

## CRIMINAL LAW SECTION

*John E. Lichtenstein, Chair*

The Criminal Law Section enjoyed a vibrant and successful 2007. The Section continued to receive the enthusiastic support of criminal law defense practitioners, prosecutors and judges and continued to be the forum where those often separate groups effectively work together for the good of Virginia's criminal justice system. With over two thousand members, the Criminal Law Section is one of the Virginia State Bar's largest Sections.

Without question, the most concentrated effort of the year was toward the improvement of Virginia's system of indigent defense. Over the last 40 years, members of our Section, including several who continue to sit on our Board, have worked tirelessly for improvement in what had become well-recognized as a broken system. In 2006-2007, the Section focused a great deal of time and energy on unique and exciting legislative opportunities. For the first time in the long history of the Section's work in this area, the Governor and the Attorney General spearheaded a joint effort to address both structural issues concerning the non-waivable cap on court-appointed fees as well as severe funding issues. The Section worked intensely to support the Governor's initiative, with two members sitting on the Governor's Indigent Defense Stakeholder's Group which also included public defenders, private criminal defense attorneys, representatives of the Virginia Indigent Defense Commission, the Supreme Court of Virginia, the Commonwealth's Attorneys Association, and others. Over a period of months, this group worked to focus legislation and stayed involved throughout the General Assembly session. The legislation took many turns throughout the process but resulted in an historic statutory pathway to waiver of court-appointed fees as well as a significant increase in funding. A new procedure for submission, review and approval of attorney fee waiver claims is now in place and the Section will remain involved in easing the logistics and use of the new statutory waiver. Many challenges remain but pathways for additional improvement and funding are now open because of the great work – historic and present -- of so many members of our Section and our Board.

As well, throughout the year, the Section continued to provide a forum for the improvement of the criminal justice system through our newsletters, seminars and Web site.

Our Thirty-Seventh Annual Criminal Law Seminar, held in Charlottesville and Williamsburg, continued to be one of the largest CLE programs in Virginia drawing approximately 650 attendees for the two live locations (Charlottesville and Williamsburg), and over 300 for videotape replays around the state.

The Section's Harry L. Carrico Professionalism Award was presented to Rodney G. Leffler, of Fairfax, for his exemplary service to the bar and the commonwealth.

At the VSB Annual Meeting, the Section cosponsored a lively and interesting program with the Litigation Section and the Bench-Bar Relations Committee entitled, "***Answering the Call: Striving for Professionalism and Happiness in Our Lives as Lawyers.***" The program featured William Haltom, a Tennessee trial lawyer, together with a panel including Joseph A. Condo, Karen A. Gould, and Judge Ann Hunter Simpson which was moderated by David P. Baugh.

In June 2007, Robert B. Beasley, Jr., of Powhatan County, was elected chair of the Section for 2007–2008; David P. Baugh, of Richmond, vice chair; and John R. Doyle III, of Norfolk, secretary. Joining the Section Board of Governors for four-year terms are David J. Damico, of

Roanoke; Casey R. Stevens, of Woodbridge; Jeffrey A. Swartz and Judge James S. Yoffy, of Henrico County General District Court.

Of special importance, Professor Robert E. Shepherd Jr. and Reno S. Harp III continued their very substantial involvement, assistance and thoughtful guidance to the board.

As well, Bet Keller, Assistant Executive Director of the Virginia State Bar, continued to support our Section literally in every conceivable way. The involvement of the Bar leadership with our Section, specifically the support of Tom Edmonds, Executive Director, was very important to the success reached in indigent defense.

Finally, my term on the board and as Chair has been a tremendous experience and I am very grateful. I appreciate the work of so many members of our section and the intense work of the members of our Board. I am certain the Criminal Law Section will continue to be a critically important actor in the protection and improvement of criminal justice in Virginia.