

A Call for Volunteerism



© Robert Cummings

by Bernard J. DiMuro, 2002–2003 VSB President

Over 200 years ago, Benjamin Franklin advised his fellow countrymen to “be civil to all; serviceable to many.” The Virginia legal community has a long history of being “serviceable to many.” And the work of the Virginia State Bar is dependent on the many volunteers who, each day of the year, supply the herculean efforts needed to fulfill our three core missions: professional regulation; public access to legal services; and improving the legal system in Virginia. Clearly, members of the bar continue to embrace the notion of “being serviceable to many.”

Yet, there does seem to be a decline in interest and participation on such committees and conferences. I suspect that there are many reasons for this decline—most of them sparked by modern day commercial realities. Lawyers are facing increased competition from each other and from non-lawyers to provide services that were once considered the practice of law. The cost of legal services is increasing. There is a more transient population and a faster pace of life. There is a misconception that there is too little time for volunteer activities if a lawyer is going to succeed.

This year, I hope to increase the recognition of the many State Bar volunteers and to increase the number of volunteers. Giving back to our profession and community is a responsibility we all share in order to maintain and enhance the reputation of our profession.

Volunteers are needed within the State Bar to serve as members of committees dedicated to improving legal services to the public. Such committees include the Standing Committee on Professionalism, the Committee on Access to Legal Services, the Committee on Lawyer Referral and the Committee on Alternative Dispute Resolution. Volunteers are needed for committees that seek to improve the legal profession and the judicial system. These include the Judicial Nominations Committee, the Lawyer Assistance Program, the Committee on Bench-Bar Relations, the Board on Mandatory Continuing Legal Education and sections of the State Bar that continue their fine efforts to promote mentoring and education. Volunteers are needed (both lawyers and non-lawyers) to serve on committees that regulate the profession, including the local and state ethics panels and the Standing Committees on Legal Ethics, Lawyer Advertising and Solicitation, and Lawyer Discipline. These have vitally important functions that maintain our system of self-regulation.

Some of the most exemplary efforts in volunteerism by groups and individuals that I commend include: The Fairfax Bar Association, which answered an unheard call for assistance in the face of our nation’s most tragic event—the terrorist attacks of September 11. In Northern Virginia, many lawyers who have served in the military deluged the Fairfax Bar Association with calls following the September 11 attacks on the Pentagon. These lawyers wanted to help the families of victims of these attacks. As a result, the Fairfax Bar, in concert with the District of Columbia and Prince George’s County bar associations, and with the organizational aid of the law firm of Shaw Pittman, provided pro bono services on matters of probate, custody, tax and insurance to these families. The American Bar Association honored their efforts—which became part of the September 11th Pro Bono Relief Project—with the Distinguished Service Award. We thank those lawyers who answered the call of civic duty.

There is also a group of young attorneys in Virginia that is continuing our profession’s tradition of service—the Young Lawyers Conference of the Virginia State Bar. The Young Lawyers Conference embraces its duty of volunteerism by designing and running countless programs to benefit the public ranging from emergency disaster legal assistance to a domestic violence safety project, to services for immigrants and the mentally ill.

And there are over 7,000 lawyers across the Commonwealth who form the new Senior Lawyers Conference of the State Bar. They give back to their younger counterparts, to their profession and to their communities by sharing their wisdom and by instituting programs of interest to attorneys who have reached “senior” status within the bar.

The Lawyers Helping Lawyers Program will celebrate 17 years of assistance this fall. The program provides confidential, non-disciplinary assistance to members of the legal profession in Virginia who experience professional impairment as a result of substance abuse. A statewide network of volunteers provides professional and peer assistance to lawyers in need and lawyers at risk. Expansion of services to address impairment caused by depression, stress-related disorders and other mental health problems is critically needed and under discussion. Such an expansion will only increase the need for volunteers.

continued on page 8

continued from page 4

These expanded services have been quietly under consideration by the Virginia Lawyers Helping Lawyers Program. It is time now for more volume.

In addition to promoting more volunteerism by current attorneys, we can encourage soon-to-be attorneys to incorporate volunteerism in their lives from the moment they begin to practice. The creation of the Oliver W. Hill Award, which recognizes the meritorious pro bono activities of selected law school students, is one way to highlight the importance for lifelong altruism within the legal profession. Réco Alana Thomas was the first recipient of the Oliver W. Hill Award. Réco was a third year student at the College of William & Mary Marshall Wythe School of Law. In addition to completing public service fellowships with the public defender offices for two summers, Réco worked more than 100 additional uncompensated hours on indigent defense matters, volunteered with Student Legal Services and the Juvenile Service/House Arrest programs in Williamsburg. She did all of this in addition to her impressive law school activities and her studies. Congratulations, Réco.

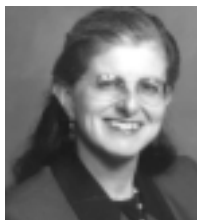
Finally, I want to highlight the volunteer activities of one lay person and two attorneys:



Robert J. Merrick

Bob Merrick is one of the Virginia State Bar's most distinguished lay volunteers. Bob has combined over a decade of service to the bar with a high-powered banking career. Before becoming chief credit officer of MCG Capital Corporation, a solutions-focused financial services firm serving the communications, information services, media and

technology industries, Bob was Signet Bank's executive vice president and chief credit officer. Bob's service to the bar began in the 1980s, when he served as a lay member of the Third District Committee. In July 1990, he was appointed to the disciplinary board. He served in that capacity for six years. Then in 1999, Bob was appointed to serve on the Special Committee to Consolidate the Procedural Rules, which labored for almost two years to combine Paragraph 13 of the Rules of Court with the Council and Disciplinary Board Rules of Procedure. Bob was an active and effective member of the special committee, attentive to detail and ever-mindful of policy considerations. In July 2000, Bob was elected vice president of the Virginia Law Foundation and currently serves as its chair. In that position, he is invited to attend Virginia State Bar Council meetings. Bob's wealth of business experience, keen insight into human nature and drafting skills have served the public and the bar exceedingly well in his volunteer work with the Virginia State Bar.



Susan M. Pesner

Susan has been an active and effective member of the VSB Council, representing the 19th Judicial Circuit for the past six years, and she has served on the Executive Committee for the past four years. She has also chaired the VSB's Real Property Section and is a leading real estate practitioner with a statewide reputation in that field. Perhaps

her greatest contribution to the bar and its members, however, has been through her service as chair of the Special Committee on Lawyer Malpractice Insurance over the past three years. She chaired the committee during the difficult period when the decision was made to withdraw the bar's endorsement from ANLIR and bring a second noncommercial carrier, ALPS, into Virginia with our endorsement. This resulted in increased competition that has kept premiums down in Virginia while they continue to rise rapidly in most other jurisdictions.



Thomas E. Spahn

Tom Spahn has given much of himself and his time to the bar since he began practicing law in 1977. A nationally-recognized expert on legal ethics, he was the reporter for the VSB committee that drafted the Virginia Rules of Professional Conduct. He personally read, summarized and categorized all 1,500 Virginia State Bar Legal Ethics

Opinions and made them available to other lawyers and members of the public on the World Wide Web.

Tom has lectured widely in effective legal writing, the attorney-client privilege and the law of defamation. He wrote the definitive book on the law of defamation in Virginia. He was a faculty member of the VSB Mandatory Course on Professionalism, and has spoken at over 350 CLE programs throughout the United States and abroad. As chair of the VSB Committee on Publications and Public Information, he advanced the image of the legal profession in Virginia through a national award-winning public information advertising campaign, which has since been purchased and used by six states and the twelve provinces of Canada.

The lawyer's role is to serve his or her community. Working with the Virginia State Bar is one way I serve my community. I encourage each of you to find a way to serve the Virginia State Bar and your own community and to incorporate volunteerism as a central part of your culture. 🍷

***I, as a lawyer, believe that some part
of my money, time, thoughts and
energy belongs—I don't just give it,
it belongs to others, not just to me.***

—R. Sargent Shriver (1982)