

REPORTS OF THE SECTIONS

CRIMINAL LAW SECTION

James O. Broccoletti, Chair

The Criminal Law Section enjoyed a very successful year in 2002–2003.

The section continued to support indigent defense matters—especially the need to increase the amount of fees paid to court-appointed counsel. The Crime Commission continued its Study Commission on Indigent Defense. The section will continue to monitor the commission's work and take a leadership role in the coalition to address indigent defense issues.

In November, the section mounted an effort to advocate passage of a constitutional amendment entitled, "Writ of Actual Innocence." Following approval of the Virginia State Bar Council, the section coordinated an effort to circulate a letter to the editor to newspapers in Virginia explaining the amendment and why it should be approved.

In January, the section submitted a grant application to the Virginia Law Foundation to publish a 3rd edition of the *Capital Trial Manual*. The VLF issued a grant of \$12,500 that became effective on July 1, 2003. Professor Ron Bacigal will write the manual, which is expected to be published in February 2004. The section also agreed to underwrite partial expenses for the project, including the salary for Prof. Bacigal, from its operating budget.

In February, the section conducted its 33rd Annual Criminal Law Seminar held in both Charlottesville and Williamsburg.

Held in Charlottesville for the second year, the seminar was successful despite inclement weather. Prof. Bacigal updated 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 Honorable Dennis Dohnal, U.S. District Court Judge, and Rod Leffler. Paul McNulty, U.S. Attorney for the Eastern District of Virginia, was the featured luncheon speaker in Charlottesville, and the Honorable Johanna L. Fitzpatrick, chief judge of the Court of Appeals in Virginia, spoke in Williamsburg.

On behalf of the board of governors, Virginia Supreme Court Chief Justice Harry L. Carrico presented the section's distinguished Harry L. Carrico Professionalism Award to *ex officio* board of governors member, Professor Robert E. Shepherd, Jr., of Richmond. 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.

In June, the section co-sponsored a showcase CLE program with four other sections entitled, "Corporate Meltdown: Counsel in the Hotseat," in conjunction with the 2003 annual meeting of the Virginia State Bar. The program featured a panel of distinguished lawyers and professors, including James B. Comey, Jr., U.S. Attorney for the Southern District of New York; Professor George M. Cohen, of the University of Virginia Law School; Frederick J. Krebs, president of the American Corporate Counsel Association, Washington, D.C.; and N. Pendleton Rogers, of Troutman Sanders, L.L.P., in Richmond. During the section's business meeting in Virginia Beach, David G. Barger, of McLean, was elected chair of the section for 2003–2004.

Also elected were Michael N. Herring, of Richmond, vice chair, and Harvey Bryant III, of Virginia Beach, secretary. New members elected to the board for four-year terms were Pamela Y. Hampton, of Norfolk, and William Roy Stephens, of Manassas.

The section is 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 section newsletters per year, and spearheads the coordination of the seminar planning. Each issue of the newsletter provides case summaries and updates on future CLE programs and section activities.

It was an honor to serve as chair of the Criminal Law Section.

