

President's Corner



Howard M. Persinger, Jr.
 WVBA President

Just like Harrison Tweed, "I have a high opinion of lawyers . . .

With all their faults, they stack up well against those in every other occupation or profession. They are better to work with or play with or fight with or drink with than most other varieties of mankind."

As President of The West Virginia Bar Association, I cordially invite you to come work, play and fight with us. The work and play will be conducted in the opulent surroundings of The Homestead in Hot Springs, Virginia, September 27-29 (WVU is not playing this weekend and MU is away). The fight will be our continuing efforts to stop the proliferation of the unauthorized practice of law in our State and to lobby the Legislature against legislation that is not in the legal profession's best interests.

Please note that I did not think it politically correct to invite you to drink with us, but who can forget that throughout our 115 year history we have occasionally been (some believe inaccurately) described as "The Drinking Bar;" and who among us senior dudes can forget Charlie Tutwiler holding forth in the Michie's hospitality suite?

Those were the days, my friends! Join us - you won't regret it.

Organized at
 Grafton, West Virginia
 July 8, 1886

"Object: The Association is formed to advance the science of jurisprudence; to promote reform in the law; to facilitate the administration of justice; to uphold integrity, honor and courtesy in the legal profession; to encourage liberal education; and to cultivate cordial intercourse among members of the bar."

(Constitution, Article 2)

2001 ANNUAL MEETING

SEPTEMBER 27 - 29, 2001

THE HOMESTEAD
 HOT SPRINGS, VA

Register today and save!

Take advantage of special room rates available only for the WVBA Annual Meeting. Space is LIMITED!

Meeting registration and Homestead room reservation forms are included in this issue.



YLD Wildness!

Ronda L. Harvey, President
Young Lawyers Division

The Young Lawyers Division ("YLD") of the West Virginia Bar Association proudly announces its new officers: Ronda L. Harvey, President; H. Toney Stroud, Vice-President; William J. Ihlenfeld, II, Secretary; J. Mark Adkins, Treasurer, and Executive Council members: Jill Cranston Bentz; Paul T. Farrell, Jr.; Gretchen E. Pyles; Alyssa A. Sloan; and Lisa A. Warner. The new Executive Council is planning several events that will make membership in the YLD even more worthwhile to young lawyers!

The YLD's first event for the year 2001 is a Bench and Bar Reception at the Robert C. Byrd Federal Courthouse in Charleston on May 10, 2001. All judges and lawyers from across the state are invited and encouraged to attend. The YLD will be mailing announcements as the date draws nearer.



The YLD recently appointed the following committee chairs:

Annual Meeting Committee

Lisa A. Warner
(304) 340-4910
(304) 340-4980 (FAX)
e-mail: lisa.warner.l7fp@statefarm.com

Fall Recruiting Events

William J. Ihlenfeld, II
(304) 233-1780
(304) 233-1782 (FAX)
e-mail: ihlenfeld@earthlink.net

Fund Raising Committee

Gretchen E. Pyles
(304)340-1329
(304)340-1044 (FAX)
e-mail: gpyles@jacksonkelly.com

Jill Cranston Bentz

(304) 340-3880
(304) 340-3801 (FAX)
e-mail: jrbentz@spilmanlaw.com

Alyssa A. Sloan

(304) 265-3474
e-mail: alyssasloan@hotmail.com

H. Toney Stroud

(304) 353-8158
(304) 353-8180 (FAX)
e-mail: stroudht@stephoe-johnson.com

Legislative Committee

Jill Cranston Bentz
(304) 340-3880
(304) 340-3801 (FAX)
e-mail: jrbentz@spilmanlaw.com

Paul T. Farrell, Jr.

(304) 292-9429
(304) 292-9427 (FAX)
e-mail: ptf@wfbmlaw.com

If you are interested in participating on any of the above committees, please contact one of the committee chairs. The Executive Council's goal is to increase membership and to make sure all members benefit through their membership. If you are a young lawyer and you are not currently a member of the YLD, you will probably hear from one of the Executive Council members as the membership drive progresses! We look forward to your participation!

A handwritten signature in cursive that reads "Ronda".

The West Virginia Bar Association Executive Council (*) and Division and Committee Chairs (+)

**Howard M. Persinger, Jr., President ***

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J. Tyler Dinsmore, Pres. Elect **

Chair: Long Range Planning Committee
Member: Nominations Committee
Flaherty, Sensabaugh, & Bonasso, P.L.L.C.
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James C. "Jay" West, Jr. **

Co-Chair: Annual Meeting Committee
Member: Nominations Committee
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John F. McCuskey **

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Member: Nominations Committee
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Charles M. Love III **

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Member: Nominations Committee
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Richard A. Pill **

Co-Chair: Real Estate Lawyers Division
Co-Chair: Membership Committee
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Forest J. Bowman **

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Co-Vice Chair: Legislation Committee
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Rhonda Harvey **

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Co-Chair: Membership Committee
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Thomas S. Lilly **

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Co-Vice Chair: Legislation Committee
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Edward I. Eiland +

Chair: Legal Biography Committee
Eiland and Bennett
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Pryce M. Haynes II, Executive Director *

Pryce Haynes Associates
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Huntington, WV 25701
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Membership Campaign Kick-off!

The following incentives will be awarded at the Annual Meeting:

GRAND PRIZE

Sign-up the most new members (at least 20) by the time of the Annual Meeting and you win. . .

One FREE night's lodging at The Homestead (standard room rate)
for two at the Annual Meeting
PLUS
FREE Annual Meeting registration!

SECOND PLACE

THIRD PLACE

Sign-up 20 or more new members and you win. . .

FREE Annual Meeting registration
PLUS
\$200.00 dollar expense bonus for
Annual Meeting travel expenses!

Sign-up 10 or more new members and you win. . .

FREE Annual Meeting registration!

Incentives are not cumulative, meaning they cannot be aggregated; should you win the GRAND PRIZE, you cannot also win 2nd and 3rd. There is no limit on the number of 2nd and 3rd Place Award Winners. All new memberships for the contest must be paid in full and received in the office of the Executive Director prior to the Annual Meeting in order for a member to receive credit for the new member(s).

NEW!

LIST BILL DUES DISCOUNT for law firms:

For firms with five or more lawyers :

Enroll all of your lawyers as members in the Bar Association, pay the dues for all lawyers from a "List Bill" and receive a 10% list bill discount for dues! *Please contact the Executive Director for details and enrollment forms.*



Pryce Haynes Associates is the proud sponsor of our insurance program ...

For all your life, health, disability, long term care insurance - group or individual coverage - contact PHA at 1-800-944-WVBA (9822), or by e-mail at phao@phaweb.com!

Membership Application

Name _____
 Prefix First Middle Last Suffix

Preferred Name _____

Residence Address _____
 Street City State Zip

Firm _____

Street Address _____

Mailing Address _____

City _____ State _____ Zip _____

Phone (____) _____ Fax (____) _____ Email _____

Date of Birth _____ Date Admitted to The WV State Bar _____

I hereby apply for membership in The West Virginia Bar Association. I certify that I maintain my office in _____ County of WV and that I am:

- a member in good standing of The West Virginia State Bar, or
 a judge in office or retired, or
 am a member of the faculty at the WVU College of Law, or
 am a full time student in good standing at the WVU College of Law

As a condition of having my name enrolled among the members of the Association, I undertake to maintain and promote the goals and purposes of the West Virginia Bar Association.

I hereby apply for an Associate Membership in The West Virginia Bar Association.

Signature of Applicant _____ Date _____

Enclosed is \$ _____ membership fee.

Send Application and Payment to:

The WV Bar Association
 P. O. Box 2162
 Huntington, WV 25722

Annual WVBA Membership Fee Schedule (2001)

| | | |
|------------------------------------|-------------------------|--|
| Young Lawyer | \$35.00 | <i>A young lawyer is anyone who has been admitted to The WV State Bar for less than six years, regardless of their age. During the first year after having been admitted, dues are waived. This does not apply to out-of-state applicants admitted to the practice of law for five or more years in their respective states.</i> |
| Member | \$75.00 | |
| Real Estate Law Division | \$100.00 (add'l) | <i>Entitles you to a CLE seminar sponsored exclusively for the benefit of real estate lawyers.</i> |
| Senior Law Division | \$15.00 (add'l) | <i>Entitles those 55+ years of age to participate in programs designed exclusively for this group of lawyers.</i> |
| Judges | Voluntary | <i>Active and retired judges.</i> |
| Elder Lawyer | Fee Waived | <i>Lawyers who have engaged in the practice of law for more than 50 years.</i> |
| Student Lawyer | Fee Waived | <i>Full time law student at the WVU College of Law.</i> |
| Associate Member | \$150.00 | <i>Entitles individuals, other than lawyers, to participate in the WVBA.</i> |
| Legal Assistant Association | \$50.00 | <i>Entitles legal assistants to participate in the WVBA.</i> |

Any law firm in which five or more lawyers are affiliated, and all affiliated lawyers join or are members of the WVBA, and the firm agrees to pay for all lawyers' dues directly to the WVBA, will be entitled to an annual "list bill" discount of 10%. Contact the WVBA Executive Director at 1-800-944-WVBA (9822) for a list bill enrollment form. Pro-rates: After July 1st, submit 1/2 of annual fee (pays to 12-31 of current year). After October 1st, submit full amount (pays for remainder of year and all of following year).

The Communiqué

News from the

Real Estate Lawyers Division

Richard A. Pill, Chairman

The Real Estate Lawyers Division of The West Virginia Bar Association is pleased to welcome Howard M. Persinger, Jr., as the new President and Pryce M. Haynes II, as the new Executive Director of The West Virginia Bar Association. This year's Executive Counsel includes Richard A. Pill and Thomas S. Lilly of the Real Estate Lawyers Division.

Our organization has been active on many fronts over the last several months, particularly involving the unlawful practice of law. President Persinger and a number of our members met with the Unlawful Practice of Law Committee of the West Virginia State Bar to discuss solicitation and performance of legal services by non-lawyers. The Committee confirmed that they will diligently pursue claims of unauthorized practice of law as those situations are reported, and I strongly encourage members to report such activity to Thomas R. Tinder, Executive Director of the West Virginia State Bar, who will forward the matters to the Committee. Please make note of the advisory opinion 93-001 and 93-002 of the West Virginia State Bar Committee on Unlawful Practice which clarifies their position.

Among other matters addressed, the opinion states a lay person cannot conduct title searches unless doing so under the direct supervision and control of an attorney. Our group would like to particularly thank O. Gay Elmore, Jr. Esq. and Daniel J. Guida, Esq. for their efforts confronting the Unlawful Practice of Law.

☞ Real Estate Lawyers should review the recent Supreme Court of Appeals of West Virginia decision "Timothy Hafer vs. Robert Skinner, Esquire, et al." which discusses procedures for substitution of a trustee in real estate foreclosures. The per curiam opinion stated in this particular case that the substitution needed to be recorded prior to conducting the foreclosure sale.

☞ The West Virginia Bar Association and Real Estate Lawyers Division will be monitoring newly introduced legislation as it may effect real estate law in West Virginia. Input from members involving pending or potential legislation is welcome.

☞ Each year the Real Estate Lawyers Division presents a free seminar for all members of it division. Last year, Stewart Title Guarantee Company jointly presented the seminar with the Real Estate Lawyers and Stewart's participation is certainly appreciated. Details on this year's seminar will be forthcoming.



Anyone interested in membership in the Real Estate Lawyers Division
and its activities may contact Chairman Richard A. Pill
at (304) 263-4971 or pillpill@stargate.net.

A note from our Executive Director

Pryce M. Haynes II

As we embark on the 115th year of The West Virginia Bar Association, it is proving to be particularly exciting. The entire Executive Council is truly energized by the example and inspiration of our President, Howard Persinger. The Young Lawyers Division is off to a resounding start under the outstanding leadership of Ronda Harvey. Certainly, we will see great achievements from our YLD. Rick Pill and Tom Lilly are hard at it on behalf of the RELD with Rick's usual perseverance in stemming the tide of the unlawful practice of law. As Jay West and John McCuskey complete their work on the agenda for the Annual Meeting, it will surely prove to be an event you will not want to miss. You can register now by completing the form below. Also enclosed for your convenience is a reservation form for The Homestead. You should reserve your room now - space is limited!

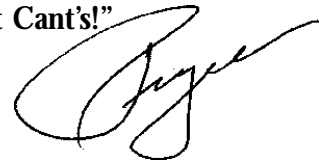
In the near future, you will see dramatic improvements to our web site (www.wvbarassociation.org) as it is being expanded to include more useful information and timely updates. As we expand our "cyber presence," among other things, it is our hope to provide a membership E-mail directory. Should you have any suggestions you feel would be beneficial for us to include on our web site, please let me know.

As is true of any organization, membership is vital to its continued success. Therefore, I encourage everyone to recruit new members. I am confident this year's membership campaign will reap big rewards for The West Virginia Bar Association and increase attendance to this year's Annual Meeting.

On behalf of all our members, I want to extend a special word of gratitude to our friends at Bowles Rice McDavid Graff & Love PLLC, and, especially, to Kate Geis, their accomplished graphic artist, who has painstakingly prepared *The Communiqué* in "print ready" form since 1999. Without Kate's help and the financial support of Bowles Rice, it is doubtful *The Communiqué* would be nearly the caliber it is. We are deeply indebted to Kate and Bowles Rice, and appreciate their tremendous support over the years.

I am honored and pleased to serve as your Executive Director and strive to make your organization as good as it can be. There is a lot of work to do and, with your help, it will be done.

"Success comes in Cans, not Cant's!"



Yes, I will be attending The West Virginia Bar Association 2001 Annual Meeting at The Homestead.

Paid registration includes admittance to all seminars and events.

For registration by August 1:

Member \$175 Non-member \$250

Young Lawyer Member \$87.50

Spouse / Guest will attend - \$50 per person

For registration after August 1:

Member \$200 Non-member \$275

Young Lawyer Member \$100

Yes, I wish to join the WVBA and take advantage of membership rates for the meeting. My annual membership fee of \$75 is enclosed.

Name of Attorney / Judge (circle one) _____

Name of Spouse or Guest _____

Address _____

City _____ State _____ Zip _____

Ph: (_____) _____ Fx: (_____) _____

E-mail: _____

Credit Card Number

MasterCard Visa Exp. Date _____

Name as it appears on card _____

Signature _____

Total Amount Enclosed: \$ _____ Make checks payable to: **The West Virginia Bar Association** P.O. Box 2162 ❖ Huntington, WV 25722

Ph: (800) 944-9822 ❖ Fx: (304) 522-2795



The West Virginia Bar Association's
Young Lawyers Division
invites you to its annual
Bench & Bar Reception



May 10, 2001
5:50 pm - 7:30 pm

Robert C. Byrd Federal Courthouse
Fifth Floor
Charleston, West Virginia

*RSVP: (304) 347-1783
by May 4, 2001*