

Old Dominion Bar Association Meeting Focuses on Disaster Relief

The Hurricane Katrina experience on the Gulf Coast and local responses to natural disasters—including issues affecting the Virginia legal community—were discussed at a recent meeting of the Old Dominion Bar Association at Regent University School of Law in Virginia Beach.

Guests were Lieutenant General Russel L. Honoré—commander of the First United States Army in Fort Gillem, Georgia, and coordinator of military relief efforts after Katrina—and New Orleans Civil District Court Judge Michael G. Bagneris.

After their prepared remarks, Honoré met with representatives of municipalities in Hampton Roads to discuss local disaster preparations, and Bagneris met with members of the judiciary.

Bagneris described legal issues faced by the court system—missing evidence, inability to impanel juries, some insurance companies' call for all judges in New Orleans to recuse themselves because they were victims, and the possibility that residents of

New Orleans could be included in a class-action suit against the federal government because studies show that flooding was due to faulty levees.

Continuing legal education sessions focused on bankruptcy law and its effect on disaster victims, Virginia's pro bono ethics, and Federal Office of Emergency Management Agency training for volunteer attorneys sponsored by the young lawyers divisions of the Virginia State Bar and The Virginia Bar Association.

The meeting was sponsored by Regent University School of Law and an ODBA committee chaired by Suffolk Juvenile and Domestic Relations Judge Alfreda Talton-Harris and Suffolk General District Judge Gammeil G. Poindexter.

Others on the organizing committee were attorneys Helivi L. Holland of Suffolk, Regina H. Turner and Vivian F. Brown of Virginia Beach, Leonard L. Brown of Chesapeake and Vincent L. Robertson of Richmond.

Attorneys Contribute to Katrina Relief Programs

Virginia lawyers responded quickly and generously when Hurricane Katrina ravaged Gulf Coast infrastructures in August of 2005.

They contributed almost one hundred thousand dollars to a Hurricane Katrina Legal Assistance Fund established by the Virginia State Bar and The Virginia Bar Association. That money was split equally between Mississippi and Louisiana after Alabama, originally designated a recipient, decided the needs there were not as urgent.

Louisiana and Mississippi bar leaders reported they gave out the money in grants of five hundred to one thousand dollars to help lawyers reestablish their law practices.

VSB President Phillip V. Anderson said representatives of the bars in those states have expressed their thanks for the outpouring. "They were extremely grateful," he said. "The contribution of Virginia

lawyers exceeded anything they could ever have anticipated." Anderson said the response from Virginia was reported to be the largest of all the states'.

On other fronts, 235 Virginia lawyers stepped forward to volunteer should they be needed to help displaced persons who relocate to the commonwealth. They underwent training provided by the VSB/VBA Young Lawyers Emergency Legal Services. Calls for assistance are managed by the VSB Lawyer Referral Service.

Some legal aid programs in Virginia also took part in relief projects. The Legal Aid Society of Eastern Virginia attended regional gatherings of evacuees held at Norfolk State and Christopher Newport universities. There, staff lawyers joined other public service groups in providing assistance, such as advice on establishing identity and working with insurance companies.

With recovery efforts still underway, the justice systems in the affected areas still are in need of assistance.

A new opportunity is on the horizon. The Louisiana Supreme Court approved a pro bono rule that allows out-of-state lawyers to handle routine civil legal matters *pro hac vice* through court-approved programs. Details will be posted on the VSB Web site, www.vsb.org/site/pro_bono.

Meanwhile, Emergency Legal Services training programs are continuing. The course will be offered during the Annual VSB Pro Bono & Access to Justice Conference, which will focus on "All-Hazards Preparedness through the Prism of Public Interest Law." That will take place Wednesday, April 26, at the Miller Center of Public Affairs at the University of Virginia in Charlottesville. Information is posted on the VSB Web site.

Chief Justice Hassell Receives Hill-Tucker Award

Virginia Chief Justice Leroy R. Hassell Sr. has been presented with the Richmond Bar Association's Hill-Tucker Public Service Award.

The award, named for civil rights lawyers Oliver W. Hill and the late Samuel W. Tucker, is bestowed on lawyers and judges who "render conspicuous public service and otherwise distinguish themselves in service to society beyond the practice of law."

The Chief Justice, before he became a judge, served on the boards of directors of charitable organizations such as the Massey Cancer Center, Richmond Renaissance Inc., the Garfield Childs Memorial Fund, the Carpenter Center for



Chief Justice Leroy R. Hassell Sr.

the Performing Arts and Central Virginia Legal Aid. He also served as a member and chair of the Richmond School Board.

Since he went on the bench, Hassell volunteers with educational projects and he performs hospice work. He is a mentor and participates in programs at J.E.B. Stuart and J.L. Frances elementary schools. He helps people through the final difficulties of terminal illness through hospice. And during holidays he purchases and personally delivers food to needy families.

The Hill-Tucker Public Service Award was presented March 16 during a Richmond Bar luncheon.

Ebert Given Carrico Professionalism Award — Post-9/11 Issues Highlight Criminal Law Seminar

The Thirty-Sixth Annual Criminal Law Seminar, sponsored in Charlottesville and Williamsburg by the Virginia State Bar Criminal Law Section, drew more than six hundred attorneys.

Paul B. "Butch" Ebert was presented with the Harry L. Carrico Professionalism Award for dedication and unique contributions to criminal justice.

As Prince William County's commonwealth's attorney for thirty-eight years, Ebert has prosecuted many high-profile cases within and outside the county—including that of John Allen Muhammad, one of two snipers charged with killing and wounding people along the Interstate 95 corridor in 2002. A Virginia Beach jury sentenced Muhammad to death—one of twelve capital convictions Ebert has won in his career.

Robert F. Horan Jr., commonwealth's attorney for Fairfax County, wrote of *Muhammad*, "If ever there was a case that demanded the abilities of a topnotch

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Paul B. "Butch" Ebert (left) with Reno S. Harp III, who presented the Harry L. Carrico Professionalism Award. Harp is a longtime member of the Criminal Law Section Board of Governors and a previous recipient of the award.

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prosecutor, it was that case. ... The trial result was a tribute to [Ebert's] knowledge, planning and forceful performance in the courtroom."

At the Charlottesville seminar on February 3, Edward B. MacMahon Jr. described the challenges of defending Zacarias Moussaoui, the so-called "twentieth hijacker" in the terror attacks of September 11, 2001. Three days from the start of *void dire* of five hundred potential jurors in the sentencing phase of Moussaoui's trial, MacMahon talked about the difficulties of a case that involves ten languages; huge quantities of classified documents; witnesses whose identities are secret; and a client who is publicly hostile to his own counsel and the judge.

In Williamsburg on February 10, defense lawyer Bobby Lee Cook of Summerville, Georgia, was the keynote speaker. Cook—who is said to have been the model for "Matlock" on the television series of the same name—departed from his usual humorous style to warn of dangers to civil rights posed by post-9/11 surveillance and detentions. He called on lawyers to be vigilant and to challenge the threats where they can. The prosecutors and defense lawyers in the audience gave him a standing ovation.

The Criminal Law Section presented a resolution commending Frank W. Dunham Jr., who is ill and recently retired as the first federal public defender for the Eastern District of Virginia. Dunham was a federal prosecutor and defense lawyer during his thirty-five year career. He was part of Moussaoui's defense team, and he defended Yaser E. Hamdi, a United States citizen of Saudi Arabian descent who was detained indefinitely by the U.S. after being captured fighting with Taliban forces in Afghanistan.

Dunham won the Hamdi case when the U.S. Supreme Court in 2004 disallowed the U.S. government's unilateral assertion of executive authority to suspend constitutional protections of individual liberty. Justice Sandra Day O'Connor wrote, "We have long since made clear that a state of war is not a blank check for the president when it comes to the rights of the nation's citizens." Legal scholars called the case

one of the most important of the twentieth century.

Dunham, "in his representation of persons who were publicly despised for their views and their actions, lived up to the highest traditions of the Bar and exemplified the ideals of due process of law and fair play as articulated in the Constitution and Bill of Rights of the United States," the resolution states.



Edward B. MacMahon received a standing ovation from defense lawyers and prosecutors for his role defending Zacarias Moussaoui.

The Criminal Law Section also presented a resolution in memory of Roger D. Groot, who died in November. Groot was a law professor at Washington and Lee University and participated in the defense of many death-penalty cases. At the 2005 Criminal Defense Seminar, he forcefully urged lawyers to lobby for better compensation in court-appointed criminal cases.



Harvey L. Bryant III, commonwealth's attorney of Virginia Beach, is chair of the Criminal Law Section.



Paul B. Ebert (left) speaks with Bobby Lee Cook, a Georgia defense attorney who has practiced for fifty-seven years.

Forum, Town Hall Meeting and BLI Held

The Virginia State Bar Conference of Local Bar Associations sponsored or cosponsored training in leadership and small-firm management that drew more than eight hundred participants in recent months. The Solo & Small-Firm Forum in Harrisonburg in September was the second in a series cosponsored with the Supreme Court of Virginia. Chief Justice Leroy R. Hassell Sr. was the luncheon speaker and conducted a town hall meeting in conclusion. In January, a combination Bar Leaders Institute and Solo & Small-Firm Forum was held at the College of William & Mary in Williamsburg with W&M President Gene R. Nichol as keynote speaker. Once again Chief Justice Hassell presided over a town hall meeting and question-and-answer session. On March 17 a stand-alone BLI was presented at the Southwest Virginia Higher Education Center in Abingdon. Robert J. Grey Jr., immediate past president of the American Bar Association, was the luncheon speaker.



David J. Johnson, executive director of the Virginia Indigent Defense Commission, spoke in Abingdon about the crisis in pay for court-appointed criminal defense attorneys.



M. Janet Palmer of Richmond, chair of the Conference of Local Bar Associations, introduced Robert J. Grey Jr., immediate past president of the American Bar Association, at the Abingdon BLI.



(L-R): In Abingdon, Manuel A. Capsalis of Arlington, immediate past chair of the Conference of Local Bar Associations, and George W. Shanks of Luray, chair-elect, described services that the VSB provides to lawyers.



Frank O. Brown Jr. of Richmond continued his circuit-riding crusade to encourage lawyers to plan for their practices' orderly conclusion after death or disability.



Mary Lynn Tate, a former president of the Virginia Trial Lawyers Association, moderated a panel of Southwest Virginia judges who expressed their concerns about lawyers' practices in depositions, motions and scheduling. Tate practices in Abingdon.

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Roscoe B. "Steve" Stephenson III (left), a former chair of the VSB Disciplinary Board, spoke in Williamsburg about the attorney disciplinary process. Here, he sits with VSB President Phillip V. Anderson of Roanoke. Stephenson practices in Covington.



John Y. Richardson Jr., secretary of the Conference of Local Bar Associations, with Portsmouth attorney William H. Oast III in Williamsburg. Richardson, who practices in the Norfolk City Attorney's office, also serves on the VSB Council.



The keynote speaker in Williamsburg was Gene R. Nichol, president of the College of William & Mary. Here, he sits at lunch with Chief Justice Leroy R. Hassell Sr. (center) and Justice Cynthia D. Kinser. Thomas A. Edmonds, executive director of the Virginia State Bar, is standing.

**You may register now for the next
Solo & Small-Firm Practitioner's Forum
in Danville on May 2, 2006.
See page 10 for more information.**

IN MEMORIAM

Dorothea Allen

Annapolis, Maryland
March 1919–September 2005

Donald R. Antonelli

Arlington
June 1935–November 2005

William S. Banks

Richmond
December 1911–November 2005

Newell Blair

Falls Church
April 1907–June 2004

The Honorable John D. Butzner Jr.

Richmond
October 1917–January 2006

The Honorable Marvin F. Cole

Richmond
January 1922–August 2005

French H. Conway

Danville
June 1918–December 2005

Roger J. Costello

Manassas
January 1918–December 2005

Berkeley Cox Jr.

Hartford, Connecticut
March 1930–November 2004

Jon Lee Duncan

Abingdon
November 1946–February 2006

Vernon M. Geddy Jr.

Williamsburg
April 1926–June 2005

Joseph B. Geyer

Baltimore, Maryland
February 1919–December 2005

Ernest S. Heisley

Fairfax
November 1934–February 2006

Pat B. Hale

Grundy
November 1927–November 2005

Albert Henry Jacoby Jr.

Stafford
March 1949–February 2006

Thomas B. Larkin Jr.

San Diego, California
August 1918–March 2004

Edward A. Linden

Tucson, Arizona
February 1943–November 2005

The Honorable D. Carleton Mayes

Dinwiddie
February 1915–November 2004

William H. Parker Jr.

Danville
August 1910–September 2005

Stanley Walter Preston Jr.

Richmond
July 1940–January 2006

C. Fred Rosenbaum

Lake Worth, Florida
May 1936–November 2005

James Francis Sharkey

Sun City Center, Florida
December 1916–December 2005

G. Martin Shepherd Jr.

Springfield
October 1923–February 2004

Rudolph Albin Shupik Jr.

Chatham
October 1946–February 2006

Charles G. Snead

King George
September 1943–December 2005

Bedford Brown Uhler Jr.

Manassas
November 1915–January 2004

Felix J. Ward

Roanoke
January 1919–December 2005

William F. Wetmore Jr.

Arlington
July 1921–March 2003