

# Virginia State Bar 83rd Annual Report

Annual Report  
for the period  
July 1, 2020 – June 30, 2021



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## Report of the Executive Director/Chief Operating Officer Karen A. Gould

The Virginia State Bar’s membership shrunk slightly this year. Active membership<sup>1</sup> decreased to 31,488 as of June 9, 2021.

	2020-21	2019-20
<b>Active</b>	31,488	32,564
<b>Virginia Corporate Counsel licensed under SCV Rule 1A:5, Part I</b>	829	941
<b>Corporate Counsel Registrants licensed under SCV Rule 1A:5, Part II</b>	637	634
<b>Associate</b>	13,299	13,485
<b>Judicial (includes active and retired)</b>	1,537	1,514
<b>Emeritus</b>	24	
<b>Retired/Disabled</b>	4,238	3,802
<b>Total</b>	52,052	52,940

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

Brian Buniva served as the president.

### Executive Committee members 2020-2021

President	Brian L. Buniva
President-elect	Jay B. Myerson
Immediate Past President	Marni E. Byrum
At large	Eugene M. Elliott, Jr.
At large	Stephanie E. Grana
At large	Chidi I. James
At large	Eva N. Juncker
At large	William M. Moffet
At large	Eric M. Page
Conference of Local Bars Chair	Susan N. Goodman Rager
Diversity Conference Chair	Sheila M. Costin
Senior Lawyers Conference Chair	Margaret A. Nelson
Young Lawyers Conference President	Melissa Y. York

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 2020-2021**

Denise W. Bland	Eastville
Eva N. Juncker	Falls Church
Lenard T. Myers, Jr.	Norfolk
Molly E. Newton	Richmond
Lonnie D. Nunley, III	Richmond
Patricia E. Smith	Abingdon
Joanna L. Suyes	Richmond
Nicole E. Upshur	Virginia Beach
Lisa A. Wilson	Arlington

**Council elections**

Winners of contested Council elections Spring 2020, with three-year terms effective July 1, 2020:

Circuit 18 (2 vacancies)	Todd A. Pilot (1 <sup>st</sup> term) John K. Zwerling (2 <sup>nd</sup> term)
Circuit 23 (1 vacancy)	Daniel P. Frankl (1 <sup>st</sup> term)
Circuit 28 (1 vacancy)	Bruce H. Russell II (1 <sup>st</sup> term)

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

Circuit 4	Corrynn J. Peters of Norfolk
Circuit 8	Veronica E. Meade of Hampton
Circuit 12	P. George Eliades II of Chester
Circuit 13	Timothy R. Baskerville of Richmond Mark D. Dix of Richmond Susheela Varky of Richmond Henry I. Willett III of Richmond
Circuit 14	Thomas A. Edmonds of Henrico
Circuit 16	Richard H. Howard-Smith of Charlottesville
Circuit 17	Jennifer S. Golden of Arlington Adam M. Krischer of Arlington
Circuit 19	Kathryn N. Dickerson of Vienna Stephen K. Gallagher of Tysons Corner Carly J. Hart of Fairfax Nathan J. Olson of Fairfax Debra L. Powers of Fairfax Michael M. York of Reston
Circuit 21	G. Andrew Hall of Martinsville
Circuit 30	D. Susie Baker of Wise

### **New and reappointed at-large members:**

Molly E. Newton of Richmond  
Lenard T. Myers of Norfolk  
Joanna L. Suyes of Richmond  
Nicole E. Upshur of Virginia Beach  
Lisa A. Wilson of Arlington

### **New president-elect designate Stephanie Grana**

In a contested election in the Fall of 2020, plaintiff's lawyer Stephanie Grana of Richmond was elected to become president-elect effective July 1, 2021. She will serve as president effective July 1, 2022, to June 30, 2023.

After attending the University of Richmond for both undergraduate and law school, Stephanie has devoted her career to litigation and service to the bar. Her volunteerism includes past presidencies of the Virginia Trial Lawyers Association; the American Board of Trial Advocates-Virginia Chapter; Lewis F. Powell Jr. American Inns of Court; and the Metropolitan Richmond Women's Bar Association.

### **Budget for FY2022**

The Council approved, by unanimous vote, a \$14.8 million proposed budget for FY2022, with a caveat that adjustments will be made to accommodate a proposed 5 percent pay raise with benefits for state employees currently under consideration by the Virginia General Assembly. The budget was approved by the Supreme Court of Virginia.

### **Bylaws and Paragraph 4 Amendments Regarding President-elect Elections**

The Council approved, by unanimous vote, to conform Paragraph 4 of the Rules of Court and the Bylaws governing the VSB to modern voting practices. On May 5, 2021, the Supreme Court of Virginia amended Section IV, Paragraph 4 of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court, effective July 5, 2021. The Court's full Order may be found [here](#). Section IV, Paragraph 4 of the Rules for Integration of the Virginia State Bar delineate the rules and processes for selecting and electing the officers of the Bar as prescribed by the Bylaws of the Council.

### **Ethics Rule Revisions and LEOs**

#### **LEO 1890, Communications with Represented Persons (Compendium Opinion), approved by Supreme Court of Virginia on January 6, 2021.**

The full text of LEO 1890 can be found via this link:

[http://www.courts.state.va.us/courts/scv/amendments/part\\_six\\_sect\\_ii\\_rule\\_4\\_2\\_cm\\_t\\_7\\_and\\_Leo\\_1890.pdf](http://www.courts.state.va.us/courts/scv/amendments/part_six_sect_ii_rule_4_2_cm_t_7_and_Leo_1890.pdf).

**Ethics Rule 4.2, Comment 7, Approved by SCV on January 6, 2021.**

Also on January 6, 2021, the Court approved a modified Comment 7 to Section II, Rule 4.2 of the Rules for Integration of the Virginia State Bar of the Rules of Court, effective immediately, which provides as follows:

**COMMENT 7 TO SECTION II, RULE 4.2 [7]**

In the case of a represented organization, this Rule prohibits communications with a constituent of the organization who supervises, directs, or regularly consults with the organization's lawyer concerning the matter or has authority to obligate the organization with respect to the matter or whose act or omission in connection with the matter may be imputed to the organization for purposes of civil or criminal liability. Consent of the organization's lawyer is not required for communication with a former constituent. If a constituent of the organization is represented in the matter by his or her own counsel, the consent by that counsel to a 2 communication will be sufficient for purposes of this Rule. Compare Rule 3.4(h). In communicating with a current or former constituent of an organization, a lawyer must not use methods of obtaining evidence that violate the legal rights of the organization. See Rule 4.4.

**LEO 1850, Outsourcing of Legal Services, Approved by Supreme Court of Virginia on January 12, 2021, effective immediately.**

The full text of LEO 1850 can be found via this link:

[http://www.courts.state.va.us/courts/scv/amendments/leo\\_1850.pdf](http://www.courts.state.va.us/courts/scv/amendments/leo_1850.pdf).

**LEO 1878, regarding successor counsel's ethical duties, Approved by Supreme Court of Virginia**

LEO 1878 "...examines the ethical duties of an attorney who assumes representation of a client in a contingent fee matter when predecessor counsel may have a claim against the client or a lien for legal fees earned on a *quantum meruit* basis against the proceeds of a recovery." The LEO was approved by the Supreme Court of Virginia on May 17, 2021, to be effective July 16, 2021.

[http://www.courts.state.va.us/courts/scv/amendments/leo\\_1878.pdf](http://www.courts.state.va.us/courts/scv/amendments/leo_1878.pdf)

**Clients' Protection Fund Assessment Reduced to \$5**

At its February 2021 meeting, Council approved 57-2 proposed revisions to Part 6, Section IV, Paragraph 16, of the Rules of the Supreme Court of Virginia to reduce the required CPF fee from \$10 to \$5 for each active member of the Bar. The Supreme Court of Virginia approved the proposed reduction on April 28, 2021, effective immediately.

**Membership Delinquency Fees Reduced**

At its February 2021 meeting, Council approved 58-3 to reduce delinquency fees from \$50 to \$25 relating to the member compliance requirements governed by Part 6, Section

IV, Paragraph 19. The Supreme Court of Virginia approved the proposed reduction on April 28, 2021, effective immediately.

### **Mandatory Professionalism Course Completion Period Amended**

On April 28, 2021, the Supreme Court of Virginia amended Paragraph 13.1 of Part 6, Section IV, to extend the period for completion of the Professionalism Course. [View the Court's Order](#) (See Paragraph 13.1 on page 1 of PDF).

### **Amendments to Paragraph 13 Regarding Bar Disciplinary Proceedings**

The Supreme Court of Virginia on May 17, 2021 amended Section IV, Paragraph 13 of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court to be effective July 16, 2021. These Rules govern the procedures for disciplining, suspending, and disbaring attorneys. The [changes to Paragraph 13](#) are intended to promote greater fairness, efficiency, consistency, and transparency in Bar proceedings. Council unanimously approved the revisions after amending Paragraphs 13-16.DD. and 13-18.R. to substitute the word “motion” for “case,” in the sentence: “If no relief is granted, the Board shall enter its order disposing of the easemotion.” The Court’s full Order may be found [here](#).

### **Fastcase**

Fastcase, a member benefit required by Rule of the Supreme Court of Virginia, is available for members to conduct free legal research. Fastcase introduced a new interface in September of 2020, which had new features:

- **Briefs, Pleadings, Motions, and Orders**  
Users can now access hundreds of millions of Briefs, Pleadings, Motions, and Orders provided by Docket Alarm (a Fastcase company). Now Fastcase users can access Docket Alarm’s 400+ million documents.
- **Ground-up Redesign of User Interface**  
Our users have given us a lot of feedback about Fastcase 7’s user interface. We’ve listened. This release provides a full re-design of the entire interface. The biggest improvement: Fastcase now looks great on all screens – from 27” retina monitors down to the smallest phone.
- **Authority Check**  
Finding a case’s status – or documents that cite to a statute or court rule – just became easier with our newly re-designed Authority Check. Simply click on a document’s flag to see other documents that cite to it. We’ve separated the algorithmically determined Negative Treatment, making it quicker and easier to determine a document’s authority and status.



## **Website Replacement**

At the beginning of 2020, the VSB began reviewing proposals in response to an RFP issued to replace our website – which dated to 2006. One vendor, Advanced Solutions International (ASI), provided an attractive proposal that also included an option for a membership database upgrade. Since approximately 2004, the VSB has used a custom-built, on premises, SQL server database called “IBIS” to store data on all 50,000+ VSB members. Since IBIS is not regularly upgradable, cloud-based, or able to integrate with many contemporary software solutions, after approximately 18 years, it has outlived its useful service life and needs to be replaced. At the end of 2020, the VSB engaged ASI to conduct a business process/requirements review to identify a future database solution and decided to replace IBIS with ASI’s iMIS Cloud Enterprise.

“iMIS” is a cloud based, upgradable, subscription software solution that shifts the VSB membership software from a capital intensive, build-to-suit, “own,” model, to a subscription or “rent” paradigm. iMIS will be the central hub for tracking all the interactions between the VSB and its members and constituents. Every payment, email, and website interaction will flow back to the constituent record, giving the VSB staff one place, one record of truth, where we can see all this information. From there, staff can proactively interact with members while assured that we are informed with completely current data on all outstanding issues.

The VSB anticipates extracting a multitude of efficiencies out of iMIS for the staff, and also increased accessibility and functionality for VSB members. The iMIS ecosystem will provide VSB members an integrated means to renew dues, update CLEs, register for events, track public notices, inquire about a Virginia lawyer’s status and much more. Initial estimates are that iMIS will “go live” by the spring of 2022.

## **SALARIED EMPLOYMENT CHANGES IN FY2021 (July 1, 2020 to June 30, 2021)**

- Tammy C. Woodcock (Senior Regulatory Compliance Analyst) separated 08/07/2020
- Matthew “Matt” T. Hesser (Legal Assistant) separated 08/09/2020
- Ashley R. Jennings (Legal Assistant) hired to replace Matt 08/25/2020
- Adni Rahman (Intake Analyst) separated 09/16/2020
- Mary Jane Apostle (Intake Analyst) hired to replace Adni 10/05/2020
- Cassidy M. Revelo (Legal Assistant) separated 10/09/2020
- Jessica J. Berdichevsky (Assistant Bar Counsel) hired 10/25/2020
- Nicolas J. Gonzalez (Legal Assistant) hired to replace Cassidy 11/23/2020
- Debra C. Isley (Regulatory Specialist) retired 12/31/2020
- Ronald “Ron” Pohrivchak (Investigator/Tidewater) retired 01/31/2021
- Patricia “Trish” H. O’Boyle (Investigator/Tidewater) hired to replace Ron 01/10/2021
- Courtney K. Noctor (Information and Records Manager) hired 01/19/2021

- James “Jim” C. Haughton (Investigator/Northern Virginia) separated 02/21/2021
- Lauren P. Langley promoted to Deputy Director of Regulatory Compliance 02/22/2021
- Angela “Angie” D. Conner (Deputy Director of Regulatory Compliance) separated 02/24/2021
- Olivia G. Surdel (Regulatory Compliance Analyst) hired to replace Tammy 03/10/2021
- Naja T. Dunn (Regulatory Compliance Analyst) separated 03/15/2021
- Alanna N. McCann (Document Management Specialist) separated 04/09/2021
- Tiffany N. Harris (Senior Document Management Specialist) separated 04/24/2021
- D. Nicole Bailey (Regulatory Compliance Analyst) separated 04/24/2021
- Amanda S. Claxton (Regulatory Specialist) hired to replace Debra 05/25/2021
- Natalie N. Gilliam (Document Management Specialist) hired to replace Tiffany 05/27/2021
- Mark E. McHugh (Investigator/Southwest Virginia) hired 06/25/2021 to replace Jim Haughton who separated 2/22/2021.

Positions filled as of June 30, 2021: 88

FTE FOR FY20: 92  
 FTE FOR FY21: 93

**Executive Director’s summary of FY2021**

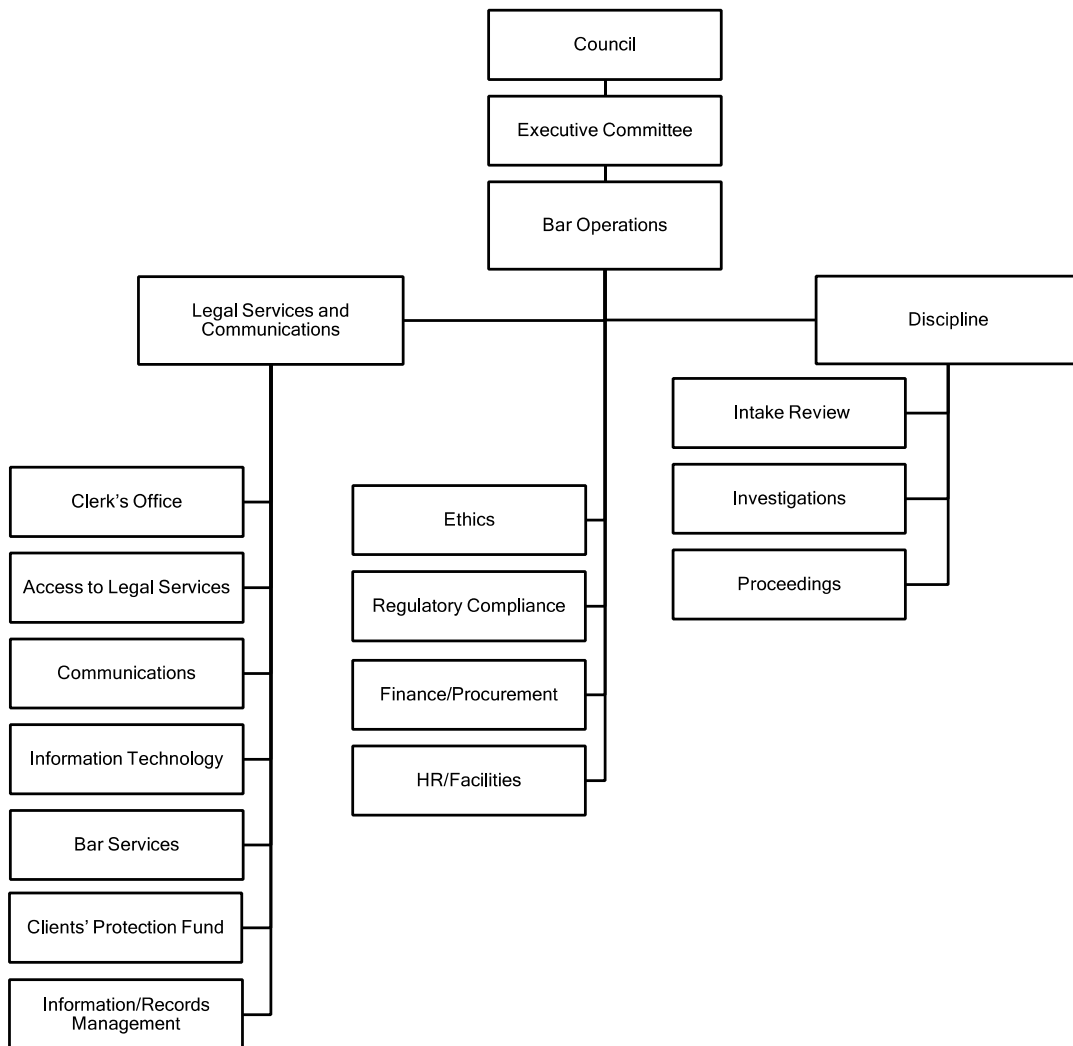
The coronavirus pandemic, which started in mid-March of 2020, continued throughout FY2021 to have a major impact on VSB operations and the lives of Virginia lawyers. As I write this summary on June 25, 2021, our office is closed to the public.

Due to action by the General Assembly enabling virtual meetings, VSB committees and boards have been able to conduct business and hold meetings using technology throughout the pandemic. The April 2021 Council meeting was held virtually, using an electronic polling software to record votes. Among the various matters considered, Council approved (1) the VSB seeking reauthorization from the General Assembly of the Clients’ Protection Fund assessment, which was approved by the Supreme Court of Virginia on June 28, 2021; (2) amendments to Paragraph 17(C) to include elimination of bias and diversity as topics specifically approved for MCLE ethics credit; and (3) changes to Ethics Rules 1.8, 1.10 and 1.15.

Council met in person in Virginia Beach at the June 2021 meeting and approved proposed UPL Opinion 218, which was then presented to the Supreme Court of Virginia for approval on June 22, 2021. Other significant actions taken at that meeting was approval of appointments to various committees and boards, including disciplinary committee appointments.

# Virginia State Bar Organizational Chart

## VSB ORGANIZATIONAL CHART



January 2021

# Report of the Treasurer

## VIRGINIA STATE BAR CASH WITH THE TREASURER OF VIRGINIA AS OF JUNE 30, 2021

Cash with the Treasurer of Virginia as of June 30, 2020: **6,055,153.61**

### Operating Revenue:

Membership Dues	10,531,599.03	
Clients' Protection Fund Assessment & Restitution	358,053.35	
Professional Corporations	142,350.00	
Section Dues	380,050.00	
Virginia Lawyer and Virginia Lawyer Register	53,131.27	
Virginia Lawyer Referral Service	273,860.97	
Mandatory Continuing Legal Education	1,433,262.50	
Professionalism Course	39,425.00	
Cost Taxing & Bonds	115,840.78	
Seminars and Miscellaneous	198,677.83	
RESA Registration	25,874.28	
Administration and Finance Account	26,545.00	
Grant Revenue	0.00	
Attorney Wellness (Not Transferred)	30.00	
<b>Total Operating Revenue</b>		<b>13,578,700.01</b>

### Operating Expenditures:

Salaries, Wages and Benefits	9,485,214.86	
Receivers	89,357.40	
Office Rent	593,805.80	
Furniture and Equipment	19,004.77	
Supplies, Stationery and Forms	16,433.23	
Printing and Copying	120,418.23	
Postage	149,842.61	
Communication Technology	106,284.41	
Staff Travel	28,833.63	
Computer	788,259.38	
Council, Committees and Board	70,242.36	
Professionalism Course	0.00	
Sections & Conferences	142,578.66	
Attorney General's Office Fees	58,187.92	
Chief Justice's Programs and Projects	30,031.60	
Other Operating Expenditures	535,558.73	
<b>Total Operating Expenditures</b>		<b>12,234,053.59</b>

### Other Disbursements and Transfers:

Administration and Finance Account Transfers	26,545.00	
Clients' Protection Fund Transfers	357,853.35	
Grants	5,000.00	

Cash Transfer	<u>80.00</u>
<b>Total Other Disbursements and Transfers</b>	<u><b>389,478.35</b></u>
<b>Cash with the Treasurer of Virginia as of June 30, 2021:</b>	<u><u><b>7,010,321.68</b></u></u>

# Report of the Office of Bar Counsel

## Renu M. Brennan, Bar Counsel

### I. DISCIPLINARY STATISTICS - FY 2021 (July 1, 2020, to June 30, 2021)

The number of active Virginia lawyers was 32,427. The bar received 2,924 bar complaints. Complaints declined 4.26% compared to July 1, 2019, through June 30, 2020.

Roughly 81% of the complaints were screened out early in the review process. The disciplinary statistics reflect that 444 cases were dismissed by Bar Counsel, the Subcommittees, and the Disciplinary Board, and 121 lawyers received private (43) or public (78) discipline. Of the 78 lawyers publicly disciplined, 24 lawyers received public reprimands or admonitions; 33 lawyers were suspended; and 21 lawyers' licenses were revoked.

[Archives \(January 22, 1999 - June 2021\)](#)

[Recent Disciplinary Actions](#)

#### Dismissals and Sanctions Statistics Information for FY 21:

Number of cases dismissed in house by Bar Counsel	315
Number of cases dismissed by Subcommittee/District Committee	123
Number of cases dismissed by Board	6
Number of cases dismissed by Circuit Court	0
Number of lawyers who received private discipline - Admonition	24 (24) <sup>1</sup>
Number of lawyers who received private discipline - Reprimand	19 (20)
Number of lawyers who received public discipline - Admonition	2 (2)
Number of lawyers who received public discipline - Reprimand	22 (24)
Number of lawyers who received public discipline - Suspension	33 (49)
Number of lawyers who received public discipline - Consent to Revocation	12 (14)
Number of lawyers who received public discipline - Revocation	9 (9)

### II. Changes to Disciplinary Procedure, Part Six, Section IV Paragraph 13 of the Rules of the Supreme Court, Rules of Professional Conduct, and Legal Ethics Opinions

#### Disciplinary Procedure

Effective February 22, 2021, the Supreme Court of Virginia amended [Paragraph 13-6.D](#),

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<sup>1</sup> Number of respondents (number of cases)

[the quorum requirement for the Disciplinary Board](#). This change facilitates the Disciplinary Board's expeditious consideration of an agreed disposition telephonically.

Effective July 16, 2021, the Supreme Court of Virginia [amended](#) Paragraph 13 to promote greater fairness, efficiency, consistency, and transparency in bar proceedings. The amendments:

1. conform agreed disposition, disqualification, and reconsideration procedures at the District Committee and Board levels;
2. clarify that the District Committee chair has the sole authority to issue a summons or subpoena on the respondent's behalf;
3. require respondent's counsel to seek leave to withdraw as counsel in proceedings before the Board, a three-judge circuit court, or the District Committee where a Charge of Misconduct has been issued;
4. define "Answer" and clarify that to demand a three-judge circuit court a respondent must file both a demand and answer to the charging document;
5. codify and expand the Board's authority to appoint a guardian *ad litem* for an unrepresented respondent who is either incarcerated or subject to an Impairment Proceeding;
6. require Bar Counsel to seek leave of the tribunal before dismissing a charge or proceeding where a respondent has permanently retired;
7. add disciplinary proceedings to which a respondent may consent to revocation;
8. clarify that the deadlines to notify clients and participants of a suspension or revocation and to make necessary client arrangements are the maximum time periods for completion and that respondents should immediately notify clients, opposing counsel, and the courts and make the necessary arrangements for client matters; and
9. clarify that orders lifting an Impairment Suspension and determinations imposing private discipline as disclosed in the sanctions phase of a proceeding, Agreed Disposition, or Consent to Revocation are public as authorized by Paragraph 13-30.B.

There were additional housekeeping amendments, all of which are accessible [here](#).

## **Rules of Professional Conduct and Legal Ethics Opinions**

[Effective December 23, 2020, the Supreme Court of Virginia approved amendments to](#)

[Rule 5.5, Unauthorized Practice Of Law; Multijurisdictional Practice of Law.](#)  
[Rule 1.18, Duties to Prospective Client, in Comment 6.](#)  
[Rule 1.17, Sale of Law Practice, in Comment 12.](#)

[Effective January 6, 2021, the Supreme Court of Virginia amended Rule 4.2, Comment \[7\] and Legal Ethics Opinion 1890, concerning communications with represented persons.](#)

[Effective January 12, 2021, the Supreme Court of Virginia amended Legal Ethics Opinion 1850 regarding the outsourcing of legal services.](#)

[Effective May 17, 2021, the Supreme Court of Virginia amended Legal Ethics Opinion 1878, stating a successor lawyer must charge a reasonable fee and must adequately explain said fee to the client.](#)

### **III. Appeals Decided by the Court**

By Order entered July 14, 2020, the Court dismissed Katina C. Whitfield’s appeal of the [Disciplinary Board’s Memorandum Order of Revocation](#) 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](#).

**August 20, 2021**



## Reports of the Standing Committees

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

## Access to Legal Services

### Jennifer Fulmer, Chair

The Standing Committee on Access to Legal Services (Access Committee) continues to serve the public and Virginia lawyers by advancing access to legal services.

The Access Committee held several events this year. All meetings were held virtually due to the COVID-19 State of Emergency. Regular business meetings were held on August 24, 2020, December 1, 2020, March 4, 2021, and April 29, 2021. The Alternative Delivery Methods/SRL subcommittee met on April 8, 2021. The Awards subcommittee met on April 21, 2021. The Pro Bono CLE & Training subcommittee met on August 6, 2020, and May 18, 2021. The Rules subcommittee met on November 30, 2020, January 4, 2021, and January 22, 2021. We hosted our annual Pro Bono Conference virtually on October 20 - 22, 2020, which included two 90-minute CLEs and an elimination of bias panel presentation. More than 150 people attended.

The Access Committee gave out four awards: the 2020 Lewis F. Powell Jr. Pro Bono Award to Bary Hausrath and Chip Clapp, the 2020 Frankie Muse Freeman Organizational Pro Bono Award to Freddie Mac Legal Department, the 2021 Oliver White Hill Law Student Pro Bono Award to Nooreen Reza of UVA Law, and the 2021 Legal Aid Award to Amy Disel Allman of VLAS. The 2021 Legal Aid Award and the 2021 Oliver Hill Award were presented in-person on June 17th at the Annual Meeting. Because the 2020 Annual Meeting was not held in person, we also took the opportunity to present the 2020 Legal Aid Award to Marcel Slag of Legal Aid Justice Center.

It has been a challenging year for the Virginia attorneys and the community we serve due to the COVID-19 public health crisis. The Access Committee responded by collaborating with stakeholders to implement a formal plan to increase the bench of pro bono attorneys, connecting nearly 100 lawyers to programs in need of volunteers. Virginia Free Legal Answers volunteers answered more than 170 COVID-19 questions and responded to a 48% increase in questions asked on the portal. We also helped Virginia attorneys stay educated and engaged by hosting CLE webinars on COVID-19 and virtual pro bono service opportunities. We are proud of these accomplishments and look forward to advancing access even further in the coming year.

The chair of the Access Committee for the coming year is Ali Silva of the University of Richmond School of Law. Valerie L'Herrou of the Virginia Poverty Law Center will be serving as vice chair.

The Access Committee thanks everyone who has taken up the mantle of pro bono during this unprecedented time. We are proud of the significant contributions Virginia attorneys reported last year, including more than \$1.5 million in donations to legal

services and more than 400,000 service hours. Because of your dedication, the doors of justice stayed open for Virginians in need.

## Budget and Finance

### Marni E. Byrum, Chair

The Standing Committee on Budget and Finance met electronically, via Microsoft Teams, on January 11, 2021, to review and approve the proposed FY 2022 operating budget. Highlights of the FY 2022 proposed budget included a reduction in delinquency fees, a reduction in the Clients' Protection Fund (CPF) assessment, and a \$1,500 bonus for full time, salaried employees of the Virginia State Bar.

On February 27, 2021, the Council considered, and unanimously approved, an operating budget of \$14.8 million for FY 2022. After the Council approved the FY 2022 proposed budget, the General Assembly adopted a budget that included a 5% raise for salaried employees of the state in lieu of a \$1,500 bonus. Chief Justice Lemons communicated the Supreme Court's approval of the FY 2022 revised budget on April 13, 2021, to Karen Gould, Executive Director and Chief Operating Officer.

The approved FY 2022 budget estimates \$15.0 million in expenditures. This is an increase of approximately \$373,000 over the FY 2021 budget. The increase is primarily due to an increase in salaries and benefits related to the 5% raise and a decrease in the CPF assessment which also decreases the CPF transfer from the operating account which is an expenditure.

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

## Lawyer Discipline<sup>2</sup> Peter A. Dingman, Chair

The powers granted to COLD are broad and comprehensive and the duties imposed are substantial. This year the members of COLD, 10 lawyers and two non-lawyer volunteers, have worked diligently, in cooperation with the office of Bar Counsel, Renu Brennan, the Clerk of the Disciplinary System, DaVida Davis, the Executive Director, Karen A. Gould, and the VSB support staff, on two major initiatives:

- to clarify and simplify provisions of Paragraph 13,
- and to facilitate training opportunities for District Committee members.

COLD continued its traditional role:

- monitoring the active docket,
- and reviewing random closed files

to assure that cases are properly moving through the Disciplinary System.

Bar Counsel also engaged with COLD to refine and restate some policies and procedures of COLD and her office to better reflect actual experience within the System. A salient example in this area is revising a COLD Policy<sup>3</sup> which essentially mandates that all trust account violations “should” be sent to the Disciplinary Board. The experience of the office of Bar Counsel has been that many such violations stem from inadvertence, ignorance of proper procedures, and failures of staff supervision without substantial harm to clients or indicia of a pattern of misconduct. COLD is currently in the process of revising its policy to permit greater discretion for Bar Counsel to determine on an individual basis whether such cases merit immediate certification or are more appropriately dealt with, initially, at the District Committee level.

COLD also approved revisions of Bar Counsel’s Policy regarding renewed or repeated (“rebounds”) complaints, that is matters that have been evaluated and dismissed by Bar Counsel – Intake but are reasserted by the complainant without substantive new evidence or allegations. This effort was supervised by the Chair of COLD’s Oversight Subcommittee, Elsey Harris, III in cooperation with Intake Counsel James C. Bodie.

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<sup>2</sup> The Committee on Lawyer Discipline (COLD) is established under Part II, Article III, Section 3 of the Bylaws of the Virginia State Bar and Council and is granted, under Part Six, Section IV, Paragraph 13, Rules of the Supreme Court of Virginia, subparagraph 13-5, “all powers and duties of [the VSB] Council, with respect to the Disciplinary System,” except the power to appoint District Committee members and subject to direction and control of Council.

### 2 COLD POLICY #2: TRUST ACCOUNT VIOLATIONS

Trust account violations are extremely serious and generally should be certified to the Disciplinary Board for resolution. In the event a district committee or subcommittee retains a trust account case, it should offer a full and complete written explanation.

The Committee modified its own meeting schedule and altered its focus to concentrate on assisting in providing effective training for new and continuing members of District Committees. COLD met remotely this year, due to the pandemic. It also adjusted its meeting schedule from every other month to quarterly. In prior years, COLD meetings have included a lengthy round table presentation by COLD member liaisons regarding the status of Disciplinary System dockets for each District Committee. The Committee determined that its oversight function could be better served by receiving a report from the Bar Counsel regarding the status of dockets for each attorney in her office presented by written report in advance of the meeting. These reports include comparative data from past years and, in conjunction with Bar Counsel's in person reports at each COLD meeting, provide the Committee with ample information to monitor the efficiency and efficacy of the System.

COLD has directed greater focus on training new and continuing members of District Committees. This training effort was, of course, made more important after cancellation of the July 2020 Disciplinary Conference. Senior Assistant Bar Counsel Ed Dillon played a lead role in organizing and presenting with Senior Assistant Bar Counsel Elizabeth Shoefeld video presentations for District Committee members which replaced the new member introductory session and vignette hypothetical discussions which have been a feature of the annual conference. Attendees unanimously rated these presentations as valuable to them.

A considerable amount of COLD's energies this past year went to preparing recommended changes to Part 6, Sec. IV, Paragraph 13 of the Rules of the Supreme Court of Virginia, to achieve greater fairness, efficiency, consistency, and transparency in bar disciplinary proceedings. Senior Assistant Bar Counsel M. Brent Saunders undertook the task of reviewing paragraph 13 and identifying specific provisions that needed revision to achieve those goals. COLD Vice-Chair Pleasant Brodnax, III, convened COLD's Rules Subcommittee for several meeting to refine a proposal that was approved by COLD in January and submitted to Bar Council in February. Both the Executive Committee and the full Bar Council unanimously approved the proposed revisions and the Bar's Executive Directory has duly petitioned the Supreme Court of Virginia for approval.

The full text of the proposed revisions is too lengthy for repetition here, but was ably summarized by Mr. Saunders as follows:

- 1) conforming the Agreed Disposition process for charges on the public District Committee docket with Agreed Dispositions at the Board level by requiring agreed disposition proceedings on Charges of Misconduct be public; allowing such proceedings to be conducted telephonically; and disqualifying panel members who review the Agreed Disposition from hearing the Charge of Misconduct;
- 2) conforming the process for filing a motion for reconsideration or modification of a District Committee's decision following a hearing on a Charge of Misconduct with the process at the Board level;

- 3) clarifying the Chair of the District Committee in which the Complaint is pending has the sole authority to issue a summons or subpoena on behalf of a Respondent;
  - 4) requiring counsel for a Respondent to seek leave to withdraw in any proceeding pending before the Board, a three-judge circuit court, or a District Committee where a Charge of Misconduct has been issued;
  - 5) defining “Answer” and clarifying that to request a three-judge circuit court a Respondent must file both a demand and an Answer to the pending Charge of Misconduct, Certification, or petition.
  - 6) codifying and expanding the Board’s authority to appoint a guardian *ad litem* for a Respondent who is unrepresented and either incarcerated or subject to an Impairment Proceeding;
  - 7) requiring Bar Counsel to seek leave of the appropriate tribunal before dismissing a Charge of Misconduct, Certification, or Disciplinary Proceeding where a Respondent has been found to have an Impairment or permanently transferred to the Disabled or Retired class of membership;
  - 8) adding several types of Disciplinary Proceedings in which a Respondent may consent to the Revocation of their law license;
  - 9) clarifying that a Respondent should immediately provide notice of the Suspension or Revocation of his/her law license and make appropriate arrangements for client matters as soon as practicable, and that the respective 14-day and 45-day deadlines set out under 13-29 are the maximum time periods for the completion of those tasks;
- and
- 10) clarifying that orders lifting an Impairment Suspension and determinations imposing private discipline disclosed in conjunction with a sanctions, Agreed Disposition, or consent to Revocation proceeding (as authorized by 13-30.B) are public.

The proposed revisions also include several housekeeping amendments creating or clarifying the meaning of certain terms and correcting outdated statutory references contained within Paragraph 13, adding an additional basis for the lifting of a license Suspension for noncompliance with a summons or subpoena, eliminating duplicative/erroneous language, and reorganizing certain provisions.

COLD concludes this report noting that despite the challenges of a pandemic the VSB Disciplinary System is processing new complaints and existing matters with competence and efficiency which compare favorably to prior years. The Committee believes that the focus on education of new members and policy revisions discussed in this report will improve System function and encourage uniformity in dispositions. The modifications to Paragraph 13 (which were approved by the Supreme Court of Virginia by Order entered May 17, 2021) COLD believes will promote clarity, transparency, and fairness.

## Legal Ethics

### Dennis J. Quinn, Chair

The Standing Committee on Legal Ethics meets regularly to consider attorneys' formal requests for advisory opinions seeking guidance on legal ethics and the unauthorized practice of law as well as to analyze and debate proposals to amend the Rules of Professional Conduct and the Unauthorized Practice Rules. The committee met electronically seven times in FY 21 due to the COVID-19 pandemic.

The committee has nine members: Dennis Quinn (chair), Michael York (vice chair), V. Kathleen Dougherty, Teresa Goody Guillén, Denise Jackson, K. Brett Marston, Jeffery Mitchell, Michael Robinson, and Nathan Veldhuis. VSB staff liaisons are James McCauley and Emily Hedrick. The chair thanks Denise Jackson and Nathan Veldhuis for their service to the committee and welcomes incoming members Michael HuYoung and Nia Vidal. Dennis Quinn and Michael York will continue as chair and vice chair, respectively, for FY 2022.

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

- Rule 1.17 Sale of Law Practice; Rule 1.18 Duties to Prospective Client; and Rule 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law; approved by SCV on December 23, 2020, effective immediately
- Rule 1.8 Conflict of Interest: Prohibited Transactions; Rule 1.10 Imputed Disqualification: General Rule; and Rule 1.15 Safekeeping Property; approved by Council in April 2021 and pending SCV review

The committee submitted two LEOs and one UPL opinion for review and approval by Council and the Supreme Court of Virginia:

- Revisions to LEO 1850 - Outsourcing; approved by SCV January 12, 2021, effective immediately
- LEO 1878 - Successor Lawyer's Duties in Contingent Fee Matter; approved by SCV May 17, 2021, effective immediately
- UPL opinion 218 - regarding power of attorney and the uniform power of attorney act; approved by Council in June 2021 and pending SCV review

The committee also has three proposals released for public comment that will be acted on in FY 22:

- Rule 1.2 - advising clients on cannabis activities; LEO 1893 - representation of child and "next friend"; LEO 1896 - out of state lawyers working remotely in Virginia

The Supreme Court of Virginia, having previously vacated an order approving LEO 1890 on April 3, 2020, approved the opinion, with modifications, on January 6, 2021, and simultaneously modified Comment [7] to Rule 4.2, both effective immediately.



The ethics hotline received 6,449 inquiries this year.

## 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

In March of 2021, during the height of the COVID-19 pandemic, all courses were cancelled and remained cancelled through the 2020-2021 fiscal year. The compliance deadline for members was initially extended until December 31, 2020, and then extended again until July 31, 2021.

In November 2021, the Committee met to discuss the future for the course. The committee unanimously agreed that the course should remain an in-person program and should not be offered as remote learning due to the unique nature of the course. The committee understood that remote learning for other programs would continue and that maintaining this program as a face-to-face meeting was important to the collegiality of the profession.

At the February 2021 Council Meeting, the Council approved an amendment to Paragraph 13.1 of the Rules of the Virginia Supreme Court to extend the Professionalism Course compliance deadline to twenty-four months from a member's registration date. Those affected by the COVID-19 cancellations would have thirty-six months from registration to complete a course. The amendment passed and was approved by the Supreme Court in April 2021.

As the pandemic eased in the spring of 2021, bar staff determined that courses could begin in July 2021 and planned 6 courses for the 2021-2022 year.

The Honorable David W. Lannetti will continue to serve as committee chair and course moderator for the 2021-2022 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.

## **Reports of the Boards**

The Clients' Protection Fund Board  
Mandatory Continuing Legal Education

## Clients' Protection Fund

### Melissa W. Robinson, Chair

The Clients' Protection Fund was established in 1976 to make monetary awards to petitioners 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. The Board is comprised of 13 lawyers and one layperson. Board members investigate all claims for payments from the fund. The Board decides whether to approve or deny each claim.

The total amount paid during FY 2020-2021 was \$398,340.85 for thirty-seven claims. The Board denied thirteen (13) petitions, and ten (10) petitions were rejected for not meeting the CPF rule requirements. One (1) claim was withdrawn by the petitioner. As of June 30, 2021, there were nineteen (19) pending claims.

The total amount paid for the operating expenses of the CPF for the fiscal year was \$580.35. In addition, the fund paid \$15,872.71 for receivership cases initiated by the Virginia State Bar.

The fund began the fiscal year on July 1, 2020, with a cash balance of \$10,650,621.50. The Clients' Protection Fund \$10 assessment from all active attorneys totaled \$324,115.00. Interest income for the fiscal year, totaled \$142,139.94. The fund received restitution from the attorney general's collections, debt set-off, and individual restitutions in the amount of \$33,738.85 net of attorney's fees for collection services. As of June 30, 2020, the cash balance in the fund was \$10,735,820.88.

By Order entered April 28, 2021, and effective July 1, 2021, the Supreme Court of Virginia reduced the amount of the assessment paid by bar members from \$10 to \$5. In addition, on June 28, 2021, the Supreme Court of Virginia approved the VSB petition to ask the General Assembly to reauthorize Va. Code Section 54.1-3913.1, beyond July 1, 2023, and remove the associated "sunset" provision.

The Virginia State Bar Clients' Protection Fund Board is seeking comments on proposed amendments to the Clients' Protection Fund Rules as they pertain to caps on refunds for losses due to lawyer malfeasance. The purpose of the amendments is to raise the petitioner cap from \$75,000 to \$100,000 for losses incurred on or after July 1, 2021. The amendments will be presented to Bar Council on October 29, 2021.

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.

**Departing member:** Thomas Andrew Edmonds. The Board wishes to extend its appreciation to Mr. Edmonds. His service was very valuable, and he will be missed as a fellow Board member.

**New Board Member (2021-2022 Fiscal Year):** Eugene Millan Elliott, Jr.

**Officers for the 2021-2022 Fiscal Year:**

- Melissa W. Robinson, Chair
- Phillip V. Anderson, Vice Chair

Clients' Protection Fund Board members for the 2020-2021 Fiscal Year included Phillip V. Anderson, Vice Chair, Joseph M. Bowen, Christopher A. Corbet, Paul G. Gill, Charles F. Hilton, Brian D. Lytle, Peter M. Mellette, David B. Oakley, Mary Grace Anne O'Malley, Lisa A. Wilson, Thomas A. Edmonds, Mary Yancey Spencer, and Dr. Theodore Smith.

I would like to thank the Virginia State Bar Clients' Protection Fund staff who carry out the Board's daily administrative operations as well as the Board members for their voluntary contributions of both time and knowledge.

## Mandatory Continuing Legal Education

### Mark S. Brennan, 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 2021 fiscal year included Christine L. Poarch of Salem (Chair), Mark S. Brennan of Richmond (Vice-Chair), Henry L. Chambers Jr of Richmond, Brendan U. Dunning of Halifax, 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 FY2021 to consider course applications, attorney requests for extensions and waivers, and other matters integrally related to the administration of the MCLE program in Virginia. All meetings were held virtually due to the COVID-19 State of Emergency. Over the last reporting cycle, the MCLE staff and Board considered 23,263 course approvals and 25 waiver/extension requests. In April 2020 the Supreme Court of Virginia extended compliance deadlines for Virginia lawyers in response to the COVID-19 pandemic, including a two-month delay in the due date for the MCLE completion deadline (extended through December 31, 2020). This extension was intended to provide additional time and a period of grace for anyone negatively impacted by the COVID-19 pandemic in addition to accounting for various other incidental impacts. The restrictions necessitated by the COVID-19 pandemic and the impacts of the pandemic forced the staff to devote its primary focus solely to core functions—primarily review of courses and management of the compliance process.

Despite the hurdles of virtual business meetings, the Board continued to evaluate and focus on larger programmatic and policy matters. Although since 2016 the MCLE Board maintained policy guidance for review of courses pertaining to diversity and bias, the MCLE Board continued to evaluate this issue and undertook the following steps in further support and promotion of diversity and elimination of bias for continued approval as topics for CLE courses:

- Approved an opinion (a) promoting and underscoring the importance and need for education and awareness concerning diversity and elimination of bias in the legal profession and practice of law; and (b) recognizing that such courses may be included in the definition of a qualified professionalism course pursuant to Regulation 101(t), provided it also meets the standard of approval for all CLE courses contained in Regulation 103.

- Amended Regulation 101(t), which specifically recognizes that CLE courses on the subjects of diversity and elimination of bias as courses which may qualify as “professionalism.”

Of particular note is the VSB’s technological advancements underway on both the website and overall database which will have a multitude of efficiencies for the staff, and also increased accessibility and functionality for VSB members. Specific to MCLE, the ability for providers and lawyers to apply for course approvals electronically, lawyers to submit certificates of attendance via their member portal, and a more robust and user friendly MCLE reporting system, in addition to various other improvements. Additionally, the new website will allow for ease of access to MCLE regulations, opinions, and Board meeting activity reporting. Initial estimates are that this new system will “go live” by the spring of 2022.

The leadership of the MCLE Board for the upcoming fiscal year will be Mark S. Brennan as Chair and Michael D. Pierce 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.

## 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



## Bench-Bar Relations

### The Honorable Colleen Killilea, Chair

The Bench Bar Relations Committee 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 Committee had 15 members, including, the Hon. Colleen K. Killilea, Chair, Nupur Sidhu Bal, Esq., Vice Chair, the Hon. Cleo E. Powell, the Hon. Lawrence R. Leonard, the Hon. Mary Jane Hall, the Hon. Steven C. McCallum, Brian Lawrence Buniva, Esq., President of the VSB, Marni Elaine Byrum, Esq., Immediate Past President of the VSB, Annesha Michel Miller Grant, Esq., Charlene Louise Hinton, Esq., Kamala Hallgren Lannetti, Esq., Lesley Pate Marlin, Esq., D. Bradley Marshall, Esq., Edward Laurence Weiner, Esq., and Bruce H. Russell, II.

The Committee held the following meetings in this pandemic shortened year:

September 2020 – postponed due to COVID

January 21, 2021 – virtual

March 2021 – continued

May 19, 2021 – virtual

Significant activities the Committee undertook this year included: reviewing and revising its mission statement (appended herewith); discussing, debating and monitoring the removal of confederate, etc., iconography from Virginia courtrooms and courthouses; evaluating the expansion of the use videoconferencing for court hearings; discussing the creation of new district court clerk positions; discussing the expansion of the Court of Appeals jurisdiction; and considering critical media reporting on Virginia judicial elections by members of the General Assembly.

Our September meeting will be in-person, and we hope that all our future meetings can be held in that matter. Once the pandemic is officially over, one of our goals is to present a Bench-Bar panel at the Annual Virginia State Bar meeting. If anyone would like a topic addressed that is suitable for our Committee, please let Cameron Rountree at the Virginia State Bar know. He is the VSB liaison for the Committee. He will ensure that the topic or suggestion is passed on, and we will take it up at our next meeting. We certainly value and appreciate your input.

I'm happy to report that the leadership of the Committee for the upcoming year will pass to Bradley Marshall, Esq. as chair, and Nupur Bal will continue as vice chair. I'm also pleased to welcome the Hon. Marla G. Decker, Chief Judge, Court of Appeals of Virginia and Robert B. Walker, Esq. to the Committee next year.

Finally, I would like to conclude by thanking Cameron Rountree, Sylvia Daniel, and the VSB staff liaisons, and by wishing Brad and Nupur success in the coming year.

**Colleen K. Killilea, Judge**

9th Judicial District

Williamsburg/James City County General District Court

5201 Monticello Avenue, Suite 2

Williamsburg, VA 23188

Virginia State Bar

Bench-Bar Relations Committee

**Report of Subcommittee on Bench-Bar Committee Mission Statement  
Submitted by Kamala H. Lannetti**

The Subcommittee on the Bench-Bar Relations Committee Mission Statement met virtually on October 30th and December 8th and through emails communications. The Subcommittee Members included: the Honorable Colleen K. Killilea; Bradley Marshall; Lesley P. Marlin; Bruce Russell; and Kamala Lannetti.

In its deliberations, the Subcommittee reviewed mission statements from state and local bar associations throughout the country that had bench bar committees or committees with similar duties. Duties and responsibilities of other bench bar committees varied considerably depending on whether the committee handled matters such as: judicial elections; judicial misconduct; media relations; and bar association social events. After working on several draft mission statements, the Subcommittee made a final decision to recommend a simple mission statement that included the purpose for the Bench-Bar Relations Committee but not to include any methods or examples to accomplish those purposes in the mission statement. A workplan or goals for the Bench-Bar Relations Committee should be developed annually but the mission statement should remain the same from year to year.

The proposed Bench-Bar Relations Committee statement is:

**Proposed Mission Statement for the VSB Bench-Bar Relations Committee**

The mission of the Bench-Bar Relations Committee is to support and improve the administration of justice, enhance service to the community, and increase professionalism within the legal system by exploring emerging issues of concern or interest affecting the Bench and the Bar.

## Judicial Candidate Evaluation Committee

In March of 2021, the General Assembly called for a new round of bar evaluations of candidates for Court of Appeals judgeships. In a March 15 letter to heads of the Virginia State Bar and other statewide bar groups, Senate Judiciary Committee Chair John S. Edwards and House Courts of Justice Committee Chair Charniele L. Herring urged consideration of regional diversity as well as diversity in race and practice areas. They requested that bar associations provide recommendations by May 30, 2021.

Because of the large number of candidates (50), new committee members had to be recruited and trained. Committee members conducted investigations and collected extensive background information on the candidates. Interview dates were set for the Committee, which was divided into three groups, to conduct virtual interviews of the candidates on three dates in July 2021.

Under the VSB's policy, most recently revised in 2016, the Committee is charged with evaluating the qualifications of each candidate and rating those found to possess the requisite experience, temperament, integrity, and ability as either Q/HQ. Each person's rating is also accompanied by a report, prepared by the Committee, which explains the basis for the rating.

JCEC Interview Panel 1, which interviewed candidates virtually on July 7, 2021, consisted of the following attorneys:

Maryse C. Allen, Chair	Prince William
Kristina P. Alexander	Arnold, MD
William J. Dinkin	Richmond
Leonard C. Heath, Jr.	Newport News
R. Lucas Hobbs	Bristol
Brad M. Lindsay	Lynchburg
W. Hunter Old	Williamsburg
Nancy G. Parr	Chesapeake
Michael W. Robinson	Tysons
Judith L. Rosenblatt	Virginia Beach
Bruce H. Russell, II	Abingdon
Theo K. Stamos	Arlington
Edward L. Weiner	Fairfax
Ron R. Wesley	Richmond

JCEC Interview Panel 2 interviewed candidates virtually on July 9, 2021, and was comprised of the following:

Bevin R. Alexander, Jr., Chair	Lynchburg
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Eugene N. Butler	Lynchburg
Mona S. Flax	Virginia Beach
Douglas L. Guynn	Harrisonburg
Eva N. Juncker	Falls Church
Christy E. Kiely	Richmond
Richard E. Ladd, Jr.	Bristol
Todd G. Patrick	Waynesboro
Fernando Villarroel	Manassas
Hunt H. Whitehead	Richmond
Deborah A.J. Wilson	Fairfax
William T. Wilson	Covington
James L. Younger	Arlington

JCEC Interview Panel 3 interviewed candidates virtually on July 1, 2021. Attorneys who served on JCEC Interview Panel 3 are as follows:

Marni E. Byrum, Chair	Alexandria
David W. Bouchard	Chesapeake
John E. Byrnes	Fairfax
Craig B. Davis	Richmond
Linda D. Frith	Roanoke
Karla Carter Haynes	Suffolk
Helen E. Phillips	Louisa
Kristine L.H. Smith	Lynchburg
Michael M. York	Reston

Karen A. Gould, Executive Director, attended each of the interview sessions as an observer.

In summary, the total cohort of 19 candidates evaluated by JCEC in July 2021 and found Q/HQ is set forth here:

**JCEC INTERVIEW RESULTS FOR COA VACANCIES**  
**Interview Date July 1, 2021**  
**Marni E. Bynum, Chair**

		<b>QUALIFIED VOTE</b>	<b>HIGHLY QUALIFIED VOTE</b>
1	Judge Ricardo Rigual	Q 9-0	HQ 8-1
2	Melissa W. Robinson	Q 8-1	HQ 7-2
3	Cullen D. Seltzer	Q 9-0	
4	Liza S. Simmons	Q 8-1	
5	Judge M. Scott Stein	Q 7-2	

6	Fay F. Spence	Q 7-2	
7	Judge Tracy Thorne-Begland	Q 9-0	HQ 9-0

**JCEC INTERVIEW RESULTS FOR COA VACANCIES**  
**Interview Date July 7, 2021**  
**Maryse Allen, Chair**

		<b>QUALIFIED VOTE</b>	<b>HIGHLY QUALIFIED VOTE</b>
1	Amy L. Austin	Q 13-0 (1 abstention)	HQ 13-0 (1 abstention)
2	Judge Tanya Bullock	Q 14-0	HQ 14-0
3	Vernida R. Chaney	Q 10-4	
4	Judge Leisa K. Ciaffone	Q 14-0	HQ 14-0
5	Judge J. Christopher Clemens	Q 14-0	HQ 13-1
6	H. Shannon Cooke	Q 14-0	HQ 8-6
7	Judge Douglas L. Fleming	Q 14-0	HQ 14-0
8	Judge William E. Glover	Q 14-0	HQ 14-0

**JCEC INTERVIEW RESULTS FOR COA VACANCIES**  
**Interview Date July 9, 2021**  
**Bevin Alexander, Chair**

		<b>QUALIFIED VOTE</b>	<b>HIGHLY QUALIFIED VOTE</b>
1	Doris Henderson Causey	Q 12-1	
2	Judge Angela L. Horan	Q 13-0	HQ 11-2
3	K. Lorraine Lord	Q 12-1	HQ 12-1
4	Douglas A. Ramseur	Q 13-0	HQ 11-2

In addition to these candidates, two other candidates were previously evaluated and wished to be considered for the Court of Appeals of Virginia: (1) Frank Friedman of Woods Rogers in Roanoke was found Highly Qualified in 2007; and (2) Mary T. Morgan of Virginia Beach was found Qualified in 2019 for an Eastern District of Virginia judgeship.

On August 10, 2021, the General Assembly elected eight new judges to the Court of Appeals of Virginia:

Dominique A. Callins, attorney, Front Royal  
Doris Henderson Causey, attorney, Henrico  
Vernida R. Chaney, attorney, Alexandria

Frank K. Friedman, attorney, Roanoke  
Hon. Junius P. Fulton, circuit court judge, Norfolk  
Lisa M. Lorish, federal public defender, Charlottesville  
Hon. Daniel E. Ortiz, circuit court judge, Fairfax  
Stuart A. Raphael, attorney, Arlington

## Lawyer Insurance

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 22, 2020: MS Teams due to pandemic

November 18, 2020: MS Teams due to pandemic

February 18, 2021: MS Teams due to pandemic

May 13, 2021: MS Teams 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.

### **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 2021**, In 2021, the Virginia book saw a slight decrease in gross written premium (\$3,349,956, compared to \$3,465,841 in 2020) and gross earned premium (\$2,348,738 compared to \$2,442,574 in 2020). There were 12 claims report in Virginia in Q1 2021 compared to 26 claims reported in 2020. Claims outstanding were down to 113, 15 less than this period last year. Virginia's net combined ratio through Q1 was 44.5%, an excellent start to the year. ALPS total insureds law firms in through Q1 was 615, up 24 from Q1 2020, with total insured lawyers down from 1,438 to 1,357 and 19,482, of which Virginia insureds law firms were 1,963 and insured attorneys were 3,937, a drop in lawyers per policy of 2.43 down to 2.2.

### **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).

### **Virginia Risk Management Report**

YTD Result: Between January 1, 2021 and May 31, 2021, ALPS has had 78 VA registrants complete on-demand programs.

Webinar Programming: In Q1 ALPS hosted two CLE webinars exclusively for Virginia Attorneys:

- Identifying the Client with Tom Spahn (FREE, March 17, hosted by Tom Spahn of McGuireWoods)  
440 live attendees
- Two Sides of the Same Coin – Documenting Engagements & Dealing with Collections Problems (FREE, March 22, hosted by Mark B)  
439 live attendees
- Quarterly Result: In Q4 of 2020, ALPS had 879 VA registrants for webinars, with 370 ALPS insureds and 509 non-ALPS insured.
- YTD Result: So far in 2021, ALPS had 879 VA registrants for webinars (YTD '20: 103), with 370 ALPS insureds (YTD '20: 88) and 509 non-ALPS insureds (YTD '19: 15).

### **Webinars Scheduled:**

Q2 2021 features two webinars:

- Uprooting Sexual Harassment in the Legal Profession with Women Lawyers on Guard – 5/4
- Security Assessments and Penetration Testing for Law Firms with Sensei Enterprises, Inc. – 5/6
- What's Hot in the World of Legal Malpractice with Mark B. and two ALPS Claims Attorneys – June 23

### **Fall CLE Tour:**

Planning is underway for the 2021 tour. This year's schedule will be as follows:

Live Tour: September 23-30

Thursday, 9/23: Richmond GRCC AM/PM



Friday, 9/24: Charlottesville Doubletree: AM  
Monday, 9/27: VA Beach Convention Center AM  
Tuesday, 9/28: Chesapeake Conference Center AM  
Wednesday, 9/29: Alexandria Belle Haven AM/PM  
Thursday, 9/30: Fairfax Marriott AM/PM

**Risk Management Budget for Calendar Year 2021**

**Approved 2021 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, 2021, the expenses amount to \$83,951.20

## 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 fiscal year 2020-2021, the VLRS answered over 14,000 telephone calls, responded to 330 emails, 108 written correspondences and addressed 1,346 on-line requests. The VLRS assisted 5,007 of those consumers with prescreened and prepaid referrals to its active lawyer panel members, which produced \$273,861 in revenue for the bar. The VSB Special Committee on Lawyer Referral commends and thanks the 240 VLRS lawyer panel members for their (past and present) service to the bar and their communities. The VLRS welcomed 28 first-time lawyer panel members this fiscal year.

During the past year, Committee Co-Chairs Jack L. Harris and Eugene M. Elliott, and Committee members Joseph M. Bowen, Tonia J. Drewery, Mary K. Hayburn, Eden B. Heilman, Angela T. Isabell, John A. Kassabian, and Todd A. Pilot met on Tuesday, September 29, 2020 and Friday, February 26, 2021.

#### *New VLRS Rules*

On July 1, 2020, changes to the rules governing the VLRS went into effect. The rule changes presented both challenges and victories for the VLRS panelists and the VLRS. The rule changes required more detailed reporting on referred clients by both panel members and their staff, stricter disciplinary history for panel member eligibility, and that 15 percent of fees collected from clients be paid over to the VSB. As expected, these rule changes resulted in a decrease in panel membership but nonetheless the VLRS made over 5,007 paid referrals (an increase of 1,035 from FY20) with over 800 reported retained cases resulting in approximately \$547,000 of revenue for VLRS panel members, and increased revenue of \$82,000 for the VSB; allowing the VLRS to show a \$10,000 profit for the year, becoming financially self-sustaining for the first time since 2009. That profit, as provided in the rules, will be utilized for additional advertising, marketing, and support of VLRS services.

#### *Marketing Campaigns for VLRS*

Committee members and VLRS staff were unable to conduct onsite lawyer panel membership promotions, due to the pandemic, however membership promotion

continued thru the VSB sections and the Committees' online events and E-news publications – ‘*Construction Law & Public Contracts*’ (December 2020) and the Virginia State Bar Tech Show (April 2021), offering free panel membership for first-time VLRS panelists and VSB members with 5 or less years of membership.

With the assistance of the VSB Communication Department, the VLRS has run semi-monthly VSB *Virginia Lawyer Magazine* ads - “*Join the VLRS: Free, Prescreened Referrals and a Benefit to Your Community*” & “*Potential Clients are Looking for Virginia Lawyers*” (August 2020); “*Cut through the White Noise.*” (October 2020); “*Bilingual Lawyers Needed*” (December 2020); “*Need New Clients?*” (February 2021); the VLRS annual “*Thank You*” list of 2020 lawyer panel members (April 2021); and “*Virginia Lawyer Referral Increases Revenues for Lawyers While Helping Virginians*” (June 2021).

The VLRS also continues to utilize the social media platforms of *Facebook* and *Google* ads to enhance awareness of the consumer services provided by the VLRS with monthly postings that highlight the diverse topics of Employment/Labor law, Business Law, Litigation, Taxation, and VLRS general services and information. Collectively, these efforts have reached more than 70,000 consumers and received over 3,400 “likes” and follow-up contacts to the VLRS.

VLRS panel membership opportunities are also promoted in the VSB Facebook bi-monthly ads highlighting the need for Bilingual panel members and for additional VLRS panel membership in underserved cities and counties based on areas of law practice as well as showcasing VLRS as a viable option to increase paying clientele. The VLRS has also been recognized in consumer-based discussion for suggestions of where to obtain legal services on the *Reddit website*.

### ***Special Matter Panels***

Due to the legal challenges presented by the Coronavirus (COVID-19) to the citizens of Virginia, the VLRS continues to issue calls to VSB members and track VLRS panel members to assist callers with specified legal needs related to COVID-19.

## 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.

The VSB RFD received 152 requests for information during fiscal year 2020-2021, which is down by 47 from last year.

Geographical breakdown of requests:

- 27% were for attorneys practicing in eastern Virginia
- 36% were for attorneys practicing in NOVA
- 30% were for attorneys practicing in central Virginia; and
- 7% were for attorneys practicing in southside/southwest Virginia

The VSB Intake office referred 102 cases to the RFD program

The leadership of the Special Committee on the Resolution of Fee Disputes for the upcoming year is Edward Whitlock, chair; Alan Anderson, vice chair; Alexandra Davis; Leonard Heath; David McKelvey; Steve Owen; John White; 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.

## 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.

The committee currently has 15 members: 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). The chair thanks David Bice and Andrew Dean for their service to the committee and the bar as their terms of service have ended and welcomes new members Elizabeth Yusi and Andrew Grindrod.

The committee's activities were once again limited by the COVID-19 pandemic. The committee met electronically in October 2020, and otherwise pursued its mission by: continuing to update CLE materials related to technology and the practice of law to share with bar associations and present to bar groups upon request; submitting articles for publication in the Virginia Lawyer; monitoring any efforts to establish a statewide e-filing initiative; creating a cybersecurity guide for VSB members; and planning for the committee's next report to be issued in 2022.

The co-chairs of the committee for fiscal year 2022 are Kellam Parks and Jon Gallo.

## **Reports of the Conferences**

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

## Conference of Local and Specialty Bar Associations Susan Godman Rager, 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* handbooks, and created the [soyoure18.com](http://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 122 member bars. There are 7 bar associations in Virginia that are not members of the CLSBA. One new bar association joined the CLSBA this year: the Energy Bar Association, Southern Chapter. The CLSBA's annual budget for the past fiscal year was \$25,900 and has a remaining balance of \$25,009. The annual budget for last fiscal year's Solo & Small-Firm Practitioner Forums was \$40,000 and has a remaining balance of \$40,000.

The CLSBA held the following events this year:

- The Bar Leaders Institute was presented via webinar, on Wednesday, March 24, 2021. Once again, Christine Mougins-Boal chaired the planning subcommittee, working with Luis Perez, Dillina Stickle, and Roy Creasy. Topics included Qualities of a Good Bar Leader, Bar Projects Showcase, Resources for Bar Leaders, Virtual Membership and Participation – During the Pandemic and Beyond, and Dialogues Between Bar Leaders and the Bench. There was a separate “round table” portion of the program that was held on April 1, where local bar leaders were encouraged to share information about what was going on at their bars. The CLSBA is considering offering bimonthly roundtable discussions throughout 2021-22.
- Solo & Small-Firm Practitioner Forums (held as webinars this year)
  - July 22, 2020 – Feeling the Fear and Doing It Anyway (1 hour CLE – 218 attendees)
  - October 6, 2020 – Legal Research on Fastcase 7 (1 hour CLE – 376 attendees)

- December 10, 2020 – Innovative Marketing in the COVID-19 Era/Ethics of Marketing (.5 hour CLE/Ethics – 189 attendees)
- January 26, 2021 – Advanced Legal Research with Fastcase (1 hour CLE – 246 attendees)
- February 9, 2021 – Law Firms and the Scourge of Ransomware: How to Prevent, Detect, Respond and Recover (1 hour CLE – 242 attendees)
- May 10, 2021 – Introduction to Collaborative Law (2 hours CLE/Ethics – 297 attendees)
- CLSBA Annual Meeting and Breakfast  
There was no CLSBA Annual Meeting and Breakfast this year. Elections for the 2021-2022 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 Roy Creasy, chair; Luis Perez, chair elect; Dillina Stickley, secretary; Chris Mouglin-Boal, treasurer; Susan Godman Rager, immediate past chair; Allison Anders; Veronica Brown-Moseley; Nicholas Gehrig; Tyler Klink; Lewis Martin III; 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.



## Diversity Conference

### Sheila Costin, Chair

#### Officers for the 2020-2021 Fiscal Year:

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

**Number of members of the Diversity Conference:** 893

#### Special Activities/Programs/Achievements during the 2020-2021 Fiscal Year:

1. **Virtual Town Halls**

The Diversity Conference and Young Lawyers Conference teamed up to host a series of collaborative virtual town halls that featured presentations by subject-matter panelists followed by a question-and-answer forum encouraging audience participation. The First Time to Talk Town Hall, Perceptions of Realities of Policing, was held on July 23, 2020. The second Town Hall, Free Speech, Statutes, and Ongoing Protests was held on August 20, 2020. The third Town Hall, Explicitly Addressing Implicit Bias, was held on September 24, 2020.

2. **Diversity Conference Proposal to Amend Part 6, Section IV, Paragraph 17(C), of the Rules of the Supreme Court of Virginia, Approved by Bar Council, and a Petition to approve the changes was filed with the Virginia Supreme Court**

The Diversity Conference presented its proposal to amend Part 6, Section IV, Paragraph 17(C), of the Rules of the Virginia Supreme Court to include elimination of bias to the definition of professionalism for approval of CLE credit.

3. **Showcase CLE held at the Annual Meeting Virtually** –The Diversity Conference worked 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 explored women’s voting rights and how far gender equality has come through review of seminal cases. We further discussed the challenges that remain, including in our discussion the litigation filed by Mark Herring, Attorney General of Virginia, in federal court (along with the Attorney General Offices of Illinois and

Nevada) seeking to have a finding by the Court that the Equal Rights Amendment has been ratified. Marni Byram, VSB Past President, was the moderator, and the Hon. Mark D. Herring, Attorney General of Virginia, and Professor Vivian E. Hamilton, a professor of law and affiliated professor of Gender, Sexuality, and Women's Studies at William and Mary Law School, were speakers.

In addition, the Diversity Conference was a co-sponsor with the VSB Education of Lawyers Section on a program/CLE on mentoring during and after Covid.

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

The Diversity Conference Third Annual Forum on Diversity in the Legal Profession was rescheduled due to COVID-19. The rescheduled date and location are still TBD.

**5. 2020-2021 Clarence M. Dunnville, Jr. Achievement Award**

There was no Diversity Conference recipient for the 2020-2021 Clarence M. Dunnville, Jr. Award. Doris Causey received the award in 2019-2020. This award will be presented to Ms. Causey at the next scheduled Annual Forum.

**6. 2020-2021 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 was postponed. The program is being rescheduled for the fall of 2021.

**7. Public Relations**

The latest publication of the Diversity Conference e-newsletter, Invictus, has been published on [invictusva.com](http://invictusva.com), and a link is also found on the Diversity Conference page of the Virginia State Bar website. The Invictus website also has numerous articles organized by date.

**Diversity Conference Board of Governors FY 2021-2022**

The Diversity Conference Board of Governors voted unanimously to approve the following slate of nominated candidates to serve as officers for the 2021-2022 year. These candidates were approved by unanimous vote at the Diversity Conference's Annual Meeting held virtually on June 15, 2021.

**Officers:**

David Masterman, Chair  
Alicia Roberts, Chair Elect  
Candace Blydenburgh, Treasurer  
Julie McClellan, Secretary

**New Board Members** (serving a 3-year term):

Judge John Minh Tran (honorary)  
Courtney Frazier  
Daniel Frankl  
Shemeka Hankins  
Clare Gastañaga  
Kathryn Dickerson  
Victor Cardwell (second term)  
Zaida Thompson (second term)

## 8. 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.

## 9. 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. Please follow and visit the Diversity Conference on Twitter and Facebook: <http://twitter.com/vsbdc>, and <https://www.facebook.com/dcvsb/>. With special thanks to member Gus Bequai and Chris Fortier, the Diversity Conference continues issuing the conference e-newsletter, *Invictus*.

## 10. 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 2021-2022**

The Diversity Conference Board of Governors voted unanimously to approve the following slate of nominated candidates to serve as officers for the 2021-2022 year. These candidates were approved by unanimous vote at the Diversity Conference's Board of Governors Meeting held on June 15, 2021.

- Chair, David Masterman
- Chair-Elect, Alicia Roberts
- Treasurer, Candace Blydenburgh
- Secretary, Julie McClellan

- Immediate Past Chair – Sheila Costin

## Senior Lawyers Conference Margaret Nelson, Chair

As of July 1, 2020, the Senior Lawyers Conference (SLC) had 21,560 members, consisting of all VSB members 55 and older and in good standing.

The SLC officers for the 2021-22 fiscal year are: Peter Burnett, Chair; Gary Hancock, Vice-Chair; W. Carter Younger, Secretary; Thomas G. Bell, Treasurer; and Margaret Nelson, Immediate Past Chair (ex officio). New board members for 2021-22 are Andrea L. Bridgeman, Thomas A. Edmonds, Hon. J. Michael Gamble (retired), Nancy M. Reed, Aubrey J. Rosser, Jr., and Veronica E. Williams.

The pandemic canceled the SLC's annual recognition brunch, held at the VSB's annual meeting, for VSB members who have reached their 50<sup>th</sup> year of membership during the preceding year. The VSB mailed 204 members a certificate recognizing this important milestone.

SLC Committee sponsored a CLE on Mentoring During and After the Covid Era with the Education of Lawyers Section, Diversity Conference, Young Lawyers Conference, and Family Law Section. The CLE was held virtually this year 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 in print and the 2021 edition is available for download online. And the Conference is proud to announce that a 2021 Spanish language edition is available in print and online. The editorial staff will initiate revisions to both language editions online throughout the year as necessary changes become necessary.

Senior Citizens Law Day programs were in hiatus due to the Covid pandemic in the last year due to the overwhelming need to keep our seniors safe from harmful contacts in recent months. Moving forward through the end of 2021 and into 2022, these programs will begin again and will 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. An online program is available on the SLC website that demonstrates one SLC Law Day program put on by the Allegheny-Bath-Highland Bar.

Until the pandemic intervened, Frank Brown, SLC Newsletter Chair, continued delivering, free of charge, his program on “Protecting Your Client’s Interests in the Event of Your Disability, Death, or Other Disaster” to bar members around the state. Frank also produced the SCL 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.

Peter Burnett and W. Carter Younger are working with the Litigation Section to produce a series of video CLEs about mentoring and professionalism. With the help from a Virginia Law Foundation grant, this project will be a major focus for our Conference in the next few years.

We thank John Eure, of Roanoke, Kathleen Dooley, of Fredericksburg, Linda McCausland, of Norfolk, and Hon. William Wellons (retired), of Lunenburg, for their dedicated service as they rotate off our Board of Governors. We also thank Sylvia Daniel of the VSB staff for her continuing assistance and support of the Senior Lawyers Conference.

Margaret Nelson, Chair  
Board of Governors  
Senior Lawyers Conference

## Young Lawyers Conference

### Missy York, 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 8,431 members. The annual budget for the past fiscal year was \$99,100.00 and has a remaining balance of \$89,004.83. (This figure excludes any income during the past Bar year to offset the costs of programs)

This year, the Young Lawyers Conference hosted the following **virtual** programs:

#### **July 2020**

23: Time to Talk: Perceptions and Realities of Policing (with Diversity Conference)

#### **August 2020**

20: Time to Talk: Free Speech, Removal of Statues, and Ongoing Protests (with Diversity Conference)

21: Leadership Institute (virtual)

22: Board Meeting

#### **September 2020**

24: Time to Talk: Explicitly Addressing Implicit Bias (with Diversity Conference)

#### **October 2020**

9: FREE CLE Webinar: Understanding the Immigration Consequences of Criminal Dispositions

17: Board Meeting

24: Wellness hike: The Noland Trail in Newport News

#### **November 2020**

7: 4<sup>th</sup> District: Waterfront Cleanup volunteer opp.

#### **December 2020**

2: A&O Ceremony – hosted by the Supreme Court of Virginia

5: Board Meeting

**January 2021**

- 6: A&O Ceremony – hosted by the Supreme Court of Virginia
- 21: FREE CLE Webinar: Be in the Know About Pro Bono

**February 2021**

- 5: Leadership Institute Part Two
- 6: Board Meeting

**April 2021**

- 16: Professional Development Conference
- 17: Board Meeting
- 30: Bench-Bar Conference

**May 2021**

- 22: Wellness bike ride on the Capital Trail

**June 2021**

- 2: A&O Ceremony – hosted by the Supreme Court of Virginia
- 10: 4<sup>th</sup> District: Developing Your Business for New Attorneys
- 14-15: Annual Meeting 5k and Attorney General Debate as part of the 82<sup>nd</sup> Annual Meeting
- Christy Compagnone announced as recipient of the R. Edwin Burnette, Jr. Young Lawyer of the Year Award.

**Docket Call** released new articles in September 2020, December 2020, March 2021, and June 2021.

**Other accomplishments:**

- 15 new laptops were purchased for the Wills for Heroes program
- The Children & the Law Commission created and issued a Hampton Roads Foster Care Resource Guide
- The A&O Committee developed an email to share helpful information with newly admitted VSB attorneys for their first year of practice.

**Events postponed due to COVID-19**

- Rule of Law Day in Richmond
- Minority Pre-Law Institute at GMU and in Hampton Roads
- Hill/Tucker Institute
- Bench-Bar Dinner



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

Kris R. McClellan, *President*  
Craig E. Ellis, *President-Elect*  
Matt C. Perushek, *Secretary*  
Missy Y. York, *Immediate Past President*  
Amanda L. Newins, *1<sup>st</sup> District Board Member*  
Jamilah D. LeCruise, *2<sup>nd</sup> District Board Member*  
Annie C. Larson, *3<sup>rd</sup> District Board Member*  
Victoria Walker, *4<sup>th</sup> District Board Member*  
Joseph A. Figueroa, *5<sup>th</sup> District Board Member*  
J. Harrison Powell, *6<sup>th</sup> District Board Member*  
Kale J. Vorndran, *7<sup>th</sup> District Board Member*  
Andrew S. Gerrish, *8<sup>th</sup> District Board Member*  
Dayna Bobbitt, *9<sup>th</sup> District Board Member*  
James Crandall, *10<sup>th</sup> District Board Member*  
Alicia Roberts, *At-Large Representative*  
Breanna West, *At-Large Representative*  
Jasmine R. McKinney, *At-Large Representative*  
Ben Shute, *At-Large Representative*  
Simone Williams, *At-Large Representative*

I would like to thank the YLC volunteers, Program Chairs, District Representatives, Section Liaisons, and Board members for their service, commitment, and leadership during this unprecedented year. As a result of their work, the YLC was able to continue many of its programs despite the ongoing global pandemic. While several of our programs were unable to proceed, we revitalized a dormant program and identified creative ways to continue offering 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.

While this was not the year that any of us hoped for, we made the best of the situation. 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.

Missy York  
President, Young Lawyers Conference  
2020-2021

## Reports of the Sections

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

## Administrative Law Section

### James G. Ritter, Chair

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

The Administrative Law Section currently has 672 members. The annual budget for the past fiscal year was \$7,504.00 and has a remaining balance of \$ 6,768.99.

Due to the national pandemic, the Administrative Law Section held their signature event, the 38th Annual National Regulatory Conference as a virtual Seminar on May 26 - 27, 2021, with their usual co-sponsors: The College of William & Mary School of Law and the Virginia State Corporation Commission. They hope to be able to return to a live event next May.

In addition, the Administrative Law Section co-sponsored a VSB Annual Meeting CLE with the Environmental Law Section.

The leadership of the Administrative Law Section for the upcoming year is Alisson P. Klaiber as Chair, Frederick D. Ochsenhirt as Vice Chair, and Eric J. Wallace as Secretary.

Finally, I would like to conclude by thanking Alisson Klaiber, who was Chair of the NRC planning committee and is incoming Chair who spent countless hours of volunteer time planning the NRC, and Margaret Sacks, our administrative liaison with the SCC, who kept us on track and handled many behind the scenes details.

## Bankruptcy Law Section Hannah W. Hutman, 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 currently has 732 members. The annual budget for the past fiscal year was \$10,192.00 and has a remaining balance of \$8,360.43.

The Board met almost every month during the year through virtual Zoom meetings. On March 12, 2021, the Bankruptcy Section along with the VACLE put on its *Annual Bankruptcy Practice Seminar 2021* remotely through a webcast due to the pandemic. The section was able to meet in person on June 12, 2021, at La Grotta Ristorante in Richmond where they held their Annual Meeting. The section also sponsored the Annual Bankruptcy Law Writing Competition where Hector Quesada was the winner.

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

Dylan G. Trache, *Chair*  
Kelly M. Barnhart, *Vice Chair*  
Andrea C. Davison, *Secretary*  
Hannah W. Hutman, *Imm. Past Chair*  
Veronica D. Brown-Moseley, *Newsletter Editor*

Janice R. Hansen  
Michael E. Hastings  
Stephan W. Milo  
Dana S. Power  
Brandy M. Rapp  
John R. Smith, Jr.  
Jennifer J. West

Finally, I would like to conclude by thanking Kim Karnes, the VSB Staff liaison, for her assistance throughout this past year.

## Business Law Section

### Karl T. Knoll, 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.

During the 2020-2021 bar year, the Business Law Section had 1971 members and an annual budget of \$12,800.

The Business Law Section suspended the 2020 Annual Advanced Business Law Section CLE due to the COVID-19 pandemic. In lieu of the in-person seminar, the Section sponsored four webinars:

1. *Capital Raise or Sale: Current Trends and 2021 Predictions for VC, PE, and M&A Deals;*
2. *Contract Terminations, Claims and Drafting for the Business Lawyer;*
3. *The Ethics of Law Firm Cybersecurity in a Work-From-Home World;* and
4. *Select Legal Issues Impacting Small and Middle-Market Businesses.*

The webinars were well attended and were beneficial to the section members.

The section board is pleased to bring back the Advanced Business Law CLE in late September 2021 and to find ways serve section members as law offices and business come out of the pandemic lock down.

I leave the section board in the more than capable hands of Autumn Visser and I look forward to continuing to serve on the section board.

## Construction Law and Public Contracts Section

### Scott W. Kowalski, 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*, an online 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 812 members. The annual budget for the past fiscal year was \$11,616 and has a remaining balance of \$10,102.48.

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

- **41st Annual Construction Law and Public Contracts Seminar**

This seminar was held as a webcast and phone seminar on November 6 and December 4, 2020. There were 193 paying phone attendees for the November seminar and 242 paying seminar attendees for the December seminar, plus 18 faculty members, moderator, and planners. The committee for this program included Jonathan Straw, Chandra Lantz, Spencer Wiegard, Alison Mullins, Hanna Blake, and Barrett Lucy.

- **5th Annual Federal Government Contracting Seminar**

This seminar was held as a webcast and phone seminar on September 16, 2020. There were 9 phone attendees and 92 webcast attendees, plus 4 faculty and the moderator. In addition, 56 people have watched the program online. The committee for this program included Randy Wintory and Joe Guarino.

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 Joshua Johnson and Jonathan Straw.

The leadership of the Construction Law and Public Contracts Section for the upcoming year is Randy Wintory, Chair; Alison Mullins, Vice Chair; Jonathan Straw, Secretary; Spencer Wiegard, Treasurer; Scott Kowalski, Immediate Past Chair; Jesse Gordon, Newsletter Coeditor; Dan Rounds, Newsletter Coeditor; Sarah Stahling, YLC Liaison; Mark Burgin; Quinton Callahan; Tara Chadbourn; Joseph Guarino; Joshua Johnson; Jesse Keene; Chandra Lantz; Arnie Mason; Lauren McLaughlin; 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 heartily thank the Construction Law and Public Contracts Section Board of Governors for their tireless work on behalf of our Section. Finally, I wanted to extend a special thank you to our VSB liaison, Paulette Davidson, who helps keep the Section running smoothly.

## Corporate Counsel Section

### David Newsome Jr., 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 in-house attorneys.

The Corporate Counsel Section currently has 1702 members. The annual budget for the past fiscal year was \$24,672.00 and has a remaining balance of \$23,394.81.

The Corporate Counsel Section held eleven board meetings this year, all of which were held via video conference. The section coordinated the following programs this year:

- The section continued to offer Corporate Counsel Panels at each of the Virginia law schools. All of the programs for 2020-2021 were hosted virtually to accommodate the students who were attending classes remotely due to the pandemic.
- The Board awarded its first Corporate Counsel Award this year, to a law student sitting for the July 2021 Bar exam. This is a monetary award 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 continue to be offered for both the February and July bar exams each year.
- The Corporate Counsel Section released two newsletters this year. (Winter 2020 and Spring 2021)
- The section also offered four free webinars, three of which offered a total of 3.5 hours of CLE credits, including (1.5) hours ethics credits. These topics included Legal Ethics, Remote Investigations, and two Soft Skills programs on Wellness and Self-Branding.
- The section was a co-sponsor for a CLE about the 19<sup>th</sup> Amendment Centennial for the 82<sup>nd</sup> Annual Meeting in June 2021.

Finally, the section hosted a virtual Annual Meeting on May 27, 2021, 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:**

Barbara A. Fisher, Chair	Thomas "Dan" Applewhite
Stephanie J. Gilliard, Vice Chair	Elizabeth "Lily" G. Engle
Donald "Frank" Lynch, III, Secretary	Adam B. Hark
David Newsome, Jr., Imm. Past Chair	Mary A. Richardson
Ross L. Hays	George L. Washington, Jr.
Naoina C. Gartee	Lisa C. White

Finally, I would like to conclude by thanking my predecessor, Mark E. Newcomb, for his good counsel and continued service to the Section and Bar throughout the year, and the entire Board for their outstanding and dedicated service during this COVID Era.

Let me also congratulate the new officers for 2020-2021, Barbara Fisher, Stephanie Gilliard, and Frank Lynch. I truly wish them the best of success.

## Criminal Law

### S. Eugene Fishel IV, Chair

It has been an honor to serve as chair of the Virginia State Bar's Section on Criminal Law for the 2020-2021 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 2,447 members, including 356 judicial members, the section remains the second largest section of the Virginia State Bar. Its operating budget for 2020-2021 was \$49,600.

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 51st Annual Criminal Law Seminar in February 2021 as a live webinar.

Section Vice-Chair Daniel Vinson served as seminar program chair and moderator. Due to the event being hosted as a webinar, there were no luncheon speakers. Total seminar attendance increased to 745 participants. Increased participation was partially due to a snowstorm that inspired members to complete online programming.

The section's Harry L. Carrico Professionalism Award was suspended this year since the award could not be presented in-person.

As part of its ongoing partnership with Virginia law schools, the Section awarded stipends in June 2021 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 2022.

Leadership for the 2021-2021 year will be J. Daniel Vinson, Vice Chair; and S. Eugene Fishel IV, Immediate Past Chair. Ron Bacigal will continue as newsletter editor. The VSB Annual Meeting was also cancelled due to COVID19, so new members Judge Erin Johnson DeHart, Judge Elizabeth Wilson Hanes, Judge Elizabeth K. Burton, Judge Michael C. Rosenblum, Charles H. Slemp III, and Verinda R. Chaney were elected by electronic polling of the membership.

On behalf of the board, I extend our sincere appreciation to board members Steven P. Miliani and Seth C. Weston whose terms ended on June 30th.

## Education of Lawyers in Virginia

### Kevin E. Martingayle, 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 387 members. The annual budget for the 2020-2021 fiscal year was \$5048.00. Due to COVID-19 program cancellations and thus decreased program expenses, the Section ended this fiscal year with a balance of \$4522.61. The Section's 2021-2022 Budget will begin with a \$5064.00 balance.

The Section met via video conference in September and November of 2020 and in January and March of 2021 to conduct standard business and develop ways to better-serve section members.

The Section's 2020-2021 programs and accomplishments were as follows:

- The Section released three newsletters this year, in Fall 2020, Spring 2021 and Summer 2021 with contributions regularly submitted by Virginia's law schools.
- The Professionalism for Law Students program presented virtually to each of the Virginia law schools 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, Young Lawyers Conference, and Diversity Conference to present a virtual showcase CLE at the 82<sup>nd</sup> Annual Meeting. The CLE addressed the importance of mentoring and advised how to create a mentoring program and make it work.
- Jeannie Dahnk, former President of the Virginia State Bar and practicing attorney in Fredericksburg, VA, was selected as the 2020 recipient of the William R. Rakes Leadership in Education Award. The Section presented the award to Jeannie at the 82<sup>nd</sup> VSB Annual Meeting in Virginia Beach.

The Section held its annual meeting in June via video conference. Section members were invited to participate in the year-end business that included voting in the 2021-2022 board of governors.

**The leadership of the Section on the Education of Lawyers for the upcoming year includes the following board members:**

Dean B. Keith Faulkner, *Chair*  
Prof. David H. Spratt, *Vice Chair*  
Kevin E. Martingayle, *Imm. Past Chair*  
Leslie A.T. Haley, *Newsletter Editor*  
Hon. Manuel A. Capsalis  
Prof. Henry L. Chambers, Jr.  
Prof. Katherine M. Crocker  
Thomas A. Edmonds  
Sharon K. Eimer  
Prof. Laura A. Heymann  
Hon. David W. Lannetti  
R. Lee Livingston  
Bernadette S. Peele  
Hon. Cleo E. Powell

Hon. Wesley G. Russell, Jr.  
Prof. Doron Samuel-Siegel  
Kristine L.H. Smith  
Hon. Jacqueline F. Ward Talevi  
Hon. Michael F. Urbanski  
Dean Kenneth C. Randall  
Dean A. Benjamin Spencer  
Dean Risa L. Goluboff  
Dean Michelle L. Drumbl  
Dean Joseph J. Martins  
Dean Wendy Collins Perdue  
Dean Mark D. Marti

This year was very rewarding and exciting for me as Section Chair. Despite being forced to deal with challenges caused by the COVID-19 pandemic, we welcomed new talent to our Board, kept the section newsletter going strong and put together a powerful CLE presentation at the 2021 VSB Annual Meeting.

I'd like to give a special thanks to the VSB staff, especially Mallory Ralston, who keeps us well-organized and on task with our mission. I hope that the coming year will see our section grow and that our valuable work will continue to benefit legal education in Virginia and elsewhere. It has been a privilege serving as Chair.

## Environmental Law Section

### Paul Kugelman Jr., 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. During the pandemic, the Section established a monthly virtual discussion forum to provide members with an opportunity to gather and socialize during a period when those kinds of opportunities were very limited.

The Environmental Law Section currently has 415 members. The annual budget for the past fiscal year was \$5,360.00 and has a remaining balance of \$4,748.00.

The Environmental Law Section Board of Governors held ten meetings via video conference to further the rejuvenation of the section in 2020-2021. Three committees continued to provide beneficial services throughout the year: a CLE committee, a Newsletter committee, and a Networking committee.

- The Newsletter committee continues to produce a monthly issue of *The Oyster*. This news update filters many different sources that share environmental law updates such as the DEQ, EPA, the Courts, etc. and shares pearls with section members monthly via email.
- The CLE committee provided a webinar in 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. The committee also hosted two additional free webinar CLEs this year: one in October 2020 on Environmental Justice, which offered 1.5 hours, and another called “Liability in the Face of a Changing Climate”, held in November 2020, which also offered 1.5 hours of live credit.
- 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. This was unable to take place due to restrictions from the pandemic but will remain an item on the agenda as the section moves into the next Bar year. In place of an in-person program, this committee developed a “Monthly Discussion Forum” where members are invited to join a video conference to discuss policy updates, pressures of working remotely, and other casual topics.

The Section held its annual meeting in May 2021 via video conference. Section members were invited to participate in the year-end business that included voting in the 2021-2022 board of governors.

The Environmental Section, as with everyone else, had to learn how to operate in the face of a global pandemic and respond to the needs of its members accordingly. Additionally, the Section was led by a number of new members. Significantly, the chair had not been on this board before this Bar year. Even so, the Section was still able to keep Section members informed through *The Oyster*, provide, in collaboration with the William & Mary Coastal Policy Center, a number of CLEs at no cost to attendees, and provide a regular, virtual social venue for our members.

What this Section was able to accomplish this year is a tribute to what it means to be a member of the Bar in a time of upheaval. None of this Section's successes would have been possible without Mallory Ralston, this Section's VSB Liaison. She worked with an inexperienced chair and kept the Section moving along like a well-oiled machine. She was always professional; she is knowledgeable, and wonderful to work with. We are very grateful for her service.

I also want to thank the Virginia State Bar for its exceptional support to this Section and the members of the Bar.

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

Cliona M. Robb, *Chair*  
Joe Romero, *Vice Chair*  
Holly Rachel Smith, *Secretary*  
Paul Kugelman, Jr., *Imm. Past Chair*  
Prof. Elizabeth A. Andrews  
Creighton R. Boggs  
Ellen B. Egen  
Kathleen M. Hennessey  
Christopher Kane  
Christiana "Trieste" Lockwood  
Michael W. McLaughlin  
Gray S. Montrose  
Lindsey N. Rhoten

## Family Law

### Steven L. Raynor, Chair

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

Brian M. Hirsch continues to produce and distribute the *Virginia Family Law Quarterly* to our section members. We gratefully acknowledge his hard work and dedication. This publication has become a must-read among practitioners and judges throughout Virginia.

The Advanced Family Law Seminar was held on April 15, 2021. 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 nearly 500 attendees. The Annual Family Law CLE was presented at three locations in the fall of 2020.

The Section produced a joint CLE for the 2021 VSB virtual Annual Meeting. A program on Mentoring During and After the COVID Era: How to Set Up a Program and Make It Work was well received.

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. This program is now signing up mentors to be followed by the opening of the program to mentees.

The Section presented the Betty A. Thompson Lifetime Achievement Award to Paul F. Nichols of Woodbridge. The Family Law Section Service Award was not presented this year. We appreciate the nominations that we received and thank our section members for their thoughtful submissions.

The Section currently has 2,030 members and provides a complimentary first year of membership to interested new Virginia State Bar admittees.

Patrick L. Mauer will be Section Chair for 2021-22, Robert E. Henley, III will be Vice Chair, and Regina F. Amick will be Secretary.

## General Practice Section

### Stephen C. Hall, 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, in lieu of our usual one-day CLE program, the General Practice Section presented four webinars, three of which were also offered as on-demand programs in December.

- Landlord-Tenant Law Update, Including COVID-19 Protections (391 attendees live + 215 on demand) - Marty Wegbreit, CVLAS
- Practical Implications for Virginia Employers – An Update on Virginia’s New Employment Law Landscape (203 attendees live + 122 on demand) - Randy Sullivan, Christy Kiely, and Alyson Brown, Hunton Andrews Kurth LLP
- Charging Clients for Legal Fees and Getting Paid (193 attendees live + 329 on demand) – Jim McCauley
- Breaking Up is Hard to Do: Partners and Clients (168 attendees) - Paul Georgiadis and Seth Guggenheim

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

As of June 30, 2021, the section had 857 members. The budget for Fiscal Year 2020-2021 was \$14,159 and there is a remaining budget of \$13,755.

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 Section

### Allyson K. Tysinger, 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 had 711 members as of June 30, 2021. The annual budget for the past fiscal year was \$9,280, and there is a remaining budget of \$8,889.

The section's writing competition for law students went forward this year despite COVID-19. First place went to Christian Sorenson (\$1,500), second place went to Edka Wong (\$1,000), and third place went to Madison Wonson (\$500).

The Health Law Section sponsored a CLE for the Virtual VSB Annual Meeting titled Artificial Intelligence in Healthcare: Fact, Fiction and Opportunity.

The leadership of the Health Law Section for the upcoming year is Henry I. Willett III, chair; Thomas E. Miller, vice chair; Allyson K. Tysinger, immediate past chair; Rodney K. Adams; Robert H. Gibbs, Jr.; Dean E. Lhospital; Dominic P. Madigan; Joseph P. McMenamain; Heather W. Miller; Amy B. Mogetz; Michael R. Newby; and Karla L. Palmer.

## Intellectual Property Section

### Tara A. Branscom, Chair

The Intellectual Property Section continues to serve the needs of Virginia lawyers by providing continuing legal education and striving to create opportunities to its members.

The Intellectual Property Section had 1,547 members this year. The annual budget for the past fiscal year was \$23,360.00 and has a remaining balance of \$22,867.08.

The Intellectual Property Section held four virtual board meetings this past year and put on four webinars for its members. The section also sponsored the Annual IP Writing Competition that was awarded to two law students this year. The first-place winner was Alex Liscio, and the second-place winner was Carson Bartlett.

The Section's CLEs were as follows:

- *Lawyer Well-Being for Mindful Resolutions*, January 12, 2021
- *Discovery Issues in EDVA Intellectual Property Cases*, February 18, 2021
- *IP Strategies, Enforcement Considerations, and Pitfalls in Virginia's Anticipated (Quasi-) Legal Cannabis Industry*, May 11, 2021
- *Ethics and Privilege Considerations in Data Breaches*, June 29, 2021

The leadership of the Intellectual Property Section for the upcoming year includes the following board members and officers:

Robin C. Vance, *Chair*  
Aaron L. Parker, *Chair Elect*  
Robert D. Michaux, *Vice Chair*  
Charles B. Molster, III, *Secretary*  
Tara A. Branscom, *Imm. Past Chair*

John A. Morrissett  
Amy G. Pruett  
Phillip A. Riley  
Andrea Z. Warmbier  
Martha A. Weis

## International Practice Section

### 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 had 474 members. The annual budget for the past fiscal year was \$3,000.00 and has a remaining balance of \$2,607.29.

The International Practice Section held 12 board meetings via conference calls this past year and put on two webinars in May. The CLEs were entitled *International Arbitration in 2020: Lessons to Take into 2021 and Beyond* and *What Every Lawyer Needs to Know About China's Belt and Road Initiative*. On June 29, the board held a virtual Annual Meeting, to which section members were invited to participate and to elect the 2021-2022 Board of Governors.

The leadership of the International Practice Section for the upcoming year includes the following board members and officers:

Geoffrey M. Goodale, *Chair*  
Melissa S. Gorsline, *Vice Chair*  
Megan A. Barnhill, *Secretary*  
Bradley A. Haneberg, *Treasurer*

John M. Huddle  
Caroline S. Littleton  
Jennifer K. Mammen  
Brian H. Pandya

## Litigation Section

### W. Bradford Stallard, 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, 2021 was 3,497 making this the largest section of the Virginia State Bar. Our budget for 2020-21 was \$34,764, and there is a remaining balance of \$34,126.

Teleconference meetings of the Section Board were held on October 9, 2020, November 20, 2020, February 12, 2021, and April 9, 2021.

The section offered a 1-hour CLE on How to Preserve Error and Avoid Waiver in Virginia's Courts. Monica Monday, Esq. was the presenter. There were 308 in attendance.

The leadership of the Litigation Section for the upcoming year is: Robert E. Byrne, Jr., chair; Brian S. Wheeler, vice chair; Carl R. Schwertz; secretary; W. Bradford Stallard, immediate past chair; Andrew P. Connors, newsletter editor; E. Kyle McNew, appellate committee chair; Darius K.A. Davenport; Michael J. Finney; Jonathan P. Lienhard; Hon. Jane M. Reynolds; Brian J. Schneider; 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.

## Local Government Law

### Bernadette S. Peele, 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 815 members. The annual budget for the past fiscal year was \$9632.00 and has a remaining balance of \$5394.45. (*report as of May – the June report will show a much lower balance to include the payment of the Fellowship*). The Section's 2021-2022 Budget will begin with a \$10,512.00 balance.

The Section held four board meetings this year and released Summer 2020, Fall 2020, Winter 2021 and Spring 2021 issues of its newsletter, *The Journal*.

The Section hosted four FREE CLE webinars this past year. Each of these programs offered 1.5 hours of live/interactive CLE credits.

- August 27, 2020: "*Human Rights Ordinances and Commissions: Directing Your Locality on the Path to Racial and Social Equity*", attended by 138 people.
- September 10, 2020: "*Ready for Election Day?*", which 258 people attended.
- December 15, 2020: "*Is Virginia the New California? Virginia's New Employment Laws and COVID-19 Standards in the Workplace*", which 257 people attended.
- June 30, 2021: "*2021 Virginia Local Redistricting and Election Law*", attended by 139 people.

The Webinar Committee is planning additional webinars for 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. The Section received seven applications for its 2021 award. In past years the award has been \$4000.00, but the Section Board voted to add \$1500.00 to make the 2021 award \$5,500.00. Due to COVID-19, all Section Board meetings for 2020-2021 were held virtually, so the additional \$1500.00 came from the Section's savings generated from having no expenses associated with in-person meetings. This year's recipient was Abram Gagnon, a William and Mary law student who will spend the summer with the Henrico County Attorney's Office.

The Section hosted a virtual annual meeting on June 10, 2021, due to cancellations necessitated by the COVID-19 pandemic. All section members were invited to attend this meeting and participate in end-of-year business, such as electing the Board of Governors for the 2021-2022 Bar year.

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

Cynthia A. Bailey, *Chair*  
J. Vaden Hunt, *Vice Chair*  
Michael W.S. Lockaby, *Secretary*  
Susan W. Custer, *Newsletter Editor & Webmaster*  
Bernadette S. Peele, *Imm. Past Chair*  
Wade T. Anderson  
MinhChau N. Corr

Kathleen A. Dooley  
Brian J. Lubkeman  
Carol W. McCoskrie  
Wahaj Memon  
G. Timothy Oksman  
Lucy E. Phillips

Serving as your 2020-2021 Section Chair offered me opportunities to meet and work with talented and dedicated individuals who showed me not only what it means to practice local government law, but also what great results can come from pooling your talents and dedication with people who volunteer their time because they want to do good things.

Thank you for letting me be part of the great results the Local Government Section achieved for its 2020-2021 year. I wish the best to you all! Bernadette

## Military Law Section

### Oliver L. Norrell III, 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 296 members. The annual budget for the past fiscal year was \$3,328.00 and has a remaining balance of \$2,899.18.

The Military Law Section held six board meetings this past Bar year to coordinate its programs. The section released its newsletter, *Military Law News*, in February 2021. The board worked with Virginia CLE to plan the Annual Military Law Symposium, which was held virtually on May 14, 2021. The Section also awarded Negin Wood with the inaugural Military Law Pro Bono Award for her services through the Veterans Docket in Virginia. On June 7, the board held a virtual Annual Meeting, to which section members were invited to participate and to elect the 2021-2022 Board of Governors. The Section sponsored a virtual CLE at the 82nd Annual Meeting, where former Chair, Peter Jankell, presented on “The Evolution of Military Divorce.”

This year has been a continuation of the restrictions necessitated by the COVID-19 pandemic that impacted our activities last year. The Section board met by video conference and our CLE presentation was virtual. However, our newsletter was published in a timely manner. Many thanks go out to the Board members as well as those who contributed their time and efforts to help maintain our Section's viability, performance, and service to our military community. Thanks also go to the other members of our Section who provided unswerving support during this past year. Finally, I would be remiss if I failed to recognize and thank Mallory Ralston, our Meetings Coordinator, for her outstanding guidance and prompting without which we would not have been successful.

Before the pandemic, if you were like me, your knowledge and use of virtual meetings was sketchy at best. One positive from this experience is that we have now all become well-experienced on the various methods of long-distance communication. Another

positive is that by force of necessity, we have expanded our self-imposed limitations by adjusting and persevering through this challenge. We all look forward to the time when we can once again meet in person where we can renew old friendships and relationships and make new ones. However, as we return to our more traditional ways of Section interaction, let us not forget what we have learned and use these lessons to improve our forthcoming communications.

We look forward to assisting our incoming Chair as he takes the reins and moves us forward while we “reopen” to a more normal year of activities with the knowledge that our efforts will help improve the assistance to be rendered to our military communities.

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

Richard J. Prevost, *Chair*

Christian L. Reismeier, *Vice Chair*

Wilson T. Mustian, *Newsletter Editor*

Oliver L. Norrell, III, *Imm. Past Chair*

John "Alex" Chudoba

Richard P. DiMeglio

Kathryn Freiburger

Scott F. Hallauer



## Real Property Section

### J. Lori H. Schweller, Chair

Despite a global pandemic, the Real Property Section continues to serve the needs of Virginia lawyers in all fields of real estate practice in the Commonwealth by sponsoring virtual seminars and projects of special interest and relevance to the members of the section, including publication of our flagship journal, the FEE SIMPLE.

The section currently has 2,027 members, of which 1964 are active. The annual budget for 2020-2021 was \$36,640.00, with a balance of \$ 26,869.66 as of June 30, 2021.

The Real Property Section was able to pivot to a virtual format this year for section meetings and the presentation of CLE programs. We co-sponsored the 25<sup>th</sup> Annual Advanced Real Estate Seminar on March 4 - 5, 2021 with Virginia CLE®. This year included special presentations in celebration of the 25th anniversary of the seminar, as well as a deep dive into wellness issues for real estate practitioners. In addition, on May 24 - 25, 2021, we co-sponsored the 39<sup>th</sup> Annual Real Estate Practice Seminar, which continues to set the standard for currency and quality in continuing legal education for real estate practitioners.

The Real Property Section published its journal, the FEE SIMPLE, twice, once in the Fall of 2020 and once in the Spring of 2021. We gratefully acknowledge the hard work and dedication of our two co-editors, Stephen C. Gregory and Hayden-Anne Breedlove. Quarterly meetings of the Board of Governors and Area Representatives were held via Webex in September, January, and March and were well attended.

Kathryn N. Byler will chair the Section in 2021 - 22, Karen L. Cohen will be Vice Chair and Sarah Louppe Petcher will be Secretary. The section's Board of Governors will include ten regular members and several *ex officio* members. We are pleased that Professor Carol N. Brown of The University of Richmond School of Law has joined the Board in an *ex officio* capacity as the academic liaison. Jeremy B. Root, the VBA Real Estate Council Chair, serves as the current VBA liaison. Our section remains grateful for the steadfast support of our liaison with Virginia CLE®, Tracy Winn Banks.

The summer meeting of the Section was also held via Webex as the VSB's annual meeting CLE's were held virtually this year and there were no in-person section events due to the COVID-19 restrictions that had just recently been lifted.

Our section looks forward to the return of normal, in-person section events in 2021-2022.

## Taxation Law Section Annual Report 2020-2021

The Taxation Law Section had 756 members. The annual budget for the 2020-2021 fiscal year was \$8,064.00.

As with many other aspects of life, the COVID-19 pandemic dramatically disrupted the business of many sections, which left this section as being inactive this year.

VSB Staff will work with the membership to constitute a new board and to encourage improvement and efficient administration of the tax law of the state and promotes the exchange of ideas between all practitioners and administrators sharing a common interest in state and federal tax law.

## Trusts & Estates Section

### Carter R. Brothers, Chair

The Trusts & Estates Section continues to serve the needs of Virginia lawyers by sponsoring educational programs and seminars on trusts and estates law; developing and providing to members bibliographies of materials on trusts and estates law, lists of experts, consultants, research, and standards associations; and providing a forum where section members can share research, source materials, and experiences.

The Trusts & Estates Section currently has 2,094 members. The annual budget for the past fiscal year was \$ 14,824 and has a remaining balance of \$5,263.

In October, the Trusts and Estates Section co-sponsored the 39th Annual Trusts & Estates Seminar with Virginia CLE. Due to the pandemic, this CLE was held as a live webcast. It included important updates on federal and Virginia tax developments, cases, and legislation.

The Trusts and Estates Sections published two newsletters, one in the Fall of 2020 another in the Spring of 2021. We appreciate the hard work and dedication of Kevin L. Stemple & Brooke C. Tansill as our newsletter editor and assistant editor respectfully. Our Fall edition offered advice on some last minute 2020 election protection options using defined value clauses, discussed how the pandemic affected trusts and estates practice, and provided new creative ways to handle a socially distanced practice.

Our Spring edition continued our “uncertainty planning” through the use of disclaimers, self-settled spendthrift trusts, and multiple-party accounts. In addition, the Section sponsored a dedicated issue in the *Virginia Lawyer* magazine that is mailed to all 50,000 lawyers in the Commonwealth of Virginia.

The officers of the Trusts and Estates Section for the 2021 - 22 bar year are: Trey T. Parker as Chair, Vanessa M. Stillman as Vice Chair, and Kevin L. Stemple as Secretary. I also wish to thank Dolly Shaffner at the VSB for keeping us on track during a challenging year.