

Highlights of the June 15, 2017, Virginia State Bar Council Meeting

At its meeting on June 15, 2017, in Virginia Beach, the Virginia State Bar Council heard the following significant reports and took the following actions:

Legal Ethics Opinion 1887

The council unanimously approved LEO 1887: *Duties when a lawyer over whom no one has supervisory authority is impaired*. This proposed opinion addresses the ethical duties of a lawyer to take remedial measures when he believes a sole partner in a firm or solo lawyer is impaired. The Ethics Committee con-

cludes in this proposed opinion that evidence of a lawyer's possible impairment, standing alone, does not necessarily trigger the duty to report misconduct under Rule 8.3(a), although in many cases the impairment will lead to violations of the rules that do trigger that duty. The proposed opinion also encourages lawyers to contact Lawyers Helping Lawyers (LHL), or another lawyer assistance program, or to suggest that the possibly-impaired lawyer contact LHL, for guidance on how to address the underlying impairment regardless of whether

a bar complaint is filed. The proposed LEO must be approved by the Supreme Court of Virginia before becoming effective.

Budget

The council approved a \$14.9 million budget for FY 2017–2018. The budget includes a 3 percent performance pay increase for VSB employees effective July 10, 2017, as authorized by the General Assembly. The pay increase is for all salaried positions as of April 10, 2017, and subject to performance criteria.

Leonard C. Heath Jr. is President-Elect of the VSB

Leonard C. Heath Jr. of Newport News is the Virginia State Bar's new president-elect. He was sworn in at the Annual Meeting on June 17 and will succeed President Doris Henderson Causey for the 2018–19 term. Heath is a partner at Heath, Overbey, Verser & Old PLC.

Heath has served in numerous positions in the bar as far back as 1989. He currently serves on Bar Council, the Executive Committee, the MCLE Board, and the Budget and Finance, Better Annual Meeting, Bench-Bar Relations, and Lawyer Insurance committees, as well as the Professionalism Course faculty. He is the former president of the Newport News Bar Association and is a member of the Newport News Bar Association and the Williamsburg Bar Association. Since 2013, Heath has served as the chair of Christopher Newport University's Jazz for Justice program.

Heath received his B.B.A from the College of William and Mary, and his J.D. from the Marshall-Wythe School of Law at the College of William and Mary. Heath focuses his practice in the area of civil litigation, including personal injury, business disputes, real estate litigation, and will/trust/estate litigation.

He is married to Kimberly C. Heath and they have three children.



Indigent Criminal Defense Seminar

The Supreme Court of Virginia and the Virginia State Bar hosted a sold out Indigent Criminal Defense Seminar on May 3 in Richmond, Weyers Cave, and Wytheville for public defenders and court appointed counsel from across the commonwealth. The free event, titled “Advanced Skills for the Experienced Practitioner,” featured speakers from across the United States.



Left to right: Juvall Scott, Administrative Office of the U.S. Courts, Washington, DC; Mark Mahoney, Partner with Harrington & Mahoney in Buffalo, NY; Bonnie Hoffman, Director of Public Defense Reform and Training, NACDL, Washington DC; J. Renee Berard, Attorney with Alex Levay Law, PLLC; Barbara Bergman, Director of Advocacy — The University of Arizona James E. Rogers College of Law, Tucson; Ed Riley, Partner with Riley & Wells, Richmond, VA

VSB TECHSHOW



John Simek, vice president of Sensei Enterprises in Fairfax, VA, and Dave Ries, of Clark Hill PLC, Pittsburgh, PA, led the session titled, “Encryption is Simple, Easy and Cheap — and May Be Ethically Required” at the April 24 VSB TECHSHOW in Richmond. About

500 lawyers attended the 2017 version of the TECHSHOW. The 2018 version, which is scheduled for April 23, is in the planning stages.



VSB TECHSHOW Chair Sharon Nelson with speaker Jim Calloway, Director of the Oklahoma Bar Association's Management Assistance Program, Oklahoma City, OK, who led the session titled, “Building a Virtual Law Practice, Including a Client Portal.”

In Memoriam

Everette G. "Buddy" Allen Jr.
Richmond
October 1940 – May 2017

George E. Allen III
Richmond
January 1949 – March 2017

James P. "Penny" Baber
Cumberland
July 1936 – May 2017

Patricia Ann Barton
Leesburg
April 1934 – March 2017

Dennis Irl Belcher
Richmond
August 1951 – April 2017

Aubrey R. Bowles III
Richmond
November 1933 – April 2017

Bill Whelan Bourland
Martinsville
June 1951 – April 2017

William E. Carter Jr.
Richmond
February 1921 – March 2017

Raymond Ellis Davis
Henrico
October 1943 – April 2017

Stephen Meredith Farmer
Occoquan
May 1948 – March 2017

Charles E. Friend
Williamsburg
February 1935 – February 2017

Kristofor Jay Hammond
Washington, DC
June 1973 – March 2017

Ronald B. Hildreth
Garden City, New York
June 1933 – June 2016

Jonathan Edward Kaufmann
Reston
March 1950 – March 2017

Miriam Louise Kinner
Fairfax
October 1955 – February 2017

John M. Levy
Williamsburg
October 1939 – April 2017

L. Charles Long Jr.
Mechanicsville
February 1939 – March 2017

Marcia McCardle Maddox
Falls Church
April 1941 – April 2017

Aldo A. Modena
Midlothian
September 1928 – March 2017

David McKay Post
Charlottesville
October 1948 – August 2016

John E. Prominski Jr.
Washington, DC
April 1954 – March 2017

Barton P. Quaintance
Wilmington, Delaware
August 1925 – April 2017

Hartley Elsdon Roush
Chesterfield
May 1949 – April 2017

Gregg Alan Scoggins
Glen Allen
December 1963 – March 2017

James Francis Thornton Jr.
Newport News
October 1931 – March 2017

Melville Pope Windle
Owensboro, Kentucky
April 1926 – April 2017

Esther Jeanette Windmueller
Richmond
October 1966 – March 2017

Check Your MCLE Hours Online Now

The Mandatory Continuing Legal Education compliance deadline is October 31, 2015. Go to <https://member.vsb.org/vsbportal/> to review your MCLE record.

Please apply for any non-approved courses now to avoid a new late application fee for applications received over 90 days after course attendance.

Reminder: Of the 12.0 CLE hours required each year, 2.0 must be in ethics and 4.0 must be from live, interactive programs. If you have any questions, please contact the MCLE Department at (804) 775-0577 or mcle@vsb.org.

Dues Statements

Dues statements were mailed June 16. The annual dues must be received at the Virginia State Bar by July 31, or delinquency fees will be assessed. All active members must pay the Clients' Protection Fund assessment and provide a completed and signed Mandatory Certification Regarding Professional Liability Insurance, also by July 31. Separate fines will be assessed for unpaid dues, unpaid CPF fees, and incomplete liability insurance certifications. You may renew your membership, certify your liability insurance coverage, join VSB sections, and pay your dues online by going to Member Login on the VSB home page. Corporate Counsel Registrants may also use this feature.

VSB Honors Attorneys

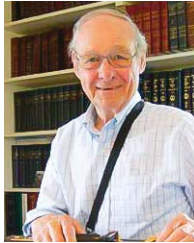
The Virginia State Bar presented the following awards during its Annual Meeting.

Tradition of Excellence

Presented by the General Practice Section

The late **James P. “Penny” Baber.**

Vivian Seay Giles, the Cumberland County attorney and county administrator, wrote that, “Mr. Baber stands as a monument in our community of the true southern gentleman lawyer who has served his community and the Virginia State Bar as a sole practitioner for fifty-six years.... I am nominating Mr. Penny Baber for the Tradition of Excellence Award, not because of any single monumental achievement or specific success of which I am aware, but for his fifty-six years of service, excellence and professionalism in the practice of law in Central Virginia. Mr. Baber has served, and continues to serve, as an example of the highest professional ethics and legal skill for those of us fortunate enough to practice with him.” Mr. Baber passed away in May.



William R. Rakes Leadership in Education

Presented by the Section on the Education of Lawyers in Virginia

James E. Moliterno, the Vincent Bradford Professor of Law at Washington and Lee University School of Law. In his letter nominating Moliterno, Washington and



Lee Dean and Professor of Law Brant J. Hellwig noted that not only is Moliterno a highly respected teacher and scholar, but that “he has traveled throughout

the world to help countries develop legal ethics policies while assisting in the training of lawyers and judges in jurisdictions with developing legal regimes.” He has designed ethics courses in Serbia, Armenia, Georgia, Czech Republic, Japan, Indonesia, and China. “Professor Moliterno’s passion for improving the legal profession broadly and the ethical administration of law by lawyers and judges know no geographical bounds.... I have admired and indeed have often been amazed at his unbridled passion not only for teaching students substantive law, but for doing so in a manner that will allow them to effectively and efficiently serve their clients in a professional and ethical manner.”

Legal Aid Lawyer of the Year

Presented by the Special Committee on Access to Legal Services

Angela A. Ciolfi, litigation director at the Legal Aid Justice Center in Charlottesville. In nominating Ciolfi for the award, Mary Bauer, executive director of the Legal Aid Justice Center, wrote, “Angela stands out for her strong commitment to our clients, her sharp analytical abilities, and her unusually strong work ethic. She is one of the smartest, hardest working, most courageous and effective children’s rights advocates and public interest lawyers that I know.” UVa Professor of Law Leslie Kendrick wrote, “It is clear to me that Angela could do anything, anywhere. With the hours she works and the leadership she shows, at a firm she would be clear partnership material. With the knowledge and communication skills she has, she could teach full-time and win every teaching award on the books. She has had other opportunities to do other things. She has made a conscious decision: legal aid is her calling. This is where she wants to be. And we are all better off for it.”

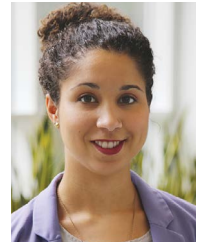


Oliver White Hill Student Pro Bono

Presented by the Special Committee on Access to Legal Services

Amber A. Strickland,

a third-year law student at the University of Virginia. In nominating Strickland for the award, Josh Bowers, professor of law and co-director of the Program in Law and Public Service at UVa wrote, “I can say confidently that she is one of the finest all-around students and human beings that I have come across in eleven years of teaching. She has more integrity and maturity and a deeper commitment to public interest law than just about anyone I know.... Amber is a pioneer, a leader, and a team player — a student who will leave this institution substantially better off than it was when she arrived. And Amber will be a lawyer of the same conscience, character, and caliber.” Bowers noted that Strickland volunteered more than 200 hours of pro bono services while attending law school, while also maintaining an impressive commitment to an array of public service projects. Kimberly Carpenter Emery, assistant dean for pro bono at UVa, noted Strickland contributed more than 125 hours of pro bono work to two international organizations alone — the International Law Institute: African Centre for Legal Excellence in Kampala, Uganda, and the Legal Resources Centre in Johannesburg, South Africa. She is a leader in the Black Law Students Association at UVa, where she coordinates events with the local Big Brothers/Big Sisters program. She is active with the Virginia Innocence Project, the Virginia National Trial Advocacy Team, and the *Virginia Journal of International Law*. She has interned at the US Department of Justice Civil Rights Division and with the American Civil Liberties Union Racial Justice Program in New York City.



Clarence M. Dunnaville Jr.
Achievement

Presented by the Diversity Conference

Joseph A. Condo, family law principal attorney at Offit Kurman. Latoya Asia Capers, chair of the Diversity Conference, noted that Condo has been at the forefront of championing diversity and inclusion in the legal profession in Virginia. “As president of the Virginia State Bar in 2000–01, Joe prioritized diversity and created the Millennium Diversity Initiative, which in turn created an impetus and funding for the Oliver Hill/Samuel Tucker Summer Law Institute and other diversity-focused projects, including the Diversity Conference. For over 20 years, he has been at the forefront of promoting diversity and inclusion on both the state and local level, paving the way for so many to carry on that noble goal. He continues to be a vibrant force for inclusion and is a leader and mentor for an entire generation within Virginia’s legal profession.” Speaking at his installation as president of the VSB in June 2000, Condo said, “People of color will soon comprise over fifty percent of our nation’s population; yet our profession is over ninety percent white. We need to expand access to the profession, so it is more reflective of the diverse society we serve.” Condo also received the Betty A. Thompson Lifetime Achievement Award from the VSB Family Law Section in April.



Local Bar Leader of the Year

Presented by the Conference of Local and Specialty Bar Associations

Heather Scott Miller, an associate in Sevila, Saunders, Huddleston & White in Leesburg. Miller was nominated for the award by former VSB President Jon D. Huddleston.



“Heather is always willing to help when called upon,” he wrote. “She is an extremely diligent and dedicated member of the bar association and the Loudoun Bar Association is very much better off for her commitment and willingness to serve. . . . Heather is one of those tireless workers who allow projects to get done and to be done well.” Miller is a member of the Loudoun Bar Association and is co-chair of the Thomas D. Horne Leadership in Law Program. The program is designed for twenty-four rising high school seniors who attend a camp for one week where they are paired with lawyers to work on trial preparation. They then appear before a sitting judge. As co-chair, Miller directs and supervises the event. She has worked to raise funds for the event, has served the Loudoun Bar Association as social chair, which involves coordination of the annual holiday party and periodic “Breakfast with the Judges” program, and serves as chair of the Juvenile and Domestic Relations Court Bench Bar Committee.

Specialty Bar Leader of the Year

Presented by the Conference of Local and Specialty Bar Associations

Andrew J. Reinhardt, of Reinhardt, Harper, Davis PLC, is the first winner of this new award. He is being honored for his work with the Virginia Workers’ Compensation American Inn of Court. Kathleen Grace Walsh, the current chair of that Inn of Court, wrote that, “Mr. Reinhardt has dedicated his efforts to not only representing his clients but to the improvement of the workers’ compensation system to the benefit of all stakeholders. His efforts have enhanced the Virginia Workers’ Compensation system and will continue to serve the system and bar into the future.” Walsh noted that Reinhardt has served on the Virginia Trial Lawyers Association board of governors for fifteen years. He was chair of the Workers’ Compensation Section



in 2002. He has also served as president of the Workers’ Injury Law & Advocacy Group in 2010–11 and remains on that organization’s board. Reinhardt founded and organized the Virginia Workers’ Compensation American Inn of Court. The Inn has 193 members and has sponsored events throughout Virginia that bring members together for educational enrichment and social interaction. “Mr. Reinhardt made the Workers’ Compensation Inn of Court a driving force in promoting ethics, professionalism and civility among members,” Walsh wrote.

Bar Association of the Year

Presented by the Conference of Local and Specialty Bar Associations

The Charlottesville-Albemarle Bar Association. The CABA, which has 436 members, was nominated by the bar’s president-elect, Joseph Platania, and member-at-large Nina-Alice Antony. “We practice law together in our local courthouses; we socialize together at our monthly luncheons; we learn together at CLEs; together we provide a public forum for judicial candidates; and we serve the community together through various pro bono activities,” they wrote. “Our local bar association does all of this because we care about each other, and our community.” The CABA was organized in 1916. Among its many activities, it offers Continuing Legal Education seminars throughout the year. Its Judicial Endorsement Committee announces and solicits applications for judicial vacancies, organizes public forums where the candidates appear, and identifies candidates regarded as highly qualified. Members also offer their pro bono services and since 2010 have donated \$27,500 to the Central Virginia Legal Aid Society. They also contribute \$16,000 annually to the Legal Aid Justice Center, where they also provided 3,865 hours of pro bono work in 2016.

R. Edwin Burnette, Jr. Young Lawyer of the Year

Presented by the Young Lawyers Conference



Melissa Little and **Crystal Shin** have been named co-recipients.

Little, of Blankingship and Keith in Fairfax, has served in a number of positions statewide and nationwide covering a broad array of tasks to benefit attorneys seeking continuing education, children needing books, and a public needing information on voter protection efforts. YLC President-elect Chris Fortier noted that she is “a well-round-

ed and effective leader who will be the future of the bar.” He also noted that she was a scholar for the American Bar Association Young Lawyers Division, a position that exposed her to many aspects of the ABA. She was chosen for her tremendous potential for leadership. “She has delivered in her leadership not only for the ABA but for the Virginia State Bar.”

Shin is the Director and Clinical Assistant Professor of Law at William and Mary Law School where she supervises and instructs law students enrolled in the Parents Engaged for Learning Equality Special Education Advocacy Clinic. The clinic’s mission is to assist children with special education needs in obtaining a free and appropriate public education, including assistance with eligibility or IEP meetings, discipline matters, complaints mediation, and due

process hearings. She is also co-chair of the Children and the Law Commission, where she has been instrumental in educating Virginia public schools about cyberbullying and sexting, as well as providing them with ABA Mock Trial kits. She previously taught at rural public schools, implemented a new science curriculum, and tutored students. While attending law school at the University of Virginia, Shin clerked for the Public Defender Service for the District of Columbia conducting research for and advocating on behalf of special needs students. She also volunteered at the McGuireWoods Child Advocacy Project continuing to advocate on behalf of special needs students. As an attorney at JustChildren/Legal Aid Justice Center, Shin represented students in cases involving special education, school discipline, and juvenile justice matters.



Presidents of the Virginia State Bar — past, present, and future — along with their spouses attended the seventh annual Past Presidents’ Dinner at the University of Richmond on April 27. Attending were (left to right): Irving M. Blank, Philip B. Morris, Edward L. Weiner, Joseph A. Condo, Michael A. Glasser, Leonard C. Heath Jr., Sharon D. Nelson, Jean P. Dahnk, Howard W. Martin, Jon D. Huddleson, Kathleen O’Brien, Karen A. Gould, Doris Henderson Causey, W. David Harless, Michael W. Robinson, George Warren Shanks, and Edward B. Lowry.

SAVE THE DATE

Bar Leaders Institute

Lewis Ginter Botanical Garden
Richmond

March 9, 2018

The Bar Leaders Institute (BLI) is a one-day program sponsored by the Conference of Local and Specialty Bar Associations to train and provide resources to current and prospective local and specialty bar leaders.

For more information, please visit: www.vsb.org/site/conferences/clba or contact Paulette Davidson at davidson@vsb.org.

Local and Specialty Bar Association Awards of Merit

The following bar associations will receive awards from the Conference of Local and Specialty Bar Associations during the Virginia State Bar Annual Meeting. The awards recognize projects that serve the bench, the bar, and the people of Virginia.

The conference makes information on winning projects available to other groups that want to consider similar programs. For information, contact Paulette J. Davidson at Davidson@vsb.org or (804) 775-0521.

AWARDS OF MERIT

For excellence in bar projects

The Prince William County Bar Association Inc.; Prince William Chapter, Virginia Women Attorneys Association; Old Dominion Bar Association

The three associations co-hosted a screening of *The Loving Story*, the 2011 documentary that inspired director Jeff Nichols to write and direct the 2016 motion picture *Loving*. One of the objectives of this event was to share with bar members the documentary's behind-the-scenes footage of the legal challenges of the case. The documentary includes footage of the Lovings and their lawyers, Bernard S. Cohen and Philip J. Hirschkop, as well as first-person testimony and rare documentary photographs. Presentation of *The Loving Story* was the first event jointly sponsored by the associations. More than 100 people attended the event, which also showcased how the law and the arts converged to tell a powerful story of justice and love.

Hill-Tucker Bar Association

The association's Annual Turkey Drive, which began in 2010 as an effort to provide turkeys for Thanksgiving to all members of the Richmond Adult Drug Court Program, now distributes full Thanksgiving dinners. The program has also expanded to include the Richmond Juvenile Drug Court and the Eastern District of Virginia Federal Drug Court. The Turkey Drive demonstrates support for the drug court participants and encourages their efforts to become good, functional members of society. The program, which distributes between seventy and ninety meals each year, has benefited more than 450 families. Judges, lawyers, and court officials donate to the program.

Loudoun Chapter of the Virginia Women Attorneys Association

The Color of Justice Program was developed by the National Association of Women Judges and encourages girls and minorities of all ages to consider legal and judicial careers. It brings the students together with judges and lawyers and provides them with resources. In 2015, the Loudoun Chapter of the VWAA developed a local program, The Honorable Julia T. Cannon Memorial Color of Justice Program. It targets students who are at high risk for gang involvement, substance use/abuse, and those who are court-referred or on probation. The goal is to help students realize that careers in the legal field are accessible to them. The program is a partnership between the Loudoun Chapter of the VWAA, the Loudoun County Department of Family Services, which operates Camp R.E.A.L., and members of the Loudoun County Sheriff Office's School Resource Officers program. More than half of the members of the association participate in the program, which served more than forty students in 2016.

Metropolitan Richmond Women's Bar Association

The association Mentorship program's initiatives include member's visits to Orchard House School to assist eighth grade students with a mock criminal trial. Association volunteers worked with the school's history teachers to select the facts for the trial, acted as coaches for the student prosecuting and defense attorneys, members of jury, and the judge. The Mentorship program also partnered with the University of Richmond Women's Law Student Association, which encourages females pursuing the legal profession and connects members with professionals and mentors in the Richmond area.

Roanoke Bar Association

You and the Law: A Look Inside Your Juvenile and Domestic Relations Courts is a program that educates the public about the court and how it operates, explains the roll and duties of the sheriff's office in the court, and discusses the effect social media and apps have in the court. Participants observe a mock juvenile detention hearing, hear from two judges

who describe the reality of *pro se* litigants and how unrepresented parties can file petitions and motions, and participate in a panel discussion on foster care and guardian *ad litem*. Program presenters include five juvenile and domestic relations court judges and the court clerk, representatives of the public defender's office, six sheriff's department officers, and representatives from the office of the attorney general, counsel for the Department of Social Services, and CASA.

Virginia Beach Bar Association

Seatack Elementary Second Grade Swim Program: "Students on the Swim" provides swim lessons for all second grade students at the school. The association started the program after an uptick in the number of drowning deaths of young, low-income children at the Virginia Beach oceanfront during the summer of 2014 and a review of statistics that show a high rate of drowning deaths among low-income children. The program provides the students with ten lessons over two weeks at the end of school year. Red Cross certified instructors conduct the lessons. Fifty students completed the program in 2016.

CERTIFICATE OF ACHIEVEMENT

For high achievement in bar projects

Tidewater Bankruptcy Bar Association

The Twenty-Fifth Annual Hal J. Bonney Jr. Seminar on Bankruptcy Law and Practice, which began in 1992, is a day-long event for the association's members and other lawyers with an interest in the fields of bankruptcy law, practice, and procedure. The seminars include speakers who are preeminent bankruptcy judges, law school professors, bankruptcy trustees and attorneys who provide valuable advice to local practitioners. The February 2017 seminar included five United States Bankruptcy Court judges, including the chief judge for the US Bankruptcy Court for the Eastern District of Virginia, twelve experienced practicing attorneys who provided advice in the areas of recent developments, tax issues, landlord/tenant issues, closely held businesses, ethics including ghost-writing and limited representation, and technology dilemmas.

Evangeline Ellis, of George Mason High School, Wins Annual Law in Society Contest

Evangeline Ellis, a junior at George Mason High School in Falls Church, has won the Virginia State Bar's 2017 Law in Society Contest. Ellis, the daughter of Josh and Holly Ellis, is the second of five siblings. Ellis was referred to the contest by her International Relations teacher.

Other winners of the essay contest, which examined the legal issues surrounding transgender rights in schools, and in particular the Virginia case *G.G. v. Gloucester County School Board*, include McKenzie Templeton of Gate City High School for 2nd place; Kevin Wang of Thomas Jefferson High School for Science and Technology for third prize; and Evan Fitchett and Parth Kotak of Maggie L. Walker Governor's School, Victoria Slaski of South Lakes High School, Aven Kelley of Lake Braddock Secondary School, and Kelly Hazzard of Trinity School at Meadow View for Honorable Mention.

This year's contest drew approximately 120 entries from around the state. The winners shared almost \$7,000 in prize money, sponsored by the VSB Litigation Section. Ellis says her interest in the law was sparked by her father, who is a lawyer, as well as by the AP Government class she took last year. Ellis hopes to attend William & Mary College in the future, where her older brother is currently a student.



Evangeline Ellis of Falls Church with her father, Josh Ellis, and her brother and sister.

In addition to classes in International Relations and IB History of the Americas, Ellis enjoys cheerleading for the George Mason Mustangs, playing the piano and the guitar, and writing poetry.

Ellis and her family will receive her award during the VSB Annual Meeting

in Virginia Beach on June 16, during the Litigation Section's CLE seminar on expert witnesses.

Ellis' winning entry may be found at www.vsb.org/docs/2017_LISA_winner.pdf.

SAVE THE DATE

The only thing changing faster than the law is technology ... and staying technologically competent not only benefits your practice, it is a key part of the Rules of the Supreme Court of Virginia.

April 23, 2018

Greater Richmond Convention Center, Richmond

