

## Highlights of the Virginia State Bar Council Meeting

At its meeting on October 7, 2016, in Roanoke, the Virginia State Bar Council heard the following significant reports and took the following actions:

### Mandatory Reporting of Pro Bono

By a vote of 25-29, the council rejected a proposal to endorse the Access to Justice Commission proposal to adopt mandatory pro bono reporting in Virginia.

### Amendments to Paragraph 13-24

The council unanimously approved proposed amendments to Part 6 § IV, ¶ 13-24 regarding reciprocal discipline. The amendments would clarify what qualifies as another jurisdiction for reciprocal discipline purposes; clarify the disciplinary board's authority to impose the same, equivalent, or lesser discipline as another jurisdiction; allow for leniency as appropriate; and provide the disciplinary board with discretion in enforcing the default provision. The

proposed amendments will be presented to the Supreme Court of Virginia for its consideration.

### Revision to Section 54.1-3935

The council unanimously approved a revision to Section 54.1-3935 of the Code of Virginia, which provides the procedure for an attorney or the VSB to demand that an attorney disciplinary matter proceed before a three-judge circuit court in lieu of a district committee or the disciplinary board of the VSB. The revision was prompted by concerns that the statute's provisions are antiquated, predate the current Rules of Court that govern disciplinary proceedings, and do not reflect the actual practice of the courts or the VSB in attorney disciplinary matters. The proposal is subject to approval by the Supreme Court of Virginia before forwarding to the Virginia legislature for consideration.

### Amendments to Part 6, Section IV, Paragraph 13.1

The council unanimously approved amendments to Paragraph 13.1 regarding suspension for failure to complete the Professionalism Course. The amendments authorize the VSB executive director to grant, for good cause, an extension request from a member who fails to complete the Professionalism Course by the deadline. The proposed amendments will be presented to the Supreme Court of Virginia for its consideration.

### Legal Ethics Opinion 1886

The council unanimously approved proposed LEO 1886, which concerns the duty of partners and supervisory lawyers in a law firm when another lawyer in the firm suffers from significant impairment. The proposal will be presented to the Supreme Court of Virginia for its consideration.

## IP Section Student Writing Competition Awards

The VSB Intellectual Property Section presented its 2016 Law Student Writing Competition award to Mary Catherine Amerine, a third-year student at the College of William & Mary Law School. Amerine's paper was titled "Wrestling Over Republication Rights: Who Owns the Copyright of Interviews?" The section also presented a second place award to Kalina Parker, a 2016 graduate of the College of William & Mary Law School. Parker's paper was titled "Diluting Designers: An Analysis of Whether Designer-Department Store Partnerships Constitute Self-Dilution and Whether Such Behavior Should Have Legal Consequences." The awards

were presented at the section's 28th annual fall CLE meeting in Williamsburg.

Each year, the IP Section runs the Law School Student Writing Competition for students at law schools in Virginia or Virginia residents attending law schools outside of the state. The winning papers are chosen by former section chair Judge Richard Linn of the US Court of Appeals for the Federal Circuit. The winner receives a \$5,000 cash award and the runner-up receives a \$2,500 cash award. Details about the competition and copies of the winning papers are available at the section's website.



Amerine

Parker

## In Memoriam

**Douglas C. Arthur**  
Strasburg  
July 1942 – August 2016

**Robert Thomas Barker**  
Memphis, Tennessee  
February 1966 – July 2016

**Edward Bell Jr.**  
Ft. Myers, Florida  
August 1939 – July 2016

**Robert W. Bendall**  
Manassas  
April 1947 – April 2016

**John Ernest Betts**  
Springfield  
December 1946 – September 2016

**Stephen Winston Bricker**  
Richmond  
April 1947 – October 2016

**William Lundy Brown**  
Alexandria  
March 1922 – April 2016

**Kelly Ann Chang**  
Chesapeake  
April 1987 – September 2016

**R. C. Coleburn**  
Clifton  
March 1923 – April 2016

**George Burton Cooley Jr.**  
Hillsville  
May 1953 – August 2016

**James Nichol Deinlein**  
Charlottesville  
June 1945 – August 2016

**Ralph M. Dillow Jr.**  
Bristol  
August 1929 – October 2016

**Cornelius H. Doherty Jr.**  
Woodbridge  
August 1935 – January 2016

**The Honorable Judith Donovan**  
Washington, DC  
October 1940 – September 2016

**G. Warthen Downs**  
Glen Allen  
December 1933 – September 2016

**James Meegan Erikson**  
Williamsburg  
June 1943 – June 2016

**James Anthony Falletta**  
North Tonawanda, New York  
August 1951 – February 2016

**Jerald Saul Feingold**  
Fairfax  
July 1952 – July 2016

**Alan G. Fleischer**  
Richmond  
May 1917 – August 2016

**Jeffrey Alan Fleischhauer**  
Roanoke  
July 1954 – September 2016

**Anthony J. Gambardella**  
Richmond  
October 1946 – October 2016

**B. F. Jennings**  
Fairfax  
August 1925 – September 2016

**Robert Wayne Lawrence**  
Newport News  
March 1948 – August 2016

**Ralph G. Louk**  
Fairfax  
August 1925 – June 2016

**Barbara Grant Mason**  
Emporia  
April 1953 – October 2016

**James Bryan Miller**  
Arlington  
August 1932 – September 2016

**Gregory David Morin**  
Boston, Massachusetts  
April 1983 – March 2016

**Patricia Ann Lacey Nunley**  
Richmond  
June 1955 – June 2016

**Henry G. Pannell**  
Atlanta, Georgia  
July 1937 – September 2016

**The Honorable Charles A. Perkinson**  
Lawrenceville  
December 1938 – August 2016

**Benton H. Pollok**  
Urbana  
September 1927 – May 2016

**Leonard Sargeant III**  
Williamsburg  
March 1931 – September 2016

**Peter Nash Swisher**  
Crozier  
January 1944 – June 2016

**Kenneth Dale Tremain**  
South Salem, New York  
December 1934 – August 2016

**Charles Edward Wehland**  
Raleigh, North Carolina  
March 1930 – July 2016

**Frederick Lee Welther**  
Falls Church  
July 1938 – February 2016

**Daniel Paul Westman**  
McLean  
June 1956 – May 2016

**Roger Louis Williams**  
Richmond  
December 1952 – October 2016