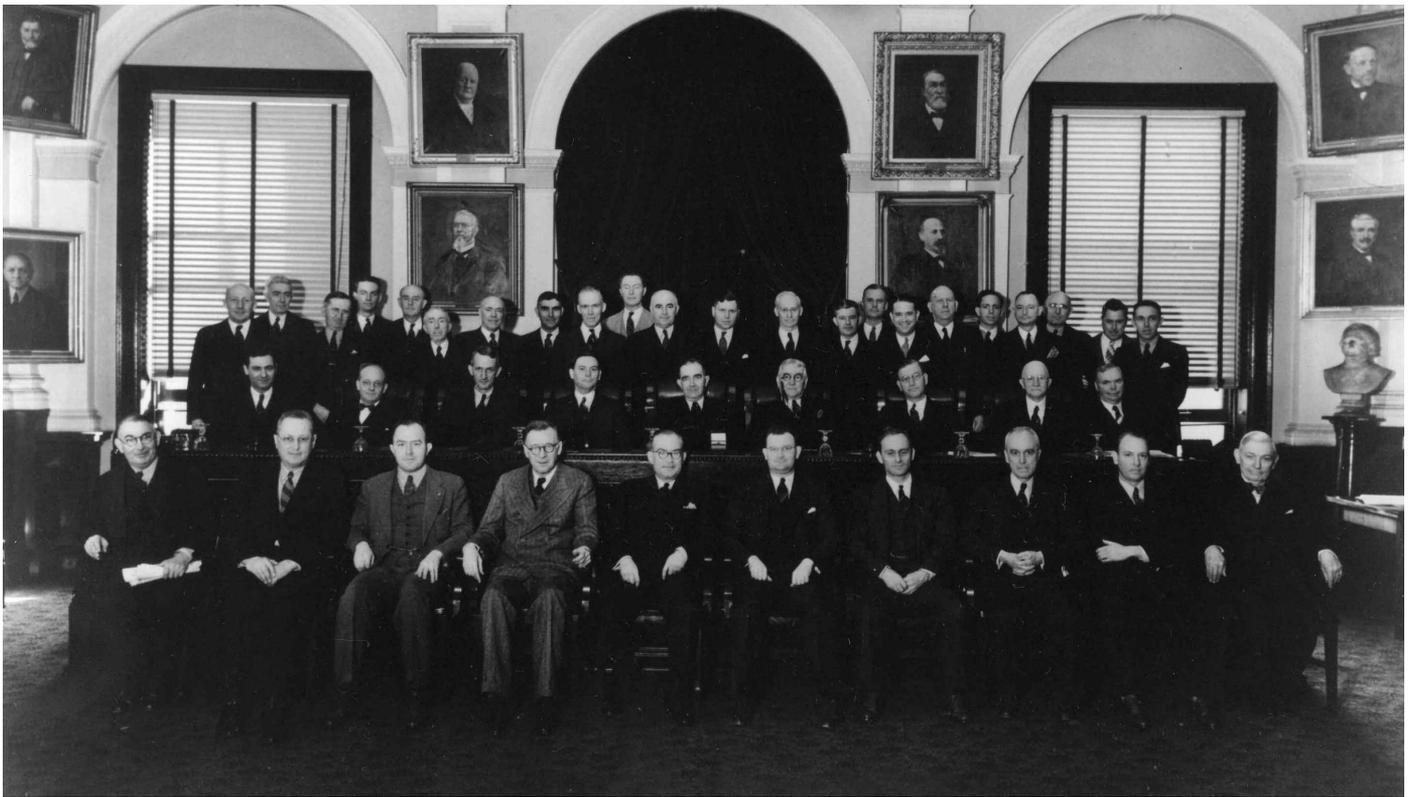




## The first Virginia State Bar Council, 1938.



Row 1 (L-R): William Kinckle Allen, B.L. Dickinson, Frederick C. Hoback, John W. Carter, Charles E. Pollard, John B. Oliver, Marcus A. Cogbill, H.W. Walsh, R. E. Garland, Gardner L. Boothe. Row 2: Frank W. Rogers, Guy B. Hazelgrove, Samuel H. Williams, Justice Herbert B. Gregory, Justice Edward W. Hudgins, Justice George L. Browning, John Battle, James W. Gordon, S. H. Sutherland. Row 3: Channing Hall, Roscoe Stephenson, Joseph E. Proffitt, Joseph Gillespie, Walter H. Robertson, Stewart Powell, Robert O. Morris, W.M. Minter, Stuart Robertson, Stuart B. Campbell, Ashton Dovell, Burr P. Harrison, James G. Martin, Andrew J. Ellis, John C. Parker, Curtis Hand, Roderick Triplett, George D. Conrad, Charles E. Ford, Ennis Eanes, Irby Turnbull, C. G. Quesenberry. Not Pictured: Robert R. Beaton, S.H. Bond, William V. Ford, M.M. Long.

# The 75th Anniversary of the Virginia State Bar: A Cause for Celebration and Resolve

by Sharon D. Nelson

As you look at the photo on the opposite page, this is clear: Seventy-Five years ago, our members were men — and white. This is our history, and the history of other bars as well, so I don't shake my head. I like history. We learn from history. If we remember history, we stand a reasonable chance of not repeating our mistakes.

On our 75th anniversary, we have much to celebrate. We are a rainbow of colors; we now graduate as many women as men from our law schools and we actively seek to raise the awareness of diversity (kudos to the VSB Diversity Conference for its fine work). We're not at the end of that road, by any means, but our progress is astonishing and we are resolved that it will continue.

There are some items of our history to make us chuckle:

- Our dues in 1939 were \$3.50 a year;
- In 1940, there was one disbarment;
- In 1947, the VSB president wanted to create a regular VSB publication but the attorney general said it was prohibited by law;
- In 1948, we borrowed \$1,000 from the state to help pay our debts (I hear former President Irv Blank roaring with laughter as he reads that one);
- In 1985, we started a study on computerizing the VSB office.

There were some solemn moments:

- In 1942, 12 percent of our 2,560 active members joined the armed services, five died in combat and many more were injured.
- Along the way, there were multiple argy-bargies between the VSB and the voluntary bars. I am happy to report that the peace pipe was smoked long ago and we all recognized that we were each other's natural allies. We have been steadfast friends ever since.

We have a long and distinguished history as a bar that sought, as it grew, to evolve with the times, to find new ways to live up to its mission, succeeding in large part and suffering the odd misstep along the way. We've seen a lot of change — we have an increasingly diverse bench, with more diversification certain to come. We've had an African American chief justice and a woman chief justice. Our first Asian American circuit court judge joined the bench just this year. Our disciplinary process has become more and more open — and, in my humble opinion, is second to none. We act compassionately in those cases which beg for compassion, but we are clear about our mission to “clean our house” where lawyers cannot or will not be saved from their ethical lapses — or where the lapse is so egregious that disbarment is the only alternative.

We have lots of committees, all doing fine work. We have a vibrant Young Lawyers Conference, whose energy makes me tired just writing about it. We work hard to bring free continuing legal education programs to every corner of the commonwealth and have the continuing challenge of making sure that the CLE available to Virginia lawyers in the digital era is the highest quality. We have a VSB staff that is flatly amazing. There is so much to make us proud that I have to stop because I've been asked to write about the future as well as the past.

The future? You may not want to ask. If you think you don't recognize the practice of law from what you knew twenty-five years ago, trust me — you won't recognize it twenty-five years

from now. The practice of law has been altered irrevocably by the most disruptive force we've ever experienced — technology. And there is no end in sight to the change. As I write this, I have engaged in a spirited discussion with attorneys on the VSB staff about the ethical implication of lawyers using ghost bloggers to write what appears to be their own blog posts on their websites. (VSB Ethics Counsel Jim McCauley states that it is unethical for lawyers to use ghost bloggers unless there is a clear disclaimer that the lawyer is not the author.)

My point is that this issue didn't exist even FIVE years ago. And now there is a company that allows you to video conference with potential clients — imagine the ethical lapses that will be afforded there — and they are all recorded. We've seen an attorney caught in an extended and obscene rant, courtesy of YouTube. We have seen that our Skype conversations may be accessed by the National Security Agency (to say nothing of our regular calls and electronic communications) and is certainly being accessed by Microsoft. Moving our data to the cloud provides us with business continuity — but ethical issues as well.

The Virginia State Bar is reeling from the impact of technology — on the bar itself, which is currently implementing an enterprise content management system. Its lawyers are struggling to understand all these new technologies, their ethical and security implications and how to future-proof (the latest trending term) their law practices by becoming more efficient, more modern

2013–14 VSB President  
Sharon D. Nelson



and, at the end of the day, more competitive.

As a technologist/lawyer/futurist, I worry about the road ahead. I worry about the speed at which we all move and our increasing reliance (24/7) on our devices, often to the detriment of our families, our health, and our success (because we cannot seem to focus on anything without interruptions). Having worked with the Virginia State Bar for so many years, I know it will rise to the challenges of the digital era and help provide guidance and education to the lawyers it regulates.

Put very simply, and with great pride in our history and our accomplishments, the best is yet to come. Happy anniversary to the Virginia State Bar — I'm delighted to be president during our 75th anniversary (and hope to be around to raise a glass to the VSB at its 100th anniversary celebration).

