

VSB Seeks Comment on Disciplinary Process

The Virginia State Bar asked statewide and local bar associations, as well as citizens of the Commonwealth, to comment on the point in the attorney disciplinary process at which the proceedings should be made public.

The request came after the August 31 meeting of a VSB Task Force on Public Access to the Disciplinary System. Composed of 13 lawyers, three members of the General Assembly, and four laypersons, the task force was named in July by VSB President Joseph A. Condo. It is chaired by Alexandria attorney Bernard J. DiMuro, who says that the goal is to balance the privacy rights of attorneys with the public's "right to know" about alleged ethical misconduct.

Under the current rules of the Virginia Supreme Court, the public can obtain information about a disciplinary matter pending before the VSB Disciplinary Board and may attend most hearings conducted by the board. The Disciplinary Board hears the most serious cases and has the authority to suspend or revoke a lawyer's license. Less serious cases are heard by ten regional disciplinary committees. Their proceedings are not open to the public, but committee orders publicly reprimanding an attorney are available to the public.

Currently 34 states open their disciplinary processes at an earlier point than Virginia. There is, however, no uniformity among the states. Only a few states have totally open systems; most states keep complaints confidential unless and until they are set for hearing.

Proposals have ranged from a 1991 McKay Commission Report to the American Bar Association that advocated a totally open system from the time a complaint is filed against a lawyer, to a 1995 Virginia Joint Legislative Audit and Review Commission report to the General Assembly that recommended that the lawyer disciplinary system in Virginia be opened once probable cause is found and a complaint is set for a hearing.

In letters to statewide and local bars, Mr. DiMuro asked that written comments on the system be sent by November 15 to the bar offices in Richmond. Members of the public were encouraged to reply in the same time frame and manner.

The task force is expected to make its recommendation to Bar Council in February next year.

Ad Campaign Featured in Newspapers and On Radio During Law Week

The ABA declared Law Day 2000 as a time to urge all Americans to become more aware of how legal professionals protect the rights of individuals in a diverse society. In keeping with the ABA theme of "Democracy and Diversity," on April 27, 2000 the Virginia State Bar began a two-week public education campaign across Virginia.

It featured examples of how Virginia attorneys protect individual rights, using newspaper and radio advertisements and poster distribution.

The Virginia State Bar Committee for Publications and Public Information developed five public education advertisements on how lawyers protect the rights of individuals. It also produced radio spots using the ad copy. Beginning just before Law Day 2000 the VSB placed quarter page newspaper ads in major metropolitan newspapers (including minority newspapers), with a total circulation of over one-half million readers; radio spots began on the 48 stations of the Virginia Radio Network, with an audience of nearly one million.

It accomplished additional outreach by having members of the Young Lawyers Conference and the Conference of Local Bars begin distribution of 1,000 posters to community recreation centers, libraries, and shopping malls.

To fund the campaign, the VSB received a grant of \$10,000 from the Fellows of the Virginia Law Foundation. It also received \$11,500 from its Litigation Section. It raised additional funds from private firms, through solicitations from members of the Publications and Public Information Committee and members of the Conference of Local Bars. Funds were also raised when the campaign was licensed to bars in Oregon, Vermont, New Mexico and the Canadian Bar Association.

The copyrighted "Virginia State Bar" ads and posters may be used by any bar association within the state. To achieve maximum exposure, your group can place one or more ads in area newspapers, ideally rotating each advertisement. You may also add the name of your bar association on the ad, if you wish. For more information call Rod Coggin (804)775-0585, or e-mail coggin@usb.org.



The Big Bang Is A Big Hit

by Charlotte Hodges

Oliver W. Hill—a brilliant, gifted attorney—is perhaps one of Virginia’s best kept secrets. His autobiography, *The Big Bang, Brown v. Board of Education and Beyond: The Autobiography of Oliver W. Hill, Sr.*, is a memoir about the great civil rights attorney. In this book, we do not read a lot about the history we are often taught in school. Rather, we are educated about the history created by Oliver Hill and his contemporaries. We are introduced to extraordinary historical icons (as we know them), who were simply friends, confidantes and teachers to Mr. Hill. One of his best friends was “Turkey” (Supreme Court Justice Thurgood Marshall), and two of his fondest teachers were Charlie and Dean Johnson (Charles Hamilton Houston and Mordacai Johnson). Mr. Hill’s partners and friends “Spot” (Spotswood Robinson), Sam (Samuel Tucker), and Martin (Martin A. Martin), as well as many others, helped usher in the long overdue era of socio-legal change in Virginia.

Mr. Hill, who is now in his early 90s, is impressively detailed with regard to his descriptions of how law was practiced in the 1930s, ’40s and ’50s. He cites cases, gives examples, and names names. He does it in such a way that anyone practicing law today can get a good flavor for the changes in the law, the bench and the legal community over the past 60 years. If you don’t know what was happening in the ’30s, ’40s or ’50s in the civil rights era, then this book is an educational experience.

Oliver Hill tells an extraordinary story of a young black attorney in the Jim Crow era attempting to right wrongs in an incredible system of unequal justice. The system was so flawed that he could not win some cases—even when the evidence overwhelmingly supported his client. One particularly fascinating account involves a judge in Louisa County who turned an unbelievable defense into a verdict for the defendant. It was a civil matter in which a white sheriff was sued for shooting a young black boy in the back of the leg, for no apparent reason. The sheriff claimed he fired his gun in the air. After viewing the wooded crime scene, the judge determined that the bullet the sheriff fired in the air must have struck the top of one tree, ricocheted off of another tree and bounced off of still another before coming down and “accidentally” striking the black youth. He subsequently ruled in favor of the defendant.

Mr. Hill shares so much unknown history in this autobiography, through his accounts of the life of a mild mannered, even-tempered man who could be likened to “the mouse that roared.” Time and again, we see his refusal to lie down and accept what white Americans had decreed as the fate of African Americans. Mr. Hill always viewed himself as an agent of social change. Indeed, Oliver Hill once proclaimed that he wanted to go to law school “to get the [Supreme] Court to reverse its previous error in *Plessy v. Ferguson*.”

This book details Mr. Hill’s distinguished legal career, which reached its peak with the successful preparation of one of the series of cases under *Brown v. Board of Education*. Mr. Hill had done what he set out to do; along with his good friend Thurgood Marshall, he helped to overturn *Plessy v.*

Ferguson. Oliver Hill, like Rosa Parks, is a man whose quiet, yet defiant efforts sparked a movement. This book is recommended for anyone who ever questioned the convictions (or sanity) of someone who persevered while facing the most difficult adversaries.

This autobiography, which is filled with witty stories, anecdotes and philosophy, is long overdue. It chronicles the life of Oliver W. Hill, Sr., but more importantly, it chronicles the legal history in Virginia in an honest, eye-opening and detailed manner.

If you’ve never had the privilege or pleasure of having a conversation with Mr. Hill, you have now been given an opportunity. His autobiography reads as if he is sitting right in front of you discussing his life as a hard working youth with many jobs, as a staff sergeant in the Army, and most importantly as an attorney challenging the system of separate and unequal justice. You’ll want to thank Mr. Hill for sharing his life with you



Charlotte Hodges is assistant bar counsel at the VSB.

Oliver Hill will be available at the following locations for book signing:

October 21, 2000—Virginia Union University
(during the Black Caucus Conference)

November 2, 2000—Virginia Beach Cavalier Hotel
(during the NAACP Conference in the afternoon)

Theme Issue of *Virginia Lawyer* Recognized

The Virginia Association of Law Libraries was presented with a Presidential Certificate of Appreciation by the American Association of Law Libraries for its promotion of the expertise of law librarians. It was recognized for its work with the VSB, and its production of a theme issue of the *Virginia Lawyer* in February. Shown at the award ceremony in Philadelphia are Lyn Warmath, VALL; and AALL President Margaret Maes Axtmann.



photo credit: Andrew Pinkham

Donald R. Curry Named Board Counsel

Donald R. Curry, a senior assistant attorney general, will succeed Donald Hall Kent as counsel to the Judicial Inquiry and Review Commission when Kent retires on January 1.

2001 VSB Annual Meeting

See upcoming issues of the *Virginia Lawyer* and *Virginia Lawyer Register* for information on the 2001 VSB Annual Meeting.

LOCAL & SPECIALTY BAR ELECTIONS

CHESTERFIELD-COLONIAL HEIGHTS BAR ASSOCIATION:

Virginia Straley Duvall, President
Randy Barham Rowlett, President-elect
Frank Neil Cowan, Jr., 1st Vice President
Stephen Charles Hall, 2nd Vice President
Robert Craig Hopson, Secretary-Treasurer
Edward Dean Barnes, Conference Representative

HANOVER COUNTY BAR ASSOCIATION:

Terrence Raymond Batzli, President
Sarah Payne Campbell, President-elect
Russell Earl Allen, Secretary
Andrea Elisabeth Guller Erard, Treasurer
Terrence Raymond Batzli, Conference Representative

HARRISONBURG-ROCKINGHAM BAR ASSOCIATION:

Jenifer Dennison Cupp, President
Steven Carter Rhodes, President-elect
Dillina Wimer Stickley, Secretary
Mark Wayne Botkin, Treasurer
John Edward Whitfield, Conference Representative

HISPANIC BAR ASSOCIATION OF VA.:

Rosemarie Hidalgo, President
John Louis Machado, President-elect
Lisette Pedre Mestre, Vice President
Manuel Enrique Leiva, Jr., Secretary
Edward Gonzalez, Treasurer
Alexander Nicholas Levay, Jr., Conference Representative

LYNCHBURG BAR ASSOCIATION:

Gary Mitchell Coates, President
Royston Jester, IV, President-elect
Burton Leigh Drewry, Jr., Secretary-Treasurer
Henry C. Devening, Conference Representative

LEE COUNTY BAR ASSOCIATION:

Carliss Monroe Callahan, Jr., President
Roger Michael Adams, Secretary-Treasurer
Donald Merle Williams, Jr., Conference Representative

METRO RICHMOND FAMILY LAW BAR ASSOCIATION:

Robert C. Elliott, II, President
Carl John Witmeyer, II, Vice President
Charles Edward Powers, Secretary
Mary Beth Joachim, Treasurer
Robert C. Elliott, II, Conference Representative

NORFOLK & PORTSMOUTH BAR ASSOCIATION:

John Y. Richardson, Jr., President
Robert J. Macbeth, Jr., President-elect
Cheshire I'Anson Eveleigh, Secretary
Conrad M. Shumadine, Treasurer
Howard W. Martin, Jr., Conference Representative

NO. SHENANDOAH CH. OF THE VWAA:

Lara V. Finch, President
Christine Helene Mougins-Boal, Vice President
John Michael Hobert, Secretary
Mary L. Costello Daniel, Treasurer
Mary L. Costello Daniel, Conference Representative

RICHMOND CH., VWAA:

Kristina Marie K. Fitzgerald, President
Linda Marie Hawk Tomlin, Secretary
Darrel Tillar Mason, Treasurer
Kristina Marie K. Fitzgerald, Conference Representative

WINCHESTER-FREDERICK COUNTY BAR ASSOCIATION:

Nikolas Emmanuel Parthemos, President
John William Truban, President-elect
James Joseph McGuire, Secretary
Jeffery Ross Patton, Treasurer
Phebe Kay Adrian, Member At-Large
Nikolas Emmanuel Parthemos, Conference Representative

The 2000 Virginia State Bar Disciplinary Conference



1 Harry Hirsch, VSB deputy bar counsel, reviewed "Ten Questions About Legal Ethics You Didn't Know to Ask" with Roanoke conference participants.



2 Dr. Nancy Young, a district committee lay member, spoke to new and returning committee members at the Roanoke Conference about how participation in the disciplinary process has affected her life and work.



3 John Johnson, chair of the Committee on Lawyer Discipline (COLD), and Barbara Ann Williams, VSB bar counsel, welcomed participants to the Richmond Disciplinary Conference.



4 The luncheon address in Roanoke was presented by Justice Donald W. Lemons of the Supreme Court of Virginia.

5 Robert Freed, Disciplinary Board member, and Mike Carlin, former lay member of the Fifth District Committee and current lay member of COLD, spoke about their experiences as district committee members at the Richmond Disciplinary Conference.

