Docket Call

Vol. 29 No. 3
Winter 2013
Martha E. Hulley, Ed.

The newsletter of the Young Lawyers Conference of the Virginia State Bar

In this issue:

Professional Development Conference Grows to Two Cities

Chris Fortier

Basic substantive legal skills always provide something new for practicing lawyers. The Professional Development Conference has served to provide courses in basic substantive legal skill training for over ten years and has sold out many times. The 11th Annual Professional Development Conference was a historical first as it convened in both the Richmond and Washington, DC offices of Hunton & Williams LLP. This conference was the first YLC program to connect two sites via videoconference, allowing access to more faculty and for conference attendees to have more convenient access to the program without long distance travel. The program sold out at both locations and provided six hours of CLE, three of which qualified for ethics credit.

Rachel DuFault, of Bloomberg BNA, opened the conference with a discussion of the elements of successful writing. She detailed the issues a writer deals with from pre-writing and outlining to the final proofread including determining the audience, choosing the correct style, and using the appropriate language. She analogized the presentation to a journey, as writers have to get their thoughts from their minds to paper.

Jay Range, of Hunton & Williams LLP, added his insight about international arbitration and how it provides opportunities for young lawyers. He detailed the trends in international arbitration, explaining how participants choose forums for hearing and how laws get applied in different jurisdictions. He weaved in his experiences with international clients and offered tips on different aspects of international arbitration practice.

Alec Farr, of Bryan Cave LLP, discussed the elements of a successful oral presentation, aiming the advice towards opening statements and closing arguments at trial. He provided an overview of opening and closing statements and provided tips on how to make each part of the opening statements and closing arguments effective. He also provided general tips on public speaking for different audiences.

Sharon Nelson, President-Elect of the Virginia State Bar, and her business partner, John Simek, of Sensei Enterprises, enlightened conference attendees on information security and its ethical impacts on the practice of law. They spoke about information security for the cloud, wifi networks, computers, tablets, and smartphones, showing how hackers have compromised those devices, and what lawyers can do to protect the information on their virtual networks.

Finally, Michael Kahn, a former attorney and current practicing counselor, showed conference attendees the effects of different stressors on ethical decision making and the duties under the Code of Professional Responsibility. He used the movie "Win-Win" to show how these pressures and ethical duties interacted to create an average lawyer's ethical dilemmas. Attendees discussed the various exercises in groups, working out how to make the best decision ethically for clients, the court, and for attorneys' families.

The conference was a success because of the support of the Virginia State Bar Young Lawyers Conference Board of Governors, its staff, especially Maureen Stengel and Catherine Huband, our volunteers Jennifer Kessler and Jessica Carmichael, and the people of Hunton & Williams LLP, especially the facilities and information technology staff. Mark your calendars for next year's

continued on page 7

Family Law Corner

Andrew R. Tank

How much is this going to cost?

For a family law attorney, that inevitable and entirely reasonable question from clients is difficult to answer. We do not bill on a contingency basis and we rarely charge a flat fee. Like many attorneys, we bill on an hourly basis - and the course of family law litigation can be hard to predict. So the range of the potential total cost to the client can be huge. Some of this is out of our control, but to the extent we can reduce the cost of our representation we have an ethical duty to so do. Not only that, but reducing the costs to your clients is actually an investment into future business. Here are five suggestions to help you and your client reduce costs:

1. Help clients help themselves save money. During the first meeting with your clients, explain to them the services for which you will be charging them. Most expect to be charged for drafting pleadings and court appearances, but some will be surprised that they are paying for e-mails and telephone calls. This should be explained clearly in your retainer agreement but do not assume your client will read and process that information. As a follow up, advise your clients how to avoid unnecessary charges.

2. Try to keep it to legal advice. This can be difficult, especially when we become friendly with clients. Many of our clients are dealing with extremely emotional situations, and they often want someone to talk to about it. As their attorney, you might seem to them a logical person; but you have to remember, and help them remember, that you are not their therapist. Empathy is an important and much appreciated trait of a family law attorney, and I consider some emotional support to be absolutely part of the job. However, sometimes you have to tactfully remind clients of why they hired you.

3. Be brief with your pleadings. When drafting complaints, motions, etc., keep in mind the purpose of the pleading and limit its content to only what is necessary for that purpose. A Complaint for Divorce on grounds of adultery, for example, should only allege the name of the paramour as well as the date(s) and location(s) of the adultery. There might be other details about the adultery that add to your client's level of disgust, but they serve no purpose in the Complaint.

4. Be practical about discovery. Discovery is one sure way to increase the cost of litigation. Always consider whether it can be avoided or if "informal discovery" is sufficient. If formal discovery is necessary, make your requests as narrow as possible and try to convince your opposing counsel to reciprocate. After discovery is issued, do not play games with opposing counsel. Make sure that every objection to discovery requests issued to your client or requests for strict compliance to your own requests are protecting or advancing a legitimate interest of your client. Even if you think a request goes beyond the scope of discoverable material, if your client is able to respond without prejudice, it may be more prudent to cooperate. And conversely, if you file a motion to compel production of material, be prepared to answer the following question from a judge: "Why do you need that response?" And be sure that your answer is better than, "because the discovery rules say I am entitled to them."

5. Be mindful of the costs associated with litigation and settlement decisions. Before making decisions about settlement or litigation strategy, always consider the cost involved with the various options and keep your client informed. When discussing a settlement proposal with your client, for example, in addition to advising them of how the proposal compares with the likely outcome if you went to court, also advise him of the likely cost of going to court. And before you file a petition to pursue a support arrearage, discuss with your client the costs involved, the amount of money at stake, the chances of recovery, and the chances of your client being reimbursed his attorney fees as part of the judge's ruling.

Minimizing client's costs benefits you beyond fulfilling your ethical obligation. It will increase your client's overall satisfaction with your services and help cultivate your reputation among your peers as an attorney with fair and ethical billing practices, both of which should lead to referrals and more business for you. So for selfless and selfish reasons, minimizing the expense of your representation is a no-brainer.

Andrew R. Tank practices family law at Surovell Isaacs Petersen & Levy, PLC in Fairfax. He may be reached at atank@siplfirm.com.

President's Message
Brian Charville

One of the most rewarding parts of being the President of our Conference is representing the Conference at events and seeing firsthand the great work of our members. In the fall I witnessed and participated in an awards dinner in Richmond, a Minority Pre-Law Conference in Virginia Beach, and an Admission and Orientation Ceremony in Richmond, and I'd like to tell you a little about each one of them and the YLC members and other folks who made them successful.

As you probably know, our Conference sponsors two Admission and Orientation Ceremonies each bar year—one in October or November, the other typically in May. They of course follow the bar exams given each July and February, respectively. This bar year's fall ceremony, which was scheduled for October 29, was significantly affected by Hurricane Sandy. The past several ceremonies have been led by our outstanding program chair, Les Brock, and he and his team carried on the October ceremony without hesitation despite the storm. The vast majority of the new admitees were admitted that day and the few hundred who weren't able to attend were admitted in a supplemental Ceremony that Les and his team organized for December 5th. The Supreme Court of Virginia magnanimously convened for both ceremonies and the programs were helped immeasurably by the presence of not only Les and his committee but also several staff members from the State Bar. The December ceremony was Les's last as chair (he probably had hoped October would be it!) and he's turning the reins over to Scott Fisher who formerly was the sponsors coordinator for the ceremonies. I was able to address the December ceremony and was pleased to tell our newest members about the YLC and its programs. We're always thrilled when we receive volunteer forms from our newest members as they learn about the YLC at the Admission and Orientation Ceremonies - if you haven't submitted a form but would like to do so, please visit http://www.vsb.org/docs/conferences/young-lawyers/VolunteerForm.pdf.

Connect with your fellow Young Lawyers Conference members by signing up to volunteer!

On November 1 our Conference hosted the annual Bench / Bar Celebration Dinner at the Bull and Bear Club in Richmond. The dinner, chaired by our member Farnaz Farkish of Richmond, honored the dozen women and minority judges of our Commonwealth who were elected or elevated by the General Assembly in 2012. Farnaz and her committee put on a fantastic program that was incredibly well-attended and lauded by the honorees and the dinner's keynote speaker, Chief Justice Cynthia Kinser. I had the opportunity to welcome attendees to the dinner and to introduce the State Bar's President, W. David Harless, who introduced the Chief Justice. We were especially thrilled that the collegiality of the dinner led to two new YLC volunteer leaders—Paula Bowen of Martinsville, who became the Circuit Representative for that area, and Justin Sheldon of Richmond, who became a co-chair of the Students Day at the Capitol program.

On November 3 I attended the YLC's Hampton Roads Minority Pre-Law Conference at the Regent University School of Law. Regent has been an excellent partner for us the past two years and we were grateful to again have them as our host. The conference was organized by our two diligent co-chairs, Edwin Wu and Shukita Massey, who put on a superb day-long program that informed the more than 70 attendees (mostly college students) about the ins and outs of applying to and attending law school and beginning a legal career. The conference included a panel discussion by admissions officers from several law schools in Virginia and North Carolina, a sample LSAT preparation class, a keynote address by the Honorable Bonnie L. Jones, Chief Judge of the Hampton Circuit Court, and a panel discussion among practicing attorneys (including YLC members). I was pleased to kick off the program by talking with attendees about the State Bar and the YLC. Edwin and Shukita were assisted in carrying out the conference by several YLC members who volunteered their time to make the program the substantive, useful program that it was for attendees. Thank you to all of our program chairs, committee members, and volunteers for making these programs successes!

Brian Charville is an assistant county attorney with the Arlington County Attorney's Office. He can be reached at vsbylcpresident@gmail.com.

Bankruptcy Bullets

Andrea Campbell Davison

Chapter 11 Plan Basics

Welcome to the latest installment of bankruptcy bullets. This quarter, we're discussing the Chapter 11 plan.

Once a business or individual finds itself in a chapter 11 bankruptcy, how does it get out? In most cases, the debtor proposes a chapter 11 "plan" to pay its creditors, either all at once or over time, and to emerge from bankruptcy protection. A chapter 11 plan is usually a plan of "reorganization," meant to restructure the debtor's assets and debt and allow the debtor to continue on with its business (or, in the case of an individual, life!). However, a debtor may also use a chapter 11 plan to liquidate its assets, sometimes using a plan administrator or liquidating trustee to do so.

Exclusivity

By statute, a chapter 11 debtor has the exclusive right to propose a chapter 11 plan for 120 days after the order for bankruptcy relief (or less, if the debtor is a small business debtor). This exclusivity period may be extended or shortened by the court, but in no circumstances may it last longer than 18 months. Once a debtor's exclusivity period expires, other parties in interest are permitted to propose their own plans to reorganize or liquidate the debtor's assets. Secured creditors or unsecured creditors' committees sometimes propose plans that compete with the debtor's own plan.

The Disclosure Statement

Before a plan can be confirmed, a debtor (or other party in interest, if exclusivity has expired) must file and have approved a disclosure statement describing the plan. The disclosure statement must contain "adequate information," or enough information that a creditor can make an informed decision whether to vote for or against the plan. To determine whether a disclosure statement contains "adequate information," and should be approved, courts look at a non-exclusive list of factors, including: an account of the circumstances leading to bankruptcy, a description of the debtor's assets, a summary of the plan of reorganization or liquidation, the expected distribution to creditors, and the potential tax consequences of the plan.

Plan Requirements

A plan of reorganization may only be confirmed by the bankruptcy court if it meets certain requirements described in the bankruptcy code. In short, the plan must be proposed in good faith, must provide for the payment of any administrative expenses, must classify claims against the bankruptcy estate (only similar claims may be classified together) and must provide for treatment for each class of claims. A chapter 11 plan must also be "feasible," such that the debtor will be able to carry out its provisions, and must include a liquidation analysis showing that the debtor's creditors will receive greater value from the chapter 11 plan than they would if the debtor had liquidated its assets through a chapter 7 bankruptcy.

Plan Confirmation

The debtor (or other plan proponent) may solicit votes on the plan once the disclosure statement is approved. Any class of creditors that is "impaired," or not entitled to receive 100% of its claim under the plan, may vote on the plan. The plan is eligible to be confirmed so long as each impaired class of creditors votes for the plan, or so long as the debtor is able to "cram down" a rejecting impaired creditor by showing that the plan is fair and equitable and does not discriminate unfairly against any particular creditor class.

Plan confirmation is tricky business! More detailed information about exclusivity, disclosure statement approval or plan confirmation can be found in the Bankruptcy Code, 11 U.S.C. § 101 et seq.

Andrea Davison is a bankruptcy attorney with Arent Fox LLP in Washington, D.C. She can be reached at andrea.davison@arentfox.com.

Sign up for the YLC List Serve

vayounglawyers.org

Government Contracts Chat

Nicole Hardin Brakstad

Don't Stand So Close to Me: Affiliation and the Small Business Contractor (Part 1)

Relationships fuel successful businesses. Savvy entrepreneurs often own stock in several companies and it is common for one company to own stock in another business entity. In the government contracting world, however, these ownership scenarios can raise questions of "affiliation" and may bring about unexpected — and unintended — consequences. These rules can be especially problematic for firms seeking funding from Venture Capital Operating Companies ("VCOC"), hedge funds or private equity firms.

The U.S. Small Business Administration ("SBA") determines whether an entity may be properly categorized as "small" for the purposes of competing for federal contracts. To determine whether an entity qualifies as a small business, SBA will combine the receipts, employees or some other measure of size of the concern with those of all domestic and foreign affiliates, regardless of whether those affiliates are organized for profit. 13 C.F.R. § 121.103(a)(6).

In Part 1, we review some of the affiliation rules that may apply with regard to stock ownership. In Part 2 of this article, we will review the relationships outside of stock ownership that may cause companies to become "affiliated."

The following rules outline where two or more companies may be affiliated based on stock ownership:

- Control of 50% or more of voting stock. A person (which, includes an individual, entity, or business concern) is an affiliate of a concern if the person owns or controls, or has the power to control, 50% or more of the concern's voting stock. 13 C.F.R. § 121.103(c)(1) Thus, if Alpha Corp. owns 50% of Bravo, Inc., Charlie, Inc., and Delta, Inc., the companies are all affiliated, and the receipts and/or numbers of employees of all four companies will be aggregated in determining the size of any one of them.

- Control of less than 50% voting stock, but large compared to others. Affiliation may also occur when a person owns and controls, or has the power to control, a block of voting stock that is large compared to all other outstanding blocks of stock. 13 C.F.R. § 121.103(c)(1). Again, using our example, if Alpha Corp. owns 40% of the stock in Bravo, Inc. and Charlie, Inc., and the next largest blocks of voting stock in each is 2%, then Alpha Corp. can control Bravo, Inc. and Charlie, Inc. and all companies will be deemed affiliated.

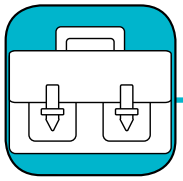
- Control of less than 50% voting stock by multiple minority owners. If two or more persons each owns or controls (or has the power to control) less than 50% of a concern's voting stock and (i) the minority holdings are all approximately equal in size and (ii) all of the minority holdings taken together are large compared to any other stock holdings, affiliation is presumed to exist with each of those persons. 13 C.F.R. § 121.103(c)(2). Therefore, if Alpha Corp. and Investor X each own 26% percent of Bravo, Inc., and no other stockholder owns more than 2%, Alpha Corp. and Investor X will be presumed to control Bravo, Inc. Alpha Corp. and Investor X will be considered affiliates of Bravo, Inc. and all companies controlled by Alpha Corp. and Investor X will be considered affiliates of Bravo, Inc. It is important to note that this is a rebuttable presumption.

- Voting stock is widely held. When a concern's voting stock is widely held and no single block of stock is large as compared with all other stock holdings, the business concern's Board of Directors and Chief Executive Officer ("CEO") or President are deemed to have the power to control the concern unless evidence is provided to show otherwise. 13 C.F.R. § 121.103(c)(3). This means that any business controlled by a member of the Board or the CEO of Alpha Corp. will be presumed to be an affiliate of Alpha Corp. unless evidence can be shown to rebut this presumption.

Nicole Hardin Brakstad is an attorney with LeClairRyan, A Professional Corporation in Richmond. She can be reached at nicole.brakstad@leclairryan.com.

Judges Needed!

Want to know what high-schoolers think about Teacher Intimidation? Volunteer to be a judge in the VSB Law in Society essay contest to find out. Judging begins mid-March. Please contact Nancy Brizendine at brizendine@vsb.org for more information.



Corporate Corner

Shaz Niazi

Small Business Clients

The Securities and Exchange Commission, as a matter of policy, disclaims responsibility for any private publication or statement by any of its employees. The views expressed herein are those of the author and do not necessarily reflect the views of the Commission or of the author's colleagues on the staff of the Commission.

With all the emphasis on small businesses in this past election, it is important to understand one area of securities law practice that is often overlooked, especially by newer attorneys. Regulation A, promulgated under the Securities Act of 1933, provides a useful exemption to the requirements to register public securities offerings. Nevertheless, it is relatively unknown compared to the more popular transaction safe harbors found in Regulation D (Rules 504, 505 and 506). This changed somewhat when Regulation A offerings were thrust into the spotlight with the build-up to passing the JOBS Act, which seeks to expand the scope of registration exemptions. As securities law practitioners monitor the Commission's regulatory response to the JOBS Act, attorneys who represent small businesses should understand the present state of this exemption.

The general paradigm of securities law is that an offering is either registered with the Commission, exempt from registration, or illegal. Regulation A was promulgated under Section 3(b) of the Securities Act, which grants the Commission the power to create exemptions for certain limited offerings. Currently, Regulation A is available for offerings not exceeding $5 million in a 12-month period. Although Regulation A is an exemption, to use it you must take certain steps that resemble the typical registration process. For example, you must file an "offering statement" containing an "offering circular" with the Commission, which resemble simplified versions of the traditional registration statement and prospectus and serve similar functions. Instead of going effective, these filings are "qualified." Also, like the traditional registration process, no offers may be made until an offering statement is filed and no sales may be made until the offering statement has been qualified (but see my discussion of "testing the waters" below).

Once you understand the different terminology, the process of conducting a Regulation A offering is very similar to a typical registered offering. Of course, there are important differences. Regulation A offerings are conducted using Form 1-A and all filings must be made on paper, rather than electronically. The requirements of Form 1-A are less rigorous than Form S-1 and there is far less Commission guidance that you must be familiar with to successfully draft a Form 1-A filing. In my opinion, this makes it easier for a new securities lawyer to draft a 1-A compared to an S-1. Although financial statements must be included, they do not need to be audited (unless the company already has prepared audited financials) and Part F/S of Form 1-A opens the door for increased flexibility on how current those financial statements need to be. Form 1-A also gives you different models to choose from when providing non-financial disclosure. Conducting a Regulation A offering also does not trigger reporting obligations under Section 15(d) of the Exchange Act or Section 11 liability under the Securities Act (Section 12(g) and anti-fraud provisions still apply though).

There are also significant differences when compared to other exempt offerings, such as those conducted using the Regulation D safe harbors. For example, Regulation A offerings do not result in restricted securities under Rule 144, potentially enhancing the marketability of your client's securities. Also, by complying with Rule 254 of Regulation A, the issuer may "test the waters" by conducting general solicitations to gauge investor interest before filing the Form 1-A (not to make an offer though). Testing the waters may be valuable to clients that do not have access to groups of accredited investors.

As noted above, this is an area of securities law that is in flux. Nevertheless, with a good understanding of Regulation A, it will be easier to understand how those changes alter the mix of options for your client. For example, the Commission, as directed by the JOBS Act, has proposed revisions to allow for general solicitation under Rule 506 of Regulation D. This could add to the attractiveness of a Rule 506 offering over a Regulation A offering if you are not as concerned about accredited investor limitations or marketability in the secondary market. Also, the JOBS Act grants the Commission authority to allow for offerings up to $50 million under Section 3(b)(2) of the Securities Act. Once implemented, this option may be more attractive to clients that are making longer term preparations for raising capital. In that context, however, it is important to note that Section 3(b)(2)(F) of the Securities Act requires that any exemptions promulgated under Section 3(b)(2) trigger an annual audited financial statement filing requirement. Ultimately, you will have to consider all of these factors with your client to determine the best approach, including the application of state blue sky laws. Now that you understand the basics of a Regulation A offering, you should be better equipped to do so.

Shaz Niazi is an attorney with the Securities and Exchange Commission. He can be reached at shaz.niazi@gmail.com.

For New Lawyers, the Professional Development Series Introduces the Practice of Law

Chris Fortier

Our profession has experienced a significant amount of growth in recent years. As the number of new lawyers has increased, the need for mentoring and educating continues to grow. However, with more new lawyers than seasoned lawyers to mentor and educate, the need goes unmet for many new attorneys, and potentially, the clients they represent.

The Professional Development Series (PDS) is an extension of the Professional Development Conference, aiming to bring audio and video broadcasts introducing new lawyers to law practice. Every week, we will post a 30 minute to one hour broadcast about a topic related to practicing law. Broadcasts will cover four areas including basic substantive skills, the business side of law, career planning and development, and physical and mental health issues. These programs will help answer the basic questions of law practice, allowing new lawyers to practice more competently, as directed in Rule of Professional Conduct 1.1.

The series premieres this winter and takes the best programming from outside the state including the American Bar Association's Young Lawyers Division (ABA YLD) and combines it with past programs from the Young Lawyers Conference's array of programming along with new specially made programming for the Series. One program will release each week on Wednesday for new lawyers to enjoy.

The initial programs will focus on the transition from law student to lawyer. We will bring four programs from our partners at the ABA YLD. We open the PDS with the program "Making the Transition from Law Student to Attorney" where Dane S. Ciolino, Professor of Law at Loyola University of New Orleans, and Katherine Scannell, Assistant Dean of Law Career Services at Washington University in St. Louis, review ethical considerations and networking tips for new lawyers entering the profession. Next we'll feature "Choosing a Career Path", with a panel featuring YLC president Brian Charville, among others, who overview the process of making decisions on how to pursue your dreams and ambitions in a most effective manner. We'll then feature the program "Earning Your Stripes: The Nuts & Bolts of Networking" where four panelists, including former ABA YLD Assembly Speaker Latanishia Watters of Birmingham, Alabama, cover how to network including creating and implementing a strategy, tips on networking at jobs and across local, state, or national bars. We end the initial programs by exploring one of many potential career paths young lawyers take. "Becoming a Professor" explores the career path of a law professor including qualifications, the hiring process, and the expectations law professors face on a regular day.

The PDS has programming ready for February, March, April, and May before repeating programming for the new bar admittees coming in June. The PDS planning committee is also accepting new members and will take your ideas on programming you think would be relevant to new lawyers. If you are interested in joining the PDS committee, contact me at crfortier@gmail.com.

You will be able to access the program by logging into the Virginia State Bar web site.

Chris Fortier is the Chair for the Professional Development Conference Committee. He can be reached at crfortier@gmail.com.

Want to check on your MCLE credits or certify your latest course?

Go to the iTunes store to download the Virginia State Bar app for mobile devices. The app allows you to check your contact information of record, certify courses, and access Fastcase from anywhere, using the same login and password you now use on your computer.

The VSB mobile member access app is available for free in the iTunes store.

PDC Grows to Two Cities, continued from the cover

program, October 4, 2013. Next year, we will look to expand the conference to Norfolk in addition to our Richmond and Washington, DC sites, and we will aim to provide a minimum of three hours of in-person programming at each site. If you are interested in joining the planning committee, contact me at crfortier@gmail.com.

Bench Bar Dinner Another Success!

Farnaz Farkish

"The Bench-Bar Dinner is a wonderful event that celebrates the election of many talented new judges. It also provides the opportunity, as Chief Justice Kinser reminded us, to reflect on the obstacles so many women and minority judges had to overcome before their elevation to the bench and to contemplate what obstacles might still need to be removed for our society and our profession to attain the ideal of equal opportunity for all," commented the Honorable Stephen R. McCullough, Judge for the Court of Appeals of Virginia, after attending the annual Bench-Bar Dinner in Celebration of Women and Minorities in the Legal Profession at the Bull & Bear Club in Richmond this fall. Over 130 people gathered to celebrate the recent election, appointment or elevation of 12 female and minority judges in the Commonwealth of Virginia. After the YLC President Brian Charville warmly welcomed the attendees, the YLC honored the following Judges:

- The Honorable Teresa M. Chafin, Court of Appeals of Virginia;
- The Honorable Louise M. DiMatteo, Arlington Circuit Court;
- The Honorable Stacey W. Moreau, Danville Circuit Court;
- The Honorable Susan L. Whitlock, Culpeper and Fluvanna Circuit Court;
- The Honorable Kimberly White, Prince Edward Circuit Court;
- The Honorable Deborah C. Welsh, Loudoun General District Court;
- The Honorable Tanya Bullock, Virginia Beach Juvenile and Domestic Relations District Court;
- The Honorable Cressondra B. Conyers, Gloucester Juvenile and Domestic Relations District Court;
- The Honorable Monica D. Cox, Carroll Juvenile and Domestic Relations District Court;
- The Honorable Rondelle D. Herman, Henrico Juvenile and Domestic Relations District Court;
- The Honorable Randall G. Johnson, Jr., Henrico Juvenile and Domestic Relations District Court; and
- The Honorable Deanis L. Simmons, Bristol Juvenile and Domestic Relations District Court.

The Virginia State Bar President W. David Harless introduced the keynote speaker, the Honorable Cynthia D. Kinser, Chief Justice of the Supreme Court of Virginia, and noted that she successfully operates a cattle ranch while serving as the Chief Justice. Chief Justice Kinser began her address by commenting that a proper keynote address lasts approximately one hour and should energize and inspire the audience. While she limited her remarks to approximately fifteen minutes, her inspirational address described how diversity is essential to the rule of law.

Chief Justice Kinser shared an anecdote about a judge in another state who noticed that the defendant avoided making eye contact with the judge and interpreted the defendant's behavior as a sign of guilt. The judge later learned that in this defendant's culture, avoiding direct eye contact with a judge is a sign of respect. Chief Justice Kinser asserted that diversity in the judiciary helps prevent such cultural misunderstandings. According to Chief Justice Kinser, diversity in the legal profession demonstrates that all members of society participate in upholding the rule of law and that the law applies equally to all people. Thus, diversity in the legal profession fortifies the rule of law.

The dinner was made possible by the generous sponsorship of Christian & Barton, L.L.P.; Hunton & Williams LLP; Altria Group, Inc.; Batzli Wood & Stiles P.C.; Greenspun Shapiro PC; Spotts Fain; Williams Mullen; Morris & Morris; and Cooper Ginsberg Gray PLLC.

Attorneys and judges, as well as friends and family members of the honorees, enjoyed an evening of reflection, celebration, and camaraderie. The YLC continues to encourage diversity in the legal profession through events such as the Bench-Bar Dinner. Chief Justice Kinser's keynote address left the attendees with the new perspective on diversity in the legal profession that should in turn strengthen the rule of law in the Commonwealth.

Farnaz Farkish is an Assistant Attorney General in Richmond. She can be reached at ffarkish@oag.state.va.us.

Heroes vs. Villains!

Join the 4th Annual Run for Justice 5K

Come in costume!

The 4th Annual Run for Justice 5K, which benefits the Fairfax Law Foundation, will be held on April 7 at Fairfax Corner Shopping Center in Fairfax. Runners and volunteers are needed—register online at https://register.bazumedia.com/reg/form?eventID=2580 and check out the Run's Facebook page http://www.facebook.com/pages/Heroes-v-Villains-4th-Annual-Run-for-Justice-5k/146046895457415 and follow @run4justiceFLF on Twitter.

2012 Hampton Roads Minority Pre-Law Conference

On November 3, 2012, Regent University School of Law hosted the Hampton Roads Minority Pre-Law Conference in Virginia Beach. The conference is a full-day seminar designed to expose students to all aspects of the law with the goal of diversifying the legal profession. This year's conference had 148 people register. Despite Hurricane Sandy throwing everyone's schedule into chaos, we still had a great turnout, primarily undergraduate students from around the Commonwealth of Virginia and even middle school and high school students from Kempsville High School and First Colonial's Legal Studies Academy, a high school pre-law program.

YLC's President, Brian R. Charville, started the conference by discussing the role and importance of the VSB and the YLC in diversifying its membership. Following his opening remarks, a panel of law school admissions officers advised the students how to navigate through the admissions process to best improve their chances of acceptance and what common mistakes to avoid. Afterwards, at the law school fair, the students were provided an opportunity for a one-on-one interaction with the law schools' representatives to learn more about the admission requirements, tuition rates, and financial aid opportunities specific to each law school. Law schools across the Eastern Seaboard participated: Appalachian University, University of Baltimore, Campbell University, University of the District of Columbia, Duke University, Elon University, George Mason University, Georgetown University, Liberty University, North Carolina Central University, University of North Carolina, Regent University, University of Richmond, Washington & Lee, William & Mary, and University of Virginia.

Next, students were treated to a mock law class on Race and the Law: *Brown v. Board of Education* and its legal antecedents led by Professor Gloria Whittico of Regent University School of Law, which focused on critical thinking and case analysis required for law school. To help simulate a real law school class, an edited copy of the *Plessy v. Ferguson* case was provided to the students to read and analyze. The conference also included a luncheon with a keynote address by the Honorable Judge Bonnie L. Jones of the Eighth Judicial Circuit Court of Virginia. The students listened to Judge Jones describe her journey to become the first female judge appointed in Hampton and give life lessons on how to succeed. Moreover, Judge Jones extended an open invitation to her courtroom to learn more about judicial process.

Following the luncheon, the students were provided first-hand accounts about the legal profession from the panel of current law school students, panel of attorneys working in the public sector, and panel of attorneys working in the private sector. The panelists shared their thoughts on the school/life balance, career placements and opportunities within the legal profession, law school experiences, and the ever-important student loans. Ending the day, students discussed LSAT test strategies, tips, and scoring with Griffon Prep, a testing preparation service located in Northern Virginia, and Kaplan Test Prep. Griffon Prep and Kaplan gave away free LSAT sampler packets. Several lucky students won great door prizes that included: complete LSAT test preparation books, a gift basket of test day materials, and a full LSAT course valued at $650. Following the LSAT panel, to help students evaluate the usefulness of a test preparation service, students were treated to a short class taught by actual instructors from each service.

The success of the conference is attributed to extraordinary participation of YLC members. For their time, participation, and dedication to the conference, I thank: Craig Ellis, Regenae Hurte, and Shukita Massey. Special thanks are extended to Maureen Stengel and Catherine Huband of the Virginia State Bar; Brian R. Charville, Macel H. Janoschka, Rachael A. Sanford of the Young Lawyers Conference Executive Board; and Bonnie Creef and Joyce Reddinger of Regent University School of Law for their assistance with the conference.

Edwin J. Wu is the Co-Chair of Hampton Roads Minority Pre-Law Conference. He can be reached at edwinjwu@gmail.com