

Inside the Office of Bar Counsel: Do You Hear Service Bells Ringing?

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In 1864, a British politician observed that Abraham Lincoln "is like a waiter in a large eating house where all the bells are ringing at once; he cannot serve them all at once and so some grumblers are to be expected."

Bar complaints ring many bells, some louder than others. Grumblers abound when many bells toll, and the bar cannot serve every party at once. What can you do to help reduce clanging bells to a tinkle? If you are an attorney with at least five years of practice experience, fair-minded and committed to serving the public and the bar, please consider volunteering to serve on your local district committee. Or if you know a public-spirited, conscientious non-lawyer who could make a positive contribution to the attorney disciplinary system, think about nominating that person to fill a lay opening on a district committee.

District committees are the linchpin of attorney self-regulation. Following a full investigation, district committees determine whether bar complaints should be dismissed or set for hearing. District committees approve or reject agreed dispositions presented at the committee level. Each year, district committees consider more disciplinary matters than the combined attorney discipline caseload of the Disciplinary Board, three-judge panels and the Supreme Court of Virginia.

There are ten district committees, each encompassing one or more judicial circuits. Due to geographic size and/or population density, five district committees have two or more sections. Each district committee member must be a resident of, or have his or her office in, the geographic area covered by the district committee to which he or she is appointed.

One hundred seventy attorney and lay volunteers presently serve on district committees. Volunteers are nominated to serve three-year terms or to fill unexpired terms of less than three years. Most district committee members serve two consecutive, three-year terms, and are not eligible to serve again until one year after the expiration of their second term. The Supreme Court of Virginia frequently appoints district committee veterans to serve on the Disciplinary Board, which hears appeals from district committee decisions, cases involving possible suspension or revocation of attorneys' licenses and petitions for reinstatement.

The district committee selection process begins each February when the bar asks one of the longest serving Council members in a district committee's geographic area to caucus his or her fellow Council members and nominate district committee candidates. Candidates' character, reputation and standing in the local community, as well as race and gender, are important considerations. Attorneys' practice areas and firm size are also considered.

Each candidate must submit a signed statement certifying that if elected, the candidate will serve. If a candidate is a lawyer, the Office of Bar Counsel checks the candidate's discipli-

nary record. A significant disciplinary record will preclude a candidate from district committee service. A final slate of district committee nominees is presented to Council each June at the Annual Meeting, and a vote is taken.

What does district committee service entail? The best way to find out is to talk to a current or past district committee member. Most agree that district committee service requires an open mind, a significant time commitment and discretion. The need for objectivity is self-evident; bar complaints must be decided on the evidence presented. The decision-making process can be time-consuming. Other personal and professional obligations must be scheduled around standing meeting dates in order to resolve complaints efficiently. Last, but not least, all information pertaining to the investigation and discipline of attorneys is confidential and cannot be disclosed, until an attorney is publicly reprimanded, suspended or revoked, and even then certain details may remain confidential.

District committee hearing panels, which serve as judge and jury, consist of at least five district committee members. Absent exceptional circumstances, every hearing panel must include one lay member. In most respects, district committee hearings are conducted like civil proceedings. Evidence is introduced in the form of exhibits and testimony, and argument is presented as to whether the bar has met its burden of proving by clear and convincing evidence that the respondent has engaged in ethical misconduct as defined by the rules adopted by the Virginia Supreme Court. If a hearing panel concludes that the bar has proved its case, the panel decides what discipline should be imposed. Occasionally, a district committee hearing panel may refer a matter to the Disciplinary Board to determine whether the respondent's license should be suspended or revoked. Some district committee hearings may take only an hour or two; hearings in complex cases may last an entire day or more.

Twelve lawyer members and four lay members will complete their second, three-year term of district committee service on June 30, 2001, the end of the bar's fiscal year. An additional twenty-eight lawyer members and five lay members will complete their first term of district committee service next June; all these members are eligible to serve a second term. If you are interested in becoming an attorney member of a district committee, or know someone who might like to serve as a lay member, please check the Virginia State Bar Web site at www.vsb.org under the headings Member Information, Committee and Boards, Disciplinary District Committees to ascertain what, if any, openings there are on your local district committee.

On the bar's Web site, membership terms are indicated by the last two digits of the year in which a member's term expires, followed by a dash indicating whether it is the member's first,

second or partial term. For example, “Jane Smith 01-2” means that Ms. Smith’s second term will end on June 30, 2001. A “U” in a term designation, such as 01-U, means that the member filled an unexpired term and is, therefore, eligible to serve two more, full terms. If you do not have access to the bar’s Web site, please contact a local district committee member or call the Virginia State Bar offices to inquire about particular district committee openings.

To apply for a district committee position, or propose that another person be considered, send a written statement of interest and qualifications to the appropriate senior Council representative listed below. You may also want to include a resumé.

Self-regulation is a rare privilege. The Virginia State Bar encourages you to support attorney self-regulation by volunteering to serve as a district committee member. With your help, the bar can respond to more bells, decrease grumblers and better serve the public and the bar.

SENIOR COUNCIL REPRESENTATIVES

First District Committee—Michael J. Blachman, Esq., Bangel, Bangel & Bangel, P.O. Box 760, Portsmouth, VA 23705-0760

Second District Committee, Sections I and II—John D. Hooker, Jr., Esq., John D. Hooker, Jr. & Associates, P.C., P.O. Box 968, Virginia Beach, VA 23451-0968

Third District Committee, Sections I, II and III—Virginia W. Powell, Esq., Hunton & Williams, 951 East Byrd Street, Richmond, VA 23219-4074

Fourth District Committee, Sections I and II—John P. Ellis, Esq., Schwartz and Ellis, Ltd., 6950 North Fairfax Drive, Arlington, VA 22213-1012

Fifth District Committee, Sections I, II and III—Arthur L. Moshos, Moshos, Haden & Machen, P.C., 10521 Judicial Drive, Suite 201, Fairfax, VA 22030

Sixth District Committee—Harry A. Morris, Jr., Esq., P.O. Box 919, Gloucester, VA 23061-0919

Seventh District Committee—Joseph W. Richmond, Jr., Esq., Richmond and Fishburne, L.L.P., P.O. Box 559, Charlottesville, VA 22902-0559

Eighth District Committee—D. Stan Barnhill, Esq., Woods, Rogers & Hazlegrove, P.L.C., P.O. Box 14125, Roanoke, VA 24038-4125

Ninth District Committee—James H. Ford, Esq., P.O. Box 1352, Martinsville, VA 24114

Tenth District Committee, Sections I and II—Gerald L. Gray, Esq., Gerald Gray Law Firm, P.O. Box 929, Clintwood, VA 24228; Warren S. Neily, Jr., Esq., P.O. Box 43, Blacksburg, VA 24063-0043 