

# Highlights of the Virginia State Bar Council Meeting

## June 14, 2007

At its annual meeting on June 14, 2007, in Virginia Beach, the Virginia State Bar Council:

- Heard the bar's Ethics Counsel James M. McCauley describe improved procedures for notifying bar members and the public about proposed rule changes and bar opinions. In addition to the usual press release and publication of the proposed rule changes and opinions in the bar's publications and on its Web site, they will also be referenced in electronic communications to bar members, and improved procedures for posting these matters on the Web site are being implemented.
- Was informed about new procedures and further refinements in the bar's process for evaluating judicial candidates. The changes are designed to develop more complete information during the background investigation on each candidate for a judicial vacancy, as well as provide for more effective participation by the bar's executive committee in the process.
- Elected Jan L. Brodie of Fairfax, Michael C. Guanzon of Danville and Theophani K. Stamos of Arlington as new members of the executive committee for the 2007–08 bar year.
- Approved and recommended to the Supreme Court of Virginia a change in Paragraph 15 of the Rules of Court, the Third Year Student Practice Rule. The change would eliminate the 10-day prior approval requirement by the judge or administrative tribunal before whom a third-year law student expects to appear. Under the change, the court or the administrative tribunal can impose whatever advance approval requirement it feels is necessary or appropriate under the circumstances.
- Heard discussion of a proposed amendment to Paragraph 18 of the Rules of Court recommended by the Special Committee on Lawyer Malpractice Insurance. The amendment would have required lawyers who indicate on their annual dues statement that they are in private practice and covered by a malpractice insurance policy to provide proof that they do, in fact, have such insurance. Following discussion, the chair of the committee, Darrel Tillar Mason, withdrew the proposal.

In the alternative, it was agreed by the council that the time has come for the body to give direction to the committee on the fundamental question whether the bar should require malpractice insurance of all active members in private practice representing clients drawn from the general public. This philosophical question will be debated and a vote taken on it at the October 2007 council meeting. Should the council indicate to the committee that it wishes to consider a proposal for requiring such insurance, the committee will develop a specific proposal for subsequent consideration by the Council.

- Unanimously adopted a resolution commending Karen A. Gould of Richmond for her effective and diligent service as president during 2006–07, and a resolution thanking her law firm for its support of her service.

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## Gould Announces “E-News” and Online Member Directory

In response to many requests, 2006–07 VSB President Karen A. Gould recently announced two new services for bar members.

In May, June and July, bar members received electronic newsletters to keep them informed about important news and upcoming events. Each periodic edition of the “E-News” provides brief summaries of

news and events with links to more detailed information.

Gould also asked all members to sign up to have their names and addresses of record included in a new online member directory. The directory—requested by both members and the public—provides access to attorneys’ contact information.

It includes only the name, address and telephone number of anyone who agrees to be listed.

Classes listed are limited to active, associate, active Virginia corporate counsel and emeritus members.

## Manuel A. Capsalis of Arlington Is President-elect of the Virginia State Bar

Arlington attorney Manuel A. "Manny" Capsalis is the new president-elect of the Virginia State Bar. He took office on June 15, during the VSB's annual meeting in Virginia Beach.

He will serve a year in that position, then will succeed Howard W. Martin Jr. as president of the 38,000-lawyer agency for the 2008–09 fiscal year.

Capsalis is managing partner in the law firm Capsalis, Bruce & Reaser PLC and practices criminal and civil litigation. He also is a substitute judge in general district and juvenile and domestic relations courts in Northern Virginia, and he serves as prosecutor and deputy town attorney for the Town of Herndon.

A native of Durham, N.C., he was admitted to the Virginia bar in 1988, after receiving

a law degree from George Mason University, where he was editor-in-chief of the law review. He received a bachelor's degree from Duke University in 1981 and a master's from George Mason University in 1984.

He is a former president of the Arlington County Bar Association, a former board member of Lawyers Helping Lawyers, and a member of the Virginia Trial Lawyers Association and the George Mason American Inn of Court. He also is on the board of directors of the Virginia Law Foundation.

Capsalis is a past chair of the Virginia State Bar's Conference of Local Bar Associations. He is a member of the VSB's governing council and executive committee. He serves on the VSB Budget and Finance Committee and the Chief Justice's

Indigent Defense Training Initiative. He has been a faculty member of the VSB Professionalism Course.

He is a longtime volunteer with the Herndon Optimist Club's youth sports program, for which he coaches baseball, basketball and softball.

His wife, Carole H. Capsalis, also is an attorney with Capsalis, Bruce & Reaser. They have two daughters and a son and live in Herndon.



## Bar Groups to Assist in Evaluating Candidates for Supreme Court Vacancy

The Virginia State Bar Executive Committee will meet on Wednesday, Aug. 29, at 11 A.M. at the Virginia State Bar office in Richmond to receive and act on the report and recommendations of the Judicial Nominations Committee concerning persons who seek to fill the vacancy on the Supreme Court of Virginia created by the retirement from active service of Justice Elizabeth B. Lacy.

Gov. Timothy M. Kaine has asked for the assistance of the statewide bar groups in identifying and evaluating candidates for the vacancy, which he will fill by appoint-

ment. The person appointed will need to stand for election by the General Assembly when it meets in January 2008.

He has asked for recommendations by Aug. 30. The VSB's Judicial Nominations Committee has elected Carter Glass IV of Richmond as its 2007 chair, and established a schedule for preparing a response to Kaine's request.

The deadline for receipt of nominations and supporting materials in the VSB office is July 23, and interviews will be conducted with the candidates on Aug. 17.

The nomination committee's report and recommendations will be sent to the executive committee about one week prior to the Aug. 29 meeting.

The executive committee then will authorize VSB President Howard W. Martin Jr. to transmit the bar's recommendations to Kaine.

For more information and a copy of the questionnaire that must be completed by all candidates, please contact Valerie Breeden at the VSB, [breedden@vsb.org](mailto:breedden@vsb.org) or (804) 775-0551.

## Roanoke BLI Provides Opportunities for Learning, Exchange

At this year's second Bar Leaders Institute and Solo & Small-Firm Practitioner Forum, legal professionals gathered at the Jefferson Center in Roanoke on May 23 for a free, daylong program including panel discussions and presentations on a variety of topics.

Justice Donald W. Lemons of the Supreme Court of Virginia gave the luncheon address about the Rule of Law and its place as one of the legacies of Jamestown. Following the program, Chief Justice Leroy R. Hassell Sr. held a Town Hall Meeting during which participants asked questions about Virginia's courts.

The Bar Leaders Institute and Solo & Small-Firm Practitioner Forum is sponsored by the Virginia State Bar Conference of Local Bar Associations. For more information on the CLBA, visit [www.vsb.org](http://www.vsb.org) and click on Conferences.



Left: Virginia Justice Donald W. Lemons gives the luncheon address about the Rule of Law and its place as one of the legacies of Jamestown at the May 23 Bar Leaders Institute and Solo & Small-Firm Practitioner Forum.



Right: Chief Justice Leroy R. Hassell Sr. answered questions from area legal professionals during the latest in his continuing series of Town Hall Meetings.

### Free and Low-Cost Pro Bono Training

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

### For confidential toll-free consultation

available to all Virginia attorneys on questions related to legal malpractice avoidance, claims repair, professional liability insurance issues and law office management, call the

VSB's risk manager, McLean lawyer John J. Brandt, at

**1-800-215-7854.**

### Virginia State Bar Publications

The Virginia State Bar publishes pamphlets and handbooks on law-related issues for Virginia's lawyers and Virginia's citizens. Please note that some are available in bulk quantities, and others only in single copies. All publications can be found on the VSB Web site at <http://www.vsb.org/site/publications>.

# Birthday Gala Honors Oliver Hill

by Dawn Chase

Oliver White Hill Sr.—whose tenacious legal leadership helped overturn “separate but equal” and many other discriminatory practices—turned 100 on Law Day, celebrated by well-wishers who included leaders of premiere law firms, six Virginia governors, a former president of the United States and the queen of England.

More than 1,000 people attended a birthday gala on May 4—three days after Hill’s actual birthday. The event took place at the Richmond Marriott Hotel.

Broadway performer Craig Schulman, who donated his appearance, inspired the crowd with songs that included “Make Them Hear You” from the musical “Ragtime”: *Go out and tell the story, Let it echo far and wide, Make them hear you. Make them hear you. How that justice was our battle and how justice was denied. Make them hear you. Make them hear you.*

A short documentary about Hill’s life followed—he was raised by his mother in Roanoke, attended Howard University and practiced in Richmond—and then the accolades began.

One after another, Governor Timothy M. Kaine and five former governors—A. Linwood Holton Jr., Charles S. Robb, Gerald L. Baliles, L. Douglas Wilder and Mark R. Warner—offered tribute.

Wilder recalled returning home to Richmond after serving in the Korean War. He was angry that rights he had fought for on behalf of Koreans were denied to him in the United States. “I’d given up on thinking anybody could make anything happen,” he said. But then “white judges said *Plessy v. Ferguson* was wrong ...

“I thought, ‘Hey, look! Look what is happening!’ From Richmond, Virginia, this could happen, and lawyers could make it happen.” Wilder left his job as a chemist, went to law school and many years later became the first elected black governor in the United States.

Congressman Robert C. “Bobby” Scott paid tribute in person, and former President Bill Clinton, who awarded Hill the Presidential Medal of Freedom in 1999, sent recorded congratulations.

Virginia Law Foundation Chair John A.C. Keith of Fairfax, a former Virginia State Bar president, quoted Henry David Thoreau: “It’s not what you look at that matters. It’s what you see.”

And Richmond lawyer James W. Morris III, a member of the Oliver W. Hill Foundation, brought the house down with a heartfelt sentiment: “I want to thank you, Oliver Hill, for the white people—for saving our souls.”

Clarence M. Dunnaville Jr. and Esther H. Vasser, who organized the party on behalf of the foundation, announced that Hill’s boyhood home in Roanoke had been purchased and will be used to continue his work for civil rights.



Oliver White Hill Sr. (seated) celebrates his 100th birthday on May 4, 2007, with more than 1,000 people, including (left-right) Gov. Timothy M. Kaine, former Govs. A. Linwood Holton Jr., Gerald L. Baliles and L. Douglas Wilder, and Congressman Robert C. “Bobby” Scott. Hill’s actual birthday was May 1.



Queen Elizabeth II conveys birthday greetings to Oliver White Hill Sr. on May 3, 2007, during her visit to Richmond.

## Oliver Hill’s Autobiography Updated, Reissued

An updated edition of Oliver White Hill Sr.’s autobiography, *The Big Bang: Brown v. Board of Education*, has been published by the Oliver W. Hill Foundation in commemoration of his 100th birthday on May 1, 2007.

The 2007 version of the book, originally published in 2004, includes updated information, recent photographs and a new forward by its editor, Professor Jonathan Stubbs of the University of Richmond School of Law. Proceeds from the book’s sale benefit the foundation.

The book costs \$35, which includes \$5 postage and handling. It can be ordered from the foundation at P.O. Box 2246, Richmond, VA 23218.

**In Memoriam**

**Richard Anthony Buddeke**  
McLean  
September 1913–March 2007

**A.J.T. Byrne**  
Charlottesville  
June 1943–March 2007

**Robert Cantor**  
Glen Allen  
July 1924–April 2007

**John M. Carter**  
Richmond  
September 1922–December 2006

**J. Jay Corson IV**  
McLean  
May 1935–March 2007

**Hovey Slayton Dabney**  
Charlottesville  
September 1923–February 2007

**The Hon. Beverly Andrew Davis III**  
Rocky Mount  
May 1925–March 2006

**F. Elmore Butler**  
Richmond  
December 1924–May 2006

**James E. Espe**  
Lincoln, California  
November 1934–February 2007

**Jana Kay Guggenheim**  
Bethesda, Maryland  
September 1958–March 2007

**William Douglas Hager**  
Lexington  
January 1920–October 2006

**Eugene Bruce Harvey**  
Altavista  
October 1919–March 2006

**John F. Kelly**  
Midlothian  
March 1929–February 2007

**Eldon Earl Lewis**  
Annandale  
January 1929–May 2006

**Edmond J. Newbould**  
Alexandria  
April 1918–March 2007

**Daniel M. O’Connell Jr.**  
Warrenton  
March 1942–May 2007

**M. Ralph Page**  
Richmond  
February 1923–May 2007

**Gregory Fred Patton**  
Galax  
March 1957–November 2006

**Rise Jean Peters**  
Washington, D.C.  
April 1961–May 2007

**John J. Reed**  
Pittsboro, North Carolina  
April 1927–April 2007

**Ambrose Alexander Rucker**  
Bedford  
January 1916–January 2007

**Oliver D. Rudy**  
Chesterfield  
May 1937–March 2007

**Harry H. Rumble II**  
Contoocock, New Hampshire  
June 1920–May 2004

**Peter W. Runkle**  
Richmond  
February 1932–March 2007

**Hoskins M. Sclater**  
Roanoke  
June 1918–December 2006

**Robin Lee Strickler**  
Virginia Beach  
October 1953–January 2007

**Anson W.H. Taylor Jr.**  
Berwyn, Pennsylvania  
July 1929–March 2006

**Dabney W. Watts**  
Advance, North Carolina  
August 1918–November 2006

**Jay Kenneth Wilk**  
Woodstock  
December 1963–May 2007

**Stephen C. Willard**  
Charlottesville  
August 1934–March 2007

**Cdr. Paul Wohl, JAGC, USN (Ret.)**  
Vienna  
April 1923–August 2006

**Williams Mullen and Habitat for Humanity Form a Pro Bono Partnership**

Williams Mullen law firm and Richmond Metropolitan Habitat for Humanity are new pro bono partners.

The firm will provide legal expertise in a variety of areas that will help Habitat expand its business model from single-family homes on single lots to multi-family homes in developments.

“We are answering the call for affordable and work force housing,” said G. Andrew Nea Jr. of Williams Mullen. “By leveraging our capacity as a large-size firm, we can do the heavy lifting required to make these building projects a success.”

Each year, Richmond Habitat builds nearly 30 houses, provides social services to

more than 550 families, manages mortgages for all Habitat homeowners, and operates a store that resells building supplies and furniture.

## Globalization, Diversity are Conclave Themes

On June 8, 100 practicing lawyers, judges, and law-school deans and professors gathered at the University of Virginia School of Law in Charlottesville for a half-day conclave on legal education.

The purpose of the meeting was to discuss issues of common interest to all three branches of the legal profession and to exchange ideas and information about legal education and ways in which the practicing bar and the bench can be helpful to the law schools in Virginia.

Following opening remarks by William R. Rakes, current chair of the Council of the American Bar Association's Section of Legal Education and Admissions to the Bar, and Thomas A. Edmonds, executive director of the Virginia State Bar and former dean of the University of Richmond Law School, two panels of distinguished lawyers, judges and legal educators presented the program.

One panel addressed globalization of the legal profession and curricular changes needed in the law schools to better prepare students for practice in the much-changed profession they will enter. The other focused on how to achieve greater diversity in both law-school student bodies and in the profession, including innovative "pipeline projects" designed to identify promising students from minority groups as early as their middle-school years and encourage them to consider attending law school and entering the profession.

The conclave ended with an inspiring after-dinner presentation by College of William and Mary law-school dean W. Taylor Reveley III documenting the historical role lawyers have played as "public citizens" and encouraging attendees to develop ways in which to inculcate the same aspirations to serve the public and their communities in today's students, lawyers and judges.

The occasion for the conclave, the fourth that has been held in Virginia during the past 15 years, was the spring meeting of the council of the ABA section in Charlottesville. Rakes encouraged the bar to work with the section in planning and conducting the conclave to coincide with the council meeting. The Virginia State Bar's Section on Education of Lawyers, the only group of its kind at the state level in the country, partnered with the ABA Section on the conclave.

In attendance were 28 ABA council members and staff as well as 68 Virginia lawyers, judges and academics.



Opening remarks at the ABA Conclave were made by VSB Executive Director Thomas A. Edmonds.



Dean W. Taylor Reveley III of the College of William & Mary School of Law (l), spoke on "The Lawyer as a Public Citizen" at the conclave dinner. Closing remarks were made by William R. Rakes, a former VSB president (r).



"Educating Lawyers for the 21st Century" panelists were (l-r) Dean Blake D. Morant of Wake Forest University School of Law; Dean John C. Jeffries Jr. of the University of Virginia School of Law; Dean Rodney A. Smolla of the Washington and Lee University School of Law, moderator; Carolyn B. Lamm of White and Case LLP; and Dean Mathew D. Staver of the Liberty University School of Law.



"How Can We Achieve Greater Diversity in Our Profession and Bar Organizations?" panelists were (l-r) 2006-07 VSB President Karen A. Gould; Dean Clinton W. Shinn of Appalachian School of Law; Dean Jeffrey A. Branch of Regent University School of Law; Annamaria Nields, assistant dean for academic affairs at George Mason University School of Law; W. Scott Street III, secretary of the Virginia Board of Bar Examiners and a former president of the Virginia State Bar; Judge Cleo E. Powell of Chesterfield Circuit Court; and Virginia Supreme Court Justice Elizabeth B. Lacy, moderator.

# Centuries After Jamestown, Rule of Law Provides Means to Racial Justice

by Dawn Chase

While the United States marked the founding of Jamestown as the 400th anniversary of the Rule of Law in North America, many African-Americans consider entitlement to basic rights a more recent event.

Rights established by English law and carried to the New World by the Jamestown colonists have applied to black people only since the 1930s, said Elaine R. Jones, former president of the National Association for the Advancement of Colored People's Legal Defense Fund.

It was not until 1935 that black lawyers began chiseling away methodically at institutionalized discrimination, and blacks began to be fully enfranchised, she said.

Jones delivered her remarks April 12, 2007, during the Rule of Law Conference sponsored by the University of Richmond in recognition of the Jamestown quadricentennial.

The conference, held April 11–14 in Richmond and Jamestown, drew an international faculty. Along with many lectures about how the Rule of Law is practiced around the globe, a highlight of the program was the unveiling of a commemorative plaque given by the English Inns of Court in honor of the founding of Jamestown Colony in 1607.

Jones said she prepared for her lecture by researching the Rule of Law in the 17th and 18th centuries "from the perspective of persons of African-American descent . . . I have never had more depressing reading."

Citing 19th-century slave laws compiled by abolitionist George M. Stroud, Jones listed the harsh "Rule of Law" faced by slaves and sometimes freed blacks.

"Proposition five: Slaves have no legal right to property in terms of both real and personal," she read, and continued: Owners could not rent their slaves to others. Slaves could not marry. While owners could sue over injury to a slave, the slave could not be a party in the suit or recover damages.

"You're talking about cold! You're talking about a 'Rule of Law'! . . . This is what we had."

The Civil War brought emancipation, but decades of oppression continued. "You can have a right on the books, but if it's not enforced, . . . it gives you an argument, but it doesn't give you a right," Jones said. Lynchings, abetted by the silence of state legislatures that refused to make them a crime, reminded African-Americans of the threat of mob rule. Jim Crow laws established "separate but equal" treatment of the races. "We had separate, but we never had equal," Jones said.

From 1865 until 1988, "Everything Congress managed to accomplish, the Court took back," she said.

In 1907, Oliver White Hill Sr. was born, Jones said, gesturing to the audience that included Hill, a few days from his 100th birthday. Hill grew up in Roanoke and endured the bullying of white boys and recurring news of lynchings.

When Oliver Hill was 12 years old, Charles Hamilton Houston, a black, brilliant veteran of the battlefields of World War I, enrolled at Harvard Law School, where he planned his next fight: an attack on Jim Crow.

Houston decreed that "there must be Negro lawyers in every community," and

he set out to train them. He took a teaching position at Howard University Law School, which trained the majority of black lawyers in the United States. Through courses such as jurisprudence and administrative law, he gave a generation of promising students the grounding required to put a record together and challenge the system.

Hill was among those Howard students. So was future U.S. Associate Justice Thurgood Marshall. The two were close, Jones said. Hill called Marshall "Turkey"; Hill was "Peanut." Marshall called Houston "Iron Shoes."

Starting with a challenge to *Plessy v. Ferguson*, the 1896 U.S. Supreme Court decision that established "separate but equal," Houston and his students began their struggle for civil rights. Hill made his mark as leader of the Virginia team that participated in *Brown v. Board of Education*, then went on to win dozens of other cases that affected schools, transportation, equal pay for equal work, housing and many other issues.

The efforts were aided by an unusual alignment through which civil and voting rights were enacted, affirmed and enforced on the federal level. "It's rare to get Congress, the executive branch and the courts on the same page at the same time," Jones said. The newly empowered law gave the litigators a framework on which they could build their cases and appeal when lower courts shot them down.

Jones said Hill, who practiced in Richmond, worked against a background of constant threat and harassment. Often,

he and his wife took the phone off the hook to get a full night's sleep, she said.

Jones traced her own history as it evolved from the successes of Hill and his Howard University classmates. She and Virginia Court of Appeals Judge James W. Benton Jr.—who also was in the audience—were “100 percent of the African-American members of the class of 1970” at the University of Virginia School of Law, she said. Jones went on to many other firsts, as a woman and an African-American.

But at the Rule of Law Conference, before a proclamation was read in honor of Hill and a birthday cake with 100 candles was carried in, Jones paid tribute to her friend and teacher.

“We owe Oliver a debt of gratitude,” she said.

To African-Americans, most of the past 400 years were brutalizing. In the end, though, Jones saluted “what was solidified in Jamestown and the Founding Fathers gave us—a system where we could challenge injustice.”



1: Elaine R. Jones, former president of the NAACP Legal Defense Fund, speaks at the University of Richmond's Rule of Law Conference.



2: Reading a tribute to civil rights lawyer Oliver White Hill Sr. are (left-right) Elaine R. Jones, University of Richmond Law School Dean Rodney A. Smolla and Virginia Justice Donald W. Lemons.



3: A plaque commemorating the 400th anniversary of Jamestown is unveiled by (left-right) U.S. Chief Justice John G. Roberts Jr., Virginia Justice Donald W. Lemons, retired U.S. Associate Justice Sandra Day O'Connor and the Right Honorable Phillips of Worth Matravers, the Lord Chief Justice of England and Wales. The event took place at Jamestown. The plaque was presented by the English Inns of Court.

## Local and Specialty Bar Association Elections

### Augusta County Bar Association

John Charles Wirth, President  
Rupen Rasiklal Shah, President-elect  
Humes Jefferson Franklin III, Vice President  
Michelle Kelsay Bishop, Secretary  
David Leslie Meeks, Treasurer  
Paul Aaron Dryer, Immediate Past President

### Loudoun Chapter, VWAA

Jennifer Rose Dillow, President  
Stephanie Grant Troxell, Vice President  
Jennifer Dore Cisneros, Secretary  
Lorren Tyus Johnston, Treasurer  
Stephanie Grant Troxell, Immediate Past President

### Loudoun County Bar Association

Lawrence Joseph McClafferty, President  
Thomas Vincent Mulrine, President-elect  
Cheryl Kaye Graham, Secretary  
Stephen Edward Sincavage, Treasurer  
James Edwin Plowman, Immediate Past President

### Martinsville-Henry County Bar Association

Robert William Haley, President  
Joan Ziglar, Vice President  
Donald Patrick Goodman III, Secretary-Treasurer  
Kimble Reynolds Jr., Immediate Past President

### Montgomery-Radford Bar Association

Gail Cook Devilbiss, President  
Paul Michael Barnett, President-elect  
Christopher Austin Tuck, Vice President,  
David Adam DeVries, Vice President,  
Peggy Harris Frank, Secretary  
Marshall Jay Frank, Treasurer  
Donald Stephen Haga Jr., Immediate Past President

### Northern Virginia Chapter, VWAA

Debra Lynn Powers, President  
Cynthia Kaplan Revesman, President-elect  
Kyung Nam Dickerson, Secretary  
Mary Grace Anne O'Malley, Treasurer  
Mary Catherine H. Gibbs, Immediate Past President

### Richmond Chapter, VWAA

Courtney Allen Van Winkle, President  
Lauren Ebersole Hutcheson, Secretary  
Darrel Tillar Mason, Treasurer  
Darrel Tillar Mason, Immediate Past President

### Salem-Roanoke County Bar Association

Thomas Edward Bowers, President  
John Stuart Koehler, 1st Vice President  
Leisa Kube Ciaffone, 2nd Vice President  
John Christopher Clemens, Secretary-Treasurer  
Compton Moncure Biddle, Judge Advocate  
John Stuart Koehler, Corresponding Secretary  
Aaron Tremayne Lavinder, Immediate Past President

### The Bar Association of the City of Richmond

Carolyn Anne France White, President  
William Reilly Marchant, President-elect  
Gregory Franklin Holland, Vice President  
The Honorable Thomas O. Jones, Hon. Vice President  
Thamer Eugene Temple III, Secretary-Treasurer  
Hugh McCoy Fain III, Immediate Past President

### Virginia Trial Lawyers Association

Charles Joseph Zauzig III, President  
Andrew Michael Sacks, President-elect  
Matthew B. Murray, Vice President  
Edward Lefebvre Allen, Vice President  
Lisa Palmer O'Donnell, Vice President  
Sandra Martin Rohrstaff, Vice President  
Barbara S. Williams, Treasurer  
Gerald Arthur Schwartz, Immediate Past President

### Winchester-Frederick County Bar Association

Thomas Alan Louthan, President  
Marc Herbert Abrams, President-elect  
William August Bassler, Secretary  
William Abraham Crane, Treasurer  
Robert Lee Jones III, Member At-Large  
Phebe Kay Adrian, Immediate Past President

## Edmonds to Receive Bolton Award from NABE

Thomas A. Edmonds, executive director and chief operating officer of the Virginia State Bar, has been named the 2007 recipient of the National Association of Bar Executives Bolton Award for Outstanding Bar Leadership.

The Bolton Award, the NABE's highest accolade, is presented annually to a bar

executive who epitomizes the highest standard of professional excellence. It is named in honor of Fred Bolton, executive director and secretary of the Pennsylvania Bar Association from 1966-77.

Edmonds will receive the award during the NABE Annual Meeting in San Francisco, Aug. 9-14.

## Professional Guidelines

The 2007-08 Professional Guidelines will be mailed to active members of the VSB in mid-October 2007, accompanying the October issue of *Virginia Lawyer*.

The 2006-07 are available online at [www.vsb.org](http://www.vsb.org).

For amendments approved after September 1, 2006, see the supplement to the Professional Guidelines online at [www.vsb.org/site/regulation/amendments](http://www.vsb.org/site/regulation/amendments).

# Monroe Birthplace Restoration Plan Announced

by S. David Schiller

April 28, 2007, the 249th anniversary of James Monroe's birthday, marked a long-overdue acknowledgment of the accomplishments of one of Virginia's lawyers who served his country in many capacities. The date also marked the groundbreaking for restoration of Monroe's birthplace in Westmoreland County.

Monroe, who practiced law in Fredericksburg in the 1780s, exemplified public service, which also is a hallmark of the Virginia State Bar. After Revolutionary War service, Col. Monroe served in the Virginia legislature, the first Congress, as Virginia's governor four times and as a foreign minister. He also negotiated the Louisiana Purchase and led the Virginia Constitutional Convention. During his two terms as the fifth president of the United States, Monroe articulated the doctrine that bears his name and elevated America to global prominence.

The James Monroe Memorial Foundation, established to preserve and honor the life, ideals, work and memory of Monroe, has begun an active effort to restore his birthplace, and develop the site as an

educational, historical, recreational, archaeological and environmental landmark for future generations.

A 1780 *Virginia Gazette* advertisement described the 550-acre property, which included peach and apple orchards and numerous outbuildings. Monroe's description also included a listing of the stable, kitchen, smokehouse and tobacco barn. An early 19th-century etching and engraving of the modest birthplace house matches the archaeological site. Restoration will be based on archaeological studies by the College of William and Mary, in conjunction with the Colonial Williamsburg Foundation. The archeological team has uncovered a 20 feet by 58 feet house foundation corresponding to the etching.

This restoration project will be the focal point of the 250th James Monroe Birthday Commemoration on April 28, 2008. The James Monroe Memorial Foundation has received substantial financial support from multiple sources, including the Jesse Ball DuPont Fund, the Dominion Foundation and the Commonwealth of Virginia.

By restoring his birthplace, the foundation hopes that Monroe will be restored to his proper place in history. The humble farmhouse and farm illustrate how individuals from such beginnings can progress to lead the nation. The educational benefits of the project afford a distinct opportunity for interpretation of both cultural and national histories.

In addition, the farmhouse will be the centerpiece to a historic park, which will stimulate recreational activities, tourism, conservation and economic development. Most importantly, the restoration will provide an understanding of the blessings of our liberties and freedom from a Colonial period point of view to a 21st-century perspective. Further information is available at [www.MonroeFoundation.org](http://www.MonroeFoundation.org).

**S. David Schiller** is a Richmond attorney and chair of the James Monroe Memorial Foundation Development Committee. He spoke about the foundation's activities and goals at a recent meeting of the VSB Council.

## VSB Offers Confidential Law Practice Management Reviews to Solos and Small Firms\*

If you are concerned about being a competent professional and want your practices and procedures to reflect this, consider having a half-day confidential review of your law practice management systems for the low cost of \$150 per attorney. The VSB's risk management program covers the remainder of the cost associated with these reviews. Since the number of reviews that can be conducted each year is limited, please don't delay in writing to or calling Janean S. Johnston, J.D., in order to receive an application form.

Johnston is a licensed attorney in Minnesota, and she has conducted legal risk management and ethics audits and reviews nationwide since 1987. She has recently returned to Virginia and has been retained by the VSB Malpractice Insurance Committee to assist with its overall risk management efforts on behalf of Virginia lawyers. **You may reach her at 250 South Reynolds Street, #710, Alexandria, VA 22304 or at (703) 567-0088.**

Take advantage of this limited offer and gain peace of mind as a result of improved practices and procedures that can reduce your exposure to both malpractice claims and ethics complaints.

\*(law firms with a maximum of five attorneys)



# The Virginia State Bar congratulates the following attorneys who are recipients of its 2007 awards:

## FAMILY LAW SERVICE AWARD

**Mary G. Commander**, Mary G. Commander, Attorney-at-Law, Norfolk

*Presented by the Family Law Section*

Commander is a family law attorney and volunteer for the Community Mediation Center of Southeastern Virginia. The center teaches new mediators about issues such as spousal support, equitable distribution and the process of divorce. She also helped bring together lawyers, financial planners and mental-health professionals to form the Hampton Roads Collaborative Law Group.

*The award was presented April 27 during the Family Law Section's Advanced Family Law Seminar in Richmond.*



## LIFETIME ACHIEVEMENT AWARD

**Philip Schwartz**, Schwartz & Associates, Vienna

*Presented by the Family Law Section*

Schwartz has practiced law for almost 50 years. Fluent in Russian, French and Spanish, he has cultivated an international niche in his domestic law practice. He teaches other attorneys to be sensitive to body language, gestures and linguistic elements that can cause misunderstandings with other cultures. He also is a recognized mentor to young lawyers.

*The award was presented April 27 during the Family Law Section's Advanced Family Law Seminar in Richmond.*



## LOCAL BAR LEADER OF THE YEAR AWARD

**Steven L. Higgs**, Higgs Law Firm, Roanoke

*Presented by the Conference of Local Bar Associations*

Higgs increased the number of programs and recognition of members during his term last year as president of the Roanoke Bar Association. Under his leadership, the association formed a committee to oversee its numerous public service projects, expanded legal education opportunities, and established lifetime achievement and young lawyer awards.

*The award was presented June 15 during the VSB Annual Meeting in Virginia Beach.*



## LEWIS F. POWELL JR. PRO BONO AWARD (TWO WINNERS)

*Presented by the Special Committee on Access to Legal Services*

**John M. Oakey Jr.**, McGuireWoods LLP, Richmond

Oakey has dedicated himself to pro bono work in his retirement from law firm partnership. He has represented clients through the Richmond Legal Aid Housing Program, prosecuted child support cases, advocated for domestic violence victims, and handled many cases in which needy clients did not qualify for pro bono help from legal aid.

**Volunteer Lawyers, Mortimer Caplin Public Service Center**, University of Virginia Law School, Charlottesville  
These members of the U.Va. Law School faculty and other volunteer attorneys prepare students for pro bono work and other public interest law. They provide institutional support that is unmatched in Virginia. Among their projects is a program that assists domestic-violence victims and immigrants seeking asylum.

*These awards were presented May 17 at the VSB Pro Bono Conference in Richmond.*



## HARRY L. CARRICO PROFESSIONALISM AWARD

**Rodney G. Leffler**, Leffler & Hyland PC, Fairfax

*Presented by the Criminal Law Section*

Leffler has served as a police officer, a prosecutor and a defense attorney. He has tried more than 250 criminal and civil cases before juries. A former chair of the section, his commitment to the highest ideals of professionalism has won him many invitations to provide ethics training at law schools, continuing legal education courses, and the Criminal Law Section's annual seminar.

*The award was presented February 9 at the Criminal Law Seminar in Williamsburg.*



**TRADITION OF EXCELLENCE AWARD****James C. Roberts**, Troutman Sanders, Richmond*Presented by the General Practice Section*

Roberts has maintained a general practice in a large firm during the 50 years he has been a member of the Virginia bar. He was lead counsel on high-profile cases such as the A.H. Robins Co. Inc. Chapter 11 bankruptcy and he defended *U.S. v. Holland*, in which a state senator and his son were acquitted on 31 charges. He is a mentor to young lawyers, and was an early leader in legal work for the poor in Richmond.

*The award was presented June 16 during the VSB Annual Meeting in Virginia Beach.***VIRGINIA LEGAL AID AWARD****Andrew K. Block Jr.**, JustChildren, Legal Aid Justice Center, Charlottesville*Presented by the Special Committee on Access to Legal Services*

Block started the Charlottesville-based JustChildren program in 1998 with the help of a Soros Justice Fellowship. JustChildren helps improve education and mental-health services by working to increase resources and by training lawyers, other professionals and families to be better advocates. Block also founded the Child Advocacy Clinic at the University of Virginia School of Law.

*The award was presented June 15 during the VSB Annual Meeting in Virginia Beach.***R. EDWIN BURNETTE JR. YOUNG LAWYER OF THE YEAR****Sarah Loupe Petcher**, Colten Cummins Watson & Vincent, Fairfax*Presented by the Young Lawyers Conference*

As chair of the YLC's Immigrant Outreach Committee, Petcher led the conference to form a partnership with the National Center for Refugee and Immigrant Children. She has provided training on undocumented-status juveniles to judges in Northern Virginia, and she has been attorney advisor to a George Mason School of Law clinic for self-represented litigants in uncontested divorces.

*The award was presented June 15 during the VSB Annual Meeting in Virginia Beach.*

## Virginia Law Foundation Accepting Nominations for Fellows Class of 2008

Nominations for the 2008 Class of Virginia Law Foundation Fellows will be accepted through September 10, 2007. The 2008 class will be inducted at a dinner meeting in Williamsburg on January 17, 2008, during The Virginia Bar Association's Annual Meeting.

Candidates must (1) be an active or associate member of the Virginia State Bar for at least ten years; (2) be a resident of Virginia; (3) be a person of integrity and character; (4) have maintained and upheld the highest standards of the profession; (5) be outstanding in the community; and (6) be distinguished in the practice of law. Retired and senior status judges are eligible. Sitting full-time judges and constitutional office holders are not eligible during their tenures.

Nominations must be received by September 10 and should be submitted on a nomination form provided by the Virginia Law Foundation. To obtain a nomination form, please contact the Virginia Law Foundation at 700 East Main Street, Suite 1501, Richmond, VA 23219, phone (804) 648-0112, or by email at: [mprichard@virginialawfoundation.org](mailto:mprichard@virginialawfoundation.org). To obtain a nomination form online, go to [www.virginialawfoundation.org/fellownoms.htm](http://www.virginialawfoundation.org/fellownoms.htm) and for a complete listing of current fellows, please visit the foundation's Web site at [www.virginialawfoundation.org/currentfellows.htm](http://www.virginialawfoundation.org/currentfellows.htm).