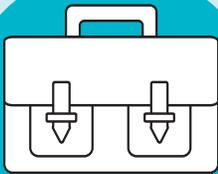


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## Tips from the Top for Avoiding Sanctions under § 8.01-271.1

By Joanna L. Faust

Sanctions. Few words can strike as much fear into the heart of a young attorney. While there are multiple sources in the Code of Virginia and the Rules of the Supreme Court for the imposition of such punitive measures, Va. Code Ann. § 8.01-271.1 is the most overarching and basic. It provides that “every pleading, written motion and other paper of a party represented by an attorney shall be signed by at least one attorney of record in his individual name.”

Easy enough, right? But § 8.01-271.1 also provides that, by signing such a document, an attorney certifies to the court that:

- (i) he has read the pleading, motion, or other paper,
- (ii) to the best of his knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and
- (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Va. Code § 8.01-271.1 (2008). An attorney making an oral motion makes similar representations. *Id.*

If the court finds that there has been a violation of § 8.01-271.1, the court “shall impose upon the person who signed the paper or made the motion ... an appropriate sanction.” *Id.* (emphasis added). As noted by the Supreme Court of Virginia in *Ford Motor Co. v. Benitez*, 273 Va. 242 (2007), the January 2007 case in which the Court upheld sanctions against a defense

attorney who had pled affirmative defenses without an adequate factual basis, the General Assembly “had the opportunity to make discretionary a court’s imposition of sanctions ... but elected not to do so.” 273 Va. at 249. Such sanctions are imposed upon the attorney directly, and not on the attorney’s client.

According to the Honorable Jonathan C. Thacher, who presides over the Circuit Court of Fairfax County, “judges hate sanctions.” As a result, they try not to issue them. However, the “other side of the coin” is that by not sanctioning one party for a pleading filed without proper knowledge or in bad faith, the court is in effect sanctioning the other party, by forcing that party to respond to something that should not have been filed. Such reasoning is echoed by the Supreme Court in *Benitez*, where the Court noted that a “pleading that puts the opposing party to the burden of preparing to meet claims and defenses the pleader knows to have no basis in fact is oppressive [and] constitutes an abuse of the pleading process.” *Id.* at 252.

How then does this affect the young attorney under pressure (time and otherwise) to submit a document to the court while factual investigation of a claim or defense continues? Similarly, what about the junior attorney (particularly in larger firms) who may be put in the position of signing a pleading drafted by another attorney in another office, or arguing a motion on behalf of an absent partner? Section 8.01-271.1’s mandate does not include exceptions for such situations, and although the circuit court in *Benitez* sanctioned the relevant partner — rather than the associate who handled the hearing on plaintiff’s motion to strike—you should not plan to stand on your youth and



# see you in court

Robert E. Byrne, Jr.

## News and Practice Tips for Virginia Litigators

### Disclosure Requirements in a post-John Crane Virginia

Preparing for trial presents an inherent tension between two opposing interests. On the one hand, attorneys use their experience and personal touch to craft a trial strategy to carry them and their clients through the case, and the work product doctrine exists in part to protect that strategy. On the other hand, the rules of evidence and civil procedure exist to minimize unfair surprise at trial. When these countervailing interests collide, attorneys walk a fine line between keeping their cards close to their vest and providing insight into their strategy in response to discovery requests and disclosures.

No recent case better illustrated this tension than the 2007 decision in *John Crane, Inc. v. Jones*, 274 Va. 581 (2007). In that asbestos case, the defendant had designated experts and provided the required expert disclosures for those witnesses. **For one expert witness, the disclosure recited a list of general topics the expert would discuss at trial, including diagnosis, causation, and damages.** Notably absent from the expert disclosure, however, was any hint that he would opine on the “levels of asbestos in the ambient

air.” *Id.* at 592. At trial, the plaintiff challenged testimony regarding airborne asbestos on the ground that the defendant had not properly disclosed it before trial.

The plaintiff had deposed that particular expert on that precise subject, the defendant responded, and the expert’s opinions were “well known” to the plaintiff, especially since this opinion was apparently common in the close-knit asbestos litigation community. *Id.* Upholding the trial court’s decision to exclude the expert’s testimony, the Supreme Court disagreed and determined that the defendant had to disclose that opinion even though the information had been provided via different means earlier in the case. Ruling otherwise, the Supreme Court explained, “would impermissibly alter a party’s burden to disclose and impose an affirmative burden on the non-disclosing party to ascertain the subject of the expert’s testimony.” *Id.*

Though the *John Crane* decision does not actually state any new rules, it offers a vivid and unforgettable reminder of the power and authority of trial judges to control the admissibility of evidence, a reminder that may very well encourage them to function more aggressively in their role as gatekeepers. After

all, a trial court’s determination regarding whether to admit or exclude evidence will be upheld unless “the court makes an error of law,” *Lynchburg Div. of Soc. Servs. v. Cook*, 276 Va. 465, 484 (2008), and decisions regarding the adequacy of pre-trial disclosures are difficult to disturb on appeal.

The *John Crane* decision also provides a powerful reminder to litigators: failing to disclose relevant and required information can, and in some cases will, disqualify a party from offering evidence that strays beyond what has been disclosed in the discovery process. This is true even if the opponent is aware of the evidence in question, and it is apparently true even if the opponent has been provided with that evidence at another point in the case.

So what is the lesson to be learned? Avoid the temptation to spring a Perry Mason–esque trap at trial by withholding detailed evidence that may be responsive to a pretrial discovery request or disclosure requirement. Because failing to disclose may result in procedural default and, thus, irreparable injury to your client, err on the side of caution and provide sufficiently detailed information to put your opponent on notice of the evidence you intend to utilize at trial. To prevent default, you must provide the proper information, at the proper time and in the proper form. The price for failing to do so—as the defendant learned in the *John Crane* case—is simply too high.

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“Avoiding Sanctions ” continued from page 1

inexperience. As Judge Thacher says, it is critical for young attorneys to remember that “you still have a law license. You are an attorney and you have an obligation to the court just like your senior partner.”

In other words, by signing a pleading or arguing a motion, a young attorney makes the same representations to the court as a senior member of the bar, despite their vastly different levels of experience. Judge Thacher warned that the court will not have much sympathy for the defense that the young attorney was directed by another to put her name to a pleading.

Thus, one should never sign a document without performing the “reasonable inquiry” described in § 8.01-271.1. If that inquiry fails to

reveal a reasonable basis for the pleading, motion, or other paper, it is the young attorney’s duty, as a member of the bar, to *not* sign it, however difficult that decision may be. In such situations, Judge Thacher advises young lawyers to consult a mentor or, at a minimum, to warn the more senior attorney that there does not appear to be a factual basis for the filing. He also points out the safe harbor provided by Rule 1:8 of the Rules of the Supreme Court of Virginia, which provides that leave to amend “shall be liberally granted.” As noted by the Supreme Court in *Benitez*, this rule takes into account new evidence that may come to light which “warrants the assertion of new claims or defenses.” *Id.* at 252. Because it is an abuse of

discretion for the trial court to refuse leave to amend after a showing of good cause, the proper (and safer) route is to construct a pleading with care, then seek leave to amend at a later time, if the facts so warrant.

For Judge Thacher, the bottom line is that “we are a profession.” Young attorneys ignore their ethical and statutory duties at their peril—and at the risk of the imposition of sanctions by the court.

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# message from the president

## Jennifer McClellan



Last year, then-VSB President Karen Gould raised the following question to then-YLC President Dan Gray: “Why aren’t women and minority lawyers who were active with the YLC remaining active in the state bar when they age-out of the Conference?” Dan in turn tasked the Women & Minorities in the Profession Commission with answering this question. What the Commission discovered was that this is an issue not just with women and minority young lawyers, but with all young lawyers. And it’s not just a question of why young lawyers do or don’t stay involved with the state bar after they “age out” of the YLC at 37, but why more young lawyers aren’t involved with the VSB now.

The Commission found that most young lawyers do not become active in the Virginia State Bar beyond the YLC for the simple reason that they are unaware of what the VSB does or how to get involved beyond the conferences and sections.

Ours is the only self-regulating profession in the Commonwealth. It is the duty of each of us to know what role the VSB plays in our profession, and it is to our benefit to know what services it offers. Let’s get oriented (or reoriented, as the case may be).

The VSB is an administrative agency of the Supreme Court of Virginia. Its mission is to regulate the legal profession of Virginia; to advance the availability and quality of legal services provided to the people of Virginia; and to assist in improving the legal profession and the judicial system.

The VSB is governed by a committee known as Bar Council, which comprises members elected by or appointed from every judicial circuit in the Commonwealth, several at-large members, and the chairs of the Bar Conferences. Bar Council meets three times a year, to review and evaluate issues that arise in the administration of the VSB’s mission and duties. These issues range from dues and budgetary concerns to malpractice insurance requirements.

The Council in turn elects the Executive Committee, which oversees Bar Council and

represents the VSB across the state. The Executive Committee meets six times a year. In addition to overseeing the Council’s work, the Executive Committee reviews requests that particular items be considered by Bar Council, recommends issues for review by the Supreme Court of Virginia, and considers individual requests for waivers from various VSB requirements.

Much of the work of the VSB is done by its committees. The Bar has standing committees on Lawyer Discipline, Budget & Finance, Legal

*It is the duty of each of us to know what role the VSB plays in our profession, and it is to our benefit to know what services it offers.*

Ethics, Professionalism, and the Unauthorized Practice of Law. Moreover, the Bar has several special committees, including Access to Legal Services, Bench-Bar Relations, Information Technology, Lawyer Malpractice Insurance, Lawyer Referral, the Midyear Legal Seminar, Personal Insurance for Members, Publications and Public Information, Resolution of Fee Disputes, and Technology and the Practice of Law. In addition, the VSB president often convenes task forces, such as the current Diversity Task Force, to examine issues of particular concern to the VSB in a given year.

Members for each of these committees, conferences, and task forces are sought in the spring of each year. You can find listings in the *Virginia Lawyer* magazine (which every Virginia lawyer receives) and on the VSB’s Web site, at [www.vsb.org](http://www.vsb.org).

The Bar also has almost twenty substantive law sections. Any member can join a section in their particular area of law. Each section has a Board of Governors, newsletter editor, and various committees that develop articles and programs of interest to their members. Achieving section membership is as simple as filling out the

appropriate section on the dues statement and paying the nominal additional dues.

The VSB also offers various services and programs to help lawyers. The Virginia Lawyer Referral service not only benefits the public but helps lawyers expand their practices. The free Ethics Hotline may keep you out of trouble. So too the Bar’s Risk Manager, who is available to answer questions on various aspects of your practice. If you need an audit of your law office or a refresher on trust account requirements, the Bar has relevant resources. It even operates a fee

dispute program, to help you and your clients settle differences over fees and costs.

The VSB also offers various ways to be involved in the provision of pro bono services. The Bar’s full-time Pro Bono Coordinator acts as a clearinghouse for various statewide and local programs. Or, if you prefer to get involved locally, you can turn to the Local and Specialty Bar Coordinator, who can help you find a local or specialized bar tailored not only to your pro bono preferences but also to your broader interests.

The opportunities for involvement are out there. It is our duty, as a Conference, to stay informed—and to inform each other—about the multitude of programs, services, and leadership opportunities that abound at the VSB, and about how we can make them better. Let’s start talking, and stay involved.

**Jennifer McClellan** is Assistant General Counsel, Mid-Atlantic South for Verizon Communications in Richmond, Virginia. She is also a member of the Virginia House of Delegates, representing the 71st District.



# legal ethics corner

Jeffrey Hamilton Geiger

## You Make the Call



As you review your firm's new Web site, you can't help but pat yourself on the back. After all, it was your idea to let prospective clients fill out an online form outlining the details of their accidents. In return for which, the site advertises that the firm will provide a free evaluation of the claim. Instead of wasting time meeting with prospective clients, you can sit in the comfort of your home and pick the wheat from the chaff! Finished complimenting yourself, you read one of the submissions. Merv Lowe describes his accident, a two-car collision, and doesn't leave out the fact that he had had three glasses of wine in the hour before he got behind the wheel. When you run a conflicts check on Lowe, you learn that the firm represents a passenger who was in Lowe's car at the time of the accident. "Well, I guess we can't take that one," you think to yourself.



By inviting the submission of information by prospective clients, you risk the formation of an attorney-client relationship, at least with respect to providing a case evaluation. Legal Ethics Opinion 1842. In this scenario, Rule 1.6(a) requires that you keep the information confidential, just as you would have done had it been provided to you during an actual face-to-face interview with the prospective client.

Here, however, another wrinkle exists: the firm represents Lowe's passenger. Because the firm cannot use the information it learned from Lowe to his detriment or share it with an adverse party, the firm would be materially limited in its representation of his passenger. Accordingly, not only can you not represent Lowe, but you must withdraw from

representing the passenger. Va. R. of Prof. Conduct 1.7.

As a practical matter, receiving information from a prospective client before running a conflicts check is extremely problematic from both an ethical and a risk management standpoint. To the extent prospective clients provide you with information through your Web site, you should—at a minimum—include a prominent disclaimer explaining that the submission of information in no way creates an attorney-client relationship, and that the firm has no duty to maintain its confidentiality.

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## Virginia State Bar — Immigrant Outreach Committee Hosted by the Fairfax Bar Association

Immigration Consequences of Criminal Convictions In Virginia

Friday, April 24, 2009 • 10:00 AM – 4:00 PM • cost: \$80

Fairfax County Courthouse (Jury Assembly Room – 5th Floor)

4110 Chain Bridge Road, Fairfax, VA 22030

Limited spaces available. Please register by Monday, April 6, 2009

Mail: Federico Serrano, P.C., 5697 Columbia Pike, Suite 201,  
Falls Church, VA 22041

Fax: To the attention of Sandra Justice FAX (703) 379-5304

Email: [admin@serranoimmigration.com](mailto:admin@serranoimmigration.com)

Call: (703) 379-5303

**Confirmed Speakers**

- Alberto M. Benitez, Professor of Clinical Law and Director of the Immigration Law Clinic, George Washington University, Washington, D.C.
- Thomas A. Elliot, Senior Partner, Elliot & Mayock LLP, Washington, D.C.

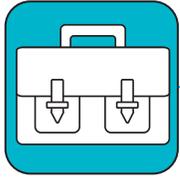
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Checks should be made out to the "Virginia State Bar"  
CLE credit pending with the Virginia State Bar



# corporate corner

David C. Nahm

## Issues of Interest for Virginia Transactional Attorneys

### Rule 144 Revisions Facilitate the Transfer of Unregistered Securities

Courtesy of *Andrews v. Browne*, 276 Va. 141, 662 S.E.2d 58 (2008), it is now clear that in Virginia the sale of a corporation through a transfer of stock is subject to the provisions of the Virginia Securities Act (Va. Code §§ 13.1-501 *et seq.*). In the decision, made last June, the Supreme Court rejected the “sale of business” doctrine used by many state courts to determine the applicability of state securities laws.

**The case.** *Andrews v. Browne* involved the sale of a health club through the transfer of all of the stock from the sellers to the purchaser. At the outset of the negotiations for the purchase, the sellers presented the health club as financially sound. However, they understated the club’s expenses and overstated its income, misrepresenting the actual state of financial affairs. Once the deal was closed, the sellers presented the buyer with a computer disk containing the club’s income history, but they told the new owner, John Andrews, that the disk was “too damaged to be accessed.”

Despite the damage, Andrews was able to access the information—and learn the unfortunate truth. Not surprisingly, he sued, seeking relief under the civil liability provision of the Virginia Securities Act, § 13.1-522. That section makes liable any person who:

sells a security by means of an untrue statement of a material fact or any omission to state a material fact necessary in order to make the statement made, in the light of the

circumstances under which they were made, not misleading (the purchaser not knowing of such untruth or omission), and who shall not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of such untruth or omission.

In the circuit court, the defendants moved for, and were granted, summary judgment on Andrews’s Securities Act theory of liability, arguing that the Act was not intended to protect “active purchasers of a business” but, rather, to protect purchasers from abuses in an unregulated securities market. Andrews appealed.

**The state of the law: a state-court split.** Several states do not apply their state securities laws to the sale of stock when the stock is sold pursuant to the purchase of a corporation. The reasoning is that the transaction is not really about the sale of securities as such; rather, the transfer of stock is just a vehicle for transfer of ownership of the company. This is the “sale of business” doctrine.

On the other hand, the Supreme Court of the United States, the federal courts, and several states reject the “sale of business” doctrine and apply the relevant securities laws to such transactions. In these states, and under federal law, if an instrument is called a stock and has the characteristics of traditional stocks, then it is reasonable for the purchaser to think that relevant securities laws will apply.

Prior to *Andrews*, it was not clear which approach Virginia would take. The Supreme Court held, however, that the “sale of business” doctrine does not apply in Virginia and adopted an “economic reality” test to determine the applicability of the Virginia Securities Act. Under this test, “when the

instrument purchased bears the label ‘stock’ and possesses the characteristics of traditional stock [such as the right to receive dividends, the right to vote, negotiability, and the ability to appreciate in value], the purchaser is justified in assuming that the Virginia Securities Act applies.”

In other words: if it looks like stock, smells like stock, and has “STOCK” written on it, then the Virginia Securities Act applies.

**The impact.** The ruling in *Andrews* is significant for a number of reasons. Most importantly, it provides an aggrieved purchaser of a corporation an additional path to recovery—and a powerful one at that. Proving a violation under the civil penalty provision of the Virginia Securities Act is easier than trying to prove fraud, for example; the buyer does not have to prove that the seller intended to mislead him, only that there was a misrepresentation.

Note, however, that a purchaser must bring an action for a violation of the Virginia Securities Act within two years of the transaction. Further, lack of knowledge cannot equitably toll the statute of limitations.

Those who sell corporations by transfer of stock now face greater liability for misrepresentations and misinformation given to purchasers. Under the Virginia Securities Act, it does not matter that the misrepresentation was not done with the intent to defraud. It does not even matter that the seller did not know of the misrepresentation, if the untruth or omission was something the seller reasonably could have known. A plaintiff alleging a violation of the Virginia Securities Act does not need to establish that a fraudulent representation was made knowingly or with reckless indifference to its truth or falsity; the fact that the representation was made is enough.

While a seller cannot protect himself through indemnification provisions in the purchase agreement (because the Virginia Securities Act provides that any waiver of its provisions by a purchaser is void), there is one safe harbor of sorts. Section 13.1-522(d) provides that if, prior to suit being filed, the seller makes a written offer to refund the consideration paid and any loss due to the

*continued next page*



# criminal corner

Stephen Pfeiffer

## Construction Fraud: Not Just a Civil Matter

In the current turbulent economy there is a proliferation of building contractors being forced into bankruptcy, leaving materialmen, laborers and subcontractors unpaid and homeowners with unfinished work. When a contractor files bankruptcy, the general rule is that any civil actions pending are stayed, and the creditors begin battling for whatever they can get. Mark my words: unpaid subcontractors and homeowners left high and dry will begin to apply pressure to their local Commonwealth's Attorney. As a result, it is my prediction that there will be a substantial increase in criminal litigation under two relatively unknown criminal statutes: Va. Code §§ 18.2-200.1 and 43-13. This article will address Va. Code § 18.2-200.1, and a subsequent article will address § 43-13.

Section 18.2-200.1 is located in the criminal section of the Code that covers crimes involving fraud. It establishes a Class 6 felony, which can carry a jail term of up to five years. The section states the following:

If any person obtain from another an advance of money, merchandise or other thing, of value, with fraudulent intent, upon a promise to perform construction, removal, repair or improvement of any building or structure permanently annexed to real property, or any other improvements to such real property, . . . and fail or refuse to perform such promise, and also fail to substantially make good such advance, he

shall be deemed guilty of the larceny of such money, merchandise or other thing if he fails to return such advance within fifteen days of a request to do so.

Va. Code § 18.2-200.1 (1987). In order to win a conviction based upon an alleged violation of § 18.2-200.1, a prosecutor must prove the following beyond a reasonable doubt: 1) the defendant obtained something of value from the complainant; 2) the defendant had a fraudulent intent at the time of the advance; 3) the defendant promised to perform construction or improvements involving real property; 4) the defendant failed to perform the promise; and 5) the defendant failed to return the advance within fifteen days of a request to do so, sent by certified mail to the defendant's last known address or his address listed in the contract.

The case law in Virginia on this crime indicates that approximately 90% of such cases hinge upon the prosecution's ability to prove beyond a reasonable doubt that the defendant had a "fraudulent intent" at the time of the advance. According to the courts, whether the fraudulent intent actually existed depends upon the specific circumstances of each case and is highly fact intensive. *Boothe v. Commonwealth*, 4 Va. App. 484 (1987). Circumstantial evidence can be used to prove or disprove the requisite intent, however; in fact, in nearly every case involving § 18.2-200.1, the court's opinion cites

the following language: "intent may, and most often must, be proven by circumstantial evidence and the reasonable inferences to be drawn from the facts that are within the province of the trier of fact." See, e.g., *Rader v. Commonwealth*, 15 Va. App. 325 (1992).

Common examples of circumstantial evidence weighed by the trier of fact in construction fraud cases include: 1) the defendant's failure to perform the work for which the advance was specifically requested, *Rader*, 15 Va. App. 325; 2) the defendant's failure to apply for necessary permits, *id.*; 3) the defendant's general lack of communication with the homeowners, *Norman v. Commonwealth*, 2 Va. App. 518 (1986); 4) the defendant's failure to contact the homeowner when the defendant realized he was financially unable to perform the construction, *Rader*, 15 Va. App. at 330; and 5) the defendant's perpetration of similar frauds on other homeowners or subcontractors, *Hubbard v. Commonwealth*, 201 Va. 61, 67 (1959). The case law also suggests, however, that evidence of poor management, financial distress, or both as an explanation for defendant's failure to perform cuts against a finding of fraudulent intent necessary to sustain a conviction. *Klink v. Commonwealth*, 12 Va. App. 815 (1991).

Defense attorneys, prepare. If my crystal ball is accurate, you'll be called upon to defend construction contractors against the Class 6 felony outlined in Va. Code § 18.2-200.1, better known as construction fraud. Marshal every fact you can suggesting that your client was operating in good faith.

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*Corporate Corner continued from page 5*

seller's investment advice, the purchaser must accept the offer within thirty days or lose his right to sue.

The upshot of *Andrews v. Brown* is increased pressure on sellers to have control over, and knowledge of, all information about the corporation that is being conveyed to potential buyers. Good Virginia lawyers will

advise their clients to check carefully all representations and warranties being made.

**David C. Nahm** is an associate with Wharton Aldhizer & Weaver, PLC, in Harrisonburg. You can reach him at [dnahm@wawlaw.com](mailto:dnahm@wawlaw.com).

# Female and Minority Judges Honored by the Young Lawyers Conference at the Twelfth Annual Bench-Bar Dinner

Mollie C. Barton

The 2008 Bench-Bar Dinner in Celebration of Women and Minorities in the Legal Profession was held at the Bull & Bear Club in Richmond on November 10, 2008. During this year's dinner, which was the twelfth such annual event, the YLC honored the following newly appointed and elevated judges:

- The Honorable Nolan Boyd Dawkins, Alexandria Circuit Court;
- The Honorable S. Bernard Goodwyn, Supreme Court of Virginia;
- The Honorable Marilyn C. Goss, Richmond Juvenile & Domestic Relations District Court;

- The Honorable Mary Grace O'Brien, Prince William Circuit Court; and
- The Honorable Cleo E. Powell, Court of Appeals of Virginia.

More than 70 attendees were welcomed with opening remarks by VSB President Manuel Capsalis, who focused on the Bar's diversity initiatives and the YLC's contributions toward the goal of a more diverse bench and bar. YLC President Jennifer McClellan also welcomed the guests and honorees and introduced honoree and keynote speaker S. Bernard Goodwyn, Justice of the Supreme Court of Virginia. In his address, Justice Goodwyn commended the YLC for its numerous programs encouraging minority participation in the legal profession and applauded the VSB's efforts to better understand and serve the needs of our communities. Justice Goodwyn challenged the Bar to ensure that people from different cultural backgrounds have an opportunity to use their talents, share their experiences, and contribute to the value and excellence of the legal profession, all in furtherance of the essential objective of creating a fair and balanced justice system whose makeup reflects that of the populace at large.

The dinner was made possible by the generous sponsorship of the following law firms: McGuireWoods LLP; Christian & Barton, LLP; Hunton & Williams LLP; Spotts Fain P.C.; Batzli Wood & Stiles P.C.; LeClairRyan; McCandlish Holton P.C.; and Cooper Ginsberg Gray P.L.L.C.

Attorneys and judges, as well as friends and family of the honorees, enjoyed an evening of camaraderie and professional accolades. The YLC continues to contribute to the VSB's mission of increasing diversity in the legal profession and judiciary in the Commonwealth, and the annual Bench-Bar Dinner plays a significant role in that initiative. Judging from the response, this year's dinner—like the twelve that preceded it—was enjoyed and appreciated by all who attended.



▲ In attendance at the Dinner on November 10 were: First row, Hon. Uley Norris Damiani, Second row, Event Co-chair, Mollie C. Barton, Hon. Laura L. Dascher, Hon. Mary Grace O'Brien, Fourth Row, Hon. Cleo E. Powell, Hon. Patricia Kelly, Hon. Marilyn C. Goss, Hon. S. Bernard Goodwyn, Top row, YLC President Jennifer L. McClellan, Hon. Jan L. Brodie, Hon. Jerrauld Jones, Hon. Nolan Boyd Dawkins, Hon. Penney S. Azcarate, Manuel A. Capsalis, VSB President, Hon. Marjorie T. Arrington

◀ YLC President Jennifer L. McClellan congratulates the Hon. Marilyn C. Goss, newly elected to the Richmond Juvenile and Domestic Relations District Court.

- The Honorable Marjorie T. Arrington, Chesapeake Circuit Court;
- The Honorable Penney S. Azcarate, Fairfax County General District Court;
- The Honorable Jan L. Brodie, Fairfax County Circuit Court;
- The Honorable Uley Norris Damiani, Alexandria Juvenile & Domestic Relations District Court;
- The Honorable Laura L. Dascher, Alleghany Juvenile & Domestic Relations District Court;

- The Honorable Jerrauld Jones, Norfolk Circuit Court;
- The Honorable Patricia Kelly, Spotsylvania Juvenile & Domestic Relations District Court;
- The Honorable Helen Leiner (*in absentia*), Fairfax County Juvenile and Domestic Relations District Court;

**Mollie C. Barton**, who can be reached at [mbarton@batzliwood.com](mailto:mbarton@batzliwood.com), is an associate at Batzli Wood & Stiles P.C. in Glen Allen, where she practices family law. Ms. Barton co-chaired the Bench-Bar Dinner with Alana M. Ritenour, an associate at McCandlish Holton P.C. The YLC thanks them and everyone else whose efforts made the 2008 Bench-Bar Dinner an unmitigated success.



## Upcoming Events

- 4/4** | Pre-Law Conference,  
William & Mary School of Law
- 04/17** | Oliver Hill/Samuel Tucker Pre-Law  
Institute applications due
- 5/08 – 09** | YLC Board Dinner and Meeting
- 6/18 – 21** | Virginia State Bar 71st Annual  
Meeting
- 6/19** | YLC Annual Membership Meeting  
and Reception
- 7/19–24** | Oliver Hill/Samuel Tucker  
Pre-Law Institute

For a complete, up-to-date list of events, please visit: <http://www.vsb.org/site/events/>

## 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/site/members/](http://www.vsb.org/site/members/).

# Docket Call

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

# Docket Call

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

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**Board Liaison:**

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**Design & Production:**

Madonna G. Dersch

Docket Call welcomes contributions  
from members of the YLC.

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