

Editor's Brief

This issue of *The Colonial Lawyer: Journal of Virginia Law and Public Policy* is my second and last as Senior Editor. I leave the journal and its future in the capable hands of Felicia Silber and her incoming editors and staff.

Public perception of the legal profession has always been ambivalent. Everyone needs attorneys, yet everyone loves to criticize them. They are accused of being dishonest, or of manipulating the system for the benefit of the wealthy and empowered. This issue of the *Lawyer* contains two articles which relate to these perceptions.

The first, by Mr. Gerbasi, discusses the use of RICO to seize attorney's fees prepaid by criminal defendants. The Federal Government seizes the fees under the broad forfeiture provisions in RICO by alleging that they are the proceeds of illegal activity and therefore can be forfeited just like a mansion or a Lear jet. The purchase of legal services is not, of course, comparable to the purchase of real estate or a consumer durable. The seizure ignores the potential violation of the defendant's Sixth Amendment right to counsel, and Mr. Gerbasi discusses the inherent tension in relation to crime families accused of involvement in drug traffic.

Little public sympathy is lost on those accused of being drug traffickers, and even less is expended on their attorneys. The public seems to feel that the attorneys who act to protect those accused of reprehensible acts are as repugnant as the perpetrators of those acts.

Mr. Raby's article discusses an attempt to regulate the profession of law to protect the public and raise the perceived quality of the industry. Virginia's new attorney-sanction provision, Virginia Code § 8.01-271.1, acts in much the same way as the existing Federal Rule 11 sanctions. Mr. Raby describes how the new code section works and discusses how it might affect the practice of law in Virginia.

Ms. Lewis comments on a case recently argued before the Supreme Court, *Kendrick v. Bowen*. Ms. Lewis discusses the history and policy of the Adolescent Family Life Act which is the basis of the suit, and suggests how the Supreme Court should address the issues raised. The issues raised are those at the core of modern political discussion: government policy toward abortion, the separation of church and state, government funding of medical services.

I hope you enjoy the spring issue, and welcome any comments or thoughts you may have.

Bruce William McDougal
Senior Editor