

DOCKET CALL NEWSLETTER

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Young
Lawyers
Conference



Virginia State Bar

A Day in the Life of the Crime Victim Compensation Project

Daniel L. Gray

Virginia Young Lawyers Conference lawyer Jason Jacoby scored a victory before the Virginia Worker's Compensation Commission (WCC), arguing for proceeds from the Criminal Injuries Compensation Fund on behalf of a pro bono client. Jacoby, who practices administrative law in the Richmond office of Hunton & Williams, undertook the

representation through the YLC Pro Bono Committee's Crime Victim Compensation Project.

Jacoby represented a woman assaulted in Harrisonburg in September of 2001. His client suffered a broken jaw and stomach injuries after an unknown assailant hit her from behind, knocked her out, and brutalized her. She was in the hospital for approximately one week, incurring over \$30,000 in medical bills. She will require several further surgeries before making a full recovery and doctors estimate future medical bills exceeding \$60,000. According to Jacoby, the local police believed his client's ex-boyfriend was responsible for the crime. However, due to the nature of the assault, the client was unable to identify her assailant.

When she initially applied for relief from the fund, the claims administrator denied an award of compensation for her medical expenses based upon a determination that she refused to assist in the Commonwealth's case against her boyfriend and, as a result, the charges against him were eventually dropped. Jacoby sought a review of the decision and, ultimately, the Deputy Commissioner determined on review that the victim should not have been denied relief due to the circumstances of the case and awarded her reimbursement for her medical bills up to the statutory maximum of \$15,000. While the decision may be subject to additional review, Jacoby describes his client as very relieved about the result.

Young lawyers interested in participating in the Crime Victim Compensation Project are encouraged to contact YLC Board Member Maya Eckstein at meckstein@hunton.com.

Bookmark It!!!

www.vayounglawyers.org

Jacqueline McIntyre

It is easier than ever to read about the latest projects the Young Lawyers Conference are sponsoring across the state. You can now access the Young Lawyers Conference Web site directly at vayounglawyers.org and vayounglawyers.com. Take advantage of this useful tool to keep abreast of what other young lawyers in your area are doing to serve the profession and the public.

Better yet, get involved! The Web site makes it easy. With one click of the mouse, you can send a message to the chair of a committee that interests you, or to your local circuit representative to find out about volunteer opportunities in your area. It only takes a minute to fill out an On-line Volunteer Opportunity Form, and become an active member of the Young Lawyers Conference.

If you have information on a YLC project or event that you would like to post on the Web site, please e-mail jacqueline_mcintyre@vaed.uscourts.gov.

Daniel L. Gray is an associate with Shoun & Bach, P.C., and can be reached at dgray@shoun.com.

Legal Ethics Corner

Jeffrey Hamilton Geiger

Q There is nothing like being on the bottom of the feeding chain. First, I am asked to provide a memo by the end of the day to Gertrude, the senior partner—the problem is that I got the assignment at 5:30 p.m. Second, I am asked to research how Claudius Corp. can invalidate a patent. However, I learn that the patent in question is owned by King Co. No problem, right? Except that King Co. is a current firm client for whom we do patent work (although not on this particular patent). Yet, when I let my supervising attorney know there is a conflict and that we need to get the consent from both clients, Gertrude keeps pretending that she does not hear me. Finally, she tells me that there is no conflict and to get back into my cubicle. Why, I humbly ask? Because the patents the firm wrote for King Co. were for a different technology. Plus, we have to think about Claudius Corp. She notes that Claudius Corp. would be adversely affected if I did not proceed with my analysis because she had put in a substantial number of billable hours on the project before I “discovered” King Co.’s involvement. “When sorrows come, they come not single spies, but in battalions.”



the representation will not adversely affect the relationship with the other client and each client consents after consultation. Because you are trying to assist one existing client to invalidate a patent held by another existing client, there is a conflict. Invalidating King Co.’s patent would likely be adverse and detrimental to its interests and may affect (just a little) the relationship between King Co. and the firm. As Comment 3 to the Rule understates: “A lawyer ordinarily may not act as advocate against a person the lawyer represents in some other matter, even if it is wholly unrelated.” Without a reasonable belief that representing Claudius Corp. will not adversely affect representation of King Co., along with consent by both clients after consultation, the conflict stands.

A Alas, poor Hamlet! Bottom line: Whether ’tis nobler in the mind to suffer the slings and arrows of outrageous partners or to take arms against a sea of troubles, and by opposing end them. So, what steps must be taken to permit representation of King Co.? See LEO 1774.

- **Conflicts.** Rule 1.7 provides that a lawyer shall not represent a client if the representation of that client will be directly adverse to another existing client unless (1) the lawyer reasonably believes

- **Supervisory Responsibility.** Rule 5.1(c)(1) provides that a lawyer shall be responsible for another lawyer’s violation of the rules if the lawyer orders, or with knowledge of the specific conduct, ratifies the conduct. Notwithstanding her acknowledgment of the conflict, Gertrude determined that the clients would not be contacted to obtain consent, and, in doing so, breached her responsibility of ethical supervision.

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

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Docket Call welcomes contributions from members of the YLC.

Send submissions to: Publications Dept., Virginia State Bar, 707 E. Main St., Suite 1500, Richmond, VA 23219-2800

Upcoming YLC Summer Program Highlights

Lexine Walker

The VSB hits the beach again this June for the 65th annual meeting, to be held in Virginia Beach from June 18 to June 22. This year, the Young Lawyers Conference has put together a combination of old favorites and timely programs to create a summer program that's sure to draw a crowd. From athletics and social events to a panel discussion focusing on some hotly-debated legal issues, the YLC presents something for everyone at this year's meeting.

Running. On Friday morning at 8:00, the YLC sponsors the 22nd Annual Run in the Sun for attending lawyers and their immediate families. The 5k race stretches along half of Virginia Beach's boardwalk, and offers a view of the ocean from the beginning of the boardwalk to 16th Street. Trophies are presented to the top three male and female finishers, and registrants who submit their information before May 7 will receive a T-shirt. This year's entry fee for the Run in the Sun is \$10.

Terrorism & the Law Panel. At 11 a.m. on Saturday, the YLC, in conjunction with the VSB Military Law Section, will host a special CLE program titled, "Terrorists, Military Commissions and American Law." This stimulating panel discussion will feature panelists specialized in the issues arising from the intersection of terrorism and the legal system, as well as a question-and-answer period for the audience. Jennifer Tatum, one of the panel's organizers, said she anticipates a large turnout for the discussion, for which lawyers may receive 1.5 CLE credits.

Chair of the military law section, Dr. Gary Solis will moderate the discussion. Dr. Solis teaches the law of war at Georgetown Law Center and in San Remo, Italy, at the International Institute of Humanitarian Law. Colonel Patrick Finnegan, head of the law department at the United States Military Academy at West Point, will talk about the range of lawful responses to terrorism. Chancellor professor of law at the Marshall-Wythe School of Law at the College of William and Mary, Professor Frederic Lederer will share his expertise on military commissions and discuss the upcoming trials of members of the Taliban and al Qaeda. Jennifer Elsea will bring her experience as a legislative attorney for the Congressional Research Service at the Library of Congress to her treatment of the legal status of the array of opponents in the war on terrorism. The panel discussion will be held at the Cavalier Beach Club, preceding the YLC reception and business meeting that begins at 12:30 p.m.

Nighttime Frivolity. On Friday evening, the YLC will have its "Dance Under the Stars" on the deck of the Cavalier Beach

Club. Returning to perform this year are the Fabulous Hubcaps, fresh from performances at The White House and The Kentucky Derby, as well as several corporate venues. The Hubcaps will bring their rock and roll sound to the deck after the banquet and installation of Jeannie Dahnk as the new VSB president. Join YLC colleagues and new friends on the deck from 9 p.m. to 1 a.m., and dance the night away with the Hubcaps.

Volleyball. Starting at 2 p.m. Saturday afternoon, the 19th Annual Beach Volley Follies will take place at the Cavalier Oceanfront Hotel. The event is open to teams and individuals, with a fee of \$10 per person. Teams wishing to enter must have at least four players, including at least two women. Team captains should submit a single team entry with a fee for each player. Organizers will attempt to place individual players on a team. Attending lawyers and their immediate families are welcome to participate, and trophies will be awarded to the top players. Players who enter this popular event by May 7 will get a T-shirt, so be sure to get your entry form in early.

Networking, socializing, athletics and rock and roll—the YLC's got it all covered at this year's annual meeting. There's even CLE credit in it for you at the panel discussion that will, no doubt, keep everyone talking. Check out the VSB Web site (www.vsb.org) for more information and a copy of the brochure with all the forms you'll need. We'll see you at the beach!

Lexine Walker is an attorney with LexisNexis in Charlottesville. You may reach her at lexine.walker@lexisnexis.com.

Virginia State Bar Professionalism Course

Upcoming course dates:

July 31, 2003—McLean

August 28, 2003—Roanoke

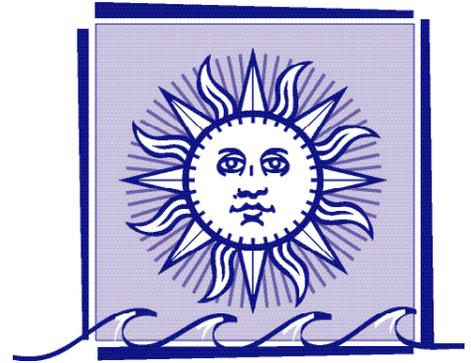
September 25, 2003—Richmond

for additional dates and a registration form, go to
www.vsb.org/membership/professionalism.pdf

65th Annual Meeting

VIRGINIA STATE BAR

June 18-22, 2003



Young Lawyers Conference

YLC Meeting and Reception

Friday, June 20, 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. Register now on the Annual Meeting Registration form.

Dance Under the Stars with "The Fabulous Hubcaps"

Friday, June 20, 9:00 p.m.
Cavalier Beach Club

They're back by popular demand . . . Join us on the deck of the Cavalier Beach Club immediately following the Banquet, from 9 p.m. – 1 a.m., for an unbelievable rock and roll show with the Hubcaps. The group is one of the best musical attractions in the country, having played at events for many major corporations, The Kentucky Derby and The White House.

SPECIAL CLE PROGRAM Panel on the War on Terrorism

Friday, June 20, 11:00 a.m.
Cavalier Beach Club
1.5 Credits

The Military Law Section and the Young Lawyers Conference will present a panel discussion, "*Terrorists, Military Commissions and American Law*." The panel is uniquely qualified and experienced to discuss these timely and often perplexing legal issues, clarify the legal status of our enemies in the War on Terrorism and to suggest forums for the prosecution of terrorist acts.

Panelists

Fredric Lederer—Chancellor Professor of Law, Marshall-Wythe School of Law, College of William and Mary. Professor Lederer will discuss military commissions and the imminent trials of Taliban and al Qaeda.

Jennifer Elsea—Legislative attorney for the Congressional Research Service, Library of Congress. Ms. Elsea will examine the confusing legal status of our various opponents in the War on Terrorism.

Colonel Patrick Finnegan—Professor and head of the department of law, United States Military Academy, West Point. Colonel Finnegan will consider the problem of lawful responses to terrorism.

Moderator:

Dr. Gary Solis. Dr. Solis teaches law of war at Georgetown Law Center and at the International Institute of Humanitarian Law in San Remo, Italy.

The highly informed panel brings to bear a combination of academic, legislative and trial experience to isolate legal issues, relate historical precedent and suggest the directions lawyers and the law are taking. There should be a lively and aggressive question period involving the audience.

65th Annual Meeting Schedule of Events

WEDNESDAY, JUNE 18

Noon	Executive Committee Meeting	Cavalier Oceanfront
6:30 p.m.	Council Reception & Dinner Sponsor: Cavalier Hotels	Cavalier Oceanfront

THURSDAY, JUNE 19

8:30 a.m.	Registration	Cavalier Oceanfront
9:00 a.m.	Council Meeting	Holiday Inn
9:00 a.m.–5:00 pm.	29th Annual Recent Developments Seminar (separate registration with Virginia CLE)	Cavalier Beach Club
3:00 p.m.	VADA Executive Committee	Cavalier Oceanfront
3:00 p.m.	VWAA 2002-2003 Board Meeting	Cavalier Beach Club
4:00 p.m.–6:00 p.m.	Lawyers Expo Opening & Reception Sponsor: Pearl & Associates, Ltd.	Cavalier Beach Club
5:30 p.m.	Bill W. Meeting	Original Cavalier
6:30 p.m.	President's Reception Sponsor: The Insurance Center for Virginia State Bar Members	Original Cavalier
7:30 p.m.	Family Picnic Supper (ticketed event)	Cavalier Beach Club

FRIDAY, JUNE 20

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.	"Run in the Sun" Sponsor: Virginia Lawyers Weekly	Boardwalk
8:30 a.m.–10:30 a.m.	VSU Section CLE Workshops & Business Meetings <i>Intellectual Property Section</i> <i>Senior Lawyers/Trusts & Estates/General Practice</i>	All Hotels
9:00 a.m.	VADA Board of Directors Meeting	Princess Anne
8:45 a.m.–10:45 a.m.	Showcase CLE on Aftermath of Corporate Meltdowns <i>Section on the Education of Lawyers</i> <i>Business Law Section</i> <i>Corporate Counsel Section</i> <i>Criminal Law Section</i> <i>Taxation Section</i>	Cavalier Oceanfront
9:30 a.m.–6:00 p.m.	Lawyers Expo	Cavalier Beach Club
9:30 a.m.	VBA Substance Abuse Committee	Cavalier Beach Club
10:00 a.m.	Virginia Legal Aid Project Directors Meeting	Original Cavalier
11:00 a.m.–12:30 p.m.	VSU Section CLE Workshops & Business Meetings <i>Bankruptcy</i> <i>Bench-Bar Relations Committee/Litigation Section</i> <i>Construction Law/Local Government Law</i> <i>Family Law</i> <i>Military Law/Young Lawyers Conference</i> <i>Real Property</i>	All Hotels

65th Annual Meeting Schedule of Events

11:00 a.m.	Virginia Commission on Women & Minorities Program	Cavalier Oceanfront
Noon	Virginia Law Foundation Board Meeting	Cavalier Oceanfront
12:30 p.m.	Reception Sponsor: The McCammon Group	Cavalier Beach Club
12:30 p.m.	Annual Meeting of the VCWM	Cavalier Oceanfront
12:30 p.m.	Young Lawyers Conference Reception & Meeting	Cavalier Beach Club
12:30 p.m.	Virginia Legal Aid Award Luncheon (<i>ticketed event</i>) Sponsor: ALPS	Cavalier Oceanfront
12:30 p.m.	Military Law Section Business Luncheon (<i>ticketed event</i>)	Holiday Inn
2:00 p.m.–3:30 p.m.	VSB Section CLE Workshops & Business Meetings <i>Administrative Law/Environmental Law</i> <i>VSB Technology Committee/Virginia Association of Law Libraries</i> <i>Lawyers Helping Lawyers Committee</i> <i>Virginia ADR Joint Committee/Family Law/Litigation</i>	All Hotels
2:30 p.m.	Meeting, American Academy of Matrimonial Lawyers	Cavalier Oceanfront
3:00 p.m.	Virginia Women Attorneys Association Annual Meeting	Cavalier Beach Club
4:00 p.m.–5:30 p.m.	Reception Sponsor: VWAA	Cavalier Beach Club
4:00 p.m.	Reception, American Academy of Matrimonial Lawyers	Cavalier Oceanfront
5:30 p.m.	Bill W. Meeting	Original Cavalier
6:00 p.m.	Banquet Reception	Cavalier Beach Club
6:30 p.m.	Children's' Dinner (<i>ticketed event</i>)	Cavalier Oceanfront
7:00 p.m.	Banquet & Installation of President (<i>ticketed event</i>)	Cavalier Beach Club
9:00 p.m.	Young Lawyers Conference Dance Sponsor: Bertholon-Rowland Corporation	Cavalier Beach Club

SATURDAY, JUNE 21

8:00 a.m.	Law School Alumni Breakfasts (<i>ticketed event</i>)	All Hotels
8:30 a.m.	Lawyers Expo	Cavalier Beach Club
9:00 a.m.	General Session & Awards <i>Continental Breakfast Buffet</i> Sponsor: Legal Directories Publishing Co., Inc.	Cavalier Beach Club
9:00 a.m.	VSB Legal Ethics Committee	Sheraton Beach Inn
9:30 a.m.	Sand Castle Contest Sponsor: Prolegia	Cavalier Beachfront
9:45 a.m.–11:00 a.m.	Special Program "The Rules of Engagement" by Mary Crane Sponsor: Sidley, Austin, Brown & Wood, LLC	Cavalier Beach Club
10:00 a.m.	2003-2004 VWAA Board Meeting	Cavalier Beach Club
12:15 p.m.	Expo Reception/Raffle Drawings Sponsor: Thomson/West	Cavalier Beach Club
12:45 p.m.	Senior Lawyers Conference Luncheon for 50-Year Award Recipients	Cavalier Oceanfront
2:00 p.m.	Tennis Tournament	Original Cavalier
2:00 p.m.	Volleyball Tournament Sponsor: Chicago Title Insurance Company	Cavalier Beachfront



YLC Beat

Suzanne F. Garwood

Minority Recruitment Project Pre-Law Conference.

Every year, the Young Lawyers Conference hosts the Minority Recruitment Project Pre-Law Conference. The Conference is hosted by the Women and Minorities in the Profession Committee for the purpose of encouraging minority undergraduate students to consider the legal profession as a career.

This year, the conference was held on Saturday, April 12, 2003, at T.C. Williams School of Law at the University of Richmond. The conference was free and offered the following workshops:

- Preparing For and Taking the LSAT
- Law School Admissions Process
- Mock Law School Classes Taught by Law School Professors
- Mock Trial Conducted by Area Attorneys and Judges
- Panel Discussion on Legal Career Opportunities

No Bills Night. On May 6, the YLC will host its semi-annual "No Bills Night." No Bills Night offers individuals free, confidential 10-minute telephone consultations with lawyers. Callers may ask volunteer Virginia attorneys questions on any legal-oriented matters. Rather than simply giving legal advice, the attorneys will attempt to identify specific legal problems raised in the conversation and will suggest available avenues for relief. The state-wide coordinator for the program is Jason G. Moyers of Gentry Locke Rakes & Moore. Jason can be reached at (540) 983-9300. The list of regional coordinators is available at www.vsb.org/sections/yl/getinvolved/committees.html, or at the YLC's new site at www.vayounglawyers.org.

Oliver Hill/Samuel Tucker Minority Pre-Law Institute.

The Oliver Hill/Samuel Tucker Minority Pre-Law Institute will be held this year from July 20–25. This will mark the Institute's second year. Last year, the Institute hosted minority students at the

University of Richmond campus for week-long sessions on mock law classes, mock trial classes, career opportunities in the law, test taking-strategies, the college admission process, the Virginia State Bar character and fitness requirements, field trips, guest lectures and research and writing competitions. The faculty was comprised of law school professors, judges, visiting guest lecturers, state and local bar association members, college students and high school teachers. This year the institute promises more of the same.

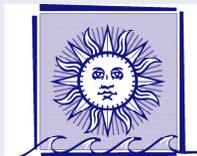
Suzanne Garwood is an Associate in the Washington, D.C. office of Kirkpatrick & Lockhart L.L.P. You may reach her at sgarwood@kl.com.

MARKETING MANNA

Mary L.C. Daniel

Read your newspaper carefully for blurbs about existing or potential clients. Clip and mail these articles, announcements, etc., along with a personal, handwritten note of congratulations or condolence. It is acceptable to include your business card, but otherwise, do not mention your services or profession. When the recipients later learn that they need a lawyer, you will be at the top of their list of trusted advisers. You will get the first bite at the apple and, alternatively, can refer such business to your able associates.

Mary L. C. Daniel practices with The Daniel Group, P.C. in Winchester. You may reach her at mdaniel@ntelos.net.



VIRGINIA STATE BAR

65th Annual Meeting

June 18-22, 2003 • VIRGINIA BEACH

SHOWCASE CLE PROGRAM: "Corporate Meltdown: Counsel in the Hotseat"

Friday, June 20, 2003 • 8:45 a.m. • Cavalier Oceanfront Hotel
2.0 Ethics

What Lawyers Were Doing in the Recent Corporate Meltdowns and How You Can Avoid Such Failures

Featured Speakers:

James B. Comey, Jr.—United States Attorney, Southern District of New York.

George M. Cohen—Professor of Law; Edward F. Howrey Research Professor, School of Law, University of Virginia, Charlottesville.

Frederick J. Krebs—President, American Corporate Counsel Association, Washington, D.C.

N. Pendleton Rogers—Troutman Sanders, LLP, Richmond.

Moderator:

Thomas E. Spahn—McGuireWoods, LLP, McLean.

Sponsored by

Section on the Education of Lawyers • Business Law Section • Corporate Counsel Section • Criminal Law Section • Taxation Section

Register for the Annual Meeting **before May 12th** at the **discounted price of \$125!**

Send in your registration today, or register on-line at www.vsb.org.

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