

REPORTS OF THE SECTIONS

CRIMINAL LAW SECTION

Howard C. Vick, Jr., Chair

The Criminal Law Section enjoyed a very successful year in 2001–2002.

The section continued its ongoing support of efforts to increase the amount of fees paid to court appointed counsel. While we cannot report great success in the General Assembly, the issue remains at the forefront of our commitment for change each year. The section will continue in the future to take a leadership role in the coalition that has developed to address the issue.

In February, the section conducted its 32nd Annual Criminal Law Seminar in Charlottesville and Williamsburg. The seminars were, as always, a great success in terms of the number of participants and the quality of the programming. The seminar was held in Charlottesville for the first time, as an alternative to Alexandria, and it proved to be a well received and well attended location. Each year attendees describe the program as “the best of its kind,” “my favorite CLE,” “it only gets better,” etc. This year was no exception. Ron Bacigal provided his annual update on Criminal Law and Procedure, guaranteeing a full house at the early morning session. The audiences at both locations also learned about the model rules of professional conduct from the masterful teaching of Judge Dohnal and Rod Leffler. Both hold the enviable distinction of being speakers who always make learning ethics entertaining. David Baugh was the featured luncheon speaker in Charlottesville. Former FBI Director, Louis Freeh, had been the scheduled luncheon speaker in Williamsburg, but cancelled the day before the seminar. This was the first cancellation by a luncheon speaker in the history of the seminar, despite weather difficulties, trial schedules and the like. The section was most appreciative of Judge Dennis Dohnal’s willingness to step in as the luncheon speaker in at the last minute! At the Williamsburg location, Justice Carrico presented, on behalf of the board of governors, the section’s distinguished Harry L. Carrico Professionalism Award to Richmond defense attorney, Craig S. Cooley. The award, created in 1991 and named for the Chief Justice, acknowledges those who in their careers have demonstrated the highest ideals of professionalism and have contributed in a singular and unique way to the administration of justice in Virginia. The section also presented a special resolution to former chair, Robert G. Cabell, Jr., honoring his “faithful and dedicated service” to the profession, and his many contributions to the practice of criminal law.

In April, the section sponsored “Justice in Wartime” in conjunction with Commonwealth Public Broadcasting System. The program was the sixth in the “Justice on Trial” series produced by the section with public television stations. The program, that was aired in Richmond, Roanoke, Harrisonburg, Norfolk and Northern Virginia, involved a lively and revealing discussion of how our criminal justice system must deal with terrorists in the 21st Century. The panel included Congressman Bobby Scott of Virginia’s 3rd Congressional District; Dan Bryant, Assistant Attorney General, United States Department of Justice; and Professor Ronald J. Bacigal, of the University of Richmond School of Law. The program was hosted by Dr. Charles W. Sydnor, Jr., President and CEO of Commonwealth Public Broadcasting, and a recognized historian, author and expert witness on deportation of war criminals.

In June, at the state bar annual meeting, the section cosponsored a CLE program with the section on the Education of Lawyers entitled, “USA Patriot Act: The Price of Freedom,” featuring a panel of distinguished lawyers and professors, with a special introduction by the Hon. Jerry W. Kilgore, attorney general of Virginia. The program was moderated by section board member, Michael Herring. The panel included Professor John G. Douglass, of the University of Richmond School of Law and former Chief of the Criminal Section of the U.S. Attorneys Office; Professor Craig S. Lerner, of the George Mason University School of Law; Michael R. Smythers, Assistant U.S. Attorney Office, Eastern District of Virginia, Norfolk; and Peter H. White, of Hunton & Williams, in McLean.

At the business meeting, section members elected James O. Broccoletti, of Norfolk, to chair the section for 2002–2003. Also elected were David Barger, of McLean, vice chair, and Michael Herring, of Richmond, secretary. New members elected to the board were: Harvey L. Bryant III, of Virginia Beach; Helen Leiner, of Fairfax; Raymond F. Morrogh, of Fairfax; John E. Lichtenstein, of Roanoke; and Judge James W. Updike, Jr., of Bedford.

The section is greatly indebted to Professor Robert E. Shepherd, Jr. of the T.C. Williams School of Law at the University of Richmond who edits and produces seven issues of the section’s newsletter on an annual basis, and also spearheads the coordination of the seminar planning each year. Each issue of the newsletter provides enormously useful case summaries and updates on future CLE programs and section activities.

It was a great honor to serve as chair of the Criminal Law Section during the past year.

