

# Conference of Local Bar Associations

by Nancy M. Reed, Chair



## Local Bars Should Defend the Independence of Judges

ON OCTOBER 22, 2010, in Roanoke, the Conference of Local Bar Associations hosted the first of two Bar Leaders Institutes scheduled for 2010–11. Seven members of the CLBA Executive Committee joined Virginia State Bar President Irving M. Blank, President-elect George W. Shanks, local bar leaders, and other members of the legal community, for presentations about programs available through the Virginia State Bar, local bar associations, and the federal and state court systems.

Speakers also included Judges G. Steven Agee, Jacqueline F. Ward Talevi, and Charles N. Dorsey; Jennifer Lewin of the American Bar Association Division for Bar Services; Virginia Bar Association Rule of Law Project coordinators; Timothy J. Heaphy, the U.S. Attorney for the Western District of Virginia; and U.S. Probation Officers Jason B. Perdue and Daniel E. Fittz.

The second Bar Leaders Institute will take place March 7, 2011, at the University of Richmond School of Law.

Judge Agee, who sits on the U.S. Court of Appeals for the Fourth Circuit, was the keynote speaker in Roanoke. He urged participants to actively and zealously advocate for the independence of the judiciary. He said that the citizen lawyer has a responsibility to educate citizens about the need for an independent judiciary. “The bar needs to be proactive and aggressive in how it plans for these threats to judicial independence in the future ... and proactively set up systems to go to the public at large to present the story,” he said.

The Virginia State Bar Bench-Bar Relations Committee closed the day with a panel moderated by W. Hunter Old and featuring general district and circuit judges, Heaphy, and the probation officers. The panel talked about the relationship between the judiciary and the public. They highlighted judges’ current concerns arising out of the General Assembly’s freeze on filling judicial vacancies in the commonwealth, as well as ways the federal courts in the Western district are reaching out to communities with crime-prevention programs. Their discussion emphasized the need for attorneys and local bars to work with and educate our communities.

Currently the independent judiciary in Virginia is threatened by the judicial hiring freeze and budget cutbacks in the court system at all levels. President Blank is urging attorneys across Virginia to contact their legislators and inform the public about the threat these actions create to the administration of justice. As Judge Agee and President Blank both said, we

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must advocate for an independent judiciary as the third branch of government, not an agency of the legislative or executive branch. Local and spe-

cialty bar associations are in a unique position to publicize the facts about the effects of the freeze.

I refer you to President Blank’s column on page 10 for a summary of the effects of budget cutbacks on the state judicial system.

The practical effect of these judicial vacancies and clerks’ office staff vacancies is already being felt throughout the commonwealth, but not uniformly. The Twenty-sixth Judicial Circuit, where I practice, does not have any judicial vacancies at this time, so our court days remain the same. In other circuits, judges are sitting extra days to make up for an unfilled position. In some circuits, substitute judges are filling in some of the lost days. Clerks’ offices that are understaffed have long lines and delays in providing essential services to the public. As the freeze continues, the impact will spread to more jurisdictions.

We urge local and specialty bar associations to let their legislators know how seriously the reduction in funding of the courts is affecting indi-

viduals, businesses, and members of the bar in their communities.