

CRIMINAL LAW SECTION

David G. Barger, Chair

The Criminal Law Section remains the second largest section at just over 2,000 members. It enjoyed a very successful year in 2003–2004.

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. It followed the work of the Crime Commission's Study on Indigent Defense during the past year, and supported the efforts to establish an Indigent Defense Commission.

The section oversaw the publication of the 3rd edition of the *Capital Trial Manual* with a grant from the Virginia Law Foundation. As in past years, Professor Ron Bacigal authored the manual which was published in February 2004.

In February, the section conducted its 34th Annual Criminal Law Seminar in Charlottesville and Williamsburg. The seminars were a great success in terms of the number of participants and the quality of the programming. The luncheon at each location featured distinguished speakers who received rave reviews: Rodney A. Smolla, Dean of the T.C. Williams School of Law, in Charlottesville; and Racehorse Haynes, Esquire, of Houston, Texas, 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 Richard G. Brydges, of Virginia Beach. 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 entitled, "Virginia in the Spotlight: An Inside Look at the *Malvo* and *Muhammad* Sniper Trials" in conjunction with the Virginia State Bar's 2004 Annual Meeting. The presentation featured the prosecutors and defense attorneys from each trial, as well as two of the jurors from the trial of Lee Boyd Malvo.

At the section's business meeting held in conjunction with the program, Michael N. Herring, of Richmond, was elected as Chair the section for 2004–2005. The following individuals were also elected as officers: Harvey L. Bryant III, of Virginia Beach, Vice Chair; and John E. Lichtenstein, of Roanoke, Secretary. In addition, the following new members were elected to the board for four year terms: Robert B. Beasley, Jr., Commonwealth's Attorney for Powhatan County; James M. Hingeley, Jr., Public Defender in Charlottesville; and Judge George C. Fairbanks IV, of the J&DR Court in Williamsburg/James City County.

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

I extend my thanks and gratitude to the all members of the board of governors for their support and fine efforts on behalf of the section, especially James Broccoletti, Wade Kizer and Judge Nolan Dawkins who completed their terms in June. It has been a great pleasure and distinct honor to have served as Chair of the Criminal Law Section this past year.

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