

DOCKET CALL NEWSLETTER

Vol. 17, No. 2 • Winter 2001 • Editor: Michelle M. Jones

Young
Lawyers
Conference



Virginia State Bar

Virginia State Bar Welcomes New Admittees

by Suzanne F. Garwood

The Virginia State Bar welcomed a record number of new admittees to the practice of law in Virginia on October 30, 2000. Included among the approximately 800 lawyers admitted were many of the 900 who passed the July 2000 Virginia State Bar examination, as well as some who were established attorneys from other jurisdictions meeting the necessary criteria to be admitted to Virginia's bar.

The Admission and Orientation Ceremony and was held in the Grand Ballroom of the Richmond Marriott Hotel. The event began at 10:30 a.m. with registration of the new admittees. Registration tables were set up according to law school throughout the grand ballroom's foyer—permitting the new admittees to seek out fellow alumni and friends from other schools. Following registration, the admittees took their places in the grand ballroom for the commencement of the ceremony.

Barry Todd Meek, Chair of the Young Lawyers Conference Admission and Orientation Committee, presided over the orientation program. Speaking at the program were the President of

the Virginia State Bar, Joseph A. Condo, and the Virginia State Bar Young Lawyers Conference President, Tracy Allen Giles. In their remarks, the speakers conveyed to the audience that with admission to the bar comes a weighty responsibility to both the profession and to members of the community. Giles also took this opportunity to inform the audience of the YLC's ongoing commitment to providing new admittees with leadership opportunities, as well as opportunities for involvement in community service projects, such as disaster relief or women's advocacy.

Following the orientation ceremony, the Supreme Court of Virginia convened a special session in order to administer the Oath of Fidelity to the Commonwealth and the Oath of Attorney at Law. Once the admittees were introduced and the oaths delivered, Chief Justice Harry L. Carrico briefly addressed the new members of the bar.

Over one-quarter of those admitted returned the following day to attend the YLC's traditional "First Day in Practice Seminar." Giles, along with Wanda Phillips Yoder, Chair of the

VSJ General Practice Section, kicked off the seminar at 8:30 a.m. Over the next eight and one-half hours, the new attorneys attended lectures on various legal topics. On the substantive side, attendees learned the basics of practicing in areas such as bankruptcy, wills, trusts and estates, real property, family law, personal injury, and criminal law, among others.

On the functional side, judges from around the area spoke on practicing in general district court, circuit court, the United States District Court and the juvenile and domestic relations district court. In order to assist the attendees with keeping track of the vast amount of information that was provided over the course of the day, each received a binder full of supplemental information related to each of the topics covered.



Message from the President

by Tracy A. Giles



"The first thing we do, let's kill all the lawyers!"

If there is a more hackneyed, overused, misquoted, taken out of context string of words in the English language, I do not know what they might be—with the possible exception of "You go girl!"

I am convinced that most people who bandy about Dick the Butcher's line from Henry VI, Part 2, Act Four, have never seen, much less read, Shakespeare and perhaps not much else.

Mostly recently, this phrase popped up in an op-ed piece in *The Roanoke Times*, 28 January 2000, where it was used to end an article blaming all the recent election controversies in Florida on "the gaggle of self-important lawyers who descended on the Sunshine State within hours of the machine recount." While most of us have feelings one way or the other on both the election outcome and the processes that were used, I also think most of us would agree that the legal maneuvers were more driven by the candidates and their respective campaigns than by lawyers acting alone. But perhaps the author of this opinion piece is indeed a scholar of Shakespeare and simply prefers solving problems the way the anarchists in Henry VI proposed. In that case, I am sure the author has stored up plenty of dry goods and ammunition.

Unfortunately, Dick the Butcher's sentiment seems to appeal to many. It is simple and simple-minded. As young lawyers, we have a role to play, individually and collectively, in changing this attitude. The Young Lawyers Conference, as an organization, is seeking your input. In every community there are young lawyers who devote time and energy beyond the duties of their normal law practice to helping others in their community. Out of these many attorneys, there is one who has put in unbelievable hours and found unique resources to make a positive change in and beyond his or her own community. We need your help in finding that individual.

Each year the VSB honors the most outstanding young lawyer of the year at the annual meeting with the R. Edwin Burnette, Jr. Young Lawyer of the Year Award. The award, which was established in 1994, recognizes exemplary service to the legal profession and the public by the young lawyer who far exceeds the normal range of volunteer service.

The award winner is someone who promotes, upholds and elevates the standards of honor, integrity and competence

in the legal profession through pro bono and leadership activities. Additionally, the honoree is someone who has initiated and participated in activities and programs that improved the legal system and the responsiveness of the profession to the public. The nominee must be a young lawyer, who is defined as under the age of 36 or who has been practicing less than three years.

The award is named after Lynchburg attorney R. Edwin (Ed) Burnette, Jr., a former chair of the VSB Young Lawyers Conference from 1985–86. Burnette, a Lynchburg attorney, exemplifies the qualities and attributes the YLC encourages. His achievements include serving as president of the VSB from 1993–94 and president of the Lynchburg Bar Association from 1991–92. He became the first recipient of the Virginia Legal Aid Society's Pro Bono Award in 1992, in addition to chairing and being a member of numerous committees in service to the legal profession and the public.

While it is impossible to mention all the recipients and their good deeds, some of the most recent are great examples of the person we try to honor.

The most recent honoree was Shawn A. Copeland, an associate at Hunton & Williams in Richmond, who won the award in 2000. Copeland chaired the YLC Emergency Legal Services Committee when it was activated in September 1999. Within two weeks, Copeland organized over 100 attorneys to assist victims of floods caused by Hurricane Floyd. Working with his Virginia Bar Association counterpart, Copeland organized volunteers, monitored weather reports, conferred with state and federal officials, publicized the availability of the legal assistance and led training programs to get attorneys up to speed on the critical issues.

Bary Logsdon, a young lawyer in Newport News, was honored with the award in 1998 for his work in arranging for former gang members to have free plastic surgery to remove the tattoos and scars of their former loyalties. Logsdon also helped create child-friendly waiting rooms in courthouses across the state so that children who were victims and witnesses would have a safe and separate place to wait, without being in the same room with their alleged perpetrators. Logsdon handles mostly child advocacy and bankruptcy cases with the firm of Mitchell & Logsdon, PC.

Continued on Page 3

No Bills Night—

Lawyers Lending a Helping Hand

by John Poma

Twice a year, across the State, the Young Lawyers Conference of the Virginia State Bar sponsors a No Bills Night to allow members of the public to call and discuss legal problems with Virginia lawyers at no charge to the caller. Jason Moyers, Statewide Coordinator for the event, reports that several regions across the State sponsored another successful No Bills Night this past November.

As in years past, lawyers gathered in a telethon-style setting and anonymously fielded questions from members of the community. The purpose of the program is not to provide direct legal advice to the callers. Instead, Moyers explains that volunteer attorneys speak with the caller, attempt to identify the caller's legal problem, and then suggest where to go to obtain the services that are needed. For example, a caller may be referred to a government office such as the Department of Labor or E.E.O.C. or even to the Better Business Bureau in the event of a complaint about a local business. Although referrals are not made to individual attorneys or law firms, the telephone number of the local lawyer referral service or State Bar may be offered to the caller.

Participating attorneys give the program high grades. Some even report that the evening gives them a chance to use

their old dusty Bar—BRI books that have been tucked away in the attic since taking the bar exam. Although most calls go smoothly, the call can sometimes become interesting when a lawyer takes a call from a person who is upset with the outcome of a case with which the lawyer is familiar. In this case, the lawyer will not identify himself or herself, but the caller will be redirected.

The next No Bills Night will be held in early May in conjunction with Community Law Week. Moyers states that if you have not participated in No Bills Night in the past that it is not too late to volunteer to participate in the May program. Moyers describes the evening as "a fun time and a chance to do something worthwhile for the community." He also states that it is a good chance to see fellow members of the local bar that you may not have seen recently.

If you are interested in volunteering at a future No Bills Night, or if you would like to co-chair organizing one of the No Bills Nights in your region of the state, please call Jason Moyers at 1-540-983-9300 or e-mail him at jason_moyers@gentrylocke.com.

President—

Continued from Page 2

Maya M. Eckstein was honored with the award in 1999 for her work in implementing the YLC's Domestic Violence Safety Project. The project educated domestic violence victims on how to protect themselves physically and legally, and trained attorneys to provide services to those victims. Eckstein also coordinated workshops for non-profit groups on Y2K issues and is involved with the Virginia League for Planned Parenthood, the VBA's Young Lawyers Division and her synagogue. Eckstein is also an associate with Hunton & Williams.

If you know of someone deserving of the award, let us know. To nominate someone, send a written summary of the nominee's qualifications to J. Tracy Walker, IV, Chair, YLC Nominations Committee at McGuireWoods, One James Center, 901 East Cary Street, Richmond, VA 23219-4030 or e-mail Walker the information at twalker@mcguirewoods.com.

It will not take much of your time to make certain that recognition goes to someone who deserves it. So, look around your firm, your friends, and your community. Judges, look around your courtrooms. When you see that special young lawyer whose actions exemplify a commitment to public service, let us know. We need your help if Dick the Butcher is to be answered.

DOCKET CALL

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

EDITOR

Michelle M. Jones

EDITORIAL BOARD

Jonathan E. Allen, Bonnie Ashley, Suzanne Fay Garwood, Jeffrey H. Geiger, Toni E. Gilbert, Kathleen Keener Elsner, Julie D. McClellan, John M. Poma, Emily Sisler, Catherine A. Steffen

BOARD LIAISON

Mary Louise Costello Daniel

PRODUCTION & DESIGN

Cheryl L. Pavkov

Docket Call welcomes contributions from members of the YLC.

SENDSUBMISSIONSTO:

Publications Dept.
Virginia State Bar
707 E. Main St., Suite 1500
Richmond, VA 23219-2800

VIRGINIA STATE BAR
YOUNG LAWYERS CONFERENCE

**Seizing the Future:
A Professional Development Seminar**

March 9–10, 2001

7.5 MCLE Hours (approval pending)

Sponsors Hall
At University of Virginia's Darden School
Charlottesville



- Emerging Trends in the Law
-
- Top Ten Legal Issues Facing E-Commerce
-
- Rainmaking: Successful Strategies for Business Development
-
- Material Issues in Summary Judgement in Federal Court
-
- Negotiations: How to Get to Yes (or No)
-
- Managing Your Law Practice
-
- Understanding the Jury—New Tools in Trial Consulting
-
- Legal Writing—Contracts and Agreements
-
- Don't Stop Thinking About Tomorrow: Financial Planning for Lawyers
-
- Working 24/7: Maintaining a Professional AND Personal Life
-
- Courtroom Technology in Today's Technological World
-
- Partnership Considerations: A View from the Boardroom
-
- 21 Ways to Avoid Malpractice in the 21st Century
-
- Tips on Speaking to the Public (and Potential Clients)

SEMINAR SCHEDULE

☯ Friday, March 9th ☯

- 10:00 A.M. **Opening Remarks**—Joseph A. Condo, President Virginia State Bar
Tracy A. Giles, President, VSB Young Lawyers Conference
O'Kelly E. McWilliams, III, President-elect, VSB Young Lawyers Conference
- 10:15 A.M. **Emerging Trends in the Law**—Kathy Mays, Supreme Court of Virginia
- 10:45 A.M. **Top Ten Legal Issues Facing E-Commerce**—Jeffrey H. Geiger, Sands, Anderson, Marks & Miller; John B. Farmer, McCandlish Kaine; Prof. Deborah Tussey, T.C. Williams School of Law
- 12:00 P.M. **Lunch—Rainmaking: Successful Strategies for Business Development**—Robert J. Grey, Jr., LeClair Ryan; Jean P. Dahnk, Glover & Dahnk
- 1:00 P.M. **Breakout Sessions: Material Issues in Summary Judgement in Federal Court**—Hon. Gerald B. Lee, Judge, Eastern District of Virginia; Hon. Pamela M. Sargent, Magistrate Judge, Western District of Virginia; Jeri K. Somers, Miller & Chevalier, *or* **Negotiations: How to Get to Yes (or No)**—Hon. Dennis W. Dohnal, Magistrate Judge, Eastern District of Virginia; Matthew W. Broughton, Gentry, Locke, Rakes & Moore
- 2:45 P.M. **Managing Your Law Practice**—Barry G. Logsdon, Mitchell & Logsdon; Douglas W. Densmore, Flippin, Densmore, Morse & Jessee
- 4:00 P.M. **Breakout Sessions: Understanding the Jury—New Tools in Trial Consulting**—Jeffrey T. Frederick, National Legal Research Group; Beth Bochnak, National Jury Project—East; Marjorie S. Fargo, Jury Services, Inc. *or* **Legal Writing—Contracts and Agreements**
- 6:00 P.M. Reception and Dinner

☯ Saturday, March 10th ☯

- 9:00 A.M. **Breakout Sessions: Don't Stop Thinking About Tomorrow: Financial Planning for Lawyers**—Philip E. Fritz, Northwestern Mutual Financial Network; John Mitchell, Bank of America *or* **Working 24/7: Maintaining a Professional AND Personal Life**—Smokie Sizemore, Smokie Sizemore & Company
- 10:00 A.M. **Breakout Sessions: Courtroom Technology in Today's Technological World**—Drew A. Swank, Commonwealth of Virginia Division of Child Support Enforcement & Litigation Fellow, Courtroom 21, The College of William and Mary, *or* **Partnership Considerations: A View from the Boardroom**—Robert S. Ballou, Johnson Ayers & Matthews; Karen Turner McWilliams, Verner, Lipfert, Bernhard, McPherson & Hand
- 11:30 A.M. **Breakout Sessions: 21 Ways to Avoid Malpractice in the 21st Century**—Robert W. Martin, Jr., Risk Manager—ALPS, *or* **Tips on Speaking to the Public (and Potential Clients)**—Katherine E. Slaughter, Southern Environmental Law Center; Phyllis C. Katz, Sands, Anderson, Marks & Miller

(SEMINAR REGISTRATION FORM ON PAGE 6)

VIRGINIA STATE BAR
YOUNG LAWYERS CONFERENCE

Seizing the Future: A Professional Development Seminar

March 9–10, 2001

7.5 MCLE Hours (approval pending)

Sponsors Hall
At University of Virginia's Darden School
Charlottesville

REGISTRATION:

To register, please fill out the form, below, and send it with your check for \$115 (made payable to the Virginia State Bar) to Bar Services, Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, VA 23219-2800. Space is limited and registration will be on a first come/first served basis. Walk-in registration will be accommodated if space is available. If you have a disability that requires special accommodations, please contact the VSB in advance of the program.

Hotel Accommodations:

Sponsors Hall at the UVAs Darden School has a block a sleeping rooms reserved. If you wish to stay overnight, please indicate this on your registration form and enclose the room cost in your registration fee. Directions to UVA Darden School and Sponsor's Hall will be mailed under separate cover.

Meals:

Thanks to our generous sponsors, your lunch, dinner and breakfast are included in your registration cost.

Written Materials:

Each participant will receive outlines and materials of the presentations at the program.

Cancellations:

Refunds will be given for cancellations received in writing by March 1, 2001. You may send your request to the VSB or stengel@vsb.org.

REGISTRATION FORM:

Name: _____

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

VSB ID # _____

___ Registration for the YLC Professional Development Seminar. \$115

___ Overnight accommodations at Sponsors Hall \$100

___ smoking
___ non-smoking

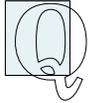
Total _____

Please make your check payable to the Virginia State Bar and mail it to Bar Services, Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, VA 23219-2800. For more information, call (804) 775-0517.

For more information about this seminar, visit: <http://www.vsb.org/sections/yl/index.html>

Legal Ethics Opinion

by Jeffrey H. Geiger

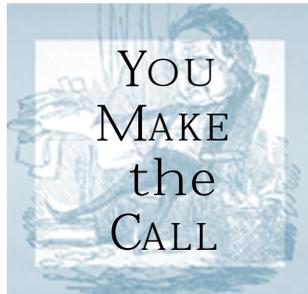


Determined to jump on the "dot com" bandwagon, Lawyer Martha W. Hine retains Mark E. Ting to develop a firm Web site. Employing the latest in bells and whistles technology, Ting prepares a site, indicating that Hine is a "specialist in everything from bovine to national security law," and "practices throughout the continental United States." Hine wonders aloud if she really should make such broad pronouncements, especially when she is a small firm practitioner working primarily with Virginia vineyards.



While one may disagree as to the relative marketing value of lawyer Web sites, it is the opinion of the Virginia State Bar Standing Committee on Lawyer Advertising and Solicitation, that "a Virginia lawyer advertising on the Internet is subject to applicable disciplinary rules." Lawyer Advertising Opinion A-110 (1998). The Committee found that communications via firm Web sites or over the Internet are "public communications" governed by the strictures applied to communications "disseminated to the public by use of electronic media," and, in the case of "real time chat rooms," by the rules governing "in person" communications. As with traditional communications concerning legal services, a lawyer shall not make a "false, fraudulent, misleading or deceptive statement or claim." Rule 7.1(a). See Rule 7.3 (direct contact with prospective clients); Rule 7.5 (use of firm names and firm associations).

Clearly, a Web site stating that Hine is a "specialist" in areas of the law in which she does not practice would run afoul of Rule 7.1(a), and, further, would be in violation of Rule 7.4 which restricts how a lawyer may publicize her fields of practice. In addition, statements implying Hine's ability to practice law in jurisdictions in which she is not authorized to practice



law are not only "misleading," but run head on into Rule 5.5, governing the unauthorized practice of law. Rule 5.5 states that "a lawyer shall not . . . practice law in a jurisdiction where doing so violates the regulation of the legal profession of that jurisdiction." Violations of ethics rules in another state could subject a Virginia lawyer to disciplinary charges in Virginia.

While the Committee acknowledged "that not all of the disciplinary rules which apply to lawyer advertising via other media will apply to lawyer advertising over the Internet," a plan to limit exposure to ethical violations on the Internet would include the following:

- make and preserve for at least one year a hard copy of all Web pages, postings to bulletin boards, etc., Rule 7.1(b)
- include the full name and office address of the attorney responsible for the Web page and/or Internet postings, Rule 7.1(e)
- comply with the rules in all states in which a firm's lawyers are licensed, the firm practices and/or where the firm seeks clients
- provide "geography" disclaimers addressing the jurisdictional limits of the firm's practice and list where its members are licensed to practice law
- restrict direct solicitation by limiting the interactivity of the firm's Web site and provide an alternate method for potential clients to inquire as to retention of the firm
- carefully construct and regularly review Web site privacy and disclaimer statements

SEEKING NOMINATIONS

The Virginia State Bar Young Lawyers Conference is seeking nominations for the R. Edwin Burnette, Jr., Young Lawyer of the Year Award.

This award honors an outstanding young Virginia lawyer who has demonstrated dedicated service to the YLC, the profession and the community.

The nomination deadline is May 1, 2001. Nominations should be sent to:

J. Tracy Walker, IV
One James Center, 901 E. Cary Street, Richmond, VA 23219
fax (804) 698-2201



Seizing the Future: A Professional Development Seminar

by Catherine Steffen

The Young Lawyers Conference is building on its tradition of supporting new lawyers by hosting a conference focusing on professional development. The event is scheduled for March 9-10, 2001 in Charlottesville at the University of Virginia's Darden School. Participants will explore emerging trends in the law as well as the fundamentals for new practitioners, and can earn as much as seven and one-half CLE hours during the two-day event.

The program will include presentations by Joe Condo, President of the Virginia State Bar, and by many of the bar's most skilled practitioners, who will address topics including e-commerce, negotiations, managing a law practice, financial planning for lawyers, understanding a jury, courtroom technology, partnership, public speaking, malpractice and rainmaking.

Kathy Mays, from the Supreme Court of Virginia, will explore the explosion of technology in the courtroom. There will also be several members of the federal bench on hand, including the Hon. Gerald B. Lee and the Hon. Pamela M. Sargent, to share their insights on such fields as summary judgment.

O'Kelly McWilliams, III, President-elect of the Virginia State Bar Young Lawyers Conference, is coordinating the program and hopes you will take advantage of the many opportunities to explore issues facing young lawyers. Don't miss this opportunity to enhance your legal education whether you are a new lawyer or one who has practiced for several years.

In this edition of *Docket Call* is a schedule of topics and speakers for the program and a registration form for the event.

DOCKET CALL

Virginia State Bar Young Lawyers Conference
707 East Main Street, Suite 1500
Richmond, VA 23219-2800

PRST STD
U.S. Postage
P A I D
Permit No. 709
Richmond, VA