

62ND
ANNUAL REPORT
for the period July 1, 1999–June 30, 2000



VIRGINIA STATE BAR

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TABLE OF CONTENTS

ADMINISTRATIVE/GOVERNING

Report of the President	4
Report of the Executive Director/Chief Operating Officer	6
Report of the Treasurer	8
Virginia State Bar Organizational Chart	9
Report of the Office of Bar Counsel	10
Minutes of the 62nd Annual Meeting	18
In Memoriam	19

REPORTS OF THE SECTIONS

Administrative Law	20
Antitrust, Franchise & Trade Regulation	21
Bankruptcy	22
Business Law	23
Construction Law & Public Contracts	24
Corporate Counsel	25
Criminal Law	26
Education of Lawyers in Virginia	27
Environmental Law	28
Family Law	29
General Practice	30
Health Law	31
Intellectual Property	32
International Practice	33
Litigation	34
Local Government Law	35
Military Law	36
Real Property	37
Senior Lawyers	38
Trusts & Estates	40
Young Lawyers Conference	41

REPORTS OF STANDING COMMITTEES

Budget and Finance	44
Lawyer Advertising and Solicitation	44
Lawyer Discipline	45
Legal Ethics	46
Professionalism	47

TABLE OF CONTENTS

REPORTS OF SPECIAL COMMITTEES

Access to Legal Services 48
Alternative Dispute Resolution. 49
Bench-Bar Relations 49
Judicial Nominations. 50
Personal Insurance for Members 51
Publications/Public Information 51
Resolution of Fee Disputes 52
Seminars 53

SPECIAL BOARDS

Clients' Protection Fund 54
Conference of Local Bar Associations 54
Mandatory Continuing Legal Education. 55

REPORT OF THE PRESIDENT

During the 1999–2000 bar year the Virginia State Bar continued to concentrate on its core functions and sought ways to perform those functions as efficiently as possible. The Executive Committee and Council asked first whether any new proposed program falls clearly within our core mission to regulate the profession, enhance access to legal services, and improve the legal system in Virginia. Only then was it considered.

The Council this year continued identifying ways the state bar, within the constraints of a state agency, could better serve the lawyers of Virginia. We were mindful of the principle, already well established and closely monitored by our Budget and Finance Committee, that the bar's volunteer leadership and staff should continue to act as fiduciaries with respect to member dues, supporting only those expenditures which benefit our members or further our regulatory and access responsibilities to the public.



We knew that as of July 1, 2000 our current dues, which had been supplemented for the past four years by a planned spend-down of our accumulated reserve, would again have to be brought up to a pay-as-you-go level. Lawyers across the Commonwealth understood the need for a realistic dues increase and supported its adoption by Council.

In an effort to offset some of the impact of the necessary dues increase, our bar staff, with the help of many volunteers throughout the state, worked hard to promote and publicize free or low cost CLE programs. With the enthusiastic support of Supreme Court Justice Cynthia D. Kinser, the VSB held a Bar Leaders Institute in Abingdon on March 10, the first one held west of Roanoke. The well-attended BLI program was followed by two hours of free CLE programs sponsored by the VSB. Our staff members have also facilitated the exchange of free or low cost CLE programs among local bar associations. We offered CLE credit to those attending the Pro Bono Conference. Our sections continue their excellent CLE offerings at our annual meeting at no cost above the meeting registration fee.

Recognizing that our disciplinary system needed increased resources to fulfill its obligations, both to the public and to members of the bar, Council approved several new staff positions for the 2000–2001 fiscal year. However, we continued to seek innovative ways to bolster our resources without requiring more dues money. Barbara Williams, our bar counsel, developed a program in which experienced trial lawyers may volunteer to serve as prosecutors, handling some of the most complicated cases, thus freeing staff counsel to handle the more routine cases in a timely manner. Council approved this program at the June meeting, and it has been successfully implemented.

We continued our efforts to increase the availability of pro bono legal services to those in need by developing models for voluntary circuit-based pro bono committees. When visiting local bar associations, I was consistently impressed by the level of commitment to pro bono and community service activities, and I now have a much greater appreciation for the extent of the volunteer work being done by Virginia lawyers. Our staff is gathering information from legal aid societies and local bar associations across the state so that future issues of the *Virginia Lawyer* can contain an "honor roll" of pro bono volunteers. I hope we can publish such a list annually.

For the first time this year the recipient of our annual pro bono award was a lawyer whose efforts had been concentrated in the area of court-appointed criminal defense work, a clear recognition that the many Virginia lawyers who serve as court-appointed counsel for indigent criminal defendants are, under Virginia's current fee schedule, effectively donating much of their time to the protection of the rights of the poor.

Through the combined efforts of our Professionalism Committee and our section on Education of Lawyers, we introduced Professionalism for Law Students programs at two Virginia law schools this spring, and plans are to expand these to annual programs at all law schools in Virginia.

If one event stands out above others this year, it was the opportunity for the Virginia State Bar to nominate one of our own members, Oliver W. Hill of Richmond, for the ABA Medal, the highest award given by the American Bar Association, and the resulting selection of Mr. Hill as this year's recipient of that award. A nationally renowned civil rights lawyer, Oliver Hill may have had as much impact on the progress of our nation in the last half of the 20th century as any other Virginian. His life and work have inspired many of us. The ABA Medal was presented to Mr. Hill at the ABA's annual meeting in August.

REPORT
OF THE PRESIDENT

The study of multidisciplinary practice (“MDP”) issues, which John Keith initiated last year, has evolved into a joint Virginia State Bar/Virginia Bar Association study commission. The issues are not readily resolved nor even easily identified, as evidenced by the presentations of national experts at the excellent program on the subject presented at our Annual Meeting.

We are still looking for the appropriate point at which proceedings in the disciplinary system should be open to the public, trying to strike a balance which takes into account the public’s need to know about unethical lawyers while avoiding unnecessary embarrassment to those lawyers who may be subjects of unfounded complaints. The issue was one of John Keith’s priorities, and Joe Condo will be working to resolve it during his year as president.

It has been an honor and privilege to serve as your president of the Virginia State Bar during the 1999–2000 year. Working with the members of the Virginia State Bar has confirmed the reasons why I am proud to be a Virginia lawyer.

W. Scott Street, III
President 1999–2000

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

The membership of the Virginia State Bar continued its slow but steady growth in the fiscal year ending June 30, 2000. Total "in good standing" membership increased to 33,115, an increase of 922 members, or 2.86%, over the previous year.

	1999-2000	1998-99
Active	22,720	22,135
Associate	8,181	7,906
Judicial	897	887
Retired	<u>1,317</u>	<u>1,211</u>
	33,115	32,193

ELECTION OF OFFICERS AND COUNCIL MEMBERS

Joseph A. Condo of Vienna became president of the Virginia State Bar at its annual meeting on June 17, 2000. He was sworn in by Chief Justice Harry L. Carrico of the Virginia Supreme Court. Michael A. Glasser of Norfolk became president-elect for the 2000-2001 bar year in an uncontested election.

W. Scott Street, III of Richmond completed his year as president, guiding the bar through its last year of drawing on the reserve to support the operating budget and securing passage of a dues increase to enable the bar to meet its continuing obligations and add badly needed new staff in the professional regulation area. He met with lawyers all across the state to explain the bar's plans and needs, and he vigorously promoted and implemented increased opportunities for free and low cost continuing legal education programs for VSB members. The year also saw the advent of two pilot programs on professionalism for first year law students at the University of Richmond and Washington and Lee University, conducted under the joint auspices of the Standing Committee on Professionalism and the Section on Education of Lawyers in Virginia. Bar leadership institutes were successfully conducted in both Richmond and Abingdon, with record attendance at both sessions. The Abingdon BLI was followed by two hours of free continuing legal education sponsored by the VSB featuring Justice Cynthia Kinser and VSB Counsel Barbara Williams.

Bernard J. DiMuro and Mary Lynn Tate were elected to the 2000-2001 Executive Committee, replacing Jane S. Glenn of Roanoke and Michael A. Glasser of Norfolk, who became president-elect. Jean P. Dahnk, Susan M. Pesner, Virginia W. Powell and T. L. Twitty were reelected to one-year terms.

The following new members were elected to the VSB Council for three-year terms beginning July 1, 2000:

Howard W. Martin, Jr.	4th Judicial Circuit
Cary B. Bowen	12th Judicial Circuit
Stephen E. Baril	13th Judicial Circuit
Karen A. Gould	13th Judicial Circuit
Boyd F. Collier	13th Judicial Circuit
John G. Berry	16th Judicial Circuit
William L. Schmidt	19th Judicial Circuit
Phillip V. Anderson	23rd Judicial Circuit
William E. Bradshaw	30th Judicial Circuit

The following incumbents were reelected to Council for three-year terms:

Sally James Andrews	8th Judicial Circuit
Hugh T. Antrim	13th Judicial Circuit
Robert G. Cabell, Jr.	13th Judicial Circuit
Arthur V. Shaheen	14th Judicial Circuit
Harry Shaia, Jr.	14th Judicial Circuit
Marnie E. Byrum	17th Judicial Circuit
Mark D. Cummings	17th Judicial Circuit
Nina J. Ginsberg	18th Judicial Circuit
John M. Tran	18th Judicial Circuit
Laurie L. Dolson	19th Judicial Circuit
Susan M. Pesner	19th Judicial Circuit

REPORT
OF THE EXECUTIVE DIRECTOR/
CHIEF OPERATING OFFICER

Robert E. Scully	19th Judicial Circuit
Bruce E. Titus	19th Judicial Circuit
Mary Lynn Tate	28th Judicial Circuit

Leisa K. Ciaffone of Roanoke was appointed by the Virginia Supreme Court to a three-year term as Council Member at Large, replacing Jonna M. McGraw, also of Roanoke. Charlie C. H. Lee of McLean and T. L. Twitty of Portsmouth were reappointed to three-year terms. Joseph M. Cochran of Charlottesville became president of the Conference of Local Bar Associations and Tracy A. Giles of Roanoke became president of the Young Lawyers Conference. They will both serve as ex officio members of Council in that capacity, and Mr. Giles will also serve as an ex officio member of the 2000–2001 Executive Committee.

BAR OPERATIONS AND STAFF

System requirements were completed for a rewrite of the core components of the bar's software programs, and an RFP was published seeking a vendor to do the necessary programming, conversion and training in order to implement the requirements.

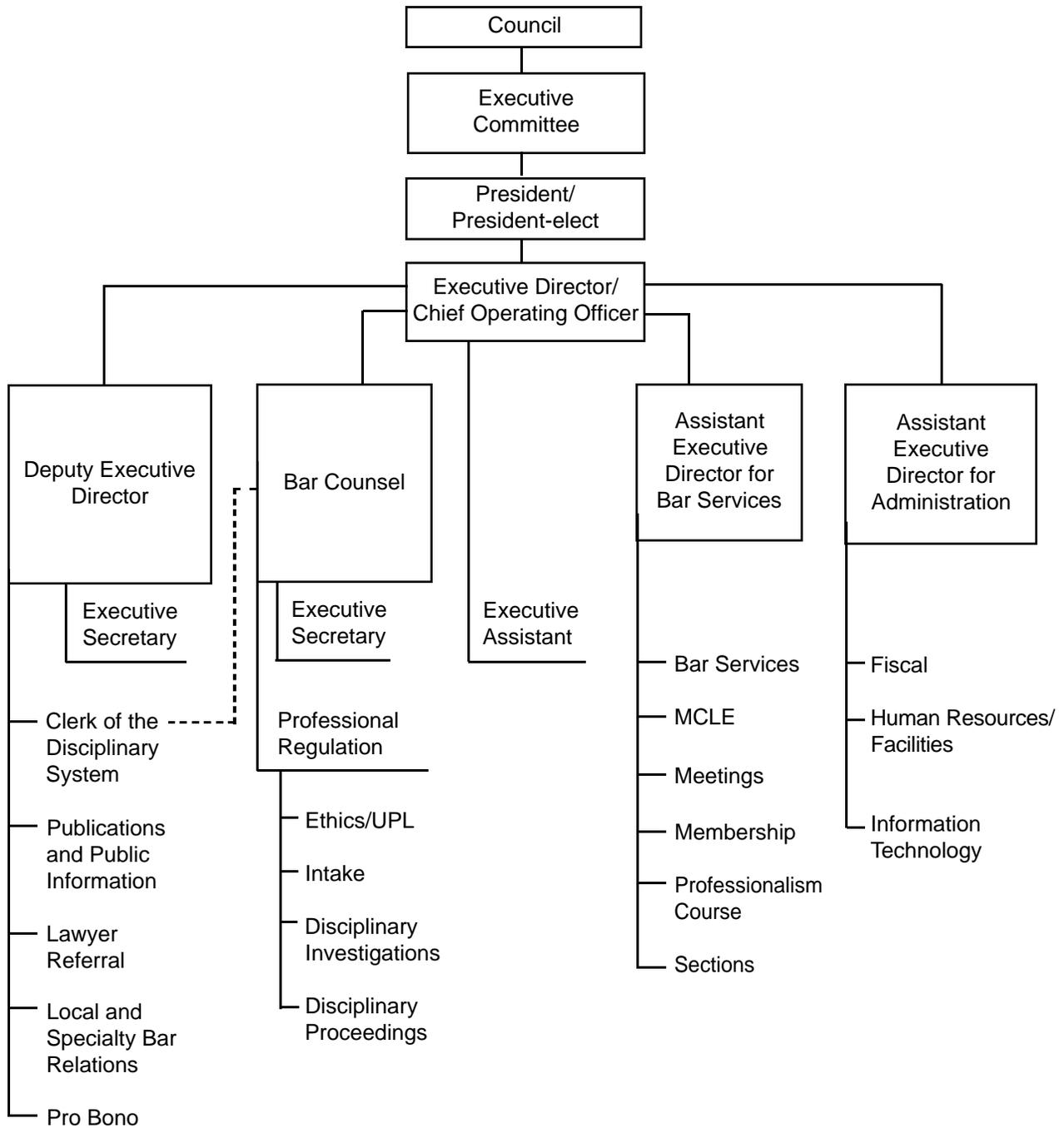
The bar continues to experience higher turnover among staff than is desirable as a result of the very tight job market currently, and complaints entering the disciplinary system continue to rise faster than we are able to add regulatory personnel to handle them. There were no changes among the bar's senior staff during the bar year. William H. Dickinson joined the staff as Director of Information Services in March 2000. A significant time-saving development for the membership and staff was made possible through the bar's Web site, allowing members direct access to their current MCLE records. Annual meeting registration via the Internet also became available for the first time this bar year.

REPORT OF THE TREASURER

VIRGINIA STATE BAR CASH WITH THE TREASURER OF VIRGINIA AS OF JUNE 30, 2000

Cash with the Treasurer of Virginia as of July 1, 1999:		\$	902,061
Revenue:			
Membership Dues	\$ 4,542,854		
Professional Corporations	68,540		
Section Dues	296,535		
<i>Virginia Lawyer and Virginia Lawyer Register</i>	90,302		
Pamphlets	2,106		
Virginia Lawyer Referral Service	231,658		
Mandatory Continuing Legal Education	149,955		
Professionalism Course	140,715		
Cost Taxing	52,965		
Seminars and Miscellaneous	138,722		
CRESPA Registration	70,480		
Administration and Finance	148,652		
Grants	<u>72,720</u>		
Total Revenue			6,006,203
Operating Expenditures:			
Salaries and Wages	3,249,675		
Fringe Benefits	969,433		
Receivers	85,164		
Office Rent	276,340		
Furniture and Equipment	7,360		
Repairs and Maintenance	34,015		
Supplies, Stationery and Forms	71,856		
Printing and Copying	289,748		
Postage	208,055		
Telephone	105,452		
Staff Travel	65,029		
Computer	160,649		
Council, Committees and Board	223,150		
Professionalism Course	96,345		
Sections	232,359		
Young Lawyers Conference	82,961		
Other Operating Expenditures	<u>127,787</u>		
Total Operating Expenditures			6,285,379
Other Disbursements and Transfers:			
Lawyers Helping Lawyers	50,000		
Administration and Finance	148,652		
Grants	68,238		
Transfers per Legislature	<u>8,908</u>		
Total Other Disbursements and Transfers			275,798
Cash with the Treasurer of Virginia as of June 30, 2000		\$	<u>347,087</u>

ORGANIZATIONAL CHART



12/00

REPORT
OF THE OFFICE OF BAR COUNSEL

The Virginia State Bar's fiscal year runs from July 1 to June 30. Each month, and at the end of the fiscal year, the clerk of the disciplinary system compiles attorney discipline statistics. The statistics help the Office of Bar Counsel and the Standing Committee on Lawyer Discipline assess the efficiency of the attorney disciplinary process, discern trends and identify future needs. Reviewing the numbers on a monthly and annual basis is an integral part of the ongoing effort to maintain and enhance the fairness of the attorney disciplinary process. What follows is an overview of the year-end statistics for fiscal year 2000, with comparative information from prior years.

On June 30, 2000, there were 22,720 attorneys active and in good standing to practice law in the Commonwealth of Virginia, compared with 16,912 attorneys as of June 30, 1990. While the number of Virginia attorneys has grown considerably during the past decade, the growth in the number of bar complaints has outstripped the growth in bar membership. In fiscal year 1990, the Virginia State Bar received 1,881 complaints. Last fiscal year, the bar received 3,377 complaints—230 more than the bar received in fiscal year 1999.

The number of disciplinary sanctions imposed each year since 1990 has not kept pace with the rising tide of bar complaints. One hundred sixty-seven sanctions were imposed in fiscal year 1990; 231 sanctions were imposed in fiscal year 2000. Thus, about 9% of the complaints received in fiscal year 1990 resulted in sanctions, while about only 7% of the complaints received in fiscal year 2000 resulted in sanctions.

The decline in number of sanctions imposed is largely due to the continuing increase in the number of complaints dismissed with no action taken, and to the bar's initiation of procedures to resolve complaints outside the formal disciplinary process. Matters dismissed with no action taken range from complaints against judges or other court appointed officials acting in their official capacity, to fee disputes, allegations that a guilty plea in a criminal matter was not voluntary (unless a court set the plea aside), civil disputes with lawyers, and other matters over which the bar has no jurisdiction. Complaints dismissed with no action taken also include complaints that lawyers were rude, employed the wrong strategy in handling a legal matter and/or committed legal malpractice.

In fiscal year 1990, the bar dismissed 663 complaints with no action taken; in fiscal year 2000, 2,272 complaints were dismissed with no action taken. Every complainant whose complaint is dismissed with no action taken is sent a letter explaining why their complaint was dismissed. Last fiscal year, at complainants' request, 467 complaints were reviewed a second time, and some for a third or fourth time, to ensure that the proper procedures were followed, and that dismissal with no action taken was the appropriate disposition under the Rules of the Virginia Supreme Court.

In fiscal year 2000, for the fifth year in a row, the practice of criminal law generated the most bar complaints, followed by family law and personal injury law. The most common complaints in fiscal year 2000 were failure to communicate and general neglect, in that order.

Many neglect and failure to communicate complaints can be remedied if the prospective respondent will adopt a proactive approach and contact the complaining client, or if the prospective respondent and complainant will consent to diversion, whereby a third party helps the lawyer and disaffected client work out their differences. In fiscal year 2000, at Intake Counsel's suggestion, 449 bar complaints were resolved either proactively or through diversion, rather than through the formal disciplinary process.

The Office of Bar Counsel lost three experienced trial attorneys last fiscal year. The average caseload of each trial attorney was 154 new files plus 153 pending files opened in prior years and carried over. In fiscal year 2000, each trial attorney closed an average of 131 files. Since fiscal year 1998, the number of files closed each year has decreased. This trend reflects the steadily growing number of formal complaints assigned to each trial attorney, the increased complexity of bar complaints that survive the Intake process, a backlog in disciplinary investigations, and a recent increase in the number of committee and post-committee trials and corresponding decrease in the number of agreed dispositions.

Trial activity at the district committee and post-committee levels increased dramatically in fiscal year 2000. In fiscal year 1999, there were 31 district committee trials; in fiscal year 2000, there were 51 district committee trials. In fiscal year 2000, there were 22 post-committee trials; in fiscal year 2000, there were 58 post-committee trials. The significant increase in the number of trials was accompanied by a corresponding decrease in the number of agreed dispositions, from 102 in fiscal year 1999 to 87 last year. It remains to be seen whether the trend toward more trials and fewer agreed dispositions will continue. In the short term, the trend means more work for bar counsel.

REPORT
OF THE OFFICE OF BAR COUNSEL

The aspirational timelines adopted by the Standing Committee on Lawyer Discipline provide that no more than 180 days shall elapse from the receipt of a bar complaint until when bar counsel makes a recommendation as to whether the complaint should be dismissed or heard. During the 180 day period, intake counsel reviews the complaint and determines whether it should be opened as a formal complaint. If a complaint file is opened, the respondent has 21 days to respond in writing to the complaint. The complainant then has 10 days to rebut the response or provide additional information in writing. Bar counsel reviews this preliminary investigation and decides whether the complaint should be referred for further investigation. After reviewing the investigative report, bar counsel submits a recommendation as to whether a complaint should be dismissed or heard.

Lack of cooperation can bring a disciplinary investigation to a near standstill, as can delays occasioned by requests for extensions to respond to a complaint, obtain counsel or gather documentary evidence. Such delays, compounded with the increasing number and complexity of disciplinary investigations, have contributed to the increased number of formal cases that do not comply with the 180 day aspirational timeline. This number has increased since the timelines were adopted in fiscal year 1996 from 23.4% to 25.5% of the investigative inventory in fiscal year 2000.

The dues increase, which took effect on July 1, 2000, will allow the Office of Bar Counsel to hire one additional investigator, one additional trial lawyer, an assistant in the Intake Department and an additional assistant ethics counsel. These additions should help staff cope with the yearly increase in the number of bar complaints received, telephone inquiries and formal requests for ethical guidance, UPL investigations, and make a dent in the number of investigations and cases carried over at year-end.

While numbers never tell the whole story, what the year-end statistics do reflect is the tremendous dedication and effort that volunteer lawyers and lay persons, as well as bar staff, devote to the Virginia State Bar's mission of serving the public, the legal profession and the judicial system via the attorney disciplinary process. For more than a decade, Patricia J. Rios, the clerk of the disciplinary system, ably supported the bar's mission. Mrs. Rios resigned at the end of fiscal year 2000. Her remarkable attention to detail, insistence on consistency and extraordinary commitment to the attorney disciplinary process have served the public and the bar well. While Mrs. Rios will be missed, her years of dedicated service have left a lasting, positive imprint on the administration of the attorney discipline system in the Commonwealth of Virginia.

HISTORICAL PERSPECTIVE

	90 FY	91 FY	92 FY	93 FY	94 FY	95 FY	96 FY	97 FY	98 FY	99 FY	2000 FY
Active Membership-IGS	16,912	17,622	18,289	18,948	19,541	20,032	20,713	21,235	21,725"	22,135	22,720
Complaint Files Opened	1,218	1,089	1,295	1,410	1,281	1,044	1,092	941	1,007	1,059	1,076
NAT Complaints	663	899	954	996	1,295	1,450	1,557	2,064	1,953	2,065	2,272
REV Complaints	N/A	14	21	16	23	20	28	28	29	23	29
Total Complaints	1,881	2,002	2,270	2,422	2,599	2,514	2,677	3,033	2,989	3,147	3,377
Complaint Files Closed	1,090	1,136	1,171	1,195	1,315	1,151	1,019	1,019	976	991	919
Sanctions Imposed	167	191	252	266	253	244	248	229	314	263	231
Pleas - District Committee	N/A	62	69	41	66	78	90	66	90	86	70
Pleas - Post Committee	N/A	3	3	12	3	36	19	11	33	16	17
Total Pleas	N/A	65	72	53	69	114	109	77	123	102	87
Dism w/Terms (no agree)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	54	45
Trials - District Committee	124	76	100	49	35	52	36	39	27	31	51
Trials - Post Committee	66	71	106	56	82	45	46	33	32	22	58
Total Trials	190	147	206	105	117	97	82	72	59	53	109
Total Pleas and Trials	190	212	278	158	186	211	191	149	182	155	196
Surrenders with Charges	66	39	48	58	48	51	53	45	93	52	37
Key Events	4/1/90-Clerk's Office created	7/1/90-Subcommittees created; District committees refer to Board directly; Agreed Dispositions (Pleas)	7/1/91-Intake Department created	7/1/92-Surrender to Board w/ or w/out charges; District Committees by judicial circuit, not by congressional circuit	7/1/93-Priority system; Aspirational guidelines implemented	7/1/95-Disciplinary Board enlarged	1/13/97-Diversion process	9/29/99-Reinstatement bond increased to \$3,500. 1/1/00-Rules of Professional Conduct effective.			

NAT = No action taken complaints (includes proactive and diversion cases)
 REV = Complaints filed after a license has been revoked
 Data represents number of cases and not number of respondents
 Committee members prosecuted cases until 1986

CHART 2

STATISTICAL ANALYSIS

Investigation Carried Forward from Preceding Year	1,072
Complaints Received 7/1/99–6/30/00	1,076
Complaints Processed.	919
Complaints Dismissed:	
By Bar Staff	390
By Committee	292
By Disciplinary Board.	6
By Circuit Court.	0
Sanctions (Chart 3)	<u>231</u>
TOTAL	919
Complaints Carried Forward	<u>1,229</u>
TOTAL	2,148

CHART 3

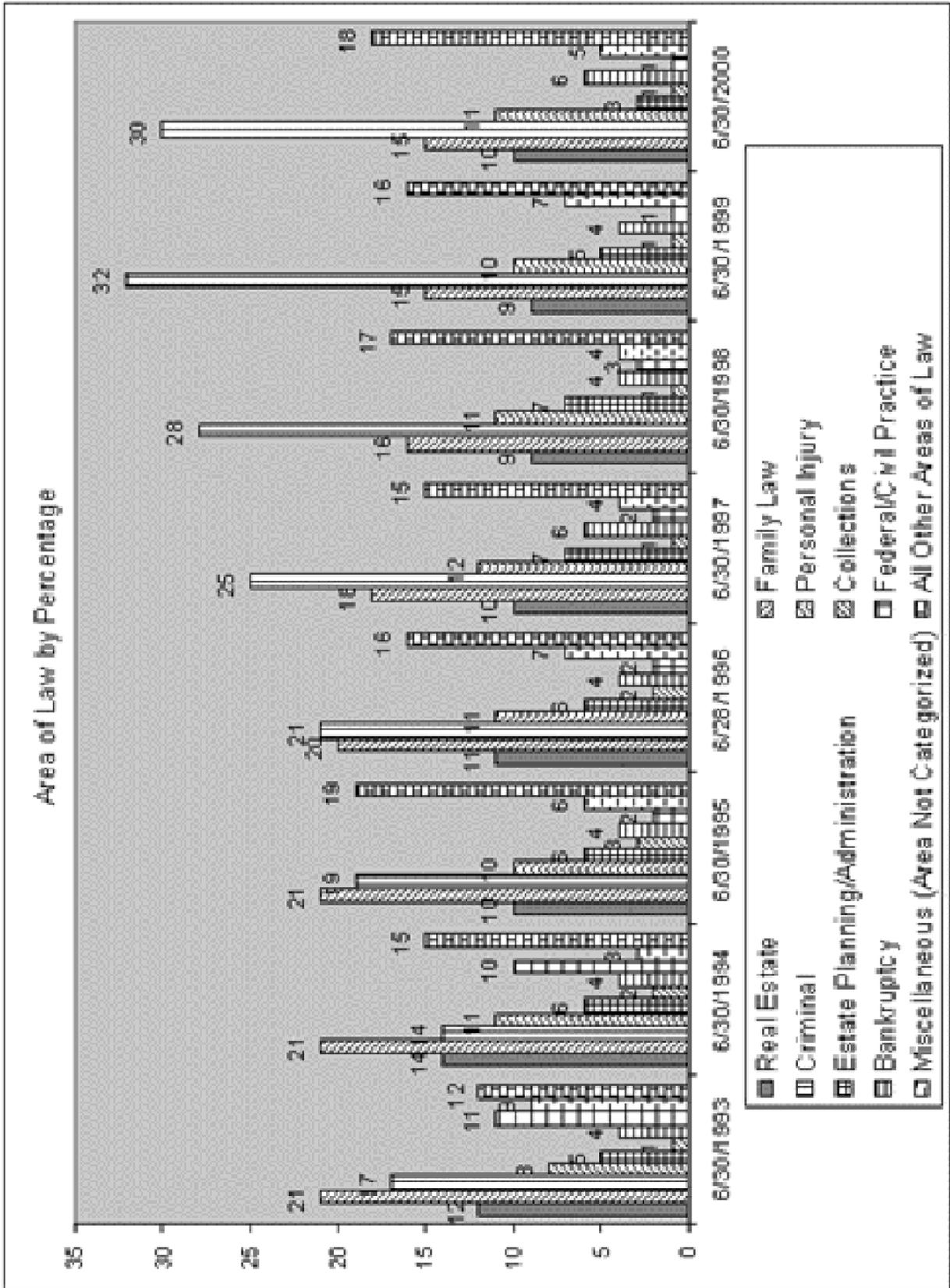


CHART 4

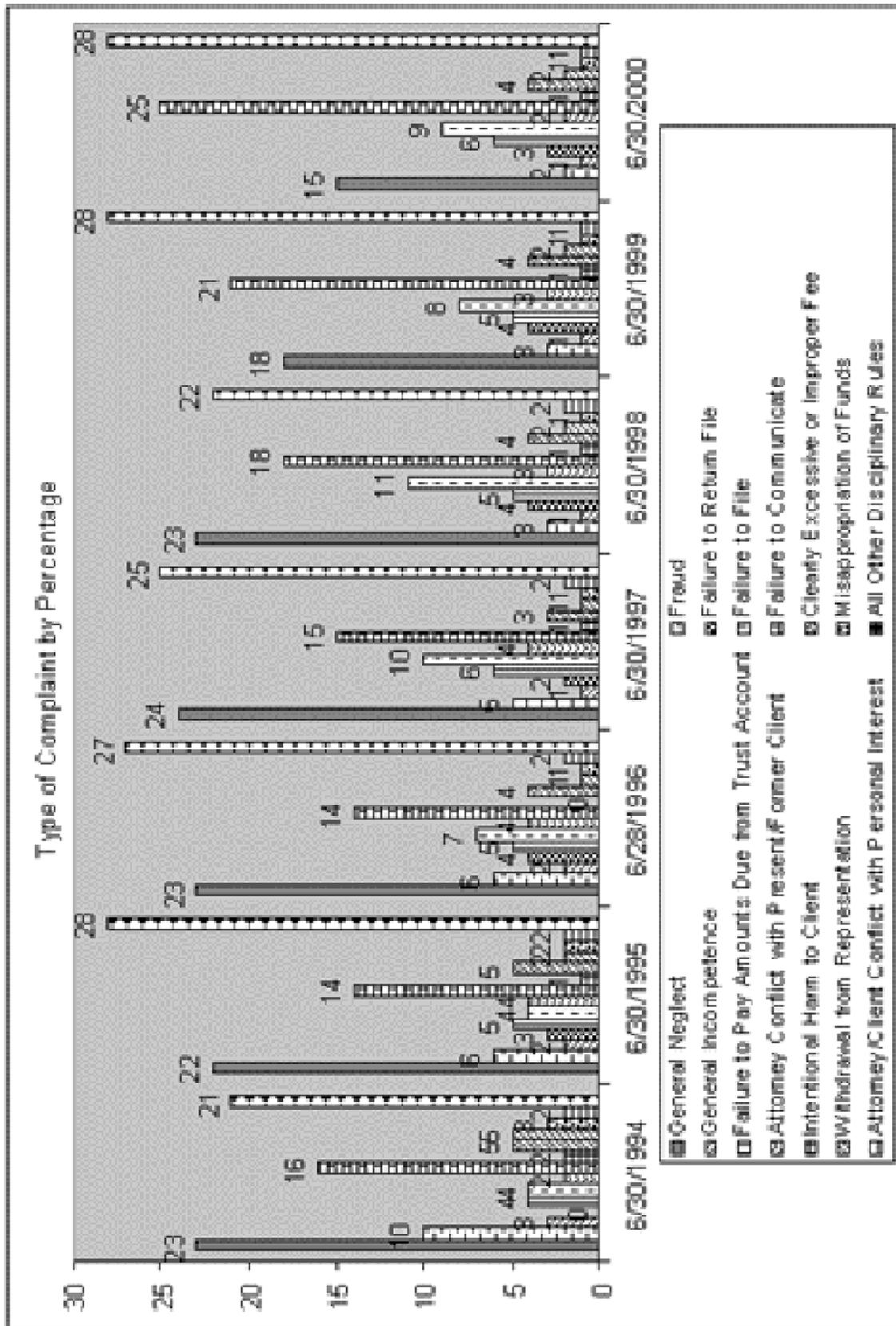
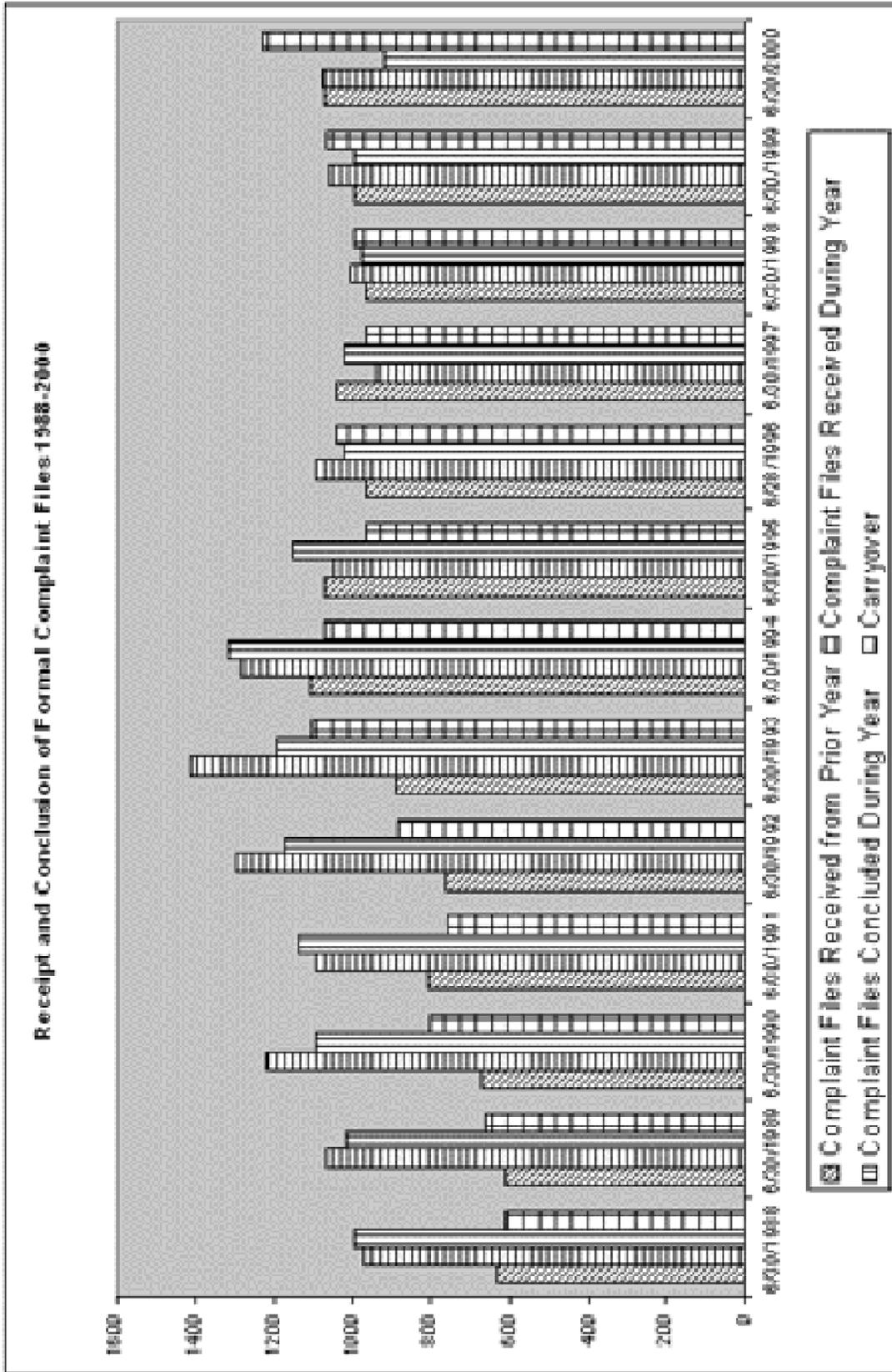


CHART 5



NUMBER OF SANCTIONS IMPOSED

SANCTION	6/30/89	6/30/90	6/30/91	6/30/92	6/30/93	6/30/94	6/30/95	6/28/96	6/30/97	6/30/98	6/30/99	6/30/00
Dismissed Creates Record				35	26	23	23	21	21	15	18	13 ¹
Private Reprimand	23	32	50	42	34	36	39	35	43	60	50	59 ²
Public Reprimand	5	10	20	18	18	23	13	20	18	17	13	23 ³
Admonition				1	--	1	1	2	-	1	3	3 ⁴
Suspension	9	17	18	11	14	16	17	16	14	13	9	12 ⁵
Disbarment	1	3	1	6	7	6	10	4	6	3	3	2 ⁶
Resignation with Disciplinary												
Charges Pending	8	10	10	20	15	13	10	19	18	19	17	14 ⁷
Dismissed with Terms												
Imposed	42	31	45	43	83	70	48	53	54	65	82	60 ⁸
Reinstatement	1	3	3	1	6	1	5	3	-	1	3	2
Total - Attorneys	89	103	146	177	203	189	166	173	174	194	198	188
Total - Cases	125	167	191	252	266	253	244	248	229	314	263	231

¹ This number represents 13 respondents, and 13 cases.

² This number represents 59 respondents, and 62 cases.

³ This number represents 23 respondents, and 24 cases.

⁴ This number represents 3 respondents, and 3 cases.

⁵ This number represents 12 respondents, and 17 cases.

⁶ This number represents 2 respondents, and 13 cases.

⁷ This number represents 14 respondents, and 37 cases.

⁸ This number represents 60 respondents, and 60 cases. b

MINUTES OF THE 62ND ANNUAL MEETING

President John A.C. Keith called the General Session of the 62nd Annual Meeting of the Virginia State Bar to order at 9:00 a.m. on June 19, 1999. He introduced W. Scott Street, III, incoming president, who had been sworn in by Virginia Supreme Court Justice A. Christian Compton at the banquet the evening before.

Report of Council Actions

Mr. Street reported that Council had taken the following actions at its meeting on June 19:

1. Approved amendments recommended by the Committee on Lawyer Discipline to a) increase to \$3,500 the bond required of a person seeking reinstatement after being disbarred; b) permit the Disciplinary Board in reinstatement cases to conduct a criminal record check, increase publicity on the filing of the petition, and allow the board to condition its recommendation for approval of reinstatement on the petitioner obtaining malpractice insurance and/or a bond.
2. Approved and recommended to the Supreme Court of Virginia Legal Ethics Opinion 1723 holding that absent informed consent by an insured party, the lawyer cannot provide billing records and other information to an outside auditor at the request of the insurance carrier.
3. Voted to advise the Court that the bar still feels that UPL Opinion #183 regarding real estate closings remains viable, and should be modified to take into account recent legislation that enables lay settlement agents to close any type of real estate transaction.
4. Received a report from the Mandatory Continuing Legal Education Board recommending a fee for members who do not complete their MCLE requirements by June 30 and increasing the reinstatement fee for attorneys who are repeatedly suspended for non-compliance.
5. Adopted the 1999–2000 budget. Dues will remain at \$169 for active members in 1999–2000.

Election of President-elect Condo

Mr. Street introduced Joseph A. Condo of Vienna who was unopposed in the contest for president-elect. Mr. Condo was duly elected, and thanked bar members for their confidence and for the opportunity to serve.

Tradition of Excellence Award

Mr. Keith presented the recipient of the 1999 Tradition of Excellence Award to Eric V. Zimmerman of Leesburg. The General Practice Section gives the award each year to a lawyer who exemplifies public service.

Fifty Year Awards

Mr. Keith and Mr. Street presented Fifty Year Certificates to all of the honorees who were present for the occasion. They were photographed as they received this special recognition for their service. The entire group was then photographed for the *Virginia Lawyer*.

The meeting was adjourned at 9:40 a.m.

In Memoriam

Frederick A. Babson, Jr., Fairfax
Edgar Bacon, Jonesville
William Malcolm Batts, III, Hampton
Frederick C. Belen, Arlington
Archie Campbell Berkeley, Richmond
Norman Bernheimer, Alexandria
J.A. Billingsley, Jr., King George
Richard E. Blair, Sterling
William R. Breedlove, Portsmouth
A. Austin Bricker, Madison, MS
Gerald Lee Brigrance, Kansas City, MO
Wiley R. Broaddus, III, Martinsville
E. Parker Brown, Richmond
Gerald R. Burlage, Virginia Beach
Royal E. Cabell, Jr., Manakin-Sabot
William B. Carne, Alexandria
William George Carrow, III, Belle Haven
John R. Coyle, McLean
Joseph W. Creagh, Seminole, FL
Dennis Allen Dearing, Towson, MD
Bennie L. Dunkum, Richmond
Ammon Gresham Dunton, White Stone
Hon. Henry D. Garnett, Troy
J. Luther Glass, Richmond
Donald Malcolm Glenn, Rockville
James Waddell Gordon, Jr., Richmond
Alfred A. Greenwood, Arlington
Jack E. Greer, Norfolk
Hon. James L. Guill, Washington, DC
George L. Gulette, St. Augustine, FL
Colin Lee Guy, Palmyra
Algernon Lee Handy, Jr., Arlington
W. Gibson Harris, Richmond
Rosemary Jarvis Hevener, Charlottesville
Alfred L. Hiss, Arlington
Richard A. Hollander, Richmond
William A. Hunt, Newport News
Howard Edward Hurley, Jr., Falls Church
Ellana Causey Johnson, Reston
Harry M. Johnson, Jr., Richmond
Robert Norman Johnson, Richmond
Bertram A. Jones, Raleigh, NC
Paul R. Joyce, Arlington

Michael A. Lagiglia, Virginia Beach
Robert Bolling Lambeth, Bedford
Hon. P.I. Leadbetter, Hopewell
Cabell T. Leckie, Salem
Donald Robert Lee, Richmond
Donald P. Libera, McLean
Frank C. Maloney, III, Richmond
Robert Lee Marshall, Lovingson
Michael Kennett McCabe, Oakton
John N. McCune, Front Royal
Donald Allen McGlothlin, Grundy
Thomas V. Monahan, Winchester
Richard Alan Monteith, Norfolk
Joseph Alexander Moss, Kilmarnock
James Michael O'Neill, Lexington, KY
Louis A. Pawlowski, McLean
Richard F. Pence, Roanoke
David Frankman Peters, Richmond
Reginald Hoffman Pettus, Keysville
Margaret J. Pijor, Fairfax
J. Preston Proffitt, Jr., Duluth, GA
Cary Jacquelin Randolph, Martinsville
David Mark Reizes, Virginia Beach
Charles A. Robinson, Jr., Vienna
Hon. Kermit V. Rooke, Richmond
Robert John Roskovich, Virginia Beach
Richard James Ryder, Annandale
Hon. D.H. Sandie, Portsmouth
Robert A. Scurlock, Norfolk
Robert E. Simpson, Marion
James R. Sipe, Harrisonburg
Downing Lemuel Smith, Charlottesville
Kathryn Joyce Spivey, Providence Forge
Ralph Leslie Thomas, Springfield
C. Wynne Tolbert, Arlington
Stephen Allen Vickers, Chester
Charles K. Watson, Jr., Richmond
John M. White-Hurst, Boydton
Donald F. Wilson, Richmond
T. Foster Witt, Jr., Richmond
Edward W. Wolcott, Virginia Beach
John Grant Wright, Jr., Fairfax
Morton M. Zedd, Richmond

ADMINISTRATIVE LAW SECTION

Edward L. Petrini, Chair

This year, the Administrative Law Section provided timely, informative, and popular CLE programs for those who practice before administrative agencies. Both of the section's primary activities, the National Regulatory Conference and the annual meeting seminar, were well attended and exceedingly well received. Section members and support staff who organized these events, and the attorneys and others who participated in them, deserve our highest praise and warmest thanks.

National Regulatory Conference

On May 8 and 9 in Williamsburg, the section co-sponsored (with the State Corporation Commission and the Marshall Wythe School of Law at the College of William & Mary) the Eighteenth Annual National Regulatory Conference. The theme of the conference — "Customer Choice: Ready or Not Here It Comes" — reflected the immediacy of fundamental changes now occurring in the electric, natural gas, and telecommunications industries as new companies begin to enter formerly monopolized markets and customers begin to choose among suppliers of essential services. The conference ranged from a "big picture" presentation by keynote speaker Leonard S. Hyman, a well known industry analyst at Salomon Smith Barney, Inc., to lively panels on recent industry restructuring experiences outside Virginia; the recent wave of mergers and acquisitions; antitrust and market power; and the formidable, technical challenges of systems integration among the new market participants. This year, the conference also featured a panel for lawyers (also attended by many clients) on ethical issues raised by the transformation of these industries. More than 130 attorneys, regulators, and industry representatives attended the conference.

Annual Meeting CLE Seminar

The section continued its practice of presenting CLE seminars at the annual meeting of the state bar in June. This year's program addressed increasingly contentious and complex issues related to the confidentiality of information in the regulatory context. Panelists explored the application and impact of traditional rules and recent rulings regarding discovery and, more generally, access to and use of commercially sensitive and private information by regulators and public and private parties. Panelists included attorneys that represent the Commonwealth, incumbent utilities, and new entrants.

Additional Activities

The section continued its participation in the state bar's Technology Task Force, which is considering issues related to the impact of information and communications technology on the practice of law. The section also published the *Administrative Law News* and conducted its liaison activities with the Virginia Administrative Law Advisory Committee and the Virginia Association of Administrative Law Judges and Hearing Officers (now the Virginia Administrative Hearing Officers Association). Finally, the section coordinated with the American Bar Association's Section of Administrative Law and Regulatory Practice to publicize conferences sponsored by the two sections.

Organizational Matters

At its business meeting during the annual meeting of the state bar, the section elected the following new officers: Kodwo Ghartey-Tagoe, chair; James P. Guy, II, vice-chair; and Alexander F. Skirpan, Jr., secretary. The section also elected Mr. Skirpan and Brian L. Buniva to the board of governors. Anthony J. Gambardella, Jr., immediate past-chair, stepped down after distinguished service. The board will miss his wise counsel and his many contributions to the section's activities.

ANTITRUST, FRANCHISE AND TRADE REGULATION

R. Hewitt Pate, Chair

The Antitrust, Franchise, and Trade Regulation Section enjoyed the atmosphere of increased interest in antitrust matters that came with frequent news coverage of the Microsoft case. The section was responsible for several programs and articles during the year.

As usual, the high point of the year was the section's program at the annual meeting in Virginia Beach. Together with the Health Law Section as a co-sponsor, the section presented "When the Government Knocks: Surviving Federal Criminal Investigations." The panel explored practical and ethical issues that must be addressed when clients find themselves the subject of a criminal investigation. This has been an area of special interest for health care lawyers as Medicare enforcement and antitrust scrutiny have intensified in recent years. Eliot Norman was a key contributor to organizing this panel.

The section was pleased this year to sponsor the October issue of the *Virginia Lawyer* on the topic of "Distribution Law—A Merger of Disciplines." Several section members contributed articles for this issue. R. Scott Caulkins wrote "Is Your Client's Distributorship a Franchise?" This article provided practical advice on how to determine whether a client's activities are likely to qualify as franchising, and thereby become subject to significant regulations. Immediate past chair, Francis H. Casola contributed "Sorry, But E-commerce is Not Exempt from the Antitrust Laws." Chip's article pointed out that while many Internet entrepreneurs give little thought to antitrust, the mechanics of distribution and advertising over the Internet can give rise to traditional antitrust concerns. Stephen E. Story contributed an article on "Distributor Terminations." This is an area of continuing interest to section members and other lawyers, particularly as large damages awards to terminated distributors have grown. Finally, Gregory T. St. Ours authored "Distribution Policies: Choosing a Course for Manufacturers." Greg offered practical advice for legal "risk management" in distribution.

Once again James Creekmore turned in a stellar performance running the section's newsletter. He deserves great credit for continuing to produce a timely publication including information that is useful and interesting for the membership.

Among potential projects for 2000–2001 year are work on the section's Web page, and perhaps a revision of the comprehensive digest of antitrust cases prepared by the section a few years back.

The new section officers elected at the June 1999 meeting were: R. Hewitt Pate, chair; Stephen E. Story, vice-chair; and James R. Creekmore, secretary and newsletter editor.

BANKRUPTCY LAW SECTION

Helen P. Parrish, Chair

The Bankruptcy Law Section enjoyed an active and productive year for the year ending June 30, 2000. Last year the section began implementation of a recommendation made by its long-range planning committee that called for production of video presentation for Chapter 7 debtors. This year saw completion of the video, produced by the School of Continuing Education at the University of Virginia. The school's video production department worked closely with section members to create a dramatic presentation entitled, "Chapter 7, *Your Rights and Responsibilities*." Along with the grant from the Virginia Law Foundation, the video was completed, in part, by a grant from the Bankruptcy Section of the Virginia Bar Association. It is expected that the video will be shown to each Chapter 7 debtor as part of the meeting of creditors. The section would like to thank W. Clarkson McDow, United States Trustee for Region 4, for providing advice and guidance during the production process and for his efforts to ensure that the video would be shown as recommended by the committee.

This year was Rebecca B. Connelly's first full year serving as editor of the *Bankruptcy Law News*, the section's quarterly publication. This publication continues to enjoy a fine and well-deserved reputation, producing many fine articles addressing current issues in bankruptcy law and news items of interest to bankruptcy practitioners. One new feature initiated by Rebecca and her committee this year is a presentation in each issue by one of the bankruptcy judges serving in the Commonwealth. Such participation will certainly prove a valuable resource for all members of the section.

The Bankruptcy Law Section Web site underwent substantial change this year. Working with the managers of the VSB Web sites, Professor A. Mechele Dickerson completely reworked and updated the section's Web site. Members and others are now able to access the minutes of recent board meetings, highlights of articles appearing in the *Bankruptcy Law News*, a calendar of upcoming events, and links to other sites. Mechele has kindly agreed to continue management of the Web site for the section.

The Bankruptcy Law Section continued its work with Virginia CLE, planning and supplying speakers for Virginia CLE's presentation of its annual bankruptcy law fundamentals seminar. This year's seminar, "Hot Topics for the New Millennium — Chapter's 7 & 13," was well attended at each live presentation. Video presentations were later available at locations around the state.

The section's annual meeting took place, as always, in Virginia Beach, Virginia, in conjunction with the VSB annual meeting. The section's educational program was prepared and given in joint effort with the Business Law Section. The program, entitled "The Revisions to Article 9 of the UCC and Their Impact on Business and Bankruptcy Practice" enjoyed a large and attentive audience. The program outlined the very substantial changes to the Uniform Commercial Code that will become effective in calendar year 2001.

Members of the section elected Debera F. Conlon, Assistant United States Trustee for Region 4, as a new member to the board of governors. Elected to second three-year terms were Benjamin C. Ackerly, Rebecca B. Connelly, and Dale A. Davenport. Dennis T. Lewandowski's second term expired at the end of the year. Dennis served as chair for year ending June 30, 1998, preceded by service as vice-chair and secretary. Dennis served on the board for six years; his leadership and hard work on behalf of the section was exemplary. Officers for the coming year are: chair, Benjamin C. Ackerly; vice-chair, Donna J Hall, and secretary, Michael A. Condyles.

BUSINESS LAW SECTION

Frank E. Brown, Jr., Chair

Y2K did not bring the business world to a grinding halt as many had predicted. On the contrary, it heralded a sea of change in the way businesses operate, a change of which all business lawyers must be aware and prepared to cope with. This change carries the general rubric, "E-Commerce." By now, we're all probably sick of hearing about it, but we'd better get used to it. Like it or not, business transactions are fast moving from the paper to the electronic medium, and it affects all of us.

Two major developments were the submission to the states of the Uniform Computer Information Transactions Act (UCITA) and the Uniform Electronic Transactions Act (UETA). All signs indicated that the Virginia General Assembly would probably adopt both statutes in its spring 2000 session (which, in fact, it did), and so the Business Law Section concentrated much of its Advanced Business Law Seminar in November, 1999 to an explanation of UCITA and UETA. Fortunately, we were able to persuade Connie Ring, chair of the drafting committee of UCITA, to present the details of the Act. Another essential aspect of that program was a presentation on computer software that business lawyers should have in order to effectively compete.

The Spring Annual Business Law Seminar was likewise devoted to E-Commerce, highlighting different issues from those discussed in November. The section has taken the lead in educating the bar on the varied aspects of the new cyber-business and the attendant digital signatures, electronic filing of documents and electronic contracting, and will continue to do so.

Thanks to Tom Hicks, the section now has an operational Web site. Jim Hale has taken on the task of Webmaster, and we have arranged for several prominent experts in various fields of business law to contribute to "forums" to provide up-to-the-minute information in this changing environment. We also contemplate establishing links with various state agencies, such as the Library of Virginia and the State Corporation Commission so that the bar can have immediate access to critical information and documents.

The year has been a productive one in laying the groundwork for providing information on the new way in which all of us will conduct at least a part of our business. The coming year will see an implementation of that foundation so that the Business Law Section can become interactive with the entire bar.

CONSTRUCTION LAW AND PUBLIC CONTRACTS SECTION

Robert K. Cox, Chair

At the outset of the 1999–2000 term, the section's board of governors set three goals for the year: (1) increasing section membership, (ii) completing the overhaul of the section's *Handbook and Reference Manual* and (iii) increasing interaction between section members and the board of governors. I am pleased to report that each of the goals was met. Section membership increased with 63 new members, a growth of 11 percent. The overhaul of the section's *Handbook and Reference Manual* was completed and the new handbook in CD format is ready for distribution to all section members. Improved interaction between the section's board of governors and section members was achieved by having the section hold its first reception for the board and section members as part of the section's annual Fall CLE seminar as well as periodic correspondence during the year from the chair to all section members.

Looking back, one of the year's highlights was the 20th Annual Construction Law and Public Contracts Seminar held on November 5–6, 1999, at the Boar's Head Inn in Charlottesville. The seminar included twelve hours of CLE credits, including two hours of ethics. Headed by D. Stan Barnhill, the section's seminar committee put together a series of presentations on contemporary topics in construction and public contracts law. In recognition of the section's twentieth anniversary, several of the seminar topics were presented by former section chairs. There was also a reception and dinner for the section's former chairs, as well as announcements and displays during the seminar acknowledging the section's anniversary and recognizing the former section chairs. There were 118 attendees at the Fall seminar, the highest number in several years.

The section also conducted its Spring workshop at the annual meeting of the Virginia State Bar on June 16, 2000. The one and one-half hour workshop was on "Novel Theories Utilized in Construction Litigation" and included an ethics presentation by Barbara Ann Williams, Esq., bar counsel.

It was also a busy year in terms of section publications. The October 1999 issue of the Virginia State Bar's *Virginia Lawyer* was dedicated to construction and public contract law, and included five (5) articles on current issues. Joe West and Billy Mauck, co-editors, coordinated and had issued the section newsletter for Fall 1999 and Spring 2000.

I am also pleased to report the completion of the section's new *Handbook and Reference Manual*. The handbook includes all Virginia construction law decisions through October 1, 1999. All case summaries have been reviewed and edited, a new, user-friendly index is included, and the handbook is now in CD electronic format. Although completed in June 2000, budget restraints precluded distribution to all section members until after July 1, 2000. The handbook editors, Chris McAnney and Tim Hughes, expended untold hours in compiling, editing, summarizing and indexing the cases for the handbook.

Effective July 1, 2000, the new section officers are: William L. Thurston, Richmond, chair; John S. Norris, Jr., Virginia Beach, vice-chair; and Terrance Murphy, Norfolk, secretary. New members elected to the section's Board of Governors are Richard F. Smith, Vienna; Charles Durant, McLean; and William A. DeVan, Richmond. The new judicial member is the Honorable Arthur B. Vieregg, Jr., Fairfax.

CORPORATE COUNSEL SECTION

Donald A. Fickenscher, Chair

The Corporate Counsel Section engaged in many of its traditional activities during the last year, participated in some new ones, and continued to focus on issues critical to the interests of corporate attorneys, and all practitioners, as we enter the next millennium.

Among the Section's traditional programs, our Law School Writing Competition again generated a high-quality product: "Fighting the Age Bias: How to Protect and Defend Your Company Against Age Discrimination Claims," submitted by Jeffrey Yeates of The College of William and Mary's Marshall-Wythe School of Law. The article is excellent — well researched, well written, and of practical interest to corporate counsel, and lawyers generally.

One of our roles as a section of the Virginia State Bar is to encourage and facilitate communication that leads to understanding, and the section sponsored a number of events and was involved in a number of initiatives designed to fulfill that role. The section continues to develop a communications tool on the VSB Web site (www.vsb.org), and we recently launched a "list-serve" service for section members through VIPNET that will be generally available shortly.

In April, the section cosponsored with the International Practice and Business Law sections a luncheon in Richmond featuring Attorney General Mark L. Early, who discussed legal issues impacting e-commerce and Virginia's expanding technology-related business community. More than 100 people attended.

In May, we continued our tradition of conducting regional luncheons, an increasingly popular event for our members and prospective new members. More than 60 people attended in Norfolk, McLean, and Richmond, where the luncheon was held jointly with the Corporate Counsel Section of the Richmond Bar Association.

Later that same month, we participated in the sponsoring of the 12th Annual International Business Law Seminar in Williamsburg presented by Virginia CLE for the International Practice Section, entitled *Current Issues in International Trade and Corporate Compliance*, with over 60 attendees.

The capstone of our year was the section's presentation in June at the VSB's 62nd Annual Meeting of a showcase program cosponsored by the International Practice and Tax sections, the Professionalism Committee, and the section on the Education of Lawyers: "Multidisciplinary Practices (MDPs): A New Paradigm for the Delivery of Legal Services?" I'd like to thank Dan Maller and Darragh Davis of our Board of Governors for their hard work in developing this exciting program.

Three new governors were elected to the board of the section at the VSB Annual Meeting in June. With this annual "renewal," the incumbent members of the board look forward to the upcoming year with renewed enthusiasm as fresh perspectives are added to the deliberations of a body actively engaged in the activities and interests of corporate lawyers in the Commonwealth.

CRIMINAL LAW SECTION

Melinda Douglas, Chair

The Criminal Law Section enjoyed a very successful year in 1999–2000. Despite widespread concern about Y2K potential for disaster, section activity continued with no problems.

Board members served on two significant task forces this year. One was the Jury Reform Task Force convened by Chief Justice Carrico. The other was the Task Force to Study the Issue of an Insanity Defense for Juveniles, organized by the Virginia Bar Association at the direction of the General Assembly. Both task forces spent many hours creating recommendations and final reports which were well reasoned, comprehensive and thought-provoking. Those reports are expected to serve as the impetus for positive changes in Virginia law and procedure over the next few years. The board also voted to support a proposed rule change to permit delayed appeal in criminal cases by motion. The board viewed this proposed rule as a significant improvement in the efficient administration of justice.

Again this year, 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. While we were sad to lose the leadership of Dennis Dohnal, who became a United States Magistrate Judge this year, the section will continue in the future to have its representative take a leadership role in the coalition that has developed to address the issue.

Under the leadership of Board Secretary, Toby Vick, the section again produced its WCVE-TV program, “Justice on Trial,” on racial bias in the criminal justice system. The program was informative, lively and thought-provoking.

In February the section conducted its annual criminal law seminars in Williamsburg and Alexandria. The seminars were, as always, a great success in terms of the number of participants and the quality of the programming. Each year attendees describe the program as “the best of its kind,” “it only gets better,” etc. This year was no exception. In Williamsburg we were fortunate to have Judy Clarke, federal defender in Washington and counsel for Susan Smith and Ted Kazinski. Ms. Clarke entertained participants with remarks that were both inspiring and amusing. In Alexandria, the seminar featured attorney Jacob Stein, co-counsel for Monica Lewinsky and nationally respected trial attorney, who delighted the audience with his anecdotes and thought-provoking comments. Ron Bacigal provided his annual update on Criminal Law and Procedure, guaranteeing a full house at even the earliest morning session at each location. Professor Bacigal’s presentation is always a do not miss lecture. The audience at both locations also learned about the new 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 even learning ethics entertaining.

At the Williamsburg location, Justice Carrico presented, on behalf of the board of governors, the section’s distinguished Harry L. Carrico Professionalism Award to the Honorable Paul Sheridan, Chief Judge of the Arlington Circuit Court. 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 to the administration of justice in Virginia. Judge Sheridan is certainly a deserving honoree.

In June, at the state bar annual meeting, the section presented a CLE program featuring a panel discussion on the impact of the *Baker* decision in a variety of contexts. Participants heard from trial and appellate counsel for the defense and the prosecution, as well as from the Attorney General’s office and the Circuit Court bench. Attendees shared questions, dilemmas and ideas with panelists during a lively question and answer period following the panelists’ presentations.

At the business meeting, members elected James Willette to chair the section for 2000–01. Also elected were Toby Vick as vice chair and James Broccoletti as secretary. New members elected to the board were: David Barger from Alexandria, Lynwood Gregory from New Kent, and the Honorable Nolan Dawkins to fill the seat vacated by the Honorable Richard Taylor.

The section is greatly indebted to Professor Robert E. Shepherd, Jr. of the T.C. Williams School of Law who edits and produces the section newsletter. Each issue provides enormously useful case summaries and updates on future CLE programs and section activities.

It was a great honor to serve as chairman of the Criminal Law Section this year. I must thank Bet Keller and her talented staff for their invaluable assistance and support this past year. Their efforts are essential in insuring that the section’s goals are met. All of our successes are in great measure attributable to their efforts, ability and dedication.

EDUCATION OF LAWYERS SECTION

Robert C. Wood, III, Chair

The Section on Education of Lawyers continued in its mission to provide a forum for integrating the bench, bar and academia to improve the legal system in Virginia. Together with the Standing Committee on Professionalism and the International Practice, Corporate Counsel, and Taxation sections, our section sponsored a CLE program on multi-disciplinary practice (MDP) at the VSB Annual Meeting in Virginia Beach in June, 2000. This program attracted an overflow audience. All participants in the program were informed about the difficult issues that have risen with the emergence of the MDP, and the program was balanced and brought into focus the responsibilities of the VSB to resolve the MDP dilemma.

Our section and the Standing Committee on Professionalism presented a course on professionalism to first year law students at the University of Richmond and Washington & Lee. The programs were organized by Judge Waugh Crigler and George Mason Law Professor, Michael I. Krauss. While the attendance was voluntary, both sessions were well attended, and the evaluations from the students confirmed that the program was a success. The section plans to continue these programs this year and we plan to present our professional course at all law schools.

Under the leadership of University of Richmond Professor Margaret Bacigal, our section continued to publish three newsletters of outstanding quality. Margaret has retired, and I say to Margaret, "Thank you. Your contributions to our section are immeasurable, and your leadership and good spirit have been a source of strength to our officers and members." Professors Lynn Marie Kohn and Eric DeGraff, from Regent Law School have agreed to co-edit the newsletter for the next year.

Our section continues to receive financial support from the six accredited Virginia law schools, all of which contribute to our annual operating budget. Professor Graham Lilly, together with Dean Taylor Revelry and Bill Rakes also undertook an effort to seek contributions from certain law firms in the state. I want to thank Hunton & Williams, McGuireWoods, and Gentry Locke Rakes & Moore, for their generous support of our section. The section plans to continue this effort in the coming year, and hopefully, will expand the number of law firms who agree to make a contribution to the section's 2000-2001 operating budget.

At the business meeting held at the annual meeting in June, the section re-elected the following slate of officers:

Robert C. Wood, III, Lynchburg	Chairman
Judge R. Terrence Ney, Fairfax	Vice Chairman
Professor Michael L. Krauss, George Mason	Secretary

In addition, the following new board members were elected to three year terms: Edward B. Lowry of Michie, Hamlet, Lowry, Rasmussen & Tweel, Charlottesville; Judge Cleo E. Powell, Chesterfield Circuit Court; Professor James Ryan, University of Virginia School of Law, Charlottesville; U.S. Magistrate Judge Pamela Meade Sargent, U.S. District Court for the Western District of Virginia, Abingdon; Professor Joan M. Shaughnessy, Washington & Lee University School of Law, Lexington; George A. Somerville, Mays & Valentine, Richmond; Judge Clifford R. Weckstein, Twenty-Third Judicial Circuit, Roanoke; and Dean David F. Partlett, Washington & Lee University School of Law, Lexington.

I want to express my appreciation to all members of the committee for their support of the programs, which, I believe, have contributed to the mission of our section. I have organized this section into eight standing committees:

Admissions to the Bar	Fundraising and Law Firm Contributions
Annual Meeting Planning	New Projects
Future Conclave Planning	Newsletter
Education During Law School	Nominating Committee

I look forward to continuing to serve the section in the coming year.

ENVIRONMENTAL LAW SECTION

Mary-Ellen Kendall, Chair

The accomplishments of the Environmental Law Section during Bar Year 1999–2000 were:

1. **Published the Environmental Case Compendium.**
As a benefit to the membership, the section published a compendium of Supreme Court, Fourth Circuit, Eastern and Western Federal District Court, and Virginia state court decisions of interest to environmental law practitioners.
2. **Conducted a Virginia Environmental Law Update seminar which provided members with four hours of CLE.**
The seminar focused on the latest developments concerning the NOX SIP call, TMDLs, Safe Drinking Water Act, underground and above-ground storage tanks. It also included a review of environmental legislation passed by the 2000 General Assembly. Speakers at the seminar came from the Department of Environmental Quality and the State Health Department.
3. **Published the Environmental Law Newsletter.**
The section published a newsletter that contained articles written by the *Environmental Law Digest* staff from Washington and Lee University and section members.
4. **Established a Pro Bono Committee to provide assistance on environmental issues.**
The section created a board committee and drafted bylaws.
5. **Conducted a Chesapeake Bay Protection Overview seminar at the VSB annual meeting in Virginia Beach which provided members with two hours of CLE.**
The seminar provided a discussion on regulations pending before the State Water Control Board and on the impact of wetlands legislation passed by the 2000 General Assembly.

FAMILY LAW SECTION

David D. Masterman, Chair

The 1999–2000 period was one of transition for the Family Law Section. With the guidance of its board of governors and important contributions from committees, the process of redefining the section’s mission has continued. Education has become the principal emphasis of the section. Whether working closely with Virginia CLE or presenting its own program at the June bar meetings in Virginia Beach, the section identified areas of interest to family lawyers in Virginia and presented expert analysis of the issues. The Advanced Family Law seminar presented in May, 2000 focused on the case of the divorcing millionaire couple. The section was again selected to present a program at the November, 1999 midyear conference (and will again present a program at the November, 2000 midyear conference).

The education efforts of the section were not restricted to the conventional CLE format. Distribution of the “Spare the Child” videocassette continued, with ongoing praise for this project, made possible with a grant from the Virginia Law Foundation. This video presentation, which features judges, lawyers, and mental health professionals describing the value of finding common ground in custody disputes for the sake of the children, has become a mainstay in many Virginia court systems. Several popular brochures, including *Divorce in Virginia*, were updated for distribution to the public, while work continues on updating and republishing the *Financial Issues in Divorce* booklet, that has been unavailable for several years.

The section’s interest in changing information technology blossomed as the Technology Task Force, brainchild of the prior board, became an independent, fully-realized committee within the bar. In addition, the section has made great strides in identifying the proper content and services to include in the section’s Web site.

Work with law schools around the state continued in an effort to be sure that the next generation of lawyers includes outstanding family law practitioners. Law students continued to volunteer for the section’s Legal Research Guild, that stands ready to assist the board by locating information necessary for the board to fulfill its obligations to members of the section and to the General Assembly, when asked.

This year’s recipient of the section’s Lifetime Achievement Award was presented to Larry Diehl. While nobody envisions Mr. Diehl to be approaching the end of his lifetime, his achievements in a comparatively few years easily warranted this recognition.

Richard and John Crouch continued their service to the section by preparing and editing the quarterly newsletter.

As the year ended, the board’s composition changed as new members arrived, those completing terms departed, and new officers were elected. The officers for the 2000–2001 term will be Terrence Batzli, chair; Torrence Harman, vice-chair; and Susan Hicks, secretary. In addition, new board members are Annie Lee Jacobs of Charlottesville, William Wood of Richmond, and the Hon. Roy B. Willett of Roanoke.

GENERAL PRACTICE

by Jeffrey L. Galston, Chair

During the past year, the General Practice Section enjoyed a very exciting year. Among the highlights of the year have been:

1. Produced several outstanding newsletters highlighting a number of law practice management issues.
2. Co-sponsored the First Day in Practice Seminar in conjunction with the VSB Young Lawyers Conference.
3. Co-sponsored a CLE workshop at the VSB annual meeting, June 16, 2000 with the Trusts and Estates Section.
4. Presented the section's Fourteenth Annual Tradition of Excellence Award to Ebb H. Williams, III.
5. Inducted a number of outstanding new board members who will continue our own tradition of excellence in representing the solo, small firm and general practice practitioner.

I look forward to working with the new board, ably lead by Wanda Yoder, Evan Farr and Carol Gravitt.

HEALTH LAW SECTION

Mary C. Malone, Esquire, Chair

The Health Law Section of the Virginia State Bar accomplished much in the past year. Our section remains dedicated to education of health care lawyers. Last month, Susan Ward graciously agreed to present what has become the section's annual Health Law Legislative Update at the Virginia Hospital and Health Care Association in Richmond. The program was, as always, very informative, providing an up-to-date summary of the new health law legislation which may affect various health care providers in Virginia. We thank Susan for her time and talent. We also greatly appreciate the efforts of Tom Stallings, past chair of the section, who helped organize and obtain CLE credit for the program.

Serving as secretary for the Health Law Section's board of governors and as editor of *Health Law News*, Jim Daniel made great contributions to our section this year. Last year, Jim spent many hours researching the feasibility and options for a section Web site. This year, thanks to Jim's continued work on this project, the Health Law Section Web site is a reality. We have received a lot of positive feedback on the Web site and encourage all members to use the site and offer suggestions for additions or improvements.

We thank Jim for putting together a great newsletter for our section. Two editions were published on our Web site this year. Members are encouraged to contribute articles to future editions of the newsletter. In addition, requests for articles that members would like to see in *Health Law News* can be forwarded to Tom Brown, the newsletter editor for the coming year.

Bruce Stockburger's service as the vice-chair of the section's board of governors throughout the past year was greatly appreciated. Bruce was responsible for putting together this year's VSB Annual Meeting program. Our section co-sponsored a program with the Antitrust, Franchise & Trade Regulation Section, entitled "When the Government Knocks: Surviving Federal Criminal Investigations." The program offered 1.5 hours of CLE credit with 0.5 hours of Ethics credit (pending) and was well-attended.

The Health Law Board of Governors met five times this year including the meeting at the VSB Annual Meeting in June. New officers and members of the board were elected for the 2000-2001 term as follows:

New Members

Dorthula H. Powell-Woodson
Miller & Chevalier, Chartered
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James M. Daniel, Jr.
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Our appreciation goes out to Bet Keller for all of her support as our section liaison for the VSB.

INTELLECTUAL PROPERTY LAW SECTION

Eleanor K. Meltzer, Chair

1999–2000 was an exceptional year for our section. We revitalized the section Web site, at <http://www.vsb.org/sections/ip/index.htm> and produced three editions of the section newsletter, the *Newsline*.

Web site

Thanks to the efforts of board member and Webmaster John Farmer, the section Web site is now an up-to-date tool for communication with section members and the world at large.

Newsline

Officer and editor Chad Wieland produced three editions of our section newsletter, each containing topical information of interest to the IP community.

The section continued its “trademark” tradition of providing outstanding CLE programs in the field of intellectual property. This year saw an exceptional number of high-quality offerings, starting September 10–11, 1999, with the Fall Weekend CLE Seminar titled, “The Four Commissioners and the Judge.” Over 65 attorneys attended this successful and informative seminar under the blue skies of Virginia’s Wintergreen Resort.

Two spring seminars followed. The first, titled “Implementation Prospectives of the U.S. Patent and Trademark Office on the American Inventors Protection Act of 1999,” was held on April 18, 2000, at the National Center for Technology & Law (George Mason University School of Law.) The second spring seminar titled, “Risk Management of Professional Responsibility Issues Unique to Patent Practitioners,” was held on May 2, 2000, also at the National Center for Technology & Law. An important aspect of this second program was the fact that we requested 2 hours of Ethics Credit from Virginia CLE. Both programs enjoyed huge attendance.

The specialty subject matter of the spring seminars was in keeping with the section’s dedication to providing timely, practical CLE programs on issues of importance to IP practitioners.

In addition to these programs, the section co-sponsored several lunchtime seminars with the Patent, Trademark and Copyright Section of the DC Bar Association.

At the 2000 annual meeting in Virginia Beach, Chair-elect Mary Dalton Baril organized a fascinating CLE program on the subject of “Web site Audits.” The audience participated in the interactive program, issue-spotting problems on a hypothetical Web site.

At its May 16th meeting, the Nominating Committee submitted the following nominees for the 2000–2001 term:

Officers:

Mary Dalton Baril, chair
Stephen E. Noona, chair-elect
Charles F. Wieland, III, vice-chair
Lee Kump, secretary

Board of Governors:

Stephen P. Demm
Cynthia C. Lynch

Ex Officio:

Edward Pennington

This slate of nominees was unanimously elected at the 2000 annual meeting.

INTERNATIONAL PRACTICE SECTION

Robert G. McElroy, Chair

During this year, the International Practice Section undertook a number of projects towards our goal of supporting lawyers in Virginia who practice international law.

Advanced Business Law Seminar

On November 4–5, 1999, the section joined with the Business Law Section in co-sponsoring the Advanced Business Law Seminar at the Tides Inn in Irvington, Virginia. The program was entitled “What Lawyers Need to Know in the Next Millennium” and included a presentation on legal issues relevant to international law practitioners.

International Law Writing Competition

Beginning this year, the section joined with the University of Richmond in sponsoring an international law writing competition. The competition was open to all students enrolled in law school in Virginia. Letters promoting the program were mailed to designated professors at Virginia’s law schools. The program was successful, with the first place prize of \$1,500 being awarded to E. Brooke Brinkerhoff, a third year law student at the T.C. Williams School of Law.

Spring Business Luncheon

Continuing the tradition established in prior years, the section sponsored a luncheon focused on emerging legal issues in Virginia. This year, the section was honored with a presentation by Attorney General Mark Earley, who discussed legal issues impacting e-commerce and Virginia’s expanding technology-related business community. The luncheon was held on April 13, 2000, in Richmond and benefited from the attendance of over 100 Virginia attorneys.

Twelfth Annual International Law Seminar

On May 19, 2000, the section held its Twelfth Annual International Law Seminar, co-sponsored by the Corporate Counsel Section and Virginia CLE. The section annually recruits speakers of the highest quality for this major conference, which was held at the Cascades in Williamsburg. The seminar was entitled, “Current Issues in International Trade and Corporate Compliance,” and covered topics ranging from international e-commerce, the Foreign Corrupt Practices Act, foreign arbitration, and global environmental regulation. In addition, a special segment focused on cost-effective legal research for international practitioners. The luncheon speaker was Patrick A. Mulloy, assistant secretary with the International Trade Administration. Mr. Mulloy spoke on current issues being considered by the U.S. Department of Commerce, including the Anti-bribery Convention, the status of China PNTR, the FTAA negotiations, and the FSC case in the World Trade Organization. The program provided 6.5 hours of CLE and received very strong evaluations from attendees.

Annual Meeting

At the VSB Annual Meeting held on Saturday, June 17, 2000, the section co-sponsored a CLE program on “Multidisciplinary Practices (MDPs): A New Paradigm for the Delivery of Legal Services.” The presentation included a panel discussion of the various legal issues to be considered in the delivery of legal services, and benefited from strong participation by a large audience.

Section Newsletter

Under the editorial direction of Robert Merhige, III as co-chair of the section’s newsletter committee, the section published a 64-page journal containing various legal articles, including submissions on WTO litigation, maritime commerce, the H-1B temporary worker program, and other matters of interest to international law practitioners.

Directory of Foreign Attorneys

Based on nominations from section members throughout the Commonwealth, the section published the Third Edition of its *Directory of Foreign Attorneys*. Information concerning attorneys in 60 countries around the world is included in the directory. The name of the Virginia attorney who nominated the foreign attorney is also included in the directory. This publication provides Virginia practitioners a resource to identify foreign attorneys that are available to assist on international matters, along with the name of the Virginia attorney to be contacted for background information and related references. This has proven to be a valuable resource to section members.

The section also carried on routine business and made plans for the continuation of these successful programs into the next year. In summary, the section enjoyed a very active and successful year.

REPORT OF THE SECTIONS

LITIGATION SECTION

Susan C. Armstrong, Chair

The Litigation Section once again sponsored the VSB Law in Society Award Competition, an essay contest for high school students. The section made a financial contribution of \$3,000, which covered the costs for printing and mailing of contest materials, as well as the student prizes. Members of the Litigation Section's young lawyers group served as judges in the final round of scoring.

R. Lee Livingston continued his superb performance as editor of *Litigation News*, and successfully compiled and published fall, winter and spring newsletters.

The November, 1999 VSB Annual MidYear Legal Seminar in St. John, U.S.V.I. was the site of a Litigation Section CLE seminar on "Expert Witness Testimony in State Courts," presented by Jeff Gray and R. Lee Livingston.

The section also presented a CLE program, entitled "Jury Reform," in conjunction with the Bench-Bar Committee at the 2000 VSB Annual meeting in Virginia Beach.

The section made a special financial contribution to assist our flood-ravaged members in Franklin in their efforts to recover from the devastation experienced last fall.

Numerous members of the section volunteered for or were appointed to serve on special committees and task forces. Ann K. Crenshaw served as VSB Technology Task Force liaison. Samuel Vernon Priddy, III served as chair of the Appellate Practice Subcommittee, and Ronald M. Ayres and Thomas E. Albro co-chaired a special jury reform task force.

Officers were elected for the 2000-2001 fiscal year as follows: Glenn W. Pulley, chair; Frank K. Friedman, vice-chair and Thomas E. Albro, secretary.

LOCAL GOVERNMENT LAW SECTION

David P. Bobzien, Chair

It has been another good year for the Local Government Law Section. Our membership continues to grow. Last year we had 481 members, and now we number 520. We continued on the course we set during the summer of 1999—to concentrate on the quarterly publication of the *Journal of Local Government Law*, that contains in-depth treatments of topics of interest to our members, and on the section's presentation at the annual meeting of the Virginia State Bar.

Through the tireless efforts of our volunteer authors and our editor, Susan Warriner Custer, we again published four issues of the *Journal*. Those authors included in Volume X were:

Lisa Ann Bertini and Donna Hughes Latta
Hofheimer Nusbaum, P.C.

Mark Flynn,
Virginia Municipal League

E. William Chapman and Carla Blake Hook
Reed Smith Hazel & Thomas, LLP

William M. Macali, Deputy City Attorney
Virginia Beach

Harwell M. Darby, Jr.
Glenn, Feldmann, Darby & Goodlatte

Michael R. Packer, City Attorney
Petersburg

William F. Devine
Hofheimer Nusbaum, P.C.

B. Kay Wilson
Assistant City Attorney, Suffolk

James Edward Fagan, III, Assistant County Attorney
Arlington

The highlight of the year came when the section was given the opportunity by the *Virginia Lawyer* to produce a theme issue. The breadth of local government practice was captured in the several excellent articles contributed by the following authors for the April issue of the *Virginia Lawyer*:

David N. Anthony and Beth V. McMahon
Kaufman & Canoles, P.C.

John H. Foote
Walsh, Colucci, Stackhouse, Emrich & Lubeley, P.C.

Carter Glass, IV, and John S. West
Mays & Valentine, L.L.P.

James V. McGettrick, Assistant County Attorney
Fairfax

Rhysa Griffith South
Assistant County Attorney, Henrico

The section concluded the 1999–2000 year with a lively discussion at the 62nd Annual Meeting of the Virginia State Bar. Loudoun County Attorney Jack Roberts, Deputy Fairfax County Attorney Pat Taves, and Randy Minchew of the Leesburg office of Walsh, Colucci, Stackhouse, Emrich & Lubeley, P.C., spoke to our section and the Real Property Section on factors that influence a real estate developer's decision in choosing between two neighboring jurisdictions. At the conclusion of the program, the section held its annual business meeting for the election of officers and directors. Frank M. Morton, III, was elected chair; William F. Devine was elected vice-chair; and Michael R. Packer was elected secretary. The newly-elected board member is Sandra Jones McNinch, and re-elected to the board of governors were Frank Morton, Michael Packer, and Rhysa G. South.

I wish to thank all of the members of the board of governors for making this year such a successful one, and I am especially grateful to Immediate Past-chair Sarah Hopkins Finley for leaving the section in such great shape in June 1999, and for chairing the nominating committee in June 2000.

MILITARY LAW SECTION

Robert E. Korroch, Chair

The Military Law Section has made great strides toward better serving its members, the bar, and the public

Seminars

For the second year, the Military Law Section is sponsoring two seminars. Annually, the section hosts a fall seminar in Northern Virginia and a spring seminar in the Tidewater region. At this year's fall seminar, Torrey Armstrong of the law firm of McGuireWoods in McLean, led a discussion about litigating high profile military claims cases. His presentation featured the case in which he is representing the families of five Belgian skiers who were killed at Cavalese, Italy when a U.S. Marine Corps EA-6B Prowler jet severed the support cables for their ski gondola. All 20 of the gondola's occupants fell to their deaths.

For the 2000 spring seminar, the section will present a discussion of the use of non-deadly force in military peace keeping operations. This topic brings together questions of the military's role in foreign policy and the legal ramifications of using high-tech "non-deadly" weaponry. Issues presented will range from high-tech and the law of war to personal liability.

The spring seminar in 1999 featured guest speaker, and widely published author, Gary Solis. Gary, a member of the section's board of governors, is a member of the law faculty of the United States Military Academy, West Point. Professor Solis' acclaimed book, *Son Thang*, is gaining renewed attention in its paperback release.

Annual Meeting

In 2000, recognizing how it could best serve the needs of its members, the section chose not to sponsor a program at the VSB annual meeting. Rather, the section focuses its manpower and budget on its annual fall and spring programs, described above. At the annual meeting, the section hosts an enjoyable luncheon and business meeting where members gather for a brief respite while they attend the programs of their choice. At the luncheon, the section conducts a brief business meeting where outgoing officers are honored, and incoming officers are elected and welcomed.

Newsletter

The section has an aggressive newsletter publication schedule, seeking to publish three newsletters each year. The section newsletter is a valuable source of insight into emerging issues in military law, as well as news about our members and helpful background material. A list of World Wide Web sites helpful to military law practitioners is a popular feature.

Board of Governors

The section board membership is a diverse group representing numerous aspects of military law practice and service affiliation. Our membership includes Army and Air Force reservists in private practice, active duty officers from the Air Force, Navy and Coast Guard, retired officers from the Army, Navy and the Marine Corps, an assistant commonwealth's attorney (and Army Reservist), and a professor of law (retired Marine) at the U. S. Military Academy. The board meets four times each year: at the fall program in Northern Virginia; in Richmond in January; at the spring program in Tidewater, and finally at the VSB's annual meeting in Virginia Beach in June. The board's talented membership pursues an ambitious agenda with alacrity. The discussion at the board's regular business meetings always is engaging and productive, and the members always take time for informal conversation—which often is captivating as well.

REAL PROPERTY SECTION

John David Epperly, Chair

The section had another busy and productive year. We continue to thrive through the efforts of our dedicated board of governors and area representatives, who travel to our four quarterly meetings around the Commonwealth, and contribute their time and hard work to our seminars, publications, and other works. With the guidance of its editor, Professor Lynda Butler of The College of William & Mary, our newsletter, *the Fee Simple*, continues to be one of the best of its kind in the country. Our Web site went live earlier this summer. We are very proud of it and also grateful to Doug Dewing for his tireless efforts to get the Web site up and running. Doug continues to serve as Webmaster, maintaining and updating the site. We are now the third largest section with 1,790 members, behind only the Litigation and Criminal Law Sections.

The section has accomplished the following:

- Went online with our own Web site under the main VSB Web site
- Continued to work on updating the standard real estate forms
- Continued to work on a *Commercial Real Estate Handbook*
- Presented the following seminars:
 - 4th Annual Advanced Real Estate Seminar at the Tides Inn
 - 18th Annual Real Estate Practice Seminar attended by over 500 in four locations
 - Annual Meeting CLE Seminar (jointly with Local Government Section)
- Distributed standard real estate forms on disk and *Virginia Homebuyer's Manuals* to new admittees at the First Day in Practice Seminar
- Appointed a subcommittee to act as liaison with the VBA Wills, Trusts and Estates Section in a study of possible changes to the law of estate administration
- Assisted our editor, Professor Lynda Butler of the Marshall-Wythe School of Law, in compiling and publishing of the section's newsletter, *the Fee Simple*.

The section would like to extend special thanks to Lee Hickok of Virginia CLE for his expertise and efforts in the planning and presentation of the real property seminars.

SENIOR LAWYERS SECTION

Overton P. Pollard, Chair

The Senior Lawyers Section, organized in 1987, continues to prove that one's attitude towards his or her activity is more reflective of active involvement in our profession than numerical years. Our membership, limited to active attorneys 55 years of age and older, stood at 334 on June 30, 2000. Increase in membership was due in large part to the enthusiastic efforts of William B. Smith, membership chair. The section continues to emphasize the contributions senior lawyers may make to professionalism and civility within the bar.

Senior Citizens Handbook

Revisions on this ongoing and major project were unnecessary during the past bar year, but a Spanish language edition was published. The Young Lawyers Conference participates jointly with our section on this project. Both English and Spanish editions are made available to senior citizens in the Commonwealth in an effort to provide an awareness of rights, responsibilities, and legal entanglements which might confront them.

MCLE Programs

The section, in conjunction with the Trusts and Estates and General Practice sections, sponsored a popular and well-attended program on "Lawyering in the New Millennium" at the VSB annual meeting in Virginia Beach on June 16, 2000.

Special Highlight

On August 11, 1999, Oliver W. Hill, a former member of the Senior Lawyers' board of governors, was awarded the nation's highest civilian honor, the Presidential Medal of Freedom. President Clinton, when presenting the award, remarked to Mr. Hill that "throughout your long, rich life, you have challenged the laws of this land and the conscience of our country."

Quarterly Newsletter

The *Senior Lawyer News* continues as our major source of spreading the good news of senior lawyering, as well as articles of general interest and extracurricular activities. The newsletter provides our members with an excellent return on a nominal investment (\$15 dues per annum). Francis N. Crenshaw is our current editor, and associate editors are Clarence M. Dunnville and Robert A. Cox.

Finance

William J. Kinnamon, treasurer, provided the board with current reports on the fiscal picture. Because of a 75% increase in the portion of our dues allotted to the bar for administrative expenses, the position of treasurer has become more critical. Accordingly, at the annual meeting on June 16, 2000, in accordance with the by-laws, the section voted to amend the by-laws to add, under Article IV, the position of treasurer. This proposal will become effective if approved by the council of the Virginia State Bar. (The Virginia State Bar administrative office will continue to receive and disperse funds on behalf of the section. The treasurer, however, will provide review and guidance of fiscal matters, which the section believes has become necessary.)

Other Matters

The board of governors is studying the advantages, procedures, and methods of changing from a section to a conference (similar to the Young Lawyers Conference). As soon as adequate information is assembled (and should such information support the conference approach), a full report with recommendations will be made to the Council of the Virginia State Bar.

At the Annual Business Meeting on June 16, 2000, the following officers were elected:

Frank Overton Brown, Jr.	Chair-elect
William J. Kinnamon, Jr.	1st Vice-chair
Patricia Ann Barton	2nd Vice-chair
Colin J. S. Thomas, Jr.	Secretary
Clarence Moseley Dunnville, Jr.	Treasurer

New Board Members are:

J. Willard Greer
Edgar A. Prichard

REPORT OF THE SECTIONS

Thomas J. Michie chairs the Section for 2000–2001.

Members of the Board of Governors for 2000–2001, other than those previously mentioned are:

Richard Cocke	Carolyn O'Neal Marsh
F. Mather Archer	Thoms F. McPhaul
Evans B. Brasfield	G. Marshall Mundy
Malcolm M. Christian	William Brice Smith
Robert A. Cox, Jr.	Walter F. Witt, Jr.
John F. Kay, Jr.	Robert C. Wood, III
Robert Hunter Manson, III	

The section continues to be indebted to, and indeed dependent upon, Pat Sliger, section liaison, for orderly and efficient activities. Her many hours devoted to our senior meetings and other functions are greatly appreciated.

REPORT OF THE SECTIONS

TRUSTS AND ESTATES SECTION

Michele A. W. McKinnon, Chair

Leadership

Leadership for this section during 1999–2000 and the newly-elected leadership for 2000–2001 are set forth below:

1999–2000

Michele A. W. McKinnon	Chair
Timothy H. Guare	Vice-chair
Walter William Gust	Secretary

2000–2001

Timothy H. Guare	Chair
Walter William Gust	Vice-chair
Mark George Ferguson	Secretary

Section Seminars

The Trusts and Estates Section assisted in the planning and provided speakers for Virginia CLE's 18th Annual Trusts and Estates Seminar held in Richmond, Roanoke, Norfolk, and Falls Church in November 1999. Topics covered at the seminar included recent tax developments, the application of the new ethics rules to trusts and estates practice, charitable remainder trusts, the new uniform principal and income act and uniform prudent investor act, federal tax treatment of estate administration expenses, fiduciary income taxes, and Virginia developments.

At the Virginia Beach Annual Meeting, the Trusts and Estates Section co-sponsored a workshop entitled, "Lawyering in the New Millennium," with the Senior Lawyers and General Practice sections of the Virginia State Bar. The nationally recognized speaker at this presentation was Thomas D. Begley, Jr. of Begley, Begley & Fendrick, P.C. Kevin B. Rack of Virginia Beach also presented a session on the application of the ethics rules to the trusts and estates practice. Special thanks goes to Andrew H. Hook of Portsmouth for helping to plan this program, which was well attended and well received.

Publications

Under the able guidance of Mark G. Ferguson and Phillip C. Stone, Jr., the Trusts and Estates Section published two editions of the Trusts and Estates newsletter for dissemination to its members. The Trusts and Estates Section will continue to publish two editions of this newsletter for its members each year.

YOUNG LAWYERS CONFERENCE

J. Tracy Walker, IV, President

The Young Lawyers Conference enjoyed an active and productive year in 1999–2000. The conference continued its sponsorship of a wide variety of programs and projects for the benefit of the public and the bar, and successfully initiated several new programs. Following are several highlights from the past year.

Annual Meeting

The conference took a very visible role at the Virginia State Bar Annual Meeting. The conference conducted its own annual meeting at which it adopted a bylaw change concerning the composition of the board of governors and the selection of the secretary of the board, elected new board members and officers, recognized the outstanding contributions of conference members, and presented the R. Edwin Burnette, Jr. Young Lawyer of the Year. The conference hosted a well-attended seminar on negotiation skills, and sponsored the post-banquet dance, a 5K Run in the Sun, and a beach volleyball tournament, and CLE programming.

The 2000 R. Edwin Burnette, Jr. Young Lawyer of the Year Award was presented to Richmond lawyer Shawn A. Copeland in recognition of his leadership of the Emergency Legal Services Committee and his many other contributions to the bar and to the Richmond community. Maureen Stengel of the Virginia State Bar staff was recognized for her strong support of the conference and its activities.

The conference adopted a change to its bylaws amending the eligibility requirements for election as secretary of the board, making the secretary an ex officio member of the board, and increasing by one the number of members of the Board. Tracy A. Giles of Roanoke assumed the presidency of the conference and O’Kelly E. McWilliams of Washington, D.C. was elected president-elect of the conference. Lori E. Guzman was elected secretary of the board of governors. Cynthia Law, Mary Daniel, Katrina Randolph, Robin Kegley and Jennifer Short were elected as new members of the board.

Finally, the conference sponsored a well-attended and well-received seminar titled “Effective Negotiation — What Every Lawyer Needs To Know.” The panel discussion was moderated by John McCammon. Panelists included Justice John Charles Thomas, David Rosenfeld and Tazwell Hubbard.

Emergency Legal Services

The Emergency Legal Services Response Plan, a joint project of the conference and the VBA Young Lawyers Division, was developed to provide no-cost legal services, on short notice, to victims of natural disasters. The Emergency Legal Services Committee, chaired this year by Shawn Copeland, maintains the program in a state of readiness and continually trains new volunteers in the delivery of emergency legal services.

The Emergency Legal Services Response Plan was activated in early September to assist victims of the tornadoes that touched down in Hampton during the waning days of Hurricane Dennis. Under the leadership of Shawn Copeland and his VBA counterpart, Steve Otero, young lawyers were present at a Disaster Recovery Center established at the National Guard Armory to assist the Federal Emergency Management Agency and the Virginia Department of Emergency Services. Legal advice, much of it concerning landlord/tenant issues for individuals whose apartments were heavily damaged by the tornadoes, was dispensed to a number of tornado victims. In addition, a special hotline for disaster victims was established through the Virginia Lawyer Referral Service and young lawyers with emergency legal services training responded to inquiries made over the hotline.

Two weeks later, the Emergency Legal Services Response Plan was activated again, this time to assist victims of Hurricane Floyd. Special training sessions for volunteers were held in Richmond and Norfolk and over 90 lawyers volunteered their services at Disaster Recovery Centers in Franklin and Newport News or responded to telephone inquiries routed through the Lawyer Referral Service. These volunteer lawyers assisted at least 38 hurricane victims. The bar’s efforts to assist hurricane victims received widespread television and radio coverage in Richmond and Tidewater.

Admission and Orientation Ceremony

The conference, on behalf of the Supreme Court of Virginia and the Virginia State Bar, once again hosted the fall and spring admission and orientation ceremonies.

First Day in Practice Seminar.

The First Day in Practice Seminar, a joint program of the conference and the VSB General Practice Section, was held on November 2, 1999. The First Day In Practice Seminar is an all day educational program for newly admitted lawyers with a focus on law office management and a variety of substantive legal topics. This year's First Day in Practice Seminar was an outstanding success. A sell-out crowd of 200 new lawyers was treated to a first rate program with noted speakers including, among many others, Rick Richmond, David Rosenfeld, Craig Cooley, the Honorable Randall G. Johnson and the Honorable William L. Wimbish. Chris Graham of the Conference and Jeffrey Galston of the General Practice Section organized this program.

In December, representatives of the Conference, the General Practice Section and bar staff met with each other and conferred with representatives of the Virginia Bar Association and Virginia CLE to discuss a possible merger of this program with the Virginia Bar Association's Bridge the Gap Seminars. Although the discussions were productive and may lead to future collaboration, an immediate merger of the programs will not take place.

Domestic Violence Safety Project

The conference continued to implement its Domestic Violence Safety Program ("DVSP") under the direction of Maya Eckstein, Marie Dively and others. This joint program is being carried by the Conference, the Virginia Bar Association Young Lawyers Division, the Family and Children's Trust Fund of Virginia, the Virginia Commission on Family Violence Prevention, Virginians Against Domestic Violence and the YWCA of Richmond. The DVSP is designed to provide domestic violence victims with information concerning their legal rights and practical steps they can take to avoid harm and obtain help. It is also designed to provide free training programs to lawyers committed to providing pro bono representation to domestic violence victims. Over 90,000 Safety Brochures have been distributed, and over 20,000 "Know Your Rights" legal pamphlets have been distributed to various police departments, domestic violence service providers, social service agencies and others. The conference secured new grants this year of \$5,000 from Philip Morris and \$2,000 from the ABA for the DVSP. The brochures and other information about this program are available on-line at the conference's Web page.

Senior Citizens Handbook/Spanish Translation

The *Senior Citizens Handbook* is a joint project of the conference and the VSB Senior Lawyers Section. The *Senior Citizens Handbook* addresses a broad range of laws, issues and programs affecting Virginia's elder citizens. The conference and the Senior Lawyers Section have distributed tens of thousands of the handbooks to senior citizens in Virginia since the handbook was first published in 1979. This year, with the aid of generous grants from the Virginia Law Foundation and the ABA, and with the assistance of several community groups, the conference translated the handbook into Spanish and began planning programs to facilitate the distribution of the handbooks to Spanish-speaking senior citizens in Virginia.

Students Day At the Capitol Program

The Public Education Committee, chaired by Charlotte Hodges and Shepelle Watkins-White, developed this new program designed to introduce middle school students to the operation of the state government in Richmond. Middle schools from Richmond, Charles City County and Hampton participated in the program this year. Student groups observed the General Assembly in session, met with legislators, and toured the Capitol, the Supreme Court of Virginia, and the Library of Congress. This program was very well received by all concerned.

Docket Call

The conference continued to publish its award-winning newsletter. The *Docket Call* is published quarterly and sent to all Virginia young lawyers. The *Docket Call* contains information about ongoing conference programs and substantive articles on matters of interest to young lawyers. This year's editor was Michelle Jones, of Winchester.

Web Page

The conference completed the development of its Web page this year. The Web page can be accessed at www.vsb.org/sections/yl/index. The Web page contains a wide variety of information about the conference and has proven to be a useful tool to disseminate information and communicate with members of the conference.

National Trial Competition

The conference is asked every year by the Texas Young Lawyers Division to coordinate and host a regional trial advocacy program, the winners of which advance to a national competition hosted by the Texas State Bar. This year's competition was held in Roanoke on February 3 through 5. The Trial Competition Committee, chaired by Jimmy Robinson and Lori Jones, enlisted the aid of 175 volunteers for a competition among 17 teams from nine law schools.

Dedicated Issue of the *Virginia Lawyer*

The conference was featured in the June/July 2000 issue of the *Virginia Lawyer* magazine. The magazine included substantive articles pertinent to conference activities and highlighted the conference's many programs and projects.

Law Talk Video

The conference's Public Education Committee organized the production of a videotape by WCTV-48 in Chesapeake in which lawyers, in short 3 minute segments, discuss legal topics of general interest. WCTV-48 aired the segments in May and June as part of its "City Talk" show. The conference is exploring further opportunities to air these video segments.

Minority Prelaw Project

The conference's Minority Pre-Law Project took place on April 8, 2000 at the University of Richmond. This annual one-day event is designed to introduce minority undergraduate students to the legal profession and to provide information about the law school admissions process. This year's program included presentations by law school admissions officers, a mock law school class, a mock trial conducted by area attorneys and judges, and a panel discussion concerning legal career opportunities. Jennifer McClellan was the chair of this year's program, which was very well attended and well received.

Celebration of Women & Minorities in the Legal Profession Dinner

The Sixth Annual Celebration Dinner, which honors Virginia's newly appointed women and minority judges, was held in the dome room of the Rotunda at the University of Virginia on Sunday evening, September 19, 1999. Martha Barnett, President-elect of the ABA, was the featured speaker. Her comments focused on the importance of diversity in the delivery of legal services. Other guests included Scott Street, Tom Edmonds, Justice Elizabeth Lacy, and a number of sitting and newly appointed judges.

Peer Mediation Program

The conference continued to develop a pilot peer mediation program for introduction into Virginia secondary schools. This project, led by O'Kelly McWilliams, Barry Logsdon and Kellye Clarke, is designed to provide necessary information for teachers and student leaders to implement peer based mediation programs and provide students with a structured program for the resolution of disputes. The committee developing this program underwent a day of mediation training from Northern Virginia Mediation Services, a non-profit organization affiliated with George Mason University.

STANDING COMMITTEE ON BUDGET AND FINANCE

William D. Cremins, Chair

This year, the Budget and Finance Committee dealt primarily with issues related to the dues increase effective July 1, 2000. Approval for the dues increase was first obtained from the Bar Council and the committee then participated in the effort to secure legislative approval during the recent session of the Virginia Legislature. Budget figures were fine tuned during the process and the final budget for 2000–2001 bar year was approved by Council in June. The budget holds the line on discretionary spending, but makes adequate provision for the computer upgrade project and the additional staff required by the Professional Regulation Department and the Clerk's Office.



**STANDING COMMITTEE ON LAWYER ADVERTISING
AND SOLICITATION**

John R. Fletcher, Chair

The Standing Committee on Lawyer Advertising and Solicitation (SCOLAS) monitors lawyer advertising and solicitation in Virginia, responds to inquiries regarding the propriety of certain lawyer advertising, and issues advisory opinions when, in the judgment of the committee, it is helpful to do so.

SCOLAS meets every other month at the offices of the Virginia State Bar in Richmond. The committee and assistant bar counsel review in detail selected broadcast media, yellow page and other printed advertising material to determine compliance with the applicable Rules of Professional Conduct. In those cases where the committee finds that an ad is in violation of a Rule, letters are written to the responsible lawyer pointing out the problem with the ad, and requesting that the advertisement be modified accordingly. In almost all cases, lawyers voluntarily comply with the committee's request. In those instances where they do not, the matter is referred to discipline.

In addition to its regularly scheduled meetings, the work of the committee often includes review of materials between regularly scheduled meetings and the convening of telephone conferences to deal with issues that require more immediate resolution.

During the past year, the committee voted to modify certain of its procedures to increase efficiency in its monitoring functions and in communication of its activities to the Bar. All complaints and ads submitted for review will be pre-screened by VSB staff. In those cases where the non-compliance is obvious, and is based on grounds previously articulated by the committee, VSB staff will respond immediately, and in those cases where the pre-screening reveals an issue which requires attention before the next regularly scheduled meeting, a quorum of the committee will be convened by telephone.

In an effort to avoid confusion between Legal Ethics Opinions (LEOs) which deal with advertising issues and Legal Advertising Opinions (LAOs), the 12 LAOs published to date will be consolidated into one compendium opinion that encompasses all advertising issues on which the committee has previously opined. This compendium opinion will be submitted to the Ethics Committee for publication as a LEO. To date, LAOs have been published in the *Virginia Lawyer Register* and posted on the VSB Web site, but some members of the bar have complained that they were unaware of the existence of these opinions, or how to locate them. It is hoped that publication of the advertising opinions as LEOs will make it easier for members of the bar to access them when questions arise.

A subcommittee has been tasked with drafting a proposed amendment to the Rules of Professional Conduct for approval by bar council. The amendment being considered would require all attorneys advertising on electronic or broadcast media to notify the committee that they are doing so. Under Rule 7.1(b), attorneys are required to produce copies of broadcast ads for review only upon request of the Committee. The amendment under consideration would alleviate the current burden on bar staff to monitor statewide broadcast and Internet media to learn which lawyers are engaged in such advertising.

SCOLAS will continue to pre-screen only those advertisements voluntarily submitted by lawyers seeking an opinion in advance of publication. Requiring that all advertisements be screened before publication would be constitutionally suspect and logistically impossible.

STANDING COMMITTEE ON LAWYER DISCIPLINE

John C. Johnson, Chair

The Standing Committee on Lawyer Discipline (COLD) has general oversight responsibility for the operation of the bar's disciplinary system. Specific responsibilities include monitoring the performance of the Office of Bar Counsel in the investigation and prosecution of disciplinary matters, monitoring district committees' disposition of complaints, recommending to council amendments to the rules providing the procedure for disciplining, suspending, and disbaring attorneys (Paragraph 13), and generally seeking to enhance the efficient and effective administration of the disciplinary system. COLD is composed of ten active members of the bar and two non-lawyers. In addition, the vice-chair of the disciplinary board serves as an ex-officio, non-voting member. The committee meets monthly at the bar offices in Richmond. Each lawyer member of COLD acts as a liaison with one or more district committees. Each COLD liaison meets at least quarterly with the district committee's leadership, as well as the bar counsel assigned to the committee, to review the docket and discuss general administrative matters.

During the last fiscal year, Christopher Habenicht chaired COLD. John Johnson served as vice-chair and chair of the oversight subcommittee. Steve Test served as chair of the rules subcommittee. Unfortunately, for the second year in a row, COLD lost another non-lawyer member. William J. Nelson, Jr. died in April, 2000. He had served previously on the eighth district committee and was a very active participant in COLD meetings.

COLD was very active under the excellent leadership of Chris Habenicht. COLD, with the help of the Office of Bar Counsel, organized and presented a disciplinary conference for all participants in the disciplinary system. The conference was well received and provided helpful input relating to administration of the system. COLD also prepared and recommended to council several important amendments to Paragraph 13, including a major rewrite of the rules governing reinstatement after suspension or revocation, and elimination of the rule disqualifying a district committee member, who sits on a subcommittee when a complaint is considered, from then sitting when the full committee hears the complaint. Council approved both amendments, and they subsequently were adopted by the Supreme Court. COLD also recommended a statute that was enacted by the General Assembly providing for interstate enforcement of subpoenas in lawyer disciplinary proceedings on a reciprocal basis.

COLD adopted a policy limiting to two the number of private reprimands that a lawyer should receive before receiving public discipline, and developed and gained council's approval for a program providing for special assistant bar counsel to prosecute a limited number of more time consuming complaints. We have now secured permission from the Office of the Attorney General for the special assistant bar counsel to move forward on these matters.

STANDING COMMITTEE ON LEGAL ETHICS

Joseph P. Rapisarda, Jr., Chair

The Legal Ethics Committee is charged with responsibility for the issuance of advisory legal ethics opinions to Virginia State Bar members concerning contemplated or actual conduct. Requests for opinions are required to be stated in the hypothetical on committee-approved forms that are available from the State Bar office. The committee is permitted to decline issuing an opinion regarding any matter that is currently the subject of any disciplinary proceeding or litigation.

During the fiscal year ending June 30, 2000, the committee docketed 14 requests for opinions. Eleven LEOs were issued. Two requests were carried over to the new fiscal year. One request was docketed, but no opinion was issued because the request was withdrawn or because it posed legal issues, issues answered in prior LEOs, or issues involved in pending litigation. In addition, 17 requests were answered in Legal Ethics Inquiry letters from staff Ethics Counsel by reference to prior LEOs.

The number of requests for advisory opinions tracked the decline in recent years. The reduction no doubt reflects the value of the VSB Professionalism course and of the publication of LEOs in the additional Code volumes. Despite fewer requests, the issues presented were often complex and controversial. For example, the committee considered whether an attorney may secretly tape record another's conversation, and whether an attorney in a capital murder case must present mitigating evidence when his client wants a death sentence. The committee also considered the impact of the new Rules of Professional Conduct (effective January 1, 2000) on whether an attorney may accept a referral fee without having responsibility for his client's matter.

The Ethics Hotline continues to be a significant resource that affords ethics guidance to lawyers without the need for an advisory opinion from the committee. Nearly 3,200 inquiries, an average of 265 per month, were handled on the Hotline this past year thanks to the tireless work of Jim McCauley with splendid assistance from Ann Michie and Leslie Haley. The committee is indebted to them and Laurie Fuller for her organizational skills and able support.

Once again, the committee members were dedicated to service to the bar and were unselfish with their time in the committee's deliberations and formulation of advisory opinions. The bar was well-served, and I am grateful for the time and talent of each member, Susan Armstrong, Richard AtLee, Marni Byrum, Ben Gardner, Sandra Havrilak, Bob Hawthorne, Glenn Hodge and Bill Petty.

During the 2000-2001 bar year, the committee will be chaired by Bill Petty. Glenn Hodge will serve as vice-chair.

STANDING COMMITTEE ON PROFESSIONALISM

Charles E. Wall, Chair

The Standing Committee on Professionalism is charged with responsibility for administration and ongoing oversight of the Mandatory Course on Professionalism, which is required of all newly-admitted members of the Virginia State Bar. The purpose of the course is to encourage attorneys to uphold and elevate the standards of honor, integrity and courtesy in the legal profession. Since institution of the program in 1988, over 13,000 new admittees have taken the course—more than half of the current practicing Bar in Virginia.

The course faculty is composed of distinguished lawyers and judges representing a broad cross-section of the legal profession in Virginia. Faculty members are nominated by their peers and invited by Chief Justice Harry L. Carrico to accept appointment for a three-year term.

During the 1999–2000 bar year, the course was offered a total of six times in Northern Virginia, Richmond, Roanoke and Chesapeake. The course continued with its one-day format, consisting of a combination of lectures and small group workshops. The format encourages interaction among the faculty and newly-admitted lawyers, affording a unique opportunity to discuss professionalism dilemmas facing lawyers today. This year, the faculty continued its tradition of excellence in teaching and establishment of a meaningful rapport with the new admittees.

The course's continued success is largely attributable to the ongoing commitment of Chief Justice Carrico and the leadership of the State Bar. The Chief Justice, who was instrumental in founding the course, continued to demonstrate his enthusiastic support through an inspiring luncheon address. In addition, VSB President W. Scott Street, III upheld the custom of offering remarks at the commencement of each course. The involvement of our chief judicial officer, as well as the leadership of our bar, has been an unmistakable signal to new lawyers of the bar's seriousness about the issue of professionalism.

In addition to its responsibilities for faculty selection and training, this year's committee oversaw implementation of revised course materials to reflect the newly-adopted Rules of Professional Conduct. The committee is grateful to the VSB Young Lawyers Conference for its assistance in this endeavor. Also, under the leadership of the committee's vice chair, the Honorable B. Waugh Crigler, the committee joined with the section on the Education of Lawyers in sponsoring a pilot presentation on professionalism to law students at the University of Richmond and Washington & Lee University.

The chair is greatly appreciative of the dedicated and unselfish service of the course's faculty and the committee's vice chair and membership. In addition, we are all grateful to VSB staff liaison Maureen Stengel, whose resourcefulness and administrative talents have been essential to the course's smooth and well-organized functioning.

During the 2000–2001 bar year, the committee will be chaired by the Honorable Stanley P. Klein. Judge Crigler will serve as vice chair.

SPECIAL COMMITTEE ON ACCESS TO LEGAL SERVICES

Glenn C. Lewis, Chair

The Access Committee traditionally sponsors two annual events: the VSB Pro Bono Conference in the spring and its attendant award ceremony, and the Virginia Legal Aid Award Luncheon in June. Each year, subject to bar council directives and the never-ending external pressures that annually affect access to justice issues, the committee tailors its other activities to sustain and enhance the quality and availability of affordable legal services in Virginia. In the 1999–2000 bar year, the committee concentrated its efforts in five principal areas of concern, each relating, to a significant degree, to bar council’s 1999 *Resolution to Enhance Pro Bono Publico Service in Virginia*.

These areas included educating the wider bar about new Public Service Rules 6.1 and 6.2; helping to stabilize funding for legal services at the *national* level; developing an infrastructure and the groundwork for an expanded statewide pro bono initiative by targeting technical assistance to self-referred local bars and special purpose coalitions; initiating a pilot effort to promote higher visibility for both the vast majority of pro bono activities which quietly take place, every day, in non-controversial, uplifting ways, as well as for human interest stories about pro bono lawyers; and, encouraging the wider bar to include access to justice issues and non-profit legal services providers in major discussions involving MDP, UPL, *pro se*, and related ethics matters.

In Virginia, the licensed legal aid societies play an essential role in recruiting, training, and mentoring pro bono lawyers and other volunteers. Partnering with about 15% of the state’s practitioners, they also provide legal malpractice insurance, client screening, and merit and conflict checks for more than 30,000 cases annually. Clients are typically the poorest of the poor, such as the elderly disabled, handicapped children, victims of violence, and vulnerable families moving from welfare to work.

In late summer of 1999, letters were sent by then-Bar President Scott Street to the Virginia Congressional delegation seeking positive votes on federal funding for the national Legal Services Corporation (LSC), an important grantor agency for most of Virginia’s licensed programs. On ABA Day in Washington this past May at the request of Scott Street, I was pleased to represent the state bar on Capitol Hill, joining with others to visit members of Congress in behalf of proper legal services funding. To date, although some in Congress still work reflexively and routinely to abolish LSC, a bipartisan coalition seems increasingly successful in educating on the dire need for these services. At least for now, this has resulted in securing enough federal funding for most Virginia store front offices to keep operating at sustainable levels.

The 10th Anniversary Pro Bono Conference was held at the University of Richmond School of Law, Wednesday and Thursday, May 10–11. In a new twist, the conference piggy-backed on the Public Defender Commission’s Annual Juvenile Law and Special Education Seminar, which was held the following day at the same location. Focusing on *New Rules and Traditions*, including new ethics rules that recognize the public service contributions of under compensated, court-appointed counsel, the program featured CLEs with topics of cross-over interest to the indigent criminal defense bar, as well as to the regular audience of civil pro bono attorneys, public interest lawyers, and legal services advocates.

Consistent with the committee’s overtures to appointed counsel, in recognition of his nearly two decades of exemplary service in behalf of prisoners and indigent defendants, attorney Steven Rosenfield, of Charlottesville, was honored with the Lewis F. Powell, Jr. Pro Bono Award at an evening ceremony held during the Pro Bono Conference. Marvin D. Miller, co-founder of the Virginia College of Criminal Defense Attorneys was the guest speaker.

Marilynn C. Goss, senior managing attorney at Central Virginia Legal Aid Society in Richmond, was presented with the Virginia Legal Aid Award at a special luncheon during the bar’s annual meeting in Virginia Beach. Former Virginia Governor Linwood Holton attended as our guest, and made wonderful remarks. Ms. Goss, newly installed as the president of the Old Dominion Bar Association, was honored for her excellent service in behalf of needy clients over a legal services career spanning nearly two decades. In keeping with goals outlined for legal aid attorneys in the Joint Committee’s Report on Legal Services in Virginia, she also was cited for her outreach to statewide bar groups through CLE and other efforts that helped sensitize private practitioners to the compelling needs of the poor.

We shall continue to foster the statewide formal implementation of bar council’s Pro Bono Resolution in 2000–01; educate the community on the wonderful work done by legal services and pro bono lawyers, and fully participate in the ongoing dialogue on multidisciplinary practice and *pro se* services in the coming year.

SPECIAL JOINT COMMITTEE ON ALTERNATIVE DISPUTE RESOLUTION

Mark Rubin, Chair

The Joint Committee has been actively engaged in education and policy issues to encourage the utilization of alternative dispute resolution processes, particularly mediation, both in the bar and in the community.

On April 29, Kevin McCray and Terry Marsh worked with the Virginia Mediation Network to host a school mediation pilot project in Richmond. Sixteen middle schools from the Richmond area participated in demonstrations of arbitration and mediation processes with the help of ten volunteer mediators. The joint committee hopes to be able to build on the success of this event.

The Joint Committee has been working on a proposal for the VSB and VBA to be able to change its structure. The goal is to broaden the membership, garner increased resources and expand the work of the Joint committee.

The Joint Committee has played a significant role in a year-long effort by the Department of Dispute Resolution Services within the Virginia Supreme Court to revise the current statutory scheme governing mediation in the Commonwealth. In addition, active support has been given to the efforts of the Community Mediation Centers in Virginia to obtain additional funding for the expansion of their ability to provide mediation services to the court system and the community at large.

The coming year will see efforts on the legislative front to encourage the use of mediation and consensus building processes in the area of administrative law. In addition, programs will be offered to build upon past seminars which both educated the bar and encouraged the expanded use of alternative dispute resolution processes.



SPECIAL COMMITTEE ON BENCH-BAR RELATIONS

Arthur L. Moshos, Chair

In furtherance of its mission to improve the administration of justice, enhance service to the community, and increase professionalism within the legal community by promoting the exchange of information and ideas between the judiciary and practicing attorneys of the Commonwealth, the Special Committee on Bench and Bar Relations embarked on a number of activities, both new and old. The Committee's activities are far ranging from the monitoring of changes in the judicial system to actual involvement in legal education programs to enhance the information and knowledge of both judges and lawyers. Consistent with the mission statement, the Committee principally addressed the following matters or projects during the Virginia State Bar year 1999 to 2000.

1. **Responding to the Unjust Criticism of Judges and the Judicial System.** There was only one request brought to the Committee to respond to the unjust criticism of a judge in Virginia. The Committee, after duly considering the matter in conformity with the guidelines previously approved by Council, reached a decision that this was not a matter appropriate for a response. The guidelines were found to be an effective tool to use in making a decision as to whether to respond to the unjust criticism of a judge.
2. **Regional Judicial Conferences.** In seeking to broaden its contact with judges, the Committee continues to have a program for the Regional Judicial Conferences that are held in six judicial regions across the Commonwealth twice each year. This year there was a decline in the number of requests for the Committee to appear. The Committee, in response to this, began planning a new program on the topic of sanctions. It felt that this topic would be of greater interest to judges across the state.
3. **Annual Seminar at the VSB Annual Meeting.** The Committee and the Litigation Section of the Virginia State Bar jointly sponsored a seminar program entitled "Jury Reform and the Death of Jury Trials as We Know Them." Recognizing the jury reform report was long and complex. The Committee and the Litigation Section were able to pick out five or six or more issues which it felt would be of most interest to the members of the Virginia State Bar. There was a distinguished panel composed of the Honorable Paul F. Sheridan, Judge, Circuit Court of Arlington County; the Honorable B. Michael Dann, Judge, Superior Court of Phoenix, AZ; Mary Lynn Tate, Esquire, Abingdon; and Professor Ronald J. Bacigal, University of Richmond School of Law. The Honorable B. Michael Dann, a leading proponent of juror reform in the state of Arizona and the guest of the Virginia State Bar, presented a preliminary program. The panel then discussed the issues and

REPORTS OF SPECIAL COMMITTEES

responded to questions and comments from the attendees. The panelists selected represented a full cross section of views which ensured that the attendees obtained a good perspective on the issues.

4. **Orientation Video for Jurors.** The Committee was unable to complete its project for a uniform jury orientation video which could be used by circuit courts statewide. Substantial progress had been made in the program including sufficient funding. The Committee decided that it would be inappropriate at this time to proceed with the video until a clear understanding was reached as to what was the effect of the Jury Reform Task Force Report. Steps were taken to ensure that the funding for the video from the Supreme Court and the Virginia Law Foundation was secure for the coming year. The Committee plans to conclude this project when the effect of the Jury Reform Task Force Report can be determined.
5. **Jury Task Force Report.** The committee decided that the effect of the Jury Reform Task Force Report was within its mission. It will be monitoring the task force report with an eye towards determining the specific role it will play.
6. **Judicial Merit Selection and Retention.** The Committee continues to monitor the legislation or judicial issues that affect the process of evaluating, nominating, electing or retaining statewide judges.
7. **Annual Judicial Conference.** The committee decided its involvement would be to encourage greater attendance by those lawyers invited as opposed to seeing that additional lawyers be invited.
8. **Annual Seminar and the Regional Judicial Conference Topic.** The Committee decided that it would complete its previous topic on "Sanctions" to be available for a seminar at the Annual Meeting and for the Regional Judicial Conference. If possible, this program will be done in conjunction with a section or committee of the Virginia State Bar. The current program by the Committee on jury reform did not have the educational content and broad interest due to the unknown effect of the Jury Reform Task Force Report.



SPECIAL COMMITTEE ON JUDICIAL NOMINATIONS

Alvin P. Anderson, Chair

The Virginia State Bar Judicial Nomination Committees consists of 13 active lawyer members, one from each of the bar's disciplinary districts and three from the state at large, elected to staggered three-year terms by Council on recommendation of the nominating committee. Committee members are not eligible to serve a second consecutive three-year term. The chair is selected by the committee each year.

The following individuals served as members of the Judicial Nominations Committee:

Douglas K. Bergere (Woodbridge)	Nancy Grace Parr (Chesapeake)
John P. Ellis (Arlington)	Robert Austin White (Tazewell)
John Blanton Farmer (Richmond)	Carolyn Currie Eaglin (Alexandria)
James Henry Ford (Martinsville)	Julia Claire Krebs-Markrich (Falls Church)
Sarah Elizabeth Collins Honenberger (Orange)	William A. Young, Jr. (Richmond)
Barry Kantor (Virginia Beach)	Alvin P. Anderson (Williamsburg)
Joseph Ross Newell, III (Staunton)	

During its 1999–2000 term, the committee evaluated candidates to fill a vacancy on the Supreme Court of Virginia created by the retirement of Justice Compton. The process required the submission of a resumé, completed legislative questionnaire and a writing sample. After circulation of written materials to committee members and an informal investigation by an assigned committee member, a meeting was held at the Richmond VSB offices on February 3, 2000, at which 10 candidates were interviewed. At the conclusion of the interviews, the committee recommended the three best qualified candidates for the position. The VSB Executive Committee unanimously adopted our recommendation, added to the list a fourth name and thereafter provided its supplemented recommendation to Senator Stolle and Delegate Howell.

Thereafter the committee evaluated candidates to fill vacancies on the Virginia Court of Appeals. Again, the process required the submission of a resumé, completed legislative questionnaire and writing sample. After circulation of written materials to committee members and an informal investigation by an assigned committee member, a meet-

ing was held at the Richmond VSB offices on February 11, 2000, at which six candidates were considered. At the conclusion of the interviews, the committee recommended the four best qualified candidates for the position. The VSB Executive Committee unanimously adopted our recommendation and thereafter provided it to Senator Stolle and Delegate Howell.



SPECIAL COMMITTEE ON PERSONAL INSURANCE FOR MEMBERS

R. Paul Childress, Jr., Chair

The Personal Insurance for Members Committee meets quarterly throughout the bar's fiscal year. The committee's primary focus is providing the opportunity for members of the Virginia State Bar to participate in a group health insurance policy. Members of the bar are able to use the size of the bar membership to contract for health insurance coverage at affordable rates. The Virginia State Bar Plans are administered by The Reciprocal Insurance Agency, Ltd. ("TRIAL"). In addition to medical, the plans include dental, term life, disability and business overhead expense insurance.

As part of its primary focus, the committee this year evaluated the renewal option from its health insurance provider, Trigon. The committee was faced this year with the unfortunate fact of increased medical insurance rates. The committee allocated a net rate increase to its members of 22.3%, voting to spread the increase over three geographic areas of the state based upon documented claims history for the prior year by region. The original increase requested by Trigon was 28.3%; however, this amount was reduced by the contribution of the balance of the premium stabilization fund and by the agreement from TRIAL to reduce its commission by 1%.

As to the other plans, the Disability Plan continues in its success pattern. Following a six-month premium holiday last year, the plan still retains a balance in its "refund accumulation account" of \$242,131.64. The Term Life Plan will experience a rate reduction at renewal of 10%.

Myself as chair, Gary W. Lonergan, vice chair, Kevin R. Appel, Mary Dalton Baril, Kathleen T. Barlow, Homer C. Eliades, James H. Ford, Stephen C. Minz, and Larry S. Wiese wish to express our appreciation for the extraordinary assistance provided to this committee by Tom Edmonds, executive director of the Virginia State Bar and Mary Yancy Spencer, deputy executive director. This committee simply would not have been able to function this year without their much needed assistance.



SPECIAL COMMITTEE ON PUBLICATIONS AND PUBLIC INFORMATION

Thomas Edward Spahn, Chair

This year our committee continued to expand Virginia's first statewide speaker's bureau, dramatically increased student involvement in our Law in Society Award contest and proudly sold to other states and circulated throughout Virginia an award-winning series of public service announcements highlighting the good that lawyers do.

We started the Virginia State Bar Speaker's Bureau three years ago, with Laura Dalpino, of the Virginia State Bar, creating and maintaining the extensive database required to match interested lawyers with interested groups. We now have nearly 500 lawyers signed up for speaker's bureau duty, and approximately 6-10 groups request speakers every month. Many of the speakers make presentations in schools, providing valuable information to students about law-related subjects. Our speakers also address neighborhood and civic groups. This year our committee agreed upon a policy suggesting when and how speakers might mention their own availability for representation should any audience member ask for specific legal advice.

Thanks to the generosity of the Virginia State Bar Litigation Section, our committee continues to expand the Law in Society Award competition—an essay contest in which high school students from throughout Virginia vie for prizes ranging from savings bonds to dictionary sets, t-shirts and plaques. With Laura Dalpino's help, we have tremendously increased the number of contestants by publicizing the competition among Virginia high schools. Only 75 students sent in essays in 1998, but this jumped to 289 students in 1999 and 373 students this year. The winner and runners-up generally receive publicity in their hometown newspapers, and we have also arranged for the award-winners to be presented their prizes at Law Day ceremonies attended by statewide or local bar officials or members of the judiciary.

REPORTS OF SPECIAL COMMITTEES

This year's contest focused on content-based restrictions on what high school students can have printed on clothing they wear at school. For the first time, we prepared a "Teacher's Manual" that analyzed the issue, outlined questions for class discussion and even included relevant Supreme Court cases that teachers could read before leading their classes in discussing this issue. High school teacher and part-time McGuireWoods secretary Sharon Parker volunteered to format the "Teacher's Manual" in line with the Standards of Learning, providing another valuable resource for high school teachers. We sent out these teacher's manuals after all of the students had submitted their essays, and invited high school teachers to use the manuals for classroom discussion. We received a great response from high school teachers, and we hope to use a similar approach every year so that teachers will have "off the shelf" law-related topics available to them any time. We also sent a letter to teachers throughout the state asking for their input on appropriate topics for future Law in Society Award competitions and any other suggestions.

Our committee continues to help bar groups in preparing videotapes. A Family Law Section video about children involved in divorce actions has been a huge success, with only 35 copies of the tape left from an initial run of 600. Our committee also helped the Bankruptcy Section with a video explaining the basics of personal bankruptcy.

Our committee's public service announcement campaign has continued to have great success. As explained in our last report, we raised private funds to pay for a series of public service announcement pictures and text composed by volunteer students from the VCU AdCenter. The campaign has already won a national award and received nationwide publicity. This year we sold the rights to the campaign to three states (Vermont, Oregon and New Mexico), and made final arrangements for another state bar (Iowa) to purchase the campaign. We also sold the campaign to the Canadian Bar Association, which has members throughout that entire country.

Using the money we raised through these sales, Rod Coggin, of the Virginia State Bar, arranged for a "media blitz" in May that saw the campaign published in major newspapers throughout Virginia. We have also circulated posters to every Virginia law school and other institutions where the public will see them prominently displayed.

Our committee intends to continue selling the public service announcement campaign and (if finances permit) arranging for further publicity here in Virginia.

As in previous years, the committee expresses its deep appreciation to our state bar staff liaison, Rod Coggin, whose expertise was invaluable during the roll-out of the public service announcement campaign. We also salute Laura Dalpino, who provided Rod valuable assistance in connection with the Speaker's Bureau and Law in Society Award competition. Laura was recently married and left the state bar, and we wish her well.



SPECIAL COMMITTEE ON THE RESOLUTION OF FEE DISPUTES

Richard C. Sullivan, Jr., Chair

The Special Committee on the Resolution of Fee Disputes oversees the bar's Fee Dispute Resolution Program (FDRP). The FDRP was begun in 1995, after extensive study by the special committee. The FDRP provides the bar and the public with an informal, private, quick and inexpensive alternative to litigation or the disciplinary system for resolving fee disputes through voluntary binding arbitration.

The program is comprised of 11 circuit committees on the Resolution of Fee Disputes (CCRFD) around the Commonwealth. Each CCRFD is made up of a panel of lawyers and non-lawyers nominated by their local bar associations and appointed by the Virginia State Bar president. The special committee conducts training sessions for panel members of the CCRFDs. While no new CCRFDs were created this year, the special committee continues to look for opportunities to expand the program into areas where it does not exist. Currently, there are CCRFDs in the 10th, 11th, 13th, 16th, 18th, 19th, 20th, 23rd, 24th, 27th and 28th circuits. The Tidewater area does not have an official CCRFD, but is served by the Norfolk and Portsmouth Bar Association, and referrals go from the Virginia State Bar to the Norfolk and Portsmouth Bar Association Fee Dispute Resolution Committee.

Last year the VSB received 275 inquires from the attorneys and clients seeking help resolving a fee dispute. One hundred eighteen referrals were made by the VSB to local CCRFDs. The local CCRFD chairmen, who are charged with overseeing each local CCRFD and with making initial efforts to conciliate or mediate fee disputes before the hearing stage, reported receiving 25 inquires during the year. Two fee disputes were resolved without a hearing, and six arbitrations were held during the year. Two arbitrations were pending at year end.

REPORTS OF SPECIAL COMMITTEES

The special committee continues to focus its efforts on raising the profile of the program, and alerting—or reminding—more lawyers and clients that the program exists as an option for resolving fee disputes. We continue to be concerned that our statistics indicate that many more clients sign agreements to arbitrate than do attorneys. The special committee thus continues to focus its efforts on encouraging more attorneys to agree to arbitrate fee disputes. During the last bar year, special committee members appeared at several events around the Commonwealth to make presentations to bar members about the program. A training session was conducted for CCRFD members in Roanoke, and the special committee made modifications to its brochure to more completely describe the program.



SPECIAL COMMITTEE ON SEMINARS

Joseph A. Condo, Chair

The principal function of this committee is to plan upcoming Midyear Legal Seminars. In the past year the committee met on several occasions to finalize plans for the November 1999 seminar that was held at the Westin in St. John in the U.S. Virgin Islands. The seminar was attended by approximately 135 people. The CLE programs included sessions planned by the Litigation and Family Law sections, as well as a session focused on personal injury issues. For the first time ever, the seminar was severely impacted by Mother Nature. Hurricane Lenny's impending arrival necessitated ending the seminar a day earlier than planned and evacuating the participants from St. John. The committee also discussed possible sites and CLE programming for 2000. The Fiesta Americana in Cabo San Lucas, Baja, Mexico, was selected as the site for the November 2000 seminar. Programs will be conducted by the Family Law and Litigation sections and the Standing Committee on Professionalism.

CLIENTS' PROTECTION FUND

Robert T. Mitchell, Jr., Chair

The Clients' Protection Fund was established in 1976 to make monetary awards to persons who have suffered financial losses due to the dishonest conduct of Virginia lawyers. The fund is operated by a 14-member board appointed by the Virginia State Bar Council. The board has lay and lawyer members. Board members investigate all petitions by clients for payments from the fund, and the fund board discusses and acts on each petition.

The fund began the fiscal year on July 1, 1999, with a cash balance of \$2,702,671.40. Interest income for the 1999–2000 fiscal year totaled \$145,335.85. The fund received restitutions from Attorney General's collections, debt set-off and individual restitutions in the amount of \$17,223.03. As of June 30, 2000, cash balance in the fund was \$2,754,214.49. Pursuant to the rules governing the Clients' Protection Fund, all funds are invested in certificates of deposit and U. S. Government securities.

As of July 1, 1999, there were thirteen claims pending. This was up from eleven claims pending on July 1, 1998. Twenty-eight new claims were received. Twenty-six claims were approved for payment. The total amount paid during 1999–2000 was \$72,883.51. The total paid in the prior fiscal year (1998–99) was \$179,381.61. Twelve claims were denied. One claim was dismissed without prejudice. There were two claims pending as of June 30, 2000.

Pursuant to the rule change that was approved by Council in June 1999 to allow the fund to reimburse the bar for some or all of the extraordinary receivership costs associated with pursuing or seeking to preserve assets which are ultimately for the benefit of clients, two requests were received and acted on favorably by the board. \$37,469.38 was the total reimbursement to the bar fund from the Clients' Protection Fund involving two receiverships.

The board began the 2000 fiscal year with one new member, H. Victor Millner, Jr. from Chatham. He replaced William F. Stone who resigned after being appointed to the bench.

As members of the bar, we should all be proud of the benefits this fund provides to the public.



CONFERENCE OF LOCAL BAR ASSOCIATIONS

Elizabeth K. Dillon, Chair

This year the Conference of Local Bar Associations again sponsored the Bar Leaders Institute in two locations and took steps to expand the *So You're 18* program.

The BLIs were held this year in Richmond on March 6, 2000 and in Abingdon on March 10, 2000. The conference had record attendance at each BLI. In Richmond, panel discussions included, "Maintaining a Successful Legislative Relationship and Judicial Selection," "Effective Bar Leadership within the Bar and the Community," "Professionalism and the Mentoring and Orientation of Young Lawyers," "Future of Law Libraries," "Communication Techniques," "Bar Programs with Limited Resources," and "Ethics for the Bar Leader." Glenn Lewis, chair of the Access Committee, spoke on how local bars can assist with the VSB Council's Pro Bono Resolution. Phil Stone, president of Bridgewater College and past president of the Virginia Bar Association was an inspiring luncheon speaker.

Thanks to Scott Street, the Abingdon BLI was held in conjunction with a regional state bar meeting featuring no-cost CLE. Justice Cynthia D.F. Kinser presented a CLE on "Nuts and Bolts of a Successful Appeal to the Supreme Court of Virginia" and Barbara Ann Williams, VSB bar counsel, presented an "Overview of the Disciplinary System." Panel discussions in Abingdon included "Effective Bar Leadership Within the Bar and the Community," "Bench-Bar Relationship—How to Encourage Professionalism and Civility in the Courtroom," and "Goals of a Bench-Bar Conference." A post-BLI reception, sponsored by the Washington County Bar Association and other local bars, ended the day.

The Virginia Law Foundation has graciously approved the CLBA's grant application to continue and expand the *So You're 18* program. The grant will allow the CLBA and local bars in this coming year, to distribute *So You're 18* booklets and an accompanying video tape to public high school libraries, public libraries, sheriffs' offices, police departments, and Juvenile and Domestic Relations Courts. Distributions of the *So You're 18* handbooks continued throughout this year, as requested, and were funded by interested local bar associations.

REPORTS OF SPECIAL BOARDS

At its annual meeting at Virginia Beach in June, the conference was honored to present two Bar Leader of the Year awards. The awards were presented to Meredith A. House, Bar Association of the City of Richmond, and George W. Shanks, Page County Bar Association. These two local bar leaders have shown outstanding devotion to, and leadership of, their local bar associations. The CLBA also recognized outstanding bar association programs with Awards of Merit and Certificates of Achievement.



MANDATORY CONTINUING LEGAL EDUCATION

David R. Denton, Chair

William Fain Rutherford, Jr., Vice-chair

The Mandatory Continuing Legal Education (MCLE) Board administers the mandatory legal education program established by the Virginia Supreme Court, by Rule of Court, in 1985. The Rule was amended in 1990 requiring all active members of the Virginia State Bar to complete a minimum of 12.0 hours of approved CLE courses each fiscal year, including 2.0 hours of ethics or professionalism.

The MCLE Board consists of 12 members appointed by the Virginia Supreme Court. The MCLE Department administers the MCLE requirements for the board. The board meets six times a year at the office of the Virginia State Bar, and an additional ten times per year by consent agenda to consider applications only.

Over the last reporting cycle, the MCLE staff and board have worked on the following:

Course Applications	4,163
Accredited Sponsor Courses	12,644
Waiver Requests	30
Extension Requests	19
Telephone Inquiries	15,000
Letters Sent Out	24,000
Certificates of Attendance	89,000
Interim MCLE Reports — April, 2000	22,000
Form I Reports — July, 2000	22,000
Attorneys Attending after 6/30/00 (New Non-Compliance Fee)	1,615

In June, 1999, the Virginia State Bar added access to members' MCLE records to its Web site. Members can check their MCLE record on-line and download MCLE regulations, opinions, forms, or course listings from the Internet. For the period ending June 30, 2000, there were 23,650 hits to the MCLE Web site.

The MCLE Board approved CLE courses delivered through Internet technology effective July 1, 1998. At that time, only one accredited sponsor met the standard set by MCLE Opinion #16. This year, further on line CLE opportunities became available to members, and the board anticipates additional courses in the future as sponsors develop the technology required to meet the standard set by Opinion #16.

The board had two retiring members this year. Our vice-chair, William Fain Rutherford, Jr., served the board for six years, including one year as vice-chairman. J. Nelson Happy served for six years. The board was sorry to see Paul C. Harris, Sr., leave the board by resignation.

Finally, the board acknowledges that without the dedication and hard work of MCLE Director Barbara Sayers Lanier and her professional staff, the board's work would not be possible. Barbara Sayers Lanier has served the board for 15 years and the board sadly notes she will be leaving her position as Director of MCLE effective September 1, 2000, for another position with the Virginia State Bar. I can speak for the board in saying we will miss her reasoned direction, but take some consolation in the fact that she will continue to serve members of the Virginia State Bar in her new position.

