

Virginia State Bar 79th Annual Report

Annual Report
for the period
July 1, 2016 – June 30, 2017



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Report of the Executive Director/Chief Operating Officer

Karen A. Gould

Membership in the Virginia State Bar grew slowly this year. Active “in good standing” membership increased to 32,782 as of June 1, 2017 (which includes corporate counsel admittees), compared to 32,378 last year.

	2016-17	2015-16
Active	31,725	31,455
Corporate Counsel Admittees	933	923
Corporate Counsel Registrants	549	546
Associate	13,438	13,332
Judicial (includes active and retired)	1,424	1,399
Retired/Disabled	2,818	2,669
Total	50,887	50,324

Bar

Activities, Officers, and Council During 2016-2017

Karen A. Gould has served as executive director since January 1, 2008.

Michael W. Robinson of Tysons Corner served as president of the bar from June 18, 2016, until June 17, 2017. President Robinson’s leadership as president of the Virginia State Bar was exemplified by his unwavering commitment to improving the profession and to protecting and informing the public, by supporting the staff of the Virginia State Bar in a myriad of ways, including its budget discussions, his insightful analysis of difficult constitutional issues and assisting during the legislative effort to amend Va. Code § 54.1-3935. He provided wise leadership and direction at Executive Committee and Bar Council meetings, for example, the Council debate on mandatory pro bono reporting was a debate conducted under his leadership that was orderly, thoughtful, did not extend beyond reasonable time parameters, and yet there was never an issue of whether Council members had the opportunity to hear the ideas and concerns of a broad group of engaged members.

Doris Henderson Causey became president of the VSB at the conclusion of the 2017 Annual Meeting.

Ms. Causey served ex-officio on the VSB Executive Committee during 2016-2017 as president-elect. Ed Weiner served ex-officio as immediate past president. Marni E. Byrum, Nancy C. Dickenson, and Leonard C. Heath, Jr. continued to serve on the Executive Committee during the 2016-2017 bar year. William E. Glover, Eugene M. Elliott, Jr. and Todd A. Pilot were elected by the council as new members of the 2016-17 executive committee, replacing Michael HuYoung, Brian L. Buniva and Daniel L. Rosenthal. Barbara S. Anderson, Latoya Asia Capers, and Bruce E. Robinson, the new chairs of the Conference of Local Bar Associations, the Diversity Conference, and the Senior Lawyers Conference, respectively, and Dean E. Lhospital, the incoming president of the Young Lawyers Conference, completed the 2016-17 roster of the executive committee.

Newly Appointed Council Members-at-Large effective July 1, 2016

Eva N. Juncker, Falls Church

2016-2017 Conference Chairs

CLBA Chair – Barbara S. Anderson, Alexandria

Diversity Conference Chair – Latoya Asia Capers,

Senior Lawyers Conference Chair – Bruce E. Robinson,

Young Lawyers Conference President – Dean E. Lhospital, Charlottesville

In summary, council consists of the three officers, four conference chairs, nine at-large members appointed by the Supreme Court of Virginia, and sixty-five elected members.

Highlights from the FY2016-2017 Council Meetings

1. October 7, 2016 Meeting

This meeting took place during a torrential downpour in Roanoke, Virginia, while a hurricane bore down on Virginia Beach. Attendance was reduced as a result of the weather conditions. (a) Only 54 of the 81 eligible Council members were present and voted during the first action item, which dealt with whether to adopt mandatory reporting of pro bono hours. After a vigorous two-hour debate, the proposal was rejected 29-25. (b) Council unanimously approved the proposed amendments to Paragraph 13-24 of Part 6, Section IV of the Rules of the Supreme Court of Virginia dealing with reciprocal discipline, which went on to be approved by the Supreme Court of Virginia, effective March 1, 2017, https://www.vsb.org/docs/SCV_para_13-24_121516.pdf. (c) Council also unanimously approved proposed amendments to Va. Code Va. Code § 54.1-3935 and authorized the Virginia State Bar to seek the legislative changes, subject to the approval of the Supreme Court of Virginia. The Court subsequently approved the changes. The legislative changes proposed made their way in HB1479. The revisions to § 54.1-3935, patroned as identical bills in both houses of the General Assembly, HB 1479 by Delegate James A. Leftwich and SB 874 by Senator Thomas K. Norment, unanimously passed both houses and were approved by Governor McAuliffe on February 17, 2017. The changes become effective July 1, 2017. (d) In addition to these action items, Council approved changes to Paragraph 13.1, permitting the executive director to take action on professional course extension requests in between meetings of the executive committee. The changes to Paragraph 13.1 were approved by the Supreme Court and became effective March 1, 2017, https://www.vsb.org/docs/SCV_para_13.1_121516.pdf. (e) LEO 1866 was approved by Council and was subsequently approved by the Supreme Court of Virginia on December 15, 2016, effective immediately, https://www.vsb.org/docs/SCV_para_13.1_121516.pdf. LEO 1886 covers the ethical duty of partners and supervisory lawyers in a law firm when another lawyer in the firm suffers from significant impairment.

2. February 25, 2017 Meeting

(a) Council unanimously approved revisions to the Clients' Protection Fund Rules, which combined two sets of rules previously governing operation of the Fund. The amendments outline the purpose, funding, authority, and administration of the CPF. The amendments also improve the structure and organization of the rules of procedure that outline the administration of the CPF, including the procedure for processing claims. The purpose of the amendments is to clarify the authority for the

CPF as well as to facilitate understanding of the CPF for both VSB members and the public, <https://www.vsb.org/pro-guidelines/index.php/cpf-rules> (b) Council also voted 65-1 to send proposed amendments to Rules of Professional Conduct 7.1 to 7.5 (the advertising rules) to the Supreme Court of Virginia for approval. The amendments simplify and modernize the lawyer advertising rules in light of changes caused by the rise of Internet marketing and communications. The Supreme Court approved the advertising rule changes as submitted, effective July 1, 2017, https://www.vsb.org/docs/SCV_order_para_7_1_7_5.pdf.

3. June 15, 2017 Meeting

(a) Council approved a \$ 14.9 million budget for FY2017-18. This is a decrease of \$10,000 from the 2016-17 operating budget. The budget includes a 3 percent raise for VSB employees as authorized by the General Assembly. The Standing Committee on Budget & Finance recommended in this budget that executive committee meetings not associated with council meetings be held in Richmond so that they could be cancelled without any cancellation fees being assessed. The budget was sent to the Supreme Court of Virginia for consideration at its August business meeting. The Court had provisionally approved the budget until it could be reviewed at that meeting. (b) Council approved amendments to the VSB Social Media Policy; and (c) Council approved proposed LEO 1887, which deals with the situation presented by a sole partner in a firm or solo lawyer who is impaired and what duty is owed by an attorney who has knowledge of this impairment. A petition asking for approval of LEO 1887 has been sent to the Supreme Court of Virginia.

2017 Annual Meeting

The VSB 2017 Annual Meeting was hosted for the third time at three hotels: the Holiday Inn & Suites North Beach; the Sheraton Virginia Beach Oceanfront Hotel; and the Hilton Virginia Beach Oceanfront. Room blocks were arranged at those three hotels, in addition to five additional hotels in an eight-block radius. An online app was available to download and was helpful in orienting members to their meetings' locations. The 2017 meeting went very well, with few complaints.

Judicial Candidate Evaluation Committee Evaluations

The JCEC did not interview or evaluate candidates in FY2016-2017.

FY2016 Audit Report

The audit report for FY2016, was being conducted but had not been finalized as of June 30, 2017.

Clients' Protection Fund

The Clients' Protection Fund was established in 1976 to make monetary awards to persons who suffered financial losses due to the dishonest conduct of Virginia lawyers. The total amount paid during FY2016-2017 was \$343,428.86 for 50 claims. Fourteen petitions were denied, and thirteen petitions were rejected for not meeting the CPF rule requirements. The fund balance as of June 30, 2017, was \$8,911,684. The CPF assessment paid by active VSB members raised \$805,600 in FY2016-2017.

Enterprise Client Management Project

During FY2016-2017, the ECRM project continued with the implementation of ECRM in several departments including MCLE, VLRS, and Access to Legal Services. Software upgrades along with a new development and testing environment were completed and put into production. At this point the ECRM implementation project is nearing completion with almost all major departments running under our new document management system. The remaining departmental implementations include Bar Services and Fiscal, which have been delayed until the coming FY2017-2018 fiscal year due to scheduling conflicts and personnel changes. Moving forward, any new ECRM implementations and updating will be completed by VSB staff with the IQ Consulting firm being used only on a time and materials contingency basis.

ALPS

ALPS has been the VSB's endorsed lawyers' professional liability carrier since October 2000. ALPS became an admitted carrier in Virginia on February 1, 2015. ALPS is now subject to SCC regulation and in the event of insolvency, ALPS insureds would have access to the Virginia Guarantee Fund. The VSB Special Committee on Lawyer Malpractice Insurance continued its work during FY2016-2017 in implementation of the 3% risk management fund created from gross written premium as part of the ALPS endorsement agreement permitted by statute. This fund is maintained and utilized by ALPS as agreed by the committee and the ALPS management team in CLE programs held throughout Virginia. For additional details about the Special Committee on Lawyer Insurance (formerly known as the Lawyer Malpractice Insurance Committee), see that annual report for that committee.

Regulatory Changes

Changes to the Rules of Professional Conduct

[Rules of Professional Conduct 7.1-7.5 as amended by the Supreme Court of Virginia, effective July 1, 2017:](#)

INFORMATION ABOUT LEGAL SERVICES.

[RULE 7.1. Communications Concerning A Lawyer's Services.](#)

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Comment

[1] Truthful statements that are misleading are also prohibited by this Rule. A truthful statement is misleading if it omits a fact necessary to make the lawyer's communication considered as a whole not materially misleading. A truthful statement is also misleading if there is a substantial likelihood that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services for which there is no reasonable factual foundation.

[2] A communication that truthfully reports a lawyer's achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client's case. Similarly, an unsubstantiated comparison of the lawyer's services or fees with the services or fees of other lawyers may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison can be substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead the public.

[3] In communications about a lawyer's services, as in all other contexts, it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law. Rule 8.4(c). See also Rule 8.4(d) for the prohibition against stating or implying an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law.

Areas of Expertise/Specialization

[4] A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer who is a specialist in a particular field of law by experience, specialized training, or education, or is certified by a named professional entity, may communicate such specialty or certification so long as the statement is not false or misleading.

Firm Names

[5] A firm may be designated by the names of all or some of its members, by the names of deceased members where there has been a continuing succession in the firm's identity or by a trade

name such as the "ABC Legal Clinic." A lawyer or law firm may also be designated by a distinctive website address or comparable professional designation. Although the United States Supreme Court has held that legislation may prohibit the use of trade names in professional practice, use of such names in law practice is acceptable so long as it is not misleading. If a private firm uses a trade name such as "clinic" that also includes a geographical name such as "Springfield Legal Clinic," an express disclaimer that it is not a public legal aid agency may be required to avoid a misleading implication. It may be observed that any firm name including the name of a deceased partner is, strictly speaking, a trade name. The use of such names to designate law firms has proven a useful means of identification. However, it is misleading to use the name of a lawyer not associated with the firm or a predecessor of the firm, or the name of a nonlawyer.

[6] Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact. Lawyers sharing office facilities, but who are not in fact associated with each other in a law firm, may not denominate themselves as, for example, "Smith and Jones," for that title suggests that they are practicing law together in a firm.

RULE 7.2. Advertising [DELETED].

RULE 7.3. Solicitation of Clients.

(a) A solicitation is a communication initiated by or on behalf of a lawyer that is directed to a specific person known to be in need of legal services in a particular matter and that offers to provide, or can reasonably be understood as offering to provide, legal services for that matter.

(b) A lawyer shall not solicit employment from a potential client if:

- (1) the potential client has made known to the lawyer a desire not to be solicited by the lawyer; or
- (2) the solicitation involves harassment, undue influence, coercion, duress, compulsion, intimidation, threats or unwarranted promises of benefits.

(c) Every written, recorded or electronic solicitation from a lawyer shall conspicuously include the words "ADVERTISING MATERIAL" on the outside envelope, if any, and at the beginning and ending of any recorded or electronic solicitation, unless the recipient of the solicitation:

- (1) is a lawyer; or
- (2) has a familial, personal, or prior professional relationship with the lawyer; or
- (3) is one who has had prior contact with the lawyer; or
- (4) is contacted pursuant to court-ordered notification.

(d) A lawyer shall not compensate, give, or promise anything of value to a person who is not an employee or lawyer in the same law firm for recommending the lawyer's services except that a lawyer may:

- (1) pay the reasonable costs of advertisements or communications permitted by this Rule and Rule 7.1, including online group advertising;
- (2) pay the usual charges of a legal service plan or a not-for-profit qualified lawyer referral service;
- (3) pay for a law practice in accordance with Rule 1.17; and
- (4) give nominal gifts of gratitude that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer's services.

Comment

Direct Contact between Lawyers and Laypersons

[1] A lawyer's communication typically does not constitute a solicitation if it is directed to the general public, such as through a billboard, an Internet banner advertisement, a website or a television commercial, or if it is in response to a request for information or is automatically generated in response to Internet searches.

[2] There is far less likelihood that a lawyer would engage in abusive practices against an individual who is a former client, or with whom the lawyer has a close personal or family relationship; nor is there a serious potential for abuse when the person contacted is a lawyer or when the person has already initiated contact with the lawyer. Consequently, the requirements of Rule 7.3(c) are not applicable in those situations.

[2a] The requirement in Rule 7.3(c) that certain communications include "ADVERTISING MATERIAL" does not apply to communications sent in response to requests of potential clients or their spokespersons or sponsors; however, prior contact from the lawyer in the form of advertising material does not circumvent the need to include the words "ADVERTISING MATERIAL" in future contacts. General announcements by lawyers, including changes in personnel or office location, do not constitute communications soliciting professional employment from a potential client known to be in need of legal services within the meaning of this Rule.

[3] Even permitted forms of solicitation can be abused; thus, any solicitation that contains information that is false or misleading within the meaning of Rule 7.1, which involves coercion, duress or harassment within the meaning of Rule 7.3(b), or which involves contact with a potential client who has made known to the lawyer a desire not to be solicited by the lawyer within the meaning of Rule 7.3(b), is prohibited. Moreover, if after sending a letter or other communication to a potential client the lawyer receives no response, continued repeated efforts to communicate with the potential client may constitute harassment and therefore violate the provisions of Rule 7.3(b). Regardless of the form of the communication, its propriety will be judged by the totality of the circumstances under which it is made, including the potential client's sophistication and physical, emotional, and mental state, the nature and characterization of the legal matter, the parties' previous relationship, the lawyer's conduct, and the words spoken.

Paying Others to Recommend a Lawyer

[4] Lawyers are not permitted to pay others for recommending the lawyer's services or for channeling professional work in a manner that violates Rule 7.1 and this Rule. A communication contains a recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities. However, Paragraph (d)(1) allows a lawyer to pay for advertising and communications permitted by this Rule, including the costs of print directory listings, on-line directory listings, newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees, banner ads, and group advertising. A lawyer may compensate employees, agents, and vendors who are engaged to provide marketing or client-development services, such as publicists, public-relations personnel, business-development staff, and website designers, as long as the employees, agents, and vendors do not direct or control the lawyer's professional judgment in violation of Rule 5.4(c). See Rule 5.3 for the duties of lawyers and law firms with respect to the conduct of nonlawyers who prepare marketing materials for them. Moreover, a lawyer may pay others for generating client leads, such as internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with Rule 5.4, and the lead generator's communications are consistent with Rule 7.1. To comply with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral.

[5] Selection of a lawyer by a layperson should be made on an informed basis. Advice and recommendation of third parties—relatives, friends, acquaintances, business associates, or other lawyers—and publicity and personal communications from lawyers may help to make this possible. A lawyer should not compensate another person for recommending him or her, for influencing a potential client to employ him or her, or to encourage future recommendations.

[6] A lawyer may pay the usual charges of a legal service plan or a not-for-profit lawyer referral service. A legal service plan is a prepaid or group legal service plan or a similar delivery system that assists potential clients to secure legal representation. Not-for-profit lawyer referral services are consumer-oriented organizations that provide unbiased referrals to lawyers with appropriate

experience in the subject matter of the representation and afford other client protections, such as complaint procedures or malpractice insurance requirements. Consequently, this Rule permits a lawyer to pay only the usual charges of a not-for-profit lawyer referral service.

RULE 7.4. Communication Of Fields Of Practice And Certification [DELETED].

RULE 7.5. Lawyer and Firm Names And Letterheads [DELETED].

Paragraph 13-24 as amended by the Supreme Court of Virginia, effective March 1, 2017:

13-24 BOARD PROCEEDINGS UPON DISBARMENT, REVOCATION OR SUSPENSION IN ANOTHER JURISDICTION

A. Definitions Specific to Paragraph 13-24. The following terms shall have the meaning set forth below unless the content clearly requires otherwise:

1. "State Jurisdiction" means any state, United States Territory, or District of Columbia law licensing or attorney disciplinary authority, including the highest court of any such Jurisdiction, authorized to impose attorney discipline effective throughout the Jurisdiction.
2. "Jurisdiction" shall refer to either a "State Jurisdiction" or any federal court or agency authorized to discipline attorneys, including the United States military.

B. Initiation of Proceedings. Upon receipt of a notice from the Clerk of the Disciplinary System that another Jurisdiction has, as a disciplinary measure, suspended or revoked the law license of an Attorney ("Respondent") or has suspended or revoked Respondent's privilege to practice law in that Jurisdiction, and that such action has become final (the "Suspension or Revocation Notice"), any Board member shall enter on behalf of the Board an order requiring Respondent to show cause why discipline that is the same or equivalent to the discipline imposed in the other Jurisdiction should not be imposed by the Board. If the Suspension or Revocation Notice is from a State Jurisdiction and the suspension or revocation has not been suspended or stayed, then the Board's order shall suspend Respondent's License pending final disposition of the Proceeding hereunder. The Board shall serve upon Respondent by certified mail the following: a copy of the Suspension or Revocation Notice; a copy of the Board's order; and a notice fixing the date, time and place of the hearing before the Board to determine what action should be taken in response to the Suspension or Revocation Notice and stating that the purpose of the hearing is to provide Respondent an opportunity to show cause why the same or equivalent discipline that was imposed in the other Jurisdiction should not be imposed by the Board. Notwithstanding the above, notice of a suspension or revocation for merely administrative reasons, such as the failure to pay dues or the failure to complete required continuing legal education, shall not be considered a Suspension or Revocation Notice.

C. Opportunity for Response. Within 14 days of the date of mailing of the Board order, via certified mail, to Respondent's last address of record with the Bar, Respondent shall file with the Clerk of the Disciplinary System a written response, which shall be confined to argument and exhibits supporting one or more of the following grounds for dismissal or imposition of lesser discipline:

1. The record of the proceeding in the other Jurisdiction would clearly show that such proceeding was so lacking in notice or opportunity to be heard as to constitute a denial of due process;
2. The imposition by the Board of the same or equivalent discipline upon the same proof would result in an injustice;
3. The same conduct would not be grounds for disciplinary action or for the same or equivalent discipline in Virginia; or
4. The misconduct found in the other Jurisdiction would warrant the imposition of substantially lesser discipline in the Commonwealth of Virginia.

D. Scheduling and Continuance of Hearing. Unless continued by the Board for good cause, the hearing shall be set not less than 21 nor more than 30 days after the date of the Board's order.

E. Provision of Copies. The Clerk of the Disciplinary System shall furnish to the Board members designated for the hearing and make available to Respondent copies of the Suspension or Revocation Notice, the Board's order against the Respondent, the notice of hearing, any notice of continuance of the hearing, and any written response or materials filed by Respondent or by Bar Counsel.

F. Hearing Procedures. Insofar as applicable, the procedures for Proceedings on allegations of Misconduct shall govern. Bar Counsel has discretion to put forth evidence and argument that one or more of the grounds specified in Paragraph 13-24.C exists. If Respondent does not file a timely written response, but appears at the hearing and expresses intent to present evidence or argument supporting the existence of one or more of the grounds specified in Paragraph 13-24.C, Respondent shall make a proffer to the Board. The Board may refuse to consider such evidence or argument as untimely. If the Board in its discretion is willing to consider such evidence or argument, then Bar Counsel, upon motion, may be entitled to a continuance.

G. Burden of Proof. The burden of proof to establish the existence of one or more of the grounds specified in Paragraph 13-24.C is clear and convincing evidence. Unless one or more of the grounds specified in Paragraph 13-24.C has been established by clear and convincing evidence, the Board shall conclude that Respondent was afforded due process by the other Jurisdiction and the findings of the other Jurisdiction shall be conclusive of all matters for purposes of the Proceeding before the Board.

H. Action by the Board. If the Board determines that none of the grounds specified in Paragraph 13-24.C exist by clear and convincing evidence, it shall impose the same or equivalent discipline as imposed in the other Jurisdiction. If the Board finds by clear and convincing evidence the existence of one or more of the grounds specified in Paragraph 13-24.C, the Board shall enter an order it deems appropriate. A copy of any order imposing discipline shall be served upon Respondent via certified mail, return receipt requested. Any such order shall be final and binding, subject only to appeal as set forth in the Rules of Court.

The amendments effective March 1, 2017, revised Paragraph 13 to clarify what qualifies as another jurisdiction for reciprocal discipline purposes; clarify the disciplinary board's authority to impose the same, equivalent, or lesser discipline as another jurisdiction; allow for leniency as appropriate; and provide the disciplinary board with discretion in enforcing the default provision.

Paragraph 13.1 as amended by the Supreme Court of Virginia, effective March 1, 2017:

13.1 Suspension for Failure to Complete Professionalism Course—

Each person admitted to the Virginia State Bar on or after July 1, 1988, as an active member shall complete the course of study prescribed by the Executive Committee of the Virginia State Bar and approved by the Supreme Court of Virginia on the Rules of Professional Conduct and the lawyer's broader professional obligations, and any active member who fails to complete the course shall be suspended unless an extension is obtained for good cause shown. Such course of study shall be funded by attendance fees paid by those attending the course.

Any active member licensed after June 30, 1988, and any other member who changes his or her membership to active status shall complete the required course within twelve months of becoming an active member. Failure to comply with this Rule shall subject the active member to the penalties set forth in Paragraph 19 herein.

"Good cause shown" as used herein shall include illness, hospitalization or such other cause as may be determined by the Executive Committee, whose determination shall be final. The Executive Director of the Virginia State Bar is authorized to grant extensions for compliance with this paragraph until the next Executive Committee meeting. Any determination by the Executive Committee or the Executive Director may be reviewed by the Supreme Court on request of the member seeking an extension.

The amendments effective March 1, 2017, authorize the VSB executive director to grant, for good cause, an extension request from a member who fails to complete the Professionalism Course by the deadline.

SPRING 2017 COUNCIL ELECTIONS

New or reelected members effective July 1, 2017

CIRCUIT	ELECTION TYPE	ELECTED
1	Contested online election	Andrew D. Kubovcik
2	Uncontested	Ryan G. Ferguson Steven G. Owen (reelected)
4	Uncontested	Neil S. Lowenstein (reelected)
7	Contested online election	Benjamin M. Mason
9	Uncontested	W. Hunter Old (reelected)
10	Election by meeting	Charles H. Crowder, III (reelected)
11	Uncontested	Dale W. Pittman (reelected)
13	Contested online election	Brian L. Buniva (reelected) J. Tracy Walker, IV
14	Contested online election	Craig B. Davis Marissa D. Mitchell
15	Uncontested	Jennifer L. Parrish (reelected)
17	Contested online election	William H. Miller
18	Contested online election	Stacey Rose Harris
19	Contested online election	Brian C. Drummond Richard A. Gray Gary H. Moliken (reelected) Jay B. Myerson (reelected) Dennis J. Quinn (reelected) Edward L. Weiner
20	Uncontested	Susan F. Pierce
25	Uncontested	William T. Wilson

Addendum to report (added 7/19/2017):

Salaried employment changes in FY 2017

July 1, 2016 - June 30, 2017

Tiffany Harris (HR/Facilities) hired 07/10/16

Tamra Booker (Member Compliance) separated 07/29/16

Mary Yancey Spencer (Deputy Executive Director) retired 8/1/16

(Renu Brennan promoted in FY16)

Jessica Blanton (HR/Facilities) separated 08/9/16

Nejla Cohen (Member Compliance) hired 08/25/16

Laura Booberg (Professional Regulation) hired 08/25/16

Laura Parrish (Member Compliance) hired 09/10/16

Bo Bosak (Professional Regulation) hired 09/10/16

Susan Busch (Finance) retired 10/1/16

(Crystal Hendrick promoted FY16 to replace Susan; Danielle Roache hired FY16 to replace Crystal)

Gene Rhodenizer (Professional Regulation) retired 10/1/16

Charles Jackson (Member Compliance) hired 10/25/16

Erica Gray (Professional Regulation) separated 02/13/2017

Mike Keen (Professional Regulation) separated 02/14/2017

Jean Oakley (Finance) retired 04/01/17

(Catherine Huband transferred 2/27/17)

Rob Baker (Professional Regulation) hired 04/03/17

Madonna Dersch (Publications) separated 04/11/17

Charles Jackson (Member Compliance) separated 04/20/17

Steven Long (Professional Regulation) hired 05/10/17

Alfred Carr (Professional Regulation) separated 05/20/17

Katie Byrd (Member Compliance) hired 06/25/2017

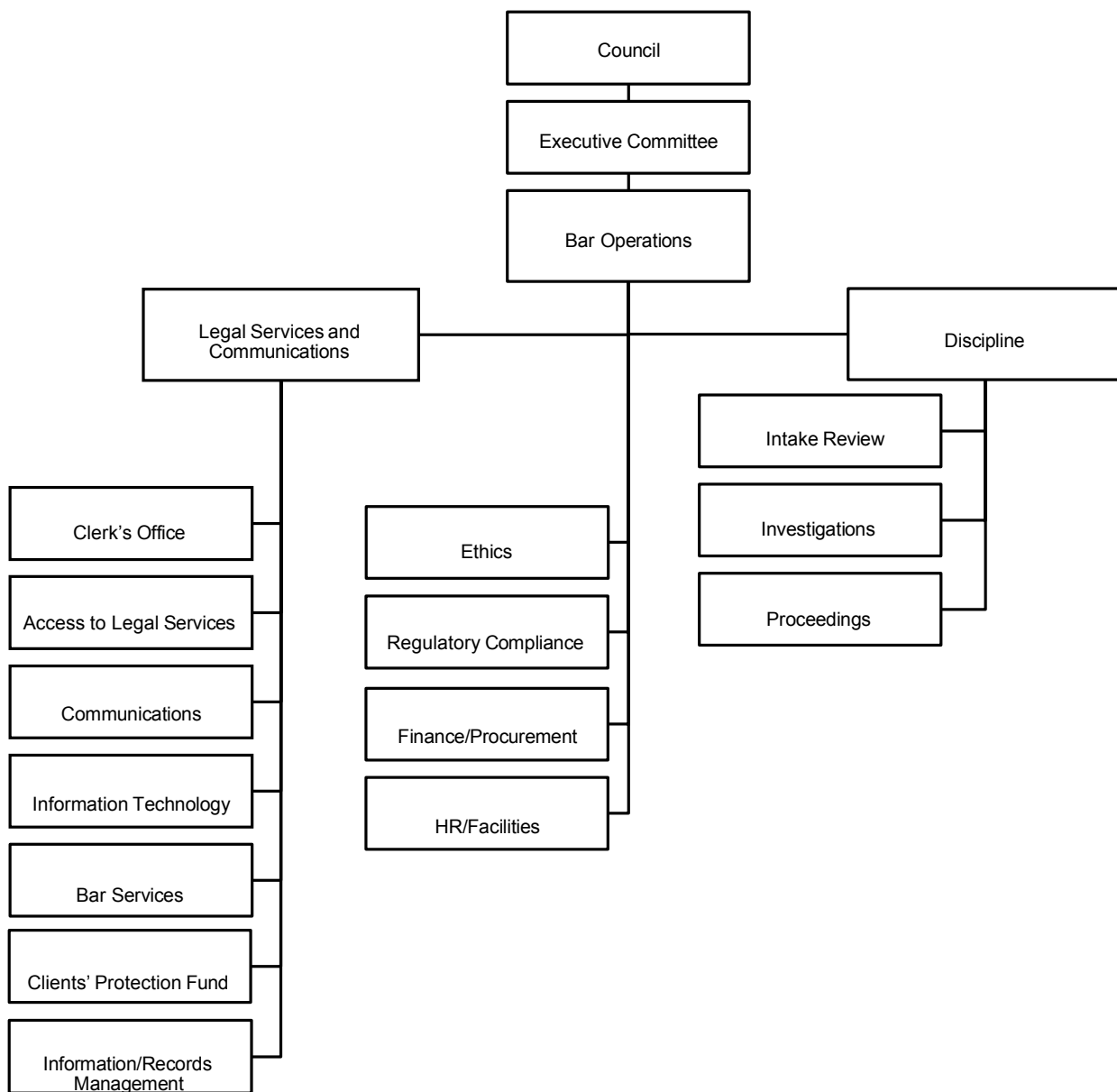
POSITIONS FILLED AS OF JUNE 30, 2017: 93 (HOLD ON AL CARR'S VACANCY)

FTE FOR FY17: 96

FTE FOR FY18: 94

Updated: Jul 20, 2017

VSB ORGANIZATIONAL CHART



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Virginia Joint ADR Committee

Report of the Treasurer

VIRGINIA STATE BAR

CASH WITH THE TREASURER OF VIRGINIA AS OF
JUNE 30, 2017

Cash with the Treasurer of Virginia as of July
1, 2016: 3,494,217.02

Operating Revenue:

Membership Dues 10,466,277.22

Clients' Protection Fund
Assessment & Restitution 839,984.65

Professional Corporations 143,190.00

Section Dues 377,850.00

Virginia Lawyer and Virginia
Lawyer Register 78,891.25

Virginia Lawyer Referral
Service 167,908.00

Mandatory Continuing Legal
Education 1,318,235.00

Professionalism Course 187,975.00

Cost Taxing & Bonds 85,746.05

Seminars and
Miscellaneous 283,420.82

CRESPA Registration 31,275.00

Administration and Finance
Account 115,975.75

Grant Revenue 15,700.00

Total Operating Revenue 14,112,428.74

Operating Expenditures:

Salaries, Wages and
Benefits 9,390,640.23

Receivers 162,070.45

Office Rent 551,999.94

Furniture and Equipment	27,517.60	
Supplies, Stationery and Forms	47,442.76	
Printing and Copying	156,789.58	
Postage	135,460.71	
Telephone	86,349.86	
Staff Travel	100,064.85	
Computer	326,563.32	
Council, Committees and Board	340,920.88	
Professionalism Course	144,320.34	
Sections & Conferences	375,362.47	
Attorney General's Office Fees	65,385.76	
Chief Justice's Programs and Projects	143,319.73	
Other Operating Expenditures	343,877.98	
Total Operating Expenditures		12,398,086.46
Other Disbursements and Transfers:		
Other Technology Projects	83,030.00	
Lawyers Helping Lawyers	156,500.00	
Administration and Finance Account Transfers	110,678.32	
Clients' Protection Fund Transfers	839,865.51	
Grants	500.00	
Appropriation Act Transfer Part 3	139,519.00	
Total Other Disbursements and Transfers		
		1,330,092.83
Cash with the Treasurer of Virginia as of June		
		3,878,466.47

30, 2017:

Updated: May 31, 2018

Report of the Office of Bar Counsel

Edward L. Davis, Bar Counsel

I. Overview

The Office of Bar Counsel [OBC] consists of the intake and discipline departments. The intake department initially receives and screens all inquiries to the bar about attorney conduct and proactively handles inquiries alleging minor misconduct. Intake also performs preliminary investigations in a limited class of cases. The discipline department receives complaints forwarded from the intake department and conducts investigations and prosecutions of such cases before district committees, the Disciplinary Board and three-judge circuit courts. It also petitions the circuit courts for injunctions and the appointment of receivers when such relief is necessary to prevent the loss of client property by dishonest lawyers, or when needed to wind up the practices of disabled, deceased or disbarred attorneys if no other person is reasonably able to do so.

II. Personnel Matters

One attorney departed the OBC during the fiscal year. As discussed below in Part IV, the OBC decided not to fill this position as part of its new strategic plan.

Richmond attorney Laura Ann Booberg joined the VSB staff on August 27, 2016. She replaced Renu Brennan, who was promoted to deputy executive director in April 2016. Laura had been practicing law for 23 years with a focus on worker's compensation, social security disability and immigration law. Avid in outdoor sports, she has completed two marathons and is a member of the U.S. Tennis Association. Laura assumed responsibility for the Third District Committee, Section II, the Fourth District Committee, Section I, and part of the Fifth District Committee, Section III.

Fifteen-year, central Virginia investigator Gene Rhodenizer retired in October 2016. He was replaced by northern Virginia investigator Dave Jackson, who relocated to Orange County. Mr. Jackson in turn was replaced by former VSB Investigator Edward Bosack, effective September 12, 2016, following his return from assignment in Kuwait with the Department of Defense. Finally, Southwest Virginia Investigator Mike Keen retired in February 2017. He was replaced by Robert Baker, who joined the staff on April 3, 2017. Mr. Baker works the Eighth, Ninth and Tenth District Committees that reach from Lynchburg to the borders of Tennessee and West Virginia. Mr. Baker holds a law degree and is a retired Southern California police sergeant. He brings a wealth of experience in complex administrative and criminal investigations, as well as exceptional writing skills.

Finally, the bar's long-term Clerk of the Disciplinary System, Barbara Lanier, announced her retirement effective August 7, 2017. Barbara has been helping us with her knowledge, organization and leadership for more than two decades, having previously

served as director of the MCLE department. We will miss her greatly, and wish her all our best in a very well deserved retirement.

DaVida M. "Dee" Davis is the new Clerk of the Disciplinary System. Dee comes to us from the Circuit Court for the City of Norfolk, where she served more than 20 years as a supervising deputy clerk. Prior to Norfolk, she was a deputy clerk in the Circuit Court for the City of Richmond. She played a key role in developing the Norfolk Circuit Court's paperless program. Dee brings a wealth of knowledge in technology, organization and management to the Virginia State Bar and we all look forward to working with her.

Effective July 1, 2017, Assistant Bar Counsel Katie Uston became President of the National Organization of Bar Counsel.

III. Production

In fiscal year 2017, there were 126 public trials, agreed dispositions and consents to revocation, an increase of 16 (14.5%) from the 110 reported one year ago. The year ended with a slight increase in the total volume of open cases, from 348 to 352, or 1.1%. Nonetheless, this constitutes a reduction of 58.6% from the 851 total open cases five years ago. The fiscal year ended with only eight "pre-016" cases. This is the lowest that this number has ever been since I began reporting it nine years ago. The new fiscal year began with 41 "pre-017" cases, down from 70 one year ago. By comparison, the number was 250 on July 1, 2008.

These reductions reflect continued increases in the processing of cases as well as the quality of attorneys and staff now at the bar. In addition, the intake staff continues to process more cases to conclusion through summary dismissals of complaints that do not affect the disciplinary rules, and the proactive resolutions of minor misconduct without creating disciplinary records.

IV. Outlook

For the third time in the past three years, the OBC chose not to fill a position vacancy among its attorneys. The result is a reduction in the attorney staff from 13 to 10 over the past three years. The OBC also reduced its administrative support staff in recent years. The reasons for these reductions are budgetary and strategic in nature. We found that a high-caliber of attorneys and support staff have enabled the OBC to significantly reduce the overall volume of open cases, as indicated above in Part III. Further, the new managerial structure implemented last year, with Ed Dillon and Brent Saunders serving as Senior Assistant Bar Counsel, has led to more timely review and issuing of charging documents in disciplinary cases. With this reduction in staff, the OBC will keep an eye on the case dockets to ensure that it continues this trend while meeting its public protection mission.

V. Changes to Procedural Rules and Rules of Professional Conduct

On December 15, 2016, the Supreme Court of Virginia approved amendments to the Rules of Court, Part 6, Section IV, Paragraph 13-24, effective March 1, 2017. The rule addresses disciplinary procedures deriving from law license suspensions or revocations imposed by other jurisdictions, or reciprocal discipline. The revised rule clarifies what constitutes another jurisdiction, eliminates the automatic suspension of a lawyer's license if the other jurisdiction is not a state licensing or disciplinary authority, and removes the automatic default provisions of the previous rule. Other changes allow

respondents to present more defenses and provide the Disciplinary Board with the discretion to dismiss or impose lesser sanctions.

Also on December 15, 2016, the Supreme Court of Virginia amended and adopted, effective immediately, Legal Ethics Opinion 1886 regarding the duty of partners and supervisory lawyers in a law firm when another lawyer in the firm suffers from significant impairment.

At its 2017 session, the Virginia General Assembly approved amendments to Virginia Code Section 54.1-3935, the statute governing attorney disciplinary proceedings before three-judge circuit courts. The Governor signed the amendments into law effective July 1, 2017. The amendments clarify the procedures for a respondent attorney who wishes to have his or her disciplinary case heard by a three-judge circuit court.

On April 17, 2017, the Supreme Court approved amendments to the advertising rules (Rules 7.1-7.5 of the Rules of Professional Conduct), effective July 1, 2017. The amendments significantly simplify the regulations for lawyer advertising.

VI. Matters in the Supreme Court of Virginia

A. Reinstatement Cases

On February 9, 2017, Anne Marston Lynch petitioned for the reinstatement of her law license. Ms. Lynch consented to the revocation of her license on December 3, 2009, while disciplinary charges were pending. The bar will conduct an investigation before the Disciplinary Board hears the matter.

On February 17, 2017, the Supreme Court of Virginia approved the Disciplinary Board's Recommendation Order to reinstate the law license of Catherine Ann Lee.

On November 13, 2013, the Disciplinary Board entered an Order of Recommendation to reinstate the law license of Rickey Gene Young, subject to his payment of \$13,333.33 to the Bar's Client Protection Fund within 18 months of the date of the order. The Supreme Court approved the Board's recommendation. Mr. Young, however, never reimbursed the Client Protection Fund as ordered, and his license remains revoked. In 2017, Mr. Young filed for bankruptcy in the Western District of Virginia. Among other relief, Mr. Young sought a discharge of his obligation to reimburse the Client Protection Fund. The bar, represented by Assistant Attorney General Robert McEntee, moved for summary judgment on the basis that the obligation is non-dischargeable. On August 23, 2017, the U.S. Bankruptcy Court, Danville Division, heard the motion and entered an order of summary judgment, finding that Young's financial obligations to the Virginia State Bar were not dischargeable.

B. Appeals Decided by the Supreme Court of Virginia

On June 28, 2016, Jane Karen Eshagpoor appealed the two-year suspension of her law license imposed by the Disciplinary Board on May 23, 2016. She also filed a petition to stay the suspension pending appeal, and the bar filed a response in opposition. By order, entered July 7, 2016, the Supreme Court denied the stay. Thereafter, Ms. Eshagpoor withdrew her appeal.

On December 8, 2016, the Supreme Court of Virginia affirmed the Disciplinary Board's decision to revoke the law license of Jean Jerome Dandy Ngando Ekwalla. Respondent

filed a motion for reconsideration that the Supreme Court of Virginia denied on March 24, 2017. The Supreme Court issued its mandate, and the matter has become final.

On February 24, 2017, Dominick Anthony Pilli filed a petition to stay the year-and-a-day suspension of his law license imposed by the Disciplinary Board on February 17, 2017. On February 27, Assistant Bar Counsel Katie Uston filed an opposition, and the Supreme Court of Virginia denied Respondent's petition that afternoon. On April 4, 2017, Pilli filed a notice of appeal and assignments of error. The bar, represented by Assistant Attorney General/Chief Rita Davis, filed a motion to dismiss the appeal as untimely. In response, Mr. Pilli's counsel filed a motion to withdraw the appeal, and on June 23, 2017, the Supreme Court issued its mandate withdrawing the appeal. The matter has become final.

On March 10, 2017, the Supreme Court of Virginia dismissed Wayne Richard Hartke's appeal of the three-year suspension of his law license. This followed a motion to dismiss drafted by Assistant Bar Counsel Katie Uston and filed by Senior Assistant Attorney General/Chief Rita Davis. Mr. Hartke did not meet all of the procedural requirements, such as noting assignments of error in his notice of appeal and indicating whether he had ordered the transcript as required by the Rules of Court.

C. Appeals Pending before the Supreme Court of Virginia

There are no appeals pending at this time.

Updated: Mar 07, 2018

Administrative Law

Charlotte McAfee, Chair

Membership:

As of June 2017, the Administrative Law Section had 496 members. Organized in 1979, the Administrative Law Section is focused on the interests and practices involving administrative law and regulated industries.

Budget:

The budget for the fiscal year ending June 30, 2017 was \$7,072.00.

35th National Regulatory Conference (NRC):

The Section again sponsored the 35th National Regulatory Conference held May 18-19, 2017 at the College of William & Mary's School of Law in Williamsburg, Virginia.

The program, titled *35 Years and Still Going Strong: The More Things Change, the More Things...*, was approved for a total of 9 hours of CLE credit (2 ethics) and featured panels on a variety of legal and regulatory topics. The program was organized by Philip "Duke" de Haas, vice chair (now chair) of the Section and Associate General Counsel at Allianz Global Assistance.

Annual Brown Bag Luncheon CLE Program:

On May 3, 2017, the Section held its annual Brown Bag Luncheon CLE Program at the State Bar. This year's program, entitled *Trials and Tribulations: Practice Tips for Administrative Practitioners*, featured Richmond-area administrative law practitioners discussing regulatory litigation practice. Attendees received one hour of CLE credit.

The program was organized by Ashley Macko, immediate past Section chair and Associate General Counsel at the State Corporation Commission of Virginia.

Newsletter:

The section published the Spring 2017 edition of the *Administrative Law Newsletter* with several topics of interest to members. James Ritter at Christian & Barton, LLP continues his service as the newsletter editor.

Officers and new board members:

This section elected its 2017-2018 officers and board members at its annual meeting, held during the NRC on May 18, 2017. New officers are Philip "Duke" de Haas, chair; Elaine Ryan, vice chair; and Beth Clowers, secretary. Timothy Biller and Eric Wallace also joined the board.

Bankruptcy Law

Madeline A. Trainor, Chair

The Bankruptcy Section had, as of September 1, 2016, 679 members during the 2016-2017 fiscal year. The highlights of our fiscal year were as follows:

1. **Bankruptcy Law News:** The Section continued with its highly successful and popular quarterly newsletter (now delivered by email to our members) featuring at least 2 lead articles, a message from the Clerk of either the ED or WD Bankruptcy Court, a message from the Section Chair, a message from the Newsletter Editor, and case notes and highlights. Andrea Davison, our Newsletter Editor, did a fabulous job in this role in terms of putting out extremely high quality and timely publications following Sarah Boehm.
2. **Spring CLE:** The Section Vice-Chair, Christopher A. Jones, in conjunction with Virginia CLE, put on a very successful CLE in March that highlighted issues in commercial bankruptcy cases. Many of our Judges and Trustees participated at the live CLE in Richmond.
3. **Case Updates on the Website:** The Section continued its efforts on this project, and worked on ways to make the updates more useable and searchable by the members.
4. **Meetings/Dinners:** We held our annual Winter dinner meeting in Charlottesville in March and held our annual Summer dinner meeting in Virginia Beach in June in conjunction with the VSB Annual Meeting.
5. **The Bankruptcy Section made a very successful presentation at the VSB Annual Meeting in June in Virginia Beach.** The topic was "Security Clearances and Bankruptcy", and was presented in conjunction with the Military Section of the Bar. Madeline A. Trainor, Chair 2016-2017, was one of the presenters. The program attracted about 50 attendees.
6. **2017-18 Section Leadership:** The following have been formally installed with unanimous approval of the Board of Governors and with unanimous approval of the Section members who attended our lunch/annual meeting at the VSB Annual Meeting: Christopher A. Jones, Chair; Sarah Boehm, Vice-Chair; and Karen M. Crowley, Secretary.
7. **New Board of Governors Members:** The following have been formally elected to the Board of Governors for three-year terms upon the nomination of Nominating Committees from the Eastern District and Western District and with unanimous approval of the Board of Governors: Jason Shorter of Roanoke, VA from the Western District and Dylan Trache of Washington DC from the Eastern District, to succeed Tara Elgie and Madeline A. Trainor, whose terms have expired. The Board consists of 12 members going into the 2017-18 bar year.

Business Law

John M. Huddle, Chair

By its duly appointed Chairman, the Business Law Section files this Annual Report for the July 1, 2016---June 30, 2017 work year.

1. Membership: The most recent statistics provided for our section at <https://www.vsb.org/images/uploads/memstats.pdf> are as follows (June 1, 2016):

Act/Aso	Judicial	Non-Bar	Other	Total
1,765	44	0	25	1,834
+25 from 2016	-7 from 2016	No change	+7 from 2016	+25 from 2016

2. Special Activities and Persons Responsible for Each:

- 44th Advanced Business Law Conference (April 21-22, 2016), Wintergreen Resort: John Huddle, Section Chair served as Conference Committee Chair, and Board Members Steven Keeler and Karl Knoll served on the Conference Committee. All but one of the other Board members also assisted in planning the event: Matthew Clary, J. Brent Justus, and Dana McDaniel.
- Major revision to Section website content and periodic updates: Section Chair John Huddle handled this with technical support from an outside vendor approved by the Board, and Board Member Dana McDaniel was appointed as website committee Chair in June.
- Fall 2017 CLE planning is underway by Section Chair John Huddle in coordination with VACLE.

3. Significant issues that arose and how they were resolved: Having completed the first full year of revitalization since several years of dormancy with no meetings of the Board or other activities, significant progress has occurred. Talford Kemper, Jr., a long-time Board member and former Chair, resigned from the Board due to lack of time to devote to the Section, and the Board presented him with a plaque in appreciation of his long service.

Chairman Huddle is actively seeking qualified leaders from the Virginia business bar to increase Board capabilities.

4. Continuing legal education programs sponsored by this Section: Our major work this term was the 44th Advanced Business Law Conference which we planned, staffed and conducted on April 21-22 at Wintergreen Resort in cooperation with VACLE for the second consecutive year. Our vision for this event has remained since last year to revitalize its role as not only a premier CLE event, but equally importantly, a venue in which business lawyers could network and establish relationships to enable them to meet the needs of their clients in the months and years to come in the dynamic and rapidly changing global environment in which we and our clients must operate.

5. Officers and board members for the next fiscal year:

Chair: John M. Huddle, CEO & Founder, The Global Law Group, PLC (Richmond) Secretary: Karl Knoll, General Counsel & Secretary, Clarabridge (Reston)

Other Board Members: Matthew Clary, J. Brent Justus, Steven J. Keeler, and Dana McDaniel.

Updated: Jul 11, 2017

Construction Law & Public Contracts

Jennifer A. Mahar, Chair

Membership:

As of June 2016, the Section had 796 members. Currently, the Section has 787 members.

Annual CLE – Fall Program

On November 4-5, 2016, the Section hosted the 37th Annual Fall Program at the Boar's Head Inn in Charlottesville, VA. Chaired by members Alison R. Mullins and Christopher G. Hill, the program offered 12 CLE credits, including 2 hours of ethics. The Section again hosted a young lawyers reception on Thursday evening to welcome arriving Section Members.

Annual Activities

On June 16, 2017, the Section partnered with the Litigation Section and the Joint ADR Committee to present a showcase CLE at the Virginia State Bar's 79th Annual Meeting in Virginia Beach entitled "Expert Witnesses: Who Are They and What Can They Say?" Coordinated by members, Daniel L. Fitch and Christopher S. Boynton, the program moderator was Kristan Burch, and speakers the Honorable Robert S. Ballou, Magistrate Judge, U.S. District Court, Western District of Virginia, Lauren McLaughlin, and Brian Riopelle.

On September 8, 2016, in combination with Virginia CLE, the Section presented a half-day CLE seminar entitled "Federal Government Contracting: Essential Survival Training." Because the program was so well received, the Section is continuing to work with Virginia CLE on a second annual half-day seminar entitled "Federal Government Contracting: Ethics and Public Contracts" to be held on September 12, 2017, in Fairfax, Virginia. The seminar will be chaired by Shannon J. Briglia.

The Section continued to provide valuable written materials to its membership. The Section published its Fall and Spring editions of its newsletter under the editorship of Hanna Lee Blake and Jesse S. Keene. The December 2016 edition of the Virginia Lawyer included several articles on construction law written by our members and edited by Arnie B. Mason. The Section also updated its Construction Law Handbook to include recent Virginia state and federal court decisions affecting our members' practices.

Officers for the 2016-2017 Fiscal Year

The officers for the 2016-2017 fiscal year were Jennifer A. Mahar (chair), Christopher S. Boynton (vice chair), J. Barrett Lucy (secretary), Hanna Lee Blake (treasurer) and

Shannon J. Briglia (immediate past chair).

New Board Members for 2016-17

Joining the Section Board of Governors in 2016 were Lauren McLaughlin and the Honorable Richard McGrath.

Updated: Jul 14, 2017

Corporate Counsel

Charles W. Durant, Chair

Membership

In June 2017, the Corporate Counsel Section had approximately 1516 members. The Section is the eighth largest of the twenty sections of the VSB.

Special Activities in Fiscal Year 2016-2017

We were pleased to continue our Section online newsletter this year, with a combination of articles, calendar listings and other data to keep our Section members informed of things that may be of interest. Christopher Gatewood was the leader of this important initiative.

Annual Meeting CLE Programs

The Section co-sponsored, along with the Administrative Law Section, one well-attended showcase continuing legal education (CLE) during the 79th VSB Annual Meeting. Representatives of the Board of Governors for the Section participated in the development of the CLE program. The panelists were Wyatt B. Durette, Jr. of Durette Crump PLC; Rebecca Green, Professor and Co-Director, Election Law Program, The College of William and Mary School of Law; Quentin Kidd – Vice Provost for Undergraduate Education, Professor of Political Science, and Director of Wason Center for Public Policy, Christopher Newport University; Hon. Jason Y. Miyares – Member, Virginia House of Delegates, Virginia Beach; and Allison Riggs – Senior Staff Attorney, Voting Rights, Southern Coalition for Social Justice, Durham, NC. The Moderator was Blake D. Morant – Dean and Robert Kramer Research Professor Law, George Washington University School of Law.

Member Communication

In addition to our electronic newsletter, we sent out several emails to the membership informing them of relevant CLE opportunities. In addition, we sponsored regional Spring Luncheons in Richmond and Northern Virginia. We also sponsored a Fall Luncheon in Northern Virginia. The Luncheons provided opportunities for our members to network and get to know other members of the in-house community in their area as well as offering CLE.

Law Student Seminars

The Section continued its practice of hosting panel presentations at Virginia law schools to share information and insights on corporate in-house practice. The Section provides

meals for the students at each panel discussion. This year, the Section was able to present a panel discussion at seven of the eight Virginia Law Schools including, UVA, William and Mary, Regent, George Mason, Washington and Lee, Liberty, and Appalachian. All panels were enthusiastically received by the students and each of the respective deans of career placement thanked the Section for presenting the panels and asked that it be an annual event.

Officers for 2016-2017

Officers elected for 2017-18 were Marie Appleby, Chair; Naoina C. Gartee, Vice Chair; and Mark E. Newcomb, Secretary. Charles W. Durant is Immediate Past Chair.

Charles W. Durant, Barbara Fisher, Robert Burger, Jim Lowe, Carol R. Gibbons, David Newsome, Jr., and Mark E. Newcomb will continue on the Board. Marie Appleby, Naoina C. Gartee were each re-elected to the Board to serve three-year terms. Mary A. Richardson, Thomas D. Applewhite, and Adam Hark were elected as new members of the Board.

Updated: Jul 11, 2017

Criminal Law

Colette Wallace McEachin, Chair

It has been an honor to serve as chair of the Virginia State Bar's Section on Criminal Law for the 2016-2017 bar year. My fellow officers included Timothy J. Heaphy, Vice Chair; Nancy G. Parr, Secretary; and Andrea Moseley, Immediate Past Chair.

The following members joined the board on July 1, 2016: Judge Tanya Bullock, of the Virginia Beach J&DR Court ; Michael R. Doucette, Lynchburg Commonwealth's Attorney; David R. Lett, of the Petersburg Public Defender's Office; and Judge Richard S. Wallerstein, of the Henrico County Circuit Court.

With a membership of 2,413 members, including 2,047 active members and 324 judicial members, the section remains the second largest section of the Virginia State Bar. Its operating budget for 2016-2017 was \$53,600.

Newsletter editor Professor Ron Bacigal, of the University of Richmond, published four issues of *Criminal Law News* during the year, and also completed the 2017 edition of the *Capital Case Trial Manual*.

The section sponsored its 47th Annual Criminal Law Seminar in February 2017, with a live session in Williamsburg on February 3, followed by a live Charlottesville session on February 10. Section Vice-Chair Tim Heaphy served as seminar program chair and moderator. Total seminar attendance included 557 for the live February sessions, and an additional 150 for the video replays held in March and April.

The section's Harry L. Carrico Professionalism Award was presented at the Williamsburg Seminar to Philip J. Hirschkop, of Alexandria.

As part of its ongoing partnership with Virginia law schools, the Section awarded stipends in June 2017 to the public law schools (George Mason, UVA and William & Mary) to fund student internships in the field of criminal justice for the summer of 2018.

In conjunction with the 79th Annual Meeting of the Virginia State Bar, the section cosponsored a Showcase CLE program with the Family Law Section on Friday, June 16, 2017: *Access to Justice: Bonds and Bail Issues*. The program drew a crowd of approximately 100 lawyers and judges.

In conjunction with the State Bar's Annual Meeting, the section held its annual business meeting at which time the following officers were elected for a one year term beginning July 1, 2017: Timothy J. Heaphy, Chair; Nancy G. Parr, Vice Chair; and Seth Weston, Secretary. The following board members were also elected to four-year terms, beginning July 1, 2017: Steven P. Milani, Office of the Capital Defender, Roanoke; and J Daniel Vinson, Randall Page PC, Courtland.

On behalf of the board, I extend our sincere appreciation to board member Manuel E. Leiva and Immediate Past Chair, Andrea Moseley, whose terms ended on June 30th.

Updated: Jul 11, 2017

Education of Lawyers in Virginia

John M. Bredehoft, Chair

Membership

As of June 2017, the Education of Lawyers Section had 508 members, compared to 414 last year. The membership included 210 active members, 44 judicial members, and 160 members of the Academy.

Budget

The budget for fiscal year 2016-17 was \$9,200, which included a number of contributions from Virginia's law schools and law firms. We are redoubling our efforts to gain increased firm support in the coming year.

Rakes Leadership in Education Award

The 2017 recipient of the section's William R. Rakes Leadership in Education Award was James E. Moliterno, Vincent Bradford Professor of Law, Washington and Lee University School of Law. The section hosted an award presentation reception sponsored by Gentry Locke on Friday, June 16, 2017, in Virginia Beach, in conjunction with the State Bar's 79th Annual Meeting. Mr. Rakes made the presentation, and Professor Moliterno made an eloquent and [moving address](#) regarding the relationship between practicing attorneys and the academy.

Legal Writing CLE - Follow Up to the 20th Anniversary Conclave

The section continued to follow up on the issues raised in conjunction with the 2012 Conclave on the Education of Lawyers. In particular, board member Jeanne Franklin led the effort to coordinate a second immersive, high quality legal writing CLE in collaboration with VaCLE and the VBA's Law Practice Management. This year's program was held in Richmond over two days in May of 2017. Members of the Bench, Bar, and Academy participated and the effort was well-received by participants. The firm of Williams Mullen graciously provided conference space. Our current intention is to hold a third program in the spring of 2018, in the Northern Virginia area.

Prelaw Efforts

The section continued its partnership with the Young Lawyers' Conference to support its Minority Prelaw Conferences held several times a year. Board member Judge Barry Logsdon worked with the YLC to develop a "speed mentoring" component of the prelaw conference held this past spring whereby attendees could meet briefly with a variety of lawyers and judges. This was reported to be a very popular enhancement to the program. The section offered \$500 in financial support.

Professionalism Program

The section continued to partner with the law schools to present its popular professionalism program targeted to 1L law students at each of the eight law schools in Virginia. I was pleased to lead this effort again this year with the assistance of program co-chair, Frank Telegadas. The section appreciates the ongoing support of the numerous lawyers and judges from around the state who serve as faculty members each year for this program which first piloted in February 2000. Our current plan is to visit each of the eight accredited law schools again this year. An ongoing effort to add updated hypotheticals to the teaching materials is underway.

Newsletter

The Section published two editions of its newsletter, *Education & Practice*, in the fall and in the spring under the leadership of its editor, Prof. Dale Cecka, of the University of Richmond.

Officers & New Board Members

The section held its annual business meeting in conjunction with the Virginia State Bar's Annual Meeting this past June. The following officers and new board members were elected for the 2017-2018 bar year:

Officers:

John M. Bredehoff, Chair

Kaufman & Canoles
Norfolk, VA

Kimberly A. Pierro, Vice Chair

First VP & Senior Counsel
SunTrust Bank
Richmond, VA

Bernadette Speller Peele, Secretary

Senior Assistant County
Attorney
Prince William County, VA

Prof. James E. Moliterno, Immediate Past Chair

Washington & Lee University School of Law
Lexington, VA

Board Members:

Sharon K. Eimer

Public Defender
Office of the Public Defender
Lynchburg, VA

Hon. Jacqueline F. Ward Talevi

Judge, Roanoke County General District Court
Salem, VA

Updated: Aug 07, 2017

Environmental Law

Eric A. DeGross, Chair

- **Membership**

There were 373 members of the section as of June 2017. The officers of the Environmental Law Section for 2016-2017 were Eric DeGross, chair; Dale Mullen, vice-chair; Patrick Fanning, secretary; and Lisa Ochsenhirt, immediate past chair.

- **Virginia CLE Programming**

The section developed and presented a seminar on Renewable Energy that will be placed on the Virginia CLE website this summer. The section discussed a goal of developing one or two seminars each year in order to provide section members a selection of environmental topics for fulfillment of their annual CLE requirements. This year's seminar was the first installment in that process.

- **Contribution to the *Virginia Lawyer***

The Environmental Law Section was featured in the April 2017 edition of the *Virginia Lawyer*, and placed four articles in that edition focusing on water law and sustainability at the state, regional and national level.

- **Law Student Writing Competition**

The section sponsored the 6th Annual Virginia State Bar Robert R. Merhige Environmental Op-Ed Competition -- a statewide, law student environmental editorial-writing competition. Members of the Section's Board of Governors assisted in the selection of the winning entry from the twelve submissions and the section fully funded the cash prizes. The competition was changed this year to allow for three cash-award winners -- first, second, and third place -- and the total cash prize was increased from \$750 to \$ 900.

- **New Officers**

Officers elected for 2017-2018 are Dale Mullen, chair; Patrick Fanning, vice-chair; and Gary Bryant, secretary.

Family Law

Daniel L. Gray, Chair

The Virginia State Bar Family Law Section had another productive bar year. The Section presented its 35th Annual Family Law Seminar in Fairfax, Richmond, and Norfolk in October 2016, touching on a variety of topics including cell phone forensics, federal and state laws governing electronic equipment and communication, and our annual legislative and case law updates. In April 2017, the Section presented another extremely well-attended 33rd Annual Advanced Family Law Seminar in Richmond.

Additionally, the Section partnered with the Criminal Law Section to present a seminar on bail and bond issues at the Annual Meeting.

Our *Virginia Family Law Quarterly*, edited by former board member Brian Hirsch, continues to serve as a must-read for family law practitioners throughout the state, with its case law summaries and excellent scholarly articles and reviews.

This year, the Section presented its Lifetime Achievement Award to Joseph A. Condo of Fairfax, and its Family Law Service Award to Cheshire l'Anson Eveleigh, of Norfolk.

The Section retains its very large membership beginning the bar year with 1,922 members, ending with 1,994 members, which includes nearly 200 judges.

Our officers for the 2017-18 bar year include: Lawrence Vance – Chair; Mary Commander – Vice Chair; Susan Butler – Secretary.

It has been an honor and privilege to serve as chair over the past year.

Respectfully submitted,

Daniel L. Gray

Updated: Jul 28, 2017

General Practice

Matthew J. Zwerdling, Chair

The General Practice Section continues to serve the needs of attorneys in the general practice of law and has done so since 1986. We continue to conduct legal education seminars and other activities to enhance the skills of Virginia lawyers.

As it has done in the past, the General Practice Section co-sponsored with the Young Lawyers Conference a seminar called the First Day in Practice Seminar in Richmond. The program provided a full day of seminars in fourteen areas of the law and was tailored to lawyers who have just been admitted as members of the Bar to assist them as they embark on their new profession. The speakers were highly experienced in their fields, and we also enjoyed the participation of both active and retired judges from around the Commonwealth.

In addition, the General Practice Section presented its annual Tradition of Excellence Award, which recognizes an outstanding lawyer who embodies the highest tradition of personal and professional excellence in the practice of law in Virginia. This year the award was presented to James P. "Penny" Baber of Cumberland, Virginia. I am sad to report that Mr. Baber had passed away prior to the presentation ceremony at the Annual Meeting of the Virginia State Bar. We were fortunate enough to have his family on hand to accept the Tradition of Excellence Award on his behalf.

The General Practice Section also passed a resolution expressing our grateful appreciation for the exemplary, distinguished and unselfish services and dedication rendered by the Honorable Joseph E. Spruill, Jr., a Judge of Virginia's Fifteenth Judicial Circuit who also passed away in 2017 after a long and remarkable career.

At the beginning of the fiscal year, there were 760 attorneys and 112 judicial members of the section. Our budget for the fiscal year 2016-2017 was \$17,968.00.

The General Practice Section would also like to thank Catherine D. Huband, our section liaison, who for many years worked closely with our section. Mrs. Huband has been an invaluable part of our section providing her expertise and many hours of dedication and hard work. Mrs. Huband has moved on to another position with the Virginia State Bar where I am confident she will be equally effective. The General Practice Section would like to express our sincerest appreciation to Mrs. Huband.

Health Law

Daniel D. Santos, Chair

Members

Number of Members as of June 30, 2017: 673

Budget

The FY2017 section budget for the bar year ending June 30: \$9,200

Activities & Continuing Legal Education

19th Annual Virginia Health Law Legislative Update – On April, 2017, the section co-sponsored the annual Virginia Health Law Legislative Update with The Virginia Bar Association. This half-day [program](#) featured presentations by representatives from government and private advocacy organizations, including an ethics session by Tom Spahan and moderated by former section chair Jeremy Ball.

National Healthcare Decisions Week – Since 2006, the section has spearheaded an annual, statewide [Healthcare Decisions Day](#) to raise public awareness for the need to plan ahead for health care decisions related to end of life care and for medical decision-making. This year's event was weeklong, beginning on April 16, 2017.

Writing Competition – The section conducted a student [writing competition](#) on health law topics among Virginia law schools. Monetary awards and publication opportunities were granted to the winners. Click the link above for details about the topics and the winners.

Law School Liaisons -- The Section has been establishing contacts at each public and private law school in Virginia to help promote the Section's writing competition and to plan outreach programs.

2017-18 Officers & New Board Members

Officers: Bruce D. Gehle, Chair; Jeffrey D. McMahan, Jr., Vice Chair; Beverly H. Binner, Secretary; and Daniel D. Santos, Immediate Past Chair.

New Board Members: Bradley E. Lerner, Allyson K. Tysinger, and Henry I. Willett III

Respectfully submitted,

Daniel D. Santos, Chair

Updated: Aug 04, 2017

Intellectual Property Law

Matthew R. Osenga, Chair

1. During the 2016-17 Fiscal Year, the IP Section had 1,573 members. The Officers and Board Members (term expiration year) of the Section:

Matthew R. Osenga, Chair
Dabney J. Carr, IV, Chair-Elect
Timothy J. Lockhart, Vice Chair
Robert M. Tyler, Secretary
Christopher Forstner, Immediate Past Chair
Tara A. Branscom (2017)
Prof. Laura A. Heymann (2017)
Robin C. Vance (2018)
Edward T. White (2018)
Sherri L. Crawford (2019)
Aaron L. Parker (2019)

2. 28th Annual Fall CLE Seminar: The Evolving Landscape of IP – In October, the IP Section teamed with Virginia CLE to put on this annual two day event in Williamsburg. The program included 8.0 hours of CLE presentations and was organized by the officers and Board members of the section. Section Chair Matt Osenga moderated the program.

3. Spring Ethics CLE Webinar—In April, the IP Section presented an Ethics CLE program on Conflicts and Confidentiality for IP Lawyers. The webinar was attended by about 165 members of the section, which is believed to be the largest such event that the section has put on. Board Member Aaron Parker organized this event.

4. Law Student Writing Competition—The IP Section presented the 2016 awards to Mary Catherine Amerine, a third year student, and Kalina D. Parker, a recent graduate, both of William & Mary Law School. Board Member Tara Branscom ran the competition. Past Section Chair, Judge Richard Linn, of the Federal Circuit continues to grade the final round of papers. The section has received 14 entries for the 2017 competition that ended in May.

5. Annual Meeting CLE Program--Redskins, Slants, and Other Disparaging Trademarks: Supreme Court Decision on the Intersection of Trademark Law and the First Amendment—Speakers included attorneys for Simon Tam in the Supreme Court case *Lee v. Tam*, and for the petitioners in *Blackhorse v. Pro-Football, Inc.* Board member, Prof. Laura Heymann, was the moderator.

Respectfully Submitted,

Matthew R. Osenga
2016-17 Chair
Virginia State Bar, Intellectual Property Law Section

Updated: Jul 13, 2017

International Law

Megan Barnhill, Chair

The Virginia State Bar's International Practice Section has 443 members as of June 2017. The Section's Board of Governors for the 2016-2017 term was comprised of eight members.

Over the past fiscal year, the section began the process of obtaining approval from the Virginia State Bar to establish a LinkedIn group page for the Section. The Section also co-sponsored and publicized events held by other sections that may be of interest to members of the International Practice Section, including the D.C. Bar's International Law Section, with Geoffrey Goodale serving as liaison; the Business Law Section of the Virginia State Bar, with John Huddle serving as liaison, and the Federal Bar Association's International Law Section.

In conjunction with VA CLE, the Section sponsored its Annual Seminar on June 21, 2017, in Fairfax, VA. This year's seminar was titled "What Should International Practitioners Expect from the Trump Administration?" and was cosponsored with the International Section of the DC Bar. The seminar included panel discussions on the policies and priorities of the Trump administration and perspectives on the effects of the Trump administration policies on U.S. companies and lawyers. Following the seminar, the Section hosted a networking happy hour for seminar attendees and held a dinner for members of the Board of Governors.

The Board officers for the 2016-17 fiscal year were as follows:

Chair:	Megan Barnhill
Vice Chair:	Melissa Stear Gorsline
Secretary:	Christina Zanette
Treasurer:	Lindsay Reimschuessel

The Board had two new members during the last term, **Christina Zanette and Lindsay Reimschuessel**.

The other members of the Board of Governors were: **Geoffrey Goodale, John Huddle, Satnam Singh, and Jeff Talbert**.

Litigation

Kristan B. Burch, Chair

Membership as of June 30: 3,171

Budget: \$36,000

- In conjunction with the Virginia State Bar's Communications Committee, the Litigation Section has been a cosponsor of the Law in Society Essay Contest since its inception. The section again provided financial support for the contest this past year, funding the Bar's efforts to distribute the contest hypothetical throughout the Commonwealth and also funding prizes for the contest winners. Section members also participated as judges of the essays received during this year's contest. The section presented the top prize during the State Bar's Annual Meeting in June to Evangeline Ellis of George Mason High School. Per direction of the Virginia State Bar, this is the last year of this program.
- In an effort to provide additional benefits to its members, the section sponsored a two-hour CLE for its members this past May. The program entitled, *Social Media for Litigators: Admissibility and Ethical Requirements*, featured Les S. Bowers from Gentry Locke in Roanoke and David W. Thomas from MichieHamlett in Charlottesville. The program was well-received, with approximately 60 attendees via webinar hosted by the Virginia CLE office.
- The section supported a special program, *Rule of Law Day at the Capitol*, sponsored by the Young Lawyers Conference this spring. The program's goal is to educate at-risk middle and high school students about rule of law principles and operations of their state government. The section provided financial support for the program.
- The section electronically published two issues of *Litigation News* this year.
- In conjunction with the Construction Law and Public Contracts Section and the Joint ADR Committee, the section presented a showcase CLE at the Virginia State Bar's Annual Meeting on expert witnesses. The panel featured the Honorable Robert S. Ballou, Brian C. Riopelle at McGuire Woods, and Lauren P. McLaughlin at BrigliaMcLaughlin PLLC and was moderated by Kristan B. Burch at Kaufman & Canoles, P.C. The program was very well received with approximately 200 attendees.

- The section held its annual business meeting in conjunction with the State Bar's Annual Meeting in June 2016, in Virginia Beach. The following officers and board members were elected: James V. Martin, chair; Nathan J.D. Veldhuis, vice chair; Matthew Haynes, secretary; and W. Bradford Stallard, treasurer; Judge Jeffrey W. Parker, board member; Kevin Gerrity, board member; Brian Wheeler, board member; Brian Schneider, board member; and Simon Sandoval-Moshenberg, board member.

Updated: Jul 12, 2017

Local Government Law Section

Charles Eric Young, Chair

Membership

As of September 1, 2016 had 625 members.

Budget

The budget for fiscal year 2016-2017 was 9,740. The Section spent \$9,877.48 and collected \$9,774.00 during 2016-2017 accruing a budget deficit of \$137.48. The deficit is the result of the Board of Governors allocating an additional \$500.00 to the Fellowship Program and the travel reimbursements exceeded the expected expenditures. However, the Board decided to award the fellowship at the planned amount rather than deducting \$137.38 from the student's stipend.

Journal of Local Government Law

The Board published three issues of the Journal during 2016-2017 and worked to produce an expanded issue in the summer of 2017. The three journals published included articles on the state of Zoning Law after *EMAC, LLC v. County of Hanover* and on Proffers after the amendments to Section 15.2-2303.4. Both of which have profound impacts on land use regulation in the Commonwealth. The Journal also included an article on Private Activity bonds. Perhaps the most widely read Article addressed the ramifications of the U.S. Supreme Court's ruling in *U.S. v. McDonnell*.

The Board also dedicated time and effort to an issue of the Journal expected in summer 2017, *Counterintuitive Issues in Local Government Law*. The entire issue will be dedicated to fundamental issues of local government law that are inconsistent with most rules of law controlling non-governmental parties. The Board embraced the fact that in many ways the local government client is unique and accepted the challenge of refreshing the recollection of members and non members of the section. For example, respecting the separation of powers, Virginia courts traditionally apply the fairly debatable standard when reviewing local government decisions. Also, there are many special statutory limitations periods applicable to claims against local governments. Other articles will address the breadth of Sovereign Immunity and the limits of Dillon's Rule. The Board plans to share this article, via email, with all Judicial members of the bar, many of whom seldom encounter the local government as a party in litigation.

By Laws

The Board reviewed and revised the Section's bylaws for the first time since 1995, excising many provisions regarding the initial election of officers and establishment of the Board. At the same time the revisions focused on the future. For example the revisions replaced the term "print" with "publish" to take into account the fact that most communications are or will be accomplished via email.

Fellowship Expanded

Several years earlier the Board of Governors established a fellowship for rising third year law students who are summer associates for local government attorneys. The Board recognized that public employment does not offer the same pay as private employment and saw that as an impediment to local government attorneys being able to attract the best and brightest; at the same time financial pressures on law students inhibit their willingness to experience the practice of local government law.

The Board continued the fellowship during 2016-2017 and was able to increase the stipend from \$4,000.00 to \$4,500.00. The fellowship committee, led by Board Secretary Lesa Yeatts, worked very hard to winnow a larger than expected pool of qualified applicants to a single student.

Showcase CLE

The Section co-produced a showcase CLE at the annual meeting. With the help of Board member Andrew McRoberts, the Section joined with the Real Property Law Section to produce an entertaining and informing seminar on the affects of amendments to Section 15.2-2303.4 of the Code governing proffers. Previously land developers who required rezoning of their property to accomplish their development could be asked by the locality to make improvements to local infrastructure which was not directly impacted by the proposed development in exchange for the rezoning. The revision requires that the locality may only ask for improvements to infrastructure directly impacted by the proposed development. The CLE included well reasoned, energetic debate between counsel for local government and counsel for developers, regarding whether the revisions actually will accomplish their intended purpose.

New Members

The Board changed its practice of having only Board members on the nominating committee. Instead, the Board enlisted three Section members who were not Board members to serve on the five member committee. The result was a strong slate of new members to replace the unusual number of members who were leaving the Board due to term limits.

The new members are Dawn Figueiras of Bristol, Virginia, Ken Golski of Loudoun County, Paul Mahoney of Roanoke, T.W. Bruno of Richmond, and Andrew Painter of Leesburg. The committee and the Board sought to preserve the geographic balance

among the membership, having members from Prince William County, Fairfax, Chesapeake, Virginia Beach, and two from Richmond already on the Board.

New Officers

The Section continued its practice of advancing the Vice Chair to Chair for the following year. Eric Gregory will be the Chair for 2017-2018. Unfortunately, the current Secretary Lesa Yeatts was not eligible for re-election to the Board due to term limitations and, thus, could not be advanced to Vice Chair. However, the Section was fortunate that Jan Proctor of Chesapeake agreed to serve as Vice Chair and Rebecca Kubin of Virginia Beach agreed to serve as Secretary, both for 2017-2018.

Updated: Jul 14, 2017

Military Law

Leah M. Davenport, Chair

Membership:

In June of 2016, the Military Law Section had 290 members. By June of 2017, the section membership was down slightly to 264 members.

Funds and Budget:

The Military Law Section began the year with \$4,175.00 and ended the year with \$1,056.95. The Section's annual budget is \$5,000.

Section Activities:

The Military Law Section had a successful year! As a result of increased demands and limited resources, for the Spring 2016, and succeeding, CLE offerings we partnered with Virginia CLE, with Virginia CLE assuming the greater logistics/administrative responsibilities and with a sliding-scale fee structure. Due to some scheduling issues, we were only able to sponsor one CLE program over the course of the year. The Spring CLE was held at Quantico, this time on May 19, 2016 (Sexual Assault Prosecutions in the Military—LCDR Adam Partridge; Defending Military Sexual Assault Cases—LCDR Michael Hanzel; Practice Before the Military Discharge Review Boards—Brian Pristera; A View From the Bench—CAPT Chuck Purnell; Psychology of Sexual, Emotional, Economic and Psychological Assault on Victims and Their Subsequent Perspectives—Dr. Sadie Sheafe; and Ethics – Prescott L. Prince) and offered 6 hours of CLE.. Once again, the program was an outstanding success, and the move to Virginia CLE was highly appreciated as the right thing to do.

Aaron Moores worked hard to get a Spring 2017 newsletter out, however, it was postponed to Fall 2017.

The MLS continued to partner with the Attorney General's Office of Virginia in sponsorship of a number of clinics, that were held throughout the Commonwealth, that provided free legal assistance clinics to military personnel and veterans. These clinics continued to be a resounding success!

Special thanks go to my Vice Chair, Alexis N. Stackhouse, Board Secretary, Peter J. Jankell, Chair of the CLE Committee, Prescott L. Prince, Chair of the Newsletter Committee, Aaron Moores, and Virginia State Bar Special Projects Coordinator, Dolly C. Shaffner. It is truly a team effort and we appreciate all of our volunteers and staff.

At the VSB annual meeting in June of 2017, the Board elected new BOG members:

Brian Pristera and Scott Hallauer; and officers:

Alexis N. Stackhouse, Chair

Peter J. Jankell, Vice Chair

Prescott L. Prince, Secretary

Leah M. Davenport; Immediate Past Chair:

Respectfully submitted:

Leah M. Davenport

Updated: Aug 03, 2017

Tax Law

Craig D. Bell, Interim Chair

The Virginia State Bar's Taxation Law Practice Section had approximately 700 members throughout the July 2016 – June 2017 fiscal year.

This past fiscal year was a time of transition for the Tax Law Practice Section. In an effort to increase activities and programs for the section, selection of a new Board of Governors began during the past year. Craig Bell was appointed as the interim chair by the outgoing chair. He was tasked with reconstituting and reinvigorating the Tax Law Section's Board of Governors and its activities.

During this fiscal year a great emphasis was made to identify and select new governors representing all areas of Virginia. By conclusion of the fiscal year, six governor representatives from the Tidewater-Hampton Roads, central Virginia, and Western Virginia areas agreed to serve as new governors. Two additional candidates are being sought from Northern Virginia. When complete the new board of governors will be appointed to their terms of office. The new governors will represent a diversified tax practice including in-house tax counsel, private tax practitioners from small, medium and large law firms, and a representative from a Low Income Tax Clinic. The focus of section activities will be on both transactional tax matters, as well as federal, state and local tax controversy practice areas.

During the past fiscal year the Tax Law Section served as co-sponsor of the William and Mary Law School Tax Conference. The section had several of its members serve on the Program Committee for the Tax Conference and five of its members made presentations at the three day conference held at the Kingsmill Resort in Williamsburg on November 9-11, 2016. Approximately 150 lawyers and accountants attended the tax conference. The section also provided financial support for the program.

The Tax Section also served as a co-sponsor of the University of Virginia Federal Tax Conference held in Charlottesville on June 8-9, 2017. Again our section was active in planning the content for the conference as well as providing multiple speakers for the two day event. The section also provided financial support for the program. The program was well received, with approximately 135 attendees hosted at UVA's Darden Graduate Business School.

Our plan is to formally stand up the new Board of Governors during the summer. We want to hit the ground running this Fall.

Trusts and Estates

Jennifer L. Moccia, Chair

Membership

The Trusts and Estates Section had 1,892 members as of July 2016, and 1,951 members as of June 2017, making the Section the 4th largest specialty section of the Bar.

Budget

The budget for fiscal year 2016-2017 was \$14,424. The budget proposed for 2017-2018 is \$14,888.

35th Annual Trusts and Estates Seminar

In October, the Trusts and Estates Section co-sponsored the 35th Annual Trusts and Estates Seminar with Virginia CLE. The program was held in Roanoke, Williamsburg and Fairfax. In addition to the usual surveys of Federal and Virginia law developments and ethics, topics included recent tax developments, fiduciary litigation and income tax basis issues at death.

VSF Annual Meeting CLE Program

Also in October, the Trusts and Estates Section joined with the Diversity Conference and Virginia CLE in sponsoring a CLE regarding autism in the legal profession for the Annual Meeting to be held in June 2017. The proposed program was approved by the BAM Committee (for a 1.5 hour presentation) and took place on June 16, 2017.

Member Communications

The Trusts and Estates Section published two newsletters, one in the fall of 2016 and another in the spring of 2017. Each edition included four articles on relevant and timely trust and estates topics and was distributed to all members of the section by e-mail. In addition, and after several requests were received by the Board to return to print-media

distribution, the Board also distributed the newsletter for spring of 2017 by mail to the members of the Section. Jennifer L. Schooley was the newsletter editor, and Carter Brothers was the assistant newsletter editor.

Board Elections

In June of 2017, the Section's membership elected the following board members for a first term:

Richard H. Howard-Smith – Central and Western Virginia (term expiring 2020)

Trey T. Parker – Richmond Board (term expiring 2020)

The following board members were re-elected:

Lauren A. Jenkins (term expiring 2020)

Officers

In June of 2016, by unanimous written consent, the Board elected the following officers to serve for 2017-18:

Chair: C. Daniel Vaughan

Vice Chair: Lauren A. Jenkins

Secretary: Jennifer L. Schooley

Newsletter Editor: Carter R. Brothers

Assistant Newsletter Editor: Trey T. Parker

Jennifer L. Moccia is immediate past chair.

Updated: Jul 12, 2017

Conference of Local and Specialty Bar Associations

Barbara S. Anderson, Chair

Any local or specialty bar association in the Commonwealth of Virginia may be a member of the conference upon request in writing to the Executive Committee of the Conference, through the Executive Director of the VSB, supplying the names and addresses of its president and any other officers or staff. Of the 132 bar associations of which the Virginia State Bar is aware, 123 are members of the CLSBA.

The Bar Leaders Institute was held at the Lewis Ginter Botanical Garden on March 10, 2017. ABA Past President Robert Grey was the keynote speaker. There were 80 registrants for this program. Topics for the day included Resources for Bar Associations; Nuts and Bolts of Bar Leadership; Bar Projects Showcase; Ethics for Bar Leaders – Duty to Care; and How Bar Leaders Can Successfully Engage Members of the Bench in Local Bar Events and Functions. We would like to thank the BLI subcommittee that put together a phenomenal program – Chuck Lollar, Marcus Scriven, Lewis Martin and Luis Perez. The fearless foursome is planning the 2018 BLI, which will be held Friday, March 9, 2018, in Richmond.

On September 19, 2016, the CLSBA presented the Solo & Small-Firm Practitioner Forum in Winchester. Topics of the day included Technology, Cybersecurity, Financial & Business Arrangements with Clients, Appellate Practice, and Arbitration. The day offered 5 hours of live CLE, with 4 hours of Ethics. There were 169 registrants for this program.

Similar to previous programs, the CLSBA hosted the Solo & Small-Firm Practitioner Forum/Bench-Bar Conference and Town Hall Meeting in Emporia on October 24, 2016. Topics of the day included Technology, Cybersecurity, What to Do/Not Do in the Courtroom, Evidentiary Issues Across the Border; and GAL/Children. The Town Hall Meeting included Judge Marla Decker of the Virginia Court of Appeals and Judge Robert N. Hunter Jr. of the North Carolina Court of Appeals. Many thanks to the VSB Bench-Bar Relations Committee for their planning of the Bench-Bar portion of the program. The day offered 5.5 hours of live CLE, with 3 hours of Ethics. There were 147 registrants for this event.

On April 10, 2017, the CLSBA presented a Solo & Small-Firm Practitioner Forum at the Holiday Inn in Downtown Lynchburg. The program was similar to the Winchester event except there were no appellate or technology sessions. The Diversity Conference participated in this event and presented on the changing realities and considerations in the practice of law in the Commonwealth of Virginia. The day offered 5 hours of live CLE, with 3 hours of Ethics. There were 233 registrants for this event.

This year's CLSBA Annual Meeting and Breakfast took place on Friday, June 16, at 7:30 a.m. at the Sheraton Virginia Beach Oceanfront Hotel. As always, we had a great turnout. The Local Bar Leader of the Year Award recipient was Heather Scott Miller from Leesburg. The winner of this year's Bar Association of the Year Award was the Charlottesville-Albemarle Bar Association. A new award was created this year to recognize a Specialty Bar Leader of the Year. This award went to Andrew J. Reinhardt from Richmond. There were six Awards of Merit, one for a multi-bar project, and one Certificate of Achievement presented this year. The CLSBA nominating committee report was read and approved unanimously. The members voted to update the CLSBA Bylaws and Constitution to include a name change to "Conference of Local and Specialty Bar Associations," provide for email notifications in the future, update the title of the staff liaison, and require advance approval of future bylaws changes by VSB Executive Committee and Council to bring the CLSBA in line with other VSB conferences.

The *So You're 18* handbook has been distributed to schools, J&DR Courts, departments of social services, juvenile detention centers, and other groups/organizations as requested. The CLSBA Executive Committee is currently working on updates for the coming year.

The CLSBA continually seeks to improve its efforts to better serve the needs of Virginia's local, statewide and specialty bar associations, to identify best practices and inform bar leaders of developments and trends on issues of importance to association leadership.

We look forward to another successful year under the guidance of the new chair, B. Alan McGraw of Tazewell.

Updated: Jul 26, 2017

Diversity Conference

Latoya Asia, Chair

Officers for the 2016-2017 Fiscal Year:

- Latoya Asia, Chair
- Carole Capsalis, Chair-Elect
- Providence Napoleon, Immediate Past Chair
- Luis Perez, Treasurer
- Dave Masterman, Secretary

Number of members of the Diversity Conference: 755

Special Activities/Programs/Achievements during the 2016-2017 Fiscal Year:

A. **Third Annual Law School Mentor/Mentee Initiative – VSB Annual Meeting**

The Diversity Conference invited and sponsored law students from each Virginia law school to attend the 2017 VSB Annual Meeting in Virginia Beach. Under this Initiative, Deans of each of the respective law schools in Virginia select two of their outstanding students whom they feel reflect their schools' respective diversity goals and excellence in studies. Each law student was paired with at least one practicing attorney from the Diversity Conference who served as mentor to the student. The students attended many of the showcase CLE sessions, the attorney general debate, the presentation of the Dunnaville Diversity Achievement Award, and participated in various networking opportunities with their mentors. The students also attended the President's Banquet and had the opportunity to meet with many members of the Bench and Bar. Fifteen dynamic law students attended the Annual Meeting under this initiative this year and they were enthusiastically welcomed by members of the Bench and Bar in attendance at each of events in which they participated.

B. **Seventh Annual Fore Diversity Golf Tournament – 2017 VSB Annual Meeting**

On Thursday, June 15, 2017, the 7th Annual Fore Diversity Tournament was held during the VSB Annual Meeting. The Tournament saw yet another successful and rewarding year.

C. **2017 Clarence M. Dunnaville, Jr. Achievement Award – presented at the VSB Annual Meeting**

Joseph A. Condo, distinguished family law attorney and past President of the VSB, received the Diversity Conference's 2017 Clarence M. Dunnaville, Jr. Achievement Award, which honors an individual who exemplifies excellence that members can emulate to meet its mission and goal of fostering, encouraging and facilitating diversity and inclusion in the Bar, the Judiciary and the legal profession.

As so eloquently stated by his nominator, "[a]s president of the Virginia State Bar in 2000-01, Joe prioritized diversity and created the Millennium Diversity Initiative (MDI), which in turn created an impetus and funding for the Oliver Hill/Samuel Tucker Summer Law Institute and other diversity-focused projects, including the Diversity Conference itself before it finally gained bar funding in 2016. For over 20 years, he has been at the forefront of promoting diversity and inclusion on both the state and local level, paving the way for so many to carry on that noble goal. He continues to be a vibrant force for inclusion and is a leader and mentor for an entire generation within Virginia's legal profession."

Mr. Condo's moving remarks in his acceptance of this award at the Annual Meeting can be found [here](#).

D. **2017 Oliver Hill/Samuel Tucker Pre-Law Institute**

The Oliver Hill/Samuel Tucker Pre-Law Institute (HTI) was held on June 26-30, 2017 at the University of Richmond. Named for legendary civil rights attorneys Oliver Hill and Samuel

Tucker, HTI reaches future lawyers at an early age (high school) to provide them with exposure and opportunity to explore the legal profession, at no cost to the participants. Students in this year's HTI participated in various activities to include, among other things, a networking reception, sessions on closing and opening statements, and evidence, a mock trial, and an etiquette dinner. As in past years, the continued success of HTI was made possible with a grant from the Virginia Law Foundation and, for the first time as a funded Conference this year, from the budget of the Diversity Conference.

E. **2017 Students' Day at the Capitol/Rule of Law Program**

The Diversity Conference co-sponsored and provided volunteers for the 2017 Students' Day at the Capitol/Rule of Law Program held on Wednesday, March 29, 2017. This program includes collaboration with the Virginia Law Foundation, Virginia Bar Association, VSB YLC, Rule of Law Project, and the academic community in the Richmond and Henrico Public School areas. Using a partnership with teachers, lawyers, judges, and students, the program seeks to provide students with an enriching and interactive experience about the importance of the rule of law in their daily lives. This program helps students better understand the need to preserve and protect the rule of law as the foundation for the rights and freedoms we enjoy in the United States.

F. **YLC Bench-Bar Dinner**

The Diversity Conference hosted 2.5 tables at the 2017 YLC Bench-Bar Dinner. Among other individuals, former Diversity Conference Board of Governors Chair and champion,

the Honorable Rupen Shah, was recognized for his elevation to judge of the 25th Judicial District.

G. **Black Land Trust**

The Diversity Conference participated in a meeting with representatives of the Black Family Land Trust, Inc. on May 30, 2017, at the VSB offices. The Black Family Land Trust (BFLT) is one of the nation's only conservation land trusts dedicated to the preservation and protection of African American and other historically underserved landowners' assets. The meeting was called by Karl Doss, VSB Access to Legal Services Committee, and the Chairs of the Diversity Conference and the Senior Lawyer Conference were invited to participate. The Old Dominion Bar Association, the Department of Agriculture and Forestry, and Professor Comer, College of Agriculture, Virginia State University, were also represented at the meeting.

The BFLT is seeking pro bono or reduced fee legal assistance and monetary support to support its mission in Southside Virginia. Discussion will be ongoing at the direction of the Access to Legal Services Committee. Chair-Elect Carole Capsalis and SLC Chair Bruce Robinson pledged to seek the support and participation of its Conference memberships to the extent possible.

H. **Publicity**

The Diversity Conference revamped its social media presence on Twitter and Facebook: <http://twitter.com/vsbdc> and <https://www.facebook.com/dcvsb/>. Additionally, our first newsletter, *Invictus*, was published in June 2017, and can be found here.

Continuing Legal Education Programs Sponsored during the 2016-2017 Fiscal Year:

A. **CLE at the CLBA's Solo and Small Firm Practitioner Forum**

The Diversity Conference facilitated a 1-hour CLE at the Conference of Local Bar Association's Solo and Small Firm Practitioner Forum on April 7, 2017 in Lynchburg, Virginia. The CLE was entitled "Understanding Diversity: The Changing Realities and Considerations in the Practice of Law in the Commonwealth of Virginia." Lynchburg lawyers Leigh Drewry, Kristine Smith, and John Alford and Jonathan Zur, CEO of the Virginia Center for Inclusive Communities graciously served as panelists for this CLE, and the Honorable Manuel Capsalis served as moderator.

B. **CLE's at the 2017 VSB Annual Meeting**

The Diversity Conference co-sponsored the following CLE's at the 2017 VSB Annual Meeting on June 17, 2016. For a detailed description of these CLE's, please see the 2017 VSB Annual Meeting Program.

- "Grace and Justice on Death Row"
- "How Attorneys Can Promote and Advance Access to Justice"
- "Autism and the Practice of Law"

Diversity Conference Board of Governors FY 2017-2018

The Diversity Conference Board of Governors voted unanimously to approve the following slate of nominated candidates to serve as officers for the 2017-2018 year. These candidates were approved by unanimous vote at the Diversity Conference's Annual Meeting and luncheon held at the VSB Annual Meeting on Friday, June 16, 2017 in Virginia Beach, Virginia.

- Chair, Carole Capsalis
- Chair-Elect, Luis Perez
- Treasurer, Chidi James
- Secretary, David Masterman

Updated: Jul 12, 2017

Senior Lawyers Conference

Bruce E. Robinson, Chair

The mission of the Senior Lawyers Conference of the Virginia State bar is to uphold the honor of the profession of law, to apply the knowledge and experience of the profession to the public good, to encourage cordial discourse and interaction among members of the Virginia State Bar and to serve the interests of senior lawyers and promote the welfare of seniors generally.

The Senior Lawyer Conference Board of Governors consists of twenty four members (currently 2 vacancies) of diverse backgrounds representing the Commonwealth and hailing from the Valley, Northern, Central, Northern Neck, Coastal and Southside Virginia. The board is a group of seasoned seniors dedicated to service to others and the advancement of the highest standards of the legal profession. The SLC had the lead role for the February 2017 Issue of the Virginia Lawyers Magazine.

The Senior Lawyers Conference (SLC), created in 2001, is the successor of the Senior Lawyers Section which was established in 1987. Membership is automatic and limited to lawyers in good standing who have attained age fifty five (55) years and is around 18,901 members. The SLC deals with matters of interest for senior lawyers and senior citizens in our communities. The core programs are Senior Citizen Law Days, Pro Bono legal services and Fifty Year Awards at each Virginia State Bar Annual Meeting. In addition over the past 6 years the conference solicited donations to purchase and deliver over 15,880 trees (seedlings) to individuals and organizations throughout the state free of charge. The project was concluded this year and the fund balance was used for a \$1,000.00 scholarship in honor of John Tate, the SLC founder of the project, for a student attending his alma mater, William and Mary.

Throughout Virginia, seniors from all walks of life appear uninformed or powerless regarding legal issues affecting them. Yet many assets are available to assist them including free will clinics, Senior Law Day Programs, pro bono services and the recent Statewide Senior Legal Helpline. Senior Citizens Handbooks for participants in legal seminars are available free of charge. These programs are designed to educate and empower seniors regarding their legal affairs. Many retired attorneys continue to provide pro bono services and we are seeking more volunteers. Some law firms graciously continue to support their retirees with office space and administrative assistance.

There were 222 identified members of the Fifty Year Class of The Virginia State Bar. They were admitted to practice between July 1, 1966 and June 30, 1967. They are scattered over 18 states, Arizona, California, Colorado, Connecticut, Georgia, Florida, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Texas, Utah, Vermont, Virginia and Washington and in D.C and Panama. Twenty eight members were recognized during the 50 Year Awards Brunch on Saturday June 17th during the 79th Annual Meeting of the Virginia State Bar in Virginia Beach.

2017-2018 Officers:

Robert E.

Hawthorne, Kenbridge, Chair

Carrollyn Cox, Virginia Beach, Chair Elect

John D. Eure, Roanoke, Secretary

Margaret Nelson, Lynchburg,

Treasurer

Updated: Jul 13, 2017

Young Lawyers Conference

Dean L'Hospital, Chair

In the 2016-2017 Bar year, the Young Lawyers Conference maintained its momentum and continued to operate as an engine of exceptional programming, pro bono work, and high-energy outreach and volunteer activity. The re-organization of our geographical representation structure from circuits to districts allowed us to simultaneously reduce our expenses and increase our engagement in areas of the Commonwealth outside of the population centers. Our ten District Representatives, tied into our leadership through on-on-one relationships with Board of Governor liaisons, have been engaging in collaborative outreach with local Bar young lawyer sections, or creating them where they do not yet exist, and working with them to further our goals and mission. We are already seeing dividends from these enhanced relationships: spreading existing programs and resources to new, appreciative audiences and also benefitting from a pipeline of new ideas and talent from our community partners.

Because our Conference comprises nearly 11,000 members and an extremely diverse constituency, we offer a continuous stream of programs and initiatives too numerous to set out fully. Our two-dozen active committees each organize at least one event per year, and some put on as many as four. Our website, quarterly *Docket Call* newsletter, and social media outlets detail our activities throughout the year, and I recommend them as the definitive record of our accomplishments. Highlights these year came from all quarters - our Professional Development Conference continues to grow in scope and scale, expanding to 255 participants at six sites across the state. Our Immigrant Outreach Committee was busy and expanded its offerings by partnering with community organizations. Our Oliver Hill/Samuel Tucker Institute partnership with the Diversity Conference continues to thrive, and our Bench Bar Celebration Dinner was thrilled to hear from Chief Judge Gregory of the 4th Circuit Court of Appeals as we honored ten newly-appointed women and minority judges.

The YLC also continues to lead innovation in the Bar, debuting online registration for the PDC and many other programs, launching the Practice Tips Series online publication with sixteen articles already and more forthcoming, and creating a Wellness Initiative in collaboration with Lawyers Helping Lawyers to take a proactive and progressive approach toward the health, happiness, and longevity of Virginia lawyers.

Finally, as always, we are immensely grateful for the support of our VSB Liaisons. Maureen Stengel is our stalwart ally and champion, and this year we welcomed Dolly Shafner, who stepped in for Catherine Huband who was a long and valued partner in our success.

Budget and Finance

Marni E. Byrum, Chair

The Standing Committee on Budget and Finance met on April 27, 2017, to review and approve the staff's proposal for the FY 2018 operating budget. The budget was reviewed and approved by the Executive Committee on June 14, 2017. On June 15, 2017, Bar Council considered, and unanimously passed, an operating budget of \$14.9 million for FY 2018. Chief Justice Lemons communicated the Court's preliminary approval of the budget as submitted on June 9, 2017, to Karen Gould, Executive Director and Chief Operating Officer.

The budget reflects a decrease of approximately \$10,000 over the budget for the prior fiscal year which ended on June 30, 2017. The budget includes a 3% performance pay increase for VSB employees effective July 10, 2017, as authorized by the General Assembly. The pay increase is for all salaried positions as of April 10, 2017, and subject to performance criteria.

The Committee continues to evaluate the appropriate levels of reserves and dues for the Bar.

Updated: Jul 10, 2017

Lawyer Discipline

David J. Gogal, Chair

The Standing Committee on Lawyer Discipline oversees the attorney disciplinary process, including the bar's investigation and prosecution of complaints. Members of COLD are assigned to monitor the progress of investigations and prosecutions in each of the district disciplinary committees through interactions and discussions with VSB counsel and committee chairs. In addition, the oversight subcommittee randomly reviews case files to ensure that VSB counsel handled them in a procedurally correct manner. In FY 2017, there were approximately 120 random reviews. Specific files are also reviewed if complainants or respondents have questioned the handling of a case, and in FY 2017 there were two such reviews.

COLD also formulates and presents proposed amendments to Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia, which govern the disciplinary process. Proposed amendments are published for comment and then presented to the Virginia State Bar Council, which decides whether to petition the Supreme Court for adoption of the changes. In FY 2017, proposed revisions to Paragraph 13-24 were approved by the Supreme Court of Virginia by order dated December 15, 2016. COLD also proposed revisions to Section 54.1-3935 of the Code of Virginia concerning procedures for three-judge hearings. Those revisions were passed by the General Assembly, effective July 1, 2017.

The committee is comprised of ten attorneys, two laypersons, and one member of the VSB Disciplinary Board, who serves *ex officio*. In FY 2017, the committee met every other month from August through June. David J. Gogal, served as chair of COLD and the rules subcommittee, and Beverly P. Leatherbury, served as vice chair of COLD and chair of the oversight subcommittee.

COLD hosts an annual Disciplinary Conference which is attended by attorney and lay members of the district committees, the Disciplinary Board, COLD members, and judges who sit on three-judge circuit court panels that hear disciplinary matters. The programs at the conference are designed to provide education and updates on the disciplinary process to the volunteers serving in the disciplinary system. The FY 2017 conference was held at Wintergreen Resort on July 27 and 28, 2017. Attendees included 155 members of district committees, the Disciplinary Board and COLD.

Updated: Aug 21, 2017

Legal Ethics

Eric M. Page, Chair

The Committee received one LEO request in FY 2017; it has been carried over into FY 2018.

The Committee issued three LEOs for review/approval by Council and SCV:

- LEO 1886 – Duty of partners and supervisory lawyers in a law firm when another lawyer in the firm suffers from significant impairment; approved by the SCV December 15, 2016
- LEO 1887 – Duty when a lawyer over whom no one has supervisory authority is impaired; presented to Council in June 2017; pending approval by SCV
- LEO 1884 – Conflicts arising from a lawyer-legislator's employment with a consulting firm owned by a law firm; proposed in FY 16 and approved by the SCV September 30, 2016

Opinions pending consideration by the Committee include:

- Prosecutor's duty to disclose evidence favorable to defendant
- Attorney-client matching service
- Updates to LEO 1750, Advertising compendium opinion

Rule revisions proposed by the Committee include:

- Amendments to Rules 7.1-7.5, approved by the SCV on April 17, 2017, effective July 1, 2017
- Amendments to Rules 1.6 and 3.3 were proposed in FY 16 and approved by the SCV on September 30, 2016, effective December 1, 2016

Other Committee actions include:

- Withdrawing 14 LEOs: 776, 821, 835, 856, 862, 926, 1003, 1290, 1348, 1380, 1543, 1600, 1689, 1743

- Submitting 8 previously-issued LEOs to the SCV for approval: 1329, 1438, 1584, 1606, 1742, 1792, 1856, 1869 (approved November 2, 2016)

Ethics hotline calls through May 31, 2017, totaled 6874, for an average of 625 calls per month.

Updated: Jul 13, 2017

Professionalism

Leslie Weber Hoffman, Chair

The Standing Committee on Professionalism is charged with responsibility for the administration and ongoing oversight of the Mandatory course on Professionalism, which is required of all newly-admitted active 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 39,000 new admittees have taken the course—significantly more than the current number of active Virginia licensed lawyers.

The course faculty is comprised of distinguished lawyers and judges representing a broad cross-section of the legal profession in Virginia. Faculty members are nominated by their peers, lawyers and members of the judiciary as well, voted and approved by the Standing Committee on Professionalism, and invited by the Chief Justice to accept appointment for a three-year term.

The course was offered a total of eight times during the 2016-2017 bar year as follows: three times in Northern Virginia, twice Richmond, and once in Roanoke, Chesapeake and Charlottesville . There were approximately 1,291 attendees at these courses. The committee noted the decline in attendance and presumes that was due to lower enrollment in law school. In addition, there is an all-day faculty training event each Fall for both new and returning members.

The committee was also privileged to welcome the Honorable B. Waugh Crigler, the Honorable Joel Cunningham, the Honorable Jeri K. Somers, the Honorable Lawrence Leonad, the Honorable Charles E. Poston, the Honorable Robert Ballou and Joseph A. Condo as luncheon speakers this year. The participation of our judicial officers, as well as the leadership of our Bar, in the course emphasizes to new lawyers the importance of the Professionalism Course . The committee is grateful for the attendance of the current VSB President, Michael W. Robinson, at each of the courses and for his speeches at the plenary sessions.

The committee continues to oversee the administrative functions of the course including faculty selection, course material update and faculty training activities. Also, as the committee chair, I review course evaluations and strive to update the course agenda and format. Our faculty and committee member, Elizabeth Chupik, has spearheaded a subcommittee to update the hypotheticals used in the course workshops. Work is ongoing in the hope of publishing some of those new fact scenarios in October, 2017.

Finally, the committee continues to work with the Professionalism for Law Students program co-sponsored by the VSB Section on the Education of Lawyers. This

program has become a fixture at all the Virginia law schools and has been skillfully led by John Bredehoft and Frank Telegadas with the help of their committed faculty.

It has been my pleasure to serve as chair of this committee for three years. I am pleased to inform you that the committee approved the Honorable David Lannetti as the new chairperson and that he has accepted and assumed the chairmanship.

Respectfully submitted,

Leslie Weber Hoffman

Updated: Aug 15, 2017

Unauthorized Practice of Law

James M. McCauley, Chair

After consultation with the Office of the Attorney General, the Virginia State Bar recommended to the Supreme Court of Virginia that the Court sunset the Standing Committee on Unauthorized Practice of Law. That committee was charged with two duties: 1) to investigate complaints alleging that individuals or business entities are engaged in the unauthorized practice of law; and 2) to issue opinions as to whether specific conduct constitutes the unauthorized practice of law. These responsibilities will continue to be handled by ethics staff with oversight from the VSB Clerk of the Disciplinary System (a nonlawyer) on the recommendations of Assistant Ethics Counsel, with the exception of straight dismissals.

This fiscal year, staff opened twenty-four (24) new UPL investigations; and of these new complaints, five (5) were closed due to insufficient evidence, three (3) were dismissed with caution, and one (1) was resolved by letter agreement. No investigations resolved this fiscal year were referred to the Office of the Attorney General for civil prosecution or to the U.S. Attorney's Office or to a commonwealth's attorney for criminal prosecution. Of the fifteen (15) remaining open complaints, seven (7) are under investigation, seven (7) are being reviewed by the VSB Clerk, and one (1) is in the initial stage of review.

During this year, Assistant Ethics Counsel also reviewed thirty-five (35) complaints, thirty-three (33) of which were determined, based on the information provided, not to be the unauthorized practice of law in Virginia warranting a formal investigation, and two (2) of which are outstanding.

A total of twenty-two (22) investigations were carried over from prior fiscal years. Of these, five (5) were closed due to insufficient evidence, two (2) were dismissed with caution, and six (6) were resolved by letter agreements. There were four (4) referrals to the Office of the Attorney General, and one (1) referral to commonwealth attorneys for prosecution. None of the investigations of prior years during this fiscal year were referred to the U.S. Attorney's Office. Of the four (4) remaining open investigations, one (1) is currently being reviewed by the VSB Clerk, one (1) is under investigation, and two (2) are in the final stages of review.

The Study Committee for Revision of the UPL Rules (SCRUPL) is tasked with reviewing and drafting revisions to the Virginia Unauthorized Practice of Law Rules and the definition of the Practice of Law in Virginia. SCRUPL, as of this writing, has met on two occasions, April 25, 2017 and June 21, 2017. Their next meeting is August 10, 2017. A subcommittee of SCRUPL is preparing a second draft of proposed revisions to the definition of the Practice of Law in Virginia.

I would like to thank the Study Committee members for their continued hard work and dedication to its mission – Adam David Efenbein, Susan Marie Butler, Tara Louise

Casey, Guy Cameron Crowgey, Hon. Barbara Joan Gaden, Christine Lockhart Poarch,
Dennis John Quinn and our lay members, Dr. Michael Blumberg and Barbara S. Lanier.

Updated: Aug 21, 2017

Access to Legal Services

Lonnie D. (Chip) Nunley, III, Chair

Vice chair: Tara L. Casey

Members:

Marie Appleby
Hon. Yvette A. Ayala
Polly Chong
Jennifer Grace Dean
Alexandra S. Fannon
Razan J. Fayez
Jennifer A. Fulmer
Paul Garrett
Rachel E. Jones
Valerie L'Herrou
Adrienne M. Sakyi
James W. Speer
Susan Stanford-Stoney
Crystal Y. Twitty

Ex-officio: Mark D. Braley, LSCV Executive Director

VSB staff: Karl A. Doss, VSB Access to Legal Services Director

2016-17 Priorities

The Access Committee identified the following priorities for 2016-17:

- *Demystifying pro bono by addressing the apparent fear that lawyers seem to have about doing pro bono.*
- *Incentivizing pro bono participation by Virginia lawyers.*
- *Making pro bono service easier for volunteer lawyers.*
- *Recognizing "pro bono champions" by presenting them with certificates or lapel pins (similar to LSNV's "6.1 Society" in which volunteer lawyers are presented gold, silver and bronze lapel pins based upon the amount of pro bono service provided).*
- *Developing a means of tracking of pro bono hours.*
- *Developing a mentoring program for pro bono lawyers.*
- *Increasing media coverage of access to justice issues in Virginia Lawyers Weekly and local newspapers, including the business benefits of pro bono.*

- *Developing a targeted campaign to promote pro bono service similar to Florida's "One" campaign.*
- *Provide more information/training to the bar re. Rule 6.1 and what service does and does not qualify as pro bono per the Rule.*
- *Possibly drafting proposed amendments to Rule 6.1 to clarify the definition of pro bono.*
- *Engaging lawyers to do pro bono work in "non-jailable" criminal matters in which indigent defendants are not eligible for the appointment of a public defender/court appointed counsel.*

Meetings:

The Committee met in Richmond on 8/31/2016, 1/31/2017, and 5/9/2017 and during the joint Pro Bono Conference/Virginia Legal Aid Conference in Hampton on 10/26/2016.

Over the course of the Bar Year, the Access Committee worked on a variety of access to justice issues through its subcommittees.

- *Awards Subcommittee – reviews nominations for and recommends recipients of the Legal Aid, Oliver Hill Law Student Pro Bono and Lewis F. Powell, Jr., Attorney Pro Bono Awards (Chair – Rachel Jones; Members – Polly Chong, Crystal Twitty). Met on 8/23/2016 and 4/4/2017.*
- *Pro Bono Training/CLE Subcommittee – recommends topics, presenters, and speakers for various Access Committee-sponsored trainings and events including the annual Legal Aid Luncheon and Pro Bono Conference (Chair – Tara Casey; Members – Hon. Yvette Ayala, Mark Braley, Paul Garrett, and Chip Nunley). Met on 2/28/2017 and 3/28/2017.*
- *Rules Subcommittee (formerly Unbundling of Legal Services Subcommittee) – develops a proposal for amendments to the Rule of the Supreme Court of Virginia re. unbundling of legal services and emeritus attorneys (Chair – Ali Fannon; Members – Valerie L'Herrou, Chip Nunley, James McCauley, advisory member; John Whitfield, advisory member). Met on 9/29/2016, 12/5/2017, 4/5/2017.*
- *Alternative Delivery Systems Subcommittee – a new subcommittee formed at the May 2017 Access Committee meeting to consider the role of nonprofit law firms, legal incubator programs, and LRAP programs "deploying" attorneys to rural areas in Virginia and other innovative means of delivering legal services to low income persons in addressing the justice gap (Chair – Valerie L'Herrou; Members - Hon. Yvette Ayala, Jennifer Dean, Razan Fayez, and Chip Nunley). First meeting was scheduled for 7/12/2017.*
- *Funding Subcommittee – explores opportunities to increase public and private funding of Virginia's legal aid offices (Chair – Chip Nunley; Members - Marie Appleby, Mark Braley, and Tara Casey). No meetings in 2016-17.*
- *Social Media Subcommittee – develops policy, establishes guidelines, and provides oversight of the Access Committee's potential use of social media for outreach to the Bar and members of the public*

concerning access to justice issues, pro bono trainings, events and service opportunities (Chair – Jennifer Dean; Members – Karl Doss, Chris Fortier, advisory member). No meetings during the 2016-17 bar year.

- *Online Pro Bono Website Subcommittee – assists Access to Legal Services Director to develop strategies for lawyer recruitment and public marketing strategy for Virginia.freelegalanswers.org. (Chair – Karl Doss; Members – Marie Appleby, Hon. Yvette Ayala, Tara Casey, Chip Nunley, and Adrienne Sakyi) No meetings during 2016 -17 bar year.*
- *Legal Education Access Subcommittee – considers how to increase access to justice by reducing barriers posed by the cost of a law school education for students and graduates interested in public sector careers. (Chair - Open; Members - Mark Braley, Jennifer Dean, Valerie L’Herrou and Chief Magistrate Yvette Ayala; and Clarence Dunnville, advisory member). No meetings during 2016 – 17 bar year. Subcommittee was suspended.*

During regular Access Committee meetings, subcommittees would report on their work and receive input from the entire committee. Over the course of the year, the committee and subcommittees heard about and discussed access to justice issues with numerous guests, including Michael Robinson, VSB President; Doris Causey, VSB President-elect; James McCauley, VSB Ethics Counsel; Gale Cartwright, VSB Director of Member Compliance; John Whitfield, Co-chair Virginia Access to Justice Commission and Executive Director, Blue Ridge Legal Services; David Neumeyer, Executive Director, Virginia Legal Aid Society(VLAS); Kristine Smith, Pro Bono Director, VLAS; Frances White, Pro Bono Project Coordinator, VLAS; Chris Fortier, Chair- elect, VSB Young Lawyers Conference; Hon. S. Bernard Goodwyn, Justice, Supreme Court of Virginia; Shantelle Argyle, founder, Open Legal Services, Salt Lake City, UT; and Jonathan Short, Executive Director, Route 1 Legal, Alexandria.

Virginia.freelegalanswers.org:

Virginia.freelegalanswers.org, the online, interactive, pro bono question and answer website, will note its one year anniversary on August 22, 2017. The Virginia State Bar hosts the website, which is one of over thirty Free Legal Answers sites that the ABA launched since 2016. Free Legal Answers provides legal information and assistance to low and moderate income Virginians in civil legal matters. Eligible clients are Virginia residents who have income levels of 250% of the federal poverty guidelines (or a household income of just over \$29,000 per year for a single adult). This eligibility threshold is higher than that for legal assistance by legal aid offices and most non-profit legal service organizations. Clients register for the website by logging in and answering a series of questions regarding their income, residence and assets. Once they have been approved to use the service, they may post questions on three different civil legal issues/matters over a twelve month period. Attorneys who are licensed and in good standing with the Virginia State Bar may register to provide limited scope, pro bono assistance after reviewing questions in the Free Legal Answers queue, selecting a question to answer, and responding to the question based on applicable Virginia or federal law. The client and attorney may engage in an online dialogue and even share documents and photos via the website. Attorneys remain anonymous during the interaction with the client and their service on the website is covered by malpractice insurance provided by the ABA and the National Legal Aid & Defender Association. Once the question has been answered, the attorney closes dialogue and clients are sent a customer service survey. Free Legal Answers is convenient for the clients and

volunteer attorneys as they may access the service anytime and anywhere they are able to log onto the internet – even from their smartphones.

During the early months of Free Legal Answers, the VSB Access to Legal Services Committee, with the support and assistance of VSB leadership, commenced a campaign to share information about the service to the public and recruit volunteer lawyers. The VSB Communications Department created a Free Legal Answers logo and marketing materials and the Access Committee developed and distributed business cards, flyers, brochures and pamphlets for the public on Free Legal Answers and other low cost legal resources and heavily promoted the website on social media. These efforts have seen significant growth in the number of clients (779 including 450 registered clients), volunteer lawyers (222) and questions asked (375) and answered (365) as of July 10, 2017. Client feedback from customer service surveys have been overwhelmingly positive.

Amendments to the Rules re. Emeritus and Unbundling of Legal Services:

On May 9, 2017, the Access to Legal Services Committee considered amendments to Part One, Rule 1:5 (Counsel – Unbundling of Legal Services) and Part Six, Section IV, Paragraph 3 (Classes of Membership – Emeritus Rule) of the Rules of the Supreme Court of Virginia.

The amendment to Par One, Rule 1:5 would allow attorneys to make limited appearances in civil court proceedings per written agreement between counsel and the limited scope client upon filing and serving of the appropriate notices with the court and opposing counsel/parties specifying the matters, hearing, or issues in which the limited scope representation is being provided. During the January 31 meeting, the Access to Legal Services Committee raised concerns about potential implications that the amendments to the Unbundling Rule might have upon ghostwriting and notice upon opposing counsel. These concerns were shared by the Virginia Access to Justice Commission during its March meeting. After receiving input from VSB Ethics Counsel James McCauley, the Access Committee determined that no further changes to the proposed amendment to the Unbundling Rule were necessary and, since the Access Committee had previously approved the amendment, no additional action was taken. The Unbundling Rule was referred back to the Access to Justice Commission which endorsed the amendments at its June meeting. The matter will be referred to the Supreme Court of Virginia for final consideration.

The Access to Legal Services Committee also considered of the Emeritus Rule. The Committee recommended that the emeritus lawyers should no longer be required to be supervised by a supervising attorney when providing pro bono services; however, they must be affiliated with a Qualified Legal Services Provider (i.e., legal aid or a nonprofit legal services organization). Additionally, emeritus lawyers must certify their QLSP affiliation and whether or not they are currently covered by professional malpractice insurance annually. The amendment further provides that to receive emeritus status, retired attorneys must submit to a competency review and provide the VSB Executive Committee with a letter from their physician certifying the applicant's competency. Retired and associate attorneys applying for emeritus status must also fulfill any outstanding MCLE obligations. The Committee unanimously approved the amendments to the Emeritus Rule and the proposed rule was submitted for public comment, ending on June 30, 2017 and for consideration by Bar Council at its October 2017 meeting.

Pro Bono Reporting:

During its meeting at the October 7, 2016, the Virginia State Bar Council narrowly voted

to not endorse the Virginia Access to Justice Commission's proposed amendments to Paragraph 18 of Part 6, Section IV of the Rules of the Supreme Court of Virginia and the comments to Rule 6.1 of the Rules of Professional Conduct concerning pro bono reporting despite the proposed amendments receiving the unanimous endorsement of the Access Committee and 80% positive feedback during the public comment period. These amendments provided for the annual reporting of pro bono hours and donations by Virginia lawyers to support programs that provide the direct delivery of legal services to low-income persons. The Access to Justice Commission decided to go forward with the pro bono reporting proposal at its March 2017 meeting without Bar Council's endorsement and submitted its recommendation for pro bono reporting for consideration by the Supreme Court of Virginia.

Free and Low Cost Legal Resources in Virginia Pamphlet:

In February 2017, the Access Committee published the Virginia State Bar "Free and Low Cost Legal Resources in Virginia". This eight page pamphlet is a guide for helping low-and modest-income Virginians find legal assistance and includes options for assistance by counsel and options for self-represented litigants. The VSB shall make the pamphlet available to legal aid offices, court clerk offices, law libraries, social service organizations and other venues where the public might go to obtain information about options for low cost assistance by counsel and self-help resources in civil cases. Initially 4,000 copies of the pamphlet were printed and approximately 3,000 copies have been distributed. A pdf of the pamphlet is also available for downloading/printing on the VSB website.

Conferences, Webinars, Seminars, and Presentations:

The 2016 Virginia State Bar Pro Bono Conference was held on October 26, 2016, in Hampton in conjunction with the Virginia Legal Aid Conference. This was the third time these events were held together, and attendees were welcome to attend sessions at either conference. The Pro Bono Conference featured CLE presentations "Representing Domestic Violence Survivors: Protective Orders and Pro Bono"; "Handling Uncontested Divorces: Nuts and Bolts for Pro Bono Lawyers"; and "Introduction and Demo: Virginia.freelegalanswers.org".

In order to increase outreach to and recruitment of pro bono attorneys as well as to provide training to legal aid lawyers, public defenders and court appointed attorneys on matters of substantive law, the Access to Legal Services Committee collaborated with legal aid organizations, law firms, non-profit legal services organizations, and bar associations to offer several webinars and seminars during the 2016-17 bar year. Attorneys who attended VSB Access Committee sponsored or co-sponsored programs certified that they will either accept a pro bono referral from a legal aid or non-profit pro bono legal services provider or make a financial contribution to one of these organizations. The Access Committee also conducted non-CLE programs for law students, social workers and members of the public and supported webinars developed by the Virginia Lawyer Referral Service, VSB Young Lawyers Conference, and the VSB Intellectual Property Section.

Unless otherwise indicated, the following programs were sponsored by or co-sponsored by the VSB Access to Legal Services Committee:

Webinars (CLE and Non-CLE)

- Virginia Lawyer Referral Service Webinar (Part 1): Introduction, Mission and Ethical Considerations, September 14, 2016 (Sponsored by Virginia Lawyer Referral Service)

- *Serious Illness, the Law and Pro Bono Service, Part 1: Social Security Disability Cases, September 20, 2016 (Co-sponsored with Legal Information Network for Cancer)*
- *Virginia Lawyer Referral Service Webinar (Part 2): Criminal Law, Wills , Estates and Trusts, September 28, 2016 (Sponsored by Virginia Lawyer Referral Service)*
- *Serious Illness, the Law and Pro Bono Service, Part 2: Virginia Landlord-Tenant Law, October 4, 2016 (Co-sponsored with Legal Information Network for Cancer and Central Virginia Legal Aid Society)*
- *Best Practices for Guardians ad Litem, October 11, 2016 (Sponsored by the VSB Young Lawyers Conference)*
- *Young Lawyers Conference Mentoring Program Webinar on Law School Admissions and the LSAT, November 9, 2016 (Sponsored by the VSB Young Lawyers Conference Mentoring Network – Non-CLE)*
- *Serious Illness, the Law and Pro Bono Service, Part 3: Relief from Creditors, November 17, 2016 (Co-sponsored with Legal Information Network for Cancer)*
- *Public Information Webinar: What to Do When You Cannot Afford a Lawyer, November 29, 2016 (Non-CLE)*
- *Serious Illness, the Law and Pro Bono Service, Part 4: Simple Life Planning Documents, February 14, 2017 (Co-sponsored with Legal Information Network for Cancer)*
- *Serious Illness, the Law and Pro Bono Service, Part 5: Simple Trusts, March 2, 2017 (Co-sponsored with Legal Information Network for Cancer)*
- *Immigrant Families and Public Benefits Under a New Presidential Administration, March 31, 2017 (Co-sponsored with Virginia League of Social Services Executives, Virginia Poverty Law Center, Legal Aid Justice Center, Charlottesville Office of Human Rights, Arlington Department of Social Services – Non-CLE)*
- *Serious Illness, the Law, and Pro Bono Service, Part 6: Who Pays for Nursing Home Care and What Happens When No One Pays?, April 18, 2017 (Co-sponsored with Legal Information Network for Cancer and Virginia Poverty Law Center)*
- *Conflicts and Confidentiality for IP Lawyers – Issues in Prosecution and Litigation, April 19, 2017 (Sponsored by VSB Intellectual Property Section)*
- *Drive to Work/Access to Justice Webinar: New Legislation re. Driver's License Fees and Fines, June 27, 2017 (Sponsored with Drive to Work – Non-CLE)*

Seminars

- *Bridging the Justice Gap Through Pro Bono: Welcome to Virginia.freelegalanswers.org, (Co-sponsored with Metropolitan Richmond Women's Bar Association), Hunton & Williams, May 17 , 2017*

CLE Presentation Co-sponsored by VSB Access to Legal Services Committee

- *Grace and Justice on Death Row, VSB Annual Meeting Showcase CLE Program, June 16, 2017 (Co-sponsored by VSB Conference of Local Bar Associations, VSB Diversity Conference, and the VSB Access to Legal Services Committee)*
- *How Attorneys Can Promote and Advance Access to Justice, VSB Annual Meeting Showcase CLE Program, June 16, 2017 (Co-sponsored by Virginia Access to Justice Commission, VSB Access to Legal Services Committee, VSB Conference of Local Bar Associations, VSB Diversity Conference, VSB Senior Lawyers Conference, VSB Young Lawyers Conference, Greater Richmond Bar Association, Legal Information Network for Cancer, and the Old Dominion Bar Association)*

CLE Presentations Sponsored by Other Committees/Organizations

- *Presentation: Pro Bono at Your Fingertips: Virginia.freelegalanswers.org, Law over Lunch, University of Richmond Carrico Center for Pro Bono Service, October 18, 2016*
- *Presentation: Introduction and Demo: Virginia.freelegalanswers.org, Portsmouth Bar Association, November 28, 2016*
- *Presentation: Introduction to Virginia.freelegalanswers.org, South Hampton Roads Bar Association, January 17, 2017*
- *Presentation: The Justice Gap, Pro Bono & Virginia.freelegalanswers.org, Vanderpool, Frostick, and Nishanian, Manassas, February 7, 2017*
- *Presentation: VSB Access to Legal Services: Working with You to Address the Justice Gap Through Pro Bono & Virginia.freelegalanswers.org, Bar Leaders Institute, February 10, 2017*
- *Presentation: I Know I Should Do Pro Bono, I Want to, But I Don't Know Where to Start, VTLA Annual Convention, March 30, 2017*
- *Presentation: Pro Bono at Bat: Never a Sacrifice When Everyone Wins, Local Government Attorneys Spring Conference, April 27, 2017*
- *Presentation: Rule 6.1, Pro Bono and Virginia's Justice Gap, VSB Young Lawyers Conference Immigrant Outreach Committee CLE: Immigration Bond and Custody Proceedings, George Mason University School of Law, June 12, 2016*
- *Presentation: Bridging the Justice Gap Through Pro Bono: Welcome to Virginia.freelegalanswers.org, Newport News Bar Association, June 13, 2016*

Public Information, Law School and Non-CLE Presentations

- *Presentation: Virginia State Bar Access to Legal Services, Prince William County Bar Association Pro Bono and Volunteer Recognition Luncheon, November 4, 2016*

- *Presentation: Free and Low Cost Legal Resources in Virginia, In-service Training for Office of the Attorney General Programs and Outreach Staff, January 5, 2017*
- *Presentation: Virginia State Bar Access to Legal Services, Metro Richmond Women's Bar Association Public Services and Pro Bono Luncheon, February 1, 2017*
- *Presentation: The Justice Gap, Pro Bono & Virginia.freelegalanswers.org, Alzheimer's Disease and Related Disorder Commission, March 7, 2017*
- *Presentation: Addressing the Justice Gap Through Virginia.freelegalanswers.org and Other VSB Access to Justice Initiatives, Public Guardian and Conservator Advisory Board Meeting, March 23, 2017*
- *Public Interest Career Fair, Liberty University School of Law, March 27, 2017*
- *Presentation: Addressing the Justice Gap Through Virginia.freelegalanswers.org and Other VSB Access to Justice Initiatives, Commonwealth Council on Aging Meeting, April 12, 2017*

Awards and Recognition:

On October 26, 2016, during the Pro Bono Conference, the Committee presented the Lewis F. Powell, Jr., Pro Bono Award to the Harrisonburg law firm Hoover Penrod, PLC. VSB president Michael Robinson was the master of ceremonies and Jeffery Robinson, Deputy Legal Director and Director of the Center for Justice, American Civil Liberties Union, gave the guest remarks. More than 250 people attended this event. The Committee also introduced the Frankie Muse Freeman Organizational Pro Bono Award at the Pro Bono Conference. The award is named for Danville native and civil rights attorney Frankie Muse Freeman. Ms. Freeman was the lead attorney on the NAACP's landmark housing lawsuit, Davis et al vs. St. Louis Housing Authority, which ended legalized racial discrimination in public housing in 1952. The Freeman Award will recognize Virginia organizations that provide exemplary pro bono legal services to underserved Virginians. Ms. Freeman, who was 99 years old at the time, attended the event and was the honorary first recipient of the Freeman Award, which will be presented for the first time in 2017.

On June 16, 2017, during the Legal Aid Award Luncheon at the VSB Annual Meeting, the Committee presented the Oliver White Hill Law Student Pro Bono Award to Amber Strickland of the University of Virginia School of Law and the Legal Aid Award to Angela Ciolfi, Director of Litigation and Advocacy with the Legal Aid Justice Center. Don Saunders, Vice President of Civil Legal Services with the National Legal Aid & Defender Association in Washington, D.C., provided guest remarks. Over 100 persons attended this event.

Finally, during the Legal Aid Luncheon, the Access to Legal Services Committee unveiled the "Pro Bono Hero" lapel pin with "ESQ" in a superhero shield and Certificate of Appreciation to recognize volunteer attorneys who answer at least 15 questions posed on Virginia.freelegalanswers.org or provide otherwise noteworthy pro bono service that the Committee believes should be celebrated. The Access Committee

hopes that recipients will display the certificate and wear the lapel pin as representations of their role in increasing equal justice in Virginia, and as reminders of how even seemingly small acts of justice can make a big difference in the life of a person in need of legal assistance.

Other activities:

- Virginia State Bar Access to Legal Services Facebook page. The VSB Access to Legal Services Facebook page, which launched in August 2015, continues to grow. The page provides information about access to justice issues, training, and pro bono service opportunities in Virginia. Since its debut, the page has 420 “likes” (or members/subscribers) and is viewed hundreds of times each week. During the week of May 6 - 13, 2017, the page’s six posts had a reach of over 12,000 persons and were shared over 30 times. Karl Doss is the administrator for the page, Tara Casey is the editor, and Jennifer Dean is the moderator.
- Virginia Access to Justice Commission. Mark Braley, Tara Casey, Chip Nunley, and Karl Doss continue to serve on the Virginia Access to Justice Commission. Ms. Casey is the chair of the Pro Bono Committee; and Mr. Doss is the chair of the Pro Bono Coordinating Consortium. Mr. Nunley and Mr. Doss are members of the Pro Bono Committee; Mr. Braley is a member of the Judicial Education Committee; and Mr. Braley and Mr. Doss are members of the Outreach and Education Committees.
- Legal Services Corporation of Virginia Board of Directors. Chip Nunley, Jay Speer, and Karl Doss serve on the LSCV Board of Directors.
- Virginia Bar Association Pro Bono Council. Virginia Bar Association president Pete Johnson appointed Chip Nunley, Mark Braley, and Karl Doss to serve on the VBA Pro Bono Council.
- Greater Richmond Bar Foundation. In May 2016, Karl Doss was appointed to a three year term as a member of the Board of the Greater Richmond Bar Foundation.
- VSB Solo & Small Firm Practitioner Forums and Other Appearances. Karl Doss provided information about pro bono and access to justice issues at the VSB Solo & Small Firm Practitioner Forums in Winchester on September 19, 2016 and Emporia on October 23, 2016. Mr. Doss also provided information at the VSB Tech Show on April 24, 2017 and the Admissions & Orientation Ceremony on June 7, 2017.

Departing members: Adrienne Sakyj; Susan Stanford-Stoney

New Members (2017-18): Joanna Suyes

Officers (2017-18): Chip Nunley, Chair; Tara L. Casey, Vice Chair

Jennifer Fulmer was appointed to complete the term of Susan Stanford-Stoney after Ms. Stanford-Stoney was appointed as Judge of the Fairfax County General District Court.

Bench-Bar Relations

Henry I. Willett, Chair

The Bench-Bar Relations Committee met on the following dates at the following locations:

September 15, 2016 – Virginia State Bar, Richmond

January 26, 2017 – Virginia State Bar, Richmond

March 23, 2017 – Virginia State Bar, Richmond

May 24, 2017 - Virginia State Bar, Richmond

Various members of the committee also participated in sub-committee meetings in connection with the FY2017 regional bench-bar programs.

The committee has focused the last several years on two major initiatives: regional bench-bar conferences and issues created by the Judicial Evaluation Program utilized by the Supreme Court of Virginia.

The regional bench-bar conferences was the brainchild of VSB Past-President W. David Harless. The regional programs have had strong support from the local benches, the local bar associations, and members of the bar, both in planning and participation of each event. Each conference has sought to tailor the programming to the needs of the targeted regions. Each has sought and received support and input from local bench and bar members. And each has been successful in bringing together large numbers of participants from the targeted region to provide a high-quality, live CLE opportunity in areas where such programs are difficult to find.

To date, the VSB supported bench-bar programs have been held in the following locations:

Abingdon	April 2013
Danville	March 2014
Harrisonburg	June 2015
Fredericksburg	May 2016
Emporia	October 2016

These programs were held in conjunction with Solo & Small Firm Forums hosted by the VSB Conference of Local Bar Association.

In the subsequent year after the initial VSB supported bench-bar program, these jurisdictions have held their own bench bar conferences with assistance from the VSB Bench-Bar Relations Committee and the VSB Conference of Local Bars Association, but without VSB financial support. In the third year, the jurisdictions are expected to carry on the program on their own.

The committee continues to focus on opportunities for regional bench-bar conference in areas that do not have access to live CLE presentations and contributing to programs put on by the Conference of Local Bar Associations. Additionally, the committee is looking at other opportunities for enhancing the relationship between the bench and bar.

Henry Willett of Richmond will continue to serve as chair in FY2018.

Updated: Jul 14, 2017

Future of Law

Sharon D. Nelson, Chair

The VSB Study Committee on the Future of Law Practice was charged with evaluating current developments and assessing how these changes will impact the practice of law. Since its inception in September 2014, the Committee met in person a minimum of six times each year. The Committee was asked to make recommendations for further study by the Bar. To that end, a report was generated which contained, among other things, seven recommendations, the final of which was that the Committee continue to study the evolving issues surrounding alternative business structures. The VSB posted its report for comment September 15, 2016

(https://www.vsb.org/docs/FINAL_Report_of_the_Study_Committee.pdf). The goal of the Committee was to help illuminate the changing landscape of the practice of law both to help educate lawyers and to help prepare them for a future that is continually changing.

The Committee engaged in the extensive gathering of information, reading everything it could find on the future of law practice – articles, ethics opinions, and studies by other bar associations. The following people possessed knowledge and experience of interest to the Committee, and they were invited and made presentations to the Committee to further its knowledge:

- Mary Bauer, Executive Director, Legal Aid Justice Center
- Henry N. Butler, Dean and Professor of Law, George Mason University School of Law
- Karl A. Doss, VSB Director, Access to Legal Services
- Leonard C. Heath, Jr., Chair, VSB Mandatory Continuing Legal Education (MCLE) Board
- Dan Lear, Avvo, Director of Industry Relations
- Gary D. LeClair, Co-founded and served as Chairman and CEO of LeClairRyan
- Judy Martinez, Chair of ABA's Presidential Commission on the Future of Legal Services
- Chas Rampenthal, LegalZoom General Counsel
- Thomas A. Williams, III, Immigration Attorney, Law Offices of Thomas Williams, Founder of LiveImmigration.com

- Ed Walters, CEO of Fastcase and adjunct professor of the Georgetown University Law Center
- Judy Perry Martinez, Chair, ABA Commission on the Future of Legal Services
- David Beech, CEO of Knights Solicitors
- Dan Pinnington, Vice President with the lawyers' Professional Indemnity Company in Canada 11:30
- Hilarie Bass, ABA President-Elect
- Thomas J. Hamilton, LL.B., B.C.L. VP, Strategy and Operations, ROSS
- Shantelle L. Argyle, Co-Founder and Executive Director Open Legal Services
- Laurel S. Terry, Professor of Law, Dickinson Law

Early on, the Committee determined that it should narrow the topics to explore and therefore divided itself into three subcommittees:

Technology and the Practice of Law—this subcommittee looked at advances in technology and how law practice is being changed by new technologies. It also studied how the Internet and other forces have created a market for non-lawyer legal service providers.

Access to Justice—this subcommittee focused on the “justice gap” - the unmet legal needs of a large majority of our low and middle income population despite an oversupply of lawyers in the U.S. It also focused attention on initiatives by the organized bar and the efforts of other organizations to address the justice gap, including some projects in other U.S. jurisdictions to allow licensed paraprofessionals to deliver legal services.

Alternative Business Structures—this subcommittee looked at jurisdictions outside the U.S. that permit nonlawyers to participate and have ownership in legal services firms, as well as the status of any similar initiatives or proposals in U.S. jurisdictions.

Current members of the Committee this past year include: Sharon D. Nelson, Chair; Brian Lawrence Buniva, Esq.; Marni E. Byrum, Esq.; Doris Elcenia Henderson Causey, Esq.; Christopher R. Fortier, Esq.; Ronald Lee Livingston, Esq.; J. Neal Insley, Esq.; Christy E. Kiely, Esq.; Kellam T. Parks, Esq.; Michael W. Robinson, Esq.; Professor A. Benjamin Spencer, Esq.; Neil S. Talegaonkar, Esq.; Karen A. Gould, Esq., VSB Executive Director, James M. McCauley, Esq., Ethics Counsel and Emily F. Hedrick, Esq. (VSB Liaisons)

Updated: Jul 13, 2017

Lawyer Insurance

David D. Hudgins, Chair

** The Special Committee on Lawyer Malpractice Insurance was renamed Special Committee on Lawyer Insurance on May 11, 2017.*

ALPS Property & Casualty Insurance Company is the VSB's endorsed professional liability insurance carrier. The Special Committee on Lawyer Malpractice Insurance (LMIC)(renamed LIC effective 5/11/2017) continued its overview of ALPS's risk management endeavors during FY2016-2017.

At its first meeting in FY2017, on September 16, 2016, it was reported that ALPS successfully concluded its transition from a Risk Retention Group under the federal Liability Risk Retention Act to a fully admitted carrier in all states it does business. Policyholders benefited with the change in status by the availability of state guarantee funds, state regulation (the Virginia State Corporation Commission / Bureau of Insurance), new opportunities to serve law firms via other lines of insurance, and new avenues for strategic growth when desirable. ALPS reduced its total number of shareholders from approximately 1,200 to less than 500 via a 600-to-1 reverse stock split. All fractional shares less than one full share were in effect redeemed by ALPS.

In addition to the September 2016 meeting, the LMIC met on November 15, 2016, February 21, 2017, and May 11, 2017 in FY2017. At each of those meetings, the LMIC received a report from Chris Newbold, Executive Vice President regarding ALPS overall results, ALPS results in Virginia and Virginia risk management activities. As reported at the May 2017 meeting, at the end of the second quarter of 2017, ALPS posted assets of \$115,128,466 with policyholder surplus of \$39,212,781. The Virginia book had \$3.5 million of gross written premium and net written premium of \$2.3 million. Virginia's net combined ratio through the second quarter of 2017 was 55.23%, compared to ALPS 93.68%. Virginia insured law firms were 1,367 and insured attorneys stood at 604, out of ALPS total insured law firms of 4,623 and 1,947 lawyers. Claims frequency was 2.56% in Virginia compared to 2.49% through the second quarter for ALPS overall.

Risk Management Programming

Risk management revenue for calendar year 2017 was budgeted to be \$312,776 (ALPS 3% contribution = \$289,606; Non-ALPS attendees at Fall Ethics Tour = \$23,170). Total expenses are budgeted at \$312,740, to support a variety of ALPS risk management activities in Virginia. The 3% is a condition of ALPS endorsement agreement with the Virginia State Bar, permitted by statute. The money is held and spent by ALPS in a risk management program in Virginia overseen by the VSB Special Committee on Lawyer Insurance.

As of the end of the second quarter of 2017, expenses amounted to \$79,864.22. Revenue stood at \$72,437.91. The risk management budget will support the following programs during calendar year 2017:

On-Demand Programing: Currently, 16 programs exist in the Virginia on-demand library. They range in length from 45 min to three hours. New on-demand programs have been added throughout the year. Charges for the on-demand seminars are as follows: programs for one hour \$35 for insureds, \$65 for non-insureds; two hour programs \$45 for insured, \$75 for non-insured; and three hour programs \$60 for insureds, and \$90 for non-insured. Course listing can be viewed at:

<http://alps.inreachce.com/Search?category=a84aa593-3439-46f7-b433-6dff8acfd1f8>

Quarterly Result: In Q1, ALPS had 87 VA registrants for on-demand programs, with 85 ALPS insureds and 2 non-insured.

YTD Result: YTD, ALPS had 87 VA registrants for on-demand programs, with 85 ALPS insureds and 2 non-insured.

Webinar Programming:

In Q1 ALPS did one webinar.

On February 22nd ALPS did Exploring Common Business Relationships Between Lawyers. This was presented by Mark Bassingthwaite. There were registrants, with 35 insureds and 2 non-insureds.

Quarterly Result: In Q1, ALPS had 48 VA registrants for Webinars, with 45 ALPS insureds and 3 non-insured.

YTD Result: YTD, ALPS had 48 VA registrants for Webinars, with 45 ALPS insureds and 3 non-insured.

Webinars Scheduled:

In Q2 ALPS will be doing two webinars:

- Digital Forensics on May 3rd presented by Sherri Davidoff of LMG Securities.
- The Top Technology Traps on June 14th will be presented by Mark Bassingthwaite

Fall CLE Tour:

ALPS has started preliminary work on the 2017 fall tour. Here are the dates and locations:

- 9/25 – Virginia Beach PM

- 9/26 – Richmond AM & PM
- 9/27 – Charlottesville PM
- 9/28 – Alexandria AM & PM (LMIC meeting will coincide with this event)
- 9/29 – Manassas AM
- 10/9 - Roanoke AM Newport News PM
- 10/10 – Fairfax AM & PM
- 10/5 – Newport News PM
- 10/6 – Chesapeake AM

ALPS has made an effort to hit all of the main areas of the state again this year, in each week. All of these venues are booked. The script is completed and filming of the vignettes took place in April. ALPS has the final versions in hand now. The Ethics committee will work with Mark to develop the answer set in Q2.

Spring 2017 Tour

The Spring tour happened as follows:

- 3/27 - Abingdon: 50 total registered – 38 attendees + 9 walk ins, 12 no shows
- 3/28 - Danville: 15 total registered – 11 attendees + 1 walk in, 4 no shows
- 3/29 - Lynchburg: 31 total registered – 22 attendees + 6 walk ins, 9 no shows
- 3/30 - Fredericksburg: 65 total registered – 39 attendees +7 walk ins, 26 no shows

Total: 161 total registered – 100 attendees + 23 walk-ins, 51 no shows

This was a repeat of last fall's tour program and included Jim McCauley and Seth Guggenheim from the VSB Ethics Committee and a local attorney on the panel with Mark B. The feedback from these events was positive from the attendees. Jim McCauley expressed concern about the low number of attendees in Danville. It was decided not to do the Spring tour next year because of the relatively high cost, the VSB's reluctance to commit Jim McCauley's time to the program, and the low number of attendees.

Local Programs and Events:

3/18/17	2.0 hr	35	Malp Avoidance and Conflicts	Wise County Bar	Cameron Bell
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VSB TechShow took place on April 24, 2017. ALPS contribution of \$30,000 from the Risk Management Fund was used to supplement technology at the Richmond Convention center.

Mission Statement Amended and Committee Name Changed

In addition to its usual business at the May 2017 meeting, the LMIC took up the issue of amending its mission statement. The Special Committee on Personal Insurance was sunsetted by the Executive Committee in April 2017 due to lack of activity. Accordingly, the LMIC's mission was expanded to incorporate the reports of Robert Spicknall, who is president of the Virginia State Bar Members' Insurance Center. The Lawyer Malpractice Insurance Committee was renamed the Lawyer Insurance Committee, "LIC", to reflect the change in its responsibilities. The LIC's mission was amended to include the responsibility of oversight of the VSB Life and Disability Plans and activities related to assisting members of the VSB in procuring medical insurance plans. In providing this oversight, the LIC will make recommendations, when needed, to the Executive Committee and to Bar Council as to what individual or firm should serve as a personal insurance liaison for the VSB.

Upcoming Meeting Dates

9/28/2017	Belle Haven Country Club
11/30/2017	VSB Board Room
2/15/2018	VSB Board Room
5/10/2018	VSB Board Room

Updated: Jul 13, 2017

Lawyer Referral

Judy Ann Dugger, Chair

The Virginia Lawyer Referral Service (VLRS), 'Celebrating 40 Years' of effective and high-quality customer service has received 11,971 calls from persons in need of assistance with possible legal matters in Virginia. Of those calls, the VLRS has provided 4,318 prescreened and prepaid referrals to its active panel members; resulting in \$160,150.00 non-profit revenue for the bar.

The Virginia State Bar (VSB) Special Committee on Lawyer Referral commends the 389 VLRS attorney panel members for their (past and present) service to the bar and their communities. The VLRS welcomed 50 first-time panel members. The Committee's efforts was to bring awareness of the VLRS to the VSB members by promoting the value of its panel membership; the consumer service and the protection provided to its callers to ensure their legal needs were being met. Those goals were met by:

1. Sponsorship of two (3 CLE credited) webinars: "Introduction & Mission of the Virginia State Bar (VSB) Virginia Lawyer Referral Service and Ethics for the Virginia Lawyer Referral Service (September 14th); Defense of Criminal Cases: Introduction and Estates, Trusts and Wills (September 28th)

Presenters: D. Adam McKelvey, Crandall & Katt; Charles Adams, Zwerdling, Oppleman & Adams; and Joley L. Steffens, Esq., ThompsonMcMullan. VSB members attending the webinars received 1-year VLRS panel membership.

2. On-Site Panel Membership promotions: VSB TechShow (Richmond), Solo and Small-Firm Practitioner Forum (Emporia & Winchester), VSB YLC Admission & Orientation Ceremony (Richmond), The Virginia Bar Association (VBA) 46th Annual Conference on Labor Relations and Employment Law & 127th Annual Meeting(Williamsburg); The Old Dominion Bar Association (ODBA) Annual Meeting (Woodbridge); and the VSB Annual Meeting (Virginia Beach).

3. A featured article in the VSB Virginia Lawyer Magazine (April 2017), "What We Do Here: The Virginia Lawyer Referral Service"; along with new print advertising inviting VSB members in the practice of Employment, Immigration, and Consumer laws with bilingual abilities to the service's panel membership.

4. New panel membership applications with expanded areas of law practices and requiring more detailed law office information to ensure the panel members received the best possible referrals.

5. Offered 1-year free panel to VSB members in the underserved cities and counties where there were no VLRS lawyer panel members listed, and to those VSB members who practice Employment & Workers Compensation laws.

6. Reviewed lawyer panel membership Disciplinary Administrative Hold for the protection of the consumers and panel members.
7. Plans to develop an interactive online referral portal for the general public.
8. Partnering with The Greater Richmond Bar Association (GRBA) to provide referrals to Virginia Veterans that contacted their office for legal services.
9. Changes to the Virginia Lawyer Referral Service website to make it more consumer friendly (less wording) and more visually appealing to the reader.
10. Statewide consumer advertising and promotion by distributing over seven-thousand VLRS Take-One Rack Cards to Virginia State Libraries (40), the Virginia General District, Juvenile & Domestic Relations, and Circuit Courts (107), and the Virginia Public Defender Offices (26).

The Special Committee on Lawyer Referral met on Thursday, October 27, 2016 and Thursday, April 27, 2017 from 12 – 1:30 pm.

Committee Members

Judy A. Dugger, chair; Rachel E. Jones, vice-chair; Timothy A. Boyer, Eugene M. Elliott, Jr., John A. Kassabian, Neil S. Lowenstein, D. Adam McKelvey, Sarah M. Morton, D. David Parr, Jr., Todd A. Pilot, Jeanette D. Rogers, and Christopher L. Spinelli.

Updated: Oct 11, 2017

Resolution of Fee Disputes

Kathryn N. Byler, Chair

The Virginia State Bar resolution of fee dispute program (RFD) was created as a voluntary program to help attorneys and clients resolve disputes over fees and costs paid, charged, or claimed for legal services provided by a member of the Virginia State Bar (VSB). The program achieves this goal by providing two options—mediation and binding arbitration. Parties who choose the mediation process but who do not reach a satisfactory conclusion may still utilize the binding arbitration process.

The RFD program benefits VSB members and the public by reducing needless litigation, spurious bar complaints, and Clients' Protection Fund petitions.

During FY2016-17, the VSB made efforts to make the RFD more robust:

- The RFD coordinator contacted RFD circuit committee chairs to assess volunteer needs.
- In the fall, VSB conducted fee dispute training in Richmond, Roanoke, Fairfax, and Norfolk with approximately 100 trainees in attendance. Due to new training, volunteer interest has increased, the VSB is in the process of reinstating a former circuit committee that dissolved due to lack of volunteers, and the VSB has added volunteer arbitrators and mediators to those circuits in need of additional volunteers.
- The VSB has applied term limits for volunteer arbitrators, mediators, and circuit chairs, to align with those of similar VSB committee volunteer requirements.

The VSB RFD received 212 requests for information during fiscal year 2016-2017.

Out of those 212 requests:

- Petitioners returned 86 agreements to circuit chairs for processing (64 from clients, 22 from attorneys);*
- 39 of those agreements were accepted by the respondent;
- 13 attorney respondents declined to participate;
- 11 cases were settled prior to mediation or arbitration; and
- 31 cases went to FRD: 18 cases are complete (9 mediations and 9 arbitrations) and 13 are pending (8 mediations and 5 arbitrations).

(*Note: Report includes half year stats for circuit 2)

Geographical breakdown of requests:

- 22% were for attorneys practicing in eastern Virginia (circuits 2, 3/4);
- 44% were for attorneys practicing in NOVA (circuits 16, 18, 19, 31);
- 23% were for attorneys practicing in central Virginia (circuits 12/13/14);
and
- 11% were for attorneys practicing in south/southwestern Virginia (circuits 10, 23, 24, 28).

The VSB continues to seek ways to encourage VSB member participation and to publicize and promote the RFD at VSB-related events, including the Solo & Small Firm Practitioner Forums, Bar Leaders Institute, VSB-sponsored CLEs, through local bars, and other events.

Committee members for 2016-2017 were Kathryn N. Byler, chair, Carolyn M. Grimes, vice chair, Caroline E. Browder, William B. Kilduff, David A. McKelvey, Alexander N. Simon, Robert P. Stenzhorn, Yvonne S. Berry, and Thomas Gallagher.

Updated: Oct 05, 2017

Technology and the Practice of Law

Kellam T. Parks and Lisa A. Robertson, Co-Chairs

The mission of the Special Committee on Technology and the Practice of Law is to educate and advise the Bar and the public, in areas where law and technology intersect. During the past year, the Committee has continued to meet once per month by telephone conference call, and gathered one time in person for an annual meeting in Richmond. Frequent meetings have allowed us to share ideas and maintain forward progress on a number of activities.

Through two-person teams, the Committee has continued to present its two CLE programs: "Practicing Law in the Digital Age: Successfully Leveraging Technology for Your Practice and Trials," and "Let's Talk Tech: Bringing Lawyers and Technology Together in an Ethical and Practical Way," as well as excerpts from them to various bar associations (local bar associations; Virginia Association of Defense Attorneys; and the Virginia Trial Lawyers Association). The Committee has recently established a working group of its members, tasked with updating CLE materials so that the Committee can continue its mission to bring current technology information and education to attorneys around the state through ongoing CLE programs.

Individual Committee members volunteer to write a brief column for each issue of the *Virginia Lawyer*.

Our Committee has established a web page. See <https://www.vsb.org/site/about/technology-and-the-practice-of-law>. We currently provide links to published articles and a calendar identifying the dates and locations of our CLE programs. This website will be regularly updated by Committee members, and a working group of members is developing recommendations as to how the web site can most efficiently be utilized to deliver information and key resources to members of the Virginia Bar on an ongoing basis. We are also in the process of developing scripts for short video presentations, each on a technology topic, which would be both educational and effectively communicated in a verbal/ visual format; Virginia CLE has offered to partner with us to produce video presentations, and our goal would be to have the videos posted and available on the website.

Members of the committee during the past year: Charles Bennett Molster III, *ex officio*; Kellam T. Parks and Lisa A. Robertson, co-chairs; James M. McCauley, Emily Hedrick and Gordon R. Hickey (Bar staff); Jon Hays; Hyatt Shirkey; Marvin Lee Marvin Lee Smallwood, II; Jennifer Dean; Renu Brennan; Erin Hapgood; David Bice; Brandon Fellers; Andrew Dean; Kristopher Olin; and Brittany Johnson.

The Clients' Protection Fund Board

Margaret A. Nelson, Chair

The Clients' Protection Fund was established in 1976 to make monetary awards to people who have suffered financial losses because of the dishonest conduct of Virginia lawyers. The fund is managed by a fourteen-member board appointed by the Virginia State Bar Council. Board members investigate all petitions from clients for payments from the fund. The board hears each petition and determines the amount of loss.

As of July 1, 2016, forty-nine (49) claims were pending from the previous year. In FY 2017, fifty-two (52) new petitions were received. The total amount paid during 2016-2017 was \$343,428 .86 representing fifty (50) claims. The board denied fourteen (14) petitions, and thirteen (13) petitions were rejected for not meeting the CPF rule requirements. One (1) claim was withdrawn by the petitioner. As of June 30, 2017, there were twenty-three (23) pending claims. The board reviewed and investigated sixty-two (62) claims during the year.

The fund began the fiscal year on July 1, 2016, with a cash balance of \$8,309,226. The Clients' Protection Fund \$25 assessment from all active attorneys totaled \$805,600. Interest income, net of bank service charges for the fiscal year, totaled \$110,900. The fund received restitutions from attorney general's collections, debt set-off, and individual restitutions in the amount of \$34,251 net of attorney's fees for collection services. As of June 30, 2017, the cash balance in the fund was \$8,911,684.

The Clients' Protection Fund board members are to be commended for the many hours spent investigating and deliberating claims submitted to the board. In addition, to performing its regular work reviewing petitions, the board undertook and completed two major strategic tasks in 2016-2017. First, our Finance Subcommittee provided extensive leadership and strategic recommendations when challenged by the upheaval in the global financial markets which had rippling effects on our Clients' Protection Funds after the Brexit vote in June 2016. Additionally, our Rules and Procedures Subcommittee provided an extensive detailed review and revision of the board's governing rules and procedures for operation. After many hours of review and deliberation of the extensive recommendations presented by both subcommittees, these amendments were approved by the entire board. Notably, Bar Council unanimously approved our recommendations for amendments to the Client Protection Fund Rules and Procedures at its February 2017 meeting. Finally, appreciation is extended to retiring board member Doris Henderson Causey after her years of service on the board.

The board welcomes Paul G. Gill from the third disciplinary district as a new member for the fiscal year 2017-2018.

Mandatory Continuing Legal Education

Leonard C. Heath Jr., Chair

The Mandatory Continuing Legal Education (MCLE) Board administers the program that was established by the Supreme Court of Virginia in 1985. The rules governing the MCLE program were amended in 1990 to require all active members of the Virginia State Bar to complete a minimum of twelve hours of approved continuing legal education courses, including two hours of ethics or professionalism, each fiscal year.

The MCLE Board consists of twelve members appointed by the Virginia Supreme Court. In addition to the chair, members for fiscal year 2017 included, George W. Watkins of Waynesboro, Vice Chair, Darius K. A. Davenport, Sr. of Suffolk, Afshin Farashahi of Virginia Beach, Lori Beth Galbraith of Chesapeake, Zachary A. Kitts of Fairfax, Victoria N. Pearson of Richmond, Kimberly A. Pierro of Mechanicsville, Christine L. Poarch of Salem, Cynthia M. Radomsky of Fairfax, Liza S. Simmons of Richmond, and Lorrie A. Sinclair of Leesburg.

The Board meets seven times per year at the VSB's Richmond office to, among other things, consider course-approval applications, requests for extensions and waivers, and other matters integrally related to the MCLE process in Virginia. The VSB's MCLE department provides daily administration of the MCLE requirements for the Board. Over the last reporting cycle, the MCLE staff and Board considered the following: 21,395 course approvals, 59 waiver and extension requests and approximately 163,011 certifications of attendance. Usage by attorneys of the online MCLE certification feature continues to increase and enables attorneys to post the majority of their certifications of attendance directly to MCLE record and view current MCLE record 24/7, saving time, money and effort for both our members and the MCLE department. For the 2016 MCLE compliance year over 75% of the course attendance was certified by the members online. Two hundred thirty-eight (238) members have taken advantage of the iPhone app for connecting to the member login portal.

Over the last reporting cycle, the Board continued to study the topics of diversity and bias in the legal profession to determine (1) if alternative approval standards are warranted and, if so, (2) what modifications should be recommended. The Board continued to study and draft changes to Opinion 16 Distance Learning Programs to allow for new gaming formats. Opinion 14 Written Materials was amended and published for public comment. The Board will consider the comments for possible final amendments in the coming year.

At the beginning of this year we welcomed new member, Victoria N. Pearson of Richmond, to the Board. At the close of the year, three of our members completed their service on the Board: Afshin Farashahi, Cynthia M. Radomsky, and Lorrie A. Sinclair. The Board will miss their insight and dedication to the profession. As this year closes, I want to thank George Watkins for his fine service on the Board as member and Vice Chair and his willingness to serve the Board next year as Chair.

As always, the MCLE staff, directed by Gale M. Cartwright, ensures that the MCLE process runs smoothly for both the MCLE Board and the membership of the Virginia State Bar. The staff conscientiously provides institutional memory for the MCLE Board, even as members of the MCLE Board come and go over time. I want to thank the staff for their good work throughout this year. I especially want to thank Ms. Cartwright for her tireless efforts and her daily oversight of the MCLE process throughout the Commonwealth and her sage advice to the Board. Finally, the MCLE Board is grateful for the assistance of the Executive Director of the Virginia State Bar, Karen Gould, who also provided continued guidance to the Board.

Updated: May 31, 2018

Virginia Joint ADR Committee

Deborah Wood Blevins, Chair

The JADRC, 179 members of the VSB and VBA, seeks to educate all lawyers about the skills necessary to succeed in ADR. Highlights from 2016 – 17 are listed below. For more information and a complete list of Council members, see http://www.vba.org/default.asp?page=joint_adr.

- **Mid-Atlantic Global Pound Conference**

Deborah Blevins, Sally Campbell, Cyril Coombs and Geetha Ravindra were organizers for the June 8, 2017 Conference in Baltimore. One of a series held across the globe, it focused on the future of commercial ADR, and included panelists Coombs, Ravindra, and the Honorable Rosemarie Annunziata.

- **Appellate Mediation Proposal**

In May 2017 the Council recommended to Chief Justice Lemons that a committee be formed to study appellate mediation in Virginia.

- **Access to Justice projects, Will Shewmake**

Better Business Bureau: Pro bono mediators mediate consumer complaints against Central Virginia BBB members, and can coordinate with the CMG Foundation to provide a mentor mediator.

General District Court: The Committee is working with a Richmond General District Court to provide pro bono mediation services for litigants.

- **CLE programs**

Arbitration Today: Goals and Reality: With Virginia CLE, presented December 12, 2016 (live) and January 19, 2017 (webinar). Panelists were the Honorable LeRoy Millette, Jr., James Cosby, Bradfute Davenport, Jr., Robert Loftin, and David Nagle.

To Arbitrate or Not to Arbitrate, That is the Question, Here are Some

Answers: With the Conference of Local Bar Associations, Will Shewmake and Donita King presented at the Solo & Small Firm Practitioner Forum September 19, 2016, in Winchester, and April 6, 2017 in Lynchburg.

VSB Annual Meeting CLEs 6/16/17:

Expert Witnesses: Who Are They And What Can They Say? Co-sponsored with Litigation and Construction Law Sections, panelists were the Honorable Robert Ballou, Brian Riopelle, and Lauren McLaughlin, moderated by Kristan Burch.

The Future of Law Practice: It's Coming at Warp Speed. Co-sponsored with VSB Future of Law Practice Committee, panelists were Sharon Nelson, Michael Robinson, Marni Byrum, and Jim McCauley.

- **Communications**, Claudia Farr
 - Semi-annual *ADR Virginia* newsletter
 - Monthly *ADR Advisory Alert* emails
 - *All Things ADR* blog

- Outreach: Marina Mayes and Claudia Farr provided informational materials and spoke with new lawyers about ADR at the VSB's December 6, 2016 First Day in Practice seminar at the Richmond Convention Center.
 - Virginia State Bar publications
 - "Mediation Compensation Legislation – Lawyers and Mediators Working Together for Public Benefit," by Donita King, June 2016, *Virginia Lawyer Magazine*
 - "Lawyer as Problem-Solver: Top Ten Tips," by William Fitzhugh and Deborah Blevins, June 2017, *Virginia Lawyer Magazine*

 - Virginia Bar Association publications
 - "Triage," by Deborah Blevins, Spring 2017, *VBA Journal*
 - "ADR and Virginia Law Schools," by William Bray and Rachel Snead, Summer 2017, VBA YLD's *Opening Statement*

- **Membership**, Joan Morrow
 - New option of online membership as of June 2017

Officers:

Hon. Deborah Wood Blevins, Chair

James C. Cosby, Vice Chair

M.F. Connell Mullins, Jr., Secretary/Treasurer

Updated: Jul 13, 2017