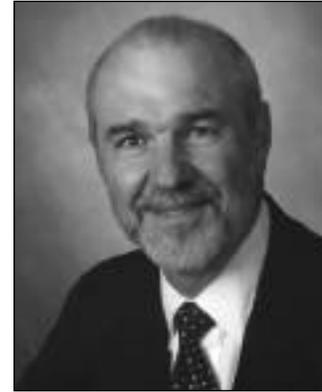


# REPORT OF THE PRESIDENT

This has been an eventful year for the Virginia State Bar and its leadership, committees and staff. As the year concludes, we can point with pride to several programs, bar council actions and initiatives that have done much to advance all aspects of our mission.



## **Opening the Disciplinary Process**

The disciplinary systems of 34 states are more open than Virginia's, and media commentary and citizen input suggested that limited public access was engendering an erosion of the public's confidence in our disciplinary process. In August 2000, we convened the Task Force on Public Access to the Disciplinary System to address the question of more openness in the process. This task force included nonlawyer community leaders, professionals and members of the General Assembly, as well as lawyers. The task force followed an ambitious and intensive schedule and concluded its work in January 2001 with the following recommendations:

- A disciplinary matter should become public when a subcommittee sets it for a hearing before a district committee.
- There should be formal limitations on the number of private disciplines for which a respondent is eligible; and guidelines should be developed for those situations in which private discipline is appropriate.
- The Rules Subcommittee of COLD drafted proposed rules changes to affect these recommendations, and at its June 2001 meeting the bar council approved the changes, with modest amendments, by an overwhelming margin. The changes will now be submitted to the Supreme Court for approval.

This expansion of public access to our disciplinary process is a momentous step. It will increase public confidence in our disciplinary process and confirm how effectively we are, and have been, discharging our mission of professional regulation. Special recognition for their roles in this important achievement is due to: Ben DiMuro and Jeanne Dahnk, Task Force chair and vice-chair, respectively; COLD Chair John Johnson and Rules Subcommittee Chair Steve Test; and Bar Counsel Barbara Williams and her staff, who provided invaluable assistance to the Task Force.

## **Millennium Diversity Initiative**

In August 2000, we convened a group of representatives of most of the minority bars in Virginia, as well as individuals with long and distinguished histories of advocacy for diversity in the legal profession. I asked this assembly to consider ways of removing barriers that continue to limit access of minorities to the profession of the law. This group responded to my call with enthusiasm, and is now formed into a charitable corporation known as Millennium Diversity Initiative, headed by Tee Twitty of Hampton and Don Richardson of Richmond. An application for tax-exempt status is being prepared as I write this, and there are promising potential sources of funding in addition to individual contributions. In the meantime, two pre-existing projects have already been taken on by MDI: a bar-examination tutoring program, which has been expanded from one tutor to six; and a law-school mentor program that matches new minority law students with practicing minority lawyers to provide mentoring and academic support. A summer law camp for minority teens is being planned, in conjunction with the Young Lawyers Conference, and a "School-to-College Program," which identifies aspiring lawyers as early as middle school and provides them with academic and social support, will be initiated. A longer-term goal is a law-school loan forgiveness program. A special section of the June/July *Virginia Lawyer* provides a detailed description of the Millennium Diversity Initiative and its programs.

## **Compensation of Court-Appointed Counsel for Indigent Criminal Defendants**

The Crime Commission's proposal for increased fees in the 2001 General Assembly fell victim to a budget/appropriations impasse. The commission intends to study the overall delivery of legal services to indigent defendants before the next General Assembly session. The prospective support of the Crime Commission for substantial increases is a promising development, but pressure must be maintained if significant results are to be achieved. We continue to enjoy the support of the Virginia Supreme Court U.S. Magistrate Judge Dennis Dohnal, who spearheaded efforts to obtain increases in these fees before his appointment to the bench, has remained active in a support capacity. An informal committee made up of Mark Rubin, Matt Geary, John Rockecharlie and Carolyn Grady plans to continue to advocate for this critical need.

# REPORT OF THE PRESIDENT

## **Professionalism Course**

Since its inception, our first-in-the-nation mandatory professionalism course has begun with a videotaped conversation with Virginia Supreme Court Chief Justice Carrico and the late U.S. Supreme Court Justice Lewis Powell. After some 13 years, this video is in need of updating. A new video is in production that will retain the best of the current one but will also include comments on professionalism from a more gender- and ethnically-diverse group of Virginia lawyers and judges. Fairfax Circuit Judge Stanley Klein, chair of the Standing Committee on Professionalism, will serve another year, and the committee will study modifications the course to concentrate it more on true professionalism, and less on ethics/professional responsibility.

## **Professionalism Program for First-Year Law Students**

In February 2001, bar council approved permanent funding for the law-school professionalism program, a condensed, two-hour version of the mandatory course, to be offered to first-year law students at all of the law schools in the Commonwealth. This program is a joint project of the Standing Committee on Professionalism and the Education of Lawyers in Virginia section. Our annual appropriation will provide approximately half the cost of the program, with the balance of funding to come from the budget of the Education of Lawyers in Virginia section and law-firm contributions. Our thanks to U.S. Magistrate Judge Waugh Crigler of Charlottesville for his vigorous efforts in planning and administering this program; to the other committee members and faculty who have contributed their time and talents; and to Assistant Executive Director Bet Keller for her superb staff support.

## **Malpractice Carrier Endorsement**

In October 2001, on the recommendation of the Special Committee on Lawyer Malpractice Insurance, bar council voted to terminate the bar's endorsement relationship with American National Lawyers Insurance Reciprocal (ANLIR), and to endorse Attorneys Liability Protection Society (ALPS), a carrier chosen from among several who submitted proposals. Council also followed the committee's recommendation to forgo a non-competition provision with ANLIR, thus allowing competition between the former endorsed carrier and the new one. The transition from ANLIR to ALPS has been a success: Our members report being pleased with ALPS, their rates, and the products they are offering, and the competition between the two carriers appears to be producing better rates from both. ALPS reports satisfaction with their progress in issuing policies to date and expects to meet the goals they have set for their first year in the market.

The enhancement of competition in the Virginia malpractice insurance market and the resulting availability of a wider variety of insurance premiums, products and services confirm that the bar made the right decision in changing endorsed carriers.

## **Computer Operating System Upgrade**

The process of obtaining the badly needed upgrade of the bar's computer operating system, which we had hoped to have concluded this year, is ongoing. Our initial Request for Proposals ("RFP") resulted in qualifying proposals from only two vendors, neither of whom was found to be acceptable. One proposal had a cost that was well in excess of the amount appropriated. The other proposal had a price that was within our budget, but the computer committee and senior staff concluded that this firm was underestimating the extent of the project, and would ultimately be unable to perform the necessary work within the stated cost, necessitating "change orders" that would likely escalate the cost substantially in excess of appropriated funds.

A second RFP, updated and simplified by IT Director Bill Dickinson, was issued April 2, 2001, and this time the response was far more robust. At the pre-proposal conference in April, the meeting room was filled to overflowing. Dozens of proposals were received at the deadline, and contract award is imminent as this is written.

## **Committee to Study the Procedural Rules for the Disciplinary System**

This committee, chaired by Bunky Miller, has been analyzing our disciplinary procedures and plans to make recommended modifications designed to improve and streamline the process. The proposed changes will be offered to bar council in three installments, beginning with the October 2001 council meeting.

## **Multidisciplinary Practice Commission**

This joint commission of the Virginia State Bar and The Virginia Bar Association is studying the increasing phenomenon of alliances between law firms and other professionals, and reviewing the rules of professional conduct that apply to such associations. Chaired by former VSB President John Keith, this commission is expected to bring recommendations before bar council in October 2001.

REPORT  
OF THE PRESIDENT

**Corporate Counsel Admission Committee**

This committee, appointed this year at the request of the Supreme Court, is studying the issue of admission of in-house corporate counsel to practice in Virginia. Committee Chair and former VSB President Scott Street reports that the committee is nearing completion of its work and that a report and recommendations can be expected in the fall of 2001.

**Multi-Jurisdictional Practice Commission**

This issue is receiving much attention from the ABA and several state bars, due to the rapidly increasing incidence of lawyers and law firms with national practices. There have been preliminary discussions with the leadership of The Virginia Bar Association of a joint effort between the VSB and the VBA to address this subject, similar to the Multidisciplinary Practice Commission.

A report of this length can necessarily include only the highlights of the Virginia State Bar's varied and wide-ranging activities during the course of a bar year. In addition to the items described above, the mission and programs of the bar continued to be advanced this year—as they always are—through the contribution of thousands of hours, by hundreds of volunteer committee and section chairs and board and committee members, with the support of the finest bar staff in the country.

It has been my privilege to lead this splendid organization for the past year. While we have accomplished much, there remains much more to be done, and I look forward to a productive and successful year under the leadership of President Michael Glasser.

Respectfully Submitted,

Joseph A. Condo