

Education & Practice

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“Own Your Career”: Career Planning in a Challenging Market

By: Dean Jeffrey A. Brauch, Regent University School of Law

Introduction

Headlines tell a gloomy tale. Millions of jobs lost. Unemployment at its highest rate since 1982. Law firms cutting back on hiring, announcing deferral dates for incoming associates, or even laying off attorneys.

In a good economy or bad, the legal job market and the ability to effectively place students in that market is of vital concern of any law school. In February Regent University School of Law, like its counterparts across the nation, reported employment numbers for the Class of 2008 to the National Association of Law Placement. Despite an ever worsening economy from last May through February, our numbers were the best in the twenty-three year history of the school: 68% employed (or accepted into LL.M. programs) at graduation; 94.4% employed (or in LL.M. programs) 9 months after graduation. Particularly encouraging is that 11% of the class (17 students) is currently serving in judicial clerkships.

Given the current economy, it may be a challenge for the class of 2009 to replicate these numbers. But I do expect that this graduating class will fare well. I expect this because of my confidence in the work of our Career

Services office and its successful effort to encourage students—from day one at law school—to embrace a philosophy: “Own your career.” For the past several years, I have seen a real change in the way students look for jobs—and especially in how early they begin in career planning. In this short piece I will describe a few of the ways our Career Services team has brought about this change. I will describe both how the team gains students’ attention and focuses it on career planning and how they give students meaningful counsel about their job search.

I. Gaining Students’ Attention

Law students are flooded with information and activities. For many, especially first year students, preparing for class, writing papers, conducting appellate arguments and negotiations, and studying for exams is a full-time job. But student organizations, extra-curricular sports, and community service activities also vie for students’ attention. For some students faced with an over-packed schedule, career preparation is the first to go. “I’ll worry about that next year.” “I’ll find a job after the bar exam.”

To combat these natural tendencies, our Career Services team has become particularly aggressive from

day one to impress on students the need to start career planning right away. We begin at first year orientation. Outside of academic preparation, we devote more time to career planning than to any other orientation topic. At first, our Career Services team merely greeted students and explained how the Career Services office worked. Today, the team makes a substantive presentation of how first semester 1Ls can

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**VSb ANNUAL MEETING
CLE WORKSHOP**

***Well-Tailored ADR: Getting Your Client
the Right Fit Is a Matter of Ethics***

Friday, June 19, 2009

Cavalier Oceanfront Hotel – 2:00 p.m.
(1.5 MCLE Credits, including 1.5 Ethics)

To register for the annual meeting and this
CLE program, please visit

<http://www.vsb.org/special-events/annual-meeting/index.php/>

The Virginia Rules of Professional Conduct require lawyers to advise the client about advantages, disadvantages and availability of dispute resolution processes that might be appropriate in pursuing the client's objectives. Fulfilling this objective entails an understanding of the lawyer's role as *Advisor* under the Rules, which recognizes the possible relevance of considerations other than the law, such as moral, economic, social and political factors that may be relevant to the client's situation.

The seminar will provide attendees with:

- The ethical context for the merger of advisor role and ADR;
- Factors to consider when advising clients and shaping ADR processes to fit the dispute;
- Sample ADR clauses to include in contracts before conflicts have arisen; strategies for preparing client; and
- Examples of successful ADR processes.

List of Participants:

Moderator:

Jeanne F. Franklin, Alexandria.

Panelists:

Lawrence H. Hoover, Jr.

Of Counsel, Hoover Penrod PLC, Harrisonburg.

John H. O'Brien, Jr.

The McCammon Group, Richmond.

Charles V. McPhillips

Kaufman & Canoles, Norfolk.

Charles F. Witthoefft

Hirschler Fleischer, Richmond.

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LAWYERS**

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Virginia Beach

University of Richmond School of Law
Richmond

University of Virginia School of Law
Charlottesville

**Washington & Lee University
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Lexington

William & Mary School of Law
Williamsburg

Chair's Column

*Professor
Henry L. Chambers, Jr.
University of Richmond
T. C. Williams
School of Law*

*Those of us
who practice
can practice
with dignity
and demand
the same
from those
with whom
we deal.*

This is my last column as chair of the Section on the Education of Lawyers. I would like to thank all those who made my time as chair a breeze. You know who you are. Thank you.

The president of the Virginia State Bar has asked each section of the Bar to provide a five-year plan for the section. As the deadline for the submission of the plan moved closer, I began to think more and more broadly about the education of lawyers in Virginia. Tangentially, as the recent recession has dragged on and law firm cuts become more publicized, my thought turned to those lawyers who find themselves looking for employment. In thinking about these two topics, floods of ideas came through my mind. Some of them were original, others were retreads of articles I have read through the years. I would like to note just two of them as I take my leave.

The first idea I will share is the simple suggestion that law schools should measure competencies in areas relevant to law rather than merely give grades in subjects. Some have been advocating this for years, so I take no credit for its origination. However, I would like to suggest a spin on the push to get rid of grades. The point to measuring competencies is to figure out what skills law students have, which skills they need to improve and where they stand with respect to specific law-related skills at any particular time in law school. The measurement of competencies would allow growth over time so that the law student would grow into the legitimate lawyer-counselor she should be upon graduation. I have not worked out the specifics of a competency-measuring regime. However, it would include testing skills at the same time knowledge is tested. It would require capstone courses that require students to integrate more than one area of the law at a time. Lastly, it would require that students keep a portfolio of all of the significant writing a law student has done over his or her law school career. Such a portfolio would require that law students and law schools focus on student writing from the first moment the law student enters law school. I have never heard a judge, practitioner or law professors complain that law students write too much.

The second idea is not brand-new, but has not been uttered with any regularity. The Bar ought to consider requiring the recertification of practicing lawyers in Virginia through the taking of a bar exam every 5-10 years. This suggestion is deadly serious and may be injurious to my health. The bar examination ostensibly guarantees that lawyers broadly know Virginia law at the time they pass the bar. If that is necessary, we might think it wise to require that lawyers demonstrate that competence every now and again with the taking of a test. Simply, it is unclear that a lawyer's broad knowledge of Virginia law continues as he or she practices over time and is required only to take the continuing legal education courses of the lawyer's choosing. To be clear, this suggestion is not to insinuate that Virginia lawyers are incompetent; they are not. I do not suspect that any of the bar examiners will advocate in favor of this suggestion. However, I do hope that some of us will think about the suggestion, think about the precise purposes the bar examination serves and think about whether requiring that the bar be taken by entering lawyers and other attorneys who are not allowed to waive into the bar might also suggest that some requirement above an annual CLE requirement is necessary to guarantee that all licensed attorneys in Virginia know sufficient Virginia law to practice at a high level.

With that I bid the chair's column adieu. ✧

Clinical Programs: Preparing Students for Employment In Tough Economic Times

*Kathleen A. McKee**

Introduction

As legal educators, we focus on preparing our students to make the transition from the classroom to the courtroom. The ABA Standards for the Approval of Law Schools encourage us to meet that goal by offering opportunities to participate in studies or activities outside the classroom.¹ We implement that goal by offering our students opportunities to intern, extern or participate in legal clinics. These opportunities offer a wide range of skill development experiences such as client counseling, focused research and the opportunity to observe and/or participate in triaging and strategizing an actual case.

In past years, students could use their “hands on” experience to set themselves apart from other applicants vying for the same attorney position. Students who graduate this year will face the challenge not only of distinguishing themselves from other talented law school graduates but competing for a diminishing number of job opportunities in the current economic downturn. Like other sectors of the economy, law firms are feeling the pressure. Some firms are delaying bringing new associates on board for periods ranging from one or two months to up to a year.² Others are rescinding offers to prospective associates.³ Current associates are not immune from job uncertainty. Law firms and corporate legal departments are downsizing.⁴ Still others are allowing associates to work for public interest groups for a year at a reduced salary.⁵ Clearly, finding a job in the current economy will present added challenges to current law school graduates.

With the prognosis of when the economy will fully recover uncertain, it is quite likely that many law school graduates will join the ranks of the solo practitioner upon passing the bar exam. At present, there are over 28,000 licensed attorneys in the Commonwealth of Virginia employed by the courts, state agencies and law firms.⁶ Some of these attorneys will be reentering the job market as a result of employer downsizing. As newly minted attorneys join their ranks, we need to be thinking about how well prepared they are to take on the challenge of practicing law and managing their own law firm in the absence of job offers and what tools we can provide them with to address this challenge.

Students graduating in May, 2009 or waiting for the February, 2009 bar results may find themselves facing a steep learning curve if they opt to start their own law practices. However, there are some resources available to new attorneys to introduce them to the practice of law. For example, the General Practice Section of the Virginia State Bar offers a CLE course entitled “The First Day of Practice” to newly admitted attorneys.⁷ It also offers a CLE once a year for solo practitioners and small firms.

For students who have not yet graduated from law school but who may be confronting the challenges of solo practice in the immediate future, law school clinical programs offer an opportunity to prepare them to recognize and face the challenges of striking out on their own straight out of law school. This approach is implicit in the ABA Standard for study outside the classroom which encourages law schools to provide a classroom component for their clinical programs.

In a curriculum generally designed to provide students with a fundamental knowledge of black letter law, this component provides a unique opportunity programs to prepare students who move directly from the classroom to solo law practice. The classes can provide a forum for candid discussion of the day-to-day issues that students will face in managing a solo practice law firm but with the built-in advantage of a supervising attorney as a safety net. Some of the issues that come to mind are rarely if ever discussed in the substantive law classrooms but critical to effective lawyering. They include case selection, case management, client management and law firm administration.

A. Case Selection

Faced with thousands of dollars of student loan debt and the added expense of firm overhead, students who chose to start their own law practice may be tempted to take any case that walks into their office. Clinical programs provide an ideal forum to talk about both ethical and practical considerations in taking on a case. Students can be challenged to identify what are some of the issues they need to consider before agreeing to represent a client.

Every practicing attorney has a tale to tell about the case (s)he agreed to take that became a living nightmare. How can one assess a case to keep the risk of that happening to a minimum? First, students can benefit from discussions of the importance of having a protocol in place to apply in making case acceptance decisions. This discussion should include what factors to consider in accepting or declining a case. The experience of externs at their sites can be an important part of this discussion. For example, does a Commonwealth Attorneys’ office take every case to trial? If it dismisses some cases or pleads out others, what criteria are considered in arriving at that decision? Does the local legal aid program accept the case of every income eligible client? What factors do the externship sites consider in accepting or declining representation of a prospective client, of limiting assistance to advice or taking a case to trial?

Law school clinics offer an added opportunity to apply what some students may have already observed at externship sites. For example, clinic students can be required to conduct preliminary research

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in preparation for the initial client interview. Based on their preliminary research and client interview, students should have an opportunity to assess the level of representation that should be extended to the client. This discussion can focus on a number of factors such as the complexity of the case, the skills and resources that will be required to prosecute the case effectively and whether the student's current case load in clinic allows him/her to devote sufficient time to the case.

As a part of the overall assessment of a case, students can be exposed to the importance of determining whether the client currently is facing a trial or hearing deadline. Is there adequate time to prepare and meet that deadline? This is a valuable opportunity to expose students to the reality that when you are representing a client, it is not always possible to defer deadlines. If a case is accepted anticipating that a continuance will be requested, the student will still need to be prepared to try the case in the event the continuance is denied.

Ideally, through externships and clinics, students also can be exposed to different areas of law practice. The goal here is to familiarize the student with the different time demands inherent in different substantive law areas. Students will learn that some cases, such as contested custody and visitation, may be more labor intensive than a government benefits case such as Social Security Disability.

Admittedly, many general practice law firms handle a broad range of issues. Depending on the size of the firm, there may even be an opportunity to specialize in one of these areas. However, a solo practitioner may not have the option of specializing in a particular area of law initially. Economics may dictate that (s)he handle a variety of cases. Consequently it is important to afford students an opportunity to realistically assess the workload demands of different areas of law and to assess which areas of practice are more likely susceptible to workload balancing.

B. Case Management

Case management is a critical skill area for solo practitioners. Students can be exposed to the importance of this skill in the class component of externships and clinics. Absent these "hands on" opportunities, this issue would probably not otherwise be addressed in law school curriculum. The cases students routinely read in their case books give no inkling of the time and effort that preparing and presenting a case requires. Nor do the cases tell a student how many other cases the attorney was handling at the same time.

Externships and clinics can orient students to developing a comprehensive work plan for their cases. As a part of that plan, students can be required to develop not only a theory of the case but a work plan to actualize that theory. Case handlers can be introduced to techniques for breaking a case down into discrete steps and working on each of those steps incrementally. For example, what is the relevant law? How has the most recent case law interpreted this law? What information is in the possession of my client that places him or her within the current statutory framework? What beneficial information is in the possession of others? How do I access

that information? How do I translate that information into effective direct and cross examination questions if the matter goes to trial? How can I use this information to benefit my client if the matter goes to mediation or the other party is amenable to trying to negotiate a resolution? How do I balance working on this case with the workload demands of my other cases?

C. Client Management

Probably every practicing attorney also has a story to tell about the client who was resistant to advice or guidance who embarrassed him/her in court or sabotaged a potentially productive negotiation. Externships and clinics afford students an opportunity to observe and try their hand at interacting with distressed, conflicted clients. Through the classroom component, students can be introduced to client screening techniques and the warning signs of client behavior that should cause them to decline a case.⁸ (For example, beware of the "self help" informed client who has already formed a theory of his or her case and is expecting the attorney to simply validate that theory or the client who has already hired and fired several attorneys.)

In this day and age, some clients' perception of courtroom process is shaped by reality television. They believe that they will be allowed to behave and address the court in the way that clients behave on television programs such as "Judge Judy" or "Judge Joe Brown". The externships and clinics afford students the opportunity to observe how attorneys interact with their clients and help them develop realistic expectations about the outcome of the case as well as prepare the client to behave appropriately in court or administrative hearings. Students can experience the importance of pretrial client preparation. They also have the opportunity to observe what happens when clients are not prepared for a hearing and/or do not behave appropriately during a trial or hearing.

D. Law Firm Administration

Last but not least, the externships and clinics provide an opportunity to help students realize that a law firm is an operating business. If they opt to become solo practitioners, they will be responsible for developing a client base as well as client representation. They will be responsible for making sure that a system is in place to carry out conflict checks. They will have to create and oversee a tickler system to make sure that deadlines are met. They will be responsible for overseeing the production of legal documents and the maintenance of case files as well as timely communication with clients. They will also be responsible for seeing that the bills for rent, office supplies and telephone lines are paid on time. Should they be fortunate enough to have a secretary, they will be responsible for making sure that withholding taxes are deducted from pay and forwarded to the appropriate tax division. And, in their spare time, they will eventually have to find time for continuing legal education.

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and should begin their job search. The process cannot begin too early.

The Career Services team also gets students' attention by communicating with students frequently throughout the semester. Students can't walk through the law school halls without seeing Career Services posters or bulletin boards. Of course the team regularly communicates through e-mails and web announcements. To ensure that these messages are effective, the team has been intentional about branding. Career Services communications—whether electronic or on paper—have a consistent look, feel, and message.

Written communication is not enough, of course. One of the great successes of the Career Services team in recent years has been the very personal way in which team members have interacted with students. We draw students to the Career Services area with fresh coffee every day and sometimes food. The Career Services area should be the place to be for students. It is amazing how much useful career advice can be shared through informal conversations in the hallway or our Career Services workroom.

The Career Services team regularly brings the coffee—and cookies—to the students. Monthly, the Career Services team sets up a table in the Law School atrium (the main gathering place and pass-through point in the building). The team distributes coffee, cookies, and advice. These table days generate interest in Career Services programs and job opportunities. I am convinced that we have had a significant increase in attendance at Career Services sponsored events in large part because the Career Services team is a visible, active part of students' daily lives.

Students know Darius, Kathy, and Tina, and know that they care about them and their careers.

Also generating attendance at Career Services programs is having the team regularly partner with student organizations to host programs. This is an encouragement to the student groups, and the groups use their communication channels and membership lists to turn students out.

II. Giving Students Meaningful Counsel

Marketing career services, of course, is just a means to an end. The end is to provide students with meaningful career counsel. Counseling takes place through one-on-one meetings as well as group presentations or panels.

Hundreds of our students take advantage of one-on-one career counseling sessions. Students bring draft resumes for review and critique. They share their career goals and talk through options, strategies, and plans with our Career Services team. They engage in doing mock interviews with team members and sometimes local area lawyers who donate their time. The practice is invaluable.

We try to be as intentional as we can about tracking students through one-on-one counseling. As at a doctor's office, each student has a file so that the Career Services team can see advice given and steps taken over the past months. On a monthly basis, we review numbers of counseling appointments and compare these numbers with numbers from previous months and years.

In the last two years, our Career Services team has greatly increased the number of career planning programs provided to students. In the fall, the focus is on job preparation skills. We teach core skills like resume and cover letter preparation, interviewing skills, and even things as basic as how to dress profession-

ally. In the spring we sponsor career panels that expose students to different areas of the law or different career paths. Panels showcase traditional firms, in-house opportunities, public interest roles, and military careers. Programs take place almost every week. Some weeks feature multiple events.

The Career Services team has been flexible and creative in designing and presenting the programs. For many years we offered a single program dedicated to judicial clerkships. As we have tried to grow the number of students serving as clerks, however, we realized that we needed to do more. We now offer three programs each year devoted to different aspects of the clerkship process. One provides general information about clerkships and gets students thinking about applying. A second walks students through the process and timing of clerkship applications. A third teaches students how to be effective law clerks.

Speed networking is an example of creative programming. In each of the last two years we have invited alumni and local judges and lawyers to spend an evening with our students in short, focused interviews. This year thirty lawyers met with twenty-nine students in short six minute bursts. The event introduced our students to many leaders of the local legal community, and it taught them to present themselves and their skills in a clear, focused, and personal way.

In many settings even six minutes may be too long for a student to present himself or herself to another. Next year's innovation: The thirty-second elevator talk! Anything to better prepare our students for today's business environment.

As with one-on-one-counseling we carefully evaluate and track our panels and programs. After each

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session we ask students to provide us feedback on what was helpful and what was not. And we track programs offered and attendance on a monthly basis.

This year a highlight of the Career Services programming was the visits of Virginia Chief Justice Leroy Hassell. As our jurist-in-residence, Chief Justice Hassell spends a week with us in the spring and a day per month the rest of the year. During each monthly visit during the school year, the Chief Justice headlines a career panel. He shares experience, insights with students about such things as effective written correspondence, professionalism, and judicial clerkships. Obviously, it was an incredible opportunity for our students to hear from the Chief Justice and to spend time with him. They learn both from his words and his character.

Our Career Services team presents a great deal of substantive career information in writing as well. The Career Services workroom looks much like Career Services offices have for the last twenty years. There are books and binders filled with helpful information. Our team also prepares class-specific career planning guides, with information most relevant to the 1L, 2L, and 3L job searches.

Looks can be deceiving, however, because in a digital age, most career information is found on-line. One of the most effective career finding tools today is PathFinder, Regent's online job database version of a program called Simplicity. With PathFinder, our students are able to view and apply to job postings from all across the country. They are also able to access digital versions of career planning guides produced by the Career Services team on topics like judicial clerkships, resume and cover letter preparation, as well as individual guides tailored to student's needs for each year of law school.

These are just some of the highlights of the aggressive approach the Regent Law School Career Services team has taken to career planning. At Regent, students would have to work hard to avoid the wealth of information, programs, and one-on-one counseling that is all around them. And that is how it should be. The first day at orientation truly is the first day of our students' legal careers. From day one, Regent students are trained to own their careers. And it is paying off. ✧

Clinical Programs

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Conclusion

In an uncertain labor market, we can reasonably expect that over the next several years newly minted attorneys may have to create their own employment by starting their own law firms. Law school externships and clinics provide an ideal vehicle for preparing students to anticipate and meet the challenges of solo practice.

* Kathleen A. McKee is an Associate Professor of Law at Regent University School of Law. She received her JD from the Columbus School of Law, Catholic University, her LLM in Labor Law from Georgetown University Law Center. She currently teaches Virginia Civil Procedure and directs Regent's Civil Litigation Clinic.

¹ See ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS, Standard 305: "Study Outside the Classroom".

² See Karen Sloan, Delay of Game, More Incoming Associates Are Put On Hold, The National Law Journal, March 31, 2009, at 1, 10: "...Associate layoffs have grabbed legal headlines since the fall, but firms also are employing a number of tactics to delay adding lawyers to the payroll during the economic slump."

³ See *id.* At 10: "...A handful of law firms and legal departments have rescinded offers to incoming associates, forcing those 3L's to restart their job searches."

⁴ See Leigh Jones, "At Sea, Laid-off Lawyers Find Themselves Adrift," The National Law Journal, March 9, 2009, at 1: "Last month alone, an estimated 1,100 attorneys lost their jobs at major law firms, which means that the market is choked with highly educated former associates whose severance is running out and whose bills are piling up." See also Lynne Marek, "Layoff Pain Migrates In-house." The National Law Journal, March 23, 2009, at 1: "Law firms aren't the only ones pushing attorneys out the door to shrink costs. U.S. companies, both large and small and across varied industries, are dismissing attorneys as they retool their law departments to cut costs and adapt to slowing U.S. economic activity."

⁵ See Karen Sloan, "Idle Associates Flood Public Interest Groups," The National Law Journal, March 23, 2009, at 6:

"As legal work has dwindled, law firms have been looking to public interest programs to help take some pressure off their payrolls. Some firms are encouraging incoming associates to work temporarily in public interest because of start-date delays, while others have offered their current associates the chance to work in public interest for a year and receive a reduced salary by the firm. The arrangements vary widely among firms, with some programs covering salary and benefits and others not covering those costs."

⁶ See Virginia State Bar Website, "Member Statistics" link, <http://www.vsb.org/site/about>; last viewed April 21, 2009.

⁷ See Virginia State Bar Website, "VSB Solo & Small Firm Practitioner Forum", <http://vsb.org/site/events/item/vsb-solo-small-firm-practitioner-forum2/>, last viewed April 21, 2009.

⁸ See ABA Family Law Section, "The Client Scorecard", FAMILY ADVOCATE, Spring, 2004. ✧

PREFACE

“The Supreme Court of Virginia endorses the attached Principles of Professionalism for Virginia Lawyers prepared by the Virginia Bar Association Commission on Professionalism. Having been unanimously endorsed by Virginia’s statewide bar organizations, the Principles articulate standards of civility to which all Virginia lawyers should aspire. The Principles of Professionalism shall not serve as a basis for disciplinary action or for civil liability. We encourage the widest possible dissemination of these Principles.”

Leroy Rountree Hassell, Sr.
Chief Justice, Supreme Court of Virginia

PRINCIPLES OF PROFESSIONALISM FOR VIRGINIA LAWYERS

Preamble

Virginia can take special pride in the important role its lawyers have played in American history. From Thomas Jefferson to Oliver Hill, Virginia lawyers have epitomized our profession’s highest ideals. Without losing sight of what lawyers do for their clients and for the public, lawyers should also focus on how they perform their duties. In their very first professional act, all Virginia lawyers pledge to demean themselves “professionally and courteously.” Lawyers help their clients, the institutions with which they deal and themselves when they treat everyone with respect and courtesy. These Principles of Professionalism serve as a reminder of how Virginia lawyers have acted in the past and should act in the future.

Principles

In my conduct toward everyone with whom I deal, I should:

- Remember that I am part of a self-governing profession, and that my actions and demeanor reflect upon my profession.
- Act at all times with professional integrity, so that others will know that my word is my bond.
- Avoid all bigotry, discrimination, or prejudice.
- Treat everyone as I want to be treated — with respect and courtesy.
- Act as a mentor for less experienced lawyers and as a role model for future generations of lawyers.
- Contribute my skills, knowledge and influence in the service of my community.
- Encourage those I supervise to act with the same professionalism to which I aspire.

In my conduct toward my clients, I should:

- Act with diligence and dedication — tempered with, but never compromised by, my professional conduct toward others.
- Act with respect and courtesy.
- Explain to clients that my courteous conduct toward others does not reflect a lack of zeal in advancing their interests, but rather is more likely to successfully advance their interests.

In my conduct toward courts and other institutions with which I deal, I should:

- Treat all judges and court personnel with respect and courtesy.
- Be punctual in attending all court appearances and other scheduled events.
- Avoid any conduct that offends the dignity or decorum of any courts or other institutions, such as inappropriate displays of emotion or unbecoming language directed at the courts or any other participants.

- Explain to my clients that they should also act with respect and courtesy when dealing with courts and other institutions.

In my conduct toward opposing counsel, I should:

- Treat both opposing counsel and their staff with respect and courtesy.
- Avoid ad hominem attacks, recognizing that in nearly every situation opposing lawyers are simply serving their clients as I am trying to serve my clients.
- Avoid reciprocating any unprofessional conduct by opposing counsel, explaining to my clients that such behavior harms rather than advances the clients’ interests.
- Cooperate as much as possible on procedural and logistical matters, so that the clients’ and lawyers’ efforts can be directed toward the substance of disputes or disagreements.
- Cooperate in scheduling any discovery, negotiations, meetings, closings, hearings or other litigation or transactional events, accommodating opposing counsel’s schedules whenever possible.
- Agree whenever possible to opposing counsel’s reasonable requests for extensions of time that are consistent with my primary duties to advance my clients’ interests.
- Notify opposing counsel of any schedule changes as soon as possible.
- Return telephone calls, e-mails and other communications as promptly as I can, even if we disagree about the subject matter of the communication, resolving to disagree without being disagreeable.
- Be punctual in attending all scheduled events.
- Resist being affected by any ill feelings opposing clients may have toward each other, remembering that any conflict is between the clients and not between the lawyers.

Law Faculty News

Appalachian

- ◆ **Professor Scott Boone** recently presented a paper at an international conference hosted by the University of Edinburgh School of Law in Scotland. The interdisciplinary conference was called “Governance of New Technologies: The Transformation of Medicine, Information Technologies, and Intellectual Property” and focused on evolving and emerging technologies, new-technology-driven practices, and their impact on the overlapping fields of healthcare, information technology, and intellectual property.
- ◆ **Professor Harris Conducts CLE Program at Virginia’s 30th Judicial District Bench/Bar Conference.** On March 16, 2009, Professor Stewart Harris traveled to the Natural Tunnel State Park in Scott County, Virginia to give a presentation to the annual Bench/Bar Conference of Virginia’s 30th Judicial District. His presentation was entitled, “Guns ‘N Bombs: Two Current Issues in Constitutional Law.”

Washington & Lee

- ◆ **Law Professor Elected Vice-President of American Bankruptcy Institute.** Margaret Howard, Law Alumni Association Professor of Law at the Washington and Lee University School of Law, has been elected Vice-President of the American Bankruptcy Institute.
- ◆ **Law Professor Russell Miller Receives Fulbright Research Grant.** Law professor Russell Miller has been awarded a Fulbright Scholar senior research grant to conduct research in Heidelberg, Germany at the Max Planck Institute for Comparative Public Law and Public International Law.
- ◆ **Law Professor Elected Vice-President of American Bankruptcy Institute.** Margaret Howard, Law Alumni Association Professor of Law at the Washington and Lee University School of Law, has been elected Vice-President of the American Bankruptcy Institute.

- ◆ **Law Professor Russell Miller Receives Fulbright Research Grant.** Law professor Russell Miller has been awarded a Fulbright Scholar senior research grant to conduct research in Heidelberg, Germany at the Max Planck Institute for Comparative Public Law and Public International Law.

William & Mary

- ◆ **Davison Douglas**, the Arthur B. Hanson Professor of Law, has been named the next dean of William & Mary Law School. Douglas succeeds **Taylor Reveley**, who served as dean for nearly 10 years before becoming William & Mary President in February 2008. Pending approval by the William & Mary Board of Visitors in April, Douglas will assume his responsibilities as dean on July 1.

Douglas joined the William & Mary law faculty in 1990 where he has held a number of leadership positions. From 1997 until 2004 he was Director of the nationally acclaimed Institute of Bill of Rights Law. In 2005, he founded the Election Law Program, which he directed until 2008. One of the nation’s leading constitutional historians, he is the author or editor of seven books, including *Jim Crow Moves North: The Battle Over Northern School Segregation, 1865-1954* (2005), *Redefining Equality* (1998), and *Reading, Writing & Race: The Desegregation of the Charlotte Schools* (1995).

- ◆ **Nancy Combs** has been promoted to Professor of Law. Combs joined the faculty in 2004 and is author of two books, *Fact-Finding Without Facts: The Uncertain Evidentiary Foundations of International Criminal Convictions* (forthcoming 2009) and *Guilty Pleas in International Criminal Law: Constructing a Restorative Justice Approach* (2007).
- ◆ **Timothy Zick** joined the W&M faculty as Professor of Law. He is the author of a book titled *Speech Out of Doors: Preserving First Amendment Liberties in Public Places* (2009) and numerous articles and symposia contributions covering issues in constitutional and administrative law.
- ◆ **Patricia Roberts** was appointed Clinical Assistant Professor. She is director of clinical programs and director of the Legal Skills Program. Her responsibilities include the development of new clinic initiatives.
- ◆ **Larry I. Palmer** joined the W&M faculty as Professor of Law and leads the new VCU-W&M Health Policy and Law Initiative. He came to W&M from the University of Louisville, where he held the Endowed Chair in Urban Health Policy. He previously was a law professor at Cornell for 27 years. During his time there, he served as Vice President for Academic Programs and Campus Affairs and Vice Provost. ✧

News and Events Around the Commonwealth

Appalachian

- ◆ **ASL Students Serve as Research Assistants for Energy & Mineral Law Foundation.** As listed in the recently published 29th *Energy & Mineral Law Institute*, seventeen ASL students served as research assistants during the fall semester of 2008 for the Energy & Mineral Law Foundation. Students serving were primarily from the ranks of ASL's *Appalachian Natural Resources Law Journal* editing team. They assisted the EMLF in research and editing of the publication's fourteen chapters. Sharon Daniels, Executive Director of EMLF, noted that "the student assistance greatly expedited the timely publication of the Foundation's annual institute proceedings."

George Mason University

- ◆ **Law School Introduces New Homeland and National Security Law Concentration.** The George Mason University School of Law Curriculum Committee has approved a new specialty concentration in Homeland and National Security Law, enabling students who are interested in specializing in this field to present potential employers, both in government and the private sector, with credentials reflecting a solid foundation in homeland and national security law.
- ◆ **The Honorable James H. Webb**, United States Senator for Virginia, delivered the commencement address to the law school's 2009 graduating class on Saturday, May 16, 2009, as part of the scheduled commencement activities.
- ◆ *The 12th Annual Judicial & Legislative Reception* was held on Wednesday, May 20. This popular event began in 1998 as an opportunity to recognize and honor those who serve the people of our region on the bench or in an elected position and has grown to be characterized as "the premier legal event in Northern Virginia."

University of Virginia

- ◆ **Brinkema Addresses Sokol Colloquium.** Judge Leonie M. Brinkema, who presided over the criminal trial of Sept. 11, 2001, co-conspirator Zacarias Moussaoui in the Federal District Court for the Eastern District of Virginia, was the keynote speaker at the 22nd Annual Sokol Colloquium on Private International Law on April 2.
- ◆ **Innocence Project Co-Founders Awarded Law School's Top External Honor.** Barry Scheck and Peter Neufeld, the co-founders of the Innocence Project, are the 2009 recipients of the Thomas Jefferson Foundation Medal in Law. The pair spoke at the University of Virginia School of Law on April 13 about their work using DNA testing to exonerate the wrongly convicted.
- ◆ **Alito Endorses Role of Lawyer as Public Servant.** The future of the legal profession as an instrument for public good lies in the hands of an emerging generation of lawyers who must find ways to serve society, U.S. Supreme Court Justice Samuel A. Alito Jr. said during a recent visit to the University of Virginia School of Law.
- ◆ **Martin Named Homeland Security Principal Deputy General Counsel.** Law School Professor David A. Martin was named principal deputy general counsel of the Department of Homeland Security by President Barack Obama's administration. He will be working closely with the new secretary of Homeland Security, Janet Napolitano, a 1983 graduate of the Law School and former governor of Arizona.
- ◆ **Bob Barker Donates \$1 Million for Creation of Animal Law Program.** A \$1 million gift from animal rights advocate and television personality Bob Barker will establish an animal law program at the University of Virginia Law School.

University of Richmond

- ◆ **University of Richmond opens downtown center as hub of community based service, learning and research.** The University of Richmond has opened its "UR Downtown," created as a hub for legal and social services to the community as well as service, learning and research activities with partner organizations. The downtown center, housed in a former savings and loan building on East Broad Street in Richmond, will serve Richmond families through three programs operated by the Law School: the Richmond Families Initiative, the Harry L. Carrico Center for Pro Bono Service and the Family Law Clinic. The three programs comprising UR Downtown include: The Richmond Families Initiative, The Harry L. Carrico Center for Pro Bono Service, and The Family Law Clinic.

cont'd on next page – News and Events

Regent University

- ◆ **Law Team Wins National Negotiation Competition.** Regent University School of Law's Alternative Dispute Resolution team of Katy Dacanay and Bo Holden won the Robert R. Merhige Jr. National Environmental Negotiation Competition held at the University of Richmond's T.C. Williams School of Law, March 27-28.
- ◆ **Employment Placement.** Regent University School of Law recently reported its official class of 2008 employment numbers to the National Association for Law Placement (NALP). Ninety-four point four percent of Regent Law's 2008 alums are presently employed or in a graduate law program, a statistic in league with top-tier law schools nationwide.
- ◆ **Moot Court Team Wins Spong National Moot Court Tournament.** In February 2009, for the second year in a row, Regent University's School of Law Moot Court Team took first place honors at the William B. Spong National Moot Court Tournament, sponsored by the College of William & Mary School of Law. Regent's team consisted of 2L students Chuck Slemph and Audre Honnas.
- ◆ **Regent Law Professor Eric DeGroff** was appointed to serve as Chairman of the Environmental, Natural Resources, & Energy Section (The Section) of the Virginia Bar Association (VBA).
- ◆ **Regent Law Student Named Best Oralist in National Competition.** Law students Lindsey Powdrell, representing Regent University in the invitation-only 2009 Moot Court National Championship, received the competition's award for best oralist.

William & Mary

- ◆ The **Institute of Bill of Rights Law** at William & Mary Law School and the National Center for State Courts recently announced a new joint project, the State Supreme Court Initiative. The Initiative will undertake projects to enhance the visibility of state supreme courts and create vehicles for public education about the work of state supreme courts.
- ◆ William & Mary launched two new clinics: a **Special Education Advocacy Clinic** to assist children with special needs and their families with eligibility or Individualized Education Program meetings, discipline matters, mediation, and administrative hearings; and a **Veterans' Benefits Clinic** to assist veterans with the filing, adjudication and appeal of service-related disability compensation claims. The veterans' clinic is the first service learning project of the **Virginia Commonwealth University - William & Mary Health Policy and Law Initiative**.

Washington & Lee

- ◆ **Head of British Supreme Court Delivered Law Commencement Address.** Lord Nicholas Addison Phillips, president of the newly formed Supreme Court of the United Kingdom, delivered this year's commencement address during the 2009 graduation exercises at the Washington and Lee University School of Law.
- ◆ **W&L Held Open House** at Roanoke Legal Clinic On May 1, from noon to 4 p.m., the School of Law held an open house to officially launch the Washington and Lee Community Law Center in Roanoke. The event is co-sponsored by the Oliver Hill Foundation and is part of a series of events to celebrate Law Day
- ◆ **Three Law Students Receive VLF Public Service Scholarships.** Washington and Lee School of Law students Patrick Chamberlain '10L, Gail Deady '11L, and Rachel Mack '11L have been selected as the 2009 recipients of Virginia Law Foundation Public Service Internship awards. ✧

SECTION'S WEBSITE UNDER DEVELOPMENT

<http://www.vsb.org/site/sections/educationoflawyers/>

Electronic Newsletters Coming Soon!

Visit the Member Resources Area of the section's website to find this and future issues of the section's newsletter.

This site is only available to section members.

Username: educationoflawyersmember;

Password: w8d63mhx.

Don't miss the opportunity to receive future newsletters electronically. As a cost savings measure, beginning this summer, the section will limit the distribution of printed issues of the newsletter to those members who do not have an email address listed as part of their official address of record with the Virginia State Bar.

If you do not currently have an email address listed as part of your Virginia State Bar address of record, or if your email address has recently changed, please be sure to update your record online at <https://member.vsb.org/vsbportal/>. You will be given the opportunity to limit the use of your email address on this site.

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