

# DOCKET CALL NEWSLETTER



Young  
Lawyers  
Conference

Vol. 18, No. 3 • Winter 2002 • Editor: Jeffrey H. Geiger

Virginia State Bar

## The Admission and Orientation Ceremony: A View from the Inside

*James M. Snyder*

**O**n October 29, 2001, the Virginia State Bar welcomed a new group of women and men to the practice of law, and the Virginia Supreme Court had its first opportunity to see some of the future orators it will no doubt have the pleasure to hear from over the upcoming years. Of the 965 attorneys who passed the Virginia State Bar Examination, 865 were administered the oath.

Held in Richmond, the Admission and Orientation Ceremony began at 10:30 a.m. with registration of the new admittees. Registration tables were set up according to law school and many of the admittees seized this occasion to find



Presiding over the orientation program was Meredith B. Miles, chair of the Young Lawyers Conference Admission and Orientation Ceremony.

fellow alumni and friends to discuss their first three months of pseudo-practice and lament over the realization that they do not get three weeks off for the Holidays anymore. Following registration and the mutual exchanges of hugs, tears and reassurances that some day they will get to make the decisions, the admittees took their places in the grand ballroom of the Richmond Marriott for the commencement of the ceremony.

I attended as an admittee who had been through this sort of ceremony once before in Indiana but had not been out long enough to gain reciprocity into the Virginia bar. At the Admission Ceremony, I discovered I had a, shortcoming—my attendance at an out-of-state law school. With many other non-Virginia-educated admittees, I was “banished” to the far right side of the room. I was most thankful for one thing: I arrived early enough to get a chair, unlike others who stood throughout the ceremony, but were also deprived of the glorious opportunity to stand when their name was called (I think they should have sat down or done a jumping-jack so then they would have been noticed).

All humor aside, the program ran smoothly and exhibited the gravity the event merited. Meredith B. Miles, chair of the Young Lawyers Conference Admission and Orientation Ceremony Committee, presided over the orientation program. Also speaking at the program were Michael A. Glasser, president of the Virginia State Bar, and O’Kelly E. McWilliams, III, president of the Virginia State Bar Young Lawyers Conference. In their remarks, the speakers talked about the responsibility they have with respect to both the profession and to members of the community. Following the orientation ceremony, the Supreme Court of Virginia convened a special session in order to administer the Oath of Fidelity to the Commonwealth and

*See ‘A&O Ceremony’ on Page 5*

# 8th Annual Bench-Bar Dinner Held in Richmond

Michelle M. Jones



Keynote speaker, the Honorable Roger L. Gregory.

The YLC Committee on Women and Minorities in the Profession held its 8th Annual Celebration of Women and Minorities in the Legal Profession Bench-Bar Dinner at the Virginia Museum of Fine Arts in Richmond on November 14, 2001. The evening began with a welcome reception from 6:30–7:30 p.m., and dinner started at 7:30. According to committee co-chair Michelle I. Pretlow, the Bench-Bar Dinner, which honored all newly-appointed women

and minority members of the Virginia judiciary, was a success.

Approximately 60 people attended the event, including the honorees, who were the Hon. Pamela S. Baskervill, the Hon. Barbara J. Gaden, the Hon. Anita D. Filson, the Hon. Rossie D. Alston, Jr., the Hon. Kimberly J. Daniel, the Hon. Mary Grace O'Brien, the Hon. Garland L. Bigley, and the Hon. Lynn S. Brice. There were 10 judges in attendance, including the eight honorees.

The Hon. Roger L. Gregory, judge for the U.S. Court of Appeals for the 4th Circuit was the speaker. Judge Gregory spoke of how minority and women judges are trailblazers in the legal profession.



Attendees included, left to right: Jemmi Jackson, Jackie Stone, Jimmy Robinson, O'Kelly McWilliams, The Honorable Roger L. Gregory, Jennifer McClellan, Maya Eckstein and Kenya Washington.

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/).

## Seeking Nominations for the YLC Board of Governors

The Virginia State Bar is seeking nominations for the YLC Board of Governors, the governing body of the 8,000-member Young Lawyers Conference.

The following YLC Districts are vacant or up for re-election:

- 2nd District representing Judicial Circuits 2 & 4
  - 3rd District representing Judicial Circuits 6, 11, 12, 13 & 14
  - 5th District representing Judicial Circuits 19 & 31
  - 7th District representing Judicial Circuits 16, 20 & 26
  - 9th District representing Judicial Circuits 10, 21, 22 & 24
  - 10th District representing Judicial Circuits 27, 28, 29 & 30
- Plus, 5 At-Large Representatives.

If you or a colleague are interested in being considered for one of these openings, please send a letter of interest by **MAY 1, 2002** to:

Tracy A. Giles, Esq., P.O. Box 2780, Roanoke, VA 24001, fax (540) 981-9327.



## MESSAGE FROM THE PRESIDENT



*O'Kelly E. McWilliams, III*

### *May I Have Some Help, Please?*

*“Keep the gold and keep the silver, but give us wisdom.”*

—Arabian Proverb

\*\*\*

Does this statement sound familiar? “I am frustrated with the practice of law because I am expected to undertake a tremendous amount of responsibility without the necessary mentoring and training to make me a good lawyer.” Unfortunately, I have heard this statement or similar statements all too often among young lawyers. The combination of a grueling schedule combined with a lack of training and mentoring are threatening to drive away some of our best and brightest from our noble profession.

In today’s legal profession, lawyers have the opportunity and (I believe) the obligation, to lead by example and give back to the profession by mentoring young lawyers as wise and trusted counselors, teachers and guides. Fortunately, I have had the experience of being mentored by attorneys who have decided to lead by example. As a younger lawyer, I sought guidance from older, more experienced lawyers in an effort to establish relationships that could provide me much needed professional guidance and counseling. During my clerkship after law school, I recognized that needed guidance in certain aspects of my legal career (public or private practice, area of practice, reputation of firm, salary, benefits, etc.). This forced me to reach out to other lawyers who were willing to talk to me about my concerns. I asked specific questions, shared concerns, asked for their opinions and always listened.

There are responsibilities in becoming both a mentor and mentee. Neither one is challenging, but, in my opinion, there is something greater to be gained by the mentee. In order to

receive all there is to gain from a mentor, a young lawyer must first express interest in having one. His or her interest will make a positive impression to potential mentors as someone who is concerned about their career development and profession fulfillment, and it will facilitate a potentially great relationship with someone you can trust and go to during your growing years in the legal profession. Even now, having practiced almost nine years, I continue to seek advice and counsel from individuals and long time mentors such as Judge

*Continued on Page 5*

#### DOCKET CALL

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

EDITOR

**Jeffrey H. Geiger**

EDITORIAL BOARD

**Jonathan E. Allen, Bonnie Ashley, Suzanne Fay Garwood,  
Michelle M. Jones, Emily Sisler, James M. Snyder,  
Catherine A. Steffen**

BOARD LIAISON

**Mary Louise Costello Daniel**

DESIGN & PRODUCTION

**Cheryl L. Pavkov**

*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

# Legal Ethics Opinion

Jeffrey H. Geiger

**Q** You agree to represent Lou Dite, who has sued to recover \$5,000.00 he paid to an electrician, Meg A. Watts, for work that was never fully performed. While you don't want to short circuit settlement discussions, it appears that Watts may have wrongfully appropriated the funds provided to her by Dite. And this isn't the first time. You are wondering whether you should send counsel for Watts a letter that you plan to advise Dite to file criminal charges against Watts, notwithstanding any repayment of the funds.

**A** Truly shocking. Rule 3.4(h) states that: "A lawyer shall not [p]resent or threaten to present criminal or disciplinary charges solely to obtain an advantage in a civil matter." Of course, as expressed in the comments to the rule, you may advise Dite about the possibility of criminal prosecution and his rights and responsibilities in connection with such prosecution. However, the issue raised concerns whether sending a letter to Watts' attorney communicating your intent to do so constitutes an improper threat. In LEO 1753, the Standing Committee on Legal Ethics reaffirmed a two-part test for determining whether such a communication crosses the line: (1) is the letter a threat, and (2) if so, is the threat solely to obtain an advantage in a civil matter.

While the letter clearly includes a threat, it must be one aimed solely at obtaining an advantage in a civil matter. Such a determination is made on a case-by-case assessment of the subjective motivation for threatening criminal charges. LEO 1388. Here, there is no suggestion of a quid pro quo. Instead, the letter states that you intend to recommend to Dite that he seek criminal prosecution of Watts *even if she does repay him the missing funds*. Thus, there would appear to be no advantage sought in Dite's civil action against Watts under the facts presented.

**Q** Can lightning strike twice you wonder aloud? Another client of yours has been beset by a large number of bad checks recently. You figure that the form letter you send out on behalf of your client could be strengthened by adding that "I will advise my client to seek criminal charges notwithstanding repayment."

**A** Don't get too close to the bug zapper, my friend. As the Committee noted in LEO 1753, "if you were to send such a letter with no intention of pursuing



criminal charges and with the hope of encouraging payment of the bad check, then the letter would not be permissible."

**Q** "I miss the go-go days of the eighties—if it's legal, it's ethical, right?"

**A** Virginia, there is no Escape use. This question appeared in the *Docket Call* in 1999, and, despite the doomsayers bemoaning the lack of civility and professionalism, the verdict is not out. What bears repeat-

ing is the Supreme Court of Virginia's pronouncement in *Gunter v. Virginia State Bar*, 238 Va. 617, 621, 385 S.E.2d 597, 600 (1989):

The lowest common denominator, binding lawyers and laymen alike, is the statute and the common law. A higher standard is imposed on lawyers by the [Virginia Code of Professional Responsibility] . . . [W]e emphasize that more is required of lawyers than mere compliance with the minimum requirements of that standard. The traditions of professionalism at the bar embody a level of fairness, candor, and courtesy higher than the minimum requirements of the [Virginia Code of Professional Responsibility].

*Jeff Geiger is counsel in the Richmond office of Sands Anderson Marks & Miller. You may reach him at [jgeiger@sandsanderson.com](mailto:jgeiger@sandsanderson.com).*

## You Can Help Virginia's Teachers and Students Celebrate Law Week, April 29–May 3

Join the VSB Speakers Bureau! For more information on the VSB Speakers Bureau and to request an application, call (804) 775-0586, or e-mail [sparger@vsb.org](mailto:sparger@vsb.org). Information is also available on the Web at [www.vsb.org/publications/speakersbureau/](http://www.vsb.org/publications/speakersbureau/)

When we receive a speaker request in your area that matches your information, we will contact you. Of course, the speakers bureau is available to schools and professional, civic and social organization year round.

## A&O Ceremony—

*Continued from Page 1*

the Oath of Attorney at Law. Once the admittees were introduced and the oaths delivered, Chief Justice Harry L. Carrico briefly addressed the new members of the bar.

Having practiced now for over two years, the space behind my ears now dry enough that my glasses are not always slipping off, I have a few nuggets of advice that may hold the same value as an Argentine peso: always show your opponent respect, no matter how little they show you; be nice until you cannot be nice anymore; and never tell a state court judge that “that’s not how they do it in the federal court.”

*Jim Snyder is an associate in the Richmond Office of Sands Anderson Marks & Miller. You may reach him at [jsnyder@sandsanderson.com](mailto:jsnyder@sandsanderson.com).*

## President’s Message—

*Continued from Page 3*

Gerald Bruce Lee, Cynthia Metzler and Robert Grey. The life and professional lessons that I learned from these individuals are invaluable and have proved to be one of the reasons I enjoy practicing law. The guidance I received from their own personal experience as young lawyers has allowed me to understand and appreciate what practicing law and service is all about.

I recognize that I cannot cover this subject in such a short article. However, I would like to share a few things I’ve learned along the way. There are rules that a mentee should apply when seeking and establishing a mentor-mentee relationship. Think of it as a long-term relationship, not just a seasonal one that ends once you’ve learned the “ropes”. Consider the following suggestions:

- Be assertive in desiring a long-term mentor (s)
- Take initiative: Your mentor is likely to be busier than you.
- Don’t hesitate in asking questions or seeking advice on certain issues: that’s what your mentor is there for.
- Don’t take offense if your mentor has to cancel a session or is a bit difficult to reach from time to time.
- Express gratitude for your mentor’s involvement and energies on your behalf.



## R. EDWIN BURNETTE, JR. YOUNG LAWYER OF THE YEAR AWARD

### \* Seeking Nominations \*

The Virginia State Bar Young Lawyers Conference is seeking nominations for the R. Edwin Burnette, Jr., Young Lawyer of the Year Award.

This award honors an outstanding young Virginia lawyer who has demonstrated dedicated service to the YLC, the profession and the community.

The nomination deadline is May 1, 2002. Letters of nominations and any supporting materials should be sent to:

Tracy A. Giles, Esq.  
P.O. Box 2780  
Roanoke, VA 24001  
fax (540) 981-9327

- Don’t take for granted how hard it is for most lawyers to mentor others.
- Do your part to develop the relationship, so that your mentor will trust you and embrace his or her role in your career.
- Always listen to your mentor even if you disagree with your mentor
- Reach across your differences to accept the guidance you sought and need.
- Trust your mentor’s advice and guidance; Remember, they’ve already been where you are.

Having a mentor is a rewarding facet of being a young lawyer. Although at times it can be difficult to isolate time to spend with your mentor, be patient and know that your mentor wants to help you. Be mindful that having a mentor can have a tremendous impact on your career if the relationship is nourished and respected. Mentors are there to guide, teach and counsel. Don’t be afraid to take advantage of what they can provide. In your later years down the road of practicing, you’ll look back and be thankful for the mentors that made a positive difference in your career.

VIRGINIA STATE BAR  
YOUNG LAWYERS CONFERENCE

❧ Professional Development Seminar ❧

March 15–16, 2002

University of Virginia's Darden School, Charlottesville

- The Session, the Laws, the Amendments: What You Need to Know From the General Assembly
- Trends in Jurisprudence and the Impact on Young Lawyers in the Future
- Speaking of Oral Advocacy: A Panel Discussion
- Employment Law 101
- Contracts: What You Didn't Learn in Law School
- Hot Topics: Recent Developments in Virginia Law
- Hanging Out Your Shingle: How to Open A Law Practice
- Partnership Considerations: If They Offer It, Will You Take It?
- Avoiding Malpractice in the 21st Century
- Striking a Healthy Balance Between Your Professional and Personal Goals
- Rainmaking in the Next Millennium: What's Different, What's Not?
- Working With the Federal Public Defenders Office in Your Criminal Defense Practice

*6.5 MCLE Hours (approval pending)*

For further information, see the schedule on the following page, watch the VSB Web site at [www.vsb.org/sections/yl](http://www.vsb.org/sections/yl), or contact Maureen Stengel at (804)775-0517 or [stengel@vsb.org](mailto:stengel@vsb.org).

To register, please fill out the form, below, and send it with your check for \$115 (made payable to the Virginia State Bar) to Bar Services, Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, VA 23219-2800. Space is limited and registration will be on a first come/first served basis. Walk-in registration will be accommodated if space is available. If you have a disability that requires special accommodations, please contact the VSB in advance of the program.

**Hotel Accommodations:** Sponsors Hall at the UVA's Darden School has a block of sleeping rooms reserved. If you wish to stay overnight, please indicate this on your registration form and enclose the room cost in your registration fee. Directions to UVA Darden School and Sponsor's Hall will be mailed under separate cover.

**Meals:** Thanks to our generous sponsors, your lunch, dinner and breakfast are included in your registration cost.

**Written Materials:** Each participant will receive outlines and materials of the presentations at the program.

**Cancellations:** Refunds will be given for cancellations received in writing by March 1, 2002. You may send your request to the VSB or [stengel@vsb.org](mailto:stengel@vsb.org).



## REGISTRATION FORM:

Name: \_\_\_\_\_ VSB ID # \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

\_\_\_\_ Registration for the 2002 YLC Professional Development Seminar \$115

\_\_\_\_ Overnight accommodations at Sponsors Hall \$100

\_\_\_ smoking \_\_\_ non-smoking

Total \_\_\_\_\_

Please make your check payable to the Virginia State Bar and mail it to Bar Services, Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, VA 23219-2800. For more information, call (804) 775-0517.

---

☯ Friday, March 15th ☯

- 10:00 A.M. **Opening Remarks**—O’Kelly E. McWilliams, III, President, VSB Young Lawyers Conference; Collin J. Hite, Board of Governors, VSB Young Lawyers Conference
- 10:15 A.M. **The Session, the Laws, the Amendments: What You Need to Know From the General Assembly\***—Ann Neil Cosby, Sands Anderson Marks & Miller, P.C.; Jescey French; Division of Legislative Services
- 11:00 A.M. **Trends in Jurisprudence and the Impact on Young Lawyers in the Future\***  
John A. C. Keith, Blankingship & Keith
- 12:00 P.M. **Lunch**
- 1:00 P.M. Concurrent Sessions: **Speaking of Oral Advocacy: A Panel Discussion\***  
Hon. Pamela M. Sargent, U.S. Magistrate Judge, Western District of Virginia; Hon. Lydia C. Taylor, Circuit Court Judge (Norfolk); Hon. Robert L. Harris, Sr. (Ret.), McCammon Mediation Group  
- or -  
**Employment Law 101\***—Thomas M. Winn, III, Woods, Rogers & Hazlegrove
- 2:45 P.M. Concurrent Sessions: **Contracts: What You Didn’t Learn in Law School\***  
William S. Gray, Williams, Mullen, Clark & Dobbins  
- or -  
**Hot Topics: Recent Developments in Virginia Law\***  
Robert Angle, Troutman, Sanders, Mays & Valentine
- 4:00 P.M.–5:00 P.M. Concurrent Sessions: **Hanging Out Your Shingle: How to Open A Law Practice**  
Barry G. Logsdon, Mitchell & Logsdon;  
Gregory T. Casker, Law Office of Gregory T. Casker  
- or -  
**Partnership Considerations: If They Offer It, Will You Take It?**  
Greg T. Haymore, Turpin & Haymore, P.C.; Jacob A. Lutz, Troutman Sanders Mays & Valentine LLP;  
Robert S. Ballou, Johnson, Ayers & Matthews; Karen Turner McWilliams, Verner, Lipfert, Bernhard, McPherson and Hand, Chartered
- 5:30 P.M. **Reception and Dinner**

☯ Saturday, March 16th ☯

- 9:00 A.M. **Avoiding Malpractice in the 21st Century\***  
D. Adele Nighman; Attorneys Liability Protection Society
- 10:00 A.M. **Striking A Healthy Balance Between Your Professional and Personal Goals**  
W. Taylor Reveley, III, Dean, Marshall-Wythe School of Law; Linda M. Jackson, Venable, Baetjer & Howard;  
Ellen Ostrow, Ph.D., Lawyers Life Coach.com
- 11:30 A.M.–12:30 P.M. Concurrent Sessions: **Rainmaking in the Next Millennium:**  
**What’s Different, What’s Not?**—Mike O’Horo, Sales Results, Inc.  
- or -  
**Working With the Federal Public Defenders Office in Your Criminal\*  
Defense Practice**—Frank W. Dunham, Jr., Esquire, Federal Public Defender for the Eastern District of Virginia

\*6.5 hours CLE credit pending

**Clients are calling Virginia Lawyer Referral Service for legal assistance.  
Let us direct the clients to you.**



**Register today** for the Virginia State Bar's Lawyer Referral Service

- Over 1,800 referrals monthly to VLRS panel members
- Pre-screened, fee-generating clients
- A valuable public service to the community
- Non-profit statewide service
- Join using Mastercard or VISA

For more information, visit [www.vsb.org/vlrs.html](http://www.vsb.org/vlrs.html)  
or contact Barbara Allen at (804) 775-0590 or [allen@vsb.org](mailto:allen@vsb.org).

***New for 2002 Only!* MCLE REQUIREMENT: 15 CLE HOURS INCLUDING (2) ETHICS HOURS**

**New MCLE Completion Deadline is October 31, 2002.**

Attorneys taking courses after the October 31 deadline must pay a \$50 non-compliance penalty.

MCLE Reporting Deadline is December 15, 2002 to avoid Late Filing Fee.

Check your MCLE Record on-line at [www.vsb.org/mcle/mcle\\_record.html](http://www.vsb.org/mcle/mcle_record.html)

**DOCKET CALL**

Virginia State Bar Young Lawyers Conference  
707 East Main Street, Suite 1500  
Richmond, VA 23219-2800

PRESORTED  
FIRST CLASS  
U.S. POSTAGE PAID  
RICHMOND, VA  
PERMIT NO. 709