

Highlights of the VSB Council Meeting

October 17, 2003

At its regular fall meeting on October 17, 2003, at Wintergreen, the Council of the Virginia State Bar received the following reports and took the following significant actions:

Clients' Protection Fund

Council unanimously approved an increase in the ceiling for the Clients' Protection Fund from \$3,000,000 to \$5,000,000. The current low interest rate environment has limited earnings on the balance in the fund, which stands at just under \$3,000,000, and there has also been a significant trend up in the number of claims filed and the amount paid out each year by the fund. The bar will seek to reach the new ceiling over the next several years through inclusion of additional money for the fund in its annual budget.

Budget and Finance Committee

Council also unanimously approved two amendments to the bar's current year budget recommended by the Standing Committee on Budget and Finance and the Executive Committee. One amendment would have the effect of transferring \$500,000 to the Clients' Protection Fund on a one-time basis, and the other would provide an additional \$100,000 in support, again on a one-time basis, for the Lawyers Helping Lawyers program in order to fac-

ilitate its expansion of services to assist lawyers with mental health issues.

Computer Committee

Council heard a report from the chair of the bar's Computer Committee indicating that the vendor engaged to complete a rewrite and integration of the bar's software programs has fallen behind schedule and given notice that there is significant work to be accomplished which is beyond the scope of the existing contract. Thus, it is anticipated that this work will take longer and cost significantly more than had been anticipated. This will obviously have an impact over the next several years on the bar's reserve.

Legal Ethics Committee

By a vote of 46 to 5, Council approved Legal Ethics Opinion No. 1765 in which the Standing Committee on Legal Ethics opines that certain activities carried out undercover by lawyers working for the government do not reflect adversely on a lawyer's fitness to practice, despite the fact that they may involve fraud or deception. The requestor of the opinion had asked that it be reviewed by Council and transmitted to the Virginia Supreme Court for its approval, and the bar will now prepare a petition seeking the Court's review and approval of the opinion.

Access to Legal Services Committee

One hotly contested matter on the Council's action agenda was a proposal from the Special Committee on Access to Legal Services recommending that the bar include on its annual mandatory dues statement a space for lawyers to make voluntary donations to the Legal Services Corporation of Virginia for the benefit of the network of legal aid societies which operates under the aegis of LSCV. Every member of Council who spoke to this issue recognized the compelling need for additional resources for the legal aid societies, and many thought that the bar should include this option on the dues statement as an efficient means of emphasizing the need to all members of the Virginia State Bar and giving them an opportunity to make donations. Others, however, felt that it was not appropriate for a unified bar like ours to use its mandatory dues statement to raise funds for any charitable cause, and there was concern that we would be unable to prevent other causes from also having access to our dues statement for fundraising purposes. After extensive debate, Council voted 37-26 to table the matter to the next meeting, with a request that the Access to Legal Services Committee explore other more acceptable options for increasing funding for legal aid in Virginia and bring those to the next meeting as well.

Mark Your Calendar: 19th Annual VSB Bar Leaders Institute



March 8, 2004
T.C. Williams School of Law, University of Richmond

March 19, 2004
Southwest Virginia Higher Education Center, Abingdon

VSB Professionalism Course



March 4, 2004
DoubleTree Charlottesville

for additional dates and
a registration form:

www.vsb.org/membership/professionalism.pdf

Former Chief Justice Carrico Honored by VMI

Former Chief Justice Harry Lee Carrico received one of the Virginia Military Institute's highest public service awards on October 10, when he was presented the Harry Flood Byrd, Jr., Class of 1935 Public Service Award.

The award, established to honor the civic contributions of retired U.S. Senator Harry F. Byrd, Jr., is presented to "a public servant whose career best mirrors the life of Senator Byrd, who was committed to selflessness, integrity, patriotism and courage."

"Those words certainly describe Justice Carrico," said VMI Board of Visitors President Samuel B. Witt III. "It is difficult to adequately explain to those who don't know him just how impressive Justice Carrico truly is. Through his work, he has given us a world markedly better than we otherwise would have enjoyed."

On his retirement as Chief Justice on January 30, 2003, he was recognized as the longest serving Chief Justice in the history of the Virginia Supreme Court and the longest serving justice since the reorganization of the Court in 1788. He served on the Court for more than 40 years.

"While Justice Carrico certainly served the commonwealth in terms of years, it was the quality of his service that has earned him the Byrd Award," said VMI Superintendent General J.H. Binford Peay III. "This is a man who, thanks to his spirit of giving and courage, truly made a difference in countless lives."

The first Byrd Award recipient was former Secretary of the Army John O. Marsh. He received the honor in October 2002.

The Byrd Award consists of a medallion and an honorarium.



The Honorable Harry Lee Carrico (left) receives congratulations from VMI superintendent General J.H. Binford Peay III, as Senator Harry F. Byrd, Jr., looks on. Carrico received the Byrd Public Service Award.

2004 Law in Society Competition Announced

The VSB and its Litigation Section announce the 2004 Law in Society Essay Competition for Virginia High School Students. This year's topic is "Personal Expression and First Amendment Rights of Students."

The annual competition is sponsored to increase awareness and appreciation of our legal system among high school students. Criterion for the competition is an essay in response to a hypothetical on a predetermined topic. Students whose essays demonstrate a superior understanding of the role and value of our legal system in our everyday lives will be given awards. The top ten entries are awarded prizes.

Awards are presented through local bar associations throughout the state, beginning on Law Day, May 1, and continuing through the summer. Winners will be notified about the award ceremony in their area. All winners also receive a two-volume dictionary and thesaurus set and a plaque acknowledging their award.

1st Place	\$1,000 U.S. Savings Bond or \$500 cash
2nd Place	\$750 U.S. Savings Bond or \$375 cash
3rd Place	\$500 U.S. Savings Bond or \$250 cash
Seven Honorable Mentions	\$100 U.S. Savings Bond or \$50 cash

The deadline for essay submission is 4 P.M., March 5, 2004.

For information and entry forms see <http://www.vsb.org/publications/lawinsociety/index.html>.

Alex Gulotta Receives Charles Dorsey Award

On November 14, the National Legal Aid and Defender Association awarded Alex Gulotta, executive director of the Legal Aid Justice Center, with the Charles Dorsey Award at their National Conference in Seattle. He was recognized for his work on behalf of low-income Virginians.

The award is given biennially to an individual who has provided “extraordinary and dedicated service to the equal justice community and to organizations that promote expanding and improving access to justice for low-income people.”

“Alex’s reputation as a determined, ethical, spirited, optimistic, creative and devoted equal justice advocate is nationally acknowledged by his peers and colleagues,” said Clint Lyons, NLADA president and CEO. “He is an advocate for all advocates, one that has refused the status quo and championed the effort to implement a model of dual legal aid providers to better serve low-income Americans in need of competent legal representation.”

As the executive director of the Legal Aid Justice Center in Charlottesville, Gulotta earned a national reputation for his tenacity and creativity in overcoming the severe restrictions put on federally funded legal aid programs, in 1996, by the U.S. Congress.

The Legal Aid Justice Center offers free civil legal services to low-income families throughout Central Virginia and to low wage immigrant workers statewide, while also engaging in systematic legal advocacy for all low-income Virginians. The Legal Aid Justice Center receives funding from numerous funding sources, including individuals, local and state governments, The Virginia Law Foundation and the University of Virginia School of Law.

In addition to the LAJC’s general civil advocacy work, Gulotta is also responsible for the creation and preservation of two innovative new programs for special populations: the Virginia Justice Center for Farm and Immigrant Workers program;



and the JustChildren program, concerned with addressing the unmet legal needs of children in the state’s education, foster care and juvenile justice systems.

Old Dominion Bar Association Hosts Third Annual Dinner and Awards Scholarships

On Friday, October 3, 2003, the Richmond Chapter of the Old Dominion Bar Association, in collaboration with the Greater Richmond Bar Foundation, hosted the third annual Oliver W. Hill/Samuel W. Tucker Scholarship Dinner at the Omni Richmond Hotel.

The keynote speaker was Dr. Benjamin L. Hooks, former executive director of the NAACP. Oliver W. Hill was also in attendance—as he has been since the annual dinner’s inception in 2000.

During the program, the ODBA awarded scholarships to nine students currently attending Virginia-area law schools and Howard University.



Scholarship winners were (l-r): Douglas Smith, University of Richmond; Geneva Perry, the College of William & Mary; Charlita Awosika, Regent University; Gregory Richardson, Regent University; Henry Thompson (face covered), Howard University; Dontae Bugg, University of Richmond; Antoinette Morgan, University of Richmond; R. Darnell Griffin (front), University of Richmond; Gigi Parris (not pictured), University of Virginia.