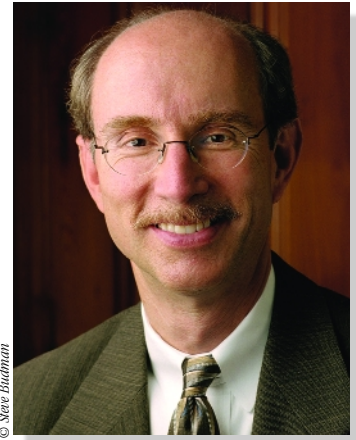


# A Mid-year Report Card

by Michael A. Glasser 2001–2002 VSB President



By the time this magazine reaches your desk or night table, more than half of the 2001–2002 bar year will have elapsed. It seems to me it is a fair question to inquire what your bar leadership and staff have accomplished for you through this point in the year and what is on the immediate horizon.

## The Efficiency of Our Disciplinary System

Regulating the practice of law is the core function of the Virginia State Bar. Each year, the bar receives more than 3,000 complaints against Virginia lawyers, and we are the state agency charged with the duty of investigating and prosecuting complaints. This is a huge task—and one that the bar has handled reasonably well. The bar has a fine and effective professional regulation staff, but this is not to say that we cannot improve. We can, and we must.

Early on in my tenure as president, I requested the standing Committee on Lawyer Discipline (COLD) to form a special Subcommittee on Disciplinary Efficiency. John Johnson, a former chair of COLD, leads the panel. It includes present and former leaders of the disciplinary system and key VSB staff, and it has the assistance of Dr. Cyril Miller, with the Office of the Executive Secretary of the Virginia Supreme Court, and Dr. Michael Pratt, an economist at Virginia Commonwealth University.

I have tasked this panel with studying both the disciplinary statistics kept by the bar and the processes employed in its disciplinary functions. Their mission is clear: to consider every reasonable option to speed up the rate of bar complaint resolution and develop record keeping and statistical techniques that tell us where we really stand in resolving complaints. This mission is squarely within our core function as a regulatory body and should be warmly received by the legal profession and the public.

This introspective study will be ongoing. Our long-term goal should be to have complaint resolution within one year of filing. This is not the case now for many of our complaints, nor will it be easy to achieve for several reasons:

1. The sheer volume of complaints;
2. The bar's limited resources to equip itself with the necessary complement of professional intake staff, investigators, support staff and trial counsel;
3. The move by the bar in recent years away from lawyer volunteers in our disciplinary system to investigate/prosecute complaints; and
4. The appeals process that is built into the system to insure its fairness and integrity.

Thus far, the subcommittee has determined that approximately 30% of all complaints originate from incarcerated individuals alleging, among other things, ineffective assistance of their criminal defense counsel. The subcommittee is examining the concept of exhaustion of other remedies by such individuals prior to the processing of their bar complaints. A possible precursor to a bar complaint by such an incarcerated individual might be the successful conclusion of a habeas corpus petition.

Many VSB complaints involve fee disputes. The subcommittee is consulting with the Committee on Resolution of Fee Disputes to study the feasibility of mandatory mediation of such issues prior to processing bar complaints.

It is not the intent of the bar to frustrate meritorious complaints in either of these areas. Quite to the contrary, it is our goal to focus the bar's limited resources on the complaints against Virginia lawyers that do involve ethical lapses and are meritorious. Since this study and its remedies will likely carry over into the next bar year, I have received the commitment of your president-elect, Ben DiMuro, to carry on this critical task.

## The Way the Bar Communicates

Click on to [www.vsb.org](http://www.vsb.org) and take a tour of the bar's Web site. I think you will be impressed. For example, take a look at the page of the new Senior Lawyers Conference at [www.vsb.org/slc](http://www.vsb.org/slc).

*continued on page 8*

*continued from page 4*

Under the leadership of Frank O. Brown, Jr., the Senior Lawyers Conference is kicking into high gear this year. You will find hyperlinks to a myriad of sites full of helpful information. Who says senior citizens aren't cool?

Also, this year, our bar has moved to the forefront in making public attorney discipline information available on the Internet. Citizens deserve to know this very relevant information when selecting an attorney, and it lends credibility to our precious right of self-regulation.

Improving our Web site is a key part of our strategy to deliver value to our membership at low cost, and we are vigorously pursuing this goal. In addition, our ongoing project to restructure the bar's antiquated computer systems notched a major milestone in the recent award of a contract to i3 Solutions, Inc., of Sterling, Virginia. The conversion is a work in progress. Though invisible to our members at this time, this project represents a major advance for the bar and an expected hedge against the further growth of staff in our agency. We expect that this project will be delivered at or under budgeted estimates. While our timing was good, our selection of project leaders was better. Volunteer Dana McDaniel, a partner with Williams Mullen in Richmond, chairs the Computer Committee. Dana and his outstanding committee, including the bar's own computer guru, Bill Dickinson, have been thorough and expeditious in their mission—and their job continues until the VSB cuts over to the new operating system and the debugging process is finished. The membership owes this group—and particularly our volunteers—a great debt of appreciation.

## **The Search for Help for Members of the Bar's Endorsed Health Insurance Plan**

Soon after I was sworn in as your president, the VSB was faced with a health insurance crisis for members in its endorsed health plan. Members faced outlandish increases in premiums and communication with the bar from its carrier/broker was less than satisfactory. Since the VSB Executive Committee forwarded notice of its decision to terminate the exclusive broker relationship with TRIAL in September, the bar's Personal Insurance Committee has decided to engage a consultant to evaluate our current plan and scour the marketplace for options. Our mission again is clear: Find value for our members or exit this arena entirely—and this determination needs to be made in the next few months.

## **Multi-disciplinary Practice**

I have requested that the upcoming council meeting, being held at the Holiday InnSelect/Koger South Conference Center, in Richmond, on February 22–23, include a debate of this issue,

with skilled presenters representing both those in favor and those opposed to amending our Rules of Professional Conduct to allow lawyers to practice in firms with other service providers. The meeting is open to all members of the bar, and I consider it critical that this issue be examined and debated vigorously. I hope that the education process can be completed by the annual meeting in June, so that the council will be in a position to vote the recommendations of the Joint Commission on Multi-disciplinary Practice up or down, or direct that they be modified. This is a watershed vote for our profession and the way in which legal services will be delivered in the future.

At this stage of my tenure as president, I can say categorically that you have a first rate professional staff in Richmond. Your sections, conferences, committees and disciplinary system are running on all cylinders for you. I will also tell you that I am committed to delivering value to Virginia lawyers while also ensuring the integrity of the legal profession to all Virginians. My congratulations to the Family Law Section, celebrating its 25th anniversary!

Our job continues. ⚖️