

Edmonds Shares Lessons Learned in Years at the VSB

by Daniel L. Gray, 2007–08 Young Lawyers Conference President



We lawyers in our mid-thirties can't remember a time when Tom Edmonds wasn't at the helm of the Virginia State Bar. During my time in the Young Lawyers Conference, Tom has been a steadying hand, navigating the conference by gentle, sometimes forceful, prodding and suggestion. I always thought it to his great credit that he recognized the energy and optimism of the conference and let its members do good work without undue interference. We knew he was watching over us from his perch at Eighth and Main, but it was comforting rather than cringe-inducing.

I've been fortunate to spend time with Tom at VSB Council and Executive Committee meetings and dinners during the final months before his retirement. I have taken full advantage, questioning him relentlessly about his time with the bar and his thoughts on the YLC and the legal profession. He recently agreed to answer a few questions on the record, in response to my nagging and assurances that his wisdom wouldn't be lost on the newer members of the bar.

The Central Mission of the Bar

He told me the most important thing a young lawyer ought to know about the VSB: we're a regulatory body. "We tend to make a mistake in trying to soften the image as a regulatory state agency," he said. "The bar is directed to focus energy on regulation of

lawyers. That's the first and foremost thing the legislature and public expect of the bar . . . [T]he principal responsibility is to weed out lawyers whose conduct does not conform to the Rules of Professional Conduct."

I asked where the Young Lawyers Conference fits in, given its focus on providing services to the bar and to the public. Where, for example, does a program like "Wills for Heroes," which provides free wills and advance medical directives to first-responders, fit into the regulatory mission? Isn't that afield of the core function?

He responded firmly, "Not at all. Public protection is the main thing. If you start talking about public education and access to lawyers and vindication of rights, all of that ties back into the public protection function. We protect the public by making sure competent and quality services are available to the public."

Young lawyers must understand this public protection concept, since it is the root of the structure, purpose, and funding of the bar, and it highlights the significant differences between the Virginia State Bar and bar organizations in some other states.

"About one-third of states have only voluntary bars where there is no regulatory function," Tom said. Of the remaining mandatory bars, not all

regulate the profession as the Virginia State Bar does. "They may license attorneys and do some continuing legal education. [But regulation] is done directly by the Supreme Court of the state."

Self-governance by lawyers and the profession's willingness to provide resources for it set Virginia apart. "I don't know of a better model. Council, the General Assembly, and the Court have always been willing to provide the resources we need for discipline. We've never made a request that has not been met. That is unusual. Look at states like Louisiana or Montana that can't increase dues without a member referendum; these bars won't tax themselves to do their jobs." This self-governance is also unique to the legal profession: "Other professions do not have nearly the control . . . over policy and enforcement that we do."

Speaking Out

As a state agency, the bar is sometimes limited in what it can do.

I asked Tom about my perception that our more senior lawyers haven't been very vocal in terms of some of the major issues of the day: the war, rendition, torture, political influence on the administration of justice.

Edmonds *continued on page 51*

Edmonds *continued from page 50*

He disagreed with my premise: “The [American Bar Association] has taken very clear positions on unlawful detainment. They have some strong leaders. The problem is that people in the rank and file—the membership is so large and diverse—they drop membership if they disagree with the group’s position. There’s no sense that if the organization is moving generally in the right direction, you should stay on . . . We’ve gotten so contentious and single-issue focused, it’s hard for any organization to have a central message.”

But what about the Virginia State Bar, specifically? “As a taxing entity, we’re limited in what we can do. In our case, there’s a line of authority of Supreme Court cases that says you can’t take your members’ money and articulate positions with which they disagree. The lobbying that we do has to be related to the regulatory mission, and it has to be an issue on which there is a consensus view.”

Where does that leave a young lawyer who wants to take a position on important events? “Individual lawyers should articulate their views and take public positions, but the profession is overcrowded, [and] you have lawyers hustling for business. The lawyers that do speak up tend to be public-interest lawyers, and they get hammered for it.”

The Root of the Perception Problem

When I asked Tom about the source of a lowered public perception of lawyers, he was clear: “When deTocqueville came and traveled and examined American culture, he was struck by the extent of the stature and

influence of lawyers and how they were engaged in many things beyond monetary pursuits. They were involved in organizing schools and governments and oversight. Too many lawyers don’t take the time to do that any more. There’s been a huge decline in lawyer legislators. The economic pressures of law practice impact on this. Add debt service responsibilities for young lawyers.”

Tom doesn’t soft-peddle the problem of money as a central factor in the decline of the profession’s esteem: “Money is the root of all evil. People want to make a million dollars a year. Look at the profits-per-partner statistics . . . That kind of avariciousness is antithetical to the history of the profession.”

The reasoning goes something like this: Many lawyers are competing for lucrative business. They have to compete for that business because they are saddled with enormous educational debt. Taking a vocal stance on controversial issues may scare away business, and most of us can’t afford to do that.

One possible solution is debt forgiveness for lawyers who devote several years to public-interest work.

“The level of debt is a huge problem,” Tom said. “That really does impair independence and freedom of choice about employment. We ought to be thinking about loan forgiveness if you serve low-income people. The bar and law schools can’t solve the problem. The loans are federally insured, so I’d like to think it could be resolved at the federal level.”

Might such a program produce better lawyers, and lawyers who aren’t

restricted from active community participation because of financial concerns? It’s not a new idea, but applied on a grand scale, it becomes an intriguing solution to an ongoing problem.

Past Successes and Future Challenges

What issues will today’s young lawyers contend with in coming years? “Globalization. Not multidisciplinary practice, but multijurisdictional practice,” Tom said. “Even local attorneys will be dealing with businesses that will enter into contracts with groups in foreign lands. More foreign lawyers will want what U.S. lawyers have been getting. We’ve been slow off the mark on MJP rules. We need to provide rules on this . . . [otherwise] other countries will start closing doors to foreign lawyers, including those from Virginia.”

Tom is reluctant to crow about past successes, but when I asked him what achievements he thought were noteworthy, he cited changes tied directly to the bar’s regulatory function: “Opening the disciplinary system to the public. Putting lay people on the panels . . . [T]he strengthening of the Clients’ Protection Fund is important.”

Speaking as an observer, I’ll add that an organization’s success starts with its leaders. Or, as Tom put it, “[y]ou need to role model the image at the top.”

For nearly nineteen years, we’ve had an exemplary role model at the top. The Young Lawyers Conference loses a great friend and mentor at the end of the year, but Tom’s influence continues in those of us whose work he inspired during his tenure.