

The June/July issue of the *Virginia Lawyer* magazine featured one lawyer's story about her personal involvement with pro bono work. In that edition, Maya Eckstein was interviewed by Virginia Poverty Law Center attorney Nechama Masliansky. The article moved others to contact the bar to describe their work or that of their colleagues. We plan to follow-up by publishing similar human-interest stories in future issues of the magazine. Meanwhile, also in keeping with the spirit of Bar Council's *Resolution to Enhance Pro Bono Publico in Virginia* there is news of several recent community-wide award ceremonies. As the personal story did, we hope these write-ups will inspire other Virginia lawyers. The New River Valley profile illustrates an "honor roll" approach to the work of local volunteers. The Peninsula Legal Aid Center article follows the format that has historically been used to describe select volunteer work that likewise qualifies under Public Service Rules 6.1 and 6.2.

**Please see the letter on page 49, co-signed by Chief Justice Harry L. Carrico and VSB President Joseph A. Condo, acknowledging the contributions of this month's honorees.**

## New River Valley Volunteers Cited

The Private Bar Involvement Program of the Legal Aid Society of the New River Valley, Inc. located in Christiansburg recently cited three individuals for their pro bono service. The annual dinner and awards banquet will be held on October 24th at the Farmhouse Restaurant.

Recognized for their outstanding service to the PBI Program at the tenth annual awards ceremonies were attorneys Max Jenkins and Dennis E. Nagel; and Stacey Sabatino, support staff.

Max Jenkins practices in Radford and demonstrates a longstanding commitment to the underserved and was doing pro bono work before it was formally organized by LASNRV. He has been practicing law in this area for the last 39 years. Mr. Jenkins accepts case referrals and provides assistance through the telephone hotline. Thanks to his continued dedication LASNRV attributes the closing of more than 30 cases so far this year to Mr. Jenkins.

Dennis Nagel, a newcomer to the New River Valley, practices in Christiansburg. Mr. Nagel, a former regional drug prosecutor in Roanoke, says that it is possible to have public service complement a private practice which then generates a positive reputation for his private practice as well as the profession as a whole. "I'm really quite jealous of my time . . . I try to volunteer in a way that would be helpful to Legal Aid and the community without being disruptive to my business or family time."

When asked about the most rewarding volunteer case he was involved with in the past year, Nagel recalled a temporarily homeless mother for whom he was able to retain custody. "She had just been overwhelmed by a number of events beyond her control, including her children's medical bills and problems, as well as being displaced by a landlord unwilling to comply with HUD requirements." Mr. Nagel resolved the custody case and, additionally, volunteered to negotiate a payment plan with the creditors. "I saw a lot of family stress and conflict that might have been avoided if an attorney had been involved in the situation much earlier. This was certainly a case that pointed to the need for accessible legal services."

Stacey Sabatino is a native of Giles County who now lives in Blacksburg. Ms. Sabatino has worked in the legal field for 13 years and is employed by H. Gregory Campbell, Jr., an attorney in Blacksburg. Mr. Campbell's practice deals with domestic relations, real estate transactions, criminal matters, traffic disputes, civil actions, estate planning, guardianships, business formation, and personal injury. Mr. Campbell is a past recipient of the LASNRV Pro Bono award and continues to assist the program by accepting numerous case referrals and providing information to clients through the family law lecture.

In the late 1980s the Legal Aid Society of the New River Valley, Inc. initiated the Private Bar Involvement Program as a judicare or reduced fee program. It became purely pro bono in 1996. Since 1995, twenty percent of LASNRV's cases are closed by attorneys participating in the PBI Program. With 62 attorneys now participating in the program, LASNRV has secured a 50% involvement rate from the local bar. This is remarkable, considering that volunteer hours per attorney have historically averaged about ten, and that no tax credits are involved. Volunteer attorneys fill slots for telephone advice only interviews, provide consumer and family law lectures, staff tables for ask-a-lawyer programs, accept case referrals, and assist with anything else that is needed. LASNRV has one staff person dedicated to the management of the PBI Program—the Community Resource Coordinator. The coordinator assigns the cases, assists the private attorneys when there are problems, monitors the work on the case, and makes sure the case is

concluded in a timely manner. As of July 24, 2000, the PBI Program has closed 160 cases and has 73 open cases, 106 hot-line applications, and 28 consumer and/or family law lecture applications.

PENINSULA LEGAL AID CENTER

## Michael Parker King is 2000 Pro Bono Award Recipient

### LASNRV Honor Roll

#### Award recipients since 1990 are:

S. Dutton Olinger, Heather Mitchell-Brodie, John Curry, Jr., Penny Henley, Mary Ann Hinshelwood, Virginia Association of Legal Secretaries-NRV Chapter, Carrie Owens, H. Gregory Campbell, Jr., Philip Sadler, Robert Kane, Piper Durrell, Lou R. Long, Peter A. Seitz, Jay A. Price, David T. Mullins, Clifford L. Harrison, James A. Hartley, Martha Winesett, C. Barry Anderson, Debra Fitzgerald-O'Connell, Jean Crabtree, Henry A. Whitehurst, Timothy E. Kirtner, Gail Thompson, Dennis E. Nagel, Max Jenkins, Stacey Sabatino.

#### The attorneys that are on the Private Bar Involvement panel are:

S. Dale Proffitt, Richard L. Chidester, James A. Hartley, Robert M. Lilly, Jr., Taylor Mead Albright, Paul M. Barnett, H. Gregory Campbell, Jr., Stephanie G. Cox, Rodney G. Crowgey, B.K. Cruey, Thomas L. DeBusk, Harriet D. Dorsey, Piper Durrell, Marshall J. Frank, Raphael B. Hartley, III, Patricia E. Hetreed, Mary Ann Hinshelwood, Melvyn Jay Huber, John S. Huntington, James L. Hutton, Frederick M. Kellerman, Jr., Lou R. Long, George F. Marable, III, Gerard R. Marks, James R. Montgomery, David T. Mullins, Stephanie A. Murray, Dennis E. Nagel, Tracy Neyhart, Dutton Olinger, John J. Robertson, Peter A. Seitz, Josiah T. Showalter, Jr.\*, Berrell F. Shrader, Helen J. Spence, Samuel V.S. Swindell, Christopher A. Tuck, Henry A. Whitehurst, Deborah Wood Dobbins, Alan D. Groseclose, Robin J. Kegley, Timothy E. Kirtner, T. Rodman Layman, Marc Alan LeBlanc, E. Wayne Sawyers\*\*, Byron R. Shankman, Everett P. Shockley, Roy David Warburton, C. Barry Anderson, Diane L. Bibb, Mark M. Caldwell, III, Kendall O. Clay, Richard W. Davis, Jr., Clifford L. Harrison, Robert M. Himmel, Max Jenkins, Robert A. Lowman, Dean R. Manor, Patrick K. Moore, Margaret E. Stone, James C. Turk, Jr., Robert M.D. Turk\*\*\*.

\* Commonwealth's Attorney—assisted until election

\*\* Died 7/24/00

\*\*\* Became Circuit Judge, July 2000

The Peninsula Legal Aid Center, Inc. of Hampton, awarded its annual pro bono award to Michael Parker King for his work in its Private Bar Involvement Program. In 1998–1999 King gave 190 hours to clients, and handled more than 18 cases.

Private attorneys in the program provide quality legal representation to the center's eligible clients by participation in any or all of its service components: reduced fee referrals, pro bono referrals, and neighborhood assistance project referrals. Attorneys also train and mentor center staff and panel attorneys, and assist staff in program attorney recruitment.

King completed his undergraduate work at the University of Memphis in 1967, and was graduated from the University of Memphis, C. C. Humphreys School of Law in 1970. He practiced briefly in Memphis, Tennessee. He served in the U.S. Air Force Judge Advocate General Corps for four years of active duty, and was a reservist for 18 years, before retiring as lieutenant colonel.

In 1974, King entered private practice as an associate with the law firm of Moore and Hawkins, P.C. where he became partner in 1976. From 1978 through 1980, he maintained a solo practice, after which he became a partner in the firm of King and Knight, P.C. King was a lecturer for military law seminars for the Judge Advocate Corps, for Virginia Continuing Legal Education Seminars, and for the American Bar Association, Military Law Section. King has an active practice in Hampton, Virginia, and recently completed a term as president of the Hampton Bar Association. He has been an active member of the Center's Private Bar Involvement Program since 1991.

*honor roll continued on page 48*



Award recipient Michael King (left) his wife Patricia, and Peninsula Legal Aid Center, Inc.'s President Lawrence A. Martin.

**PENINSULA LEGAL AID CENTER, INC.  
Private Bar Involvement Program  
Annual Pro Bono Award Recipients**

**Honor Roll**

1992	Louis Richman, Jr., Esquire Ray Yeatts Jones, Esquire
1993	Wanda N. Allen, Esquire James A. Segall, Esquire
1994	Molly Ward, Esquire James Shoemaker, Esquire
1995	James S. Ellenson, Esquire Jonathan A. Smith-George, Esquire
1996	John Levy, Esquire
1997	No Award
1998	Roger K. Grillo, Esquire
1999	John W. Raymond, Esquire
2000	Michael P. King, Esquire

## Virginia Law Foundation Announces Grant Application Deadline

The Virginia Law Foundation, a 501(c)(3) not-for-profit organization, is now accepting Letters of Intent from organizations wishing to request grant support for the 2001–2002 grant cycle (July 1, 2001 through June 30, 2002). **Letters of Intent** must be received in the Foundation's office **no later than 3:00 P.M.** on **January 5, 2001**.

Approximately \$500,000 will be awarded to support programs which promote or provide improvements in the administration of justice, legal services to the poor, education of the public about the law and the legal profession, and public service internships for Virginia law students.

**Letters of Intent** should be no more than three pages and should (1) state the applicant organization's name, tax exemption status, and FEIN; (2) briefly explain the organization's mission; (3) describe the proposed project; and (4) summarize expense and income items for the total project, indicating the amount of funding to be requested from the Virginia Law Foundation. Letters of Intent should be forwarded to:

**Virginia Law Foundation  
701 E. Franklin St., Suite 708  
Richmond, VA 23219**

From among letters received, the Foundation Grants Committee will select for further consideration projects for which a fully developed proposal will be invited. For additional information about the grant process, please contact Sharon Tatum, Executive Director, at (804) 648-0112.

## Tell Us Your Story

Whether you are a newer member of the bar or considering retirement, please let us know about your own public service work and/or that of your colleagues and mentors. Our goal is to feature the compelling work of public-spirited lawyers and others who go out of their way to ensure that the public has access to free and affordable legal counsel. We hope to highlight work being done in each of Virginia's judicial circuits and we can help locate authors to interview subjects for future stories. Telephone and e-mail inquiries may be directed to VSB Publications Director Rod Coggin at (804) 775-0585 or [coggin@vsb.org](mailto:coggin@vsb.org).

Visit the Pro Bono page  
on the VSB Web site for  
**pro bono training and  
opportunities** listed at  
**[www.vsb.org/probono/](http://www.vsb.org/probono/)**

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October 5, 2000

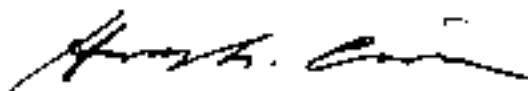
Dear Honoree:

We are pleased to add our congratulations to the public recognition you have received for the professional services you have given to your community. Your commitment to public service has helped to ensure that the most vulnerable among us have continuing access to free or affordable legal counsel and representation.

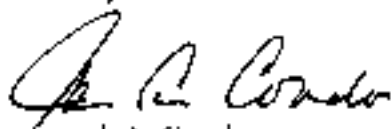
Lawyers who graciously accept undercompensated court-appointed work, or who volunteer through civil pro bono initiatives, bear special witness to the values of the legal profession, and set a splendid example for their colleagues to follow. We acknowledge, too, the indispensable contributions of affiliated professionals, such as paralegals, law librarians, court reporters and interpreters, who also volunteer on behalf of the needy. All continue the time-honored Virginia tradition of putting public interest before self-interest. Lawyers and their allies who support one another's efforts contribute unmistakably to the quality of justice. Through your joint efforts, the core principles of American democracy are constantly renewed.

On behalf of the Virginia judiciary and the organized bar, we encourage you to continue your service and your role as ambassador. We are profoundly grateful for the honor you bring to the work of the legal profession and the hope you bring to your clients.

Very truly yours,



Harry L. Carrico  
Chief Justice



Joseph A. Condo  
President, Virginia State Bar

# Program Provides Pro Bono Representation to Crime Victims Seeking Compensation

by Maya M. Eckstein

“This is the stuff of lawyering.”

That’s how attorney Mark Epley, an associate at Hunton & Williams, describes the Crime Victim Compensation Program (“CVC”), a new program of the *Pro Bono* Committee of the VSB Young Lawyers Conference.

The CVC trains lawyers to provide *pro bono* representation to crime victims seeking compensation from Virginia’s Criminal Injury Compensation Fund. Crime victims can be reimbursed for crime-related injuries, including medical expenses, counseling, funeral costs, lost wages, and other costs, so long as they are not covered by collateral sources.

The Fund was established in 1977 on a legislative finding that it was a “matter of moral responsibility” to provide financial assistance to crime victims, Va. Code § 19.2-368.1, and is entirely funded by grants and fines collected from persons convicted of crimes. It is administered by the Virginia Workers’ Compensation Commission.

A crime victim whose claim for reimbursement is denied can appeal the decision to the commission. On appeal, crime victims are opposed by the Virginia Attorney General.

“When you think about it, it really is a sad thing when someone is a victim of crime and then is left to pick up all the pieces,

both emotionally and financially.” Epley said. “This is a dynamite program, and it just needs some advocates to push along this system.”

CVC attorneys receive assistance from Michael Skiffington, who is the fund’s ombudsman.

“The General Assembly created the ombudsman’s position to ensure that crime victims would have someone to assist them through every step of what can be a long and difficult process.” Skiffington explained. “However, no assistance was available to crime victims on appeal. I am proud to participate in such a worthwhile and absolutely necessary endeavor.”

Epley said he would recommend CVC cases to non-litigation and litigation lawyers alike. “This the kind of argument that is very similar to those that an attorney might use with any regulatory agency, state or federal, in applying the facts of their client’s case to the relevant law.” Epley said. “I think any non-litigator could feel comfortable.”

The CVC’s first training program was held July 26, 2000 in Richmond. About 22 attorneys attended.

Anyone interested in the CVC may contact Maya Eckstein or Kevin Webb at 804-788-8200.

## Every attorney wants to make a difference. Sometimes it just takes the right organization to LINC-up with.

LINC, the Legal Information Network for Cancer, is seeking attorneys to help cancer patients deal with the business side of cancer by providing pro bono services in the following areas: insurance appeals, social security disability appeals, drafting of wills, advance medical directives and powers of attorney, employment, bankruptcy and child custody.

Attorneys in all areas of practice are welcome; attorneys with expertise in insurance and estate planning are particularly needed.



For more information contact: Tamar Schwartz Eisen, Executive Director  
P.O. Box 0156 • Richmond, VA 23173  
phone: (804) 287-6609 fax:(804) 287-6558  
e-mail: LINC@uofrlaw.richmond.edu • Webpage: <http://law.richmond.edu/linc/linc.htm>

## Partner with Legal Aid and the Hampton Roads Community Mediation Center

The Dispute Settlement Center, Hampton Roads' only nonprofit community mediation center, is beginning a unique collaboration with Peninsula Legal Aid, Tidewater Legal Aid, and area attorneys. Supported by a grant from the Virginia Law Foundation, the "Cooperative Effort" program will provide greater access to mediation for economically disadvantaged families and individuals in conflict.

Mediation for economically disadvantaged families and individuals is provided at no cost or on a sliding scale. Peninsula Legal Aid Society volunteer attorneys will be trained in basic mediation skills. They may also serve as community volunteer mediators. Legal Aid staff will be trained in conflict resolution skills, and receive instruction on working in difficult client situations. They will work collaboratively with the Dispute Settlement Center in developing the mediation referral system for each regional office.

The Dispute Settlement Center was founded in 1990, and is one of nine community mediation centers active in Virginia. The center offers a variety of mediation services, including: family (custody, support, visitation and separation agreements); landlord-tenant; neighbor to neighbor; business to business; customer to business; employer to employee; education disputes; and other cases referred by the courts, attorneys, and other community agencies.

For further information please contact Tracy Scott Jackson at (757) 480-2777.

## Advocate for Retiree Pension Rights

Although there are over 50 million workers covered by government and private pension plans, most people do not know how to navigate the complexities of their plans. It is not uncommon for pensions to be extremely complicated and difficult for workers to understand and there is no single governmental agency or private organization dedicated to assisting workers, retirees, and spouses with their questions or problems.

Virginia now has a Pension Rights Project that provides information and assistance to individuals to help resolve problems. Funded through a grant from the Administration on Aging through the Virginia Department for the Aging, Virginia's Pension Rights Project is one of only ten pension counseling projects nationwide. Crater District Area Agency on Aging in Petersburg and the Mountain Empire Older Citizens, Inc. in Big Stone Gap make up the Virginia Pension Rights Project. The Pension Rights Center in Washington, D.C. serves as a central resource for technical assistance to the state projects. **Locally, Client Centered Legal Services of Southwest Virginia (CCLS-SV) provides training to the staff of Mountain Empire Older Citizens' Area Agency on Aging (Planning District No. 1) under a cooperative agreement. Client Centered also consults with the aging agency on low-income client issues and it links its clients with the agency's services.**

Since their inception seven years ago, the projects nationwide have helped thousands of people and recovered over \$10 million for retirees and their families.

Pension projects often depend on legal assistance from pro bono or reduced fee attorneys to assist with cases. The pro bono attorney would be requested to provide the project with consultation on a limited basis. Participating attorneys could also consider accepting cases that are potentially fee generating.

Issues that arise include: general notice, interpretation of plan documents, claims and appeals, interference with pension rights, participation and coverage, termination benefits, spousal divorce rights, and spousal survivor rights.

An attorney who agrees to assist the project can receive free materials, case consultation and technical assistance provided by the Pension Rights Center.

The center also offers low cost annual basis ERISA training for individuals working with each project.

To find out more about the project, contact:

Central Virginia Area—Angela Flowers, pension project coordinator at Crater District Area Agency on Aging, (804) 732-7020. E-mail [AEFCRATER@aol.com](mailto:AEFCRATER@aol.com) or [CCCRATER@aol.com](mailto:CCCRATER@aol.com)

Western Virginia Area—Wanda Tatum, pension project coordinator (540) 523-4208. E-mail [wtatum@meoc.org](mailto:wtatum@meoc.org)

## Resources

### CLE Tapes from YLC Crime Victims Training

On July 26, 22 attorneys attended a training program in Richmond for the VSB Young Lawyers Conference Crime Victim Compensation Program. Mary Ann Link, deputy commissioner of the Worker's Compensation Commission, and Michael Skiffington, ombudsman of the Criminal Injury Compensation Fund, led the CLE. The program provides pro bono attorneys to crime victims seeking compensation for crime-related injuries. The CLE tape is available from Maya Eckstein at Hunton & Williams ([MEckstein@hunton.com](mailto:MEckstein@hunton.com)).

### Violence Intervention Programs

It is not uncommon for the VSB Pro Bono Office to receive calls from members of the general public who are having trouble finding affordable legal counsel in family law cases. They may have been turned down for pro bono help by nonprofit legal services providers due to potential conflicts of interest, income and case priority ineligibility, unfavorable case merit assessments, and like matters impacting case complexity.

Most lawyers have heard about support services for victims of violence including victims of child abuse. Attorneys may also find it useful to learn about selected programs for those who self-identify as perpetrators of domestic violence or for family violence offenders who have been referred for treatment through the criminal justice process.

The Coalition for the Treatment of Abusive Behavior (C-TAB) and Virginians Against Domestic Violence (VADV) collaborated on developing [Clinical] Standards for Batterer Intervention Programs (BIPs) in Virginia. Built upon the earlier work of the Virginia Commission on Family Violence Prevention, the standards are available from Stacy Ruble, Technical Assistance Coordinator, VADV, phone (757) 221-0990, e-mail [coalition@tni.net](mailto:coalition@tni.net). A board met in August to begin developing an application form for BIPs wishing to become certified. The first round of program certifications is expected to take place in the spring of 2001. A related brochure for professional and public use is expected to become available in early 2001. It will focus on issues such as a coordinated community response to domestic violence, and ensuring victim safety as well as batterer accountability.

Another resource is the Navy Family Advocacy Program (757) 444-2230 that serves Hampton Roads and the mid-Atlantic region. Prevention, intervention, training, research and evaluation related to domestic abuse and neglect are priorities. A brochure is available.

### Brochure to Assist Law Students

The American Bar Association's Standing Committee on Pro Bono and Public Service and its project, the Center for Pro Bono, announce a new brochure entitled *The Path to Pro Bono: An Interviewing Tool for Law Students*, designed to assist law students in assessing a law firm's commitment to pro bono. [www.abanet.org/legalservices/path.pdf](http://www.abanet.org/legalservices/path.pdf).

# OCTOBER IS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

## *Lawyers are Helping to Make Virginia's Homes Safer in a Number of Affordable Ways*

- They **educate the public** about legal rights and resources through easy to read “portable” **pamphlets** distributed by statewide and specialty bar associations.
- They **educate the public** through on-line guide books and directory of “Free Help . . .” (<http://members.aol.com/lsvmain/> and [www.vsb.org/probono/index.html](http://www.vsb.org/probono/index.html) and [www.vsb.org/sections/yl/domviolence/domviolence.html](http://www.vsb.org/sections/yl/domviolence/domviolence.html)).
- They **educate the public** through on-line materials and pro se workstations at the Fairfax **Public Law Library**.
- They inform lawyers, advocates, community representatives, and law enforcement personnel, through free or nominal fee **cross-trainings and interdisciplinary CLEs**.
- They assist undercompensated **legal aid lawyers** with family law **community education** clinics, mentor new advocates, and assist with client intake.
- They **offer reduced fees and volunteer in civil cases** to represent survivors in protective order, custody, visitation, tax, and related hearings and they **join lawyer referral services** with low-cost initial consultations.
- They **collaborate** with Virginians Against Domestic Violence and other groups to ensure that the legal community has a voice in the wider dialogue.
- They **make charitable donations** to the Virginia Law Foundation, legal services, and civic and government-sponsored programs that assist elderly victims of abuse and other crime victims.
- **Lawyers can help in the following ways:** recognize signs of domestic violence within the workplace; screen client cases for signs of domestic violence; challenge misperceptions of domestic violence; assist victims in developing safety plans; donate time; emergency protective orders; preliminary protective orders; permanent protective orders (Taken from “Domestic Violence: How Lawyers Can Make a Difference” in the June/July issue of the Virginia Lawyer. Also available at [www.vsb.org/publications/vlawyer/july00/index.html](http://www.vsb.org/publications/vlawyer/july00/index.html)).

*For information on how you can contribute to one or more of these efforts, please contact:*

- your local legal aid office ([www.lscv.org/mapl.htm](http://www.lscv.org/mapl.htm)) or a family law attorney at the Virginia Poverty Law Center at (804) 782-9430 or e-mail: [nechama@vplc.org](mailto:nechama@vplc.org)
- the VSB Pro Bono Office at (804) 775-0522 or e-mail: [petrini@vsb.org](mailto:petrini@vsb.org)
- the VSB Young Lawyers Conference at [www.vsb.org/sections/yl/index.htm](http://www.vsb.org/sections/yl/index.htm) or via e-mail c/o [meckstein@hunton.com](mailto:meckstein@hunton.com))
- the VBA Young Lawyers Division at [www.vba.org](http://www.vba.org) or via e-mail c/o [thevba@vba.org](mailto:thevba@vba.org)