

DOCKET CALL NEWSLETTER

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Young
Lawyers
Conference



Virginia State Bar

VSF Young Lawyers Conference Presents ABA Diversity Tolerance Program, 'Helping Kids Belong'

Daniel L. Gray

In September and October, Northern Virginia young lawyers presented an American Bar Association diversity tolerance program to sixty third graders at Riverside Elementary School in Alexandria. Headed by Eighteenth Circuit Representative Jeffrey Tibbals, of Pepper Hamilton, LLP, with the assistance of board members Kellye Clarke and Savalle Sims, Seventeenth Circuit Representative Jerry Hall, and Danielle Bridgeforth, the program helps make elementary schools safe and welcoming for students, while promoting the positive community involvement of Virginia lawyers.

Entitled "Welcome to School: Helping Kids Belong," the program consists of a three-part workshop during which students observe video vignettes of social situations, and discuss how to ensure a welcoming and accepting environment in elementary school. For example, in one video vignette, a student is mocked for his physical characteristics; in another, a child is made to feel different from his peers because of his clothing.

Young lawyers serve as discussion facilitators, and work with the students to apply abstract concepts of fairness, truth and right and wrong to real-life situations that children face every day.

Having successfully implemented the program at Riverside Elementary and Londontowne Elementary in Centreville last spring, the VSB YLC Board of Governors anticipates that the diversity program will be distributed state-wide. Other localities expressing interest in the program include Patrick Springs, Cape Charles and Portsmouth.

According to Tibbals, the program was worthwhile for young lawyer participants, and required little in the way of advance preparation, not to mention the fact that Tibbals received thank you notes from the students at Riverside Elementary.

Attorneys interested in participating should contact Daniel Gray at (703) 222-3330 or Savalle Sims at (202) 857-8948. Jeff Tibbals is also available to answer questions regarding the implementation of the program at (703) 748-3907.



Young Lawyer Danielle Bridgeforth presents the "Welcome to School: Helping Kids Belong" program to third graders at Londontowne Elementary School in Centreville.

Daniel L. Gray is an associate with Shoun & Bach, P.C., and can be reached at dgray@shoun.com.

Responding to Disaster:

Virginia's Wills for Heroes Program

Lexine Walker and Jennifer I. Campbell

About two weeks after the events of September 11, South Carolina attorney Anthony Hayes found himself watching an interview with David Lim, a New York Port Authority officer and one of the last people to be removed alive from the rubble of the World Trade Center towers. Lim told the television audience that they didn't have to pick up debris to help the nation recover from the attacks. People could pitch in by contributing their own talents in their own communities. Hayes recalls being struck by Lim's words.

"I just thought there had to be something we, as lawyers, could do," Hayes said. As professionals, lawyers have a special responsibility to make a contribution to their communities. "We have information and access [to the legal system] that others don't have." Inspired by Lim's message and wanting to help out, Hayes met with the local fire chief and asked what he could do to help. Hayes was surprised to learn that most of the firefighters in his area did not have wills and had not been provided with any public assistance to help them obtain wills.

"If you are running into burning buildings for a living, you need a will," he said. "It's remarkable. We can't have people devote their lives to this — make this kind of sacrifice — and not provide some basic T&E planning, not fill this hole. Shame on us for not doing this earlier." Everyone needs a will, he added, and the documents would not be difficult to produce. Hayes shared his idea with some of his colleagues, and the Wills for Heroes program was born.

Here's how it works: First response personnel complete questionnaires describing their needs before meeting with an attorney volunteer to answer additional questions about the wills. Workers in need of more complex estate planning or who exceed a certain threshold of assets are referred out of the program. For the rest, the information from the questionnaires and interviews is entered into a computer, which then generates the will using forms designed to cover basic trust and estate issues.

Hayes quickly found he needed computers. He contacted Gateway and described the program and his needs. In response, Gateway sent him six laptops, free of charge. "Their response was immediate," he said.

Since he began working with local firefighters in November of 2001, Hayes has been on the move. When he offered the idea to YLC President Lori Elliott at a conference, her reaction was enthusiastic. "The YLC is so motivated and so organized," Hayes said. "I've been so impressed with them."

In September, an informational program was presented to the Young Lawyers Leadership Conference in order to bring the program to the attention of Virginia attorneys. The Virginia State Bar Young Lawyers Conference, in conjunction with several

other bar organizations, are working with Anthony Hayes in order to bring this program to Northern Virginia.

At present, two committees are developing the framework for the implementation of the Wills for Heroes program in Virginia. The first committee designed a continuing legal education course to train attorney volunteers in the formatting of wills, standard provisions, power of attorney execution, and advanced medical directives. With an expected implementation date of early 2003, the program will focus on first response personnel in the Arlington area. If it is successful in Arlington, Richmond may be the next stop, says committee member John Bristow at Troutman Sanders. "Everyone's been very excited," he said. "We're getting great support, and we're getting lawyers who are offering to help." In addition to Bristow, the CLE committee includes attorneys Maya Eckstein, Jerry Hall, Heather Dawson, Savalle Sims, Steve Otero, Mark Cummings and Dan Gray.

Tiffany Hull of Odin, Feldman & Pittleman, has been working with the second committee to develop the documents that attorneys will use to create the wills, anticipating the typical concerns with which the volunteer attorney might be faced. The goal of the program is to help out "people who otherwise might not get their documents done," Tiffany Hull explained. Committee member Leslie Woodruff, who teaches trusts and estates and estate and gift planning at George Mason University Law School, said that the program is still in its incipient phases. "Once the process is going," she said, "it will become more straightforward." Other members of the forms committee include Betsy Wildhack, Kathleen McCormick and George Dodge.

Hayes has watched Wills for Heroes expand from "four guys in a room to dozens of lawyers." Attorneys from as far away as Florida and Arizona have expressed interest in participating. "It has taken on a life of its own," Hayes said. Someday, Hayes wants to visit New York and meet Lim, whose words inspired this remarkable program. "Everyone who has been through this program looks at lawyers a little differently," he said. "They know we care about the community. We are changing perspectives, one person at a time."

Interested in being part of the Wills for Heroes program? For more information about how you can participate, contact John Bristow at (804) 697-1381 or at john.bristow@troutmansanders.com. You can also contact Heather Dawson at (703) 218-2101 or at heather.dawson@ofplaw.com.

Jennifer Campbell is an attorney with the Department of Defense Office of Hearing and Appeals and can be reached at campbelj@osdgc.osd.mil. Lexine Walker is an attorney in Richmond. You may reach her at duralex78@hotmail.com.

2002–2003 Circuit Representatives

In 1983, the Young Lawyers Conference established a statewide network of Circuit Representatives appointed from each of the state's 31 judicial circuits. This network is designed to meet three objectives: (1) to provide a liaison between practicing young lawyers on the local level and the Young Lawyers Conference Board of Governors, (2) to promote statewide communication and participation among young lawyers in the projects and activities of the Conference, and (3) to increase the quantity and quality of public service legal programming throughout the state.

The primary responsibility of each Circuit Representative is to organize and carry out an annual project for young lawyers in his or her judicial circuit. These projects have ranged from CLE programs to community service projects to Young Lawyers Conference membership projects. Often, two or three circuits combine their efforts to attract a broader audience for the programs. In recent years, Circuit Representatives have also served as local liaisons for the VSB/VBA Emergency Legal Services Response Plan, helping coordinate the delivery of emergency legal services when the Plan is activated in their locality.

If you are interested in becoming a Circuit Representative or assisting with any of the projects of the YLC, please contact any Young Lawyers Conference Board Member or your Circuit Representative.

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Professional Development Seminar 2003

Jeffrey Hamilton Geiger

Launched in 2001, the Virginia State Bar Young Lawyers Conference offers an annual program designed to provide networking opportunities, low-cost continuing legal education credits and, critically, professional development. This bar year is no exception, as the YLC prepares to host its third annual Professional Development Seminar in Charlottesville, at the University of Virginia's Darden School, on March 14-15, 2003.

In a break from past events, the seminar will offer two tracks of legal education over the course of two days, focusing on litigation, and transactional law.

For additional information on the seminar, please contact Jennifer Short at jennifer.short@hklaw.com, Kathleen Dolan at ksdolan@venable.com or Jeff Geiger at jgeiger@sandsanderson.com.

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DOCKET CALL

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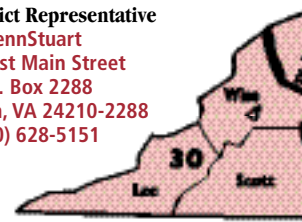
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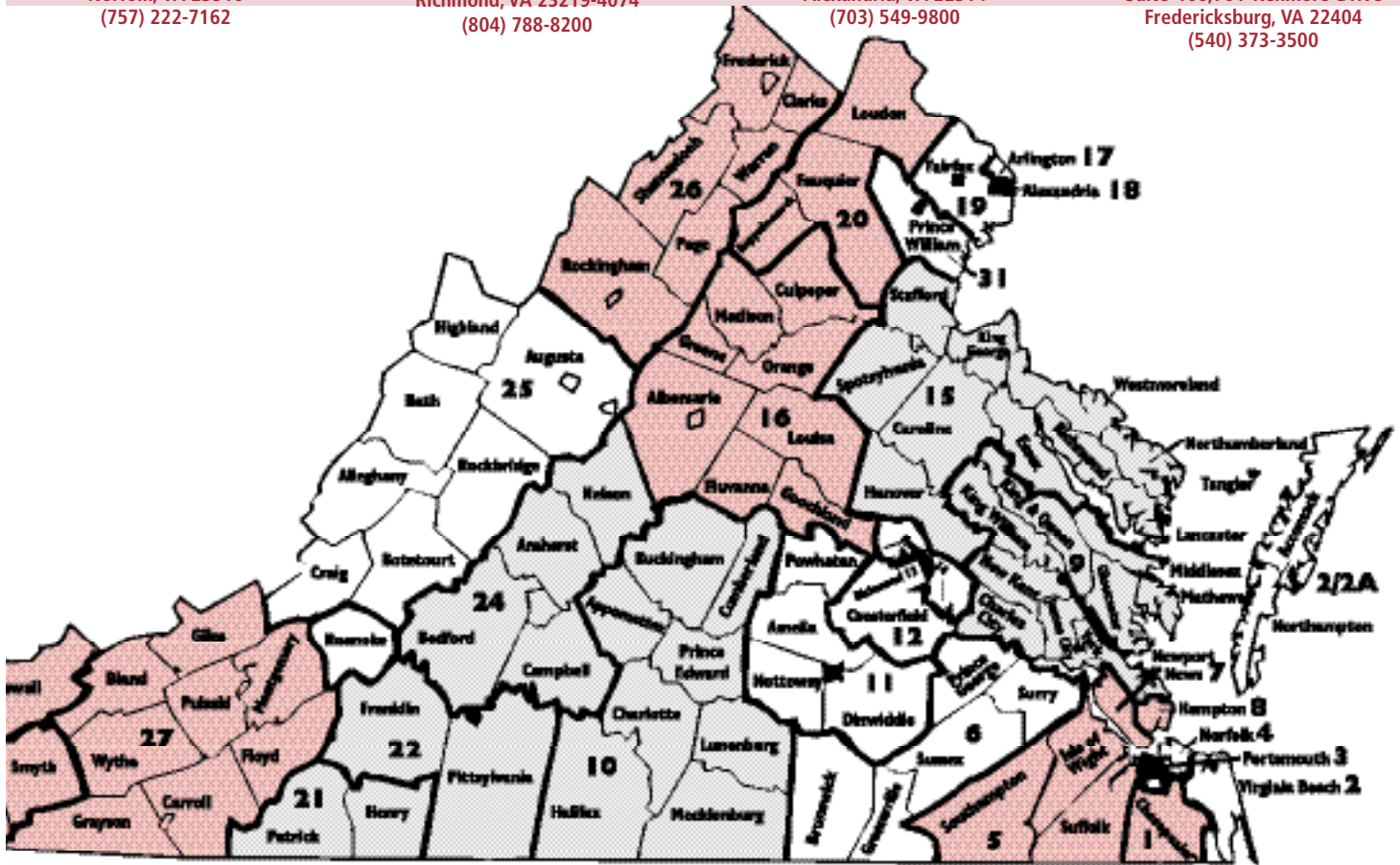
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1	1,3,5,7, 8	6	9,15
2	2, 4	7	16,20,26
3	6,11,12,13,14	8	23,25
4	17,18	9	10,21,22,24
5	19,31	10	27,28,29,30

2002–2003 Committee Assignments

SERVICE TO THE BAR

ADMISSION AND ORIENTATION CEREMONY

This committee is responsible for organizing and staging a special ceremony sponsored twice a year by the Conference, at which time all newly-licensed attorneys are given the opportunity to appear before the Supreme Court of Virginia to be admitted to practice in the courts of Virginia. Because the Court sits in Richmond, this committee is comprised principally of young lawyers practicing in the metropolitan Richmond area. In conjunction with the General Practice Section, the committee also cosponsors the First Day in Practice Seminar for new lawyers.

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ANNUAL MEETING

ATHLETICS

This committee is responsible for organizing the "Run in the Sun" 5 kilometer foot race and the "Beach Volley Follies" volleyball tournament, all sponsored by the Conference during the VSB Annual Meeting in June.

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PROGRAMS

This committee plans the CLE program that takes place during the VSB Annual Meeting held in Virginia Beach each June. It is also responsible for lining up a band for the dance sponsored by the Conference during the meeting and for handling details of any other scheduled social events.

Chair: **Vacant**
Liaison: **Mary Daniel**

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NEWSLETTER/DOCKET CALL

The editor and editorial board of the Docket Call are responsible for publishing four issues of the conference's newsletter each year. The award-winning newsletter, which contains information about the conference's activities and other information of particular interest to young lawyers, is circulated to every member of the conference. The Docket Call editor serves as co-chair of the publications committee.

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WOMEN & MINORITIES IN THE PROFESSION

This committee was formed to address the particular issues facing women and minority young lawyers, to encourage participation by women and minority young lawyers in the Conference and to integrate them into the larger legal community. The committee oversees several high-profile projects each year, including the Annual Celebration of Women and Minorities in the Profession Bench/Bar Dinner, the Directory of Local & Specialty Bar Associations, the Board Match Plus Program, and the Minority Pre-law Conference, a seminar to encourage undergraduates to pursue a legal career.

CELEBRATION DINNER, PATHWAYS TO LEADERSHIP, MINORITY PRE-LAW COUNSELING SEMINAR

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Liaison: **Jimmy Robinson**

SERVICE TO PUBLIC

ACCESS TO LEGAL SERVICES

The conference formed this committee to develop programs and projects designed to increase the public's ability to obtain legal services and legal information. This committee also oversees several subcommittees that sponsor programs to increase public access to legal services. This year, the committee is working with the Virginia Supreme Court to update the tele-court telephone information system to provide easier access to information on Virginia's courts and legal system.

EMERGENCY LEGAL SERVICES

This subcommittee, in conjunction with VBA-YLD, has developed and implemented a statewide Emergency Legal Services Response Plan, which includes training volunteers and working with other bar organizations to establish communication plans in the event of natural disasters and other declared emergencies.

Chair: **Brett Zwerdling**
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Liaison: **Shawn Copeland**

NO BILLS NIGHT

The Conference, through this subcommittee, conducts No Bills Nights twice annually to provide a forum for the public throughout Virginia to raise legal issues and to seek information regarding their legal rights. The programs began in Richmond in 1984 and have grown every year since. This year, the conference hopes to put on programs in Abingdon, Charlottesville, Danville/ Martinsville, Lynchburg, Fredericksburg, Northern Virginia, Staunton/Lexington, Richmond, Roanoke, Tidewater and Winchester/ Harrisonburg. The programs are sponsored twice yearly in the spring and fall. Several programs are broadcast on local television stations.

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(12) Winchester

[Vacant]

Liaison: **Don Haddock**

PRO BONO

This subcommittee was formed to develop programs designed to improve the quantity and quality of pro bono activities of young lawyers and to keep young lawyers informed on the adoption of circuit based pro bono committees

Co-Chairs: **Carson Lee Hobbs**
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Subcommittee:

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Liaison: **Maya Eckstein**

SENIORS

This subcommittee focuses on the unmet needs of senior citizens for better access to and understanding of the legal system.

Chair: **Vacant**

Liaison: **Holly Cox**

CHILDREN AND THE LAW

This committee is charged with developing new projects to address the unmet legal needs of children. Examples include working with other organizations and courts to educate children about their rights and responsibilities, and training lawyers and laypersons on the representation of children. This committee also sponsors programs for the recertification of guardians ad litem. Past projects include establishing child witness waiting rooms, which the committee will continue this year. The Committee also oversees the Student Day in Court subcommittee or the "Docent Program." This subcommittee organizes efforts to teach children about the court system, including giving tours of courthouses and coordinating lawyer visits to schools. The subcommittee's goal is to establish such programs in every judicial circuit throughout Virginia.

Chair: **Vacant**

Liaison: **Jackie McIntyre**

PEER MEDIATION

Chairs: **Cortland Putbrec**
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Fax (703) 522-8018

Liaison: **Kellye Clarke**

STUDENTS DAY IN COURT PROGRAM

Chair: **Vacant**

Liaison: **Jackie McIntyre**

IMMIGRANT OUTREACH

Chair: **Vacant**

Liaison: **Don Haddock**

PUBLIC EDUCATION

This committee was formed to develop year-round model programs to enhance the public's knowledge of the legal system and to improve the public's perception of the pro-

fession, our system of justice and our democratic process. The Community Law Week Committee is a subcommittee of the Public Education Committee.

Chairs: **Charlotte P. Hodges**
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Liaison: **Greg Casker**

COMMUNITY LAW WEEK

This subcommittee helps promote the ABA's nationally recognized theme for Law Day each year, by developing programs and sponsoring activities during the first week in May devoted to enhancing the public's awareness and appreciation of the role of law in American life. The focus of the committee is to encourage participation in Community Law Week on a statewide basis through local bar associations. Included among the activities are presentations in the media, programs in the public schools and public forums.

Chair: **Josephine Aiello LeBeau**
Suite 900,655 15th Street,NW
Washington,DC 20005
(202) 626-5994

Liaison: **George Sneed**

INTERNAL OPERATING COMMITTEES

BUDGET AND FINANCE

This committee is designed to enhance the conference's current budgeting process. During this year, it has developed written guidelines that establish a budget planning process for the board of governors.

Chair/
Liaison: **Kathleen M. Uston**
President-elect
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CIRCUIT REPRESENTATIVES

In 1983, the conference established a statewide network of circuit representatives chosen from each of the state's judicial circuits. The network is designed to provide a liaison between practicing young lawyers on the local level and the conference's board of governors, to promote statewide communication and participation among young lawyers in the projects and activities of the conference and to increase the quantity and quality of public service and bar service legal programs throughout the state.

Chair: **Joshua M. David**
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(757) 595-6723 (facsimile)
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Liaison: **Dan Gray**

GRANTS AND AWARDS

The Young Lawyers Division of the American Bar Association sponsors a nationwide Award of Achievement competition among bar groups during The American Bar Association's Annual Meeting. Young lawyers' bar groups from all states are invited to enter this competition by submitting either an application for a particular project or a comprehensive outline of all their projects for the year. This committee will compile the application, which is due in June. This committee will also explore grant and other funding opportunities for the conference during the year and will work with the bar to publicize the many achievements and activities of the conference.

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MEMBERSHIP INVOLVEMENT

The purpose of this committee is to increase participation around the state in the conference's programs and activities. This committee helps encourage the involvement of both newly licensed attorneys and those attorneys who are already established in practice in such conference activities. In particular, the conference desires increased participation from interested attorneys in governmental and corporate environments. This committee has developed a membership brochure designed to inform and educate young lawyers about the many opportunities offered by the conference.

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Liaison: **Dan Gray**

LONG RANGE PLANNING— NEW PROJECTS

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NOMINATING COMMITTEE

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Marketing Manna

Mary L.C. Daniel

Responsiveness is a key element in getting and keeping good clients. Set specific times to return phone calls. We know that "failure to communicate" is a top gripe among clients, and a frequent factor in bar complaints. However, most attorneys receive far more phone calls in a day than they can possibly respond to appropriately. Prioritize those calls, and realize that some may be too important for a mere phone response. Those callers should get a letter, which often takes less time even if it requires more thought. Some calls can be appropriately returned by staff. Returning your calls should be set for specific times of days or certain days of the week, and communicate those times to the caller through your staff or your voice mail. If a client does not get a call back at the designated time, they should then know what to expect. I average about an hour each day to return calls. Figure out what works for you, set the schedule, then stick to it.

Mary L. C. Daniel practices with The Daniel Group, P.C. in Winchester. You may reach her at mdaniel@ntelos.net.

What Young Lawyers Should Know About Working with In-House Counsel

James M. Snyder

Dealing with in-house counsel presents traps for the unwary. For young lawyers, the good news is that experienced lawyers make these mistakes just as often as young lawyers do. The bad news is that you may continue to make these mistakes for a long time. Here are some tips to ensure a great relationship with in-house counsel.

1. Many in-house counsel are not adjusters, they are lawyers and often know the issues as well or better than you. So when discussing legal matters with in-house counsel, be cautious not to talk down to them.
2. In-house counsel are busy. In your communications with them be concise and to the point.
3. Establish early authority. What can you do without in-house pre-authorization? See #2.
4. Provide solutions. Do not point out the problems of a case without suggesting possible solutions and a recommendation on how to proceed.
5. Routine things take more time in corporate America. It can take time just to find who to talk to, and then more time to actually meet. Be aware of the pace inside the company so you can time your inquiries appropriately.
6. Be helpful. Forward all materials to in-house counsel immediately. Make sure their file mirrors your file. Same day updates on hearings. Same day return of phone calls. Obtain software that is compatible with the client to ease the sharing of documents.
7. Most in-house counsel like quick resolution. Do not ignore the benefits of aggressive motions practice. Getting rid of a case quickly will ensure future cases from that client.
8. Innovation is rewarded. Most in-house counsel are willing to take calculated risks. You cannot avoid risks, but you can avoid surprises. Present the risks early so everyone can evaluate the issues.
9. Understand the client's business perspective. Scorched earth litigation can be in conflict with a company's desire to maintain a business relationship with the plaintiff.
10. Follow the client's billing guidelines. Make billing matters clear. The more concise you are, the more painless the process.

Jim Snyder is an associate in the Richmond Office of Sands Anderson Marks & Miller. You may reach him at jsnyder@sandsanderson.com.



YLC Beat

Suzanne F. Garwood

Leadership Conference

On September 21, 2002, YLC board members, committee chairs and circuit representatives kicked off the year at the YLC's annual Leadership Conference, which was held in Hunton & William's Richmond office. Speakers included Lori Elliot, current YLC president, and Anthony Hayes, a South Carolina attorney, who discussed implementation of the Wills for Heroes program in Virginia.

Admission and Orientation Ceremony

New bar members are admitted to practice law in Virginia through a program sponsored twice a year by the YLC's Admission & Orientation Committee. Held in Richmond, Virginia, on October 28-29, 2002, the ceremony served to admit new lawyers to practice before Virginia state courts. In addition, the Committee sponsored the "First Day in Practice" Seminar in conjunction with the Virginia State Bar's General Practice Section, which provides a low-cost continuing legal education program designed to give practice tips and insights to new lawyers.

Meredith Miles, an associate at Hunton & Williams and chair of the Admission & Orientation Committee, emceed the Ceremony, with addresses by Joseph Condo and Jimmy F. Robinson, Jr. A past president of the Virginia State Bar, Condo practices in Vienna, where he is a member of Condo & Masterman, P.C. Robinson serves currently as the Eighth District Representative on the YLC's Board of Directors and practices at Gentry Locke Rakes & Moore in Roanoke.

The justices of the Supreme Court of Virginia swore in approximately 900 new lawyers. In addition to the new lawyers in attendance, friends and family witnessed this last, but important step, in the process of becoming a practicing lawyer in Virginia. Following the swearing in, Chief Justice Harry L. Carrico spoke about the honor and responsibility of practicing law. Justice Carrico exemplifies the highest ideals and aspirations of professionalism in the administration of justice in Virginia.

Chief Justice Carrico was the first recipient of the award that bears his name at the 22nd Annual Criminal Law Seminar in February 1992. The Harry L. Carrico Professionalism Award was established in 1991 by the Section on Criminal Law of the Virginia State Bar to recognize an individual (judge, defense attorney, prosecutor, clerk or other citizen), who has made a singular and unique contribution to the improvement of the criminal justice system in the Commonwealth of Virginia.

Retiring in the beginning of 2003, Chief Justice Carrico, has presided over the swearing in over 30,000 of Virginia's new attorneys according to records maintained by the VSB. Thanked for his personal commitment to the ceremony and service to the Commonwealth, the newly admitted attorneys and guests gave a long and resounding standing ovation to Justice Carrico. Justice Carrico expressed his gratitude for the recognition and said a few more words. Unplanned, Justice Carrico's words were quite moving and spoken from the heart.

Suzanne Garwood is an associate in the Washington, D.C. office of Kirkpatrick & Lockhart L.L.P. You may reach her at sgarwood@kl.com.

Legal Ethics Opinion

Jeffrey H. Geiger

Q *Friday, 4:45 p.m.* Who said partnership was like a pot of gold under the rainbow—always just beyond reach? My friend's mother's veterinarian has a brother who lives next door to the in-house counsel for Gas 'N Sip. (He even knows Kevin Bacon!) Anyway, Gas 'N Sip needs counsel in Virginia to defend a personal injury case brought by this guy named Jack I knew in high school. I am sure glad I told Jack I didn't do plaintiff's work when he called me on the phone last week.

One Week Later: I cannot believe what I am reading—a motion to disqualify me as counsel? I barely know Jack! His motion says that he told me the details of his slip and fall at the local Gas 'N Sip, including date, time, witnesses and injuries. The most I recall is that I gave him the phone number for the Virginia State Bar Lawyer Referral Service (800-552-7977), to which he responded, "Thanks, Jill."

A Ethical conflict or gamesmanship? Of course, a lawyer must withdraw from representation whenever the representation will result in a violation of the *Virginia Rules of Professional Conduct*. Rule 1:16(a)(1). But in the arena of litigation, "disqualification need not rest on a mechanistic adherence to disciplinary canons at the expense of litigants' rights freely to choose their counsel." *Shaffer v. Farm Fresh, Inc.*, 966 F.2d 142, 146 (4th Cir. 1992). Disturbingly, the partial divorce of ethics from litigation may be because, as Judge D. Arthur Kelsey noted in *Gay v. Luibn Food Systems, Inc.*, 54 Va. Cir. 468 (Isle of Wight 2001):

Truth be told, disqualification can itself be a weapon in the adversarial contest intended to accomplish strategic litigation



goals of the requesting party—like retiring from the scene the very lawyers in whom an opponent has the most confidence, or distracting an opponent with a costly and potentially embarrassing pretrial diversion, or simply launching a thinly veiled *ad hominem* attack—all under the cover of a dutiful effort to reprove an ethically challenged lawyer.

From his motion, Jack believes he imparted information to Jill and that Jill's representation of Gas 'N Sip requires her disqualification. See Rules 1.6(a); 1.10.

The Standing Committee on Legal Ethics opined that "[w]hen a person imparts information to a lawyer or a law firm with the possibility of employing them, this creates an expectation of confidentiality and that information is protected under Rule 1.6." L.E.O. 1757. So, Jack may be deemed a "prospective client;" but to what effect? While confidential communications deserve protection under both ethical rules and the principles governing disqualification, a factual question remains for the court to determine whether any disclosed information is fairly characterized as confidential. Yes, there may be an appearance of impropriety viewed from Jack's eyes. But it would be indeed a weighty standard if a lawyer *charged* with wrongdoing was presumed to have acted improperly.

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