

DOCKET CALL NEWSLETTER

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Young
Lawyers
Conference



Virginia State Bar

YLC President Lori M. Elliott

Lexine Walker

The YLC's new president, Lori M. Elliott, admits that she is "no good at sitting behind a desk all day." She thrives on a steady diet of non-stop intellectual stimulation, supplemented with constant exposure to new people and places. Born in Montana, Elliott said her father's career in the United States Air Force led her family to move often, and she recalls that her parents always made it a priority to give something back to the many communities they called home. Their desire to serve inspired her to choose law as a profession, and her work as a partner at Hunton & Williams has allowed her to continue visiting new places and working with people.

Elliott graduated cum laude from Washington and Lee Law School in 1993, with plans to return to Maine, where she had completed her undergraduate studies. Then, Hunton & Williams came along and changed her plans. When Elliott interviewed with the firm, she was impressed with its significant commitment to *pro bono* work. Elliott, who is also a member of the Texas bar, said she was surprised to find such happiness working with a large firm. "My team is great, and the people I've worked with are great," she said. Elliott is part of Hunton & Williams' community services committee, which promotes the *pro bono* activities of the entire firm and establishes its service policies. She has been part of the Richmond office's *pro bono* committee since she began working there.

Elliott's practice focuses on toxic tort and environmental litigation for a number of corporations. Working on everything from asbestos to radiation, she loves the intellectual workout provided by the extensive preparation and complex concepts behind each case. Last year, she spoke on asbestos litigation before two national litigation conferences and has co-authored two papers on the subject. The best part of the practice is interacting with others, from corporate executives to the workers at the plants owned by her clients. "I love going out to the workplace in my jeans and boots and talking to people at the plants," she says. "It's fun to see the people who take such pride in what they do every day."

Once a member of the board of governors for Virginia's Legal Services Corporation, Elliott finds her position with the private bar has presented her with continued opportunities to help those who need it most. Elliott notes that lawyers in the private sector are well situated to serve clients who do not meet the eligibility standards of the LSC, as well as those who need help with issues outside the purview of traditional legal aid societies. "It takes so little time to help someone unravel the system," she says. "It's important for the private bar to step up."

Elliott has devoted her considerable energies to the Leadership Development Council of the Richmond Chapter of the American Red Cross, to the ABA's Coordinating Committee on Gun Violence and to the board of directors of Emergency Shelters, Inc. During her involvement with the YLC, she has served on the Pro Bono Committee and on the Committee for Women and Minorities in the Profession. "The YLC is really open to everyone," Elliott said, "and that has really appealed to me." Expanding that inclusiveness is one of Elliott's goals for the year to come. "There's a misconception that the YLC is cliquish and for those who are already involved," she said, "but we can do a lot for young lawyers." Elliott hopes to increase awareness of the networking resources available through YLC involvement, particularly for young lawyers not affiliated with large firms.

Elliott's vision for the YLC in the coming year includes an expanded commitment to public service, including *pro bono* services to populations whose varied legal needs are not met elsewhere. Elliott refers to growing communities of immigrants in need of legal outreach efforts around the Commonwealth. She wants to increase services to children and adults in the criminal system, as well as those affected by domestic issues, like the foster care system. "We can do more to reach these people," she said. And we bet she will. ♦

Lexine Walker is an attorney in Richmond. You may reach her at duralex78@hotmail.com.



MESSAGE FROM THE PRESIDENT

Lori M. Elliott



Reach Out!

*“There was a child went forth every day,
And the first object he looked upon and received with wonder
or pity or love or dread, that object he became,
And that object became part of him for the day or a certain part
of the day . . . or for many years or stretching cycles
of years.”*

—Walt Whitman

Given the events that have occurred over the past 12 months and the critical introspection in which individuals across the world were engaged, a trend toward isolationism would have been understandable. However, lawyers in Virginia, particularly those in the YLC, continued to reach out. I am honored for the opportunity to lead an organization committed to inclusiveness, diversity, equality and justice.

Late last summer, my predecessor and friend, O’Kelly McWilliams, asked the YLC to support a tolerance initiative. He proposed that the YLC teach tolerance to children in the third grade, modeled after a program that was developed by the American Bar Association Young Lawyers Division.

Third-graders are at an age when children begin to form lifelong values. In the third grade, children learn to bully and tease the child with braces, the child with glasses or the child with a different skin color or religion. This is the age when differences can create lifelong schisms. Thanks to the young lawyers’ program in Virginia schools, children learned how to respect rather than scorn differences to feel that they belong—to boost self-esteem and to be tolerant.

On another front, the YLC, in partnership with the Millennium Diversity Initiative and the University of Richmond’s T.C. Williams School of Law, created and launched the first Oliver Hill/Samuel Tucker Pre-Law Institute. The institute introduced the legal profession to high school students from diverse backgrounds. Never one to dream small, the institute’s committee chair, Jennifer McClellan, envisioned mock trials, courtroom visits, lectures and interactive events, such as a Richmond Braves baseball game, laser tag and lunch with a judge. The committee recruited chaperones, faculty and judges for one hot, boisterous and immensely rewarding week in July.

In August, the YLC received ABA awards, including first place for its *Docket Call* newsletter, and special recognition for its immigrant outreach and peer mediation programs.

While we encourage young lawyers’ participation in our activities and programs, we also value our role as a resource to our members. Two years ago, we launched the Professional Development Conference, which included both CLE and non-CLE programming tailored to improving the legal experience of lawyers in their first decade of practice. The PDC featured excellent speakers and programming—such as emerging trends in the law, managing your law practice, rainmaking, partnership considerations and malpractice avoidance.

On reflection, I got involved with the YLC to work with people who were serving others and satisfying unmet legal needs in their communities. Today, I am proud to see and hear from the wide range of young lawyers across Virginia who continue to spend countless hours battling social injustice, seeking legal reform, fighting for the underdog and making a difference. In the coming year, let the YLC know how we can help you. Assistance may come in the form of volunteers, program ideas and funding, other, or it may be the YLC supporting you and cheering your successes.

For those of you who are not involved, but desire to help and serve, the YLC offers you outstanding opportunities to serve the bar and the public. It also affords you the opportunity to meet other young lawyers from a wide range of backgrounds and experiences, who are seeking the same goals of our profession—to help, to serve and to reach out.

While the phrase “no man is an island” may be over-used, the sentiment is true. There are any number of ways to reach out: Our *Senior Citizens Handbook* has been translated to Spanish; we are developing new programs relating to immigrant outreach; assisting victims of domestic violence to achieve safety remains one of our highest priorities; and we continue our efforts to increase the diversity of our profession.

If you are no longer a young lawyer, I encourage you to support the YLC, to support our programs and to support young lawyers who participate in the YLC.

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My Life as a Federal Government Attorney

Jennifer I. Campbell

In law school, I never envisioned myself as an attorney for the federal government. I dreamed of being a high profile litigator, crusading against all of the injustices of the world. During law school, I tried out the life of a summer associate and somehow in the midst of billable hours and office politics, I became disenchanted. I wanted to make a difference now, not spend the next seven years of my life buried beneath a stack of statutes in a law library. On the other hand, I had student loans to pay off and could not afford to pursue much in the public interest sector. I eventually found a happy medium in working for the federal government.

While I'll never get rich as a government attorney, there are a lot of benefits. One of the most attractive benefits to young lawyers is that the government permits the agencies to help pay off student loans. The government is also the perfect place for an attorney who wants to have a life outside of the work place. I have time to run a marathon, read books and pursue hobbies. The atmosphere is perfect for someone who has or wants to have a family. Many branches of the government offer different types of flex time programs in which employees can set their own schedule so that they can beat rush hour or be at home when their kids return from school. The atmosphere in the government is more casual than at most firms. You don't have to keep track of billable hours or worry about whether you have met your monthly or yearly numbers. Raises are measured by your performance on an annual basis. As a federal employee, job security is not much of a worry. You can be rest assured that the government will still be there when you wake up the next day. Other perks include excellent travel opportunities, training resources and decent benefits. Federal holidays are also a great bonus.

I will admit that there are things I find frustrating about the government. Like most other large organizations, it is a bureaucra-

President's Message—

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Finally, the YLC board and I hope to meet many young lawyers across the Commonwealth this year. We are planning receptions at locations, to be announced, in conjunction with our meetings throughout the year. I encourage you to attend the receptions and look forward both to meeting and working with many of you this year. ♦

Join a Practice Section

There are 20 specialty practice and substantive law sections of the Virginia State Bar.

For more information and a registration form visit the bar's Web site at www.vsb.org/sections/

cy. Politics plays a role in the agency and in the office. Every time a new president is elected, the administration changes. Along with the changes in staff, there are changes in policy that may trickle down and affect you or your work. Another problem lies with the budget process. For instance, while regulations provide assistance with the repayment of student loans, the individual agencies implement the program and fund the plan. As a result, while some agencies offer this benefit, others do not. On the office level, the administrative supervision is many layers thick. If you believe in matrix management you will be continuously frustrated with a chain of command. At times, I have written draft decisions that are handed to my supervisor, who then gives them to her boss, who edits them, explains his edits to my supervisor, and then gives them back to my supervisor to return to me for corrections. It feels like playing the children's game "telephone."

The most compelling reason to work for the federal government is the mission of the agency. Regardless of what agency you work for, you are furthering the interests of the United States and helping to make the United States a better place. For instance, I'm currently transitioning into a job where I will represent the government in industrial security clearance cases. I am helping protect our government's secret information from leaking out to spies or terrorists, and I truly believe that I am making a difference. I am proud to be serving my country and making it a better place for my fellow Americans. ♦

**The views expressed herein reflect the personal views of the author and do not purport to reflect the views or positions of the Department of Defense or any other component of the Federal government.*

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Marketing Mana

Mary L.C. Daniel

"What do you do?" If you cannot answer this question in a single, brief sentence, then you cannot market yourself effectively. For me, the answer is "Commercial collections and creditors' bankruptcy in Virginia and West Virginia." It fits on my business card, and is easy to say at a cocktail party or Rotary meeting. It is not an exhaustive list of all services offered by me or my firm, but every bank president and accounts receivable manager will remember it. I have targeted my preferred clients. Think of your ideal practice and your ideal client, then write your own answer to the question. Review it, shorten it, rework it until it fits on one line of your legal pad. Then memorize it, and repeat it every chance you get!

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

Legal Ethics Opinion

Jeffrey H. Geiger

Q Great. The court granted the defense counsel's motion to retain a private investigator for the criminal defendant, Ida D. Induit. The last time that happened, all of my witnesses suddenly sang a new tune. Some said that the investigator showed a badge implying that she was a police officer. Others said that the investigator stated that the judge sent her or that I, the prosecution, told them to talk to her! I know everyone says "we live in interesting times," but this is getting to be too interesting. From now on, I am going to send a letter to all of the prosecution's witnesses that they should not speak with the defense investigators and warn them about some of the tactics used.

A Let's not make those times even more interesting. Rule 3:8(c) of the *Virginia Rules of Professional Conduct* provides that a "lawyer engaged in a prosecutorial function shall . . . not instruct or encourage a person to withhold information from the defense after a party has been charged with an offense." Two wrongs do not make a right and, clearly, the issue is about reaching the truth about Induit's guilt. Don't fall into the trap of believing that witnesses are so easily manipulated or, at least, not able to be rehabilitated.



However, there is no requirement that prosecutors take a vow of silence when it comes to witnesses. In Legal Ethics Opinion 1741, the Standing Committee on Legal Ethics opined that it would not be improper for the prosecutor to inform the Commonwealth's witnesses that they may be contacted by private investigators working for the defense and to identify them by name. It is also acceptable to inform her witnesses that they have the right to speak or not to speak with an investigator working for the defense.

Practice Tip: Retainer Agreements.

Get it in writing. Trying to work out the terms of the engagement after the matter is over is too late. Memories become stale (especially if victory belonged to another). Good practice dictates setting forth the terms of the attorney-client relationship on paper, e.g., fees, expenses, scope of services and potential conflicts.

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Why Do You Get Involved?

James M. Snyder

What's in it for me? Plenty. With all I have to do, why use my time to actively participate in bar organizations? Because you can. Why should I? Because it is your obligation.

Bar organizations come in many shapes and sizes, and the opportunities each provides give us all a chance to make an impression on other lawyers and the community at large. Whether you choose to become involved in a particular local bar, a bar organization devoted to a specific practice area or a statewide bar organization, just get involved. The time you put into the activity will pay great dividends. Most young lawyers are still fresh enough to remember the intricacies of cost-benefit analysis—and bar organizations are a winning investment.

When I contacted lawyers in an effort to determine why they became involved in bar organizations, many of the responses were the same. The most frequent response was that participation was not only necessary, but obligatory. As lawyers, we have an opportunity many others do not have. We, by the very nature of our profession, are looked upon to provide positive change and guidance within our own legal community as well as the public community at large. One person on his own can accomplish only so much. But put that person in an organization

committed to making a real impact, and the effect is increased exponentially.

Next, active bar association participants told me that you can not overlook the obvious personal and professional benefits that come from being involved. Time spent on bar committees is an integral part of forming friendships with other interested lawyers. Lawyers truly committed to improving the system within which we all work and who have genuine concern regarding their profession tend to congregate at bar activities. What drives you to become involved likely drove others to do the same, and that commonality leads to long-term relationships that benefit all.

Finally, bar participation provides a wealth of knowledge, both about the law and the art of practicing law. Involvement most often means surrounding yourself with lawyers who know more, have done more, and have more to share. It is not uncommon to have opportunities to meet judges, senior lawyers, who want to share a passion for their profession, and invigorated young lawyers looking for guidance and knowledge at every turn.

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YLC Beat

Suzanne F. Garwood

The YLC kicked the summer off with yet another successful annual meeting in Virginia Beach on June 12 through 16, 2002.

Annual Meeting.

The Virginia State Bar held its 64th Annual Meeting at Virginia Beach from June 12 through June 16, 2002. This year, the YLC sponsored Saturday morning's special program, "Judging the Terrorists—Military Tribunals or Criminal Courtrooms." Moderated by Richard E. Garriott of Clarke, Dolph, Rapaport, Hardy & Hull, the panel included Professor Michael F. Noone, Jr., and Dr. Gary Solis.

A visiting professor at the Columbus School of Law, Catholic University, Noone's research and writing on peacekeeping and political violence have taken him in recent years to Australia, New Zealand, South Africa, Northern Ireland and Israel. Dr. Solis teaches the law of armed conflict at Georgetown University, where he is an adjunct professor of law. He earned his Ph.D (law of war) at The London School of Economics & Political Science, where he remained on the faculty for three years. Dr. Solis served two tours in Vietnam and later published *Son Thang*, a true account of the killing of non-combatant Vietnamese by a team of five marines.

R. Edwin Burnett, Jr., Young Lawyer of the Year Award.

At the annual meeting, the YLC recognized Jennifer L.

Get Involved—

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As young lawyers we all have more than enough concerns. Learning how to practice law, how to juggle seemingly never ending case loads, how to handle difficult professional decisions and relationships, how to work hard and at the same time make everyone happy, at work and home. Voluntarily assuming responsibilities for which you cannot bill and do not directly generate any revenue may seem a wasted venture. Do not let the apparent senselessness of such a decision keep you from making it. Take up the charge and move forward with unrelenting vigor to represent the next generation of legal leaders in Virginia. To lead effectively we need to know what works and has been tried and failed. Make a choice to be active, in something, in anything, so that you are prepared when called upon to ensure the continued prosperity of Virginia's legal community and Virginia. ♦

Jim Snyder is an Associate in the Richmond Office of Sands Anderson Marks & Miller. You may reach him at jsnyder@sandsanderson.com.

McClellan as this year's recipient of the R. Edwin Burnett, Jr., Young Lawyer of the Year Award. Established in 1994, the award's namesake is R. Edwin Burnette, Jr., a Lynchburg attorney who exemplifies the qualities and attributes encouraged by the YLC. An associate at the Richmond office of Hunton & Williams, McClellan's long history of service to the bar and the community includes her chairing the Women and Minorities in the Profession Committee and assisting in the organization of the Oliver Hill/Samuel Tucker Minority Pre-Law Institute. McClellan and her sister, Julie D. McClellan, a former YLC president, hold the distinction of being the only siblings to have been named Young Lawyer of the Year. Julie McClellan won the award in 1995.

New Board Members

On August 9, the YLC held its first meeting, welcoming the following four new board members: Holly Bryanna Cox (1st Circuit—Newport News), Shawn A. Copeland (3rd Circuit—Richmond), George P. Snead (6th Circuit—Fredricksburg) and Maya M. Eckstein (At-Large Representative—Richmond).

VSB-YLC Leadership Conference.

On September 21, 2002, the circuit representatives, committee chairs and YLC governors convened to discuss goals and programs for the coming year. ♦

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.

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Pro Bono Focus: Peer Mediation Committee

Gina L. Marine and Jennifer I. Campbell

Founded to help educate youngsters about how they can resolve conflicts peacefully in a non-adversarial environment, the Peer Mediation Committee members work in middle and high schools throughout northern Virginia. Plans are underway to establish relationships with schools throughout the Commonwealth, including Richmond and the Tidewater region. Students participating in the Peer Mediation Program do so as volunteers, representing a diverse cross-section of the student body. Students are trained to mediate disputes arising among their classmates, ranging from locker sharing issues to gang-related quarrels. With the guidance of teachers and counselors, these students provide much needed relief to an already burdened school administration.

For the second year, the Peer Mediation Committee spoke at Northern Virginia's Fairfax High School Peer Mediation Training on May 29, 2002. Both the students and teachers welcomed us back and applauded our participation. The students in attendance included several familiar faces from the prior year. Students were excited to tell us how their mediation program blossomed over the past year.

In discussing the differences between a mediation and a trial, the students, understandably, went a little blank as we rambled on about the pros and cons. After sharing with them the impact mediation has in our daily work, the fun began, and the students came to life. In an exercise designed to demonstrate the differences between litigation and mediation, we split the group in two sections and gave them a fictional scenario about a jacket dam-

aged at the dry cleaners. Half of the students formed smaller groups where one student would mediate the dispute between two of their peers acting as opposing parties. The other half of the students broke up into small groups where one student acted as a judge, one the plaintiff and one the defendant. Each group was to reach a conclusion in their case. At the end of our lesson, the students recognized the endless possibilities and creative solutions that result by taking disputes through mediation in lieu of the traditional court process.

Participation by members of the YLC in the Peer Mediation Committee is rewarding. You should consider joining as the warm weather winds down and you begin to settle back into your routine. The students and administrators with whom we have had the pleasure of working are grateful for the time we spend with them.

If you are interested in forming a Peer Mediation Subcommittee in your area or in becoming a part of the existing Peer Mediation Committee, please contact Gina Marine, gmarine@knlaw.com at (703) 522-8084 or Courtland Putbrese, cputbrese@mcguirewoods.com at (804) 775-4370. ♦

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