

:: REPORTS OF THE SECTIONS ::

CRIMINAL LAW SECTION

John E. Lichtenstein, chair

The Criminal Law Section enjoyed a vibrant and successful fiscal 2007. The section continued to receive the enthusiastic support of criminal law defense practitioners, prosecutors, and judges and continued to be the forum where those often-separate groups work together effectively for the good of Virginia's criminal justice system. With more than two thousand members, the Criminal Law Section is one of the Virginia State Bar's largest sections.

Without question, the most concentrated effort of the year was toward the improvement of Virginia's system of indigent defense. For the last forty years, members of our section, including several who continue to sit on our board of governors, have worked tirelessly for improvement in what had become well-recognized as a broken system. In fiscal 2007, the section focused a great deal of time and energy on unique and exciting legislative opportunities. For the first time in the long history of the section's work in this area, the Governor and the Attorney General spearheaded a joint effort to address structural issues concerning the non-waivable cap on court-appointed fees and the funding required to support increased pay. The section worked intensely to support the Governor's initiative, with two members sitting on the Governor's Indigent Defense Stakeholder's Group, which also included public defenders, private criminal defense attorneys, and representatives of the Virginia Indigent Defense Commission, the Supreme Court of Virginia, the Commonwealth's Attorneys Association, and others.

Over a period of months that included the 2007 General Assembly session, this group worked to focus legislation. The legislation took many turns throughout the process but resulted in a historic statutory pathway to waiver of court-appointed fee caps and a significant increase in funding. A new procedure for submission, review, and approval of attorney fee-cap waiver claims is now in place, and the section will remain involved in easing the logistics of the new process. Many challenges remain, but pathways for additional improvement and funding are now open because of the great work, past and present, of so many members of our section and its board.

The section also continued to provide a forum for the improvement of the criminal justice system through our newsletters, seminars, and Web site.

Our Thirty-Seventh Annual Criminal Law Seminar, held in Charlottesville and Williamsburg, continued to be one of the largest continuing legal education programs in Virginia. It drew approximately 650 attendees for the two live locations and more than 300 for videotape replays around the state.

The section's Harry L. Carrico Professionalism Award was presented to Rodney G. Leffler of Fairfax for his exemplary service to the bar and the commonwealth.

At the VSB Annual Meeting, the section cosponsored a program with the Litigation Section and the Bench-Bar Relations Committee. The program, "Answering the Call: Striving for Professionalism and Happiness in Our Lives as Lawyers," featured William Haltom, a Tennessee trial lawyer, with a panel that included Joseph A. Condo, Karen A. Gould, and Judge Ann Hunter Simpson. It was moderated by David P. Baugh.

In June 2007, Robert B. Beasley Jr. of Powhatan County was elected chair of the section for fiscal 2008; David P. Baugh of Richmond, vice chair; and John R. Doyle III of Norfolk, secretary. Joining the section Board of Governors for four-year terms are David J. Damico of Roanoke, Casey R. Stevens of Woodbridge; Jeffrey A. Swartz of Norfolk, and Judge James S. Yoffy of Henrico County.

Of special importance, Professor Robert E. Shepherd Jr. and Reno S. Harp III continued their substantial involvement, assistance, and thoughtful guidance to the board.

As well, Elizabeth L. Keller, assistant executive director of the Virginia State Bar, continued to support our section in many ways. The involvement of the bar leadership with our section, specifically the support of Thomas A. Edmonds, executive director of the VSB, was very important to the success reached in indigent defense.

Finally, my term on the board and as chair has been a tremendous experience, and I am very grateful. I appreciate the work of so many members of our section and the intense work of the board members. I am certain the Criminal Law Section will continue to be a critically important actor in the protection and improvement of criminal justice in Virginia.

