

Help Is Not Only On the Way—It Has Arrived

by John J. Brandt

This issue begins a regular column by the risk managers of the Virginia State Bar. The author of this contribution is John J. Brandt, who is of counsel to Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, and may be reached at (800) 215-7854. Also see his Web site at www.vsb.org/membership/riskmgr.html. This column will also be authored on an alternating basis by Janean S. Johnston, J.D., who conducts legal risk management and ethics audits for small Virginia law firms under the auspices of the VSB. She can be reached at (703) 567-0088.



Practicing attorneys need to know where to get help about legal issues, local procedural questions or day-to-day management of their law practices—with the attendant client relationship and office administrative challenges.

Lawyers in Virginia have a number of assets available. As the lead risk manager of the Virginia State Bar, I am available daily at (800) 215-7854, and will answer questions about a myriad of risk management and legal problems on the basis of my many years of experience in defending lawyer malpractice claims. The advice is confidential and free. Furthermore, I will refer attorneys to other Virginia lawyers for specialized assistance when needed. Another resource is the bar's co-risk manager, Janean S. Johnston, J.D., a skilled law office auditor who can review office procedures and render a confidential report with her findings and suggestions for improvement.

Although Ms. Johnston and I will also gladly give advice on ethical issues faced by members of the bar, the final word is obtainable through the ethics hotline at (804) 775-0564, operated by the VSB's Ethics Counsel, James M. McCauley, and his staff. Their consultation is also free and confidential and may assist an attorney if a future bar complaint arises that is related to advice rendered through the hotline.

Fellow and sister attorneys are always available to help a colleague who has a problem. Most court clerks where you practice can help you with the intricacies and procedures of their offices. Much is made of problems with civility in law practice during this adversarial age. However, Virginia lawyers can be rightfully proud of a significant heritage of helping each other. This is particularly true of senior lawyers, many of whom have encountered all the day-to-day problems faced by younger members of the bar. Contact the Senior Lawyers Conference at www.vsb.org/slc/index.html.

For free publications about legal issues, consult the bar's Web site and download such publications as, "Checklist for Opening Your First Law Office," "Appellate Advocacy Handbook in the Supreme Court and Court of Appeals in Virginia," "Guardianship and Conservatorship Proceedings Regarding Incapacitated Adults" and "Planning Ahead: Protecting Your Client's Interests In the Event of Your Disability or Death." Many bar sections have regular periodicals on timely and relevant issues. See www.vsb.org/publications.

Also, consider the *Restatement of the Law (Third)*, "The Law Governing Lawyers," promulgated by the American Law Institute in May 1998. This "bible" covers all of the pertinent legal issues relating to a lawyer, his profession, his ethics and his clients. It also addresses a lawyer's civil liability.

This column would not be complete without a word about you, the practicing Virginia lawyer. Many of you have a tendency toward the "embarrassment syndrome," which translates into an unwillingness to ask for help based on the misguided belief that somehow you will be less than a good lawyer if you ask for assistance. Think about it for a minute: your reason for being an attorney is your abiding belief that you can help your fellow Virginians—if only they will seek your professional assistance. And yet, you are reluctant to ask for help from your own profession.

You are not alone in the daunting task of being an honored member of an outstanding profession. Your best friends are your colleagues and the risk managers and staff of the Virginia State Bar. Use us—we are happy to help and you will be pleased you asked. ☺