

**REPORT OF THE EXECUTIVE DIRECTOR/
CHIEF OPERATING OFFICER**

The membership of the Virginia State Bar continued its steady growth in the fiscal year ended June 30, 2005. Total "in good standing" membership was 38,548, an increase of 1,894 members, or 5.17 percent over the previous year. A new Supreme Court of Virginia rule was implemented relating to special limited admission of corporate counsel who are bar members in good standing in another U.S. jurisdiction, but not admitted in Virginia; and by June 30, 2005, 994 individuals had been issued certificates or registered under the rule.

	2004-2005	2003-2004
Active	25,212	24,472
Corporate Counsel Admittees	603	170
Corporate Counsel Registrants	391	93
Associate	9,886	9,561
Judicial	1,003	976
Retired/Disabled	<u>1,453</u>	<u>1,382</u>
	38,548	36,654

Officers, Bar Activities During 2004–2005, and New Executive Committee and Council Members

Phillip V. Anderson of Roanoke became president of the Virginia State Bar at its annual meeting on June 17, 2005. He was sworn in by Virginia Court of Appeals Chief Judge Johanna L. Fitzpatrick. Karen A. Gould, president-elect, was unopposed in the 2005 election for that office to serve during 2005–2006.

David P. Bobzien of Fairfax completed his year as president. Emphasis was placed throughout the year on several new initiatives of Supreme Court of Virginia Chief Justice Leroy R. Hassell Sr. Significant time and energy were devoted to designing and seeking vendor proposals for an online legal research benefit program under which all members of the Virginia State Bar would have free access to a database of Virginia and other state legal materials, as well as federal cases and materials. Legal issues impeded progress on this initiative during much of the bar year, but in June 2005 the Supreme Court of Virginia issued a rule authorizing and directing the bar to implement such a member benefit as soon as possible. The new rule should obviate the legal issues which were raised and enable the bar to proceed with the program during the 2005–2006 bar year.

The bar, in cooperation with a Supreme Court-appointed committee, also conducted a very successful educational program made available at no cost to persons who represent indigent criminal defendants, either as appointed counsel or public defenders. The seminar featured nationally prominent experts on a wide range of topics at a central location in Richmond, and it was broadcast by television to a group of lawyers from Southwest Virginia who gathered in Abingdon for the seminar. A total of 349 lawyers attended the May 20 program in Richmond, while another 99 lawyers participated in Abingdon.

The bar also worked with a Supreme Court-appointed planning committee, headed by Justice Cynthia D. Kinser, to plan and conduct a law practice management seminar for small-firm and solo practitioners. The first session of the seminar was held on March 7 in Abingdon, and it was attended by 167 lawyers from that area of the state. Additional sessions for small-firm and solo lawyers are planned during the 2005–2006 bar year in Harrisonburg and one or two other locations.

The bar continued its practice of having officers and members of the staff visit with a number of members of the Virginia House of Delegates and Senate to let them know about the bar and its work. In April 2005, the bar conducted its second Law School for Legislators under the direction of Immediate Past President Jeannie P. Dahnk. The half-day program was attended by some forty members of the General Assembly and featured presentations about the Virginia court system and the work of the Virginia State Bar.

The bar's Task Force on Receiverships completed its assignment of rewriting and modernizing the *Virginia Code* provisions under which receivers can be appointed to take over the practice of a lawyer who has died suddenly, disappeared or committed egregious acts of misconduct. The statutory changes recommended by the task force were adopted without controversy by the 2005 session of the Virginia General Assembly and signed into law by the Governor. The group continues its work on a handbook for receivers to assist them in performing their responsibilities. The task force also recommended that liability insurance for persons appointed to serve as receivers be obtained by the bar, and a group policy covering all receivers appointed at the bar's request was obtained from the bar's endorsed malpractice insurance carrier, Attorneys Liability Protection Society Inc.

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The Task Force on Multijurisdictional Practice continued its work during the year, completing and recommending a proposed new Foreign Legal Consultants Rule which was approved by the VSB Council. The rule is awaiting approval by the Supreme Court of Virginia. The group continues to work on amendments to Rules of Professional Conduct 5.5 and 8.5, as well as a rewrite of the Supreme Court's *pro hac vice* rule.

Karen A. Gould will serve *ex officio* on the Executive Committee next year as president-elect. Manuel A. Capsalis and Edward L. Chambers Jr. were elected by the council as new members of the 2005–2006 executive committee, replacing Gould and Stephen Telfeyan. William E. Bradshaw, Leisa A. Ciaffone, Howard M. Martin Jr. and Alda L. White were reelected to one-year terms.

The following new member was elected to the VSB Council to fill an unexpired term ending June 30, 2006:

John D. Sharer	13th Judicial Circuit
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The following new members were elected to the VSB Council for three-year terms beginning July 1, 2005:

David W. Bouchard	1st Judicial Circuit
Ann K. Crenshaw	2nd Judicial Circuit
Kenneth B. Murov	7th Judicial Circuit
Elizabeth M. Allen	11th Judicial Circuit
Edward V. O'Connor	19th Judicial Circuit
Janine M. Saxe	19th Judicial Circuit
Paul B. Terpak	19th Judicial Circuit
Robert C. Hagan Jr.	25th Judicial Circuit

The following new member was elected to the council, filling a new position occasioned by growth in his circuit, for a three-year term beginning July 1, 2005:

Gary M. Pearson	20th Judicial Circuit
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The following incumbents were reelected to the council for three-year terms beginning July 1, 2005:

James O. Broccoletti	4th Judicial Circuit
Edward L. Chambers	9th Judicial Circuit
J. William Watson Jr.	10th Judicial Circuit
John S. Barr	13th Judicial Circuit
William L. Lewis	15th Judicial Circuit
Alan S. Anderson	18th Judicial Circuit
Joseph A. Condo	19th Judicial Circuit
Sandra L. Havrilak	19th Judicial Circuit
Sean P. Kelly	19th Judicial Circuit
Benjamin R. Gardner	21st Judicial Circuit
Henry C. Clark	26th Judicial Circuit

Gregory D. Edwards of Jonesville and Alexander N. Levay of Leesburg were reappointed to three-year terms as council members at large. Walter A. Wilson III was reappointed to a second three-year term as a council member at large. M. Janet Palmer of Richmond became president of the Conference of Local Bar Associations, Jimmy F. Robinson Jr. of Richmond became president of the Young Lawyers Conference and William T. Wilson became president of the Senior Lawyers Conference. They will all serve as *ex officio* members of the council and the executive committee during 2005–2006.

Bar Operations and Staff

Again this year, there were no changes among the bar's senior staff or department heads.

Further progress was made during the year on the bar's long-term goal of rewriting and integrating all of its computer software programs. Final improvements to the membership module of the system were completed, and major progress was made on the Mandatory Continuing Legal Education module. The project continues to be directed by

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William H. Dickinson, the bar's information technology department head, with outside consultants retained for design work and programming. During the next bar year, the MCLE module will be completed and the professional regulation module will be initiated.

The bar's Professional Regulation Department continued its emphasis on resolving older complaints in the system, as well as reducing the number of new investigative files opened through more effective use of the proactive intervention tools available to the bar at the intake level. The results have been dramatic, with the bar carrying over the lowest number of open complaints into the fiscal year beginning July 1, 2005, in at least the last ten years. Use of the bar's proactive tools at the intake level also reduced the number of investigative files opened by some 15 percent from what it otherwise would have been.

Additional pressure was put on the bar's disciplinary system during the past year by revelations of a large number of procedural defaults in criminal appeals, which were reported to the bar by the state's appellate courts following focus on the matter by the news media. There were some four hundred matters which required the bar's attention. Many of the cases were resolved at the intake level, but a number of additional investigative files were opened in matters where there were serious or repeated defaults that resulted in failure to protect the appellate rights of criminal defendants.

