

# Joint Statement of the Parties *re* Resolution of *Allen v. Williams*

In mid-2000, the Richmond law firm Allen, Allen, Allen and Allen began airing a series of radio and television advertisements to which the Virginia State Bar's Standing Committee on Lawyer Advertising and Solicitation took exception. The Allen firm voluntarily ceased airing these ads in early 2002, but continued running revised versions of the ads. In September 2002, the Allen firm instituted a federal lawsuit against the Virginia State Bar to resolve constitutional issues raised by the revised ads. Bar Counsel was substituted as the named defendant in the lawsuit, because she prosecutes attorneys for violating legal ethics rules governing lawyer advertising.

The Allen firm asked the federal district court to declare that the First Amendment protects statements made in the revised advertisements and to enjoin Bar Counsel from initiating disciplinary action alleging that the advertisements violate the lawyer advertising rules. The district court issued a preliminary injunction on March 19, 2003, over Bar Counsel's objection. Bar Counsel appealed to the United States Court of Appeals for the Fourth Circuit,

where court-ordered mediation ensued. The parties subsequently agreed to resolve the lawsuit.

The parties' agreement is embodied in a series of stipulations. Bar Counsel stipulated that references in the revised advertisements to three Allen firm lawyers being listed in a publication titled *The Best Lawyers in America* are not unethical and do not violate the Virginia Rules of Professional Conduct.

While the parties still differ about the propriety of certain statements made in the original advertisements the Allen firm voluntarily stopped airing, Bar Counsel stipulated that those advertisements were not prepared with any improper intent. She has agreed she will not pursue any disciplinary action with respect to their past airing. The Allens acknowledge that Bar Counsel never threatened to prosecute any lawyer at the firm for airing either the original or the revised ads.

Given the parties' agreement on these issues, the parties have stipulated that

the preliminary injunction the federal district court granted with respect to the revised ads is no longer necessary. The lawyer advertising issues on which the parties have agreed to disagree are the subject of two legal advertising opinions pending before the Supreme Court of Virginia, where they are awaiting action by that Court.

In February 2003, after the Allen firm filed suit, the Virginia State Bar submitted a proposed opinion interpreting how legal ethics rules governing lawyer advertising should be applied to advertisements like the ones the Allen firm voluntarily stopped airing. That opinion concludes that claims exceeding the factual statement that three Allen firm lawyers are listed in *The Best Lawyers in America* violate Virginia's lawyer advertising rules. The Allen firm countered with a proposed opinion reaching a different conclusion. Now that the underlying litigation has been resolved, the parties hope the Supreme Court of Virginia will address the conflicting opinions and issue an opinion clarifying Virginia's lawyer advertising rules.

---

## Virginia Alternative Dispute Resolution Joint Committee To Sponsor CLEs, Mediation Training

The Virginia Bar Association/Virginia State Bar Alternative Dispute Resolution Joint Committee will cosponsor two programs at the VBA annual meeting in Williamsburg in January.

The committee will cosponsor with the Domestic Relations Council a continuing legal education program, "A New ADR Model for the Twenty-First Century: An Introduction to the Collaborative Family Law Process," on Friday, January 21, 2005,

at 9:30 a.m. There will be a meeting for those interested in developing a practice to include collaborative process on January 22 at 2:30 P.M. The committee will cosponsor another CLE—"Arbitration: A Welcome ADR Compromise or an Uninvited Guest?"—at 11 A.M.

The joint committee will also hold its annual meeting on Thursday, January 20, at 3:30 P.M.

The ADR Joint Committee will recognize "March Is Mediation Month" in 2005. The committee is seeking individuals to develop programs on mediation. Please contact committee cochairs Morna Ellis at [mpe@cmgmediates.com](mailto:mpe@cmgmediates.com) or Geetha Ravindra at [gravindra@courts.state.va.us](mailto:gravindra@courts.state.va.us).

To join the ADR Joint Committee online, see [www.vba.org/ADRO4Form.pdf](http://www.vba.org/ADRO4Form.pdf). Annual dues are \$25.

## Young Trial Lawyers Win Award for Justice Video

The Virginia Trial Lawyers Association's Young Trial Lawyers Section has received an award from the Association of Trial Lawyers of America for an updated version of *The Road to Virginia Justice*, a video used to teach teenagers about the law as it applies to a drunken-driving case.

The Robert J. Bonsignore Public Service Award was given by ATLA's New Lawyers Division. Bonsignore is a personal injury lawyer in Massachusetts. He received several ATLA awards when he was a young lawyer, and established public service as a core value of the ATLA Young Lawyers when he was the division's chair in 1993.

The Virginia video originally was developed in 1989, and was used in presentations to more than thirteen thousand middle and high school students in Virginia. It tells the story of an eighteen-year-old boy who kills someone while driving drunk. The portrayal of his ensuing criminal trial and the defense of a lawsuit against him demonstrate the difference

between criminal and civil justice, as well as the potential lifelong consequences of drunken driving.

As the video aged, Virginia's drunken-driving laws changed, and updating was needed as well to the dress and language used by the actors. Attorneys M. Bryan Slaughter of Charlottesville and Jason Konvicka of Richmond headed up the project, which was funded by a grant from the Virginia Law Foundation and support from VTLA member firms.

T. Vaden Warren Jr., a Charlottesville attorney, said teens ask a lot of questions during the presentations. They tend to focus on what will happen to them if they get caught with alcohol, and in what other ways they can lose their driver's licenses.

For more information on the program or to schedule a presentation, call Cindy Harper at the VTLA, (804) 343-1143, or e-mail her at [charper@vtla.com](mailto:charper@vtla.com).

### IN MEMORIAM

**Garland Francis Dowling**

Silver Spring, Maryland  
December 1924 – August 2004

**Harold E. Lieding**

Vienna  
July 1936 – November 2003

**Marion A. Youngers**

Brookfield, Wisconsin  
July 1930 – August 2004

## Virginia State Bar's Executive Director To Become President of the National Association of Bar Executives

Thomas A. Edmonds, executive director and chief operating officer of the Virginia State Bar, will take up the gavel as president of the National Association of Bar Executives on August 4, 2005, during the American Bar Association's annual meeting in Chicago. He will be the first NABE president from Virginia.

As director of the VSB since 1989, Edmonds oversees the regulation of 36,600 Virginia lawyers and a budget of \$9 million.

From 1977 to 1987, he was dean of the University of Richmond's T.C. Williams

School of Law. He also has served as dean of the University of Mississippi School of Law and acting dean of the Florida State University College of Law, and he has taught law at the University of the Pacific and Duke University. He received his bachelor's degree in history and political science in 1962 from Mississippi College and his law degree in 1965 from Duke University.

Edmonds served on the NABE executive committee from 1993 until 1997. He was NABE's representative in the ABA House of Delegates from 1997 until 2003. He was elected vice president of NABE in 2003

and currently serves as president-elect. He also serves on the ABA Standing Committee on Bar Activities and Services and is active in the ABA's law school accreditation process.

The National Association of Bar Executives was founded in 1941 to serve staffs of bar associations and law-related organizations. It promotes and supports excellence and professionalism among bar executives.

# Alfred L. Carr Joins Virginia State Bar Disciplinary Staff

Attorney Alfred L. Carr has joined the Virginia State Bar as an assistant bar counsel in the disciplinary department. He will work in the VSB's Alexandria office.

After graduating from law school, Carr, a California native, worked as a judicial intern to the Honorable Gerald Bruce Lee of the U.S. District Court, Eastern District of Virginia. Carr then went into private practice. He started in a solo firm, then joined the Fairfax firm of Smith & Greene PLLC to practice with Mitchell I. Mutnick, who is now a judge in Fairfax General District Court. Most recently, Carr practiced with Fredericks & Stephens PC in Annandale. His practice has focused on criminal, family law and real estate matters.

"Al Carr is the perfect candidate for this job because he has firsthand experience in the three areas of law that give lawyers the most trouble—criminal law, family law and real estate," said VSB Counsel Barbara A. Williams, who heads the disciplinary department.

Before going to law school, he worked for twelve years as a regulatory accountant for Virginia Power. He went on to become a computer consultant, systems analyst and software expert, working for several companies.

Carr received a bachelor's degree in business administration and management from Virginia Commonwealth University and his law degree from American University's Washington College of Law.

He is married to the Honorable Gayl B. Carr, chief judge of the Fairfax County Juvenile and Domestic Relations Court.



The College of William and Mary's Marshall-Wythe School of Law recently commemorated the 225th anniversary of its founding. It also celebrated a \$1 million grant from the Williamsburg-based Clark Foundation for a new law library. Addressing a gathering of about four hundred alumni and friends of the law school on November 12 were, from left, President Timothy J. Sullivan (former law school dean); Virginia Lieutenant Governor Timothy M. Kaine; law school Dean W. Taylor Reveley III; and Virginia Attorney General Jerry W. Kilgore (law school class of 1986). *Photo by Randy Searle.*

## State Bar Staff Almost Doubles Giving to Commonwealth Campaign

by Paul Georgiadis and Dolly Shaffner

Virginia State Bar employees set a record this year for giving to charities through the Commonwealth to Virginia Campaign. More staff gave, and they dug deeper in their pockets, to raise \$8,898—45 percent more than was contributed in 2003.

Forty-three of the bar's eighty-seven employees participated—an increase of 16 percent from last year.

While some state agencies featured bake sales, chili cook-offs and even a jewelry sale, the bar's CVC coordinators—Senior Administrative Assistant Dolly Shaffner and Assistant Bar Counsel Paul Georgiadis—made the case for giving on the merits, with few frills or heart-tugs.

At a staff meeting, VSB President David P. Bobzien found himself sharing the stage with dalmatian orphans Theo and Cookie, stars of the Chocolate Chip Dalmation Assistance League—one of two CVC charities highlighted by the coordinators.

The other program was Richmond READ, an adult literacy program whose volunteers include several bar staff members who teach reading after work.

The CVS is the annual workplace-giving campaign for employees of the commonwealth. In 2003, more than 20,000 employees joined together to raise over \$3.2 million for those in need. Participating charities fund health and human services, research, disaster relief and animal welfare.

The money was raised through payroll deductions and personal checks. The VSB also sponsored a "blue jeans day" that raised \$160 for the privilege of wearing jeans to work.