

BAR BULLETIN

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PRESIDENT'S MESSAGE

As I write this, I am heading down I-64 toward Virginia Beach on a pleasant Sunday afternoon, having brought my two little boys to Richmond for the weekend to stay with my parents. One purpose of this trip was to give my wife some much-needed quiet time to herself at home. Since my boys are sleeping in the back and I have my Dictaphone with me, I thought this may be a good opportunity to draft my President's Message, the last one. I will try not to wake them up.

The year has passed very quickly, as evidenced by my previous President's Message in December in which I stated that I was at the mid-point of the bar association year. It should be patently obvious that my time-management skills are limited.

I thank everyone that has made this job so enjoyable by giving generously of their time. The trains run (mostly) on time because of the efforts of all of the committee chairs, committee members and members of the Executive Committee. The value of their time would exceed our annual budget exponentially.

I want to specifically thank our Executive Director, Donna Bausch, and the bar association and law library staff, Michelle Gibson, David Knight and Bill Magee. The Association is fortunate to be the beneficiary of Donna's experience and dedication. I will miss her multiple, daily emails.

I also thank the former Presidents of the Association for their support and guidance. The Association will be forming a Past-Presidents Council that will serve as an important resource in the coming years. We are fortunate that they remain connected to the Association.

I'm looking forward to the tenure of my good friend and incoming President, John Deal, who will be installed at the Annual Meeting in May. The Association will be most assuredly in good hands in the next year.

In thinking what to write about, I have used up most of my previous good ideas for topics and, for those of you that have been members of the Association more than six years, another paean to barbecue is not in the offing. (See Howard W. Martin, Jr.'s President's Messages, circa 1997-98).

I also did not want to write a kitschy tribute to the importance of balancing work with family and friends. Not that this isn't important – it is – but there are too many preachy articles on this subject aimed at lawyers already. I'll sum up: the demands of the profession upon our time are great, but our responsibilities to our families and friends are greater. That's it.

Then, I will just provide a few observations, for those that care to read on.

I have not conducted research to determine where the idea for President's Messages originated. I don't know. I just know that I have a new deadline every two months. It is a means to communicate with the members of the Association, but it is one-sided and suffers from that defect. I've tried to stay away from newsy type pieces, because it is extremely difficult to inform lawyers about things

(continued on page 2)



Donald C. Schultz

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Event Details and
Registration Information

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NPBA Luncheon
Thursday, March 20, 2008 • 11:45 AM
Hits at the Park, Harbor Park
Howard W. Martin, Jr., President, VSB
Sanctions: Maintaining Civility in Civil Practice
(Immediately after NPBA Luncheon)
The Honorable Everett A. Martin,
Chief Judge, Circuit Court, City of Norfolk

2008 Bench Bar Conference
Tuesday, April 8, 2008 • 8:30 AM - 2:00 PM
Norfolk Waterside Marriott
Keynote: Hon. Donald Lemons,
Justice, Supreme Court of Virginia
Legal Guide to Pleasure Boating
Thursday, May 22, 2008 • 2:00 - 5:00 PM
Norfolk Yacht and Country Club

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(PRESIDENT'S MESSAGE CONTINUED)

they don't already know. So, I've tried to write pieces that are interesting and, hopefully, make people think. I have been gratified that some of you take the time to actually read them.

I tuned into a PBS program this morning where Warren Buffett and Bill Gates were speaking to an audience of college students. They defined success as being properly measured by the degree that family and friends loved and cared for them, not whether they were the richest people in the world. (Actually, Mr. Buffett said this; Mr. Gates simply smiled that goofy smile of his.) Mr. Buffett indicated that persons whose lives positively impact others could be fairly called successful. By contrast, he indicated that many of his acquaintances, including members of the Fortune 400's richest persons in the world, have immense wealth and have schools, parks and libraries named after them, but lack true success because they lack persons that care about them. Success depends in large part in how it's defined. I tend to agree with Mr. Buffett.

I strayed from my maxim in paragraph six. Sorry.

As President of the Association this past year, I have tried to guide the Association to have a positive impact upon the members and our profession. Whether this has been successful, I leave to you. I am encouraged by the enthusiasm of the members that believe in the value of voluntary bar associations such as ours and demonstrate this by supporting our programs. In the future, I believe, the Association will need to become more of an advocate for the profession in matters of public concern.

Thank you for your attention. As I look in my rear-view mirror as I pass through Williamsburg, my worry about waking my boys is, apparently, unfounded.

MARCH LUNCHEON MEETING

Thursday, March 20, 2008

11:45 A.M.

Hits at the Park, Harbor Park

Speaker: Howard W. Martin, Jr.

President, Virginia State Bar



Howard W. Martin, Jr.

Howard Martin came to the position of VSB President with extensive bar association leadership experience. He began with the Virginia State Bar through its disciplinary system, which he considers the bar's primary responsibility. "The bar has a lot of other roles, but the regulatory function is the one that is first and foremost." Martin has represented his home circuit on VSB Council, and served on its executive committee since 2003.

He is a past president and now fellow of The Virginia Law Foundation, and a former chair of the VSB Budget and Finance Committee.

He was secretary of the Virginia Bar Association and a member of its executive committee in the late 1980s and early 1990s. That duty and his friendship with leaders of other statewide bar associations have attuned him to the missions and challenges of the commonwealth's voluntary bars. Martin served as President of the NPBA in 1997-98

and was renowned for his taste in barbecue, as recounted in his President's Message in the Bar Bulletin.

Martin is a lifelong resident of Hampton Roads, with the exception of college (W&L and the University Of Virginia School Of Law) and a four-year stint in the Navy during Vietnam (two years as a line officer on a fleet oiler, then two years of shore duty in Charleston, South Carolina, in the Judge Advocate General's Corps). He and his wife, Heather, have three children and two grandchildren.

Martin is senior partner of Crenshaw, Ware & Martin, P.L.C.

Join us March 20th as we get an update on the activities and future of the state's mandatory bar from VSB President Howard Martin.

[This article is excerpted in part from "New Bar President Steps Up to the Plate" by Dawn Chase, *Virginia Lawyer*, June/July 2007, p.12-13.]

LIBRARY LINES

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Donna Bausch, J.D., M.S.L.S., Law Librarian, dbausch@norfolklawlibrary.org
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TENTH ANNUAL BENCH BAR CONFERENCE

TUESDAY, APRIL 8, 2008

KEYNOTE SPEAKER: VIRGINIA SUPREME COURT JUSTICE DONALD W. LEMONS

Please mark April 8, 2008 on your calendar for this year's Bench Bar Conference. This year's conference will be held at the Norfolk Waterside Marriott in downtown and our featured luncheon speaker will be the Justice Donald W. Lemons of the Supreme Court of Virginia.

Because civility in practice has become a topic of particular interest among practitioners and judges, we have decided to make it the focus of our first general session. That session will feature insights by Judge Charles E. Poston, Judge Walter D. Kelley, Jr., and Judge Mark S. Davis. The judges will give us their views (and perhaps a few war stories) concerning how law should and should not be practiced and how to avoid the problems that they see from the bench.

Our breakout sessions include a variety of topics from the Fair Debt Collection Practices Act featuring Magistrate Judge Dennis W. Dohnal from Richmond, Len Bennett and John C. Lynch, to developments in criminal practice featuring Jack Doyle and Sherri Carr, to issues in employment law, including the Fair Labor Standards Act featuring Judge Rebecca Beach Smith, Sam Webster, Jamie Shoemaker and David Burton.

Our final general session will be a review of the significant statutory changes and judicial opinions during the past year and will feature Judge Everett A. Martin, Jr., the Honorable Sal Iaquinto and Steve L. Emmert.

This year's Conference should have something for everyone and will give you the opportunity to raise the issues that concern you with respect to practice in local courts. We hope to see you there!



Justice Lemons

Virginia Supreme Court Justice Donald W. Lemons was born in Washington, D.C. in 1949. He received a B.A. from the Uni-

versity of Virginia in 1970, and a J.D. from the University of Virginia School of Law in 1976. From 1976 until 1978, he served as Assistant Dean and Assistant Professor of Law at the University of Virginia School of Law. Thereafter, he entered the private practice of the law in Richmond.

He served as a Substitute Judge for the General District Courts and Juvenile and Domestic Relations Courts from 1994 to 1995 and served as a Commissioner in Chancery for the Henrico County Circuit Court from 1988 to 1995. In 1995, he was appointed a Judge of the Circuit Court of the City of Richmond, where he served until 1998 when he was elected by the General Assembly to serve as a Judge of the Court of Appeals of Virginia. He took the oath of office as Justice of the Supreme Court of Virginia on March 16, 2000. Justice Lemons is also the John Marshall Professor of Judicial Studies at the University of Richmond School of Law.

Among other activities, Justice Lemons serves on the Board of Trustees of the American Inns of Court and was a member of the Jamestown 2007 Steering Committee.

WELCOME NEW NPBA MEMBERS

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Tavss Fletcher

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Rutter Mills LLP

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FIRM ANNOUNCEMENTS

Huff, Poole & Mahoney, P.C. takes pleasure in announcing **Frances H. Hampton** and **Paul R. Schmidt** have become Shareholders in the law firm. Ms. Hampton specializes in the areas of trusts and estates, estate planning, business and tax matters. She holds a Master of Laws in Taxation from Georgetown University Law Center, a juris doctor from Regent University School of Law and is a Certified Public Accountant and Certified Financial Planner. Mr. Schmidt concentrates his practice on administrative and environmental law and is a trained geologist. He holds a B.S. from Old Dominion University and a juris doctor from William & Mary School of Law.

The following NPBA members at **Kaufman & Canoles** were named among the Best Lawyers in America 2008: **Michael E. Barney**, real estate law; **Stanley G. Barr, Jr.**, labor and employment law, personal injury litigation, commercial litigation and municipal law; **Robert J. Barry**, labor and employment law; **R. Barrow Blackwell**, personal injury litigation, medical malpractice law; **John M. Bredehoft**, labor and employment; **Paul K. Campsen**, bankruptcy and creditor-debtor rights law; **George L. Consolvo**, corporate law and public finance law; **Ann S. Dodson**, trusts and estates; **Robert C. Goodman, Jr.**, derivatives law, mutual funds law, corporate law; **Barry W. Hunter**, public finance law; **Gus J. James, II**, corporate law; **Kirkland M. Kelley**, trusts and estates; **Scott W. Kezman**, labor and employment law; **Dennis T. Lewandowski**, bankruptcy and creditor-debtor rights law; **Richard C. Mapp, III**, employee benefits law; **Vincent J. Mastracco, Jr.**, corporate law; **Charles V. McPhillips**, corporate law; **Terence Murphy**, construction law; **Stephen E. Noona**, intellectual property law; **Alfred M. Randolph, Jr.**, banking law, corporate law; **Hunter W. Sims, Jr.**, antitrust law, bet-the-company litigation, commercial litigation, white-collar criminal defense; **Stephen E. Story**, intellectual property law, franchise law; **William R. Van Buren, III**, corporate governance and compliance law, corporate law; **Lewis W. Webb, III**, trusts and estates; **Burt H. Whitt**, labor and employment law.

Michael L. Goodove, partner with the Norfolk law firm of **Rabinowitz, Swartz, Taliaferro, Swartz & Goodove, P.C.** was named by Virginia Business magazine as

one of the 2007 Legal Elite in Virginia. Mr. Goodove specializes in personal injury law.

Willcox & Savage is proud to announce that **Patrick D. Blake** has been elected as a member of the firm effective January 1, 2008. Patrick's practice focuses on catastrophic losses relative to products and premises liability, toxic torts, and trucking cases. Patrick graduated from The College of William & Mary School of Law in 2000. He received his B.A. from the University of Virginia in 1997.

Willcox & Savage is pleased to welcome **Jeffrey G. Ullrich** to our firm, where he will focus on corporate matters. Jeffrey graduated in 2004 from Creighton University School of Law. He earned his B.A. in Business Marketing and Management from Siena College in 1999. Prior to joining the firm Jeffrey was an associate at a firm in Richmond, Virginia, where he focused on corporate matters.

NPBA member **M. Bruce Harper** was one of eight **Williams Mullen** attorneys elected to partnership in February. Mr. Harper is a member of the Technology, Intellectual Property and Entertainment Section in the firm's Virginia Beach office. His practice focuses on assisting clients with evaluation of inventions and creative works, technology licensing, intellectual property protection issues including patent prosecution, research and development agreements at university and government laboratories, interinstitutional agreements, software and Internet issues, and other government contracts. Mr. Harper earned his juris doctor degree from Marshall Wythe School of Law. He earned his masters of engineering management degree from Old Dominion University and his bachelor of science in engineering from Duke University.

Wolcott Rivers Gates offers well-deserved congratulations to **Cheshire I'Anson Eveleigh** who was selected by her peers to be recognized as Virginia's Legal Elite in Family Law/Domestic Relations by Virginia Business Magazine. Mrs. Eveleigh handles a wide variety of family law cases including marital dissolution, complex equitable distribution matters, custody, visitation and support matters. She is a regular speaker at seminars, and is involved in many statewide family law bar activities. She is also a mediator with the McCammon Group.

MESSAGE FROM THE YOUNG LAWYERS' SECTION

By Caryn West, Chair

SAVE THE DATE – The Young Lawyers Section Annual Golf Tournament to benefit the Norfolk Law Library will be at Bide-A-Wee Golf Course on Thursday, June 26, 2008. As usual, there will be a fun day of golf with your fellow attorneys, including beverages from the drink cart and dinner after the tournament.

The Young Lawyers Section's "First Thursday of the Month" happy hour program kicked off on February 7th at Scotty Quixx on Granby Street in Norfolk. About twenty young lawyers gathered and had a great



Caryn West

time. It was good to meet a lot of young lawyers I had not met yet, and I hope that more of the young lawyers will join us March 6 for the next event! Again, location to be announced closer to the event!

This month, I also want to take a moment to encourage young lawyers to participate in the Judicial Endorsement Program. The Judicial Endorsement Committee sends out surveys to all NPBA members looking for input on candidates for openings on the bench in Norfolk. All of the lawyers of the bar should participate in this important process.

We are also looking for suggestions for other events that the young lawyers might be interested in participating in. Suggestions from the YLS Committee included a summer beach party and a Tides game. If you would be interest in participating in either of these events, or if you have any other suggestions for social events for the young lawyers or for any community service events, please feel free to email me at cwest@clarkedolph.com.

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INTRODUCING THE NPBA 100% CLUB

The Norfolk & Portsmouth Bar Association is proud to announce the formation of the "100% Club".

This program is designed to recognize and honor those law firms, corporate law departments and legal organizations that enroll 100% of their attorneys as NPBA members. Membership in the 100% Club is available to law firms and organizations with three attorneys or more, demonstrating a commitment to the advancement of the legal profession, and contributing to the heritage of the largest local voluntary bar association in the region.

Participating firms and organizations will be recognized in the Bar Bulletin and on the website, as well as at all bar events. The firms and organizations will be recognized by size categories for the number of lawyers in their local offices.

Firms and organizations that qualify this year will be recognized henceforth as 100% Club Charter Members.

Bar Association staff is in the process of identifying those firms and organizations that qualify as Charter Members. If you believe your organization qualifies as a charter member of the 100% Club, please contact the bar office at 622-3152 and be sure you'll make the first Charter Members List, to be published in the May/June Bar Bulletin.

Thank you for your continuing support of the NPBA.

REGENT LAW'S OFFICE OF CAREER AND ALUMNI SERVICES FOR NPBA MEMBERS

by Kathy Stull

Assistant Director of Career & Alumni Services

Regent Law School invites members of the Norfolk and Portsmouth Bar Association to enlist the services of the Office of Career & Alumni Services the next time you need to fill a vacancy or are seeking intern support in your office or organization. We have over five hundred law students who are eager to gain practical legal experience during and after law school. Regent Career Services are free to NPBA members.

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Regent Law students are some of the best in the nation. They won the American Bar Association Championship titles for Appellate Advocacy and Negotiations. We are proud of the continued development and success of our law program and students. If you have any questions please contact the Office of Career & Alumni Services at 226-4915.



Annual Legal Food Frenzy

March 31 – April 11, 2008

**To benefit the Foodbank of Southeastern Virginia
and feed the hungry in our region**

MARKETING PLANNING: GOOD + ACTION > WAITING 4 PERFECT

A good battle plan that you act on today can be better than a perfect one tomorrow.
- Gen George S. Patton

Although Patton wasn't talking about legal marketing, a well thought out plan is key to developing successful marketing efforts. In most law firms, there are an abundance of officers – each with his or her idea of the perfect “battle plan” for conquering advertising and marketing. Before investing resources in advertising wars, however, it's important that everyone read from the same map — agreeing on the starting point and the end target. Otherwise, the battle will certainly be lost to funding, political and morale struggles.

Creating a “good battle plan” is simple and takes little time and effort from the attorneys. But, the “leaders” do have to lead by sharing their thoughts and ideas, *in writing*. A Communications Work Plan (CWP) is a simple document, which helps to ensure all the parties concerned are on the same wavelength. Each attorney involved in the project should complete this informal worksheet, which is an easy brainstorming exercise. Then, the comments are combined, shared, tweaked and agreed upon. The road map to a marketing plan is established.

Technically, the CWP can be used in place of the “perfect” marketing plan. As long as there are clear goals of what's being marketed, what the assignment is and when it is to be complete... as well as a budget. Ideally, it is used for creative development as well as the cornerstone of building an integrated marketing effort that includes advertising, public relations, etc.

The key questions to answer in a Communications Work Plan are (answers can be bulleted, sentences, slang, etc.):

PROJECT:

1. What are we marketing?
2. What is our assignment?

INPUT:

1. Who is the target audience?
— External
— Internal
2. What do they think or do?
3. What do we want them to think or do?
4. What argument will convince our target to think/do what we want them to?
5. What information will support the argument?
6. What competitive considerations should be reflected in the argument or message?

7. What tone or manner should be reflected in the argument or message?
8. What are the mandatory components of the execution, if any?
9. What is the budget for the project?
10. What timing (scheduling) considerations must be considered?
11. What are the geographic considerations?

Remember, ACTION on a good plan today is better than growing stagnant waiting for the perfect plan tomorrow.

This op-ed column is written by Nancy Harrison Parker, APR, Director of Marketing for Vandevanter Black LLP. Parker has over 18 years experience in professional services marketing, eight of which are in legal marketing. She is a past president and founding board member of the Legal Marketing Association – Virginias Chapter and is one of only 5,000 in the U.S. and Canada who are Accredited in Public Relations by the Public Relations Society of America. LMA is a resource for marketers, attorneys and administrators and is dedicated to promoting ethical marketing in the legal industry. For more information on this chapter, visit <http://www.legalmarketing.org/virginias>. You may contact Parker at nparker@vanblk.com or 757.446.8682 for more information or to submit ideas for future columns.

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