

Virginia State Bar 80th Annual Report

Annual Report
for the period
July 1, 2017 – June 30, 2018



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Report of the Executive Director/Chief Operating Officer

Report of the Executive Director/Chief Operating Officer

Karen A. Gould

Membership in the Virginia State Bar grew slowly this year. Active “in good standing” membership increased to 32,782 as of June 1, 2017, compared to 32,378 last year.

	2016-17	2017-18
Active	31,849	31,878
Corporate Counsel Admittees	933	942
Corporate Counsel Registrants	549	561
Associate	13,438	13,493
Judicial (includes active and retired)	1,424	1,449
Retired/Disabled	2,818	2,945
Total	50,887	51,268

Bar Activities, Officers, and Council During 2017-2018

Karen A. Gould has served as executive director since January 1, 2008.

Doris Henderson Causey of Richmond served as president of the bar from June 18, 2017, until June 17, 2018. President Causey, originally from Oxford, Mississippi, made history in Virginia in 2017 by being inducted as the Virginia State Bar's first African American president and first president from the legal aid community. She was the managing attorney of the Central Virginia Legal Aid Society. During her tenure as president, she advanced the mission of the Virginia State Bar by promoting the advancement of minorities in the legal profession, maintaining harmonious relationships with other statewide bar organizations, and by speaking eloquently and forcefully whenever called upon regarding the importance of pro bono service and closing the justice gap. She welcomed over 1000 new attorneys to the practice of law in Virginia at the Professionalism Courses and traversed the Commonwealth of Virginia from Kilmarnock to Big Stone Gap in support of solo and small firm practitioners.

Leonard C. Heath, Jr. became president of the VSB at the conclusion of the 2018 Annual Meeting.

Executive Committee members 2017-2018

Ex-Officio Members

President	Doris H. Causey
President-elect	Leonard C. Heath, Jr.
Immediate Past President	Michael W. Robinson
Conference of Local Bars Chair	B. Alan McGraw
Diversity Conference Chair	Carole H. Capsalis
Senior Lawyers Conference Chair	Robert E. Hawthorne
Young Lawyers Conference President	Christopher R. Fortier

At-large members

Brian L. Buniva	Richmond
Marni E. Byrum	Alexandria
Eugene M. Elliott, Jr.	Roanoke
Nancy C. Dickenson	Abingdon
Beverly P. Leatherbury	Eastville
Jay B. Myerson	Reston

In summary, Council consists of the three officers, four conference chairs, nine at-large members appointed by the Supreme Court of Virginia, and sixty-five elected members.

The following persons were elected in the Spring of 2018 to three-year terms on the Virginia State Bar Council. Their terms begin July 1, 2018.

Winners of contested Council elections concluded April 27, 2018:

13th Circuit (4 vacancies)

Dabney J. Carr, IV (2nd term)

Leah A. Darron (2nd term)

Susheela Varky

Henry I. Willett, III

14th Circuit (1 vacancy)

Stephanie E. Grana

17th Circuit (2 vacancies)

Jennifer S. Golden

William H. Miller (2nd term)

19th Circuit (6 vacancies)

Chidi I. James (2nd term)

Daniel B. Krisky

David L. Marks (2nd term)

Nathan J. Olson

Wayne G. Travell

Michael M. York

Uncontested Council election winners were as follows:

Circuit 4 Gary A. Bryant (2nd term)

Circuit 6 J. Daniel Vinson (elected by circuit meeting)

Circuit 8 Marqueta N. Tyson (2nd term)

Circuit 12 P. George Eliades

Circuit 16 R. Lee Livingston (2nd term)

Circuit 18 Barbara S. Anderson (2nd term) and John Zwerling

Circuit 21 G. Andrew Hall (Martinsville)

Circuit 23 Eugene M. Elliott, Jr. (2nd term)

Circuit 28 William M. Moffet (2nd term)

Circuit 30 Gregory D. Edwards

New Council at-large appointments (SCV) effective 7/1/2018:

B. Alan McGraw, Tazewell

Lenard T. Myers, Jr., Norfolk

Significant VSB Rule and Statutory Developments 2017-2018

Clients' Protection Fund

The Supreme Court of Virginia entered an order on September 28, 2017, reducing the amount Virginia's active lawyers pay into the Clients' Protection Fund from \$25 to \$10, effective July 1, 2018.

The VSB received permission from Council and the Supreme Court of Virginia to ask the General Assembly to extend the Clients' Protection Fund assessment contained in Va. Code § 54.1-3913.1 for another three years and was successful in having that measure pass and be signed into law, effective July 1, 2018. This means that the assessment will no longer terminate on July 1, 2020, but will terminate on July 1, 2023, if no further action is taken.

The Clients' Protection Fund was established in 1976 to make monetary awards to persons who suffered financial losses due to the dishonest conduct of Virginia lawyers. The total amount paid during FY2017-2018 was \$103,130.58 for 27 claims. Fifteen petitions were denied, and 11 petitions were rejected for not meeting the CPF rule requirements. The fund balance as of June 30, 2018, was \$9,765,666. The CPF assessment paid by active VSB members raised \$813,060 in FY2017-2018.

Voluntary Pro Bono Reporting

Effective December 1, 2018, the Rules of the Supreme Court of Virginia, Part 6, Section IV, will include a new provision, Paragraph 22, that requests each active VSB member report their pro bono hours and/or financial contribution in support of pro bono legal services on their annual dues statement. The reporting complements the aspirational goal of Virginia Rule of Professional Conduct 6.1 that each lawyer should render at least two percent of professional time annually to pro bono legal services.

Emeritus Status Rule Change

Effective March 1, 2018, the Supreme Court of Virginia approved changes to the rules governing emeritus status in the Virginia State Bar. Among other things, the amendments to Paragraph 3(e) of Part 6, Section IV of the Rules of the Supreme Court of Virginia alter the number of years an attorney must have been engaged in active practice before becoming an emeritus member, and they abolish the requirement to practice under the direct supervision of legal aid attorneys.

Specifically, Paragraph 3(e) was changed to enable members who have practiced law for 20 years or more and who are an active, associate, or retired member in good standing of the Virginia State Bar to become emeritus members (Paragraph 3(e)(1)(B)(ii) of Part 6, Section IV of the Rules of the Supreme Court of Virginia). The member must not have been the subject of discipline by any bar or court within the past 15 years (Paragraph 3(e)(1)(B)(iii)). The member must have been engaged in the active practice of law for a minimum of five out of the seven years immediately preceding the application to become an emeritus member (Paragraph 3(e)(1)(B)(iv)). The changes allow those who qualify as emeritus members under the new rule to provide pro bono services without being under the direct supervision of a supervising attorney after certifying annually his or her affiliation with a qualified legal services provider (Paragraph 3(e)(4)(B)).

National Report on Lawyer Well-Being

The Report of the National Task Force on Lawyer Well-Being was issued in the Fall of 2017, which has started a profession-wide discussion regarding the problems of lawyer depression, substance abuse and addiction and how to address them. The Honorable Donald W. Lemons, Chief Justice of the Supreme Court of Virginia, appointed a Well-Being Committee to investigate and discuss these issues. As a result of the Well-Being Report, the VSB undertook an initiative to address various issues raised by the Report and proposed various rule changes.

Proposed Rule Changes to Deal with Well-Being Issues

Council approved rule changes at its June 14, 2018 meeting, dealing with disciplinary and membership processes that may be helpful to attorney well-being. **The proposed rule changes were presented after the meeting to the Supreme Court of Virginia for approval.**

- **Proposed revisions to Rule 1.1, Competence**

The amendment would add Comment [7] to Rule 1.1:

[7] A lawyer's mental, emotional, and physical well-being impacts the lawyer's ability to represent clients and to make responsible choices in the practice of law. Maintaining the mental, emotional and physical ability necessary for the representation of a client is an important aspect of maintaining competence to practice law. See also Rule 1.16(a)(2).

- **Proposed revisions to Paragraph 13-1 and 13-30 regarding a Lawyer Assistance Program.**

The amendments would address the following changes (additions denoted by underlining and deletions by stippling):

13. PROCEDURE FOR DISCIPLINING, SUSPENDING, AND DISBARRING ATTORNEYS

13-1 Definitions

* * *

"Lawyer Assistance Program" means a mental health and/or substance abuse treatment program for Attorneys that is approved by the Bar.

* * *

13-30 Confidentiality of Disciplinary Records and Proceedings

* * *

M. Disclosure of Information to Lawyer Assistance Program. If Bar Counsel believes that an Attorney may benefit from the services of a Lawyer Assistance Program, Bar Counsel may make an informal referral to a Lawyer Assistance Program and may share information deemed confidential under this Paragraph as part of that referral. Bar Counsel shall not share information that is protected from disclosure by other state or federal privacy laws. Bar Counsel may, but shall not be required to notify the subject

Attorney of the informal referral or transmission of confidential information to the Lawyer Assistance Program. Unless the subject Attorney has signed a release allowing the Lawyer Assistance Program to share information with Bar Counsel, the Lawyer Assistance Program shall not report information about the subject Attorney to Bar Counsel, and Bar Counsel shall not receive such information from the Lawyer Assistance Program.

- **Proposed revisions to Paragraph 13-23 and Paragraph 3 regarding change of membership for impaired attorneys.**

13. PROCEDURE FOR DISCIPLINING, SUSPENDING, AND DISBARRING ATTORNEYS

* * *

13-23 Board Proceedings Upon Impairment

A. Suspension for Impairment. The Board shall have the power to issue an order of Suspension to a Respondent who has an Impairment. The term of such Suspension shall be indefinite, and, except as provided below, shall be terminated only upon determination by the Board that Respondent no longer has the Impairment. A Respondent who intends to rely upon evidence of an Impairment in mitigation of Misconduct shall, absent good cause excusing his or her failure to do so, provide notice not less than 14 days prior to the hearing to Bar Counsel and the District Committee or Board of his or her intention to do so. A finding of Impairment or transfer to the Disabled and Retired class of membership under Paragraph 13-23.K may be utilized by Bar Counsel to dismiss any pending Complaints or allegations of Misconduct on the basis of ~~the existence of exceptional circumstances~~ a finding of Impairment or a transfer to the Disabled and Retired class of membership militating against further proceedings, which ~~circumstances of Impairment~~ shall be set forth in the Dismissal.

* * *

K. Bar Counsel may terminate and close an Impairment Proceeding if the Respondent transfers to the Disabled and Retired class of membership pursuant to Part 6, Section IV, Paragraph 3 of the Rules of Court and files a declaration with the Clerk of the Disciplinary System and the Virginia State Bar's Membership Department that the Respondent will not seek transfer from the Disabled and Retired class of membership. The declaration shall be endorsed by the Respondent and the Respondent's counsel or Guardian Ad Litem. Termination of the Impairment Proceeding shall not be considered a final order in an Impairment Proceeding under Paragraph 13-30. The Respondent's transfer to the Disabled and Retired class of membership and filing of the declaration pursuant to this subparagraph may be utilized by Bar Counsel to dismiss any pending Complaints or allegations of Misconduct on the basis of transfer to the Disabled and Retired class of membership, militating against further proceedings, which shall be set forth in the Dismissal.

* * *

3. CLASSES OF MEMBERSHIP

* * *

(d) Disabled and Retired Members—Any member of the Virginia State Bar upon attaining the age of 70 or on the basis of a permanent disability, may submit to the executive director of the Virginia State Bar a written request to be transferred to the disabled and retired class of membership. Members who are electing this status based on a permanent disability must submit adequate medical and/or psychological documentation with the request. Members qualifying for transfer to the disabled and retired class shall not be entitled to practice law. Further, such members shall not be eligible to vote or hold office in the Virginia State Bar. Disabled and retired members who have not filed a declaration with the Clerk of the Disciplinary System and the Virginia State Bar's Membership Department that the member will not seek transfer from the Disabled and Retired class of membership pursuant to Paragraph 13-23 may submit a petition to the executive director in writing for reinstatement to active or associate membership and state in the petition each circumstance that has changed since the member elected disabled or retired status. Adequate medical and/or psychological documentation must be submitted with the petition showing that the member is fit and capable of practicing law. If there are any misconduct complaints or proceedings pending when the executive director receives a petition for reinstatement, or if the member appears to suffer from a disability, the executive director shall defer consideration of the petition until the misconduct or disability issues are resolved. The Executive Committee of the Virginia State Bar shall consider and act on any such petition, taking into account the recommendation of the executive director. The Executive Committee may deny a petition for reinstatement if the member is publicly disciplined or is determined to have a disability raising a serious question as to the member's fitness or capacity to practice law. If the Executive Committee approves the petition, the member shall be returned to active or associate status upon payment of the appropriate dues, satisfaction of any other required membership obligations, and payment of any outstanding financial obligations to the ~~bar~~Virginia State Bar. Medical and/or psychological information provided pursuant to this subparagraph (d) is confidential and shall not be disclosed by the ~~bar~~Virginia State Bar.

* * *

Opinion 19

The MCLE Board has amended Opinion 19. Revised Opinion 19 makes clear that lawyer well-being topics will be considered for CLE credit, so long as other MCLE requirements are satisfied. The opinion provides examples of topics and programs that may receive regular CLE and ethics/professionalism credit.

MCLE Opinion #19 – Programs Promoting Lawyer Well-Being.

In 2009, the MCLE Board issued the first edition of this Opinion, which was entitled “Substance Abuse, Mental Health Disorders, Stress, and Work/Life Balance Topics.” In that edition of this Opinion the MCLE Board noted the following:

The MCLE Board is concerned about the effects of substance abuse, mental health disorders, stress and work/life balance on legal practitioners in the Commonwealth of Virginia and on the quality of legal services provided to the public. Because the MCLE Board believes that education on these topics will be

beneficial in addressing these issues, it will consider topics pertaining to substance abuse, mental health disorders, stress management and work/life balance for CLE credit under certain circumstances.

In August 2017 the ABA National Task Force on Lawyer Well-Being (the “Task Force”) issued a report entitled “*The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*” (the “Lawyer Well-Being Report”). In the Report, the Task Force correctly found the following:

To be a good lawyer, one has to be a healthy lawyer. Sadly, our profession is falling short when it comes to well-being. . . [T]he current state of lawyers’ health cannot support a profession dedicated to client service and dependent on the public trust.

While the MCLE Board has in the past granted credit for lawyer well-being programs, the MCLE Board hereby emphasizes that programs promoting lawyer well-being may be approvable for CLE credit, so long as other requirements applicable to all CLE programs are met. In addition, programs must be clearly and primarily designed, directed to, and intended for attorneys, not a general audience.

By way of example, and not limitation, topics that may be approvable for CLE credit include the following:

- Substance abuse
- Mental health disorders
- Stress, sources of stress, recognizing stress, the effects of stress, minimizing stress, and stress avoidance
- Work/life balance
- Navigating the practice of law in a healthy manner
- Cognitive impairment
- Process addictions
- Burnout
- Depression
- Suicide awareness and prevention
- Promotion of civility in the profession^[1]
- Promotion of mentoring
- Promotion of lawyer autonomy and control over lawyers’ schedules and lives
- Enhancement of optimism
- Promotion of resilience
- Promotion of diversity in the profession

As in the general population, the legal profession is aging and lawyers are practicing longer, which raises unique lawyer well-being issues. In order to promote the profession and provide quality legal services, the following

programs are examples of topics that may be approvable for CLE credit when dealing with aging attorneys:

- Programming for detecting and addressing cognitive decline in oneself and colleagues
- Development of succession plans
- Options available to guide and support transitioning lawyers

Training for the legal profession in identifying, addressing, and supporting fellow professionals with mental health and substance abuse disorders is vital. Acknowledging this, the following topics are examples that may be approvable for CLE credit:

- The warning signs of substance abuse or mental health disorders, including suicidal thinking
- How, why, and where to seek help at the first signs of difficulty
- The relationship between substance abuse, depression, anxiety, and suicide
- How to approach a colleague who may be experiencing problems with mental health, depression, or substance abuse
- How to thrive in practice and manage stress without reliance on alcohol or drugs
- Self-assessment or assessment of others of mental health or substance abuse risk
- Lawyer assistance programs

The Task Force has further found the following:

[G]enuine efforts to enhance lawyer well-being must extend beyond disorder detection and treatment. Efforts aimed at remodeling institutional and organizational features that breed stress are as crucial, as are those designed to cultivate lawyers' personal resources to boost resilience. All stakeholders should participate in the development and delivery of educational materials and programming that go beyond detection to include causes and consequences of distress.

Such topics may be appropriate for CLE credit, among others.

Programs on lawyer well-being that focus the presentation and written instruction materials on ethics or professionalism may receive ethics credit. By way of example, and not limitation, ethics credit may be provided for the following topics:

- Well-being presentations that focus on ethical considerations addressed in the Rules of Professional Conduct
- Lawyer well-being programs that address issues that may trigger the reporting requirements of the Rules of Professional Conduct

- Programs designed to help lawyers reconnect with, strengthen, and apply their values, strengths of character, and sense of purpose toward achieving outstanding professionalism
- Programs designed to support the development of organizational cultures within firms, law departments, and legal agencies that recognize, support, and encourage outstanding professionalism

Credit will only be provided for programs clearly and primarily designed, directed to, and intended for attorneys, not a general audience.

[1] The ABA National Task Force on Lawyer Well-Being has correctly concluded that [c]hronic incivility is corrosive. Report at Page 15.

Revision of the Definition of the Practice of Law and UPL Rules

The Study Committee to Study the UPL Rules, appointed by then president Michael Robinson in June 2017, issued its recommendations, which are now posted for comment,

https://www.vsb.org/pro-guidelines/index.php/rule_changes/item/revisions_to_UPL.

These amendments will go to Council for approval at its October 2018 meeting.

From the website:

Specifically, following a year-long review by a Virginia State Bar Study Committee to Revise the Unauthorized Practice of Law Rules (“the Study Committee”), the Study Committee recommended revisions to the definition of the practice of law and the deletion of Unauthorized Practice of Law Rules 1-9 with replacement by an entirely different format. The Study Committee reviewed the existing definition of the practice of law and the nine existing individual UPL rules. It reviewed other jurisdictions’ UPL definitions and rules and reviewed state and federal law that create exceptions to the UPL Rules for certain activities performed by non-lawyers. The Study Committee determined that a better format was necessary, including a general definition of the practice of law followed by sections describing exceptions to and exclusions from that definition and finally comments and annotations explaining and providing examples of these exceptions and exclusions. Some content from the existing rules was included in the proposed revisions. All of the revisions include conduct or activity that has been and continues to be the subject of UPL complaints and the current rules and UPL Opinions.

The proposed definition more succinctly and clearly sets out the general prohibition against the unauthorized practice of law, a definition of the practice of law, exceptions (i.e., activity that is the practice of law but which nonlawyers and foreign lawyers may perform), exclusions (i.e., activity that is not considered the practice of law), commentary, and annotations.

At its May 16, 2018 meeting, the Standing Committee on Legal Ethics unanimously approved the Study Committee's proposal and determined that it addresses regulation of unauthorized practice of law in Virginia more comprehensively, clearly and concisely than the existing definition and rules.

Criminal Discovery Reform

In January 2018, the VSB's Criminal Discovery Reform Task Force announced it had unanimously approved proposals addressing rules for reciprocal disclosure of witness lists and expert witness information, as well as exchanging witness statements, and sharing police reports and witness statements with defense counsel. The proposals are pending with the Judicial Council's Advisory Committee.

Specifically, proposals were forwarded to the Judicial Council's Advisory Committee on Rules of Court for consideration at its meeting in April 2018, which then posted them for comment. The proposed reform would expand the scope of the limited discovery currently permitted under Rule 3A:11. The most significant proposal would permit the accused or defense counsel to inspect reports prepared by law enforcement officers. The proposed amendments would also require the reciprocal exchange of witness lists by defense counsel and the commonwealth's attorney and require defense counsel to provide expert witness information as required of commonwealth attorneys under the current rule.

LEO Approvals

LEO 1887, *Duties when a lawyer over whom no one has supervisory authority is impaired*, was approved by the Court on August 30, 2017, effective immediately.

LEO 1887 concludes that evidence of a lawyer's possible impairment, standing alone, does not necessarily trigger the duty to report misconduct under Rule 8.3(a). The impairment needs to be reported if the lawyer has reliable information about a violation of the Rules that raises a substantial question as to the lawyer's honesty, trustworthiness, or fitness to practice law. Rule 8.3(a). The 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 opinion also acknowledges that many lawyers feel a professional obligation to proactively report or address another lawyer's impairment, even though that obligation does not arise from the Rules of Professional Conduct.

LEO 1750, *Solicitation and Advertising Issues*, was approved by the Court on April 20, 2018, effective immediately.

LEO 1750 is a compendium opinion on advertising issues, in light of the significant updates to Rules 7.1 and 7.3 that took effect on July 1, 2017. Throughout the opinion, references to the Rules of Professional Conduct have been updated with the current "false or misleading" language of Rule 7.1, and references to since-withdrawn or modified LEOs have been removed or updated. Other revisions to the opinion include:

*Updating section C, Firm Names and Offices, with the current standard for firm names, and to incorporate the discussion of office rentals and other potentially-misleading firm addresses from LEO 1872;

*Revising section E, Participation in Lawyer Referral Services, to define the parameters of an appropriate lawyer referral service in light of the fact that many prior opinions on lawyer referral services have been withdrawn;

*Revising section F, Advertising Specific or Cumulative Case Results/Jury Verdicts/Comparative Statements, to reflect the fact that Rule 7.1 no longer requires a specific disclaimer when advertising case results, and to give examples of the context in which case results must be placed in order to avoid misleading the public; and

*Updating section I, Use of “Specialist” or “Specializing In,” to include the current standard for advertising claims that a lawyer is certified as a specialist in a particular area of law.

LEO 1889 was approved by Council on June 14, 2018, and was forwarded to the Court for approval on June __, 2018. This proposed opinion addresses whether a court-appointed lawyer has duty to appeal or continue representing a parent when that parent’s parental rights have been terminated by a Juvenile and Domestic Relations District Court if the attorney has lost contact with the parent, the parent has not directed the attorney to appeal the matter, and the parent fails to appear in court or otherwise participate with the attorney in the course of the representation. In this proposed opinion, the Committee concluded that although the parent/client may have a right to court-appointed counsel and a right to appeal, the parent must communicate with the lawyer in order to exercise that right. The lawyer cannot exercise that right without the client’s knowledge and consent.

Amendment of Disciplinary Proceeding Rules

The Supreme Court of Virginia approved the following amendments on 4/16/2018, effective 6/16/2018:

1. Amended Paragraph 13 to correct CRESPA to RESA.
2. Amended Paragraph 13-1 definition to clarify that administration and Impairment Suspensions are not part of a lawyer’s Disciplinary Record.
3. Added Paragraph 13-1.1 to define the burden of proof in all Disciplinary Proceedings as clear and convincing evidence.

SALARIED EMPLOYMENT CHANGES IN FY2018 (July 1, 2017 to June 30, 2018)

- Barbara Lanier (Clerk of the Disciplinary System) retirement 10/1/17
- DaVida Davis (Clerk of the Disciplinary System) hired to replace Barbara 7/17/17
- Michelle Jamison (Professional Regulation) separated 7/28/17

- Natalie Thatcher (Member Compliance) separated 8/24/17
- Mike Wickham (Information Technology) separated 9/22/17

(Charles Troy promoted to replace Mike 12/25/17)

(Spencer Hall promoted to replace Charles 12/25/17)

- Charles Hundley (Professional Regulation) separated 10/24/17
- Cassidy Revelo (Professional Regulation) hired 10/25/17
- Celeste Morris (Member Compliance) hired 10/25/17
- Jackie Kruszewski (Communications) hired 11/10/17
- Mark Arnold (Information Technology) separated 11/24/17
- Andrew Barber (Bar Services) hired 11/25/17
- Crista Gantz (Access to Legal Services) hired to replace Karl Doss 11/25/17
- Joy Harvey (Clerks Office/Client Protection Fund) retirement 12/1/17

(Vivian Byrd promoted to Client Protection Fund Administrator 8/25/17)

- Bet Keller (Bar Services) retirement 12/1/17

(Maureen Stengel promoted to replace Bet 9/25/17)

- Karl Doss (Access to Legal Services) separated 12/24/17
- Katie Byrd (Member Compliance) separated 12/29/17
- Terry Patrick (Bar Services) retirement 1/1/18

(Dolly Shaffner promoted to replace Terry 9/25/17)

(Lauren Parrish promoted to replace Dolly 12/10/17)

- Regina Potis (Member Compliance) hired 1/10/18
- Alexa Carroll (Member Compliance) hired 1/10/18
- Kelly Armentrout (Professional Regulation) hired 1/10/18
- Tiffany Harris promoted to Senior Organizational Support Specialist 01/25/18
- Gordon Hickey (Communications) retirement 2/1/18

(Caryn Persinger promoted to replace Gordon as Director 12/25/17)

(Dee Norman promoted to replace Gordon as Editor 11/10/17)

- Kaitlyn McClure (Professional Regulation) separated 2/24/18
- Sakhiah Smith (HR/Facilities) hired 2/25/18

- Sakhiah Smith (HR/Facilities) separated 5/4/18
- Suzette Walker (Professional Regulation) hired 05/25/18
- Celeste Morris (Member Compliance) separated 5/31/18
- Alanna McCann (HR/Facilities) hired 6/10/18
- Demetrios Melis (Member Compliance) hired 6/18/18 to replace Gale Cartwright (retirement 8/1/18)

Positions Filled as of June 30, 2018: 90

FTE FOR FY18: 94

FTE FOR FY19: 92

Relationship between the Virginia Law Foundation and the Virginia State Bar

On June 26, 2018, the Virginia State Bar was notified by Ray White, Executive Director of the Virginia Law Foundation, that its long standing relationship with the Virginia Law Foundation was at an end. The bylaw requiring the Virginia State Bar and the Virginia Bar Association nominating members to the Virginia Law Foundation is to be eliminated because of a conflict of an interest created by both organizations receiving grants.

Updated: Jul 23, 2018

Report of the Treasurer

VIRGINIA STATE BAR

**CASH WITH THE TREASURER OF VIRGINIA AS OF JUNE
30, 2018**

Cash with the Treasurer of Virginia as of June 30, 2017:	3,878,466.47
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Operating Revenue:

Membership Dues	10,478,555.57
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Clients' Protection Fund Assessment & Restitution	823,867.13
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Professional Corporations	128,210.00
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Section Dues	384,695.00
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Virginia Lawyer and Virginia Lawyer Register	54,077.91
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Virginia Lawyer Referral Service	172,060.00
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Mandatory Continuing Legal Education	1,321,010.00
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Professionalism Course	179,175.00
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Cost Taxing & Bonds	111,574.62
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Seminars and Miscellaneous	212,709.20
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CRESPA Registration	21,730.00
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Administration and Finance Account	110,437.93
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Grant Revenue	<u>26,000.00</u>
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Total Operating Revenue	14,024,102.3 6
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Operating Expenditures:

Salaries, Wages and Benefits	9,233,756.78
Receivers	142,093.08
Office Rent	565,889.88
Furniture and Equipment	15,407.10
Supplies, Stationery and Forms	33,404.38
Printing and Copying	145,889.53
Postage	108,536.27
Telephone	74,790.47
Staff Travel	82,769.24
Computer	217,341.81
Council, Committees and Board	339,735.28
Professionalism Course	152,305.43
Sections & Conferences	364,851.45
Attorney General's Office Fees	20,733.58
Chief Justice's Programs and Projects	146,823.74
Other Operating Expenditures	<u>517,946.66</u>
Total Operating Expenditures	12,162,274.68
Other Disbursements and Transfers:	
Lawyers Helping Lawyers	150,000.00

Administration and Finance Account Transfers	108,880.71
Clients' Protection Fund Transfers	823,417.13
Grants	18,365.65
Appropriation Act Transfer Part 3	139,519.00
Total Other Disbursements and Transfers	1,240,182.49
Cash with the Treasurer of Virginia as of June 30, 2018:	<u>4,500,111.6</u> <u>6</u>

Updated: Aug 06, 2018

Report of the Office of Bar Counsel

Edward L. Davis, bar counsel

I. Overview

The Office of Bar Counsel (OBC) consists of the intake and discipline departments. The intake department initially receives and screens all inquiries to the bar about attorney conduct and proactively handles inquiries alleging minor misconduct. Intake also performs preliminary investigations in a limited class of cases. The discipline department receives complaints forwarded from the intake department and conducts investigations and prosecutions of such cases before district committees, the Disciplinary Board and three-judge circuit courts. It also petitions the circuit courts for injunctions and the appointment of receivers when such relief is necessary to prevent the loss of client property by dishonest lawyers, or when needed to wind up the practices of disabled, deceased or disbarred attorneys if no other person is reasonably able to do so.

II. Personnel Matters

There was little turnover in the OBC during the fiscal year. Two legal secretaries and one Intake analyst departed for employment opportunities in the private sector and with other agencies. The OBC hired Cassidy Revelo as a legal secretary in October 2017. Cassidy worked for two years as a paralegal at large law firms focusing on immigration services. Her experience in high volume, detailed work under tight deadlines and her fluency in Spanish have served the OBC well. In January 2010, Kelly Armentrout became the newest Intake analyst. Kelly is a graduate of James Madison University with five years of large and small law firm administrative experience. Finally, effective May 25, 2018, Suzette Walker became our newest legal secretary. Suzette brings more than 20 years of experience in the legal field. She worked for nine years in the Petersburg Juvenile and Domestic Relations District Court.

As discussed below in Part IV, the OBC chose not to fill three position vacancies created by the departures of attorneys in recent years. The result is a reduction in the number of discipline attorneys from 13 to 10. The OBC will keep the staff of attorneys at this level as part of its new strategic plan.

The April edition of the *Virginia Lawyer* included a profile of Assistant Bar Counsel Katie Uston concerning her role as President of the National Organization of Bar Counsel (NOBC). She completes her term on July 1, 2018. As NOBC President, Katie has been involved in the implementation of the recommendations made in the August 14, 2017 report of the National Task Force on Lawyer Well-Being. Chief Justice Lemons, who was a member of the National Task Force, organized a statewide task force to study the report and appointed Katie to participate. More information about the OBC's initiatives in adopting provisions of the Lawyer Well-Being Report appears below in Part V.

III. Production

As of June 25, 2018, there were 115 public trials, agreed dispositions and consents to revocation, a decrease of 8.7% from the 126 reported one year ago. The total volume of open cases, however, has dropped to 330 from 352 at the end of the last fiscal year, a decrease of 6.25%, and a reduction of 50.2% from the 663 total open cases five years ago. As of June 25, there were only seven “pre-017” cases remaining. This is the lowest that this number has ever been since I began reporting it ten years ago. The fiscal year began with 41 such cases. By comparison, the number was 250 ten years ago on July 1, 2008.

These reductions reflect continued increases in the processing of cases as well as the quality of attorneys and staff now at the bar. In addition, the intake staff continues to process more cases to conclusion through summary dismissals of complaints that do not affect the disciplinary rules, and the proactive resolutions of minor misconduct complaints without creating disciplinary records.

IV. Outlook

Last year, the OBC chose once again not to fill a position vacancy among its attorneys. The result was an overall reduction in the attorney staff from 13 to 10. The OBC also reduced its administrative support staff in recent years. The reasons for these reductions were budgetary and strategic in nature. We found that a high-caliber of attorneys and support staff enabled the OBC to reduce significantly the overall volume of open cases, as indicated above in Part III. Further, the new managerial structure implemented two years ago, with Ed Dillon and Brent Saunders serving as Senior Assistant Bar Counsel, has led to more timely review and issuing of charging documents in disciplinary cases. The OBC has kept a watchful eye on the dockets following this reduction in staff, and the numbers are improving. We will strive to continue this trend while meeting our public protection mission.

V. Changes to Procedural Rules and Rules of Professional Conduct

The OBC has been working on several recommendations for The Standing Committee on Lawyer Discipline (COLD) to consider that address the recommendations of the National Task Force on Lawyer Well-Being, issued August 14, 2017. On Saturday, February 24, 2018, the Virginia State Bar Council (Council) approved by unanimous vote changes to the disciplinary procedural rules developed and approved by COLD. Among the changes are clarification that a Disciplinary Record does not include administrative suspensions, such as impairment suspensions. This will remove the stigma of a disciplinary record from impairment, which addresses health concerns as opposed to attorney misconduct. Another rule change approved by Council clarifies that the burden of proof in all proceedings is clear and convincing evidence. Existing rules do not set forth the burden of proof in impairment cases. These changes represent the first of many steps toward implementing measures that emphasize lawyer well-being. On April 16, 2018, the Supreme Court of Virginia approved these changes, effective June 15, 2018.

At its meeting on March 7, 2018, COLD approved additional amendments to the procedural rules intended to address lawyer well-being. One proposal would facilitate “retirement with dignity” for a lawyer suffering from irreversible cognitive decline. It would allow transfer to the Retired/Disabled class of membership in lieu of an impairment suspension. The other proposal would allow the OBC to furnish confidential information to an approved Lawyer Assistance Program in an attempt to accelerate help to lawyers who need it. The proposal is on point with the report of the National Task Force on

Lawyer Well-Being, which recommends that when information indicating mental health or substance abuse issues is discovered during investigation or prosecution of lawyer regulation matters, confidentiality rules should allow sharing of such information with lawyer assistance programs. On Thursday, June 14, Council approved the proposed amendments by unanimous vote. They are now under consideration at the Supreme Court of Virginia.

At future meetings, COLD will continue to study the report of the National Task Force on Lawyer Well-Being and what amendments, if any, are needed to the Rules of Court to support lawyer well-being.

At its meeting on June 14, 2018, Council approved proposed Comment [7] to Rule 1.1 of the Rules of Professional Conduct, intended to address lawyer well-being. The proposed comment states that the maintenance of mental, emotional and physical ability is an important aspect of maintaining competence to practice law. The proposal is under consideration by the Supreme Court of Virginia.

On April 20, 2018, the Supreme Court approved Legal Ethics Opinion (LEO) 1750, the Advertising Compendium Opinion, effective immediately. The LEO clarifies the implications of the April 17, 2017 amendments to the advertising rules, RPCs 7.1 and 7.3.

The Study Committee for Revision of the UPL Rules (SCRUPL) had its final meeting on May 3, 2018, and on May 16, 2018, presented a revised draft of the Definition of the Practice of Law to the Legal Ethics Committee. The Legal Ethics Committee voted to release this version of the rule for public comment. The deadline for comments is July 13, 2018.

VI. Matters in the Supreme Court of Virginia

A. Reinstatement Cases

On January 11, 2018, Steven Frank Helm petitioned for the reinstatement of his law license. Mr. Helm consented to the revocation of his license on April 1, 2011, with disciplinary charges pending. Following an investigation, the Virginia State Bar Disciplinary Board will hold a hearing on the petition.

On February 9, 2017, Anne Marston Lynch petitioned for the reinstatement of her law license. Ms. Lynch consented to the revocation of her license on December 3, 2009, while disciplinary charges were pending. On December 8, 2017, Deputy Bar Counsel Kathryn Montgomery tried the case before the Disciplinary Board, which, by Order entered February 8, 2018, recommended against reinstatement. On April 16, 2018, the Supreme Court approved the Disciplinary Board's Order.

B. Appeals Decided by the Supreme Court of Virginia

As of June 25, 2018, the Supreme Court has decided no appeals during the current fiscal year. Two appeals are pending, as indicated below in Part VI.C.

C. Appeals Pending before the Supreme Court of Virginia

On June 13, 2018, Joseph Dee Morrissey noted the appeal of the revocation of his law license imposed by a three-judge circuit court on March 30, 2018, effective June 15, 2018. With his notice of appeal, he also filed a petition to stay the revocation pending appeal. Assistant Bar Counsel Christine Corey filed an opposition the following day. By Order, entered June 14, 2018, the Supreme Court denied the stay.

On June 6, 2018, the Supreme Court heard the appeal of a Public Reprimand issued to Thomas Hunt Roberts. A decision is pending. Assistant Attorney General Madeline Gibson represents the bar on the appeal.

Updated: Jun 29, 2018

Minutes of the 80th Annual Meeting

President Doris Henderson Causey called the General Session of the 80th Annual Meeting of the Virginia State Bar to order at 9:02 a.m. on Saturday, June 16, 2018, at the Sheraton Virginia Beach Oceanfront Hotel. She introduced Leonard C. Heath, Jr., the incoming president, who had been sworn in by The Honorable William C. Mims of the Supreme Court of Virginia the previous evening. Mr. Heath reported on the actions of Council at its meeting on June 14, 2018.

Fifty-Year Award Recipients

Ms. Causey recognized the Fifty-Year Award recipients.

Introduction of President-elect Byrum

Mr. Heath introduced Marni E. Byrum of Alexandria, incoming president-elect. Ms. Byrum made brief remarks. On motion made, seconded and unanimously approved, Marni E. Byrum was formally elected as president-elect for the 2018-2019 bar year.

Tradition of Excellence Award

The Tradition of Excellence award was presented to Grayson P. Hanes, of McLean. Mr. Hanes thanked those attending for the award and spoke regarding his career. The award is given each year by the General Practice Section to a lawyer who exemplifies outstanding professional and public service.

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

The R. Edwin Burnette, Jr. Young Lawyer of the Year award was presented to Charles H. Slemp, III, of Wise. The Honorable R. Edwin Burnette, Jr. made the presentation after introductory remarks. The award honors an outstanding young Virginia lawyer who has demonstrated dedicated service to the Young Lawyers Conference, the legal profession and the community.

The meeting was adjourned at 9:35 a.m.

Administrative Law

Philip R. “Duke” de Haas, Chair, 2017-2018

Membership:

As of June 2018, the Administrative Law Section had 597 members. Organized in 1979, the Administrative Law Section is focused on the interests and practices involving administrative law and regulated industries.

Budget:

The budget for the fiscal year ending June 30, 2018 was \$7,712.00.

36th National Regulatory Conference (NRC):

The Section again sponsored the 36th National Regulatory Conference held May 17-18, 2018 at the College of William & Mary’s Marshall-Wythe School of Law in historic Williamsburg, Virginia.

The program, titled *Innovation and Regulation: Shaping the Energy of Tomorrow* was approved for a total of 7.5 hours of CLE credit (2 ethics) and featured panels on a variety of legal and regulatory topics. The program was organized by Elaine S. Ryan, Vice Chair (now Chair) of the Section and a Partner at McGuireWoods LLP.

Newsletter:

The section published the Spring 2018 edition of the *Administrative Law Newsletter* with several topics of interest to Section members. James G. Ritter at Christian & Barton, LLP served as the Newsletter Editor. C. Mitch Burton, Jr. has been elected to serve as the Newsletter Editor for 2018-2019.

Officers and new board members:

The section elected its 2018-2019 officers and board members at its annual meeting, held during the NRC on May 17, 2018. New officers are Elaine S. Ryan, chair; K. Beth Clowers, Vice Chair; and James G. Ritter, Secretary. C. Mitch Burton, Jr. has been elected to serve as the Newsletter Editor. Alisson P. Klaiber, Ashley B. Macko, and Samuel R. Brumberg also joined the board.

Updated: Jul 05, 2018

Bankruptcy Law

Christopher A. Jones, Chair

The Bankruptcy Section currently has 712 members. Here are the highlights of our 2017-18 fiscal year:

1. **Bankruptcy Law Writing Competition:** The Section established the Bankruptcy Law Writing Competition to promote interest in the practice of bankruptcy law. The Board solicited entries from law students attending Virginia law schools. Grayson Orsini, a third-year law student at the University of Richmond, won the competition.
2. **Bankruptcy Law News:** The Section continued with its highly successful and popular quarterly newsletter featuring at least 2 lead articles, a message from the Clerk of either the ED or WD Bankruptcy Court, a message from the Section Chair, a message from the Newsletter Editor, and case notes and highlights. Andrea Davison, our Newsletter Editor, has continued her superb work and our publications have been well received.
3. **Spring CLE:** Sarah B. Boehm, Vice-Chair, worked with Virginia CLE to organize the Annual Bankruptcy Practice Seminar in Fairfax, VA in March 2018. This year's seminar focused on consumer bankruptcy issues. The panelists included three bankruptcy judges and numerous practitioners, and drew a record number of attendees.
4. **Meetings/Dinners:** We held our annual Winter dinner meeting in Charlottesville in March and our annual Summer dinner meeting in Virginia Beach in June in conjunction with the VSB Annual Meeting.
5. **2018-19 Section Leadership:** The following have been formally installed with unanimous approval of the Board of Governors and with unanimous approval of the Section members who attended our lunch/annual meeting at the VSB Annual Meeting: Sarah B. Boehm, Chair; Erika L. Morabito, Vice-Chair; and Hannah W. Hutman, Secretary.
6. **New Board of Governors Members:** The following have been formally elected to the Board of Governors for three-year terms upon the nomination of Nominating Committees from the Eastern District and Western District and with unanimous approval of the Board of Governors: Brandy Rapp of Roanoke, VA from the Western District and Kelly Barnhart of Norfolk, VA from the Eastern District. The Board currently has 12 members.

Business Law

John M, Huddle, Chair

jhuddle@TheGlobalLawGroup.com

By its duly appointed Chairman, the Business Law Section files this Annual Report for the July 1, 2017--- June 30, 2018 work year.

1. Membership: The most recent statistics provided for our section at <http://www.vsb.org/images/uploads/memstats.pdf> are as follows (June 1, 2018):

Act/Aso	Judicial	Non-Bar	Other	Total
1,768	46	0	28	1,842
				+8 from 2017

2. Special Activities and Persons Responsible for Each:
 1. 45th Advanced Business Law Conference (Sept. 7-8, 2018), Wintergreen Resort: planning was conducted during this term and the event will occur in 2018-2019 work year. John Huddle, Section Chair coordinated and appointed Conference Committee Co-Chairs Steven Keeler and Karl Knoll; Board member Matt Clary (Chair for coming year) has coordinated with VACLE. All of the other Board members have also assisted in planning the event: J. Brent Justus, and Dana McDaniel.
 2. Board Member Dana McDaniel was re-appointed as website committee Chair in June.
3. Significant issues that arose and how they were resolved: Having accomplished revitalization of the Section and resumption of the Advanced Annual Business Conference during the prior two years of my term, our biggest challenge this year was sufficient manpower, and we also identified increased geographic diversity on the Board as a goal. We thus focused this year on identifying and recruiting qualified leaders from the Virginia

business bar to increase Board capabilities. We added two new Board Members effective as of the 2018 Annual Section Meeting, both of which practice in geographic regions not currently represented on the Board (Hampton Roads Region and the Southwest Virginia/New River Valley Region).

4. Continuing legal education programs sponsored by this Section: Our major project each year is the Advanced Business Law Conference—next Conference will be the 45th, and we accomplished planning of agenda and finalization to conduct the Conference at Wintergreen Resort again this year (September).

5. Officers and board members for the next fiscal year:

Chair: Matthew J. Clary, Law Offices of Matthew J. Clary (Fairfax)

Vice Chair: Steven J. Keeler, Partner, McGuire Woods (Charlottesville)

Secretary: Karl Knoll, General Counsel & Secretary, Clarabridge (Reston)

Treasurer: J. Brent Justus, Partner, McGuire Woods (Richmond)

Vice President, Communications/Website; Dana McDaniel, Principal, Spotts Fain (Richmond)

Other Board Members:

John M. Huddle, CEO & Founder, The Global Law Group, PLC (Richmond)

Steven L. Brinker, Partner, Crenshaw, Ware & Martin, P.L.C. (Norfolk)

Autumn Visser, partner, Woods Rogers (Roanoke)

Construction Law & Public Contracts

Christopher S. Boynton, Chair

Membership:

As of June 2017, the Section had 787 members. Currently, the Section has 811 members.

Annual CLE – Fall Program

On November 3-4, 2017, the Section hosted the 38th Annual Fall Program at the Boar's Head Inn in Charlottesville, VA. Chaired by members Alison R. Mullins and Mark Crawford, the program offered 12 CLE credits, including 2 hours of ethics. The Section again hosted a young lawyers reception on Thursday evening to welcome arriving Section Members.

Annual Activities

On June 15, 2018, the Section partnered with the Litigation Section to present a showcase CLE at the Virginia State Bar's 80th Annual Meeting in Virginia Beach entitled "Successful Appellate Practice from the Trial Court to the Appellate Court" Coordinated by members, Daniel L. Fitch and Lauren McLaughlin, the program moderator was Nathan Veldhuis, and the speakers were the Honorable S. Bernard Goodwyn, Justice of the Supreme Court of Virginia, Honorable Michael F. Urbanski, Chief United States District Judge of the Western District of Virginia, Frank K. Friedman and James F. Neale.

On September 12, 2017, in combination with Virginia CLE, the Section presented a half-day CLE seminar in Fairfax Virginia entitled "2nd Annual Federal Government Contracting Seminar 2017: Navigating the Limits of Contractor Behavior for Public Contracts." The seminar was chaired by Shannon J. Briglia.

The Section continued to provide valuable written materials to its membership. The Section published its Fall and Spring editions of its newsletter under the editorship of Hanna Lee Blake and Daniel Rounds. The February 2018 edition of the Virginia Lawyer included several articles on construction law written by our members and edited by Arnie B. Mason. The Section also updated its Construction Law Handbook to include recent Virginia state and federal court decisions affecting our members' practices.

Officers for the 2017-2018 Fiscal Year

The officers for the 2017-2018 fiscal year were Christopher S. Boynton (chair), J. Barrett Lucy (vice-chair), Hanna Lee Blake (secretary), Scott Kowalski (treasurer) and Jennifer Mahar (immediate past chair).

New Board Members for 2017-18

Joining the Section Board of Governors in 2017 were Daniel Rounds, Jesse Keene, Arnie Mason, and Honorable Stanley P. Klein (Retired Judge).

Updated: Jul 24, 2018

Corporate Counsel

Naoina C. Gartee, Chair

Membership

In June 2018, the Corporate Counsel Section (“Section”) had approximately 1,571 members. The Section is the 8th largest of the twenty sections of the Virginia State Bar.

Special Activities in Fiscal Year 2017-2018

Per the request of Judge David Lannetti, the Section reviewed the “Corporate” hypotheticals used in the Virginia State Bar Professionalism Course for new Virginia attorneys and proposed a new hypothetical question and made a recommendation on splitting out the pro bono questions into a separate section.

Annual Meeting CLE Programs

The Section sponsored the CLE course at the VSB Annual Meeting entitled, “Cybersecurity: Competing Interests Security, Compliance, and Legal Risks presented by Susan B. Cassidy and Ashden Fein from the law firm of Covington & Burling LLP.

Member Communication

This past year we sent out several emails to the membership informing them of relevant CLE opportunities. In May, NVA hosted a luncheon with an opportunity for members to network and receive 1.5 Ethics CLEs.

Law Student Seminars

The Section continued its practice of hosting panel presentations over lunch at Virginia law schools to share information and insights on in-house practice. This year, the Section was able to present a panel discussion at five of the eight law schools.

Board Members for 2017-2018

Thomas D. Applewhite, Robert H. Burger, Charles W. Durant, Barbara Fisher, Naoina C. Gartee, Carol R. Gibbons, Adam B. Hark, Mark E. Newcomb, David Newsome, Mary A. Richardson

Officers for 2017-2018

Marie Appleby, Chair June 2017 – March 2018; Naoina Gartee, Vice Chair June 2017 – March 2018 and Chair March 2018 – June 2018 (when Marie stepped down as Chair and off the Board); Mark E. Newcomb Secretary; and Charles W. Durant as (IPC).

Officers and Newly Elected Board Members for 2018-2019

Stephanie J. Gilliard – Board Member; Donald F. “Frank” Lynch, III – Board Member;
Naoina Gartee – Chair; Mark Newcomb – Vice Chair; and TBD - Secretary

Updated: Jul 11, 2018

Criminal Law

Timothy J. Heaphy, Chair

It has been an honor to serve as chair of the Virginia State Bar's Section on Criminal Law for the 2017-2018 bar year. My fellow officers included Nancy G. Parr, Vice Chair; Seth Weston, Secretary; and Colette McEachin, Immediate Past Chair.

The following members joined the board on July 1, 2017: Steven P. Milani of the Office of the Capital Defender in Roanoke and James D. Vinson of Randall Page in Emporia.

With a membership of 2,406 members, including 2,038 active members and 335 judicial members, the section remains the second largest section of the Virginia State Bar. Its operating budget for 2017-2018 was \$53,600.

Newsletter editor Professor Ron Bacigal, of the University of Richmond, published four issues of *Criminal Law News* during the year, and also completed the 2018 edition of the *Capital Case Trial Manual*.

The section sponsored its 48th Annual Criminal Law Seminar in February 2018, with a live session in Charlottesville on February 2, followed by a live Williamsburg session on February 9. Section Vice-Chair Nancy Parr served as seminar program chair and moderator. Total seminar attendance included 481 for the live February sessions, and an additional 165 for the video replays held in March and April.

The section's Harry L. Carrico Professionalism Award was presented at the Williamsburg Seminar to Stephen A. Isaacs of Richmond.

As part of its ongoing partnership with Virginia law schools, the Section awarded stipends in June 2018 to the public law schools (George Mason, UVA and William & Mary) to fund student internships in the field of criminal justice for the summer of 2019.

In conjunction with the 80th Annual Meeting of the Virginia State Bar, the section cosponsored a Showcase CLE program with the Family Law Section on Friday, June 16, 2017: *Access to Justice: Bonds and Bail Issues*. The program drew a crowd of approximately 100 lawyers and judges.

In conjunction with the State Bar's Annual Meeting, the section held its annual business meeting at which time the following officers were elected for a one year term beginning July 1, 2018: Nancy G. Parr, Chair; and Seth Weston, Vice Chair; and S. Eugene Fishel, IV, Secretary. The following board members were also elected to four-year terms, beginning July 1, 2018: Joseph D. Platania of Charlottesville; Theresa J. Royall of Nottoway; Judge Tasha D. Scott of Norfolk; and Judge Gordon S. Vincent of Accocmac.

On behalf of the board, I extend our sincere appreciation to board members Judge William E. Jarvis, Tracy Q. Martin and Immediate Past Chair, Colette Wallace McEachin,

whose terms ended on June 30th.

Respectfully submitted,

Timothy J. Heaphy, Chair

Updated: Jul 17, 2018

Education of Lawyers in Virginia

John M. Bredehoft, Chair

Membership

As of June 2018, the Education of Lawyers Section had 344 members, compared to 508 last year. The membership included 196 active members, 47 judicial members, and 96 members of the Academy.

Budget

The budget for fiscal year 2017-18 was \$9,400, which included a number of contributions from Virginia's law schools and law firms.

Rakes Leadership in Education Award

The 2018 recipient of the section's William R. Rakes Leadership in Education Award was Stephen A. Isaacs of the Virginia Board of Bar Examiners. The section hosted an award presentation reception sponsored by Gentry Locke on Friday, June 15, in Virginia Beach, in conjunction with the State Bar's 80th Annual Meeting.

Legal Writing CLE - Follow Up to the 20th Anniversary Conclave

The section continued to follow up on the issues raised in conjunction with the 2012 Conclave on the Education of Lawyers. In particular, board member Kimberly Pierro led the effort to coordinate a second immersive, high quality legal writing CLE in collaboration with VaCLE and the VBA's Law Practice Management. This year's program was held in Richmond.

Professionalism Program

The section continued to partner with the law schools to present its popular professionalism program targeted to 1L law students at each of the eight law schools in Virginia. I was pleased to lead this effort again this past year with the assistance of program co-chair, Frank Telegadas. The section appreciates the ongoing support of the numerous lawyers and judges from around the state who serve as faculty members each year for this program which has been in existence since 2000. I am happy to report that Susan A. Butler has agreed to join Frank as the co-chair this year.

Annual Meeting

The Education Section sponsored a CLE at the VSB 80th Annual Meeting in Virginia Beach on June 15, 2018. The CLE titled "Somersaults on a Tightrope: Managing the Lawyer Lifestyle throughout the Life of a Career" discussed the stresses of the four

major stages of a legal career: 1) Law School and the Bar Exam, 2) Building a Practice and 3) Personal Connections and 4) Mid-Career Shifts. The section was delighted to welcome Justice William C. Mims, Dean Brant J. Hellwig, Ellen Ostrow, James E. Leffler andCarolynn Cox. The CLE was well received at the Annual meeting and supported the topic of Lawyer Wellness.

Newsletter

The Section published two editions of its newsletter, Education & Practice, in the fall and in the spring under the leadership of its editor, Prof. Dale Cecka, of the University of Richmond.

Officers & New Board Members

The section held its annual business meeting in conjunction with the Virginia State Bar's Annual Meeting this past June. The following officers and new board members were elected for the 2018-2019 bar year:

Officers:

Kimberly A. Pierro, Chair
First VP & Senior Counsel
SunTrust Bank
Richmond, VA

Bernadette Speller Peele, Vice Chair
Senior Assistant County Attorney
Prince William County, VA

John M. Bredehoft, Immediate Past Chair
Kaufman & Canoles
Norfolk, VA

Board Members:

Sharon K. Eimer
Public Defender
Office of the Public Defender
Lynchburg, VA

Hon. Jacqueline F. Ward Talevi
Judge, Roanoke County General District Court
Salem, VA

Updated: Jul 11, 2019

Family Law

Lawrence P. Vance, Chair

The Virginia State Bar Family Law Section continued its 40 years of energetic work to improve the quality of family law practice in Virginia. This year the Section Board actively cooperated with various workgroups of the Virginia Supreme Court addressing issues related to Guardian *ad litem*s and other initiatives of the Court without engaging in legislative advocacy.

In addition to maintaining and updating our publications that are available to the general public, the Section presented the 36th Annual Family Law Seminar in various locations throughout Virginia in the Fall of 2017. The Section also put on our best attended Annual Advanced Family Law Seminar, the 34th such seminar, in Richmond in April 2018.

This past year, the Section presented the Betty Ann Thompson Lifetime Achievement Award to J. Patrick McConnell, retired from the Reston law firm of Odin, Feldman Pittleman, P.C. This Section also decided to present the Family Law Service Award to Mitchell D. Broudy, Senior Assistant Attorney General for the Eastern Virginia Regional Legal Division of Child Support Enforcement, for his efforts related to the creation of child support guidelines in non-traditional custodial arrangements.

The Section also continued the tradition of naming and recognizing Outstanding Family Law Students at the Commonwealth's law schools. Those students selected demonstrated great promise and potential towards the practice of family law.

Join me in welcoming our newest officers for the 2018-2019 Bar Year: Mary G. Commander as Section Chair, Susan M. Butler as Vice-Chair, and Steven L. Raynor as Secretary. The Section Board is also pleased to welcome its newest member, Besianne Tavss Maiden, who starts her four year term with this Section.

Respectfully submitted,

Lawrence P. Vance, Section Chair

Updated: Jul 02, 2018

General Practice

Matthew J. Zwerdling, Chair

The General Practice Section continues to serve the needs of attorneys in the general practice of law and has done so since 1986. We continue to conduct legal education seminars and other activities to enhance the skills of Virginia lawyers.

As it has done in the past, the General Practice Section co-sponsored with the Young Lawyers Conference a seminar called the First Day in Practice Seminar in Richmond. The program provided a full day of seminars in twelve areas of the law and was tailored to lawyers who have just been admitted as members of the Bar to assist them as they embark on their new profession. The speakers were highly experienced in their fields, and we also enjoyed the participation of both active and retired judges from around the Commonwealth.

In addition, the General Practice Section presented its annual Tradition of Excellence Award, which recognizes an outstanding lawyer who embodies the highest tradition of personal and professional excellence in the practice of law in Virginia. This year the award was presented to Grayson P. "Gray" Hanes of McLean, Virginia. Gray was presented the award at the Annual Meeting of the Virginia State Bar, and the General Practice Section is proud to have such an esteemed and distinguished recipient for this year's award.

At the beginning of the fiscal year, there were 526 attorneys/members and 104 judicial members of the section. Our budget for the fiscal year 2017-2018 was \$16,600.00.

The General Practice Section would also like to welcome our new section liaison, Paulette Davidson. Paulette has been with the Virginia State Bar for over 25 years and her experience and expertise has been invaluable to our Board this past year. The General Practice Section would like to express our sincerest appreciation to Paulette as we look forward to next year.

Updated: Jul 18, 2018

Health Law

Bruce D. Gehle, Chair

Members

Number of Members as of June 30, 2018: 667

Budget

The FY2018 section budget for the bar year ending June 30, 2018: \$9,600

Activities & Continuing Legal Education

Writing Competition – For the third year in a row the section conducted a successful writing competition on health law topics for students in Virginia law schools. Monetary awards and publication opportunities were granted to the winners. For information about the winners and topics, please click this link: [writing competition](#). As part of this annual program, the Section worked with contacts at each public and private law school in Virginia to help promote the Section's writing competition.

National Healthcare Decisions Week – Since 2006, the section has helped promote an annual, statewide [Healthcare Decisions Day](#) to raise public awareness for the need to plan ahead for health care decisions related to end of life care and for medical decision-making. This year's event was weeklong, from April 16-22, 2018.

Healthcare Decisionmaking Forms- The section worked with volunteers from the Institute of Law, Psychiatry and Public Policy, and staff at the Virginia State Bar to revise and bring up to date all of the healthcare decisionmaking and advance directive forms on the VSB Health Section web page in advance of National Healthcare Decisions Week.

Collaboration with Antitrust Section-The HLS Chair worked with the Chair of the Antitrust Section to develop a CLE program regarding "Antitrust Perils in the New Era of Healthcare Consolidation" for the VSB Annual Meeting. This program was ultimately not selected for presentation this year but may be resubmitted for the 2018-19 meeting.

2018-19 Officers & New Board Members

Officers: Jeffrey D. McMahan, Jr. Chair; Beverly H. Binner, Vice Chair; Allyson K. Tysinger, Secretary; and Bruce D. Gehle, Immediate Past Chair.

Updated: Feb 20, 2019

Intellectual Property Law

Dabney J. Carr IV, Chair

1. During the 2017-18 Fiscal Year, the IP Section had 1,536 members. The Officers and Board Members (term expiration year) of the Section:

Dabney J. Carr, IV, Chair

Timothy J. Lockhart, Chair-Elect

Robert M. Tyler, Vice-Chair

Tara A. Branscom, Secretary

Matthew R. Osenga, Immediate Past Chair

Robin C. Vance (2018)

Edward T. White (2018)

Sherri L. Crawford (2019)

Aaron L. Parker (2019)

Robert D. Michaux (2020)

Martha W. Weis (2020)

2. 29th Annual Intellectual Property CLE Seminar – In October 2017, the IP Section partnered with Virginia CLE to put on this annual two-day CLE seminar in Charlottesville. The program included 8.0 hours of CLE presentations and was organized by the officers and Board members of the section. Section Chair Dabney Carr moderated the program.

3. Spring Ethics CLE Webinar—In March, 2018, the IP Section presented an Ethics CLE program on “Professional Responsibility and Practice before the USPTO.” The webinar was attended by more than 100 members of the section. Board Member Aaron Parker organized this event.

4. Law Student Writing Competition—At its Annual CLE Seminar, the IP Section presented the 2017 Law Student Writing Competition Award to Justin Jorgenson, a

third-year student at the University of Richmond, for his article titled “Jurisdictional Splits and Timid Copyright Licensing.” Board Member Tara Branscom ran the competition. Past Section Chair, Judge Richard Linn, of the Federal Circuit, continues to grade the final round of papers. The 2018 competition will conclude in May, 2018.

5. Annual Meeting CLE Program— No Slam Dunk for Video Games or College Athletes. Speakers. This program addressed the balance between the rights of college athletes to control use and exploitation of their likeness on television and in video games and the creative expression rights of video game makers. Speakers included Thomas J. Dillon, III, chairman of the Sports and Entertainment Practice Group at Hirschler Fleischer and Michael E. Kientzle, an intellectual property litigator at Arnold & Porter Kaye Scholer who represents a consortium of major sports leagues in multiple federal agency proceedings involving copyright royalties and statutory licenses under the Copyright Act. The program was moderated by Barry Meek, Assoc. General Counsel for the University of Virginia.

Respectfully Submitted,

Dabney Carr

2017-18 Chair

Virginia State Bar, Intellectual Property Law Section

Updated: Jul 02, 2018

Litigation

James C. Martin, Chair

The Litigation Section's membership as of June 30, 2018 was 3,237, making this the largest section of the Virginia State Bar. Our budget for 2017-18 was \$36,000.

In-person meetings of the Section Board were held on September 15, 2017 and February 16, 2018 (Richmond) and June 14, 2018 (Steinhilber's, Virginia Beach), as well as telephonic meetings on November 17, 2017 and April 6, 2018.

W. Carter Younger, Esq. (Richmond) later became the new liaison from the Senior Lawyer's Conference.

The board allocated \$5,000 to the Virginia Supreme Court's Rule of Law Day in Richmond on March 29, 2018. All but \$144 was spent on the program. On April 2, 2018, Virginia Supreme Court Justice Cleo E. Powell (member of Litigation Section Board of Governors, 2011-17) emailed "sincere and heartfelt thanks" for our "generous donation" on behalf of the Rule of Law Student's Day at the Capitol Committee.

Fall & Spring Newsletters (November 2017 & May 2018) were published electronically under the direction of our newsletter editor, Professor Jennifer Franklin of William & Mary Law School. These are available on the web site.

A very successful and informative CLE Showcase was presented at the Annual Meeting in June 2018: "Successful Appellate Practice from the Trial Court to the Appellate Court," arranged by Nathan Veldhuis (incoming Litigation Section Board Chair) & Dan Fitch (Construction Law Section Board), with the following speakers:

Hon. Michael F. Urbanski, U. S. District Judge, Roanoke

Hon. Bernard S. Goodwyn, Justice, Supreme Court of Virginia

Frank K. Friedman, Esq., of Woods Rogers PLC, Roanoke

James Neale, Esq., of McGuire Woods LLP, Charlottesville

The section held its annual business meeting in conjunction with the State Bar's Annual Meeting in June 2018, in Virginia Beach.

The following officers and board members were elected: Nathan J.D. Veldhuis, chair; J. Matthew Haynes Jr., vice chair; W. Bradford Stallard, secretary; and Robert E. Byrne, Jr., treasurer; Michael J. Finney, was elected as a new member of the board of governors.

A dedicated issue of *Virginia Lawyer* magazine is planned for October 2018.

Local Government Law

Eric A. Gregory, Chairman

Membership

As of June 1, 2018, the Local Government Law Section had 720 members, which is an increase from 625 members in September, 2016.

Budget

The budget for fiscal year 2017-2018 was \$10,000. By June 30, 2018, the Section expects to have spent \$6,002.68. As of May 21, 2018, the Section had collected \$12,840.00 during the 2017-2018 fiscal year. Depending on final year-end expenses, the Section expects to have a positive balance of approximately \$6,837.32, for fiscal year 2018.

Journal of Local Government Law

The Board published one issue of the *Journal of Local Government Law* during 2017-2018 and worked to produce additional issues in 2018-19. The Fall 2017 issue of the *Journal* included articles on "Searching Employees' Workstations", issues of privacy, and applicable Supreme Court cases, by John C. Blair, Deputy County Attorney for Albemarle County; and "The U.S. Supreme Court's New Standard for Students with Disabilities in Practice", by Laura A. Ferrugiari and Timothy M. Mahoney, son of longstanding section member Paul Mahoney, former County Attorney for Roanoke County, and published with the permission of the Nassau County Bar Association. The *Journal* also included a new "Did you know...?" feature by section member and Board of Governors Secretary Rebecca "Becky" Kubin, which explained that privately-held oyster leases in state-owned waters is a category of property that cannot be condemned by localities. The new "Did you know...?" column is meant to briefly highlight an obscure or little-known or understood issue of local government law that may be of interest to section members. All section members are invited to submit articles for consideration.

The issue also included a report from 2017 Local Government Fellowship Recipient, law student Callie Gibson. Ms. Gibson reported on her summer experience working with the Henrico County Attorney's office and expressed her appreciation to the section and Board of Governors for awarding her the fellowship.

Fellowship Expanded

Several years earlier, the Board of Governors established a fellowship for one or more rising second and third year law students who are summer associates for local government attorneys. The Board recognized that public employment does not offer the same pay as private employment and saw that as an impediment to local government attorneys being able to attract the best and brightest; at the same time financial pressures on law students inhibit their willingness to experience the practice of local

government law. The fellowship provides funds to support recipients during the summer months while they gain public service experience.

The Board continued the fellowship during 2017-2018 and budgeted \$4,000 for fellowship awards. The fellowship committee, led by Board Vice-Chair Jan Proctor, worked very hard in assessing a large pool of very qualified candidates. Ultimately, the fellowship committee recommended, and the Board of Governors approved, awarding two fellowships for the summer of 2018, each in the amount of \$2,000, to law students Jessica Lipford, who is splitting her summer between the Henrico and Dinwiddie County Attorneys' offices, and Sarah Silberman, who will be interning with the Arlington County Attorney's office.

New Officers and Members

The Board appointed a nominating committee for the purpose of nominating officers for the Board of Governors and new members for election to the Board of Governors to fill open seats and replace members who are rolling off the Board. In compliance with the new By-laws adopted last year, the Board enlisted three Section members who were not Board members to serve on the five-member nominating committee. The result was a strong slate of officers and new members to replace members who are leaving the Board due to term limits.

The committee nominated Jan Proctor to advance to the position of Chair for 2018-19 from her position as Vice-Chair for the 2017-18 year. Also nominated to advance from her previous position as Secretary was Rebecca Kubin, to serve as Vice-Chair. Bernadette Peele was nominated for the position of Secretary.

The terms of Board of Governors members Kevin White, Cynthia Bailey, and Section Chair Eric Gregory, expired. Members Kevin White and Cynthia Bailey were eligible to serve another term and were so nominated by the committee. Chair Eric Gregory rolled off the Board due to having already served two terms but will continue as immediate past Chair. The committee nominated J. Vaden Hunt, County Attorney for Pittsylvania County, to fill the open seat on the Board.

During the Virginia State Bar's Annual Meeting, the Local Government Section held its Annual Meeting on June 15, 2018. Section members present voted and unanimously elected the slate of officers and new member J. Vaden Hunt to the Board of Governors, as recommended by the Nominating Committee. Therefore, Section officers for 2018-19 are Chair Jan Proctor, Vice-Chair Rebecca Kubin, and Secretary Bernadette Peele.

Updated: Jul 18, 2018

Real Property

Whitney Jackson Levin, Chair

Membership: As of June, 2017, the Section had 1851 members.

Budget: The budget for 2017-18 was \$36,840.00 The surplus returned to the Virginia State Bar was \$ 2,916.07.

Meetings: The Board of Governors and Area Representatives met four times during the year:

Fall Meeting – September 15, 2017, at the offices of Virginia CLE, located at 105 Whitewood Road, Charlottesville, VA 22901.

Winter Meeting – January 19, 2018, at the Williamsburg Inn, Williamsburg, VA (during the VBA Annual Meeting).

Spring Meeting – March 2, 2018, at the Kingsmill Resort, Williamsburg, VA (before the Section's Annual Advanced Real Estate Seminar).

Annual Meeting of the Section & Board of Governors & Area Representatives – June 15, 2018, at the Oceanaire Resort Hotel, Virginia Beach, VA.

Sponsored educational activities: The Section sponsored, in conjunction with Virginia CLE, the 22nd Annual Advanced Real Estate Seminar on March 2 and 3, 2018 (at Kingsmill Resort) and the 36th Annual Real Estate Practice Seminar on May 8, 16 & 24, 2018 (Fairfax, Roanoke, and Williamsburg).

Other educational activities:

In addition to the foregoing CLE seminars, the Section's educational activities included the following:

Publication of the Fall 2017 and Spring 2018 issues of The Fee Simple, the Section's newsletter.

Providing Section members a tuition credit of \$25 per person for the Advanced Real Estate Seminar and \$15 per person for the Annual Real Estate Practice Seminar.

The Section co-sponsors, with Virginia CLE, the Courtland Traver Award, but there was not a recipient for 2017.

Other Activities:

The Section participated in the VSB's annual "First Day of Practice" seminar held in early December, 2017. Robert Hawthorne, Jr., Christina Meier, Lewis Biggs, and Ron Wiley each presented at the seminar.

Updated: Oct 23, 2018

Trusts and Estates

C. Daniel Vaughan, Chair

Membership

The Trusts and Estates Section had 1,018 members as of July 2017, and 1,951 members as of June 2018, making the Section the 4th largest specialty section of the Bar.

Budget

The budget for fiscal year 2017-2018 was \$14,888. The budget proposed for 2018-2019 is \$14,936.

36th Annual Trusts and Estates Seminar

In October, the Trusts and Estates Section co-sponsored the 36th Annual Trusts and Estates Seminar with Virginia CLE. The program was held in Roanoke, Williamsburg and Fairfax. In addition to the usual surveys of Federal and Virginia law developments and ethics, topics included foundational estate administration issues, “portability’s” impact on transfer tax planning and planning options in connection with modifying/adjusting irrevocable trust agreements.

VSF Annual Meeting CLE Program

Also in March, the Trusts and Estates Section agreed to sponsor a CLE presentation regarding guardian ad litem for the Annual Meeting to be held in June 2018. The program took place on June 15, 2018.

Member Communications

The Trusts and Estates Section published two newsletters, one in the Fall of 2017 and another in the Spring of 2018. Each edition included articles on relevant and timely trusts and estates topics and was distributed to all members of the section. Carter R. Brothers was the Newsletter Editor, and Trey T. Parker was the Assistant Newsletter Editor.

Updated: Jul 13, 2018

Conference of Local and Specialty Bar Associations

B. Alan McGraw, Chair

Mission: Local and specialty bar associations in Virginia comprise the Conference of Local and Specialty Bar Associations. The conference was established to maintain a mutually beneficial relationship between the VSB and the local and specialty bar associations in the Commonwealth. It sponsors a Bar Leaders Institute each year to help new local and specialty bar officers plan their bar year and assists them with ethical issues, various programs and internal management policies and procedures; sponsors Solo & Small-Firm Practitioner Forums open to all VSB members; sponsors awards of merit, a Local Bar Leader of the Year Award, Specialty Bar Leader of the Year Award, and Bar Association of the Year Award; maintains an information database; and makes executive committee and staff members available for technical assistance or presentations to local and specialty bars. The conference publishes The Connection online newsletter with information of interest to bar leaders. The CLSBA also edits, prints and distributes the So You're 18 handbook, and created the www.soyoure18.com website, which is used by many groups to inform young adults of their rights and responsibilities upon turning 18.

The Bar Leaders Institute was held at the Lewis Ginter Botanical Garden on March 9, 2018. The Honorable Manuel A. Capsalis was our keynote speaker. There were 75 registrants for this program. Topics for the day included Social Media for Bar Associations; How to Plan a CLE; Bar Projects Showcase; You're the President, Now What?; Ethics for Bar Leaders; and Pro Bono: Why it's Important and How to Get Involved. We would like to thank the BLI subcommittee that put together another phenomenal program – Chuck Lollar, Marcus Scriven, Lewis Martin and Luis Perez.

On September 20, 2017, the CLSBA presented the Solo & Small-Firm Practitioner Forum in Kilmarnock. Topics of the day included The Future of Law, The Realities of Impairment, What to Do if You Receive a Bar Complaint and Tips on How to Avoid Getting One, and Fastcase 7. The Honorable Robert J. Humphries joined us and gave a lively presentation on appellate practice. There was also a great panel of local judges who shared their Top Ten Things to Do, or Not, in the Courtroom. The day offered 6 hours of live CLE, with 2 hours of Ethics. There were 95 attendees at this program.

The CLSBA hosted its second Solo & Small-Firm Practitioner Forum in Big Stone Gap on October 13, 2017. Former Chief Justice Cynthia D. Kinser was our keynote speaker. Later in the day, she participated on a CLE panel with Chief Judge Glen A. Huff and Frank K. Friedman to discuss Appellate Practice. Other topics of the day included The Future of Law, Common Allegations of Misconduct in Southwest Virginia, The VSB's Fee Dispute Program, Fastcase 7; and Nuts and Bolts of Emergency Planning. The day offered 7 hours of live CLE, with 5 hours of Ethics. There were 91 attendees at this event.

The third and final Solo & Small-Firm Practitioner Forum for 2017-18 was held at Hampden-Sydney College. The Honorable Cleo E. Powell was the keynote speaker. Topics of the day included The Future of Law, The Realities of Impairment, The Sweet Spot of Legal Tech, Understanding the Immigration Consequences of Criminal Convictions in Virginia, Common Allegations of Ethical Misconduct in Southside Virginia, and Fastcase 7. The day offered 6 hours of live CLE, with 3 hours of Ethics. There were 89 attendees at this event.

The *So You're 18* pamphlets continue being presented as part of driver's licensing ceremonies in the Juvenile & Domestic Relations District Courts in many venues across the state. They are also distributed through local bars, schools, detention centers, voter registrars, social services agencies and other interested groups. Blueprints for a panel discussion also are available to local and statewide bar associations.

This year, the CLSBA launched its *So You're 18* website at www.soyoure18.com. Check it out! If you have suggestions for other legal topics of interest, please feel free to share them with Paulette Davidson at davidson@vsb.org.

The CLSBA's Annual Meeting and Breakfast was held on June 15, 2018, during the VSB Annual Meeting. The winners of this year's Awards of Merit competition were the Roanoke Bar Association and The Prince William County Bar Association, Inc. The Local Bar Leader of the Year Award went to Jay B. Myerson and the Bar Association of the Year Award went to the Fairfax Bar Association.

The CLSBA Executive Committee for 2018-2019, was elected at the Annual Meeting:
Officers – Charles M. “Chuck” Lollar, Chair, Norfolk & Portsmouth Bar Association; Lewis A. Martin III, Chair-elect, Charlottesville-Albemarle Bar Association; Sandra T. Chinn-Gilstrap, Secretary, Danville Bar Association; Susan N.G. Rager, Treasurer, Northern Neck Bar Association; B. Alan McGraw, Immediate Past Chair, Tazewell County Bar Association; At-Large Members – Nicholas J. Gehrig, Alexandria Bar Association; John A. Merrick, The Bar Association of the City of Richmond; Joseph W.H. Mott, Roanoke Bar Association; Christine H. Mougins-Boal, Loudoun County Bar Association; Luis A. Perez-Pietri, Fairfax Bar Association; W. Marcus Scriven, South Hampton Roads Bar Association; Dillina W. Stickley, Harrisonburg-Rockingham Bar Association; Amy M.P. VanFossen, Middle Peninsula Bar Association; and Reiss F. Wilks, Virginia Creditors Bar Association.

The CLSBA continually seeks to improve its efforts to better serve the needs of Virginia's local, statewide and specialty bar associations, to identify best practices and inform bar leaders of developments and trends on issues of importance to association leadership.

On behalf of the Executive Committee of the CLSBA, the local and specialty bar associations, and the many lawyers who attended the events sponsored by the CLSBA this year I extend our heartfelt thanks to Paulette Davidson for her professionalism, attention to detail, guidance, patience, and ability to target and coordinate volunteers with just the perfect blend of talents and skills to implement high quality programming. We also thank Karen Gould and Renu Brennan for their support of these efforts and the mission of the CLSBA.

Updated: Jul 20, 2018

Diversity Conference

Carole H. Capsalis, Chair

Officers for the 2017-2018 Fiscal Year:

- Carole H. Capsalis, Chair
- Luis Perez, Chair-Elect
- Latoya Asia, Immediate Past Chair
- Chidi James, Treasurer
- David D. Masterman, Secretary

Number of members of the Diversity Conference: 764

Special Activities/Programs/Achievements during the 2017-2018 Fiscal Year:

A. 2018 Law School Mentor/Mentee Initiative – VSB Annual Meeting

For the fourth year, the Diversity Conference invited law students from each Virginia law school to attend the 2018 VSB Annual Meeting in Virginia Beach. Under this Initiative, Deans of each of the respective law schools in Virginia select two of their outstanding students whom they feel reflect their schools' respective diversity goals and excellence in studies. Each of the law students were paired with at least one practicing attorney from the Diversity Conference who served as mentor to the student at the Annual Meeting. The students were invited to participate in all Annual Meeting events. The Law Student Mentees attended many of the showcase CLE sessions, the presentation of the Dunnaville Diversity Achievement Award, other plenary programming, sports activities, law school alumni breakfasts and various networking opportunities with their mentors. After attending the Opening Reception on Thursday afternoon, the mentees also attended a special dinner with their mentors and special guests, including President Doris Causey, Justice Cleo Powell, Clarence Dunnaville, and the presidents of the ODBA and the Northern Virginia Black Attorneys Association. In addition, the students also attended the President's Banquet, were welcomed by Incoming President Len Heath, and had the opportunity to meet with many members of the Bench and Bar. Sixteen dynamic law students attended the Annual Meeting under this initiative this year and they were enthusiastically welcomed by members of the Bench and Bar in attendance at each of events in which they participated. Board member Latoya Asia chaired the initiative this year.

B. Eighth Annual Fore Diversity Golf Tournament – 2018 VSB Annual Meeting

On Thursday, June 14, 2018, the 8th Annual Fore Diversity Tournament was held during the VSB Annual Meeting. The Tournament saw yet another successful and rewarding year in which a record number of golfers shared fellowship, sportsmanship and laughs. Board member Eva Juncker chaired the tournament committee this year.

C. Showcase CLE “Rallies, Riots and Remonstrations: What does the First Amendment Protect, and What Limits Are There for Citizens, Local Governments, and Law Enforcement?” - 2018 VSB Annual Meeting

The Diversity Conference presented “Rallies, Riots and Remonstrations: What does the First Amendment Protect, and What Limits Are There for Citizens, Local Governments, and Law Enforcement?” on 10:10 a.m. Friday morning, June 15, 2018 at the Hilton Oceanfront to an audience that filled the main ballroom. The panel of Claire Gastañaga, Esq., Executive Director, ACLU of Virginia; Kathleen Dooley, City Attorney for the City of Fredericksburg; and Allen Groves, Vice Dean of Students at University of Virginia Law School, a national lecturer on First Amendment issues and in particular, its application to America's public universities, riveted the audience as they discussed this dynamic topic. The Hon. Michael S. Nachmanoff, U.S. Magistrate, U.S. District Court for the Eastern District of Virginia, Alexandria Division, served as moderator. Co-sponsor organizations included the Northern Virginia Chapter of the Federal Bar Association, the Local Government Attorneys of Virginia, the Hispanic Bar Association of Virginia, the Old Dominion Bar Association, VSB Access to Legal Services Committee, Northern Virginia Black Attorneys Association, and the Virginia Equality Bar Association. Board member Sheila Costin chaired the Showcase committee this year.

D. 2018 Clarence M. Dunnville, Jr. Achievement Award – presented at the VSB Annual Meeting

The Hon. Rupen Shah, General District Court Judge of the 25th Circuit, former Chief Deputy Commonwealth's Attorney for Augusta County, and past Chair and Board of Governor of the Diversity Conference received the Diversity Conference's 2018 Clarence M. Dunnville, Jr. Achievement Award, which honors an individual who exemplifies excellence that members can emulate to meet its mission and goal of fostering, encouraging and facilitating diversity and inclusion in the Bar, the Judiciary and the legal profession.

As so eloquently stated by his nominator, Judge Shah “exemplifies excellence in promoting and working for diversity and serving the underserved”. The Diversity Conference was privileged to have Mr. Dunnville on hand for the presentation of the award to Judge Shah.

E. 2018 Oliver Hill/Samuel Tucker Pre-Law Institute

A record number of students will be attending The Oliver Hill/Samuel Tucker Pre-Law Institute (HTI), being held on July 8-13, 2018 at the University of Richmond. Named for legendary civil rights attorneys Oliver Hill and Samuel Tucker, HTI reaches future lawyers at an early age (high school) to provide them with exposure and opportunity to explore the legal profession, at no cost to the participants. Students in this year's HTI participated in various activities to include, among other things, a networking reception,

sessions on closing and opening statements, and evidence, a mock trial, and an etiquette dinner. As in past years, the continued success of HTI was made possible with a grant from the Virginia Law Foundation and, for the second year as a funded Conference, from the budget of the Diversity Conference. The Young Lawyers Conference co-sponsored the Institute and members of the Diversity Conference and the Young Lawyers Conference are serving in several volunteer capacities for the week long program. Board members Latoya Asia and Carole Capsalis chaired the HTI committee and thank and appreciate the tremendous efforts of new HTI co-directors Wesley Allen and Courtney Frazier.

F. 2018 Students' Day at the Capitol/Rule of Law Program

The Diversity Conference co-sponsored and provided volunteers for the 2018 Students' Day at the Capitol/Rule of Law Program held on Wednesday, March 29, 2018. Chair Carole Capsalis and Board of Governors Latoya Asia and Alicia Roberts served on the planning committee for this year's program. The program includes collaboration with the Virginia Law Foundation, Virginia Bar Association, VSB YLC, Rule of Law Project, and the academic community in the Richmond and Henrico Public School areas. Using a partnership with teachers, lawyers, judges, and students, the program seeks to provide students with an enriching and interactive experience about the importance of the rule of law in their daily lives. This program helps students better understand the need to preserve and protect the rule of law as the foundation for the rights and freedoms we enjoy in the United States.

G. YLC Bench-Bar Dinner

The Diversity Conference hosted two tables at the 2018 YLC Bench-Bar Dinner on March 29, 2018 honoring this year's newly elevated and distinguished jurists. Diversity Conference guests included the Hon. Cleo Powell, Clarence Dunnville, and his son, Peter Dunnville, the Hon. Marilyn Goss, and Jada Moss, a 2017 Annual Meeting law student mentee alumni.

Chair Carole H. Capsalis accepted the Award of Achievement presented to the Diversity Conference from YLC Chair Elect Brian Wesley for its partnership with the YLC for the Hill Tucker Institute Program for which the YLC received the ABA Young Lawyers Division Diversity program award at the 2016-17 ABA Annual Meeting.

H. Virginia State Bar Special Committee on Access to Legal Services projects

The Diversity Conference, in partnership with VSB Access to Legal Services Committee, has embarked on two language access projects. The first project underway is the translation of the *Free and Low Cost Legal Resources in Virginia* guide into Spanish. The Conference has coordinated volunteer members for this translation project in partnership with the Access to Legal Services Committee. The Diversity Conference has also reached out to its members to involve them in the second project, to increase language access on the Committee's VirginiaFreeLegalAnswers.org website. There is currently no way for non-English speaking clients to interface with bilingual attorneys. The Conference will continue to engage its bilingual members to work directly with Access director Crista Gantz on the freelegalanswers.org language access initiative.

I. Diversity Conference First Annual Forum on Diversity and Inclusion in the Law

The Diversity Conference will present its first annual Diversity Forum and CLE this fall on November 9, 2018 at the University of Richmond Law School. The forum will present

dynamic issues related to and effecting the success of diversity and inclusion in the legal profession and judiciary. Board member and incoming Chair Luis Perez is chairing this event.

J. Publicity

The Diversity Conference is present on social media on Twitter and Facebook: <http://twitter.com/vsbdc> and <https://www.facebook.com/dcvsb/>. Additionally, it has completed its first year publishing its *Invictus* newsletter, first published in June 2017, available on the VSB's Diversity Conference website. Board member Chris Fortier chairs the publicity matters.

K. Virginia Lawyer Magazine August 2018 issue.

The Diversity Conference will be featured in the August 2018 issue of the Virginia Lawyer magazine.

Continuing Legal Education Programs Sponsored during the 2017-2018 Fiscal Year:

In addition to the Showcase CLE presentation at the 2018 Annual Meeting described above, the Diversity Conference partnered with the Virginia Association of Defense Attorneys (VADA) in a 1.0 CLE panel presentation of "*Understanding Diversity as a Civil Trial Lawyer*" on May 23, 2018, at the Hardywood Brewery in Richmond. The CLE built on the themes introduced in the CLE the Conference presented at the CLBA's Solo and Small Practitioner Forum in April 2017, "Understanding Diversity: The Changing Realities and Considerations in the Practice of Law in the Commonwealth of Virginia". The Program and Community Projects Committee organizes the CLE programs.

Diversity Conference Board of Governors FY 2018-2019

The Diversity Conference Board of Governors voted unanimously to approve the following slate of nominated candidates to serve as officers for the 2018-2019 year. These candidates were approved by unanimous vote at the Diversity Conference's Annual Meeting and luncheon held at the VSB Annual Meeting on Friday, June 15, 2018 in Virginia Beach, Virginia.

- Chair, Luis Perez
- Chair-Elect, Chidi James
- Treasurer, Sheila Costin
- Secretary, David Masterman

Updated: Jul 10, 2018

Senior Lawyers Conference

Robert E. Hawthorne, Chair

The Senior Lawyers Conference (SLC) has had a good year. Membership as of May 18, 2018, stood at 19,526 members. All lawyers licensed in the State of Virginia over the age of 55 years are automatically members of the SLC.

Several Senior Law Day programs have been presented around the state this year utilizing the Senior Citizens Handbook that is a publication of the SLC. Discussions have been held at SLC board meetings about updating the handbook in the near future.

Considerable effort has been made this year in dealing with the stress and substance abuse issues of lawyers. At the request of Chief Justice Donald W. Lemons of the Virginia Supreme Court, the board did an extensive review of the report on lawyer health and reported the results of our deliberations.

The SLC sponsored the April 2018 edition of *Virginia Lawyer* magazine, contributing articles and being featured on the cover.

The SLC sponsored a brunch for the presentation of recognition for the members of the Virginia State Bar who have been members for 50 years. The brunch was held on Saturday, June 16, 2018, as part of the VSB Annual Meeting.

Serving as chair of the SLC this year has been a rewarding and an education experience, and I am appreciative of the support and assistance I have received from the board members and the staff of the Bar.

Updated: Jul 12, 2018

Young Lawyers Conference

Chris Fortier, Chair

Just like that, the Young Lawyers Conference (YLC) is 45 years old! The YLC may not be a young lawyer by its definition (under age 36 or within the first three years of practice in your primary bar) but its membership and leadership had it active all year. The YLC had a membership of 9,163 as of July 1, 2018. This report does not cover all the activities of the YLC as there was a lot happening as the year progressed. However, the YLC leadership is grateful for everyone's time, effort, participation, and ideas to keep the organization active, relevant to its membership, in tune with the work of the Virginia State Bar and parallel with the work of the American Bar Association Young Lawyers Division and other state and local young lawyer groups nationwide, and useful for the public.

This year's Board of Governors were energetic and enthusiastic, providing the President much insight and assistance with programs and initiatives over the year. Their presence was the difference in supporting the operations of the YLC, engaging in the tough discussions and working solutions to the issues the YLC encountered over this bar year, and embracing a mindset of "how can we accomplish" to ideas or goals dreamt up internally or brought to the YLC by its membership or its affiliated organizations.

The YLC's Program Chairs, District Representatives, and volunteers breathed life into the organization with their enthusiasm and on the ground support. Their welcoming presence allowed the YLC to touch the lives of thousands of our members and many more in the public. Chris Fortier, YLC President 2017-2018, noted, "these people were the empowering force that kept me going as YLC President. Meeting them and working with them gave me new energy and I was able to return home from our events more determined to serve Virginia's young lawyers with the best that I could provide."

YLC Vision 2022: A Strategic Plan

In September 2016, a group convened to update the YLC's Long Range plan as it had not been updated in seven years. A group consisting of Chris Fortier, Brian Wesley, Missy York, and Kris McClellan met over the next year to draft a new plan. The group was able to examine the strategic plans of the Virginia State Bar and the American Bar Association Young Lawyers Division to ensure that the plan would be consistent with the objectives of the Virginia State Bar and serve the needs of tomorrow's young lawyers. The group also evaluated the Future of Law reports from the ABA and the Virginia State Bar. The group examined the YLC's mission statement and wrote a new purpose statement, and goals.

Mission Statement: The Young Lawyers Conference is committed to creating and supporting young lawyers as leaders in the bar through service to the public, service to the bar, and professional development opportunities in an inclusive environment that

builds on diverse experiences, empowering young lawyers to live up to the high standards and ideals of a Virginia lawyer.

Purpose Statement: The purpose of the Young Lawyers Conference is to:

1. Provide a means by which young lawyers may actively participate in leadership and activities of the Virginia State Bar;
2. Support activities that meet the needs of both young lawyers and members of the Bar;
3. Promote, uphold, and elevate the standards of honor, integrity, and competence in the legal profession;
4. Improve the legal system and the responsiveness of the profession to the public at large; and,
5. Foster diversity and inclusion among young lawyers and members of the Bar.

GOALS:

Goal 1: To prepare and nurture young Virginia lawyers through effective communication and organizational direction to formulate strong leaders in the YLC, VSB and the community.

Goal 2: To build social and professional networks among young lawyers, the VSB, and local and specialty bars

Goal 3 : To provide professional development relevant to young lawyers' needs and public service projects that fulfill the needs of the public.

Liaison Program

In order to more closely integrate the YLC with other portions of the Virginia State Bar, especially sections and committees, we decided to create a liaison program. Our liaisons are required to attend section/committee meetings and provide reports to the YLC regarding the section/committee's activities. The liaison will also be responsible for facilitating contact between the two entities if an idea or a request for assistance arises. These liaisons serve ex-officio on these boards and would not be funded to attend meetings, most of which either occur in Richmond or over teleconference.

The YLC opened solicitations online for all our leadership positions this April, including our new liaisons. Candidates were able to submit applications for leadership positions through the YLC website for the first time in the organization's history. Nearly 50 applications were submitted by the deadline in June, giving President-Elect Brian Wesley a strong bench of candidates to choose from for his 2018-2019 leadership team.

New Committees

Our new Public Relations/Social Media committee is now led by Amanda Gregory of Chesapeake and Christina Stierhoff of Virginia Beach. If you have been paying attention to the more clever memes on our facebook, twitter, or Instagram, you can thank them.

The Wellness Initiative is new and chaired by Harrison Powell of Newport News and Tiago Bezerra of Fairfax.

Our Pro Bono Committee is now chaired by Erin Witte of Richmond, Rebecca Eubanks of Fairfax, and Carly Anderson of Fairfax. They are in the midst of putting together Legal Checkups along with Legal Services of Northern Virginia and their Veterans' Initiative. The Pro Bono Committee has been hard at work putting together the Legal Checkups. They have partnered with Legal Services of Northern Virginia's Veterans Pro Bono Initiative. I was able to attend the kick off meeting and was greatly impressed with the dedication of the individuals working on the project. Our chairs have been doing great work, putting together questions that are easy to understand and ask the proper information needed to make a consultation with an attorney potentially easier. We hope to have more shortly.

Finally, Patrick Callahan of Richmond co-chairs the Bench Bar Relations Committee, joining Latosha Ellis of Arlington. They have been studying best practices to recommend to young lawyers who want to put together events with the bench. Additionally, our 7th District Representative, Rachel Horvath, joined up with the Charlottesville Albemarle Bar Association Young Lawyers, to put on a bench-bar social event, which was well attended. Best practices from this event will be put into a guide for young lawyers.

Immigration Outreach Committee – Immigration Consequences of Criminal Convictions CLE

Our Immigration Outreach Committee has become a familiar fixture on our CLE calendar as they convened another program on October 20, 2017. The program sold out and had 50 engaged and active attendees, making the afternoon go faster. Thank you to Sasha Berhsad and Elizabeth Nehrling-Soutirou for putting together the program and Capital Area Immigrants Rights Coalition of Washington, DC for providing our talented speakers and getting materials to us for MCLE approval. Special thank you to HoganLovells for hosting the program at their Tysons Corner office.

Hogar Immigration Clinics

The YLC continues to alert membership to volunteer opportunities with Hogar Immigration Services. The program serves as a one stop shop for those applying for citizenship. Immigrants bring supporting materials (specified on the website) and lay volunteers fill out citizenship forms and materials. Attorneys are needed to do secondary interviews, where the immigrants get a quick legal review to check on red flag issues. Most immigrants clear these reviews but any red flag issues get referred to staff for additional interviews. The YLC brings an average of five to ten additional attorneys to the master list of attorneys per clinic held. Attorneys can be licensed in any state to provide assistance.

Professional Development Conferences

The YLC's CLE seasons was centered around four Professional Development Conferences occurring around Virginia. Each site had six hours of CLE credit with two of those credits being ethics. We held these conferences at the end of September and beginning of October in 2017. Special thank you to Jesse Behringer and Laura Lieberman in Washington, DC, John Morgan and Thai Barker in Tysons Corner, Adam Yost and Nancy Davidson in Richmond, and Rachel Radspinner in Virginia Beach for putting together these conferences, which can be daunting tasks.

FIRST DAY IN PRACTICE SEMINAR

This year's seminar took place on December 5, 2017 at the Greater Richmond Convention Center. A special thank you to our cosponsors, the General Practice Section for their work putting this program together.

Accounting 101 for Lawyers

The YLC's Professional Development held a webinar on September 19, 2017. This course is designed to develop the attendee's knowledge of accounting and provide them with a basic understanding of financial statements and management's discussion and analysis of those statements. The program was designed with legal practitioners in mind to give them the tools to conduct productive conversations and business interactions with accountants and to help them better understand the "accounting language." The program consists of an overview of accounting; an overview of financial statements, including explanations of each type of financial statement; a comparison of audit vs. forensic accounting; and an overview of accounting fraud. Faculty on this program were Marc Filer, CPA/ABV/CFF, CFE, MBA and Koutayba Yamak, CPA, CFE from Deloitte. You can review the program [here](#).

Virginia Lawyer

The December issue was devoted to the YLC and young lawyer issues. We were proud to contribute to this great magazine and were esteemed to work with the wonderful folks in the Communications Department in making this issue happen. We have a number of pieces by our membership including:

The Young Lawyers Conference is Here for You by Chris Fortier

Lawyers and Stress: Small Changes for a Better Life by Helen Chong, Tammy George, and Brent Mattocks

We Must Combat Racial Disparity and Create a More Diverse Legal Profession by Shemeka Hankins

Manners and Messages, E-mail for Young Lawyers by Benjamin Shute

The Future of Student Loans: The Brunner Test in the 21st Century and The Consumer's Hunger for Change by Christina T. Parrish

Tumultuous Time Requires Engagement by Young Lawyers by Melissa Little

A HUGE thank you to Dean Lhospital, our immediate past president, who laid the groundwork with the VSB to have them feature articles by young lawyers. A special thank you to Patrick Austin and the Docket Call team for their highly skilled edits and eagle eyes. Another special thank you to Dee Norman who took the cover photo (in addition to another one that made it onto our social media).

Rule of Law Day at the Capitol

On March 29, 2018, approximately 300 middle and high school students from the Richmond, Virginia area participated in this annual program which seeks to provide

students with an enriching, interactive experience about the importance of the rule of law in their daily lives, and to help them better understand the need to preserve and protect it as the foundation for the rights and freedoms we enjoy. The program was a collaborative effort between the Virginia Supreme Court and numerous Bar groups including, the Virginia State Bar's Young Lawyers Section, Litigation Section, and Diversity Conference, the Virginia Law Foundation, the Virginia Bar Association's Rule of Law Project, and the Communities in Schools Program of the Richmond and Henrico Public Schools. Teachers, lawyers, judges, and law enforcement officers partnered to educate and inform students about the rule of law and its importance to our way of life.

The program opened with perspectives on the Rule of Law provided by leaders representing the three branches of government and other special guests. Presenting leaders included the Honorable Cleo E. Powell – Justice of the Supreme Court of Virginia; the Honorable Donald W. Lemons – Chief Justice of the Supreme Court of Virginia; the Honorable Roger Gregory – Judge of the Fourth Circuit Court of Appeals; the Honorable Antoinette V. Irving – Sheriff of the City of Richmond; the Honorable Jennifer McClellan – Virginia State Senator; the Honorable Michael N. Herring – Commonwealth's Attorney for the City of Richmond; Alfred Durham – Chief of Police for the City of Richmond. Following this segment, the students were divided into two groups: high school students participated in an hour long "Rule of Law/Fact Pattern Scenario" discussion facilitated by volunteers, and middle school students traveled across the street for a presentation at the Supreme Court of Virginia. Then the group's switched places and the discussion groups/address were repeated.

The small group discussions are intended to provide a positive opportunity for the students to meet with Virginia lawyers, judges, and law enforcement officers to explore the application of the rule of law in their lives. Volunteers moderated the sessions and assisted in answering specific questions posed by the students about particular areas of the law as well as the volunteers' roles in the legal system.

The planning committee sponsored a contest for students to design and submit a logo for the program, and there is an essay contest for further student participation following the day of the event.

Bench-Bar Dinner

The 2018 Bench-Bar Dinner took place at a downtown Richmond hotel on March 29, 2018, which is a new and larger venue. The keynote address was delivered by the Honorable Mary B. Malveaux of the Court of Appeals of Virginia. Judge Malveaux, who was honored at the 2017 Bench-Bar Dinner following her appointment to the Court of Appeals, was also the first African-American woman to serve full time as a judge for the Henrico County Circuit Court, and is the second African-American woman to sit on Virginia's Court of Appeals. She spoke about the importance of mentorship for a young lawyer and illustrated her message with anecdotes about the mentorship that she received early in her career as a criminal prosecutor and defense attorney. In attendance at the event was the Chief Justice of the Supreme Court of Virginia, other members of the judiciary, members of not-for-profit legal organizations, law schools, law firms, the Office of the Attorney General, and other valued members of the Bar. It was a wonderful evening and the YLC will continue to host this event in the future.

Minority Pre-Law Conference

This year's conference took place on April 7, 2018 at Antonin Scalia Law School at George Mason University (Arlington). Sessions introduced prospective law students, college-aged and above, to the nuts and bolts of getting into law school and thriving in a

future legal career. The Pre-Law Conference covered all aspects of students' entering the legal profession, including law school admissions, LSAT prep, and panel discussions with legal professionals and law students on various related topics. Participants walked away with valuable information to pursue a future career in the law.

Wellness Initiative: The Introverted Lawyer webinar: May 7, 2018. This free wellness webinar was approved for 1.0 hour of MCLE credit. Professor Heidi Brown will discuss the seven steps toward authentically empowered advocacy. The webinar sold out in less than five minutes.

The "Wellness Corner" debuted in the spring edition of Docket Call. Watch for this piece every quarter as part of the YLC's growing presence in the world of wellness.

Admission and Orientation Ceremonies

We continued our tradition of welcoming new lawyers to the bar by putting together ceremonies with the Supreme Court of Virginia to swear in those who passed the bar exam. Both ceremonies were thought out, tasteful, and a memorable experience for the new bar admittees and their families. In addition to YLC President Chris Fortier, VSB President Doris Causey, and representatives from Lawyers Helping Lawyers spoke at the Orientation portion of the ceremony, before the Supreme Court of Virginia convened. The YLC thanks Jennifer Wong, volunteers chair, Jasmine McKinney, sponsors chair, and Annie Cai Larson, program chair, for their hard work, dedication, and attention to detail that these ceremonies need in order to be successful.

Updated Emergency Legal Services Plan: In 1993, the Virginia State Bar (VSB) tasked the Young Lawyers Conference (YLC) with developing and implementing the statewide Emergency Legal Services Response Plan (the Plan), which governs communication plans in the event of natural disasters and other declared emergencies. The Plan outlines how the VSB will provide free legal services to its citizens in the event the President or Governor declares a state of emergency. The last time the YLC made major revisions to the Plan was in 2007. In light of the number of significant natural disasters in the recent years, the Emergency Legal Services (ELS) Committee wanted to ensure VSB and the pro bono volunteers were armed the latest information and resources to best help the Virginia population.

In November 2017, the ELS Committee updated the Plan with significant changes. To improve the usefulness of the Plan, ELS worked on improving the comprehensive nature of the Emergency Legal Services Manual with the latest federal and state laws. With the help of over twenty (20) volunteers across the YLC, the ELS Committee developed twelve topical guides of the most common state legal issues for the manual, ranging from bankruptcy to wills and probate. The manual also includes national and federal aid programs that may be able to assist. Additionally, the ELS Committee revised the chain of command provisions in the Plan to: (1) reflect new provisions of the Commonwealth of Virginia Emergency Operations Plan; and (2) establish the YLC chain of command for legal services following natural disasters. There are future plans to include more topical guides with frequently asked questions (FAQ).

Professional Development Series Webinar: Digital Forensics and eDiscovery. On May 8, 2018, the Professional Development Series held another webinar on the topics less covered by the world of continuing legal education. This course covered the importance of identifying the appropriate data sources, understanding and uncovering digital traces of a crime, and techniques and strategies for litigating cases more effectively and efficiently. This course was approved for 1.5 hours of MCLE credit.

2nd Annual Leaders and Careers in the Law Event. May 12, 2018. In honor of Asian Pacific American Heritage Month, our Children and the Law Committee put on the 2nd Annual Leaders & Careers in the Law day at Fairfax Circuit Court. The event sold out with nearly 70 high school students and parents attending. Judge John Tran was the keynote speaker and students were able to attain information on how to become a lawyer. Law school admissions personnel were on hand to discuss getting into law school and provided information to the attendees about their schools. The following law schools participated: University of Virginia School of Law, William & Mary Law School, American University Washington College of Law, University of Richmond School of Law, Washington & Lee University, and George Mason University Antonin Scalia School of Law.

YLC and JOINT COMMITTEE SHOW HOW TO BECOME A MEDIATOR: The Joint ADR Committee and the VSB Young Lawyers Conference have partnered together to create a mentorship initiative geared toward young lawyers. The project has already put on two training teleconferences: Effective Advocacy in Mediation (with The Honorable Stanley P. Klein (retired), Donita King, and Julie Hottle Day) on May 9, and How to Become a Mediator on June 13.

Thank you to our special guests! This year, the YLC entertained a number of guest speakers to its Board meetings and dinners. At our September Young Lawyer Leader Institute, we welcomed Senator Jennifer McClellan and VSB President Doris Causey. Joining us in November was ABA Young Lawyers Division Chair Dana Hrelac Ciolli. In April, we were enthused to be joined by Virginia Bar Association President (and past YLC President) C. Steuart Thomas and Executive Director of Blue Ridge Legal Services John Whitfield. We also had some of our fellows join us at the dinners during the year.

YLC with the American Bar Association Young Lawyers Division

President Chris Fortier joined Victoria Walker, an ABA YLD scholar this year (and the YLC Women and Minorities in the Profession Chair) as the primary representatives from Virginia to the ABA Young Lawyers Division Assemblies in New York City for the August meeting and in Vancouver, British Columbia, Canada for the February Midyear Meeting. Chris and Victoria were joined by the ABA YLD District Representative for Virginia and Maryland, Edwin Wu, and YLC Governor Melissa Little for these Assemblies. These Assemblies provide delegates with the opportunity to hear from ABA leadership and weigh in on ABA policy proposals and potential model rule changes from a young lawyer's point of view. These voices are then taken for final consideration to the ABA House of Delegates, of which YLC Governor Providence Napoleon serves as Virginia's young lawyer delegate.

The YLC also participated at the Spring Meeting in Louisville, Kentucky where President Chris Fortier, Secretary Farnaz Thompson, and Governors Shemeka Hankins and Craig Ellis participated in events such as the Affiliates Training, where young lawyer leaders from across the country participated in sessions educating them about running a young lawyer organization, and the Affiliates Showcase, where young lawyer organizations show off their best programs. This year, the YLC showcased its Professional Development Series and its Immigration Outreach Committees.

Budget and Finance

Marni E. Byrum, Chair

The Standing Committee on Budget and Finance met on April 19, 2018, to review and approve the staff's proposal for the FY 2019 operating budget. The budget was reviewed and approved by the Executive Committee on June 13, 2018. On June 14, 2018, Bar Council considered, and unanimously passed, an operating budget of \$14.1 million for FY 2019. Chief Justice Lemons communicated the Court's preliminary approval of the budget as submitted on May 23, 2018, to Karen Gould, Executive Director and Chief Operating Officer. The Court will consider the FY 2019 budget during its August 2018 Business Meeting.

The budget reflects a decrease of approximately \$806,000 over the budget for the prior fiscal year which ended on June 30, 2018. The decrease is primarily due to a decrease in the Clients' Protection Fund Assessment from \$25 per active member to \$10 per active member. In addition, salaries are based on 92 FTEs for FY 2019, which reflects a net decrease in two positions from the FY 2018 budget. The budget also includes a 2% bonus for VSB employees effective November 2018. The General Assembly did not approve a 2% bonus for state employees, therefore, anticipated expenditures of the bar will decrease by approximately \$137,730 in salaries and benefits in FY 2019.

The Committee continues to evaluate the appropriate levels of reserves and dues for the Bar.

Updated: Jul 05, 2018

Standing Committee on Lawyer Discipline

David J. Gogal, Chair

The Standing Committee on Lawyer Discipline oversees the attorney disciplinary process, including the bar's investigation and prosecution of complaints. Members of COLD are assigned to monitor the progress of investigations and prosecutions in each of the district disciplinary committees through interactions and discussions with VSB counsel and committee chairs. In addition, the oversight subcommittee randomly reviews case files to ensure that VSB counsel handled them in a procedurally correct manner. In FY 2018, there were approximately 120 random reviews. Specific files are also reviewed on occasion if complainants or respondents question the handling of a case, and in FY 2018 there were three such reviews.

COLD formulates and presents proposed amendments to Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia, which governs the disciplinary process. Proposed amendments are published for comment and then presented to the Virginia State Bar Council, which decides whether to petition the Supreme Court for adoption of the changes. In FY 2018, proposed revisions to Paragraph 13 included the addition of 13-1.1 to define Burden of Proof, and changing references to CRESPA (Consumer Real Estate Settlement Protection Act) to RESA (Real Estate Settlement Agents) to conform to Chapter 27.2, Title 55, of the Code of Virginia. Both proposed revisions were approved by the Supreme Court of Virginia, effective June 15, 2018.

In addition, COLD approved amendments to Paragraph 13 dealing with the fees and costs of guardians ad litem, retirement of permanently impaired attorneys, and the sharing of information with lawyer assistance programs. These proposals were approved by Council in June 2018, and will be presented to the Supreme Court of Virginia for consideration.

The committee is comprised of ten attorneys, two laypersons, and the first vice chair of the VSB Disciplinary Board, who serves ex officio. In FY 2018, the committee met every other month beginning in July and continuing through May. David J. Gogal, served as chair of COLD, James W. Hundley chaired the rules subcommittee, and Beverly P. Leatherbury, served as vice chair of COLD and chair of the oversight subcommittee.

COLD hosts an annual Disciplinary Conference which is attended by attorney and lay members of the district committees, the Disciplinary Board, COLD members, and judges who sit on three-judge circuit court panels that hear disciplinary matters. The programs at the conference are designed to provide education and updates on the disciplinary process to the volunteers serving in the disciplinary system. The FY 2018 conference was held at Wintergreen Resort on July 27 and 28, 2017. Attendees included 146 members of district committees, the Disciplinary Board and COLD.

Legal Ethics

Eric M. Page, Chair

The Committee received two LEO requests in FY 2018; one resulted in LEO 1889 (pending approval by SCV) and one has been carried over to FY 2019. The Committee also resolved, by informal letter to the requester, one LEO request that was carried over from FY 2017.

The Committee issued three LEOs for review/approval by Council and SCV:

- Revised LEO 1750 – Advertising Compendium; approved by the SCV on April 20, 2018, effective immediately
- LEO 1885 – Ethical Considerations Regarding a Lawyer’s Participation in an Online Attorney-Client Matching Service; approved by VSB Council in October 2017; pending approval by SCV
- LEO 1889 – Scope of Representation – Duty of Court-Appointed Lawyer to Appeal Termination of Parental Rights Order; approved by VSB Council in June 2018; pending approval by SCV

The Committee released three proposed rule amendments for public comment:

- Proposed Rule 1.10(a) – Non-imputation of personal conflicts; issued for public comment in May 2018
- Proposed Rule 1.8(e) – Financial assistance to clients; issued for public comment in May 2018
- Rewrite of unauthorized practice of law rules proposed by the Study Committee to Revise the Unauthorized Practice Rules; issued for public comment in May 2018

Opinions pending consideration by the Committee include:

- Prosecutor’s duty to disclose evidence favorable to defendant
- Rule 4.2 compendium opinion
- Inadvertent disclosure of privileged information

The Committee also withdrew four LEOs: 1029, 1119, 1297 and 1321.

Ethics hotline calls through June 29, 2018, totaled 7,286, for an average of 607 calls per month.

Professionalism

The Honorable David W. Lannetti, Chair

The Standing Committee on Professionalism is charged with the execution, administration, and ongoing oversight of the mandatory Harry L. Carrico Professionalism Course, which all newly admitted active members of the Virginia State Bar are required to attend. The purpose of the course is to encourage attorneys to uphold and elevate the standards of honor, integrity, and courtesy in the legal profession. Since institution of the program in 1988, over 40,300 new admittees have taken the course—significantly more than the current number of active Virginia licensed lawyers.

The course faculty is comprised of distinguished lawyers and judges representing a broad cross-section of the legal profession in Virginia. Faculty members are nominated by their peers, lawyers, and members of the judiciary. Based on the needs of the course, less than ten percent of the nominees are approved by the Standing Committee on Professionalism and invited by the Chief Justice to accept appointment for a single three-year term.

The course was offered a total of eight times during the 2017-2018 bar year as follows: three times in Northern Virginia; twice in Richmond; and once in Roanoke, Norfolk, and Charlottesville. There were approximately 1,225 attendees at these courses. The Committee noted the decline in attendance compared to previous years and presumes it was due to lower enrollment in law school (which now appears to have subsided, although course attendance necessarily lags law school enrollment). In addition, there was an all-day faculty training event each Fall for both new and returning members.

The Committee was privileged to welcome the Honorable B. Waugh Crigler, the Honorable Douglas E. Miller, the Honorable David J. Novak, the Honorable Rossie D. Alston, Jr., the Honorable William T. Newman, Jr., the Honorable Robert S. Ballou, the Honorable Roderick C. Young, and Joseph A. Condo as luncheon speakers this year. Additionally, the VSB President—Doris Henderson Causey, this year—delivered welcoming remarks to the attendees at each course, for which the Committee is grateful. The participation of judges and

Access to Legal Services

Lonnie D. (Chip) Nunley, III, Chair

Vice chair: Tara L. Casey

Members:

Hon. Yvette A. Ayala, Marie Appleby Breimann, Polly Chong, Jennifer Grace Dean, Alexandra S. Fannon, Razan J. Fayez, Jennifer A. Fulmer, Paul C. Garrett, Rachel E. Jones, Valerie A. L'Herrou, James W. Speer, Joanna L. Suyes, Crystal Y. Twitty, Martin D. Wegbreit

Ex-officio: Mark D. Braley, LSCV Executive Director

VSB staff:

Karl A. Doss, VSB Access to Legal Services Director (July 1 – Dec. 15, 2017)
Crista L. Gantz, VSB Access to Legal Services Director (Dec. 15, 2017 forward)

2017-18 Major Accomplishments

- *SCV approval of new Voluntary Pro Bono Reporting Rule (the addition of Paragraph 22 to Part 6, Section IV of the Rules of the Supreme Court of Virginia)*
- *Bar Council and SCV approval of amendments to Emeritus Membership Rule (amendments to Paragraph 3(e) of Part 6, Section IV of the Rules of the Supreme Court)*
- *Significant progress towards adoption of a pro bono-friendly Limited Scope Appearance rule change (Rule 1.5 of the Rules of the Supreme Court of Virginia)*
- *Virginia.freelegalanswers.org leading the nation in attorney response rate and surpassing 1,000 questions asked and answered on the portal*
- *Successful launch of Transition Into Emeritus Status (TIES) program*
- *Inaugural Frankie Muse Freeman Award presentation*

Meetings:

The Committee met in Richmond on 8/29/2017, 1/24/2018, and 4/24/2018 and during the joint Pro Bono Conference/Virginia Legal Aid Conference in Charlottesville on 10/18/2017.

Over the course of the Bar Year, the Access Committee worked on a variety of access to justice issues through its subcommittees: Awards, Pro Bono Training/CLE, Alternative Delivery Systems/SRL, Rules, Legal Aid Funding, Social Media, and Joint Access to

Legal Services/Virginia Lawyer Referral Service (disbanded). During regular Access Committee meetings, subcommittees would report on their work and receive input from the entire Committee. Over the course of the Bar year, the Access Committee and its subcommittees heard about and discussed access to justice issues with numerous guests, including Doris Causey, VSB President; James McCauley, VSB Ethics Counsel; John Whitfield, Co-chair Virginia Access to Justice Commission and Executive Director, Blue Ridge Legal Services; Ellen Bowyer, Staff Attorney to the Access to Justice Commission of the Supreme Court of Virginia; Ray White, Executive Director, Virginia Law Foundation; Caitlin Bradley, PES Staff Attorney, Virginia Sexual and Domestic Violence Action Alliance.

Virginia.freelegalanswers.org:

Virginia.freelegalanswers.org, the online, interactive, pro bono question and answer website hosted by the Virginia State Bar, celebrated its one year anniversary on August 22, 2017. The Committee continued to support the Virginia Free Legal Answers portal through daily administrative functions of the staff liaison and year-round promotional engagements. Additionally, two interactive CLE training events were held at Virginia law schools to train volunteer attorneys and educate law students. Quarterly email updates were sent to volunteer attorneys containing helpful tips, reminders, website statistics, and volunteer recognition to increase engagement and interest. These efforts have resulted in significant growth, as of July 17, 2018, in the number of clients (1301 registered clients), volunteer lawyers (300) and questions asked (1,160) and answered (1,093). Virginia.freelegalanswers.org has consistently had an attorney response rate of 94 to 95 percent, consistently putting us at the top of the nation in this category. An estimated 420 hours of pro bono service have been contributed to date.

Amendments to the Rules Governing Emeritus, Pro Bono Reporting, and Limited Scope Appearance:

Voluntary Pro Bono Reporting

Members of the Access Committee worked closely with members of the Virginia Supreme Court's Access to Justice Commission to draft a voluntary reporting proposal for submission to the Supreme Court of Virginia. On December 21, 2017, the Commission submitted the jointly endorsed proposal to the Court. On February 27, 2018 the Court approved the addition of Paragraph 22 to Part 6, Section IV of the Rules of the Supreme Court of Virginia, which requests that each active Virginia State Bar member voluntarily report their pro bono hours and/or financial contributions in support of pro bono legal services on their annual dues statement. The new voluntary reporting rule goes into effect on December 1, 2018. The July 2019 VSB annual dues statement for the 2020 bar year will be the first to incorporate voluntary pro bono reporting. In response to the rule change, the Access Committee published an interactive FAQ to help members understand the new rule and identify opportunities to contribute to pro bono. The FAQ was distributed to members in VSB news, posted on the Access Committee's Facebook page, printed in the April issue of Virginia Lawyer magazine, and distributed at various bar events and presentations. Additionally, the Access Committee coordinated with the Access to Justice Commission to procure a letter from Chief Justice Lemons reminding members of the new rule and encouraging them to contribute, track and report their pro bono efforts, which was included in the July 2018 dues statement and published in the June issue of Virginia Lawyer magazine. The Committee is involved in ongoing efforts to promote voluntary reporting and leverage the rule change to increase pro bono participation and financial support to legal aid and nonprofit pro bono service providers.

Emeritus Membership

The Access to Legal Service Committee continued work on amendments to the Emeritus rule to facilitate increased pro bono engagement by retiring and retired members of the Bar. Following the close of the public comment period on June 30, 2017, the Access Committee submitted the proposed rule change to the Executive Committee for consideration. On September 14, 2017, the Executive Committee unanimously voted to recommend approval of the amendments to the Emeritus Rule to Bar Council. On October 27, 2017, Bar Council approved the proposed amendments and thereafter the proposal was submitted to the Supreme Court of Virginia for consideration. The Court approved the proposed amendments to the Emeritus Membership Rule by Order dated December 29, 2017 and the new rule went into effect on March 1, 2018. The Access Committee launched a number of robust promotional campaigns in response, including establishing the "Transition Into Emeritus Status" (TIES) program. The Committee created TIES branding and brochures, which was published in the Senior Lawyer's Conference newsletter and in the Virginia Lawyer magazine. In June 2018, brochures were distributed at the 50 Years of Service brunch at the Annual Meeting and mailed to more than 300 previously active members to boost interest and participation in the program by senior lawyers. Additionally, the Committee worked closely with VSB Communications to publish multiple articles highlighting the rule change in Virginia Lawyer and other bar publications. Within the first seven months of the promotional campaign, more than 15 attorneys have contacted the state bar expressing interest in the program. Four new emeritus members have been approved as of July 31, 2018, representing a 300 percent increase in membership following the implementation of the new rule. Additional applications are in process.

Limited Scope Appearance

The Rules Subcommittee of the Access to Legal Services Committee met several times to discuss amendments to Rule 1:5 as proposed by the Advisory Committee on Rules of Court (ACROC) on December 1, 2017 (original proposal) and March 1, 2018 (revised proposal). At its February and June 2018 meetings, the Rules Subcommittee considered additional changes to make the rule more conducive to access to justice and pro bono. Significant progress has been made to date; specifically, ACROC's current proposal reflects many of the changes recommended by individual members of the Rules Subcommittee as reflected in the Access to Justice Commission's comments to ACROC's original proposal, which it submitted on March 1, 2018. The Committee's work in this area is ongoing and is being done by the Rules Subcommittee members in close collaboration with the Access to Justice Commission with the goal of successfully engaging with ACROC and the Court to foster the adoption of an access-friendly rule change.

Free and Low Cost Legal Resources in Virginia Pamphlet:

In February 2017, the Access Committee published, on behalf of the Virginia State Bar, a pamphlet entitled "Free and Low Cost Legal Resources in Virginia". This eight page pamphlet is a guide for helping low-and modest-income Virginians find legal assistance and includes options for assistance by counsel and options for self-represented litigants. The Access Committee completed distribution of more than 30,000 copies to all Virginia legal aid offices and law libraries in the 2018 Bar year. Distribution efforts to court clerks, social services organizations and other venues are ongoing. A pdf of the pamphlet is also available for downloading/printing on the VSB website at <https://www.vsb.org/docs/probono/access-guide.pdf>.

Conferences, Webinars, Seminars, Presentations, and Outreach:

The 2017 Virginia State Bar Pro Bono Conference was held on October 18, 2017, in Charlottesville in conjunction with the Virginia Legal Aid Conference. This was the fourth time these events were held together, and attendees were welcome to attend sessions at either conference. More than 65 people participated in the conference, plus additional attendees from the Virginia Legal Aid Conference.

The Access Committee collaborated with Legal Aid organizations, law firms, non-profit legal services organizations, and bar associations to offer several webinars and seminars during the 2017-18 Bar year. Attorneys who attended VSB Access Committee sponsored or co-sponsored programs certified that they will either accept a pro bono referral from a legal aid or non-profit pro bono legal services provider or make a financial contribution to one of these organizations. The Access Committee also supported webinars developed by the VSB Young Lawyers Conference and the VSB Intellectual Property Section.

To support the transition into her new role as Director of Access to Legal Services after succeeding Karl Doss in November 2017, Crista Gantz made outreach visits to seven legal aid offices and two nonprofit legal service providers to meet the staff and discuss challenges and opportunities. Additional outreach efforts to the two remaining legal aid organizations and additional nonprofit legal service providers are ongoing.

Awards and Recognition:

On October 18, 2017, during the Pro Bono Conference, the Committee presented the Lewis F. Powell, Jr., Pro Bono Award to Ofelia Calderon. The Committee also presented the inaugural Frankie Muse Freeman Organizational Pro Bono Award to McGuire Woods LLP. Committee Chair Chip Nunley was the master of ceremonies and VSB President Doris Henderson Causey gave the guest remarks. More than 250 people attended this event.

On June 15, 2018, during the Legal Aid Award Luncheon at the VSB Annual Meeting, the Committee presented the Oliver White Hill Law Student Pro Bono Award to Charu Kulkarni of Washington & Lee University School of Law and the Legal Aid Award to Dipti Pidikiti-Smith, Director of Advocacy with Legal Services of Northern Virginia. The Committee also recognized long-time legal aid advocate Kathy Pryor for her more than 30 years of service. Anne Holton provided guest remarks. More than 75 persons attended this event.

Departing members: Hon. Yvette A. Ayala; Marie Appleby Breimann; Tara Casey; Jennifer Dean; Jay Speer; Mark Braley (Ex-Officio) The Committee wishes to extend its heartfelt gratitude and a tip of the hat to all of its departing members. Their service was very valuable, and they will be missed both as colleagues and fellow Committee members.

New Members (2018-19): Adonica Baine; Kristopher R. McClellan; Devon R. Slovinsky; Marty Wegbreit; Patricia L. West; Karl Doss (Ex-Officio)

Officers (2018-19): Chip Nunley, Chair; Jennifer Fulmer, Vice Chair

Staff Changes: Crista Gantz succeeded Karl Doss as Director, Access to Legal Services following Mr. Doss' departure in December 2017.

Martin Wegbreit was appointed to complete the term of Marie Appleby Breimann after Ms. Appleby Breimann had a change in her employment and left the active practice of law in Virginia leading to her voluntarily resignation from the Access Committee.

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Updated: Aug 01, 2018

Bench-Bar Relations

Henry I. Willett, Chair

The Bench-Bar Relations Committee met on the following dates at the following locations:

September 20, 2017 – Virginia State Bar, Richmond

January 24, 2018 – Virginia State Bar, Richmond

March 22, 2018 – Virginia State Bar, Richmond

May 23, 2018 - Virginia State Bar, Richmond

The committee focused this year on hearing from speakers on various issues. Paulette Davidson, VSB staff liaison for the Conference of Local & Specialty Bar Associations, provided information at each committee meeting on the status of speakers and topics for the upcoming Solo & Small Firm Forums that were being held on May 4, 2018 in Abingdon and May 10, 2018 in Hampden-Sydney, as well as the development of additional programs.

Pat Davis, Program Director of the Judicial Performance Evaluation Program, gave an update at the January 2018 meeting on the Judicial Performance Evaluation process and answered questions from the committee.

Circuit Court Judge Lowe of Abingdon gave a report on the Abingdon program, which had 140 attendees. The program did not have a specific theme, but was designed to provide helpful information to the attendees. The topics included how to perfect an appeal in a divorce case, ethical competence in the digital era, wills and financial accounts, and a legislative update from Delegate Kilgore.

Ms. Davidson gave a report at the May 2018 meeting on the Hampden-Sydney Solo & Small Firm Forum, which was attended by 89 lawyers. Among other speakers, Erin Page gave a well-received lesson on practice pointers for Fastcase, and Justice Powell spoke on things going on at the Supreme Court of Virginia.

Judge John Gibney and Henry Willett, both of Richmond, rotated off the committee as of June 30, 2018, after six years of service. Manolita Holadia of Virginia Beach will serve as chair during the 2018-2019 bar year.

Updated: Jul 02, 2018

Future of Law

Sharon D. Nelson, Chair

Since its inception in late 2014, the VSB Study Committee on the Future of Law Practice – this year having transitioned to a more permanent “special committee” -- has continued to evaluate current developments to assess how these changes will impact the practice of law. The goal of the Committee is to help illuminate the changing landscape of the practice of law, both to help educate lawyers and to help prepare them for a future that is continually changing.

The Committee met in person five times this year. Currently, the report posted on September 15, 2016 ([PDF here](#)) is in the process of being updated and will contain additional/updated recommendations, the final of which will also be submitted for public comment this fall.

The Committee continued to engage in the extensive gathering of information, reading everything it could find on the future of law practice – articles, ethics opinions, and studies by other bar associations. The following people possessed knowledge and experience of interest to the Committee, and they were invited and made presentations to the Committee to further its knowledge:

- James C. Coyle, Colorado Supreme Court, Office of Attorney Regulation Counsel
- IV Ashton, President and Founder of LegalServer and Houston.AI
- Brent A. Kuhn, Co-founder and Leader of IBM Watson Legal Solutions
- Colin Rule, Fairness Engine for Online Dispute Resolution
- Robert Craig, CIO at Baker Hostetler, announced the formation of the Global Legal Blockchain Consortium at ILTACON
- Judy Selby, Judy Selby Consulting-Cyberinsurance
- John Simek, Vice President of Sensei Enterprises, Inc. – Bitcoin and Cryptocurrencies

The following subcommittees of the Special Committee on the Future of Law Practice continued this year to study current issues affecting law practice:

- **Technology and the Practice of Law**—this subcommittee looks at advances in technology and how law practice is being changed by new technologies. It also studies how the Internet and other forces have created a market for non-lawyer legal service providers.

- **Access to Justice**—this subcommittee focuses on the “justice gap” - the unmet legal needs of a majority of low and middle-income population despite an ample supply of lawyers in the U.S. It also studies initiatives by the organized bar and the efforts of other organizations to address the justice gap, including some projects in other U.S. jurisdictions to allow licensed paraprofessionals to deliver legal services.
- **Alternative Business Structures**—this subcommittee looks at jurisdictions outside the U.S. that permit nonlawyers to participate and have ownership in legal services firms, as well as the status of any similar initiatives or proposals in U.S. jurisdictions.

Current members of the Committee this past year include: Sharon D. Nelson, Chair; Brian Lawrence Buniva, Esq.; Marni E. Byrum, Esq.; Doris Elcenia Henderson Causey, Esq.; Christopher R. Fortier, Esq.; Ronald L. Livingston, Esq.; Graham Keith Bryant, Esq.; Darius K. A. Davenport, Sr., Esq.; Leonard C. Heath, Jr. Esq.; Cynthia E. Hudson, Esq.; Christy E. Kiely, Esq.; Kellam T. Parks, Esq.; Mary Catherine Zinsner, Esq.; Michael W. Robinson, Esq.; David Brant Neumeyer, Esq.; Neil S. Talegaonkar, Esq.; Jamie B. Martin, Esq. and Kevin E. Martingayle, Esq.. The following individuals served as VSB Liaisons: Karen A. Gould, Esq., VSB Executive Director; James M. McCauley, Ethics Counsel; Emily F. Hedrick, Assistant Ethics Counsel; and Kristi R. Hall, Legal Ethics Executive

Updated: Jul 13, 2018

Judicial Candidate Evaluation Committee

W. David Harless, Chair

The Judicial Candidate Evaluation Committee consists of well-respected members of the practicing bar in the Commonwealth of Virginia, comprising a blue-ribbon panel of lawyers^[1] from across Virginia:

W. David Harless, chair	Richmond
William E. Glover, vice-chair	Fredericksburg
Alan S. Anderson	Alexandria
Bevin R. Alexander, Jr.	Lynchburg
William J. Dinkin	Richmond
William Drinkwater	Virginia Beach
Karla C. Haynes	Suffolk
Eva N. Juncker	Falls Church
Christy E. Kiely	Richmond
Nancy G. Parr	Chesapeake
Helen E. Phillips	Abingdon
William T. Wilson	Richmond
Michael M. York	Reston

Irving M. Blank serves on the committee as a nonvoting member representing the Executive Committee. Karen A. Gould, Executive Director of the VSB, attends the meetings as the committee's liaison. There were former members of the committee who served when others could not, such as Todd G. Patrick of Waynesboro, Crystal Y. Twitty of Sandston, and Ronald R. Wesley of Richmond.

The committee screened and evaluated candidates for three federal vacancies during FY2017-2018, at the request of U.S. Senators Tim Kaine and Mark Warner.

The evaluation process undertaken by the JCEC is time consuming and complex. The JCEC members conduct an investigation of each candidate in advance of the meeting by interviewing lawyers and judges familiar with that individual. The JCEC then receives the reports of each investigation before interviewing each candidate. After the candidates are interviewed, a vote is taken as to whether the candidate is "Qualified," taking into consideration the factors outlined in the JCEC policy, i.e. integrity, professional competence, experience, temperament, civic activities and public service. A majority of the JCEC members voting is required for a candidate to be designated as "Qualified." A majority of those voting in a second vote is required for a candidate to be designated as "Highly Qualified." The "Highly Qualified" designation is an evaluation of "whether any of the candidates deemed qualified possesses a level of qualification and distinction to merit the designation of 'Highly Qualified.'" If a candidate is found not to be qualified for whatever reason, no report is prepared regarding that candidate.

The findings by the Committee are specific to the vacancy for which the candidates have expressed interest. The Committee's evaluations should not be interpreted as, or considered to be, a determination by the Committee of the qualifications of the candidates to serve on a tribunal other than the United States District Court for the Eastern District of Virginia.

The Committee started each interview with the following series of questions:

Have you ever had a civil judgment entered against you? Have you ever been subject to lien by a government or administrative agency? Have you ever been sanctioned by a government, administrative or regulatory agency? Have you ever been subject to a collection action for failure to satisfy a judgment, lien, or other sanction? Do you have any tax issues that you think this Committee should know about?

10/3/2017

EVALUATIONS FOR JUDGE LEE'S POSITION (EDVA)

With regard to the interviews for Judge Gerald Bruce Lee's position, the final votes were as follows:

Comment	Qualified	Highly Qualified	
Hon. Rossie D. Alston, Jr.	8-2		
George R.A. Doumar	10-0		
Patricia T. Giles	10-0	10-0	
Terence J. Lynam	10-0	10-0	
Hon. Lawrence A. Leonard	10-0	10-0	
Edward B. MacMahon, Jr.	10-0		
Hon. David J. Novak abstentions	11-0	10-1	2

3/26/2018

EVALUATIONS FOR JUDGE CONRAD'S POSITION (WDVA)

Comment	Qualified	Highly Qualified	
Judge Robert Ballou abstentions	10-1 (3/2014 vote)*		3
David Barger	12-0	9-3	
Judge David Carson abstention	11-0	7-4	1
Julia Dudley	10-1 (3/2014 vote)*		
Gregory Habeeb	8-4		
Robert Hurt	12-0		
Judge John Kilgore	12-0	12-0	
Judge Pamela Sargent abstentions	10-0	8-2	2

6/27/2018

EVALUATIONS FOR JUDGE HUDSON'S POSITION (EDVA)

CANDIDATE	QUALIFIED VOTE	HIGHLY QUALIFIED VOTE
George R. A. Doumar	Q 10-0 (10/2017 vote)*	HQ 14-0 (6/27/2018 vote)
Patricia T. Giles	Q 10-0 (10/2017 vote)*	HQ 10-0 (10/2017 vote)*
Hon. David E. Johnson	Q 12-0 (6/27/2018 vote) 2 abstentions	
Hon. Lawrence R. Leonard	Q 10-0 (10/2017 vote)*	HQ 10-0 (10/2017 vote)*
Hon. David J. Novak	Q 11-0 (2007 vote)*	HQ 10-1 (2007 vote)*
Coke M. Stewart	Q 13-1 (6/27/2018 vote)	

* Paragraph II. G of the JCEC policy, amended in February 2016, provides: "If a candidate has previously been evaluated by the Committee for the same position, and received a rating of 'Qualified' or 'Highly Qualified,' there shall be a rebuttable presumption that the candidate merits at least the same rating. In order for the presumption to be rebutted, the Committee must be presented with information reflecting on the candidate's qualifications that warrants a vote to a lower rating."

[1] Not every attorney listed was present at each of the three evaluations summarized in this report. Karla H. Carter, for instance, joined the committee in April of 2018 and was present for June 2018 interviews and discussions.

Updated: Jul 10, 2018

Lawyer Insurance

David D. Hudgins, Chair

ALPS Property & Casualty Insurance Company is the VSB's endorsed professional liability insurance carrier. The Special Committee on Lawyer Insurance (LIC) continued its overview of ALPS's risk management endeavors and, for the first time, started its oversight of the VSB Members' Insurance Center's efforts to help VSB lawyers obtain and manage personal (health, life and disability) insurance.

The LIC met 4 times in FY2018:

September 28, 2017 Belle Haven Country Club, Fairfax, VA

November 30, 2017 VSB office

February 15, 2018 Via teleconference

May 10, 2018 VSB office, Richmond, VA

VSB Members' Insurance Center

The VSB Members' Insurance Center, led by Bob Spicknall, continues to enroll small law firms, often with only one employee, in health insurance. Since the fall of 2018, it established approximately 120 new groups totaling 226 insureds. These people now benefit from group health insurance that costs far less than individual health insurance. Bob reported in late April of 2018 that Virginia Senate Bill No. 672 had passed, which revises the definition of "small employer" for purposes of health insurance to include a self-employed person, effective July 1, 2018. It is most likely that solo practitioners of all industries, who work 30 hours per week, will become eligible for group health insurance sometime this summer. Bob cannot overstate the significance of this new law. The VSB sole practitioner, or group of one, "association" ability was removed by the ACA in 2014. Effective January 1, 2018 individual coverage became 30-35% more expensive than group coverage. Many VSB members who do not employ anyone grew frustrated because they could not establish group coverage and had to settle for expensive individual coverage with limited options and limited provider networks. Bob says it is now likely that these VSB sole practitioners will be eligible for group health insurance this summer.

ALPS and Lawyer Malpractice Insurance

ALPS operates on a calendar-year basis. As of December 31, 2017, There were 1,912 Virginia firms insured by ALPS, out of a total of 7,041 firms, and 3,943 lawyers, out of a total of 15,970 lawyers insured by ALPS. Gross written premium written in Virginia was

\$9,831,565; net written premium was \$6,606,641. Net combined ratio in Virginia as of 12/31/2017 was 119.42%; claims frequency was 3.67 in Virginia. Net combined ratio for ALPS overall was 99.91% as of 12/31/2017 with a claims frequency of 3.66%.

On-Demand Programing

Currently, 15 programs exist in the Virginia on-demand library. They range in length from 45min to three hours. New on-demand programs have been added throughout the year. Charges for the on-demand seminars are as follows: programs for one hour \$35 for insureds, \$65 for non-insureds; two hour programs \$45 for insured, \$75 for non-insured; and three-hour programs \$60 for insureds, and \$90 for non-insured. Course listing can be viewed at: <http://alps.inreachce.com/Search?category=a84aa593-3439-46f7-b433-6dff8acfd1f8>

Quarterly Result: In Q1 of 2018, ALPS had 90 VA registrants for on-demand programs, with 70 ALPS insureds and 20 non-insured.

YTD Result: YTD in 2018, ALPS had 90 VA registrants for on-demand programs, with 70 ALPS insureds and 20 non-insured.

Webinar Programming: In Q1 ALPS did two webinars.

On February 28, 2018, ALPS presented How to Avoid Conflict of Interest Malpractice Missteps. This program was presented by Mark Bassingthwaite. They had 34 registrants, with 32 insureds and 2 non-insured.

On March 22, 2018, ALPS did its first New Lawyer webinar of the year, The Devil Wears Green: Trust Accounting Basics for New Lawyers. This was presented by Jeannie Dahnk of Glover and Dahnk. There were 30 registrants, with 11 insureds and 19 non-insured.

Quarterly Result: In Q1, ALPS had 64 VA registrants for Webinars, with 43 ALPS insureds and 19 non-insured.

YTD Result: YTD, they had 64 VA registrants for Webinars, with 43 ALPS insureds and 19 non-insured.

Webinars Scheduled:

In Q2 ALPS will be doing four webinars:

- Practice Management: Calendaring – April 25, 2018
- New Lawyer Webinar #2 - The Introverted Lawyer: Authentically Empowered Advocacy – May 9, 2018

- Say What? An ALPS Ethics and Professionalism Program – June 13, 2018
- The Bar Report: An ALPS Ethics and Professionalism Program – June 27, 2018

The two June 2018 webinars are a live webinar format using two of the vignettes from the 2017 VA CLE Tour.

ALPS will also be doing a live replay of two previously recorded webinars, Malpractice Avoidance: Common Missteps Lawyers Make on April 18, 2018 and Malpractice Avoidance II: More Common Missteps Lawyers Make on May 23, 2018. Mark Bassingthwaite will be on hand to answer questions at the end.

Fall CLE Tour:

Planning for the 2018 Fall Tour is in full swing. The schedule of events and locations is below.

Date	Location/time	Venue
17-Sep	Charlottesville AM	DoubleTree by Hilton
18-Sep	Fairfax AM	Waterford at Fair Oaks
18-Sep	Fairfax PM	Waterford at Fair Oaks
19-Sep	DAY OFF	
20-Sep	Virginia Beach PM	Virginia Beach Convention Center
21-Sep	Newport News AM	Marriott At City Center
1-Oct	Chesapeake AM	Chesapeake Conference Center
2-Oct	Roanoke AM	Holiday Inn Tanglewood
3-Oct	Alexandria PM	George Washington Masonic Memorial
4-Oct	Manassas AM	GMU Prince William Campus
5-Oct	Richmond AM	Richmond Convention Center
5-Oct	Richmond PM	Richmond Convention Center

The scripts are done and the vignettes have been filmed. Jim McCauley and team are working on the answer set currently, and the materials will be finalized by July. Marketing will begin on June 26th.

2018 Risk Management Budget

The approved 2018 risk management budget is as follows:

Revenue:

ALPS 3% contribution:	\$287,395
Non-ALPS attendee revenue from Fall Tour:	<u>\$17,845</u>
Total revenue projection:	\$305,240
Expenses:	\$305,240

Revenue stands at \$17,845 through March 31, 2018, and expenses are \$83,429.84.

Updated: Jul 02, 2018

Lawyer Referral

Jack L. Harris, Chair

The Virginia Lawyer Referral Service (VLRS), 'Celebrating 40 Years' of public service has received 12,675 calls from persons in need of assistance with possible legal matters in Virginia. Of those calls, the VLRS has provided 3,963 prescreened and prepaid referrals to its active panel members; resulting in \$172,060.00 non-profit revenue for the bar.

The Virginia State Bar (VSB) Special Committee on Lawyer Referral commends the 351 VLRS attorney panel members for their (past and present) service to the bar and their communities. The VLRS welcomed 65 first-time panel members. The Committee's focus was to bring awareness of the VLRS to VSB members by promoting the value of its panel membership; and to the General Public by enhancing consumer protection when referring to private lawyers to ensure their legal needs were being met. Those goals were met by:

1. American Bar Association (ABA) Program of Assistance and Review (PAR) of the VLRS on October 18, 2017. The PAR review suggested the Committee make specified changes to the service for its continuing public service and panel membership support.
2. Rule revisions for the VLRS.
3. Strategic Plan created and implemented; along with establishing common goals with the VSB Access to Legal Services (Modest Means) and the Conference of Local and Specialty Bar Associations (CLSBA) to better fulfill the mission of the Bar. Committee members Jack Harris and Sarah Morton met with the Legal Aid Project Directors in Charlottesville on March 19, 2018 (in a joint effort) to better understand the services that each program provides to the citizens of Virginia.
4. Consumer and Panel Member surveys created and sent bi-monthly and every six-month (respectively) receiving valued feedback on the consumer and business services provided by the VLRS.
5. Referral Requests by email implemented August 20, 2017. VLRS has received 322 referral requests and has answered and responded to those referral requests (within 48 business hours) by reply emails and/or calls.
6. Online Pre-paid Referral System launched on March 19, 2018 to general public for 24/7 self-referrals. The Online Prepaid Referral System has been utilized by 109 consumers.
7. On-Site Panel Membership Promotions: VSB TechShow in Richmond; Solo and Small-Firm Practitioner Forums in Big Stone Gap, Kilmarnock & Hampton-Sydney; the

VSB Young Lawyer Conference (YLC) Admission & Orientation Ceremony in Richmond; and the VSB Annual Meeting in Virginia Beach.

8. Featured article in the VSB Virginia Lawyer Magazine June 2018 – “VLRS: We are Looking for the Next C. Butler Barrett”; and VSB News and Information articles to promote the new Online Referral System, the Referral Requests by Email, and ongoing panel membership recruitment of VSB members in underserved referring areas of Virginia. Article for the Conference of Local and Specialty Bar Associations (CLSBA) *The Connection Newsletter*(Summer 2017) “The Virginia Lawyer Referral Service: Helping Others While Helping Your Practice” written by Special Committee on Lawyer Referral member D. David Parr, Jr.

9. New panel membership application (with expanded areas of law practices) that required more detailed law office information to enhance the referral screening process for better consumer-to-lawyer matching. New informational consumer Bookmarks developed in May 2018 for statewide distribution.

10. Changes to the Virginia Lawyer Referral Service website to make it more consumers friendly and the panel membership information more visually appealing to its readers.

11. Assistance provided to the: VSB YLC Emergency Legal Service (ELS) responses to natural disaster Hurricanes Harvey & Irma; the Greater Richmond Bar Foundation (GRBA) & Virginia Bar Association (VBA) Veterans Initiative Program to provide legal referrals to persons affect by the hurricanes and Virginia veterans in needs of legal advice & services.

The Special Committee on Lawyer Referral met on Tuesday, August 8, 2017; Monday, October 30, 2017; Thursday, January 4, 2018; Tuesday, February 20, 2018; and Friday, May 18, 2018.

Committee Members

Eugene M. Elliott, vice-chair; Timothy A. Boyer, Judy A. Dugger, John A. Kassabian, Neil S. Lowenstein, D. Adam McKelvey, Sarah M. Morton, D. David Parr, Jr., Todd A. Pilot, Jeanette D. Rogers, and Christopher L. Spinelli.

Updated: Sep 21, 2018

Resolution of Fee Disputes

Kathryn N. Byler, Chair

The Virginia State Bar resolution of fee dispute program (RFD) was created as a voluntary program to help attorneys and clients resolve disputes over fees and costs paid, charged, or claimed for legal services provided by a member of the Virginia State Bar (VSB) through mediation or arbitration. Our program volunteers include 11 circuit chairs, 160 arbitrators and 48 mediators.

The RFD program benefits VSB members and the public by reducing needless litigation, spurious bar complaints, and Clients' Protection Fund petitions.

The following efforts were made in FY17-18 to promote and encourage use of the RFD program:

- On October 13, 2017, committee members Kathryn Byler, Mary Lynn Tate and Alan Anderson, along with Ethics Counsel Jim McCauley, presented a one hour CLE at the Solo and Small-Firm Practitioner Forum in Big Stone Gap, Virginia. The program was well-received by the approximately 85 attendees.
- The RFD program administrator hosted a webinar training on October 24, 2017, for the circuit chairs. The webinar included review of the program rules followed by open discussion among the chairs of issues that arise during oversight of a case.
- On March 9, 2018, committee chair Kathryn Byler and committee member/circuit chair Edward Whitlock presented a one-half hour CLE at the Bar Leaders Institute. The presentation generated program interest among the bar leaders in attendance, and resulted in a request for RFD CLE to be presented at the Norfolk-Portsmouth Bar Association later this year.
- The June issue of *Virginia Lawyer* ran a featured article on the RFD program entitled "Let's Talk about the Elephant in the Room."
- We continue to run RFD "ads" in *Virginia Lawyer* and in other VSB section and conference publications/newsletters when possible.
- Circuit committee 17 was reestablished and combined with circuit committee 18. Alan Anderson serves as the chair of this combined circuit committee.
- Circuits 9 and 15 were combined to establish a new circuit committee 9/15. Committee member Robert Stenzhorn agreed to chair this newly-established circuit committee.

The VSB RFD received 221 requests for information during fiscal year 2017-2018.

Of those 221 requests:

- Petitioners returned 103 agreements to circuit chairs for processing (86 from clients, 17 from attorneys);
- 45 of those agreements were accepted by the respondent;
- 24 attorney respondents declined to participate;
- 13 cases were settled prior to mediation or arbitration; and
- 34 cases went to FRD: 28 cases are complete (15 mediations and 13 arbitrations) and 6 are pending (5 mediations and 1 arbitration).

Geographical breakdown of requests:

- 16% were for attorneys practicing in eastern Virginia (circuits 2, 3/4);
- 51% were for attorneys practicing in NOVA (circuits 16, 17/18, 19, 31);
- 23% were for attorneys practicing in central Virginia (circuits 9/15, 12/13/14); and
- 10% were for attorneys practicing in south/southwestern Virginia (circuits 10, 23, 24, 28).

The committee continues to seek ways to encourage member participation and to publicize and promote the RFD at VSB-related events.

Committee members for 2017-2018 were Kathryn N. Byler, chair, Steven G. Owens, vice chair, Alan S. Anderson, Caroline E. Browder, William B. Kilduff, David A. McKelvey, Robert P. Stenzhorn, Thomas Gallagher and John J. Mable.

The VSB and RFD Committee would like to thank Kathryn Byler and William Kilduff for their six years of service on the RFD Committee.

Updated: Sep 10, 2018

Clients' Protection Fund Board

Nancy Marie Reed, Chair

The Clients' Protection Fund was established in 1976 to make monetary awards to people who have suffered financial losses because of the dishonest conduct of Virginia lawyers. The fund is managed by a fourteen-member board appointed by the Virginia State Bar Council. Board members investigate all petitions from clients for payments from the fund. The board hears each petition and determines the amount of loss.

As of July 1, 2017, twenty-three (23) claims were pending from the previous year. In FY 2018, fifty-three (53) new petitions were received. The total amount paid during 2017-2018 was \$103,130.58 representing twenty-seven (27) claims. The board denied fifteen (15) petitions, and eleven (11) petitions were rejected for not meeting the CPF rule requirements. As of June 30, 2018, there were twenty-three (23) pending claims. The board reviewed and investigated fifty-three (53) claims during the year.

The fund began the fiscal year on July 1, 2017, with a cash balance of \$8,911,684. The Clients' Protection Fund \$25 assessment from all active attorneys totaled \$813,060. Interest income, net of bank service charges for the fiscal year, totaled \$138,161. The fund received restitutions from attorney general's collections, debt set-off, and individual restitutions in the amount of \$10,357 net of attorney's fees for collection services. As of June 30, 2018, the cash balance in the fund was \$9,765,666.

The board is to be commended for the many hours spent investigating and deliberating claims, and for the work of its various committees including the public awareness and strategic planning committees.

By Order entered September 28, 2017, and effective July 1, 2018, the Supreme Court of Virginia reduced the amount of the assessment paid by bar members from \$25 to \$10. In addition, effective July 1, 2018, the General Assembly extended the sunset provision of Va. Code Section 54.1-3913.1, which authorizes the statutory assessment for the fund, from July 1, 2020 to July 1, 2023.

Appreciation is extended to Senator Richard Stuart who sponsored the CPF bill (SB 210). Finally, appreciation is extended to retiring board members Nancy Marie Reed and David R. Ruby after their years of service on the board.

The board welcomes Melissa Walker Robinson from the eighth disciplinary district and Charles Franklin Hilton as new members for fiscal year 2018-2019.

Mandatory Continuing Legal Education

G. William Watkins, Chair

The Mandatory Continuing Legal Education (MCLE) Board administers the program that was established by the Supreme Court of Virginia in 1985. The rules governing the MCLE program were amended in 1990 to require all active members of the Virginia State Bar to complete a minimum of twelve hours of approved continuing legal education courses, including two hours of ethics or professionalism, each fiscal year.

The MCLE Board consists of twelve members appointed by the Virginia Supreme Court. In addition to the chair, members for fiscal year 2018 included, Christine L. Poarch of Salem, Vice Chair, Mark S. Brennan of Richmond, Darius K. A. Davenport, Sr. of Suffolk, Lori Beth Galbraith of Chesapeake, Leonard C. Heath, Jr. of Newport News, Zachary A. Kitts of Fairfax, Victoria N. Pearson of Richmond, Kimberly A. Pierro of Mechanicsville, Liza S. Simmons of Richmond, Joanna L. Suyes of Richmond and Tameeka M. Williams of Norfolk.

The Board meets seven times per year at the VSB's Richmond office to, among other things, consider course-approval applications, requests for extensions and waivers, and other matters integrally related to the MCLE process in Virginia. The VSB's MCLE department provides daily administration of the MCLE requirements for the Board. Over the last reporting cycle, the MCLE staff and Board considered the following: 21,188 course approvals, 46 waiver and extension requests and approximately 164,963 certifications of attendance. Usage by attorneys of the online MCLE certification feature continues to increase and enables attorneys to post most of their certifications of attendance directly to MCLE record and view current MCLE record 24/7, saving time, money and effort for both our members and the MCLE department. For the 2017 MCLE compliance year over 77% of the course attendance was certified by the members online. Three hundred three (303) members have taken advantage of the iPhone app for connecting to the member login portal, an increase of 31% over the previous reporting period.

Over the last reporting cycle, the Board continued to study the topics of diversity and bias in the legal profession to determine (1) if alternative approval standards are warranted and, if so, (2) what modifications should be recommended. The Board approved amendments to Opinion 16 to allow for new gaming formats in distance learning programs and Opinion 14 to clarify the standards required for written, instructional materials. The Board also approved and published for comment amendments to Opinion 19 to respond appropriately to the ABA's lawyer wellness report co-authored by Chief Justice Lemons.

At the beginning of this year we welcomed new members, Mark S. Brennan, Joanna L. Suyes and Tameeka M. Williams to the Board. Darius Davenport resigned in March and was replaced by Michael D. Pierce of Norfolk. At the close of the year, three of our members completed their service on the Board: Leonard C. Heath, Jr., former chair and

now 2018-19 VSB President, Liza S. Simmons, and the 2017-18 chair, George William Watkins. With the possible exception of the latter, the Board will miss their insight and dedication to the profession. As this year closes, I want to thank Christine Poarch for her terrific and enthusiastic support as Vice-Chair and her willingness to step up as Board Chair for 2018-19 and, most especially, Gale M Cartwright, our Director of Member Compliance, who will retire at year's end after more than twenty years of service to the MCLE Board. Gale's organizational skills, good humor, wisdom and quiet grace were invaluable to me as I learned the ropes of leadership of the Board this past year.

Although Gale's presence and guiding hand will be sorely missed next year, the MCLE staff will continue to ensure that the MCLE process runs smoothly for both the MCLE Board and the membership of the Virginia State Bar under its new Director, Demetrios Melis. The staff conscientiously provides institutional memory for the MCLE Board, even as members of the MCLE Board come and go over time and their recommendations are solicited and carefully weighed by the Board before every decision is made. The staff richly deserves our thanks for their good work throughout this year. Finally, the MCLE Board is grateful for the assistance of the Executive Director of the Virginia State Bar, Karen Gould, who faithfully attended our meetings and provided valuable guidance to the Board in its deliberations.

Updated: Aug 15, 2018