

# Virginia State Bar 84th Annual Report

Annual Report  
for the period  
July 1, 2021 – June 30, 2022



<b>ADMINISTRATIVE / GOVERNING REPORTS .....</b>	<b>3</b>
REPORT OF THE EXECUTIVE DIRECTOR/CHIEF OPERATING OFFICER .....	4
VIRGINIA STATE BAR ORGANIZATIONAL CHART .....	12
REPORT OF THE PRESIDENT .....	13
REPORT OF THE TREASURER.....	18
REPORT OF THE OFFICE OF BAR COUNSEL .....	19
<b>REPORTS OF THE STANDING COMMITTEES.....</b>	<b>22</b>
ACCESS TO LEGAL SERVICES .....	23
BUDGET AND FINANCE .....	25
LAWYER DISCIPLINE .....	26
LEGAL ETHICS .....	27
PROFESSIONALISM.....	28
<b>REPORTS OF THE BOARDS .....</b>	<b>29</b>
CLIENTS’ PROTECTION FUND .....	30
MANDATORY CONTINUING LEGAL EDUCATION .....	32
<b>REPORTS OF THE SPECIAL COMMITTEES.....</b>	<b>33</b>
BENCH-BAR RELATIONS.....	34
LAWYER INSURANCE .....	38
SPECIAL COMMITTEE ON LAWYER WELL-BEING .....	40
LAWYER REFERRAL.....	41
RESOLUTION OF FEE DISPUTES .....	43
TECHNOLOGY AND FUTURE PRACTICE OF LAW .....	44
<b>REPORTS OF THE CONFERENCES .....</b>	<b>45</b>
CONFERENCE OF LOCAL AND SPECIALTY BAR ASSOCIATIONS .....	46
DIVERSITY CONFERENCE .....	48
SENIOR LAWYERS CONFERENCE.....	52
YOUNG LAWYERS CONFERENCE.....	54
<b>REPORTS OF THE SECTIONS .....</b>	<b>57</b>
ADMINISTRATIVE LAW SECTION .....	58
ANTITRUST LAW SECTION .....	59
BANKRUPTCY LAW SECTION .....	60
BUSINESS LAW SECTION .....	61
CONSTRUCTION LAW AND PUBLIC CONTRACTS SECTION .....	62
CORPORATE COUNSEL SECTION.....	64
CRIMINAL LAW .....	66
EDUCATION OF LAWYERS IN VIRGINIA .....	67
ENVIRONMENTAL LAW SECTION.....	69
FAMILY LAW.....	71
GENERAL PRACTICE SECTION .....	72
HEALTH LAW SECTION.....	73
INTELLECTUAL PROPERTY SECTION.....	74
INTERNATIONAL PRACTICE SECTION .....	75
LITIGATION SECTION .....	76
LOCAL GOVERNMENT LAW.....	77
MILITARY LAW SECTION .....	79
REAL PROPERTY SECTION.....	80
TAXATION LAW .....	82
TRUSTS & ESTATES SECTION.....	83

# **ADMINISTRATIVE / GOVERNING REPORTS**

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

The Virginia State Bar's membership grew slightly this year. Active membership increased to 31,638 as of July 6, 2022, up from 31,488 last year at approximately the same time.

Karen A. Gould has served as executive director/chief operating officer since January 1, 2008. Effective Monday, July 25, 2022, by appointment of the Supreme Court of Virginia, Cameron Rountree will be serving as Acting Executive Director due to Ms. Gould's retirement.

## **Executive Committee members 2021-2022:**

President Jay B. Myerson

President-elect Stephanie E. Grana

Immediate Past President Brian L. Buniva

## **At-large members:**

Maryse C. Allen

Eugene N. Butler

K. Brett Marston

Eric M. Page

Luis A. Perez-Pietri

Lisa A. Wilson.

Conference of Local and Specialty Bar Associations Chair: Roy V. Creasy

Diversity Conference Chair: David D. Masterman

Senior Lawyers Conference Chair: Peter C. Burnett

Young Lawyers Conference President: Kristopher R. McClellan

## **Officer Lineup for 2022-2023**

Stephanie E. Grana became the president of the Virginia State Bar on July 1, 2022. She is a trial lawyer with the law firm of Cantor Grana Buckner Bucci in Richmond. She is past president of the Virginia Trial Lawyers Association, the Lewis F. Powell, Jr. American Inn of Court, and the Metro Richmond Women's Bar Association. She also serves on the Boyd Graves Conference and on other boards. A more complete bio may be found on [the firm's website](#).

Chidi I. James of the law firm of Blankingship & Keith, P.C. in Fairfax was unopposed in filing a nominating petition with the executive director of the Virginia State Bar on or before March 15, 2022. Therefore, in accordance with the Bylaws of the Virginia State Bar, Part I, Article III, Sec. 3., He was elected at the June 2022 Annual Meeting as the next president-elect of the VSB (2023-2024). He is the first African American man to be president-elect of the Virginia State Bar in the Bar's 84-year history.

## **Death of John Kenneth Zwerling, Council member from the 18<sup>th</sup> Judicial Circuit**

The National Association Criminal Defense Lawyers (NACDL) published an online obituary of John Zwerling which is republished in part here:

"Washington, DC (March 29, 2022) - John Kenneth Zwerling ("JZ") passed away in the early morning hours of Sunday, March 27, 2022. For those that knew John, and for the criminal defense bar, this is a deep loss. Though John had been battling leukemia since the summer of 2021, consistent with his lifelong mission and dedication as a defense lawyer, he continued to argue cases persuasively and as recently as two weeks ago."

A special election in the 18<sup>th</sup> Circuit was run to replace Mr. Zwerling on Council, which concluded on May 25, 2022. The winner of the election was Nicholas J. Gehrig.

**Outcome of VSB Council Elections** (terms run from July 1, 2022, to June 30, 2025)

New members of Council, terms effective July 1, 2022, are as follows:

- 2<sup>nd</sup> Circuit – Naveed Kalantar
- 3<sup>rd</sup> Circuit – Matthew R. Foster
- 4<sup>th</sup> Circuit – Charlene A. Moring
- 5<sup>th</sup> Circuit – Thomas G. Shaia
- 6<sup>th</sup> Circuit – Derek A. Davis
- 13<sup>th</sup> Circuit – Cullen D. Seltzer  
Samuel T. Towell
- 14<sup>th</sup> Circuit – Joel R. McClellan
- 17<sup>th</sup> Circuit – Carole H. Capsalis  
Gawain L. “Rex” Flynn, Jr.  
David E. Sher
- 18<sup>th</sup> Circuit – Nicholas J. Gehrig
- 19<sup>th</sup> Circuit – Gary V. Davis  
Tamika D. Jones  
Robert B. Walker
- 20<sup>th</sup> Circuit – Ridley P. “Penn” Bain
- 22<sup>nd</sup> Circuit – Wells H. “Hunter” Byrnes
- 23<sup>rd</sup> Circuit – Kevin W. Holt
- 24<sup>th</sup> Circuit – Eugene N. Butler
- 26<sup>th</sup> Circuit – Peter K. McDermott II
- 27<sup>th</sup> Circuit – Westley G. “Grant” Back
- 29<sup>th</sup> Circuit – Bradley D. Fleming
- 31<sup>st</sup> Circuit – Anna B. Bristle

**General Assembly Developments**

SB 561 was filed on January 12, 2022, by Senator J. Chapman Petersen. The bill, if passed, would have created the Attorney Disciplinary Commission (ADC) in the legislative branch, thus removing lawyer discipline from the jurisdiction of the Supreme Court of Virginia. This was just one of many proposed substantive changes to the current disciplinary system, creating a more secretive process than currently exists.

On February 2, 2022, SB 561 failed to report out of committee by a vote of 11-4. Voting against the bill were Senators John Edwards (D-21), R. Creigh Deeds (D-25), Richard L. Saslaw (D-35), Thomas K. Norment, Jr. (R-3), L. Louise Lucas (D-18), Mark D. Obenshain (R-26), Ryan D. McDougle (R-4), Scott A. Surovell (D-36), Jennifer L. McClellan (D-9), Jennifer B. Boysko (D-33), Mark J. Peak (R-22). Voting in favor of SB 561 were Senators Joseph D. Morrissey (D-16), J. Chapman Petersen (D-34), William M. Stanley Jr. (R-20), and Richard H. Stuart (R-28).

The lawyers of Virginia and the VSB owe thanks to Jay B. Myerson, VSB president, and Cameron Rountree, Deputy Executive Director, for their extensive efforts on this matter. The legislative efforts were approved by the Executive Committee and the Supreme Court of Virginia prior to being undertaken.

**Supreme Court Rules Changes and LEOs**

**Rule of Professional Conduct 1.2** was approved by the Supreme Court of Virginia on January 11, 2022, effective March 12, 2022. At its meeting on October 29, 2021, the Virginia State Bar Council had approved the proposed changes to Rule 1.2. The amendment and new comment address whether, and how, lawyers can advise clients who wish to engage in marijuana-related activities that are legal under state law (whether Virginia or other states) but illegal under federal law.

**Rule 1.8(b) Conflict of Interest: Prohibited Transactions** was approved by the Supreme Court of Virginia on December 22, 2021, effective February 20, 2022. The order can be found at this link: [https://www.vacourts.gov/courts/scv/amendments/part\\_six\\_sect\\_II\\_rule\\_1\\_8.pdf](https://www.vacourts.gov/courts/scv/amendments/part_six_sect_II_rule_1_8.pdf).

**LEO 1896** was approved effective January 11, 2022.

**LEO 1897 and LEO 1898** were approved by Council at its June 2022 meeting and have been presented to the Supreme Court of Virginia for approval.

### **IOLTA Accounts**

On March 16, 2022, the Supreme Court of Virginia amended **Part Six, Section IV, Paragraph 20 of the Rules of Court** concerning the maintenance of trust accounts. Effective July 1, 2022, attorneys in private practice will be required to maintain client funds in identifiable interest-bearing trust (IOLTA) accounts. The interest on these accounts will be paid to Legal Services Corporation of Virginia to "...be used for funding 1) civil legal services to the poor in Virginia, 2) LSCV's administrative expenses, and 3) the creation and augmentation of a reserve fund for the same purposes."

The change in the Rule from optional to required participation for those attorneys who maintain client trust accounts is effective July 1, 2022. Virginia attorneys have until July 1, 2023, to comply with the changes.

### **Supreme Court of Virginia Developments**

**Justice S. Bernard Goodwyn** was elected by his fellow Supreme Court members to be Chief Justice, effective January 1, 2022. He was first appointed to the Supreme Court by Governor Tim Kaine in October 2007 and then was elected by the General Assembly on February 8, 2008. In January 2020, he was reappointed to another 12-year term. He had previously served as a district court judge and as a circuit court judge in Chesapeake, Virginia from 1997 until his appointment to the Court in 2007.

**Justice Donald W. Lemons** retired from the Supreme Court of Virginia as of February 1, 2022.

**Justice William C. Mims** retired from the Supreme Court of Virginia on March 31, 2022.

# Judicial Candidate Evaluation Committee Report

July 1, 2021 - June 30, 2022

On June 17, 2022, the General Assembly of Virginia appointed **Judge Wesley G. Russell, Jr.** of the Virginia Court of Appeals and **Judge Thomas P. Mann, Sr.** of the Fairfax Circuit Court, to the Supreme Court of Virginia. Judge Kimberley S. White of Halifax, who was a circuit court judge for the 10th Judicial District, was elevated to fill Judge Russell's spot on the Court of Appeals. Justice Russell and Judge White's terms began July 1, 2022. Justice-elect Mann's term commences August 1, 2022.

In the lead up to those appointments, the VSB's Judicial Candidate Evaluation Committee was asked to review candidates for the Supreme Court of Virginia. Justice Mims notified the governor and legislative leaders in July 2021 that he would not be seeking reelection to the court when his term came to an end on March 31, 2022. The VSB's Judicial Candidate Evaluation Committee was then asked to review the qualifications of persons interested in the vacancy on the Supreme Court of Virginia occasioned by Justice Mims' retirement.

In summary, a total of 18 individuals asked to be evaluated for the position. The evaluations took place in November 2021. Fifteen candidates were reported as either Qualified or Highly Qualified for the Supreme Court of Virginia vacancy. Some had previously been reviewed and carried forward their earlier review results. The chart that follows identifies the individual, the date of their JCEC evaluation and the evaluation result:

**JCEC 11/2021 RESULTS FOR SCV VACANCY (MIMS)**

#	Name	Evaluation
1	Judge David Bernhard, Fairfax Cir. Ct., Fairfax	HQ 12-0 (2/19/2021 COA)
2	Tillman J. Breckenridge, PLLC, Midlothian	HQ 8-6 (11/2021 SCV)
3	Judge David B. Carson, Roanoke Cir. Ct., Roanoke	HQ 14-0 (11/2021 SCV)
4	Judge J. Christopher Clemens, Salem Cir. Ct., Salem	HQ 13-1 (7/7/2021 COA)
5	Judge Douglas L. Fleming, Jr., Loudoun Cir. Ct., Loudoun	HQ 13-1 (7/7/2021 COA)
6	Jennifer R. Franklin, W&M law professor, Williamsburg	Q 11-0 (1/29/2021 COA)
7	Judge Frank Friedman, Court of Appeals of Va., Roanoke	HQ 11-0 (7/2021 COA)
8	Judge Glen A. Huff, Court of Appeals, Virginia Beach	Q 10-0 (2011 SCV)
9	Judge David W. Lannetti, Norfolk Cir. Ct., Virginia Beach	HQ 14-0 (11/2021 SCV)
10	Robert W. Loftin, McGuire Woods, Richmond	Q 14-0 (11/2021 SCV)
11	K. Lorraine Lord, Chief Staff Attorney, Supreme Court of Va., Richmond	HQ 12-1 (7/9/2021 COA)
12	Judge Mary B. Malveaux, Court of Appeals of Va., Richmond	HQ 14-0 (11/2021 SCV)
13	Judge Thomas P. Mann, Fairfax Cir. Ct., Fairfax	HQ 14-0 (11/2021 SCV)
14	Judge Victoria B. Willis, Stafford Cir. Ct.,	Q 10-2 (11/2021 SCV)

	Fredericksburg	(2 abstentions)
15	Catherine French Zagurskie, Va. Indigent Defense Commission, Henrico	Q 12-2 (11/2021 SCV)

On December 22, 2021, Justice Lemons announced that he was retiring effective February 1, 2022.

In early 2022, at the request of Delegate Terry Kilgore, the Virginia State Bar reviewed and evaluated additional candidates for the Supreme Court of Virginia vacancies created by the resignations of Justices Lemons and Mims.

Two judges who had previously undergone evaluations for the Court of Appeals of Virginia elected to carry their evaluation results forward to the Supreme Court of Virginia evaluation process. Those judges were Judge Stacey W. Moreau of the 22<sup>nd</sup> Circuit Court (Danville) and Judge Stuart A. Raphael of the Court of Appeals of Virginia.

During the February 2022 process, 9 additional individuals were evaluated for the Supreme Court of Virginia vacancies created by Justices Lemons and Mims retiring from the Court. Six candidates were then reported as either Qualified or Highly Qualified for the Supreme Court of Virginia vacancies. The chart that follows identifies the individual, their current position, the evaluation result, and the date of their JCEC evaluation.

**VIRGINIA STATE BAR  
 JUDICIAL CANDIDATE EVALUATION COMMITTEE  
 SUPREME COURT OF VIRGINIA EVALUATIONS  
 (Justices Mims and Lemons Vacancies)  
 February 10, 2022**

	<b>Name</b>	<b>Position/Location</b>	<b>JCEC Evaluation for SCV 2/10/2022</b>
1	Judge Randolph A. Beales	Court of Appeals of Virginia, Richmond	Q 11-0 HQ 9-2 (SCV eval 2/10/2022)
2	Judge Richard E. Gardiner	Fairfax Cty. Cir. Ct., Clifton	Q 10-0 HQ 6-4 (SCV eval 2/10/2022)
3	Prof. Michael V. Hernandez	Regent Univ. School of Law, Chesapeake	Q 8-2 (SCV eval 2/10/2022)
4	Judge Stacey W. Moreau	Pittsylvania Cty. Cir. Ct., Danville	*HQ 16-0 (2020 COA) (COA eval 2/19/2020)
5	Judge Stuart A. Raphael	Court of Appeals of Virginia, Arlington	*HQ 10-1 (2020 COA) (COA eval 2/19/2020)
6	Judge Wesley G. Russell, Jr.	Court of Appeals of Virginia, Henrico	Q 10-0 (SCV eval 2/10/2022)

\*Judges Moreau and Raphael were offered the opportunity by the committee to retain their Highly Qualified ratings obtained in February of 2020 for the Court of Appeals, rather than being reinterviewed, etc. They agreed to do so.

The JCEC policy permits a candidate who has been retained for the same position and receiving a rating of "Qualified" or "Highly Qualified," to have a rebuttable presumption that the candidate merits at least the same rating. The committee has extended that presumption to the same or similar position.

## Virginia State Bar Practice Management Task Force

Council was provided with the VSB's Practice Management Task Force Report at its June 2022 Council meeting as an information item.

The June 10, 2022, Task Force report emphasizes the principles:

- Attorneys need practice-management assistance.
- Offering practice-management assistance protects the public.
- The Taskforce feels the VSB is an appropriate entity to offer a PMAP (practice management advisor program). A VSB-offered PMAP advances three of the four components of the VSB mission: (1) to protect the public, (3) to advance access to legal services, and (4) to assist in improving the legal profession and the judicial system.
- The most effective way to establish a VSB PMAP is to hire a qualified, in-house practice management advisor with broad discretion to develop the program as he or she sees fit.

## SALARIED EMPLOYMENT CHANGES IN FY2022

(July 1, 2021, to June 30, 2022)

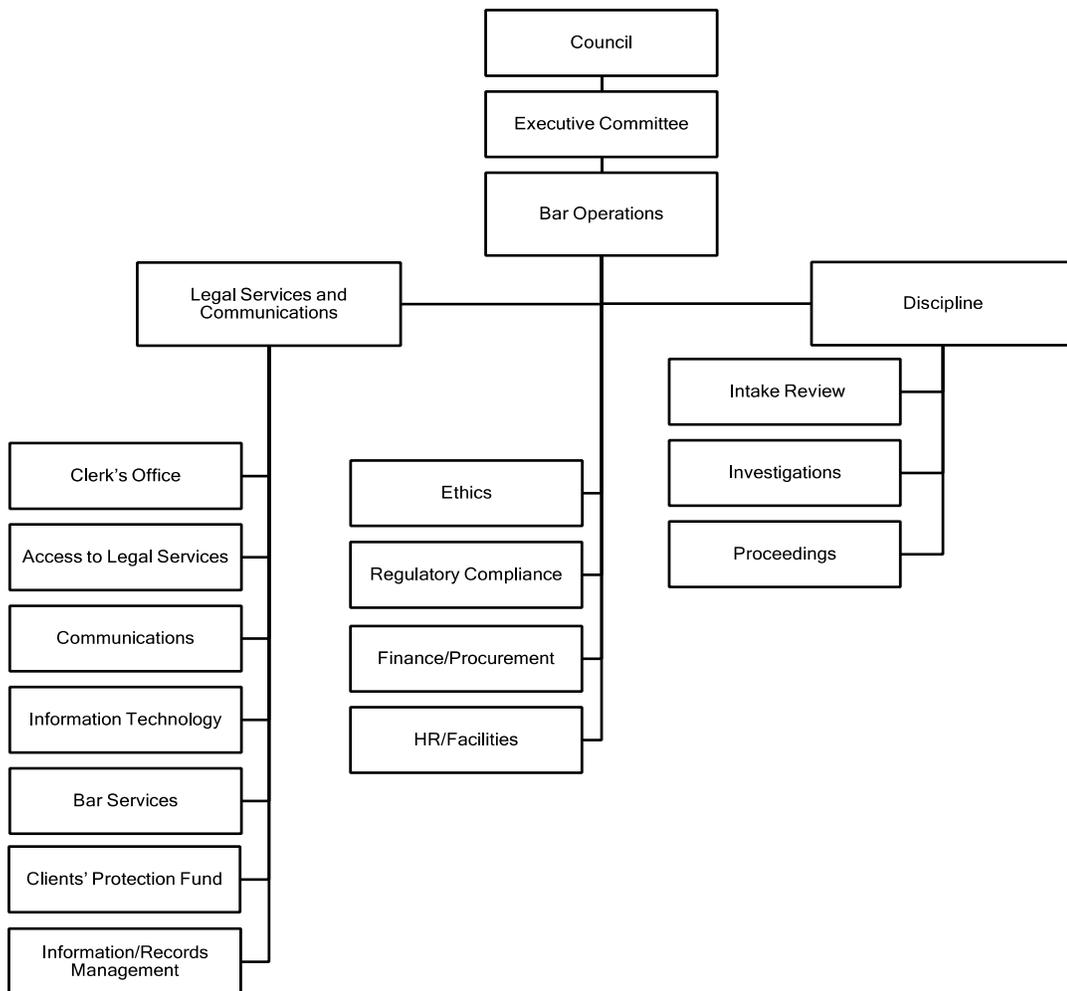
- Clive LePage (Regulatory Compliance Analyst) – hired 07/10/2021
- Nancy Donner (Office Services Coordinator) – hired 09/01/2021
- Forest Van Horn (Regulatory Compliance Analyst)- hired 10/10/2021
- Joan McLaughlin (Senior Data Support Specialist) – retired 07/31/2021
- Deborah Hunt (Assistant Clerk) – retired 08/31/2021
- Leon Soria hired to replace Deborah 10/25/2021
- Ed Dillon promoted from Senior Assistant Bar Counsel to Deputy Bar Counsel 09/25/2021
- Brittany Shaw (Intake Analyst) – separated 10/09/2021
- Anand Singh (Legal Assistant/Intake Analyst)- hired to replace Brittany 11/10/2021
- Steven Long (Paralegal) – separated 10/24/2021
- Michael Lawrence hired to replace Steven 11/10/2021
- Jessica Berdichevsky (Assistant Bar Counsel) – separated 10/24/2021
- Trish O’Boyle promoted from Investigator to Assistant Bar Counsel to replace Jessica 10/25/2021
- Cheryl Kast hired to replace Trish 01/18/2022
- Kaylin Bowen promoted to Web Content Manager and Assistant Editor 10/25/2021
- Seth Guggenheim (Assistant Ethics Counsel) – retired 12/31/2021
- Dorian Dalton hired to replace Seth 04/10/2022
- Aaron Rose (Communications Coordinator) – hired 11/25/2021
- Christine Corey (Assistant Bar Counsel) - separated 01/09/2022
- Seth Shelley hired to replace Christine 03/10/2022
- Asha Holloman (Assistant to the Executive Director) separated – 01/14/2022
- Shawne Moore hired to replace Asha 02/10/2022
- Demetrios Melis (Director of Regulatory Compliance) separated – 01/16/2022
- Maureen Stengel appointed Acting Director of Regulatory Compliance from 01/25/2022 to 05/09/2022
- DaVida Davis promoted from Clerk of the Disciplinary System to Director of Regulatory Compliance to replace Demetrios 04/10/2022
- Joanne Fronfelter hired to replace DaVida 04/25/2022
- Sandra Heinzman (Assistant Clerk) - retired 01/31/2022
- Alexa Carroll promoted from Regulatory Compliance Analyst to Assistant Clerk to replace Sandra 01/25/2022
- Diane Bagby (Receptionist) - retired 01/31/2022
- Olivia Surdel (Regulatory Compliance Analyst) – separated 02/11/2022
- Stephanie Tropiano hired to replace Olivia 03/10/2022
- Nejla Cohen (Regulatory Compliance Analyst) – separated 02/24/2022
- Emily Hedrick promoted from Assistant Ethics Counsel to Senior Assistant Ethics Counsel 03/25/2022
- Ashley Jennings (Legal Assistant) -separated 04/24/2022
- Stacy Montgomery hired to replace Ashley 05/31/2022
- Scott Prince (Assistant Bar Counsel) – retired 04/30/2022
- Nicolas Gonzalez (Legal Assistant) – separated 06/09/2022
- Malik Glaspie (Regulatory Compliance Analyst) – hired 06/25/2022
- Uma Tripathi (Regulatory Compliance Analyst) – hired 06/25/2022
- Betsy Wade (Lead Regulatory Compliance Analyst) – retired 06/30/2022

Positions filled as of June 30, 2022: 89

FTE FOR FY21: 93

FTE FOR FY22: 93

# Virginia State Bar Organizational Chart



# Report of the President

## Jay B. Myerson

It hardly seems possible that a year has passed and I'm presenting my final president's report. Yet here we are.

It has been an interesting year, a year in which we have accomplished much for which we can be proud.

### 1. The Ongoing pandemic

First and foremost, we've continued to navigate through the pandemic and its variants.

Particularly at the start of our year, this meant continued adaptation to virtual meetings and fewer in-person meetings. Yet over the course of the year, we've enjoyed the return of many in-person events, ever conscious of changes in format necessitated by Covid as we as a society learned best practices for holding in-person gatherings under present conditions.

When I spoke with you this time last year, I expressed an intention to conduct a review of the adaptations made in response to Covid, to evaluate which adaptations worked, which didn't, which should be kept, which should be tweaked, and which should be abandoned.

Many of our committees, conferences, sections, and staff have done so. These reviews led to continuation and implementation of a number of adaptations including the Tech-Show again being virtual this year, the Annual Meeting CLEs being offered in a hybrid form, and many of our meetings continuing to be conducted virtual or hybrid to the extent that was consistent with FOIA and open meeting requirements. I anticipate further modifications responsive to more flexible options afforded by technological advances will continue in the future.

It is important for VSB leadership to make personal appearances throughout the Commonwealth and for the VSB to continue to hold meetings throughout the Commonwealth to reach out to our members and receive feedback from our members.

As the year progressed, we transitioned to more and more in-person events. We held in-person Carrico Professionalism courses, in-person conferences for Solo and Small Practitioners (thanks to the Conference of Local and Specialty Bars) and meetings of local bar associations. I appreciated having these opportunities to visit with attorneys and law students in the Southwest (Abingdon, Appalachian School of Law, Lebanon, Marion, and Tazewell), Southside (Danville), Tidewater (Newport News, Norfolk, Williamsburg, and Virginia Beach), Western Virginia (Roanoke and the Homestead), central Virginia (Fredericksburg, Fred Nats Park, and Richmond) and Northern Virginia (Fairfax, Loudoun). I also appreciated the invitations to conferences by other Commonwealth Bar Associations such as the Old Dominion Bar Association, Virginia Bar Association, the Virginia Trial Lawyers Association, and the Virginia Women Attorney Association.

Each of the above events provided me with the opportunity to share information about the VSB with our members and, more importantly, receive feedback from our members as to their concerns and interests.

On a related note, it was with great pleasure that, despite all the impact of the pandemic, the core business of the VSB continued unabated. Bar Counsel continued to timely process its cases in an ever more efficient manner. Lawyers continued to receive guidance through calls to our hot line and legal advisory opinions, and our conferences, committees and sections continued to serve the VSB, our

members and the greater community.

### **Year of transition and unanticipated legislation**

The year presented some unanticipated organizational changes to the VSB and to the Supreme Court:

- the retirement of Chief Justice Donald W. Lemons;
- the retirement of Justice William C. Mims;
- the ascension of Justice S. Bernard Goodwyn to becoming the new Chief Justice;
- the retirement of Executive Director Karen Gould, effective October 1, 2022, although her last day in the office was July 22, 2022.

Resolutions have been prepared to honor former Chief Justice Lemons, Chief Justice Goodwyn, Justice Mims, and Executive Director Gould. The resolution honoring Justice Mims was presented to him at the Annual VSB Past Presidents Dinner. The Resolution honoring Chief Justice Goodwyn will be presented to him at his investiture on June 8, 2022. Resolutions honoring former Chief Justice Lemons and Executive Director Gould will be presented to them at the Annual Meeting. Their efforts on behalf of the VSB, the administration of justice and the greater community have been greatly appreciated as set forth in the Resolutions.

Two matters were raised and addressed during the 2022 General Assembly session. The first was a bill (S.B. 561) which would have created a legislative commission to decide attorney disciplinary proceedings, effectively ending attorney self-regulation in the Commonwealth. We worked with other Commonwealth-wide bar associations such as the ODBA, VBA, VADA, VTLA, VWAA and the VCBA to present a common front in a successful defeat of this bill in the Senate Judiciary Committee. Nonetheless, it may well be advisable to consult with the senators who did not oppose this bill to identify and attempt to address their concerns proactively.

The second matter that was brought to the General Assembly in this session was an effort to ensure that the Supreme Court of Virginia will be able to continue to assess a fee on admitted Virginia attorneys to provide revenue for the Client Protection Fund at an amount between 0-\$25 a year. This bill, which eliminated the previous sunset provision on the Supreme Court's authority to do so, passed the House 99-0 and the Senate 40-0 and was signed into law by the Governor.

## **Special Committees and Task Forces**

This year I created two special committees and one task force (one task force was carried over).

**The Special Committee on Lawyer Well-Being**, led by former VSB President Len Heath, focused on several points. First, how, if at all, the pandemic has impacted the previously identified risk factors of practice; then to review the wellness initiatives by other state bars since the completion of the prior President's Wellness Report. The Committee also reviewed programs initiated in Virginia by law service employers (firms, law schools, in-house counsel, governmental agencies). Finally, they proposed creation of an awards program to focus attention and raise awareness of efforts impacting wellness for those involved with the provision of legal services here in Virginia. The Committee has done an excellent job and will be presenting its report to the Executive Committee and Bar Council. The initial award will be presented at the breakfast meeting of the Conference on Local and Specialty Bars.

**The Special Committee on Rules and Procedure**, led by former VSB President Marni Byrum, has focused on a review of the VSB Bylaws, focusing on ambiguities and possible inconsistencies that were identified during VSB Bar Year 2020-2021. It is anticipated that the Committee will submit a report at the June meeting. Some needed changes have been identified and are ready to be recommended; however,

the Committee has identified some additional areas of concern and therefore is seeking one additional year within which to complete its work.

**The Executive Director Search Nominating Task Force**, led by former VSB President Phil Anderson, became necessary in light of Executive Director Karen Gould's planned retirement, effective October 1, 2022. It is anticipated that Karen's last full day at the office will be July 22, 2022. The Committee has commenced a nationwide search for a successor. Although the Committee has until the October 2022 Bar Council meeting to propose a successor, it is hoped and anticipated that the work will be completely by Labor Day.

**The Practice Management Task Force**, led by its chair, David Neumeyer, was created by former VSB President Brian Buniva. David and his task force have worked vigorously and diligently for the last two years.

As I have previously stated on numerous occasions, it had been my hope to bring this matter to the Executive Committee and Bar Council for a vote at the June meeting. Yet as the task force has recognized, there is need for further consultation and/or collaboration with other Commonwealth-wide bar associations based on expressions of concern received from the VBA and the VTLA to produce the most effective resources efficiently and collaboratively for Virginia practitioners.

David will present a report to Bar Council at the meeting, but it will not be presented at that time as an action item. It is my belief that, at this point, the Technology and Future of Law Committee is best suited to continue the excellent start provided by the task force. I would encourage the Technology and Future of Law Committee to carefully consider the task force report. Moreover, I would encourage it to consult with David and the members of the task force on how to better publicize the practice management tools which have long been available from the VSB and to work with the other bar associations to develop a collaborative approach that would best meet the needs of Virginia's practitioners. We are all extremely grateful to David and the task force members for the substantial work they have done.

### **Unfinished business**

In addition to the foregoing, this year we focused attention on a number of items of unfinished business, carried over from prior years, that require continued attention: diversity; access to legal services; professionalism/mentorships; rule of law. These concerns are all interrelated and to ensure the rule of law, we need to remain vigilant and focused on them.

We know we are a diverse nation and a diverse Commonwealth. But in many ways, we derive our strength from our very diversity. We are diverse in some many ways: race; religion; ethnicity; geographic locations; political views. As a nation and as a Commonwealth, we are faced with many who would seek to polarize us; what is critical is that we focus on that which unites us, not what polarizes and divides us. The glue that holds us together is the Rule of Law.

As Virginia attorneys, we have a special legacy and obligation to defend the Rule of Law. The Founders of our nation, who drafted the Declaration of Independence, the Virginia Bill of Rights, the Constitution, and the U.S. Bill of Rights were disproportionately Virginians, and many were attorneys. They embodied into those documents the concept of, and protections for, the Rule of Law. Since then, other Virginians have stepped up to continue the effort to preserve, protect and perpetuate the Rule of Law.

We know that a pro se party will likely not prevail when up against an experienced attorney. Without access to legal services, the scales are tipped unfairly in favor of the represented party unrelated to the merits. Pro bono volunteers and "low bono" representation continue to be indispensable in the effort to balance the scales. So too are the volunteers who participate in the VSB's on-line program to provide

attorneys to answer questions. Access to legal services is enhanced when attorneys in remote areas are able to participate in virtual CLEs to help them achieve the competence to help those who are facing eviction or who cannot afford counsel to provide representation in a divorce or custody or support hearing.

There are areas of the Commonwealth who lack sufficient attorneys. A young law student told me recently when I was visiting Appalachian School of Law that she was from the Grundy area and would like to remain in a rural community after graduation. But she wondered how she would be able to scratch out a living in a lower income community. I would submit as part of our commitment to the Rule of Law and access to legal services, we need to explore how that can be achievable.

The media is replete with programming that models the very worst of how an attorney should behave. How do we model and perpetuate proper behavior, consistent with the “Virginia Way” of professionalism? One answer is the VSB Carrico Professionalism Course. Mentorship programs are an additional path. This year for the first time, we compiled a list of all known legal mentorship programs in the Commonwealth, posted it on the VSB website, and are distributing the link to that list as part of the Carrico Professionalism materials.

This year we are celebrating the 45<sup>th</sup> year of the VSB’s Lawyer Referral Service. Recent modifications to the program have made it financially viable for the VSB without cost to clients. When attorneys participate in this program, they help with the availability of legal services, while also building practices. Sometimes the potential client has a simple question that is resolved in that initial contact; other times they become clients for life or a referral source for life. We need to continue to publicize this service among attorneys as well as the public. The most recent figures I have seen have the client/attorney ratio widely disproportionate.

We also know that our founding and now amended but still governing documents recognized our aspiration for a more perfect union, where all people are created equal. This requires greater diversity reflected in the Bar, on the Bench, on our committees and in our conferences, on Bar Council and the Executive Committee and among our presidents. We are doing significantly better but there is more we can be doing. Our history of recent VSB presidents has reflected the diversity in our country, perhaps not perfectly but significantly moving forward. Our Council and our Committees are becoming more diverse. But for us truly derive the strength that comes from diversity, we can still do better. We need to continue to ensure that we have the best quality attorneys available, while also remaining welcome to diversity in race, religion, ethnicity, sexual orientation, geography, and political views.

It is my hope that in the coming year, one or more of our Commonwealth-wide bar associations will decide to take the lead on developing and holding a symposium on the Rule of Law to celebrate the 235<sup>th</sup> anniversary of the ratification of the U.S. Constitution. It could explore what the Rule of Law means today, how do we better teach and model the Rule of Law, how can we best preserve, protect, and perpetuate the Rule of Law? I would further hope then that all of the Commonwealth bar associations would choose to participate.

### **Profound Gratitude.**

In closing, please accept my profound gratitude for permitting me to serve as your president for the last year; for the sacrifice each of you has made, in time, in money, of yourself to make the past bar year as successful as it has been.

I thank each of the leaders and volunteers serving on the Conferences, Committees, Sections and Boards for your support to the VSB.

I thank my executive committee and Bar Council for all your efforts on behalf of our over 50,000 members.

I thank each VSB staff member for your commitment and dedication to the VSB. Without doubt, you are the glue who keep this organization as great as it is, and that it is you who make the volunteer leadership look so much better than we are.

I know we will be in great hands with Stephanie and Chidi as our next two presidents and that they will form a tremendous leadership team.

Just two bits of advice that I would like to pass on to them:

1. If ever you have a question or need help, ask a former president. I was told, and I found it to be true. All you have to do is ask any of our former presidents, and the answer will always be yes.
2. Whatever you do, you don't want to be the last president of the VSB.

# Report of the Treasurer

CASH WITH THE TREASURER OF VIRGINIA AS OF JUNE 30, 2021: 7,010,321.68

## Operating Revenue:

Membership Dues	10,524,874.99	
Clients' Protection Fund Assessment & Restitution	252,046.42	
Professional Corporations	131,900.00	
Section Dues	385,145.00	
Virginia Lawyer and Virginia Lawyer Register	43,500.00	
Virginia Lawyer Referral Service	428,649.29	
Mandatory Continuing Legal Education	1,690,390.00	
Professionalism Course	182,975.00	
Cost Taxing & Bonds	133,402.27	
Seminars and Miscellaneous	163,958.43	
RESA Registration	18,109.98	
Administration and Finance Account	75,370.00	
Attorney Wellness (Not Transferred)	30.00	
<b>Total Operating Revenue</b>		<b>14,030,351.38</b>

## Operating Expenditures:

Salaries, Wages and Benefits	9,836,157.22	
Receivers	68,627.99	
Office Rent	624,666.72	
Furniture and Equipment	12,524.80	
Supplies, Stationery and Forms	28,244.97	
Printing and Copying	137,403.32	
Postage	164,177.39	
Communication Technology	149,154.20	
Staff Travel	60,913.88	
Computer	604,368.39	
Council, Committees and Board	246,438.20	
Professionalism Course	88,990.73	
Sections & Conferences	218,523.19	
Attorney General's Office Fees	5,309.74	
Chief Justice's Programs and Projects	50,275.30	
Other Operating Expenditures	476,315.56	
<b>Total Operating Expenditures</b>		<b>12,772,091.60</b>

## Other Disbursements and Transfers:

Administration and Finance Account Transfers	73,865.00	
Clients' Protection Fund Transfers	252,026.42	
Cash Transfer	230.00	
Total Other Disbursements and Transfers	326,121.42	

CASH WITH THE TREASURER OF VIRGINIA AS OF JUNE 30, 2022: 7,942,460.04

# Report of the Office of Bar Counsel

## Renu M. Brennan, Bar Counsel

### I. DISCIPLINARY STATISTICS - FY 2022 (July 1, 2021 to June 30, 2022)

The number of active Virginia lawyers was 31,655. The bar received 3,113 bar complaints. Complaints increased 6.5% compared to July 1, 2020, through June 30, 2021.

Roughly 70% of the complaints were screened out early in the review process, and less than 15% were dismissed after informal investigation by Intake Counsel. Bar Counsel, the Subcommittees, the Disciplinary Board, and the Circuit Courts' Three-Judge Panels dismissed 361 cases. One hundred and nine (109) lawyers received private (38) or public (71)<sup>1</sup> discipline. Of the 71 lawyers publicly disciplined, 34 lawyers received public reprimands or admonitions; 18 lawyers were suspended; and 19 lawyers' licenses were revoked.

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

[Disciplinary Actions July 2021 - December 2021](#)

[Recent Disciplinary Actions](#)

#### Dismissals and Sanctions Statistics Information for FY 22:

Number of cases dismissed in house by Bar Counsel	240
Number of cases dismissed by Subcommittee/District Committee	116
Number of cases dismissed by Board	1
Number of cases dismissed by Circuit Court	4 <sup>2</sup>
Number of lawyers who received private discipline - Admonition	24 (24) <sup>3</sup>
Number of lawyers who received private discipline - Reprimand	14 (15)
Number of lawyers who received public discipline - Admonition	3 (4)
Number of lawyers who received public discipline - Reprimand	31 (35)
Number of lawyers who received public discipline - Suspension	18 (24)
Number of lawyers who received public discipline - Consent to Revocation	13 (23)
Number of lawyers who received public discipline - Revocation	6 (12)

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<sup>1</sup> The Virginia State Bar Clerk's Office provided the Dismissals and Sanctions Statistics Information, whereas the Office of Bar Counsel tallied the information by type of Virginia Rule of Professional Conduct (VRPC) violation. The discrepancy in the numbers stems from the fact that the Clerk's Office does not include decisions pending appeal or cases which have not been administratively closed.

<sup>2</sup> Three (3) of the four (4) cases were dismissed on motion of bar counsel, and one (1) was dismissed pursuant to Para. 13-31 because Respondent's license was revoked.

<sup>3</sup> Number of respondents (number of cases).

**Public/Private Discipline (July 1, 2021 to June 30, 2022)<sup>4</sup>**

Public Discipline – 77 <sup>5</sup>	Private Discipline – 38
<ul style="list-style-type: none"> <li>• Competence/Diligence – 28</li> </ul>	<ul style="list-style-type: none"> <li>• Competence/Diligence – 20</li> </ul>
<ul style="list-style-type: none"> <li>• Trust Accounting – 12</li> </ul>	<ul style="list-style-type: none"> <li>• Trust Accounting – 11</li> </ul>
<ul style="list-style-type: none"> <li>• Dishonesty – 9</li> </ul>	<ul style="list-style-type: none"> <li>• Fees – 2</li> </ul>
<ul style="list-style-type: none"> <li>• Terms Violation – 6</li> </ul>	<ul style="list-style-type: none"> <li>• COI – 2</li> </ul>
<ul style="list-style-type: none"> <li>• Reciprocal – 5</li> </ul>	<ul style="list-style-type: none"> <li>• Law Firm Departure – 1</li> </ul>
<ul style="list-style-type: none"> <li>• UPL – 4</li> </ul>	<ul style="list-style-type: none"> <li>• Comm w/Persons Rep’d by Counsel – 1</li> </ul>
<ul style="list-style-type: none"> <li>• Criminal Conduct – 3</li> </ul>	<ul style="list-style-type: none"> <li>• Terminating Representation – 1</li> </ul>
<ul style="list-style-type: none"> <li>• Meritorious Claims/ Unfair to Opp’g Counsel/Respect for Rights of Third Persons/Comm with Unrep’d Party – 3</li> </ul>	
<ul style="list-style-type: none"> <li>• Fees – 2</li> </ul>	
<ul style="list-style-type: none"> <li>• Scope of Representation – 2</li> </ul>	
<ul style="list-style-type: none"> <li>• COI – 1</li> </ul>	
<ul style="list-style-type: none"> <li>• Bar Admission and Disciplinary Matters – 1</li> </ul>	
<ul style="list-style-type: none"> <li>• Misconduct (8.4(b) violation) – 1</li> </ul>	

**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 March 12, 2022, the Supreme Court of Virginia approved the Committee on Lawyer Discipline’s proposed amendments to [Paragraph 13-6.H](#) regarding the Disciplinary Board’s review of Agreed Dispositions. The revision facilitates feedback from the Board to the parties regarding the Agreed Dispositions and conforms the disciplinary procedure with practice.

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

[Effective September 13, 2021, the Supreme Court of Virginia approved UPL Opinion 218, regarding representation by power of attorney and the uniform power of attorney act.](#)

[Effective January 11, 2022, the Supreme Court of Virginia approved Legal Ethics Opinion 1896, regarding lawyers working from home/remotely in another jurisdiction.](#)

[Effective February 20, 2022, the Supreme Court of Virginia approved amendments to](#)

<sup>4</sup> This chart represents each instance of Public/Private discipline issued by a Memorandum Order or Summary Order within FY 2022.

<sup>5</sup> Number of respondents in each category.

[Rules 1.8\(b\)](#), Conflict of Interest: Prohibited Transactions.

[Rule 1.10](#), Imputed Disqualification: General Rule.

[Rule 1.15](#), Safekeeping Property.

[Effective March 12, 2022, the Supreme Court of Virginia approved amendments to Rule 1.2, regarding advising clients about marijuana activities.](#)

[Effective April 20, 2022, the Supreme Court of Virginia approved Legal Ethics Opinion 1894, addressing conflicts in joint representation of multiple minor children; aggregate settlements.](#)

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

[By Order entered January 6, 2022](#), the Court affirmed the Disciplinary Board's four-year suspension of Richard Robol's license to practice law. Assistant Attorney General Robert McEntee, III represented the Bar on appeal.

# REPORTS OF THE STANDING COMMITTEES

## Access to Legal Services

### Ali Silva, Chair

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

The Access Committee held several events this year. The first three meetings of the year were held virtually due to the COVID-19 State of Emergency. Regular business meetings were held on August 19, 2021 (MS Teams), November 4, 2021 (MS Teams), February 3, 2022 (MS Teams), and April 21, 2022 (in person at VSB).

The Committee undertakes its work to advance access to legal services through several subcommittees. This year, the Awards subcommittee met on August 18, 2021, and April 15, 2022. The Outreach & Education subcommittee (previously “Pro Bono CLE & Training”) met on December 1, 2021, March 11, 2022, May 23, 2022, and June 14, 2022.

We hosted our annual Pro Bono Conference virtually on October 20, 2021, which included five CLE sessions, including a 2-hour Ethics CLE on unbundling legal services and two joint plenary sessions in partnership with the VPLC Statewide Legal Aid Conference. 315 people attended our conference. The Committee hosted several other training sessions throughout the year in partnership with VSB sections, conferences, legal aids, and bar associations.

The Access Committee gave out four awards: the 2021 Lewis F. Powell Jr. Pro Bono Award to Charlie Phillips of Salem, the 2021 Frankie Muse Freeman Organizational Pro Bono Award to the Greater Richmond Bar Foundation, the 2022 Oliver White Hill Law Student Pro Bono Award to Jessica Choate of GMU Law, and the 2022 Legal Aid Award to Jennifer Locke in the Winchester office of Blue Ridge Legal Services. The Powell Award was presented to Charlie Phillips at an intimate lunch gathering in Roanoke on November 5, 2021. The Freeman Award was presented to the GRBF at the organization’s annual pro bono celebration and training event at Troutman Pepper’s Richmond office on October 26, 2021. The Legal Aid Award and the Oliver Hill Award were presented in-person on June 17th at the Legal Aid Luncheon in Virginia Beach as part of the VSB’s Annual Meeting.

Virginia Free Legal Answers continues to be a reliable source of quality pro bono advice and counsel for Virginians with civil legal issues. Attorneys and clients can utilize the portal from the safety of their home or office, a much-needed resource for those unable or uncomfortable with in-person legal services. Volunteers answered more than 1,300 questions this year, including 130 COVID-19 questions. The Committee is proud of these accomplishments and looks forward to advancing access to legal services through this important pro bono service even further in the upcoming bar year.

The incoming chair of the Access Committee is Joanna Suyes of Marks & Harrison. Adonica Baine of the Newport News City Attorney’s Office will be serving as vice chair.

The Access Committee is grateful for the work of dedicated public servants who’ve devoted their professional lives to the equal justice cause. We also thank the Virginia attorneys who’ve taken on pro bono work or made financial contributions to legal aid during this unprecedented time of need. 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 370,000 service hours. Because of your dedication, the doors of justice stayed open for Virginians in need. Let’s work together to ensure those needs continue to be met in the coming year so that our communities and our Commonwealth can truly recover.



## Budget and Finance

### Marni E. Byrum, Chair

The Standing Committee on Budget and Finance met electronically, via Microsoft Teams, on December 15, 2021, to review and approve the proposed FY 2023 operating budget.

On February 26, 2022, the Council considered, and unanimously approved, an operating budget of \$15.6 million for FY 2023. Chief Justice Goodwyn communicated the Supreme Court's approval of the FY 2023 proposed budget on April 7, 2022, to Karen Gould, Executive Director and Chief Operating Officer.

The approved FY 2023 budget estimates \$15.6 million in expenditures. This is an increase of approximately \$570,000 over the FY 2022 budget. The increase is primarily due to an increase in salaries and benefits related to a 5% raise for state employees and an increase in computer operating expenses.

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

# Lawyer Discipline

## William H. Atwill, Chair

The Committee on Lawyer Discipline<sup>1</sup> (COLD), comprised of ten lawyers and two non-lawyer volunteers, worked this year with VSB staff including the Office of Bar Counsel, Clerk of the Disciplinary System, and Executive Director on:

1. enhanced training in the fall of 2021 for district committee members and officers, in addition to the virtual disciplinary conference in July 2021 and
2. study implementation of the “ABC Rule” at Paragraph 13 at the request of the Virginia Rules Advisory Committee.

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.

COLD met remotely in September 2021 and in person in April 2022. At the April 2022 Rules Subcommittee meeting, COLD asked the Office of Bar Counsel to study the handling of complaints against prosecutors and the pros/cons of production of reports of investigation to respondents. COLD also continued to review monthly reports. 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.

<sup>1</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.

## Legal Ethics

### Dennis 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 six times in FY 22, four times virtually due to the COVID-19 pandemic and twice in person.

The committee has nine members: Dennis Quinn (chair), Michael York (vice chair), V. Kathleen Dougherty, Teresa Goody Guillén, Michael HuYoung, K. Brett Marston, Jeffery Mitchell, Michael Robinson, and Nia Vidal. VSB staff liaisons are James McCauley, Emily Hedrick, and Dorian Dalton.

The committee's activities this year included:

- Supreme Court approval of UPL Opinion 218, which was submitted to the Court in FY 22 and approved on September 13, 2022, effective immediately
- Supreme Court approval of LEO 1896 (Out-of-State Lawyers Working Remotely in Virginia) on January 11, 2022, effective immediately
- Supreme Court approval of amendments to Rule 1.2 addressing representation of clients engaged in activities that are legal under state law but illegal under federal law on January 11, 2022, effective March 12, 2022
- Supreme Court approval of LEO 1894 (Conflict of Interest: Representing Multiple Infant Claimants by "Next Friend") on April 20, 2022, effective immediately
- LEOs 1897 (Replying All to an Email When the Opposing Party is Copied) and 1898 (Accepting Cryptocurrency as an Advance Fee for Legal Services) were approved by VSB Council on June 16, 2022, and are pending review by the Supreme Court
- LEO 1899 (Use of Conversion Clause in Flat Fee Agreements) has been released for public comment and will be acted upon in FY 23
- Withdrawing thirteen LEOs related to a lawyer advancing costs and expenses because they were superseded by amendments to Rule 1.8 - LEOs 297, 317, 318, 374, 485, 582, 587, 820, 892, 941, 997, 1060, and 1237
- The committee withdrew proposed LEO 1895 (Prosecutor's Communication with Represented Victim in Criminal Case) after public comment on the proposal

The committee also received two new requests for LEOs; both were resolved by LEI (legal ethics information) as the issues raised were already addressed by existing rules and opinions.

For the upcoming year, Michael York will chair the committee and Katie Dougherty will serve as vice chair. The chair welcomes new member Naveed Kalantar and thanks Dennis Quinn for his years of service on the committee. The ethics hotline received 6,236 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 the inception of the program in 1988, over 43,100 new admittees have taken the course

The committee agreed that the course would suffer significantly from a remote format, so courses were initially canceled during the COVID-19 pandemic. Following the worst of the pandemic, courses resumed in July 2021. Compliance deadline dates had been extended during the pandemic, and lawyers who were due to take the course then have either twenty-four or thirty-six months to complete the course, depending on when they were eligible to take the course. Safety measures were incorporated to include additional space in the general meeting rooms, different chair configurations in the breakout rooms to allow more space between attendees, and box lunches that allowed attendees to spread out and eat in different locations in the venue. Initially, masks were required to be worn by all course attendees.

During the past year, courses were held in Roanoke, Alexandria, Norfolk, and Richmond (3). There were approximately 853 combined attendees who attended these courses. The committee was happy to welcome the Honorable Douglas E. Miller, the Honorable David J. Novak, the Honorable Doris Henderson Causey, the Honorable Rossie D. Alston, Jr., and the Honorable Robert S. Ballou as luncheon speakers at the courses. Six courses are planned for the 2022-2023 course year.

The committee met on May 5, 2022, to select new faculty members. At the meeting, the committee decided to invite faculty members who were appointed in October 2020 to extend their term an additional year. The committee then selected 50 new faculty members who will be invited to serve for either a 2- or 3-year term in order to get back to the normal faculty rotation of approximately one-third of the faculty completing their service each year.

The Honorable David W. Lannetti has agreed to continue serving as committee chair and course moderator for the 2022-2023 year.

# REPORTS OF THE BOARDS

## Clients' Protection Fund

### Melissa W. Robinson, Chair

The Clients' Protection Fund (CPF) 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 14-member board (Board) appointed by the Virginia State Bar (VSB) Council (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 2021-2022 was \$127,061 for 28 claims. The Board denied 17 petitions, and 5 petitions were rejected for not meeting the CPF rule requirements. As of June 30, 2022, there were 24 pending claims.

The total amount paid for the operating expenses of the CPF for the FY was \$4,387. In addition, the fund paid \$15,480 for receivership cases initiated by the VSB.

The fund began the FY with a cash balance of \$10,735,821. The current \$5 CPF assessment on all active attorneys added \$163,210. Accumulated interest income for the FY, totaled \$114,305. The fund received restitution from the attorney general's collections, debt set-off, and individual restitutions in the amount of \$88,815 net of fees for collection services. As of June 30, 2022, the cash balance in the fund was \$10,955,223.

At its meeting on October 29, 2021, Council approved a proposed amendment to raise the per-petitioner cap from \$75,000 to \$100,000 for a loss incurred by a client or other person to whom a Virginia lawyer owes a fiduciary duty on or after July 1, 2021. At its meeting on June 16, 2022, Council adopted rule revisions allowing the Board to revise certain administrative and procedural rules without prior approval of Council. Council still can review all Board-adopted rule changes, and it can reject any rules it does not support, but the rule change will allow the Board to adapt to its changing needs more nimbly in fulfillment of its valuable mission.

In March, the General Assembly unanimously voted to reenact Va. Code, Section 54.1-3913.1 governing the Clients' Protection Fund and to eliminate the clause sunseting the Supreme Court of Virginia's ability to impose a CPF assessment on lawyers. Consequently, the Court may continue to assess each active lawyer from \$0-\$25 per year indefinitely.

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 Members:** Christopher A. Corbett, Paul G. Gill, David B. Oakley, Mary Grace O'Malley, Lisa A. Wilson, Mary Yancey Spencer, and Dr. Theodore Smith. The Board wishes to extend its appreciation to these volunteers. Their service was very valuable, and they will be missed.

**New Board Members (2022-2023 Fiscal Year):** James L. Banks, Jr., Yvonne S. Gibney, Steven R. Grant, Sandra L. Havrilak, Jonathan R. Hyslop, Richard B. Orsino, and Nancy L. Bloom.

**Officers for the 2022-2023 Fiscal Year:**

- Phillip V. Anderson, Chair
- Brian Dean Lytle, Vice Chair

Clients' Protection Fund Board members for the 2021-2022 Fiscal Year included Melissa W. Robinson, Chair, Phillip V. Anderson, Vice Chair, Joseph M. Bowen, Christopher A. Corbett, Eugene M. Elliott, Jr., Paul G. Gill, Charles F. Hilton, Brian D. Lytle, Peter M. Mellette, David B. Oakley, Mary Grace Anne O'Malley, Lisa A. Wilson, 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 2022 fiscal year included Mark S. Brennan of Richmond (Chair), Michael D. Pierce (Vice-Chair) of Richmond, 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, Alison R. Mullins of Alexandria, William H. Old of Williamsburg, and Joanna L. Suyes of Richmond. 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 DaVida M. Davis, Director of Regulatory Compliance for the Virginia State Bar, serves as the staff liaison to the Board.

The MCLE Board met seven times during FY2022 to consider course applications, attorney requests for extensions and waivers, and other matters integrally related to the administration of the MCLE program in Virginia. Six meetings were held virtually due to the COVID-19 State of Emergency. Over the last reporting cycle, the MCLE staff and Board considered 24,235 course approvals and 6 waiver/extension requests.

Despite the hurdles of virtual business meetings, the Board continued to evaluate and focus on larger programmatic and policy matters.

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 the staff 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

## D. Bradley Marshall, Chair

The mission of the Bench-Bar Relations Committee (BBRC) 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.

This year the BBRC was composed of 17 members, including, D. Bradley Marshall, Chair, Nupur Sidhu Bal, Esq., Vice Chair, the Hon. Cleo E. Powell, the Hon. Marla Decker, the Hon. Lawrence R. Leonard, the Hon. Mary Jane Hall, the Hon. Steven C. McCallum, Jay B. Myerson, Esq., President of the VSB, Stephanie Grana, Esq., President-elect of the VSB, Brian L. Buniva, Esq., Immediate Past President of the VSB, Annessia Michel Miller Grant, Esq., Charlene Louise Hinton, Esq., Kamala Hallgren Lannetti, Esq., Lesley Pate Marlin, Esq., Edward Laurence Weiner, Esq., Bruce H. Russell, II, Esq., and Bob Walker, Esq.

The BBRC held the following meetings this year:

September 20, 2021 – virtual  
January 19, 2022 – virtual  
March 16, 2022 – virtual  
May 18, 2022 – virtual

Significant activities the BBRC undertook from July 2021-June 2022 included: reviewing and revising the definition of the judicial class of membership – an undertaking implemented due to the inconsistent and illogical application of the class (the proposal is appended herewith); discussing potential judge/lawyer wellness initiatives to support; planning to collaborate with the Conference of Local and Specialty Bar Associations to host the annual Bar Leaders Institute; reviving civic-oriented educational CLE programs; promoting rule of law initiatives; expanding distribution of VSB informational publications; suggesting ways to execute the new mission statement; monitoring developments on courthouse memorabilia; messaging Court of Appeals expansion; exploring issues regarding judicial safety; and collaborating with Young Lawyers Conference.

On behalf of every member of the BBRC, I can truly say it is an honor for us to serve the VSB through the important work of this committee. The collegiality and collaboration on the BBRC have been remarkable. We look forward to continuing our efforts, teaming up with other VSB committees to help execute our various missions, and to serve the lawyers and citizens of the Commonwealth. We also warmly welcome the suggestions, comments, and questions from all bar members and members of the public as we constantly strive to improve our work.

Leadership of the BBRC for the upcoming year will remain the same with me as chair, and Nupur Bal as vice chair. There are no new members to welcome for next year, but I would like to acknowledge former Committee Chair, the Hon. Colleen Killilea who retired this year and rotated off the committee. Also, I would like to thank BBRC members Kami Lannetti and Lesley Marlin who contributed significantly to the mission statement revision and judicial class definition, respectively, and whose second terms have expired.

Finally, I would like to conclude by thanking Cameron & Sylvia the VSB staff liaisons.

D. Bradley Marshall, Esq.  
Vanderpool, Frostick & Nishanian, P.C.  
[www.vfnlaw.com](http://www.vfnlaw.com)

## JUDICIAL CLASS MEMBERSHIP IN THE VSB

**Bottom line up front:** Over the last few years the VSB has had an issue with who qualifies (and who *should* qualify) as judicial class members. The Rule found in Part 6, Section IV, Para. 3 (c) of the Rules of the Supreme Court is likely both overinclusive and underinclusive and also raises questions about *how* the class should be granted. We'd like to resolve the ambiguity, create a uniform understanding, and seek SCV approval for a Rule change.

As shorthand, the Rule of Court makes satisfaction of any of the following "prongs" sufficient for judicial class membership in the VSB:

- (i) "All full-time judges presiding in the Commonwealth of Virginia (including federal judges),
- (ii) other officers qualified but forbidden by statute to practice law, and
- (iii) all retired judges who are receiving retirement benefits and are prohibited from appearing as counsel in any case in any court of the Commonwealth under section 51.1-309 [retired judges receiving retired pay] of the Code of Virginia."

### *The problems:*

#### **1 – The current definition of judicial class member is underinclusive. Some high-profile cases make this clear.**

- Justice Amy Coney Barrett (federal, SCOTUS) – was an associate member of the VSB prior to appointment as a 7<sup>th</sup> Circuit judge in 2018. At that time, she was *not* textually eligible for judicial class membership because she was not "sitting in the Commonwealth" (and did not satisfy the other judicial class membership prongs). Under the then-existing, and current, judicial class definitions, she would remain ineligible for VSB judicial class membership, even as a SCOTUS justice, if not for a misinterpretation and misapplication of the judicial class of membership by VSB staff in 2018.
- Judge Allison Jones Rushing (federal, CA4) – was an associate member of the VSB when she was appointed to the 4<sup>th</sup> Circuit in 2019. At that time, she was *not* textually eligible for judicial class membership because she was not "sitting in the Commonwealth" (and did not satisfy the other judicial class membership prongs). Under the then-existing, and current, judicial class definitions, she would be ineligible for VSB judicial class membership, even as a Fourth Circuit judge, if not for an ad hoc exception made by the VSB staff to grant judicial class membership to judges who have the authority to interpret Virginia law.
- Judge Candace Jackson-Akiwumi (federal, CA7) – was an active member of the VSB when she was appointed to the 7<sup>th</sup> Circuit bench in 2021, yet the same error that applied when then-Judge Amy Coney Barrett was granted judicial class membership was not replicated and Judge Jackson-Akiwumi was advised in 2021 that she was not eligible for judicial class membership because she did not "preside" in Virginia (and did not satisfy the other judicial class membership prongs). This was so despite being an active member of the VSB until her ascension to the bench.

#### **2 – The current definition of judicial class members is likely overinclusive as staff is skeptical or uncertain that it was meant to include the following office holders/positions despite some currently having judicial class membership.**

- Federal and state ALJs (Immigration, Social Security, FERC, et al.)
- US Merit System Protection Board members
- Armed Services Board for Contract Appeals members

- Virginia magistrates (i.e., which may, categorically, include non-lawyers)
- Private arbitrators (e.g., retired non-Virginia judges)
- Patent examiner
- Hearing examiners

**3 – As written, judicial class membership is automatic, i.e., by operation of Rule, without a judicial attestation as is administratively practiced.**

- Unlike the active and associate classes of membership, which require an administrative act to consummate their membership class, the judicial class rule flatly states that those satisfying one of the three judicial class membership prongs, “are judicial members of the Virginia State Bar.” This could lead to an underrepresentation of judicial class members within the VSB if “judges” consider themselves automatic judicial class members. It could also lead judges to not file annual judicial attestations as is currently practiced, premised on the Rule stating they *are* judicial class members irrespective of any other action.

**EXISTING**

Judicial Members – All full-time judges presiding in the Commonwealth of Virginia (including federal judges), other officers qualified but forbidden by statute to practice law, and all retired judges who are receiving retirement benefits and are prohibited from appearing as counsel in any case in any court of the Commonwealth under section [51.1-309](#) of the Code of Virginia are judicial members of the Virginia State Bar. They are not required to pay dues but are entitled to all of the privileges of active members except that they cannot vote nor hold office in the Virginia State Bar and must comply with any statutory limitations regulating their practice of law.

Notes

- Precludes from the judicial class Virginia licensed federal judges presiding outside the Commonwealth.
- Precludes non-Virginia licensed federal judges with the authority to interpret Virginia law.
- Includes positions that are insufficiently judicial.
- Class is self-executing, there is no requirement that a judicial class member do anything to consummate the membership (lines 6-7).

**PROPOSED**

Judicial Members – Lawyers who are admitted to practice law in any U.S. jurisdiction and who establish their authority to adjudicate the rights and liabilities of parties in adversarial proceedings other than arbitration on a full time basis, and who make final decisions affecting the rights and liabilities of parties, notwithstanding a right of appeal of the non-prevailing party; and, who are Virginia licensed lawyers at the time of application to the judicial class of membership, or preside in a tribunal located in Virginia, or, by virtue of the applicant’s official position, have the authority to, and regularly, judicially interpret Virginia law, qualify for judicial class membership in the Virginia State Bar. They may become judicial members by filing an annual affirmation with the Virginia State Bar which identifies their tribunal, address of record, and judicial title. They are not required to pay dues but are entitled to all the privileges of active members except that they cannot vote nor hold office in the Virginia State Bar. Former judges who do not engage in the practice of law and are ineligible to transfer to the retired class of membership may retain their judicial class membership by completing the annual affirmation.

Notes

- Virginia magistrates

- Intent is to:
  - not grandfather any non-lawyer magistrates who were previously VSB judicial class members;
  - grandfather lawyer-magistrates, who were previously VSB judicial class members;
  - preclude future lawyer-magistrates from qualifying as VSB judicial class members.
- Private arbitrators
  - Intent is not to include private arbitrators within the judicial class, thus: “other than arbitration” added in line 25 of the proposed definition.
- Substitute judges
  - Intent is to preclude substitute judges from qualifying as VSB judicial class members, thus: “full-time” added in line 25 of the proposed definition.
- Retired judges
  - Intent is to allow a former judge to retain his/her judicial class eligibility unless he/she engages in the practice of law, until he/she is eligible for transfer to the retired class of membership.

# Lawyer Insurance

## David Drake Hudgins, Chair

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

The LIC met 4 times in FY2019-2020:

September 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:	<u>\$10,100</u>
Total revenue projection:	\$291,360

Budgeted Expenses: \$197,308.80.

As of March 31, 2021, the expenses amount to \$83,951.20

## Special Committee on Lawyer Well-Being Leonard C. Heath Jr., Chair

In 2021, VSB President Jay B. Myerson created the Special Committee on Lawyer Well-Being– a second, smaller special committee as compared to the 2018-19 body of the same name– with a narrow mission to review the changes to the legal profession since May 2019 particularly regarding those caused by the pandemic and provide an update to the 2019 Report to address the ways the occupational risks of the practice of law have changed. President Myerson’s goal was to keep lawyer well-being at the forefront of discussions within our profession and to build upon the Virginia State Bar’s May 2019 Report.

Seven individuals, including veterans of the original special committee and new members representing a broad cross-section of the legal profession, were selected to carry out the work.

**Leonard C. Heath, Jr., Esq., Chair**

*Heath, Old & Verser, P.L.C.  
Newport News, VA*

**Graham K. Bryant, Esq., Editor**

*Office of the Attorney General of Virginia  
Richmond, VA*

**Hon. Manuel A. Capsalis**

*Fairfax County General District Court  
Fairfax, VA*

**Hetal Challa, Esq.**

*Challa Law, P.C.  
Virginia Beach, VA*

**Margaret E. Hannapel, Esq.**

*Supreme Court of Virginia  
Richmond, VA*

**Macel H. Janoschka, Esq.**

*Frith Anderson & Peake, P.C.  
Roanoke, VA*

**Dean Laura Shepherd**

*William & Mary Law School  
Williamsburg, VA*

**Crista Gantz, Esq.**

*VSB Staff Liaison  
Richmond, VA*

The Committee held several meetings this year to accomplish its discrete goals. Meetings were held on September 21, 2021, December 8, 2021, February 2, 2022, March 30, 2022, May 11, 2022, May 31, 2022, and June 7, 2022. The Committee accomplished these four major goals:

1. Published an [update to the 2019 Occupational Risks of the Practice of Law Report](#).
2. Deployed a national survey on lawyer wellness programming and published a report of survey findings. The survey report is available on the [VSB Lawyer Well-Being page](#).
3. Deployed a statewide survey on lawyer wellness initiatives and published a report of survey findings. The survey report is available on the [VSB Lawyer Well-Being page](#).
4. Created a new award - the Award for Excellence in Wellness and Well-Being in the Legal Profession – to recognize and honor those individuals and organizations that have demonstrated a commitment to wellness and well-being in the legal profession. [The Committee selected The Virginia Bar Association as the recipient of the inaugural award](#) and formally presented the award to former VBA president Alison McKee at the CLSBA Awards Breakfast on June 17, 2022, during the VSB Annual Meeting in Virginia Beach.

The Committee thanks everyone who has taken up the mantle of wellness and well-being in the legal profession during this unprecedented time.

# Lawyer Referral

## Jack Larry Harris, Chair

The Virginia Lawyer Referral Service (VLRS) celebrated its 45th year of service as the consumer arm of the Virginia State Bar (VSB). The VLRS began operating on January 1, 1977.

The VLRS was established by the VSB to enhance and to support one of its core missions: “to advance the availability and quality of legal services provided to the people of Virginia.”

In the fiscal year 2021-2022, the VLRS answered over 16,000 telephone calls, responded to 385 emails, 116 written correspondences, and provided 2,264 online requests. VLRS staff assisted 3,586 of those consumers with prescreened and prepaid referrals to its active lawyer panel members, resulting in \$428,649 in revenue for the Bar. The VSB Special Committee on Lawyer Referral thanks the 201 VLRS lawyer panel members (past and present) for their service to the Bar and their communities. The VLRS welcomed 44 first-time lawyer panel members this fiscal year and three returning panel members that have not been a panelist for more than two years.

The Special Committee on Lawyer Referral met on October 13, 2021, and March 22, 2022. Committee Chair Jack L. Harris and Committee Members Joseph M. Bowen, Tonia Drewery, Mary K. Hayburn, Eden B. Heilman, Angela T. Isabell, and Todd A. Pilot welcomed newest committee members, Amy M. Harber and Lena S. Munasifi, and look forward to their future service. The Committee thanks exiting committee members Eugene M. Elliott, a former co-chair, and John A. Kassabian for their remarkable leadership and work for the VSB and the VLRS.

The VLRS goals for FY22:

1. Expanding promotion of the Service by highlighting it in the *Virginia Lawyer* April 2022 issue.
2. Improved coordination with local lawyer referral services throughout the Commonwealth.
3. A special focus on service to the Hispanic community including improved translation capacity.
4. Increased focus on increasing panel member diversity, including coordination with specialty bars.

Those goals were met by:

The first VLRS issue of *Virginia Lawyer* magazine in April, which highlighted the VLRS’s 45th anniversary and its history, testimonials from past VSB Presidents that served as panelists of the VLRS on the need for the VLRS and more panelists to accommodate the callers, and the benefits of being a panelist. The issue also featured articles from current VLRS panelists on how they utilized the VLRS to build a successful law practice.

As a result of yearly contact with local Virginia bar associations’ lawyer referral services, the VLRS was able to provide callers with other resources for referrals in areas of law practices and bilingual services that the VLRS was unable to assist with. To determine the underserved areas of competency and bilingual services needed, the VLRS has tracked and recorded 560 unplaced callers in need of a referral and 307 bilingual callers seeking assistance with 67 of those callers receiving a referral.

In coordination with the VSB Conference of Locality and Specialty Bar Associations (CLSBA) and Bar Services, the VSB/VLRS staff attended Solo and Small Firm Practitioner Forums in Danville (October 2021) & in Williamsburg (March 2022), the Bar Leaders Institute (BLI) in Richmond (March 2022), and the Old Dominion Bar Association Conference in Virginia Beach (May 2022). Staff also attended the VSB

Techshow in Richmond (April 2022), YLC A&O Ceremony in Richmond (December 2021 & June 2022), and the VSB Annual Meeting in Virginia Beach (June 2022). The VLRS continued panel membership promotion with written materials at the 38th Annual Advanced Law Seminar in Richmond (April 2022); Family Law Seminar (April 2022); VSB Professionalism Courses in Roanoke (July 2021 & June 2022), in Richmond (January & May 2022), and in Norfolk (April 2022). The Committee thanks past VSB President Jay Myerson for his support and for highlighting the VLRS at several of these events.

### ***Marketing Campaigns for VLRS***

With the assistance of the VSB Communication Department, the VLRS ran semi-monthly VSB *Virginia Lawyer Magazine* ads: “*Bilingual Lawyers Needed*” (August 2021 & December 2021), “*People need lawyers across the state...*” (October 2021), and “*Clients are talking about it: it’s time to join the VLRS*” (February 2022). The VLRS also ran ads in VSB Conference and Section Newsletters – *Construction Law and Public Contracts Spring 2022 Issue* (Dec. 1, 2021), *Criminal Law News Vol 51, Number 3* (Jan 2022), *Corporate Counsel News* (Spring 2022), *Litigation Section News* (Fall 2021), *Education & Practice, Volume XXVIII, Number 2* (Spring 2022), *Senior Lawyers Conference* (Spring 2022) – in addition to the YLC Docket Call website and VSB website.

The VLRS ads in *The Virginia Lawyers Weekly* VSB Annual Meeting double June 2022 issues generated much needed attention for the VLRS at the beach. The VLRS continued to offer a free panel membership to first time VLRS panelist and VSB members with five years or less of Bar membership. We also encouraged VLRS participation through additional educational seminars, opportunities of networking with colleagues, and offering two free VSB section memberships with a current VLRS panel membership.

For consumer awareness, the VLRS distributed over 1,000 bookmarks and utilized the social media platforms of Google, Facebook, Twitter and LinkedIn with ads and posts that highlighted the topics of Military Law, Elder Law & Litigation, and VLRS general services and information. Collectively, these efforts have reached more than 50,000 consumers and received over 3,200 likes and follow-up contacts to the VLRS.

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

The VLRS staff canvased VLRS panelists and VSB members for possible referrals on mask mandates for school and general public requirements, immigration matters for Afghanistan citizens, and the Black Farmers Land Trust (BFLT).

## Resolution of Fee Disputes

### Edward Whitlock, 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, 2 vice chairs, 106 arbitrators, and 34 mediators.

The VSB RFD received 146 requests for information during fiscal year 2021-2022, which is down by 6 from last year.

Geographical breakdown of requests:

- 22% were for attorneys practicing in eastern Virginia
- 33% were for attorneys practicing in NOVA
- 41% were for attorneys practicing in central Virginia; and
- 4% were for attorneys practicing in southside/southwest Virginia

The VSB Intake office referred 51 cases to the RFD program, which is exactly half the number referred the previous year. (They received fewer complaints last year.)

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; Steve Owen; Johneal White; Daniel Yates; John Mable; and Marian Wiggins.

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 and Jonathan Gallo, Co-Chairs

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 14 members: Kellam Parks (co-chair), Jonathan Gallo (co-chair), Lisa Brook, Graham Bryant, Darius Davenport, Christopher Fortier, Andrew Grindrod, Brittany Johnson, Sachin Kheterpal, Seth Lindberg, Brandon Osterbind, Reid Trautz, Beth Burgin Waller, Elizabeth Yusi, and Emily Hedrick (VSB staff liaison). The chairs thank Graham Bryant for his service to the committee and the bar, particularly for his vital role in planning and editing the committee's report, as his term of service has ended, and welcomes new members Jon Praed and Scott Reid.

The committee's key activity in FY 2022 was the issuance of its third report, following reports from the previous Study Committee on the Future of Law Practice in 2016 and 2019. The report discusses: the evolved business of law caused by the COVID-19 pandemic; cryptocurrencies and their impact on legal payments; alternative legal service providers; e-filing; remote and virtual lawyering; cybersecurity; new Virginia data privacy requirements; cloud computing; artificial intelligence; and ultimately the lasting effects of the pandemic.

The committee also worked on its efforts to continuously update CLE materials related to technology and the practice of law to share with bar associations and present to bar groups upon request; submit articles for publication in the Virginia Lawyer; monitor any efforts to establish a statewide e-filing initiative; create a cybersecurity guide for VSB members; and create a guide on court technology policies and access to technology in courtrooms throughout the state. All of those projects will continue into FY 2023, with particular emphasis on the court technology guide.

In fiscal year 2023, Brandon Osterbind will chair the committee and Reid Trautz will serve as vice chair. Many thanks to Kellam and Jon for their service as co-chairs!

# REPORTS OF THE CONFERENCES

# Conference of Local and Specialty Bar Associations

## Roy V. Creasy, 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 124 member bars. There are 7 bar associations in Virginia that are not members of the CLSBA. Two new bar associations joined the CLSBA this year: Abingdon/SWVA Chapter, VWAA and Virginia Mountain/Valley Lawyers Alliance. The CLSBA's annual budget for the past fiscal year was \$25,900 and has a remaining balance of \$4,798. The annual budget for last fiscal year's Solo & Small-Firm Practitioner Forums was \$40,000 and has a remaining balance of \$19,705.

The CLSBA held the following events this year:

- The Bar Leaders Institute was presented on Monday, March 4, 2022, at Lewis Ginter Botanical Garden. The Honorable Lawrence L. Koontz Jr. was our keynote speaker. Topics for the day included Coming Through the Pandemic-How to Energize and Revitalize Your Bar Association; Developing a Strategic Plan for Your Bar Association; Bar Projects Showcase; Resources for Bar Leaders; Ethics for Bar Leaders; and Good Bench-Bar Communication. We would like to thank the BLI subcommittee that put together another phenomenal program – Chris Mouglin-Boal, Dillina Stickley, Marcus Scriven, and Luis Perez.
- The CLSBA presented two in-person Solo & Small-Firm Practitioner Forums this year, as well as four Solo webinars. We started in Danville on October 15, 2021, and ended in Williamsburg on March 29, 2022.
  - Many thanks to the Supreme Court of Virginia, especially Justice Mims, for their continued support of these programs.
  - Attendance for the programs were as follows:
    - Live Solo webinars: 860 attendees
    - On-Demand Solo webinars: 1,161 attendees
    - Live in-person Solo in Danville: 63 attendees
    - Live in-person Solo in Williamsburg (with an online option): 108 in person/126 online
- CLSBA Annual Meeting and Breakfast  
The CLSBA Annual Meeting and Breakfast was held on Friday, June 17, 2022, at the Hilton Garden Inn, Virginia Beach. The 2022-2023 CLSBA Executive Committee was elected, Dan Frankl of Roanoke received the Local Bar Leader of the Year Award, Rex Flynn of Arlington received the Specialty Bar Leader of the Year Award, the Virginia Beach Bar Association was named the Bar Association of the Year, and several bar associations were recognized for their projects with Awards of Merit.

A new award was presented during the breakfast by the VSB Special Committee on Lawyer Well-Being. The Virginia Bar Association was presented with the inaugural Award for Excellence in Wellness and Well-Being in the Legal Profession.

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

The CLSBA will be investigating the feasibility of the VSB's involvement in a Law Office Management Program either on its own or in conjunction with the VBA.

The leadership of the CLSBA for the upcoming year is, Luis Perez chair; Dillina Stickle, chair elect; Chris Mougin-Boal, secretary; Nicholas Gehrig, treasurer; Roy Creasy, immediate past chair; Allison Anders; Veronica Brown-Moseley; Llezelle Dugger; Rex Flynn; Brian Mangano; Patrick Murphrey; Levi Norton; Lindsey Strachan; 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. She was recognized at the CLSBA breakfast at the annual meeting. We also thank Karen Gould for her support of these efforts and the mission of the CLSBA.

# Diversity Conference

## David Masterman, Chair

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

- David Masterman, Chair
- Alicia Johnson, Chair-Elect
- Julie McClellan, Secretary
- Candace Blydenburgh, Treasurer
- Sheila Costin, Immediate Past Chair

Number of members of the Diversity Conference: 921

### Special Activities/Programs/Achievements during the 2021-2022 Fiscal Year:

#### 1. 2022 Law School Mentor/Mentee Initiative – VSB Annual Meeting

The Diversity Conference invited law students from each Virginia law school to attend the 2022 VSB Annual Meeting in Virginia Beach, and 13 attended. Under this Initiative, Deans of each of the respective law schools in Virginia are invited to select two of their outstanding students whom they feel reflect their schools' respective diversity goals and excellence in studies. Each of the law students was then paired with a practicing attorney from the Diversity Conference who served as mentor to the student at the Annual Meeting. The students were invited to participate in all Annual Meeting events. The Law Student Mentees attended many of the showcase CLE sessions, the presentation of the Dunnaville Diversity Achievement Award, other plenary programming, sports activities, law school alumni breakfasts and various networking opportunities with their mentors. After attending the Opening Reception on Thursday afternoon, the mentees also attended an informal get-together with mentors on Thursday night, and then attended the annual banquet, where they were made to feel welcome by the bar in general. All mentees' comments were enthusiastically positive.

#### 2. Showcase CLE "2022 VSB Annual Meeting"

The Conference's continuing legal education seminar titled, "Representing the Developmentally Disabled in Virginia Criminal Proceedings: What You Don't Know Can Hurt You and Your Client," was presented to a live and streaming audience. The program's committee summarized it in this way:

Virginia law effective in 2021 now allows admission of evidence regarding a criminal defendant's mental illness or developmental disability to show that they didn't have the "intent required for the offense charged." This session will provide background on the new legislation, illustrations of cases where the law could be applied, and introduction to ethical issues that could arise if a lawyer represents a developmentally disabled client without understanding the impact of the disability on the client's capacity and conduct and on their ability to form the intent required for the offense charged.

Speakers located for this program include Sen. Jennifer McClellan, criminal attorney Alex Levay, and psychologist Nick Dubin. As the “kickoff” event for this year’s sequential CLE presentations, the seminar was particularly well attended.

3. **Diversity Conference Welcome Reception**

On Thursday, June 16, 2022, as the first bar-wide activity, the Diversity Conference hosted a welcome reception at the Virginia State Bar Annual Meeting open to all meeting attendees. The event was a big success, and the attendance exceeded all expectation. This was a great opportunity for the law students to meet and socialize with members of the bar, VSB council members, Judges, and bar leaders and for the attendees to learn more about the Diversity Conference mission and programs.

4. **2021-2022 Clarence M. Dunnville, Jr. Achievement Award**

Providence Napoleon, past chair of the Virginia State Bar Diversity Conference has posthumously received the award for 2021-2022. The award honors a lawyer who exemplifies “...the conference’s goal of fostering, encouraging, and facilitating diversity and inclusion in the bar, the judiciary, and the legal profession.” Providence passed away on April 19, 2021, at the age of 34. In her short life, she accomplished much, touched the lives of many, and as 2015-16 chair of the Conference was a key advocate for the funding that made the Diversity Conference a fully funded component of the Bar rather than an auxiliary conference. This award was presented to Providence Napoleon’s family at the Annual Meeting on June 16, 2022.

5. **2021-2022 Oliver Hill/Samuel Tucker Pre-Law Institute**

The Oliver Hill/Samuel Tucker Pre-Law Institute (HTI) took place the week of on July 13-16, 2022, at the University of Richmond. A record number student attended from all areas of the Commonwealth. Named for legendary civil rights attorneys Oliver Hill and Samuel Tucker, HTI reaches future lawyers at an early age (high school) to provide them with exposure and opportunity to explore the legal profession, at no cost to the participants. Students in this year’s HTI participated in various activities to include, among other things, a networking reception, sessions on closing and opening statements, and evidence, a mock trial, and an etiquette dinner. As in past years, the continued success of HTI was made possible with a grant from the Virginia Law Foundation and, for the second year as a funded Conference, from the budget of the Diversity Conference. The Young Lawyers Conference co-sponsored the Institute and members of the Diversity Conference and the Young Lawyers Conference are serving in several volunteer capacities for the weeklong program. The Diversity Conference thanks and appreciate the tremendous efforts of HTI co-directors Jason F. Goldsmith, Esq. and Danielle B. Stokes, Esq.

6. **Sponsor a Pipeline Program by Antonin Scalia Law School**

The Diversity Conference was contacted by Antonin Scalia Law School to sponsor a lunch and lunchtime speaker for a new “pipeline program they are introducing. The plan this year is to have several students from Hampton University familiarize themselves with the opportunity to attend the law school.” While I stress that this program is the initiative of the school and not the Conference, we are pleased to assist in what we see as a wise decision of the school.

7. **Diversity Conference First Annual Forum on Diversity and Inclusion in the Law**

The Diversity Conference Third Annual Forum on Diversity in the Legal Profession has been set back a bit in organizing its flagship annual forum on diversity for the simple reason that COVID

caused it to be cancelled in 2020 and 2021. We are in the first phases of reviving this important program.

8. **Virginia Lawyer Magazine August 2023 issue**

The Diversity Conference intends to be the featured organization and to provide much of the content for the February 2023 edition of Virginia Lawyer.

9. **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. 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. **Diversity Conference Board of Governors FY 2022-2023**

The Diversity Conference Board of Governors voted unanimously to approve the following slate of nominated candidates to serve as officers for the 2022-2023 year. These candidates were approved by unanimous vote at the Diversity Conference's Annual Meeting held at the Annual Meeting in Virginia Beach Sheraton on June 17, 2022.

**Officers:**

Alicia Roberts Johnson, Chair  
Candace Blydenburgh, Chair-Elect  
Zaida Thompson, Treasurer  
Julie McClellan, Secretary  
David Masterman, Immediate Past Chair

**New Board Members**

(serving a 3-year term):

The Hon. Doris Henderson Causey, Court of Appeals of Virginia  
The Hon. Lorrie Sinclair Taylor, General District Court for Loudoun County  
Brian L. Buniva, VSB Immediate Past President  
C. Kailani "Kai" Memmer, Glenn Robinson Cathey Memmer & Skaff PLC  
Latoya C. Asia, Director - Talent Acquisition/DE&I, Dominion Energy  
Tammy Currie, Director - Human Resources/EEO, NoVa Community College

1. **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.

## 2. **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*.

## 3. **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

## Peter C. Burnett, Chair

As of July 1, 2022, the Senior Lawyers Conference (SLC) had 22,132 members, consisting of all VSB members 55 and older and in good standing.

The SLC officers for the 2022-23 fiscal year are: Gary C. Hancock, Chair; W. Carter Younger, Vice Chair; Thomas G. Bell, Secretary Barbara S. Anderson, Treasurer and Peter C. Burnett Immediate Past Chair (ex officio). New board members for 2022-23 are Judge Joel C. Cunningham, John M. Oakey, and Rhysa G. South.

SLC's recognition at the annual meeting of VSB members who have reached their 50<sup>th</sup> year of membership resumed this year and included attendance and recognition of attorneys who were eligible for recognition in both 2020 and 2021. The event enjoyed robust attendance by more than 60 current and past 50-year recognition recipients.

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. The SLC is grateful for Barbara Anderson's remarkable efforts in creating the latest edition of the handbook and welcomes Veronica E. Williams as its new editor.

The Senior Citizens Law Day program COVID-19 hiatus continued for the most part throughout the last year due to the overwhelming need to keep our seniors safe from harmful contacts. We hope 2022 will see the return of these valuable programs that are of significant benefit to seniors in 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. We hope Frank's good program will return to live action in the coming year. Frank's good work producing the SCL Newsletter and overseeing the SLC's content in the Virginia Lawyer continues unabated by Covid.

John Oakey, Jr., as SLC Pro Bono Liaison, continued encouraging Conference members to provide pro bono legal services to those who cannot afford them. After many years of exemplary service as Pro Bono Liaison, John has stepped down from that role but will continue to support the efforts of Andrea Bridgeman, who will take on that role moving forward.

Peter Burnett and W. Carter Younger are working with the Litigation Section to produce a video CLE that addressed civility and professionalism. As of this writing filming of more than a dozen judges, (including the Chief Judge of the Virginia Supreme Court) lawyers, and law school professor have been completed and editing is under way. Completion is expected by the end of the summer. With the help from a Virginia Law Foundation grant, obtaining CLE credit and broad distribution of this film will be a major focus for our Conference in the coming year.

We thank Earl Gee, Wayne Glass, Tom Tokarz, Robert Vaughan, and Margaret Nelson for their dedicated service as they rotate off our Board of Governors. We also thank Sylvia Daniel of the VSB staff for her outstanding assistance and support of the Senior Lawyers Conference.

Peter C. Burnett, Chair  
Board of Governors  
Senior Lawyers Conference

# Young Lawyers Conference

## Kristopher R. McClellan, 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, events, and standing committees, the conference provides opportunities for young lawyers to participate in governing the Virginia State Bar, serve the profession and the public, and enhance the public awareness of the legal profession.

The Young Lawyers Conference currently has 7,660 members. The annual budget for the past fiscal year was \$99,500.00 and has a remaining balance of \$59,145.49. (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 programs:

### July 2021

17: 3<sup>rd</sup> District: Trash Pick-up at the James River Park System in Richmond.

### August 2021

6: Free CLE Webinar: Domestic Violence Awareness for the General Practitioner  
27-28: Leadership Institute in Richmond

### September 2021

2: 4<sup>th</sup> District: Meet & Greet Alexandria judges  
17: 5<sup>th</sup> District: YLC trip to Nats Park for a baseball game  
26: 5<sup>th</sup> District: Volunteers served breakfast at a homeless shelter  
28: 5<sup>th</sup> District: Virtual breakfast with GDC/JDR judges

### October 2021

16: Board Meeting in Henrico  
21: Bench-Bar Celebration Dinner for Women and Minority Judges

### November 2021

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

### December 2021

8: Virtual A&O Ceremony - hosted by the Supreme Court of Virginia  
4: Board Meeting in Norfolk

### January 2022

6: A&O Ceremony - hosted virtually by the Supreme Court of Virginia

### February 2022

*Virginia Lawyer* featured YLC  
19: Board Meeting in Roanoke

### March 2022

9: Leadership Institute 2.0 held virtually

30: Interview with Myla Mozgova: Information on Ukraine

April 2022

2: Wills for Heroes program in Culpeper  
10: Board Meeting in Staunton  
22: Free CLE Webinar from YLC Wellness Committee: The Flourishing Lawyer  
29: Bench-Bar Conference  
30: Hampton Roads Minority Pre-Law Conference

May 2022

7: 8<sup>th</sup> District Wellness event  
12: 10<sup>th</sup> District Networking Event  
12: Free CLE Webinar: Special Immigrant Juvenile Status for J&DR Practitioners  
13: Professional Development Conference  
24: Virtual discussion event: "The Only One: Women & Minorities in the Profession"

June 2022

8: A&O Ceremony hosted at the Greater Richmond Convention Center  
15-17: VSB 2022 Annual Meeting  
YLC events included the Run in the Sun 5k, YLC Members Luncheon, and YLC Members Reception. Courtney M. Frazier announced as recipient of the R. Edwin Burnette, Jr. Young Lawyer of the Year Award.  
30: Free CLE Webinar: Hot Topics in Education Law

Docket Call released new articles in November 2021 and March 2022.

Other accomplishments:

The Wills for Heroes Committee used the new laptops purchased with a grant to return to an in-person event in Culpeper, providing wills and other important documents for over 70 first responders and their families.

The YLC was selected as the winner of the following ABA Awards of Achievement for the 2021-2022 bar year:

- Newsletter: YLC Docket Call
- Single Project, Service to the Bar: YLC Bench-Bar Conference
- Single Project, Service to the Public: Wills for Heroes
- Comprehensive

Events postponed due to COVID-19

Hill/Tucker Institute in July 2021  
Rule of Law Day in Richmond 2021 & 2022

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

Craig E. Ellis, *President*  
Matt C. Perushek, *President-Elect*  
Ben A. Shute, *Secretary*  
Kris R. McClellan, *Immediate Past President*  
Amanda L. Newins, *1<sup>st</sup> District Board Member*  
Maricris L. Prendingue, *2<sup>nd</sup> District Board Member*

Courtney M. Frazier, *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*

Melanie L. Kendrick, *9<sup>th</sup> District Board Member*  
James L. Crandall, *10<sup>th</sup> District Board Member*  
Amanda H. Rudolph, *At-Large Representative*  
Breanna N. West, *At-Large Representative*

Jasmine R. McKinney, *At-Large Representative*  
Christy A. Compagnone, *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. Thanks to the intrepid support of our VSB Liaison, Mallory, YLC volunteers were able to embrace technology to deliver their programs through virtual and hybrid platforms, and to navigate last-minute adjustments to safely host in-person events like the Bench-Bar Celebration Dinner and Hampton Roads Minority Prelaw Conference. YLC volunteer leaders also continue to grow and adapt their programs for the changing needs of young lawyers, and to respond to the ever-present demand for increased access to legal services.

Despite the challenges posed by the pandemic, we made the best of the situation, and implemented changes that will improve the quality of our programs and service to the bar. 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.

Kristopher R. McClellan  
President, Young Lawyers Conference  
2021-2022

# REPORTS OF THE SECTIONS

## Administrative Law Section

### Alisson P. Klaiber, 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 643 members. The annual budget for the past fiscal year was \$7,600.00 and has a remaining balance of \$ 6,991.00

Due to a number of logistical issues, the SCC and the Board of Governors of the Administrative Law Section decided not to hold the National Regulatory Conference, traditionally scheduled in May, this year. The Section is committed to presenting alternative CLE programming, with plans to offer new programming this Fall.

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

I wish our new leadership all the best. I remain thankful to everyone who served on the Board this year for another successful year serving our membership.

Respectfully submitted,

Alisson P. Klaiber  
Section Chair

## Antitrust Law Section

The Antitrust section was formed to sponsor projects and programs of special interest and relevance to the members of the Section and the Virginia State Bar in the field of antitrust and franchise law, and to further and promote public understanding of antitrust, franchise, and trade regulations. The Antitrust Law Section currently has 224 members.

The annual budget for the past fiscal year was \$1200. No funds were expended.

The VSB staff has been working with section members to constitute a new board for the section. The officers for FY 2022-2023 will be: Chair, Jeffrey A. Ogar and Vice Chair, Brian E. Scarpelli.

In June of 2022, the section sponsored a webinar entitled “**Antitrust - Recent Trends and Forecasting the Impact on Short and Long Term Company Planning,**” with speaker Daniel Anziska.

The new board members hope to grow section leadership and programming in the coming year.

## Bankruptcy Law Section Dylan G. Trache, 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 689 members. The annual budget for the past fiscal year was \$10,336.00 and has a remaining balance of \$3,979.41.

The Board met almost every month during the year through virtual Zoom meetings. On March 4, 2022, the Bankruptcy Section along with the VACLE put on its *Annual Bankruptcy Practice Seminar 2022* remotely through a webcast. The section was able to meet in person on May 21, 2022, at La Grotta Ristorante in Richmond where they held their Annual Dinner/Meeting. The section also co-sponsored a program at the VSB Annual Meeting titled: *Heirs Property and Partition Reform in Virginia: How Attorneys are the Key to Stabilizing Land Ownership in Vulnerable Communities*.

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

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

Paula S. Beran  
Michael E. Hastings  
Stephan W. Milo  
Dana S. Power  
Brandy M. Rapp  
Nancy R. Schlichting  
Jennifer J. West

## **Business Law Section**

### **Autumn R. Visser, 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 2021-2022 bar year, the Business Law Section had 1993 members and an annual budget of \$12,800.

The section board was pleased to bring back the Business Law Seminar as an in-person event. The 47<sup>th</sup> Annual Advanced Business Law Conference was held September 24 & 25, 2021 at Wintergreen Resort. VACLE was a co-sponsor. Topics included Data Privacy and Your Business; Valuing Diversity and Recognizing Implicit Bias; Business Succession Planning; Government Contracting; and International Essentials for Domestic Business Lawyers. The course qualified for 8 hours of CLE credit including 2.0 hours of ethics credit.

Board members for the 2022-2023 year will be William A.N. Burke, Chair, and continuing board members Karl T. Knoll, Steven L. Brinker, Steven J. Keeler, Lindsay A. Carney, Matthew A. Clary, III, and John M. Huddle.

## Construction Law and Public Contracts Section

### Randall H. Wintory, 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 two annual seminars, the Construction Law and Public Contracts Seminar in Charlottesville, and the Federal Government Contracts seminar in Fairfax.

The Construction Law and Public Contracts Section currently has 829 members. The annual budget for the past fiscal year was \$11,440 and has a remaining balance of \$6,157.

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

- 42nd Annual Construction Law and Public Contracts Seminar

This seminar was held at Boar's Head in Charlottesville on November 5 and 6, 2021. There were 93 attendees at the live seminar, 4 on the phone and 76 on the webcast plus 25 faculty members, moderator, and planners. The committee for this program included Spencer Wiegard, Jesse Gordon, Alison Mullins, Josh Johnson, and Jon Straw.

- 6th Annual Federal Government Contracting Seminar

As we were still following COVID precautions, this seminar was presented as a webcast and telephone seminar on September 14, 2021. There were 8 phone attendees and 136 webcast attendees, plus 6 faculty and the moderator. In addition, 29 people have watched the program online. The committee for this program included Jesse Keene and Jon Straw.

The Section continues to provide valuable written materials to its membership. The Section published its Spring edition of its newsletter under the editorship of Randy Wintory, Chandra Lantz, and Arnie Mason. 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 Alison Mullins, Chair; Jonathan Straw, Vice Chair; Spencer Wiegard, Secretary; Lauren McLaughlin, Treasurer; Randy Wintory, Immediate Past Chair; Jesse Gordon; Dan Rounds; Sarah Stahling, YLC Liaison; Mark Burgin; Quinton Callahan; Tara Chadbourn; Joseph Guarino; Joshua Johnson; Jesse Keene; Chandra Lantz; Arnie Mason; Jonathan Wright; Hon. David Lannetti, Ex-Officio Judicial; Hon. Fred Watson, Ex-Officio Judicial.

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 fine people across the Commonwealth who contribute their time and effort to ensure our Section's continued 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. Also, many thanks to Rich Dimeglio, Tanya Morris, and their team members at Virginia CLE, without whom the Section's in-person

and virtual CLE programs would not have been possible. 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

### Barbara A. Fisher, 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 1,691 members. The annual budget for the past fiscal year was \$24,144.00 and has a remaining balance of \$17,756.50.

The Corporate Counsel Section held seven board meetings this year, six of which were held via video conference, and one which was held as part of the Virginia State Bar's 2022 Annual Meeting in Virginia Beach. The section coordinated the following programs this year:

- The section continued to offer Corporate Counsel Panels at each of the Virginia law schools.
- The Board awarded one Corporate Counsel Award this year, to a law student sitting for the February 2022 Bar exam: Maegan McDonald. This is a monetary award in the amount of \$3,000.00 given to a recent law school grad who intends to sit for the Virginia Bar Exam and take an in-house position. The award is intended to help the recipient offset costs of the bar exam, study materials, first year bar dues, etc. 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 2021 and Spring 2022)
- The section also offered one free webinar, offering 1.0 hour of CLE credit. The program: Which Contract Issues are "Worth the Fight" in Negotiations: Insight for In-House Counsel on Evaluating Risk, featured speakers Heather Marx and Kristi Zentner of Cozen O'Connor. 200 attendees tuned into the webinar.

Finally, the section hosted a luncheon at the VSB's Annual Meeting on June 17, 2022, to which 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:

Stephanie J. Gilliard, Chair  
Donald "Frank" Lynch, III, Vice Chair  
George L. Washington, Jr., Secretary  
Barbara A. Fisher, Imm. Past Chair  
Ross L. Hays  
Naoina C. Gartee  
Thomas "Dan" Applewhite

Adam B. Hark  
Lisa C. White  
Taylor Brown  
Blake Hegeman  
Peter Hilton  
Bill Norris

Finally, I would like to conclude by thanking my predecessor, Dave Newsome, 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 time of transition to hybrid and other post-COVID work structures.

Let me also congratulate the new officers for 2022-2023, Stephanie Gilliard, Frank Lynch, and George L. Washington, Jr., who I know will all do great things!

## Criminal Law

### J. Daniel Vinson, Chair

It has been an honor to serve as chair of the Virginia State Bar's Section on Criminal Law for the 2021-2022 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 2,470 members, including 370 judicial members, the section remains the second largest section of the Virginia State Bar. Its operating budget for 2020-2021 was \$41,600.

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 planned its 52<sup>nd</sup> Annual Criminal Law Seminar in February 2022 as a live webinar. In early January, spikes in COVID-19 transmission rates led the board and VACLE to decide to host the seminar online only. Section Vice-Chair LaBravia Jenkins 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 581 participants.

Retired Chief Justice Donald W. Lemons was selected as the 2022 Harry L. Carrico Professionalism Award recipient. He received the award at the June 2022 Council Dinner in Virginia Beach.

As part of its ongoing partnership with Virginia law schools, the Section awarded stipends of \$8000 in June 2022 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 2023. The increased amount was approved by Executive Director Karen Gould based on the unexpected additional income from the annual seminar.

Leadership for the 2022-2023 year will be Jacqueline M. Reiner, Chair; George A. Neskis, Vice Chair; Joseph D. Platania, Secretary; and J. Daniel Vinson, Immediate Past Chair. Ron Bacigal will continue as newsletter editor. New Board members will be Jessica D. Aber, Nia A. Vidal, and Benjamin N. Spence.

On behalf of the board, I extend our sincere appreciation to the Honorable Tasha D. Scott, the Honorable Gordon S. Vincent, and the Honorable Theresa J. Royall whose board terms ended on June 30<sup>th</sup>.

Respectfully submitted,  
J. Daniel Vinson, Chair

# Education of Lawyers in Virginia

## Dean B. Keith Faulkner, 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 419 members. The annual budget for the 2021-2022 fiscal year was \$5064.00. The Section ended this fiscal year with a balance of \$3862.35. The Section's 2022-2023 Budget will begin with a \$5144.00 balance.

The Section met via video conference in September and November of 2021 and in January and March of 2022 to conduct standard business and develop ways to better-serve section members.

The Section's 2021-2022 programs and accomplishments were as follows:

- The Section released two newsletters this year: Fall 2021 and Summer 2022 with contributions regularly submitted by Virginia's law schools.
- The Professionalism for Law Students program presented to each of the Virginia law schools, with only one of the programs being hosted virtually.
- The Legal Writing Workshop was hosted by this section and Virginia CLE on May 11 from 2-4p.m. The seminar covered basic grammar and writing strategies and offered 2.0 hours of live CLE credit.
- The Section hosted a CLE program, approved for 1.0 hour of live CLE credit, at the VSB's 2022 Annual Meeting in Virginia Beach: "Maximizing Performance and Avoiding Pitfalls in Practice and Life". Speakers: Aaron Rouse, Joey Carico, Len Heath, Hon. Doris H. Causey, and moderator B. Keith Faulkner.
- A. Benjamin Spencer, dean of the first law school in the country, William & Mary, was selected as the 2022 recipient of the William R. Rakes Leadership in Education Award. Mr. Rakes presented the award to Dean Spencer during a reception underwritten by Gentry Locke at the 2022 VSB Annual Meeting in Virginia Beach.

The Section held its annual meeting in June 2022 via video conference. Section members were invited to participate in the year-end business that included voting in the 2022-2023 board of governors.

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

Prof. David H. Spratt, *Chair*  
Kristine L.H. Smith, *Vice Chair*  
Dean B. Keith Faulkner, *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

Hon. Cleo E. Powell  
Hon. Wesley G. Russell, Jr.  
Prof. Doron Samuel-Siegel  
Hon. Jacqueline F. Ward Talevi  
Hon. Michael F. Urbanski  
Dean Kenneth C. Randall  
Dean A. Benjamin Spencer  
Dean Risa L. Goluboff  
Dean Melanie D. Wilson  
Dean Morse H. Tan  
Dean Wendy Collins Perdue  
Dean Bradley J. Lingo

It has been an absolute honor and privilege to serve as the Chair of the Section this past year. The accomplishments of the last two years with COVID – continued to provide some challenges, but the Section members were enthusiastic and ready to serve the VSB to improve the education of lawyers. We made tangible progress on mentoring in the profession by working with the VSB President, and we also started the conversation about programming for a new Conclave to provide an opportunity for dialogue between law schools, the VSB, and practitioners.

It cannot go without being said that the VSB Staff, especially Mallory Ralston, is exceptional. Mallory is a gem, and she is such a blessing for any and all who serve this Section. Without Mallory, our progress on mentoring would not have advanced.

I am confident that the new leadership of the Section will take it to new heights through their hard work. My thanks to the VSB for the opportunity to serve the law school and lawyers of Virginia these past years.

## Environmental Law Section

### Cliona M. Robb, Chair

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

The Environmental Law Section currently has 437 members. The annual budget for the past fiscal year was \$5,520.00 and has a remaining balance of \$4,478.02.

The Environmental Law Section Board of Governors held eleven meetings via video conference to further the rejuvenation of the section in 2021-2022. 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 section provided ample CLE opportunities for section members this bar year:
  - The section co-sponsored a webinar CLE in late October 2021 with the Virginia Coastal Policy Center: “Virginia’s Climate Change Strategies: Addressing Climate Change in a Fractured Legal and Policy Environment”. This webinar included 2.0 hours of free CLE. 350 people attended this webinar. Speakers included Elizabeth Andrews, Joe Romero, Ben McFarlane, Karri Atwood, and Justin Williams.
  - The committee also received approval for 1.5 hours of On-Demand credit for a program that was hosted in November 2020: “Liability in the Face of a Changing Climate.” The CLE, available for viewing between October 1-31, 2021, drew 187 attendees. Speakers: Kay Wilson, David Paylor, Trip Pollard, Bill Franczek.
  - The VSB Local Government Section sought co-sponsorship of a three-part “Stormwater CLE series”. The Environmental Law Section moderated and provided speakers for the third session and supported the series through advertising. See Local Government Section Annual Report for details about each session.
  - On May 9, 2022, the section hosted another CLE webinar, “Sustainable Development of Natural Resources of the Moon and Beyond”. 144 people attended this virtual CLE, approved for 1.5 live credit hours. Speakers: Scot Anderson and Petr Polasek.
- The Networking committee hosted several gatherings throughout the year, inviting section members and law students from nearby law schools:
  - August 2021: Richmond, VA
  - September 2021: Marshall, VA
  - April 2022: Charlottesville, VA

The Section held its annual meeting in May 2022 in Richmond. Section members were invited to participate in the year-end business that included voting in the 2022-2023 board of governors.

The Environmental Law Section did not allow the ups and downs of dealing with COVID-19 in 2021 and 2022 to slow down our ability to offer timely and substantive updates on legal developments impacting all of our members. We were delighted that our CLEs reached such a broad audience, and we hope that the new bar year will provide greater opportunities for us to meet in person as we strive to learn from our peers in the industry. The Oyster continues to be well received, thanks to the tireless efforts of Mallory Ralston on the VSB Staff in soliciting contributions and to so many of our members in providing write-ups for the Oyster. The only disappointment, from the Chair’s perspective, is that we continue to have

such a healthy bank balance, spending only \$1,041.98 out of our budget of \$5,520.00. This is due in large part to all the volunteer efforts of the Section's board and the VSB staff in pulling together our CLEs, the Oyster, and our networking sessions. But we'd love to actually spend our budget on activities benefitting our members, so be sure to inform the board of any worthwhile endeavors you would like to see the section undertake.

I especially want to thank the Virginia State Bar for enabling the Section to be of service to all our members.

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

Joe Romero, <i>Chair</i>	Ellen B. Egen
TBD, <i>Vice Chair</i>	Kathleen M. Hennessey
TBD, <i>Secretary</i>	Christopher Kane
Cliona M. Robb, <i>Imm. Past Chair</i>	Michael W. McLaughlin
Prof. Elizabeth A. Andrews	Gray S. Montrose
Creighton R. Boggs	Lindsey N. Rhoten
	Hon. Roy N. McKenney

## Family Law

### Patrick L. Maurer, Chair

I began my tenure as Section Chair during the wake of pandemic shutdowns, social distanced meetings and CLEs, and looming uncertainty of how the section would be able to move forward and adapt to the constant changing world in which we live. I am proud of my fellow Board members who have adapted and continued to serve with the highest professionalism and integrity. Never did I question their ability to be creative and adapt to each challenge that came our way.

One of the Board's highest priorities is to work in conjunction with Virginia CLE to provide high quality content centered around the Advanced Family Law seminar in April and the Family law seminar in October. This past April we successfully held the Advanced Family Law seminar in person at the Jefferson Hotel in Richmond for the first time since 2019. The seminar was well attended both in person and virtually. I attribute this to the well planned and the strong content from some of the most knowledgeable practitioners in the Commonwealth. We were also finally able to present the Betty A. Thompson lifetime achievement awards to David Masterman, Paul Nichols, and Ron Evans winners from 2020, 2021, and 2022. The Service Award winners were Dan Gray in 2022 and Brian Hirsch in 2020. We are set to be live again in October for the Family Law seminar and I anticipate the turnout to continue to be strong. It is my hope that we can continue to return to a semblance of normalcy and reconnect with one another in the Section at future meetings and seminars.

I want to thank each Board member of the section with whom I served throughout the past six years. This summer, Bob Henley will be taking the reins as Chair; Gina Amick will be Vice Chair; and Craig Sampson will be the Secretary. I am encouraged by the leadership and continued excellence of those Board members who will continue to serve and those who will be joining the ranks in the Fall.

Further, I extend my sincere appreciation and gratitude to our Section liaison, Dolly Shaffner. Without her guidance and expertise, the Board simply could not function. Thank you once again for allowing me to serve as Chair.

The Family Law Section currently has 2,022 members, which is an increase of over 180 members. The annual budget for the past fiscal year was \$ 39,528.00 and has a remaining balance of approximately \$8,679.00.

Respectfully submitted,  
Patrick L. Maurer

## General Practice Section

### J. Randolph Nelson, Chair

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

This year, the General Practice Section continued to offer live webinars in lieu of in-person events.

- Eviction Prevention – COVID 19 and Beyond – (125 attendees) - Marty Wegbreit, CVLAS
- Child Support Enforcement – A Defense Attorney’s Guide to Responding to Show Cause Rules (271 attendees) – Gene Butler
- Dotting the I’s, Crossing the T’s, and Understanding Consumer Protections in Creditor Collections (182 attendees) – Veronica Brown-Moseley and Steve Relyea
- Coparenting Through a Pandemic (63 attendees) – Melanie Friend, Tammy Sossei, and Dr. Jill Gasper
- Defending Criminal Cases – Lessons from War Stories (186 attendees) – Craig Cooley

The leadership of the General Practice Section for the upcoming year is: Esther S. McGuinn, chair; Thomas W. Nesbitt, vice chair; Jeffrey C. Flax, secretary; J. Randolph Nelson, immediate past chair; Stephen C. Hall Christopher C. Johnson, John C. Johnson; Jamilah D. Le Cruise; Ronald A. Page, Jr.; Matthew J. Zwerdling; Grayson S. Johnson; 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 886 members. The budget for Fiscal Year 2020-2021 was \$14,681 and there is a remaining budget of \$9,257.

The General Practice Section would like to express our sincerest appreciation to our section liaison, Paulette Davidson as we look forward to next year.

## Health Law Section

### Henry J. Willett III, 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 680 members as of June 30, 2022. The annual budget for the past fiscal year was \$9,712, and there is a remaining budget of \$9,340.

The Health Law Section sponsored a CLE for the VSB Annual Meeting titled Health Laws and Waivers in a Post-Pandemic World.

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

## Intellectual Property Section

### Robin C. Vance, 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 1,521 members this year. The annual budget for the past fiscal year was \$22,240.00 and has a remaining balance of \$14,242.33.

The Intellectual Property Section held a couple of virtual board meetings this past year and co-sponsored a CLE with the Trademark Committee of the D.C. Bar.

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

Aaron L. Parker, *Chair*

Robert D. Michaux, *Chair Elect*

Charles B. Molster, *Vice Chair*

Philip A. Riley, *Secretary*

Robin C. Vance, *Imm. Past Chair*

John A. Morrissett

Amy G. Pruett

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 469 members. The annual budget for the past fiscal year was \$3,056.00 and has a remaining balance of \$2,220.45.

The International Practice Section held monthly board meetings via conference calls this past year and put on a webinar in February and co-sponsored one in May. The CLEs were entitled *International Arbitration in 2021: The Year in Review* and *Sustainable Development of Natural Resources on the Moon and Beyond* (co-sponsored with the Environmental Section). On June 27, 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  
Satnum Singh

## Litigation Section

### Robert E. Byrne Jr., Chair

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

The Litigation Section's membership as of June 30, 2022, was 3,593 making this the largest section of the Virginia State Bar. Our budget for 2021-22 was \$34,920, and there is a remaining balance of \$30,714.

Teleconference meetings of the Section Board were held on September 17, 2021, November 19, 2021, February 11, 2022, and April 22, 2022. The board had its dinner/meeting at Steinhilber's in Virginia Beach on June 16, 2022, where the new board of governors was approved.

The section presented a 1-hour CLE during the VSB Annual Meeting on the topic of *Virginia's New Appellate System: A User's Guide*. Speakers were Hon. Stuart A. Raphael, Hon. Lisa M. Lorish, Alice T. Armstrong, Juli M. Porto, and James J. O'Keeffe.

The section had previously scheduled a CLE in 2019, which had to be cancelled due to Covid. It has now been rescheduled for October 13, 2022, 12-1:30 p.m. at Lewis Ginter Botanical Garden.

The leadership of the Litigation Section for the upcoming year is: Brian S. Wheeler, chair; Carl R. Schwertz, vice chair; Jonathan P. Lienhard, secretary; Robert E. Byrne, Jr., immediate past chair; Andrew P. Connors, newsletter editor; E. Kyle McNew, appellate committee chair; Darius K.A. Davenport; Michael J. Finney; Stephen A. Grim; Macel H. Janoschka; Roy M. Jessee; Brian J. Schneider; Hon. James P. Fisher, ex-officio judicial; Hon. Jane M. Reynolds, ex-officio judicial; and W. Carter Younger, SLC Liaison.

## Local Government Law

### Cynthia A. Bailey, 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 794 members. The annual budget for the past fiscal year was \$10,512.00 and has a remaining balance of \$3,499.73. The Section's 2021-2022 Budget will begin with a \$10,672.00 balance.

The Section held four board meetings this year and released Summer 2021, Winter 2022 and Spring 2022 issues of its newsletter, *The Journal*.

The Section hosted three FREE CLE webinars this past year, offered as the Stormwater CLE Series, co-sponsored by the VSB's Environmental Law Section. Each of these programs offered 1.5 hours of live/interactive CLE credits.

April 6, 2022: **SESSION 1** - Overview: April 6, 2022 - 12:00-1:30 p.m. 1.5 CLE

Moderator: Wahaj Memon, Local Government Section  
Panelist: Melanie Davenport, Director of Water Permitting, Virginia DEQ  
Andrew Hammond, Manager- Office of Stormwater Management, Virginia DEQ  
Kelly Lackey, King George County Attorney  
*289 attended*

April 13, 2022: **SESSION 2** - Regulation and Land Disturbing Activities: April 13, 2022 - 12:00-1:30 p.m. 1.5 CLE

Moderator: Lucy Phillips, Local Government Section  
Panelist: Denise Letendre, Henrico County Attorney's Office  
Marc Gori, Fairfax County Attorney's Office  
Matthew Hansen, Division Director, Fairfax County Land Planning Office  
*259 attended*

April 20, 2022: **SESSION 3** - Post-construction Stormwater Issues: April 20, 2022 - 12:00-1:30 p.m. 1.5 CLE

Moderator: Joe Romero, Vandeventer Black LLP  
Panelist: Kay Wilson, Virginia Beach City Attorney's Office  
Chris Kane, P3 Collaborative LLC  
Joe Romero, Vandeventer Black LLP  
*245 attended*

The Webinar Committee is planning additional webinars for the coming months.

The Section continues to offer a Fellowship to a law school student who works for a local government office during the summer months. The Section received several applications this year. Two applicants stood out, and the Section awarded each of them half of the budgeted amount available. Each student received \$2,000.00 This year's recipients were Leeden Rukstalis of Washington & Lee University School of Law, and Owen Giordano of Richmond University School of Law.

The Section hosted a virtual annual meeting on June 1, 2022. This method seems to be more practical for both board and section members to attend, since the section does not usually sponsor a CLE at the VSB's Annual Meeting. All section members were invited to attend this meeting and participate in end-of-year business.

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

J. Vaden Hunt, *Chair*

Michael W.S. Lockaby, *Vice Chair*

TBD, *Secretary*

Susan W. Custer, *Newsletter Editor & Webmaster*

Cynthia A. Bailey, *Imm. Past Chair, Ex-Officio*

Wade T. Anderson

MinhChau N. Corr

Kathleen A. Dooley

Brian J. Lubkeman

Carol W. McCoskrie

Wahaj Memon

G. Timothy Oksman

Lucy E. Phillips

Thank you for the opportunity to serve as Chair of the Local Government Section for the 2021-2022 year. I am grateful that the Virginia State Bar supports our efforts to provide guidance, education, and comradery to the local government section of the Bar. I have so enjoyed working with the committed and talented attorneys who bring their skills and dedication to the incredibly varied practice of local government law. Many thanks again. Cynthia Bailey

## Military Law Section

### Richard J. Prevost, 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 276 members. The annual budget for the past fiscal year was \$3,888 and has a remaining balance of \$3,621.

The Military Law Section held five board meetings this past Bar year to coordinate its programs. The board worked with Virginia CLE to plan the Annual Military Law Symposium, which was held virtually on May 20, 2022.

The Section also awarded both Marci Dillon and Wendy Harris with the Military Law Pro Bono Award for their services through the Veterans Docket in Virginia. On June 17, the board met at the Isle of Capri, Holiday Inn, Virginia Beach, for their Annual Meeting, to which section members were invited to participate and to elect the 2022-2023 Board of Governors.

This year has been a continuation of the restrictions necessitated by the COVID-19 pandemic that impacted our activities last year, but the Section was able to sponsor the June issue of *Virginia Lawyer*, contributing articles on NATO and the situation in Ukraine; veterans' benefits and burn pits; and whether a military retiree can be court-martialed. 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 unwavering support during this past year.

The leadership of the Military Law Section for the upcoming year is Kathryn D. Freiburger, Chair; James S. McNider III, Vice Chair; Wilson T. Mustian, Secretary & Newsletter Editor; Richard J. Prevost, Immediate Past Chair; John A. Chudoba; Brandy M. Disbennett; Jaston C. Foster; Scott F. Hallauer; Thomas K. Liu; and Scott M. Perry.

## Real Property Section

### Kathryn N. Byler, Chair

Just when you thought it was safe to go back in the water. Omicron appeared. What a turbulent year it's been for planning purposes. Thanks to our creative and capable team of section members, VSB staff and VA CLE representatives, we continued to stay active, serving our clients and our profession through the pandemic.

The section currently has 2,075 members. The annual budget for 2021-2022 was \$36,640.00, with a balance of approximately \$20,988.00 as of June 30, 2022.

In March, 220 attorneys attended the Advanced Real Estate Seminar. The virtual seminar had a live opportunity after each pre-recorded presentation that enabled attendees to post questions and receive full credit for a live CLE. With an esteemed faculty including two law school professors and a judge, the seminar provided 7.5 credit hours including 2 hours of ethics. The Program Committee Co-chairs, Sarah Loupe Petcher, and Heather Steele, moderated for a seamless experience. Feedback confirmed that the topics, such as "Condo Maintenance in the Aftermath of the Surfside Collapse" and "State of the Market and Local Policy: Accessory Dwelling Units in the Commonwealth of Virginia," were important and timely.

The Annual Real Estate Practice Seminar also came in a new format, we brought a hybrid of live at the Kingsmill Resort with a live webcast option. This creative solution offered the personal interaction many prefer and the ease of a webcast for those wanting to avoid travel or potential exposure to lingering COVID-19. The stellar faculty included Justice Stephen R. McCullough, Supreme Court of VA, Judge William E. Glover, Spotsylvania County Circuit Court, and brilliant real estate attorneys throughout the Commonwealth. The program opened with the important legislative and case law update followed by valuable presentations for attorneys who focus on real estate as well as those with a broader practice. The one-day program offered at a discount for section members carried 6.5 credit hours including 1 hour of ethics followed by a cocktail reception hosted by Pesner Altmiller Melnick & DeMers proving again that the section offers great benefits for a nominal fee.

Efforts by the Membership Committee are bound to increase the section membership which is already among the largest. Under the leadership of Rick Chess and Pam Fairchild, the committee has identified four key initiatives including student development, support for early years of real property practice, area representative development, and promoting cross-section expansion.

At the VSB Annual Meeting, we proudly offered a CLE entitled, "Heirs Property and Partition Reform in Virginia: How Attorneys Are The Key To Stabilizing Land Ownership In Vulnerable Communities." This program will be co-sponsored by the Trust & Estates Section and the Bankruptcy Section. Due to the hybrid nature of the conference, only 8 CLE proposals were accepted. It's an honor to present this important topic.

It has truly been an honor and a career highlight to serve as chair of this stellar section. At the end of June, I will join the esteemed group of past chairs. While my term as an officer will end, I hope to stay active with committee work. If anyone reading this isn't actively involved in a committee, I encourage you to do so. There's no question that the rewards in terms of professional development and collegial fellowship far out-weigh the effort. Thanks to all who contributed to making this another banner year for the Real Property section.

Karen L. Cohen will chair the Section in 2022 – 23, Sarah Louppe Petcher will be Vice Chair and Robert Hawthorne, Jr. will be Secretary.

Respectfully submitted:  
Kathryn N. Byler  
Section Chair

## Taxation Law

### G. Christopher Wright, Chair

This past fiscal year was a time of transition for the Taxation Law Practice Section (“Tax Section”). In an effort to reconstitute and reinvigorate the Section, the VSB selected a new Board of Governors. G. Christopher Wright was selected as the new chair, Tiffany Burton as the new vice chair, and Aaron Kerns as the new secretary. Rounding out the leadership team of the Taxation Law Section are Stephen Grim; Richard Howard-Smith; Aaron Moshiashwili; Brandon Mourges; Scott Seymour; Jacob Snow; Timothy Todd; Henrik Haeckel; Mark Lansing and Chenxi Lu.

The Virginia State Bar’s Taxation Law Practice Section had 762 members. The annual budget for the 2021-2022 fiscal year was \$8,088.00.

The Tax Section has been working hard already. They held several board meetings this past year via video conference, and many members met in person in Virginia Beach at our Annual Conference. The Board determined that its immediate goals were to increase activities and programs for the Tax Section. The Board reestablished the Newsletter and CLE Committee, began to create CLEs, committed to publishing a tax law newsletter in 2023, and will continue to develop content that creates value for our tax law members.

The leadership of the Taxation Law Section for the upcoming year is G. Christopher Wright, Chair; Tiffany Burton, Vice Chair; Aaron Kerns, Secretary; Stephen Grim; Richard Howard-Smith; Aaron Moshiashwili; Brandon Mourges; Scott Seymour; Jacob Snow; Timothy Todd; Henrik Haeckel; Mark Lansing and Chenxi Lu.

The Tax Section Board is fully committed to its by-laws and mission to support those in the tax law areas, as well support VSB. We are thrilled with the continued support of the VSB Board of Directors and staff. We are anticipating a great year for the Tax Section.

## Trusts & Estates Section

### Trey T. Parker, 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 2,114 members. The annual budget for the past fiscal year was \$ 15,168.00 and has a remaining balance of approximately \$9,655.00.

In October, the Trusts and Estates Section co-sponsored the 40th 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 a newsletter in the Winter of 2022. Our Winter edition articles discussed the potential consequences of transferring real property to a revocable trust; the gifting and estate planning considerations for cryptocurrency; and Heirs Property and Partition reform. We appreciate the hard work and dedication of Brooke C. Tansill as our newsletter editor.

The Section co-sponsored two and fully sponsored one CLE at the live, in person annual meeting, the first one since 2019. Everyone was very glad to be back to in-person meetings. The first CLE was on Adult Guardianship/Conservatorships – Prevention and Performance. The General Practice Section was our co-sponsor and Tom Nesbit and I were the speakers. The second CLE was titled Death & Divorce: Avoiding Landmines and Adding Value at the Intersection of Family Law and Estate Planning. Last but not least, the third CLE was entitled Heirs Property and Partition Reform in Virginia: How Attorneys are the Key to Stabilizing Land Ownership in Vulnerable Communities. Karla D. Carter was the solo speaker, and this CLE was co-sponsored by the Real Property Section, the Bankruptcy Section, and the Access to Legal Services Committee.

The officers of the Trusts and Estates Section for the 2022 - 23 bar year are: Vanessa Stillman as Chair, Kevin L. Stemple as Vice Chair, and TBA as Secretary. I also wish to thank Dolly Shaffner at the VSB for keeping us on track during a challenging year.