

Highlights of the October 21, 2011, Virginia State Bar Council Meeting

At its meeting on October 21, 2011, in Winchester, the Virginia State Bar Council heard the following significant reports and took the following actions:

Rules 7.1-7.5 Regarding Advertising

The council unanimously approved amendments to Rules 7.1-7.5 of the Rules of Professional Conduct proposed by the Standing Committee on Legal Ethics and by the Executive Committee. The proposed amendments would make these rules more general in their applica-

tion by removing the specific examples of lawyer advertising statements or claims from the body of the rules to the comment section. They would also remove unnecessary and redundant language.

Rule 1A:3 Regarding Reciprocity Admissions

The Rule 1A:3 Study Committee received numerous comments in response to the proposed revisions to Virginia Supreme Court Rule 1A:3 and Part 6, § IV, ¶ 13-6(F) that would

change the current procedure for revoking certificates issued to lawyers admitted to practice under the reciprocity rule. Many of those comments addressed admissions issues within the jurisdiction of the Court. The committee referred the comments to the Court and will wait for further direction.

Resolution

The council approved without dissent a resolution honoring Justice Cleo E. Powell.

Professional Guidelines Available to Print from Website

Beginning in 2010, the Virginia State Bar *Professional Guidelines* were published online in a searchable HTML format that allows users to quickly access the sections they are looking for without flipping through pages or waiting for PDFs to download.

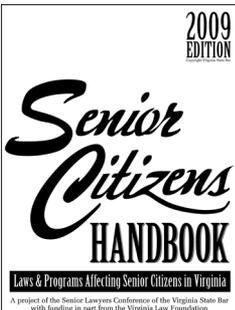
Because the format meets most VSB members' needs, print copies of the *Professional Guidelines* were not mailed with the October 2009, 2010, or 2011 issues of *Virginia Lawyer*. A limited number of 2009-10 edition copies were printed and provided to members on request in spring 2010.

We are now offering a way for members to print from the HTML pages with one click. The new one-click printing option is at <http://www.vsb.org/pro-guidelines/index.php>.

The HTML version is updated throughout the year to provide a current version at all times. The print version has not been updated since the 2009-10 edition. Changes approved by the VSB Council and the Supreme Court of Virginia are published on the Rule Changes page at http://www.vsb.org/pro-guidelines/index.php/rule_changes/.

The VSB E-News

Have you been receiving the Virginia State Bar E-News? The E-News is a brief monthly summary of deadlines, programs, rule changes, and news about your regulatory bar. The E-News is emailed to all VSB members. If your Virginia State Bar E-News is being blocked by your spam filter, contact your email administrator and ask to have the VSB.org domain added to your permissions list.



The Senior Citizens Handbook: a resource for seniors, their families, and their caregivers. 2009 edition now available.

We're as busy as ever at age fifty-five and over, and we face new challenges and opportunities, with little time to search them all out. How can anyone find out about them all and, with such an array of choices, how does anyone begin to make a selection?

The *Senior Citizens Handbook*. Available online at <http://www.vsb.org/docs/conferences/senior-lawyers/SCHandbook09.pdf>.

Bench-Bar Dinner Honors Justices and Judges

The Young Lawyers Conference Annual Celebration of Women and Minorities in the Legal Profession Bench-Bar Dinner recognized eight newly elected or elevated Virginia judges and justices. Honored at the November 15 dinner at the Bull & Bear Club in downtown Richmond were the Honorable Cynthia D. Kinser, chief justice of the Supreme Court of Virginia; the Honorable Alfred W. Bates III, Suffolk General District Judge; the Honorable Sarah L. Deneke, Stafford Circuit Court; the Honorable Shannon O. Hoehl, Spotsylvania Juvenile and Domestic Relations District Court; the Honorable Mary Bennett Malveaux, Henrico District Court; the Honorable Elizabeth A. McClanahan, Supreme Court of Virginia; the Honorable Lorraine Nordlund, Fairfax Circuit Court; and the Honorable Cleo E. Powell, Supreme Court of Virginia. Justice Powell, the keynote speaker at the



event, spoke of her experiences on various courts in Virginia and provided a glimpse of her hopes for the future of Virginia courts. Pictured are, left to right, Young Lawyers Conference

President Christy E. Kiely, Justice S. Bernard Goodwyn, Justice Donald W. Lemons, Justice Powell, Justice William C. Mims, and YLC Bench-Bar Dinner Chair Sarah E. Bruscia.

Oliver Hill Play to Premier in February

The life story of Oliver W. Hill Sr. is a little closer to the stage. The Theatre IV production's opening of *The Oliver Hill Story* is scheduled for February 2, 2012, at the Empire Theatre in downtown Richmond and will be a centerpiece of the annual Acts of Faith Theatre Festival.

"It's going great," said Bruce Miller, the playwright and Theater IV artistic director. He said he has finished his extensive research for the project and as soon as he clears his decks of other commitments — two other plays, including directing *My Fair Lady* — he'll get down to writing the Hill story. "I've interviewed probably eight people, mostly his associates, and finished reading his autobiography," *The Big Bang: Brown v. Board of Education*, Miller said.

Casting for the one-act play is also moving along. One actor, from out of state, has been cast. Miller is hoping to get the other four locally. The five actors will play ten to twelve characters. The play will be about fifty-five minutes long, to accommodate a typical school period.

Plans call for opening at the Empire and then going on the road to schools statewide, "hopefully for years."

Hill, along with law partners Spottswood Robinson III and Thurgood Marshall, fought to desegregate public schools across the country. Hill and Robinson represented the students at R.R. Moton High School in Farmville in a lawsuit, *Davis v. County School Board of Prince Edward County*, that later became part of the landmark *Brown v. Board of Education* case in 1954.

Theatre IV planned to offer sixty free performances of *The Oliver Hill Story* to schools in Central Virginia this year. But troubled economics has forced Miller to scale back. Because the theater has been able to raise only about two-thirds of the original budget, plans now call for twenty free performances starting during Black History Month in February followed by forty that schools will pay for. Theatre IV still plans on offering sixty free performances, but they will be spread over the next two

years. Miller pointed out that schools often pay for activities by asking for donations from PTAs or student activity fees. Unfortunately, many of the schools that would be most interested in seeing Hill's life portrayed on stage don't have those options.

Theatre IV "made a commitment when we started that we don't turn anyone away because of the inability to pay," Miller said. That still stands. "We hope to continue fundraising to cover the costs," he said.

The Acts of Faith Theatre Festival will be in its seventh year in 2012. The festival, which was started and is co-sponsored by Second Presbyterian Church in Richmond, will run January 14 through March 19, 2012. For more information on the festival, go to <http://www.theactsofffaith.org/>.

To donate to Theatre IV's Oliver Hill project, contact Liz Musselman, director of development, at (804) 783-1688, ext. 1123, or l.musselman@theatreivrichmond.org.

High School Students Can Earn Some Money While Making Their Case

by Gordon Hickey

If you're a high school student who's thinking that maybe someday you'd like to be a lawyer, here's a chance to score some cash for college and practice your legal chops at the same time.

Every year the Virginia State Bar's Litigation Section sponsors a Law in Society essay contest. The last two winners each took home a pretty good check to help them offset some of their college, or other, expenses. And both agreed that the time spent on the essay was well worth it.

The 2011 winner was Thomas Park Beaver, who was then a senior at Western Branch High School in Chesapeake. His prize — \$2,300 cash. Second- and third-place winners were awarded \$1,850 and \$1,350. And \$250 honorable mention awards were given to five students.

The 2010 winner was Daniel Scott Reuwer, then a senior at Grassfield High School, also in Chesapeake.

The contest has been going on for 20 years. The Law in Society Award competition, open to public and private high school students as well as home-schooled students in the 9th–12th grades, is intended to increase awareness and appreciation of our legal system among high school students.

The criterion for the competition is an essay in response to a hypothetical situation on a predetermined topic. Awards go to students whose essays best demonstrate a superior understanding of the role and value of our legal system in our everyday lives. A panel of volunteers from the Virginia State Bar and teachers and administrators throughout the commonwealth judge all entries.

The 2012 contest hypothetical will be about bullying and concerns a middle

school girl who is the victim of harassing posts on social networking sites. The question is: do the school and the parents of the kids who are posting the hurtful comments bear any responsibility? See <http://www.vsb.org/site/public/law-in-society-hypothetical>

The 2011 contest addressed the topic "Religious Center Proposed: Do Restrictions Discriminate?" The hypothetical situation — not too far removed from reality — was that a community was imposing unusual restrictions on construction of a Mosque near the Pentagon after a terrorist attack.

Beaver's essay was titled "Liberty and Sensitivity: The First Amendment in the Post-9/11 World." In it he drew parallels between the very real proposal of the National Socialist Party of America's plan to march in Skokie, Ill, in 1977, and the hypothetical mosque issue.

Reuwer said his first bit of advice to anyone interested in entering is "definitely do it."

The money, which comes with no strings, is "a joy to receive."

Making a strong First Amendment argument, Beaver concluded that "there should be no issue here. If the district continues to hinder the construction of the mosque, the Muslim community should file a federal class-action law suit

on the grounds that their right to freedom of religion is being infringed upon." To read Beaver's essay and to find out more information on the other 2011 winners go to <http://www.vsb.org/site/news/item/LIS-2011-winner>.

Today, Beaver is a student at the University of Virginia where he is majoring in classics and computer science. And he's still thinking seriously about applying to law school.

Like most of the 175 high school students who entered the 2011 contest, he learned about it at school. "My high school had a whole bunch of scholarship opportunities on a bulletin board in the guidance room," he said. The Law in Society flyer was particularly attractive.

He said he did his own research and wrote a draft of the essay. He gave it to his English teacher who helped out with some editing. Beaver then did the final version and sent it in.

He said he'd certainly recommend entering the contest. "I'd recommend taking a lot of time. Be creative, because it's a lot of money and it's definitely worth it."

Reuwer's essay was on the topic: "Free Speech: Can a School Limit a Student's Online Communications?" His answer, in the piece titled "Free Speech Has a Cost," was yes. Well, at least it was yes in the case he used.

In it, a girl who wants to join the school soccer team must agree to "friend" the coach on her Facebook page. She agrees. Later in the year she posts some inappropriate comments on the page and is kicked off the team. Reuwer argues that the girl agreed to a

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contract with the coach and knew the consequences if she broke the rules and posted anything detrimental to the team or school.

She had accepted the terms and “therefore the coach had every right to remove (her) from the team for violating her agreement.” Reuwer’s essay and information on the other 2010 winners can be found at <http://www.vsb.org/site/news/item/law-in-society-2010-winner>.

Today, Reuwer is a student at Belmont Abbey College near Charlotte, NC, where he intends to major in political science and theology. He also is still considering law school in the future. “I had a constitutional law class last year and I loved every minute of it.”

Unlike Beaver, who wrote on a subject that was very close to the news of the day, Reuwer was handed a topic that was a little more generic. But it fit him well. “I love sports and I love law, and anytime sports and law intertwine it’s interesting to me,” he said. Throw in the fact that he and his parents had been talking about the potential problems with social media and out jumps an award-winning essay.

Reuwer said his first bit of advice to anyone interested in entering is “definitely do it.” The money, which comes with no strings, is “a joy to receive.”

Second bit: “Write your honest opinion. Even if it’s against the popular opinion, go for it.”

Students who want to go for it in 2012 should get their essays in by February 15, 2012.

Contest Has Twentieth Anniversary

It was twenty years ago next year that the Publications and Public Information Special Committee decided to sponsor an essay contest. The topic for the contest was “The Role of the Law in Society.”

The best six essays were to be chosen by a panel of teachers and the awards presented during Community Law Week. First place was a \$500 savings bond and a plaque. The award money was a grant from the Virginia Law Foundation.

The contest has changed a bit since then, and the hypotheticals have roamed through the fields of medicine, education, journalism and social media.

Here’s a list of hypothetical titles:

1993 Mandatory AIDS Testing

1994 Adoption Rights

1995 Celebrity Media Coverage

1996 Jury Nullification

1997 Parental Responsibility

1998 Cameras in the Courtroom

1999 The Right to Die

2000 Personal Expression and First Amendment Rights of Students

2001 Zero Tolerance of Student Possession of Drugs and Guns

2002 Balancing Public Safety and Civil Liberties (Post 9/11)

2003 Online File Sharing

2004 Personal Expression and First Amendment Rights of Students

2005 College Admissions and Affirmative Action

2006 Shield Laws: Should Reporters Be Forced to Reveal Confidential Sources?

2007 Undocumented Students’ Admission to Public Universities and Colleges

2008 Balancing Students’ Privacy Rights with an Academic Institution’s Duty to Protect the Student Body

2009 Safety or Censorship: Do Internet Filters Help or Hinder Education?

2010 Free Speech: Can a School Limit a Student’s Online Communication?

2011 Religious Center Proposed: Do Restrictions Discriminate?



photo by AP photographer Steve Helber

The investiture of the Honorable Cleo Powell as Justice of the Supreme Court of Virginia was held October 21, 2011. After taking the oath, Justice Powell took her seat, to the applause of the other justices.

SAVE THE DATE

Bar Leaders Institute

March 5, 2012
University of Richmond School of Law

The Bar Leaders Institute (BLI) is a one-day program sponsored by the Conference of Local Bar Associations to train and provide resources to current and prospective local and statewide bar leaders.

Details will be available on the Conference of Local Bar Associations website at <http://www.vsb.org/site/conferences/clba/> under Conference Meetings and Events.

Got an Ethics Question?

The VSB Ethics Hotline is a confidential consultation service for members of the Virginia State Bar. Nonlawyers may submit only unauthorized practice of law questions. Questions can be submitted to the hotline by calling (804) 775-0564 or by clicking on the blue “E-mail Your Ethics Question” box on the Ethics Questions and Opinions web page at <http://www.vsb.org/site/regulation/ethics/>.