



VSB
Executive Committee
Meeting

April 24, 2024

Richmond

VIRGINIA STATE BAR
EXECUTIVE COMMITTEE

Richmond, Virginia
Wednesday, April 24, 2024

AGENDA

10:30 am, Executive Committee Meeting
Bank of America Building, 1111 E. Main Street, 3rd floor Conference Room,
Richmond

I. Reports and Information Items	Tab
A. President's report – Chidi I. James, President	1
B. Executive Director's report – Cameron M. Rountree, Executive Director	2
C. Financial report – Crystal T. Hendrick, Finance/Procurement Director	3
D. Office of Bar Counsel report – Renu M. Brennan, Bar Counsel	4
II. Action Items	
A. Approval of the Minutes from the February 23, 2024 Meeting Chidi I. James, President	5
B. Approval of Nominating Committee Recommendation for 2024-2025 Stephanie E. Grana, Immediate Past President	6
C. Approval of Member Request for a Change in Membership Status Cameron M. Rountree, Executive Director	7
D. Approval of the Criminal Law Section Request for Budget Increase Maureen D. Stengel, Director of Bar Services	8
E. Approval of the Business Law Section Solicitation Request Maureen D. Stengel, Director of Bar Services	9
F. Approval of the Young Lawyers Conference Solicitation Request Maureen D. Stengel, Director of Bar Services	10

The mission of the Virginia State Bar is (1) to protect the public, (2) to regulate the legal profession in Virginia, (3) to advance access to legal services, and (4) to assist in improving the legal profession and the judicial system.

III. Notice of Upcoming Meetings, Receptions & Dinners

12 noon, Wednesday, May 29, 2024, Executive Committee meeting

- Hilton Garden Inn, 3315 Atlantic Avenue, Virginia Beach

6:00 p.m., Wednesday, May 29, 2024, Bar Council Reception and Dinner

- Hilton Garden Inn, 3315 Atlantic Avenue, Virginia Beach

9:00 a.m., Thursday, May 30, 2024, Bar Council meeting

- Hilton Garden Inn, 3315 Atlantic Avenue, Virginia Beach

12 noon, Tuesday, September 24, 2024, Executive Committee meeting

- Virginia State Bar, Bank of America 3rd floor conference room, Richmond

12 noon, Thursday, October 10, 2024, Executive Committee meeting

- Kingsmill Resort, 1010 Kingsmill Road, Williamsburg

6:00 p.m., Thursday, October 10, 2024, Council Reception and Dinner

- Kingsmill Resort, 1010 Kingsmill Road, Williamsburg

9:00 a.m., Friday, October 11, 2024, Council meeting

- Kingsmill Resort, 1010 Kingsmill Road, Williamsburg

TAB 1



Virginia State Bar

1111 E. Main Street, Suite 700
Richmond, Virginia 23219-0026
Telephone: (804) 775-0500

Date: April 24, 2024

To: Executive Committee

From: Chidi I. James, President

Re: President's Report for April 2024

Dear Executive Committee,

In addition to the matters which I will address at the meeting on April 24, 2024, in Richmond, please accept this as a report of my activities since my term began on July 1, 2023. I look forward to meeting with everyone in person and discussing these events and all matters on the meeting agenda.

Appointments/Travel/Events

07/14/23	VSB Hill Tucker Institute – Spoke with High School Students Participating in the Program. Stephanie gave the main address.
07/19-21/23	VBA Annual Meeting at the Homestead – Attended on behalf of VSB.
08/03-04/23	VSB Disciplinary Conference in Richmond – Gave an address to the attendees on behalf of the VSB.
08/09-10/23	VSB Professionalism Course in Roanoke – Attended the faculty dinner and sponsored wine using the President's Fund. Gave an address to the attendees during the opening session.
08/16/23	VSB All Staff Meeting in Richmond – Attended the staff meeting and gave a brief address and thanked the VSB Staff.
08/24/23	Virginia Law Foundation – Attended the 2023 Grant Recipient Luncheon.
08/24-25/23	Northern Virginia Black Attorneys' Association - 40 th Anniversary Convention Speaker.

- 08/30-31/23 VSB Professionalism Course in Richmond - Attended the faculty dinner and sponsored wine using the President's Fund. Gave an address to the attendees during the opening session.
- 09/12/23 Executive Committee meeting, Richmond – Presided over regular meeting.
- 09/13/23 VSB Section, Conference and Committee Chairs meeting in Richmond – Provided an overview of important issues and facilitated a breakout session with the board and committee chairs.
- 09/15/23 Virginia Judges & Lawyer's Assistance Program in Lynchburg – Speaker for a Panel Discussion on Advancing Diversity, Equity, and Inclusion to Build a Stronger Legal Profession at the 19th Annual Fall Retreat.
- 09/17-18/23 Solo & Small-Firm Practitioner Forum in Onancock, Melfa – Attended the speaker's dinner and forum sponsored by the CLSBA at Eastern Shore Community College.
- 09/20-21/23 Appalachian School of Law visit in Grundy – Invitation received from the ASL President.
- 09/30/23 Legal Services of Northern Virginia in Vienna – Opening remarks at Fall Gala.
- 10/03/23 YLC Women & Minorities Bench-Bar dinner in Richmond – Attended dinner at Virginia Union University to provide opening remarks and introduce keynote speaker.
- 10/12/23 Executive Committee meeting, Williamsburg – Presided over regular meeting.
- 10/12/23 Bar Council Reception and Dinner, Williamsburg
- 10/13/23 Bar Council meeting, Williamsburg – Presided over regular meeting.
- 10/18/23 VSB Annual Pro Bono Conference - Held in conjunction with the VA Poverty Law Center state-wide Legal Aid Conference
CLE program, Joint Reception with VPLC and VSB Celebration & Awards dinner.
- 10/19-22/23 Southern Conference of Bar Presidents conference
- 10/25-27/23 Virginia Association of Defense Attorneys 2023 Annual Meeting

President's Report

April 24, 2024

Page 3 of 6

10/28/23	YLC Minority Pre-Law Conference - GMU Law School
11/08/23	George Mason University Antonin Scalia Law School Reception honoring VSB President Chidi I. James
11/14/23	Roanoke Bar Association Speaker for monthly luncheon meeting
11/17/23	Investiture Ceremony and Reception - Fairfax Circuit Court Hon. Brett A. Kassabian, Judge
12/05/23	VSB All Staff Meeting & Holiday Luncheon
12/06/23	Admission & Orientation ceremony Remarks for new admittees
12/07/23	Professionalism Course - Richmond
01/06-08/24	Virginia CLE – UVA Law School Annual National Trial Advocacy College faculty
01/10/24	Lynchburg Bar Association January luncheon speaker
01/18-20/24	Virginia Bar Association 134 th Annual Meeting
01/31–02/03/24	Southern Conference of Bar Presidents/National Conference of Bar Presidents/ABA Midyear Meeting - Louisville, KY
02/03/24	Old Dominion Bar Association Winter Meeting
02/08/24	Regent University School of Law Speaker for Law School Chapel
03/07/24	VSB All Staff Meeting and Luncheon
03/08/24	VSB Bar Leaders Institute
-	
03/12/24	Hayfield Secondary School Invited Annual Career Day speaker
03/13/24	Better Annual Meeting committee meeting
03/15/24	VSB 2024 Diversity Conference Keynote Speaker

03/23/24	Virginia Beach Bar Association Invited to attend annual banquet
04/03-04/05/24	VTLA Convention – Washington, DC Invited Guest
04/10/24	VSF Professionalism course, Norfolk
04/10/24	Better Annual Meeting committee meeting (virtual)
04/23/24	12 th Annual Past Presidents' dinner, Richmond

In Memoriam

Bernard J. DiMuro (“Ben”) died March 8, 2024. For over thirty years, Ben was the managing partner of DiMuroGinsberg. He was a much loved and highly respected member of the legal community, who was known for his sharp wit and his extraordinary skills as a litigator by his clients, his adversaries, and the judges before whom he appeared.

Ben gave unselfishly of his time in service to the Bar. He served as its president and on its governing council for 11 years. Ben also chaired the State Bar Disciplinary Board among the many other influential committees and boards on which he served.

He was sought out for his expertise in legal ethics both as an expert witness and lecturer throughout the State. Ben was also one of the original founders of Lawyers Helping Lawyers and for many years, was an active fund raiser for the Special Olympics.

Ben was an Inaugural Member of Virginia Lawyers Hall of Fame, a Leader in the Law, a Fellow of the American Bar Association, The Litigation Counsel of America, and The Virginia Law Foundation. He has been listed as a “Best Lawyer” in commercial litigation since 2012 by The Best Lawyers of America and has been named a Legal Elite in civil litigation by Virginia Business Magazine.

Ben was a strong leader and a lover of the law. His depth of knowledge and experience will be missed by the many people who knew and loved him. Although once referred to as “rude and abrupt” by a local Journal, he was one of the kindest, funniest, and nicest people you will have ever met.

A private funeral service will be held by family members in Chicago. A memorial service will be held in Virginia at a future date.

Gerald E. Williams, a long-time real estate attorney, and known as the Marrying Magistrate, passed on February 18, 2024. He served as a 1st Lieutenant in the United States Marine Corps, serving in Korea and Japan, was part of the Delta State football team that went undefeated and untied in 1952, was a member of the Virginia State Bar for over 50 years, was an active member

of The Church of Christ in Falls Church congregation and served as president of the Arlington Optimist Club. Services were held on Wednesday, March 20, at The Church of Christ in Falls Church. A private burial with military honors was held at the National Memorial Cemetery at Quantico later that day.

John Pope Ellis, 91, died on April 7, 2024, in Boulder, CO. He was born in Mt. Lebanon, PA, on March 30, 1933. John spent his childhood in western Pennsylvania and attended Allegheny College in Meadville, PA. He then joined the US Navy, serving as an underwater EOD (explosive ordnance disposal) officer at Hawaii Naval Base and Yokosuka Naval Base in Japan. He retired with the rank of lieutenant commander after 12 years of service in 1968.

John went on to earn his J.D. from George Washington University and practiced law for more than 30 years in Northern Virginia and Washington, DC, specializing in medical malpractice and personal injury. He was a partner in the firms of Schwartz and Ellis and later Sher, Cummings and Ellis. He was active in and served as President of the Virginia Trial Lawyers Association from 1994 to 1995, and a member of the Virginia State Bar Council from 1995 to 2001. John was a supporter of Operation Smile and traveled with the charity on its overseas missions. He was a co-founder of the Arlington County Bar Foundation, the charitable arm of the Bar Association, which supports charitable activities in the community. Throughout his career, he championed legal services for the indigent and, in retirement, was active in Rappahannock Legal Services.

Service scheduled for a later date.

Strategic Planning Retreat

Immediate Past President Stephanie E. Grana is chairing the strategic planning retreat. It will be held April 24-26, 2024, in Winchester. The retreat will be hosted and moderated by Chris Newbold, Chief Operating Officer, and Executive Vice President, from ALPS Corporation, the legal insurance company. ALPS has done this for other state bar associations but had to limit the number of participants to include VSB staff and volunteers. The volunteers selected to participate are:

- Alicia R. Johnson
- Bruce H. Russell II
- Craig E. Ellis
- K. Brett Marston
- Kevin E. Martingayle
- Lonnie D. "Chip" Nunley
- Nia A. Vidal
- Susan B. "Sue" Tarley
- Veronica E. Meade

If you have thoughts or suggestions, please let any of these folks know. You can also talk to Stephanie, President-elect Michael M. "Mike" York, or me.

President's Report

April 24, 2024

Page 6 of 6

Annual Meeting

Registration for the 2024 Annual Meeting is open! Early Bird registration ends May 3. The Annual Meeting dates for 2024 are May 30 – June 1, 2024. So far, we have only 74 attendees registered. If you have not done so, please register and get the word out. Hotel rooms will be going fast because of the Jackalope and Reggae festivals. Please get your rooms ASAP, and make a personal invitation to at least three people in your network to attend. (Challenge them to cornhole, invite them to dinner, entice them with a particular program or CLE that you are excited about. Please see the agenda).

TAB 2

Executive Director's Report

(Cameron Rountree)

April 2024

I. VSB in a snapshot

VSB Members by Member Class 3/28/2024

Class	Amount
Active	32,679 (-2)
Associate	13,772 (-10)
Disabled	260 (-21)
Emeritus	33 (-2)
Judicial	981 (+3)
Limited Admission	1,051 (+27)
Pending	28 (NC)
<u>Retired</u>	<u>5,822 (-110)</u>
Total	54,626 (-95)

II. Brett Marston, VSB Presidente-elect designate

Congratulations to Brett Marston, the VSB President-elect designate! Brett is the managing partner of Gentry Locke Attorneys in Roanoke and, in accordance with the Bylaws of the Virginia State Bar, Part I, Article III, Sec. 3., will be elected as the President-elect at the 2024 Annual Meeting in May. His term will begin July 1.

Brett is a current member of the VSB Committee on Legal Ethics and the Committee on Professionalism. He has served on VSB Council, Executive Committee, as chair of the Construction Law Section, as a member of the Committee on Budget and Finance, as a Professionalism Course faculty member, and on the VSB Young Lawyers Conference Board of Governors. He is an active member of the Construction Law Section Board of Governors and the Litigation Section.

In addition to his responsibilities as the firm's managing partner, Brett is a member of Gentry Locke's Construction Law practice group and has extensive experience in construction contract negotiations and preparation, payment disputes, mechanic's liens, bond claims, construction defects, delay claims, insurance, and OSHA matters. He handles significant construction matters in federal and state courts as well as arbitration and mediation for general contractors, subcontractors, owners, design professionals, and suppliers.

III. Council elections

There are contested Council elections in the following circuits:

12th Judicial Circuit – 1 vacancy / 4 candidates

- George-Eliades, Adrienne
- MacCormac, Erika E.
- Mason, Anne Louise
- McEntee III, Robert B.

13th Judicial Circuit – 5 vacancies / 8 candidates

- Dix, Mark D. (*Incumbent*)
- Elliott, Kyle R.
- Harris, Shameka L.
- Johnson, Alicia R.
- Miller, Jeffrey P.
- Reed, Robert C. T.
- Willis, Jr., Gordon F.
- Yakubisin, Christopher P.

19th Judicial Circuit – 6 vacancies / 8 candidates

- Byrnes, John E.
- Dickerson, Kyung N. “Kathryn” (*Incumbent*)
- Gallagher, Stephen K. (*Incumbent*)
- Hart, Carly J. (*Incumbent*)
- Mullins, Alison R.
- Porto, Juli M.
- Powers, Debra L. (*Incumbent*)
- Sethi, Gobind S. (*Incumbent*)

Ballots will be mailed to active lawyers in the applicable circuits on Friday, April 5th and the election will close on Wednesday, April 17th.

IV. Presidential appointments approaching

President-elect Mike York will be making presidential appointments to Committees and other volunteer entities on Tuesday, April 23, 2024, just before this EC meeting. If you or someone you know is interested in serving on a VSB Committee or other volunteer entity, please contact [Shawne Moore by email](#) or call (804) 775-0551. Appointments will include the following entities:

Standing Committees

- [Access to Legal Services](#)
- [Budget and Finance](#)
- [Legal Ethics](#)
- [Professionalism](#)
- [Lawyer Discipline](#)

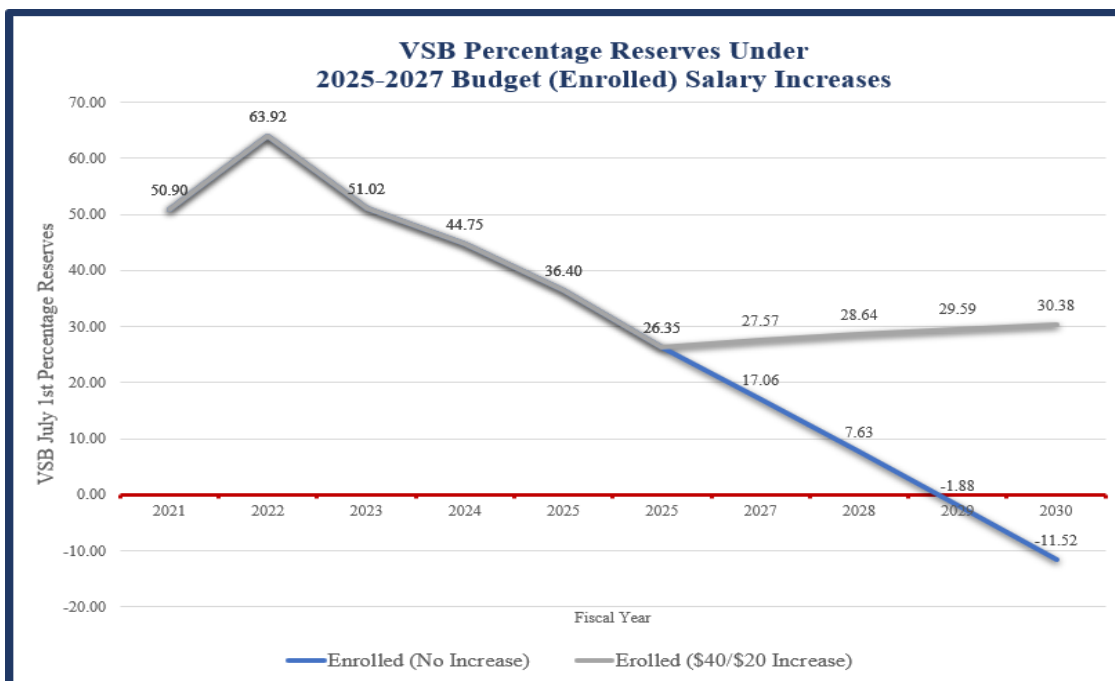
Special Committees

- [Bench-Bar Relations](#)
- [Better Annual Meeting](#)
- [Judicial Candidate Evaluation](#)
- [Lawyer Insurance](#)
- [Lawyer Referral](#)
- [Resolution of Fee Disputes](#)
- [Technology and the Future Practice of Law](#)

A list of current and upcoming vacancies can be found at the VSB website, hover over the “Lawyers” tab on the homepage, → scroll to “Voluntary Bar Service Opportunities,” → and click “List of Vacancies” in the second paragraph. You can also click [Leadership Vacancies \(vsb.org\)](#).

V. Finances

I have reported substantially on the outlook of VSB finances in the last few reports. The same concerns persist, and they have been transmitted to the Supreme Court in a letter requesting approval of the Budget adopted by EC and Council at the February meeting. I will report on same when I hear from the Court. Since then, the General Assembly has adopted a biennium budget (which will likely be negotiated with the Governor before enactment) that includes two 3% raises in FY 25 and FY 26 for Commonwealth employees. The impact of these proposed changes is included in Crystal Hendrick’s Finance report. If adopted, they highlight the need to address long-term revenue concerns. One possible solution coming into focus is a \$40/\$20 dues increase for active and associate members, respectively, that could stave off continued deficits. The graphic below is informative.



VI. Dues renewal

As previously reported, the Dues process will be different this year. How, procedurally, that will take form is coming into sharper focus. Importantly, for those lawyers in law firms (or other organizations) in which the firm or organization pays a lawyers VSB dues, there is a process for firm/organization administrators to associate lawyers with the firm/organization. This was highlighted in the VSB April E-news and will be reiterated in separate communications to firm/organization administrators. If you belong to such a firm/organization, please help highlight the change to those who will be responsible for making the lawyer-firm/organization associations. Also, even though there will be no paper dues renewal form mailed to individual lawyers this year, the VSB will send a post-card reminder to all active and associate members to advise them of when the online portal for payment opens and the deadline occurs.

VII. Strategic Planning Retreat

This event will take place April 25th-26th in Winchester, the day after this EC meeting. Participants should have received a survey to complete pertaining to the agenda that was sent on behalf of ALPS Corporation executive vice president Chris Newbold who will facilitate the event.

VIII. Annual meeting (update)

Try as we might to avoid it, since our last EC & Council meetings the VSB has learned that the [Jackalope Festival](#) has followed us! The VSB was originally compelled to change the date of the annual meeting from the traditional dates during the Father's Day weekend due to a conflict with the large extreme sporting event. Now, however, due to a scheduling conflict involving famed skateboarder Tony Hawk, the Jackalopes have moved their event to Friday, May 31st through Sunday, June 2nd. This will directly conflict with this year's Council and annual meetings to be held Wednesday, May 29th through Saturday, June 1st. The VSB has learned that certain Jackalope events, such as base jumping, have been moved from off the roof of the Hilton Oceanfront to a nearby crane, so some of the likely disruption will be assuaged. Nevertheless, the Jackalopes will be very close to the blocks where the VSB events are held, and attendees are expected to arrive in town earlier in the week. Meanwhile, at the south end of the Oceanfront, the [Point Break](#) reggae-themed ("music, food, drinks & vibes") event will occur on Saturday, June 1st and Sunday, June 2nd. Needless to say, we can expect more congestion in and around the Oceanfront during the annual meeting.

IX. VSB Personnel changes

It is with a heavy heart that I announce the forthcoming departures of several long-term VSB employees. These include well-regarded stalwarts who carry out a tremendous amount of work on behalf of Virginia's lawyers.

- After 34 years with the VSB, Bar Services Director Maureen Stengel will be retiring in the fall;

- After 30 years of cumulative service with the VSB, Meetings Coordinator Paulette Davidson will also be retiring in the fall;
- After nine years with the VSB, *Virginia Lawyer* Editor Dee Norman will resign to pursue other interests; and
- After four (outsized) years with the VSB, Communications Web Content Manager and Assistant *Virginia Lawyer* Editor Kaylin Bowen will resign to start a job with the federal government in Maryland.

X. Rule changes, regulations, and other information

- All VSB action items from the February Council meeting were submitted to the Supreme Court at the beginning of March for consideration at the Court's April business meeting. These included: approval of the VSB budget for FY25, appointments to Council at Large for FY25, and appointments to the MCLE Board for FY25. At the time of drafting this report these are still pending.
- There are **immediate volunteer vacancies** to be filled. Volunteers are sought for Medical Malpractice Review Panels (3), Lawyer Insurance Committee (1), Committee on Technology and the Future Practice of Law (1) and the Young Lawyers Conference Board. Please visit the VSB website for more information on how to apply.

XI. Upcoming VSB Events

April 2024

- 4/10 Harry L. Carrico Professionalism Course, Norfolk, VA
- 4/10 Better Annual Meeting Committee Meeting, Location TBD,
- 4/11 Local Government Law Section Board Meeting, Virtual
- 4/16 Construction Law Section Board of Governors Meeting, Virtual
- 4/17 Committee on Lawyer Discipline (COLD) Meetings, Richmond, VA
- 4/17 Family Law Section Board Meeting, Richmond, VA
- 4/18 40th Annual Advanced Family Law Seminar, Richmond, VA
- 4/18 Senior Lawyers Conference Board Meeting, Richmond, VA
- 4/19 Clients' Protection Fund Board Meeting, Richmond, VA
- 4/23 12th Annual Past President's Dinner, Richmond, VA
- 4/24 Strategic Planning Retreat Winchester, VA
- 4/24 Executive Committee Meeting, Richmond, VA
- 4/26 Disciplinary Board Hearings, Varied, VA
- 4/26 Young Lawyers Conference Board Meeting, Fredericksburg, VA
- 4/29 2024 VSB Virtual Techshow, Virtual,

May 2024

- 5/03 Leroy R. Hassell Sr. Indigent Criminal Defense Seminar, Multiple Locations,
- 5/08 Technology and the Future Practice of Law Committee Meeting, Richmond, VA
- 5/09 CLSBA Executive Committee Meeting, Richmond, VA
- 5/10 Military Law Section Board of Governors Meeting, Virtual,

- 5/15 Legal Ethics Committee Meeting, Richmond, VA
- 5/15 Bench-Bar Relations Committee Meeting, Richmond, VA
- 5/16 Lawyer Insurance Committee Meeting, Richmond, VA
- 5/17 Disciplinary Board Hearings, Varied, VA
- 5/17 Solo & Small-Firm Practitioner Forum, Big Stone Gap, VA
- 5/29 2024 VSB Annual Meeting, Virginia Beach, VA

TAB 3



Virginia State Bar

1111 E. Main Street, Suite 700
Richmond, Virginia 23219-0026
Telephone: (804) 775-0500

To: Virginia State Bar Executive Committee

From: Crystal T. Hendrick, Finance/Procurement Director

Date: March 28, 2024

Re: Financial Report as of February 29, 2024

The February 2024 financial report is attached for your review. The revenue detail is on page 3. As of February 29th, we have collected approximately \$12.6 million. The total received for bar dues, the largest source of revenue, was approximately \$10.0 million.

The expenditure data is summarized on pages 5 and 6. As of February 29th, total expenditures were approximately \$9.6 million.

The Administration and Finance Account is reflected on pages 7 and 8. This account manages the receipts and expenses for the annual meeting. The cash balance as of February 29th was approximately \$215,000.

The Clients' Protection Fund (CPF) is reflected on pages 9 and 10. The CPF board makes monetary awards to people who have suffered financial losses because of the dishonest conduct of Virginia lawyers. As of February 29th, the fund balance was approximately \$11.0 million.

The long-range projections as of February 29, 2024, follow this memo. The report is used as a planning tool to project future revenue, expenditures, and cash balances.

Please contact me if you have questions concerning the financial data. I can be reached at (804) 775-0523 or hendrick@vsb.org.

Attached: Long-Range Projections
February 2024 Financial Report

**VIRGINIA STATE BAR
LONG RANGE PROJECTIONS
OPERATING PLAN SUMMARY
AS OF FEBRUARY 29, 2024**

**FY 2025 and FY 2026 3% Salary Increase and
FY 2027 Active Dues Increase \$40 and Associate Dues Increase \$20**

	2020/2021 ACTUAL	2021/2022 ACTUAL	2022/2023 ACTUAL	2023/2024 PROJECT. (4)	2024/2025 PROJECT. (5)	2025/2026 PROJECT. (6)	2026/2027 PROJECT.	2027/2028 PROJECT.	2028/2029 PROJECT.	2029/2030 PROJECT.
Operating Revenue (1)	13,220,617	13,778,275	13,705,753	13,460,000	13,755,000	13,785,000	15,387,150	15,383,150	15,387,150	15,383,150
Less: Operating Expenditures (1)	12,265,449	12,846,137	14,512,629	14,415,000	14,813,960	15,176,830	15,196,830	15,215,830	15,235,830	15,256,830
Contributions To/(From) Operating Reserve	955,168	932,138	(806,876)	(955,000)	(1,058,960)	(1,391,830)	190,320	167,320	151,320	126,320
Add: Beginning Operating Reserve Balance	6,055,154	7,010,322	7,942,460	7,135,584	6,180,584	5,121,624	3,729,794	3,920,114	4,087,434	4,238,754
Ending Operating Reserve Balance (2)	7,010,322	7,942,460	7,135,584	6,180,584	5,121,624	3,729,794	3,920,114	4,087,434	4,238,754	4,365,074
Ending A&F Reserve Balance	214,174	269,318	268,054	270,000	270,000	270,000	270,000	270,000	270,000	270,000
Total Reserve Balance	7,224,496	8,211,778	7,403,638	6,450,584	5,391,624	3,999,794	4,190,114	4,357,434	4,508,754	4,635,074
Reserve as a % of the preceding year's Operating Expenditures (3)	58.90%	63.92%	51.02%	44.75%	36.40%	26.35%	27.57%	28.64%	29.59%	30.38%

NOTES:

Note 1: The Clients' Protection Fund assessment collected pursuant to Paragraph 16 of the Rules of the Supreme Court regarding Organization & Government of the VSB has been deducted from both the Operating Revenue and Operating Expenditures. The net impact is \$0.

Attorney Wellness revenue is a revenue reduction when transferred to the Supreme Court of Virginia. The net impact is \$0.

The Operating Revenue and Operating Expenditures are based on anticipated actual results and may not agree with budgeted totals.

Note 2: The total Operating Reserve balance as of 6/30/2023 includes the Professionalism Course Reserve of \$181,896.

Note 3: Paragraph 11 of the Rules of the Supreme Court regarding Organization & Government of the VSB provides that "No increase in the annual dues above \$250 for active and \$125 for associate members will be authorized by the Court whenever the total combined cash balances of the State Bar Fund and the VSB A&F Account shall exceed 15% of the total annual operating expenditures of the bar for the year preceding the year in which the dues increase is sought."

Note 4: FY 2024 revenue decrease - Past and Penalty \$279,000. FY 2024 exp decrease - staff salary increase \$385,000, computer and technology decrease \$522,000.

Note 5: FY 2025 revenue increase - MCLE fee increase \$275,000. FY 2025 expenditure increase - 3% staff salary increase, rent decrease \$247,500, office renovation \$250,000.

Note 6: FY 2026 expenditure increase - 3% staff salary increase.



Report ID: VGLR001

Commonwealth of Virginia
CARDINAL TRIAL BALANCE REPORT

Run Date: 03/07/2024

Run Time: 03:11 00

Page No. 1 of 2

Business Unit : 11700 Virginia State Bar
Fiscal Year : 2024 Accounting Period : 8
Account Details : Summary Ledger Selection : ACTUALS
ChartField Selection : By BU,Fund Adj. Period :

<u>Business Unit</u>	<u>Fund Code</u>	<u>Account</u>	<u>Description</u>	<u>Beginning Balance</u>	<u>Net Activity</u>	<u>Ending Balance</u>
11700	09117	101010	Cash With The Treasurer Of VA	11,147,105.68	(891,612.07)	10,255,493.61
		131030	Petty Cash Advances	0.00	0.00	0.00
Asset Total :				11,147,105.68	(891,612.07)	10,255,493.61
		205025	Accts Payable-AP/EX Accruals	(127,716.93)	35,193.06	(92,523.87)
		22051401	Pay Susp-Garnishment	0.00	0.00	0.00
		22051404	Pay Susp-DOA Admin Fee	0.00	0.00	0.00
		22051406	Pay Susp-CoVA Care	0.00	0.00	0.00
		22051407	Pay Susp-CoVA Health Aware	0.00	0.00	0.00
		22051408	Pay Susp-CoVA High Ded	0.00	0.00	0.00
		22051424	Pay Susp-VRS Contributions	0.00	0.00	0.00
		22051426	Pay Susp-HlthCare Prem Reward	0.00	0.00	0.00
		22051427	Pay Susp-Group Life-VRS	0.00	0.00	0.00
		22051428	Pay Susp-VSDP/LTD-VRS	0.00	0.00	0.00
		22051429	Pay Susp-RetireeHlthCred-VRS	0.00	0.00	0.00
		22051442	Pay Susp-CVC Deductions	129.00	0.00	129.00
		22051443	Pay Susp-Optional Group Life	972.59	0.00	972.59
		22051444	Pay Susp-3rd Party Admin	226.18	0.00	226.18
		22051446	Pay Susp-Deferred Comp	0.00	0.00	0.00
		22051447	Pay Susp-Hybrid Retirement	0.00	0.00	0.00
		22051448	Pay Susp-VRS Hybrid MDB Retire	0.00	0.00	0.00
		22051450	Pay Susp-Agy Parking	0.00	0.00	0.00
		22051454	Pay Susp-Flex Reimb Dependent	0.00	0.00	0.00
		22051455	Pay Susp-Flex Reimb Medical	0.00	0.00	0.00
		22051456	Pay Susp-Flex Reimb Admin	0.00	0.00	0.00
		22051461	Pay Susp-Deferred Comp EE	0.00	0.00	0.00
		22051462	Pay Susp-Hybrid Retire EE	0.00	0.00	0.00
		22055803	Pay Susp VA State Tax	0.00	0.00	0.00
		2402101	Def Rev-Businss/Professnal Lic	0.00	0.00	0.00
		2402433	Def Rev-Client Protectn Fd Fee	0.00	0.00	0.00
		2402440	Def Rev-Attorney Wellness Fund	0.00	0.00	0.00
		2402618	Def Rev-Atty Registration Fee	0.00	0.00	0.00
Liability Total :				(126,389.16)	35,193.06	(91,196.10)

<u>Business Unit</u>	<u>Fund Code</u>	<u>Account</u>	<u>Description</u>	<u>Beginning Balance</u>	<u>Net Activity</u>	<u>Ending Balance</u>
		308000	Fund Balance	(7,135,583.52)	0.00	(7,135,583.52)
Equity Total :				<u>(7,135,583.52)</u>	<u>0.00</u>	<u>(7,135,583.52)</u>
Revenue Total :			Revenue Accounts	<u>(12,360,600.80)</u>	<u>(282,181.05)</u>	<u>(12,642,781.85)</u>
Expense Total :			Expense Accounts	<u>8,475,367.80</u>	<u>1,138,600.06</u>	<u>9,613,967.86</u>
Transfers Total :		609830	Cash Transfer Out - Non-GF	<u>100.00</u>	<u>0.00</u>	<u>100.00</u>
				<u>100.00</u>	<u>0.00</u>	<u>100.00</u>
Total for Fund :	09117		Dedicated Special Revenue-VSB	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total for BU :	11700		Virginia State Bar	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>



Report ID: RGL008

Commonwealth of Virginia
REVENUE STATUS REPORT

Run Date: 03/07/2024
Run Time: 03:12 00

Page No. 1 of 2

Business Unit: 11700 : Virginia State Bar
Revenue Budget Ledger: CC REVEST
Fiscal Year: 2024
Accounting Period To: 8

Bus Unit	Fund	Account	Description	Estimated Revenue	Year to Date Current Year	Year to Date Last Year	Month - 08 Current Year	Month - 08 Last Year
11700	02354	4008123	Legal Aid Filing Fees	0.00	3,672,156.01	3,410,382.68	510,814.09	445,974.00
Total for Fund 02354				\$ 0.00	\$ 3,672,156.01	\$ 3,410,382.68	\$ 510,814.09	\$ 445,974.00
09117	4002100		Licenses & Permits	0.00	19,350.00	22,200.00	3,750.00	2,550.00
	4002101		Business & Professnal Licenses	405,135.00	353,440.00	378,218.00	970.00	230.00
	4002199		Misc Licenses, Permits & Fees	42,000.00	43,198.00	31,872.00	8,805.00	2,168.00
	4002306		Corp Registered Name Fees	135,000.00	64,300.00	89,100.00	11,000.00	11,250.00
	4002404		Real Estate Sttlmt Agt Reg Fee	19,000.00	11,360.00	17,782.85	1,280.00	960.00
	4002433		Clients Protection Fund Fee	178,250.00	179,085.01	163,980.02	2,192.23	515.79
	4002440		Attorney Wellness Fund Fee	0.00	90.00	4,230.00	(14,850.00)	1,555.00
	4002452		Miscellaneous Regulatory Fees	0.00	(16,735.00)	13,949.00	0.00	1,485.00
	4002501		Admission Receipts	161,875.00	126,620.00	116,650.00	12,825.00	26,425.00
	4002618		Attorneys Registration Fees	10,074,125.00	9,951,730.00	9,925,532.50	15,900.00	17,000.00
	4005046		Other Business Fees	510,000.00	365,240.59	353,374.98	43,879.42	37,740.08
	4006103		Other Edu Gifts/Grants-Private	0.00	36,000.00	5,000.00	0.00	0.00
	4008000		Fine/Port/Court Fee/Cst/Penlty	112,000.00	95,666.73	69,510.98	5,416.20	8,804.56
	4008316		Pnlty/Past Dues-Attorneys Reg	450,000.00	319,622.50	592,245.00	(1,720.00)	13,837.50
	4009000		Other Revenue	1,500,000.00	953,255.00	893,341.88	176,815.00	192,500.00
	4009004		Reg Fees For Workshops/Classes	70,000.00	14,225.00	8,785.00	5,500.00	0.00
	4009060		Miscellaneous Revenues	181,985.00	126,334.02	74,355.44	10,418.20	9,039.13
	4009084		Refund-Exp/Misc Disburse Pr Yr	0.00	0.00	13,220.45	0.00	0.00
Total for Fund 09117				\$ 13,839,370.00	\$ 12,642,781.85	\$ 12,773,348.10	\$ 282,181.05	\$ 326,060.06
09880	4009999		Proceeds From Sale Of Surplus	0.00	571.08	0.00	0.00	0.00
Total for Fund 09880				\$ 0.00	\$ 571.08	\$ 0.00	\$ 0.00	\$ 0.00
Total for Business Unit 11700				\$ 13,839,370.00	\$ 16,315,508.94	\$ 16,183,730.78	\$ 792,995.14	\$ 772,034.06

VIRGINIA STATE BAR

REVENUE CROSSWALK

Account	Cardinal Description	VSB Description
4002100	Licenses & Permits	Dues – Corporate Counsel Reg
4002101	Business & Professional Licenses	Sections
4002199	Misc Licenses, Permits & Fees	Virginia Lawyer Revenue
4002306	Corp Registered Name Fees	Professional Corporation
4002404	Real Estate Settlement Agt Reg Fee	CRESPA Registration Fees
4002433	Clients Protection Fund Fee	Clients Protection Fund Receipts
4002452	Miscellaneous Regulatory Fees	Dues - Over/Under Payments
4002501	Admission Receipts	Professionalism Course Fees
4002618	Attorney Registration Fees	Dues - Attorney Dues
4003002	State Publication Sales	Pamphlet Sales
4005046	Other Business Fees	Lawyer Referral Revenue
4006103	Other Edu Gifts/Grants-Private	Grants
4008000	Fines/Fort/Court Fee/Cst/Penlty	Cost Assessment
4008316	Pnlty/Past Dues-Attorney Reg	Past & Penalty Dues
4009000	Other Revenue	MCLE Fees
4009004	Reg Fees for Workshops/Classes	A&F Account Receipts
4009060	Miscellaneous Revenue	Seminar & Miscellaneous
4009084	Refund-Exp/Misc Disburse Pr Yr	Expenditure Refunds Prior Year



Commonwealth of Virginia February 2024 Expenditure Summary

Report ID: RGL035
Layout ID: VGLR0035
Period Ending: 2024-06-30

Run Date: March 7, 2024
Run Time: 3:15:21 PM

Business Unit: 11700 Virginia State Bar

Cost Center	Description	Budget	2024-8	Current Year Expenditures	(Over) Under Budget	% of Budget Remaining
(None)	(None) ¹	0.00	(28,788.00)	0.00	0.00	0%
6000	Salaries	11,498,720.00	864,302.44	6,850,606.09	4,648,113.91	40%
6020	Benefits	0.00	7,590.50	66,706.00	(66,706.00)	0%
6040	Wages & Professional Services	0.00	0.00	2,708.16	(2,708.16)	0%
6060	Receiverships	175,000.00	6,125.74	45,261.67	129,738.33	74%
6080	Dues & Subscriptions	62,315.00	1,217.47	42,472.32	19,842.68	32%
6100	Rent: Office Space	656,500.00	54,336.95	434,695.60	221,804.40	34%
6103	Grants	0.00	0.00	31,992.81	(31,992.81)	0%
6120	Rent: Office Equipment	13,000.00	988.23	7,944.81	5,055.19	39%
6140	Office Supplies	33,175.00	2,185.94	16,252.09	16,922.91	51%
6160	Stationery & Forms	6,200.00	0.00	499.00	5,701.00	92%
6180	Office Furniture & Equipment	10,000.00	0.00	0.00	10,000.00	100%
6200	Staff Travel	184,975.00	5,427.98	48,476.19	136,498.81	74%
6220	Office Insurance	15,200.00	0.00	9,410.00	5,790.00	38%
6240	Repairs and Maintenance ²	25,000.00	3,640.68	29,778.84	(4,778.84)	(19%)
6260	Printing & Copying	239,500.00	25,846.53	130,013.15	109,486.85	46%
6280	Postage	188,300.00	42,583.16	149,302.31	38,997.69	21%
6300	Communication Technology	67,000.00	3,928.65	42,974.96	24,025.04	36%
6320	Advertising	23,000.00	561.64	7,696.09	15,303.91	67%
6340	Other Contractual Services	425,000.00	46,746.96	314,136.00	110,864.00	26%
6350	Office Renovation	264,000.00	0.00	0.00	264,000.00	100%
6360	Computer Operating	775,355.00	15,609.02	456,179.55	319,175.45	41%
6380	Other Technology Projects	325,000.00	0.00	11,275.33	313,724.67	97%
6400	Professionalism Course-Trav	111,000.00	8,826.45	80,605.10	30,394.90	27%
6420	Professionalism Course-Misc	22,500.00	2,835.36	14,311.88	8,188.12	36%
6440	Council, Comm, Boards-Trav	496,595.00	18,802.78	217,804.61	278,790.39	56%
6460	Council, Comm, Boards-Misc	228,065.00	2,923.38	58,127.31	169,937.69	75%
6480	Sections-Trav	139,127.00	10,387.14	94,769.41	44,357.59	32%
6500	Sections-Print	25,940.00	0.00	9,549.64	16,390.36	63%
6520	Sections-Comm	22,327.00	6.96	7,152.93	15,174.07	68%
6540	Sections-Other	170,214.00	11,162.20	52,518.80	117,695.20	69%
6560	Senior Lawyers Conf-Trav	9,800.00	0.00	6,136.90	3,663.10	37%

6580	Senior Lawyers Conf-Print	15,000.00	0.00	0.00	15,000.00	100%
6600	Senior Lawyers Conf-Comm	10,000.00	3,079.32	3,990.49	6,009.51	60%
6620	Senior Lawyers Conf-Misc	8,900.00	76.07	1,267.84	7,632.16	86%
6640	Young Lawyers Conf-Program	63,000.00	75.00	15,077.15	47,922.85	76%
6660	Young Lawyers Conf-Print	3,500.00	1.19	260.43	3,239.57	93%
6680	Young Lawyers Conf-Travel	32,700.00	4,399.80	27,378.95	5,321.05	16%
6700	Young Lawyers Conf-Misc	300.00	72.97	113.38	186.62	62%
6702	Diversity Conference - Program	45,150.00	0.00	10,161.76	34,988.24	77%
6704	Diversity Conference - Print	1,800.00	0.00	0.00	1,800.00	100%
6706	Diversity Conference - Travel	10,700.00	0.00	6,203.59	4,496.41	42%
6708	Diversity Conference - Misc	2,400.00	0.00	115.00	2,285.00	95%
6710	CLSBA-Travel	11,800.00	0.00	9,375.26	2,424.74	21%
6715	CLSBA-Print	9,500.00	0.00	6,908.65	2,591.35	27%
6725	CLSBA-Communications	500.00	0.00	5.54	494.46	99%
6730	CLSBA-Other	8,175.00	33.68	796.38	7,378.62	90%
6760	Attorney General Costs	50,000.00	13,114.64	14,350.88	35,649.12	71%
6780	A&F Trans	70,000.00	6,500.00	14,955.00	55,045.00	79%
6800	Clients' Protection Fund Trans	178,250.00	3,999.23	179,050.01	(800.01)	(0%)
6820	Online Legal Research	85,000.00	0.00	84,600.00	400.00	0%
	All Cost Centers	<u>\$16,819,483.00</u>	<u>\$1,138,600.06</u>	<u>\$9,613,967.86</u>	<u>\$7,205,515.14</u>	<u>43%</u>

Notes:

- 1. This credit is a correction for Cardinal Financials and HCM charges that have been reclassified to Finance.**
- 2. Repairs and Maintenance expenses are approximately over 77% more than anticipated, which is due to the increase in Common Area Maintenance charges.**

**VIRGINIA STATE BAR
ADMINISTRATION & FINANCE ACCOUNT
AS OF FEBRUARY 29, 2024**

Cash Balance as of July 1, 2023	\$	268,054.05
Year-to-Date Revenue through February 29, 2024		14,965.07
Year-to-Date Expenses through February 29, 2024		<u>(67,855.04)</u>
Cash Balance as of February 29, 2024	\$	<u>215,164.08</u>

<u>LEDGER</u>		<u>BALANCE</u> <u>2/29/2024</u>
Annual Meeting	\$	172,755.15
Midyear Seminar		43,193.64
Council, Committees, etc.		-
Other		<u>(784.71)</u>
Total Ledger Balance	\$	<u>215,164.08</u>

**VIRGINIA STATE BAR
ADMINISTRATION & FINANCE ACCOUNT
MONTHLY STATEMENT OF REVENUE & EXPENSES
FOR FEBRUARY 2024**

	BALANCE 2/1/2024	FEBRUARY 2024 ACTIVITY	BALANCE 2/29/2024
Revenue:			
Annual Meeting	\$ 8,455.00	\$ 6,500.00	\$ 14,955.00
Money Market Account Interest	8.88	1.19	10.07
Total Revenue	8,463.88	6,501.19	14,965.07
 Expenses:			
Annual Meeting	67,060.26	0.00	67,060.26
National Meetings and Miscellaneous	0.00	0.00	0.00
Employee Recognition	577.23	0.00	577.23
Bank Service Charges	186.20	31.35	217.55
Expenses to be Reimbursed	0.00	0.00	0.00
Total Expenses	67,823.69	31.35	67,855.04
Total Revenue Over/(Under) Expenses	\$ (59,359.81)	\$ 6,469.84	\$ (52,889.97)

**VIRGINIA STATE BAR
 CLIENTS' PROTECTION FUND
 CASH BALANCE
 AS OF FEBRUARY 29, 2024**

Cash Balance as of July 1, 2023	\$	10,936,139.84
Year-to-Date Revenue through February 29, 2024		256,072.29
Year-to-Date Expenses through February 29, 2024		<u>(130,477.22)</u>
Cash Balance as of February 29, 2024	\$	<u>11,061,734.91</u>
Liability for claims approved but not paid:		<u>12,825.00</u>
Available Cash Balance as of February 29, 2024:	\$	<u>11,048,909.91</u>

Funds Invested/Maintained as Follows:

Truist Business Checking Account		545,068.25
Federal Home Loan Bank		5,816,666.66
Federal Home Loan Mortgage Corp.		1,500,000.00
Federal National Mortgage Association		200,000.00
Federal Farm Credit Bank		<u>3,000,000.00</u>
Total Cash and Investments	\$	<u>11,061,734.91</u>

**VIRGINIA STATE BAR
CLIENTS' PROTECTION FUND
MONTHLY STATEMENT OF REVENUE & EXPENSES
FOR FEBRUARY 2024**

	BALANCE 2/1/2024	FEB 2024 ACTIVITY	BALANCE 2/29/2024
REVENUE			
INTEREST:			
Investment Interest	\$ 71,639.06	\$ 4,920.00	\$ 76,559.06
REIMBURSEMENT FROM ATTORNEYS:			
AG's Collections	1,545.00	0.00	1,545.00
Debt Set-Off Receipts	5,540.43	1,621.00	7,161.43
Individual Restitution	5,718.57	1,748.23	7,466.80
TRANSFERS:			
CPF Assessment	162,710.00	630.00	163,340.00
Total Revenue:	\$ 247,153.06	\$ 8,919.23	\$ 256,072.29
EXPENSES			
Bank Service Charges	-	0.00	0.00
Attorney General's Fees	463.22	0.00	463.22
CPF Board Expenses - Oper. Acct. Reim.	-	0.00	0.00
Receivership Reimbursement	-	0.00	0.00
Payments to Clients	130,014.00	0.00	130,014.00
Total Expenses:	\$ 130,477.22	\$ -	\$ 130,477.22
Total Revenue Over/(Under) Expenses	\$ 116,675.84	\$ 8,919.23	\$ 125,595.07

TAB 4



Virginia State Bar

1111 East Main Street Suite 700
Richmond, Virginia 23219-0026
Telephone: (804) 775-0500

Fax: (804) 775-0501 TDD: (804) 775-0502

To: Virginia State Bar Executive Committee

From: Renu M. Brennan
Bar Counsel

Date: March 27, 2024

DISCIPLINARY SYSTEM REPORT

I. Public/Private Discipline (July 1, 2023 to March 26, 2024)

Public Discipline – 50 ¹	Private Discipline – 33
<ul style="list-style-type: none">• Competence/Diligence – 17	<ul style="list-style-type: none">• Competence/Diligence – 14
<ul style="list-style-type: none">• Trust Accounting/Safekeeping of Property – 8• Dishonesty – 5	<ul style="list-style-type: none">• Trust Accounting/Safe Keeping of Property – 7• Fees – 4
<ul style="list-style-type: none">• Criminal or Deliberately Wrongful Conduct – 5	<ul style="list-style-type: none">• Deliberately Wrongful Conduct – 2
<ul style="list-style-type: none">• Reciprocal – 3• UPL – 3	<ul style="list-style-type: none">• Decline or Term Rep – 2• Fairness to Opposing Party & Counsel – 1
<ul style="list-style-type: none">• Terms Violation – 2• Fees – 2	<ul style="list-style-type: none">• Meritorious Claims & Contentions – 1• UPL – 1
<ul style="list-style-type: none">• 13-29 - Duties of Disbarred or Suspended Respondent – 2	<ul style="list-style-type: none">• Failure to Supervise – 1
<ul style="list-style-type: none">• Fairness to Opposing Party & Counsel – 1• Communication with Persons Rep'd by Counsel – 1• Judicial Officials – 1	

Recent disciplinary actions can be accessed on the [VSB website](#).

¹ Number of respondents in each category.

II. Docket Statistics (February 29, 2024)

Total Open Cases/Cases at Preliminary Investigation and Subcommittee Level:

- **Total open cases are at 249, a five-year “low”.** In the previous five years, open cases fluctuated between 258 (2022) and 358 (2020).
- **There are two prior fiscal year cases, i.e., cases opened before July 1, 2022.** The range for the prior five years was between one (2022) and 20 (2019).
- **Cases over 365 days are at 11, down nine from last year, which was the previous low.** The range for the prior five years was between 20 (2023) and 71 (2019).
- **Preliminary Investigation and District Committee cases are at 178, down 66 from last year at this time.** The range for the prior five years was between 212 (2022) and 291 (2019). **This is another five-year low.**
- **District Committee cases over 180 days are at 39, down 29 from last year at this time, and another five-year low.** The range for the prior five years was between 61 (2022) and 95 (2019).
- **Cases awaiting report by bar counsel are at four, down nine from last year.** The range for the prior five years was between 13 (2023) and 43 (2019).
- **Cases awaiting report by investigator are at 26, down significantly from last year’s number of 45; another five-year low.** The range for the prior five years was between 41 (2021) and 51 (2020).
- **There are nine cases awaiting meeting by subcommittee.** The range for the previous five years was between one (2022) and 10 (2023).
- **Cases awaiting Certification and Charges of Misconduct are at one and one respectively.** The range for cases awaiting Certification for the past five years was between zero (2022) and seven (2021), and the range for Charges of Misconduct was between one (2022) and eight (2019).

Trials, Sanctions, Agreed Dispositions, Consents to Revocation, and Impairments:

- **We have 30 cases to be tried** (27 Disciplinary Board/Circuit Court and three District Committee). The range for the prior five years was between 34 (2023) and 65 (2020).

- **We have held 31 trials year to date, a five-year “high,” but this stems from multiple cases against two respondents.** The range for the prior five years was between 16 (2023) and 22 (2021).
- **Subcommittees have issued 53 sanctions year to date, a five-year high.** The range for the prior five years was between 16 (2019) and 49 (2022).
- **We have entered into 53 agreed dispositions year to date, another five-year high.** The range for the prior five years was between 33 (2019 and 2020) and 48 (2021).
- **We have entered into 11 consents to revocation year to date.** The range for the prior five years was between four (2023) and 22 (2022).
- **We have closed seven impairments year to date.** The range for the prior five years was between one (2019) and 11 (2023).

III. Intake Report – James C. Bodie, Intake Counsel

The VSB received 2,172 bar complaints between July 1, 2023 and March 27, 2024.

IV. Matters Before the Supreme Court of Virginia (“Court”)

A. Pending Appeals

Effective October 26, 2023, the Circuit Court for the City of Staunton revoked Dale Reese Jensen’s license to practice law in Virginia. On November 16, 2023, Jensen filed a notice of appeal. A motion to dismiss the appeal, which Jensen has opposed, and Jensen’s “motion to extend time for filing assignments of error and notice of appeal on attorney general’s office” are pending.

Effective January 17, 2024, the Circuit Court for the County of Rockbridge suspended Jared Jenkins’ license to practice law in Virginia for nine months. Jenkins noted an appeal and requested the Court stay the suspension pending appeal. By Order entered January 31, 2024, the Court stayed the suspension pending the appeal.

Assistant Attorneys General Cooper Vaughn and Robert Claiborne represent the VSB in both appeals.

V. Court Action on Changes to Disciplinary Procedure, Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court, Rules of Professional Conduct, and Legal Ethics Opinions

Paragraph 13-5

On February 24, 2024, Council approved, for submission to the Court, the Committee on Lawyer Discipline's ("COLD") proposed amendments to Paragraph 13-5 which add a third lay member to COLD. The petition has been filed with the Court for consideration in its April session.

VI. Unauthorized Practice of Law (UPL) Update

As of March 25, 2024, there are six open investigations; of those, two are out for investigation, two are in the preliminary stage, and two are in the disposition/final stage. There are currently eight matters under review.

There have been two dispositions made since the prior UPL update on January 17, 2024: both dispositions were dismissals with caution.

VII. Receiverships

In the FY 2023-2024 VSB budget for the fiscal year ending June 30, 2024, the amount budgeted for receiverships is \$175,000. The total amount expended through March 25, 2024 was \$45,442.19, of which \$10,694.30 was expended on a receivership for one attorney.

The VSB currently has 15 receiverships pending; of these 14 involve deceased or disabled attorneys, and one is a misconduct case. The geographic distribution of the total number of pending receiverships is as follows: Alexandria (2); Fairfax County (2); Prince William County (1); Roanoke (1); Grayson County (1); Prince Edward County (1); Accomack County (1); Richmond (1); Henrico County (1); Chesterfield County (1); and Charlottesville (3).

Attachments: Statistics - Five-Year Comparison and Six-Month Comparison

STATISTICS – FIVE-YEAR COMPARISON

Docket Period Ending→	2/29/24	2/28/23	2/28/22	2/26/21	2/10/20	2/8/19
Total Open Cases	249	283	258	347	358	333
DISTRICT COMMITTEE CASES OVER 180 DAYS						
Cases Awaiting Report by Investigator	26	45	44	41	51	46
Cases Awaiting Report by Bar Counsel !	4	13	16	34	25	43
Cases Awaiting Meeting by Subcommittee*!	9	10	1	2	9	6
Total	39	68	61	77	85	95
PRELIMINARY INVESTIGATIONS & DC CASES						
Preliminary Investigation Cases	58	69	68	86	97	100
District Committee Cases	120	175	144	203	188	191
Total	178	244	212	289	285	291
SANCTIONS ISSUED BY DISTRICT COMMITTEE SUBCOMMITTEES Y-T-D						
Total	53	47	49	33	45	16
DC CASES AWAITING CERTIFICATION TO DB TO BE WRITTEN BY BAR COUNSEL						
Total	1	1	0	7	5	6
DC CASES AWAITING CHARGE OF MISCONDUCT TO BE WRITTEN BY BAR COUNSEL						
Total	1	3	1	2	2	8
CASES TO BE TRIED						
District Committee	3	3	3	2	4	9
Disciplinary Board / Circuit Court	27	31	37	48	61	33
Total	30	34	40	50	65	42
CONSENTS TO REVOCATION Y-T-D						
Total	11	4	22	9	16	5
TRIALS HELD Y-T-D						
District Committee	4	0	0	1	1	4
Disciplinary Board / Circuit Court	27	16	17	21	20	15
Total	31	16	17	22	21	19
AGREED DISPOSITIONS Y-T-D						
District Committee	42	28	30	21	17	11
Disciplinary Board / Circuit Court	11	18	15	27	16	22
Total	53	46	45	48	33	33
CLOSED IMPAIRMENTS Y-T-D	7	11	5	4	2	1

STATISTICS--SIX-MONTH COMPARISON						
Docket Period Ending→	2/29/24	1/31/24	12/31/23	11/30/23	10/31/23	9/30/23
Total Open Cases	249	244	241	255	253	259
DISTRICT COMMITTEE CASES OVER 180 DAYS						
Cases Awaiting Report by Investigator	26	23	57	43	39	22
Cases Awaiting Report by Bar Counsel !	4	16	22	20	18	22
Cases Awaiting Meeting by Subcommittee *!	9	17	26	31	26	21
Total	39	56	105	94	83	65
PRELIMINARY INVESTIGATIONS & DC CASES						
Preliminary Investigation Cases	58	59	55	22	29	32
District Committee Cases	120	122	137	142	136	141
Total	178	181	192	164	165	173
SANCTIONS ISSUED BY DISTRICT COMMITTEE SUBCOMMITTEES Y-T-D						
Total	53	48	45	37	31	22
DCCASES AWAITING CERTIFICATION TO DB TO BE WRITTEN BY BAR COUNSEL						
Total	1	0	1	3	0	2
DCCASES AWAITING CHARGE OF MISCONDUCT TO BE WRITTEN BY BAR COUNSEL						
Total	1	0	0	1	1	0
CASES TO BE TRIED						
District Committee	3	0	0	1	1	1
Disciplinary Board/Circuit Court	27	39	26	20	23	35
Total	30	39	26	21	24	36
CONSENT TO REVOCATION Y-T-D						
Total	11	9	9	8	8	7
TRIALS HELD Y-T-D						
District Committee	4	4	4	4	3	3
Disciplinary Board/Circuit Court	27	26	23	23	21	5
Total	31	30	27	27	24	8
AGREED DISPOSITIONS Y-T-D						
District Committee	42	37	34	29	25	16
Disciplinary Board/Circuit Court	11	9	7	5	5	2
Total	53	46	41	34	30	18
CLOSED IMPAIRMENTS Y-T-D						
	7	7	7	5	5	0

TAB 5

MINUTES OF THE VIRGINIA STATE BAR EXECUTIVE COMMITTEE MEETING

Date: February 23, 2024, 12 noon
Location: Bank of America Building, 3rd floor conference room, 1111 E. Main Street,
Richmond

The VSB Executive Committee met in-person on Friday, February 23, 2024. At 12:19 pm, President Chidi I. James called the meeting to order. Thirteen (13) committee members attended in-person satisfying the meeting quorum requirement in Part I, Art. V, Sec. 2 of the Bylaws of the Virginia State Bar (VSB). There was no remote participation.

Committee members in attendance:

President Chidi I. James

President-elect Michael M. York

Immediate Past President Stephanie E. Grana

Member Timothy R. Baskerville

Member Kyung N. "Kathryn" Dickerson

Member Veronica E. Meade

Member Bruce H. Russell II

Member Joanna L. Suyes

Member E. M. Wright, Jr.

Conference of Local and Specialty Bar Associations Chair-elect Christine H. Mougins-Boal

Diversity Conference Chair Candace A. Blydenburgh

Senior Lawyers Conference Chair W. Carter Younger

Young Lawyers Conference President Craig E. Ellis

Absent:

Conference of Local and Specialty Bar Associations Chair Dillina W. Stickley

Also attending:

Cameron M. Rountree	VSB	Executive Director and Chief Operating Officer
Janet P. Van Cuyk	VSB	Deputy Executive Director
Renu M. Brennan	VSB	Bar Counsel
Marni E. Byrum	Chair	Standing Committee on Budget and Finance
DaVida M. Davis	VSB	Director of Regulatory Compliance
Crystal T. Hendrick	VSB	Director of Finance and Procurement
Lauren P. Langley	VSB	Deputy Director of Regulatory Compliance
Kevin E. Martingayle	Member	Mandatory Continuing Legal Education Board
Shawne D. Moore	VSB	Assistant to the Executive Director
Caryn B. Persinger	VSB	Director of Communications
Maureen D. Stengel	VSB	Director of Bar Services
Randy E. Webne	VSB	Director of Human Resources/Facilities
Jennifer J. West	Member	Standing Committee on Lawyer Discipline

I. Reports and Information Items

A. President's Report

Chidi James reported on his activities. The President's Report for February 2024 was included in the materials provided to the Executive Committee. President James highlighted the In Memoriam section of the report and requested that W. Carter Younger and Maureen Stengel to say a few words to recognize the passing of former VSB Bar President Edward B. Lowry. Cameron Rountree also noted the passing of Hon. Robert G. Doumar and the significance of his passing. After the speakers, a moment of silence was held.

B. Executive Director's Report

Cameron Rountree reported on matters relating to the VSB. The Executive Director's February 2024 report was included in the materials provided to the Executive Committee.

C. Financial Reports

Crystal Hendrick presented the VSB financial report. The Financial Report as of December 31, 2023, was included in the materials provided to the Executive Committee.

D. Bar Counsel Report

Renu Brennan reported on the activities in the Office of Bar Counsel. The Disciplinary System report dated January 31, 2024, and the Supplement to Bar Counsel Report for February 2024 were included in the materials provided to the Executive Committee.

E. Mandatory Continuing Legal Education Board Report on Plan to Increase Course Application Fees (MCLE)

Kevin Martingayle provided an informational summary of the MCLE Board recommendations for increasing MCLE sponsor fees:

1. To recoup VSB expenses from course sponsors due to rising costs, and
2. To ameliorate the vast gulf between what non-accredited and law firm sponsors pay, on the one hand, compared to what accredited sponsors pay on the other.

A copy of the Board Recommendation for Sponsor Fee Increase dated February 2024 was made available electronically on the VSB website.

II. Action Items

A. Minutes of the October 12, 2023 Meeting

A motion was made by Bruce Russell and seconded by Timothy Baskerville to approve the minutes of the October 12, 2023, meeting.

The Executive Committee voted unanimously to approve the minutes of the October 12, 2023, meeting.

B. Approval of the VSB FY 2025 Proposed Budget

Marni Byrum presented the FY 2025 Proposed Budget on behalf of the Budget and Finance Committee. A copy of the memorandum dated January 26, 2024 from the Director of Finance and Procurement, and the FY 2025 Proposed Budget were included in the materials provided to the Executive Committee. A motion was made by Bruce Russell and seconded by Craig Ellis to approve the committee's request for approval of the proposed budget for FY 2025, and to send the proposed budget to Council for approval and submission to the Supreme Court.

The Executive Committee voted unanimously to approve the committee's request for approval of the proposed budget for Fiscal Year 2025, and to send the proposed budget to Council for approval and submission to the Supreme Court.

C. Approval of Proposed changes to Paragraph 13-5 and Bylaws of the Council, Article VIII, Section 2 to add a third lay member to the Committee on Lawyer Discipline (COLD)

Jennifer West presented the request for Approval of Proposed changes to Paragraph 13-5 and Bylaws of the Council, Article VIII, Section 2 to add a third lay member on behalf of the COLD Oversight Subcommittee. A copy of the memo dated January 25, 2024, from Bar Counsel on the proposed revisions to Part Six, Section IV, Paragraph 13-5 ("Para. 13-5" Authority and Duties of COLD) of the Rules of the Supreme Court of Virginia and Bylaws of the Virginia State Bar and Council, Part II, Article VIII, Section 2 ("VSB Bylaws") was included in materials provided to the Executive Committee. A motion was made by Stephanie Grana and seconded by Bruce Russell to approve the committee's request for approval to add a third lay member to COLD, and to send to Council for approval and submission to the Supreme Court.

The Executive Committee voted unanimously to approve to add a third lay member to COLD and send to Council recommending approval and submission to the Supreme Court.

D. Approval of Nominating Committee Recommendations for 2024-2025

Stephanie Grana presented the request for approval of the Nominating Committee Recommendations for 2024-2025 on behalf of the Nominating Committee. A copy of the Nominating Committee Report dated January 24, 2024, was included in the materials provided to the Executive Committee. A motion was made by Michael York and seconded by Veronica Meade to accept and approve the recommendations of the Nominating Committee for the American Bar Association House of Delegates and the Clients' Protection Fund

Board and send to Council for appointment, and to approve and send the recommendations for Council Members at Large, Disciplinary Board and Mandatory Continuing Legal Education Board to Council to approve and send to the Supreme Court for appointment to the appropriate entities.

The Executive Committee voted with member Craig Ellis abstaining, to approve the committee's recommendations and send to Council recommending approval for appointment to the appropriate entity.

- American Bar Association House of Delegates
 - Weiner, Brianna B., Fairfax/YLC Member

- Clients' Protection Fund Board
 - Reiner, Jacqueline M., Richmond
 - Engle, Elizabeth G., Charlottesville
 - Owens, Mary K. B., Chesterfield

- Council Members at Large
 - Suyes, Joanna L., Richmond
 - Upshur, Nicole E., Virginia Beach
 - Ellis, Craig E., Fairfax

- Disciplinary Board
 - Royer, Jennifer D., Attorney-Roanoke
 - Gibney, Yvonne S., Attorney-Chesterfield
 - Moore, Michael C., Attorney-Henrico
 - Massenberg, Jr., Samuel E., Lay Member-Haymarket

- Mandatory Continuing Legal Education Board
 - Mullins, Alison R., Alexandria
 - Lehman, Jessica R., Fairfax
 - Obregón, Raymond J., Fairfax

E. Approval of 2024-2025 Disciplinary Board Chair and Vice-Chair Recommendations

Janet Van Cuyk presented a request from the Disciplinary Board. A copy of the memorandum from the Clerk of the Disciplinary System, dated January 26, 2024, was included in the materials provided to the Executive Committee. A motion was made by Michael York and seconded by Timothy Baskerville to accept the recommendations of the Disciplinary Board and send to Council recommending approval and submission to the Supreme Court for appointment.

The Executive Committee voted unanimously to approve the board's recommendations and send to Council recommending approval and submission to the Supreme Court for appointment.

1. Elevate David J. Gogal, First Vice-Chair, to Chair.
2. Elevate Jennifer D. Royer, Second Vice-Chair, to First Vice-Chair.
3. Recommend Alison R. Mullins to fill the Second Vice-Chair vacancy created by Attorney Royer's elevation to First Vice-Chair.

F. Approval of Professionalism Course Extension Request

Maureen Stengel presented the Professionalism Course Extension Request Recap (recap). A copy of the recap was included in the materials provided to the Executive Committee. A motion to approve the staff recommendation on the request was made by Bruce Russell and seconded by Timothy Baskerville.

- Nadine G. Najjar, Leesburg
 - Staff recommended granting this extension until August 2024.

The Executive Committee voted unanimously to accept the staff recommendation.

G. Approval of Solicitation of Funds for the Leroy Rountree Hassell, Sr. Indigent Criminal Defense Seminar (IDC)

Maureen Stengel presented a request from the IDC for approval to solicit funds to cover the cost of Wi-Fi during the 2024 Indigent Criminal Defense Seminar to be held on May 3, 2024, at the Greater Richmond Convention Center. A copy of the Request Form from the IDC Seminar Planning Committee for Solicitation or Receipt of Grants and Other Funds was included in the materials provided to the Executive Committee. A motion was made by Bruce Russell and seconded by W. Carter Younger to approve the committee's request to solicit funds.

The Executive Committee voted unanimously to approve the committee's request to solicit funds for the IDC Criminal Defense Seminar.

H. Approval for Closed Session to Review Performance Evaluation Subcommittee Confidential Report

Pursuant to § 2.2-3712(A) of the Code of Virginia, a motion was made by Stephanie Grana and seconded by Kathryn Dickerson requesting approval for the Executive Committee to convene in a closed session for the purpose of discussing the following specific matter: The discussion of the performance of a VSB employee which is authorized pursuant to § 2.2-3705.1(1) of the Code of Virginia.

The Executive Committee voted unanimously to approve convening in a closed session.

I. Approval to End Closed Session to Review Performance Evaluation Subcommittee Confidential Report

Pursuant to § 2.2-3712(D) of the Code of Virginia, a motion was made by Bruce Russell and seconded by W. Carter Younger requesting the Executive Committee to end the closed session and reconvene in an open session. All members present were polled and affirmatively certified the content of the closed meeting complied with the Virginia Freedom of Information Act requirements.

The Executive Committee voted unanimously to approve reconvening in an open session.

There being no other business for the Committee, at 2:21 pm the meeting was adjourned.

TAB 6



Virginia State Bar

Bank of America Building
1111 East Main Street, Suite 700
Richmond, Virginia 23219-0026
Telephone: (804) 775-0500

Facsimile: (804) 775-0501 TDD (804) 775-0502

DATE: April 24, 2024

TO: Executive Committee

FROM: Stephanie E. Grana, Chair
Nominating Committee

RE: Request for Approval of the Nominating Committee's
Recommendation for the 2024-2025 Disciplinary Board

The VSB Nominating Committee met virtually on March 26, 2024, to fill one (1) vacancy on the Disciplinary Board for the 2024-2025 term. The recommended candidate will replace current board member Carolyn V. Grady and serve a 1st term from July 1, 2024, through June 30, 2027, and be eligible for reappointment to a 2nd term commencing July 1, 2028.

All committee members were in attendance satisfying the meeting quorum requirement:

Chair Stephanie E. Grana
Member Cullen D. Seltzer
Member Susan B. Tarley
Member Susheela Varky

The Disciplinary Board chairs, Kamala Lannetti, David Gogal, and Jennifer Royer analyzed the quality of the deidentified, written submissions provided by all candidates. With this vacancy, we reached out to them for review and consideration of the applications. All three unanimously recommended **Melanie A. Friend of Chesterfield** to fill the vacant position; however, if this candidate was not endorsed by the committee, the chairs recommended **Vicky L. Francois of Roanoke** for this position. Attached are copies of the application materials submitted by these two (2) candidates.

After a discussion and review of the application materials of all twelve (12) applicants, the motion was made by Susan Tarley and seconded by Susheela Varky to accept the Disciplinary Board chairs recommendation of Melanie A. Friend to fill the vacant position on the board and send to the Executive Committee recommending approval and submission to the Supreme Court for appointment.

The other candidates, listed alphabetically, were:

	VS	B ID	Name	
1.)	44045		Farthing, Scott S.	Attorney-Wytheville
2.)	73299		Haddow, Colleen M.	Attorney-Alexandria
3.)	80163		Haynes, Meredith M.	Attorney-Richmond
4.)	44215		Jung, John S.	Attorney-Richmond
5.)	42345		McCandless, Jason L.	Attorney-Arlington
6.)	36008		Nelson, Grant J.	Attorney-Fairfax
7.)	27459		Shelbelskie, Michael R.	Attorney-Richmond
8.)	34770		Sobey, Michael J.	Attorney-Rural Retreat
9.)	44597		Tiller, David R.	Attorney-Lebanon
10.)	70356		Worster III, Robert M.	Attorney-Fairfax

The Nominating Committee voted unanimously to accept the recommendation of the Disciplinary Board and send its recommendation to the Executive Committee for approval and submission to the Supreme Court for appointment.

The committee respectfully requests approval of its' recommendations.

From: [Melanie Friend](#)
To: [VSB Nominations](#)
Subject: EXTERNAL SENDER Disciplinary Board Application
Date: Tuesday, November 14, 2023 1:10:59 PM
Attachments: [image001.png](#)
[image002.png](#)
[VSB DISCIPLINARY BOARD APPLICATION.pdf](#)

You don't often get email from mfriend@cowangates.com. [Learn why this is important](#)

Stephanie,

Attached please find my resume and writing sample.

Regards,

Melanie A. Friend

Attorney

1930 Huguenot Rd.

P.O. Box 35655

Richmond, VA 23235

Telephone: (804) 320-9100



COWANGATES

1930 Huguenot Road
PO Box 35655
Richmond, VA 23235



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CowanGates.com

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Internal Revenue Service. LEGAL ADVICE: Unless our law firm has been formally retained, this message is not intended to be and shall not be construed as legal advice.

Melanie A. Friend, Esq.

Contact Information

Home Address: 2106 Maplewood Ave.
Richmond, Virginia 23220
Cellular Phone: (757) 358-2081
Email: mfriend@cowangates.com

Office Address: 1930 Huguenot Road
P.O. Box 35655
Richmond, Virginia 23235
Office Phone: (804) 320-9100
Fax: (804) 320-2950

Current Employment

Principal: CowanGates, PC, Richmond, Virginia. January 2013-present.

Associate: 2007-2013

Admitted to Virginia state courts and federal court; practice concentrated on family law, including divorce, custody, child and spousal support, adoption, paternity suits, and prenuptial agreements; Qualified as a guardian ad litem for children; Trained in collaborative divorce practice.

Prior Experience

Judicial Clerk: The Honorable Timothy E. Meredith, Maryland Court of Special Appeals, Annapolis, Maryland. 2006-2007.

Reviewed appellate briefs and trial records to evaluate facts and procedural history of cases on direct appeal; Researched legal issues raised by appellate litigants; Drafted opinions and bench briefs; Observed oral arguments.

Education

J.D. 2006, College of William & Mary, Marshall Wythe School of Law, Williamsburg, Virginia.

Honors:

Moot Court Team
National Trial Team
Honors in Legal Skills I, II, III and IV

B.A. English 2003, Thiel College, Greenville, Pennsylvania.

Honors:

Salutatorian
Thiel College Excellence Award 1999

- One student chosen in entering freshman class for a full academic scholarship.

Vira I. Heinz Scholarship for Study Abroad 2002

Awards

- Virginia Lawyers Weekly Leaders in the Law 2019
- Virginia Lawyers Weekly Up & Coming Attorney 2016
- Virginia Business Magazine Legal Elite (Family Law), 2013-2022
- Virginia Super Lawyers Rising Star (Family Law), 2010-2014
- Virginia Super Lawyers (Family Law) 2015-2023
- Virginia Super Lawyers Top 50 Women 2020-2023
- Virginia Super Lawyers Top 100 2023
- Virginia Super Lawyers Richmond Top 50
- Richmond Bar Association's 2013 Young Lawyer of the Year

Publications

- "Invoking the Fifth Amendment in Adultery Cases: Do Cheating Spouses Get to Cheat the System?", *The Journal of the Virginia Trial Lawyers Association*, Vol. 23, No. 4 (2012).
- "Sole Custody of Children," *Cultural Sociology of Divorce, An Encyclopedia* (2013).

Speaking

- "Infamous Last Words: Clinching Your Closing Argument," Virginia Trial Lawyers Advanced Family Law Retreat (2017)
- "Courtroom Practice and Technology in the COVID Era," Panelist, Virginia Trial Lawyers Advanced Family Law Seminar (2021)
- "Professionalism: Relationship to the Virginia State Bar Disciplinary Process," Virginia State Bar Mandatory Professionalism Course (2022)
- "We Can't Agree on the Child's Treatment: Help Me Convince the Judge to Grant Me Final Decision-Making Authority!," Moderator, Bench-Bar Conference (2023)
- "Cocktail Party Law," Richmond Bar Association (2023)

Bar Service

- Virginia State Bar, Third District Disciplinary Committee, Section III (2017-)

Professional Memberships

- Metropolitan Richmond Women's Bar Association, Past President
- Lewis F. Powell, Jr. American Inn of Court, Past Board Member
- Chesterfield Bar Association
- Richmond Bar Association, Past Board Member
- Virginia Trial Lawyers Association

Community Involvement

- Rotary Club of Richmond (2016-2020)
- Greater Richmond Bar Foundation, Past President
- Maymont Mansion, Richmond, Volunteer docent (2008-2014)
- National MS Society, Bike Virginia, Team CowanGates co-captain (2013, 2014)

TEMPLATE

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
GREGORY HIRSCH**

VSB Docket No. 98-765-4321

ORDER OF SUSPENSION

THIS MATTER came to be heard on September 9, 2023, on the District Committee Determination for Certification by the Twelfth District Committee, before a five-person panel of the Virginia State Bar Disciplinary Board (“Board”) consisting of Saul Goodman, Chair, Lionel Hutz, Member; Ally McBeal, Member; Annalise Keating, Member; and Fred Flintstone, Lay Member. The Virginia State Bar (the “VSB”) was represented by Lawrence Lee (“Bar Counsel”). The Respondent, Gregory Hirsch (hereinafter “the Respondent”), was present and was represented by Karolina Novotney. Court reporter Huey Dewey of Dewey, Cheatham & Howe Court Reporting, P.O. Box 99999, Richmond, Virginia 23227, (804) 555-1212, after being duly sworn, reported the hearing and transcribed the proceedings.

At the outset of the hearing, the Chair polled the members of the panel as to whether any of them was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System (“Clerk”) in the manner prescribed by the Rules of Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-18 of the Rules of Court.

Prior to the proceedings and at the final Prehearing Conference, VSB Exhibits 1-10 were admitted into evidence by the Chair, without objection from the Respondent. By agreement between the VSB and the Respondent, the list of Stipulations of Fact was received as Exhibit 10. All the factual findings made by the Board were found to have been proven by clear and convincing evidence.

TEMPLATE

FINDINGS OF FACT

1. Respondent was admitted to practice law in the Commonwealth of Virginia on October 12, 2004, and at all times relevant hereto, remained licensed to practice law in Virginia.

2. On January 12, 2019, Complainant Thomas Wambsgans (“Mr. Wambsgans”) retained Respondent to represent him in a divorce from his wife, Siobhan Roy (“Ms. Roy”).

3. During the period between January 13, 2019, and May 4, 2021, Respondent drafted and filed numerous pleadings, motions, briefs, and other documents pertaining to the case, attended meetings, conducted depositions, and reviewed thousands of pages of documents.

4. On May 4, 2021, the parties to the divorce suit signed a property settlement agreement. The agreement required Ms. Roy to pay certain sums to Mr. Wambsgans no later than July 19, 2021. On July 20, 2021, Mr. Wambsgans’ administrative assistant emailed Respondent to report that Ms. Roy had failed to pay. Though Mr. Wambsgans claimed never to have received a response, Respondent produced handwritten notes from a telephone conversation with Mr. Wambsgans on July 21, 2021. Respondent’s notes indicated that they had discussed the alleged breach of the agreement during the call.

5. On July 27, 2021, Ms. Roy paid Mr. Wambsgans a sum representing her calculation of the money due Mr. Wambsgans under the terms of the agreement. That same day, Mr. Wambsgans’ assistant emailed Respondent to notify him of the payment. Also on July 27, 2021, Respondent called Mr. Wambsgans to discuss the matter.

6. On August 19, 2021, Respondent emailed to Mr. Wambsgans a draft pleading alleging breach of contract for Roy’s failure to make timely payment of the funds owed to Mr. Wambsgans under the terms of the settlement agreement. Mr. Wambsgans promptly responded

TEMPLATE

with an email that simply said “ok” in the subject line, with no text in the body of the email.

7. On August 20, 2021, Respondent filed the suit for breach of contract, and on August 22, 2021, Ms. Roy filed an answer and counterclaim. Ms. Roy alleged that Mr. Wambsgans had failed to account for certain personal property as required by their agreement.

8. On August 23, 2021, Respondent emailed Mr. Wambsgans, asking to schedule a telephone call to discuss the case. No call occurred.

9. On September 5, 2021, Respondent filed a motion to amend the complaint. The Court granted the motion, and Respondent filed an amended complaint adding Ms. Roy’s divorce attorney, Geri Kellman (“Ms. Kellman”), as a defendant. The amended complaint asserted claims that Ms. Roy and Ms. Kellman had libeled Mr. Wambsgans and that they had committed the tort of abuse of process by filing the counterclaim “with the sole intent to emasculate Wambsgans and force him to grovel to her for mere subsistence money as she had throughout their sham of a marriage.” Ms. Roy and Ms. Kellman demurred on all counts.

10. On November 27, 2021, Respondent filed a motion to removed Ms. Kellman as counsel, asserting that her status as a co-defendant created a conflict of interest.

11. On December 3, 2021, Respondent emailed the amended complaint and motion to remove counsel to Mr. Wambsgans.

12. Mr. Wambsgans alleges that he did not received the December 3 email, that Respondent filed the September 5 and November 27 motions without his authorization, and that Respondent never discussed the counterclaim, amended complaint, or motion to remove counsel at any time in 2021. Respondent produced no documentation of any telephone discussion with Mr. Wambsgans between August 23 and November 27, 2021.

13. Respondent asserts that when Mr. Wambsgans initially retained him for the divorce

TEMPLATE

in late 2018 or early 2019, Mr. Wambsgans gave him broad authority to take any steps necessary to draw out “the proceedings.” Respondent assumed he retained that broad authority in August 2021. Respondent stated that he had taken Mr. Wambsgans’ failure to schedule a meeting with him to discuss the counterclaim implied his consent to the suit.

14. At a motions hearing on February 13, 2022, the Court dismissed the counts of the amended complaint alleging libel and abuse of process, holding that Respondent failed to plead any facts that could serve as a basis for either count. The Court further found that the claims against Ms. Kellman were brought in bad faith, for the purpose of intimidating her into withdrawing as counsel, and granted Ms. Roy’s motion for attorney’s fees.

15. Following the hearing, Mr. Wambsgans and Respondent had a tense exchange in the courtroom hallway. Respondent indicated that Mr. Wambsgans “berated” him so intensely that Respondent assumed he had been fired as counsel; however, Respondent did not file a motion to withdraw or send a termination of representation letter to Mr. Wambsgans.

16. Mr. Wambsgans denied firing Respondent, and claimed he wanted Respondent to continue to represent him. M

17. After February 13, 2022, Respondent had no further communication with Mr. Wambsgans. Mr. Wambsgans retained new counsel on or about May 12, 2022.

NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

Rule 1.2 Scope of Representation

(a) A lawyer shall abide by a client’s decisions concerning the objectives of representation, subject to paragraphs (b), (c), and (d), and shall consult with the client as to the means by which they are to be pursued. ...

TEMPLATE

(d) A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation.

The Board finds by clear and convincing evidence that Respondent violated Rule 1:2(a) when Respondent failed to consult Mr. Wambgans prior to filing the amended complaint and the motion to remove Ms. Kellman as counsel. Though it is reasonable for Respondent to conclude that Mr. Wambgans consented to the filing of the initial complaint with his email stating "ok," Respondent failed to discuss the claims of libel or abuse of process with Mr. Wambgans prior to filing. A two-year-old directive to "take any steps necessary to draw out the [divorce] proceedings" does not grant Respondent unchecked authority to make decisions in a subsequent lawsuit.

Rule 1.4: Communication

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

The Board finds by clear and convincing evidence that Respondent violated Rule 1.4(a) by failing to contact Mr. Wambgans between August 23, 2021, when he emailed to request a telephone call, and December 3, 2021, when he emailed Mr. Wambgans copies of the amended complaint filed September 5, 2021, and motion to remove counsel, filed November 27, 2021. Respondent also violated Rule 1.4(a) when he did not contact Mr. Wambgans regarding the pending filings from December 3, 2021, until February 11, 2022, just two days prior to the motions hearing. The Board further finds that Respondent violated Rule 1.4(b) by failing to discuss the amended complaint or the motion to remove counsel prior to filing and by failing to explain to the client why he believed the filings would benefit his case.

TEMPLATE

Rule 1.16: Declining or Terminating Representation

(c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with the notice requirements pursuant to applicable Rules of Court. ...

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned, and handling records as indicated in paragraph (e).

The Board finds by clear and convincing evidence that Respondent violated Rule 1.16(c) and (d) by failing to file a motion to withdraw when he concluded that Mr. Wambgans had fired him, and by failing to communicate with Mr. Wambgans about the transfer of his file to a new attorney.

Rule 3.4: Fairness to Opposing Party and Counsel

A lawyer shall not ... (j) File a suit, initiate criminal charges, assert a position, conduct a defense, delay a trial, or take action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

The Board finds by clear and convincing evidence that Respondent violated Rule 3:4(j) by adding Ms. Kellman as a co-defendant in the libel and abuse of process claims for the purpose of attempting to remove her as Ms. Roy's counsel.

SANCTION PHASE OF HEARING

After the Board announced its findings, the Board heard evidence and argument from the Bar and Respondent regarding mitigating and aggravating factors. Respondent had practiced law for approximately 17 years at the time the incidents giving rise to the Complaint occurred. Respondent has a disciplinary history of one public admonition with terms.

TEMPLATE

DISPOSITION

After consideration of the evidence and mitigating and aggravating factors, the Board hereby orders that Respondent's license to practice law in the Commonwealth of Virginia be suspended for six months, effective September 12, 2023. Respondent shall send the required notices to all clients, opposing counsel, and judges in his pending cases, and shall make arrangements for the files to be handled according to the client's wishes.

It is further ORDERED that pursuant to Part Six, § IV, ¶ 13-9 E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this Opinion and Order to Gregory Hirsch at his address of record with the Virginia State Bar, 101 W. Main St., Richmond, VA 23220, by certified mail, return receipt requested; by regular mail to Respondent's Counsel, Karolina Novotney, 987 E. Cary St., Richmond VA 23219; and by hand delivery to Lawrence Lee, Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

This is Order is final.

ENTERED this 12th day of September, 2023.

VIRGINIA STATE BAR DISCIPLINARY BOARD

72952, Chair

From: [Van Cuyk, Janet](#)
To: [Moore, Shawne](#)
Subject: FW: EXTERNAL SENDER FW: Application for VSB Disciplinary Board
Date: Wednesday, November 15, 2023 7:55:44 AM
Attachments: [image007.png](#)
[image008.png](#)
[Writing sample.pdf](#)
[Francois Curriculum Vitae.pdf](#)

Janet Van Cuyk, Deputy Executive Director
Virginia State Bar
(804) 775-0553

From: Vicki Francois <vicki@roanoke.law>
Sent: Tuesday, November 14, 2023 5:00 PM
To: Van Cuyk, Janet <JVanCuyk@vsb.org>
Subject: EXTERNAL SENDER FW: Application for VSB Disciplinary Board

Janet:

I sent it in as promised!

Thanks so much!

Vicki

From: Vicki Francois
Sent: Tuesday, November 14, 2023 4:58 PM
To: nominations@vsb.com
Cc: 'vicki@roanoke.law' <vicki@roanoke.law>
Subject: Application for VSB Disciplinary Board

Hello Stephanie:

Enclosed please find my writing sample and CV for the
VSB Disciplinary Board.

Please feel free to contact me should you have any questions.

Thank you so very much Stephanie.

Sincerely,

Vicki

Vicki L. Francois (née Wiese), Esquire (she/her)

Trained in Collaborative Law and Practice

Licensed in Virginia and D.C.

Wiese Law Firm, PLC

1506 Franklin Road, S.W. - Suite 101

Roanoke, Virginia 24016

vicki@roanoke.law

Phone: (540) 206-3770

Fax: (540) 206-3771

www.wieselawfirm.com

This office is not able to accommodate drop-in, or unplanned, meetings.

Member, International Academy of Collaborative Professionals



"Like" us on Facebook - Wiese Law Firm, PLC

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Vicki L. Francois, Esq.

1506 Franklin Road, S.W. – Suite 101 Roanoke, Virginia 24016
540.206.3770 • vicki@roanoke.law

Professional Credentials

Virginia State Bar (1998-Present); U.S. District Court - Western District of Virginia (1998-Present); District of Columbia Bar (1999-Present); Trained in **Collaborative Law** (2004-Present); **Guardian ad Litem** for Children (1999-Present); Danger Assessment Certification - Johns Hopkins University, School of Nursing (2018); The Reid Technique (2020); **Qualified Master Counselor in Divorce and Family Law Practice** – The Virginia Law Foundation (2022-2024); **Qualified Master Counselor of Trial Practice and Litigation** – The Virginia Law Foundation (2022-2024); **AV Preeminent** rated (2022-).

Legal Experience

WIESE LAW FIRM, P.L.C. (2007-Present)

OSTERHOUDT, PRILLAMAN, NATT, HELSCHER, YOST, MAXWELL & FERGUSON, P.L.C. (2006-2007)

FRITH LAW FIRM, P.C. (2003-05) / MUNDY, ROGERS & FRITH, L.L.P. (2001-03)

Attorney

Case work includes **family, administrative, and criminal law, collaborative practice/mediation, and general litigation.** Conduct in-depth interviews, investigations and legal research; negotiate/litigate cases through conclusion and appeal.

LAW OFFICE OF VICKI L. WIESE (1998-01)

Attorney-at-Law / Solo Practitioner

Established private practice “from the ground up,” specializing in **general litigation, criminal law, family law, administrative law and appellate advocacy.** Served as **first chair in ten Circuit Court trials**, including complex corporate case and court-appointed first degree murder jury trial (resulting in acquittal).

INDEPENDENT LICENSED OPTICIANS OF VIRGINIA (1996-98)

Executive Director / Legislative Review

Oversaw operations, **developed/managed annual budget, fundraising,** and monitored related state legislation. Served as **liaison to state-appointed task force;** reviewed, interpreted and advised task force and membership regarding potential effects of existing and/or anticipated state legislation on Opticians and their professional practice.

LAW OFFICE OF ROBERT B. ARMSTRONG (1996-98)

HONORABLE JAMES F. LANE, OKLAHOMA COURT OF CRIMINAL APPEALS (1995-96)

Law Clerk

With Armstrong, researched issues to determine case validity/liability in medical malpractice, criminal law, family law, **corporate law and contract matters.** With the Honorable James F. Lane, researched appellate issues relating to life without parole and search and seizure; reviewed appellate briefs and assisted in drafting/editing opinions.

Additional experience: **Intern,** Oklahoma Indian Legal Assistance Clinic (1995); Brown Co., WI D.A.’s Office (1994)

Education / Advanced Professional Training

University of Pennsylvania, Grad. School of Social Policy and Practice - Leadership Strategy for Violence and Abuse Prevention, Executive Program (2019)

National Family Law Trial Institute, South Texas College of Law (seven day intensive program) (2016)

Trial Advocacy Institute, University of Virginia School of Law (2001)

National Trial Academy (2000), American Bar Association Tort & Insurance Practice Section (TIPS)

• *By invitation only;* selected only 30 attorneys nationwide to attend

Juris Doctor, Oklahoma City University School of Law (1996)

• B.S. in **Psychology,** minor in **Organizational Communication,** University of Wisconsin-Oshkosh (1993)

Honors / Appointments / Leadership Activities

Named a “2021 Influential Woman in Law” Virginia Lawyers Weekly (2021)

Life Fellow, American Bar Foundation (2021) (**fellowship limited to less a than 1% of attorneys per state**)

Secretary/Vice Chair, Eight District Committee (reviewing local bar complaints), **Virginia State Bar** (2020-2023)

Appointed Outside Counsel, Attorney General of Virginia, **Division of Child Support Enforcement** (2001-2006)

Virginia State Bar Young Lawyers Conference

• Board of Governors (2003-2006) • 23rd District Representative (2001-03) • 25th District Representative (1999-01)

Co-founder/Charter Member, Roanoke Chapter, Ted Dalton American Inn of Court (2003-2009 and 2012-Present)

Vicki L. Francois, Esq.

Honors / Appointments / Leadership Activities, continued

Résumé/Page Two

- Board of Directors, Legal Aid Society of Roanoke Valley (2000-05)
- Board of Directors, Rockbridge/Buena Vista Bar Association (1999-01); President (2001)
- Oklahoma City University School of Law
 - American Bar Association National Appellate Advocacy Moot Court Team
 - Benton National Appellate Advocacy Moot Court Team; Moot Court Board
 - Order of the Barristers; Phi Delta Phi International Legal Honor Society; 3L Class President; 2L Class Vice President
- University of Wisconsin-Oshkosh **University Scholar**; Outstanding Senior Award; **three-time track and field All-American**; Psi Chi Honor Society (psychology)

Reported Cases

- Skyline Nat'l Bank v. Galax Elks Lodge, et al.*, (E. K. Dillon, Civil Action 7:20-cv-00470; Jan. 27, 2021)
- Stack v. Larsen, et al.*, 298 Va. 683, 842 S.E.2d 372 (2020)
- Rupert v. Callahan, (In re: Rupert)*, 2014 Va. Cir. LEXIS 90 (Va. Cir. Ct. Nov. 19, 2014); Va. Lawyers Weekly 014-8-108
- In the Matter of the Change of Name of a Minor*, Bath Co. Cir. Ct. No. CL 12-26 (2012); Va. Lawyers Weekly 012-8-143
- West v. West*, 59 Va. App. 225, 717 S.E.2d 831 (2011)
- West v. West*, 53 Va. App. 125, 669 S.E.2d 390 (2008)
- West v. West*, 2010 Va. Cir. LEXIS 126; 2010 WL 5412433; Va. Lawyers Weekly 010-8-219
- Smith v. Adelpia Cable Communications*, 63 Va. Cir. 580; 2004 Va. Cir. LEXIS 5
- In Re: Angle*, 2001 Va. Cir. LEXIS 37
- Risty v. Liebl*, Roanoke City Cir. Ct. No. CL 07-1284 (2008); Va. Lawyers Weekly 008-8-038

Continuing Legal Education Instructor

- Fee Agreements: A Necessary Tool for Competent Counsel*, Ted Dalton American Inn of Court (2023)
- Emojis and Emoticons in Law: Is a Picture Worth a Thousand Words?* Ted Dalton American Inn of Court (2022)
- Attorney's Fees in Family Law Cases: Law, Tips and Traps*, Virginia Trial Lawyers Association (2022)
- Explaining the Collaborative Process and Getting Collaborative Cases*, Collaborative Professionals of Roanoke (2016)
- Attorney's Fees in Domestic Relations Cases*, Virginia Chapter of the American Acad. of Matrimonial Lawyers (2016)
- Annual Family Law Seminar: 2012 Case Law Update*, Virginia Trial Lawyers Association (2012)
- Divorce, Foreclosure and Bankruptcy*, Virginia Continuing Legal Education (2011)
- End Your Marriage Civilly - An Overview of Collaborative Law*, Virginia Association of Legal Secretaries (2007)
- What Every Lawyer Needs to Know About Family Law*, Roanoke Bar Association (2006)

Presenter/Moderator

- We're Going to Court - Now What?*, Roanoke County Department of Social Services Training (2021)
- The Ins and Outs of ACEs for Lawyers*, Ted Dalton American Inn of Court (2019)
- Updates in Divorce and Child Custody*, Roanoke Valley Paralegal Association (2017)
- The Role of Media in Building Safe Communities*, Wiese Law Firm (Taubman Museum) (2016)
- International Women's Day Celebration - Finances, Health and Law*, Wiese Law Firm (Taubman Museum) (2016)

Author

- Collaborative Law Provides Less Stressful Practice for Family Law Practitioners*, 21 Docket Call Newsletter 4 (2005)
- Why Litigate When You Can Collaborate*, 6 Roanoke Bar Review 4 (2004)
- Ted Dalton American Inn of Court*, 6 Roanoke Bar Review 1 (2004)

Co-Author

- The Roles of Law Schools and the Judiciary in Promoting and Maintaining Civility, Ethics and Professionalism*, 52 Virginia Lawyer 5 (2003)
- In Furtherance of Civility*, 51 Virginia Lawyer 1 (2002)

Attorney Fee Disputes Certified Arbitrator

- Virginia State Bar, Twenty-Third Judicial Circuit Committee for Resolution of Attorney Fee Disputes (2006-Present)

Adjunct Professor

- Paralegal Studies, Virginia Western Community College (2018-2023)

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
GREGORY HIRSCH**

VS B Docket No. 98-765-4321

ORDER OF SUSPENSION WITH TERMS

THIS MATTER came to be heard on September 9, 2023, on the Twelfth District Subcommittee's Determination for Certification, before a panel of the Virginia State Bar Disciplinary Board ("Board") consisting of Willa Ferreya, Chair, Stewart Hosseini, Member, VSB 42443, Member, [I think you wanted another attorney Member name here, but the hypothetical only lists three names, not including myself as an applicant], and Francis Vernon, Lay Member. The Virginia State Bar (the "VSB") was represented by Lawrence Yee, Esq. ("Bar Counsel"). Respondent, Gregory Hirsch (hereinafter "Respondent"), was present and represented by Karolina Novotney, Esq. Court reporter Huey Dewey of Dewey, Cheatham & Howe Court Reporting, P.O. Box 99999, Richmond, Virginia 23227, (804) 555-1212, after being duly sworn, reported the hearing, and transcribed the proceedings.

At the outset of the hearing, the Chair polled the members of the panel as to whether any of them was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System ("Clerk") in the manner prescribed by the Rules of Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-18 of the Rules of Court.

Prior to the proceedings and at the final Prehearing Conference, VSB Exhibits 1-10 were admitted into evidence by the Chair, without objection from the Respondent. By

agreement between the VSB and the Respondent, the Stipulations of Fact was received as Exhibit 10. All the factual findings made by the Board were found to have been proven by clear and convincing evidence.

FINDINGS OF FACT

1. At all times relevant hereto, Respondent was licensed to practice law in the Commonwealth of Virginia beginning October 12, 2004.
2. Complainant, Thomas Wambsgans (“Wambsgans”), was involved in a divorce from his wife, Siobhan Roy (“Roy”). Respondent was retained counsel as for Wambsgans in both the divorce case and in the subsequent suit against Roy. Roy was represented in both the divorce case and in the subsequent suit by Gerri Kellman (“Kellman”).
3. On May 4, 2021, a divorce settlement agreement was signed by Wambsgans and Roy requiring, among other terms, Roy to make certain payments to Wambsgans by July 19, 2021. On July 20, 2021, Respondent was advised that no payments had been made by Roy.
4. On August 19, 2021, Respondent e-mailed a draft pleading for a new suit to Wambsgans requesting review and approval. Wambsgans authorized its filing via e-mail.
5. On August 20, 2021, Respondent filed a new suit on behalf of Wambsgans against Roy, alleging breach of contract from the failure to make timely payments. On August 22, 2021, Roy filed an answer and counterclaim. These replies were not given to Wambsgans.
6. On August 23, 2021, Respondent sent Wambsgans an e-mail requesting they schedule a telephone call to discuss the case. A phone call never took place.
7. On September 5, 2021, Respondent filed a motion to amend the complaint, which was granted. The amended complaint also added Kellman as a defendant.

8. On November 27, 2021, Respondent filed a motion to remove Kellman as Roy's counsel on the grounds of conflict of interests because she was now a defendant.

9. On December 3, 2021, Respondent sent an e-mail to Wambsgans with the amended complaint and motion to remove Kellman attached.

10. The Respondent filed the September 5, amended complaint and the November 27, motion without Wambsgans' authorization. In 2021, Respondent never discussed with Wambsgans: the counterclaim; the amended complaint; and, moving to remove Kellman.

11. Respondent stated that when he and Wambsgans initially discussed representation, Wambsgans gave him broad authority to take whatever steps he wanted to draw out "the proceedings." Respondent assumed he continued to have broad authority to take any actions he deemed appropriate. He also took Wambsgans' failure to call him on, or after, August 23, 2023, about Roy's counterclaim as implied consent of his broad authority as to the new suit.

12. On February 11, 2022, Respondent e-mailed Wambsgans notice of the motions' hearing scheduled for February 13, 2022, and Wambsgans attended the hearing.

13. At the motions' hearing on February 13, 2022, the circuit court denied Respondent's motion to remove Kellman, and it also dismissed parts of the amended complaint. The court held that Respondent failed to plead any facts that could serve as the basis for certain claims, and granted Roy's motion for attorney's fees finding that the claims against Kellman were brought in bad faith for the purpose of intimidating her and requiring her to withdraw.

14. Wambsgans and Respondent had an emotionally charged conversation after the February 13th hearing. The Respondent said Wambsgans "berated" him. The Respondent assumed, based on that exchange, that Wambsgans had fired him as counsel and the attorney-

client relationship was terminated. Respondent neither filed a motion to withdraw with the court, nor sent a termination of representation letter to Wambsgans.

15. Wambsgans denied firing Respondent during the February 13th conversation. And after February 13, 2022, Respondent, without notice, ceased communicating with both Wambsgans and opposing counsel.

NATURE OF MISCONDUCT

The Board finds by clear and convincing evidence that such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

A. By failing to provide or discuss the counterclaim; discuss the amended complaint; or discuss the motion to remove Kellman; and by failing to communicate with Wambsgans after February 13, 2022, Respondent violated Rule 1.4(b).

RULE 1.4 Communication

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

B. By failing to file a motion to withdraw as counsel with the court; failing to send a letter to Wambsgans after February 13, 2022, indicating he was terminated as counsel; and failing to communicate with Wambsgans after February 13, Respondent violated Rule 1.16(c) and (d).

RULE 1.16 Declining Or Terminating Representation

(c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable Rules of Court. In any other

matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

C. By filing the amended complaint against both Kellman and Roy, which failed to plead any facts that could serve as the basis for certain claims, Respondent violated Rule 3.1.

Rule 3.1 Meritorious Claims And Contentions

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.

D. By filing the amended complaint against Kellman in bad faith, and by asserting that Respondent had broad authority to draw out "the proceedings," Respondent violated Rule 3.4(j).

Rule 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not: (j) File a suit, initiate criminal charges, assert a position, conduct a defense, delay a trial, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

SANCTIONS PHASE OF HEARING

The Chair opened the sanctions phase of the hearing. The Virginia State Bar presented no witnesses during the sanctions phase, however the Bar admitted that Respondent had no prior

TAB 7



Virginia State Bar

Bank of America Building
1111 East Main Street, Suite 700
Richmond, Virginia 23219-0026
Telephone: (804) 775-0500

Facsimile: (804) 775-0501 TDD (804) 775-0502

TO: Executive Committee

FROM: Cameron M. Rountree, Executive Director

DATE: April 24, 2024

RE: Request for Change in Membership Status

The following member submitted a request for a change in membership status:

Maureen O'Malley – from Disabled to Retired

I respectfully recommend the committee approve this request.

RECEIVED

MAR 05 2024

VIRGINIA STATE BAR

February 28, 2024

Maureen O'Malley
VSB Bar #32248
46 Mt. Vernon Ter.
Waynesboro, PA 17268

Cameron Rountree
Executive Director
Virginia State Bar
1111 East Main Street, Suite 700
Richmond, VA 23219-0026

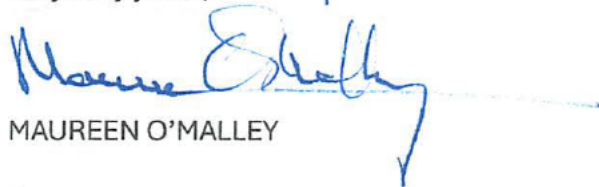
RE: VSB Bar #32248; Membership Status Request

Dear Mr. Rountree:

I requested Disability Status of my Bar Membership in 2018 [REDACTED]. Those conditions are under control at this point, as confirmed by my physician, Helen Harrington, D.O., whose letter of support is attached. I now live in Pennsylvania, and am over 70 years old. I would like to remove the Disability designation from my status and hereby request a change of status to Retired.

If you require further information from me in regards to this request, please do not hesitate to contact me.

Very truly yours,



MAUREEN O'MALLEY

Encl.

TAB 8



Virginia State Bar

Bank of America Building
1111 East Main Street, Suite 700
Richmond, Virginia 23219-0026
Telephone: (804) 775-0500

Facsimile: (804) 775-0501 TDD (804) 775-0502

DATE: April 24, 2024

TO: Executive Committee

FROM: Maureen D. Stengel
Director of Bar Services

RE: Request for Approval of Budget Income Adjustment for FY25

The Criminal Law Section is requesting a budget income adjustment for FY25. At the section board meeting in February 2024, the board voted to increase individual dues from \$20 to \$30. This request occurred after the FY25 budget was submitted for approval.

The Criminal Law Section maintains approximately 1700 members. The additional revenue would be used to offset additional expenses affiliated with the two Criminal Law Seminars now in their 55th year. Attendance has been lower at the seminars and costs continue to rise. The section is also contemplating an advanced seminar to be held annually in the fall.

At the end of the fiscal year, any unused section funds underwrite the cost of criminal justice summer stipends awarded to students at the College of William & Mary Law School and the George Mason University Antonin Scalia Law School.

TAB 9



Virginia State Bar

Bank of America Building
1111 East Main Street, Suite 700
Richmond, Virginia 23219-0026
Telephone: (804) 775-0500

Facsimile: (804) 775-0501 TDD (804) 775-0502

DATE: April 24, 2024

TO: Executive Committee

FROM: Maureen D. Stengel
Director of Bar Services

RE: Request for Approval of Business Law Solicitation Request

The Business Law Section has submitted a Solicitation Request to allow the section to accept sponsorships for the 50th Annual Advanced Business Law Seminar to be held September 20-21, 2024.

Several sponsors who participated in 2023, Truist Bank and the VBA, have already indicated that they would like to sponsor in 2024. The section would also reach out to other firms and businesses.

**VIRGINIA STATE BAR REQUEST FORM FOR
SOLICITATION OF GRANTS AND OTHER FUNDS
VSB Business Law Section Advanced Business CLE 2024**

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? yes no

Are you soliciting funds from individuals? yes no

Are you soliciting or receiving funds from organizations? yes no

1. Describe the project or event you want funded by money solicited or received from another entity. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries etc.

The VSB Business Law Section is planning the 50th Annual Advanced Business Law Seminar in September 2024 in Williamsburg.

The section will partner with the VBA and the CLE would offer 10.0 hours of credit over 2 days.

The section would like to offer a discount to business section members and would like to host a reception before the dinner as part of the 2-day CLE.

2. What is the budget for this project or event?

The CLE will cost close to \$20,000 for meals, meeting room and AV. The majority of the costs are anticipated to be paid by attendee registration fees and the section budget.

3. How much money will be provided from the solicited organization? Will the bar be obligated in any way (dollars or staff support)?

The program will attempt to solicit \$5000 to cover the reception costs and speaker travel costs. Speakers receive free registration and travel costs and the section anticipated 16-18 speakers. Maureen Stengel will plan and staff the event.

4. Why do you want to use funds solicited from individuals or another organization? Why is this project not included in the VSB operating budget?

The reception costs cannot be paid from bar funds and meeting and AV costs have become exorbitant.

5. Who will manage/oversee the project or event?

The Business Law Section will oversee the planning of the CLE and Maureen Stengel, staff liaison, will provide administrative support.

6. Has this project has been implemented before?

Yes, this is a long-standing CLE. The VSB first hosted the event without VACLE support in 2023.

7. Is there any other bar association that has a similar project?

VSB Sections and bar associations host CLEs often.

8. Have there been previous requests for solicitation for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?

Previous requests have been granted.

9. If this is a solicitation for funds from individuals or organizations, please provide the following:

- a. Whether the person or entity has been solicited before by the VSB:** Several section board members work for large firms that may offer support.
- b. Whether this is a one-time solicitation request:** No. The Business Law Section plans to host this event annually.
- c. Amount/contribution requested:** The programs hopes to solicit \$5000.

Submitted by: Maureen Stengel

Date: April 4, 2025

Approved by: _____

Date: _____

cc: VSB Finance/Procurement Director

TAB 10

**VIRGINIA STATE BAR REQUEST FORM FOR
SOLICITATION OF GRANTS AND OTHER FUNDS**

YLC District Representative Programming for Bar Year 2024-2025

Bar policy requires approval by the executive director **BEFORE** solicitation or acceptance of any grant, and approval by the Executive Committee **BEFORE** solicitation or acceptance of funds from any entity.

Are you applying for a grant? yes no

Are you soliciting funds from individuals? yes no

Are you soliciting or receiving funds from organizations? yes no

1. Describe the project or event you want funded by money solicited or received from another entity. Include anticipated accomplishments, goals, time frame, any sponsors or co-sponsors, the target audience, beneficiaries etc.

The YLC District Representatives for the 7th Judicial District of Virginia and the Co-Chairs for the Women & Minorities in the Law Committee are planning an event for June 28, 2024, (tentatively) for women attorneys, judges, paralegals, and other legal professionals. The event, “Empowered Women Empower Women: Bridging the Generational Gap for Women in the Law, with Lauren Stiller Rikleen”, will take the form of a brunch in Harrisonburg, VA, with a remote attendance option, where attendees will have the opportunity to hear from speaker Lauren Stiller Rikleen, an accomplished attorney and author whose books have been published by the ABA.

Many firms in the area (the 7th District includes Circuits 16, 20, and 26) are undergoing leadership changes as attorneys age out. These firms are struggling to attract and retain young talent (especially women). Lauren Stiller Rikleen specializes in many areas, but at this event she will be asked to focus on "Understanding Generational Differences and Creating Successful Multi-Generational Teams," and may additionally offer wisdom in the realm of "Retaining and Advancing Women in Legal Professions”.

Participants would be asked to pay a small registration fee (tentatively \$40 for in-person and \$25 for remote attendance) to cover the cost of a signed copy of a book and some of the event expenses. The event will need additional funding support from the Young Lawyers Conference beyond the allotted budget of \$200.00 for a single district to host a program. Additionally, the Harrisonburg-Rockingham Bar Association, the VWAA, and local firms may be interested in offering sponsorship support to help cover the venue fee, speaker fee, or food/bev. This approval is being sought to allow the acceptance of those interested in supporting the event either in-name only or with funds.

2. What is the budget for this project or event?

The YLC budget allots \$200 for a single district to host a program during the bar year. Event registration fees for approximately 50 in-person participants will go towards event expenses.

The expenses for this event are estimated at \$6,000.00. Expenses include the speaker fee (\$2,000) plus travel expenses (\$1,000), the venue rental (\$2,000), and food and beverage costs (\$1,000). Signed copies of Ms. Rickleen's books will be available. The cost of a signed book will be incorporated into the event registration fee.

3. How much money will be provided from the solicited organization? Will the bar be obligated in any way (dollars or staff support)?

The solicited organizations will select from various sponsorship levels that include perks such as complimentary tickets or a table for their organization. Ideally, sponsor funds will cover the cost of the speaker fee and travel. If enough sponsor funds are received, the venue cost would also be covered. If there are not enough solicited funds received to cover the expenses, the District Representatives will ask the YLC Board to submit a Budget Reallocation Request to the VSB Executive Director for funds from other YLC programming to be reallocated to cover the costs of this event. The proposed event date of June 28 would mean a reallocation would affect funds in the budget for BY25. If a reallocation is sought, the line items from which funds would come would likely be Website Maintenance (\$2,600) and Annual Meeting (\$7,000) since the expenses of the 2025 Annual Meeting will likely fall in BY26.

4. Why do you want to use funds solicited from individuals or another organization? Why is this project not included in the VSB operating budget?

Some local bars and firms in the area have shown interest in supporting the event. Sponsorship would allow these groups to attach their name to the program, whether they provide marketing support or funds. The YLC budget for District programs is \$200 per district. This has historically covered the cost of small programs hosted by individual districts, though many tend to support programming offered by local bars to stay within their budget. This particular event is a one-time program that is bringing in a high-profile speaker. The YLC may only cover the costs of this program if a Budget Reallocation Request is submitted and approved, and that is dependent upon this request being approved.

5. Who will manage/oversee the project or event?

The YLC 7th District Representatives, Nicole D. Faut and Mary Margaret Thacker, and the YLC Co-Chairs for the Women & Minorities in the Law Committee, Kallie Crawford and Rachel James.

6. Has this project has been implemented before?

Yes, similar programs have been hosted before. This isn't very different from a Bench-Bar Breakfast or a CLE luncheon with a keynote speaker.

7. Is there any other bar association that has a similar project?

Probably, but the YLC is not aware of any with this subject matter.

8. Have there been previous requests for solicitation for a similar project? If so, what was the Executive Committee or executive director action on any previous requests?

The YLC solicits funds for some of its programming (the Bench-Bar Dinner, the Minority Pre-Law Conference, and the Fore Everyone Golf Classic), but is not aware of solicitation requests for this kind of program.

9. If this is a solicitation for funds from individuals or organizations, please provide the following:

- a. Whether the person or entity has been solicited before by the VSB:** The YLC has co-hosted events in the past with the Harrisonburg-Rockingham Bar Association. Additionally, the VWAA has previously sponsored the Bench-Bar Dinner.
- b. Whether this is a one-time solicitation request:** Yes. The YLC anticipates District Representative programming to be facilitated with the allotted budget, or by partnering with local bars to co-host events.
- c. Amount/contribution requested:** \$6,000

Submitted by: Mallory J. Ralston

Date: April 17, 2024

Approved by: _____

Date: _____

cc: VSB Finance/Procurement Director