

— VSB Attorney Profile —

James C. Bodie

This is one in a series of Virginia Lawyer magazine profiles of state bar attorneys.

James C. Bodie has been intake counsel for the Virginia State Bar since December 2003. In that position, he is in charge of the process for reviewing bar complaints in their earliest stages.

He came to the VSB in 2001 after fifteen years in private practice—most recently with the Richmond firm Thompson, Smithers, Newman, Wade & Childress LLP. His practice included professional malpractice defense, bankruptcy and creditors' rights and general civil litigation.

He received a bachelor's degree in political science from the University of South Carolina in 1982. After attending the Cumberland School of Law at Samford University for a year, he transferred to the University of Richmond's T.C. Williams School of Law, from which he received his degree in 1986.

Bodie is a member of the Henrico County and Richmond bar associations.

Let's start with some basic information that's not on your résumé. Where are you from?

When I was born, my family lived in a house trailer on my grandfather's dairy farm in Powhatan County. My family eventually moved to the Midlothian area in Chesterfield County, but we returned to Powhatan County by the time I was ten years old.

What drew you to the law?

I am a people person. I like to challenge and to be challenged. As a child I enjoyed problem solving and helped some of my classmates settle disputes on the play-

ground. I am the middle son of three boys and have the added bonus of an older sister. Sibling rivalry was fertile ground for oral argument. My parents were not in the least impressed with "all that bickering." To my detriment, they had more exceptions to the hearsay rule than Charles E. Friend. After being on the receiving end of a classmate's punch in the nose, I then understood that there is more to the art of persuasion than who can shout the loudest.

I never knew what a lawyer was until my seventh-grade English teacher, Mrs. North, chose me to play Rooster Cogburn's lawyer in the class play "The Trial of Rooster Cogburn" from the movie *True Grit*. A county judge permitted trial to convene in the old circuit court building at Powhatan County Courthouse. When the bailiff demanded "all rise" the queasiness in my stomach became the lump in my throat. Fortunately, for John Wayne, justice prevailed in spite of my shortcomings as an actor and lawyer. I was definitely hooked on the law from that point on. I now fondly recall that lump in my throat and how it visited me time and time again—especially my first court appearance as a lawyer in Henrico General District Court when Judge Howren asked me if I was "really a lawyer."

Did you ever consider any other career?

Yes. Religion and politics, but I could not decide between the pulpit and the podium and neither can I stand still long enough in one place.

Not only did I mediate disputes on the playground, I also approved of the "marriages" and officiated at the pretend weddings. Playground politics was involved in some of the prearranged "marriages." My political career ended after my fifth-grade



teacher made her "prophecy" that I was a "future leader." No one likes a teacher's pet.

Before you came to the bar, you defended lawyers in malpractice cases. What did you learn from that experience that bears on your job now?

I learned that many clients expect mere lawyers to perform miracles and then blame the lawyer because he or she could not create the facts to fit the law. I now see similar ethics complaints. Many legal malpractice defense lawyers become the proverbial "jack of all trades, but master of none." In defending legal malpractice cases, the defense lawyer prepares to try the underlying case and is thus exposed to a wide variety of legal matters—real estate transactions, business transactions, securities, domestic, bankruptcy, etc. I also practiced in some of these areas and can appreciate firsthand some of the issues that arise between lawyers and their clients. I believe that my prior experience has been very beneficial to me and I hope to the bar as well.

Why did you decide to leave private practice for government service?

A fellow lawyer told me that a successful litigator devotes the majority of his time and energy toward his practice—looking for clients, working for clients, and collecting fees from clients. I interviewed with the bar just two days after the terrorist attacks of September 11, 2001. I had two young children at home and chose to

invest my time with them. It would be dishonest of me to say that I never miss private practice, but my work at the bar not only satisfies my desire to contribute to our profession, but it allows me the time to devote *quantity* time with my wife and children.

Tell us what you do as intake counsel.

Paragraph 13. A, Part 6, Section IV of the Rules of the Supreme Court of Virginia describes a bar complaint as “any written communication to the Bar alleging Misconduct or from which allegations of Misconduct reasonably may be inferred.” The Intake Office of the Office of Bar Counsel receives and reviews approximately four thousand written inquiries and complaints each year. Intake’s role in the complaint process is to determine whether the written communication received describes conduct that might violate the Virginia Rules of Professional Conduct. As intake counsel, I supervise a staff of two other lawyers and two legal assistants in this undertaking. The intake lawyers may dismiss the matter after determining that the written communication fails to describe attorney misconduct. If the written materials describe attorney misconduct, then the intake lawyers assign the matter to bar counsel for preliminary investigation. Intake may undertake a proactive review of a matter which entails the bar’s involvement in the complainant’s dispute with the lawyer, but without initiating a formal ethics inquiry. The majority of correspondence lawyers receive from intake involves the proactive process.

Do you have any advice for lawyers who are facing a bar complaint in its earliest stages?

Read the correspondence you receive from the bar. Be prompt and direct in responding to the bar’s inquiry. Do not defend the indefensible. If the client complains that you won’t communicate, be contrite if you neglected a client’s file. Answer only the question posed by the

Intake Office—we try to be specific on the particular area of concern. Do not use your response to rebut each outlandish statement made by your client. Focus your response only upon the matter specifically noted by the intake lawyers. Keep in mind that lawyers may reveal only information necessary to defend the complaint. I suggest that if you receive a letter from the Intake Office asking for the status of a client’s criminal appeal, please avoid telling me the underlying details of your client’s criminal record or why he or she was guilty of the crime.

Tell us about your family.

My wife Stephanie and I have two children: Joshua, age six, and Jessica, age four. Stephanie works at Capital One. Joshua is in the first grade. Jessica is in nursery school. My folks live in the same house my civil engineer Dad designed and built nearly thirty-five years ago. My older brother and his family live in Powhatan. My sister and her family live in Chesterfield. My younger brother recently moved to Tampa, Florida.

Rumor has it you used to be a bartender. What did you learn from that?

There is no such thing as a “fun” drunk.

And you walk up the stairs to the bar offices on the fifteenth floor once a day?

Usually, I walk twenty flights; however, lately I’ve cut back on the stair walking due to the total lack of climate control in our building. Physical activity keeps my head straight.

What do you do for fun?

Besides my weekly attendance at two soccer games, karate practice, the nightly review of spelling words, reading books about frogs, spiders and Pooh, brushing

two sets of teeth twice each day, taking kids to school each morning, wiping noses, making leaf piles and pouring one more cup of chocolate milk? I work out at the gym three nights each week and have date night with my wife once each month.

Is there any community involvement you’d like to include in your bio?

My wife and I serve as toddler nursery workers at Trinity United Methodist Church and serve on the youth education committee. We enjoy our Bible study class and working on various class projects.

One of your colleagues reports that you, like several of your fellow VSB attorneys, have musical skills.

At our old firm, a few of us played bluegrass music and Christmas songs for our staff and clients at the office Christmas party. My Dad saw to it that his children grew up with music in the house. We were entertained by his guitar, banjo and mandolin “picking.” He was entertained by our dancing to his music. I learned to play these musical instruments by ear, but never mastered any. My favorite instrument is the guitar; however, I love to play the piano by ear in my children’s Sunday school classes.