

# MISSION STATEMENT

The Boyd Graves Conference seeks to improve the quality of civil justice in Virginia. It does so through scholarly study and discussion among experienced civil trial lawyers, judges, legislators and educators leading to recommendations for changes to the rules and statutes governing the civil justice system in Virginia.

The credibility of the Boyd Graves Conference is maintained by reporting only on areas in which its members have expertise. Invitations to participate in the Boyd Graves Conference are issued based upon demonstrated competence in civil litigation with a view to insuring balance and diversity of practice areas, gender and ethnic backgrounds, geographic coverage of all areas of the state and representation of various firm sizes and practice settings.

The Boyd Graves Conference does not represent or advocate the interests of any group or constituency. The independence of the Boyd Graves Conference is dependent upon the good faith of the members voting their conscience and subordinating the interests of groups, to which they may belong, or even their own practice or clientele, to the greater good. By accepting an invitation to participate in the Boyd Graves Conference, each member pledges to uphold the foregoing objectives.

## HISTORY

Thirty-two years ago, Thomas V. Monahan, past president of both the Virginia Bar Association and the Virginia Trial Lawyers Association, invited a small group of experienced civil trial lawyers to a meeting at the Tides Inn in Irvington for the purpose of discussing potential changes in the rules and procedures applicable to the trial of civil cases in Virginia state courts. Those invited to attend the initial meeting included lawyers from across the state who practiced in both large firms and small firms; a deliberate effort was made to secure a balance between those who primarily represented plaintiffs in civil trials and those who typically represented defendants. From the outset, the focus of the Conference was the identification and discussion of problems encountered in state court civil litigation, with the objective of reaching a consensus concerning needed changes in either the Rules of Court or the Code of Virginia. Whenever a consensus was reached, the resulting recommendation was made directly to the Supreme Court, or to the General Assembly. The Conference, which initially took its name from the site of the meetings, came to be known as the Tides Inn Conference.

From the beginning, the Conference worked closely with T. Munford Boyd, Edward S. Graves, and Leigh B. Middleditch, Jr., who had served as advisors to the Virginia Code Commission during the 1977 transition of the Code of Civil Procedure from Title 8 to Title 8.01. Because of the significant contribution these men made to the ultimate success of the Conference, its name was changed to the Boyd Graves Conference.

The Conference soon outgrew the Tides Inn and for many years its annual meetings have been rotated to locations throughout the Commonwealth. What began as informal face-to-face meetings on the sofas of a small lounge at the Tides Inn is now a carefully planned event attended by more than 100 lawyers, judges, professors and legislators. The Conference is governed by a Steering Committee and a Chair, who generally serve for two years. The Conference has a familial relationship with the Virginia Bar Association, which serves as the repository of the Conference's records and financial resources, and provides invaluable administrative support.

Membership in the Conference continues to be by invitation only. An effort is made to facilitate a full and open discussion of issues by maintaining a roundtable configuration and by limiting the number of participants. Larger numbers tend to constrain the individual participation which has been so vital to the work of Boyd Graves. There are no term limits, but neither are there permanent members. Even those who are most active are regularly rotated off the membership rolls to make room for new participants. The Membership Committee attempts to maintain a balance of representation from the various civil litigation practice disciplines, selecting individuals with experience, reputation, and the demonstrated ability to contribute to the work of the Conference, as well as a willingness to put aside what benefits his or her particular practice in favor of a solution in the best interest of all involved in civil litigation in Virginia.

Although the Boyd Graves Conference has become larger and more structured, it has remained true to its heritage. At each meeting of the Conference, the members are invited to suggest topics for future consideration. A small group of Steering Committee members meets with the Chief Justice, who often suggests study topics. Other study requests have come from trial judges, from lawyers who are not currently members of the Conference, and occasionally from legislators or legislative committees. The Boyd Graves Conference feels a particular affinity for the Litigation Section of the Virginia Bar Association, with which it shares many members and many common professional interests; members of the Litigation Section are invited to suggest potential topics for study.

The Steering Committee evaluates each suggested topic and decides which should be approved for consideration at the next meeting of the Conference. The Conference Chair has the responsibility of appointing a committee to study each of the approved topics. Committee members frequently include lawyers who are not members of the Conference but who are willing to contribute their expertise to its work. Each committee is expected to complete its work and to submit a written report of its findings and recommendations to the Conference Chair in advance of the annual meeting. These reports are published in the form of an agenda book which is distributed to each member of the Conference in advance of the annual meeting. Each report is presented to the Conference by the committee chair and, after discussion and possible modification of the committee's recommendations, the Conference will vote to approve or disapprove those recommendations. The Conference will make a recommendation for a statutory or rule change only if there is a consensus. A simple majority is not sufficient. Although the question of whether there is a consensus is left to

the discretion of the Conference Chair, the overwhelming majority of the participants must agree before a recommendation for change will be made.

The 2010 meeting of the Boyd Graves Conference will convene in Williamsburg, Virginia on October 22. In addition to the issues carried over from 2009, the Conference will consider a variety of topics, both procedural and substantive, relating to the handling of civil litigation in Virginia state courts. As it has done for three decades, the Conference will work toward reaching consensus recommendations which reflect the best of the creative talents of its members.