

Executive Director's Message

by Karen A. Gould



We Need You to Achieve Our Continuing Goals of Diversity and Inclusion

THIRTY YEARS AGO, one of the avowed goals of the Virginia State Bar was to increase participation by minorities and women in bar activities. This is still a goal of the Virginia State Bar, and specifically today we aspire to reflect the diversity of our membership in the composition of our committees and Council, the VSB's governing body. What follows are some of the many opportunities to lead that exist in your bar, and general information on how to participate. All of the positions described here are advertised in *Virginia Lawyer* magazine.

Council is an 81-person body, consisting of 65 lawyers elected from the 31 circuits throughout the commonwealth, as well as nine at-large members appointed by the Supreme Court of Virginia, four conference chairs, and three officers. Depending on the number of lawyers in a circuit, Council representation ranges from a high of 14 lawyers for Circuit 19 (Fairfax) to a minimum of one lawyer for 22 other circuits.¹ Lawyers elect their Council representatives by popular vote through an online process in each circuit, or a few smaller circuits elect their Council representatives by voting at a meeting convened by the chief judge of the circuit. Council members can serve two three-year terms but must be re-elected to serve a 2nd term.

Circuit 19, the most populous circuit in Virginia, had 6,127 active in-good-standing lawyers as of May 2, 2018, yet there will not be a single woman in the Fairfax Council delegation of 14 as of July 1, 2018. In the last two years, no woman has run for election from Circuit 19. Though we did have a woman in the Fairfax delegation, Melinda VanLowe, she rotated off as of June 30, 2018, having served two 3-year terms.

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It is not difficult to run for Council election. You have to be an in-state active member in good standing of the VSB, file a petition² with the executive director signed by not fewer than 10 other members eligible to vote in the circuit, and include a statement of qualifications not exceeding 150 words. The petition and statement of qualifications must be filed on or before April 1st. A nomination form can be obtained from aholloman@vsb.org. Council elections are held between April 15th and May 1st every year.

Council considers and votes on the VSB's budget and all regulatory measures prior to the Supreme Court

of Virginia considering them. Council also appoints **disciplinary district committee** members and approves nominations to various boards. Council meets three times a year: in Richmond in February; in Virginia Beach in June; and in October at a third location determined by the VSB president.

Another great way for members to get involved with regulation of the profession is by volunteering to serve on a disciplinary district committee. The district committees are organized by circuits into ten disciplinary districts. Some jurisdictions have multiple committees due to the number of lawyers in their area. A total of

119 lawyers are involved in the district committee system. Recruitment for these positions begins in December every year. Nominations are due in late February for these positions. The workload of district committees is not onerous; subcommittees meet by telephone conference call, requiring 2–4 hours of preparation a month. District committee hearings are held rarely.

Council members appoint the members of the disciplinary district committees. They want VSB members with legal experience who know how to practice ethically and how to judge others accordingly. At their Council orientation, new members are told that

diversification of the district committees needs to be part of the selection criteria — including ethnic, gender, geographic, and practice diversity.

Attendance at the VSB Disciplinary Conference, held in July each year, helps district committee members interpret and apply the Rules of Professional Conduct to practice situations to determine whether a breach of the RPC has occurred. A district committee term lasts three years, with a second term immediately following the first term unless the member declines to serve.

Disciplinary district committee service is a prerequisite³ for service on the **Disciplinary Board**, which hears cases that may result in revocation or suspension. The Supreme Court of Virginia appoints the 16 lawyers and 4 lay members of the Disciplinary Board. The Disciplinary Board holds hearings every Friday in Richmond. The Disciplinary Board sits in panels of five. There are usually three courtrooms run by different board panels on the board's hearing day. A lawyer may appeal a decision of the Disciplinary Board directly to the Supreme Court as a matter of right and have it considered. Like the district committees, a term on the Disciplinary Board is three years, with the board member usually appointed to a second term immediately following the first term.

The twelve lawyers on the **Mandatory Continuing Legal Education Board** are appointed by the Supreme Court of Virginia and can serve two three-year terms. The Nominating Committee recommends individuals to the Court for the MCLE Board. The MCLE Board sets policy to enforce the MCLE rules set forth in Paragraph 17 adopted by the Supreme Court of Virginia and meets every other month to review course applications, reconsideration requests, and extension and waiver requests. Generally, these meetings last 2-3 hours each. Recruitment begins in late June and nominations are due September 7, 2018. See vsb.org/site/about.

The **Clients' Protection Fund Board** is appointed by Council, after being recommended by the Nominating Committee. One lawyer is appointed from each of the ten disciplinary districts and four members are selected at-large (including one lay member), for a total of 14 members. The CPF Board's mission is to reimburse persons who suffer a financial loss because of dishonest conduct by a Virginia lawyer. Awards from the Clients' Protection Fund are discretionary and are not a matter of right. The CPF Board meets three times a year. In FY 2018, between July 1, 2017 and June 30, 2018, the CPF Board approved payments to 27 clients of 14 attorneys, totaling \$103,130.58. Recruitment begins in November and nominations are due in March.

Other volunteer opportunities exist with standing committees of the VSB. The **Standing Committee on Ethics and the Standing Committee on Lawyer Discipline (COLD)** consider proposed rules changes, which are then reviewed by Council before being sent to the Supreme Court of Virginia for possible adoption. The **Ethics Committee** also looks at hypotheticals and issues legal ethics opinions. LEOs are reviewed by the Supreme Court of Virginia, which if approved become a decision of the Court.⁴ COLD also oversees the disciplinary system. The **Committee on Professionalism** helps guide the curriculum for the Professionalism Course and nominates lawyers for appointment by the Supreme Court of Virginia to serve on the Professionalism Course Faculty. The **Standing Committee on Budget & Finance** proposes the VSB's budget, with staff's assistance. Recruitment begins in November and nominations are due in February.

The VSB also has the following special committees:
Access to Legal Services
Bench-Bar Relations
Better Annual Meeting
Future of Law Practice

Judicial Candidate Evaluation
Lawyer Insurance
Lawyer Referral
Resolution of Fee Disputes
Technology and the Practice of Law

To learn more about all volunteer opportunities, go to www.vsb.org/site/about. Appointments to these committees are made by the president of the VSB. Each member may serve two three-year terms, and members' terms are staggered so that members do not rotate at the same time.

Help the VSB achieve its goal of being inclusive and diversifying its committees and boards. Volunteer to serve. Committee vacancies are announced in *Virginia Lawyer* magazine throughout the year. Let me know of your interest by emailing me at gould@vsb.org.

Endnotes:

- 1 The circuits with only 1 Council representative are Circuits 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 15, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, and 31. Circuit 13 (Richmond) has 7 Council representatives; Circuit 17 has 5; Circuits 2, 4, 14 and 18 have 3 each; and Circuits 16, 20 and 23 have 2 each.
- 2 Elections by meeting are conducted by a different process set forth in the bylaws at Bylaws of Council, Part II, Article II, Section I. <http://www.vsb.org/pro-guide-lines/index.php/bylaws/>
- 3 Part 6, Section IV of the Rules of Court governing the VSB, Paragraph 13-6(A) states: "All nominees shall have previously served on a district committee."
- 4 Part 6, Section IV of the Rules of Court governing the VSB, Paragraph 10-4(A) provides: "After considering all materials submitted to it, the Court shall approve, modify, or disapprove any Advisory Opinion or Rule, which shall become a decision of the Court."