

Executive Director's Message

by Karen A. Gould



New Space for the Virginia State Bar

WE ARE IN FINAL NEGOTIATIONS on the lease for our new bar offices in downtown Richmond. The bar offices will be relocating effective April 2014. The decision on our new location, which will be announced soon, comes after an exhaustive search of downtown office space, a competitive process involving several owners of downtown space, and review of the bar's specifications for space configurations and conference and parking facilities.

Dominion Resource Services Inc., which owns 707 E. Main St., unexpectedly informed us on February 13, 2013, that the bar's lease would not be renewed. The bar posted a request for proposals from commercial real estate firms in April. CBRE (CB Richard Ellis), a licensed real estate brokerage firm with extensive experience in commercial real estate in downtown Richmond, posted an RFP for our new space on May 15, 2013, with responses due by May 29. Prospective landlords responded to a very detailed questionnaire.

The search for new office space was concentrated in the downtown Richmond central business district to stay as near as possible to our current location and nearby courtrooms.

Clients' Protection Fund Recommendations

On September 13, the Clients' Protection Fund board voted unanimously to endorse proposals to increase the per-attorney and per-claim limit on payments as follows:

1. Per-attorney limit increased from 10 percent to 15 percent of the net worth of the fund;

2. Per-claim limit increased from \$50,000 to \$100,000.

The proposals to increase the limits were originally recommended by the 2012 Payee Notification Task Force. They were, in part, in response to several large defalcations, including the Steven Conrad matter. Steven Conrad took more than \$4 million from more than 300 clients. As a result of the current payment limits, reimbursements to Conrad's clients from the CPF amounted to only a fraction of their actual losses.

The board also voted to recommend that the Virginia State Bar seek legislation authorizing the Supreme Court to continue the \$25 CPF assessment beyond June 30, 2015. The current authorization is to sunset on that date.

These recommendations will be going to the Executive Committee and Council on October 4 and 5, 2013, respectively.

The board's recommendation to continue the \$25 CPF assessment beyond June 30, 2015, was predicated upon a recent report from actuarial firm Oliver Wyman.

Update on ALPS, the Bar's Endorsed LPL Carrier

The Special Committee on Lawyers Malpractice Insurance (LMIC) has issued a request for proposals for a consultant to assist it review the bar's endorsement of ALPS Property & Casualty Insurance Company. ALPS has been the VSB's endorsed lawyers' professional liability carrier since October 2000.

The mission of the LMIC is to monitor and evaluate the market for

lawyer malpractice insurance in Virginia and make recommendations from time to time to the Executive Committee and Council as to whether the VSB should endorse a particular underwriter of such insurance, and if so, on what terms and conditions. As established by the committee in October 2008, one of its five-year goals was to reevaluate its endorsement of ALPS or whether it should endorse any malpractice carrier. In June 2013, the committee decided to hire a consultant to assist in its evaluation of the ALPS endorsement.

The RFP's objectives are to review the current market conditions for lawyers' professional liability insurance and recommend whether the VSB should continue to endorse a malpractice carrier and address such issues as:

- Marketplace changes and improvements since the inception of the program and since the endorsement of ALPS in 2000;
- The range and viability of current alternatives to the endorsement program;
- The impact that discontinuation of the endorsement program would have on the Virginia malpractice insurance market and Virginia lawyers.

If the recommendation is that the VSB should endorse a malpractice insurance carrier, the contractor should recommend the terms and conditions for such endorsement. With regard to ALPS, the contractor will evaluate and provide opinions as to:

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- The management and fiscal performance of the company in Virginia and overall;
- The rates charged Virginia lawyers;
- The underwriting standards and procedures;
- The policy form currently used with any recommended changes;
- The claims handling process;
- The sufficiency and benefit of risk management and prevention counseling services;
- The current ALPS policies and how those policy terms compare to other policies available in this market for professional liability insurance.

Wendy Inge has announced her departure as the Virginia Risk Manager, effective September 1, 2013. In the short term, ALPS has put a plan in motion which transfers the risk management duties back to its in-house risk management department. ALPS had its Fall VSB ALPS Ethics and Professionalism program on September 16, 2013. At its regularly scheduled meeting on September 26, 2013, ALPS and the LMIC discussed the risk management strategy for the program going forward.

VSBS Informational Videos Debut

The first five of a planned series of informational videos about the work of the

Virginia State Bar are available on YouTube. The videos discuss the Clients' Protection Fund, Fee Dispute Resolution, the *Senior Citizens Handbook*, the *So You're 18* handbook, and the Virginia Lawyer Referral Service.

The videos were created as part of a project initiated by VSB President Sharon D. Nelson. Nelson noted that, "More people prefer to receive information via videos today. By making sure key VSB information is available to our members and the public, we help fulfill our regulatory, educational, and accessibility missions." The videos were written by the VSB Publications Department, approved by the Special Committee on Communications, and produced in the studios of the Virginia Information Technologies Agency. They are intended to provide information about the bar and its services to the public and to our members.

The next set of five videos is in development.

Enterprise Content and Records Management (ECRM) Project

Implementation of the bar's new ECRM system is proceeding on schedule as old and current disciplinary case files from the clerk's office are being scanned. The ECRM vendor, IQ Group, has had additional design sessions with intake, bar counsel, and the clerk's office about the logic on how documents are to be stored

in the new system. Future plans include training the professional regulation, membership, and MCLE staff on scanning, storing and retrieval of documents. IQ Group also is planning additional design sessions with bar counsel to deal with evidentiary issues.

The completion date for the ECRM project is scheduled for July 2015. At this point the system will have been implemented for the VSB's regulatory functions, professional regulation, membership, MCLE, and the ancillary support systems, including administration, human resources, and accounting.

Weiner Is President-elect Designee of the Virginia State Bar

Edward L. Weiner, founder and senior partner at Weiner Spivey & Miller PLC in Fairfax, is the new president-elect designee of the Virginia State Bar.

Weiner will take over as president for the 2015–16 year. He will follow Kevin D. Martingayle, who will be president for 2014–15 after the term of Sharon D. Nelson ends.

Weiner is president of the Fairfax Bar Association. He also is a past president of the VSB Conference of Local Bar Associations. In 2012 he was appointed to serve on the Virginia Supreme Court Professionalism Faculty. He founded Jazz 4 Justice in 2000.

Notice to Members: MCLE Compliance Deadline Is October 31

REMINDER — The MCLE requirement is 12.0 CLE hours of which 2.0 must be ethics and 4.0 must be from live interactive programs. See FAQs about the new requirement and other MCLE compliance information at <http://www.vsb.org/site/members/mcle-courses/>.

Your compliance deadline for mandatory continuing legal education is October 31. Go to <https://member.vsb.org/vsbportal/> and log in to review your MCLE record and certify your course attendance.

The MCLE End of Year Report (Form 1) will be mailed in early November. Please review the report and, if incomplete, amend as instructed. Amended reports must be received by the bar no later than 4:45 PM on December 15.

Questions: Please contact the MCLE office at (804) 775-0577 or email MCLE@vsb.org.