

DOCKET CALL NEWSLETTER

Vol. 17, No. 3 • Spring 2001 • Editor: Michelle M. Jones

Young
Lawyers
Conference



Virginia State Bar

UVA's Darden School site of YLC's first Professional Development Conference

by Mary Daniel

On a beautiful spring weekend in March, the Young Lawyers Conference held its first Professional Development Conference at the Darden School of Business in Charlottesville. Participants came from all over the Commonwealth with rural, suburban and urban practices all represented, including the Commonwealth's largest firms, in-house corporate counsel, mid-size firms and solo practitioners. By the end of the seminar Saturday, participants were speaking freely in every session and many friendships had formed.

The conference began with a presentation on "Emerging Trends in State Courts" by Kathy Mays from the Supreme Court



Federal Magistrate Dennis W. Dohnal leads a discussion entitled, "How to Get to Yes (or No)." Seated at his left is Mark E. Rubin, Esq., another esteemed member of the panel.

of Virginia. Ms. Mays particularly noted concerns about access to the courts and to the justice system. Rising immigrant populations and the aging population present significant issues for the Courts. Physical accessibility is only one of the many issues that must be addressed. The overriding concern of fiscal feasibility was discussed in relation to technology in the courtrooms, qualified interpreters, specialized courts and alternative sentencing.

Jeffrey Geiger (Sands, Anderson, Marks & Miller) organized a session dedicated to the "Top Ten Legal Issues Facing E-Commerce." Panelists John B. Farmer (McCandlish, Kaine) and Professor Deborah Tussey, from the T. C. Williams School of Law, provided an excellent overview of a multitude of issues for the technically non-adept lawyer. Prof. Tussey outlined and explained the newly-adopted UCITA statute, which will become law in Virginia on July 1, 2001. This cutting-edge uniform code regulates all internet commerce, including formation of contracts and restriction of warranties.

Friday's lunch entertainment included Jeannie Dahnk of Fredericksburg and John J. Michaels of Alexandria, who discussed "Rainmaking: Successful Strategies for Business Development." YLC perennial favorite Robert J. Grey (a.k.a. "The Night Dean") gave yet another rousing speech on the value of the profession and the pride each of us should take in our mission as lawyers. The clearest message from this session was that success comes from professional excellence and genuine interest in the practice of law. Through humor and personal war stories, the speakers communicated their

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Candidates for VSB President-elect address YLC concerns

by Michelle M. Jones

Photo courtesy of Virginia Lawyers Weekly



William Cremins



Bernard DiMuro

For those readers who have not yet decided for whom they will vote in the upcoming election for president-elect of the Virginia State Bar, following is a summary of the two candidates' responses to several questions focusing on areas of particular concern to young lawyers that were posed by the YLC on April 4, 2001.

The candidates are William D. Cremins, Esquire, of the law firm of Cremins & Associates, P.C. in Fairfax, and Bernard J. DiMuro, Esquire, of the law firm of DiMuro, Ginsberg & Mook, P.C., in Alexandria. Both candidates were kind enough to take time from their very busy practice and campaign schedules in order to discuss these questions with the editor of the *Docket Call*, and their cooperation is very much appreciated.

Please read on for the questions posed and a summary of each candidate's responses.

How do you view the role of VSB President? If elected, would you attempt to change that role? If yes, in what way?

William D. Cremins:

Mr. Cremins advises that he views the role of VSB President as leading a mandatory bar with a very focused mission—regulating attorneys and making the justice system readily available to the public. If elected, he would continue to focus on that mission.

Bernard J. DiMuro:

Mr. DiMuro advises that he believes that the VSB president has to step away from the details of the state bar committees, and overview all of the committees in order to determine whether or not they continue to meet the VSB goals and remain in line with VSB priorities. The VSB president must determine whether old programs or new programs are best.

According to Mr. DiMuro, the VSB president provides moral leadership for the VSB and is a catalyst or "spark" for VSB activity. He feels that Virginia is so large, with so many diverse lawyers who are very busy, members of the bar some

times need to be reinvigorated and reminded that people appreciate all of their bar activities. He also believes that the VSB president must serve as leader and effective liaison with the Virginia Supreme Court and Virginia General Assembly.

If elected president, Mr. DiMuro says that he would not attempt to change the VSB president's role.

If elected VSB President, what two goals would you most want to accomplish during your presidency?

William D. Cremins:

The two goals Mr. Cremins most wants to accomplish if elected VSB president are continuing the process of sound fiscal management of the bar's resources and reaching an acceptable resolution of issues related to multi-disciplinary practice and multi-jurisdictional practice.

Bernard J. DiMuro:

According to Mr. DiMuro, if he is elected VSB president two of the many goals he would want to accomplish include (1) improving the reputation of the legal profession in Virginia, and (2) maintaining self-governance and self-regulation of the bar by primarily focusing on and improving upon educational programs (practical as well as legally substantive) for lawyers.

What do you believe are the most important issues facing the bar in Virginia?

William D. Cremins:

In order of importance, Mr. Cremins believes the following are the most important issues facing the bar in Virginia: (1) resolution of issues related to multi-disciplinary practice and multi-jurisdictional practice, (2) sound fiscal management of the bar's resources, and (3) resolution of issues related to opening the disciplinary process to the public.

Bernard J. DiMuro:

Mr. DiMuro states that he believes that maintaining self-governance and improving the public's perception of the VSB disciplinary system are important issues facing Virginia's bar. Another important issue facing the bar in Virginia is improvement of communication between the VSB and (a) its members and (b) the General Assembly.

Do you see the practice of law in Virginia changing significantly over the next 10 years? If so, in what ways? What do you think lawyers can or should do to prepare for those changes?

William D. Cremins:

Mr. Cremins foresees huge changes in the practice of law in Virginia over the next several years—more than have ever occurred in the history of the VSB. One such potential change is a resolution of whether or not and to what extent lawyers

will be able to practice outside of law firms (the multidisciplinary issue). For example, will lawyers be able to work in the offices of other professionals, such as accountants?

In addition, Mr. Cremins notes that e-commerce has made the physical location of lawyers much less important today than in the past. Lawyers can now practice in several jurisdictions without ever leaving their offices (the multijurisdictional issue).

Mr. Cremins additionally predicts the continued growth of giant law firms, in part through mergers, with smaller law firms becoming specialized boutique practices. He feels that the mid-sized law firms will be casualties of the changes facing lawyers in the future.

To prepare for these changes, Mr. Cremins suggests that the YLC begin the process of educating young lawyers about the consequences of these changes so that they can make their career plans and respond accordingly. He believes that these issues will become real issues, and no longer be simply theoretical within the next year or so. He notes that these issues will impact the practice of law for every lawyer, not just those in Virginia.

Bernard J. DiMuro:

Mr. DiMuro predicts an increase in the number of solo practitioners and very small firms and attorneys in rural areas, in conjunction with an increase in the number of lawyers going to very large firms. He believes that over the next several years the big firms will become “mega big.”

These changes will affect young lawyers in different ways, depending upon whether the young lawyer takes the route of going on his or her own in solo practice or joins one of the “mega big” firms. Young lawyers practicing on their own or with very small firms will not have as good an infrastructure as those practicing with established firms, and there will be no one around to mentor those young lawyers. On the other hand, young lawyers going with the very large firms will need to be able to make themselves stand out from the other lawyers in those firms.

Mr. DiMuro also foresees an incredible increase in competition among lawyers for clients and pressure to bill. He believes that this will put pressure on young lawyers to find clients, which may result in an increase in marginal cases being accepted and potential conflicts developing. He also believes that there will be a decrease in the amount of interpersonal client relationships, and in increased tension with respect to multidisciplinary practice issues.

To prepare for these changes, Mr. DiMuro suggests that young lawyers strive to be independent with respect to obtaining and maintaining clients; that they be very careful to maintain their duties of loyalty, independence and confidentiality toward their clients; and avoid the temptation to walk too closely to the line regarding what is and what is not ethical. There will be a need for more educational services and outreach programs for lawyers as a result of these changes, according to Mr. DiMuro.

How do you view the role of the Young Lawyers Conference? Are there specific things that the Young Lawyers Conference should be doing but is not?

William D. Cremins:

Mr. Cremins advises that he feels very strongly about the role of the YLC, which represents approximately one third of the lawyers in Virginia. First, as representing such a large portion of the bar, he suggests that the YLC continue to be active, and perhaps should be even more active, in the governing of lawyers in Virginia. The YLC should not be reluctant to take a young lawyer’s perspective on issues and should be vocal about its perspective.

Second, he thinks that the YLC should help educate new lawyers regarding the “rules of the road” in the practice of law, specifically including professionalism among lawyers. He feels that it is important for new lawyers to appreciate the relationship between lawyers, and understand the degree of cooperation between lawyers that is desirable when practicing law.

Bernard J. DiMuro:

Mr. DiMuro advises that he believes the role of the YLC is consistent with the role set forth in its long-range plan document—that is to support the “discernable needs” of its membership and to assist in regulation of the practice of law and the provision of legal services to the public. Practically speaking, Mr. DiMuro feels that this means that the YLC has to continue to provide an infrastructure for communication, educational programs and other programs put on by the YLC.

Mr. DiMuro feels that the YLC should help shape young lawyers as they enter into the profession, for example, by providing young lawyers with information about how to run a law practice and stay within ethical boundaries. He suggests more of a balance between seminars on office management, marketing and practical matters on the one hand and substantive law on the other. He states that the YLC has an opportunity to teach young lawyers to be effective and ethical lawyers. Mr. DiMuro notes that the Professional Development Conference (PDC) was an excellent program and “hit all of the right buttons” for what a young lawyer should be learning from the YLC. He observes that the PDC was appropriately balanced between substantive law and presentations on how to practice law, and he describes the PDC as the best effort that the YLC has made to educate young lawyers to date.

Mr. DiMuro suggests that the YLC place more emphasis on PDC-type programs and on encouraging YLC members to serve on VSB committees. He notes that the YLC lawyers comprise almost 40% of the bar and should be “knocking at the door” for opportunities to participate on VSB committees.

Mr. DiMuro also recommends that the YLC strike a balance between providing assistance for the bar and young lawyers and providing services to the community. He thinks that the YLC should consider including segments on the

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Message from the President

by Tracy A. Giles



Why bar elections should matter to young lawyers

During the next few weeks you will receive ballots allowing you to vote for the future President and members of the Council of the Virginia State Bar. If you are like most lawyers, you are probably very busy and do not normally pay much attention to bar elections, particularly Virginia State Bar elections. So before those ballots hit the bottom of the circular file along with the latest offers for free vinyl siding estimates, I hope to convince you that these elections matter to you both personally and professionally. They will help define the legal landscape in which you will practice for years to come.

Changes are in the works and decisions are being made that will either strengthen or undermine the foundations of our profession. It is important that all Virginia lawyers, especially young lawyers, pay attention to how these issues are being addressed, or one day soon we might wake up to find that the practice of law has changed almost beyond recognition. It is hard, especially during the first years of practice, to pull your head up from the grindstone and peer at the horizon. But now the stakes are so high that we must make that effort, if our voices are to be heard and our views taken into account. Many of these issues will be decided by the same people we now have the opportunity to vote for, or against, during this election.

If you are reading this newsletter, you are most likely a member of the VSB Young Lawyers Conference. That means your mandatory dues dollars support it and you have the opportunity to elect its leaders. You should expect that a portion of your money is being used by the state bar leadership to study and address important issues relating to your profession and your practice. For the most part, this expectation is not misplaced. For example, we recently witnessed a rigorous and sometimes contentious review of malpractice insurance

companies by VSB volunteers and staff to make sure Virginia lawyers are receiving the best coverage at the best price. Because of this hard work, many of us have already seen our prices and options for malpractice insurance improve. But as important as the availability and pricing of insurance is, other issues are in play that will have an even greater impact. Among these are multidisciplinary practice, the proposal to open the disciplinary system to the public and the media at an earlier stage, multijurisdictional practice and the way judges are selected. How these issues are dealt with will affect every one of us.

Readers may or may not agree with my positions on the above issues, but their resolution will affect your lives and practices. You can influence the outcome. Many of these issues will be addressed by the Council of the Virginia State Bar. These are lawyers you elected to represent you. Give them a call or e-mail them to let them know what your thoughts are and find out what they are thinking. There is also a contested election for VSB president-elect this year, for the first time since 1997. When the candidates speak at your local bar meeting or call to ask for your vote, ask them about the issues that are important to you. The VSB Young Lawyers Conference Board of Governors did this during a recent meeting. The answers were straight forward, thoughtful, enlightening, AND DIFFERENT. I think it is a shame more young lawyers were not able to hear that forthright discussion. *Docket Call* editor Michelle Jones' interview of the VSB presidential candidates in this edition is an attempt to give you the flavor of that debate, an accurate idea of the candidates' stance on particular issues, and perhaps some insight on how they view the Young Lawyers Conference and young lawyers in general. I hope it helps with your decision. Meanwhile, I will look forward to the election results and my new vinyl siding.

Conference—

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own theories and techniques on identifying and securing valuable clients and referrals.

A general session on “Managing Your Law Practice” quickly became a fascinating discussion of issues regarding law office management, personnel matters and client satisfaction. Barry G. Logsdon, of the two-member firm of Mitchell & Logsdon in Virginia Beach, touted the benefits of small office practice, and emphasized the importance of trust within the office and the staff. Mr. Logsdon was joined by Douglas W. Densmore, senior partner of Flippin, Densmore, Morse & Jessee, and by Donald J. W. Osborne, office manager of Sands, Anderson, Marks & Miller, to create a panel of diverse backgrounds and philosophies. Questions and suggestions poured forth from the audience for over an hour. “These seventy-five minutes made the registration fee a bargain,” said one participant. “The ideas and suggestions from this session will benefit my practice daily. We could have continued for hours, and still wanted more!”

In addition to the general sessions, several pairs of concurrent sessions were held throughout the weekend. “Material Issues in Summary Judgment in Federal Court” was an extremely popular session, led by an esteemed panel comprised of Federal Court Judge Gerald B. Lee, Federal Magistrate Pamela M. Sargent, and attorney Jeri K. Somers of Miller & Chevalier. At the same time, Federal Magistrate Dennis W. Dohnal led attorneys Matthew W. Broughton (Gentry, Locke, Rakes & Moore) and Mark E. Rubin (Rubin & Gibney) in the session of “Negotiations: How to Get to Yes (or No).” Each session seemed to end too early, with many more questions available from the audience, and plenty of war stories yet to tell.

“Understanding the Jury—New Tools in Trial Consulting” utilized the expertise of nonlawyers on the panel. Jeffrey T. Frederick of the National Legal Research Group set the tone while Beth Bochnak of the National Jury Project and Julia Cade of Jury Services imparted their valuable knowledge of this subject. As important as jury selection and understanding is to the practice of law, lawyers rarely have the opportunity to learn about working with juries outside of literal “trial and error” in the courtroom. All participants seemed pleased with the opportunity to gain this valuable insight.

Michael H. Terry (Hirschler, Fleischer, Weinberg, Cox & Allen) led the concurrent session on Drafting Contracts and Agreements. Participants learned how to identify and address many of the finer details which are often overlooked in such agreements.

In the session on “Financial Planning for Lawyers,” financial experts Philip E. Fritz (Northwestern Mutual Financial

Network) and John Mitchell (Bank of America) made participants consider their long-range plans, beyond student loan payoffs. Some attendees were pleasantly surprised when the session ended with more knowledge imparted than they ever expected to obtain in a mere fifty minutes. At the same time, personal coach Smokie Sizemore led a workshop to help over-worked and stressed lawyers determine their priorities and how to attain them. She affirmed that we cannot do it all and have it all, but must decide what is the most important use of the finite resources that each of us possesses.

“Courtroom Technology in Today’s Technological World” stressed the advances already available in Virginia courtrooms, and gave a marvelous preview of the future through William & Mary’s Courtroom 21 project. Drew A. Swank of the Division of Child Support Enforcement provided many examples of “simple” technology already available for use in local courts. Further, participants were treated to pictures of witnesses appearing on plasma screens and prewired sectional floors which are being tested and used successfully in Courtroom 21, and may be coming soon to courtrooms in Virginia. Concurrently, new and senior partners provided a resource for “Partnership Considerations: A View from the Boardroom.” Robert S. Ballou (Johnson Ayers & Matthews), Karen Turner McWilliams (Verner, Lipfert, Bernhard) and Daniel H. Caldwell (Penn, Stuart & Eskridge) provided valuable insight to aspiring junior partners on what matters in making partnership offers. More importantly, these decision-makers advised what does not matter in the process.

Katherine Slaughter (Southern Environmental Law Center) and Phyllis C. Katz (Sands, Anderson, Marks & Miller) led the final session entitled, “Tips on Speaking to the Public (and Potential Clients).” They stressed the hows and whys of presentations to members of the public, providing valuable tips for benefitting participants’ own practices. The alternate concurrent session was sponsored by the American Lawyers Protection Society (ALPS), the malpractice carrier newly endorsed by the Virginia State Bar. Robert W. Martin, an experienced risk manager with ALPS, led the rapt participants in a discussion of “21 Ways to Avoid Malpractice in the 21st Century.” Mr. Martin was assisted by the impromptu participation of VSB presidential candidate Bernard DiMuro in the session, who accented the presenter’s points by relaying his own experiences on the Disciplinary Board.

According to O’Kelly McWilliams, president-elect of the Young Lawyers Conference and chair of the event, “The speakers were phenomenal. The entire event should be endorsed as part of the long-term plan for the Virginia State Bar. This seminar fulfills one of the greatest unmet needs of lawyers in Virginia.” In the words of VSB presidential candidate Bill Cremins, “This is an impressive maiden voyage. I can see this conference expanding geometrically in the future.”

Legal Ethics Opinion

by Jeffrey H. Geiger



Focusing his practice on national security law, clients have not exactly been beating a path to Lawyer Green Horne's door. So, when Max W. Smart comes to his office complaining that Kaos Corporation mistakenly destroyed his house using a banned pesticide, Agent 86, Horne spies an opportunity to make some money. Knowing that he cannot handle the matter, Horne speaks with Lawyer Larry at Moe & Curly, P.C., which publicizes its availability for referrals. Larry agrees to accept the referral and provide Horne with a portion of any fees collected. Secretly, Horne wonders if he can ethically accept fees received by Moe & Curly when he will have no further responsibility to Smart after the referral.



Under the old rules, a division of fees among lawyers who are not in the same firm required, among other things, that both attorneys assume responsibility for the client. D.R. 2-105(D). Thus, it was generally found to be improper to pay an attorney merely for referring a client. While well intentioned, the rule may have had the unfortunate effect of discouraging a lawyer from fulfilling other ethical obligations by referring a client to another attorney when there was a conflict or the attorney lacked the requisite competence.

With the adoption of Rule 1.5(e) of the *Code of Professional Responsibility*, however, a division of fees between lawyers not in the same firm may be made if:



- the client is advised of, and consents to the participation of all the lawyers involved
- the terms of the fee division are disclosed to the client and consented to by the client
- the total fee is reasonable
- the division of fees and the client's consent is obtained in advance of the rendering of legal services (preferably in writing)

While eliminating the requirement that each lawyer in a fee-splitting arrangement assume *full* responsibility for the client (and *full* ethical responsibility for the activities of the other lawyers), the client's acceptance of the arrangement must include a disclosure of each lawyer's responsibilities to the client. Rule 1.5, Committee Commentary. Thus, Horne can both limit his responsibility and share in any fees collected by Moe & Curly, *if* Smart agrees to all of the details of the arrangement (preferably in writing) and the fee is reasonable. *See* Legal Ethics Opinion No. 1740.

However, just because Horne may limit his ethical role and responsibility in the representation of Smart does not eliminate so-called "referral liability," in which a client brings a professional liability action against, not only the attorney to whom the case was referred, but also the attorney who referred the case. Horne should ask himself whether he would refer a relative (one he likes) to Moe & Curly and confirm that Larry has (1) an excellent reputation in the legal community; (2) professional liability insurance; (3) a clean disciplinary record; and, critically, (4) competence in the area of law for which the referral is being made.

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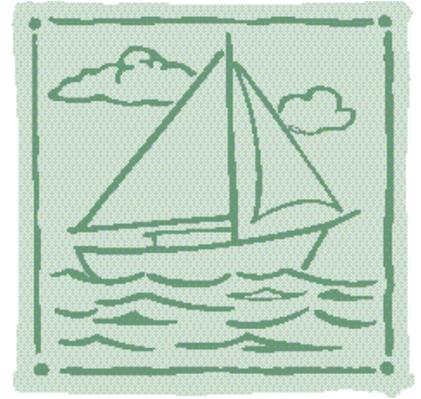
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63rd Annual Meeting

June 13-17, 2001

Annual Meeting brochures, that contain complete registration and hotel information, were mailed to all Virginia State Bar members in mid-April.

Complete Annual Meeting information, including registration forms, is also available on the Virginia State Bar's Web site at www.vsb.org. If you do not receive a brochure and/or need more specific information, call the Virginia State Bar, Bar Services Department, at (804) 775-0518. All information on the following pages is tentative and subject to change. Please refer to the brochure and the Web site for updates. You will be able to submit registration forms on-line this year at www.vsb.org.



Young Lawyers Conference

YLC Meeting and Reception

Friday, June 15, 12:30 P.M.
Cavalier Beach Club

Dance Under the Stars

Friday, June 15, 9:30 P.M.
Cavalier Beach Club

YLC SPECIAL PROGRAM "Attorney General Candidates Debate"

Saturday, June 16, 9:45 A.M.
Cavalier Oceanfront Hotel

On Saturday morning, the Young Lawyers Conference will sponsor a debate between the Democratic and Republican nominees for Attorney General of Virginia. The candidates are expected to address a wide range of political topics. This program promises to be both lively and instructive. We welcome any suggestions as to questions or topics which you would like to see the candidates address.

Don't miss this opportunity to learn more about Virginia's next Attorney General.

Athletic Events

20th Annual Run in the Sun

FRIDAY, June 15, 8:00 A.M. • The Boardwalk

The race will be a 3.1 mile (5 kilometer) run which will begin at the start of the Boardwalk (next to the Howard Johnson's, 38th and Atlantic Avenue). The course will proceed South along the Boardwalk until the halfway point at 16th Street and will return to the start/finish line.

17th Annual Beach Volley Follies

SATURDAY, June 16, 2:00 P.M.

The volleyball games will be played Beachfront at the Cavalier Oceanfront Hotel. Trophies will be awarded to the members of top-placed teams. The tournament will be conducted with impartial referees. The tournament will begin at 2:00 P.M. and end around 6:00 P.M.

June 13-17, 2001 • Virginia Beach, Virginia

Candidates—

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organization of the bar and on the disciplinary system in its seminars.

What specific programs or activities of the Young Lawyers Conference, if any, do you think are most beneficial to the bar and the community?

William D. Cremins:

During his six years serving on bar council, Mr. Cremins observed the tremendous number of public service projects conducted by the YLC, which he states are of great benefit to the bar. According to Mr. Cremins, the YLC's outreach efforts to different groups—minorities, senior citizens, Virginia's youth—have been excellent and should be continued or expanded, if possible.

Bernard J. DiMuro:

Mr. DiMuro opines that some of the best community service programs conducted by the YLC are the Emergency Legal Services program, the Community Law program and the *Senior Citizens Handbook*, all of which provide personal power as well as legal assistance to communities.

He feels that the best program to date, with respect to benefitting the bar, would be the PDC, even though it is still a young program.

Do you have any suggestions regarding how the YLC can improve its existing programs and projects? How could the VSB help in this improvement? If elected, would you, as president, assist in this improvement?

William D. Cremins:

He believes that the biggest problem facing the YLC in this area is selecting from among the numerous worthy projects and programs available. The YLC needs to decide which programs in which to become involved, recognizing its limited resources. He warns that the YLC should be careful not to become spread too thinly or try to do too much at the same time. The YLC should pick an area, do the project and complete the project before moving on to something new. If elected VSB President, Mr. Cremins says he would assist the YLC in any way that he could.

Bernard J. DiMuro:

According to Mr. DiMuro, the 1996 Long Range Plan for the YLC is an excellent and critical review of YLC programs. He believes that dormant committees should be revitalized or scratched, as suggested by the 1996 plan. He feels that it is time for the YLC to audit its programs, reestablish priorities, consider available resources, and consider the need to extinguish some programs. The YLC should take a step back and audit existing programs and see if they comply with YLC's goals as stated in its Long Range Plan. He notes that a survey of YLC membership may provide some help in assessing the existing programs.

Some other suggestions voiced by Mr. DiMuro include: attempting to decentralize YLC programs, increasing the use of telephone conferencing, revitalizing the YLC publicity committee, educating YLC members about the fundamentals of organization of the VSB and organization of the disciplinary system, increasing involvement in committee work at the state bar level, increasing participation and involvement of all YLC members (again, consider conducting a survey of members), balancing activities between service to the public and education of YLC membership, creating a YLC listserve and/or brief banks, and auditing existing public service programs.

How can the working relationship and communications between the VSB leadership and the YLC leadership be enhanced?

William D. Cremins:

According to Mr. Cremins, the single largest way the YLC can enhance its leadership at the VSB would be to extend the terms of the YLC representative on bar council and on the Executive Committee. Currently, the YLC president, who serves a one year term, is the YLC representative for both bar council and the executive committee. By the time the YLC representative has learned the lay of the land and the feel of the organization, but before having the opportunity to have much influence, he or she is being replaced by the next YLC president.

Ordinarily, lawyers are elected to bar council for three year terms, and most members of the executive committee serve for two years. Mr. Cremins feels the shortness of the YLC representative's terms on these organizations is problematic for the YLC.

Bernard J. DiMuro:

Mr. DiMuro thinks the working relationship between the VSB and the YLC is pretty good, although he has a few ideas to improve that relationship, as follows: (1) occasionally change the format of the YLC president's presentation to bar council such that the YLC president presents a video of the program and/or provides the actual material circulated as part of the program, rather than simply reads about the program; (2) increase participation in local bar association affairs; (3) create an alumnus program for the YLC, whereby lawyers who are no longer eligible to participate as YLC members, but who are interested in assisting young lawyers, have a forum in which to do so; and (4) increase YLC activity in the VSB committees.

There have been some recent proposals to the VSB that fee-sharing between nonlawyers and lawyers should be permitted in Virginia. Do you have any comments regarding those types of fee arrangements and whether they should be permitted?

William D. Cremins:

Mr. Cremins believes that this is really a multidisciplinary practice issue, and lawyers should all keep an open mind until the related Task Force Report is out and in print, which should be in June. With respect to the multidisciplinary practice issue, his primary concern is not fee-sharing, but instead the potential loss of attorney independence and control that could result from a multidisciplinary practice arrangement.

Bernard J. DiMuro:

Mr. DiMuro views this issue more as a multidisciplinary practice issue. With respect to this concern, he feels that the complexity of life is ever increasing, and this is increasing clients' demands for professional help. Clients now need help not just from lawyers but from accountants, engineers, and other professionals, and clients are going to demand that lawyers work with other professionals using a team approach. He recommends that lawyers be open-minded about this issue; however, the core values of loyalty, independence, and confidentiality have to be maintained. The lawyer needs to have the primary role in multidisciplinary arrangements with other professionals.

There has been a suggestion that VSB Disciplinary Hearings be open to the public at an earlier stage in the proceedings. What are your thoughts regarding this proposed change?

William D. Cremins:

Mr. Cremins is withholding his opinion regarding proposals to open the disciplinary process to the public and make those results more public until he sees the proposed rule changes being drafted by the Committee on Lawyer Discipline (COLD). He notes an interest, however, in who is requesting these changes and why, which he does not believe is clear.

On a related issues, Mr. Cremins notes that he does not favor the proposal to cap the number of private reprimands to two, and he points out that the YLC should be concerned about this proposal as well, since this type of change will affect young lawyers more than older lawyers, as young lawyers have more years of practice ahead. He believes that this change, if approved, would most adversely impact criminal defense and domestic relations lawyers, whose practice areas are lightning rods for bar complaints. If there is a problem with private reprimands and, again, he notes an uncertainty about why this change is being proposed or if a problem with the current system exists, such a problem could probably better be addressed by developing uniform criteria for imposing private reprimands, rather than taking discretion away from the District Disciplinary Committees.

Bernard J. DiMuro:

Mr. DiMuro believes in self-governance and self-regulation, and he further believes that with that right come certain responsibilities. He feels that the public and the General Assembly must believe that the bar is conducting its disciplinary proceedings appropriately and as such, he supports slightly increased public access to district disciplinary hearings. Under the current system, a district disciplinary hearing is public after probable cause is determined. The recommendations currently being considered regarding this issue involve opening district committee hearings at an earlier stage. According to Mr. DiMuro, approximately 30 cases per year would be affected by this change. He states that approximately 93% of bar complaints are dismissed at or before the probable cause stage, and of the remaining 7%, most are public under the existing rules. According to Mr. DiMuro, 3,100 of the confiden-

tial complaints made under the current system per year would remain confidential.

He further notes that the General Assembly has indicated that it will address public access issues with respect to bar disciplinary proceedings if the VSB does not. He feels this is real concern as the General Assembly has already made changes with respect to disciplinary proceedings for doctors. The Joint Legislative Audit and Review Commission of the General Assembly recommended this change 5 years ago.

He also points out that this issue will be reviewed by several different organizations, as COLD is developing a proposed rule, the matter still needs to be reviewed by Bar Council, and if approved there, it will be considered by the Virginia Supreme Court. In addition, an opportunity for public comment will again be provided. He finally notes that the suggestion under consideration was proposed by former YLC President, Ed Burnette.

Should lawyers be concerned about the increasing trend in some areas to give more deference to citizen panels than local bar associations when new judges are selected?

William D. Cremins:

Mr. Cremins does not believe that lawyers need to be overly concerned about this trend, as he feels it is a natural consequence of citizens and legislators recognizing that local judges affect the lives of citizens more than the lives of lawyers. As such, the citizens want to take an active role in the appointment of judges. He does not believe there is an attempt to reduce the bar's input, as the citizens recognize that the lawyers probably know the candidates better than non-lawyers. Instead, he sees this is a method of gathering more information about the potential judges.

Bernard J. DiMuro:

According to Mr. DiMuro, lawyers should be concerned about this trend, if the state legislators are indeed relying more on citizen panels than on the local bar associations. He feels that the opinions of local bar associations are given less weight than in the past, but is not sure whether the legislators are basing the selections on their own opinions or on those of their constituents.

What philosophy should guide the VSB in setting its dues?

William D. Cremins:

According to Mr. Cremins, this issue should be continually managed following the principle that mandatory dues be kept as low as possible.

Bernard J. DiMuro:

Mr. DiMuro states that the bar dues should be set and spent based on the bar's core missions, and in setting its dues the bar should (1) continually re-define its goals, (2) prioritize its goals, and (3) determine the cost of its priorities. Dues should be sufficient to meet the prioritized goals reasonably well, leaving a fiscally sound reserve.

Peer Mediation Committee making a difference

by Kellye Curtis Clarke and Claire Jenkins

School violence unfortunately continues to be a hot topic in the news. Recognizing the need for an organization to focus on educating children and young adults, the public and other young lawyers of the alternatives available to help handle conflicts in schools, the VSB Young Lawyers Conference formed the Peer Mediation Committee.

Members of the Peer Mediation Committee help to educate students about the importance of learning how to appropriately respond to and manage conflict. The committee works with the school staff in providing a forum with set standards and guidelines for handling conflict resolution. Having a peer mediation program in school allows students to mediate disputes that occur in school with the guidance of staff at the school and the assistance of young lawyers.

Last year, members of the Peer Mediation Committee and several members of the Board of Governors participated in a training session with the Northern Virginia Mediation Service, at which mediation principles were discussed.

This year, through a series of six presentations in February, the Peer Mediation Committee spoke to the student body at George Washington Middle School in Alexandria, and advised of the benefits of participating in that school's peer mediation program. The committee also addressed the peer mediators at James Madison High School in Vienna. Claire Jenkins, Kellye Clarke, Gina Marine, Lauren Camilli, Michael Tompkins, O'Kelly McWilliams and Gwen Guzneau spoke to the students, focusing on five topics: the psychology of conflict, educational opportunities, career exploration, principles of volunteerism and alternatives/consequences.

During Community Law Week, the committee will present certificates of appreciation to the peer mediators at George Washington Middle School and James Madison High School in recognition of their dedication and commitment to improving the social climates at their respective schools.

It is important for young people to know that conflict is a natural human state; however, the way conflict is handled determines the outcome. The use of mediation can resolve school-based disputes and result in improved communication between and among the students and their peers. Mediation can also help improve students' interaction with teachers, school administrators and parents.

Anyone interested in forming a peer mediation subcommittee in his or her area should contact Kellye Curtis Clarke at (703) 519-7605.

New chair announced for Web page committee

by Nelson S. Teague, Jr.

The Web Page Committee of the YLC is pleased to announce that it has a new chair, Mark Blacknell. Mark has a wealth of technical background and soon will begin to put it to good use working with the Board of Governors of the YLC to implement several new initiatives.

The committee will be updating all information on the site including names and addresses of all board members, circuit representatives and committee chairs. Creating "listserves" that will allow the VSB to send global e-mail messages to all young lawyers in the state that have an e-mail address is another important project. The committee is developing the ability to deliver the *Docket Call* electronically, which will save time and money for the YLC and allow them to use the funds otherwise spent on postage and printing for other programs to benefit young lawyers.

Please visit the Web site at www.vsb.org/sections/yl/index.html, and if you have suggestions, let Mark know. He can be e-mailed at ylc@blacknell.net.

DOCKET CALL

*A quarterly publication of the
Young Lawyers Conference
of the Virginia State Bar.*

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Docket Call welcomes contributions from members of the YLC.

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Mock Trial Competition a success

by Katrina C. Randolph

Young trial lawyers had better watch out—there are some talented law students coming behind us, and they recently demonstrated that they know what they're doing.

The case of *State of Lone Star v. Alford*, served as the fictional backdrop against which 15 teams from Washington, D.C. and Virginia law schools competed against each other in the Region III Mock Trial Competition from February 8–10, 2001. The Texas Young Lawyers Association coordinates the national competition annually and, once again, the Young Lawyers Conference hosted the regional competition.

Led by Chairwoman Charlotte Hodges, more than 120 judges, lawyers and other volunteers helped to ensure the students experienced the pressure—and fun—lawyers have when conducting an actual trial.

In the case, the State charged Defendant Houston Alford with the theft of \$20,000 from his employer. Alford claimed the local bank teller took the money after he deposited it with her.

American University, Georgetown University, George Washington University, George Mason University, The College of William and Mary, Regent University and the University of Richmond law schools each sent two teams to the competition; Howard University's law school sent one team. Two Region III teams ultimately went to the national competition in Dallas, Texas—one from Georgetown as the winner, and one from the University of Richmond as the runner-up.



Georgetown University's Precious Murchison and Steven Hunter, front row, were top winners at the regional competition and advanced to the preliminary rounds of the national competition. Unidentified members of Georgetown's second team are pictured in the second row.

The Georgetown team, consisting of Precious Murchison and Steven Hunter, ultimately advanced to the semi-final round during the March 24, 2001 national competition. Richmond's team, consisting of Dale Mullen, Greg Hoffman and Molly August, performed admirably in the preliminary rounds of the national competition before being eliminated.

The committee's task was daunting. In order to provide enough judges, evaluators, bailiffs and witnesses, the committee needed to fill slots for 22 judges, 22 bailiffs, 44 evaluators and 88 witnesses. Because the competition was in Richmond, their geographical scope was somewhat limited. Still, Hodges and the 20-lawyer committee pulled it off. Hodges noted that Richmond General District Court Judge Birdie Jamison and Circuit Court Judges Margaret Spencer and Randall Johnson were especially helpful during the competition.

The teams drew random numbers to determine their competitors. Because an uneven number of teams registered for the competition, one team in each of the first rounds got a bye. Every team competed as the prosecution and defense in the first round. From there, advancing teams competed through two additional rounds to determine the two winners.

The YLC thanks all those who volunteered during the planning stages and during the competition. In doing so, they gave some talented law students a glimpse into the real world of trials and criminal law.



Representing the University of Richmond and placing second in the regional competition were Dale Mullen, Molly August and Greg Hoffman.

Community Law Week promotes public awareness

by Suzanne F. Garwood

Among the many goals of the Young Lawyer's Conference is to provide young lawyers with opportunities to engage in service to the bar and service to the public. In keeping with this, the YLC has created various committees for the purpose of developing programs and projects to increase the public's ability to obtain legal services and information. Community Law Week is one such program.

More specifically, the purpose of Community Law Week is to help promote the theme chosen by the American Bar Association for its "Law Day." For forty-three years, the American Bar Association has sponsored programs on Law Day, May 1. Recently, the Young Lawyers Division of the ABA has expanded Law Day to a week-long community event. The focus of the event is to promote legal education and service to the public. In the past, such education efforts have touched on individual legal rights and responsibilities.

In an effort to sponsor Community Law Week at the state level, the ABA's Citizenship Education and National Community Law Week Committee has prepared a planning

guide containing practical "how to" information on planning and implementing Community Law Week programs.

As with the ABA's program, the YLC's Community Law Week is an annual event occurring the first week in May. This week is dedicated to enhancing the public's awareness and appreciation of the role of the law in the daily lives of all Americans. Previous programs during this week have included public educational activities as well as pro bono opportunities.

This year, the theme centers on the role of the Constitution in today's society. Students in the 6th, 7th, and 8th grades in Fairfax, Arlington and Alexandria counties are eligible to compete in an essay-writing contest describing the three most important Constitutional provisions to their personal liberties. A ceremony will be held for the winner in the Fairfax courthouse. No date for the ceremony has been set.

If you would like more information about Community Law Week, please contact Josephine Aiello LeBeau, of Miller & Chevalier, at (202) 626-5994.

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