

CRIMINAL LAW SECTION

James O. Broccoletti., Chair

The Criminal Law Section enjoyed a very successful year in 2002–2003.

The section continued its ongoing support of efforts regarding indigent defense matters, especially the need to increase the amount of fees paid to court appointed counsel. The Crime Commission has continued its Study Commission on Indigent Defense, and the section will continue to monitor the Commission's work and take a leadership role in the coalition that has developed to address indigent defense issues.

In November, the section mounted an effort to advocate passage of a constitutional amendment entitled, "Writ of Actual Innocence." Following approval of the Virginia State Bar Council, the section coordinated an effort to circulate a "letter to the editor" to all of the major newspapers in Virginia explaining the amendment and why it should be approved.

In January, the section submitted a grant application to the Virginia Law Foundation to publish a 3rd edition of the *Capital Trial Manual*. The grant, in the amount of \$12,500, was awarded in May, to become effective on July 1, 2003. The section has engaged the services of Professor Ron Bacigal to write the manual which is expected to be published in February 2004. The section also agreed to underwrite partial expenses for the project, including the salary for Prof. Bacigal, from its operating budget.

In February, the section conducted its 33rd Annual Criminal Law Seminar in Charlottesville and Williamsburg. The seminars were, as always, a great success in terms of the number of participants and the quality of the programming.

The seminar was held in Charlottesville for the second year, and it proved to be well received despite inclement weather. Each year attendees describe the program as "the best of its kind," "my favorite CLE," "it only gets better," etc. This year was no exception. Ron Bacigal provided his annual update on Criminal Law and Procedure, guaranteeing a full house at the early morning session. The audiences at both locations also learned about the model rules of professional conduct from the masterful teaching of Judge Dohnal and Rod Leffler. Both hold the enviable distinction of being speakers who always make learning ethics entertaining. Paul McNulty, U.S. Attorney for the Eastern District of Virginia, was the featured luncheon speaker in Charlottesville. The Honorable Johanna L. Fitzpatrick, Chief Judge of the Court of Appeals in Virginia, provided luncheon remarks in Williamsburg.

On behalf of the Board of Governors, Senior Justice Harry L. Carrico presented the section's distinguished Harry L. Carrico Professionalism Award to the section's long-standing ex officio board of governors member, Professor Robert E. Shepherd, Jr., of Richmond. The award, created in 1991 and named for the Chief Justice, acknowledges those who in their careers have demonstrated the highest ideals of professionalism and have contributed in a singular and unique way to the administration of justice in Virginia.

In June, the section cosponsored a Showcase CLE program with four other sections entitled, "Corporate Meltdown: Counsel in the Hotseat" in conjunction with the 2003 Annual Meeting of the State Bar. The program featured a panel of distinguished lawyers and professors, including James B. Comey, Jr., U.S. Attorney for the Southern District of New York; Professor George M. Cohen, of UVA Law School; Frederick J. Krebs, President of the American Corporate Counsel Association, Washington, D.C.; and N. Pendleton Rogers, of Troutman Sanders, in Richmond.

At the business meeting, section members elected **David G. Barger**, of McLean, to chair the section for 2003–2004. Also elected were **Michael N. Herring**, of Richmond, vice chair, and **Harvey Bryant III**, of Virginia Beach, secretary. New members elected to the board for four year terms were: Pamela Y. Hampton, of Norfolk; and William Roy Stephens, of Manassas.

The section is greatly indebted to Professor Robert E. Shepherd, Jr. of the T.C. Williams School of Law at the University of Richmond who edits and produces seven issues of the section's newsletter on an annual basis, and also spearheads the coordination of the seminar planning each year. Each issue of the newsletter provides enormously useful case summaries and updates on future CLE programs and section activities.

It was a great honor to serve as chair of the Criminal Law Section during the past year.