

# Virginia State Bar 81st Annual Report

Annual Report  
for the period  
July 1, 2018 – June 30, 2019



## Administrative / Governing Reports

Report of the Executive Director/Chief Operating Officer Virginia State Bar Organizational Chart (pdf)  
Report of the Treasurer  
Report of the Office of Bar Counsel

## Reports of the Standing Committees

Access to Legal Services  
Budget and Finance  
Lawyer Discipline  
Legal Ethics  
Professionalism

## Reports of the Boards

The Clients' Protection Fund Board  
Mandatory Continuing Legal Education

## Reports of the Special Committees

Bench-Bar Relations  
Judicial Candidate Evaluation  
Committee Lawyer Insurance  
Lawyer Referral  
Resolution of Fee Disputes  
Technology and the Future Practice of Law

## Reports of the Conferences

Conference of Local and Specialty Bar Associations  
Diversity Conference  
Senior Lawyers  
Conference Young Lawyers  
Lawyers Conference

## Reports of the Sections

Administrative Law  
Antitrust, Franchise & Trade Regulation  
Bankruptcy Law

Business Law  
Construction Law & Public Contracts  
Corporate Counsel  
Criminal Law  
Education of Lawyers in Virginia  
Environmental Law  
Family Law  
General  
Practice Health  
Law  
Intellectual Property  
Law International Law  
Litigation  
Local Government  
Law Military Law  
Real Property  
Taxation  
Trusts and Estates

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# Report of the Executive Director/Chief Operating Officer

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## Karen A. Gould

The Virginia State Bar grew slowly this year. Active membership<sup>1</sup> increased to 32,891 as of June 1, 2019, compared to 32,782 last year.

	2018-19	2017-18
<b>Active</b>	31,908	31,878
<b>Virginia Corporate Counsel licensed under SCV Rule 1A:5, Part I</b>	981	942
<b>Corporate Counsel Registrants licensed under SCV Rule 1A:5, Part II</b>	597	561
<b>Associate</b>	13,502	13,493
<b>Judicial (includes active and retired)</b>	1,448	1,449
<b>Retired/Disabled</b>	3,483	2,945
<b>Total</b>	51,919	51,268

Karen A. Gould has served as executive director of the Virginia State Bar since January 1, 2008.

Leonard C. Heath Jr. served as president of the VSB from June 17, 2018, until June 16, 2019. Mr. Heath was the first VSB president from the Peninsula since William O. Prince was president from 1978 to 1979. A private practitioner in Newport News, his year as VSB president has been focused on lawyer wellness, after [a landmark report was issued](#) by the National Task Force on Lawyer Well-being in August 2017, entitled "The Path to Lawyer Well-being: Practical Recommendations for Positive Change." As a result of Len's leadership, numerous rule changes in the disciplinary rules and the

MCLE rules have been made affecting how the VSB regulates lawyers who are having problems with their health.

In addition to these efforts, Len created the President's Special Committee on Lawyer Well-Being, which focused its efforts on identifying the occupational risks for lawyers. [This landmark report takes a global view](#) of the risks associated with the practice of law. It identifies each risk and provides recommendations to individuals and organizations on how to avoid, or at least minimize, the risks.

### **Executive Committee members 2018-2019**

#### **Ex-Officio Members**

President	Leonard C. Heath Jr.
President-elect	Marni E. Byrum
Immediate Past President	Doris Henderson Causey
Conference of Local Bars Chair	Charles M. Lollar
Diversity Conference Chair	Luis A. Perez-Pietri
Senior Lawyers Conference Chair	Carollyn C. Cox
Young Lawyers Conference President	Brian T. Wesley

#### **At-large members**

Joseph M. Bowen	Tazewell
Brian L. Buniva	Richmond
Eugene M. Elliott, Jr.	Roanoke
William E. Glover	Fredericksburg
Beverly P. Leatherbury	Eastville
Jay B. Myerson	Reston

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.

#### **Council elections**

The following persons were elected to three-year terms on the Virginia State Bar Council with terms beginning July 1, 2019.

#### **Winners of contested Council elections Spring 2019:**

Circuit 1 (1 vacancy)

Damian J. (D.J.) Hansen, Chesapeake (1<sup>st</sup> term)

Circuit 13 (2 vacancies)

Eric M. Page, Richmond (1<sup>st</sup> term)

Cullen D. Seltzer, Richmond (1<sup>st</sup> term)

Circuit 17 (3 vacancies)

Adam D. Elfenbein, Arlington (2<sup>nd</sup> term)

Greg T. Hunter, Arlington (2<sup>nd</sup> term)

Josh D. Katcher, Arlington (1<sup>st</sup> term)

Circuit 20 (1 vacancy)

R. Penn Bain, Leesburg (1<sup>st</sup> term)

Circuit 24 (1 vacancy)

Eugene N. Butler, Lynchburg (elected to 1<sup>st</sup> term at circuit meeting)

Circuit 29 (1 vacancy)

D. Greg Baker, Clintwood (elected to 1<sup>st</sup> term at circuit meeting)

**Uncontested Council election winners are as follows:**

Circuit 2 Jeffrey B. Sodoma, Virginia Beach (1<sup>st</sup> term)

Circuit 3 Meredith B. Travers, Portsmouth (1<sup>st</sup> term)

Circuit 4 Ann B. Brogan, Norfolk (2<sup>nd</sup> term)

Circuit 5 Thomas G. Shaia, Suffolk (1<sup>st</sup> term)

Circuit 6 J. Daniel Vinson, Emporia (re-elected to 1<sup>st</sup> full term by circuit meeting; next election by electronic ballot)

Circuit 16 Palma E. Pustilnik, Charlottesville (2<sup>nd</sup> term)

Circuit 19 David J. Gogal, Fairfax (2<sup>nd</sup> term)

Doug R. Kay, Tysons Corner (2<sup>nd</sup> term)

Circuit 22 Eric H. Ferguson, Rocky Mount (1<sup>st</sup> term)

Circuit 23 K. Brett Marston, Roanoke (2<sup>nd</sup> term)

Circuit 26 Nancy M. Reed, Luray (2<sup>nd</sup> term)

Circuit 27 R. Cord Hall, Christiansburg (2<sup>nd</sup> term)

Circuit 31 Maryse C. Allen, Prince William (2<sup>nd</sup> term)

A Council at-large appointment was made by the Supreme Court of Virginia effective 4/10/2019 (vacancy created as a result of William E. Glover being appointed by the legislature to the circuit court bench and Judge Glover's subsequent resignation from Council):

Atiqua Hashem, Richmond

Council at-large appointments by the Supreme Court of Virginia effective 7/1/2019:

Stephanie G. Cox, Blacksburg

Denise W. Bland, Eastville

Patricia E. Smith, Abingdon

### **Rule Changes and LEOs Approved by the Supreme Court of Virginia- FY 2019**

Effective October 31, 2018, [the Court approved proposed Comment \[7\] to Rule 1.1 of Professional Conduct \(Competence\)](#). The proposed comment states that the maintenance of mental, emotional and physical ability is an important aspect of maintaining competence to practice law.

Effective November 8, 2018, the Court approved [LEO 1885](#), Legal Matchmaking Services, and [LEO 1889](#), Duty to Appeal Termination of Parental Rights Cases When Client Is Missing.

Effective December 1, 2018, the Court approved a new provision, [Paragraph 22](#), that requests each active VSB member report their pro bono hours and/or financial contribution in support of pro bono legal services on their annual dues statement. The requirement complements the aspirational goal of Virginia Rule of Professional Conduct 6.1 that each lawyer should render at least two percent of professional time annually to pro bono legal services.

By Order entered December 12, 2018, [the Court rejected revisions to Rule 1.10, imputed disqualification](#).

Effective January 1, 2019, the Court approved two amendments to Paragraph 13. [The first facilitates "retirement with dignity" for a lawyer suffering from irreversible cognitive decline and allows transfer to the Retired/Disabled class of membership in lieu of an impairment suspension. The other amendment allows the Office of Bar Counsel to](#)

[furnish confidential information to an approved Lawyer Assistance Program to accelerate help to lawyers who need it.](#)

Also, effective January 1, 2019, the Court approved related amendments to Paragraph 13: (1) [a change to the definition of “Costs” to allow the assessment of guardian ad litem fees by the Clerk of the Disciplinary System if the Disciplinary Board chooses to assess such costs in its discretion;](#) (2) [a change to the impairment rules allowing the bar to dismiss pending cases upon a finding of impairment or a transfer to the disabled and retired class of membership under the new “retirement with dignity” rule;](#) and (3) [adding a definition for “Lawyer Assistance Program.”](#)

Effective February 15, 2019, [the Court approved amendments to Rule 1.8\(e\)\(1\) of Professional Conduct.](#) The amendments allow attorneys to advance court and litigation expenses and to condition repayment on the outcome of the case, and to pay such costs on behalf of indigent clients.

At the October 2018 meeting Council considered a proposal to amend the rules under which the Virginia Lawyer Referral Service operates. The **VLRS rule amendments** were approved by the Supreme Court of Virginia on April 9, 2019. The rules will become effective July 1, 2020. [https://www.vsb.org/pro-guidelines/index.php/rule\\_changes/item/revisions\\_to\\_UPL](https://www.vsb.org/pro-guidelines/index.php/rule_changes/item/revisions_to_UPL)

On April 26, 2019, the Supreme Court of Virginia approved the proposed rewrite of the **unauthorized practice of law rules**, which will become effective July 1, 2019.

Effective July 1, 2019, [the Court approved revisions to Part 6, §I of the Rules of the Supreme Court of VA on the unauthorized practice of law:](#) (1) Paragraph 3.A. Exceptions, was amended by the addition at the end of the paragraph to include non-lawyers or paralegals employed by legal aid societies; and (2) Paragraph 5.D, Comments, was amended to correct the reference to Paragraph 3(Q) to Paragraph 3(R).

Also, effective July 1, 2019, [the Court approved amendments to Paragraph 17 regarding MCLE.](#) Beginning in the November 2019 through October 2020 MCLE compliance period, revised Paragraph 17 requires active members to affirm that they have attended at least one hour of lawyer well-being education within the past three (3) years. Members will be required to provide this information during the end-of-year reporting process for the period ending October 31, 2020, and annually thereafter. Failure to comply with this requirement will **not** subject the member to the penalties set forth in Paragraph 19.

### **Matters still pending before the Court**

Comment 5 to Rule 3.8(d) – Additional obligations of prosecutors

Council approved a revised version of proposed Comment 5 by a vote of 47 to 13. The petition was filed with the SCV in March 2019, and subsequently the Supreme Court of Virginia requested public comment on the proposal with a comment deadline of May 21, 2019. [The petition is available on the VSB website.](#) As of the date of this report, June 18, 2019, no action has been taken on Comment 5 by the Court.

### **Matters to be filed with the SCV from the June 2019 Council meeting**



The Standing Committee on Legal Ethics proposed three items that were approved by Council at its meeting on June 13, 2019 and will be presented to the Supreme Court of Virginia for approval:

**LEO 1872**– Virtual law office and use of executive office suites. The proposed revisions to update references to Rule 1.6(d), on a lawyer’s duty to protect confidential information, and Rule 7.1, on advertising; the revisions also remove references to former Regulation 7 Governing Applications for Admission to the Virginia Bar Pursuant to Rule 1A:1 of the Supreme Court of Virginia since that regulation has been modified and no longer requires that lawyers admitted to practice by motion maintain a physical office space. The proposed revisions also modify the discussion of when a lawyer may advertise a non-exclusive office space as a location of the firm. The revisions remove the “factors to be considered” in making that determination, which currently include frequency of use, whether nonlawyers use the space, and whether signage indicates that the space is used as a law office. Thus, the analysis in the opinion is narrowed to the question of whether the advertised location is an office where the lawyer provides legal services, and whether the advertised location is being used to mislead prospective clients that the lawyer’s practice or firm is more geographically diverse or larger than is actually the case. This revision conforms the LEO with revisions made to LEO 1750 (approved by the Supreme Court of Virginia), which refers to and cites LEO 1872 excluding these two sentences.

**LEO 1750**– Advertising compendium opinion. The proposed revisions to this LEO remove citations to now-withdrawn Lawyer Advertising Opinions (LAOs) 0101, 0102, 0104, 0105, and 0113. The Committee withdrew those LAOs, along with seven others, on August 1, 2018, because they were obsolete, superseded by amendments to the Rules of Professional Conduct, or restated in whole or in part in LEO 1750. The proposed revisions also include a substantial revision to section B of the LEO, on the use of the phrase “no recovery, no fee.” Effective February 15, 2019, Rule 1.8(e) is amended to allow a lawyer to make the repayment of advanced costs and expenses of litigation contingent upon the outcome of the client’s matter; therefore, it is no longer per se misleading for a lawyer or law firm to advertise that a client will pay nothing if there is no recovery. The LEO has been revised to reflect that fact, though it will still be misleading to advertise “no recovery, no fee” with no additional clarification if the lawyer or law firm may or will require the client to remain responsible for the costs and expenses of litigation.

**Rule 4.4(b)**– Receipt of inadvertently disclosed information. The proposed changes to the Rule add paragraph (b), which codifies the guidance currently found in LEO 1702 regarding a lawyer who receives privileged information that was inadvertently sent. Specifically, paragraph (b) requires that a lawyer who receives information relating to the representation of the lawyer’s client and who knows that the information is privileged and was inadvertently sent must immediately terminate review or use of the information, promptly notify the sender, and abide by the sender’s instructions, if applicable, to return or destroy the information.

**LEO 1890** was withdrawn from consideration.

**Paragraph 13** changes were proposed and passed unanimously by Council at its June 13, 2019 meeting. The Virginia State Bar’s Standing Committee on Lawyer Discipline proposed the amendments to Paragraph 13 of Part 6, Section IV of the Rules of the Supreme Court of Virginia in order to: (1) clarify and enhance the transparency and uniformity of the VSB’s disciplinary process while protecting the confidentiality of medical, psychological, treatment, and other sensitive information in public disciplinary

proceedings; (2) eliminate two “dismissal” sanctions that create a disciplinary record; and (3) ensure the rules are consistent with procedure and practice. Specifically, the proposed Paragraph 13 rule changes will achieve the following if approved by the Supreme Court of Virginia:

**Convert Dismissals De Minimis and Dismissals for Exceptional Circumstances from Disciplinary Sanctions to Outright Dismissals which do not Create a Disciplinary Record (13-15 and 13-16)**

Elimination of “Dismissals De Minimis” and “Dismissals for Exceptional Circumstances” as disciplinary sanctions is proposed because the terminology is misleading to the public, complainants, and respondents. These misnomers perpetuate confusion as to whether a sanction has actually been imposed.

The amendments incorporate the elements of Dismissals De Minimis and Dismissals for Exceptional Circumstances as bases for outright dismissal of complaints at the Subcommittee stage. Similar to the existing [limitations on private discipline](#) at Paragraph 13-7.E, the amended Paragraph 13-15 places presumptive limitations on dismissing cases for de minimis violations and exceptional circumstances.

**Revised Definition of Admonition (Paragraph 13-1)**

These revisions set Admonition as the lowest disciplinary sanction, thus conforming Virginia to the vast majority of other jurisdictions and the ABA’s Model Rules of Disciplinary Enforcement. The revised definition of Admonition expands the bases for the imposition of that sanction to include similar factors previously considered for Dismissals De Minimis and Dismissals for Exceptional Circumstances.

**Confidentiality of Disciplinary Records and Proceedings (Paragraph 13-30)**

The proposed amendments to Paragraph 13-30, consistent with the public’s general right of access to non-confidential information, accomplish the following: (1) promote transparency by providing a presumption of open records, hearings, determinations imposing public discipline, and all orders of license suspension, (2) clarify the proceedings and records that are confidential, and (3) create a new mechanism for parties to seal sensitive information, such as medical, psychological, or treatment information, for good cause shown.

**Clerk’s Duties to Publicize Sanctions (Paragraph 13-9), the Requirement of Summary Orders in District Committee Proceedings (Paragraph 13-16), and District Committee Filings with Clerk (Paragraph 13-16)**

Paragraph 13-9 delineates the duties of the Clerk of the Disciplinary System to maintain dockets, retain records, and publicize public sanctions. The amendments designate the Clerk to receive District Committee filings, consistent with Disciplinary Board proceedings and the Clerk’s status as official custodian of the records of the disciplinary system.

The amendments also require District Committees to issue a Summary Order upon conclusion of a hearing, consistent with the Disciplinary Board and three-judge Circuit Courts. Finally, the amendments clarify the Clerk’s duties to notify the public, courts, and other jurisdictions of sanctions imposed upon issuance of a Summary Order.

These proposed revisions seek to protect the public by ensuring prompt dissemination of public sanctions and uniformity in disciplinary proceedings.

#### **Subcommittee Members Who Considered Complaint May Not Serve on District Committee Hearing Panel (Paragraph 13-4)**

This amendment provides that Subcommittee members who considered a Complaint will not participate in any District Committee hearing, consistent with the existing rule disallowing Board members who consider and reject an agreed disposition from serving on the hearing panel. This change will instill greater integrity and fairness into the District Committee hearing process.

#### **No Appeal from Agreed Dispositions at the Board Level (Paragraphs 13-6 and 13-26)**

This proposal likewise ensures uniformity by clarifying that no appeal will lie from Agreed Dispositions at the Board level, consistent with Agreed Dispositions at the District Committee level.

#### **Revise “Disciplinary Proceedings” to Exempt “Impairment Proceedings” (Paragraph 13-1) and Related Amendments (Paragraphs 13-1.1 and 13-6.F)**

Impairment proceedings are not disciplinary in nature. The purpose of Impairment proceedings is to determine whether the respondent is physically and mentally fit to practice law. While the bar does not treat Impairment proceedings as a disciplinary matter, these amendments explicitly exempt Impairment matters from the defined term “Disciplinary Proceedings” to further clarify the non-disciplinary nature of those proceedings.

#### **Clarify that the Clerk Determines Compliance with Prerequisites for Reinstatement After a Disciplinary Suspension of More than One Year (Paragraph 13-25.D)**

Paragraph 13-25.D requires lawyers who have been under a disciplinary suspension for more than one year to meet certain requirements before seeking reinstatement of their law license. This amendment clarifies that the Clerk determines compliance, consistent with the Clerk’s existing duty to determine compliance with the prerequisites for reinstatement following revocation. (Paragraph 13-25.E).

#### **Housekeeping Amendments**

Paragraph 13 is revised throughout to clarify and simplify language as follows:

- Amend Paragraph 13-1 definition of “Private Discipline” to clarify that Private Discipline means any form of discipline that is not public.
- Revise definition of “Clerk of the Disciplinary System” to clarify the scope of the records of which the Clerk is the official custodian and allow for the use of the shortened “Clerk” throughout Paragraph 13.
- Amend Paragraph 13-1 definition of “Disciplinary Record” to include any proceeding, in this or any other jurisdiction, which resulted in a sanction and clarify that Disciplinary Record does not include interim or summary Suspensions (such as suspensions for failure to comply with bar subpoenas, show cause suspensions issued in criminal conviction and reciprocal proceedings, and impairment suspensions).

- Replace “Disciplinary Rule” and “Disciplinary Rules” with “Rule of Professional Conduct” or “Rules of Professional Conduct” when referring to specific provisions of the Rules of Professional Conduct (Paragraphs 13-5, 13-7, and 13-30).
- Clarify “Disciplinary Record” as an appropriate factor in assessing sanctions (Paragraphs 13-16 and 13-18), as opposed to the overly broad “Disciplinary Proceedings” currently used.
- Clarify language regarding persons ineligible for appointment in the Disciplinary System (Paragraphs 13-4 and 13-6).
- Implement use of “this Court” when referring to the Supreme Court of Virginia.

#### **SALARIED EMPLOYMENT CHANGES IN FY2019 (July 1, 2018 to June 30, 2019)**

- Andrew Barber (Administrative Assistant, Bar Services) separated 07/24/2018
- Mallory Ralston (Meetings Assistant) hired to replace Andrew 08/20/2018
- Saunder Johnson (Membership Specialist) hired 09/05/2018
- Lauren Parrish (Meetings Coordinator) separated 03/24/2019  
(Mallory Ralston promoted to replace Lauren 04/10/2019)
- Kim Karnes (Meetings Assistant) hired to replace Mallory 05/25/2019
- Darren Harris (Senior Software Engineer and Assistant Director of Information Technology) hired 10/25/2018
- Bill Dickinson (Director of Information Technology) retired 01/01/2019
- Selina Deale (Director of Information Technology) hired to replace Bill 01/25/2019
- Ned Davis (Bar Counsel) retired 03/01/2019  
(Renu Brennan promoted to replace Ned on 02/23/2019)
- Cameron Rountree (Deputy Executive Director) hired to replace Renu 03/10/2019
- Andrea Lewis (Intake Analyst) separated 03/09/2019
- Adni Rahman (Intake Analyst) hired to replace Andrea 05/6/2019
- Brian Callen (Investigator/Northern Virginia) separated 03/24/19
- Jim Haughton (Investigator/Northern Virginia) hired to replace Brian 05/15/2019
- Spencer Hall (IT Systems Support Specialist) separated 04/09/2019
- Kathy LaMotte (Assistant Clerk) separated 04/09/2019
- Kathryn Montgomery (Deputy Bar Counsel) separated 04/19/2019
- Laurie Fuller (Legal Assistant/Litigation) retired 05/01/2019  
(Steven Long promoted to replace Laurie as a Paralegal 03/25/2019)
- Jamie Mathes (Senior Software Developer) hired 05/10/2019

Positions filled as of June 30, 2019: 89

FTE FOR FY19: 92

FTE FOR FY20: 92

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**1 TO REACH THIS TOTAL, THE VSB CALCULATES TOTAL ACTIVE MEMBERSHIP BY ADDING THE NUMBER OF ACTIVE MEMBERS LICENSED TO PRACTICE IN THE COMMONWEALTH OF VIRGINIA, ACTIVE MILITARY SPOUSE LAWYERS LICENSED UNDER RULE 1A:8, AND ACTIVE VIRGINIA CORPORATE COUNSEL LAWYERS LICENSED UNDER RULE 1A:5. LAWYERS MUST BE IN GOOD STANDING WITH THE VSB TO BE CONSIDERED AN ACTIVE MEMBER. THE TERM "IN GOOD STANDING" MEANS THAT THE INDIVIDUAL IS CURRENT WITH DUES PAYMENTS AND OTHER MEMBERSHIP REQUIREMENTS SUCH AS MCLE.**

Updated: Aug 29, 2019

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# Report of the Treasurer

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**VIRGINIA STATE BAR**

**CASH WITH THE TREASURER OF VIRGINIA AS OF JUNE 30, 2019**

**Cash with the Treasurer of Virginia as of June 30, 2018: 4,500,111.66**

Operating Revenue:

Membership Dues	10,645,053.53
Clients' Protection Fund Assessment & Restitution	344,654.49
Professional Corporations	143,500.00
Section Dues	376,282.00
Virginia Lawyer and Virginia Lawyer Register	27,777.53
Virginia Lawyer Referral Service	170,310.00
Mandatory Continuing Legal Education	1,356,705.00
Professionalism Course	172,225.00
Cost Taxing & Bonds	128,271.50
Seminars and Miscellaneous	287,277.29
CRESPA Registration	25,610.27
Administration and Finance Account	88,740.97
Grant Revenue	15,000.00
<b>Total Operating Revenue</b>	<b>13,781,407.58</b>

Operating Expenditures:

Salaries, Wages and Benefits	9,206,642.41
Receivers	54,298.86
Office Rent	580,103.49
Furniture and Equipment	15,924.07
Supplies, Stationery and Forms	29,092.99
Printing and Copying	162,785.41
Postage	113,015.58
Telephone	84,428.30
Staff Travel	117,526.26

Computer	349,896.72	
Council, Committees and Board	335,347.61	
Professionalism Course	139,744.24	
Sections & Conferences	397,270.16	
Attorney General's Office Fees	13,565.93	
Chief Justice's Programs and Projects	148,032.04	
Other Operating Expenditures	415,621.25	
Total Operating Expenditures		<b>12,163,295.32</b>
Other Disbursements and Transfers:		
Lawyers Helping Lawyers	137,500.00	
Administration and Finance Account Transfers	88,524.82	
Clients' Protection Fund Transfers	345,319.49	
Grants	15,040.67	
Appropriation Act Transfer	189,629.00	
Total Other Disbursements and Transfers		<b>776,013.98</b>
Cash with the Treasurer of Virginia as of June 30, 2019:		<b>5,342,209.94</b>



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# Report of the Office of Bar Counsel

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*Renu M. Brennan, bar counsel*

## I. Disciplinary Statistics – FY 2019

The Office received 3,123 complaints against Virginia's 32,870 active lawyers. Eighty-four percent of the complaints (2,626 of 3,123) were screened out early in the review process. Bar counsel reached more agreed dispositions and tried more cases than last year. Additionally, the Office decreased the number of open cases and cases awaiting charges, and all levels of cases awaiting action were processed more quickly. Forty-two lawyers received private discipline and 67 received public discipline.

### **Dismissal and Sanctions Statistics Information for FY 19:**

\* *Number of Respondents (number of cases)*

Number of cases dismissed in house by Bar Counsel	250
Number of cases dismissed by Subcommittee	103
Number of cases dismissed by District Committee	1
Number of cases dismissed by Board	2
Number of cases dismissed by Circuit Court	1
Number of lawyers who received private discipline - Admonition	24(26)*
Number of lawyers who received private discipline - Reprimand	16(17)
Number of lawyers who received private discipline - Other	2
Number of lawyers who received public discipline - Dismissal de minimis	1
Number of lawyers who received public discipline - Admonition or Reprimand	29(34)
Number of lawyers who received public discipline - Suspension	20(25)
Number of lawyers who received public discipline - Involuntary/Adjudicated Disbarment	7(14)
Number of lawyers who received public discipline - Consent to Revocation	10(13)

## II. Changes to Disciplinary Procedure, Rules of Professional Conduct, and Unauthorized Practice of Law

Effective October 31, 2018, [the Court approved proposed Comment \[7\] to Rule 1.1 of Professional Conduct \(Competence\)](#).

Effective November 8, 2018, the Court approved [LEO 1885](#), Legal Matchmaking Services, and [LEO 1889](#), Duty to Appeal Termination of Parental Rights Cases When Client Is Missing.

By Order entered December 12, 2018, [the Court rejected revisions to Rule 1.10, imputed disqualification](#).

Effective January 1, 2019, the Court approved two amendments to Paragraph 13. [The first facilitates “retirement with dignity” for a lawyer suffering from irreversible cognitive decline and allows transfer to the Retired/Disabled class of membership in lieu of an impairment suspension. The other amendment allows the Office of Bar Counsel to furnish confidential information to an approved Lawyer Assistance Program to accelerate help to lawyers who need it.](#)

Also effective January 1, 2019, the Court approved related amendments to Paragraph 13: (1) [a change to the definition of “Costs” to allow the assessment of guardian ad litem fees by the Clerk of the Disciplinary System if the Disciplinary Board chooses to assess such costs in its discretion](#); (2) [a change to the impairment rules allowing the bar to dismiss pending cases upon a finding of impairment or a transfer to the disabled and retired class of membership under the new “retirement with dignity” rule](#); and (3) [adding a definition for “Lawyer Assistance Program.”](#)

Effective February 15, 2019, [the Court approved amendments to Rule 1.8\(e\)\(1\) of Professional Conduct](#). The amendments allow attorneys to advance court and litigation expenses and to condition repayment on the outcome of the case, and to pay such costs on behalf of indigent client.

Effective July 1, 2019, [the Court approved revisions to Part 6, §I of the Rules of the Supreme Court of VA on the unauthorized practice of law](#).

The following proposed amendments are before the Court:

- The Standing Committee on Lawyer Discipline’s [proposed amendments to Paragraph 13 of Part 6, Section IV of the Rules of the Supreme Court of Virginia](#) unanimously passed Council at the annual meeting in June and are pending before the Court. The amendments promote transparency, remove confusing terminology, and ensure uniformity in disciplinary proceedings.
- [Rule 3.8\(d\) – Additional obligations of prosecutors. Revised Comment 5.](#)
- [Rule 4.4\(b\) – Receipt of inadvertently disclosed information.](#)
- [LEO 1872 – Virtual law office and use of executive office suites.](#)
- [LEO 1750 – Advertising compendium opinion.](#)

### III. Appeals Decided by the Supreme Court Of Virginia

On July 18, 2019, the Court unanimously upheld a three-judge panel’s findings that **Joseph D. Morrissey** violated Rules of Professional Conduct 5.1(b) (requiring a lawyer having direct supervisory authority over another lawyer to make reasonable efforts to ensure the lawyer’s behavior conforms to the Rules of Professional Conduct), 5.5(c) (prohibiting a lawyer from practicing law in violation of the regulation of the legal profession), and 8.4(b) (professional misconduct for a lawyer to commit a criminal or deliberately wrongful act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness to practice law). The Court affirmed the revocation of Morrissey’s license.

On September 6, 2018, in **Roberts v. Virginia State Bar**, 296 Va. 105, 818 S.E.2d 45 (2018) the Court held the Virginia State Bar Disciplinary Board (Board) did not err in

affirming the Third District Committee's findings that **Thomas H. Roberts** violated Rules 1.15(a)(3)(ii) and 1.15(b)(5) and sanction of a Public Reprimand with Terms. The Court held that Roberts violated Rule 1.15(a)(3)(ii) by unilaterally transferring client funds out of trust in partial payment of his fees notwithstanding the fact that his client disputed Roberts' claim to the fees and asserted a good faith interest in the trust funds.

On May 30, 2019, the Court affirmed the Admonition imposed by a three-judge circuit court against **Judith Mara Cofield**.

On May 10, 2019, the Court granted the bar's motion to dismiss **William Bryant Claiborne's** appeal of the two-year suspension of his law license imposed by a three-judge circuit court on October 11, 2018.

On July 29, 2019, the Court dismissed **Sammy Edward Ayer's** appeal of the Summary Order revoking his license.

## IV. Reinstatement Cases and Appeals Pending in the Supreme Court Of Virginia

### A. Reinstatement Cases

On August 5, 2019, the Board entered its Order of Recommendation to the Supreme Court of Virginia that **Ann Bridgeforth Tribbey** be denied reinstatement of her license. The Board heard Ms. Tribbey's petition June 28, 2019. Ms. Tribbey consented to revocation on November 20, 2003, with disciplinary charges pending.

On April 29, 2019, the Court denied **Steven Frank Helm's** petition for reinstatement. Mr. Helm consented to revocation on April 1, 2011, with disciplinary charges pending. In late May 2019 Helm filed a motion for reconsideration, which is pending.

### B. Appeal Pending Before the Supreme Court of Virginia

On April 23, 2019, **Rhetta Moore Daniel** noted the appeal of the Memorandum Order revoking her license to practice law effective February 22, 2019. The bar moved to dismiss the appeal because Daniel failed to timely file her opening brief and appendix. The bar's motion to dismiss Ms. Daniel's appeal is pending before the Court.

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# Minutes of the 81st Annual Meeting

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President Leonard C. Heath Jr. called the General Session of the 81st Annual Meeting of the Virginia State Bar to order at 9 a.m. on June 15, 2019, at the Sheraton Virginia Beach Oceanfront Hotel. He introduced Marni E. Byrum, the incoming president, who had been sworn in by retired Supreme Court of Virginia Justice Elizabeth C. Lacy the previous evening.

## Report of Council Actions

Heath reported that [council had taken the following actions](#) at its meeting on June 13:

- Council approved by unanimous vote the proposed amendments to [VSB bylaws](#) changing the Access to Legal Services Committee from a “Special” to “Standing” Committee, effective immediately.
- Council approved by unanimous vote the proposed amendments to [Paragraph 13](#).
- Council unanimously approved revisions to [LEO 1750](#) – Lawyer Advertising and Solicitation.
- Council unanimously approved revisions to [LEO 1872](#) – Virtual Law Office and Use of Executive Office Suites.
- Council approved by unanimous vote the proposed amendments to [Rule 4.4\(b\)](#) – respect for the rights of third persons.

## Introduction of President-elect Buniva

Byrum introduced Brian L. Buniva of Richmond who won election for president-elect. Buniva graciously accepted the responsibility. On motion made, seconded, and unanimously approved, Brian L. Buniva was formally elected as president-elect for the 2020-2021 bar year.

## Tradition of Excellence Award

John Randolph “Randy” Nelson of Lynchburg received the General Practice Section Tradition of Excellence Award from Christopher C. Johnson, chair of the section. The award is given each year by the General Practice Section to a lawyer who exemplifies professional and public service.

The meeting was adjourned at 9:30 a.m.

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# Budget and Finance

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## Marni E. Byrum, Chair

The Standing Committee on Budget and Finance met on January 17, 2019, to review and approve the staff's proposal for the FY 2020 operating budget. The budget approved by the Budget and Finance committee was reviewed and approved by the Executive Committee on February 22, 2019. On February 23, 2019, Bar Council considered, and unanimously approved, an operating budget of \$15.9 million for FY 2020. Chief Justice Lemons communicated the Supreme Court's approval of the budget, as submitted, on April 8, 2019, to Karen Gould, Executive Director and Chief Operating Officer.

The budget reflects an increase of approximately \$1.9 million over the budget for the prior fiscal year which ended on June 30, 2019. The increase is primarily due to the new Attorney Wellness Fund mandated by the Supreme Court of Virginia. This budget increase of approximately \$984,000, is a \$30 assessment per active member that will be collected by the bar and transferred to the Supreme Court. The FY 2020 budget also includes a 2.75 % salary increase and a 2.25 % merit increase. Both increases are effective June 10, 2019, which is the beginning of the first pay period for FY 2020. Also, computer and technology expenses are expected to increase approximately \$644,000 over the prior fiscal year.

The Standing Committee on Budget and Finance continues to evaluate the appropriate levels of reserves and dues for the Bar.

Updated: Jun 20, 2019

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# Lawyer Discipline

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## David J. Gogal, Chair

The Standing Committee on Lawyer Discipline (COLD) oversees the attorney disciplinary process, including the bar's investigation and prosecution of complaints. Members of COLD monitor and review the progress of investigations and prosecutions in each of the district disciplinary committees 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 2019, there were approximately 89 random reviews. Specific files are also reviewed if complainants or respondents question the handling of a case. In FY 2019, there was only one such review.

COLD formulates and presents proposed amendments to Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia, which governs 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 2019, Council approved COLD's proposed revisions to Paragraph 13 to improve the fairness, integrity, and efficiency of the disciplinary process. The revisions eliminate two "dismissal" sanctions that create a disciplinary record; clarify the procedures for dismissals de minimis and dismissals for exceptional circumstances; and enhance the transparency and uniformity of the VSB's disciplinary process while protecting the confidentiality of medical, psychological, treatment, and other sensitive information in public disciplinary proceedings; and ensure the Rules are consistent with procedure and practice. These proposals have been presented to the Supreme Court of Virginia for consideration.

The committee is comprised of ten attorneys, two laypersons, and the first vice chair of the VSB Disciplinary Board, who serves ex officio. In FY 2019, the committee met every other month beginning in July continuing through May. David J. Gogal, served as chair of COLD, James W. Hundley chaired the rules subcommittee, and Beverly P. Leatherbury, served as vice chair of COLD and chair of the oversight subcommittee.

COLD hosts the 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 2019 conference was held at the Hotel Roanoke on July 26 and 27, 2018. Attendees included 138 members of district committees, the Disciplinary Board and COLD.

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# Legal Ethics

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## Eric M. Page, Chair

In FY 2019, the Committee resolved one LEO request that had been carried over from FY 18, by informal letter to the requester. The Committee received three new LEO requests in FY 2019; all were resolved by informal letter to the requester.

The Committee submitted five proposed rule amendments for review and approval by Council and the Supreme Court of Virginia:

- Rule 1.8(e)(1) – Conflict of Interest: Prohibited Transactions; approved by the SCV on December 12, 2018, effective February 15, 2019
- Rule 1.10(a) – Imputed Disqualification: General Rule; approved by Council in October 2018, rejected by SCV on December 12, 2018
- Rewrite of UPL Rules – Part 6, Section 1 of the Rules of the Supreme Court of Virginia; approved by SCV April 26, 2019, effective July 1, 2019
- Rule 3.8(d) – Additional Responsibilities of a Prosecutor; Comment [5] approved as amended by Council in February 2019; pending approval by SCV
- Rule 4.4(b) – Respect for Rights of Third Persons; approved by Council in June 2019; pending approval by SCV

The Committee issued two LEOs for review and approval by Council and the SCV:

- Revisions to LEO 1750 – Advertising Compendium; approved by Council in June 2019; pending approval by SCV
- Revisions to LEO 1872 – Virtual Law Office and Use of Executive Suites; approved by Council in June 2019; pending approval by SCV

The Committee also issued four rule changes and two LEOs for public comment:

- Rule 5.5 – Unauthorized Practice of Law; Multijurisdictional Practice of Law
- Rule 1.17 – Sale of Law Practice
- Rule 1.18 – Duties to Prospective Client
- Rule 1.15 – Safekeeping Property
- LEO 1890 – Communications with Represented Persons
- LEO 1891 – Communications with Represented Government Officials



The Committee also withdrew twelve Legal Advertising Opinions (LAOs): A-101, A-102, A-103, A-104, A-105, A-107, A-110, A-111, A-113, A-115, A-116, and A-117.

Ethics hotline calls through June 28, 2019, totaled 7,220, for an average of 602 calls per month.

Updated: Jul 02, 2019

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# Professionalism

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## The Honorable David W. Lannetti, Chair

The Standing Committee on Professionalism is charged with the execution, administration, and ongoing oversight of the mandatory Harry L. Carrico Professionalism Course, which all newly admitted active members of the Virginia State Bar are required to attend. 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 41,500 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. Based on the needs of the course, less than ten percent of the nominees are approved by the Standing Committee on Professionalism and invited by the Chief Justice to accept appointment for a single three-year term.

The course was offered a total of eight times during the 2018-2019 bar year as follows: three times in Northern Virginia; twice in Richmond; and once in Roanoke, Norfolk, and Charlottesville. There were approximately 1,200 attendees at these courses. The Committee noted the decline in attendance compared to previous years and presumes it was due to lower enrollment in law school (which now appears to have subsided, although course attendance necessarily lags law school enrollment). In addition, there was an all-day faculty training event each Fall for both new and returning members.

The Committee was privileged to welcome the Honorable B. Waugh Crigler, the Honorable Douglas E. Miller, the Honorable David J. Novak, the Honorable Rossie D. Alston, Jr., the Honorable Joel C. Cunningham, the Honorable Paul F. Sheridan, and the Honorable David B. Carson as luncheon speakers this year. Additionally, the VSB President—Len Heath, this year—delivered welcoming remarks to the attendees at each course, for which the Committee is grateful. The participation of judges and distinguished bar leaders in the course emphasizes to new Virginia lawyers the importance of learning and implementing the concepts taught in the Professionalism Course.

The Committee continues to oversee the administrative functions of the course, including faculty selection, course material updates, and faculty training sessions. As the Committee Chair, I also review course evaluations and strive to revise the course agenda and format in the spirit of continuous improvement. This year the Committee continued to update some of the hypotheticals used in the course workshops and added a few additional attorney wellness hypotheticals, and I have instructed all faculty

members to discuss one of the lawyer wellness hypotheticals during one of the workshops.

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 Virginia law schools and has been skillfully led by Frank Telegadas and Susan Butler, with the help of their committed faculty.

It has been my pleasure to serve as Chair of the Committee this past year, and I look forward to continuing my service in this capacity.

Respectfully submitted,

David W. Lannetti  
Judge

Updated: Jul 11, 2019

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# The Clients' Protection Fund Board

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## Susan Bradford Tarley, 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, 2018, twenty-three (23) claims were pending from the previous year. In FY 2019, forty-four (44) new petitions were received. The total amount paid during 2018-2019 was \$132,303.48 representing twenty-five (25) claims. The Board denied seventeen (17) petitions, and twelve (12) petitions were rejected for not meeting the CPF rule requirements. One (1) claim was withdrawn by the petitioner and one (1) conditional approval claim was closed by the Board. As of June 30, 2019, there were eleven (11) pending claims. The Board reviewed and investigated forty-five (45) claims during the year.

The fund began the fiscal year on July 1, 2018, with a cash balance of \$9,765,666.08. The Clients' Protection Fund \$10 assessment from all active attorneys totaled \$329,250.00. Interest income for the fiscal year, totaled \$183,992.07. The fund received restitution from the attorney general's collections, debt set-off, and individual restitutions in the amount of \$16,069.49 net of attorney's fees for collection services. As of June 30, 2019, the cash balance in the fund is \$10,157,965.91.

The Board is to be commended for the many hours spent investigating and deliberating claims, and for the work of its various committees including the public awareness and strategic planning committees.

Appreciation is extended to retiring board members Donna Sue Baker, Adam D. Elfenbein, Margaret A. Nelson and Kenneth Murov after their years of service on the Board.

The Board welcomes Joseph Meek Bowen, Christopher Anthony Corbett, Brian Dean Lytle and Lisa Ann Wilson as new members for fiscal year 2019-2020.

Updated: Jul 31, 2019

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# Mandatory Continuing Legal Education

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## Christine L. Poarch, Chair

The Mandatory Continuing Legal Education Board (Board) was established by the Supreme Court of Virginia in 1985 to administrate the Mandatory Continuing Legal Education regulatory program (MCLE) in the interest of public protection. The Board is authorized to adopt regulations and provide general oversight of the program.

The MCLE Board consists of twelve members appointed for three-year terms by the Virginia Supreme Court. Karen Gould, Executive Director of the Virginia State Bar, serves as an ex officio member of the Board, Justice Stephen R. McCullough serves as the Supreme Court's liaison to the Board, and Demetrios J. Melis, Director of Regulatory Compliance for the Virginia State Bar, serves as the staff liaison to the Board.

<p><b>Christine L. Poarch, Chair</b> Salem, Virginia Second three-year term ends June 30, 2021</p>	<p><b>Kimberly A. Pierro, Vice Chair</b> Mechanicsville, Virginia Second three-year term ends June 30, 2020</p>	<p><b>Mark S. Brennan</b> Richmond, Virginia First three-year term ends June 30, 2020</p>
<p><b>Prof. Henry L. Chambers Jr.</b> Richmond, Virginia First three-year term ends June 30, 2021</p>	<p><b>Lori Beth Galbraith</b> Chesapeake, Virginia Second three-year term ended June 30, 2019</p>	<p><b>Zachary A. Kitts</b> Fairfax, Virginia Second three-year term ended June 30, 2019</p>
<p><b>Janet James</b> Virginia Beach, Virginia Filled unexpired term ending June 30, 2019<sup>[1]</sup></p>	<p><b>Shukita L. Massey</b> Norfolk, Virginia First three-year term ends June 30, 2021</p>	<p><b>Scott A. Nerlino</b> Norfolk, Virginia First three-year term ends June 30, 2021</p>
<p><b>Michael D. Pierce</b> Norfolk, Virginia Unexpired term ends June 30, 2020</p>	<p><b>Joanna L. Suyes</b> Richmond, Virginia First three-year term ends June 30, 2020</p>	<p><b>Tameeka M. Williams</b> Norfolk, Virginia First three-year term ends June 30, 2020</p>
<p><b>Karen A. Gould, Ex Officio Member</b> Executive Director Virginia State Bar</p>	<p><b>The Honorable Stephen R. McCullough</b> Supreme Court Liaison Supreme Court of Virginia</p>	
<p><b>Demetrios J. Melis</b> Regulatory Compliance Director &amp; Staff Liaison Virginia State Bar</p>	<p><b>Virginia MCLE Board</b> 2018-2019 Board Members</p>	

At the beginning of this year, we welcomed new members Henry L. Chambers Jr., Shukita L. Massey, and Scott A. Nerlino to the Board. Victoria Pearson resigned in

November and was replaced by Janet James of Virginia Beach. At the close of the year, two of our members completed their service on the Board: Lori Beth K. Galbraith and Zachary A. Kitts. The Board will miss their insight and dedication to the profession. I would also like to thank Kimberly Pierro for her service to the Board as Vice-Chair.

The Board met seven times during FY2019 at the VSB's Richmond office to consider course-approval applications, requests for extensions and waivers, and discuss broader programmatic matters. Over the last reporting cycle, the MCLE staff and Board considered approximately 20,000 course approvals, 37 waiver and extension requests. Attorney utilization of online MCLE certification remained steady at approximately 76%. This feature enables attorneys to post most of their certifications of attendance directly to their MCLE record and view their current MCLE record 24/7, saving time, money and effort for both lawyers and the MCLE department.

Much of the Board's policy efforts over the course of the past year focused on lawyer well-being. In response to the ABA's National Task Force on Lawyer Well-Being report issued in August of 2017 and co-authored by Chief Justice Lemons, the MCLE Board amended Opinion 19 on substance abuse, mental health disorders, stress and work/life balance topics renaming it "Opinion 19 Lawyer Well-being." The revised Opinion 19 makes clear that lawyer well-being topics will be considered for CLE credit, so long as other MCLE requirements are satisfied. The opinion provides examples of topics and programs that may receive regular CLE and ethics/professionalism credit.

In September of 2019 the Supreme Court of Virginia Committee on Lawyer Well-being released a report entitled "A Profession at Risk." The report contained two recommendations pertaining to the MCLE Board. The first recommendation required the Board to amend the MCLE regulations to authorize MCLE attendance and teaching credit to active members of the VSB who, on a non-compensated basis, prepare approved written materials or present approved instruction to judges or law students regarding professional health initiatives. The Board posted the amendments for comment and subsequently approved them on May 6, 2019 to be effective September 6, 2019.

To implement the second recommendation, the [Court adopted an addition to Paragraph 17 of Part Six, Section I](#) of the Rules of Court. Beginning in November 2019, active members will be required to affirm that they have attended at least one hour of lawyer well-being education within the past three (3) years. Failure to comply with this rule will not subject the member to the penalties of Paragraph 19.

As mentioned, the Board spent considerable time on the important topic of lawyer well-being and will continue to monitor how it can further contribute. Over the course of the past year, MCLE staff have implemented methods to more efficiently utilize the Board's regulations and opinions to evaluate courses, enabling the Board to focus more on larger programmatic and policy matters. The staff conscientiously provides institutional memory for the MCLE Board, even as members of the MCLE Board come and go over time and their recommendations are solicited and carefully weighed by the Board before every decision is made. Working collaboratively, the Board and MCLE staff members carry out the valuable function of the MCLE program. Finally, the MCLE Board is grateful for the assistance of the Executive Director of the Virginia State Bar, Karen Gould, who faithfully attended our meetings and provided valuable guidance to the Board in its deliberations.

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[1] Replaced Victoria N. Pearson who resigned effective November 29, 2018

Updated: Jul 03, 2019



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# Access to Legal Services

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## Lonnie D. (Chip) Nunley III, Chair

Vice chair: Jennifer A. Fulmer

Members: Adonica Baine, Polly Chong, Alexandra S. Fannon, Razan J. Fayez, Paul C. Garrett, Rachel E. Jones [1], Valerie A. L'Herrou, Kristopher R. McClellan, Devon R. Slovensky, Joanna L. Suyes, Crystal Y. Twitty, Martin D. Wegbreit [2], Judge Patricia West

Ex-officio: Karl Doss, LSCV Deputy Director

VSB staff: Crista L. Gantz, VSB Access to Legal Services Director

### 2018-19 Major Accomplishments

- Bar Council approval of bylaw amendment proposal changing Access to Legal Services to a standing committee of the Virginia State Bar
- Implementation of the new voluntary pro bono reporting rule (Section 5) into the VSB Annual Dues Statement process.
- Completion of twenty “Rule 6.1 & Voluntary Pro Bono Reporting: Ethics, Explanation, and Opportunities” presentations to local and specialty bar associations to promote the new reporting rule and encourage pro bono participation.
- SCV adoption of a pro bono-friendly Limited Scope Appearance rule change (Rule 1:5 of the Rules of the Supreme Court of Virginia)
- Restructuring of the organization to bring Virginia Lawyer Referral Service under the Access to Legal Services Department.
- Virginia.freelegalanswers.org leading the nation in attorney response rate and surpassing 2,000 questions asked and answered on the portal.

### Meetings:

The Committee met in Richmond on 8/27/2018, 2/7/2019, and 4/18/2019 and during the joint Pro Bono Conference/Virginia Legal Aid Conference in Norfolk on 10/17/2018.

Over the course of the Bar Year, the Access Committee worked on a variety of access to justice issues through its subcommittees: Awards, Pro Bono Training/CLE, Alternative Delivery Systems/SRL, Rules, and Legal Aid Funding. During regular Access Committee meetings, subcommittees would report on their work and receive input from the entire Committee. Over the course of the Bar year, the Access Committee and its subcommittees discussed access to justice issues with numerous guests, including Len Heath, VSB immediate past president; James McCauley, VSB ethics counsel; John Whitfield, co-chair Virginia Access to Justice Commission and executive director, Blue Ridge Legal Services; Andrea DeMott, fellow, Virginia Poverty Law Center; Ann Brogan, Crowley, Libertore, Ryan & Brogan, PC; Palma Pustlinik, Central Virginia Legal Aid Society; Hon. Michael Charles Rosenblum, Chief Judge, Norfolk General District Court; Dee Norman, editor, Virginia Lawyer Magazine; and Frances White, Pro Bono Project Coordinator, Virginia Legal Aid Society.

### **Change from Special to Standing Committee of the Virginia State Bar**

On June 13, 2019 Chip Nunley and Joanna Suyes, on behalf of the Access committee, presented a bylaw amendment proposal to Bar Council requesting to make Access to Legal Services a standing committee of the Virginia State Bar. The proposal was unanimously approved by Council. [3] The committee name, purpose, size (15 members) and composition are now written into the bylaws. To be consistent with the composition requirements of other standing committees and to strategically enhance communication and collaboration with bar leadership, at least two members of the Committee must also be members of Bar Council. Given the significant coordination between the Access Committee, legal aid, and the courts on access to justice matters, the bylaw amendment also requires membership on the committee to include at least one member of the Virginia Access to Justice Commission; one staff attorney, director or executive director of a licensed legal aid society; and one director or executive director of the Legal Services Corporation of Virginia. The bylaw amendment solidifies the Committee as an essential part of the Bar's mission, achieves structural uniformity within the Bar, and is consistent with the majority approach taken by other mandatory state bars.

### **Voluntary Pro Bono Reporting:**

On February 27, 2018 the Supreme Court of Virginia approved the addition of Paragraph 22 to Part 6, Section IV of the Rules of the Supreme Court of Virginia, which requests that each active Virginia State Bar member voluntarily report their pro bono hours and/or financial contributions in support of pro bono legal services on their annual dues statement. The new voluntary reporting rule went into effect on December 1, 2018. The July 2019 VSB annual dues statement for the 2020 bar year incorporates voluntary pro bono reporting as new Section 5. Members can report online or by mail. Those renewing by mail can return the separate reporting form with their dues statement.

In response to the rule change, the Access Committee published a FAQ to help members understand the new rule and identify opportunities to contribute to pro bono. The first version was published on March 16, 2018, and was distributed to members in VSB news, posted on the Access Committee's Facebook page, printed in the April issue of Virginia Lawyer magazine, and distributed at various bar events and presentations. Additionally, the Access Committee coordinated with the Access to Justice Commission to procure a letter from Chief Justice Lemons reminding members of the new rule and

encouraging them to contribute, track and report their pro bono efforts, which was included in the June 2018 dues statement mailing. Chief Justice Lemons included a second letter in the June 2019 dues statement mailing. The Committee is involved in ongoing efforts to promote voluntary reporting and leverage the rule change to increase pro bono participation and financial support to legal aid and nonprofit pro bono service providers, including providing a series of presentations across the state, 19 of which were completed this year.

### **Limited Scope Appearance**

The Rules Subcommittee of the Access to Legal Services Committee met several times to discuss amendments to Rule 1:5 as proposed by the Advisory Committee on Rules of Court (ACROC) on December 1, 2017 (original proposal) and March 1, 2018 (revised proposal). At its February and June 2018 meetings, the Rules Subcommittee considered additional changes to make the rule more conducive to access to justice and pro bono, and subcommittee member feedback was incorporated into the Commission's comments submitted to ACROC's original proposal, which it submitted on March 1, 2018. Ultimately, ACROC adopted all but one of the Commission's recommended changes in the revised proposal it submitted to the Court. The Court adopted the proposal on October 31, 2018 as a pilot project in effect from January 1, 2019 through December 31, 2021. Amendments to Rule 1:5 (e) allow attorneys employed by legal aid and pro bono attorneys acting on a referral from legal aid offices to file notices of limited scope appearance for just a part of a pending litigation. The option comes with a right to withdraw once a lawyer has completed the limited scope representation. The amendments complement Rule 1.2 of the Virginia Rules of Professional Conduct and add transparency to the process within the courtroom. Other Virginia attorneys can make a limited scope appearance by seeking leave of court.

### **Other Accomplishments**

#### **Virginia.freelegalanswers.org:**

Virginia.freelegalanswers.org, the online, interactive, pro bono question and answer website hosted by the Virginia State Bar, celebrated its two-year anniversary on August 22, 2018. The Committee continued to support the Virginia Free Legal Answers portal through daily administrative functions of the staff liaison and year-round promotional engagements. Information about the portal was built into several Rule 6.1 and voluntary pro bono reporting presentations as part of the opportunities section. Additionally, two interactive CLE training events were held, one at the University of Richmond School of Law (the second annual training of such kind) and a recruiting event in Richmond at the Troutman Sanders office, which was also videocast to Virginia attorneys in the DC and Virginia Beach offices. Quarterly email updates were sent to volunteer attorneys containing helpful tips, reminders, website statistics, and volunteer recognition to increase engagement and interest. These efforts have resulted in significant growth in the number of clients (1301 registered clients), volunteer lawyers (369) and questions asked (1,160) and answered (1,093). Virginia.freelegalanswers.org has consistently had an attorney response rate of 94 percent, consistently putting us at the top of the nation in this category. An estimated 420 hours of pro bono service have been contributed to date.

#### **Free and Low-Cost Legal Resources in Virginia Pamphlet:**

In February 2017, the Access Committee published, on behalf of the Virginia State Bar, a pamphlet entitled "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 advice and counsel services for self-represented litigants. In the 2018 bar year, the Access Committee kicked off a partnership with the Diversity Conference to translate the Access guide into Spanish. This year, we completed the translation the Spanish-language version of the guide; next year we will print and distribute the guide to Qualified Legal Services providers and the courts.

#### **Conferences, Webinars, Seminars, Presentations, and Outreach:**

The 2018 Virginia State Bar Pro Bono Conference was held on October 17, 2018, in Charlottesville in conjunction with the Virginia Legal Aid Conference. This was the fourth time these events were held together, and attendees were welcome to attend sessions at either conference. More than 65 people participated in the conference, plus additional attendees from the Virginia Legal Aid Conference.

The Access Committee collaborated with Legal Aid organizations, law firms, non-profit legal services organizations, and bar associations to offer several webinars and seminars during the 2018-19 Bar year, most notably a series of local presentations and webinars to promote pro bono and the new voluntary pro bono reporting rule.

#### **Awards and Recognition:**

On October 17, 2018, during the Pro Bono Conference, the Committee presented the Lewis F. Powell, Jr., Pro Bono Award to Andy Nea. The Committee also presented the second annual Frankie Muse Freeman Organizational Pro Bono Award to Prince William County Bar Association. Committee Chair Chip Nunley was the master of ceremonies and VSB President Doris Henderson Causey gave the guest remarks. More than 250 people attended this event.

On June 14, 2019, during the Legal Aid Award Luncheon at the VSB Annual Meeting, the Committee presented the Oliver White Hill Law Student Pro Bono Award to Zachary McDonnell of William & Mary Law School and the Legal Aid Award to Palma Pustilnik, of Central Virginia Legal Aid Society. The Hon. William Mims, Justice, Supreme Court of Virginia provided guest remarks and VSB president-elect Brian Buniva emceed the event. More than 80 guests attended this event.

**Departing members:** Lonnie "Chip" Nunley; Razan Jamil Fayez; Rachel Erb Jones. The Committee wishes to extend its heartfelt gratitude and a tip of the hat to departing members. Their service was very valuable, and they will be missed both as colleagues and fellow Committee members.

**New Members (2019-20):** Donna Sue Baker; David Marks; Dale Pittman

**Officers (2019-20):** Jennifer Fulmer, Chair; Ali Fannon, Vice Chair

**Staff Changes:** In December 2019 Cameron Rountree joined VSB as the new deputy director, succeeding Renu Brennan. In January 2019 Sylvia Daniel began providing administrative support to Crista Gantz.

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**1. RACHEL JONES RESIGNED FROM THE ACCESS COMMITTEE ON NOVEMBER 07, 2018 DUE TO A JOB CHANGE AND RELATED WORK LOAD CHALLENGES. THE COMMITTEE OPTED TO LEAVE HER SEAT OPEN UNTIL THE 2019-2020 BAR YEAR.**

**2. MARTIN WEGBREIT WAS APPOINTED TO COMPLETE THE TERM OF MARIE APPLEBY BREIMANN (ENDING JUNE 30, 2019) AFTER MS. APPLEBY BREIMANN HAD A CHANGE IN HER EMPLOYMENT AND LEFT THE ACTIVE PRACTICE OF LAW IN VIRGINIA LEADING TO HER VOLUNTARILY RESIGNATION FROM THE ACCESS COMMITTEE.**

**3. AT ITS JUNE 12 MEETING THE DAY BEFORE, THE EXECUTIVE COMMITTEE VOTED UNANIMOUSLY TO RECOMMEND TO BAR COUNCIL THE APPROVAL OF THE PROPOSED BYLAW AMENDMENT. CHIP NUNLEY ALSO PRESENTED THIS ACTION ITEM.**

Updated: Jul 12, 2019

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# Bench Bar Relations

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## Manolita A. Holadia, chair

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

September 26, 2018 – Virginia State Bar, Richmond

May 22, 2019 - Virginia State Bar, Richmond

Pat Davis, Program Director of the Judicial Performance Evaluation Program, gave an update at the May 2019 meeting on the Judicial Performance Evaluation process and answered questions from the committee.

Judge Stephen Mahan of Virginia Beach rotated off the committee as of June 30, 2019, after six years of service. Judge Colleen Killilea of Williamsburg replaced him.

Updated: Jun 21, 2019

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# Future of Law

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## Sharon D. Nelson, Chair

The Special Committee on the Future of Law Practice met in person four times this fiscal year. At its inception, in September 2014, the Committee was asked to make recommendations for further study by the Bar in an effort to illuminate the changing landscape of the practice of law, both to help educate lawyers and to help prepare them for a continually evolving future. To that end, an initial report was generated and posted to the Bar's website on September 15, 2016

([https://www.vsb.org/docs/FINAL\\_Report\\_of\\_the\\_Study\\_Committee.pdf](https://www.vsb.org/docs/FINAL_Report_of_the_Study_Committee.pdf)). Since that time, the Committee has undertaken to continue to read everything it could find on the future of law practice, including articles, ethics opinions, studies by other bar associations, etc. Recently, it has added artificial intelligence, blockchain and cryptocurrencies to the forces that are impacting law practice and, in addition, the profession has taken on a focus of well-being for the legal community; all of which are addressed in the Committee's updated report which was posted on the VSB's website on March 13, 2019 ([https://www.vsb.org/docs/2019\\_SCFLP\\_Report.pdf](https://www.vsb.org/docs/2019_SCFLP_Report.pdf)).

In addition, 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, this fiscal year:

- Christopher L. Newbold, Executive Vice President of ALPS Corporation and ALPS Property & Casualty Insurance Company
- Brandon Koeller, Principal Program Manager Lead at Microsoft
- Anette Aav, Director and Project Manager in the Information Technology Law Program in Tallinn, Estonia
- Jim Calloway, Director of the Oklahoma Bar Association's Management Assistance Program and Legal Services Consultant
- Reid Trautz, PMA with American Immigration Legal Association
- Erin Gerstenzang, LTRC's Women of Legal Tech

The following subcommittees of the Special Committee on the Future of Law Practice continued this year to study current issues affecting law practice:

- **Technology and the Practice of Law**—this subcommittee looks at advances in technology and how law practice is being changed by new technologies. It also studies how the Internet and other forces have created a market for non-lawyer legal service providers.
- **Access to Justice**—this subcommittee focuses on the “justice gap” - the unmet legal needs of a majority of low and middle-income

population despite an ample supply of lawyers in the U.S. It also studies 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 looks 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.

**In order to streamline efficiencies, and because technology issues are mostly what drive the activities of this Committee, the decision has been made to merge the Special Committee on Technology and the Practice of Law with the Special Committee on the Future of Law Practice; the new committee being called the Special Committee on Technology and the Future of Law Practice (SCTFLP). Issues related to access to justice will be handled by the Access to Legal Services Committee, from which SCTFLP will seek updates; and though this Committee is now concluded, SCTFLP will continue the work of this Committee, monitoring activities related to, and the evolving issues surrounding, ABS within the U.S and abroad.**

Current members of the Committee this past year include:

Sharon D. Nelson, Esq., Chair; Kellam T. Parks, Esq.; Brian Lawrence Buniva, Esq.; Marni E. Byrum, Esq.; Doris Henderson Causey, Esq.; Christopher R. Fortier, Esq.; Graham Keith Bryant, Esq.; Darius K. A. Davenport, Sr., Esq.; Leonard C. Heath, Jr. Esq.; Christy E. Kiely, Esq.; Mary Catherine Zinsner, Esq.; Michael W. Robinson, Esq.; David Brant Neumeyer, Esq.; Jamie B. Martin, Esq.; Kevin E. Martingayle, Esq.; Karl Anthony Doss, Esq.; Lisa Marie Lorish, Esq. and Teirra M. Everette.

The following individuals served as VSB Liaisons: Karen A. Gould, Esq., VSB Executive Director; James M. McCauley, Ethics Counsel; Emily F. Hedrick, Assistant Ethics Counsel; and Kristi R. Hall, Legal Ethics Executive Assistant.

Updated: Jun 25, 2019



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# Judicial Candidate Evaluation Committee

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## W. David Harless, Chair

The Judicial Candidate Evaluation Committee consists of well-respected members of the practicing bar in the Commonwealth of Virginia, comprising a blue-ribbon panel of lawyers from across Virginia:

W. David Harless, chair	Richmond
William E. Glover, vice-chair	Fredericksburg
Bevin R. Alexander, Jr.	Lynchburg
Alan S. Anderson	Alexandria
William J. Dinkin	Richmond
Linda D. Frith	Roanoke, VA
Karla C. Haynes	Suffolk
Eva N. Juncker	Falls Church
Christy E. Kiely	Richmond
E. Kyle McNew	Charlottesville
Helen E. Phillips	Abingdon
Judith L. Rosenblatt	Virginia Beach
Michael M. York	Reston
Irving M. Blank	Richmond
Ex-officio	

Karen A. Gould, Executive Director of the VSB, is the committee's liaison.

The committee was not asked to evaluate candidates for any judicial vacancy during FY2018-2019.



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# Lawyer Insurance

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## David D. Hudgins, Chair

ALPS Property & Casualty Insurance Company is the VSB's endorsed professional liability insurance carrier. The Special Committee on Lawyer Insurance (LIC) continued its overview of ALPS's risk management endeavors and oversight of the VSB Members' Insurance Center's efforts to help VSB lawyers obtain and manage personal (health, life and disability) insurance.

The LIC met 4 times in FY2018-2019:

- September 18, 2018 Belle Haven Country Club, Fairfax, VA
- November 29, 2018 VSB, 1111 E. Main St., Suite 700, Richmond, VA
- February 21, 2019 Via teleconference
- May 16, 2019 VSB, 1111 E. Main St., Suite 700, Richmond, VA

## VSB Members' Insurance Center

The VSB Members' Insurance Center, led by Bob Spicknall, continues to enroll small law firms, often with only one employee, in health insurance. Since the fall of 2018, it established approximately 120 new groups totaling 226 insureds. These people now benefit from group health insurance that costs far less than individual health insurance. Bob reported in late April of 2018 that Virginia Senate Bill No. 672 had passed, which revises the definition of "small employer" for purposes of health insurance to include a self-employed person, effective July 1, 2018. Mr. Spicknall reported at the May 2019 meeting a 25% growth in the number of plan participants in the VSB Prudential Life Insurance Plan in the last 15 months. Bob specifically noted that "the infusion of new, healthy, underwritten people [in the program] improves the overall risk composition of the VSB Life Plan." He also reported that the overall plan did not receive a rate increase from Prudential. In addition, the VSB Disability Plan will not see a rate increase at the July 1, 2019 renewal date.

## ALPS and Lawyer Malpractice Insurance

ALPS operates on a calendar-year basis. As of **December 31, 2018**, there were 1,912 Virginia firms insured by ALPS, out of a total of 7,041 ALPS firms nationwide, and 3,943 Virginia lawyers, out of a total of 15,970 lawyers insured by ALPS nationwide. Gross written premium written in Virginia was \$9,831,565; net written premium was \$6,606,641. Net combined ratio in Virginia as of 12/31/2018 was 119.42%; claims

frequency was 3.67 in Virginia. Net combined ratio for ALPS overall was 99.91% as of 12/31/2018 with a claims frequency of 3.66%, and ALPS posted assets of \$125,899,461 with policyholder surplus of \$41,741,263.

**For the first quarter of 2019**, ALPS' Virginia book had \$3.5 million of gross written premium and net written premium of \$2.4 million. Virginia's net combined ratio was 79.87%, compared to ALPS 94.80%. ALPS total number of insured law firms nationwide in the first quarter of 2019 was 2,411 and 5,364 lawyers, of which Virginia insured law firms were 605 and insured attorneys were 1,427. As of March 31, 2019, claims frequency was 2.94% in Virginia compared to 3.36% for ALPS, and ALPS posted assets of \$126,815,429 with policyholder surplus of \$41,600,440.

#### 2018 Local Bar Grant Report

In December 2018, Chris Newbold of ALPS and the Grant Subcommittee of the VSB Lawyer Insurance Committee met and made decisions on which local bars were to be given grants and in what amounts. Five organizations made applications for grants. All received grants, but not all were given the full amount:

Local Bar Grant Pool			Amt requested	Amt awarded
Virginia Women's Bar-Louden Chapter	Legal Aid Clinics	Leesburg	\$200	\$200
Roanoke Bar Association	Bench-Bar Conference	Roanoke	\$1250	\$1250
Prince William County Bar	YL & Tech Program	Manassas	\$2450	\$1200
VACDL	YL/Student Wellness Seminar	Abingdon	\$4000	\$3500
Washington County Bar Association	Small Firm Conference and R...	Abingdon	\$4000	\$4000
<b>Budget amount</b>				<b>\$10,150 total awarded</b>
<b>\$15,000</b>				

## Amendment to the VSB/ALPS Endorsement Agreement

The VSB and ALPS has been operating under the same endorsement agreement since 2000, which renews annually. At the request of ALPS, a minor change was made to the agreement to let ALPS Virginia employees telecommute from their homes in Richmond. The Lawyers Insurance Committee agreed to the changes, which were then approved by Council at its October 2019 meeting. The changes are indicated by strikethroughs for deletions and underlining for additions:

### 12. Personnel and Staffing

ALPS agrees to provide appropriate team support to staff and administer the Program. It is understood that ~~such~~ some staff will work out of ALPS home office, and ~~maintain~~ a physical presence will be maintained in Virginia as deemed appropriate and necessary. ~~When the gross written premium on the Virginia book of business reaches \$3,000,000, or on January 1, 2002, whichever occurs first, Unless otherwise agreed by the Committee and ALPS, ALPS will hire and retain on its staff in Virginia at least one claims attorney residing and licensed to practice in Virginia, and ALPS will hire and retain on its staff establish an office in Virginia such other employees residing in Virginia as are necessary for purposes of servicing the Program and, as ALPS management deems appropriate, such other parts of ALPS operation. as ALPS management determines appropriate. The parties further agree that coincident with staffing such office ALPS will recruit and place in training at least one claims attorney who is licensed to practice in the state of Virginia, and who will be assigned to the Virginia Office upon completion of training. The VSB Executive Director and ALPS will cooperate in determining when it will be appropriate to staff the Virginia Office.,~~

Paragraph 12 of the ALPS agreement now reads as follows:

### 12. Personnel and Staffing

ALPS agrees to provide appropriate team support to staff and administer the Program. It is understood that some staff will work out of ALPS home office, and a physical presence will be maintained in Virginia as deemed appropriate and necessary. Unless otherwise agreed by the Committee and ALPS, ALPS will hire and retain on its staff at least one claims attorney residing and licensed to practice in Virginia. ALPS will hire and retain such other employees residing in Virginia as are necessary to service the Program and, as ALPS management deems appropriate, such other parts of ALPS operation.

The ALPS staff located in Virginia remains the same. Chris Newbold, ALPS Executive Vice President, continues to attend the "live" LIC meetings in Virginia. Alison Riley has replaced Amy Esp as the ALPS support person for the CLE tour.

## Risk Management Report for Calendar Year 2018

The risk management budget, pursuant to the endorsement agreement between ALPS and the VSB, is 3% of gross written premium. ALPS maintains the risk management funds in its accounts pursuant to the endorsement agreement. The budget for calendar year 2018 was \$287,395 with additional revenue of \$12,300 attributed to non-ALPS attendee revenue from the Fall Tour, for a total of \$299,695. Expenses for calendar year 2018 came in at \$298,950.68.

### **Report regarding the Fall ALPS 2018 Tour**

Registration for 2018 was a total of 1,738, down from 2,017 in 2017. Attendees for the Fall 2018 tour totaled 1,510, which amounted to an average 80% attendance rate (versus those registered) across all venues. This is consistent with a downward trend for the last three years. The committee discussed what could be contributing to this trend: proliferation of CLEs by many providers at reduced costs; many programs have ethics integrated with subject matter relevant to attorneys' practices. People did not like the change this year from the vignette format; 3 straight hours of listening to talking heads was boring, as opposed to the previous format of 1 hour of small group discussions used to break up the format.

### **On-Demand Programming 4<sup>th</sup> Quarter 2018**

As of December 31, 2018, 15 programs existed in the Virginia on-demand library. They ranged in length from 45 minutes to three hours. Charges for the on-demand seminars were as follows: programs for one-hour program, \$35 for insureds, \$65 for non-insureds; two-hour programs, \$45 for insured, \$75 for non-insured; and three-hour programs \$60 for insureds, \$90 for non-insured.

**Quarterly Result Q4:** In Q4, ALPS had 238 Virginia registrants for on-demand programs, with 183 ALPS insureds and 55 non-insured.

**Calendar YTD Result 2018:** there were 528 Virginia registrants for on-demand programs, with 402 ALPS insureds and 126 non-insureds.

### **Risk Management Budget for Calendar Year 2019**

The approved 2019 risk management budget is as follows:

Revenue:

ALPS 3% contribution:	\$284,141
Non-ALPS attendee revenue from Fall Tour:	<u>\$ 9,700</u>
Total revenue projection:	\$293,841

Expenses: \$293,900

Expenses amount to \$82,215.98 through March 31, 2019

### **On-Demand Programming 1<sup>st</sup> Quarter 2019**

As of March 31, 2019, 15 programs exist in the Virginia on-demand library. They range in length from 45 minutes to three hours. Charges for the on-demand seminars are as follows: programs for one-hour program, \$40 for insureds, \$70 for non-insureds; two-hour programs, \$50 for insured, \$80 for non-insured; and three-hour programs \$70 for insureds, \$100 for non-insured.

**Quarterly Result Q1:** In Q1 2019, ALPS had 47 Virginia registrants for on-demand programs, with 33 ALPS insureds and 14 non-insured.

### **On-Demand Programming 2nd Quarter 2019**

As of June 30, 2019, 16 programs exist in the Virginia on-demand library. They range in length from 45 minutes to three hours. Charges for the on-demand seminars are as follows: programs for one-hour program, \$40 for insureds, \$70 for non-insureds; two-hour programs, \$50 for insured, \$80 for non-insured; and three-hour programs \$70 for insureds, \$100 for non-insured.

**Quarterly Result Q2:** In Q2 2019, ALPS had 13 Virginia registrants for on-demand programs, with 9 ALPS insureds and 4 non-insured.

**Cumulative Fiscal YTD Result as of June 30, 2019:** ALPS had 60 Virginia registrants for ALPS on-demand programs, with 42 ALPS insureds and 18 non-insured.

#### **Webinar Programming 4<sup>th</sup>Quarter 2018**

On October 10th ALPS did "How Long Do We Need to Keep Client Files?" This was presented by Mark Bassingthwaite. There were 52 Virginia registrants, with 36 insureds and 16 non-insured.

On November 14<sup>th</sup>ALPS did its fourth New Lawyer webinar of the year, "10 More Things I Wish I'd Learned in Law School." This was presented by Mark Bassingthwaite. There were 12 Virginia registrants, with 6 insureds and 6 non-insured.

**Quarterly Result 4<sup>th</sup>Q 2018:** In Q4, there were 219 Virginia registrants for webinars, with 163 ALPS insureds and 56 non-insured.

**Calendar YTD Result 2018:** For calendar year 2018, there were 484 Virginia registrants for ALPS webinars, with 375 ALPS insureds and 109 non-insured.

#### **Webinar Programming 1<sup>st</sup>Quarter 2019**

In Q1 2019, ALPS did two webinars: On January 16, Mark Bassingthwaite presented, "Succession Planning: Managing the Transition from Start to Finish." ALPS had 59 registrants, with 48 insureds and 11 non-insured.

On February 20, Mark Bassingthwaite and ALPS Claims Attorney Martha Amrine presented, "What Every Lawyer is Terrible At, Except You, Right?" ALPS had 23 registrants, with 22 insureds and 1 non-insured.

**Quarterly Result:** In Q1 2019, there were 95 Virginia registrants for ALPS webinars, with 78 ALPS insureds and 17 non-insured.

#### **Webinar Programming 2<sup>nd</sup>Quarter 2019:**

In Q2, three ALPS webinars were given: "Cybersecurity: How to Protect Yourself and Keep the Hackers at Bay" (April 17, hosted by Mark Bassingthwaite); "Why Making a Personal Wellness Pledge is Good for You and for Business" (May 15, hosted by founder of Acheloa Wellness and CPA Lauren Baptiste); and "The Bar Report" (June 26, hosted by Mark Bassingthwaite and an ALPS Claims Attorney) (This webinar used two of the vignettes from the 2018 VA CLE tour).

ALPS also broadcast a live replay of two previously recorded webinars, "Malpractice Avoidance: Common Missteps Lawyers Make" on April 18, 2019 and "Malpractice Avoidance II: More Common Missteps Lawyers Make on May 23, 2018." Mark Bassingthwaite was on hand to answer questions at the end.

**Quarterly Result Q2 2019:** In Q2, there were 46 Virginia registrants for webinars, with 40 ALPS insureds and 6 non-insured.

**Cumulative Fiscal YTD Result as of June 30, 2019:** YTD, there were 141 Virginia registrants for webinars, with 118 ALPS insureds and 23 non-insured.

**Fall 2019 CLE Tour:**

The planned schedule of events and locations is below.

<b>Date</b>	<b>Location/time</b>	<b>Venue</b>
17-Sep	Charlottesville AM	DoubleTree by Hilton
18-Sep	Fairfax AM	Waterford at Fair Oaks
18-Sep	Fairfax PM	Waterford at Fair Oaks
19-Sep	DAY OFF	
20-Sep	Virginia Beach PM	Virginia Beach Convention Center
21-Sep	Newport News AM	Marriott At City Center
1-Oct	Chesapeake AM	Chesapeake Conference Center
2-Oct	Roanoke AM	Holiday Inn Tanglewood
3-Oct	Alexandria PM	George Washington Masonic Memorial
4-Oct	Manassas AM	GMU Prince William Campus
5-Oct	Richmond AM	Richmond Convention Center
5-Oct	Richmond PM	Richmond Convention Center



## 2019-2020 Meeting Schedule

September 18, 2019  
am) Belle Haven Country Club 12 noon (lunch 11:30  
6023 Fox Hunt Road, Alexandria VA  
(After ALPS Fall Tour)

November 20, 2019  
pm) Virginia State Bar 1 pm (lunch at 12:30  
1111 E. Main St., Richmond VA

February 20, 2010 By phone 1 pm

May 14, 2020  
pm) Virginia State Bar 1 pm (lunch at 12:30  
1111 E. Main St., Richmond VA

Updated: Jul 02, 2019

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# Lawyer Referral

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## Jack L. Harris, Chair

The Virginia Lawyer Referral Service (VLRS), was established in 1977 by the Virginia State Bar (VSB) to enhance and support one of its core missions – “to advance the availability and quality of legal services provided to the people of Virginia”.

In Fiscal Year 2019, the VLRS received and answered over 14,000 telephone calls, responded to 377 emails and provided 609 on-line request forms from those seeking its' services. The VLRS assisted 4,042 of those consumers with prescreened and prepaid referrals to its active lawyer panel members; resulting in \$170,310.00 of revenue for the Bar.

The VSB Special Committee on Lawyer Referral would like to thank the 300+ VLRS lawyer panel members for their (past and present) service to the bar and their communities. The VLRS was also pleased to welcome 44 first-time lawyer panel members this past year.

In addition to its special focus on significant revision of the VLRS Rules and improving awareness of VLRS services to the public and the Bar, the Committee's FY 2019 goals also included emphasizing the unique protections provided to consumers when they receive referrals to VLRS lawyer panel members, each of whom are VSB members in-good standing (private lawyers) and who carry legal malpractice insurance.

Those goals were met by:

1. Proposal and Adoption of Rule revisions for the VLRS. The rules adopted by the Special Committee on Lawyer Referral were approved by the VSB Executive Committee and Bar Council in Fall, 2018, and subsequently by the Supreme Court of Virginia on April 10, 2019 to become effective on July 1, 2020. The primary purpose of the Rules changes was to adopt a percentage fee funding model for the VLRS, a model which places VLRS in the mainstream of statewide lawyer referral services across the country and which should assure the VLRS of sufficient funding to properly market the service to the public, to meet the public's access needs, and to bring the service to funding self-sufficiency after many years of VSB subsidization.
2. Enhanced Marketing Campaigns for VLRS. The Committee members and VLRS staff have conducted onsite lawyer panel membership promotion in coordination with the VSB Access to Legal Services Director at the following: 49<sup>th</sup> Annual VSB Criminal Law Seminar in Charlottesville & Williamsburg (February 2019); Conferences of Local and Specialty Bar Association (CLSBA) & the Solo and Small-Firm Forum in Wytheville (October 2018), in Suffolk (March 2019) & in Fredericksburg (May 2019); VSB Techshow in Richmond (April 2019); Bar Leaders Institute in Richmond (April 2019); VSB 81<sup>st</sup> Annual Meeting in Virginia Beach (June 2019); and the VSB YLC

Admission & Orientation Ceremony in Richmond (June 2019). At the onsite promotions, VSB members with 5 or less years of VSB membership were offered a 1-year free VLRS panel membership with paid consumer referrals. The VLRS was also excited to display our new VLRS promotional floor and table banner signages.

With the assistance of the VSB Communication Department the VLRS has run semi-monthly VSB *Virginia Lawyer* magazine ads - "*Virginia Lawyers: Do You Have More Business Than You Can Handle?*" (August & October 2018); "*Potential Clients are Looking for Virginia Lawyers*" (December 2018 & February 2019); "*Thank You*" list of all VLRS current lawyer panel members (April 2019); "*We take the calls, you get the clients*" (June 2019)

To enhance awareness of the consumer services provided by VLRS to more consumers, we have highlighted differing law topics through the use of social media advertising, including Bankruptcy (March 2019), Family Law-Divorce & Custody (March 2019), Estate Planning (April 2019), Criminal Law-Traffic Defense (May 2019); Civil Disputes (May 2019); and Juvenile Law (June 2019) - reaching over 62,000 consumers and receiving over 6000 "*Likes*".

3. Partnerships. The VLRS assisted the VSB Young Lawyers Conference (YLC) Emergency Legal Service (ELS) in response to Hurricane Florence in August 2018; and the Catholic Charities of Eastern Virginia (CCEVA) by providing free lawyer referrals to persons affected by the hurricane and to those victims' families and survivors of the Virginia Beach shooting in June 2019. The VLRS Staff also had an informational and strategic meeting with the Virginia Bar Association (VBA) on February 12, 2019 to discuss how to best assist callers that reach out to both agencies seeking legal assistance.

The Special Committee on Lawyer Referral met on Thursday, August 9, 2018 and Monday, March 4, 2019.

#### Committee Members

Eugene M. Elliott, vice-chair; Joseph M. Bowen, Angela T. Isabell, 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.

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# Resolution of Fee Disputes

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## Alex Simon, 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) through mediation or arbitration. Our program volunteers include 12 circuit chairs, 168 arbitrators, and 48 mediators.

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

During FY18-19, the RFD program conducted fee dispute resolution CLEs sponsored by the Henrico County Bar Association and the Norfolk-Portsmouth Bar Association. Plans are underway for fall training which will take place in October 2019 to train new and existing RFD arbitrators and mediators.

The VSB RFD received 209 requests for information during fiscal year 2018-2019.

Of those 209 requests:

- Petitioners returned 81 agreements to circuit chairs for processing (60 from clients, 21 from attorneys);
- 35 of those agreements were accepted by the respondent;
- 15 attorney respondents declined to participate;
- 4 cases were settled prior to mediation or arbitration; and
- 28 cases went to RFD: 18 cases are complete (8 mediations and 10 arbitrations), 9 mediations and 1 arbitration are pending.

**NOTE: Does not include statistics for circuits 9, 15, 19 and 28.**

Geographical breakdown of requests:

- 21% were for attorneys practicing in eastern Virginia (circuits 2, 3/4);
- 39% were for attorneys practicing in NOVA (circuits 16, 17/18, 19, 31);
- 30% were for attorneys practicing in central Virginia (circuits 9/15, 12/13/14); and
- 10% were for attorneys practicing in south/southwestern Virginia (circuits 10, 23, 24, 28).

Members of the Special Committee on the Resolution of Fee Disputes for 2018-2019 were Alex Simon, chair, Steven G. Owens, vice chair, Alan S. Anderson, Caroline E. Browder, Edward S. Whitlock, III, David A. McKelvey, Robert P. Stenzhorn, Thomas Gallagher, and John J. Mable.

Updated: Oct 30, 2019

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# Technology and the Practice of Law

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## Kellam T. Parks, Chair

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 once 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. This year's activities included:

- Continuing to update CLE materials related to technology and the practice of law to share with Bar associations and present with our members when requested
- Submitting articles to the Virginia Lawyer
- Gathering information from all courts in Virginia as to their technology policies for lawyers and the public, as well as what technology they have available for lawyers' use in the courtroom. The end goal is a master spreadsheet to publish on the Committee's VSB Website. The Committee is working with the Committee on Self-Represented Litigants on this topic and has consulted with the Virginia Supreme Court due to their recent model policy
- Volunteering to assist in the Virginia-wide E-filing initiative explored by the Legislature
- The creation of a Cybersecurity Guide for the VSB

The Committee is being merged with the Future of Law Committee moving forward by the design of the newly-elected VSB President, Marni Byrum.

Current Members of the committee: Charles Molster III, *ex officio*; Kellam T. Parks (chair); Emily Hedrick (VSB staff); Hyatt Shirkey; Andrew Dean; Erin Hapgood; David Bice; Brandon Fellers; Brittany Johnson; Robert Bauer; David Bice; Brandon Osterbind; Beth Waller; and Lisa Brook.

Updated: Jul 02, 2019

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# Conference of Local and Specialty Bar Associations

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## Charles M. Lollar, Chair

Mission: Local and specialty bar associations in Virginia comprise the Conference of Local and Specialty Bar Associations. The conference was established to maintain a mutually beneficial relationship between the VSB and the local and specialty bar associations in the Commonwealth. It sponsors a Bar Leaders Institute each year to help new local and specialty bar officers plan their bar year and assists them with ethical issues, various programs and internal management policies and procedures; sponsors Solo & Small-Firm Practitioner Forums open to all VSB members; sponsors awards of merit, a Local Bar Leader of the Year Award, Specialty Bar Leader of the Year Award, and Bar Association of the Year Award; maintains an information database; and makes executive committee and staff members available for technical assistance or presentations to local and specialty bars. The conference publishes The Connection online newsletter with information of interest to bar leaders. The CLSBA also edits, prints and distributes the So You're 18 handbook, and created the [www.soyoure18.com](http://www.soyoure18.com) website, which is used by many groups to inform young adults of their rights and responsibilities upon turning 18.

The Bar Leaders Institute was held at the Lewis Ginter Botanical Garden on April 12, 2019. The Honorable Roger L. Gregory was the keynote speaker. There were 63 registrants for this program. Topics for the day included Nuts and Bolts, Resources, and Social Media for Bar Associations; a Projects Showcase; Pro Bono Initiatives for Bar Associations; and Ethics for the Bar Leader. We would like to thank the BLI subcommittee that put together another phenomenal program – Chris Mougine-Boal, Sandra Chinn-Gilstrap, Luis Perez, and Marcus Scriven. The newly appointed subcommittee for 2019-20 is already planning the 2020 BLI, which will be held Friday, March 6, 2020, in Richmond.

On October 18, 2018, the CLSBA presented the Solo & Small-Firm Practitioner Forum in Wytheville. Justice Mims joined us for a Town Hall Meeting. The day offered 5.5 hours of live CLE, with 2 hours of Ethics. There were 119 attendees at this program.

The CLSBA hosted its second Solo & Small-Firm Practitioner Forum in Suffolk on March 26, 2018. The day offered 6 hours of live CLE, with 2 hours of Ethics. There were 120 attendees at this event.

The third and final Solo & Small-Firm Practitioner Forum for 2018-19 was held at Fredericksburg Hospitality House. The Honorable Stephen R. McCullough joined us for a Town Hall Meeting. The day offered 6 hours of live CLE, with 2 hours of Ethics. There were 140 attendees at this event.

We have started planning the 2019-20 Solo & Small Firm Practitioner Forums. Potential locations include Harrisonburg, Danville, and the Eastern Shore.

The *So You're 18* pamphlets continue being presented as part of driver's licensing ceremonies in the Juvenile & Domestic Relations District Courts in many venues across the state. They are also distributed through local bars, schools, detention centers, voter registrars, social services agencies and other interested groups. Blueprints for a panel discussion also are available to local and statewide bar associations.

The CLSBA's Annual Meeting and Breakfast was held on June 14, 2019, during the VSB Annual Meeting. Bar associations receiving Awards of Merit were the Loudoun Chapter, VWAA; Hill Tucker Bar Association; Metropolitan Richmond Women's Bar Association; Roanoke Bar Association; and The Prince William County Bar Association, Inc. The winner of the Local Bar Leader of the Year Award was Barbara S. Anderson; the Specialty Bar Leader of the Year Award winner was Sarah M. Saville; and the Bar Association of the Year Award went to the Hill Tucker Bar Association

The CLSBA Executive Committee for 2019-2020, was elected at the Annual Meeting: **Officers** – Lewis A. Martin III, Chair, Charlottesville-Albemarle Bar Association; Susan N.G. Rager, Chair-elect, Northern Neck Bar Association; Sandra T. Chinn-Gilstrap, Secretary, Danville Bar Association; Roy V. Creasy, Treasurer, Roanoke Bar Association; Charles M. "Chuck" Lollar, Immediate Past Chair, Norfolk & Portsmouth Bar Association; **At-Large Members** – Nicholas J. Gehrig, Alexandria Bar Association; John A. Merrick, The Bar Association of the City of Richmond; Christine H. Mouglin-Boal, Loudoun County Bar Association; Christina T. Parrish, Hill Tucker Bar Association; Luis A. Perez-Pietri, Fairfax Bar Association; W. Marcus Scriven, South Hampton Roads Bar Association; Dillina W. Stickley, Harrisonburg-Rockingham Bar Association; Reiss F. Wilks, Virginia Creditors Bar Association; and M. Rachel Wolfe, Wise County & City of Norton Bar Association.

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.

On behalf of the Executive Committee of the CLSBA, the local and specialty bar associations, and the many lawyers who attended the events sponsored by the CLSBA this year I extend our heartfelt thanks to Paulette Davidson for her professionalism, attention to detail, guidance, patience, and ability to target and coordinate volunteers with just the perfect blend of talents and skills to implement high quality programming. We also thank Karen Gould for her support of these efforts and the mission of the CLSBA.

Updated: Jul 31, 2019



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# Diversity Conference

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## Luis A. Perez, Chair

### Officers for the 2018-2019 Fiscal Year:

- Luis A. Perez, Chair
- Chidi James, Chair-Elect
- Carole H. Capsalis, Immediate Past Chair
- Sheila Costin, Treasurer
- David D. Masterman, Secretary

**Number of members of the Diversity Conference:** 809

<b>Special Activities/Programs/Achievements during the 2018-2019 Fiscal Year:</b>
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A. **2018 Law School Mentor/Mentee Initiative – VSB Annual Meeting**

For the fifth year, the Diversity Conference invited law students from each Virginia law school to attend the 2018 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 of the law students were paired with at least one practicing attorney from the Diversity Conference who served as mentor to the student at the Annual Meeting. The students were invited to participate in all Annual Meeting events. The Law Student Mentees attended many of the showcase CLE sessions, the presentation of the Dunnville Diversity Achievement Award, other plenary programming, sports activities, law school alumni breakfasts and various networking opportunities with their mentors. This year, the students and their mentors were presented to the Virginia State Bar membership at the Diversity Conference opening reception on Thursday afternoon where they were welcomed by the VSB President, Len Heath, the Incoming President, Marni E. Byrum and had the opportunity to meet with many members of the Bench and Bar. Sixteen 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. **Diversity Conference First Annual Forum on Diversity in the Legal Profession**

The Diversity Conference held its First Annual Forum on Diversity in the Legal Profession on November 9, 2018, at the University of Richmond School Of Law. It was a great program where we had a presentation from the Virginia Supreme Court Justice

Cleo C. Powell on the impact of diversity in the administration of justice in Virginia; a presentation on implicit bias and how it affects our day to day decision-making process and the practice of law, presented by TV celebrities Judges Dana and Keith Cutler; and a presentation on best business practices and how diversity and inclusion can be a business asset, presented by a panel of government, business and law firm employers. The program was well attended and the reviews very positive. We are already looking forward to our second forum to be held on September 20, 2019 at the William & Mary Law School in Williamsburg, Virginia.

C. **Showcase CLE “Immigration: Contradictory or Complementary to the Rule of Law?”**

On Friday morning, June 14, 2019 at the annual meeting the Diversity Conference presented a showcase CLE on the topic “**Immigration: Contradictory or Complementary to the Rule of Law?**” This program explored certain hot topic issues in immigration law today from a balanced and politically neutral point of view. The speakers covered the intersections between immigration law, implementation of those laws, and the moral basis of decisions relating to the enforcement of those laws. A panel of experts in the field of immigration law which included Jacob Tinger, adjunct professor at the University of Richmond School of Law and managing partner at the law firm of Tingen and Williams; Lisa Johnson-Firth, adjunct professor of law at Georgetown University Law Center and principal at the Immigrants First Law Firm; George Fishman, Deputy General Counsel for the Department of Homeland Security; and Davinson M. Douglas, Dean, William & Mary at Law School, engaged in the discussion of issues that have been part of the daily news cycle for months, such as DACA, border detention policies (including family separation), refugees, and tensions between federal and state or local law, such as “sanctuary cities”, and whether the interpretation, implementation and enforcement of immigration regulations and policies relevant to these topics are contradictory or complementary to the rule of law. The event took place at one of the ballrooms at the Hilton Ocean Front and was well attended.

D. **Diversity Conference Welcome Reception**

On Thursday, June 13, 2019 the Diversity Conference hosted for the first time a welcome reception at the Virginia State Bar Annual Meeting open to all meeting attendees. The event was a big success and the attendance exceeded all expectation. This was a great opportunity for the law students to meet and socialize with members of the bar, VSB council members, Judges and bar leaders and for the attendees to learn more about the Diversity Conference mission and programs. It was a family friendly event, with popcorn, hot dogs and nuggets for the children as well as other adult favorites.

E. **2019 Clarence M. Dunnville, Jr. Achievement Award – presented at the VSB Annual Meeting**

The Diversity Conference presented the Clarence M. Dunnville, Jr. Award at the 2019 VSB Annual Meeting on Friday, June 14, 2019 to Michael Hu Young immediately following the conclusions of the **Immigration: Contradictory or Complementary to the Rule of Law** CLE at the Hilton Ocean Front. This award honors a member of the Virginia State Bar for setting an example that fellow members can emulate to meet the Conference’s goal of fostering, encouraging and facilitating diversity and inclusion in the Bar, the judiciary and the legal profession.

F. **2019 Oliver Hill/Samuel Tucker Pre-Law Institute**

The Oliver Hill/Samuel Tucker Pre-Law Institute (HTI), took place the week of on July 7 -12, 2019 at the University of Richmond. A record number student attended from all area of the Commonwealth. 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 second year as a funded Conference, from the budget of the Diversity Conference. The Young Lawyers Conference co-sponsored the Institute and members of the Diversity Conference and the Young Lawyers Conference are serving in several volunteer capacities for the week long program. The Diversity Conference thanks and appreciate the tremendous efforts of HTI co-directors Wesley Allen and Courtney Frazier.

#### G. **Rule of Law Day/Students' Day at the Capitol Programs**

The Diversity Conference co-sponsored the Rule of Law/Student Day at the Capitol. This year the program was split into two days on April 23 and April 24, 2019. The Diversity Conference provided sponsorship and volunteer participants for the Law Program. Diversity Conference board members Latoya Asia, Alicia Roberts served on the planning committee for this year's Program. This program included collaboration with the Virginia Law Foundation, Virginia Bar Association, VSB YLC, Rule of Law Project, and the academic community in the Richmond Public School area. 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 and 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.

#### H. **Diversity Conference First Annual Forum on Diversity in the Legal Profession**

The Diversity Conference held its First Annual Forum on Diversity in the Legal Profession on November 9, 2018, at the University of Richmond School Of Law. It was a great program where we had a presentation from the Virginia Supreme Court Justice Cleo C. Powell on the impact of diversity in the administration of justice in Virginia; a presentation on implicit bias and how it affects our day to day decision-making process and the practice of law, presented by TV celebrities Judges Dana and Keith Cutler; and a presentation on best business practices and how diversity and inclusion can be a business asset, presented by a panel of government, business and law firm employers. The program was well attended and the reviews very positive. We are already looking forward to our second forum to be held on September 20, 2019 at the William & Mary Law School.

#### H. **Virginia State Bar Special Committee on Access to Legal Services Projects**

The Diversity Conference did partner with VSB Access to Legal Services Committee on some pro bono initiatives. Through our member volunteers we assisted in the translation of the *Free and Low Cost Legal Resources in Virginia* guide into Spanish. Another project will involve increasing language access on the committee's Virginia freeLegalAnswers.org website. There is currently no way for non English speaking

clients to interface with bilingual attorneys. The Conference will engage its bilingual members to work directly with Access director Crista Gantz on the freelegalanswers.org language access initiative.

## **I. Publicity**

The Diversity Conference is present on social media on Twitter and Facebook: <http://twitter.com/vsbdc> and <https://www.facebook.com/dcvsb/>. Additionally, it has completed its second year publishing its *Invictus* newsletter, first published in June 2017, available on the VSB's Diversity Conference website. Board member Chris Fortier chairs the publicity matters.

## **J. Virginia Lawyer Magazine August 2018 issue.**

The Diversity Conference was featured in the August 2018 issue of the Virginia Lawyer magazine.

### **Diversity Conference Board of Governors FY 2019-2020**

The Diversity Conference Board of Governors voted unanimously to approve the following slate of nominated candidates to serve as officers for the 2019-2020 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 14, 2019 in Virginia Beach, Virginia.

- Chair, Chidi James
- Chair-Elect, Sheila Costin
- Treasurer, Alicia Roberts
- Secretary, David D. Masterman

Updated: Jul 12, 2019

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# Senior Lawyers Conference

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## Carrollyn C. Cox, Chair

This has been an active year for the Senior Lawyers Conference (SLC). Membership as of last count stood at 20,255. All lawyers licensed in the State of Virginia over the age of 55 years are automatically members of the SLC.

The Senior Law Day programs is flourishing, with two Past Chairs of the Board of Governors of our Conference (Bruce Robinson and Robert Hawthorne, Sr.) dedicating a great deal of energy in refining the program to make it easier for local bar associations to plan and present their own Senior Law Day program. For those bars wanting more assistance, these fine gentlemen will bring the entire program to localities, leaving the local bar the responsibility for as much or as little of the planning and presentation of the event as that group is willing to provide if the program provides the location and any food to be served. This popular program utilizes the Senior Citizens Handbook that is a publication of the SLC.

Building on discussions at SLC board meetings over the past few years, the update of the handbook is underway and all members of the VSB are encouraged to submit information on their area of expertise. One of the newest members of the Board of Governors, Barbara Anderson, has stepped up to undertake the large task of coordinating submissions for each subject covered by the Handbook.

ProBono Chair, John Oakey, has encouraged us, told us war stories about his end of career shift to pro bono legal assistance in domestic relations cases, and guided those of us who answered his entreaties to devote at least a portion of our time to assisting legal aid societies with the overflow of cases in need of a lawyer.

In keeping with the VSB and Supreme Court of Virginia's focus on life and practice balance and the increasing levels of stress and substance abuse of lawyers, the SLC Conference Board of Governors is co-sponsor of 3 CLE events focused on assisting with "Lawyer Wellness," two of which were presented at the Annual Meeting. The third, a VaCLE live and televised CLE on Lawyer Mentoring, will be first presented in August, 2019. In addition that CLE, the Senior Lawyers Conference is still in the early stages of creating a Mentorship program, with cooperation from the Young Lawyers Conference and others.

The SLC sponsored the April 2019 edition of *Virginia Lawyer* magazine, contributing articles and being featured on the cover.

The SLC sponsored a brunch for the presentation of recognition for the members of the Virginia State Bar who have been members for 50 years. The brunch was held on Saturday, June 15, 2019 as part of the VSB Annual Meeting. Two hundred seventy-three lawyers reached the magic number of fifty years of practice before the bar and 35

were present to be recognized for their achievement of this important milestone in a career serving the public.

The chairmanship of the SLC this year would not have been possible for me, had it not been for Stephanie Blanton, our former liaison to the VSB and Sylvia Daniels, new liaison who stepped in to Stephanie's shoes early in the year, and the active support and encouragement of the entire SLC Board and VSB staff. Thanks to you all.

Updated: Jun 21, 2019

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# Young Lawyers Conference

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## Brian T. Wesley, Chair

The Young Lawyers Conference (YLC) of the Virginia State Bar (VSB) encompasses all lawyers under the age of thirty-six (36) or within their first three (3) years of practice in their primary bar. As of July 1, 2019, the YLC had 9,844 members. The following Annual Report covers YLC activities during the year, including our contributions to priority initiatives, and highlights programs that thrive to educate and serve the legal profession and the greater community.

On behalf of the YLC Board of Governors (Board), we thank all volunteers, program chairs and district representatives, who have devoted time and energy into making this an active and successful bar year and one of the best young lawyer organizations in the country. The Board would also like to extend its sincere appreciation to the staff and leadership of the Virginia State Bar, especially our liaisons, Lauren Parrish and Mallory Ralston, who work tirelessly to support the efforts, initiatives and programming of the YLC.

### 2018-2019 Priority Initiatives

President Wesley prioritized four (4) initiatives for the bar year. Each priority was staffed to provide greater dialogue, development and collaboration as well as keep the Board better informed of program matters. The Initiatives were:

1. **Bench-Bar Relations:** This committee drafted and disseminated: "Beyond the Chambers," a comprehensive guide for young lawyer interactions with the bench; "Standards of Conduct for Events with Judges," a guide for young lawyer interactions with judges at YLC events; and, "Guidelines for Planning Events with Judges," the YLCs protocol for successfully planning YLC events with judges. This committee included: Latosha Ellis, Shannon Fitzgerald, and Kyle Boyton (program chairs) ;Kristopher McClellan and Cate Huff (Board liaisons); and, Brian Wesley (Executive Committee).
2. **Wellness:** Under the leadership of VSB President Len Heath, the YLC assisted in addressing issues and causes related to lawyer wellness, especially those affecting young lawyers. This committee worked to develop programming related to wellness education and sustaining an active, physical lifestyle to pursue a healthier well-being. In October, the committee organized a hike in Charlottesville and later assisted in bringing kickball to fruition at the VSB Annual Meeting. During February, the committee instituted the first "Wellness Month," which focused on providing young lawyers wellness resources and educational opportunities (CLE). Additionally, the committee co-sponsored the inaugural Law Student Wellness Summit at the University of Virginia School of Law on February 5, 2019. This committee included: Harrison Powell, Tiago

Bezzerra, and Heather Miller (program chairs); Melissa Alfano and Cate Huff (Board liaisons); and, Chris Fortier (Executive Committee).

3. Pro-Bono: This committee and Emergency Legal Services (ELS) were integral in expanding pro-bono opportunities through Virginia's FreeLegalAnswers.org platform, addressing the legal concerns of Virginia disaster victims. The revised emergency plan was implemented in response to Hurricane Florence and assistance was provided to the victims in North Carolina. Also, this committee worked in conjunction with the VSB Special Committee on Access to Legal Services to sponsor a CLE on Rule 6.1. This committee included: Rebecca Nasca, Carly Anderson, and Erin Witte (program chairs); Helen Chong and Rachel Wolfe (Board liaisons); and, Farnaz Thompson (Executive Committee) as well as ELS program chairs, Crista Gantz and Edwin Wu.
4. Mentorship: This committee collaborated with the Senior Lawyers Conference to develop a mentorship program for young and senior lawyers. Internally, the 1st Year Board/Fellows Mentorship Program was developed to pair incoming with outgoing Board members to assist with their transition onto the Board. In addition, this committee continued previous mentorship programs, including, the Logsdon "Speed Mentoring" Network at the YLC's Minority Pre-Law Conferences; and, the Joint ADR Mentorship Initiative, a program between the YLC and the VSB/VBA Joint ADR Committee. This committee included: Brittney Sandler, Lindsay Powell, and Matthew Lafferman (program chairs); Giovanni DiMaggio and Alicia Roberts Johnson (Board liaisons); and, Missy York (Executive Committee).

### **Highlighted Programs**

*Docket Call:* *Docket Call* is the official publication of the YLC. At the Board's January meeting, it approved eliminating all print editions to focus on a comprehensive online presence. DocketCall can be found at <https://docketcallnewsletter.com/>. This program included: Andrew Selman (program chair); and, Patrick Austin and Dayna Bobbit (Board liaisons).

*Children & the Law:* On December 18, 2018, the committee participated in a career fair at a Hampton high school. On January 16, 2019, the committee led a tour of the Virginia Beach Juvenile and Domestic Relations Court with a sophomore high school class where Judge Bullock spoke on becoming a lawyer and judge. In May, the committee conducted a high school presentation on the legal implications of sexting and cyberbullying. This committee included: Dustin Narcisse, Ra He Jeon, and Crystal Shin (program chairs); and, Helen Chong and Melissa Little (Board liaisons).

*Oliver Hill/Samuel Tucker Pre-Law Institute ("Institute"):* The Institute took place the week of July 8-13 at the University of Richmond, where it welcomed over thirty (30) students for a five (5) day intensive pre-law program. The program featured tours of the State Capitol and Supreme Court of Virginia; a networking reception; and, law classes that prepared students to compete in a mock trial competition at the end of the week. This committee included: Wesley Allen and Courtney Frazier (program chairs); and, Alicia Roberts Johnson and Melissa Little (Board liaisons). This program continues to be a collaborative partnership between the YLC and Diversity Conference.

*Rule of Law Day at the Capitol:* This program, under the leadership of Justice Cleo Powell, expanded to a two-day rule of law program to accommodate nearly three hundred (300) area students participants. The program took place on April 23-24, 2019. On January 31, 2019, the program was expanded geographically to accommodate



Chesterfield County, students. This committee included: Drew Sarrett and Breanna West (program chairs); and, Farnaz Thompson and Annie Cai Larson (Board liaisons). This program is a collaborative partnership between the YLC and Litigation Section.

*Wills for Heroes*: This program took place on May 18, 2019, in the Tidewater area, where nearly forty (40) heroes and their families received testamentary documents in appreciation of their dedication and service. There were more than thirty (30) volunteer attorneys. This committee included: Nicolle Vasquez Del Favero and Melissa Moser (program chairs); and, Giovanni DiMaggio and Nerissa Rouzer (Board liaisons). This program is a collaborative partnership with the Virginia Bar Association Young Lawyer Division.

## **CLEs**

*"Hanging A Shingle Starting and Perfecting a Law Practice"*: In July 2018, the YLC partnered with Virginia CLE to present this CLE, which included 6.0 hours of CLE credit with 2.0 hours of ethics credit. This CLE had over one-hundred twenty-two (122) attendees. Farnaz Thompson moderated this CLE.

Professional Development Conference (PDC): On October 12, 2018, the YLC hosted its annual PDC CLE program at locations around Virginia and Washington, DC It offers a day of live CLEs on legal topics relevant to young lawyers. The PDC was coordinated by Jazzirelle Sepulveda, Rachel Radspinner, Steven Sovinsky, Andrew Tarne and Adam Yost (program chairs) as well as Melissa Alfano and Rachel Wolfe (Board liaisons).

The YLC, through the Pro-Bono Committee, co-sponsored with the VSB Special Committee on Access to Legal Services a CLE focused on Rule 6.1, the voluntary pro-bono reporting rule. The CLE took place on January 17, 2019, at the Alexandria Circuit Court. The CLE was coordinated by Clarissa Pintado with Crista Gantz and Jennifer Fulmer as speakers.

*"Optimizing the Lawyer Brain"*: On February 26, 2019, the YLC hosted a CLE webinar, presented by Dr. Debra Austin, JD, PhD, which focused on matters such as the brain's association with memory formation, motivation, and reward; and, the impact of stress on cognition. This CLE was a focal point during "Wellness Month".

*"Understanding the Immigration Consequences of Criminal Dispositions in Virginia-Ethical and Legal Considerations"*: On March 28, 2019, the Immigrant Outreach Committee in conjunction with the Capital Area Immigrants' Rights (CAIR) Coalition hosted a CLE to address the legal and ethical considerations of immigration consequences of criminal dispositions in Virginia. The CLE took place at George Mason University. The CLE was coordinated by Marissa Ortega.

The YLC with the Fairfax Bar Association's YLD presented a CLE on effective legal writing and oral advocacy. It took place on May 22, 2019, at the Fairfax County Courthouse. This program was coordinated by Matthew Perushek (District 5 Representative).

Annual Meeting: Each year, the YLC participates in a number of CLE opportunities at the Annual Meeting in Virginia Beach. This committee included: Amanda Hayes and Ashley Barendese (program chairs); and, Nerissa Rouzer and Brian Wesley (Board liaisons).

“Judicial Squares”: The YLC’s showcase CLE provided a fun and educational format in the areas of criminal and civil procedure and featured judge participants.

“Immigration: Contradictory or Complimentary to the Rule of Law”: The YLC assisted the Diversity Conference on this immigration related CLE.

“True Collegiality: A Study of How Young Family Lawyers Can Reverse the Trend of Hostility and Return to the True Calling of Service”: The YLC assisted the Family Law Section on this CLE.

## **Awards**

The YLC was recognized during the 2018-2019 bar year in the following:

The YLC was awarded the ABA State Division, Class A First Place Award in the Comprehensive Category. This award recognized programming efforts for the 2017-2018 bar year, under the leadership of President Chris Fortier, and was last awarded to the YLC over ten (10) years ago.

The Oliver Hill/Samuel Tucker Pre-Law Institute was awarded First Place in the Embracing Diversity Challenge, sponsored by the ABA’s Young Lawyer Division. This grant award will allow for an expansion of the Institute in the future.

## **2019-2020 Officers and New Board Members**

2019-2020 Executive Committee:

President: Farnaz Thompson

President-Elect: Missy York

Secretary: Kristopher McClellan

Immediate Past-President: Brian Wesley

### **New Board Members:**

Harrison Powell (1st District)

Victoria Walker (4th District)

Matthew Perushek (5th District)

Benjamin Shute (6th District)

Christina Parrish (At-Large)

Breanna West (At-Large)

Respectfully submitted:

Brian T. Wesley

Immediate Past-President, Young Lawyers Conference

Updated: Jul 11, 2019

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# Administrative Law

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## Elaine S. Ryan, Chair

### **Membership:**

As of June 2019, the Administrative Law Section had 675 members. Organized in 1979, the Administrative Law Section is focused on the interests and practices involving administrative law and regulated industries.

### **Budget:**

The remaining budget for the fiscal year ending June 30, 2019 was \$4,745.

### **37<sup>th</sup> National Regulatory Conference (NRC):**

The Section again sponsored the 37<sup>th</sup> National Regulatory Conference held May 16-17, 2019 at the College of William & Mary's Marshall-Wythe School of Law in historic Williamsburg, Virginia. The NRC was co-sponsored by the Virginia Bar Association's Administrative Law Section.

The program was approved for a total of 7.5 hours of CLE credit (2.0 ethics) and featured panels on a variety of legal and regulatory topics. The program was organized by Beth Clowers, Vice Chair (now Chair) of the Section and Associate General Counsel at the State Corporation Commission. The Honorable Bernard L. McNamee, Federal Energy Regulatory Commission, delivered the keynote address.

### **Brown Bag Luncheon CLE Program:**

On April 11, 2019, the Section held its Brown Bag Luncheon CLE Program at the State Bar. This year's program, entitled *The Cutting Edge of Booze: New Developments in Alcohol Licensing*, convened expert panelists from government and the wine and beer industry to discuss recent major changes to beer and alcohol licensing and the overall legislative and regulatory structure for beer and wine regulation in Virginia. Attendees received 1.5 hour of CLE credit. The program was organized by Philip R. "Duke" de Haas, immediate past Section chair and Director and Associate General Counsel, Allianz.

### **Officers and New Board Members:**

The Section elected its 2019-2020 officers and board members at its annual meeting, held during the NRC on May 16, 2019. New officers are K. Beth Clowers, Chair; James G. Ritter, Vice Chair; and Alisson P. Klaiber, Secretary. Charles Mitchell Burton, Jr., will continue as Newsletter Editor. Matthew L. Gooch and Frederick D. Ochsenhirt also joined the board.

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# Antitrust, Franchise & Trade Regulation

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## Membership

In June 2019, the Antitrust, Franchise, and Trade Regulation Section had 223 members.

Former board member Patrick Hanes met with VSB staff members to find ways to boost participation in the section. He suggested adding consumer protection law to the section events. He noted that consumer protection law is growing at a faster pace than antitrust law which is somewhat stagnant. VSB staff will work on broadening the section outreach.

## Annual Meeting CLE Program

The Antitrust Section cosponsored a CLE at the 81st Annual Meeting of the Virginia State Bar on June 15, 2019, in Virginia Beach. The CLE titled "Caveat Emptor: What You Need to Know About International M&A in the Trump Era" covered issues related to antitrust, export controls, intellectual property rights, cybersecurity, and national security in international mergers and acquisitions. Co-sponsors of the CLE included the Business Law, Corporate Counsel, Intellectual Property, and International Practice Sections. The session was well attended with over 60 registrants.

## Officers

There was insufficient attendance to hold elections at the section's annual membership meeting on June 15, 2019.

Updated: Aug 29, 2019

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# Bankruptcy Law

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## Sarah B. Boehm, Chair

The Bankruptcy Section currently has 724 members. Here are the highlights of our 2018-19 fiscal year:

1. Bankruptcy Law Writing Competition: In 2018, the Section established the Bankruptcy Law Writing Competition to promote interest in the practice of bankruptcy law. The Board solicited entries from law students attending Virginia law schools.
2. Bankruptcy Law News: The Section continued with its highly successful and popular quarterly newsletter featuring at least 2 lead articles, a message from the Clerk of either the Eastern or Western District Bankruptcy Court, a message from the Section Chair, a message from the Newsletter Editor, and case notes and highlights. Andrea Davison is our Newsletter Editor and our publications have been well received.
3. Spring CLE: Sarah B. Boehm, Chair and Erica Morabito, Vice-Chair, worked with Virginia CLE to organize the Annual Bankruptcy Practice Seminar in Richmond, VA in March 2019. This year's seminar focused on commercial bankruptcy issues. The panelists included four bankruptcy judges and numerous practitioners.
4. Meetings/Dinners: We held our annual Winter dinner meeting in Charlottesville in March and our annual Summer dinner meeting in Virginia Beach in June in conjunction with the VSB Annual Meeting.
5. 2019-20 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: Erika L. Morabito, Chair; Hannah W. Hutman, Vice-Chair; and Dylan Trache, Secretary.
6. New Board of Governors Members: The following have been formally elected to the Board of Governors for three-year terms upon the nomination of the Nominating Committee and with unanimous approval of the Board of Governors and unanimous approval of the Section members who attended our lunch/annual meeting at the VSB Annual Meeting: J.R. Smith of Richmond, VA (second term), Hannah Hutman of Harrisonburg, VA (second term), and Dana Power of Norfolk, VA (first term). The Board currently has 12 members.

Submitted by Sarah B. Boehm, Chair, 2018-19

Updated: Jul 11, 2019

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# Business Law

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## Matthew A. Clary, III, Chair

### Membership:

In June 2019, the Business Law Section (“Section”) had approximately 1,911 members, an increase of 69 over the prior year. The Section is the 6th largest of the twenty sections of the Virginia State Bar.

### Significant issues that arose and how they were resolved:

Having expanded the Board at the inception of my term, we turned our attention this year to stepping up our sponsorship of CLE presentations pertinent to the Section’s membership and geographically more diverse. The Board’s consensus was that Section-sponsored CLEs, each of which were recorded and available for replay through Virginia CLE, provided a distinct value to Section members and could attract further members. The success of our efforts is discussed below under CLE Programs.

### CLE Programs:

#### 45th Annual Advanced Business Law Conference (Sept. 7-8, 2018), Wintergreen Resort:

The Section again co-sponsored the two-day Annual Advanced Business Law Conference along with Virginia CLE. This year’s conference was entitled “Business Lawyering in the Innovation Economy: New Business Models + More Regulation = Opportunities and Challenges for Company Counsel.” Section board members Steve Keeler and Karl Knoll participated as authors and speakers and the conference was moderated by Chair, Matt Clary.

#### 30<sup>th</sup> Annual Business Law Seminar (March 8, 2019), Fairfax:

The Section successfully reestablished the Annual Business Law Seminar, last held in 2011 in conjunction with Virginia CLE at the Waterford Conference Center in Fairfax. The program entitled “Structuring a New Business - Protecting the Founders and Attracting Investors” was well attended and set the stage for a more successful annual advanced business law conference in the fall. Section board members Steve Keeler and Matt Clary participated as authors, speakers and the conference was moderated by Chair, Matt Clary.

#### 2019 VSB Annual Meeting CLE Program:

The Section co-sponsored the CLE course at the VSB Annual Meeting entitled, “Why Go to Europe When Europe Comes to You? U.S. Data Protection in a GDPR World”

along with the IP and Corporate Counsel sections. The CLE was presented by Corina San Marina of Willcox & Savage; Gerard M. Stegmaier of Reed Smith; and Michael Bahar of Eversheds Sutherland and the conference was moderated by Chair, Matt Clary.

### **Section Board and Officers for 2019-2020**

Chair, Steven J. Keeler; Vice Chair, Karl T. Knoll; Secretary, J. Brent Justus; and Immediate Past Chair, Matthew A. Clary, III

Continuing Board Members: John M. Huddle, Steven L. Brinker and Autumn R. Visser.

Although at the end of the FY the Board lost the services of Dana McDaniel due to conflicting commitments, a number of section members who attended the luncheon at the Annual Meeting in Virginia Beach have expressed an interest in becoming more active in the Section and discussion with those members is ongoing. As Dana had made efforts toward improving the Section's website, he will be sorely missed, and we will be seeking a replacement.

Respectfully submitted:

Matthew A. Clary III, Chair  
Business Law Section

Updated: Jul 15, 2019

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# Construction Law & Public Contracts

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## J. Barrett Lucy, Chair

### Membership

As of June 2018, the Section had 811 members. Currently, the Section has 823 members.

### Annual CLE- Fall Program

On November 2-3, 2018, the Section hosted the 39<sup>th</sup> Annual Fall Program at the Boar's Head Inn in Charlottesville, VA. Chaired by members Alison Mullins and Mark Crawford, 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 14, 2019, the Section partnered with the Litigation Section and Senior Lawyers Conference to present a showcase CLE at the Virginia State Bar's 81<sup>st</sup> Annual Meeting in Virginia Beach entitled "Finding Civility in Discovery." Coordinated by members, Arnie Mason and Lauren McLaughlin, the program moderator was Nathan Veldhuis, and the speakers were The Honorable F. Bradford Stillman (Ret.), The Honorable Jan L. Brodie (Ret.), Michael Robinson and Thomas E. Spahn.

On September 6, 2018, in combination with the Virginia CLE, the Section presented a half-day CLE seminar in Fairfax, Virginia entitled "3<sup>rd</sup> Annual Federal Government Contracting Seminar 2018—Tools for Pursuit and Payment." The seminar was chaired by Randy Wintory and Joe Guarino.

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 Hann Lee Blake and Daniel Rounds. The February 2019 edition of the Virginia Lawyer included three articles on construction law written by our members and edited by Arnie B. Mason. The Section updated its Construction Law Handbook to include recent Virginia state and federal court decisions affecting our members' practices.

### Officers for 2018-2019 Fiscal Year

The officers for the 2018-2019 fiscal year were J. Barrett Lucy (chair), Hann Lee Blake (vice-chair), Scott Kowalski (secretary), Randy Wintory (treasurer) and Christopher S. Boynton (immediate past chair).

### New Board Members for 2018-2019



Joining the Section Board of Governors in 2018 were Jesse Gordon, Joe Guarino, Josh Johnson, and Chandra Lantz.

Updated: Sep 17, 2019

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# Corporate Counsel

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## Mark E. Newcomb, Chair

### Membership

In June 2019, the Corporate Counsel Section (“Section”) had approximately 1,651 members. The Section is the 7th largest of the twenty sections of the Virginia State Bar.

### Special Activities in Fiscal Year 2018-2019

Per the request of Judge David Lannetti, the Section reviewed the “Corporate” hypotheticals used in the Virginia State Bar Professionalism Course for new Virginia attorneys and proposed a new hypothetical question and made a recommendation on splitting out the pro bono questions into a separate section.

### Annual Meeting CLE Programs

The Section co-sponsored the CLE course at the VSB Annual Meeting entitled, “Why Go to Europe When Europe Comes to You? U.S. Data Protection in a GDPR World” along with the IP and Business Law sections. The CLE was presented by Corina San Marina of Willcox & Savage; Gerard M. Stegmaier of Reed Smith; and Michael Bahar of Eversheds Surtherland.

### Member Communication

This past year we sent out several emails to the membership informing them of relevant CLE opportunities. In May, NVA hosted a luncheon with an opportunity for members to network and receive 1.5 Ethics CLEs.

### Law Student Seminars

The Section continued its practice of hosting panel presentations over lunch at Virginia law schools to share information and insights on in-house practice. This year, the Section was able to present a panel discussion at five of the eight law schools.

Updated: Oct 15, 2019

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# Criminal Law

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## Nancy Grace Parr, Chair

It has been an honor to serve as chair of the Virginia State Bar's Section on Criminal Law for the 2018-2019 bar year. My fellow officers included Seth Weston, Vice Chair; Samuel Eugene Fishel IV, Secretary; and Tim Heaphy, Immediate Past Chair.

The following members joined the board on July 1, 2018: Joseph D. Platania of Charlottesville; Theresa J. Royall of Nottoway; Judge Tasha D. Scott of Norfolk; and Judge Gordon S. Vincent of Accomack.

With a membership of 2,476 members, including 2113 active members and 348 judicial members, the section remains the second largest section of the Virginia State Bar. Its operating budget for 2018-2019 was \$48,400.

Newsletter editor Professor Ron Bacigal, of the University of Richmond, published four issues of *Criminal Law News* during the year, and also completed the 2019 edition of the *Capital Case Trial Manual*.

The section sponsored its 49th Annual Criminal Law Seminar in February 2019, with a live session in Charlottesville on February 1st, followed by a live Williamsburg session on February 8th. Section Vice-Chair Seth Weston served as seminar program chair and moderator. Total seminar attendance included 549 for the live February sessions, and an additional 192 for the video replays held in March and April.

The section's Harry L. Carrico Professionalism Award was presented at the Williamsburg Seminar to the Honorable M. Hannah Lauck, U.S. District Court for the Eastern District of Virginia.

As part of its ongoing partnership with Virginia law schools, the section awarded stipends in June 2019 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 2019.

During the 81<sup>st</sup> Annual Meeting of the Virginia State Bar, the section sponsored a Showcase CLE program on Friday, June 14, 2019: *So the Officer was Wearing a Body Camera – Now What?* The program drew a crowd of approximately 150 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, 2019:

Seth Weston, Chair; and Samuel Eugene Fishel IV, Vice Chair; James Daniel Vinson, Secretary; and Nancy G. Parr, Immediate Past Chair.

The following board members were also elected to four-year terms, beginning July 1, 2019:

George Neskis, Alison Powers, Honorable Roderick Young, Julia Sichol and LaBravia Jenkins. Theresa Royall moved to a vacant judicial role.

On behalf of the board, I extend our sincere appreciation to board members Richard Doummar, Maria Jankowski, Honorable Robert Ballou and Jim Plowman whose terms ended on June 30<sup>th</sup>.

Respectfully submitted,  
Nancy Grace Parr, Chair

Updated: Jul 12, 2019

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# Education of Lawyers in Virginia

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## Kimberly Pierro, Chair

### Membership

As of June 2019, the Education of Lawyers Section had 388 members including 233 active members, 48 judicial members, and 107 members of the Academy.

### Budget

The budget for fiscal year 2018-19 was \$5,900, which included expected contributions from Virginia's law schools and law firms.

### Rakes Leadership in Education Award

The 2019 recipient of the section's William R. Rakes Leadership in Education Award was Thomas A. Edmonds, former executive director of the Virginia State Bar. The section hosted an award presentation reception sponsored by Gentry Locke on Friday, June 14, in Virginia Beach, in conjunction with the State Bar's 81st Annual Meeting.

### Legal Writing CLE

The section continues to participate in the Legal Writing Workshop held in conjunction with Virginia CLE. Board members John Bredehoft, Judge Mary Grace O'Brien, and Judge David Lannetti served on the planning committee for the 4th annual program as well as served as faculty members at the event on May 17 at Kaufman and Canoles in Norfolk.

### 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. Frank Telegadas along with Susan Butler, served as chairs of this program. 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 has been in existence since 2000. Going forward, the VSB has decided to underwrite the full cost of this program instead of charging half of the expenses to the section.

### Annual Meeting

The Education Section sponsored a CLE at the VSB 81st Annual Meeting in Virginia Beach on June 14, 2019. The CLE titled "Preaching What You Practice: Bringing Your Experience to the Classroom" discussed adjunct teaching opportunities for lawyers and judges and the ways individuals can bring practical advice and guidance to law students. Kevin Martingayle chaired the program which also included information on the wellness initiative. The CLE was well received.

## Newsletter

The newsletter editor resigned early in the year and there were no newsletters this fiscal year.

## 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 2019-2020 bar year:

Bernadette Speller Peele, Chair  
Senior Assistant County  
Attorney  
Prince William County, VA

Sharon K. Eimer, Vice Chair  
Public Defender  
Office of the Public Defender  
Lynchburg, VA

Kimberly A. Pierro, Immediate Past Chair  
First VP & Senior Counsel  
SunTrust Bank  
Richmond, VA

Updated: Aug 29, 2019

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# Environmental Law

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## Gary Alvin Bryant, Chair

### Membership

There were 406 members of the Environmental Law Section as of June 2019.

### Energy & Environment Reception

On March 11, 2019, the D.C. Environment and Energy Associations and the VSB Environmental Law Section co-sponsored the inaugural networking and informational session. Participating groups included the Environmental Law Institute; D.C. Bar Association Environment, Energy and Natural Resources Community; Energy Bar Association; Environmental Section of the Virginia State Bar; Women in Government Relations, Energy, Environment and Agriculture Task Force; Women's Bar Association of the District of Columbia, Energy and Environmental Law Forum; and Women's Energy Network. The program was held at Hogan Lovells US LLP in Washington, DC.

### Annual Meeting CLE Program

The Section did not sponsor a CLE at the VSB Annual Meeting this year.

Updated: Jul 11, 2019

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# Family Law

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## Mary G. Commander, Chair

The Virginia State Bar Family Law Section had another productive year.

Steve Raynor, Secretary of the Section, compiled and produced an index to all of the articles that have appeared in the *Virginia Family Law Quarterly* and its predecessor publication. This will permit a search of these very useful publications.

The Section participated in a well-received program on attorney civility at the 2019 VSB Annual Meeting in Virginia Beach.

Once again, we had a sell-out crowd at the annual Advanced Family Law Seminar at the Jefferson Hotel in Richmond. A video of this excellent seminar is available for those who could not attend.

The statewide Family Law CLE course was presented at various locations in Virginia. Many thanks to the Section CLE Committee, Virginia CLE, and the speakers and moderators who made this year a success!

The Section also presented the Betty A. Thompson Lifetime Achievement Award to Peter Buchbauer of Winchester. We appreciate the nominations that we received for this prestigious award. We also want to thank Pete for his years of service in the field of Family Law.

Susan M. Butler will be Section Chair for 2019-2020 Bar Year.

The Section currently has 2,023 members and always welcomes more.

Respectfully submitted,

Mary G. Commander, Section Chair

Updated: Jul 18, 2019



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# General Practice

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## Ronald A. Page Jr, 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 twelve 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 J. Randolph "Randy" Nelson of Lynchburg, Virginia. Randy was presented the award at the Annual Meeting of the Virginia State Bar, and the General Practice Section is proud to have such an esteemed and distinguished recipient for this year's award.

At the beginning of the fiscal year, there were 867 attorneys/members. Our budget for the fiscal year 2018-2019 was \$16,568.00.

The General Practice Section would also like to thank our section liaison, Paulette Davidson. Paulette has been with the Virginia State Bar for over 25 years and her experience and expertise have been invaluable to our Board this past year. The General Practice Section would like to express our sincerest appreciation to Paulette as we look forward to next year.

Updated: Jul 17, 2019

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# International Law

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## Megan Barnhill, Chair

The Virginia State Bar's International Practice Section had 475 members as of June 2019. The Section's Board of Governors for the 2018-2019 term was comprised of eight members.

Over the past fiscal year, the section worked with the Antitrust, Business Law, Corporate Counsel, and Intellectual Property Sections to sponsor a CLE program at the Virginia State Bar Annual Meeting. The program covered issues such as antitrust, export controls, intellectual property rights, cybersecurity, and national security that commonly arise in international mergers and acquisitions (M&A) in the Trump era. Geoffrey Goodale, Vice Chair of the Board of Governors of the Section for the 2018-2019 term, was a member of the panel and Megan Barnhill, Chair of the Board of Governors of the Section for the 2018-2019 term, moderated the panel. The Section also continues to act as an in-name-only cosponsor of programs sponsored by the DC Bar that may be of interest to Section members. In addition, the Section commenced planning for a program that is slated to be held in Northern Virginia in the coming months related to current issues in international trade.

The Board officers for the 2018-2019 fiscal year were as follows:

**Chair: Megan Barnhill**

**Vice Chair: Geoffrey Goodale**

**Secretary: Melissa Stear Gorsline**

**Treasurer: Jeff Talbert**

The other members of the Board of Governors were: **John Huddle, Lindsay Reimschuessel, Satnam Singh, and Christina Zanette.**

The terms of following two members of the Board of Governors are expiring this year and they will not be members of the Board of Governors for the 2019-2020 fiscal year:

**Christina Zanette**

**Lindsay Reimschuessel**

The following individual has been appointed to a position on the Board of Governors for a three year term beginning in the 2019-2020 fiscal year:

**Brad Haneberg**

The Board officers for the 2019-2020 fiscal year are as follows:

**Chair: Geoffrey Goodale**

**Vice Chair: Megan Barnhill**

**Secretary: Melissa Gorsline**

**Treasurer: Jeff Talbert**

Submitted by:

Megan Barnhill, 2018-2019 Chair, International Practice Section

Updated: Jul 11, 2019

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# Litigation

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## Nathan J.D. Veldhuis, Chair

The Litigation Section's membership as of June 30, 2019 was 3,473, making this the largest section of the Virginia State Bar. Our budget for 2018-19 was \$35,280.

In-person meetings of the Section Board were held on September 28, 2018 and November 16, 2018 (Richmond), February 15, 2019 (Warrenton), April 5, 2019 (Charlottesville) and June 13, 2019 (Steinhilber's, Virginia Beach).

The board allocated \$5,000 to be split between the Chesterfield Rule of Law Day and the Virginia Supreme Court's Rule of Law Day in Richmond.

Fall & Spring Newsletters were published electronically under the direction of our newsletter editor, Professor Jennifer Franklin of William & Mary Law School. Most articles were generously authored by members of the Board or in collaboration with other members of Bench and Bar. These are available on the web site.

Board Member, Robert Byrne, MartinWren, Charlottesville, collaborated with the Federal Law Section to put on a very well-attended CLE at the EDVA Court house, Richmond

A dedicated issue of *Virginia Lawyer* magazine with photograph of the chair and members of the Board, issued in October 2018.

A very successful, extremely well-attended and informative Showcase CLE was presented at the Annual Meeting in June 2019: "Finding Civility in Discovery," arranged by Nathan J. D. Veldhuis (Litigation Section Board Chair) and Lauren McLaughlin and Arnie Mason (Construction and Public Contracts Section) & Carter Younger (Senior Lawyers Conference), with the following speakers:

- Michael Robinson, Venable, LLP, Tysons
- Hon. Jan L. Brodie (ret.), Williamsburg
- Hon F. Bradford Stillman (ret.), Norfolk
- Thomas E. Spahn, McGuire Woods, LLP, McLean

MODERATOR: Nathan J. D. Veldhuis, Veldhuis Law Group, PLLC, Richmond

The section held its annual business meeting in conjunction with the State Bar's Annual Meeting in June 2019, in Virginia Beach.

The following officers and board members were elected: J. Matthew Haynes Jr., chair; W. Bradford Stallard, vice chair; Robert E. Byrne, Jr., secretary; and Brian S.

Wheeler, treasurer.

Updated: Oct 15, 2019

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# Local Government Law

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## Jan Proctor, Chairman

### Membership

As of June 30, 2019 had 736 members.

### Budget

The budget for fiscal year 2018-2019 was \$10,304.

### *Journal of Local Government Law*

The Board published three issues of *The Journal* during 2018-2019, which included a well-received and widely-distributed article entitled, *Local Government Law: When the Law You Know Isn't the Law that Applies*, authored by Andrew McRoberts, with significant contributions by the Board of Governors, edited by Susan Custer, and introduced by Supreme Court Justice McCullough. The article presents an overview of several aspects of local government law that are inconsistent with rules of law controlling non-governmental parties. It represents an excellent resource for practitioners not familiar with the intricacies of local government law.

In addition, *Understanding Kisela v. Hughes and Protecting the Shield of Qualified Immunity*, authored by Michael Connelly of Greehan, Taves, & Pandak, provides an in-depth analysis of the recent excessive force case issued by the United States Supreme Court in which the Court finds that the “*se of excessive force is an area of the law ‘in which the result depends very much on the facts of each case,’ and thus police officers are entitled to qualified immunity unless existing precedent ‘squarely governs’ the specific facts at issue.*” *The article also provides guidance on educating local law enforcement officers in light of this decision.*

*Other informative articles examined K-12 education law (Jason Ballum and Stacy Haney), legislative history in Virginia (Michael Long), the Americans with Disabilities Act (Dr. James Kozlowski), and the Virginia Freedom of Information Act (Michael Gernhardt). The Board of Governors wishes to express its gratitude to the authors for the time and expertise they dedicated to these publications.*

### **2018-2019 Fellowships**

*Several years ago, the Board of Governors established an annual fellowship for rising second and third year law students who have secured internships with local government attorneys. This year the Board was pleased to award \$4,000 in fellowships to two very promising interns, Sara Maynard, a third-year student at University of Richmond School of Law and Aaron Pinsoneault, a second-year student at William & Mary School of*

*Law. The fellowship committee, led by Board Member Cynthia Bailey, recommended these students to the Board on the basis of their academic records and personal essays expressing their interest in local government law. For the first time, one of these essays was published in The Journal for the benefit of the members of the Section.*

### **CLE Webinar**

*The Section produced its first CLE webinar at no cost to its members, featuring Lynchburg City Attorney, Walter Erwin, in a discussion of unique ethical issues facing practitioners of local government law. The webinar was an instant success, with over 100 registrants. The Board hopes to continue offering webinars to its members on an annual basis.*

### **LGA Sponsorship**

*The Section participated in the Local Government Attorneys of Virginia (LGA) 2019 Spring Conference as a sponsor in an effort to increase awareness of, and membership in, the Local Government Law Section. In addition, the President of the LGA encouraged membership in the Section in the July issue of the LGA's monthly legal publication.*

### **Young Lawyers Conference Liaison**

*The Section welcomed its new Young Lawyers Conference liaison, Anna Birkenheier. Ms. Birkenheier practices in the Richmond office of Williams Mullen. The Section looks forward to working with Ms. Birkenheier to develop ways of reaching out to young lawyers to encourage them to explore local government law as a possible career goal.*

### **New and Returning Members**

*Pursuant to the Bylaws, the Board appointed MinhChau Corr, Assistant City Attorney for Arlington County, and Brian Lubkeman, Briglia Hunley, PC, to temporarily fill the vacancies created by the resignation of Dawn Figueiras and Ken Golski.*

*During the Annual Meeting of the Section on June 13, 2019, held in Virginia Beach, the Section accepted the report of the Nominating Committee, chaired by Eric Gregory, Past President and consisting of Rebecca Kubin, Deputy City Attorney for Virginia Beach, Cynthia Bailey, Deputy County Attorney for Fairfax County, Tara McGee, Goochland County Attorney, and Randy Greehan, Greehan, Taves & Pandak, PLLC, and held an election on new and returning members of the Board of Governors.*

*As recommended in the Nominating Committee's report, the Section elected Ms. Corr and Mr. Lubkeman to complete the terms vacated by Ms. Figueiras and Mr. Golski, which expire on June 30, 2020. Also the Section elected to the Board of Governors for a first term commencing on July 1, 2019 were Kathleen Dooley, City Attorney for Fredericksburg, and Wahaj Memon, Assistant County Attorney for Loudoun County. Bernadette Peele, Deputy County Attorney for Prince William County, was elected to serve a second term.*

### **New Officers**

*Additionally, at the 2019 Annual Meeting, the Section elected the following officers for one-year terms beginning on July 1, 2019:*

*Chair - Rebecca Kubin, Deputy City Attorney, Virginia Beach\**

*Vice Chair - Bernadette Peele, Senior Assistant County Attorney, Prince William*

*Secretary, Cynthia Bailey, Deputy County Attorney, Fairfax County*

*As immediate past-president, Eric Gregory of Hefty, Wiley & Gore completed his service on the Board. Many heartfelt thanks to Eric for his years of dedicated service to the Section.*

### **Observations**

*It was a privilege to serve as Chair of this Section and to witness the diligence, creativity and positive energy of its members. The Section undertook new endeavors this year that will hopefully continue in the future.*

*\* Pursuant to Article IV, §1 of the Section's Bylaws, Ms. Kubin's term was extended one year to accommodate her chairmanship, and for the upcoming year (2019-2020), the Board will consist of 13 members.*

Updated: Aug 01, 2019



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# Military Law

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## Peter J. Jankell, Chair

### Membership:

In June of 2019, the Military Law Section had **283** members

### Funds and Budget:

The Military Law Section began the year with \$3,712.00, spent \$1,756.72, leaving a balance of \$ 1,955.28.

### Section Activities:

The Military Law Section had a successful year! As in past years, the Military Law Section partnered with Virginia CLE to present our Annual Military Law Symposium in Quantico, Virginia on May 17, 2019 titled Serving Those Who Serve. The program received rave reviews and included presentations on the Servicemembers Civil Relief Act, Veterans Appeals Improvement and Modernization Act, the significant changes to the Uniform Code of Military Justice, Legal Ethics, and an enthralling presentation on International Humanitarian Law and War Crimes. Faculty included faculty members from the University of Vermont, the Army Judge Advocate General's Legal Center and School, as well as attorneys from the Department of Justice (Servicemembers and Veterans Initiative, Civil Division, U.S. Attorney's Office for the Eastern District of Virginia), The Navy Region Legal Service Office Mid-Atlantic, the Virginia State Bar, and private law firms. Once again, the program was an outstanding success.

Newsletter Editor Wilson Mustain worked hard to put out our first Newsletter since 2015. Articles included: Message from the Chair, Standing the Watch for Our Servicemembers' Due Process Rights, Practice Pitfalls: Compensating for VA Setoffs and Waivers in Equitable Distribution of Military Retired Pay, and The Uniformed Services Employment and Reemployment Rights Act and the Department of Justice.

The MLS partnered with the Special Committee on Future Law Practice to sponsor a program on Artificial Intelligence, Block Chain, Cryptocurrency and the Future of Law Practice at the Virginia State Bar Annual Meeting in Virginia Beach. We also held our Annual Membership Luncheon in Virginia Beach to correspond with the VSB Annual Meeting.

Special thanks go to my Vice Chair, Prescott L. Prince, Board Secretary, Dwain Alexander, Newsletter Editor Wilson Mustain, the entire Board of Governors, and our VSB Liaison, Mallory Ralston for all of their support. We could not of accomplished all we did without their hard work and support.

At the VSB annual meeting in June of 2019, the membership elected new BOG members and the following officers:

Prescott L. Prince, Chair  
Oliver L. Norrell, III, Vice Chair  
Dwain Alexander, Secretary  
Peter J. Jankell; Immediate Past Chair

Respectfully submitted:

Peter J. Jankell

Updated: Jul 03, 2019

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# Real Property

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## Kay M. Creasman, Chair

**Membership:** As of June, 2019, the Section had 1975 members.

**Budget:** The budget for 2018-19 was \$36,580.00 with a balance of \$2,916.07 as of May, 2019.

**Meetings:** The Board of Governors and Area Representatives met four times during the year:

Fall Meeting – October 5, 2019, at the offices of Virginia State Bar, Richmond, VA.

Winter Meeting – January 25, 2019, at the Williamsburg Inn, Williamsburg, VA.

Spring Meeting – March 1, 2019, at the Kingsmill Resort, Williamsburg, VA.

Annual Meeting– June 14, 2019, at the Oceanaire Resort Hotel, Virginia Beach, VA.

**Sponsored educational activities:** The Section sponsored, with Virginia CLE, the 23rd Annual Advanced Real Estate Seminar on March 1 and 2, 2019 and the 37th Annual Real Estate Practice Seminars on May 8, 21 & 23. At the Annual Bar Meeting June 14, 2019 **Paul Melnick** spoke on behalf of the Section in a program co-sponsored with the Tax and Estate & Trust Sections “Death, Taxes and Real Estate.” We provided Section members a tuition credit of \$25 per person for the Advanced Real Estate Seminar and \$15 per person for the Annual Real Estate Practice Seminar.

**Other activities:**

Publication of the Fall 2018 and Spring 2019 issues of *The Fee Simple*, the Section's newsletter.

There was no recipient this year of the Courtland Traver Award.

**Ethics Review Project**– Headed by Christine Meier. To review all ethics opinions and produce a more useable summary for the Section. Everyone participated.

**The Virginia Lawyer**– F. Lewis Biggs & Kay M. Creasman, Chairs, for a Real Property Section focused edition in October, 2019.

Detailed discussions of **Pro Bono** efforts, with a final decision to leave this to local bar groups, and post any information we get on the VSB website.

**Significant Issue:**

In compliance with the Bylaws of the Section, it was resolved that the Chair has authority to appoint Committee Chairs and Co-Chairs as deemed necessary.

**Election of Officers and New Board of Governors Members:**

**Officers:**

Chair Ronald D. Wiley, Jr.

Vice Chair J. Lori H. Schweller

Secretary/Treasurer Kathryn N. Byler

**Member, Board of Governors, for a three-year term (term number is in parenthesis):**

Stephen Gregory for a third 3-year term

J. Lori H. Schweller for a second 3-year term

Sarah Loupe Petcher for a first 3-year term

Kay M. Creasman will serve as immediate past chair for 2019 - 2020.

Updated: Jul 12, 2019

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# Taxation

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## Craig D. Bell, Chair

The Virginia State Bar's Taxation Law Practice Section had approximately 740 members throughout the July 2018 – June 2019 fiscal year.

The Tax Law Practice Section stabilized and put forward a number of activities and events during the 2018-2019 fiscal year.

We are close to standing up a slate of governors representing all areas of Virginia. 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 & 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 7-9, 2018. Approximately 160 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 6-7, 2018. 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 155 attendees hosted at UVA's Law School.

For the first time in many years, the Tax Section (in conjunction with the Real Property Section and the Trusts and Estates Section) co-sponsored a CLE titled "The Grim Reaper: Death, Taxes and Real Estate" at the Virginia State Bar's 81<sup>st</sup> Annual Meeting in Virginia Beach, Virginia. Our section's representative on the panel was Brad Riddlehoover (McGuireWoods LLP).

While the Tax Section accomplished a number of worthwhile and helpful activities during the fiscal year, I do want to let you know that we are seeing a troubling trend for those of our members who regularly appear before the U.S. Tax Court when the court travels to Virginia. The U.S. Tax Court traditionally comes to Richmond and Roanoke twice a year, typically in the Spring and Fall seasons. When holding court in Richmond, the Tax

Court is provided a courtroom and Marshall Service protection in either the U.S. Court of Appeals for the Fourth Circuit or in the Eastern District of the U.S. District Court. Both facilities have ample space to accommodate court personnel as well as the parties, counsel, and witnesses. Over the past few years a developing problem occurs when the U.S. Tax Court is not able to hold court at its regular terms in Richmond and having to move and hold court in other jurisdictions, including Charlottesville and Newport News where there is a federal court in order to conduct the U.S. Tax Court's docket and trial sessions.

When a taxpayer files his or her petition with the U.S. Tax Court, the taxpayer is afforded the opportunity to select the location for the trial. Richmond and Roanoke are the only two options provided for Virginia, and plans are made accordingly. When subsequently these taxpayers are notified of their trial date about three-five months before trial, the taxpayer is advised to go to another Virginia city. Upon inquiry, I am told the Tax Court is informed no court rooms are being made available on the scheduled trial dates. On several occasions when this occurs the Virginia tax controversy bar is left wondering how this happens given the existence of a new large U.S. District Courthouse in Richmond and a full city block appellate courthouse. For over twenty-five years the scheduling problems never occurred. However, the past two years in a row, the problem exists. We will continue to monitor the situation and reach out to the respective courts to see how this lack of court room availability might be avoided for future sessions of the U.S. Tax Court. However, as I write these remarks, I received six notices of trial from the U.S. Tax Court advising me these six cases will be held for trial in Charlottesville and not Richmond. The problem appears to becoming systemic....

Craig D. Bell  
Chair, Taxation Section

Updated: Jul 11, 2019

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# Trusts and Estates

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## Lauren A. Jenkins, Chair

### Membership

The Trusts and Estates Section had 1,951 members as of June 2018 and 2,003 members as of July 2019.

### Budget

The budget for fiscal year 2018-2019 was \$14,936. The budget proposed for fiscal year 2019-2020 is \$14,624.

### 37th Annual Trusts and Estates Seminar

In October, the Trusts and Estates Section co-sponsored the 37th 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 special needs planning, real estate law for trusts and estates attorneys, and fiduciary litigation.

### VSB Annual Meeting CLE Program

The Trusts and Estates Section, in conjunction with the Real Estate Section and Taxation Section, co-sponsored a CLE presentation titled "The Grim Reaper: Death, Taxes and Real Estate" which covered recent developments in estate planning, taxation, and real estate. The program took place on June 14, 2019.

### Member Communications

The Trusts and Estates Section published two newsletters, one in the Fall of 2018 and another in the Spring of 2019. Each edition included articles on relevant and timely trusts and estates topics and was distributed to all members of the section. Trey T. Parker was the Newsletter Editor, and Vanessa Macias Stillman was the Assistant Newsletter Editor.

Updated: Sep 05, 2019