

BAR BULLETIN

**Volume XXXII
Number 5**

**September -
October 2007**

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See Flyers Inside for
Event Details and
Registration Information

Preregistration required
for all NPBA Events.
Call 622-3152.

PRESIDENT'S MESSAGE

At the risk of causing you to toss this edition into the round file, I am using this space to ask you to do something. I am asking you to help the Association to sign up your colleagues and friends that are not yet members.

Why? Because membership in this Association is important.

As you are reading this message, I will assume that you are already a member of the Association. (Our newsstand sales are quite soft, actually.) I will also assume that you agree membership in the Association is a good thing, without thinking about it too much. And that's fine.

But, if you are going to take me up on my request and recruit a new member, it wouldn't hurt to have a couple of bullet points to lend structure to your argument. Here is why membership in bar associations generally, and our Association in particular, is important:

First: bar associations are the main organizations that promote the interests of our profession. We do not have guilds or trade associations. Whereas once there was a glut of lawyer-legislators, our ranks in the General Assembly seem to diminish each year.

Our Association is an effective advocate for the profession locally. By way of example, the Association is actively promoting the development of the Norfolk Courthouse facility. The Association has met with Norfolk officials as well as the judiciary concerning this issue. We will continue to support the decision of the Norfolk City Council to move forward. This issue is important to the Association's membership, as the courthouse is a second home for many of us.

Second: strong bar associations constitute a bulwark against unwarranted and unnecessary outside regulation of our profession. We are self-regulated because we understand how to do it effectively. We are officers of the Court and share responsibility to ensure the fair and efficient administration of justice. We police our wayward members. We provide for legal education to ensure a high quality of service to the public. There is tremendous value in this. Each of us goes to work each day without worrying that some nameless, faceless bureaucrat in some basement office of a bland government building somewhere is writing rules that govern what we do.

If you are curious about what outside regulation would be like, ask an accountant.

Third: the Association provides a forum for lawyers, especially young lawyers, to spend time with the jurists that decide their cases. As a young lawyer, I always found the most compelling and effective lawyers to be the ones that were engaged in easy conversation with a judge or two at bar association meetings, usually telling war stories. The meetings and events hosted by the Association facilitate this interaction.

Fourth: the Association has hosted programs featuring some of the most important lawyers, politicians and academics. These include United States Chief Justice William Rehnquist, Virginia Chief Justice Leroy Hassell, Norfolk Mayor Paul Fraim, Virginia Governor Mark Warner, U.Va.

(continued on page 2)



Donald C. Schultz

**General District Court CLE
September 6, 2007**

**Family Law Update CLE
September 19, 2007**

**NPBA Luncheon
September 20, 2007
Norfolk Mayor Paul Fraim**

**Business Litigation CLE
September 20, 2007**

**Technology for Small Law Offices CLE
September 27, 2007**

**NPBA Breakfast Meeting
October 18, 2007
Dean Jeffrey A. Brauch, Regent Law**

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(PRESIDENT'S MESSAGE CONTINUED)

Constitutional Law Professor A.E. Dick Howard, ABA President William Grey, Supreme Court Advocate Jay Sekulow and public defenders Frank Dunham, Craig Cooley and Gerald Zerkin, all three of whom have been involved in the most important criminal cases in decades. This lineup would make a fine speaker's bureau.

Fifth: joining the Association and participating in its activities helps practitioners fulfill their duty to give something back to the profession and the public. By supporting the Association, our members enable us to put on more programs, host more meetings and provide more services to our members. Moreover, the Association aids the public and professionals alike by providing significant financial and logistical support to the Norfolk Law Library.

You may not have given much thought to these points when writing your dues check but you probably agree with one or more of them. You may have your own reasons for belonging to the Association, likely better than mine.

It's not you that I need to reach. I need to reach those that, upon receiving this short primer, will become new members. That's why I need you to take five minutes and ask one more person to join.

Why is this important?

Because there is strength in numbers. The Association's membership has hovered in the low 900's for some years. There are more than enough practitioners in this area to take us well over 1,000. The larger the Association, the more we can do.

As the son of a lawyer, having worked in my dad's office as a supplement filer, I have always enjoyed the company of lawyers. I find lawyers to be interesting and energetic people. Working with other lawyers is one of the reasons I decided to study law. If the person you are sharing this message with agrees, I look forward to welcoming a new member.

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Contact Norfolk Law Library at 622-2910 • www.norfolklawlibrary.org

INTRODUCING OUR NEW ASSISTANT LAW LIBRARIAN — DAVID KNIGHT

Many people who enter the field of librarianship are changing careers for various reasons. Many librarians have changed jobs several times, thus providing eclectic backgrounds from which to draw upon in their new careers. I certainly fall into this category of librarian.

My vocational background runs from working in a psychiatric facility, which required me to frequently visit jails and detention centers to assess potential clients,

to working in music and book stores with other stops in between.

I began working for the Newport News Public Library System in 2000. Since I enjoyed the work I decided to pursue my Master's degree in Library and Information Science, which I successfully completed in 2004. In library school, my focus was on reference services. In retrospect it was beneficial that I didn't begin working on a Bachelor's degree until I was 25 so that I

was prepared to work on a Master's degree in my 40's.

In my spare time I enjoy listening to music, reading, and sports. I live in Williamsburg with my wife Maggie, who is a Technology Curriculum Integration Specialist for Newport News Public Schools.

I'm really enjoying my new position at Norfolk Law Library and look forward to meeting all the members of the Bar Association.

ASSOCIATION OF LEGAL ADMINISTRATORS COMMUNITY CHALLENGE - THE MORE WE SHARE, THE MORE WE HAVE

The Association of Legal Administrators (ALA) Community Challenge program was created to help those in need tackle their every day challenges. ALA encourages its chapters, members, firms, vendors, relatives and friends to come together to contribute time, energy and resources toward improving their own communities.

Last year the Hampton Roads Association of Legal Administrators (HRAA)

raised \$15,000 for charity through a golf tournament, which will take place this year on September 20th at Heron Ridge golf course. For more information on this year's tournament, e-mail:

dwhite@taylorwalkerlaw.com.

HRAA presented this check to the Foodbank and also made donations to the American Cancer Society and Cerebral Palsy.



(l to r) Dawn McCloud of the Foodbank, Pam Klavenski, Administrator at Wolcott Rivers Gates, Bobby Ross, Administrator at Decker, Cardon, Thomas, Weintraub and Neskis, P.C. and Diana White, Administrator at Taylor & Walker, P.C.

Your clients will *like* this new tax law. No kidding.

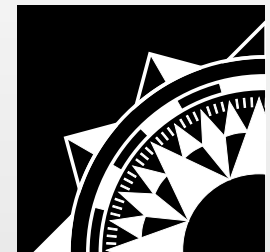
For the first time federal tax laws allow some of your clients to donate IRA assets to The Norfolk Foundation... without their gift counting as taxable income. Donating an IRA counts toward clients' required annual minimum distribution and is an easy way for them to support their community.

IRA owners who are at least 70½ by the end of 2007 – when the provision expires – can donate up to \$100,000 a year to The Norfolk Foundation for:

- Scholarship funds to help college students
- Designated funds to benefit specific charities
- Field of interest funds for the arts, education and other areas
- Unrestricted funds to provide broad grantmaking support

To find out how you can help your clients benefit from this limited-time opportunity, visit www.norfolkfoundation.org or call (757) 622-7951.

The NORFOLK



FOUNDATION

INSPIRING PHILANTHROPY In
SOUTHEASTERN VIRGINIA Since 1950

FIRM ANNOUNCEMENTS

John M. Cooper of the law firm of **Hajek, Shapiro, Cooper, Lewis & Appleton, P.C.** in Virginia Beach has been elected to a one year term as Chair-Elect of the Railroad Law Section of the American Association for Justice (formerly ATLA). Mr. Cooper was elected to the post during AAJ's 61st annual convention in Chicago, IL in July, 2007. As an officer, Mr. Cooper is expected to be Chair of the AAJ Railroad Section in 2008. AAJ seeks to promote fairness in the civil justice system. The Railroad Law Section promotes rail safety and protecting the rights of the public and railroad employees with a focus on F.E.L.A. on-duty injuries to railroad workers and grade crossing accidents. Mr. Cooper's practice is exclusively in Plaintiff's side railroad and general personal injury law.

The law firm of **Pierce & Thornton, PLC** is pleased to announce that **David J. Pierce** and **Jonathan L. Thornton** have been named Virginia Super Lawyers for 2007 by Law and Politics magazine. For inclusion and distinction as a "Super Lawyer," attorneys are selected by their peers based on an extensive balloting, research and blue-ribbon review process. This year, Law & Politics sent out approximately 19,000 ballots to active Virginia lawyers and asked them to nominate attorneys whom they have personally observed in litigation, transactional or other legal matters. The voting attorneys were asked not to choose a candidate based on reputation alone, but on criteria such as peer recognition, professional achievement, civic service and pro bono activities.

The law firm of **Rabinowitz, Swartz, Taliaferro, Swartz, and Goodove, P. C.** is proud to announce that **Jeffrey A. Swartz** has been selected to serve on the Board of Governors for the Criminal Law Section of the Virginia State Bar. Mr. Swartz will serve a four year term.

Jack Rephan was elected chair of the Virginia Bar's Construction and Public Contract Law Section at its annual meeting at Virginia Beach. Rephan is a partner in the Norfolk firm of **Rephan Lassiter PLC**. His practice is substantially devoted to construction and public contract law.

Troutman Sanders LLP is pleased to announce that 46 of its lawyers nationwide have been selected for inclusion in the 2007 edition of Law & Politics' *Virginia Super Lawyers*. Ranking in the top five percent of active, licensed attorneys in the state, Troutman Sanders' NPBA member Super Lawyers are: **Thomas F. Betz, Jr.** – Real Estate and **Michael J. Gardner** – Transportation/Maritime.

Vandeventer Black attorney **F. Nash Bilisoly** spoke at the June 22 Southeastern Admiralty Law Institute (SEALI) national conference in Amelia Island, FL. Bilisoly discussed the latest trends in Maritime Port Workers Smart ID Cards (TWIC program) as well as Federal and State Security Procedures and Preemption Issues. Bilisoly has been a partner with Vandeventer Black since 1985 and concentrates his law practice in maritime matters, representing shipyards, terminals & vessels. His practice includes work with insurance carriers and self-insured businesses and he has litigated numerous matters before administrative agencies, federal district courts and courts of appeal and, in 2002, the United States Supreme Court. He graduated from The College of William & Mary, received his JD from Tulane School of Law and is a Proctor in The Maritime Law Association of the United States.

Willcox & Savage is pleased to announce the attorneys that have been recognized in the 2007 edition of *Virginia Super Lawyers*. Five of these attorneys received special recognition. **Robert L. Dewey, Allen G. Donn, Thomas G. Johnson, Jr., and Conrad M. Shumadine** are in the Virginia *Top 50* statewide. **Susan R. Blackman** is one of the *Top 25 Women*. Following is a list of the Willcox & Savage attorneys who are recognized in the 2007 edition of *Virginia Super Lawyers*: **Bruce T. Bishop, Susan R. Blackman, Stephen R. Brewer, Gary A. Bryant, Glenn R. Croshaw, Robert L. Dewey, Allen G. Donn, William M. Furr, Thomas C. Inglima, Thomas G. Johnson, Jr., John Y. Pearson, Jr., William E. Rachels, Jr., Ross C. Reeves, Toy D. Savage, Jr. and Conrad M. Shumadine.**

Willcox & Savage practices and attorneys

have been recognized in the 2007 edition of *Chambers USA*. The Commercial Litigation group was named a leading practice in Virginia. *Chambers USA* also designated each of the Corporate/M&A group and the Real Estate group as a leading practice in Southern Virginia. In addition, *Chambers USA* named the following attorneys as leading practitioners in their respective areas of law. **Bruce T. Bishop:** Commercial Litigation, **Thomas C. Inglima:** Corporate/M&A, **Thomas G. Johnson, Jr.:** Real Estate, and **Conrad M. Shumadine:** Commercial Litigation. For the 2007 directory, member of *Chambers USA* research team conducted interviews with thousands of clients and attorneys across the nation. The qualities on which rankings are assessed include technical legal ability, professional conduct, client service, commercial awareness/astuteness, diligence, commitment, and other qualities most valued by the client.

M. Powell Peters, an attorney with the law firm of **Wolcott Rivers Gates**, was recently elected President of the Hampton Roads Estate Planning Council. Mr. Peters has over 15 years experience in the areas of tax, trust and estate administration. His practice consists largely of advising North Carolina and Virginia clients with tax advantaged ways to transfer wealth.

W. Brantley Basnight, III, Carl A. Eason, Cheshire I'Anson Eveleigh and Ronald M. Gates, members of the law firm of **Wolcott Rivers Gates**, have been named Virginia Super Lawyers by Virginia Super Lawyer Magazine, which features the top 5% of attorneys in Virginia. Mrs. Eveleigh has also been named one of the top 25 female attorneys in Virginia.

Zoby & Broccoletti, P.C., is pleased to announce that **Charisse L. Black** has joined the firm as an associate practicing in the areas of plaintiff's personal injury and criminal law. Ms. Black earned her undergraduate degree from Virginia Wesleyan College, her master's degree from Old Dominion University and her Juris Doctorate degree from Regent University School of Law. Ms. Black joins the firm after serving with the Norfolk Public Defender's Office.

NPBA FOUNDATION REPORT

By Anna H. Myers • President, NPBA Foundation

Warm end of summer greetings from the Foundation! As I write this many of us are savoring last trips to the beach and busy making preparations to return children to school. The Foundation is busy with final preparations for its Law School for Journalists program. This program was postponed from the Spring, but returns with a terrific line up of speakers and topics. Our keynote speaker is Manny Medrano, recently promoted to Chief Legal Correspondent for ABC News. This program will be held on September 17, 2007 at Regent University. Attendance by attorneys is welcome and there will be valuable information for members of the legal profession, as well as an opportunity to hear a popular and influential speaker from the media.



Anna Myers

We are continuing our scholarship program, working on several improvements to this successful and popular project. We also have several new projects we are considering for the coming year – details to come. Our main focus needs to be and continues to be raising funds so that we may invest and give to organizations that meet and serve the mission of the Foundation. In addition to our Fellows Program, we will be having additional fundraising opportunities so that all members of our Bar Association can find an appropriate outlet for giving. We thank you all for your continued support of the success of the Foundation.



The NPBA Foundation received a Virginia State Bar Award of Merit. NPBA was also recognized for the first statewide Legal Food Frenzy.

Foundation Donors 2007

Beryl Adler	Reid Ervin	Jim McCaa
Gary Arsenault	Edward Halloran	Anna Myers
Ann Carnes	Monty Knight	Palmer Rutherford, Jr.
John Coggeshall	David Lannetti	John Shannon
Terry Davis	Angelica Light	Jeffrey Swartz
Peter Decker, Jr.		Robert Timms

LAW SCHOOL FOR JOURNALISTS SEMINAR

September 17, 2007 | 8:30 a.m. - 3:00 p.m.
Regent University Campus, Virginia Beach, Virginia



Manny Medrano
Attorney and Legal Affairs
Correspondent for ABC News

Regent University's School of Law and School of Communication & the Arts in conjunction with the Norfolk & Portsmouth Bar Association Foundation will host a seminar for local print radio, and television journalists and attorneys regarding trial coverage. Topics will include trial procedure as well as civil and criminal law.

Manny Medrano, Emmy-award winning ABC News legal affairs correspondent, will join us as the keynote speaker. From high-profile cases

involving celebrities to headline-grabbing political cases, Medrano cuts through the legal jargon and offers unique insight into some of the most important and notorious cases of our time. Other speakers and panelists include attorneys, professors and local media correspondents in the Hampton Roads area.

For more information on schedules, panelists and to register, visit www.regent.edu/lawschoolforjournalists, call 757.226.4613 or e-mail lawevents@regent.edu.

VOLUNTEER PRO BONO OPPORTUNITY

When major disasters or emergencies such as floods and hurricanes occur, victims are extremely vulnerable and often in dire need of legal assistance. The Emergency Legal Services Committee of the Virginia State Bar Young Lawyers Conference and the Disaster Legal Assistance Committee of the Virginia Bar Association Young Lawyers Division are currently recruiting attorneys willing to volunteer to provide free legal services to qualifying poor or disadvantaged victims during declared states of emergency.

The free legal services that our Committees provide include legal advice, counseling, and representation in non-fee-generating cases. The areas of law typically involved include consumer law, landlord-tenant law, immigration law, and insurance law.

To volunteer or for more information please contact the co-chairs at:
ylc.els@gmail.com

SEPTEMBER LUNCHEON MEETING

Thursday, September 20, 2007
Hits at The Park, 11:45 AM



Speaker: Honorable Paul D. Fraim
Mayor, City of Norfolk

Paul D. Fraim was born in Norfolk, graduated from Norfolk Catholic High School, completed undergraduate studies at Virginia Military Institute, received his Masters in Education from the University of Virginia and his law degree from the University of Richmond.

A member of Norfolk City Council since 1986, he was elected Mayor on July 1, 1994. He began private practice in May 1977, and practices with the law firm of Fraim and Fiorella, P.C.

He is a member of the board of directors of the Hampton Roads Partnership and the

Hampton Roads Economic Development Alliance. He has served as chair of the Hampton Roads Mayors and Chairs Caucus. He is a past member of the Board of Directors of the Hampton Roads Chamber of Commerce, Norfolk Division, the Kiwanis Club of Ocean View, the Norfolk Sports Club and the Navy League.

He has been a member of the Hampton Roads Planning District Commission since 1990 and has been a commissioner of the Hampton Roads Sports Authority. He is a member of the board of directors of the Greater Norfolk Corporation. He is former Chairman of the Norfolk Electoral Board and the Norfolk Highway Safety Commission, and he has chaired the USS Wisconsin Foundation.

He was co-captain of the football team at VMI and coached football at both the University of Virginia and the University of Richmond. He was the 1993 recipient of the Knights of Columbus Civic Award. The Norfolk Sports Club named him "Man of the Year" in sports in the metropolitan area for 1994. In 1995, he received Old Dominion University's "Bud Metheny" award, and

was named "Sportsman of the Year" in 1996 by The Virginian-Pilot. In 1996, Downtown Norfolk Council selected him as the "Downtowner of the Year." He was also awarded the Meritorious Public Service Award Medal from the United States Navy in 1996. He received the 1998 Tidewater Humanitarian Award presented by The National Conference of Christians and Jews. In 2004, the Hampton Roads Maritime Association presented him with its "Port Champion" award.

Mayor Fraim is a member of the Virginia State Bar, the Norfolk and Portsmouth Bar Association, and the Virginia Association of Defense Attorneys. He is a member of and has served on the Executive Committee of the Virginia Bar Association, and is a fellow of the Virginia Law Foundation.

He is married to Elizabeth Peer Fraim and they have four children.

We look forward to hearing from the Mayor on topics of interest to the legal and business community, including progress toward a new courthouse. Call 622-3152 today to register for the September Luncheon.

OCTOBER BREAKFAST MEETING

Thursday, October 18, 2007
Hits at The Park, Harbor Park
7:30 AM



Speaker: Dean Jeffrey A. Brauch
Regent University School of Law

Regent University Law School's Dean Jeff Brauch received his B.A. with distinction from the University of Wisconsin in 1985. He received his J.D. with honors from the University of Chicago Law School in 1988.

After graduating from law school, Brauch was a law clerk for Justice William Callow of the Wisconsin Supreme Court during the 1988-89 term. He then worked five years as an associate with the Milwaukee law firm Quarles & Brady, where he specialized in commercial litigation.

In 1994, Brauch joined the faculty of Regent University School of Law. From 1999-2000 he served as the school's interim dean and he has served as dean from September 2000 through the present. Brauch has taught Civil Procedure, Common Law, Appellate Advocacy, International Human Rights and other courses. He has served as director of Regent's Summer Program in International Law and Human Rights in Strasbourg, France in the summers of 1999-2001, 2003, and 2007.

Brauch has published a book, *Is Higher Law Common Law* (1999), and fifteen articles on topics related to ERISA

litigation, integration of faith and law, and legal education.

Brauch's professional memberships and activities include the State Bar of Wisconsin, American Inns of Court, the American Bar Association, the Christian Legal Society and the Board of Governors of the Virginia State Bar Section on the Education of Lawyers. Brauch is admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Seventh Circuit, and United States District Courts for the Eastern and Western Districts of Wisconsin.

Brauch and his wife Rebecca have been married 19 years, and they have four children: Cyndi (17), Melissa (15), Christina (13), and Jeffrey (11).

Join your colleagues Thursday, October 18, 2007 for breakfast at Hits at the Park as we hear from Dean Jeff Brauch. Call 622-3152 to register today.

NOVEMBER LUNCHEON MEETING

Thursday, November 29, 2007

Hits at The Park, Harbor Park

11:45 AM



Chief Justice Leroy R. Hassell, Sr.
Supreme Court of Virginia

Leroy Rountree Hassell, Sr., born 1955, in Norfolk, Virginia, is the first African American chief justice of the Supreme Court of Virginia. A 1973 graduate of Norview High School, where he was voted "most likely to succeed," he is the fifth of six children. His parents were educators. His father, who died three months before Hassell was appointed to the Supreme Court, was an assistant high school principal. His mother was an elementary-school teacher and, later in her career, a school social worker. Hassell graduated in

1977 from the University of Virginia, where he won a Scholar of the Year award and was selected to live on the Lawn, an honor recognizing student leadership and achievement. Three years later, he graduated from Harvard Law School. He served there as a recruiter in the admissions office and worked on the Civil Liberties Law Review. Following law school, Hassell joined the law firm of McGuireWoods, where he specialized in commercial and professional liability litigation and was co-counsel to the Richmond Redevelopment and Housing Authority. Hassell also served as chairman of the Richmond School Board. He currently serves on the Board of Visitors of the Regent University School of Law.

In 1989 Governor Gerald Baliles nominated Hassell to the Virginia Supreme Court. "He has a wide-ranging intellectual curiosity and an extraordinary amount of energy," Baliles told Christina Nuckols in the *Virginian-Pilot*. Hassell, at 34, was also one of the youngest jurists to be chosen for Virginia's highest court. Hassell succeeded Justice John Charles Thomas, the first black to serve on the court, when Thomas resigned for health reasons.

On February 1, 2002, Hassell became

the first African American to be named chief justice on Virginia's Supreme Court. "I do not wish to serve, however, because I happen to be black," Alan Cooper of the *Richmond Times-Dispatch* quoted Hassell as saying. "Rather, I desire to serve because I am Virginian by birth who has a strong affection and love for the commonwealth and its people." His achievement also marked the first time a chief justice was chosen by the court's jurists as opposed to choice by seniority. "I think it sends a pretty powerful message," Hassell told Tavis Smiley on the *Tavis Smiley Show*, "that if you work hard, if you're able to get along with your peers, if people have confidence in you and your ability, then you can be elected as the chief judge in this commonwealth."

Hassell has a reputation as a reasonable and fair jurist. "My impression has remained consistent over the years," University of Virginia law professor Robert O'Neil told the Associated Press, "that Justice Hassell is a thoroughly committed and thoughtful citizen and lawyer and he has been a conscientious justice on the court."

Please join us November 29, 2007 to welcome Chief Justice Hassell. Call 622-3152 to register today.

WELCOME NEW NPBA MEMBERS

Kevin M. Andris

Norfolk Southern Corporation

George A. Aspatore

Norfolk Southern Corporation

Gretchen Baker

Vandeventer Black, LLP

Joshua E. Baker

Waldo & Lyle, P.C.

Charisse L. Black

Zoby & Broccoletti, P.C.

David Coleman

Norfolk Southern Corporation

Andrew P. Corcoran, Jr.

Norfolk Southern Corporation

Carin Marie Cozza

LTJG, JAG, USN, Naval Station Norfolk

Barry Lee Doughty, Jr.

N.C. Central University law student

John V. Edwards

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Brad Embree

Vandeventer Black, LLP

Ryan G. Ferguson

Kaufman & Canoles, P.C.

William A. Galanko

Norfolk Southern Corporation

Robert Milton Kesler, Jr.

Norfolk Southern Corporation

Lorri J. Kleine

Norfolk Southern Corporation

Emily Elizabeth Mapp

Fraim & Fiorella, P.C.

Howard D. McFadden

Norfolk Southern Corporation

George M. Nicholas

Vandeventer Black LLP

Colin O'Dawe

Norfolk Public Defender's Office

James R. Paschall

Norfolk Southern Corporation

Dennis Michael Peffley

Midwest Proteomics, Inc.

Peter Reeves

Vandeventer Black, LLP

Aminah Collick Rogers

Willcox & Savage, P.C.

D. Lindsay Russell

Norfolk Southern Corporation

John M. Scheib

Norfolk Southern Corporation

Giovanni Seawood

U.N.C. law student

Herman C. Smith, III

Norfolk Public Defender's Office

Christopher L. Spinelli

Kalfus & Nachman, P.C.

Lewis W. Webb, III

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Mollie White

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MESSAGE FROM THE YOUNG LAWYERS' SECTION

By Andrew R. Fox, Chair

Please mark your calendars if you haven't already for the Young Lawyer Reception on Saturday, October 13 at 2 p.m. Judge and Mrs. Griffith have once again graciously offered the use of their lovely



Andrew Fox

home, and this is always a great event for all NPBA members and guests. If you have new folks coming in, please let them know about this event and encourage them to join you. It's a great opportunity to get involved with the NPBA right out of the gate.

The YLS Golf Tournament was a huge success as predicted. Graced with near-perfect June weather and a strong turnout, we were able to raise over \$2000 for the Norfolk Law Library. Thanks to all the participants, listed below, and congratulations to our winners!



Tournament Coordinator Kevin Greene and Sponsor Thompson West Representative Penny Wolford Welcome the Golfers



YLS Treasurer Caryn West Shows Off Her Complementary Golf Towel Provided by Yost



Brian Slaughter, Duncan Byers, and Jason Roper Get Ready to Tee Off



Williams Mullen Summer Associates Preston Lloyd and David Boyce with Bill Devine and Adam Casagrande

NORFOLK & PORTSMOUTH BAR ASSOCIATION YOUNG LAWYERS SECTION GOLF TOURNAMENT

"Golfing With the Lawyers 2007" • June 21, 2007

Thanks to our golfers for their participation and support:

John Basilone
Pat Blake
John Bonney
Mike Bowen
David Boyce
Megan Bradshaw
Dickie Bragg
Jeff Breeser
Megan Brooks
Duncan Byers
Adam Casagrande
Eric Cook
David Crain
Tom Dawson
Rob Desolate
Bill Devine
Matt Dudley
Jon Dyer
Michael Fausnight
Andy Fox
Shalanda Franklin
Kevin Greene
Josh Hanbury
Dana Harmeyer
Stephanie Himel-Nelson
Fred Hobson
Tamele Hobson
Phil Hucles
Andrew Huige
Jim Hurley
Trey Kelleter

Ryan Kenrick
Preston Lloyd
Adam Lotkin
Scott Miller
Joe Moriarty
Jon Morris
John Norris
Stephanie Novak
Trey Parker
Carl Peterson
David Pierce
Brad Pitts
Bobby Richman
Lindsay Roberts
Kyle Roof
Jason Roper
Michael Rosenblum
Don Schultz
Bryan Skeen
Brian Slaughter
Wes Smith
Bob St. Clair
Jim St. Clair
Kent Stanley
Jeremy Starkey
Erin Stubbe
Lisa Thatch
Jon Thornton
Kip Walker
Larry Waters
Caryn West

THE WINNERS WERE:

First Place

Bob St. Clair
Michael Rosenblum
Kyle Roof
Kip Walker

Second Place

Dickie Bragg
Larry Waters
Wes Smith
John Basilone

Third Place

Adam Lotkin
John Norris
Jim St. Clair
Kent Stanley

Closest to the Pin - Ron Dyer

Longest Drive - David Crain

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COURT NEWS

The Clerk of the **Portsmouth Circuit Court** has posted the following docket control procedures on the City of Portsmouth website: Civil Docket Control Procedures, Criminal Docket Control Procedures, Mediation Procedures for Civil Appeals from General District Court and for Pendente Lite Motions, Docket Control Procedures in Divorce Cases and Record of Ore Tenus Testimony Form for Uncontested Divorces. You may locate the documents by accessing the City of Portsmouth website at www.portsmouthva.gov, clicking on the Circuit Court Clerk's page, and then clicking on the Rules of Court page.

The General Assembly amended Virginia Code 19.2-163, effective July 1, 2007 to allow attorneys appointed to represent indigent defendants in criminal matters to seek waivers of the statutory fee caps. General information regarding the process for requesting a waiver, including the forms that must be submitted, guidelines the courts are to use in determining whether to grant a waiver, and answers to frequently asked questions have been posted on Virginia's Judicial System website. The direct link to the information is: http://www.courts.state.va.us/news/2007_0626_waivers_of_statutory_fee_caps.html.

As many of you know, the **U.S. Pretrial Services Office** has been dissolved in name, but they continue to function as part of the **U.S. Probation Office** and provide valuable services to the Court. For years, the former U.S. Pretrial Services Office provided draft copies of bond reports to counsel as a courtesy. These reports were still in the investigative stage but were

being provided to counsel if requested during personal visits to our office. We have determined that investigative reports that are still pending completion will no longer be disclosed. Only finalized bond reports will be provided to counsel and those will be ready no later than one hour prior to scheduled court proceedings, possibly sooner. Attorneys are invited to contact the Probation Office (757-222-7400) at any time prior to the hearing to determine if a report is completed. If it is, we will be happy to disclose it to you. We appreciate your understanding in this matter. If you have any questions or concerns, please feel free to contact me. Thank you!
Ralph D. Pacy, Deputy Chief
U.S. Probation Office, Eastern District of VA
Norfolk/Newport News Divisions
757-222-7300/7400

ATTORNEYS PRACTICING IN VIRGINIA BEACH J&DR COURT - SAVE THE DATE!!

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Virginia Beach Juvenile and
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385-1755

EMPLOYMENT OPPORTUNITY

The Virginia Beach City Attorney's Office seeks qualified applicants for the position of Public Finance Attorney. The Public Finance Attorney will provide legal advice on tax and finance matters including local taxation, budgeting, procurement and municipal bonds. Duties include preparing written legal opinions, drafting municipal ordinances, and contract review. Excellent writing skills, sharp analytical skills and strong research abilities are essential. The candidate must be able to present complex ideas effectively, both orally and written. The ideal candidate will have tax law experience and an undergraduate degree in business. All candidates should have successfully completed college-level coursework in accounting. Salary range for this position is \$69,564 - \$104,347; starting salary DOQ. Candidates must be active members in good standing of the Virginia State Bar. Submit City application, resume, writing sample, and law school transcripts at www.vbgo.com. EOE.

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If You Build It, They Will Come

— Lawyers & Professional Development Plans

By Nancy Harrison Parker, APR,
Director of Marketing for Vandeventer Black LLP.

In the movie “Field of Dreams,” farmer Ray Kinsella (Kevin Costner) hears a voice in his corn field saying “If you build it, he will come.” His interpretation of that voice was to build a baseball diamond in the middle of his corn field. There were risks: losing his family’s income and his reputation.

In law firms, the voice in every lawyer’s head *should* be the voice of marketing. The message: “If you build your practice, they will come.” The risks for *not* following the message – your income and reputation.

The easiest and most effective way to “build it” is by creating a simple, no non-sense professional development plan focusing on relationships and expertise. But, getting attorneys to agree to *write* plans is a tough row to hoe. Why?

Money talks. And, most law firms still base attorney compensation on billable hours. According to a September 2006 survey conducted by the Legal Marketing Association (LMA), less than one-third of participating firms included non-billable marketing as part of the compensation equation for associates and only about two-fifths for partners. Although many larger firms are building non-billable marketing into their compensation programs, this trend is not expected to change dramatically in the near future.

Unlike “Field of Dreams,” clients don’t just appear out of the blue and hand over their trust and money. Simply being a great lawyer isn’t enough to survive happily in our competitive market. David Maister wrote in True Professionalism “The better you are at marketing, the better the chance you have to work on fun stuff, and the less trapped you become in being forced to take on work and clients you don’t truly enjoy.”

You determine your own future, you can “wing it” or you can plan for it. For the sake of this column, we will pick the latter. Expertise and reputation must be developed and communicated.

An effective plan that is *simple* and easy to consult serves as a roadmap to reach goals, focus efforts and assess your accomplishments. *A Basic Professional Development Plan should include:*

- Personal and professional goals which compliment one another. They *must* be written down and include a rough

How To Build It

- Write short and long term professional goals that are aligned with your firm/departmental goals. (Remember KISS – Keep It Simple Stupid.)
- Set realistic timelines for achieving these goals and schedule short periods of time 5 – 10 minutes here and there to work toward goals.
- Refer to your plan monthly, check off accomplishments, update as needed.
- Keep your eye on the ball. If you are investing time and efforts that aren’t taking you toward your goals, you’ll strike out every time.

deadline. Long (2 – 5 years) and short (2 – 24 months) term goals should be incorporated.

- Individual “practice style” with marketing activities that you are comfortable with and align with that style. (Consult Timothy G. Leishman’s Sustaining Practice Styles.) Not everyone is a rain maker, or natural networker. But, everyone has something to contribute to marketing.
- Plans for developing/strengthening relationships (80%) and expertise (20%). Remember, people buy from people they know and like. Every attorney should dedicate time each week to develop both.
- Accountability. Hold yourself accountable. If you find yourself off base, assess why and adjust the plan, in writing.
- Tools to evaluate and measure accomplishments and effective practices. This will prompt revisions to the plan.

Starting a professional development plan is common sense. Plus, there are many resources available, beginning with LMA. Sticking to a plan takes determination and keeping your eye on the ball. If you have the discipline to follow through, your marketing efforts will hit a home run every time!

This op-ed column is written by Nancy Harrison Parker, APR, Director of Marketing for Vandeventer 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 – Virginia 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 www.rhrlma.org. You may contact Parker at nparker@vanblk.com or 757.446.8682 for more information or to submit ideas for future columns.



The Virginia Chapter of the Legal Marketing Association's Hampton Roads City Group is holding an informal networking session from 8:30 - 9:30 a.m. on Tuesday, September 18 at Village Inn in Virginia Beach. The group is primarily comprised of legal marketing directors and staff. However, attorneys, administrators and those who take on legal marketing responsibilities are encouraged to attend. Networking topics include ethics, collaterals, planning, resources and more. To RSVP contact Nancy Harrison Parker at:

nparker@vanblk.com



NPALSA, the association for legal professionals will hold its Annual Membership Drive on Tuesday, September 11, 2007, at the law firm of McKenry, Dancigers, Dawson & Lake, PC, 192 Ballard Court, Suite 400, Virginia Beach from 6-8 P.M. Members of the local courts from Norfolk, Portsmouth and Chesapeake have also been invited. Please contact Virginia B. Vernon at her email: vbvernon@kaufcan.com or by phone at 624-3151 to make a reservation.

OFFICE SPACE

Two months free rent or willing to subsidize your rent! About 1200 square feet around Military Circle Mall. Space available on 10/01/07 due to Hurley Law Firm buying building. Contact Jim Hurley, Esq. at 455-0077.

LEGAL AID AND YOU

Randall S. Noe, Norfolk Southern Corporation

The Legal Aid Society of Eastern Virginia needs your help.

Legal Aid is a non-profit law firm licensed by the Virginia State Bar to provide free civil legal services for low income citizens in our area. With 42 attorneys and support staff serving Norfolk, Virginia Beach, Hampton, Williamsburg, and the Eastern Shore, Legal Aid handled 6,500 cases in 2006.

Those case numbers represent over 14,000 individuals faced with domestic violence, divorce, loss of benefits, eviction from their homes, usurious interest rates, and bankruptcy. Over \$3 million was recovered in awards for its clients, all of whom live within 125% of the federal poverty level.

But it wasn't enough. Legal Aid turned away thousands of qualified cases last year because its sources of public funding are not sufficient to maintain the staff necessary to help every person in need who comes through its doors. While Legal Aid does not track those it turns away, it is a safe bet that most simply do without professional legal services altogether.

That is the harsh reality, and as Virginia lawyers it is our duty to face it. Each of us has a personal responsibility to those who cannot afford legal services, and that responsibility is no trivial matter. Rule 6.1(a) of the Virginia Rules of Professional Conduct tells us how large our commitment to the disadvantaged should be: "A lawyer should render at least two percent per year of the lawyer's professional time to pro bono publico legal services."

The Rule recognizes that many lawyers face constraints in rendering pro bono services, and that the demand for those services often exceeds the ability of individual lawyers to provide them. For these reasons, Rule 6.1(c) allows lawyers to fulfill their professional responsibilities by providing "[d]irect financial support of programs that provide direct delivery of legal services" to the poor. Programs like Legal Aid.

To be clear, Legal Aid does not discourage any lawyer from doing pro bono work. Representing a disadvantaged client can be one of most professionally meaningful and fulfilling experiences a lawyer can have. But if two percent of your time is not going to the poor, Legal Aid hopes to enlist your support in fulfilling its mission "to promote the equal application of justice, to remove impediments to fairness for the low-income and vulnerable families of Eastern Virginia, and to work within the justice community to help individuals realize their basic human rights."

There is no better time to give to Legal Aid than right now. Legal Aid is celebrating 40 years of service in Hampton Roads with a celebra-

tion banquet at the Norfolk Airport Hilton on October 12. Judge Roger L. Gregory of the United States Court of Appeals for the Fourth Circuit is scheduled to appear as special guest speaker.

Legal Aid will honor many of those who have helped it come so far these past 40 years, and celebrate the continuing efforts of those who build on their foundational work. But in order for Legal Aid to handle more cases and help more people in need, it must receive the financial support of the legal community.

We lawyers have a special obligation to those who cannot pay our fees. We earn our living in service to the law, and we know better than anyone else the importance of access to our system of justice. Whether by serving them directly or by supporting organizations like Legal Aid, we owe it to our profession to stand up for the disadvantaged.

For more information on how you can be a part of the 40th Anniversary Celebration or otherwise support Legal Aid, please contact Diana Chappell-Lewis, Legal Aid Society of Eastern Virginia Resource Development Officer, at 627-5423, ext. 132 email: dianal@laseva.org.

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40th Anniversary
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