

President's Message

by Kevin E. Martingayle



Time is Right to Expand Access to Justice for All

“[A] RIGHT WITHOUT A REMEDY [is] a thing unknown to the law.”¹

“Constitutional rights are of no value if there is no way or no method to vindicate those rights.”²

So how do these quotes relate to what we do as Virginia lawyers?

The core elements “relating to the existence, power, and authority of the Virginia State Bar” are “professional regulation,” “public access to legal services,” and “improving the system.”³

All of our efforts to provide effective self-regulation and improve our legal system have limited value to the poorest members of society unless they have meaningful access to justice. Rights without opportunities are practically worthless. That is why the State Bar has long engaged in efforts to improve the general public's access to justice, and these efforts have intensified in recent years.

In 2010, the Supreme Court of Virginia, in conjunction with the Virginia Bar Association, held its first “Pro Bono Summit.” The meeting provided a forum for assessing the status of pro bono efforts across the commonwealth, sharing success stories and strategies, and developing new ideas. The summit was held again in 2012 and 2014.

On September 13, 2013, Chief Justice Cynthia D. Kinser, on behalf of our Supreme Court, entered an order establishing the Virginia Access to Justice Commission.⁴ Members include a justice of the Supreme Court, judge of the Court of Appeals, judges of the circuit, juvenile/domestic relations and

district courts, a law school representative, legal aid representatives, and several other highly qualified attorneys and legal service providers. As the order states, the mission of the commission is to “promote equal access to justice, with particular emphasis on the civil legal needs of Virginia residents.”

Additionally, one of the State Bar's committees is the “Special Committee on Access to Legal Services,” which was formed by the State Bar during the 1992–93 bar year as a merger of the pro bono and legal aid committees. This committee continues to function with the mission of “fostering support for free and reduced fee legal services with the goal of improving access to the legal system for all Virginians and nonprofit charitable and civic groups that serve the public good.”⁵

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Historically, there has been a great deal of discussion about access to justice needs, but many lawyers do not know of the serious recent efforts that have been undertaken to study access problems and develop ways to ensure an improved delivery of services. With the creation of the biennial “Pro Bono

Summit” in 2010, the Virginia Access to Justice Commission in 2013, and continued operation of the VSB's Special Committee on Access to Legal Services, there are now very strong organizational structures in place to enable all members of the State Bar to learn about and participate in meaningful, important pro bono work. Karl Doss (Doss@vsb.org; 804-775-0522) is the VSB staff point of contact for questions and concerns regarding pro bono and access to legal services issues, and he always welcomes opportunities to share information and ideas.

In an editorial published after the first Pro Bono Summit in 2010, the *Virginian-Pilot* newspaper editors said:

Attorneys who gathered at the summit this week agreed that pro bono work will grow if and when law firms, judges and bar associations all make it clear that they value this vital public service. That's a challenge to every attorney in the state, and it's coming straight from the top.⁶

During my career, I have had many opportunities to hear members of the Supreme Court speak, including former Chief Justices Harry L. Carrico and Leroy R. Hassell, and current Chief Justice Kinser. One theme that has been repeated consistently is the need to ensure that everyone has equal access to true justice. While our Supreme Court has vigorously and persistently encouraged Virginia's attorneys to

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devote time to pro bono activities, the simple truth is that it requires dedication and effort from all of us to make legal services available to those least able to afford them.

Each lawyer in Virginia has talents and abilities worth sharing. There is little in life that is more gratifying than knowing that you helped a person truly in need. The opportunity is there for you, and all you have to do is take advantage of the groundwork that has been laid. The right time to do it is right now.

Endnotes:

- 1 *Wyatt v. McDermott*, 283 Va. 685, 693 (2012) (quoting *Norfolk City v. Cooke*, 68 Va. (27 Gratt.) 430, 439 (1876))
- 2 Editorial, "A Lawyer's Duty to Virginia's Poor," *Virginian-Pilot*, April 30, 2010 (quoting then-Virginia Supreme Court Chief Justice Leroy R. Hassell)
- 3 "Commentary" to the "Overview and Mission" of the Virginia State Bar, www.vsb.org/site/about (last viewed September 5, 2014)
- 4 Available at www.courts.state.va.us/programs/vajc/resources/order.pdf
- 5 Available at www.vsb.org/site/pro_bono/access-mission-statement (Last viewed September 5, 2014)
- 6 Editorial, "A Lawyer's Duty to Virginia's Poor," *Virginian-Pilot*, April 30, 2010

Virginia State Bar Harry L. Carrico Professionalism Course

December 4, 2014, Richmond

February 18, 2015, Alexandria

April 16, 2015, Charlottesville

May 14, 2015, Hampton

July 16, 2015, Roanoke

August 27, 2015, Richmond

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