

Highlights of the Virginia State Bar Council Meeting

June 18, 2009

At its regular meeting on June 18, 2009, the Virginia State Bar Council heard the following significant reports and took the following significant actions:

VSB Budget

Executive Director Karen A. Gould and Alan S. Anderson, vice chair of the Standing Committee on Budget and Finance, reported that the VSB's budget now is in the black. Budget cuts have reversed the bar's deficit spending, and the need for an increase in dues has been postponed. The cuts did not affect services to the public or attorneys. For details, see Gould's column on page 16.

Conrad Clients' Protection Fund Claims

Barry J. Dorans, chair of the Clients' Protection Fund Board, reported that the board has almost finished processing 167 petitions related to Stephen Thomas Conrad. The fund has received \$5,767,504.77 in claims and will pay out the aggregate limit of \$411,165, which was 10 percent of the net value of the fund the day the first Conrad petition was received.

Diversity Conference Approved

The council voted to establish a conference "to promote diversity in the profession and the practice of law." The council also voted to give the chair of the conference a seat on the council but not on the VSB Executive Committee. A proposal to add a diversity component to the VSB mission statement was taken off the table by the task force. Under the terms approved by the council, the conference will be privately funded through a nonprofit organization. No bar dues will be used to pay for the conference's operations or programs. The proposal has been sent to the Supreme Court of Virginia for approval. Development of the conference was a priority of Manuel

A. Capsalis during his presidency in 2008-09.

Paragraph 13 Amendments

The council approved changes to the Rules of the Virginia Supreme Court, Part 6, § IV, ¶13, that would:

- Strike "mutual agreement" language that has not been in use in the disciplinary system for many years.
- Clarify the process and burden of proof for a show cause hearing after a guilty plea or adjudication of a crime.
- Amend the duties of a disbarred or suspended respondent.

The proposals were sent to the Court for approval.

Sale of Law Practice

The council approved a change to Rules of Professional Conduct 1.17, to allow a lawyer who sells a portion of a practice to continue to practice in other areas of law in the same geographical region. The proposal was sent to the Court for approval.

Felony UPL Charge

The council agreed to request the General Assembly to amend Virginia Code § 54.1-3904 to increase the penalty for egregious unauthorized practice of law to a felony. To qualify, the UPL must cause loss of \$200 or more — the amount required for felonious larceny. The proposal was sent to the Court for approval.

Advertising Committee Dissolved

The council sunsetted the Standing Committee on Lawyer Advertising and Solicitation, which issued lawyer adver-

tising opinions, monitored compliance with the ethics rules that govern advertising, and occasionally recommended prosecution for noncompliance. The committee's work will be continued by the Standing Committee on Legal Ethics.

CRESPA Amendments

The council approved amendments to conform Consumer Real Estate Settlement Protection Act regulations to statutory changes effective July 1, 2009.

Malpractice Insurance Committee Term Extended

The council extended the term to be served by members of the Special Committee on Lawyer Malpractice Insurance from three to five years, because of the time necessary to learn the subject matter.

MCLE Certification Mailing Discontinued

The council voted to discontinue automatic mailing of mandatory continuing legal education certification forms, for an annual savings of more than \$14,000. Lawyers can access the information through the Member Login at VSB.org. By request, the VSB will mail the certification to individual members.

Membership Changes

The council approved amendments that:

- Establish time limits for an attorney to register with the Virginia State Bar after being licensed by the Virginia Board of Bar Examiners or admitted to practice in other categories of membership.
- Allow lawyers to request that their names be omitted from the membership list when it is distributed electronically or otherwise for nonofficial purposes.

continued on page 18

Council Highlights continued from page 17

- Clarify the language that defines associate member status.
- Clarify that associate members, as well as active members, can qualify for the disabled/retired class of membership when need arises.

These amendments were sent to the Court for approval.

Payee Notification

A proposal to require insurance companies to notify claimants and judgment creditors when the company issues a settlement check was postponed for consideration until the October 18, 2009, council meeting, to allow more time for comment.



John D. DelBianco receives a \$1,750 check at the VSB Annual Meeting from Litigation Section Chair Jennifer L. Parrish for his award-winning essay in the Law in Society Award competition. He is a 2009 graduate of Trinity School at Meadow View in Falls Church, and plans to attend Wake Forest University in the fall. Also pictured (L–R) are Litigation Section Secretary Robert L. Garnier, retired Judge Johanna L. Fitzpatrick, and retired Judge Diane M. Strickland.

Nominations Sought for Disciplinary Board, MCLE Board, and Council Members At Large

President Jon D. Huddleston has appointed a Nominating Committee to consider nominees for board vacancies in 2010 to be filled by the Supreme Court. The Nominating Committee consists of Manuel A. Capsalis, chair; John Y. Richardson; Judith L. Rosenblatt; Aubrey J. Rosser Jr.; and Edna Ruth Vincent.

Vacancies beginning on July 1, 2010, are listed below. Appointments are for the terms specified. The Nominating Committee's recommendations will be acted on by the Virginia State Bar Council in October 2009, and the names of the nominees will then be forwarded to the Supreme Court of Virginia for consideration.

Council Members at Large: 3 vacancies (of which 1 incumbent is eligible for reappointment to a second term). May serve 2 consecutive 3-year terms.

Disciplinary Board: 6 lawyer vacancies and 1 lay member vacancy (of which 4 lawyer members are eligible for reappointment to a second term). District committee service is preferred. May serve 2 consecutive 3-year terms.

Mandatory Continuing Legal Education Board: 3 lawyer vacancies (of which 2 current members are eligible for reappointment to a second term). May serve 2 consecutive 3-year terms.

Nominations, along with a brief résumé, should be sent by **September 8, 2009**, to Manuel A. Capsalis, Chair, VSB Nominating Committee, Virginia State Bar, 707 E. Main St., Suite 1500, Richmond, VA 23219, or e-mailed to Valerie Breeden at breeden@vsb.org.

Irving M. Blank of Richmond Is President-elect of Virginia State Bar

Irving M. Blank, a personal injury attorney in Richmond, is the new president-elect of the Virginia State Bar.

Blank will serve as president for the 2010–11 term. He will succeed Jon D. Huddleston of Leesburg, who was sworn in June 19 during the bar’s annual meeting in Virginia Beach.

Blank, a lawyer since 1967, practices with Paris Blank LLP. He holds a bachelor’s degree from Virginia Tech and a law degree from the University of Richmond. He is a native of Richmond.

He has served on the bar’s governing council since 2003 and on the VSB

Executive Committee since 2006. He is on the faculty for the bar’s Professionalism Course that is required for all lawyers, and he is a member of the Budget and Finance Committee. He also is a liaison for the VSB committee that reviews candidates for Virginia judgeships.

Blank is a fellow of the Virginia Law Foundation and the American College of Trial Lawyers. He is a member of the John Marshall Inn of Court, the Virginia Association of Defense Attorneys, and the Virginia Trial Lawyers Association.

He was a member of the Virginia Bar Association commission that devel-



oped the Virginia Principles of Professionalism, an aspirational set of standards for attorney conduct.

He has served on the board of directors of the Central Virginia Legal Aid Society.

NOTICE: Mailing of the MCLE Interim Report Has Been Discontinued

In the interest of cost savings, the Mandatory Continuing Legal Education Department will discontinue the June mailing of the MCLE Interim Report. Please check your MCLE record online at <https://member.vsb.org/vsbportal/>. Your MCLE deadline is October 31, 2009.

If you do not have access to the Internet you may contact the MCLE Department at (804) 775-0577 to request that a copy of your transcript be mailed.



Hill-Tucker Dinner Draws a Crowd for Scholarships

About two hundred people attended the Oliver W. Hill-Samuel W. Tucker Scholarship Dinner on April 30 at the Virginia Holocaust Museum in Richmond. Juan Williams, a commentator for National Public Radio and Fox News, told stories from one of his books—*Thurgood Marshall: American Revolutionary*. The event, co-sponsored by the Greater Richmond Bar Foundation, raised over \$20,000. The money currently supports the education of three law students, and the Oliver W. Hill Scholarship Committee hopes to establish an endowment for future scholarships. The photo shows attorneys Robert J. Grey Jr. of Richmond and Crystal Y. Twitty, event chair.

Recipients of Awards at the VSB Annual Meeting:

FAMILY LAW

SERVICE AWARD

Anne B. Holton,

First Lady of Virginia
*Presented by the Family
Law Section*



LEGAL AID AWARD

Freddie L. Goode,

Senior Managing
Attorney, Central
Virginia Legal Aid
Society, Richmond
*Presented by the
Special Committee on
Access to Legal Service*



LOCAL BAR LEADER OF THE YEAR AWARD

Rupen R. Shah,

President, Augusta
County Bar
Association
*Presented by the
Conference of Local
Bar Associations*



TRADITION OF EXCELLENCE AWARD

The Honorable

Marilynn C. Goss,

Richmond Juvenile &
Domestic Relations

District Court

*Presented by the
General Practice Section*



The following bar association projects received awards from the Conference of Local Bar Associations during the Virginia State Bar Annual Meeting. The CLBA makes information on winning projects available to other groups that want to sponsor similar programs.

Awards of Merit

Awards of Merit recognize excellence in bar projects that serve the bench, the bar, and the people of Virginia.

Alexandria Bar Association

Eightieth birthday celebration

Metropolitan Richmond Women's Bar Association

Partnership with Safe Harbor domestic violence shelter

Norfolk and Portsmouth Bar Association

Seminar: The Triumph of the Rule of Law Over Massive Resistance

Joint Project of the Alexandria, Arlington County, Fairfax, and Prince William County bar associations

Production of the pictorial 2009 NOVA Bar Directory

Roanoke Bar Association

Rule of Law Project to bring lawyers into middle school classrooms

Virginia Women Attorneys Association—Loudoun County Chapter

Adoption Day Ceremony and Fair

Certificates of Achievement

Certificates of Achievement honor high achievement in bar projects that serve the bench, the bar, and the people of Virginia.

Alleghany-Bath-Highland Bar Association

So You're 18 panel discussion to teach rights and responsibilities of adults

Henrico County Bar Association

First Annual Professionalism Program to teach the new Principles of Professionalism

Fredericksburg Area Bar Association

Bar Lunch-n-Learn series of continuing legal education

Seminar: Collecting Homeowners Dues in the Small-Claims Court, for laypersons

Indigent Defense Commission training to help lawyers qualify for the court-appointed list.

Prince William County Bar Association

Modest Means Program to help low-income county residents with civil legal matters

Hanging Out a Shingle Program for new lawyers and solo and small-firm practitioners

Virginia Women Attorneys Association — Richmond Chapter

Public Service Summer Stipend Award for a law student engaged in public service work, and Law Day activities