

Virginia State Bar 82nd Annual Report

Annual Report for the period
July 1, 2019 – June 30, 2020



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 Conference

Reports of the Sections

Administrative Law
Antitrust, Franchise & Trade Regulation
Bankruptcy Law

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

Report of the Executive Director/Chief Operating Officer

Karen A. Gould

The Virginia State Bar grew slowly this year. Active membership¹ increased to 32,564 as of June 11, 2020.

	2018-19	2019-20
Active	31,908	32,564
Virginia Corporate Counsel licensed under SCV Rule 1A:5, Part I	981	941
Corporate Counsel Registrants licensed under SCV Rule 1A:5, Part II	597	634
Associate	13,502	13,485
Judicial (includes active and retired)	1,448	1,514
Retired/Disabled	3,483	3,802
Total	51,919	52,940

Karen A. Gould has served as executive director/chief operating officer since January 1, 2008.

Marni E. Byrum served as the president

Executive Committee members 2019-2020

President Marni E. Byrum

President-elect Brian L. Buniva

Immediate Past President Leonard C. Heath Jr.

At large	Maryse C. Allen
At large	Ann B. Brogan
At large	Eugene Elliott, Jr.
At large	Eva Juncker
At large	Jay B. Myerson
At large	William T. Wilson
Conference of Local Bars Chair	Lewis A. Martin, III
Diversity Conference Chair	Chidi I. James
Senior Lawyers Conference Chair	John D. Eure
Young Lawyers Conference President	Farnaz F. Thompson

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.

At-large Council members FY 2020

Denise W. Bland	Eastville
Afshin Farashahi	Virginia Beach
Atiqua Hashem	Richmond
Eva N. Juncker	Falls Church
B. Alan McGraw	Tazewell
Lenard T. Myers, Jr.	Norfolk
Lonnie D. Nunley, III	Richmond
Patricia E. Smith	Abingdon
Benjamin Spencer	Hampton

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 (1st term)

Circuit 13 (2 vacancies) Eric M. Page, Richmond (1st term)

Cullen D. Seltzer, Richmond (1st term)

Circuit 17 (3 vacancies) Adam D. Elfenbein, Arlington (2nd term)

Greg T. Hunter, Arlington (2nd term)

Josh D. Katcher, Arlington (1st term)

Circuit 20 (1 vacancy) R. Penn Bain, Leesburg (1st term)

Circuit 24 (1 vacancy) Eugene N. Butler,
Lynchburg (elected to 1st term at circuit meeting)

Circuit 29 (1 vacancy) D. Greg Baker, Clintwood
(elected to 1st term at circuit meeting)

Uncontested Council election winners were as follows:

Circuit 2 Jeffrey B. Sodoma, Virginia Beach (1st term)

Circuit 3 Meredith B. Travers, Portsmouth (1st term)

Circuit 4 Ann B. Brogan, Norfolk (2nd term)

Circuit 5 Thomas G. Shaia, Suffolk (1st term)

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

Circuit 16 Palma E. Pustilnik, Charlottesville (2nd term)

Circuit 19 David J. Gogal, Fairfax (2nd term)

Doug R. Kay, Tysons Corner (2nd term)

Circuit 22 Eric H. Ferguson, Rocky Mount (1st term)

Circuit 23 K. Brett Marston, Roanoke (2nd term)

Circuit 26 Nancy M. Reed, Luray (2nd term)

Circuit 27 R. Cord Hall, Christiansburg (2nd term)

Circuit 31 Maryse C. Allen, Prince William (2nd term)

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

Denise W. Bland, Eastville

Patricia E. Smith, Abingdon

Regulatory Update

UPL

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 nonlawyers 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).

Paragraph 17 (MCLE requirements)

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.

Paragraphs 3 and 13-23.K (membership status)

Effective June 30, 2020, revisions to Paragraphs 3 and 13-23.K. regarding membership statuses were approved by the Supreme Court of Virginia on May 1, 2020. **View the Court's order (pdf).**

Summary:

The Rule changes: (1) impose an email address of record requirement for all members; (2) create separate membership classes for retired and disabled members (with corollary changes to Paragraph 13-23.K.); (3) remove the requirement for active members to be “engaged in the practice of law;” (4) revise some procedures for electing different membership classes; and (5) update the Rule’s language to eliminate ambiguous terminology.

Noteworthy proposed rule revisions:

Eliminate the use of the ambiguous term “shall,” in favor of more explicit words such as “must,” “cannot,” and “authorized to.”

Eliminate interchangeable use and replace “attorney” with “lawyer” for consistency.

Add a sixth category of membership by disaggregating the singular “disabled and retired” class into the disabled class and the retired class.

Add an email address of record requirement.

Clarify that disciplinary notices will continue to be sent to the address of record, as opposed to the email address of record.

Remove specific reference to the “membership department” in favor of the more general term “Virginia State Bar” to avoid inconsistencies with internal staff departmental naming.

Remove the requirement for a lawyer to be “engaged in the practice of law, either full time or part time, salaried or non-salaried” to qualify as an active member.

Add that active membership requires “in good standing.”

Change “membership obligations” to “regulatory requirements.”

Define “good standing.”

Move the definition of Associate Members’ obligations and privileges (in relation to Active Members) to the beginning of the paragraph.

Remove “engaged in the practice of law” as the distinguishing characteristic between Active and Associate Members.

Add provisions for endorsement of declaration, by Respondent’s Counsel or Guardian Ad Litem, to conform with Para. 13-23.K.

Clarify that misconduct complaints “in any jurisdiction” shall result in deferral of consideration on petition for reinstatement to active status.

Change who can approve/deny a petition for reinstatement from retired to active status from the Executive Committee to the executive director.

Add, “in the discretion of the executive director” to clarify whose discretion is utilized to determine if the retired member has “a disability raising a serious question as to the member’s fitness or capacity to practice law.”

Add compulsory review by the Executive Committee of the executive director’s decision to deny a reinstatement to active status for retired members.

Add “exclusively” to make clear Emeritus status is only applicable to those who satisfy the emeritus requirements including limiting practice only to pro bono.

Clarify that practice in “any U.S. jurisdiction” satisfies the requirements of the emeritus status sections of the paragraph.

Amends Paragraph 13-23.K. authorizing Bar Counsel, in its discretion, to terminate an impairment proceeding if a Respondent transfers to the disjunctive Disabled or Retired class of membership, rather than the conjunctive Disabled and Retired Class, and declares that he/she will not seek transfer from that class of membership.

Rule 1A:5 changes

On November 1, 2019, the Supreme Court of Virginia amended Rule 1A:5 regarding Virginia corporate counsel & corporate counsel registrants. The amendments are effective January 1, 2020. These rule changes do not apply to Corporate Counsel Registrants under Part Two and require no action by lawyers currently certificated under Part One. Amendments to Rule 1A:5, Virginia Corporate Counsel were made by the Supreme Court of Virginia, effective January 1, 2020.

The new amendments require lawyers not admitted in Virginia who wish to serve as Part I Corporate Counsel for a Virginia employer to apply to the Virginia Board of Bar Examiners (VBBE) on forms to be provided by the VBBE. Applicants must undergo a character and fitness evaluation and cover the costs of the investigation and the fee for the application. An applicant must be admitted by examination and licensed to practice law in the court of last resort in another state or territory of the United States and in good standing in all other jurisdictions in which the applicant has been admitted.

A Corporate Counsel Registrant under Part II of Rule 1A:5 will continue to register with the Virginia State Bar. No substantive changes were made to Part II of the Rule.

LEO 1890 approved January 9, 2020, then vacated April 7, 2020

Approved by Council at its October 2019 meeting by a vote of 41-22, Legal Ethics Opinion 1890, was a compendium opinion on Rule 4.2, Communication with Persons Represented by Counsel. On January 9, 2020, the Supreme Court of Virginia approved proposed LEO 1890, effective immediately, which was approved by Council by a vote of 41-22 at the October 2019 meeting.

https://www.vsb.org/pro-guidelines/index.php/rule_changes/item/leo_1890

The Court vacated its order approving LEO 1890 on April 7, 2020, without comment except to say it was acting “for reasons appearing to the Court.”

LEO 1891 approved effective January 9, 2020

Approved by Council at its October 2019 meeting, Legal Ethics Opinion, 1891, addressed the issue whether communications with represented government officials

are “authorized by law” for purposes of Rule 4.2. LEO 1891 addresses this question in the affirmative, as long as the communication is made for the purposes of addressing a policy issue, and the government official being addressed has the ability or authority to take or recommend government action, or otherwise effectuate government policy on the issue. A lawyer engaging in such a communication is not required to give the government official’s lawyer notice of the intended communication.

Additional Paragraph 13 changes ordered January 9, 2020

On January 9, 2020, the Supreme Court of Virginia amended provisions of Paragraph 13 (Paragraph 13-1 definition of Memorandum Order, 13-16.Y, and 13-18.P) to state that explicit findings of fact are not required in proceedings conducted pursuant to [Va. Code § 54.1-3935](#). [The Court also amended Paragraph 13-30.B to remove the specific reference of disclosure of an Attorney’s Disciplinary Record in a tribunal’s “findings of fact.”](#)

https://www.vsb.org/pro-guidelines/index.php/rule_changes/item/amendments_to_paragraph_13

Amendments to Rule of Professional Conduct 1.15, Safekeeping Property

Approved January 9, 2020, Effective March 15, 2020.

On January 9, 2020, the Supreme Court of Virginia approved amendments to [Rule 1.15, Safekeeping Property, effective March 15, 2020, which were approved by Council on October 2, 2019](#). [These amendments rewrite the trust account rules to make them clearer and easier to understand.](#)

The rule was amended to read as follows, effective March 15, 2020:

RULE 1.15. Safekeeping Property.

(a) *Depositing Funds.* — (1) All funds received or held by a lawyer or law firm on behalf of a client or a third party, or held by a lawyer as a fiduciary, other than reimbursement of advances for costs and expenses shall be deposited in one or more identifiable trust accounts; all other property held on behalf of a client should be placed in a safe deposit box or other place of safekeeping as soon as practicable.

* * *

(c) *Record-Keeping Requirements.* — A lawyer shall, at a minimum, maintain the following books and records demonstrating compliance with this Rule:

(1) Receipts and disbursements journals for each trust account. These journals shall include, at a minimum: identification of the client or matter; date and amount of the transaction; name of the payor or payee; manner in which the funds were received,

disbursed, or transferred; and current balance. A checkbook or transaction register may be used in lieu of separate receipts and disbursements journals as long as the above information is included.

(2) A client ledger with a separate record for each client, other person, or entity from whom money has been received in trust. Each entry shall include, at a minimum: identification of the client or matter; date and amount of the transaction; name of the payor or payee; source of funds received or purpose of the disbursement; and current balance.

* * *

(d) *Required Trust Accounting Procedures.* In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

(1) *Insufficient Fund Reporting.* All accounts are subject to the requirements governing insufficient fund check reporting as set forth in the Virginia State Bar Approved Financial Institution Agreement.

* * *

(3) The following reconciliations must be made monthly and approved by a lawyer in the law firm:

(i) reconciliation of the client ledger balance for each client, other person, or entity on whose behalf money is held in trust;

(ii) reconciliation of the trust account balance, adjusting the ending bank statement balance by adding any deposits not shown on the statement and subtracting any checks or disbursements not shown on the statement. This adjusted balance must equal the balance in the checkbook or transaction register; and

(iii) reconciliation of the trust account balance ((d)(3)(ii)) and the client ledger balance ((d)(3)(i)). The trust account balance must equal the client ledger balance.

(4) The purpose of all receipts and disbursements of trust funds reported in the trust journals and ledgers shall be fully explained and supported by adequate records.

Comment

* * *

[4] Paragraphs (b)(4) and (b)(5) do not impose an obligation upon the lawyer to protect funds on behalf of the client's general creditors who have no valid claim to an interest in the specific funds or property in the lawyer's possession. However, a lawyer may be in possession of property or funds claimed both by the lawyer's client and a third person; for example, a previous lawyer of the client claiming a lien on the client's recovery or a person claiming that the property deposited with the lawyer was taken or withheld unlawfully from that person. Additionally, a lawyer may have a duty under applicable law to protect such third-party claims against wrongful interference

by the client, and accordingly may refuse to surrender the property to the client. For example, if a lawyer has actual knowledge of a third party's lawful claim to an interest in the specific funds held on behalf of a client, then by virtue of a statutory lien (e.g., medical, workers' compensation, attorneys' lien, a valid assignment executed by the client, or a lien on the subject property created by a recorded deed of trust) the lawyer has a duty to secure the funds claimed by the third party. Under the above described circumstances, paragraphs (b)(4) and (b)(5) require the lawyer either to deliver the funds or property to the third party or, if a dispute to the third party's claim exists, to safeguard the contested property or funds until the dispute is resolved. If the client has a non-frivolous dispute with the third party's claim, then the lawyer cannot release those funds without the agreement of all parties involved or a court determination of who is entitled to receive them, such as an interpleader action. A lawyer does not violate paragraphs

(b)(4) and (b)(5) if he has acted reasonably and in good faith to determine the validity of a third-party's claim or lien.

[5] The reconciliations required by paragraph (d)(3) must include an explanation of any discrepancy discovered and how it was corrected. This explanation must be approved by the lawyer who approves the reconciliations.

[6] The obligations of a lawyer under this Rule are independent of those arising from activity other than rendering legal services. For example, a lawyer who serves as an escrow agent is governed by the applicable law relating to fiduciaries even though the lawyer does not render legal services in the transaction.

[7] Nothing in this Rule is intended to prohibit an attorney from using electronic checking for his trust account so long as all requirements in this Rule are fulfilled. It is the lawyer's responsibility to assure that complete and accurate records of the receipt and disbursement of entrusted property are maintained in accordance with this rule. Many businesses are now converting paper checks to automated clearinghouse (ACH) debits. Authorized ACH debits that are electronic transfers of funds (in which no checks are involved) are allowed provided the lawyer maintains a record of the transaction as required by this rule. The record, whether consisting of the instructions or authorization to debit the account, a record or receipt from the financial institution, or the lawyer's independent record of the transaction, must show the amount, date, recipient of the transfer or disbursement, and the name of the client or other person to whom the funds belong.

June 2020 Executive Committee and Council meetings

Because of the coronavirus pandemic, the June 2020 meeting of the VSB Council was cancelled. Between meetings of the Council, the VSB Executive Committee is authorized to perform Council's duties and functions. Paragraph 7 of the Rules of the Supreme Court of Virginia, Part 6, § IV; Bylaws of the Council, Part II, Article VI, § (f). Consequently, the Executive Committee met via telephone conference call on June 9, 2020. The Executive Committee consisted of President Marni E. Byrum, President-elect Brian L. Buniva, Immediate Past President Leonard C. Heath, Jr., Maryse C. Allen, Ann

B. Brogan, Eugene M. Elliott, Jr. Eva N. Juncker, Jay B. Myerson, William T. Wilson, Conference of Local & Specialty Bar Assn chair Lewis A. Martin III, Diversity Conference chair Chidi I. James, Senior Lawyer Conference chair John D. Eure, and Young Lawyer Conference chair Farnaz F. Thompson.

The Executive Committee's electronic meeting was permitted by Emergency Order 53 (as amended entered by Governor Northam on March 23, 2020 and [§ 4-0.01\(g\), Acts of the Assembly, Ch. 1283 \(2020\)](#) (aka "the Budget Bill") creating an exception to the Virginia Freedom of Information Act's usual provisions requiring a physically present quorum to discuss public business unrelated to the gubernatorial-declared emergency.

One of the matters that the Executive Committee considered was the proposed changes to Supreme Court of Virginia Rule 1A:8, Military Spouse Provisional Admission. The debate on the Rule 1A:8 changes was lengthy, slightly over 2 hours, and spirited. Primarily the debate centered on whether, in order to protect the public, a finite period of supervision by a local Virginia lawyer should be imposed, and/or whether a period of supervision was appropriate only in cases of a military spouse lawyer with less than a determined number of years of total practice experience. It took six votes on various issues (several procedural) before a resolution could be reached. The conference call was recorded and is available for listening at <https://www.vsb.org/video/EC-Council-6-92020.wav>. The portion of the recording relevant to Rule 1A:8 can be heard starting at 39:57 and ending at 2:42:10.

Ultimately, by a vote of 11 to 2, the Executive Committee agreed to recommend to the Court that it adopt the following amendments to Rule 1A:8 (deletions are indicated by strikethroughs; additions by underlining):

Rule 1A:8 Military Spouse Provisional Admission.

...

2. Required Evidence.

...

(k) has certified under oath ~~completed~~ completion of twelve (12) hours of instruction approved by the Virginia Continuing Legal Education Board on Virginia substantive and/or procedural law, including four (4) hours of ethics, within the six-month period immediately preceding or following the filing of the applicant's application;

...

3. Issuance, Admission, Duration and Renewal.

...

(c) Duration. - A provisional admission may be renewed by July 31 of each year, upon filing with the Virginia State Bar (i) a written request for renewal; and

(ii) an affidavit by supervising Local Counsel, who certifies to the provisionally admitted attorney's continuing employment by or association with Local Counsel and to Local Counsel's adherence to the supervision requirements as provided under this Rule, and
(iii) compliance with the membership obligations of Part 6, Section IV of the Rules of the Supreme Court of Virginia applicable to active members of the Virginia State Bar.

4. Supervision of Local Counsel. A person provisionally admitted to practice under this Rule may engage in the practice of law in this jurisdiction only under the supervision and direction of Local Counsel.

(a) ~~As used in this Rule, Local Counsel means an active member in good standing of the Virginia State Bar, whose office is in Virginia.~~

(b) ~~Local Counsel must provide to the Virginia State Bar his or her Virginia State Bar number, physical office address, mailing address, email address, telephone number, and written consent to serve as Local Counsel, on the form provided by the Board.~~

(c) ~~Unless specifically excused from attendance by the trial judge, Local Counsel shall personally appear with the provisionally admitted attorney on all matters before the court.~~

(d) ~~Local Counsel will be responsible to the courts, the Virginia State Bar, the Supreme Court of Virginia, and the client for all services provided by the provisionally admitted attorney pursuant to this Rule.~~

(e) ~~Local Counsel is obligated to notify the Executive Director of the Virginia State Bar when the supervising relationship between the provisionally admitted attorney and Local Counsel is terminated.~~

5. Events of Termination. An attorney's provisional admission to practice law pursuant to this Rule shall immediately terminate and the attorney shall immediately cease all activities under this Rule upon the occurrence of any of the following:

...

(c) ~~The absence of supervision by Local Counsel;~~

....

- Elizabeth Shoenfeld promoted to Senior Assistant Bar Counsel
06/25/2019
- Shelley Spalding (Assistant Bar Counsel) hired 07/15/2019
- Jonathan Cencich (Senior Systems Engineer) hired 08/25/2019
- Dorothy Papciak (Regulatory Compliance Analyst) retired 08/31/2019
- Kelly Armentrout (Intake Analyst) separated 12/13/2019
- Brittany Shaw (Intake Analyst) hired to replace Kelly 01/25/2020
- Matthew Hesser (Legal Secretary) hired 02/18/2020
- Jackie Kruszewski (Communications Coordinator) separation
02/24/2020
- Jonathan Cencich (Senior Systems Engineer) separation 02/24/2020
- Naja Dunn (Regulatory Compliance Analyst) hired to replace Dorothy
Papciak 04/10/2020
- Kaylin Bowen (Communications Coordinator) hired to replace Jackie
04/25/2020
- Katie Uston (Assistant Bar Counsel) separation 05/04/2020
- Suzette Walker (Legal Secretary) separation 05/29/2020
- Alastair Blanks (Senior Systems Engineer) hired to replace Jonathan Cencich
06/25/2020

Positions filled as of June 30, 2020: 90

FTE FOR FY20: 92

FTE FOR FY21: 92

Events of Historical Significance to the VSB Occurring in 2019-2020

The Flood

The year was marked by significant events that disrupted the usual activities of the Virginia State Bar. On July 24, 2019, the Virginia State Bar suffered the loss of approximately a third of its space, when a part failed in the middle of the night in the HVAC system of the Bank of America Building. Twenty-five floors of chiller water were dumped in one floor of the VSB space and ruined computers, monitors and other equipment. The entire 17,337 sq. feet were rendered unusable.

The VSB staff responded with a great attitude: working in tight quarters, sometimes doubling up where only one person was meant to work; working in odd environments where lawyers don't usually work; and multiple people working together in conference rooms that became makeshift offices. Bank of America building management provided alternate workspace on another floor, which the displaced staff were able to occupy on Monday, August 5.

Despite the many difficulties encountered in dealing with the flood, there were also positive developments. Because of the VSB's Continuity of Operations Plan (COOP), the VSB's management team was able to easily contact its 92 employees to notify them of the emergency and advise them of the problem and the actions that were being taken. The four-person IT staff responded immediately and appropriately to get the dues compliance employees back online to meet the needs of our members and continued to assist those whose IT equipment was destroyed in the flood.

Approximately three months later, the building had finished reconstruction of the space, and the displaced employees were able to resume normal operations in the VSB offices.

The Coronavirus Pandemic

And then came the coronavirus.

The VSB Bar Leaders Institute was held on March 6, 2020, at Lewis Ginter Botanical Gardens with 101 lawyers in attendance, seated at round tables of 8. It was business as usual at the BLI and went off beautifully with numerous speakers presenting, including several Virginia Supreme Court justices. Things changed quickly over the next week. Wednesday, March 11, 2020, has been pinpointed as the day that the pandemic changed things in the United States:

... on that Wednesday, the World Health Organization, which had only begun referring to the virus as Covid-19 a month earlier, declared the disease a global pandemic. Every hour seemed to bring major new developments: On Wall Street, after days of huge up-and-down gyrations, the Dow Jones Industrial Average fell 1,465 points and officially entered bear territory; Capitol Hill faced its first confirmed Covid-19 case; the NCAA announced it would play its basketball tournament without fans; and then, in rapid-fire succession that evening, President Trump gave an Oval Office address, announcing a travel ban from Europe, the NBA suspended its season after player Rudy Gobert tested positive for the virus, and Tom Hanks and his wife, Rita, posted on Instagram that they too had been diagnosed while in Australia and were recuperating.

By Thursday, the national landscape had been undeniably altered, and Americans were panic-buying toilet paper. A whole new vocabulary—WFH, PPE, flattening the curve, social distancing, self-isolation, Zoom-bombing, and quarantines—loomed ahead. Epochal events that had occurred just weeks earlier, from the Australian wildfires to President Trump's impeachment trial to the drama of the Democratic primary, would seem instead to have occurred years ago.

"An Oral History of the Day Everything Changed," Garrett M. Graff, <https://www.wired.com/story/an-oral-history-of-the-day-everything-changed-coronavirus/>.

On March 12, 2020, the management team of the VSB decided to cancel an upcoming large event, the VSB Tech Show, to be held on April 27, because of coronavirus concerns. Also, on March 12, Virginia Governor Ralph S. Northam declared a state of emergency due to COVID-19 in Executive Order No. 51. The Governor and State Health Commissioner issued Order of Public Health Emergency One on March 17, 2020, amended on March 20, 2020, declaring a public health emergency. Originally that order was to expire on April 30, 2020, but was extended to June 10, 2020.

Governor Northam's Executive Order 53 (EO-53) was issued March 23, 2020, designating lawyers as essential. It was amended April 15, 2020, extending the duration of the Public Health Emergency Order One and EO-51, EO-53 and EO-55 until June 10, 2020. That order was later extended indefinitely. Paragraph 8 specifically provided:

Although business operations offering professional rather than retail services may remain open, they should utilize teleworking as much as possible. Where telework is not feasible, such business must adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces, and apply the relevant workplace guidance from state and federal authorities.

EO-55 required non-essential persons to stay at home and prohibited social gatherings, both public and private, of 10 or more people.

This partial recitation of the orders issued by the Governor is relevant to an understanding of the depth of the crisis and the VSB's response. In mid-March, the VSB started canceling its meetings and events because of the concern over spread of the disease by meeting in large groups.

The VSB public calendar contemporaneously showed the status of event or meeting cancellations:

March 2020

03/04 Standing Committee on Lawyer Discipline Meeting – VSB

03/06 VSB Bar Leaders Institute – Lewis Ginter Botanical Garden

03/09 VSB MCLE Board Meeting – VSB

03/10 Public Disciplinary Board Hearing – State Corporation Commission

03/10 Disciplinary Board Committee Meeting – VSB

03/13 Diversity Conference Board Subcommittee meeting – TELECONFERENCE

03/18 Public Disciplinary Board Hearing – CONTINUED

03/18 Bench-Bar Relations Committee Meeting – CANCELED

3/19 Diversity Conference Mandatory Bias Subcomm Meeting – TELECONFERENCE

3/20 Access to Legal Services Committee Meeting – CANCELED

3/25 Better Annual Meeting Committee Conference Call – CANCELED

3/27 Public Disciplinary Board Hearings – CONTINUED

April 2020

04/03 Solo & Small-Firm Practitioner Forum – CANCELED

04/15 VSB Administrative Law Section Bd of Gov Meeting – TELECONFERENCE

04/15 VSB Family Law Section Bd of Gov Meeting – TELECONFERENCE

04/15 Past Presidents' Dinner – CANCELED

04/16 Nominating Committee Meeting – TELECONFERENCE

04/16 VSB Executive Committee Meeting – CANCELED

04/21 VSB Senior Lawyers Conference Board Meeting - TELECONFERENCE

04/22 Professionalism Course – CANCELED

04/22 Committee on Technology & the Future Practice of Law Meeting – CANCELED

04/23 Standing Committee on Legal Ethics Meeting – CANCELED

04/23 Diversity Conference Board Meeting – TELECONFERENCE

04/23 Disciplinary Board Meeting – CANCELED

04/24 Public Disciplinary Board hearings – CONTINUED

04/27 VSB TECH SHOW - CANCELED

04/29 Professionalism Committee Meeting - CANCELED

04/30 Diversity Conf Board Subcommittee Meeting – TELECONFERENCE

May 2020

05/01 Leroy R. Hassell Sr. Indigent Criminal Defense Program - LIVE WEBINAR

05/01 Clients' Protection Fund Board Meeting - CANCELED

05/05 Committee on the Resolution of Fee Disputes Meeting - CANCELED

05/05 VSB Disciplinary Board Hearings - CANCELED
05/06 Standing Committee on Lawyer Discipline Meetings - CANCELED
05/06 Better Annual Meeting Committee Conference Call - CANCELED
05/12 Diversity Conference Board Subcommittee Meeting - TELECONFERENCE
05/13 - 05/15 Public Disciplinary Hearings - CANCELED
05/14 Lawyer Insurance Committee Meeting - TELECONFERENCE
05/18 MCLE Board meeting - CANCELED
05/19 Solo & Small-Firm Practitioner Forum - CANCELED
05/28 VSB Professionalism Course - CANCELED

June 2020

06/01 - 06/02 Public Disciplinary Board Hearing - CONTINUED
06/04 Committee on Technology & the Future Practice of Law Meeting - CANCELED
06/17 Executive Committee Meeting – TELECONFERENCE
06/17 Bar Council Reception and Dinner - CANCELED
06/18 Bar Council Meeting - CANCELED
06/18 - 06/20 82nd Annual Meeting - CANCELED
06/25 Committee on Legal Ethics Meeting - VSB
06/26 Public Disciplinary Board Hearings - TBD
06/26 Diversity Conference Subcommittee Board Meeting - TELECONFERENCE

And so forth....

On April 24, 2020, Governor Ralph Northam signed into law a temporary change to the Freedom of Information Act, which will permit public bodies to meet electronically to discuss business, so long as the nature of the emergency makes it inadvisable to assemble in person and the meeting is meant to carry out statutorily required, or necessary, functions. Part of the “caboose” bill, HB29 and SB30, the new provision was effective immediately.

Lawyers and law firms were not immune to the strife caused by the pandemic. Virginia law firms, as elsewhere throughout the country, downsized, laying off lawyers and in

some places cutting their compensation. Because the courts were closed, lawyers who had a criminal defense practice did not have work to do. Other Virginia lawyers suffered from a lack of business as well. One group that fared well as a result of the pandemic were trusts and estates attorneys.

On April 3, 2020, the New York Times reported: "In just two weeks, nearly 10 million Americans have lost their jobs, more than in the worst months of the 2008 financial crisis. A monthly employment report from the Labor Department today is expected to show a net loss of jobs for the first time in nearly 10 years." The expectation that the legal services industry would avoid the impact facing other sectors, such as the hospitality industry, were dismissed by Martha Gimbel, a labor market expert, who said "People are being way too sanguine about a lot of the white-collar industries... This thing is going to come for us all." *New York Times*, April 2, 2020, *A Widening Toll on Jobs: 'This Thing Is Going to Come for Us All.'*

Cancellations continued to occur as the pandemic spread and worsened throughout the country. The economy basically came to a close for approximately two months. Businesses were shut; restaurants were closed. The numbers of occurrences and deaths in Virginia were not as bad as in other jurisdictions, but they were still bad (see data below). Virginia courts were shut down, but gradually started opening by court order to some level. On June 22, 2020, the Supreme Court of Virginia continued the prohibition against jury trials but set up a Jury Task Force to address the reinstatement of jury trials in Virginia.

The ABA Journal reported on June 23, 2020 that things were not as grim for lawyers as they had appeared:

The legal industry has fared surprising well during the COVID-19 pandemic, according to a survey of mostly larger law firms by Wells Fargo Private Bank's legal specialty group.

Although demand was down 10.4% in May compared to the same month last year, demand for the first five months of the year was down only 1.4%, according to a press release summarizing the survey results.

Cash collections were up more than 3% through May, and expenses were essentially flat as law firms reduced discretionary spending.

The survey is based on data from April and May for 52 of the nation's top 100 grossing law firms and 20 midsized and regional law firms.

Other survey findings include:

- Lawyer layoffs have been modest. Layoffs of nonlegal staff members have been concentrated in jobs that don't lend themselves to remote work.
- Transactional practices, such as corporate and real estate, were most affected by the slowdown in demand. Practices have been active, however, in bankruptcy, banking and labor and employment.

- Liquidity is good, with almost 90% of law firms having the ability to cover at least threemonths of monthly expenses, excluding partner draws.

<https://www.abajournal.com/news/article/legal-industry-fared-surprisingly-well-duringpandemic-survey-says>.

Phase One, implemented by Governor Northam, “safer at home,” was implemented on May 15, 2020. Under phase one of the plan, general guidelines for “safer at home” included continued social distancing, continued teleworking, and continued use of face coverings in public. Non-essential businesses like restaurants and salons reopened with limited capacity.

Virginia, with the exception of Richmond and Northern Virginia, entered Phase Two of reopening on Friday, June 5, 2020. Richmond and Northern Virginia entered Phase Two on Friday, June 12. Under Phase Two, restaurants were able to offer indoor seating at 50 percent capacity and fitness centers were open at 30 percent capacity, along with certain recreation and entertainment venues that did not rely on shared equipment were open with restrictions. Governor Northam informed the public on Tuesday, June 23, 2020, that Virginia would enter Phase Three on July 1, 2020. In phase 3, gyms and fitness centers will be able to operate at 75% capacity, as will swimming pools. Entertainment venues, including amusement parks, can open at 50% capacity, or a maximum of 1,000 people. Hair salons and barbershops will be allowed to open completely. So can childcare centers. Overnight summer camps will remain closed, Teleworking will also continue to be strongly encouraged. The state’s guidelines recommend continued social distancing of 6 feet. Face coverings will also still be required, Northam said.

On Thursday, June 12, 2020, the Virginia Department of Health reported that the statewide total for COVID-19 cases is 53,211 — an increase of 564 from the 52,647 reported the previous Thursday. The 53,211 cases include 50,853 confirmed cases and 2,358 probable cases. Also, there are 1,534 COVID-19 deaths in Virginia — 1,426 confirmed and 108 probable. That’s an increase of 14 from the 1,520 reported the previous Thursday. The VDH defines probable COVID-19 cases as people who are symptomatic with a known exposure to COVID-19, but whose cases have not been confirmed with a positive test.

The judiciary started opening the courts again in June, slowly but steadily to deal with the backlog of cases. The Supreme Court of Virginia heard oral argument via video on June 16, 2020, for the first time, one of the cases involving a respondent who had appealed from a VSB disciplinary decision.

The VSB continued its operations throughout the pandemic, enabled in large part by some departments having adjusted during the flood to teleworking. Many employees had the computer equipment to connect securely to the office and continue during their jobs. Other departments resumed working in the office after two weeks off, using Public Health Emergency Leave put in place by Governor Northam.

The Ethics Department reported that the ethics hotline call volumes for FY2020 were decreased from the previous year: 557 calls per month (6687 total for the year), compared to 602 per month (7220 total) in FY2019. It was hypothesized that a lot, but not all, of that seemed to be because of the pandemic slowdown. For just July 1, 2019

through February 28, 2020, there were 589 calls per month, so there was a drop of over 30 per month starting in March.

During the last days of FY 2020, the VSB continued its operation with many staff members teleworking, which eased the situation in the office for those who either could not telework (primarily employees in Regulatory Compliance because of their work setup) or who wished to come into work, rather than telework. Some departments had employees alternating who teleworked versus working in the office. Because of the warning by health officials that everyone still needed to social distance and wear masks when around others, the reduced numbers in the office enhanced the safe environment.

Black Lives Matter movement

George Floyd's death in Minneapolis on May 25, 2020, resulted in peaceful protests and not-so-peaceful protests. His autopsy report indicated he died as the result of suffocation. He had been put in a chokehold for over eight minutes.

President Marni E. Byrum posted this statement to the VSB membership on June 12, 2020:

Dear Virginia lawyers:

Our country and our Commonwealth are quite obviously struggling, and mightily so, with issues of inequality and the pain, anger and unrest that inevitably result from that.

Because the Virginia State Bar is an official arm of the Supreme Court of Virginia, it is prohibited from taking a stance on specific political or ideological issues outside of the regulation of the legal profession or improvement to the quality of legal services. We understand the reasons behind this prohibition.

Still, when being sworn in as lawyers, we all took the oath to defend the Constitution of this Commonwealth and of the United States; and both Constitutions guarantee equal protection under the law. In addition, the Preamble to our Rules of Professional Conduct urges us to be mindful of deficiencies in the administration of justice. Virginia lawyers have long been instrumental in working, through legal means, to ensure and expand constitutional protections to citizens — with regard to voting, marriage, housing and a myriad of other rights. Moreover, and throughout our history, lawyers have been an essential part of the public dialogue; and we must continue to defend and protect citizens' rights, and, particularly, to speak for those who have no voice, or have been denied it.

I urge you to consider ways you, as a lawyer, can make a difference. We are problem solvers, critical thinkers and community servants. Our efforts will continue to be needed in the days, weeks, months, and even years ahead, as our Commonwealth and nation struggle toward the goal of a more perfect union.

Marni E. Byrum
President

On June 16, 2020, the Justices of the Supreme Court of Virginia issued a statement to members of the judiciary and the Virginia State Bar.

To Members of the Judiciary and the Bar of Virginia,

On the frieze at the top of the front steps of the Supreme Court of the United States is a short but profound statement: "Equal Justice Under Law." Article 1 of the Constitution of Virginia states:

"That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety."

Dr. Martin Luther King, Jr., spoke as a prophet when he caused a nation to consider his words from the Birmingham Jail. We need to hear them again: "Injustice anywhere is a threat to justice everywhere."

While words may be inspirational and motivating, to have any lasting impact they must be followed by lawful action.

As Judges, we must take all steps possible to ensure that in the courtrooms of the Commonwealth, all people are treated equally and fairly and with dignity under the law. It is a moral imperative that we do so.

As lawyers, members of the Bar of Virginia, we must provide legal services to those who otherwise would be unable to afford a lawyer. As judges and lawyers, we must encourage our brethren at the bar to make pro bono services a priority in our communities.

At this time, we face many challenges and uncertainties. We must join together to be a part of the solution to problems and difficult circumstances we face. The racial divide we experience in this country can only be bridged by personal efforts to develop new relationships in the communities where we live and work. We can do it -- together.

Donald W. Lemons
Chief Justice of the Supreme Court of Virginia

Justice S. Bernard Goodwyn

Justice William C. Mims

Justice Cleo E. Powell

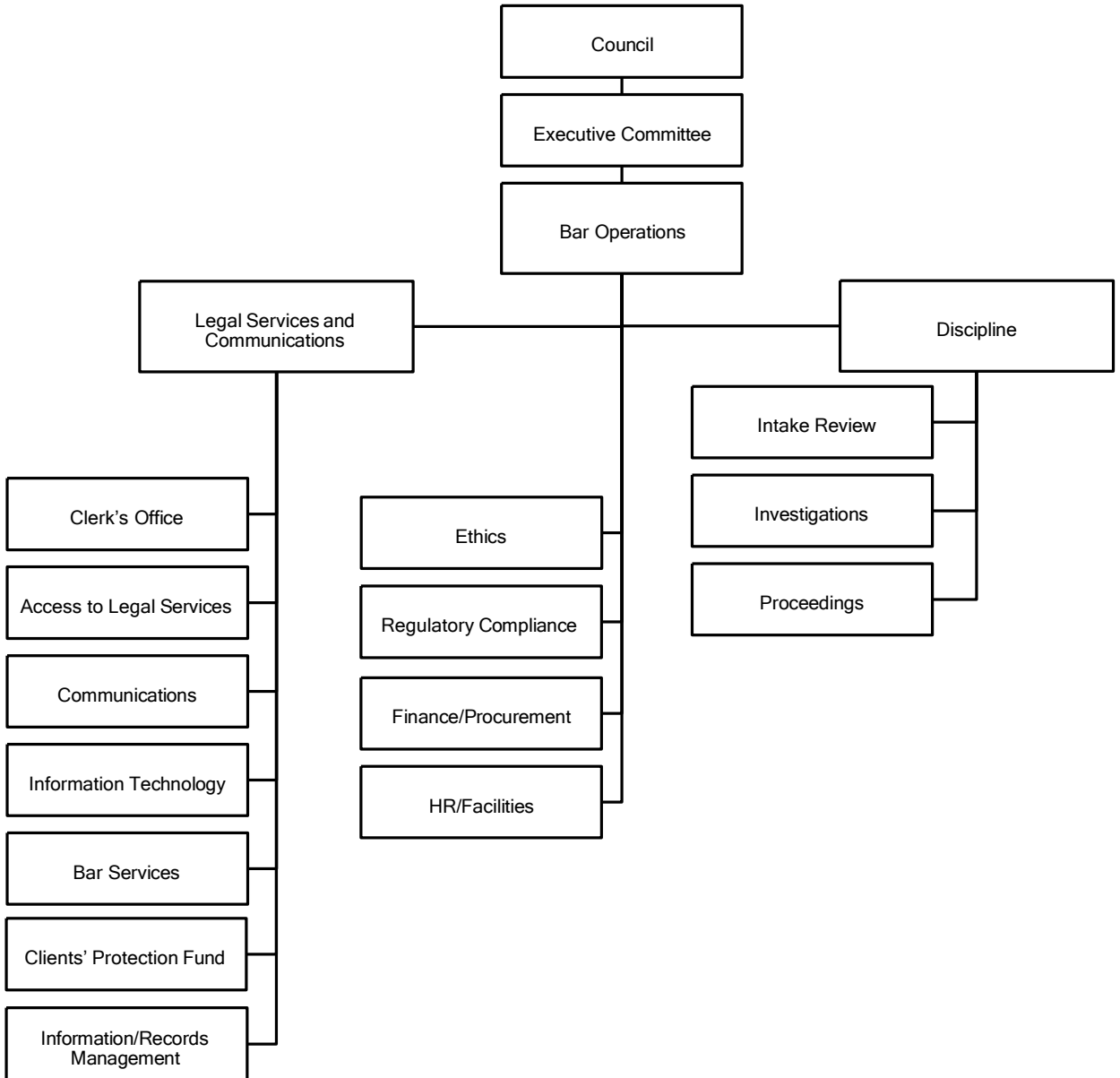
Justice D. Arthur Kelsey

Justice Stephen R. McCullough

Justice Teresa M. Chafin

Updated: Jul 17, 2020

VSB ORGANIZATIONAL CHART



January 2021

Report of the Treasurer

VIRGINIA STATE BAR	
CASH WITH THE TREASURER OF VIRGINIA AS OF JUNE 30, 2020	
Cash with the Treasurer of Virginia as of June 30, 2019: 5,342,209.94	
Operating Revenue:	
Membership Dues	10,659,396.80
Clients' Protection Fund Assessment & Restitution	339,245.24
Professional Corporations	133,750.00
Section Dues	378,640.00
Virginia Lawyer and Virginia Lawyer Register	64,439.41
Virginia Lawyer Referral Service	161,875.00
Mandatory Continuing Legal Education	1,387,460.00
Professionalism Course	113,050.00
Cost Taxing & Bonds	121,331.77
Seminars and Miscellaneous	178,787.21
CRESPA Registration	18,280.00
Administration and Finance Account	1,550.00
Grant Revenue	5,000.00
Attorney Wellness (Not Transferred)	30.00
Total Operating Revenue	13,562,835.43
Operating Expenditures:	
Salaries, Wages and Benefits	9,467,523.61
Receivers	34,835.08
Office Rent	561,154.81

Furniture and Equipment	19,187.50	
Supplies, Stationery and Forms	24,781.90	
Printing and Copying	147,762.78	
Postage	185,928.13	
Communication Technology	80,937.01	
Staff Travel	77,767.59	
Computer	586,744.16	
Council, Committees and Board	261,417.75	
Professionalism Course	124,364.94	
Sections & Conferences	317,148.63	
Attorney General's Office Fees	53,523.03	
Chief Justice's Programs and Projects	31,322.05	
Other Operating Expenditures	454,261.46	
Total Operating Expenditures		12,428,660.43
Other Disbursements and Transfers:		
Lawyers Helping Lawyers	12,500.00	
Administration and Finance Account Transfers	1,577.87	
Clients' Protection Fund Transfers	335,317.46	
Grants	15,000.00	
Appropriation Act Transfer	56,836.00	
Total Other Disbursements and Transfers		421,231.33
Cash with the Treasurer of Virginia as of June 30, 2020:		6,055,153.61

Report of the Office of Bar Counsel

Renu M. Brennan, Bar Counsel

I. DISCIPLINARY STATISTICS – FY 2020 (July 1, 2019 to June 30, 2020)

The Office received 3,091 complaints in FY 2020, equating to 9.8% of Virginia's 31,693 active lawyers. In FY 2019, the Office received 3,123 complaints against Virginia's then 32,870 lawyers (9.5%). While complaints were trending up from July 1, 2019 until the March 2020 COVID-19 outbreak, complaints declined after the outbreak until June 30, 2020. Overall, complaints were down 32 from last year, however, the percentage of complaints relative to the number of active lawyers was slightly higher than last year, because the number of active lawyers decreased by 1,177.

Seventy-nine percent of the complaints (2,440 of 3,091) were screened out early in the review process. The disciplinary statistics below reflect that 473 cases were dismissed by Bar Counsel, the Subcommittees, Disciplinary Board, and Circuit Courts, and 128 lawyers received private (54) or public (74) discipline. Of the 74 lawyers publicly disciplined, 20 lawyers received public reprimands or admonitions; 20 lawyers were suspended; and 34 lawyers' licenses were revoked.

[Disciplinary actions July 2019 - December 2019](#)

[Disciplinary actions January 2020 - June 2020](#)

Dismissal and Sanctions Statistics Information for FY 20:

Number of cases dismissed in house by Bar Counsel	331
Number of cases dismissed by Subcommittee	125
Number of cases dismissed by District Committee	0
Number of cases dismissed by Board	12
Number of cases dismissed by Circuit Court	5

Number of lawyers who received private discipline – Admonition	27(32)*
Number of lawyers who received private discipline – Reprimand with Terms	14(15)
Number of lawyers who received private discipline – Reprimand without Terms	9(10)
Number of lawyers who received private discipline - Dismissal De Minimis ^[1]	2(2)
Number of lawyers who received private discipline – Dismissal Exceptional Circumstances	2(2)
Number of lawyers who received public discipline - Admonition without Terms	1(1)
Number of lawyers who received public discipline - Admonition with terms	2(3)
Number of lawyers who received public discipline – Reprimand with Terms	10(10)
Number of lawyers who received public discipline – Reprimand without Terms	7(7)
Number of lawyers who received public discipline - Suspension	20(36)
Number of lawyers who received public discipline - Consent to Revocation	16(25)
Number of lawyers who received public discipline – Revocation by agreement	1(1)

Number of lawyers who received public discipline – Revocation following hearing	10(19)
---	--------

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

II. Changes to Disciplinary Procedure and the Rules of Professional Conduct

Disciplinary Procedure

Effective December 1, 2019, the Court approved [the Committee on Lawyer Discipline’s proposed amendments to Paragraph 13 of Part 6, Section IV of the Rules of the Supreme Court of Virginia](#). The amendments promote transparency, remove confusing terminology, and ensure uniformity in disciplinary proceedings.

[Effective March 15, 2020](#), the Court [amended Paragraph 13](#) to state that a Summary Order is a bench order issued by the Board Chair or three-judge Circuit Court and explicit findings of fact are not required in proceedings conducted pursuant to Va. Code § 54.1-3935. The Court also amended Paragraph 13-30.B, to remove the specific reference of disclosure of an Attorney’s Disciplinary Record in a tribunal’s “findings of fact.”

Effective June 30, 2020, the Court approved [revisions to Paragraphs 3 and 13-23.K](#) regarding membership statuses. The Rule changes: (1) impose an email address of record requirement for all members; (2) create separate membership classes for retired and disabled members (with corollary changes to Paragraph 13-23.K.); (3) remove the requirement for active members to be “engaged in the practice of law”; (4) revise some procedures for electing different membership classes; and (5) update the Rule’s language to eliminate ambiguous terminology.

Rules of Professional Conduct

By Order entered October 2, 2019, the Court approved revisions to [Rule of Professional Conduct 4.4\(b\) Receipt of Inadvertently Disclosed Information](#).

By Order entered October 24, 2019, the Court rejected proposed revisions to [Comment 5 of Rule 3.8\(d\), Additional obligations of prosecutors](#).

Effective March 15, 2020 the Court approved [amendments to Rule 1.15, Safekeeping Property](#).

Legal Ethics Opinions

By Orders entered October 2, 2019, the Court approved [LEO 1750 Advertising Compendium Opinion](#), and [LEO 1872 Virtual Law Office and Use of Executive Office Suites](#).

Effective January 9, 2020, the Court approved LEO [1891 Communications with Represented Persons and Government Officials](#). LEO 1891 concludes that communications with a represented government official are authorized by law and do not require the government lawyer's consent if the communications are to address a policy issue and the government official can take or recommend government action or effectuate government policy on the issue.

III. Appeals Decided by The Supreme Court of Virginia

By Order entered October 30, the Court affirmed [the Three-Judge Panel's revocation of Joseph D. Morrissey's license](#). Morrissey's petition for rehearing of the Court's denial of his petition asking his case be remanded to the Three-Judge Panel for appropriate findings of facts was rejected by the Court on October 11, 2019.

On September 19, 2019, the Court denied **Rhetta Moore Daniel's** appeal of the [Disciplinary Board's Memorandum Order of Revocation of Daniel's license](#) because Daniel failed to timely file an opening brief.

On April 27, 2020, the Court dismissed **John B. Russell, Jr.'s** appeal of the [Disciplinary Board's Memorandum Order suspending Russell's license for two years](#). Russell withdrew his appeal.

On June 23, 2020, the Court dismissed **Randall Sousa's** appeal of the [Disciplinary Board's Memorandum Order of February 25, 2020 suspending Sousa's license for three years](#) because Sousa failed to timely file his notice of appeal. Previously, on January 16, 2020, the Court dismissed Sousa's appeal of the Disciplinary Board's Interim Suspension Order of his law license because the Interim Suspension Order was not a final order.

By Order entered July 14, 2020, the Court dismissed **Katina C. Whitfield's** appeal of the [Disciplinary Board's Memorandum Order of Revocation of Whitfield's license](#) because Whitfield failed to timely file her opening brief.

On July 30, 2020, the Court affirmed the Disciplinary Board's Memorandum Order Affirming the District Committee's Public Admonition with Terms in the [Craig Edward Baumann appeal](#).

IV. Reinstatements

Steven Frank Helm's motion for reconsideration of the Court's denial of his petition for reinstatement was rejected by the Court on October 1, 2019.

On June 25, 2020, the court rejected **Ann Bridgeforth Tribbey's** petition for reinstatement that was filed with the Virginia State Bar on May 30, 2018 and heard by the Disciplinary board in June 2019.

[\[1\]](#) Effective December 1, 2019, the Dismissal De Minimis and Dismissal for Exceptional Circumstances are no longer disciplinary sanctions.

Updated: Aug 06, 2020

Access to Legal Services

Jennifer A. Fulmer, Chair

Vice chair: Alexandra S. Fannon

Members: Adonica Baine, Donna Sue Baker, Polly Chong, Karl A. Doss, Teirra M. Everette^[1], Paul C. Garrett, Valerie Aline L'Herrou, David L. Marks, Kristopher R. McClellan, Dale W. Pittman, Devon R. Slovinsky, Joanna L. Suyes, Crystal Y. Twitty^[2], Martin D. Wegbreit, Judge Patricia West

VSB staff: Crista L. Gantz, VSB Access to Legal Services Director **2019-**

20 Major Accomplishments

- Access to Legal Services officially became a standing committee of the Virginia State Bar
- Successfully completed the first year of Voluntary Pro Bono Reporting and exceeded goals for attorney response rate
- Court approval of proposed amendments to Voluntary Pro Bono Reporting Rule
- Court approval of proposed amendments to Section 5 Voluntary Pro Bono Reporting form
- Distributed more than 13,000 copies of the *Free & Low-Cost Legal Resources Guides* to Virginia courts
- Hosted the first ever full-day Pro Bono Conference with morning poverty simulation
- Publication of the December 2019 Pro Bono issue of *Virginia Lawyer*
- Virginia.freelegalanswers.org leading the nation in attorney response rate and surpassing 3,000 questions asked and answered on the portal

Meetings:

The Committee met in Richmond on 8/26/2019, 1/28/2020, and during the joint Pro Bono Conference/Virginia Legal Aid Conference in Harrisonburg on 10/16/2019.^[3]

Over the course of the Bar year, the Access Committee worked on a variety of access to justice issues through its subcommittees: Awards, Alternative Delivery Systems/SRL, and Rules.

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 Marni Byrum, VSB immediate past president; Brian Buniva,

VSB president; James McCauley, VSB ethics counsel; John Whitfield, Co-Chair Virginia

Access to Justice Commission and executive director, Blue Ridge Legal Services; Nicole Harrell, Co-Chair, VBA Pro Bono Council and Kaufman & Canoles; David Neumeyer, Executive Director, VBA Pro Bono Council and VLAS; Kristin Clarins, CABA; Hon. David Lannetti, VBA Pro Bono Council and Judge, Norfolk Circuit Court.

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^[4]. The committee name, purpose, size (15 members) and composition are now written into the bylaws. 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 were permitted to report online or by mail. Below is an outline of three areas where the Access committee realized major successes related to voluntary pro bono reporting in the 2019-2020 bar year.

- **Successful Completion of First Year of Reporting & Favorable Response Rate Achieved**

In the first year of voluntary reporting more than 66 percent of active members of the Virginia State Bar participated, accounting for approximately 368,846 hours of service and more than \$974,000 in financial contributions. Overall response rates in most states with voluntary pro bono reporting have been below the rates achieved in Virginia, and not a single state has had response rates higher than Virginia within the first year of implementing voluntary pro bono reporting. Oregon, Louisiana, and Georgia had response rates in the single digits in the first year of reporting, and Kentucky, Ohio, Tennessee and Washington had response rates in the teens. Except for Tennessee, the response rates seen in the states with low participation have not significantly improved in future reporting years. Montana, Arizona, and Connecticut enjoy higher response rates compared to these other states, but even these three states have not had rates as high as Virginia in the first year of reporting.

- **Court Approval of Proposed Changes to Voluntary Pro Bono Reporting Rule**

The Court approved changes to the voluntary pro bono reporting rule allowing Associate members of the VSB to report and allowing the VSB flexibility in determining how to best collect the voluntary reporting data.

- Court Approval of Proposed Amendments to Section 5 Reporting Form

The Court will annually approve the VSB Section 5 form. This year they approved the proposed changes to the form without amendment. The updated form will help VSB develop a more nuanced understanding of pro bono service as well as improve data collection and reliability to help us more accurately measure the pro bono contributions of Virginia attorneys. It reflects feedback from members and stakeholders and is a significant process improvement. The 2020-21 dues statement contains the amended form.

Other Accomplishments

Virginia.freelegalanswers.org:

Virginia.freelegalanswers.org, the online, interactive, pro bono question & answer website hosted by the Virginia State Bar, celebrated its three-year anniversary on August 22, 2019. The Committee continued to support the Virginia Free Legal Answers portal through daily administrative functions of the staff liaison and year-round promotional engagements. Ms. Gantz continued her annual interactive CLE training event at the University of Richmond School of Law (the third annual training of such kind). Ms. Gantz also hosted a VA FLA table at the ABA Business Law Section's annual meeting in DC, where she was also interviewed for an ABA promotional video highlighting the Free Legal Answers program. Ms. Gantz also presented on two ABA webinars highlighting Free Legal Answers as a pro bono tool. 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 (3,590 registered clients), volunteer lawyers (406) and questions asked (3,259) and answered (3,038). Virginia.freelegalanswers.org has consistently had an attorney response rate of 93 percent, putting us at the top of the nation in this category. An estimated 1,063 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 selfrepresented litigants. In the 2018 bar year, the Access Committee kicked off a partnership with the Diversity Conference to translate the Access guide into Spanish, which as completed last year and made available in PDF form on the bar website; next year we will print and distribute the Spanish guide to Qualified Legal Services providers and the courts.

In September 2020 Ms. Gantz attended the Annual Circuit Court Clerks Association

Annual Meeting in Bristol, VA. She distributed more than 13,000 copies of the guides to GDC and circuit courts throughout the commonwealth, saving the VSB hundreds of dollars in shipping costs. Similar distribution efforts are planned for the future when inperson conferences resume.

Conferences, Webinars, Seminars, Presentations, and Outreach:

The 2019 Virginia State Bar Pro Bono Conference was held on October 16, 2019, in Harrisonburg, VA in conjunction with the Virginia Legal Aid Conference. This was the fifth time these events were held together, and attendees were welcome to attend sessions at either conference. More than 65 people participated, plus additional attendees from the Virginia Legal Aid Conference. For the first time the conference offered a full day of events, including a well-attended, interactive poverty simulation conducted in the morning. 4 hours of CLE programming was offered in the afternoon, including a session on trauma-informed lawyering.

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 2019-20 Bar year, most notably programs on eviction defense to mobilize pro bono attorneys to help respond to the eviction crisis in Virginia.

Awards and Recognition:

On October 16, 2019, during the Pro Bono Conference, the Committee presented the Lewis F. Powell, Jr., Pro Bono Award to Herbert L. Sebren. The Committee also presented the second annual Frankie Muse Freeman Organizational Pro Bono Award to co-recipients Consumer Litigation Associates, P.C. and Kelly Guzo, PLC. Bar President Marni Byrum was the master of ceremonies and LSC President Jim Sandman gave the guest remarks. More than 350 people attended this event.

The Committee designated Emily Lopynsky of UR Law as the 2020 recipient of the Oliver White Hill Law Student Pro Bono Award and Marcel Slag of the Legal Aid Justice Center as the recipient of the 2020 Legal Aid Award. The 2020 Legal Aid Luncheon was canceled due to the COVID-19 pandemics, so we were unable to formally present the awards this year. The recipients will be formally recognized at future statewide event.

Departing members: Polly Chong; Paul C. Garrett. 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 (2020-21): Llezelle Dugger; Brandy Disbennett-Albrecht

Officers (2020-21): Jennifer Fulmer, Chair; Ali Fannon, Vice Chair

[1] Ms. Everette joined the committee in the 2019-20 bar year to fill the unfinished term following Ms. Twitty's resignation.

[2] Ms. Twitty resigned from the committee in the 2019-2020 bar year; her term was filled by Ms. Everette.

[3] The Spring 2020 meeting scheduled for March 20 was cancelled due to the COVID19 pandemic and related instructions from the governor.

Updated: Jul 13, 2020

Budget and Finance

Marni E. Byrum, Chair

The Standing Committee on Budget and Finance met on January 9, 2020, to review and approve the staff's proposal for the FY 2021 operating budget. The committee proposed changes be made to the Professionalism course budget because of the decrease in the course reserve. The Budget and Finance committee approved the FY 2021 budget pending recommended changes from the Standing Committee on Professionalism.

The Standing Committee on Professionalism met on February 20, 2020 and recommended several changes. Effective December 2020, a new fee structure increases the course fee to \$200 for bar exam admittees and to \$225 for reciprocity, VCC admittees and lawyers returning to Active status. Also, the committee recommended an immediate change to the staff salary/benefit expense allocation from the current 60/40 percent split between the Bar Services department and the Professionalism Course to a 90/10 percent split.

On February 29, 2020, Bar Council considered, and unanimously approved, an operating budget of \$14.7 million for FY 2021. Chief Justice Lemons communicated the Supreme Court's approval of the budget on April 2, 2020, to Karen Gould, Executive Director and Chief Operating Officer.

The FY 2021 proposed budget estimates \$14.7 in expenditures. This is a decrease of approximately \$1.2 million over the prior year budget. The decrease is primarily due to the removal of the offsetting Attorney Wellness transfer (\$984,000). The Attorney Wellness transfers are handled as revenue reductions and not expenditures.

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

Updated: Jul 15, 2020

Lawyer Discipline

James W. Hundley, Chair

The Standing Committee on Lawyer Discipline (COLD) oversees the attorney disciplinary system to ensure that it is efficient, effective, fair, and accountable to the public. As part of its review of the efficiency and efficacy of the disciplinary system, COLD monitors the progress of complaints and investigations through monthly reports from Bar Counsel and dialogue with other volunteers in the disciplinary system, including the District Committee Chairs.

COLD also oversees the disciplinary process through two subcommittees, Oversight and Rules. The Oversight Subcommittee conducts random reviews of complaints to ensure that all procedures are followed. In FY 2020, there were approximately 120 random reviews. Specific files are also reviewed if complainants or respondents question the handling of a case. In FY 2020 there were five such reviews. Elsey A. Harris, III chaired the Oversight Committee.

The Rules Subcommittee, chaired by COLD Vice-Chair, Peter A. Dingman, regularly reviews and, as appropriate, suggests amendments to Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia, which governs the disciplinary process. COLD publishes all proposed amendments for comment, reviews the comments received, and presents proposed amendments to the Virginia State Bar Council, which decides whether to petition the Supreme Court for adoption of the proposed changes.

Effective December 1, 2019, COLD's proposed [amendments to Paragraph 13 of Part 6, Section IV of the Rules of the Supreme Court of Virginia](#) were approved by the Supreme Court of Virginia. The amendments promote transparency, remove confusing terminology, and ensure uniformity in disciplinary proceedings.

During FY 2020, the Rules Subcommittee studied succession planning and whether to encourage or require some or all attorneys to create and maintain a succession plan. The Subcommittee expanded the discussion to include practitioners with expertise in the area, including Barbara Anderson, and Assistant Ethics Counsel. The Subcommittee also reviewed information from other jurisdictions, particularly those which had recently enacted requirements regarding succession planning or encouraged members to voluntarily identify that they had a plan in place. After the review and discussion, the Subcommittee concluded that Comment 5 to Rule 1.3, Diligence, which encourages solo practitioners to have a succession plan is sufficient. Comment 5 to Rule 1.3 provides as follows: "A lawyer should plan for client protection in the event of the lawyer's death, disability, impairment, or incapacity. The plan should be in writing and should designate a responsible attorney capable of making, and who has agreed to make, arrangements for the protection of client interests in the event of the lawyer's death, impairment, or incapacity."

COLD's annual disciplinary conference was held at the Virginia Crossing Hotel in Glen Allen, Virginia on July 25 and 26, 2019. [The 139 attendees included COLD and the district committee and Disciplinary Board members](#) that hear disciplinary matters.

The programs at the conference seek to enhance the disciplinary system by educating, training, and updating the disciplinary system volunteers on the disciplinary process, caselaw, and ethics, as well as providing interactive sessions and opportunities for members to collaborate and ask questions about the disciplinary process.

In the fall of 2019, the Office of Bar Counsel, COLD, and members of the District Committees and Disciplinary Board also participated in District Committee training in each of the districts. This training was enthusiastically received, and the plans are to continue and enhance the training, perhaps virtually. Unfortunately, the July 2020 disciplinary conference was cancelled due to COVID-19. COLD and the Office of Bar Counsel are working on virtual training for the last summer and fall.

COLD is comprised of 10 attorneys, two laypersons, and the first vice chair of the VSB Disciplinary Board, who serves ex-officio. In FY 2020, the committee met every other month beginning in July continuing through March. Due to the COVID-19 pandemic, COLD did not hold the May meeting; however, staff issued its regular reports to COLD.

This year four of us are retiring after six years of service to COLD: I, Lizzie Martingayle, E.M. Wright, and Skip Francis. On behalf of COLD, I thank Lizzie, E.M., and Skip for their dedication and lengthy service in the disciplinary system including their six years of service in COLD. Also, on behalf of COLD, I welcome the new members: R. Braxton Hill, IV, Sean C.E. McDonough, Melissa W. Robinson, and Gaye T. Stone. Peter A. Dingman and Pleasant A. Broadnax will serve as Chair and Vice-Chair, respectively. Pleasant Broadnax will also chair the Rules Subcommittee, and Elsey A. Harris, III will continue to chair the Oversight Committee.

Submitted June 17, 2020

Updated: Jul 15, 2020

Legal Ethics in the Time of COVID-19

Dennis J. Quinn, Chair

In FY 2020, the Committee received two new LEO requests which are still pending before the Committee. The Committee met four times in Richmond; two scheduled meetings were canceled because of Covid-19 restrictions.

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

- Rule 1.15 – Safekeeping Property; approved by SCV on January 9, effective March 15, 2020

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

- LEO 1890 – Communications with Represented Persons (Compendium Opinion); the opinion was approved by the SCV on January 9, but the order was then vacated on April 7, 2020; the opinion is still pending with the SCV
- LEO 1891 – Communication with Represented Government Officials; approved by SCV on January 9, 2020, effective immediately

Three matters that were submitted to the SCV during FY 19 were approved in FY 20:

- Rule 4.4(b) – Respect for Rights of Third Persons; approved by Council in June 2019; approved by SCV October 2, effective December 1, 2019
- Revisions to LEO 1750 – Advertising Compendium; approved by Council in June 2019; approved by SCV October 2, 2019, effective immediately
- Revisions to LEO 1872 – Virtual Law Office and Use of Executive Suites; approved by Council in June 2019; approved by SCV October 2, 2019, effective immediately

Rule 3.8, proposed Comment [5] was submitted to the SCV for approval in FY 19 and rejected by the SCV in FY 20.

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

- Rule 1.8 – Conflict of Interest: Prohibited Transactions Rule
- 1.10 – Imputed Disqualification: General Rule
- Rule 1.15 – Safekeeping Property
- Rule 3.3 – Candor toward the Tribunal
- LEO 1878 – Successor Lawyer’s Duties in Contingent Fee Matter
- LEO 1850 – Outsourcing (Revisions)

Committee members for this year: Dennis Quinn (chair), Denise Jackson (vice chair), Randy Cargill, Jeffery Mitchell, Jay Myerson, Michael Robinson, Shannon Taylor, Nathan Veldhuis, and Michael York. VSB staff liaisons are James McCauley, Emily Hedrick, and Seth Guggenheim.

Ethics hotline calls through June 30, 2020, totaled 6,687, for an average of 557 calls per month.

Professionalism

Hon. 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 42,300 new admittees have taken the course

During the past year, courses were held in Roanoke, McLean (2), and Richmond (2). There were approximately 777 combined attendees at these courses. Due to the decrease in the number of attorneys required to take the course, one McLean course was eliminated. The committee was happy to welcome Joseph A. Condo, the

Honorable Gerald Bruce Lee (retired), the Honorable David J. Novak, the Honorable M. Hannah Lauck, and the Honorable Robert S. Ballou as luncheon speakers at the courses. Programs scheduled for Charlottesville and Norfolk were cancelled due to the coronavirus pandemic, and the compliance deadline for members was extended.

Professionalism Course costs are supported solely by attendee registration fees, with any excess funds held in reserve for future years. Due to increased course costs and decreased attendance, the reserve was expected to be depleted in 2021; therefore, the committee voted to increase the course costs to \$200 for members admitted by bar exam and \$225 for members admitted by reciprocity, as corporate counsel, or returning to active status. The Council approved this fee increase at its February 2020 meeting.

The Honorable David W. Lannetti will continue to serve as committee chair and course moderator for the 2020–2021 year. Because the committee could not meet during the pandemic state of emergency, no new faculty were selected; instead, faculty members scheduled to retire in 2020 will be asked to serve one additional year.

Updated: Jul 16, 2020

Clients' Protection Fund Board

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.

The total amount paid during FY 2019-2020 was \$30,659 for ten claims. The Board denied seventeen (17) petitions, and fourteen (14) petitions were rejected for not meeting the CPF rule requirements. Three (3) claims were withdrawn by the petitioners. As of June 30, 2020, there were thirty-six (36) pending claims.

The total amount paid for the operating expenses of the CPF for the fiscal year was \$4,221.00. In addition, the fund paid \$15,357.00 for receivership cases initiated by the Virginia State Bar.

The fund began the fiscal year on July 1, 2019, with a cash balance of \$10,157,966. The Clients' Protection Fund \$10 assessment from all active attorneys totaled \$326,355. Interest income for the fiscal year, totaled \$204,404. The fund received restitution from the attorney general's collections, debt set-off, and individual restitutions in the amount of \$12,132 net of attorney's fees for collection services. As of June 30, 2020, the cash balance in the fund was \$10,650,622.

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.

As chair, I am retiring after 6 years on the CPF Board and express great appreciation to all of the board members and staff that I have met and worked with over the years.

Peter M. Mellette, Esquire, will be joining the CPF board as a new member for the fiscal year 2020-2021, and we extend a warm welcome to Peter.

Updated: Jul 23, 2020

Mandatory Continuing Legal Education

Christine L. Poarch, Chair

The Mandatory Continuing Legal Education Board (Board) was established by the Supreme Court of Virginia in 1985 to administer 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. MCLE Board members for the 2020 fiscal year included Christine L. Poarch of Salem, Kimberly A. Pierro of Richmond (Vice-Chair), Mark S. Brennan of Richmond, Henry L. Chambers Jr of Richmond, Janet James of Virginia Beach, Johnny A. Martin of Bristol, Shukita L. Massey of Hampton, Scott A. Nerlino of Alexandria, William H. Old of Newport News, Michael D. Pierce of Norfolk, Joanna L. Suyes of Richmond, and Tameeka M. Williams of Norfolk. 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, services as the staff liaison to the Board.

The MCLE Board met five times during FY2020 at the Virginia State Bar's Richmond office to consider course applications, attorney requests for extensions and waivers, and other matters integrally related to the administration of the MCLE program in Virginia. Over the last reporting cycle, the MCLE staff and Board considered 24,474 course approvals and 27 waiver/extension requests. The MCLE staff has continued to implement methods to more efficiently utilize the Board's regulations and opinions to evaluate continuing legal education courses. This enables the Board to focus more on larger programmatic and policy matters. This year, the Board reviewed MCLE Opinion 17 to add additional language broadening the scope to address topics of cybersecurity and data privacy and MCLE Opinion 19 to provide additional information on topics approvable for wellness credit. Due to concerns related to Covid-19 the meetings scheduled for March and May 2020 were canceled.

In coordination with Justice Stephen R. McCullough, the Supreme Court of Virginia's liaison to the MCLE Board, we developed an initiative to solicit input from a wide-cross section of CLE providers to gather feedback and present concrete recommendations for the MCLE Board's consideration to improve the course application process. While this effort was aimed at obtaining feedback from providers, the resulting improvements would have improved the experience for both providers and Virginia lawyers.

Unfortunately, before this initiative could be implemented, the COVID-19 pandemic necessitated its indefinite delay both because of social distancing guidelines, the staff's rapid shift in priorities to address mission essential services and in light of the challenges facing the broader MCLE provider community. It is our intent to re-start this outreach effort at an appropriate and safe time.

Like all of us, I am hopeful the upcoming year proves to return us to a more stable foundation from which to continue the important work of the Virginia MCLE Board.

The leadership of the MCLE Board for the upcoming fiscal year will be Christine L. Poarch serving as Chair. Mark S. Brennan will serve as Vice Chair.

I would like to thank all of the Virginia State Bar's Regulatory Compliance Department who carry out the Board's daily administrative operations as well as the MCLE Board members for their voluntary contributions of both time and knowledge.

Updated: Jul 19, 2020

Bench Bar Relations

Manolita A. Holadia, Chair

Officers for the 2019-2020 Fiscal Year:

- Manolita A. Holadia, Chair
- Nupur Bal, Vice Chair

The Bench Bar Relations Committee ("BBRC") continues to serve the needs of Virginia judges and lawyers by supporting and improving the administration of justice, enhancing service to the community and increasing professionalism and collegiality within Virginia's legal system.

This year the BBRC was composed of 18 members, including, Manolita Akiko Holadia, Esq., Chair, Nupur Sidhu Bal, Esq., Vice Chair, the Hon. William Cleveland Mims, the Hon. Robert J. Humphreys, the Hon. Joseph Walton Milam, Jr., the Hon. William Allan Sharrett, the Hon. Colleen Kearns Killilea, the Hon. Ashley K. Tunner, the Hon. Robert Ferrell Newman, Marni Elaine Byrum, Esq., President of the VSB, Brian Lawrence Buniva, Esq., President-Elect of the VSB, Leonard Claro Heath, Jr., Esq., Immediate Past President of the VSB, Liezelle Agustin Dugger, Esq., Anneshia Michel Miller Grant, Esq., Charlene Louise Hinton, Esq., Kamala Hallgren Lannetti, Esq., Lesley Pate Marlin, Esq., Douglas Bradley Marshall, Esq., Matthew Robert McGuire, Esq., Gordon Carl Ufkes, Esq., and Edward Laurence Weiner, Esq.

The Bench Bar Relations Committee held the following meetings this year, September

18, 2019 – Virginia State Bar, Richmond, and January 15, 2020 - Virginia State Bar, Richmond. Due to the novel coronavirus and COVID-19, meetings scheduled for March and May were cancelled. Despite the abbreviated Bar year, the BBRC did publish an Op-Ed in the Richmond Times Dispatch extolling the virtues of Virginia's judicial selection process. This informational article coincided with the 2019 General Assembly election and provided an opportunity for Virginia voters to better understand the benefits of a non-partisan judiciary. The article can be found here:

[RTD Op/Ed](#)

It has been a great privilege and honor to serve with all the distinguished members of this Committee. Among other endeavors to serve the bench, bar and community, we made recommendations in the Judicial Performance Evaluation Program; we provided suggestions to the YLC Bench-Bar Relations Guide; and our Judiciary members participated in VSB seminars (or recruited other judges) located in the far reaches of our Commonwealth. Unfortunately, the pandemic delayed Judge Killilea's presentation on the Citizen Court Academy. If this program is promoted by our

Committee, it will educate the public about the administration of justice in our Commonwealth and will not only assist any person seeking access to our system but reveal that our system purposes to benefit all and exclude none.

The leadership of the BBRC for the upcoming Bar year will be the Honorable Colleen Killilea, Chair and Nupur Bal, Vice Chair.

Finally, I would like to conclude by thanking those who, like me, will be rotating off the committee after years of dedicated service; and we wish to welcome those new members coming aboard to serve on the BBRC.

- Manolita Akiko Holadia of Virginia Beach rotated off the committee as of June 30, 2020, after 6 years of service.
- The Hon. William Cleveland Mims of Richmond, VA rotated off the committee as of June 30, 2020, after 5-1/2 years of service. The **Hon. Cleo E. Powell of Richmond, VA replaced him.**
- The Hon. Robert J. Humphreys of Richmond, VA rotated off the committee as of June 30, 2020, after 6 years of service. The **Hon. Lawrence R. Leonard of Norfolk, VA replaced him.**
- The Hon. Joseph Walton Milam, Jr. of Danville, VA rotated off the committee as of June 30, 2020, after 7 years of service. The **Hon. Steven C. McCallum of Chesterfield, VA replaced him.**
- The Hon. William Allan Sharrett of Emporia, VA rotated off the committee as of June 30, 2020, after 6 years of service. The **Hon. Mary Jane Hall of Norfolk, VA replaced him.**
- Hon. Ashley K. Tunner of Richmond, VA rotated off the committee as of June 30, 2020, after 5-1/2 years of service.
- Hon. Robert Ferrell Newman of Richmond, VA rotated off the committee as of June 30, 2020, after 5-1/2 years of service.
- Llezelle Agustin Dugger of Charlottesville, VA rotated off the committee as of June 30, 2020, after 5-1/2 years of service.
- Gordon Carl Ufkes, Esq of Norfolk. VA rotated off the committee as of June 30, 2020, after 6 years of service. **Bruce H. Russell, II of Lebanon, VA replaced him.**

Manolita "Manny" Holadia, Esq.
Joynes & Gaidies
502 Viking Drive, Ste 201
Virginia Beach, VA 23452

Updated: Jul 15, 2020

Judicial Candidate Evaluation Committee

Bevin R. Alexander Jr., Chair

JCEC met and evaluated candidates for two vacancies during 2019-2020:

1. Vacancy on the Virginia Court of Appeals (Judge Rossie Alston)

The Virginia State Bar was asked by Senator John Edwards of the Judiciary Committee of the Senate of Virginia to evaluate candidates for the vacancy on the Court of Appeals of Virginia due to the appointment of Judge Rossie Alston to the federal bench. Interviews of candidates took place on Wednesday, February 19, 2020.

After conducting its usual exhaustive background investigation and interviewing the candidates, the committee made the following determinations on the candidates who were found to be qualified and highly qualified. This information was conveyed to Senator Edwards at the conclusion of the process, along with individual reports on each candidate. As of June 30, 2020, the General Assembly had not selected a candidate to replace Judge Alston.

	NAME	QUALIFIED VOTE	HIGHLY QUALIFIED VOTE
1	Hon. David Bernard	12-0	12-0
2	Hon. Richard Gardiner	12-0	
3	Carlos Hopkins	12-0	10-2
4	Hon. Wesley Marshall	12-0	10-2
5	Hon. Stephen McCallum	12-0	10-2

6	Hon. Stacey Moreau	16-0 (2014 COA vote)	16-0 (2014 COA vote)
7	Hon. Daniel Ortiz	12-0	9-3
8	Stuart Raphael	11-0 (1 recusal)	10-1 (1 recusal)
9	Hon. Jan Roltsch-Anoll	11-0 (1 recusal)	
10	Hon. Joey Showalter	15-0 (2014 COA vote)	14-1 (2014 COA vote)
11	Hon. Victoria A.B. Willis	11-0 (1 recusal)	

The JCEC policy, amended in 2016, Paragraph II.G. provides:

If a candidate has previously been evaluated by the Committee for the same position and received a rating of “Qualified” or “Highly Qualified,” there shall be a rebuttable presumption that the candidate merits at least the same rating. In order for the presumption to be rebutted, the Committee must be presented with information reflecting on the candidate’s qualifications that warrants a vote to a lower rating.

2. **Vacancy on the federal court in the Western District of Virginia (Judge Glen Conrad)**

Senators Tim Kaine and John Warner asked the committee in 2020 to evaluate an additional candidate for the Western District of Virginia vacancy occasioned by Judge Conrad taking senior status. The six JCEC members who were available to conduct a background investigation, interview and evaluate Mr. Cullen rated him Highly Qualified 6-0 and Qualified 6-0.

A written report was provided to the Senators regarding Mr. Cullen.

In 2017, the committee had reported on other candidates to the Senators after undertaking its process of investigation and interviewing. Those results were as follows:

	Qualified	Highly Qualified
The Honorable Robert S. Ballou	Qualified	Highly Qualified
David G. Barger	12-0	9-3
The Honorable David B. Carson	11-0	7-4
Julia C. Dudley	Qualified	Highly Qualified
The Honorable Gregory D. Habeeb	8-4	
The Honorable Robert Hurt	12-0	
The Honorable John C. Kilgore	12-0	12-0
The Honorable Pamela M. Sargent	10-0	8-2

Updated: Jul 16, 2020

Lawyer Insurance

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 FY2019-2020:

September 18, 2019	Belle Haven Country Club, Fairfax, VA
November 20, 2019	VSB, 1111 E. Main St., Suite 700, Richmond, VA
February 20, 2020	Via teleconference (planned)
May 14, 2020	Via teleconference due to pandemic

VSB Members' Insurance Center

The VSB Members' Insurance Center, led by Bob Spicknall, continues to enroll small law firms in group health insurance plans that have far surpassed individual coverage in popularity. The trend continues because group health insurance is a better buy with stronger benefits and great provider networks than individual health insurance can provide. In February 2020, Bob reported that the Affordable Care Act brought a change in the application of the law to small law firms and sole practitioners in permitting a "community rating." Community rating requires rates to be based solely on age and geographical location. No longer may insurance companies underwrite and charge a higher premium due to gender or medical history. Another development has been the withdrawal by HMOs of the gatekeeper, or mandatory referral requirement, but a greater percentage of providers are found in the PPO platform. Consumers have to make a choice. They may select a traditional plan, which allows one to make copayments at the physician's office and at the pharmacy, which is a stronger, yet more expensive plan. The other choice is a health savings account approach, which is a combination of a high deductible coverage coupled with an IRA-health savings account approach. In his May 2020 report, Mr. Spicknall reported that Prudential, the VSB-endorsed life insurance company, had agreed to a three-year rate guarantee, meaning there will not be any rate increase until May 1, 2023. Assurant, which has the VSB-endorsed disability insurance plan, has also offered a three-year rate guarantee, holding rates until July 1, 2023. Assurant has been acquired by Sun Life. Because of the coronavirus, the transition has been delayed until July 1, 2021. Sun Life has agreed to keep the same plan and to offer a few minor enhancement provisions.

ALPS and Lawyer Malpractice Insurance

ALPS operates on a calendar-year basis. As of **December 31, 2019**, there were 1,997 Virginia firms insured by ALPS, out of a total of 8,934 ALPS firms nationwide, and 4,033 Virginia lawyers, out of a total of 19,267 lawyers insured by ALPS nationwide. Gross written premium in Virginia was \$9,68,966; net written premium was \$6,556,086. Net combined ratio in Virginia as of 12/31/2019 was 66.95%; 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 2.95%, and ALPS posted assets of \$134,120,796 with policyholder surplus of \$43,099,086.

For the first quarter of 2020, 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 63.81%, compared to ALPS 84.55%. ALPS total number of insured law firms nationwide in the first quarter of 2020 was 2,344 and 5,128 lawyers, of which Virginia insured law firms were 591 and insured attorneys were 1,438. As of March 31, 2020, claims frequency was 1.81% in Virginia compared to 1.95% for ALPS, and ALPS posted assets of \$132,753,623 with policyholder surplus of \$41,935,326.

2019 Local Bar Grant Report

In December 2019, 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. Six organizations made applications for grants. Four received grants, but not all were given the full amount:

Local Bar Grant Pool			Amt requested	Amt awarded
Washington	Small Firm	Abingdon	\$4,000	\$4,000

County Bar Association	Conference and R...			
Center for Teaching the Rule of Law	Ethics & Wellness CLE programs	Statewide	\$2,500	\$0
Alexandria Bar Association	CLE Marathon	Alexandria, NVA	\$4,000	\$2,000
Roanoke Bar Association	YL Bench Bar Conference	Roanoke	\$1,500	\$1,500
Hill Tucker Bar Association	Law Student Public Service Fellowship	Central VA	\$4,000	\$0
VACDL	YL/Student Wellness Seminar	Abingdon	\$4,000	\$2,500
Budget \$10,000			\$20,000	\$10,000

Risk Management Report for Calendar Year 2019

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 2019 was \$284,691 with additional revenue of \$12,300 attributed to non-ALPS attendee revenue from the Fall CLE Tour, for a total of \$296,991. Expenses were budgeted at \$293,900. Expenses for calendar year 2019 came in at \$299,591 for a loss of (\$352).

Report regarding the 2019 ALPS Fall CLE Tour

The 2019 tour included 12 sessions in 9 cities. The program, The Hotline: Season 2019, included safeguarding property in today's wired world, obligations to prepare for and monitor for cyber breaches, obligations post cyber breach, disaster recovery planning in light of ABA Formal Opinion 482, fee dispute resolution, the ethical boundaries of geolocation tools, ethical concerns associated with the "license rental" legal services model and litigation financing, dealing with lawyer incivility, and the obligations firms might have to foster attorney wellness.

Registration fees

Non-ALPS insured attorneys were charged a \$40 fee to attend the program. Fees in the amount of \$17,006.15 were collected from 587 non-ALPS insured attorneys. A total of \$3,478.80 was deducted for processing fees for net revenue of \$13,527.35.

Attendance

There were 1,655 total registrants for 2019, which is down from 1,738 in 2018. Total number of attendees equaled 1,496. This is down from 1,510 in 2018. We experienced an average 90% attendance rate across all venues, which is up 10% over last year.

Rating the overall program by 179 participants

Was the program interesting to you?

86% Attendees gave it a 4 or 5 rating on a 5-point scale. 2016-91%, 2017-92%, 2018-79%

Were the presenters' knowledgeable?

94% Attendees gave it a 4 or 5 rating on a 5-point scale. 2016-95%, 2017-96%, 2018-93%

Will the materials handed out be useful to you?

86% Attendees gave it a 4 or 5 rating on a 5-point scale. 2016-91%, 2017-92%, 2018-85%

Was the scheduling of the program convenient?

95% Attendees gave it a 4 or 5 rating on a 5-point scale. 2016-92%, 2017-95%, 2018-94%

How was the administration of the program and the facilities used?

87% Attendees gave it a 4 or 5 rating on a 5-point scale. 2016-91%, 2017-92%, 2018-90%

On-Demand Programming 2019

In 2019, 22 programs existed in the Virginia on-demand library. They range in length from 60 minutes to three hours. New on-demand programs have been added throughout the year. Charges for the on-demand seminars are as follows: programs for one-hour 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-insureds. Course listing can be viewed at: <http://alps.inreachce.com/Search?category=a84aa593-3439-46f7-b433-6dff8acfd1f8>

2019 YTD Result: YTD, there were 261 Virginia registrants for on-demand programs, with 215 ALPS insureds and 32 non-insured.

Risk Management Budget for Calendar Year 2020

Approved 2020 Budget

Budgeted Revenue:

ALPS 3% contribution:	\$281,261
Non-ALPS attendee revenue from Fall Tour:	\$10,100
Total revenue projection:	\$291,360

Budgeted Expenses: \$197,308.80.

As of March 31, 2020, the expenses amount to \$83,951.20

Fall 2020 CLE Tour:

The planned schedule of events and locations is below.

Date	Location/Time	Venue
14-Sep	Roanoke AM	Higher Education Center
15-Sep	Fairfax AM	Waterford at Fair Oaks
15-Sep	Fairfax PM	Waterford at Fair Oaks
16-Sep	Alexandria AM	Belle Haven
16-Sep	Alexandria PM	Belle Haven
17-Sep	Manassas AM	GMU Prince William Campus
18-Sep	DAY OFF	
21-Sep	Virginia Beach AM	Virginia Beach Convention Center
22-Sep	Newport News AM	Newport News Marriot at City Center
23-Sep	Chesapeake AM	Chesapeake Conference Center
24-Sep	Richmond AM	Richmond Convention Center
24-Sep	Richmond PM	Richmond Convention Center

As of the May 14, 2020, LIC meeting, finalizing the vignettes has been pushed back to June. ALPS advised that it was looking into offering programming via a webinar for the Fall Ethics Tour due to the pandemic and concerns that members would not attend live programs in September.

2020-2021 Meeting Schedule

Wednesday, September 16th

Wednesday, November 18th

Thursday, February 18th

Thursday, May 13th

Meeting locations and formats will be dependent on pandemic-related developments.

Lawyer Referral

Eugene M. Elliott, Jr. & Jack L. Harris, Co-Chairs

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

In the fiscal year 2019 -2020, the VLRS answered over **13,000** telephone calls, responded to **395** emails, **108** written correspondences; and provided **898** on-line requests. The VLRS assisted **3,972** of those consumers with prescreened and prepaid referrals to its active lawyer panel members, resulting in **\$161,875** revenue for the bar -

The VSB Special Committee on Lawyer Referral commends the **299** VLRS lawyer panel members for their (past and present) service to the bar and their communities. The VLRS welcomed **22** first-time lawyer panel members this fiscal year.

The Special Committee on Lawyer Referral met on Monday, September 23, 2019 and Friday, February 28, 2020. Committee Members Eugene M. Elliott, Jack L. Harris, Joseph M. Bowen, Angela T. Isabell, John A. Kassabian, Neil S. Lowenstein, D. David Parr, Jr., Todd A. Pilot, and Christopher L. Spinelli welcomed newest committee members, Tonia J. Drewery, Mary K. Hayburn, and Eden B. Heilman and looks forward to their serving. The Committee thanks exiting committee members, D. Adam McKelvey, Sarah M. Morton and Jeannette D. Rogers for their remarkable work for the VSB and the VLRS.

While awaiting implementations of adopted VLRS rules, the Committee and staff moved forward with the following actions:

New Referral and Members' Online Platform

On July 1, 2020, changes to the rules governing VLRS went into effect. In anticipation of the changes, the VLRS partnered with Community.lawyer, Public Benefits Corporations (PBC), in order to process paid online and staff referrals, panel membership, and collect remitted fees more efficiently. The VLRS new online referral platform was launched on **January 17, 2020** with the goal to improve the panel membership experience, and to better attract and connect with potential clients who are seeking more effective ways to finding lawyers that will meet their legal needs.

Marketing Campaigns for VLRS.

The Committee members and VLRS staff conducted onsite lawyer panel membership promotions at the following VSB events: VSB Young Lawyer (YLC) Leader's Institute in Richmond(August 20, 2019), Access to Legal Services Pro Bono Conference in Harrisonburg (October 16, 2019), and the Conferences of Local and Specialty Bar Association (CLSBA) & the Solo and Small-Firm Forum in Harrisonburg (October 23,

2019). VLRS staff spoke (via teleconference) of the need for bi-lingual lawyer panel members statewide at the VSB Diversity Conference Board meeting on September 9, 2019.

With the assistance of the VSB Communication Department the VLRS has run semimonthly VSB *Virginia Lawyer* magazine ads - *"We take the calls, you get the clients."* & *"What do you do with the calls you can't handle?"* (August 2019); *"If You Need Business, We Need You!"* (October 2019); *"Why did you become a lawyer?"* (December 2019, February & April 2020); *"Potential Clients are Looking for Virginia Lawyers"* (April & June 2020); and the VLRS annual *"Thank You"* list of 2019 lawyer panel members (June 2020). The VLRS thanks the VSB Access to Legal Service Committee and Director Crista Gantz for interviewing VLRS' panel member Barbara Hanna of Cowardin, Kim & Riddle, PLC, Newport News for the December 2019 Virginia Lawyer Pro Bono issue – *"Unsung Heroes: Closing the Justice Gap in Everyday Practice."*

The VLRS continues to utilize social media platforms of Facebook & Google ads to enhance the awareness of the consumer services provided by VLRS, and the VSB focus on the legal professional's well-being with monthly postings that highlighted the different topics of: Employment/Labor Law (August & September 2019), Real Estate/Tenant Matters (October 2019), Disability Rights (November 2019), and Being Mindful of the well-being of the Legal Professional (April 2020) – that has resulted in reaching over 34,000 consumers and receiving over 650 "likes."

Special Matter Panels

Due to the legal challenges presented by the Coronavirus (COVID-19) to the citizens of Virginia, the VLRS issued a call to VSB members and the VLRS panel membership to assist callers with specified legal needs related to COVID-19 in collections, estate planning, healthcare, inmates early release, labor, landlord and tenant's rights, and real estate matters. As a result of that call to action nine VSB members and forty-one (41) VLRS panel members signed-up to assist the citizens of Virginia with their concerns.

Updated: Aug 25, 2020

Resolution of Fee Disputes

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.

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

The RFD program volunteers include 12 circuit chairs, 168 arbitrators, and 48 mediators.

This year there were four training sessions for current and new volunteers. We would like to express our gratitude to Donita King. She worked with staff to prepare the training materials and volunteered to teach the training sessions. They were held in Richmond, Roanoke, Norfolk, and Fredericksburg. There were 74 participants at the trainings.

A webinar has been scheduled for October 21, 2020, offering one hour of LIVE CLE/Ethics (pending) on the topic of fee agreements and collecting fees. This CLE will be available to all Virginia attorneys.

*The VSB RFD received 199 requests for information during fiscal year 2019-2020. Of those requests:

- Petitioners returned 61 agreements to circuit chairs for processing (45 from clients, 16 from attorneys);
- 33 of those agreements were accepted by the respondent;
- 13 attorney respondents declined to participate;
- 8 cases were settled prior to mediation or arbitration; and
- 32 cases went to RFD: 13 cases are complete (12 mediations and 1 arbitration), 9 mediations and 10 arbitrations are pending.

Geographical breakdown of requests:

- 22% were for attorneys practicing in eastern Virginia
- 35% were for attorneys practicing in NOVA
- 37% were for attorneys practicing in central Virginia; and
- 6% were for attorneys practicing in southside/southwest Virginia

The VSB Intake office referred 100 cases to the RFD program

*No reports were received from the 9th/15th, 10th, 28th, and 31st CCRFD chairs. A report was not received for the second half of the year from the 19th CCRFD chair.

The leadership of the Special Committee on the Resolution of Fee Disputes for the upcoming year is Alex Simon, chair; Steve Owens, vice chair; Alan Anderson; David McKelvey; Robert Stenzhorn; John Neal White; Edward Whitlock; Tom Gallagher; and John Mable.

The program could not operate without the countless hours of work by our volunteers who are well supported by the dedication of our professional bar staff.

Updated: Sep 01, 2020

Technology and Future Practice of Law

Kellam Parks, Chair

The mission of the Special Committee on Technology and the Future Practice of Law is to educate and advise the Bar in areas where law and technology intersect, and to study and report on important developments that will affect the future of the legal profession. This was the committee's first year with combined technology and future of law practice missions following the merger of the Special Committee on Technology and the Practice of Law and the Special Committee on the Future of Law Practice.

During the past year, the Committee met twice, once in Richmond and once in Roanoke. Two other scheduled meetings were canceled because of the Covid-19 state of emergency and stay-at-home orders. 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
- Monitoring any efforts to institute a Virginia-wide E-filing initiative
- The creation of a Cybersecurity Guide for the VSB

Members of the Committee this year: Kellam Parks (chair), Beth Burgin Waller (vice chair), Robert Bauer, David Bice, Lisa Brook, Graham Bryant, Darius Davenport, Andrew Dean, Brandon Fellers, Christopher Fortier, Jonathan Gallo, Brittany Johnson, Sachin Kheterpal, Brandon Osterbind, and Emily Hedrick (VSB staff liaison).

Updated: Jul 17, 2020

Conference of Local and Specialty Bar Associations

Lewis A. Martin III, Chair

The Conference of Local and Specialty Bar Associations (CLSBA) continues to serve the needs of Virginia lawyers by maintaining 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 free Solo & Small-Firm Practitioner Forums open to all VSB members; sponsors the following awards: Awards of Merit, Local Bar Leader of the Year, Specialty Bar Leader of the Year, and Bar Association of the Year; 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 soyoure18.com website, both of which are used by many groups to inform young adults of their rights and responsibilities upon turning 18.

The CLSBA currently has 121 member bars. There are 7 bar associations in Virginia that are not members of the CLSBA.

The CLSBA held the following events this year:

- Bar Leaders Institute, March 6, 2020, Lewis Ginter Botanical Garden

Robert J. Grey Jr. was the keynote speaker. We were honored to have The Honorable

Stephen R. McCullough, Williams C. Mims, and Cleo E. Powell, Justices of the Supreme Court of Virginia, present a session on the importance of bar associations and their benefits to our legal and local communities. Other topics of interest were How the VSB and CLSBA Can Help You as a Bar Leader, Nuts and Bolts for Bar Associations, a Projects Showcase, and Ethics for the Bar Leader. Attendance at the BLI was up this year with 101 attendees, thanks to the CLSBA executive committee who made personal contact with every local and specialty bar president, encouraging their attendance.

- Solo & Small-Firm Practitioner Forums
- The first scheduled forum was held on October 22, 2019, at the Hotel Madison in Harrisonburg. The day offered 5.5 hours of CLE, including 2 Ethics and 1.5 GAL/adults credit. The Honorable William C. Mims joined us for a Town Hall Meeting.

- There were two other forums scheduled for Spring 2020. The first was to be held on the Eastern Shore and the second in Danville. They were both cancelled, due to the COVID-19 pandemic.
- With the pandemic going on, the CLSBA EC decided to start offering programs via webinar. The first took place on June 25, 2020 and was titled *Working Remotely and Securely: What Lawyers Need to Know*. The program offered 1 hour of LIVE CLE for the 176 attendees. Another webinar has been scheduled July 22, 2020, titled *Feeling the Fear and Doing it Anyway: Wellness for Solo & Small Firm Practitioners in Times of Tumult*. As these programs are completed, a recorded version is being uploaded to the CLSBA website for attorneys to view later, without CLE credit.
- CLSBA Annual Meeting and Breakfast

The CLSBA's Annual Meeting and Breakfast was cancelled due to the cancellation of the VSB Annual Meeting. Elections for the 2020-2021 CLSBA Executive Committee were held online.

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 leadership of the CLSBA for the upcoming year is Susan Rager, chair; Roy Creasy, chair elect; Luis Perez, secretary; Dillina Stickley, treasurer; Lewis Martin III, immediate past chair; Veronica Brown-Moseley; Nicholas Gehrig; Tyler Klink; Chuck Lollar; Chris Mougins-Boal; Wayne Scriven; Lindsey Strachan; Reiss Wilks; and Rachel Wolfe.

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: Aug 05, 2020

Diversity Conference

Chidi James, Chair

Officers for the 2019-2020 Fiscal Year:

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

Number of members of the Diversity Conference: 849

Special Activities/Programs/Achievements during the 2019-2020 Fiscal Year:

1. **2019-2020 Law School Mentor/Mentee Initiative – VSB Annual Meeting**

Due to COVID-19 the Annual Meeting for the 2019-2020 fiscal year was cancelled. The Diversity Conference typically invites law students from each Virginia law school to attend 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. The Diversity Conference intends to invite these students to the 2020 Annual Forum on Diversity.

2. **Diversity Conference Third Annual Forum on Diversity in the Legal Profession**

The Diversity Conference Third Annual Forum on Diversity in the Legal Profession is being rescheduled due to COVID-19. The rescheduled date and location are still TBD; however, the conference is considering moving it from Charlottesville to Richmond.

3. **Showcase CLE** –The Diversity Conference is working with the VWAA to present a showcase CLE titled “**100 Years After Passage of the 19th Amendment Granting Women’s Suffrage: How Far Have We Come and How Far We Still Have to Go?**” This program will explore women’s voting and employment rights and issues perpetuating the gender pay gap. We will also be discussing the ratification of the Equal Rights Amendment by the Virginia General Assembly in January 2020. This program, originally scheduled to take place during the 2020 VSBA annual meeting; however, due to the cancellation of the meeting the program will now be presented during the Annual Forum.

4. **2019-2020 Clarence M. Dunnville, Jr. Achievement Award**

The Diversity Conference recipient for the Clarence M. Dunnville, Jr. Award is Doris Causey. The award would have been presented at the 2020 VSB Annual

Meeting; however, due to COVID-19 it will be presented during the re-scheduled Annual Forum on Diversity.

5. **2019-2020 Oliver Hill/Samuel Tucker Pre-Law Institute**

The Oliver Hill/Samuel Tucker Pre-Law Institute (HTI), was going to take place the week of on July 5 -10, 2020 at the University of Richmond but due to COVID-19 the event is being rescheduled, potentially to December 2020. The Diversity Conference thanks and appreciate the tremendous efforts of HTI co-directors Wesley Allen and Courtney Frazier for their work on this program.

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

This year's event was cancelled due to COVID-19. This program typically includes 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.

7. **Publicity**

The Diversity Conference wishes to express its appreciation to the VSB Communications Department and board member Chris Fortier who have been very diligent in their efforts to help us improve and update our current website consistent with other VSB Conferences/Sections. We have now been able to transfer much of the rich content from the very excellent former website of the unfunded Conference and build a better user-friendly membership portal, all of which can better educate the public and the Bar about the work of the Diversity Conference. We have also successfully revamped our social media presence on Twitter and Facebook. Please follow and visit the Diversity Conference on [Twitter](#) and [Facebook](#). With special thanks to member Gus Bequai and Chris Fortier, the Diversity Conference continues issuing the conference enewsletter, *Invictus*.

8. **Disability Initiatives**

Working with the disability law legal community, the Diversity Conference seeks to facilitate educational programs/sessions focused on disability law and the disability community at-large.

Diversity Conference Board of Governors FY 2020-2021

The Diversity Conference Board of Governors voted unanimously to approve the following slate of nominated candidates to serve as officers for the 2020-2021 year. These candidates were approved by unanimous vote at the Diversity Conference's Board of Governors Meeting held on April 21, 2020.

- Chair, Sheila Costin
- Chair-Elect, David Masterman
- Treasurer, Alicia Roberts
- Secretary, Julie McClellan
- Immediate Past Chair – Chidi James

Updated: Aug 06, 2020

Senior Lawyers Conference

John Eure, Chair

As of June 1, 2020, the Senior Lawyers Conference (SLC) had 20,904 members, consisting of all VSB members 55 and older and in good standing.

The SLC officers for the 2020-21 fiscal year are Margaret A. Nelson, Chair; Peter C. Burnett, Vice-Chair; Gary C. Hancock, Secretary, W. Carter Younger, Treasurer; and John D. Eure, Immediate Past Chair (ex officio). New board members for 2020-21 are Kathleen Dooley, the Hon. Colin Gibb, Bruce Sams, Edna Ruth Vincent.

The pandemic canceled the SLC's annual recognition brunch for VSB members who have reached their 50th year of membership during the preceding year, usually held at the VSB's Annual Meeting, which was also cancelled. The VSB is sending the 236 recipients a certificate recognizing this important milestone.

SLC Vice-Chair Margaret Nelson, working with representatives from other VSB sections and conferences, planned a major CLE on professionalism and collegiality for the VSB Annual Meeting. We hope this hard work can be put to use at the 2021 annual meeting.

The SLC maintains and publishes the *Senior Virginians Handbook* (formerly, the *Senior Citizens Handbook*). Board member Barbara Anderson, as editor, oversaw a comprehensive revision of the 2013 edition, with assistance from other board members and Virginia lawyers. The 2020 edition is now available.

Senior Citizens Law Day programs continue to benefit seniors of Virginia. Bruce Robinson, SLC Law Day Chair, has refined the resources available to local bar associations that organize these programs. Those resources now include a video recording of a recent program organized by Bill Wilson, a former SLC Board member. The video is available through the SLC website. Each person attending a program gets a copy of the *Senior Virginians Handbook*.

Carrollyn Cox, the SLC Board's Immediate Past Chair, continued working with the Young Lawyers Conference to develop effective mentorship models and programs.

Until the pandemic intervened, Frank Brown, SLC Newsletter Chair, continued delivering, free of charge, his program "Protecting Your Client's Interests in the Event of Your Disability, Death, or Other Disaster" to bar members around the state. Brown also produced the SLC Newsletter and oversaw the SLC's content in the Virginia Lawyer.

John Oakey, Jr., as SLC Pro Bono Liaison, continued encouraging Conference members to provide pro bono legal services to those who cannot afford them.

W. Carter Younger, the SLC liaison with the VSB's Litigation Section, reported to our Board on matters of common interest between the sections and helped develop the now-postponed CLE presentation professionalism and collegiality.

We thank Walter Erwin III, of Lynchburg; David Helscher, of Roanoke; and Paul Mahoney, of Roanoke; who are rotating off our Board, for their dedicated service. We also thank Sylvia Daniel of the VSB staff for her continuing assistance and support of the Senior Lawyers Conference.

John D. Eure.

Chair, Board of Governors

Senior Lawyers Conference

Updated: Jul 17, 2020

Young Lawyers Conference

Farnaz F. Thompson, President

The Young Lawyers Conference (YLC) consists of active and associate Virginia State Bar lawyers in good standing, age 36 and under, and those admitted to their initial bar for fewer than three years. No additional dues are charged for membership in the YLC. The YLC serves as a voice of Virginia's young lawyers for the Virginia State Bar and the American Bar Association. Through its projects, the conference provides opportunities for young lawyers to participate in governing the Virginia State Bar, serve the profession and the public, and enhance the public awareness of the legal profession.

The Young Lawyers Conference currently has 7,795 members. The annual budget for the past fiscal year was \$99,100.00 and has a remaining balance of \$25,742.57. (This figure excludes any income during the past Bar year to offset the costs of programs)

This year, the Young Lawyers Conference hosted:

July 2019

7-12: Oliver Hill/Samuel Tucker Pre-Law Institute at University of Richmond

August 2019

16-17: Leadership Institute in Richmond and first board meeting

27: Mentorship CLE with VirginiaCLE; accompanied by a mentorship survey that the Mentorship co-chairs used to pair mentors and mentees

October 2019

12: Minority Pre-Law Conference in Hampton Roads (William & Mary)

12: Board Meeting in Lynchburg

26: Immigration Outreach: Hogar Naturalization Clinic in Arlington

29: Bench-Bar Dinner in Richmond, VA honoring over 40 newly elected or elevated minority or female judges.

28 & 29: Wills for Heroes – serving First Responders of the Virginia State Police and the Virginia Division of Capitol Police, sponsored by the Governor's Office in Richmond

December 2019

4: A&O Ceremony in Richmond

7: Board Meeting in Williamsburg

January 2020

14: Children and the Law – volunteer training at Regent University for a new initiative to provide information to children exiting the foster care system.

February 2020

8: Board Meeting in Staunton

March 2020

13: Inaugural Bench-Bar Conference in Richmond

May & June 2020

Wills for Healthcare Heroes created and offered to healthcare workers on the front lines of the COVID-19 pandemic.

June 2020:

Jamilah D. LeCruise announced as recipient of the R. Edwin Burnette, Jr. Young Lawyer of the Year Award.

18-28: co-sponsored Lawyer Wellness Challenge with the Virginia Bar Association.

Docket Call released new articles in October 2019, February 2020 and May 2020.

Other accomplishments: Virginia Law Foundation awarded a grant to the Wills for Heroes program to purchase new laptops for events.

Cancelled due to COVID-19

March 26 & 27: Rule of Law Day in Richmond

April 11, 2020: Minority Pre-Law Institute at GMUI would like to thank the YLC volunteers, Program Chairs, District Representatives, Section Liaisons, and Board members for their service, commitment, and leadership this year. As a result of their work, the YLC offered young lawyers an opportunity to become more involved with the legal profession, to grow, to develop friendships, to receive mentors, to provide legal services pro bono, and to make wellness a priority. The programs and activities that they helped oversee also drew much support from lawyers who are not a part of the Young Lawyers Conference. Indeed, many experienced lawyers attended programs that the YLC helped organize such as the Wills for Heroes Program, the Bench-Bar Dinner, the Bench-Bar Conference, and the Minority Pre-Law Conference.

I would like to conclude by applauding YLC members for adapting our programs and services to address current events and to remain relevant to the legal profession and the public. The YLC quickly adapted the Wills for Heroes Program to the Wills for Healthcare Heroes to provide basic wills and advance directives for healthcare professionals who serve on the frontlines during the COVID-19 pandemic.

I also applaud the YLC Board for issuing its first ever Juneteenth statement and for partnering with the Diversity Conference to provide virtual Town Halls to discuss timely and important issues.

We did not know what this year would bring when we met together in August 2019 for our Leadership Conference, and I am proud of the work that the YLC members have accomplished and continue to accomplish to advance the legal profession, uphold the rule of law, promote true diversity, and serve the public in the Commonwealth of Virginia.

The leadership of the Young Lawyers Conference for the upcoming year includes the following officers and board members:

Missy Y. York, President	Nerissa N. Rouzer, 7th District Board Member
Kris R. McClellan, President-Elect	Cate J. Huff, 8th District Board Member
Craig E. Ellis, Secretary	Dayna Bobbitt, 9th District Board Member
Farnaz F. Thompson, Immediate Past President	James Crandall, 10th District Board Member
Amanda L. Newins, 1st District Board Member	Alicia Roberts, At-Large Representative
Jamilah D. LeCruise, 2nd District Board Member	Breanna West, At-Large Representative
Annie C. Larson, 3rd District Board Member	Christina Parrish, At-Large Representative
Victoria Walker, 4th District Board Member	Ben Shute, At-Large Representative
Matt C. Perushek, 5th District Board Member	Simone Williams, At-Large Representative
J. Harrison Powell, 6th District Board Member	

Updated: Jul 24, 2020

Administrative Law

K. Beth Clowers, Chair

The Administrative Law Section continues to serve the needs of Virginia lawyers by focusing on the interests and practices involving administrative law and regulated industries.

The Administrative Law Section currently has 652 members. The annual budget for the past fiscal year was \$7,600 and has a remaining balance of \$5,750.00.

The Section planned to co-sponsor the 38th National Regulatory Conference, along with the Virginia State Corporation Commission and the College of William & Mary's Marshall-Wythe School of Law, in May 2020. The Section was also planning to hold a Brown Bag Luncheon CLE Program at the State Bar in April 2020. However, in light of the ongoing public health emergency related to the spread of COVID-19, both events have been suspended. The Section will meet again in August to assess the situation and determine whether one or both of these programs could be held, either in person or online, sometime in the Fall of 2020.

The leadership of the Administrative Law Section for the upcoming 2020 – 2021 year is James G. Ritter, Chair; Alisson P. Klaiber, Vice Chair; and Frederick D. Ochsenhirt, Secretary. Charles Mitchell Burton, Jr., will continue as Newsletter Editor. William T Reisinger, Lisa R. Crabtree, and Katherine C. Creef also joined the board.

Updated: Jul 15, 2020

Bankruptcy Law

Erika L. Morabito, Chair

The Bankruptcy Law Section continues to serve the needs of Virginia lawyers by enhancing the communication and exchange of ideas and information involving bankruptcy issues.

The Bankruptcy Law Section had 714 members in fiscal year 2019-2020. The annual budget for the fiscal year was \$10,432.00 and finished the year with a balance of \$8,021.02

The Board met quarterly throughout the year. In March 2020, the section hosted a CLE entitled "2020 Annual Bankruptcy Practice Seminar" held at the Waterford at Fair Oaks in Fairfax. The section also sponsored the Annual Bankruptcy Law Writing Competition where Christian Reese was the winner.

The Bankruptcy Section Board had planned to co-sponsor a CLE at the VSB Annual Meeting, but the Annual Meeting was cancelled due to the COVID19 pandemic.

The leadership of the Bankruptcy Section for fiscal year 2020-2021 is Hannah W. Hutman, Chair; Dylan G. Trache, Vice-Chair; and Kelly M. Barnhart, Secretary.

Updated: Aug 05, 2020

Business Law

Steven J. Keeler, Chair

The Business Law Section continues to serve the needs of Virginia lawyers by providing programming and collaboration for those members who practice or have interest in substantive areas relevant to business law practice.

The Business Law Section currently has 1889 members. The annual budget for the past fiscal year was \$13,408.

In October 2019, the Business Law Section co-sponsored the 46th Annual Advanced

Business Law Section CLE along with Virginia CLE. The program was held at Wintergreen Resort and board members Karl Knoll, Steve Keeler and Matt Clary participated as faculty. In the Spring of 2020, the section hosted a 4-week series of free webinars on topics related to the COVID19 health crisis.

I want to thank Matt Clary and John Huddle for their past service as board members, and Matt Clary and Karl Knoll for their help during my term as Chairman this past year. Karl Knoll will be our new Chairman Officers for 2020-2021 and William A.N.

Burke, and Lindsay A. Carney, will be joining the Board on July 1, 2020.

Matt, Karl and I remain committed to continuing and personally working on the Advanced Business Law Conference after we get through the 2020 Covid-19 pandemic and national unrest. We hope to support Karl and the board in identifying board members and section members who might take up new section initiatives such as a website, newsletter, podcast and other ideas to be discussed in upcoming meetings.

Thank you for the opportunity to work with the VSB Business Law Section and its board, in particular the ABLC, over the past years. Be healthy and hopeful in these stressful times.

Steven J. Keeler
Chair, 2019-2020

Updated: Jul 15, 2020

Construction Law and Public Contracts

Hanna Lee Blake, Chair

The Construction Law and Public Contracts Section continues to serve the needs of Virginia lawyers by providing a forum for its members to share research, experiences and ideas. Section members receive a discounted registration fee for its annual Fall seminar in Charlottesville, which fulfills the complete annual requirement for Virginia continuing legal education credit. Members also receive the Construction Law and Public Contracts News, the Section's semiannual newsletter, and the Construction Law Handbook, a compilation of construction and public contracts-related case summaries updated annually. The Section also sponsors an annual Government Contracts seminar in Fairfax and seminars at the Virginia State Bar Annual Meeting each Summer in Virginia Beach.

The Construction Law and Public Contracts Section currently has 831 members. The annual budget for the past fiscal year was \$11,552 and has a remaining balance of \$2,979.

The Construction Law and Public Contracts Section held the following events this year:

- 40th Annual Construction Law and Public Contracts Seminar

The Section celebrated its 40th Anniversary and recognized its founding members at its

Construction Law and Public Contracts Seminar on November 1-2, 2019. There were 173 paying seminar attendees, plus 28 faculty, moderator, and planners. In addition, 46 people have since viewed sessions from the program online. The committee for this program included Jonathan Straw, Chandra Lantz, Spencer Wiegard, Alison Mullins, Hanna Blake, and Barrett Lucy (ex officio).

- 4th Annual Federal Government Contracting Seminar

This seminar was live in Fairfax on September 10, 2019 and was offered as a video replay in Norfolk and Tysons on October 31, 2019. There were 52 paying seminar attendees, plus 9 faculty at the live presentation. 12 people viewed the seminar at video replays, and 55 more have watched it online. The committee for this program included Randy Wintory, Joe Guarino, Jesse Keene, Chris Boynton (ex officio), Jennifer Mahar (ex officio), and Mike Branca (ex officio).

The Section continues to provide valuable written materials to its membership. The Section published its Fall and Spring editions of its newsletter under the editorship of Dan Rounds and Jesse Gordon. The Section updated its Construction Law Handbook to include recent Virginia state and federal court decisions affecting our members' practices under the leadership of Jonathan Straw and Joshua Johnson.

The leadership of the Construction Law and Public Contracts Section for the upcoming year is Scott Kowalski, Chair; Randy Wintory, Vice Chair; Alison Mullins, Secretary; Jonathan Straw, Treasurer; Hanna Blake, Immediate Past Chair; Jesse Gordon, Newsletter Coeditor; Dan Rounds, Newsletter Coeditor; Sarah Stahling, YLC Liaison; Quinton Callahan; Tara Chadbourn; Joseph Guarino; Joshua Johnson; Jesse Keene; Chandra Lantz; Lauren McLaughlin; Andrew Pearson; Spencer Wiegard; Jonathan Wright; Hon. David Lannetti, Ex-Officio Judicial; Hon. Fred Watson, Ex-Officio Judicial; Rich DiMeglio, VaCLE Liaison.

It has been my privilege to serve as this Section's Chair the past year, and to have had the opportunity to work with so many people across the Commonwealth that have and continue to dedicate their time to ensure our Section's success. I would like to extend a special thank you to all those named above for their tireless work on behalf of our Section.

Updated: Aug 05, 2020

Corporate Counsel

Mark E. Newcomb, Chair

The Corporate Counsel Section continues to serve the needs of Virginia lawyers by sponsoring events and facilitating the exchange of information and ideas among inhouse attorneys.

The Corporate Counsel Section currently has 1738 members. The annual budget for the past fiscal year was \$24,048.00 and has a remining balance of \$18,610.64

The Corporate Counsel Section held eight board meetings this year, all but one of which were held via teleconference. The section coordinated the following programs this year:

- In Fall 2019, the section created a Listserv that section members can join to discuss Corporate Counsel-related topics and learn about opportunities to participate in section activities.
- The section continued to offer Corporate Counsel Panels at each of the Virginia law schools. The last panel in Spring 2020 was even done virtually to accommodate the students who were attending classes remotely due to the pandemic.
- The Board developed the Corporate Counsel Award to be offered in the next Bar year. This is a monetary award that will be given to a recent law school grad who intends to sit for the Virginia Bar Exam and take an in-house position. The award will cover the cost of the Bar Exam, including the Character & Fitness portion, and the first year of membership dues. This will be offered for both the February and July 2021 exams.
- The Corporate Counsel Section provided articles for the April 2020 Corporate Counsel issue of *Virginia Lawyer Magazine*.
- The section also offered a free webinar that included 1.0 hour of CLE credits in May 2020. Speaker Dennis Quinn presented on Technology & Ethics.
- The section was a co-sponsor for a CLE about the 19th Amendment Centennial for the 2020 Annual Meeting; this meeting was cancelled.

Finally, the section hosted a virtual Annual Meeting in June 2020, where section members were invited to participate in year-end business, such as voting in next year's board of governors.

The Board of Directors of the Corporate Counsel Section for the upcoming year includes the following members and officers: David Newsome, Jr., Chair

Barbara A. Fisher, Vice Chair

Stephanie J. Gilliard, Secretary

Mark E. Newcomb, Imm. Past Chair

Ross L. Hays

Thomas D. Applewhite

Elizabeth G. Engle

Adam B. Hark

Donald F. Lynch, III

Mary A. Richardson

George L. Washington, Jr.

Lisa C. White

Finally, I would like to conclude by thanking my predecessor, Naoina Gartee for her good counsel and continued service to the Section and Bar throughout the year and congratulate David Newsome, Barbara Fisher, and Stephanie Gilliard for their election as officers for the 2020-2021 Bar year. I wish you each the best of success....

Updated: Jul 15, 2020

Criminal Law

Seth C. Weston, Chair

It has been an honor to serve as chair of the Virginia State Bar's Section on Criminal Law for the 2019-2020 bar year. The section continues to serve the needs for Virginia lawyers by bringing together both defense and prosecution attorneys to produce programming for Virginia lawyers and to share knowledge of the profession.

With a membership of 2,402 members, including 337 judicial members, the section remains the second largest section of the Virginia State Bar. Its operating budget for 2019-2020 was \$52,400.

Newsletter editor Professor Ron Bacigal, of the University of Richmond, published three issues of *Criminal Law News* during the year and assisted with the annual seminar.

The section sponsored its 50th Annual Criminal Law Seminar in February 2020, with a live session in Charlottesville on February 7th, followed by a live Williamsburg session on February 14th. Section Vice-Chair Gene Fishel served as seminar program chair and moderator. Total seminar attendance included 556 for the live February sessions, and unfortunately, the video replays were cancelled due to the COVID19 health crisis.

The section's Harry L. Carrico Professionalism Award was presented at the Williamsburg Seminar to the Honorable Junius P. Fulton, III, from the Norfolk Circuit Court.

As part of its ongoing partnership with Virginia law schools, the Section awarded stipends in June 2020 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 2021.

Leadership for the 2020-2021 year will be Samuel Eugene Fishel IV, Chair; J. Daniel Vinson, Vice Chair; and Nancy G. Parr, Immediate Past Chair. The VSB Annual Meeting was also cancelled due to COVID19, so new members Judge Devon R. Paige, Judge Michael R. Doucette, Jacqueline M. Reiner, and Susan M.P. Fierro were elected by electronic polling of the membership.

On behalf of the board, I extend our sincere appreciation to board members David R. Lett, Judge Tanya Bullock, and Judge Richard S. Wallerstein Jr. whose terms ended on June 30.

Respectfully submitted,
Seth C. Weston, Chair

Updated: Jul 16, 2020

Education of Lawyers in Virginia

Bernadette S. Peele, Chair

The Section on the Education of Lawyers continues to serve the needs of Virginia lawyers by bringing together law school deans and professors, members of the judiciary and practicing lawyers in a collaborative effort to provide programs that improve every phase of legal education in Virginia.

The Section currently has 440 members. The annual budget for the 2019-2020 fiscal year was \$5000.00. Due to the COVID-19 program cancellations and thus decreased program expenses, the Section ended this fiscal year with a balance of \$3001.95. The Section's 2020-2021 Budget will begin with a \$5000.00 balance.

The Section met via teleconference in September and November of 2019 and in January and March in 2020 to conduct standard business and develop ways to better serve section members.

The Section's 2019-2020 programs and accomplishments were as follows:

- The Section released a newsletter this year, its first since 2017.
- The Professionalism for Law Students program went to each of the Virginia law schools except William & Mary. This last program was cancelled at the end of March due to the COVID-19 pandemic.

- The pandemic also caused the cancellation of the Annual Legal Writing Workshop scheduled for April. Plans are in place for the Workshop to be held next year.
- The Section worked in partnership with the Family Law Section, Senior Lawyers Conference, and Young Lawyers Conference to present a showcase CLE at the 2020 Annual Meeting. The CLE addresses the state of professionalism among Virginia attorneys and discusses ways to foster professionalism in the future. This CLE was not presented due to the COVID-19 cancellation of the 2020 Annual Meeting. The CLE may be carried forward to the 2021 Annual Meeting.
- Jeannie Dahnk, former President of the Virginia State Bar and practicing attorney in Fredericksburg, VA, was selected as this year's recipient of the William R. Rakes Leadership in Education Award. The Section will present the award to Jeannie at the 2021 VSB Annual Meeting.

The Section held its annual meeting in June using a virtual platform. Over 100 Section member participated in the year-end business that included voting in the 2020-2021 board of governors.

Despite the necessity to cancel programs due to the pandemic, the Section finished the 2019-2020 year having performed many of the educational offerings to our members of the Virginia State Bar and to our Virginia law schools. Due to the willingness of Section members to contribute their time and talent, the Section is back on track to publish its Newsletter, and I hope the Section will consider offering future educational programs through webinars, a method of providing educational opportunities that has been the cornerstone of information dissemination during COVID-19.

The leadership of the Section on the Education of Lawyers for the upcoming year includes the following board members: Kevin E. Martingayle, *Chair*

Dean B. Keith Faulkner, *Vice Chair*

Prof. David H. Spratt, *Secretary*

Bernadette S. Peele, *Imm. Past Chair*

Leslie A.T. Haley, *Newsletter Editor*

Hon. David W. Lannetti

Francis E. Telegadas

Hon. Michael F. Urbanski

Cathleen "Kai" Memmer

Hon. Jacqueline F. Ward Talevi

Thomas A. Edmonds

Hon. Cleo E. Powell

Hon. Wesley G. Russell, Jr.

Prof. Doron Samuel-Siegel

Prof. Katherine M. Crocker

Prof. Henry L. Chambers, Jr.

R. Lee Livingston

Kristine L.H. Smith

Sharon K. Eimer

Dean Henry N. Butler

Dean A. Benjamin Spencer

Dean Risa L. Goluboff

Dean Brant J. Hellwig

Dean Elizabeth A. McClanahan

Dean Wendy Collins Perdue

Dean Mark D. Martin

This past year as the Section's Chair has been a fulfilling experience for me because of the talented and resourceful Section Board members and the Virginia State Bar staff who have work to keep the Section's educational goals on track to achieve our mission. Many thanks to our Section members who contributed their time to make our 2019-2020 programs a success. I hope their work will continue to inspire others to join our Section, author articles for our Newsletter and participate in educational programs the Section offers. It has been my pleasure to serve as the Section's Chair.

Updated: Jul 16, 2020

Environmental Law

Holly Rachel Smith, Chair

The Environmental Law Section continues to serve the needs of Virginia lawyers by providing opportunities for continuing education, sponsoring projects and programs related to environmental law in Virginia, and keeping section members up-to-date with recent environmental law changes so they can better serve the public.

The Environmental Law Section currently has 389 members. The annual budget for the past fiscal year was \$5312.00 and has a remaining balance of \$4852.44.

The Environmental Law Section Board of Governors met via teleconference in Fall 2019 to brainstorm and set goals for the upcoming Bar year. In February 2020, the board hosted an in-person meeting at the VSB offices in Richmond, which was also open to the entire section membership. Several section members joined the board for a planning session, led by Section Chair, Holly Rachel Smith. Three committees emerged: a CLE committee, a Newsletter committee, and a Networking committee.

- The Newsletter committee got to work right away, releasing the section's first news publication since 2006 with the inaugural issue of *The Oyster* in May 2020. This news update filters many different sources that share environmental law updates such as, the DEQ, EPA, the Courts, etc. *The Oyster* will be sent to section members monthly via email.
- The CLE committee scheduled a webinar for mid-June 2020 and worked hard to pull and organize materials to support their presentation: "Environmental Developments in Virginia: A 2020 General Assembly Wrap-up". This webinar included 1.5 hours of FREE CLE. This committee is in the process of preparing another webinar to be hosted in late summer 2020.
- The Networking committee, in coordination with the CLE committee, had planned to host an in-person CLE event in partnership with the Virginia Bar Association or Richmond Bar Association in late Fall 2020. While this is unlikely to occur due to restrictions from the pandemic, it will remain an item on the agenda as the section moves into the next Bar year.

Lastly, the board met via teleconference to line up board members for the coming Bar year. Many of the section members who attended the meeting in February took a seat on the board of governors.

This year was one of rebirth for the Environmental Law Section. We learned that once presented with an in-person forum, section members devoted themselves to ensuring continued excellency in the practice of environmental law by contributing

their unique talent or skill. Substantial contributions were made by outgoing Board of Governor Members Peggy Sanner, Matt Gooch, and incoming Board of Governor Members Kathleen Hennessey, Cliona Robb and Joe Romero. Additionally, we observed a generational shift -- younger lawyers actively participating on the Board of Governors and significantly contributing to the new publication called *The Oyster!* We also found success with involving younger members of the Bar in Section leadership, consistent with one of the Board's 2019 goals. None of this would have been possible without the support and direction of outgoing Board of Governor Chairman Gary Bryant.

The leadership of the Environmental Law Section for the upcoming year includes:

Holly Rachel Smith, *Chair* (until filled)

Paul Kugelman, *Vice Chair*

Cliona Robb, *Secretary*

Matthew Gernand

Christiana Lockwood

Creighton Boggs

Chris Kane

Joe Romero

Elizabeth Andrews

Ellen Egen

Gray O'Dwyer

Kathleen Hennessey

Lindsey Rhoten

2019 was a year for the section that could be described as giving back to the Virginia State Bar by standing up the committees and activities that parallel that being accomplished by other VSB sections. 2020, given the unique struggles facing lawyers both personally and professionally, we hope this to be a year of building a strong network inside the Virginia State Bar that will be a support structure for the health of the legal profession. Finally, not one the Section's 2019 achievements would have been possible without Mallory Ralston, this Section's VSB Liaison. She turned ideas into action, while also maintaining an unparalleled level of excellence. A big thank you to the Virginia State Bar for all of the support provided to the Environmental Law Section.

Family Law

Susan M. Butler, Chair

The Virginia State Bar Family Law Section had a strong year, despite the challenges of a global pandemic.

The FLS continued to produce and distribute the *Virginia Family Law Quarterly* to our section members. This publication has become a must-read among practitioners and judges throughout Virginia.

The Advanced Family Law Seminar was held on April 16, 2020. Due to COVID-19 related issues, it was presented in an audio-only format, with live questions for the presenters. The program lived up to its “advanced” billing and had a record number of over 400 attendees. The Annual Family Law CLE was presented at three locations in October, 2019.

The Section planned two CLE's for the 2020 VSB Annual Meeting. A program on the intersection of Family and Estate Planning issues with the Trusts & Estates Section and a program on Civility with the Young Lawyers, Senior Lawyer and Education of Lawyers Sections were planned. Due to cancellation of the Annual Meeting, neither program has been presented to date.

The FLS worked with our YLC Liaison, Ra Hee Jeon, in developing a mentoring program. Ms. Jeon put a great deal of work into developing protocols, terms and conditions of use for this program.

The Section presented the Betty A. Thompson Lifetime Achievement Award to David Masterman of McLean and the Family Law Section Service Award was presented to Brian Hirsch of Reston. We appreciate the nominations that we received for both of these awards and thank our section members for their thoughtful submissions.

The Section currently has 1,970 members and provides a complimentary first year of membership to interested new Virginia State Bar admittees.

Steven L. Raynor will be Section Chair for 2020-21 Bar Year.

Respectfully submitted,

Susan M. Butler, Section Chair

Updated: Jul 16, 2020

General Practice

Christopher C. Johnson, 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.

This year, the General Practice Section co-sponsored with the Young Lawyers Conference a new seminar titled *A Day in General Practice* at the University of Richmond's Jepson Alumni Center in Richmond. The program provided a full day of seminars in twelve areas of the law and was tailored to lawyers who participate in the general practice of law. The speakers were highly experienced in their fields, and we also enjoyed the participation of both active and retired judges from around the Commonwealth. There were 70 attendees, plus speakers.

In addition, the General Practice Section chose the winner of 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's winner was Michael McHale Collins of Covington, Virginia. Because the Virginia State Bar's Annual Meeting was cancelled this year due to COVID-19, the award will be presented at the 2021 Annual Meeting. The General Practice Section is proud to have such an esteemed and distinguished recipient for this year's award.

The leadership of the General Practice Section for the upcoming year is: Stephen C. Hall, chair; J. Randolph Nelson, vice chair; Jeffrey C. Flax, secretary; Christopher C. Johnson, immediate past chair; John C. Johnson; Ronald A. Page, Jr.; Matthew J. Zwerdling; Grayson S. Johnson; Esther S. McGuinn; Thomas W. Nesbitt; Hunter R. Wells; Hon. Bonnie C. Davis, ex-officio judicial; and Hon. Bryan C. Dunkum, ex-officio judicial.

As of June 30, 2020, the section had 839 members. The budget for Fiscal Year 20192020 was \$16,296.

The General Practice Section would also like to thank our section liaison, Paulette Davidson. Paulette has been with the Virginia State Bar for over 30 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.

Health Law

Beverly H. Binner, Chair

The Health Law Section continues to serve the needs of Virginia lawyers by promoting pro bono publico objectives of the Virginia State Bar within the field of health law, to foster interest, activity and research in health law and affairs, to furnish the public with an understanding of its rights and obligations, to enhance friendship and understanding among lawyers having interest in health law, and to cooperate with other bar organizations in such areas of law. Additionally, the purposes of this Section are to sponsor programs and seminars on health law; develop and provide to members bibliographies of materials on health law, lists of experts and consultants; to provide a forum where Section members can share in research; and to publish a health law newsletter.

The Health Law Section currently has 687 members. The annual budget for the past fiscal year was \$10,000.

The Health Law Section sponsored a webinar March 18, 2020, on Advance Directives, offering one hour of LIVE CLE credit. Founder of National Healthcare Decisions Day, Nathan Kottkamp, and Dr. Mark Swope, assistant professor at Virginia Tech Carilion School of Medicine and director of Medical Ethics for Carilion Clinic, were the presenters. There were 52 attendees for the program.

The section's writing competition for law students had to be cancelled this year due to COVID-19. There were two planned CLEs for the VSB Annual Meeting. Artificial Intelligence and CBD/Marijuana were the topics. With the cancellation of this year's Annual Meeting, the board decided to hold these topics for next year's Annual Meeting.

The leadership of the Health Law Section for the upcoming year is Allyson K. Tysinger, chair; Henry I Willett III, vice chair; Beverly H. Binner, immediate past chair; Rodney K. Adams; Sally N. Barber; Bradley E. Lerner; Dominic P. Madigan; Jeffrey D. McMahan; Joseph P. McMenamain; Thomas E. Miller; Amy B. Mogetz; and Karla L. Palmer.

Updated: Aug 05, 2020

Intellectual Property Law

Robert M. Tyler, Chair

The Intellectual Property Section continues to serve the needs of Virginia lawyers by advancing the quality of intellectual property law practice and striving to create opportunities for our members.

The Intellectual Property Section currently has 1,622 members. The annual budget for the past fiscal year was \$23,728.00 and has a remaining balance of \$13,002.29.

The Board met quarterly throughout the year. In September 2019, the section hosted a

CLE entitled “VSB 31st Annual Intellectual Property Seminar”. This was a two-day event held at George Mason University’s Antonin Scalia Law School in Fairfax. The section also sponsored the Annual IP Writing Competition where Matt Pangle of the University of Richmond was the winner. In June 2020, the section co-sponsored a non-CLE entitled “Scandalous Marks on Brunetti’s One-Year Anniversary: The Decision’s Impact and the PTO’s Commonplace Words Doctrine.”

The Intellectual Property Section Board had planned to co-sponsor a CLE at the VSB Annual Meeting, but the Annual Meeting was cancelled due to the COVID19 pandemic.

The leadership of the Intellectual Property Section for the upcoming year is Tara A. Branscom, Chair; Robin C. Vance, Chair-Elect; Aaron L. Parker, Vice Chair; and Robert M. Michaux, Secretary.

Updated: Aug 18, 2020

International Law

Geoffrey M. Goodale, Chair

The International Practice Section continues to serve the needs of Virginia lawyers by encountering matters that are international in nature or which have transnational implications, and their clients require proactive expertise to meet the dramatic opportunities and challenges of this dynamic and complex business and regulatory environment.

The International Practice Section currently has 443 members. The annual budget for the past fiscal year was \$3,040.00 and has a remaining balance of \$1,771.50.

The Board met quarterly throughout the year. In April and May 2020, the section cosponsored a non-CLE entitled “Buyer and Seller Beware – New Regulations Expand the Scope and Powers of CFIUS”.

The International Practice Section Board held a virtual Annual Meeting since the VSB Annual Meeting was cancelled due to the COVID19 pandemic.

The leadership of the International Practice Section for the upcoming year is Geoffrey M. Goodale, Chair; Melissa Gorsline, Vice Chair; Megan G. Barnhill, Secretary; and Bradley Haneberg, Treasurer.

Updated: Aug 18, 2020

Litigation

J. Matthew Haynes Jr., Chair

The Litigation Section continues to serve the needs of Virginia lawyers by providing a forum for the discussion of matters affecting the way in which litigation is conducted in the Commonwealth of Virginia, to sponsor projects and programs of educational value or special interest and relevance to the members of the Section; and to promote efforts aimed at improving the efficient, affordable, ethical, and just resolution of societal disputes.

The Litigation Section’s membership as of June 30, 2020 was 3,465 making this the largest section of the Virginia State Bar. Our budget for 2019-20 was \$34,848.

Meetings of the Section Board were held on October 11, 2019 (Richmond), November

15, 2019 (Charlottesville), February 14, 2020 (Warrenton), and April 10, 2020 (Teleconference). The previously scheduled June meeting at Steinhilber’s was cancelled due to the COVID-19 Pandemic.

The board allocated \$5,000 of its budget to be split between the Chesterfield Rule of Law Day and the Virginia Supreme Court’s Rule of Law Day in Richmond. The Rule of Law Day programs were cancelled due to the COVID-19 Pandemic. However, backpacks for the students were purchased prior to the cancellation and were distributed to the students. Winners of the drawing competition for the art on the backpacks, and their teachers, will receive gift cards.

Two Spring 2020 CLEs were scheduled but had to be cancelled due to the COVID-19 Pandemic. The section hopes to present these programs later this year, either in person or via webinar.

The leadership of the Litigation Section for the upcoming year is: W. Bradford Stallard, chair; Robert E. Byrne, Jr., vice chair; Brian S. Wheeler, treasurer; J. Matthew Haynes Jr., immediate past chair; Andrew P. Connors, newsletter editor; E. Kyle McNew, appellate committee chair; Darius K.A. Davenport; Michael J. Finney; Jonathan P. Lienhard; Charisse M. Mullen; Jane M. Reynolds; Brian J. Schneider; Carl R. Schwertz; Hon. James P. Fisher, ex-officio judicial; Hon Jeffrey W. Parker, ex-officio judicial; J. Harrison Powell, II, YLC liaison; and W. Carter Younger, SLC Liaison.

Updated: Jul 21, 2020

Local Government Law

Rebecca D. Kubin, Chair

The Local Government Section continues to serve Virginia lawyers by providing a forum to share resources for public and private practitioners of local government law.

The Section currently has 773 members. The annual budget for the past fiscal year was \$9600.00 and has a remaining balance of \$7200.58.

The Section held four board meetings this year and released Winter 2020 and Spring 2020 issues of its newsletter, *The Journal*.

On May 6, the Section hosted a webinar: "Ministers of Justice: Ethics of Prosecuting Code Enforcement," presented by David A. Lord. The webinar committee is planning additional webinars in the coming months.

The Section has traditionally offered a Fellowship to a law school student who works for a local government office during the summer months. This year's recipient was Haley Maddrey, who will spend the summer with the Suffolk City Attorney's Office.

The Section did not have its annual meeting in June due to cancellations necessitated by the COVID-19 pandemic, but the Board carried on its business from our remote locations and held a section-wide vote for its new board members, all with the invaluable assistance of our VSB liaison, Mallory Ralston.

The leadership of the Section for the upcoming year consists of the following board members and officers.

Bernadette S. Peele, *Chair*
Cynthia A. Bailey, *Vice Chair*
J. Vaden Hunt, *Secretary*

Rebecca D. Kubin, *Imm. Past Chair*
Susan W. Custer, *Newsletter Editor & Webmaster*
Anna T. Birkenheier, *YLC Liaison*
Wade T. Anderson
MinhChau N. Corr
Kathleen A. Dooley
Michael W.S. Lockaby
Brian J. Lubkeman
Wahaj Memon
Kevin A. White

It was a privilege to serve as Chair alongside some of local government's finest

representatives, who I am proud to say maintained their enthusiasm for supporting local government attorneys, even during a pandemic.

Updated: Jul 16, 2020

Military Law

Prescott L. Prince, Chair

The Military Law Section continues to serve the needs of Virginia lawyers by providing continuing education programs and publishing and distributing an educational newsletter to its members. The Military Law Section serves attorneys who practice in areas likely to be impacted by laws unique to the military and its members.

The Military Law Section currently has 282 members. The annual budget for the past fiscal year was \$3,296.00 and has a remaining balance of \$2,232.21.

The Military Law Section held four board meetings this past Bar year to coordinate its programs. The section released its newsletter, *Military Law News*, in April 2020. The board worked with Virginia CLE to plan the Annual Military Law Symposium in Quantico, scheduled for May 2020, but the seminar was cancelled due to COVID-19.

As with many other aspects of life, the COVID-19 pandemic dramatically disrupted the business of the Military Law Section and some of the functions that directly benefited Section members were cancelled. As noted above, our spring CLE at Quantico was cancelled as was our traditional end-of-year luncheon at the VSB Annual Meeting in Virginia Beach. These cancellations greatly disappointed me since, in addition to the depriving the Section members of the educational and business aspects of these functions, these cancellations deprived us of the opportunity to renew old friendships, develop new ones and work collaboratively to develop new ways to provide service to our Section members and to the military community that we serve. This “social” aspect of section membership is a function that must never be overlooked. In my role in coming year as “Immediate Past Chair,” and thereafter as a Section member, I am committed to continuing to serve the Military Law Section in whatever capacity in which I am needed to try to renew these traditions and, where necessary, assist to develop new educational and social opportunities.

The leadership of the Military Law Section for the upcoming year includes the following board members and officers:

Oliver L. Norrell, III, *Chair*
Richard J. Prevost, *Vice Chair*
Christian L. Reismeier, *Secretary*
Wilson T. Mustian, *Newsletter Editor*
Prescott L. Prince, *Imm. Past Chair*
James S. McNider, III
Kathryn Freiburger
Scott F. Hallauer
Richard P. DiMeglio
Thomas K. Liu

Dwain Alexander, II

John "Alex" Chudoba

Finally, I would like to conclude by thanking the members of the Board as well as all members of the Military Law Section for their hard work and their dedication and commitment to serving the military community.

Updated: Jul 16, 2020

Real Property

Ronald D. Wiley Jr., Chair

The Real Property Section continues to serve the needs of Virginia lawyers in all fields of real estate practice and procedure in the Commonwealth by sponsoring seminars and projects of special interest and relevance to the members of the section, including publication of *the FEE SIMPLE*.

The section currently has 1975 members, of which 1912 are active. The annual budget for 2019-2020 was \$35,780.00, with a balance of \$1,208.45 as of June 30, 2020.

The Real Property Section co-sponsored the 24th Annual Advanced Real Estate Seminar and the 38th Annual Real Estate Practice Seminar with Virginia CLE® and published two issues of *the FEE SIMPLE* in 2019-2020, as well as contributing to the October 2019 issue of *Virginia Lawyer*. Quarterly meetings of the Board of Governors and Area Representatives were held in August, January, and March and were wellattended.

Attendance at the advanced real estate seminar in early March was the largest in memory thanks to the excellent and challenging program chaired by Ben Leigh and Sarah Louppe Petcher. Our section also remains grateful for the steadfast support of our liaison with Virginia CLE®, Tracy Winn Banks.

Lori H. Schweller will chair the section in 2020-2021. Kathryn N. Byler will be Vice Chair and Karen L. Cohen will be Secretary. The section's Board of Governors will include ten members with three or four serving in each year of a three-year term according to the section bylaws.

With the cancellation of our annual meeting in conjunction with the Virginia State Bar's annual meeting in June, the Real Property Section regrettably missed the chance to enjoy one of its cherished professional fellowship events. We look forward to the resumption of normal section events in 2020-2021.

Updated: Aug 05, 2020

Taxation

The Taxation Law Section had 746 members. The annual budget for the 2019-2020 fiscal year was \$5,740.17.

The section has been inactive this year and the VSB Annual Meeting was cancelled due to the COVID19 health crisis.

VSB Staff is working with the membership to constitute a new board and to encourage improvement and efficient administration of the tax law of the Commonwealth while

promoting the exchange of ideas between all practitioners and administrators sharing a common interest in state and federal tax law.

Updated: Aug 18, 2020

Trusts and Estates

Jennifer L. Schooley, Chair

Membership

The Trusts and Estates Section had 1,904 members as of June 2019 and 1,979 members as of June 2020.

Budget

The budget for fiscal year 2019-2020 was \$14,936. The budget proposed for fiscal year 2020-2021 is \$14,624.

38th Annual Trusts and Estates Seminar

In October, the Trusts and Estates Section co-sponsored the 38th Annual Trusts and Estates Seminar with Virginia CLE. The program was held in Roanoke, Fairfax and Williamsburg. The topics included: important updates on federal and Virginia tax developments, cases and legislation, estate planning and trust administration practices that limit exposure in the event of divorce, understanding fiduciary income tax from death to trust termination, learning how to navigate the perfect storm involving the elderly client and the dysfunctional family.

VSB Annual Meeting CLE Program

The Section planned to offer an exciting CLE Seminar cosponsored with the Family Law

Section, during the VSB 82nd annual meeting, but due to the Coronavirus, the annual meeting was cancelled for the first time since WWII. We hope to be able to present this Seminar next year, in 2021!

Member Communications

The Trusts and Estates Section published two newsletters, one in the Fall of 2019 and another in the Spring of 2020. Each edition included articles on relevant and timely trusts and estates topics and were distributed to all members of the section, both in print version and on our website. Vanessa M. Stillman was the Newsletter Editor, Kevin Stemple was the Assistant Newsletter Editor.

New Officers for 2020 – 2021 Bar Year

Carter R. Brothers will be the Section Chair, Trey T. Parker will be the Vice Chair, Vanessa M. Stillman will be the Secretary, Kevin Stemple will be the Newsletter Editor. Our new board member will be Brooke Tansill. They will do a wonderful job of leading the Section.

Updated: Jul 21, 2020