

JOHN EDWARD WHITFIELD

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PERSONAL INFORMATION

Native and resident of Staunton, Virginia
Married to the former Rita L. Fox of Fairfield, Virginia; two adult children, Emily and Matthew

EDUCATION

Robert E. Lee High School, Staunton, Virginia, 1973
University of Virginia College of Arts and Sciences, Charlottesville, Virginia, 1977 B.A. Degree with
High Distinction, Department of Government & Foreign Affairs
University of Virginia School of Law, Charlottesville, Virginia, 1981 *Juris Doctor*

EMPLOYMENT

Reginald Heber Smith ("Reggie") Community Lawyer Fellow, 1981-1983 Placement at Blue Ridge
Legal Services, Inc., Staunton, Virginia
Blue Ridge Legal Services, Inc., Harrisonburg, Virginia
Staff Attorney, 1983-1987
Supervising Attorney, 1987-1989
Executive Director and General Counsel, 1989-Present

OTHER PROFESSIONAL ACTIVITIES, AFFILIATIONS AND HONORS

Admitted to practice before the Virginia Supreme Court, U.S. District Court for the Western District
of Virginia, U.S. Bankruptcy Court for the Western District of Virginia, and the U.S. Court
of Appeals for the Fourth Circuit.
Virginia Access to Justice Commission, 2013-Present (Co-chair, 2013-Present)
Virginia Supreme Court's Access to Justice Planning Committee (2013)
Virginia Supreme Court Chief Justice's Pro Bono Initiative Commission (2003-2005)
Recipient, Virginia State Bar's 1998 Legal Aid Attorney Award
Fellow of the Virginia Law Foundation, Class of 2009
Board of Directors, Legal Services Corporation of Virginia, 1991-1994, 2007-2013
Board of Directors, Virginia Poverty Law Center, 2011-2017
Virginia State Bar's Special Committee on Access to Legal Services, 1995-2002 (Vice Chair, 1997-2002)
Virginia Legal Aid Project Directors' Association (President, 1996-1998)
Neighborhood Assistance Program Advisory Council, Va. Dept. of Social Services, 1990-1998
(Chair, 1990-1991)
Harrisonburg-Rockingham Bar Association (President, 1997-1998)
Named among *The Legal Elite* in the Legal Services/Public Services category by *Virginia Business
Magazine*, 2005-2020
National Legal Services Corporation (LSC) related:
Member, Negotiated Rulemaking Working Group re 45 CFR Part 1611, (2001-2002)
Member, CSR Handbook Revision Advisory Committee (2006-2007)
Member, Advisory Committee for 2008 Executive Directors Conference (2008)
Participant, Rulemaking Workshop re 45 CFR Parts 1606 and 1623 (2008)
Member, LSC Pro Bono Task Force (2011-2012)
Panelist, White House Forum on Legal Aid (April 17, 2012)
Panelist, PAI Rulemaking Workshop (on behalf of NLADA) (Sept. 17, 2013)
Member, Virginia Trial Lawyers Association, Virginia Bar Association, Augusta Co. Bar Ass'n

OTHER COMMUNITY ACTIVITIES

Commissioner, Staunton Redevelopment & Housing Authority, 1988-1989
DeJarnette Center Local Human Rights Committee, 1988-1990 (Chair, 1989-1990)
Western State Hospital Local Human Rights Committee, 1990-1991
Board of Directors, Blue Ridge Chapter, American Red Cross (2001-2005)
Board of Directors, Harrisonburg-Rockingham Community Resource Center (2002-2007)
Board of Directors, Community Mediation Center (2005-2006)
Board of Directors, Autumn Valley Public Guardianship Program (2007-2013)
Deacon, Memorial Baptist Church
Delegate, Sixth District and State Democratic Conventions, 2008

ARTICLES PUBLISHED

“You Get What You Measure: Using Metrics to Construct Effective ‘Score Cards’ for Legal Aid Advocates and Offices,” *MIE Journal*, Winter 2010.

“Is there a Pro Bono Gap in Virginia?” *Virginia Lawyer*, Feb. 2014 (co-authored with Joanna L. Suyes)

“The Impact of the Justice Gap on Litigants: Are We Providing a Level Playing Field?” *Virginia Lawyer*, October 2014

“The Next Step in “Unbundling”: The Case for Limited Scope Representation,” *Virginia Lawyer*, October 2016

“The Sobering Findings of the Virginia Self-Represented Litigants Study,” *Virginia Lawyer*, June 2018.

“The Valley’s Tradition of Pro Bono Service,” *Virginia Lawyer*, October 2018.

SIGNIFICANT LITIGATION

Jenkins V. Landmark Mortgage Corp., 696 F. Supp. 1089 (WD Va. 1988). Served as counsel for Plaintiff in this decision where the Court held that Jenkins could rescind a mortgage transaction almost a year after the closing where the closing attorney provided information about her rescission rights that contradicted and undermined the correct Truth in Lending Right to Cancel notice he provided her.

Mowbray v. Kozlowski, 724 F. Supp. 404 (WD Va. 1989). Served as co-counsel in this Medicaid class action where the District Court found that § 303(e) of the Medicare Catastrophic Coverage Act effectively repealed the Commonwealth of Virginia's ability to use more restrictive eligibility criteria than that used in the SSI program.

Mowbray V. Kozlowski, 725 F. Supp. 888 (WD Va. 1989). Successfully argued against a stay pending appeal in this Medicaid class action, thereby preserving Medicaid benefits for some 9,000 aged, blind, or disabled low income Virginians who were found to be eligible for Medicaid as a result of this lawsuit.

Mowbray v. Kozlowski, 914 F.2d 593 (4th Cir. 1990). Served as co-counsel in this unsuccessful defense of the District Court's decision finding that § 303(e) of the Medicare Catastrophic Coverage Act effectively repealed the Commonwealth of Virginia's ability to use more restrictive eligibility criteria than that used in the SSI program.

Tennant v. Sullivan, No.92-0061 (H), WD Va., Mar. 2, 1993. Served as lead counsel in this class action settlement where the Social Security Administration agreed to change its policy nationally to exclude from income any portion of a workers compensation payment designated for medical expenses, and to reexamine any case where it had previously done so in order to re-compute benefits retroactively for up to two years from the date the error is discovered.

Shifflett v. Kozlowski, 1993 U.S. Dist. LEXIS 997 (WD Va. 1993). Successfully argued for class

certification and against Motion to Dismiss in this Medicaid class action challenging the Virginia Department of Medical Assistance Services' (DMAS) failure to issue timely decisions on claimants' requests for administrative hearings.

Shifflett v. Kozlowski, 843 F.Supp.133 (WD Va. 1994). Served as co-counsel in this Medicaid Class action that successfully challenged the Virginia Department of Medical Assistance Services' (DMAS) failure to issue timely decisions on claimants' requests for administrative hearings.

Massie v. Yamrose, 169 Bankr. 585 (WD Va. 1994). Served as counsel for Plaintiff in this U.S. District Court decision overturning bankruptcy court decision and holding that a judicial lien that impairs an exemption to which the debtor would be entitled as a tenant by the entirety may be avoided under 11 U.S.C. § 522(f)(1), even though the lien cannot be enforced while the tenancy survives.

Hilliards v. Jackson, 28 Va. App. 475, 506 S.E.2d 547(1998). Served as counsel for Plaintiff in this successful appeal of a Department of Social Services administrative agency decision calculating a food stamp recipient's income. Appellate Court overturned agency's interpretation of its own regulations as arbitrary and capricious when agency counted as income to plaintiff payments made by purchaser of her mobile home to the bank on the remaining purchase money indebtedness that purchaser assumed.

Botkin v. DuPont Cmty. Credit Union, 650 F.3d 396 (4th Cir. Va. 2011) holding that Section 522 of the U.S. Bankruptcy Code does not require the debtor to actually claim the exemption upon which she relies in order to seek avoidance of a judicial lien, thereby removing a procedural trap for debtors in Virginia who had previously relied on the plain language of Section 522 only to have their lien avoidance motion denied after it was too late to amend the homestead deed.