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Report of the Past President

William B. Spong Jr.

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Report of the Past President

WILLIAM B. SPONG, JR.

IN early 1976 I wrote to members of our Executive Committee outlining my goals for the year. These goals were characterized as "relatively modest." I attach a copy of that letter as part of this annual report to the membership.

I shall review briefly the areas marked for special attention:

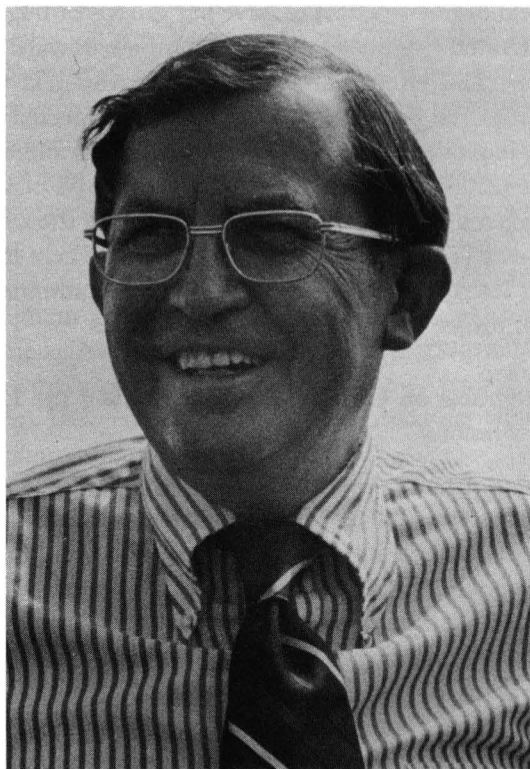
1. A Systematic Method of Soliciting New Members.

A more coordinated effort between the Young Lawyers Section and the Membership Committee was made this year, resulting in a record number of new members being taken into membership at the meetings here and at the Homestead. There should be a *caveat*. This effort must continue but we must seek to broaden the base of our membership to assure that our deliberations and efforts in law reform reflect the considered judgment of a representative body of Virginia lawyers. I hope that future efforts of the Membership Committee and the Young Lawyers Section will be directed toward attracting a more broadly based membership.

2. Support for the National Center for State Courts.

In 1975 the Virginia Bar Association pledged to raise \$100,000 toward construction of the National Center for State Courts now being constructed in Williamsburg. The \$100,000 was part of a \$1,000,000 pledge made by former Governor Linwood Holton and was a factor in the decision by officers of the National Center to move to Williamsburg from Denver. Past President Gibson Harris undertook the responsibility for directing a committee to solicit contributions

EDITOR'S NOTE: This report was presented at the annual meeting, January 15, 1977.



from our honorary and judicial members and from local bar associations and other law related groups in Virginia. We refined our understanding with the National Center to pledge that \$100,000 would be raised through our efforts and to guarantee that a minimum of \$50,000 would be contributed by The Virginia Bar Association.

The solicitation effort has thus far yielded approximately \$25,000 from honorary and judicial members and from the following bar groups in Virginia:

The Virginia Trial Lawyers Association
Virginia Lawyers Wives
Richmond Bar Association
Fairfax Bar Association
Norfolk-Portsmouth Bar Association
Hampton Bar Association
Newport News Bar Association
Portsmouth Bar Association

I should also report that the Norfolk firm of Williams, Worrell, Kelly and Greer has made a handsome contribution to the National Center of \$1,000, and that McGuire, Woods, and Battle has made a contribution of \$1,250.

Past President Harris recommended that efforts for contributions be expanded beyond Virginia. Accordingly, he and I spoke at the annual meeting of the Southern Conference of Bar Presidents in Charles-

ton and began an effort to have bar groups throughout the United States make contributions toward the Center. This effort will get fully underway next year, but from the preliminary response it is expected that many individuals and groups will make contributions.

We can be proud that The Virginia Bar Association has taken a position of leadership in raising the money necessary to build the Center in Virginia, where it will be an instrument for improvement of the administration of justice throughout the United States.

3. Programs on Current Problems Facing the Legal Profession.

In accordance with announced policy, we have had programs recently that directly addressed those problems of present interest to the legal profession. At the annual meeting last year, we presented a fine program on Mandatory Continuing Legal Education, and, at our meeting at Hot Springs this past summer, a program on advertising by lawyers that featured forceful and knowledgeable pro and con speakers. At this meeting, as you know, we featured a program on Judicial Selection, a problem presently facing the General Assembly of Virginia and one to which the Carter administration is directing its attention at the federal level.

The remarks of speakers at these programs are printed in *The Virginia Bar Association Journal* for dissemination to those members who are not able to attend the meetings.

4. A More Effective Effort at Law Reform.

In 1973 a special committee of the Association filed a report with several recommendations for reorganization. The committee, headed by Past President Waller Dudley, was authorized out of "a growing sense of impotence and frustration at our institutional inability to respond effectively to state and federal legislative developments. . . ." At the annual meeting of the Association on August 16, 1973, President Vernon Geddy, Jr., reviewed the recommendations of the Special Reorganization Committee. I quote in part from one recommendation.

It is unrealistic to assume that the existing staff of the Association is adequate in light of its recent increases in size and activities. Our Secretary-Treasurer, who works diligently for the Association, is with us on a one-third time basis. His clerk-stenographer works for us on a three-quarter time basis. The ideal staff would consist of at least two lawyer-

administrators and four clerk-stenographers. Since an ideal staff is not financially possible, the committee has focused its recommendations on what appears to be an absolutely essential addition to the staff. In order to assist the committees in their law reform projects, a lawyer should be employed on a part-time basis to alert the committees to important state and federal legislative proposals, maintain close liaison with the General Assembly, head up research activities, and generally encourage the committees in their work. The Executive Committee today authorized Peter Manson to implement this recommendation.

The hiring of additional personnel was authorized. However, with the inception of the *Virginia Bar Association Journal*, the resources and efforts of the Association were diverted to that publication. Professor Charles E. Friend of the University of Richmond Law School, who was initially hired to aid the Association's committees in the area of law reform, became editor of the *Journal*. It has been apparent for the past two years that the standing committees of the Association could not fulfill their responsibilities, nor could the committees effectively represent positions before legislative bodies without professional guidance and assistance. This inability was compounded by the problem of presenting positions taken by the committees of the Association before the General Assembly or the Congress in a timely manner.

We have taken the following actions toward improving the situation. First, the Executive Committee has authorized the hiring of a new staff person to work on legislative matters with the committees of the Association. The new staff member will fulfill the purposes of the Dudley report and should enable our committees to function more effectively. Also, I have appointed a committee headed by Past President John Davenport to review our constitution and bylaws to suggest a more effective method of formulating Association positions for presentation before legislative bodies.

5. Implementations of Suggestions by the Committee on Issues of National Importance Concerning the Findings of the Hart Survey.

The findings of the Peter Hart Survey were announced to the general public in December of 1975 and disseminated to our membership at the annual meeting in Williamsburg in January. Subsequent to

that meeting, a summary of the survey was published in *The Virginia Bar Association Journal*, and similar summaries were mailed to judges throughout Virginia. Hugh Patterson and members of the Committee on Special Issues of Importance have spoken at local bar associations, and the Association has directed each of its committees to review the findings of the survey. Moreover, results were shared with the American Bar Association and many state bar associations. Nevertheless, members of the Committee on Special Issues of Importance are disappointed at the apparent low level of interest generated within the profession in Virginia. I share their disappointment.

To underscore and supplement the statistical data of the survey, the Association convened the Woodberry Forest Lay Leaders Conference in June. At the conference several lay leaders from throughout Virginia discussed the major findings of the survey. These discussions confirmed the major message of the Hart Survey—that the general public knows very little about the legal profession.

It is difficult to predict the future role of bar associations, voluntary or integrated. Cases presently at issue, invoking first amendment and anti-trust arguments, could alter the favored status of law as a learned profession. To the extent that judging and lawmaking reflect the governing social, economic, and intellectual assumptions of our time, the bar may regret that a consumer-oriented society understands so little about the legal profession. Individual practitioners, bar associations, and law schools should pierce the veil of mysticism that has surrounded the lawyering profession. It is my hope that the Association will continue to try and awaken the lawyers of Virginia to the message of the Hart Survey.

There are other matters concerning the work of the Executive Committee that I should like to report. First, the Association endorses in principle mandatory continuing legal education. Having done so, the Association cautioned the Council of the Virginia State Bar and others who will consider such a program to weigh carefully the concerns expressed by the Joint Committee on Continuing Legal Education. Our new president, Hugo Blankingship, will discuss the Association's position when the Council of the Virginia State Bar convenes to consider this subject.

The *Virginia Bar Association Journal* continues as a quality publication. It has exceeded our high expectations. Editor Charles Friend and the Editorial Board, chaired by Waller Dudley, are to be congratulated.

This past year the Association invited the Chairman-elect of the Young Lawyers Section to attend the Executive Committee meetings. This has been constructive, and the practice should continue in future years.

I cannot end this report without repeating that our Young Lawyers Section is the finest in the United States. The film on the Supreme Court which they produced and which is now shown at the Court and throughout the United States is a credit to this Association. Also, the Model Judiciary Program is a successful supplement to efforts of past years by the Young Lawyers Section toward educating younger Virginians about the legal profession.

Stuart Campbell, chairman of our Committee Honoring Members and Judges, made a splendid suggestion to the Association. His committee recommended that henceforth new honorary members of the Association be recognized by being seated at the head table at our summer meeting. This recognition is more appropriate than the present custom of brief recognition at a sparsely attended morning session. I hope the Association will henceforth recognize new honorary members at the summer banquet.

As your president it has been my privilege to address the Richmond Bar Association, the Norfolk-Portsmouth Bar Association, the Fairfax Bar Association, and the Charlottesville-Albemarle Bar Association, and to speak at Newport News Law Day and at the University of Virginia Law Day.

My wife Virginia and I have been privileged to represent this Association at meetings of the Virginia State Bar, the Virginia Trial Lawyers Association, the American Bar Association, the Southern Conference of Bar Presidents, the North Carolina Bar Association, and the West Virginia Bar Association.

I cannot complete this report without acknowledging the pleasure it has been to work with Past President Tom Monahan; our incoming president, Hugo Blankingship; the new president-elect, Ned Slaughter, and our secretary-treasurer, Ward Sims. I have had full cooperation and splendid help from members of our Executive Committee and the chairmen of our committees.

The state of our Association is sound, the membership is stable, and we are financially solvent. Nevertheless, we should expand our membership to assure that ours is a strong and representative voice. We should continue efforts to assure that our committees are able to provide effective and timely positions before legislative bodies, and we should never lose sight

of that high purpose our founders decreed many years ago ". . . of cultivating and advancing the science of jurisprudence, promoting reform in the law and in judicial procedure, facilitating the administration of justice in this State, and upholding and elevating the standard of honor, integrity, and courtesy in the legal profession."

APPENDIX

February 6, 1976

To Members of The Executive Committee

It is my intention to set forth briefly my goals for the Association for 1976. They are relatively modest, but I believe they must be accomplished if we are to assure viability and effectiveness in the future. I am outlining these in different categories and would appreciate your comments.

Membership

As I advised you at our organization meeting in Williamsburg, Tom Monahan has consented to act as liaison with the Executive Committee on the work of our Membership Committee. It is apparent that because of the increasing number of life and judicial members, it is essential that we assure a continued growth in our active membership if we are to meet budget requirements. What is necessary is a coordinated effort by the Young Lawyers Section and the Membership Committee. Results for this last year were good indeed. Nevertheless, we must be mindful that there are many, many qualified lawyers who, for one reason or another, are not being asked to join the Association. I do not subscribe to a blanket membership drive. Nevertheless, we should have a systematic, ongoing program that is well coordinated to assure that our active membership increases during the remainder of this decade. I would hope that Tom, after working with Ben Butler, the Membership Chairman, and with the Young Lawyers Section, would have a report and perhaps a proposal for us at the next Executive Committee meeting.

National Center for State Courts

The \$25,000 annual pledge to the National Center for the next four years will, as you know, take most of the revenue increases resulting from the increase in dues. This can be partially helped if we are able to have a successful campaign for contributions among the life members and judicial members who were not affected by the dues increase. I am sending a copy of this memo to former president Gibson Harris, who thus far has spearheaded this effort, and will, I hope, continue to do so. Because Gib rotated off the Executive Committee, Tom Monahan has agreed to act as liaison and to report periodically to us. Every dollar raised among life and honorary members is a dollar less that will have to be taken out of the Association's revenues.

Programs

I have just completed drafting some brief remarks for the next issue of the *Journal*. All of us have been pleased with the programs at our meetings, and it is my hope that we will continue to have at least one program that is addressed to

current problems facing the legal profession. Our President Elect, Hugo Blankingship, will have charge of what we call the daytime programs at the Hot Springs and Williamsburg meetings. As of now, the Young Lawyers Section is planning a program on the Constitution. I think this will be excellent, but hope that there will be occasion for the participants to address themselves to the First Amendment ramifications of the Bar's present and proposed postures on advertising by the legal profession. Our programs should be entertaining and should continue to provide an outlet for the various committees. Nevertheless, I believe we must bring issues facing the legal profession to the attention of the membership.

Law Reform

We are now in the midst of our second General Assembly session since the revised procedures were enacted to enable the Bar Association to express itself before the General Assembly, the United States Congress, and the American Bar Association. I believe all of us understand that thus far our system is not working. It will serve no purpose to recount here the reasons for this. I will ask Ward Sims to circulate to all of the members of the Executive Committee the present system for presenting views on pending legislation or prospective legislation, and would ask your comment on how these might be improved. Our experiences in Williamsburg with the resolutions adopted on collective bargaining for public employees, proposed changes in requirements to take the Virginia Bar Examination, and legal advertising should cause us to reflect how our system might be improved. There have been questions recently posed by our committee chairmen, asking if their committees might represent positions taken on short notice by said committees because of pending legislation in the General Assembly can be represented as Association views. We do not seem to be structured to take rapid action, and find ourselves between the Scylla of taking no position, and the Charybdis of having a committee of the Association take a public position which has not been thoroughly considered by the Executive Committee or our membership.

Possible Change in Committee Structure and Methods of Reporting Committee Work to Executive Committee

As you know, I have asked Ned Slaughter, as part of his duties as Chairman of the Executive Committee, to act as an overall coordinator of the work of the Association's committees. This is a large task. I would hope that in our continued deliberations concerning the advisability of moving from a standing committee system to an *ad hoc* committee system, we will be in a position by the Hot Springs meeting to consider reasoned opinions on what changes, if any, should be made in the present committee system. Obviously, conclusions concerning this are related to the question of law reform discussed above. There appears to be a consensus among Executive Committee members who considered this last year that the Association could operate more effectively if we used an *ad hoc* approach.

Survey

The Association should implement the suggestions of our committee concerning the survey. Hugh Patterson, John Ryan and Randy Church are preparing a report for us now that I will immediately have Ward Sims send out for your comment. Moreover, we must be certain that the message

(Continued on page 42)

EXHIBIT B

**STATEMENT OF REVENUES AND EXPENSES
RESULTING FROM CASH TRANSACTIONS
FOR THE YEAR ENDED DECEMBER 31, 1976**

Revenues:

Dues:	
Current	\$102,125.00
New Members	2,416.00
Total Dues	\$104,541.00
Meetings and Conferences—Schedule B-1	30,757.90
Interest	2,932.20
Sponsorship of Far East Adventure	1,835.67
Sponsorship of Balkan Adventure	735.47
Sale of "The Bar Journal"	246.85
Sale of Annual Reports	36.63
Total Revenues	<u>\$141,085.72</u>

Expenses:

Operating Expenses:	
Secretary-Treasurer's Salary	\$10,200.00
Secretarial Salaries	7,175.00
Postage and Mailing List Maintenance	3,908.26
Office Expense	3,561.14
Legal and Accounting	2,300.00
Telephone	1,938.49
Travel	1,883.62
Payroll Taxes	1,573.00
Reimbursement of President's Expenses	1,200.00
Reimbursement of President Elect's Expenses	600.00
Public Relations	312.35
Interest	138.40
Total Operating Expenses	<u>\$ 34,790.26</u>
Meetings and Conferences—Schedule B-1	29,303.22
Publication of "The Bar Journal"	24,490.89
Contribution to National Center for State Courts	14,341.67
Young Lawyers	7,343.80
Committees	4,394.85
Portrait—A. Christian Compton	2,500.00
Purchase Office Equipment	207.53
Total Expenses	<u>\$117,372.22</u>
Excess of Revenues Over Expenses	<u>\$ 23,713.50</u>

SCHEDULE B-1

**SCHEDULE OF REVENUES AND EXPENSES
OF MEETINGS AND CONFERENCES
FOR THE YEAR ENDED DECEMBER 31, 1976**

	Revenues	Expenses	Net Revenue
13th Midwinter Meeting	\$11,410.90	\$17,034.83	(\$5,623.93)
86th Annual Meeting ..	7,375.00	11,218.57	(3,843.57)
14th Midwinter Meeting	11,972.00	627.85	11,344.15
Woodberry Forest Conference	—	421.97	(421.97)
Totals	<u>\$30,757.90</u>	<u>\$29,303.22</u>	<u>\$1,454.68</u>

EXHIBIT C

**SIGNIFICANT ACCOUNTING POLICIES
DECEMBER 31, 1976**

The Virginia Bar Association employs the cash receipts and disbursements method of accounting in maintaining its financial records wherein revenues are recognized when received in cash rather than when the right to receive them is accrued and expenses are recognized when paid rather than when the liability is incurred.

The certificate of deposit is stated at cost plus interest accrued to the maturity date of the certificate nearest preceding the Association's year end, December 31, 1976.

Fixed assets are written off when purchased. Consequently, no depreciation is computed herein.

The Association is a tax exempt organization under section 501(c)(6) of the Internal Revenue Code. Therefore no provision for income taxes is shown in these statements.

Past President's Report

(Continued from page 40)

of the survey is fully shared with the lawyers of Virginia. To this end I have already asked Hugh Patterson to offer members of his committee for local bar programs. The committee has already encouraged the state law schools to undertake law review articles.

In summary, I would like for us to conclude at the end of this year that the Association has strengthened its procedures for soliciting members, has undertaken an effective campaign for soliciting contributions from life and judicial members toward our pledge to the National Center for State Courts, has continued to bring to the membership matters of current controversy before the organized Bar, has implemented and shared with Virginia lawyers the messages of our recent survey on public perception of the legal profession in Virginia, and, lastly, and perhaps most important, has strengthened our committee system as well as our capacity to take positions before legislative bodies on matters on which the Virginia Bar Association should express its views.

We must also, if we are to fulfill our purpose, "uphold and elevate the standard of honor, integrity and courtesy in the legal profession." Ethics and civility are not readily decreed or legislated. They are accomplished by example. This was, I believe, the essence of Frank Crenshaw's message at the 1975 Williamsburg meeting. How the Association and its committees operate, who its members are, the quality and style of its meetings, and the discussions at those meetings will determine our success in achieving our purpose. Finally, our capacity to maintain the high quality of the *Journal* appears dependent, unless we are to exhaust our reserves, upon the membership and the National Center fund solicitation mentioned above.

Sincerely,
William B. Spong, Jr.