

# Highlights of the Virginia State Bar Council Meeting

October 19, 2007

At its regular meeting on October 19, 2007, in Norfolk, the Virginia State Bar Council heard the following significant reports and took the following actions:

## Delinquency Collections Almost Doubled

The number of attorneys who miss membership obligation deadlines has remained constant, even though the Supreme Court of Virginia doubled late and reinstatement fees effective this year. Delinquent attorneys will pay a projected \$230,000, VSB Executive Director Thomas A. Edmonds reported. More than 1,481 active, associate, and corporate counsel members were sent notices that threatened administrative suspensions if they did not comply by October 10, 2007.

## Studies of Council Size and Disaster Legal Relief Are Underway

VSB President Howard W. Martin Jr. has appointed task forces that will:

- consider whether the size and composition of the VSB Council should be changed. The council currently comprises seventy-eight representatives.
- study a proposed model rule that would allow lawyer volunteers to provide pro bono legal services in another state in which a disaster has occurred.

## Rules Change Proposals Approved

The council approved amendments to Part 6, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia. The changes address provision of available dates for disciplinary hearings; a clarification that Disciplinary Board sanctions imposed pursuant to an agreed disposition cannot be appealed; and notification of clients when an attorney has been suspended. The proposals will be submitted to the Court for its consideration. The proposed changes can be viewed by going to the VSB home page at [www.vsb.org](http://www.vsb.org) and

clicking Proposed Rule Changes in the Resources box.

## Increase in CRESPA Bond Proposed

The council approved a proposed amendment to the Consumer Real Estate Settlement Protection Act that would increase from \$100,000 to \$200,000 the surety bond that lay and attorney settlement agents must carry. The VSB's Public Protection Task Force recommended the change because real estate prices have increased since the CRESPA statute went into effect twelve years ago. In some cases of attorney defalcation, losses have exceeded the amount of the bond. With the Court's approval, the proposal will be submitted to the General Assembly. The task force estimates the cost to attorneys would no more than double the current cost of \$375 to \$500 annually.

## Notification Proposal Rejected

The council by a vote of 7–54 rejected a proposal by the Public Protection Task Force that insurance companies be required by statute to notify third-party claimants or judgment creditors when they issue settlement checks to attorneys for the claimants. The task force recommended the proposal as a way to prevent lawyers from forging client endorsements and stealing funds. The measure was opposed by council guest Charles J. Zauzig III, president of the Virginia Trial Lawyers Association, and other trial lawyers on the council. They contended that notification would interfere with the attorney-client relationship, represent an inappropriate attempt to regulate the insurance industry, and open clients to ex parte manipulation by the companies responsible for paying the claims.

## Mandatory Malpractice Insurance Proposals to Be Developed

The council by a vote of 38–21 directed the VSB Special Committee on Lawyer Malpractice Insurance to develop one or

more proposals "for mandatory malpractice insurance for Virginia attorneys engaged in private practice drawing clients from the general public." The recommended proposal(s) will be considered at a subsequent council meeting. Debate ranged from proponents who contend the burden on attorneys of requiring insurance is outweighed by the public protection needs of their clients to opponents who say that, with about 90 percent of Virginia lawyers reporting that they are insured, the bar doesn't have a problem. Questions to be resolved by the insurance committee include what will be done with lawyers who are unable to obtain or afford insurance because of past claims or their areas and types of practice.

## New Executive Director

Karen A. Gould was unanimously approved as the VSB's next executive director effective December 1, 2007, subject to approval by the Supreme Court of Virginia. Gould, a Richmond attorney, was president of the bar in 2006–07, and has served as chair of its Disciplinary Board, Mandatory Continuing Legal Education Board, and Budget and Finance Committee. She was recommended unanimously by a fourteen-member search committee chaired by past president Phillip V. Anderson.

## Outgoing Director Honored

Thomas A. Edmonds, executive director and chief operating officer of the bar for almost nineteen years, was honored by the council. Edmonds will retire effective December 31, 2007. The council recognized Edmonds for many achievements, including implementing the Fastcase legal research system as a VSB membership benefit; modernizing the agency's computer system; increasing the professional regulation staff to address increased disciplinary caseloads; opening disciplinary

*Council Highlights continued on page 19*

## Goodwyn Is New Virginia Justice



S. Bernard Goodwyn of Chesapeake (left) took the oath as a Virginia justice on October 18, 2007, while his mother, Dolly M. Goodwyn, held the family Bible. The investiture ceremony took place at the Supreme Court of Virginia.

Goodwyn had been sworn in by Chief Justice Leroy R. Hassell Sr. on October 10, after Governor Timothy M. Kaine appointed Goodwyn to the seat vacated by Elizabeth B. Lacy. Lacy took senior status effective August 31.

Goodwyn's appointment must be confirmed by the General Assembly.

Goodwyn has been a judge in Chesapeake Circuit Court since 1997, and

he was a Chesapeake general district judge for two years before that. He was a litigation attorney from 1986 to 1988 at McGuireWoods LLP, and from 1988 through 1995 at Willcox & Savage PC, where he became a partner in 1992.

A native of Southampton County, he received an undergraduate degree in economics from Harvard University in 1983 and a law degree from the University of Virginia in 1986.

He is married to Sharon Smith Goodwyn, an attorney with Hunton & Williams in Norfolk. They have two children.

In welcoming Goodwyn to the bench, the Chief Justice quoted Chesapeake Chief Circuit Judge V. Thomas Forehand Jr.'s description of the newest justice as "a scholar, a down-to-earth good guy with a big heart of gold."

Virginia State Bar President Howard W. Martin Jr. (left) welcomed Goodwyn on behalf of all of Virginia's statewide bars. Behind him were (first row, left side), Senior Justice Harry L. Carrico; Carrico's wife, Lynn Brackenridge; Senior Justice Charles S. Russell; Senior Justice Lacy; and (second row) representatives of the Virginia Court of Appeals: retired judge James W. Benton Jr., Judge William G. Petty, Judge Larry G. Elder and Judge Randolph A. Beales. On Martin's left, first row, are Delegates Lionell Spruill Sr. of Chesapeake (left) and A. Donald McEachin of Richmond.



photos by: Steve Hillbar, Associated Press

### Council Highlights *continued from page 18*

hearings to the public and including lay members on all hearing panels; quadrupling the Clients' Protection Fund and increasing the claim amount paid by the fund; and collaborating with the Supreme Court of Virginia to offer educational programs for lawyers who represent indigent

defendants and for solo and small-firm practitioners.

#### **Hill, Gardner Memorials**

The council approved memorial resolutions that recognize the achievements of Oliver W. Hill, a leading Virginia civil

rights lawyer, and Benjamin R. Gardner, a council member and general practitioner in Martinsville.

## YLC Leaders Gear Up for 2007–08 Bar Year



The leaders of the Virginia State Bar's Young Lawyers Conference gathered on Saturday, October 6, at the Virginia State Capitol to learn about tips for successful projects and recruiting and motivating volunteers.

The half-day 2007–08 Leadership Conference, portions of which were held in the House Chamber, featured remarks from VSB President Howard W. Martin Jr., President-elect Manuel A. Capsalis, and Executive Director Thomas A. Edmonds, and included informational breakout sessions for circuit representatives and committee chairs.



One of the day's highlights was a keynote address by Richmond Juvenile and Domestic Relations Judge Ashley K. Tunner. Tunner spoke about her journey from public defender to the bench and stressed the importance of courtesy, communication, and collegiality not only among attorneys but also between the bar and the bench.



Clockwise from top left: Virginia State Bar President-elect Manuel A. Capsalis; Washington, D.C., attorney Carson H. Sullivan and Virginia Beach attorney Hugo R. Valverde; Ashley K. Tunner, Richmond juvenile and domestic relations judge; VSB President Howard W. Martin Jr. (standing) distributes bookmarks detailing the Rule of Law to the young lawyers at the YLC Leadership Conference; Young Lawyers Conference President Daniel L. Gray and Portsmouth attorney Davina A. De Braux

## Dinner Celebrates Women and Minorities on Bench



Each year, the Virginia State Bar's Young Lawyers Conference hosts the Women and Minorities in the Legal Profession Bench-Bar Dinner to recognize the newly appointed and elevated female and minority members of the judiciary. The reception and dinner were held on Tuesday, October 16, at The Bull and Bear club in Richmond.



The 2007 honorees and guests at the dinner were (from left-right) Judge Cheryl V. Higgins of Albemarle Circuit Court; Judge Sarah L. Deneke of Stafford County General District Court; Judge Florence A. Powell of Washington County Juvenile and Domestic Relations Court; VSB President Howard W. Martin Jr.; Senior Justice Elizabeth B. Lacy of the Supreme Court of Virginia; Judge Lisa A. Mayne of Fairfax County General District Court; Judge Roxie O. Holder of Portsmouth General District Court; YLC President Daniel L. Gray; Judge Lauri D. Hogge of Norfolk Juvenile and Domestic Relations Court; and Judge Janine M. Saxe of Fairfax County Juvenile and Domestic Relations Court.

Senior Justice Elizabeth B. Lacy of the Supreme Court of Virginia (right) presents a token on behalf of the VSB and YLC to Judge Sarah L. Deneke of Stafford County General District Court.

## Kiely Receives Sandra Day O'Connor Award

Christy E. Kiely, a Virginia State Bar Young Lawyers Conference volunteer and winner of its R. Edwin Burnette Jr. Young Lawyer of the Year Award in 2006, has received the 2007 Sandra Day O'Connor Award for Professional Service from the American Inns of Court.

Kiely, an associate with law firm Hunton & Williams in Richmond, was presented with the award during the American Inns of Court's Celebration of Excellence on October 20. U.S. Justice Samuel A. Alito Jr. hosted the event at the United States Supreme Court.

The award recognizes contributions to pro bono or public interest law by an American Inn member who has practiced ten or fewer years. Kiely is a member of the John Marshall Inn of Court in Richmond.

Kiely has led and volunteered with many projects sponsored by the young lawyers of the Virginia State Bar and The Virginia Bar Association. Hunton & Williams has recognized her with its E. Randolph Williams Award each year she has been in practice for contributing more than one hundred hours of pro bono service.

Kiely holds a bachelor's degree from the College of William and Mary and a law degree from Duke University. She practices labor and employment law.



## Karen A. Gould Is New Executive Director of VSB

Karen A. Gould, a Richmond attorney, has been named the new executive director and chief operating officer of the Virginia State Bar, the agency of the Supreme Court of Virginia that regulates more than forty thousand lawyers. She began December 1, 2007.

Gould was selected by a VSB committee after a nationwide search. The appointment was approved by the Virginia State Bar Council—the bar’s governing body—and the Supreme Court.

She will succeed Thomas A. Edmonds, who is retiring after almost nineteen years in the position.

Gould served as president of the Virginia State Bar for fiscal 2007. An active volunteer at the bar beginning in the 1990s, she

was chair of the agency’s Disciplinary Board, Continuing Legal Education Board, and Budget and Finance Committee, and she served on the district disciplinary committee that hears lawyer misconduct cases in Richmond.

She received a bachelor’s degree from the University of Virginia in 1976 and a law degree from the University of South Carolina in 1979. She clerked for U.S. District Judge Glen Williams of Abingdon, then was a litigator for the Virginia Attorney General’s Office for four years.

She entered private practice in 1984 at the former firm Crews & Hancock in Richmond, where she practiced for twenty years. Most recently, she practiced with McSweeney, Crump, Childress & Gould PC. Her practice focused on defense of



professional liability of health-care providers, workers’ compensation, employers in employment matters, and other litigation, as well as representation of health-care providers before regulatory boards.

## U.Va.’s Professor Bonnie Wins Jefferson Award for Work in Mental Health Law

Richard J. Bonnie, director and co-founder of the Institute of Law, Psychiatry and Public Policy at the University of Virginia, has received the university’s highest accolade, the Thomas Jefferson Award.

The award was presented during a convocation ceremony on October 26.

Bonnie, the Harrison Foundation professor of medicine and law and the Hunton & Williams research professor at U.Va., has a long history of public service on mental-health issues in Virginia, nationally, and worldwide.

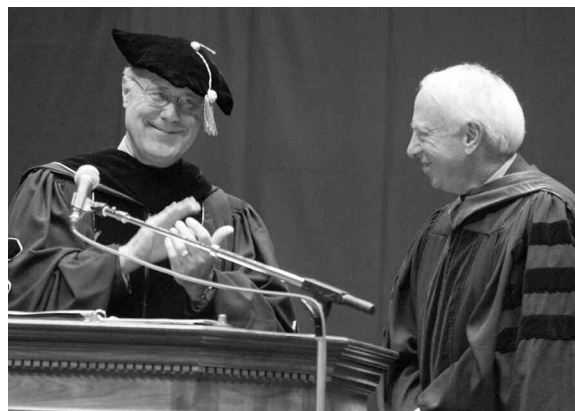
Currently, he is chair of the Chief Justice’s Commission on Mental Health Law Reform.

In presenting the award, U.Va. President John T. Casteen III (left) said: “The world’s

foremost legal expert in the field of mental-health law, Mr. Bonnie has fundamentally shaped the way in which doctors, lawyers, and citizens approach their relationship with some of the most vulnerable members of our society.

“Since 1979 . . . , Mr. Bonnie has expanded the field of law by helping legislators, lawyers, judges, advocates, and citizens thoughtfully grapple with the challenges of mental illness and insanity. At the same time, he has enriched the field of medicine by working with doctors to help them understand the precarious legal rights and strictures affecting patients.”

The Jefferson award has been presented since 1955 to a member of the U.Va. com-



munity who exemplifies in character, work, and influence the principles and ideals of Jefferson, and thus advances the objectives for which he founded the university.

## In Memoriam

**Franklin P. Backus**

Alexandria  
December 1913–October 2007

**Walter L. Devany III**

Philadelphia, Pa.  
March 1921–May 2007

**Robert A. Dublin**

Annandale  
May 1943–October 2007

**Joseph Simpson Farland**

Winchester  
August 1914–January 2007

**Kathy Rae Frahm**

Richmond  
May 1967–September 2007

**Benjamin R. Gardner**

Martinsville  
October 1941–September 2007

**Jane Siobhan Glenn**

Roanoke  
December 1956–November 2007

**H. James Hansen**

Alexandria  
February 1942–July 2007

**Lucius H. Harvin III**

Henderson, N.C.  
October 1938–May 2007

**Harry J. Hicks**

Virginia Beach  
August 1924–July 2006

**Verne L. Hosta**

Middleburg  
March 1948–June 2007

**Charles R. Jones Jr.**

Arlington  
May 1929–July 2007

**William Mills Krieger**

Poquoson  
September 1942–October 2007

**Gene Malde Munson**

Arlington  
May 1940–December 2006

**John J. O’Keefe Jr.**

Herndon  
October 1946–August 2007

**Charles Evans Pope**

Fort Belvoir  
June 1928–July 2007

**Thomas David Rosen**

Chevy Chase, Md.  
May 1955–October 2006

**John Kent Shumate Jr.**

Midlothian  
February 1971–August 2007

**Richard Allen Steinberg**

Washington, D.C.  
May 1946–September 2007

**Bruce Elliott Welch**

Roanoke  
December 1944–September 2007

**Charles C. Wentworth II**

Newport News  
December 1931–August 2007

## Virginia Law Foundation Names 2008 Fellows

The following attorneys will be inducted as fellows of the Virginia Law Foundation in January:

**Irving M. Blank** of ParisBlank LLP in Richmond; **Frank Overton Brown Jr.** of Frank O. Brown Jr. PC in Richmond; **Beverly J.A. Burton**, senior assistant city attorney in Richmond; **Manuel A. Capsalis** of Capsalis Bruce & Reaser PLC in Arlington and president-elect of the Virginia State Bar; Senior U.S. District Judge **Robert G. Doumar** of Norfolk; **Patricia K. Epps** and **T. Justin Moore III**, both of Hunton & Williams in Richmond; **Paul E. Fletcher III**, publisher and editor of *Virginia Lawyers Weekly* in Richmond; **Howard E. Gordon** of Williams Mullen in Norfolk; **Karen Ann Gould**, executive director of the Virginia State Bar in

Richmond; **Steven L. Higgs**, a solo practitioner in Roanoke; **Ray W. King** of LeClairRyan PC in Norfolk; Senior Virginia Justice **Elizabeth D. Lacy** of Richmond; **Mark D. Loftis** of Woods Rogers PC in Roanoke; **Christopher M. Malone** of Thompson McMullan PC in Richmond; **Martha White Medley** of Daniel Medley & Kirby PC in Danville and Martinsville; **E. Carter Nettles Jr.**, commissioner of accounts for Sussex County Circuit Court in Wakefield; **Linda F. Rigby** of Williams Mullen in Richmond; **Rhysa Griffith South**, an assistant county attorney in Henrico County; **Ronald R. Tweel** of Michie Hamlett Lowry Rasmussen & Tweel PLLC in Charlottesville; and **Andrew William Wood** of Wood & Wood PC in Richmond.

## Local and Specialty Bar Association Elections

### Fairfax Bar Association

Daniel Howard Ruttenberg, President  
Julie Harry Heiden, President-elect  
Corinne Neren Lockett, Vice President  
Brett Armen Kassabian, Secretary  
David John Gogal, Treasurer

### Virginia Association of Commonwealth’s Attorneys

Harvey Lee Bryant III, President  
Joel Robert Branscom, President-elect  
Stephen Randolph Sengel,  
Vice President  
John Raymond Doyle III,  
Secretary-Treasurer