

# Highlights of the Virginia State Bar Council Meeting

February 27, 2010

At its meeting on February 27, 2010, in Richmond, the Virginia State Bar heard the following significant reports and took the following actions:

## Financial Report and Audit

President-elect Irving M. Blank reported that due to operational efficiencies the bar is operating within its revenues, and no dues increase should be needed through fiscal year 2012. An audit by the Virginia Auditor of Public Accounts reported that the VSB's records for the FY ending 2009 are in order and the bar was compliant with applicable laws and regulations.

## Amendments to MCLE Regulations

Michael L. Davis, chair of the Mandatory Continuing Legal Education Board, reported to the council that the board

amended its regulations to reflect current policies relating to course approval standards, course sponsor responsibilities, and attorney compliance reporting procedures. The amendments limit pre-recorded programs to eight credit hours. Starting November 1, 2010, attorneys must take at least four hours of live, interactive programs. Live telephone seminars and webcasts will meet the live credit requirement, as will video replays with a local moderator.

## LSCV Report and Request for Assistance

Mark D. Braley, executive director of the Legal Services Corporation of Virginia, reported to the executive committee that revenues from the Interest on Lawyers Trust Accounts program have declined 85 percent in the last two years. To assist

in offsetting those and other funding losses, he asked that the VSB include an opportunity for lawyers to contribute to LSCV through the annual dues statement or through a direct fund-raising campaign.

## Proposed Amendments to Trust Account Rules

The proposed amendments to Part 6, § II, Rule 1:15 and Part 6, § IV, ¶ 20 were returned to the Standing Committee on Legal Ethics for reconsideration.

## Resolution re Funding for Judicial Vacancies and Drug Courts

The council voted 55–2 with 1 abstention to ask the General Assembly to continue funding existing judgeships and drug courts.

## Professional Guidelines Now Online in Searchable Format

The Virginia State Bar *Professional Guidelines* for the first time are published online in a searchable HTML format that allows users to quickly access the sections they are looking for without flipping through pages or waiting for PDFs to download. See <http://www.vsb.org/pro-guidelines/>.

Because the format will meet most VSB members' needs, print copies of the *Professional Guidelines* were not mailed with the October 2009 issue of *Virginia Lawyer*. A limited number of copies are available to members on request by contacting [quarles@vsb.org](mailto:quarles@vsb.org).

The print version is published each fall and contains the rules and regulations of the bar, including the Rules of Professional Conduct, attorney trust account regulations, mandatory continuing legal education regulations and forms, Virginia Consumer Real Estate Settlement Protection Act regulations, and portions of the Supreme Court's rules for VSB governance and the procedure for disciplining attorneys.

The online HTML version allows members to browse the Rules of Professional Conduct by using a table of contents with hot links. Previously, the *Professional Guidelines* were available on the VSB website only as PDF files.

The HTML version will be updated throughout the year to provide a current electronic document at all times. The print version is updated once a year. Changes approved by the VSB Council and the Supreme Court of Virginia are published at [VSB.org](http://VSB.org) under Rule Changes.

## Retired Judge Jere M.H. “Mac” Willis Presented with Carrico Award

The Virginia State Bar Criminal Law Section has presented its 2010 Harry L. Carrico Professionalism Award to retired judge Jere M.H. “Mac” Willis Jr. of Fredericksburg, who served on the Virginia Court of Appeals.

The award was presented on February 12, 2010, during the section’s Fortieth Annual Criminal Law Seminar in Williamsburg. Reno S. Harp III, retired chief counsel to the Virginia Judicial Inquiry and Review Commission and a previous Carrico award winner, was the keynote speaker.

In presenting this year’s award, section chair Richard E. Trodden of Arlington said Willis embodies the characteristics the award was created to recognize: a deep commitment to the ideals of professionalism in the practice of law and the administration of justice in Virginia; a unique contribution to the improvement of the criminal justice system; and dedication to excellence through competence, fairness, integrity, and courtesy.



Above: Richard E. Trodden, chair of the Criminal Law Section, presents the Carrico Professionalism Award to Judge Willis (right).

Right: Reno S. Harp III, a former chair of the section, gave the keynote speech.



Mark Your Calendar

**Bar Leaders Institute  
Friday, October 22, 2010**

Roanoke Higher Education Center, Roanoke, Virginia

More information will be posted when available on the Conference of Local Bar Associations website at <http://www.vsb.org/site/conferences/clba/>.

## William C. Mims Named to Virginia Supreme Court

William C. Mims, a former legislator and Virginia attorney general, has been elected a justice of the Supreme Court of Virginia. He takes the position vacated by Barbara Milano Keenan, who now sits on the Fourth Circuit U.S. Court of Appeals.

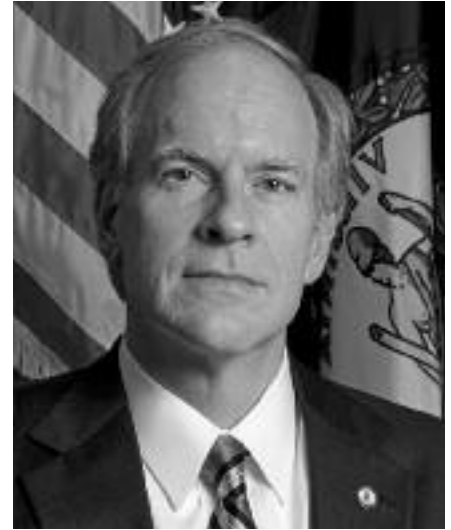
The General Assembly selected Mims, who represented parts of Loudoun and Fairfax counties in the House of Delegates from 1992 to 1998 and in the state Senate from 1998 to 2006. When Attorney General Robert F. McDonnell resigned as attorney general in 2009 to run for governor, the General Assembly named Mims — previously McDonnell's chief deputy AG — to the office.

He was to begin his duties on April 1. An installation ceremony was scheduled for April 9 at the Supreme Court.

Mims holds a bachelor's degree in history from the College of William and Mary and juris doctor and master of laws degrees from George Washington University Law Center.

He worked for U.S. Senator Paul S. Trible Jr. and Congressman Frank R. Wolf and practiced with Hazel & Thomas PC after law school. During his time in the legislature, he practiced with the firm Mims, Atwill & Leigh PC in Leesburg.

His extensive community and professional service includes serving on boards of directors for Voices for Virginia's Children and the Richmond Behavioral Health Authority; membership in the John Marshall American Inn of Court, the Virginia Bar Association Board of Governors, and the Chief



William C. Mims

Justice's Commission on Mental Health Law Reform; and chairmanship of the Virginia Code Commission and the Virginia Housing Commission.

## Carrico to Receive Award from John Marshall Foundation

Senior Virginia Justice Harry L. Carrico will be presented with the John Marshall Foundation Medal in Law on October 29, 2010, at the Marriott Hotel in downtown Richmond.

The dinner will be preceded by a symposium on four biographies of Marshall, to be held at the University of Richmond.

The Medal in Law was established in 2005 to recognize persons who share Marshall's philosophy of the supremacy of the rule of law, a strong belief in judicial independence, and the principles displayed as a citizen soldier and lawyer and as chief justice of the United States.

Carrico — who served as the Supreme Court of Virginia's chief justice of 1981 until 2003 and was on the Court for forty-two years — will be the third

person to receive the award. The others were U.S. Associate Justice Anthony M. Kennedy and former U.S. attorney general Griffin B. Bell.

The foundation will sell tickets for individuals and sponsored tables. For information, contact the foundation's executive director, Lynn Brackenridge, at [lynnbrackenridge@johnmarshallfoundation.org](mailto:lynnbrackenridge@johnmarshallfoundation.org) or (804) 775-0861.

Details will be provided in the June-July edition of *Virginia Lawyer*.

## Local Bar Elections

### The Prince William County Bar Association Inc.

Amy Marion Ashworth, President  
Megan Eileen Kelly, President-elect  
Laurie Jeanne Sholtis, Secretary  
Joseph Wylie Thelin, Treasurer  
Mark Thomas Crossland, Director  
Angela Lemmon Horan, Director  
Arthur vonKeller IV, Director  
Petula Cherise Alston Metzler, Director

### Washington Metropolitan Area Corporate Counsel Association

Curtis Lorin Schehr, President  
Stephen C. Dwyer, President-elect  
David Alan Kessler, Vice President  
(Programming)  
Robert Evan Gans, Vice President  
(External Relations)  
Anne Louise Milem, Secretary  
Michael F. Finn, Treasurer

## 4th Circuit Judge Roger Gregory Receives UR Law's Highest Honor

The University of Richmond School of Law presented Judge Roger L. Gregory of the Fourth Circuit U.S. Court of Appeals with its highest honor, the William Green Award for Professional Excellence. The award was presented March 19 at the university.

The award was established in honor of a Richmond judge who was a member of Richmond College's original law faculty. In his address to the first law class in 1870, Green encouraged each student to adopt a personal-best standard—to measure success not in competition with others, but through surpassing “his own previous performance.”

Previous recipients of the award include jurists, attorneys, university and law school officials, and a journalist, from Virginia.

UR Law School Dean John Douglass said, “Judge Gregory’s skill and professionalism across decades of service as lawyer and judge make him an outstanding role model for our students and for all members of our legal community.”

Gregory, a native of Petersburg, graduated from Virginia State University and the University of Michigan Law School. He practiced with Hunton & Williams in Richmond and cofounded the firm Wilder & Gregory. Then-partner L. Douglas Wilder went on to become governor of Virginia.

Gregory was appointed to the Court of Appeals in 2001, after being nominated by President William J. Clinton and renominated by President George W. Bush. He is the first African American to sit on the Fourth Circuit and the only U.S. Court of Appeals judge to be appointed by presidents of different political parties.



Judge Gregory displays the William Green Award with University of Richmond President Edward L. Ayers (left) and John G. Douglass, dean of the UR School of Law.

### CALL FOR NOMINATIONS

#### Award of Merit Competition

Sponsored by the VSB Conference of Local Bar Associations.  
Nomination Deadline: April 30, 2010

#### Local Bar Leader of the Year

Sponsored by the VSB Conference of Local Bar Associations.  
Nomination Deadline: April 30, 2010

For more information, see  
<http://www.vsb.org/site/conferences/clba/view/awards/>.

### Virginia Lawyer Referral Service

For information, see <http://www.vsb.org/site/public/lawyer-referral-service/>.

## In Memoriam

**Miriam S. Ageloff**

Freeport, New York  
November 1933–December 2009

**Prof. Kelley Hollabaugh Bartges**

Richmond  
November 1958–January 2010

**William Russell Brown**

Portsmouth, Virginia  
October 1953–January 2010

**Thomas Joseph Chasler**

Winchester  
December 1947–November 2009

**Nicholas Daniels**

Petersburg  
October 1928–February 2010

**A. Robert Doll**

Louisville, Kentucky  
April 1927–November 2009

**W. Lester Duty**

Chester  
November 1926–November 2009

**David Campbell Kohler**

Los Angeles, California  
February 1953–October 2009

**Richard Henry Lewis**

Fort Lauderdale, Florida  
April 1929–March 2010

**Thomas P. Mains Jr.**

Great Falls  
September 1934–January 2010

**Bruce Montgomery Marshall**

Richmond  
April 1951–February 2010

**William P. Oberndorfer**

Bridgewater  
October 1916–June 2009

**Terrence Patrick O'Brien**

Vero Beach, Florida  
March 1929–August 2009

**Kendall W. Paul**

Hartfield  
March 1925–August 2009

**John Douglas Perkins**

Falls Church  
February 1931–January 2010

**John Edmund Smircina**

Alexandria  
July 1931–February 2010

**Paul George Varoutsos**

Arlington  
December 1920–June 2009

**Edward Joseph Walinsky**

Fairfax  
October 1954–February 2010

**Leo C. Wilkerson**

Winston-Salem, North Carolina  
September 1933–January 2010

**Hon. Benjamin A. Williams Jr.**

Courtland  
November 1919–January 2010

## Join a VSB Section

Section membership is open to all members in good standing of the Virginia State Bar. Many sections also have law student and associate memberships. The sections are supported by dues which range from \$10 to \$35.

Administrative Law  
Antitrust, Franchise &  
Trade Regulation  
Bankruptcy Law  
Business Law  
Construction Law &  
Public Contracts  
Corporate Counsel  
Criminal Law  
Education of Lawyers  
Environmental Law  
Family Law  
General Practice  
Health Law  
Intellectual Property Law  
International Practice  
Litigation  
Local Government Law  
Military Law  
Real Property  
Taxation  
Trusts and Estates

Find more information online at  
[http://www.vsb.org/site/  
members/sections/](http://www.vsb.org/site/members/sections/).

## Lawyers Helping Lawyers

Confidential help for substance abuse problems and mental health issues.

For more information, call our toll free number:

**(877) LHL-INVA**

or visit <http://www.valhl.org>.

## Free and Low-cost Pro Bono Training

Visit the Pro Bono page on the VSB website for free and low-cost pro bono training and volunteer opportunities:  
[http://www.vsb.org/site/pro\\_bono/  
resources-for-attorneys](http://www.vsb.org/site/pro_bono/resources-for-attorneys)

## Virginia State Bar Harry L. Carrico Professionalism Course

See dates and registration information at  
<http://www.vsb.org>.

# Hate Speech Is Theme of Richmond Law Day Event

## Judge Richard Williams Among Honorees

Free Speech, Fair Speech, Fear Speech is the theme of the Third Annual Law Day Conference, to be held April 30, 2010, at the Virginia Holocaust Museum in Richmond.

The event is sponsored by the Virginia Law Foundation and the museum.

The conference will take place from 8:30 AM to 1 PM. During a 6 to 8 PM reception and ceremony, the Rule of Law Award will be presented to Seventh U.S. Circuit Court of Appeals Judge Ilana Rovner, and senior U.S. District Judge Richard L. Williams of the Eastern District of Virginia will receive the Legacy of Nuremberg Award.

The Virginia Law Foundation Rule of Law Award honors extraordinary commitment to promoting the rule of law as the foundation of peaceful, stable, and prosperous nation states.

Rovner was born in 1938 in Riga, Latvia. As an infant, she and her mother fled to the United States to escape Nazism. In 1992, President George W. Bush nominated her to the Court of Appeals, and the U.S. Senate

confirmed her. She previously worked in the U.S. Attorney's office for the Northern District of Illinois, served as deputy governor and legal counsel to the governor of Illinois, and sat on the U.S. District Court for the Northern District of Illinois.

The Legacy of Nuremberg Award is given to a person who upholds the ideals of Nuremberg by his or her participation in the historic trials of war crimes there or by work to "keep alive the promise of Nuremberg, that justice knows no bounds."

Williams served in the U.S. Army Air Corps during World War II, and was stationed at Pearl Harbor when Japan bombed that port on December 7, 1941. He received bachelor's and law degrees from the University of Virginia. He was a Richmond circuit judge before President Jimmy Carter nominated him to the federal bench. He took senior status in 1992, after serving for twelve years.

Conference speakers and their topics will be:

- Dr. Susan F. Hirsch, a legal anthropologist, professor, and director of the Institute for Conflict Analysis and Resolution at George Mason University — "Uncivil Discourse: A Conflict Resolution Perspective."
- Rick Eaton, chief investigator for the Simon Wiesenthal Center and Museum of Tolerance in Los Angeles — "Method and Means of Hate- and Fear-Speech Communication."
- Rodney A. Smolla, dean of Washington and Lee University School of Law and president-designate of Furman University — "Constitutionally Informed Responses to Hate and Fear Speech."

The conference is open to the public without charge. Complimentary breakfast and lunch will be served. To register, contact the Virginia Law Foundation at (804) 648-0112. A downloadable brochure is available at <http://www.va-holocaust.com/documents/WorldJusticeConference.pdf>.

### YLC Board Elections

At its Annual Meeting on June 18, 2010, the Virginia State Bar Young Lawyers Conference will be electing members to the Board of Governors. Both at-large and district seats will be available.

All nomination are due on May 1, 2010, and any letter of interest or nomination should be sent to:

**Jennifer L. McClellan**  
Immediate Past President  
Fax: (804) 772-2143  
[Jennifer.l.mcclellan@verizon.com](mailto:Jennifer.l.mcclellan@verizon.com)

Any active member of the bar in good standing under the age of 35 or in the first 3 years of practice may serve on the YLC board.

### R. Edwin Burnette Jr. Young Lawyer of the Year Award.

The Virginia State Bar Young Lawyers Conference is seeking nominations for the **R. Edwin Burnette Jr. Young Lawyer of the Year Award**.

This award honors an outstanding young Virginia lawyer who has demonstrated dedicated service to the YLC, the profession and the community.

The nomination deadline is May 1, 2010. Nominations should be sent to:

**Jennifer L. McClellan**  
(804) 772-1512  
Fax: (804) 772-2143  
[Jennifer.l.mcclellan@verizon.com](mailto:Jennifer.l.mcclellan@verizon.com)