

# DOCKET CALL NEWSLETTER

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[www.vayounglawyers.org](http://www.vayounglawyers.org)

Young  
Lawyers  
Conference



Virginia State Bar

## Professional Development Conference Set for March 18 and 19, 2005

*Mary Thexton Nguyen*

On March 18th and 19th, young attorneys will assemble at the University of Virginia in Charlottesville to attend the Fourth Annual Professional Development Conference. Organizers promise participants an exciting two-day program geared towards both litigators and non-litigators alike. This year's program offers participants insight on clients' needs, drafting contracts, negotiation strategies, injunctions, oral advocacy and even accounting. The conference is also adding a track that reaches out to the transactional attorney by including program topics such as in-house accounting and client control.

This year's conference speakers and faculty will so far include Judge James Jones of the United States District Court for the Western District of Virginia; Judge Terrence Ney of the Circuit Court of Fairfax County; Judge Jane M. Roush of the Circuit Court of Fairfax County; Keith Medelson of Womble Carlyle Sandridge & Rice; Dennis Brown of Capital One; Stuart Raphael of Hunton & Williams; Tom Spahn of McGuire Woods; defense attorney Craig Cooley; and Julia Judkins of Trichilo, Bancroft, McGavin, Horvath & Judkins. The

keynote speaker is Jacob A. Stein, a noted Washington, D.C., litigator. Stein, a partner at Stein, Mitchell & Mezines, LLP, brings to the table 55 years of practice, during which he has represented such high-profile clients as Monica Lewinsky and Kenneth Parkinson of Watergate fame. Stein also served as a special prosecutor for Reagan-era attorney general Edwin Meese. He is a prolific writer and contributor to various magazines, including the Washington Lawyer, the American Scholar, the Times Literary Supplement, the Wilson Quarterly, and the ABA Litigation Section's publication. The conference promises an exciting program from start to finish.

The conference is not the typical CLE program; it is the rare occasion that allows participants an opportunity to mingle with the best legal minds in Virginia and to obtain CLE credits for under \$200. Several years ago the YLC developed the Professional Development Conference as a way for young attorneys to network and to further develop their lawyering skills inexpensively, and in the effort to continue that tradition, organizers are hoping to get approval for up to 9 CLE credits. Last year's program was provided at a \$115 reg-

istration fee; organizers are hoping to present this year's program for a similar nominal fee, which will include meals and the approved CLE credits. Overnight accommodations will be at Sponsor's Hall at the Darden School at the University of Virginia for a nominal additional cost. Brochures containing further information should be in the mail at the end of January, and information also is available through the YLC Web site at [www.vayounglawyers.org](http://www.vayounglawyers.org).

This year's organizers include: Daniel Gray of Cooper Ginsberg Gray, PLLC; Joshua David of David, Kamp & Frank; Audra Hale-Maddox of Womble, Carlyle, Sandridge & Rice; and Bill Porter and Dan Ortiz, both of Blankingship & Keith.

Please contact Maureen Stengel at (804) 775-0517 or Daniel L. Gray at (703) 934-1480 or [dgray@cgglawyers.com](mailto:dgray@cgglawyers.com) for additional information.

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

# Legal Ethics Corner

**Jeffrey Hamilton Geiger**

**Q** All right, I know the filing takes three weeks, the mail never gets out on time and every Monday turns into a “family emergency.” But maybe I shouldn’t have thrown a tantrum when my assistant, Cassandra, hung up on my best client. Now she has left me high and dry to go to work for Dewey, Treatum & Gneiss. I feel somewhat conflicted. This is a small town. While I have the utmost respect for the attorneys at her new firm, I have a lot of cases with them in which we are on opposite sides. Because Cassandra was privy to everything, I am concerned that there may be a conflict of interest issue.



However, every attorney must be mindful of the ethical responsibilities regarding supervision of non-lawyer assistants. For example: Rule 5.3(b) requires that “a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the lawyer.” Part of that obligation requires that “A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product.” Rule 5.3, Comment.

**A** The operative provisions concern Rules 1.7 (Conflict of Interest: General Rule) and 1.9 (Conflict of Interest: Former Client). However, these rules apply to attorneys. Despite the professionalism and ethical guidelines followed by professional assistants and paralegals, legal support staff are not subject to legal discipline under the Rules of Professional Conduct. See Legal Ethics Opinion 1800.

tation of the client, and should be responsible for their work product.” Rule 5.3, Comment.

The bottom line: Cassandra can work for Dewey, Treatum & Gneiss without necessarily conflicting the firm out of present (and future) cases. However, the firm will need to implement adequate screening mechanisms to prevent Cassandra from working on those matters she worked on in her prior firm. The Standing Committee offers a number of measures designed to support an effective screen of nonlawyer personnel:

- educate new staff about confidentiality and, critically, work done at a former firm
- confirm that the new employee brought no files or documents from the former firm—be especially careful about employees who bring with them forms or templates that may hold confidential or privileged information
- advise all attorneys and staff members to not discuss the matter with the new employee
- prevent the new employee from having access to the file (electronic and paper)
- note on the file in question the key information regarding confidentiality
- develop a written policy statement regarding confidentiality. 

## **Docket Call**

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

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# ABA President Robert Grey is Keynote Speaker At Annual Bench-Bar Dinner

*Lexi Walker*

There are a few good reasons to brave the winter weather and head out to the annual Bench-Bar Dinner at the Virginia Museum of Fine Arts on February 28. This year marks the tenth anniversary of the Celebration of Women and Minorities in the Legal Profession, and the keynote speaker, Robert Grey, is not only the president of the American Bar Association, but he is also a past president of the VSB Young Lawyers Conference and a Richmond attorney with Hunton & Williams.



Although the dinner's purpose is to honor the 15 women and minorities who have recently been appointed judges, Beth Hungate-Noland, chair of the Celebration Bench-Bar Dinner committee, emphasizes that the dinner itself is an event for everyone, with special advantages for young attorneys.

"It's a really good way to meet judges in the area," she said, noting that all judges across the Commonwealth have been invited and that Justices from the Supreme Court of Virginia attend often. "It's also a good way to meet other attorneys of all experience levels," she added. Young lawyers stand to gain from the wisdom of more seasoned attorneys and judges, and "it's a good way to get your face out there," Hungate-Noland said.

Perhaps the best reason for attending is the chance to meet Robert Grey. The ABA President specializes in regulatory and administrative law in Richmond with Hunton & Williams. Grey will be speaking on diversity in both American society and in the American jury system. The American jury has been a focal point of Grey's term as ABA President, and his remarks will highlight the importance of making the jury a true cross-section of American society. During his presidency, Grey started the American Jury Initiative, a program designed to teach the public more about jury service, inject more life into jury pools across the country, and make the procedures and practice of jury service more relevant to today's trial practice. "It is no accident that the most heterogeneous nation on Earth is also the most powerful and wealthy," Grey said. "Diversity is not only a moral imperative, but the best way for a society to progress and flourish."

The Tenth Annual Celebration of Women and Minorities in the Law Bench-Bar Dinner will be held February 28 at the Virginia Museum of Fine Arts, located at 2800 Grove Avenue in Richmond. The reception will begin at 6 p.m. with dinner served at 7 p.m. Admission is \$25 if paid before February 20, but after that date, the price of admission rises to \$30. Checks payable to the Virginia State Bar may be sent to Beth Hungate-Noland at Williams Mullen, Two James Center, 1021 East Cary Street, P.O. Box 1320, Richmond, Virginia 23218-1320. For additional information, please call Hungate-Noland at (804) 783-6913. 

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



## YLC Beat

*Kenneth L. Alger*

### Public Education Committee Enters Hiatus After Successful Students' Day at the Capitol

This past October, the YLC flooded the hallways of the Capitol building in Richmond with hundreds of middle-school students from around the Commonwealth. On October 14 and 15, more than a thousand students participated in the Students' Day at the Capitol ("SDAC") program, sponsored by the YLC—the last time students will be able to do so until 2008, when renovations to the Capitol building will be complete.

The SDAC is a unique program that is designed to bring the government alive, teaching students about the interplay between the branches of government and law through hands-on learning experiences. The participating students' jam-packed agenda consisted of interactive tours of the Capitol building, the Governor's mansion, the Supreme Court, and the Senate and House Chambers. On breaks between these tours, the students were escorted around the grounds of the Capitol for a question and answer session with attorney volunteers about the facilities and their state government.

The students also participated in mock legislative sessions conducted by the members of the Senate and House staffs. Students were placed into the roles of legislators to debate issues pertinent to their student lifestyles. After the legislative process was thoroughly explained to the students, a leader was chosen, and the heated debates began. The pros and cons of each position were discussed, and amendments were made to the bills as viewed necessary by the students. Some time later, a vote was taken on some very relevant issues for these students, such as whether student-athletes should be required to maintain a minimum GPA of 3.5 (no), a minimum GPA of 2.5 (yes), or whether cell phones should be permitted in the school (yes). Once each bill was adopted, aspects of enforcement

*Continued on page 5*

# CIRCUIT BEAT

*Danielle Giroux*

In the 14th Circuit, the YLC recently wrapped up a rewarding public service project at Varina Elementary School in Richmond. Over the course of three weeks in November and December, 17 attorneys volunteered their time to present the three-part program, Welcome to School: Helping Kids Belong, to approximately 125 third-graders at Varina Elementary. Through the use of video clips, questionnaires, brainstorming, storytelling and problem-solving techniques, the volunteer attorneys facilitated discussions among the third-graders that focused on topics such as respect, acceptance, diversity and belonging. This project represents an ongoing effort by the YLC to encourage positive social and learning environments in the schools.

## WANTED: CIRCUIT REPRESENTATIVES

There are vacancies for circuit representatives in several areas. Serving as a circuit rep is a great way to meet other lawyers and an easy way to get involved with the Young Lawyers Conference. Please consider signing up for these important positions! If you're interested in signing up or learning more about what's required, please contact the board liaison indicated for your circuit, below.

### Third Circuit—City of Portsmouth

Contact: Shari Patish  
Law Offices of Andrew Becker, P.L.C.  
Building 3300, Suite 115  
397 Little Neck  
Virginia Beach, Virginia 23450  
(757) 340-7600  
shari@beckerlaw-va.com

### Fourth Circuit—City of Norfolk

Contact Shari Patish  
Law Offices of Andrew Becker, P.L.C.  
Building 3300, Suite 115  
397 Little Neck  
Virginia Beach, Virginia 23450  
(757) 340-7600  
shari@beckerlaw-va.com

### Sixth Circuit—Cities of Emporia and Hopewell; Counties of Prince George, Surry, Sussex, Greenville and Brunswick

Contact: Shawn Copeland  
Carrell, Rice & Rigsby  
7275 Glen Forest Drive, Suite 309  
Richmond, VA 23226  
(804) 285-7800  
scopeland@carrellrice.com

### Eighth Circuit—City of Hampton

Contact: Amy Van Fossen  
Law Office of Thomas L. Hunter & Associates  
6512 Main Street, Court Circle  
P.O. Box 327

Gloucester, VA 23061  
(804) 694-0560  
Avanfossen@thomaslhunter.com

### Tenth Circuit—City of South Boston; Counties of Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Prince Edward

Contact: Brent Saunders  
Daniel, Vaughn Medley & Smith  
110 N. Union Street  
Danville, VA 24541  
434-792-3911  
brent@dvms.net

Danielle Giroux is the Circuit Representative for the 14th Circuit, which covers the County of Henrico. She can be reached at Harman Claytor Corrigan & Wellman, P.C., P.O. Box 70280, Richmond, VA 23255, by phone at (804) 762-8006 or by e-mail at [dgiroux@hccw.com](mailto:dgiroux@hccw.com).

The following committee chairs were omitted from the last issue of the *Docket Call* newsletter:

#### Admission and Orientation Ceremony Chair:

Christy E. Kiely  
Hunton & Williams, LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, VA 23219  
Tel. 804-788-8677  
Fax 804-788-8219  
ckiely@hunton.com

#### First Day In Practice Seminar Chair:

Vanessa L. Jones  
The Barnes Law Firm  
Centre Court, Suite A  
9401 Courthouse Road  
Chesterfield, VA 23832  
Tel. 804-796-1000  
Fax 804-796-1730  
vjones@barnesfamilylaw.com

## 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/).

# The Shadow of Justice

Jennifer Campbell

**T**he *Shadow of Justice* by Milton Hirsch is a legal thriller set in the heart of Miami's criminal justice system. This fast-paced, quick read is the first novel in the new series, "Great Stories by Great Lawyers." The American Bar Association Criminal Justice Section created this series in order to further its mission of educating the public about the country's justice system. The book marks another milestone for the ABA: This is the first work of fiction published in its 125-year history.

The novel's narrative voice belongs to the Honorable Clark N. Addison, trial judge for Miami Dade County. The judge finds himself struggling to deal with moral conflicts brought about through his associations with two close friends. John Wentworth "Blackjack" Sheridan IV, the Judge's former pal from the Miami State Attorney's Office, is a hotshot criminal defense lawyer who has entered private practice and is now appearing before Judge Addison. Another close friend, Edward Barber, a police detective for Miami Dade County, becomes alive to the reader through Judge Addison's memories; he has just passed away at the beginning of the tale.

Author and Florida attorney Milton Hirsch's characters are well crafted and multidimensional. The author does an exceptional job carefully taking the reader through the criminal process, explaining legal terms and proceedings in a thorough manner that holds the

reader's interest. He creates a great picture of what it is like to be a judge, a defense attorney, a prosecutor, and a defendant. He gives the reader valuable insight into court dockets, jury selection, opening statements, and the role of the judge in a criminal proceeding. Further, the book does a great job of getting inside the head of a judge wrestling with a complex moral situation and how he reaches an interesting and realistic Faustian compromise. Hirsch's remarkable openness is the source of the book's only failing, however; he hides so little from the reader that the thriller's plot contains too few surprises. This wholly readable page-turner leaves the reader wishing for some bigger "gotcha" for an ending.

Hirsch is an attorney with the Miami firm of Hirsch & Marcus, LLP. He received his J.D. from Georgetown University Law Center and became a prosecutor for the Office of the State Attorney in Miami-Dade County Florida. He then entered private practice. Among his numerous publications are works on the Fourth, Fifth, and Sixth Amendments, and *Hirsch's Florida Criminal Trial Procedure*. *The Shadow of Justice* is his first published work of fiction. 

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

*The Special Committee on Access to Legal Services of the Virginia State Bar  
invites you to mark your calendar for the*

## 15<sup>th</sup> Annual VSB Pro Bono Conference

Thursday, May 12, 2005 • University of Richmond School of Law

*Featuring*

**Daytime Training—10 a.m. to 5 p.m.**

**Focusing on Immigration Law**

**(Notably, the collateral civil consequences of criminal convictions)**

*with an extended Networking Break and CLE Presentations on:*

- **Substantive Issue Spotting**—Primer on Basic Immigration Law, including the immigration related problems of non-citizen complainants in domestic violence cases
- **Legal Ethics:** Reading the evolving continuum of self-help resources and public service opportunities
- **Translating Complex Practice Areas (Immigration) into viable volunteer and public service options**, including careers and volunteer opportunities with faith-based and other legal services providers and a review of mentoring and other support programs, and
- **The Business Side of Public Interest Law (managing and financing nonprofit start-ups)**

*and*

**An Evening Award Ceremony & Reception—7:30 to 9:30 p.m.**

**to honor the 2005 recipients of: The Lewis F. Powell Jr. Pro Bono Award and The Oliver White Hill Law Student Pro Bono Award**

Look for details in future issues of the Virginia Lawyer and Virginia Lawyer Register and online at [www.vsb.org/probono](http://www.vsb.org/probono).



## SAVE THE DATE

YLC FOURTH ANNUAL

# PROFESSIONAL DEVELOPMENT CONFERENCE

Friday and Saturday • March 18–19, 2005

Darden School of Business, University of Virginia, Charlottesville

CLE Topics will include client control, accounting for lawyers, drafting transactional agreements, negotiation strategies, privileges, special workshops on jurors, and many more.

This is a perfect CLE for litigators, transactional attorneys, and in house counsel.

For further information contact Daniel L. Gray at [dgray@cgglawyers.com](mailto:dgray@cgglawyers.com) or (703)934-1480.



## INDIGENT CRIMINAL DEFENSE ADVANCED SKILLS FOR THE EXPERIENCED PRACTITIONER

### SAVE THE DATE FRIDAY, MAY 20, 2005

THE CHIEF JUSTICE AND JUSTICES OF THE SUPREME COURT OF VIRGINIA  
THE MEMBERS OF THE CHIEF JUSTICE'S INDIGENT DEFENSE TRAINING INITIATIVE  
AND THE VIRGINIA STATE BAR

INVITE ALL LAWYERS REPRESENTING INDIGENT CRIMINAL DEFENDANTS  
TO MARK THEIR CALENDARS FOR

### A DAY-LONG ADVANCED TRIAL SKILLS CLE

RICHMOND CONVENTION CENTER  
AND SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER, ABINGDON  
(VIDEO CONFERENCED SIMULCAST)

LOOK FOR DETAILS IN FUTURE ISSUES OF  
*Virginia Lawyer* magazine and at [www.vsb.org](http://www.vsb.org)

## Culpeper Attorney, Dale Durrer, Recently Participated in Yale Debate

Dale Durrer, an Assistant Commonwealth Attorney in Culpeper, recently debated Yale University Law School Professor Stephen Bright at the Yale University Law School as part of Yale's Masters in Law Series. Bright is a visiting lecturer both at Yale Law School and Harvard Law School, and he is also the director of the Southern Center for Human Rights in Atlanta. Bright argued against the death penalty, and Durrer defended its use.

In their debate, Bright argued that the death penalty is not a deterrent because death penalty states like Illinois and non-death penalty states like Michigan have very similar murder rates. Durrer responded that deterrence is hard to measure, but if the death penalty deters even one murderer, then not having the death penalty places the lives of murderers over the lives of innocent persons. Bright argued that the death penalty constituted racial discrimination, since killers of white victims are far more likely to receive the death penalty than those who murder black victims. Durrer responded that this was a reason "to protect all segments of the community" by seeking more death sentences in cases involving minority victims, not a reason to abandon the death penalty.

Durrer's cousin, Wesley M. Oliver, a graduate fellow at Yale Law School and Climenko/Thayer Lecturer on Law at Harvard Law School, acted as the debate moderator, but Durrer still had to battle nervousness, despite his family connections. Surrounded primarily by international graduate students who mainly opposed the death penalty, Durrer compared the experience to entering a lion's den. "I saw it as an exciting opportunity and feel confident I beat the point spread of the audience," he said. 

Dale Durrer is the Circuit Representative for the 16th Circuit, which covers the City of Charlottesville and Madison, Greene, Albemarle, Fluvanna, Goochland, Louisa, Orange and Culpeper counties.

## YLC Beat

*Continued from page 3*

and legal interpretation of the bill were discussed. Through these activities, the students came to understand how senators and delegates make the laws, while lawyers and judges interpret them.

The program provides a novel learning experience for students, enriching the material taught in the classroom. One Prince William County student said, "It's kind of neat to actually see how the state runs its government. I never really thought about it before." Several chaperones and teachers commented that they learned just as much from the program as their students did. Even legislative staffers said they look forward to seeing the enthusiastic students each year.

The Public Education Committee (formerly named for the SDAC program) hopes that this event will become an annual tradition for students, teachers, and young lawyers across the Commonwealth. More than 1,500 students participated in the program this year, and many more schools have expressed an interest in participating in the program in the future. Unfortunately, due to an extensive renovation and expansion project at the Capitol, the program cannot run again until the winter/spring of 2008.

This program was made possible thanks to the incredible support, assistance, and cooperation of the government groups involved, and the Public Education Committee wishes to thank everyone that continues to make this program possible. A special thanks goes to the YLC Public Education committee chair Christy Kiely and member Amanda Mitchell for their outstanding work on this project.

As this program will be on hiatus until 2008, the Public Education committee is looking for ideas for other projects they can sponsor to help educate students and others about the law and related issues. For more information about the program or how to become involved with the committee, please contact Christy Kiely at [ckiely@hunton.com](mailto:ckiely@hunton.com). 

Kenneth L. Alger II of Luray is an associate in the office of George Warren Shanks in Luray, Virginia. You may reach him at [klaesq@shentel.net](mailto:klaesq@shentel.net).

### 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 April 29, 2005. Letters of nominations and any supporting materials should be sent to:

Kathleen M. Uston, Law Office of Kathleen Uston, 118 S. Royal Street,  
Alexandria, VA 22314

(703) 683-0440; Fax: (703) 549-8664; [law@uston.com](mailto:law@uston.com)

## Virginia State Bar Professionalism Course



### Upcoming course dates:

MARCH 3, 2005 — CHARLOTTESVILLE

MAY 5, 2005 — CHESAPEAKE

JULY 21, 2005 — MCLEAN

for additional dates and a registration form:

[www.vsb.org/membership/professionalism.pdf](http://www.vsb.org/membership/professionalism.pdf)

# VELS Seeks Volunteer Attorneys

***Mandy Anthony***

**A**fter Tropical Depression Gaston, residents of an apartment complex received notices to vacate their apartments. The unlawful notices gave the residents only a few days to vacate their homes. Fortunately for the residents, a group of determined attorneys working with the Virginia Emergency Legal Services (VELS) acted as disaster relief workers. Due to those attorneys' efforts, the complex agreed they had not been in compliance with the law. The complex gave residents more time to vacate, as well as rent abatement and apartments in unaffected parts of the complex while repairs were made to their own apartments.

The VELS, which is a joint effort between The Virginia Bar Association and the Virginia State Bar, exists to respond to the legal needs of victims of mass emergencies and disasters. So far, the VELS has been involved in assisting victims of numerous disasters across the Commonwealth, including Hurricane Floyd in southeast Virginia and flooding in southwest Virginia.

"Volunteer attorneys with [VELS] are doing so much good for disaster victims who don't know where else to turn and could not otherwise afford legal assistance," said Jeff Geiger, Chair of the VELS Committee. "There is tremendous appreciation by the victims for our help."

Geiger expressed the need for volunteer attorneys from all across the state. He said that attorneys have a commitment to pro bono work and that volunteering with VELS is an easy way to give back.

"There is no need to be a specialist in a particular area of law," said Geiger. "All that's needed is a general understanding of the law."

To become a VELS volunteer, attorneys will complete a free CLE training course. In addition to the course, volunteers will be provided with handbooks and other training materials which address a number of issues faced by disaster victims, including issues in probate, lost documents, obtaining death certificates, and termination of leases.

"We also have a lot of experts at our disposal," said Geiger. "If you don't have an answer, chances are you'll be able to find an attorney who does."

Volunteers are needed for telephone intake interviews, staffing of disaster relief centers, and representation of victims. If you are interested in becoming a VELS volunteer, please contact Geiger at [jgeiger@sandsanderson.com](mailto:jgeiger@sandsanderson.com) or (804) 783-7248. For additional information, please visit our Web site at <http://www.vayounglawyers.com/emergency.shtml>. 

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).

## DOCKET CALL

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