

# DOCKET CALL NEWSLETTER

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Young  
Lawyers  
Conference



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Virginia State Bar

*Community Law Week:*

## *We the Jury Program*

Usha Koduru

Community Law Week is held annually during the first week of May with events and legal education to help the community better understand the role of the law in their lives. This year, the Young Lawyers Conference is conducting the We the Jury Program. This program is particularly significant because Robert Grey, President of the American Bar Association, former president of the Young Lawyers Conference and currently with Hunton & Williams in Richmond, has made the American jury the focus of his term as President.

The We the Jury program will be held all across Virginia—in Virginia Beach, Manassas, and Roanoke. The program is targeted toward high school students and intends to inform them of the importance of the jury as a fundamental principle of the American legal system, guaranteed by the United States Constitution. The program's goals are for students to learn about the evolution of the jury system and how the right to trial by jury was guaranteed to all American citizens in the Bill of Rights, to understand and appreciate the role that American citizens play in the judicial system by participating in the jury process, to learn about the voir dire process of selecting a jury, to understand the order of a typical trial and the jury's role in the proceedings, and to become more willing and better prepared to serve on juries.

The program begins by introducing students to the evolution of the jury system. Each school may choose to conduct a civil or criminal trial. Volunteer attorneys will conduct a mock voir dire with students acting as citizens in the jury pool. The students view an interactive mock trial video and participate in deliberations in an effort to reach a verdict. The more students understand their role as potential jurors before they are called to serve on a jury, the better prepared they will be to carry out this important responsibility.

The We the Jury program will be held at the following locations:

Stonewall Jackson High School, Manassas, May 16 and 17; Patrick Henry High School, Roanoke, May 24 and 25 and First Colonial High School, Virginia Beach, June 6 through 8. 

Usha Koduru is the chair of the Community Law Week Committee. She can be reached by phone at 804-786-1840.



Ninth Circuit Representative Laura Rugless (left) and Helena Mock of Jones, Blechman, Woltz & Kelly, P.C., attended last month's successful Wills for Heroes CLE presentation. Attorneys from the Ninth Circuit will be providing wills and other documents for first-response personnel on May 21, 2005. See this issue's Circuit Beat for more information.

# Legal Ethics Corner

*Jeffrey Hamilton Geiger*

Having just passed the bar after persevering through seven (or eight for some of our work-averse colleagues) years of higher education, you stumble upon the case of a career. The problem is you don't have a clue how to try a case (let alone this case) and you flub up at every opportunity; yet, whether by dumb luck or jury sympathy, you prevail beyond your client's wildest dreams. Putting aside the John Grisham storyline, the more likely outcome is that you lose in court and your client blames you. Indeed, it is a clear ethical violation to represent a client in a matter in which you lack competence. Yet, an attorney's violation of a rule of ethics does not provide the basis for a private cause of action. In other words, a lapse in ethics is not per se legal malpractice. In *Ayyildiz v. Kidd*, 220 Va. 1080, 266 S.E.2d 108 (1980), the plaintiff argued that the defendant-attorney's breach of duty rested upon a duty owed under the ethical rules. The Virginia Supreme Court expressly rejected that argument and held that the ethical rules provide "no basis for a private cause of action."

That is not to say, however, that the underlying circumstances giving rise to an ethical violation cannot be used to support a



legal malpractice claim. So, for example, it may well be a breach of the standard of care and a violation of ethics rules to work in an area of the law in which you lack competence. On the other hand, it may be a violation of ethics rules but not legal malpractice to fail to adequately communicate with the client. That ethics violations and malpractice are deemed distinct concepts is acknowledged in the Preamble to the Rules of Professional Conduct, which states that:

Violation of a Rule should not give rise to a cause of action nor should it create a presumption that a legal duty has been breached. The Rules are designed to provide guidance to lawyers and to provide a structure for regulating conduct through disciplinary agencies. They are not designed to be a basis for civil liability. Furthermore, the purpose of the Rules can be subverted when they are invoked by opposing party as procedural weapons. The fact that a Rule is a just basis for a lawyer's self-assessment, or for sanctioning a lawyer under the administration of a disciplinary authority, does not imply that an antagonist in a collateral proceeding or transaction has standing to seek enforcement of the Rule. Accordingly, nothing in the Rules should be deemed to augment any substantive legal duty of lawyers or the extra-disciplinary consequences of violating such a duty.

However, the distinction between a violation of legal ethics and malpractice may be narrowing. The American Bar Association adopted changes to the Model Rules, which were proposed by the Commission on Evaluation of the Rules of Professional Conduct (known as the Ethics 2000 Commission). The Preamble now states that: "[S]ince the Rules do establish standards of conduct by lawyers, a lawyer's violation of a Rule may be evidence of breach of the applicable standard of conduct."

While changes to the Model Rules are not binding in Virginia, they may be persuasive in efforts by former clients to introduce evidence of attorney ethical violations to demonstrate malpractice in professional liability proceedings. 

Jeff Geiger is a principal in the Richmond office of Sands Anderson Marks & Miller, P.C. and can be reached at [jgeiger@sandsanderson.com](mailto:jgeiger@sandsanderson.com).

## *Docket Call*

A quarterly publication of the Young Lawyers  
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# MESSAGE FROM THE PRESIDENT

*Savalle C. Sims*



As we approach the end of the 2004–2005 bar year, the Young Lawyers Conference continues to implement numerous programs and projects. Among them are the Professional Development Conference that took place in mid-March, the Minority Pre-Law Conference, Community Law Week programs, No Bills Night and the Annual Meeting in June.

## Recent Events

On March 17–18, 2005, the Young Lawyers Conference led by YLC Board Liaison Dan Gray and Committee Chairs Bill Porter, Dan Ortiz and Audra-Hale Maddox, hosted the 2005 Virginia State Bar Young Lawyers Conference in Charlottesville, Virginia. This year's Professional Development Conference featured a dual track: litigation and business. Additionally, the PDC featured an interesting discussion between jurists and practitioners: A View from the Box.

On April 23, 2005, the Young Lawyers Conference Minority Pre-Law Committee, chaired by Rita Davis hosted its annual Minority Pre-Law Conference at the University of Richmond. The conference reached a broad cross-section of participants that included high school and post undergraduate students. Eight law schools participated in the conference: Washington and Lee, Wake Forest, University of Virginia, University of Michigan, Regent, William and Mary, American and Catholic.

Successful No Bills Night Programs were held on May 4, 2005 in Richmond, Virginia and May 12, 2005 in Danville, Virginia.

## The Annual Meeting

Plans are also well underway for the 67th Virginia State Bar Annual Meeting. The Annual Meeting is a great way to meet and network with other young lawyers, attend quality CLEs and enjoy the sun!

The highlights include:

- **YLC Meeting and Reception, Friday, June 17, 12:30 p.m.:** Join the YLC to celebrate the accomplishments of the YLC, elect the YLC's new Board of Governors, meet old friends, make new friends and enjoy a quick bite to eat.
- **President's Reception, Friday, June 17, 2005, 5:00 p.m.:** Join the YLC for drinks and light hors d'oeuvres and meet President-Elect, Jimmy Robinson.
- **Friday Night Dance, Friday, June 17, 2005, 9:00 p.m.:** Immediately following the Banquet, rock and roll with the tunes of The Fabulous Hubcaps.
- **Attorney General Debate, Saturday, June 18, 2005, 9:45 a.m.:** The YLC will sponsor a debate between the Democratic

and Republican nominees for Attorney General of Virginia. The candidates are expected to address a wide range of political topics, such as the death penalty, taxes, education, family values and law enforcement.

- **Athletic Events:** For those who enjoy athletic challenges, the YLC will host the 24th Annual 5K Run in the Sun on Friday, June 17, 2005 at 8:00 a.m. and the 21st Annual Beach Volleyball Tournament on Saturday, June 18, 2005 at 2:00 p.m.

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Attending the YLC events at the Annual Meeting, is a great way to learn more about the YLC and meet and network with young lawyers. We hope that you will consider joining us at the beach! 🏖️



## YLC Beat

Heading to the Annual Meeting in Virginia Beach on June 17? In addition to the debate between the candidates for Attorney General, the banquet and YLC dance, and all those available CLE credits, there are plenty of opportunities to get outside for some outdoor fun on the beach.

On Friday morning, June 17, at 8 a.m., join other runners from across the Commonwealth for the 24th annual Run in the Sun, a 5-kilometer run along the Virginia Beach boardwalk. Any lawyer attending the meeting may enter the race, and so can members of attendees' immediate families. This year's entry fee is \$10. The top three male finishers and top three female finishers will receive a trophy at the awards ceremony scheduled for 8:45 a.m. Registrants by mail may pick up their numbers and shirts at the registration desk at the Cavalier Oceanfront on Thursday, June 16, or at the entry table at the start line on the morning of the race.

The 21st Annual Beach Volley Follies will take over the beach again this year, on June 18 at 2 p.m. at the Cavalier Oceanfront Hotel. The competition is open to all lawyers registered to attend the meeting, their immediate families and their guests. Team captains should submit a single team entry with a \$10 fee for each player; teams will be listed and posted at the

*continued on page 6*

# Minority Pre-Law Conference

Mary Thexton

On April 23, 2005, the T.C. Williams School of Law hosted the annual Minority Recruitment Project Pre-Law Conference. Rita Davis, the Pre-Law Conference Chair, promised and delivered an exciting and informative program for the minority students that attended the event. The program's goal is to encourage minorities to consider the law as a career. This year's conference included workshops on legal ethics, the LSAT and law school admissions. The program also included panel discussions on the topics such as law school from the students' perspectives and career opportunities in the law. Also, students had the chance to experience a mock law school class taught by Dean Rodney Smolla of the T.C. Williams School of Law and a mock civil trial with the Honorable Richard Taylor, Jr. of the Richmond Circuit Court presiding.

Other program presenters and speakers included: the Honorable James Spencer of the U.S. District Court for the Eastern District of Virginia; the Honorable Gary Hicks of the

Henrico County Circuit Court; VSB President David Bobzien; YLC President Savalle Sims; Curtis Hairston, Jr. of the Gee Law Firm; Samuel Ntonne from TestMasters; Angela Schettine, pre-law advisor at the University of Richmond; Carlos Hopkins, Assistant Commonwealth Attorney for the City of Richmond; Georgianna Thomas, Assistant Commonwealth Attorney for the City of Bedford; YLC At-large Representative Jennifer McClellan; YLC President-elect Jimmy Robinson, Jr.; and Rasheeda Creighton, Capital One Services, Inc.

This year's student participants left the conference armed with the tools and the encouragement to prepare them for careers in the law. 📖

Mary Thexton is an attorney living in Richmond. She can be reached at [QTMaryThexton@hotmail.com](mailto:QTMaryThexton@hotmail.com).

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## BOOK REVIEW—



# *Plain Heathen Mischief*

Lexi Walker

It's a testament to Judge Martin Clark's writing skill and to his sublime understanding of human nature that there is really only one bad person in *Plain Heathen Mischief* (Knopf, 2004), and that person is a fairly peripheral character. The novel is instead populated with the same complicated types of people who share the real world with us. There are confused, misguided people; shady, crooked people; hurt, angry people; and good, decent people. Joel King, the defrocked minister at the center of the story, passes through each of these categories. Watching him do that is a little bit like watching a turtle cross a busy highway. You hope the turtle gets across in one piece, and you hope it stays put once it arrives.

Judge Clark is the presiding judge at Patrick Circuit Court. He has two best-sellers under his belt; the other, *The Many Aspects of Mobile Home Living*, was published in 2001 by Vintage. Much of *Plain Heathen Mischief* takes place in law offices, the probation office, even a jail, and Judge Clark paints all these settings with ease. The river where Joel comes to work as a guide comes to shimmering life on the page, as do Joel's old church and the casino floors of Las Vegas. Judge Clark's attention to detail lends a very visual sense to the novel.

The characters in the story are no less authentic. The urge to take Joel by the shoulders and shake, shake, shake is almost palpable, but he is all the more lovable for his naivete and single-minded

drive to set things right, even as he adds fuel to the fire that surrounds him. As the somewhat overwhelmed older sister, Sophie's protective instincts mix well with a brand of tough love unique to older siblings. And the litigators among us will certainly recognize Sa'ad X. Sa'ad and Edmund Brooks, for whom shady business is just a way of life—nothing personal.

For all its casually executed complexity, however, there's not enough resolution to *Plain Heathen Mischief*. There's more story here than we are being told. Although the novel's plot describes a neat cycle from one pivotal event in Joel's life to another, the consequence of making Joel and all his surroundings so real is the need to know what happens to him outside those orderly time lines. Judge Clark carefully draws the reader into this very authentic world, but a number of characters, like the novel's one truly bad apple, leave the reader wondering what happens next. That kind of lack of resolution is something a lawyer—or a judge—comes to live with on a daily basis. But for the rest of us, maybe an additional story is warranted. Maybe Judge Clark will give us a way to pick up where Joel left off. 📖

Lexi Walker is an attorney living in Richmond. She can be reached at [duralex78@hotmail.com](mailto:duralex78@hotmail.com).

# Collaborative Law Provides Less Stressful Practice for Family Law Practitioners

Vicki Wiese

Family law practitioners know that their cases can be some of the most contentious and time consuming matters handled by lawyers. Some attorneys have shied away from practicing family law because of the additional strain. With the advent and proliferation of mediation, there were a few glimmers of hope that family law cases would be handled in a more civil, or even genteel, manner. But now a new alternative dispute resolution tool for family law practitioners is becoming available: collaborative law.

Collaborative law is dramatically changing the family law landscape in American courts because its primary goal is to limit conflict and stress between parties. To participate in the collaborative law process, the attorneys for both clients must first receive collaborative law training to learn how to become "settlement lawyers." Before the process can begin, both parties—and each of their lawyers—must sign a written contract, sometimes called a "participation agreement," agreeing that they will not litigate the case. The agreement provides that all matters will be resolved only by negotiation. The agreement also provides that both parties and their counsel are prohibited from issuing "threats" of litigation or taking other retaliatory action, that any experts will be jointly retained by the parties to ensure neutrality, and that the collaborative process will be terminated if one party takes serious one-sided action against the other, or withholds or misrepresents any information. Because the collaborative process requires ongoing open and honest communication and the presence of both clients for meetings, cases that involve domestic violence may need to be handled by litigation or mediation.

If either party wishes to withdraw from the collaborative process to litigate the case, *both* attorneys must withdraw as counsel. Any experts used in the collaborative process are automatically disqualified from being a witness for either party, and all documents, opinions and reports generated in the collaborative process are inadmissible at trial. Additionally, the party wishing to withdraw from the process must also give the attorneys and the opposing party written notice of his or her withdrawal and both parties are prohibited from taking any court action for thirty days after receipt of the notice.

Once both clients and their attorneys execute the participation agreement, each attorney meets individually with his or her respective client to prepare the client for the first four-way meeting. Next, the attorneys meet with one another to openly exchange anticipated client concerns, identify any pressing issues, and agree on the agenda and mutual goals for the first four-way meeting. Only after the attorneys meet does the first four-way meeting take place.

Because judges and mediators are not involved in the process, clients often feel empowered in that they have more control over the way cases are handled and ultimately resolved. Also, the process may save clients money because there are no court costs and fees. Additionally, a client is not subject to the court's docket, so a client may be able to begin to resolve issues within a matter of weeks, instead of a matter of months. Most collaborative law cases are fully resolved within six months of their initiation and

require less than seven four-way meetings (each meeting typically lasts no more than two hours).

The benefits appear to be even greater for attorneys who practice law using this methodology. Many attorneys who have received collaborative law training now practice collaborative law exclusively. This means they very rarely, if ever, go to court. Additionally, collaborative law attorneys find that a higher percentage of clients not only pay their attorney fees, but pay the fees in a timely fashion. Also, bars with active collaborative law practitioners report significant increases in the level of collegiality and trust among bar members. And, statistically, cases that are resolved through the collaborative process have a less than five percent likelihood that the parties will ever go to court after the settlement is reached.

The Collaborative Family Law Society is beginning to establish a network of professionals in Virginia, which includes not only attorneys but also psychologists, accountants, financial planners, clergy, and real estate professionals. Because the jurisdictions in North America that utilize the collaborative process boast a 98% success rate, the Virginia State Bar and the Virginia Bar Association have recently formed subcommittees to study the process and aid in its implementation throughout the Commonwealth. Several attorneys have already been trained in Charlottesville and Lynchburg with reports that the process is meeting with great success.

For local information on the practice of collaborative law, contact Vicki Wiese at (540) 985-0098.

This article first appeared in the *Roanoke Bar Newsletter*. 

Vicki Wiese is a member of the Young Lawyers' Conference Board. She can be reached by phone at (540) 985-0098 and by e-mail at [vwiese@frithlawfirm.com](mailto:vwiese@frithlawfirm.com).

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# Loan Repayment Assistance for Public Service Attorneys

Vicki L. Wiese

Very few attorneys who graduated in 1990 or later had the luxury of graduating with little or no debt attached to their law school education. The cost of a law school education, public or private, continues to increase every year while the market for new associates remains steady or becomes more competitive.

These two factors continue to have a great influence on those willing or able to practice law in the public sector. With the starting public defender pay in Western Virginia barely exceeding an annual income of \$38,000 for new attorneys, it is financially impossible for most recent graduates to even remotely consider working for a government agency.

If you are currently considering public sector employment, or if you are already in the public sector, there exists a federal program worthy of your consideration: the Income-Contingent Repayment Option of the William D. Ford Federal Direct Lending Program (the "ICR") The ICR program is available to all borrowers with federal direct loans, and to borrowers who consolidate their federally guaranteed loans into federal consolidation loans. The ICR limits monthly repayment amounts to an affordable percentage of the borrower's income. Any remaining debt is forgiven after 25 years of repayment under the ICR plan.

However, some borrowers do not wish to take part in the ICR plan because some borrowers want to repay their loans in less than 25 years—even though a different repayment plan can subsequently be elected at any time. Also, if a borrower is married, the ICR plan takes into account the income of both spouses thus possibly penalizing married couples with two incomes but one debt.

The American Bar Association is currently lobbying Congress to amend the current ICR plan by suggesting that: 1) forgiveness occurs after only 15 years of repayment as opposed to 25 years; and 2) that the "marriage penalty" aspect of the ICR plan be reduced or completely eliminated. The proposed amendments would acknowledge the efforts of lawyers committed to pursuing careers in public service and meet the needs of underserved populations in need of legal assistance.

To find out more about the current ICR plan, or proposed ICR plan amendments, please contact ABA staff contact person Kenneth Goldsmith at (202) 662-1789 or Prof. Philip G. Schrag, Vice-Chair of the Committee on Government Relations and Student Financial Aid of the Section of Legal Education at [schrag@law.georgetown.edu](mailto:schrag@law.georgetown.edu).

This article first appeared in the *Roanoke Bar Review*. 

Vicki Wiese is a member of the YLC Board and can be reached at [vwiese@frithlawfirm.com](mailto:vwiese@frithlawfirm.com).

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## YLC Beat –

*continued from page 3*

Cavalier Oceanfront Hotel registration desk. A team is four or more players, with at least two women, and individual players may register to be placed on a team. The top-placed teams will receive trophies. Be sure to complete your registration form, with the appropriate fee, by June 1! With the games starting at 2 p.m. and winding up at 6 p.m., there's plenty of time to catch the attorney general debate at the Cavalier Beach Club on Saturday morning at 9:45.

For more information about YLC-sponsored athletics at this year's annual meeting, please contact Jennifer Tatum Atkinson, the Athletics Committee chair, at (757) 466-0464.

The Emergency Legal Services Committee of the Young Lawyers Conference will be hosting "Lawyers' Pro Bono Response to Emergency Situations: Training to Meet the Legal Needs of Victims." This one-hour telephone seminar (1 CLE credit pending) will provide lawyers with skills needed to assist in providing pro bono services to victims in the wake of natural and manmade disasters. The telephone seminar is being held on June 14, 2005, at noon. For more information, please contact Jeff Geiger at [jgeiger@sandsanderson.com](mailto:jgeiger@sandsanderson.com).

Are you looking for a way to network and make new connections? Do you want to give back to your community? As a Virginia attorney, you have developed broad skills that make you a perfect candidate to serve on either a nonprofit or corporate board. The Board Match programs provide an opportunity for local non-profit organizations to solicit new board members and board participation from area lawyers. If you are interested in serving on a board, there are several websites that can provide you with additional information and possibly help you find the right connections to your first board. Check out <https://www.boardmatch.com/index> and <http://www.boardsource.org> for more information. 

### Address Change?

If you have moved or changed your address, please see the VSB Membership Department's page on the Web for an **address update form** at [www.vsb.org/membership/](http://www.vsb.org/membership/).

# VSB 67<sup>th</sup> Annual Meeting

*Mandy Anthony*

Lawyers from across the Commonwealth will gather in Virginia Beach for the 67th Virginia State Bar (VSB) Annual Meeting on June 16–19. This year's meeting, which will be held at the Cavalier Oceanfront Hotel, includes a number of professional meetings and continuing legal education programs. The YLC's annual meeting is scheduled for 12:30 p.m. on Friday, June 17, at the Cavalier Beach Club. Social events are also planned for attorneys and their families, including the Annual Banquet where Phillip V. Anderson will be sworn in as President of the VSB.

At the banquet, scheduled for Friday, June 17, Judge Martin Clark of the Patrick Circuit Court will be the guest speaker before the installation of the new VSB President. Judge Clark has written two best-selling novels; the recently released *Plain Heathen Mischief* is reviewed in this issue of the *Docket Call* newsletter. A reception is scheduled before the banquet at 6 p.m., and the banquet itself is scheduled to begin at 7 p.m. The banquet is a ticketed event, so those interested in attending should obtain tickets in advance, using either the registration form attached to the event brochure or online at [www.vsb.org](http://www.vsb.org). Tickets for the banquet are \$55. The YLC will sponsor a dance after the banquet at 9 p.m. The Fabulous Hubcaps will provide music for dancing until midnight. The banquet, reception and dance will all take place at the Cavalier Beach Club.

On Saturday, June 18, just after the general session meeting, the YLC is also sponsoring a debate between the Democratic and Republican nominees for Attorney General of Virginia. Rebecca Cooper, with the ABC affiliate in Washington, D.C., will act as moderator during the debate, which is scheduled from 9:45 until 12 noon at the Cavalier Beach Club. Anyone who is interested in having the moderator ask a particular question can submit that question to Sara Berg at [sberg@williamsmullen.com](mailto:sberg@williamsmullen.com).

Also on Saturday, at 12:30 p.m., attendees will have the chance to win a package trip to the State Bar's 32nd midyear legal seminar in Barcelona, Spain. The drawing will be held at the Cavalier Beach Club, and you must be present to win.

This year's annual meeting is also home to a number of sports events, including the Beach Volley Follies, described in more detail in this issue's YLC Beat. You can register for these events and others online at [www.vsb.org](http://www.vsb.org), or through the event brochure you received by mail. Lodging is available at the Cavalier Oceanfront Hotel and other area hotels. 🏠

Mandy Anthony is a staff attorney with the Legal Aid Society of Eastern Virginia, Inc. She can be reached at [amandaa@laseva.org](mailto:amandaa@laseva.org).

## CIRCUIT BEAT

Bobby Richman is now the representative for the Fourth Circuit, which covers the City of Norfolk. He can be reached at Glasser & Glasser, P.L.C., Crown Center, 580 East Main Street, Ste. 600, Norfolk, VA 23510, by phone at (757) 533-5669, or by e-mail at [BRichman@glasserlaw.com](mailto:BRichman@glasserlaw.com). The Fourth Circuit reports that it will be participating in the We the Jury project, which is described in more detail in this issue of the *Docket Call* newsletter.

The Sixth Circuit has two new Circuit Reps! Please congratulate William S. Newsome of Hudson, Robinson & Newsome PLLC in Emporia and Tom Kegley from the Greensville County and Emporia Commonwealth's Attorney's Office. You can reach William at 324 South Main Street, Emporia, Virginia 23847, by phone at (434) 634-5141, ext. 114 or by e-mail at [wnewsome@emporialaw.com](mailto:wnewsome@emporialaw.com). Tom can be reached by mail at P.O. Box 1135, Emporia, Virginia 23847, by phone at (434) 348-4285, or by e-mail at [tekegley@yahoo.com](mailto:tekegley@yahoo.com).



Helena Mock (far right) leads the Williamsburg-area CLE for the *Wills for Heroes* program. Program Chair Carson Sullivan described the seminar as a success and said that "the program has received a very warm welcome in Williamsburg."

In the Ninth Circuit, the Williamsburg Bar Association will provide free wills, powers of attorney and medical directives to members of the police, sheriff's and fire departments of the City of Williamsburg and James City County on May 21st, through the YLC's "Wills for Heroes" program. In order to participate in the program, 20 Williamsburg and Newport News attorneys attended a 1.5 hour "Wills for Heroes" CLE presented by Helena Mock of Jones, Blechman, Woltz & Kelly, P.C., on April 20th. Mock, along with Dana Fitzsimmons of McGuire Woods, LLP, also provided client education sessions for the police, sheriff and fire personnel on May 14th and 16th. If you would like to participate in future programs, please contact the Ninth Circuit Representative, Laura Rugless, at (757) 229-1200 or by e-mail at [lrugless@heikesandrugless.com](mailto:lrugless@heikesandrugless.com).

There are still circuit rep vacancies in the 8th Circuit, which covers the City of Hampton. YLC members who practice in Hampton and are interested in being the new representative for the 8th Circuit should contact Amy M.P. VanFossen by phone at (804) 694-0560 or by e-mail at [AVanFossen@ThomasLHunter.com](mailto:AVanFossen@ThomasLHunter.com). 🏠

# A View from the Box

Jennifer Campbell

Have you ever wondered what types of things go through jurors' minds as they go through the judicial process? Do you think what you wear to court matters to a jury? Is it helpful or prejudicial for a juror to be permitted to take notes? Attorneys attending the Professional Development Conference held at the University of Virginia on March 19, 2005, got an opportunity to find out. The Honorable James P. Jones moderated a very interesting dialogue along with criminal defense attorney Craig S. Cooley, and civil attorney Julia B. Judkins, to provide attendees with instruction on the principles for jury trials. Then, as an added bonus, five special guest panelists spoke to the attendees about their experiences serving on a jury.

The jurors speaking at the conference, representing a broad cross section of society, had all recently been involved in litigation involving either criminal to civil matters, offered to participants their views from the juror box. They all seemed proud to be serving as jurors and fulfilling their civic duties, yet, each had a very different experience on their individual juries. One juror emphasized the fact that she did not like the way one of the attorneys in her cases focused on repetitious facts with each witness. Another juror, involved in a more complex case, appreciated that the attorney continuously con-

centrated on the same facts, until the jury understood his point. The physical appearance of the attorneys was important to the jurors. In fact, Cooley recommended attorneys wear gray or blue suits as opposed to black or brown. The jurors unanimously appreciated when an attorney took the time out of their closing arguments to thank them for their service. They did differ in their views and experiences as to whether they were allowed to take notes and whether or not they found written jury instructions helpful.

Participants were also given some very instructive materials on jury trials. For anyone who missed the conference, you might want to look up the American Bar Association's *Principles for Juries and Jury Trials* prepared by the American Jury Project. Anyone who missed the conference might want to review *The Answer Book for Jury Service in Virginia*, an online guide with general information helpful to the Virginia juror. *The Answer Book* was prepared by the Judicial Council of Virginia and can be found at <http://www.courts.state.va.us/jury/cover.htm>. 

Jennifer Campbell is an attorney currently practicing administrative law. She can be reached at [jennic1@gmail.com](mailto:jennic1@gmail.com).

## DOCKET CALL

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