

# Reflections on the Past Year

by W. Scott Street, III 1999–2000 VSB President



It has been a true privilege to have served as your president for the past year. Bar presidents come and go, but the state bar itself continues, evolves and improves. The president may be the spokesperson for the bar for a year, but he or she alone does not establish its direction—that course is set by our elected Council representatives and in no small measure by those who have gone before. So to the extent that it has been a good year, others deserve most of the credit.

Over the past several years, the Virginia State Bar has concentrated on its core functions and has sought ways to perform those functions as well as possible. When a new program is proposed or a new idea advanced, the Executive Committee and Council now ask first whether the proposal falls clearly within our core mission to regulate the profession, enhance access to legal services, and improve the legal system in Virginia. If it does, then we explore how the proposal might best be implemented and whether the state bar is the appropriate vehicle. If it falls outside our mission, but is still a good idea, then we may seek to encourage the voluntary bar associations to adopt and develop the proposal. I firmly believe that the activities of the voluntary associations are necessary to complement the work of the Virginia State Bar. They can do things we cannot. Working together we can maintain the vitality of Virginia's legal system.

The Executive Committee began this year trying to identify ways the state bar, within the constraints of a state agency, could better serve the lawyers of Virginia. We were mindful of the principle, already well established and closely monitored by our Budget and Finance Committee, that the bar's volunteer leadership and staff should continue to act as fiduciaries with respect to member dues, supporting only those expenditures which benefit our members or further our regulatory and access responsibilities to the public.

We knew that as of July 1, 2000, our current dues, which had been supplemented for the past four years by a planned spend-down of our accumulated reserve, would again have to be brought up to a pay-as-you-go level. Fortunately, lawyers across the Commonwealth have understood that reality and acknowledged its necessity.

In an effort to offset some of the impact of the needed dues increase, our bar staff, with the help of many volunteers throughout the state, worked hard to promote and publicize free or low cost CLE programs. With the enthusiastic support of Supreme Court Justice Cynthia D. Kinser, the VSB held a Bar Leaders Institute in Abingdon on March 10, the first one held west of Roanoke. The well-attended BLI program was followed by two hours of free CLE programs sponsored by the VSB. Our staff members have also facilitated the exchange of free or low cost CLE programs among local bar associations. We offered CLE credit to those attending the Pro Bono Conference. Our sections continued their excellent CLE offerings at our annual meeting at no cost above the meeting registration fee.

Recognizing that our disciplinary system needed increased resources to fulfill its obligations, both to the public and to members of the bar, Council approved several new staff positions for the 2000–2001 fiscal year. However, we continued to seek innovative ways to bolster our resources without requiring more dues money. Barbara Williams, our Bar Counsel, developed a program in which experienced trial lawyers will volunteer to serve as prosecutors, handling some of the most complicated cases, thus freeing staff counsel to handle the more routine cases in a timely manner. Council approved this program at the June meeting, and we expect it to be off the ground in the early fall.

We have continued our efforts to increase the availability of pro bono legal services to those in need by developing models for local initiatives and circuit-based pro bono committees. When visiting local bar associations, I was consistently impressed by the level of commitment to pro bono and community service activities, and I now have a much greater appreciation for the extent of the volunteer work being done by Virginia lawyers. Our staff plans to gather information from legal aid societies and local bar associations across the state so that a future issue of the *Virginia Lawyer* can contain an "honor roll" of pro bono volunteers. I hope we can publish such a list annually. The judges I met on my travels also reinforced my belief that without doubt we have the finest judiciary in the country.

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For the first time this year the recipient of our annual pro bono award was a lawyer whose efforts had been concentrated in the area of court-appointed criminal defense work, a clear recognition that the many Virginia lawyers who serve as court-appointed counsel for indigent criminal defendants are, under Virginia's current fee schedule, effectively donating much of their time to the protection of the rights of the poor.

Through the combined efforts of our Professionalism Committee and our Section on Education of Lawyers, we introduced Professionalism for Law Students programs at two Virginia law schools this spring, and there are plans to expand these to annual programs at all law schools in Virginia.

If one event stands out above others this year, it was the opportunity for the Virginia State Bar to nominate one of our own members, Oliver W. Hill of Richmond, for the ABA Medal, the highest award given by the American Bar Association, and the resulting selection of Mr. Hill as this year's recipient of that award. A nationally renowned civil rights lawyer, Oliver Hill may have had as much impact on the progress of our nation in the last half of the 20th century as any other Virginian. His life and work have inspired many of us. We congratulate you, Mr. Hill, and thank you for all you have done.

Of course, plenty of work remains to be done. We are still exploring ways to fund CLE vouchers, which could be earned by

lawyers handling a specified number of pro bono cases, thus providing us some offset to the cost of CLE programs while at the same time encouraging more legal services for the less fortunate in our communities.

The study of multidisciplinary practice ("MDP") issues, which John Keith initiated last year, has evolved into a joint Virginia State Bar/Virginia Bar Association study commission. The issues are not readily resolved nor even easily identified, as evidenced by the presentations of national experts at the excellent program on the subject presented at our Annual Meeting. The Commission will have plenty of work to do in the coming months.

We are still looking for the appropriate point at which proceedings in the disciplinary system should be open to the public, trying to strike a balance that takes into account the public's need to know about unethical lawyers, while avoiding unnecessary embarrassment to those lawyers who may be subjects of unfounded complaints. The issue was one of John Keith's priorities, and Joe Condo hopes to resolve it during the coming year.

Thanks again for allowing me to serve you as your president this year. It has been an honor. You have made me very proud to be a Virginia lawyer.

Sincerely,  
*Scott Street*