shall elect from its membership a Secretary, who shall serve for a one-year term commencing ~~immediately upon his or her election~~ [on July 1 following said Annual Meeting]. ~~The Secretary, during said term, shall remain a member of the Board. The Secretary shall be permitted to succeed himself.~~

The President, President-Elect, ~~and~~ Immediate Past President [, and Secretary] shall be ex officio members of the Board.

See 'President' on Page 7



Virginia State Bar 62nd Annual Meeting

June 14 - 18, 2000

— Schedule of Events —

WEDNESDAY, JUNE 14

Noon	Executive Committee Meeting	Cavalier Oceanfront
1:30 p.m.	Public Defender Commission Meeting	Cavalier Oceanfront
6:30 p.m.	Council Reception & Dinner	Cavalier Oceanfront

THURSDAY, JUNE 15

8:30 a.m.	Registration	Cavalier Oceanfront
9:00 a.m.	Council Meeting	Holiday Inn
9:00 a.m. – 5:00 p.m.	26th Annual Recent Developments Seminar <i>(separate registration with Virginia CLE)</i>	Cavalier Beach Club
9:30 a.m.	Public Defender Commission (Committee)	Cavalier Oceanfront
11:00 a.m.	Public Defenders Meeting	Cavalier Oceanfront
3:00 p.m.	VADA Executive Committee	Cavalier Oceanfront
3:00 p.m.	VWAA 1999–2000 Board Meeting	Cavalier Beach Club
3:30 p.m.	VSF Technology Task Force Meeting	Cavalier Oceanfront
4:00 p.m. – 6:00 p.m.	Lawyers Expo Opening & Reception	Cavalier Beach Club
5:30 p.m.	Bill W. Meeting	Original Cavalier
6:30 p.m.	President's Reception Sponsor: The Reciprocal Insurance Agency, Ltd.	Original Cavalier

7:30 p.m. Music Jam Picnic Supper (*ticketed event*) Cavalier Beach Club

8:30 p.m. Music Jam Session Cavalier Beach Club
Sponsors: Williams, Mullen, Clark & Dobbins & McCaul, Martin, Evans & Cook

FRIDAY, JUNE 16

7:30 a.m.	Conference of Local Bar Associations Annual Meeting & Breakfast	Cavalier Oceanfront
8:00 a.m.	Registration	Cavalier Oceanfront
8:00 a.m.	Past Presidents' Breakfast	Cavalier Oceanfront
8:00 a.m.	"Run in the Sun"	Boardwalk
8:30 a.m. – 10:30 a.m.	VSF Section CLE Workshops & Business Meetings <i>Administrative Law Bankruptcy Law/Business Law Criminal Law Environmental Law Intellectual Property Senior Lawyers/Trusts & Estates/General Practice</i>	All Hotels
9:00 a.m.	VADA Board of Directors Meeting	Princess Anne
9:30 a.m. – 6:00 p.m.	Lawyers Expo	Cavalier Beach Club
9:30 a.m.	VBA Substance Abuse Committee	Cavalier Beach Club

New . . .
Submit your registration forms on-line this year at
www.vsb.org.



Virginia State Bar 62nd Annual Meeting

June 14 - 18, 2000

— Schedule of Events —



10:00 a.m.	Virginia Legal Aid Project Directors Meeting	Original Cavalier		
10:45 a.m. – 12:45 p.m.	VSB Section CLE Workshops & Business Meetings <i>Antitrust, Franchise & Trade Regulation/Health Law Bench-Bar Relations Committee/Litigation Construction Law & Public Contracts Family Law Local Government Law/Real Property</i>	All Hotels	5:30 p.m.	Bill W. Meeting Original Cavalier
10:45 a.m.	Virginia Commission on Women & Minorities Program	Cavalier Oceanfront	6:00 p.m.	Banquet Reception— Sponsor: ANLIR Cavalier Beach Club
Noon	Annual Meeting of VCWM	Cavalier Oceanfront	6:30 p.m.	Childrens' Dinner (<i>ticketed event</i>) Cavalier Oceanfront
12:15 p.m.	Reception— Sponsor: The McCammon Group	Cavalier Beach Club	7:00 p.m.	Banquet & Installation of President (<i>ticketed event</i>) Cavalier Beach Club
12:30 p.m.	Young Lawyers Conference Membership Meeting & Reception	Cavalier Beach Club	9:30 p.m.	Young Lawyers Conference Dance Cavalier Beach Club
12:30 p.m.	Virginia Legal Aid Award Luncheon (<i>ticketed event</i>)	Cavalier Oceanfront	SATURDAY, JUNE 17	
12:30 p.m.	Military Law Section Business Luncheon (<i>ticketed event</i>)	Holiday Inn	8:00 a.m.	Law School Alumni Breakfasts (<i>ticketed event</i>) All Hotels
2:00 p.m.	VBA Wills, Trusts & Estates Section	Holiday Inn	8:30 a.m.	Lawyers Expo Cavalier Beach Club
2:00 p.m. – 4:00 p.m.	VSB Section CLE Workshops & Business Meetings <i>Young Lawyers Conference VBA Lawyers Helping Lawyers Committee</i>	All Hotels	9:00 a.m.	General Session & Awards Cavalier Oceanfront
2:30 p.m.	Meeting, American Academy of Matrimonial Lawyers	Cavalier Oceanfront	9:00 a.m.	VSB Legal Ethics Committee Sheraton Beach Inn
3:00 p.m.	Virginia Women Attorneys Association Annual Meeting	Cavalier Beach Club	9:30 a.m.	Sand Castle Contest — Sponsor: ANLIR Cavalier Beachfront
4:00 p.m. – 5:30 p.m.	Reception— Sponsor: VWAA	Cavalier Beach Club	9:45 a.m. – 12:00 p.m.	Showcase CLE Program on Multi-Disciplinary Practice Issues Cavalier Oceanfront
4:00 p.m.	Reception, American Academy of Matrimonial Lawyers	Cavalier Oceanfront	Sponsors: <i>Section on the Education of Lawyers Corporate Counsel Section International Practice Section Taxation Section Standing Committee on Professionalism</i>	
			10:00 a.m.	2000–2001 VWAA Board Meeting Cavalier Beach Club
			12:15 p.m.	Expo Reception/Raffle Drawing Sponsor: LEXIS-NEXIS & LEXIS Law Publishing Cavalier Beach Club
			2:00 p.m.	Volleyball Tournament Cavalier Beachfront



Special Events

Young Lawyers Conference

YLC Meeting and Reception

Friday, June 16, 12:30 p.m.
Cavalier Beach Club

Are you one of the 8,000 members of the Young Lawyers Conference? If so, you are invited to attend the YLC General Membership Meeting and Reception on Friday afternoon. Stop by for a quick bite to eat, meet old friends, make new friends, help celebrate the accomplishments of the YLC and elect their new Board of Governors.

YLC CLE Program

“The Art of Effective Negotiation–
What Every Lawyer Needs to Know”

Friday, June 16, 2:00 p.m. – 4:00 p.m.
2.0 Credits, 1.0 Ethics (pending)

This dynamic program, hosted by the Young Lawyers Conference, will focus on negotiation skills and tactics applicable to all areas of practice. Learn the inside tips on how to effectively close your next deal or settle your next case. Hear about the ethical constraints on negotiation tactics. This informative program will be moderated by John McCammon, founder of the McCammon Group. Panelists will include, among others, The Honorable John Charles Thomas, former Justice of the Supreme Court of Virginia; David Ross Rosenfeld, Esq., of David Ross Rosenfeld, P.C.; and Tazewell T. Hubard, III, Esq., of Benchmark Conflict Management.

Thirteenth Lawyers Expo

A special highlight of this year's Annual Meeting will be the Thirteenth Lawyers Expo, sponsored by the State Bar's General Practice Section. The Expo will feature the latest in law office technology, legal publications and various related services. Located in Room C of the Cavalier Beach Club (adjacent to the Cavalier Oceanfront Hotel), the Expo will be open during the following hours:

- Thursday, June 15 4:00 p.m. – 6:00 p.m.
- Friday, June 16 9:30 a.m. – 6:00 p.m.
- Saturday, June 17 8:30 a.m. – 12:00 p.m.

An Opening Reception will be sponsored in the Expo Hall on Thursday afternoon, June 15.

The Virginia Women Attorneys Association will sponsor a reception in the Expo Hall on Friday afternoon, June 16. In addition, refreshments will be provided daily for all registrants.

Along with exciting giveaways throughout the Expo, Tour Plan International will sponsor the Grand Prize Raffle this year. As an Annual Meeting registrant, you will receive a raffle ticket in your materials. Be sure to visit the vendors at the Expo and register to win.

Grand Prize

One package trip for the

**VIRGINIA STATE BAR
28TH MIDEAR LEGAL SEMINAR
LOS CABOS, BAJA PENINSULA, MEXICO**

November 5–11, 2000

*(*Based on double occupancy;
does not include cost of spouse or guest.)*

**DRAWING: Saturday, June 17
12:30 p.m., Beach Club**

You must be present at the Raffle drawing to win the trip.



Just Look —

Continued from Page 2

that person give you credit within the firm and with clients for work you perform? Does that person encourage your development in the firm?

How efficient is the staff assigned to work with you? If inefficient, have you requested to be transferred to another staff person who can assist you more? Have you shared with your supervisor your concerns about the staff assigned to work with you? Does your firm have updated technology to help you complete work more efficiently? If not, have you made reasonable requests to have that technology made available?

Is your salary competitive given the hours you work and the product you produce? If a bonus structure is in place, do you feel it works fairly? Do you have access to a 401K plan? Does your firm support your participation in and pay for bar activities and professional memberships? Do you have time for and take vacations? Answering these questions honestly and assessing what changes you can make, or request be made by your current firm, will help you determine whether changing addresses will change your work situation for the better.

After considering where your firm is going and what you believe your current situation to be, thoroughly research the firms to which you may move. At the very beginning of your research, consult a general source such as the Insider's Guide. Read items such as the mission statement of the firm and determine both how specific its mission appears to be and how comfortable that mission statement feels to you. Note how many summer associates the firm brought in and how many offers they made.² If you interview with the firm, inquire how many associates accepted the firm's offers. If the firm has a web page, review every bit of information on it. How updated and sophisticated is the web page? Do you feel you learned something significant about the firm after reading the web page? Did anything you learned on the web page not square with anything you learned by reading the Insider's Guide? Review Martindale-Hubbel for attorneys who attended your law school and call them. Try to set up an informal (and informational) lunch meeting with several attorneys and ask each how they enjoy working at the firm, how long they have worked at the firm, what they would change if they could, what they dislike most about working at the firm, what kind of hours they are working, and how they feel about the quality of their work assignments.

Once you have some background information on the firm and feel that it may be a right fit for you, call and ask to receive any brochures or publications the firm gives to

President —

Continued from Page 3

No person shall be eligible for election as President [,] or President-Elect [or Secretary] unless such person shall have first served as a duly elected or appointed member of the Board of Governors of this Conference. [No person shall be eligible for election as Secretary if such person would cease to be eligible for membership in the Conference before commencement of such person's term as Secretary.] No person shall be eligible for election as President or President-Elect if such person would cease to be eligible for membership in the Conference before commencement of such person's term as President-Elect [, except that a person who serves as Secretary shall be eligible for election as President-Elect in the year following his or her term as Secretary]; however, no person shall be ineligible for election as President or President-Elect if such person would cease to be eligible for membership in the Conference before commencement of said person's term as President.

prospective clients. Review those materials and compare the contents to information you learned from other sources. If you still feel good about the firm, submit your resume.

If you receive an interview, be prepared to ask difficult questions during your visit at the firm. If you are concerned about losing a potential offer because you asked difficult questions, be more concerned about working for a firm you feel may have something to hide and which may have partners who do not believe in frankly discussing your career goals should you decide to work with them and who may be insecure about your long term place within the firm. That being said, questions should be well thought out and diplomatically phrased.

You may want to know:

- to what department you will be assigned and how large that department is³
- whether that department is run in your local area or by a central office located far away
- whether you will be assigned a mentoring partner and/or a supervising partner
- depending on your seniority, whether the firm would permit you to change practice groups if you wished to
- how work assignments are distributed
- how the firm monitors associates' development in the

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Just Look —

Continued from Page 7

firm and who will be doing the monitoring (for instance, does the firm utilize a checklist of various projects to ensure variety and increasing levels of responsibility? How is the evaluation process structured and how often are associates evaluated? Do associates evaluate the partners/senior associates with whom they are working?)

- how many billable hours you will be *expected* to work
- how many associates and/or partners the firm has lost within the last year and what measures, if any, the firm has taken to address the recent losses
- whether you will be asked to work on non-billable projects and if so, whether the firm gives credit for any non-billable projects
- what the firm's policy is on pro bono projects
- stress the importance of working with well trained and experienced staff members
- whether there is travel time associated with your position and whether that time is billable for the client(s) with whom you will be working
- what the firm's policy is on participation in extracurricular activities such as the state bar and professional organizations (ABA, VBA, VADA, VWAA, DRI) and whether the firm pays the dues associated with these organizations
- whether the firm will support your marketing efforts (ie: pay for social events at which you can market yourself and your firm)
- whether the firm pays for all CLE courses and other required licensing dues
- what the state of the firm's technology is and whether any updates or changes are scheduled and if so when? What kinds of updates or changes are being made and why?
- what your compensation will be and how often you will be paid. If a bonus structure is in place, how does it work?
- whether the firm has a 401K plan and if so, how much, if any, will the firm contribute on your behalf?
- what benefits are provided? (Ensure the health coverage is sufficient and will be provided on the first day of your employment to prevent any gaps in coverage)
- prepare a list of clients with whom you have worked (and with whom your new firm may be conflicted from working with in the future) and inquire how the firm will handle any potential client conflicts
- ask if there is anything the firm feels you should be aware of prior to considering an offer
- ask when they anticipate extending an offer to you

- ask any other questions you would like to have answered.

If you receive an offer, be grateful. But, prior to accepting the offer, ask to meet the supervising and/or mentoring partner/associate who will be assigned to work with you. Do not underestimate the importance of the role your supervising partner will play in your professional development at the firm. If you did not meet other members who are in the department to which you will be assigned, ask if you could drop by to meet briefly with several (or all?) of these people. Take note of how well firm members, including staff, seem to get along. Ensure that any questions you have are answered and that you feel comfortable with the firm's expectations of you.

Inquire about the intended start date. Be sure there is adequate time to give notice to your current firm and to wrap up all existing projects prior to departing. It is important to leave your active files well organized, preferably with summary memos, to aid the firm in transitioning your files to other lawyers. Nothing is more frustrating — and more memorable — than to receive neglected, disorganized files from departing colleagues. Also, consider who will be responsible for malpractice insurance deductibles should a malpractice claim arise after you depart your old firm. Some malpractice insurance policies require you to be employed at the time the claim is made, not when the alleged malpractice occurred. This kind of policy could leave you without malpractice coverage.

Remember, before making a move you must consider what it is about your current situation that you like and dislike and why. Moving to another employer without a clear picture of how and why it is that you are seeking a change is a yellow brick road to more dissatisfaction. Once you have an understanding about what it is that you want from a career in the law, you are in a position to look for “right-fit” employers and to inquire wisely if that new employer can meet your needs. It is possible that the right fit employer is your current employer, if only you make known what your needs are — after you have given those needs careful consideration. If you don't ask, you won't get. Before moving, talk with people in your firm to see what changes can be made to accommodate you.

Salary should not be the primary consideration in your decision to move or your decision to accept a firm's offer because you will find, as many lawyers before you, that

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Capitol —

Continued from Page 1

McEachin, Sen. Henry Marsh, Del. Panny Rhodes and Del. William Barlow each spoke to groups from their districts. After lunch, the students spent the afternoon listening to a session from the gallery of the General Assembly – their presence acknowledged by introduction from the floor.

The program was born in a brainstorming session last year at a young lawyers conference when co-chairs Charlotte Hodges of Richmond and Shepelle Watkins-White of Hampton were trying to find ideas to educate students on laws, how they are made and the lawyers' role in upholding them.

Just Look —

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money will not make you happy in the long run, will not advance your career as a well trained and confident lawyer, will not make up for missed Sunday pancakes, holidays and vacations, and will not make you feel better when after you complete a big project, you receive no credit and no thanks.

So leap wisely. Your happiness and satisfaction are at stake.

ENDNOTES

- 1 This article is primarily addressed to those persons working in law firms.
- 2 Summer associate data can provide insights into how quickly the firm is growing. If there are too many junior mouths to feed for the available work or the firm is attempting to staff lawyers for a big current project, you may have difficulty both securing a steady stream of assignments and finding senior lawyers to supervise your work.
- 3 Inquire about whether the department is growing, and if so, how it is growing. Lateral hires put unfamiliar attorneys together who may not get along. A big spurt of hiring may suggest a firm intends to staff a large case, which may settle down the road.



Delegate A. Donald McEachin speaks to 7th graders in Janice Leland's and Terri Jones' classes from Charles City Middle School during their day at the Capitol.

Early this year interest letters were sent out to all middle schools in the greater Richmond and Hampton areas. Ms. Hodges admitted some concern that there would not be enough interest; however, the response was overwhelming and, by the first week in February, groups had to be turned away.

The program, which ran from February 29th to March 7th, accommodated 8 groups of students with seventy 7th - 9th graders in each group.

Next year the co-chairs hope to expand the program to include middle schools

in the Northern Virginia area. Future plans also include a follow-up session wherein the young lawyers who served as tour guides will go to the participating schools and discuss what the students learned.

There are also surveys being sent to the middle school teachers who attended for their feed back on how this program can be improved.

Despite the planning in place for next year's program, all agree this year's "A Day at the Capitol" was a huge success.



Delegate Anne G. ("Panny") Rhodes speaks to students from Albert Hill Middle School about her duties in the General Assembly.

'Effective Negotiation' Offered as CLE at YLC's Annual Conference Workshop

by: Suzanne Garwood

Continuing a long-standing tradition of expanding the horizons of young lawyers and other Virginia Bar members through education, the YLC will be offering "Effective Negotiation: Helpful Advice for the Practitioner" at the 62nd Virginia State Bar Annual Meeting. Scheduled to begin at 2:00 PM on Friday, June 16, the workshop is expected to provide attendees with 2 credit hours (1 hour of which is pending approval as an ethics credit). Primarily,

the program will address common problems and ethical dilemmas that arise during the negotiation process.

Featured speakers for the workshop include the Honorable John Charles Thomas, David R. Rosenfeld and Tazewell T. Hubard, III. Representing the viewpoints from varying perspectives in the legal community, the panelists will provide workshop attendees with a well-rounded discussion on the topic of negotiation strategies. Thomas will bring to the workshop his experience from the bench, having served as a Virginia Supreme Court Justice from 1983-1989. Thomas currently practices at Hunton & Williams with a focus on litigation and appellate practice. Rosenfeld is a nationally recognized authority on legal ethics and professional responsibility, often providing ethics counsel to attorneys, law firms judges, corporations, and corporate counsel. Notable publications by Rosenfeld include: *Lawyer Discipline in Virginia for the Virginia Law Foundation*, *Canon 9 and IOLTA*, which was published in the September 1993 edition of the *Virginia Lawyer*, and

Ethical Perils in Your Practice, published in the *Journal of the Virginia Trial Lawyers Association* in 1990. Hubard brings with him the perspective of an attorney working in the private sector, representing Benchmark Conflict Management, a private arbitration and mediation company located in Norfolk, Virginia.

Moderating the workshop will be John McCammon, a Virginia lawyer from Richmond, who founded the McCammon Group. McCammon will pose various hypothetical situations to the panelists for their comments on both ethical and practical implications of the posed hypotheticals. Participants at the workshop will be provided with written materials that describe case law and statutory authority related to the issues presented.

In addition to the negotiation workshop, VSB annual meeting attendees will have the opportunity to attend a number of other CLE programs. A complete schedule of events is included in this issue of the Docket Call.

DOCKET CALL

A quarterly publication of the Young Lawyers Conference of the Virginia State Bar.

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T H E
C A L L

Q Once upon a time, Jill, a lawyer with Grimm & Grimm, agrees to represent Jack arising out of a broken crown suffered due to Sven Dwarv's failure to properly engineer the removal of a hill. Jill files a tort action against Sven for professional malpractice. In response, Sven's counsel files a demurrer based upon the economic loss rule, contending that Jack cannot recover in negligence for that which was governed by contract. Grimm & Grimm has agreed also to defend Polonius in a professional liability action brought by Hamlet for negligent financial advice concerning borrowing/lending issues. On behalf of Polonius, Jill intends to file a demurrer, contending that the economic loss rule bars the tort action. Jill wonders if there is a conflict of interest.

A Rule 1.7 of the Virginia Rules of Professional Conduct provides that a lawyer shall not represent a client if the representation of that client will be directly adverse to another existing client, or if the representation of that client may be materially limited by duties owed to another client. However, Jill may represent Polonius and Jack if (1) she reasonably believes her representation of each will not be adversely affected, and (2) both clients consent after consultation.

Comment Nine to Rule 1.7, states: "A lawyer may represent parties having antagonistic positions on a legal question that has arisen in different cases, unless representation of either client would be adversely affected." The moral of the story is that "it is ordinarily not improper to assert such positions in cases pending in different trial courts, but it may be improper to do so in cases pending at the same time in an appellate court."

Q Lawyer Greene Horne is approached by Megan Bucks, who also single-handedly created the Internet. Despite financial problems, Bucks says

that she is unconcerned about legal fees, and wants a quick lawsuit against her Internet service provider because they "stole" her idea to say "You wish you got mail." Bucks tells Horne that her three previous lawyers were lousy and did not seem to care that she is entitled to her day in court. Wary of Bucks, Horne gets her to sign a provision limiting his liability. Of course, Horne discusses the provision with Bucks and advises her to seek independent counsel. May Horne limit his liability to Bucks?

A Better call the carrier, Horne. Horne correctly noted some of the warning signs that may indicate a client will require special care in forging a productive attorney-client relationship, including the fact that Bucks: (1) is in a hurry, (2) second-guesses legal work, (3) is unconcerned with fees, (4) has had several lawyers, (5) has unrealistic expectations, (6) has financial difficulties, and (7) may have a case with no merit. However, after considerable debate, Rule 1.8(h) was adopted, which is essentially the same as its predecessor, DR 6-102(A), and provides that: "A lawyer shall not make an agreement prospectively limiting the lawyer's liability to a client for malpractice . . ." Here, Horne is ethically prohibited from making such an agreement with Bucks.

Editor's Note: Please note that there will not be a summer issue of Docket Call this year. However, please be sure to read the summer issue of the Virginia Lawyer, which will feature articles from the YLC. Docket Call will resume its regular publication schedule in the fall.

Docket Call

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Ad Campaign Set: **VSB Ad Posters Available to YLC**

The VSB is launching a state-wide advertising campaign during the first week of May 2000 to commemorate Law Week. The centerpiece of the public education campaign will be the five ads prepared for the VSB by the VCU Adcenter. These ads, designed by the bar's Publications/Public Relations Committee, will appear in newspapers in Virginia, and on the 50 stations of the Virginia Radio Network.

Posters of the ads are now available to the Young Lawyers Conference for distribution to libraries, schools, community centers, and other sites designated by the YLC. To obtain the free 18" x 24" posters contact Rod Coggin, at the VSB (804) 775-0585, or coggin@vsb.org.

The ad campaign is an award winner in the National Newspaper Association's competition that honors the best in newspaper advertising in the country. The campaign has been licensed by the VSB to the Oregon State Bar and the Canadian Bar Association.

DOCKET CALL

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