

Many Thanks to Chief Justice Carrico for a Lifetime of Service



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by Bernard J. DiMuro, 2002–2003 VSB President

On January 31, 2003, the Chief Justice of Virginia Harry L. Carrico retired. He became a member of the Supreme Court of Virginia in 1961 and served as its Chief Justice since 1981—making him the longest tenured Chief Justice in the history of the Court.

It is not merely longevity that distinguished Chief Justice Carrico's career: His many years of service to the commonwealth, the bench and the bar—and his unfailing advocacy of legal professionalism—made him truly remarkable. Twenty years ago, Justice Carrico opined that the legal profession is to be held to higher standards than those of other occupations or the commercial marketplace. Now, that statement strikes me as prescient, as though Justice Carrico and the Court had a premonition about the future of our profession—a more complex future with mounting commercialization in the legal profession that would threaten to erode the public's view of us as professionals, and also our personal relationships with our clients, and our positions as trusted advisors.

While that case involved a simple question of procedure in a small civil dispute, Justice Carrico's opinion pronounced how we, as *legal* professionals, should conduct ourselves so that we may best serve our clients, our communities and our fellow attorneys. Justice Carrico has repeated that theme often over the past two decades in countless speeches and appearances across the commonwealth. He has cautioned against the dangers in this era of information technology and advertising. He has urged us to hold true to our traditional role as our clients' trusted advisor notwithstanding the market pressures placed upon attorneys to act to the contrary.

On behalf of all lawyers in Virginia, I want to express our gratitude and appreciation for the Chief Justice's many years of dedicated service and his contributions to the legal profession. Justice Carrico leaves our profession, and us, in better condition than when he found us.

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Chief Justice Carrico has been the commonwealth's most consistent voice for legal professionalism for many decades. In his honor, I offer a few thoughts of my own.

Professionalism is an often-discussed concept that most people agree needs to be preserved and enhanced in all types of work, including the legal profession. Yet it is a concept not clearly defined.

Professionalism can be defined by various components: professional status, methods, character or standards of conduct. Most definitions refer to characteristics such as civility, honesty and integrity. I suggest that we, in the legal profession, should support and promote a broader definition—one that not only requires civility, honesty, integrity and common courtesy, but one that distinguishes *legal* professionalism from that of other occupations and that elevates the profession above the encroaching stigma of commercialism. We lawyers have a duty of care and loyalty to our clients—a moral and professional obligation to give back to the communities in which we practice and increase access to legal services. We should have an unwavering commitment that this standard of professionalism be maintained and passed down to future generations of lawyers.

Recently, a dear friend of mine and colleague at the bar who has heard me speak about the law as a profession, suggested that my views of professionalism are antiquated or irrelevant in today's world. (Actually, he used the term "dinosaur" about me and related some anecdote about lawyers being "trusted advisors." I would have preferred the term "relic.") In any event, he and others argue that law is a business—a potentially big business—and that lawyers are driven by market conditions (i.e., by billable hour requirements). Well, making money and upholding our duties to clients and community, are not, and should never be, mutually exclusive.

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It is true that the world, including the legal world, has been forever changed by 20th century market forces: new technologies, a more transient population, a faster pace of life and an increase in competition among lawyers. Are we moving toward mere transactional relationships with clients who want instantaneous answers—without face-to-face meetings? The public perception of lawyers is overly influenced by well-publicized salary inflation by lawyers and large awards in isolated cases. I agree with my fellow lawyers that we must adapt to the new pressures of today's global environment and that we must adopt new business practices.

While the world has changed, however, the core, timeless responsibilities of lawyers cannot. We must not relinquish professionalism. We must improve the efficiency and effectiveness of our legal services, without discarding our heritage of integrity, common decency and spirit of philanthropy.

We, at the Virginia State Bar, are developing programs that encourage attorneys to maintain the higher standard of professionalism that our clients, our communities and and we, as lawyers, deserve. The Virginia State Bar Course on Professionalism is beginning to repair and preserve the legal profession. We can provide additional training opportunities and develop practical programs on law office management. We can improve the public perception of lawyers by educating the public and the General Assembly on the good that lawyers do for our communities.

Our legal practices can meet the market constraints of today and still maintain a higher standard of professionalism that is the underpinning of our legal system. ☪

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Finally, I want to highlight the work of Larry Fann, a Virginia legal aid attorney.

Legal Aid Attorney Makes Virginia Judicial System More Accessible to the Public

The public forms page on the Web site for Legal Services of Northern Virginia (www.lsnv.org, then click on "public forms") is a comprehensive and conveniently indexed collection of legal forms, used by both attorneys and non-lawyers, thanks to the dedication of legal aid attorney Larry Fann.

Fann, who is in his second career after retiring from the FBI and the Department of Justice eight years ago, created in his spare time the "fill-in-able" forms with hyperlinks to appropriate Supreme Court Rules and Code Sections from the Virginia Judicial System Web site.

The Fairfax County Law Library, the recipient of many questions on a daily basis on what forms to use, has devoted computers that link to the forms page where people can fill them in and print them.

"Early on they asked us to build forms for family law needs," Fann said.

In addition to providing the instant availability of information through the online forms, Fann also hopes for an exchange of ideas between pro bono attorneys and for-fee attorneys.

"The primary purpose of the forms is to make the practice more effective and efficient," Fann said. "Like many legal aid offices, we have, over the past few years, lost most of our support assistance in a effort to reduce our expenses. The forms help bridge that gap by providing a ready resource for attorneys to effectively prepare many of the pleadings in their cases," he said.

Additionally, Fann has drafted *A Civil Operations Manual for Virginia's General Court*, combining information from the *District Judges' Bench Book* and the Virginia Judicial System Web site. It includes forms, the Code, the Supreme Court Rules, case law and information on each court in the commonwealth. Like the online forms, the manual has hyperlinks to necessary information.

Fann welcomes critical comments on the forms on the ISNV Web site, which has received more than 11, 000 hits since May 2002, so that he may revise them to suit the users needs. Fann can be reached at lfann@legalaidhelp.org.

Fann thanks (Richard) Peyton Whiteley and LSNV's computer specialist (Jedsada) Jay Petin.