

BAR BULLETIN

**Volume XXXIII
Number 1**

**January -
February 2008**

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PRESIDENT'S MESSAGE

The midway point of the Norfolk & Portsmouth Bar Association's year has come, and I thought it might be appropriate to issue a report card concerning the progress that we have made upon our goals. Because these goals were never reduced to writing, I reserve the right to redefine them as and when necessary. Nevertheless, I will do my best to give an honest report.

I think that such self-evaluation is useful to demonstrate the value of membership in the Association. In soliciting—indeed, badgering—attorneys into joining our Association, I find that many respond by indicating that they don't have time to attend the functions or they are already overcommitted, etc. This report card illustrates that the Association is much more than lunches and CLE programs. The mission of the Association is worth supporting even if you don't attend a single meeting. If you don't have your time to contribute, your treasure will do nicely.

This preamble out of the way, here we go:

Programs: A. We have had excellent programs to date. The Association has hosted lunch and breakfast programs featuring the Chief Justice of the Virginia Supreme Court, the Mayor of Norfolk and the Dean of Regent Law School. Each of these programs was informative and well attended. For next year, we have the City's Director of Economic Development, Rod Woolard in January. April's Bench Bar Conference will feature Supreme Court Justice Donald Lemons.

CLE: B. The Association has offered significant quality programs at reasonable prices and has boosted attendance. You cannot get a better deal than CLE from the Norfolk & Portsmouth Bar Association.

Membership Level: C. This is a grade solely based upon results, not quality of effort. One of my goals at the beginning of the year was to push the membership in the Association over 1,000. While we have added many new members, we are treading water (a smidge under 900).

One culprit is the relatively recent phenomenon of the lack of automatic support from many law firms. In some firms, young lawyers have a budget to spend on bar activities and, too often, use this money for matters other than support of the Association. When I became a lawyer, someone told me I needed to sign the application to join the Association, which I did. Then, someone asked me to attend the luncheons with them, which I did. And then someone asked me to join a committee, which I did. These someones—in my case the experienced attorneys in my firm—are being replaced by budgets. Our luncheons are fun, but don't compete for dollars very well with a trial practice seminar in Aspen.

Support of New Courthouse Facility: B. The Association is working hand in glove with the City of Norfolk, Judges and the Clerks of Court to ensure that the new courthouse complex is something we can be proud of and that the Association's members are heard. The support of the past presidents of the Association has significantly enhanced this effort. The initial meeting of the



Donald C. Schultz

(continued on page 2)

See Flyers Inside for
Event Details and
Registration Information

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

NPBA Luncheon
Thursday, January 17, 2008 • 11:45 AM
Hits at the Park, Harbor Park
Roderick Woolard, Director,
City of Norfolk, Department of Development

Internet Law CLE
Thursday, February 7, 2008

Government Contracts CLE
Tuesday, February 12, 2008

Stress in Lawyers' Lives CLE
Thursday, February 21, 2008

Federal Practice/E-Discovery CLE
Thursday, February 28, 2008

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(PRESIDENT'S MESSAGE CONTINUED)

Courthouse Advisory Committee, upon which I sit, demonstrated to me that the City is exercising leadership and vision on this issue. I am excited about the prospects for the courthouse.

Community Support: A. The Association's Food Frenzy recently won awards from a local philanthropy group and from the Virginia State Bar. This program has now gone statewide and is a phenomenon. This success is directly attributable to the generosity and creativity of our membership. The Public Relations Committee is working on a mock trial program for middle-schoolers that will open young eyes to the joys of litigation. And, once again, the Association's Foundation will award scholarships to deserving high school students at our annual meeting in May.

We have accomplished much together, and have much left to do. I'm looking forward to a great second semester.

NPBA RECEIVES PHILANTHROPY AWARD



NPBA President Don Schultz accepts National Philanthropy Award for Outstanding Organization from the Association of Fundraising Professionals



Kathryn Byler, Federation of Virginia Foodbanks Executive Director Leslie Van Horn, Don Schultz, Foodbank of Southeastern Virginia Executive Director Joanne Batson and Donna Bausch at the Philanthropy Day Awards Ceremony

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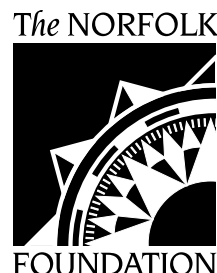
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NPBA HARVEST FOR THE HOMELESS 2007

Thanks are due to everyone who participated in the 2007 Harvest for the Homeless, which set a record! The total number of bags of clothing and toiletries collected was 395. Shawn A. Voyles of Crenshaw, Ware & Martin once again coordinated this community service project for the NPBA.

Firm Name	Shelter to which Items were Donated
Clarke, Dolph, Rapaport, Brunick & Garriott, P.C.	The Dwelling Place
Cox & Cox	Samaritan House
Crenshaw, Ware & Martin, P.L.C.	Union Mission
Cynthia A. King	Samaritan House
Furniss, Davis, Rashkind & Saunders, P.C.	Samaritan House
Glasser & Glasser, P.L.C.	For Kids
Hunton & Williams	The Dwelling Place
Kaufman & Canoles, P.C.	The Dwelling Place
LeClairRyan	Union Mission
Norfolk Office of the Public Defender	Samaritan House
Shapiro & Burson, LLP	The Dwelling Place
Taylor & Walker, P.C.	The Dwelling Place
U. S. Attorney's Office	The Union Mission
Willcox & Savage, P.C.	Union Mission

WELCOME NEW NPBA MEMBERS

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Norfolk Circuit Court judicial clerk

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Nick Woodhouse
Protoprou & Rigney

David Gettings
George Mason University law student

JoAnn Maurer
Creighton University law student

NOMINATIONS SOUGHT FOR THE LIBERTY BELL AWARD

The NPBA is pleased to re-introduce the Liberty Bell Award to recognize a non-lawyer who, by extraordinary efforts and selfless contributions to the local community, has strengthened the effectiveness of the American system of justice.

The Liberty Bell Award will be presented each year at the annual meeting of the Association to an individual:

- who promotes a better understanding and appreciation of the rule of law
- who encourages a greater respect for law and the courts
- who stimulates a sense of civic responsibility
- who contributes to the effectiveness of our institutions of government

Previous NPBA Liberty Bell Award recipients include such illustrious local leaders as Porter Hardy, Jr., Vincent J. Thomas, Stanley C. Walker, Emily N. Spong, Colgate W. Darden, Henry Clay Hofheimer, II, Alfred B. Rollins, Jr., Frank Batten, Jr., Betty Wade Coyle, Evelyn T. Butts, Harvey L. Lindsay, Martha R. Sorenson, Dr. William T. Greer, Jr. and Janie and G. William Whitehurst.

Nominations by letter should be submitted to the NPBA office by January 31, 2008.

The Hampton Roads Chapter of the Virginia Women Attorneys Association presents a one hour CLE on Collaborative Law Practice. **Ellen Carlson** will share the details and development of collaborative law practice January 15, 2008 at 6:30 pm at Virginia Beach Central Library. Ellen, along with high-visibility divorce lawyers, and mental health and financial professionals, is a founding member of the Virginia Institute of Collaborative Professionals, Inc. ("VICP") in Hampton Roads. Principles of self-determination and peaceful dispute resolution are keystones of collaborative practice. Litigants and their counsel enter into a contract in which they commit to full disclosure of all relevant information, not going to court and employing a team of health and financial professionals, in addition to their attorneys, as they work through conflict. While VICP has focused primarily on family law, it has promise for restoring all kinds of relationships 'after the storm,' such as employment and construction disputes. \$25.00 for cost of materials. RSVP to Ginny Brown at 965-9210 or ginnybrown@vebrownpc.com



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JANUARY LUNCHEON MEETING

Thursday, January 17, 2008

11:45 A.M.

Hits at the Park, Harbor Park

Speaker: Roderick (Rod) S. Woolard

*Director of Development
City of Norfolk*

Woolard is a native of Hampton Roads, born in Portsmouth and spent most of his childhood growing up in Virginia Beach.

Upon graduation from Frank W. Cox High School, he attended the University of South Carolina where he earned a degree in International Studies and Political Science.

He began his career with the Norfolk & Western Railway (predecessor of Norfolk Southern Corporation). He later joined Island Creek Corporation, a subsidiary of Oc-

cidental Petroleum, where he ultimately became President overseeing the sales, marketing, mining, terminal, transportation and operational assets of one of the largest coal companies in the United States. Under his leadership, the corporation was restructured, focusing on a market/customer driven philosophy resulting in a significant enhancement of profits.

He has been married over 38 years and has two daughters and two grandchildren.

Woolard sees Norfolk as a city on the move, which possesses a vision of greatness. He feels fortunate to have joined the City of Norfolk as Director of Development at a time when that vision is in the process of being realized.

Call 622-3152 to register for the January luncheon.

NPBA FOUNDATION NEWS

By James R. Harvey • President, NPBA Foundation

It is with pleasure that I begin my term as president of the Norfolk & Portsmouth Bar Association Foundation. The energetic leadership last year by Anna Myers, as well as all of our board members, should bring pride in every member of the bar that she/he has an organization that is deeply committed to improving our local community. The Foundation's support of college scholarships, minority recruitment in law schools, the display of the Magna Carta in Virginia Beach, and the Law School for Journalists program at Regent University evidence the wide range in which we can touch our community. Our 2008 scholarship application with a thought provoking essay topic on current legal challenges (courtesy of Bob Powell) is reaching schools now, and reaffirms to me the intelligence of our local youth.

The Foundation has great ambitions for even higher levels of support for those needs



James R. Harvey

that impact the practice of law locally. It cannot meet these needs, however, without support from the members of the bar.



Leroy T. Canoles, Jr., Guilford D. Ware and Toy D. Savage, Jr. are among the Charter Fellows of the NPBA Foundation

We are most appreciative of our contributors from 2007, especially our charter and fellow members, who have made all of our success possible. Our dreams for the future are limited only by your support. We intend to grow our list of contributors significantly in 2008, and hope that you will answer the call. Join us today by contacting me, or the bar association staff, and best wishes for the new year.

2007 Foundation Contributors

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FIRM ANNOUNCEMENTS

Crenshaw, Ware, and Martin P.L.C is pleased to announce the following attorneys were selected by their peers for inclusion in The Best Lawyers in America 2008: **Dave Sump** and **Jim Chapman** again recognized for their performance in Maritime Law, **Howard Martin** recognized for his practice of real estate law, **Tim Coyle** again recognized for his practice of municipal law, and **Ann Sullivan** recognized for her practice of employment law.

Tavss Fletcher is pleased to announce that **Ryan B. Graves** has joined the firm as an associate. He will practice in the firm's litigation section. Graves received a juris doctorate from Regent University School of Law in 2007 and was honored with a Dean's Scholarship. He received a Bachelor of Arts degree in law, society and justice from the University of Washington in 2003. During school, Graves worked as a law clerk for George H. Yates & Associates. He also worked as an intern for the Office of the Public Defender, the Commonwealth's Attorney's Office and Norfolk Juvenile and Domestic Relations District Court.

Robert P. Beaman III has joined **Troutman Sanders'** Zoning & Land Use practice group. Prior to joining the firm as an associate, he worked with the firm as a summer associate. Additionally, he worked as a summer associate for Kaufman & Canoles, P.C. From 2003 to 2004, Beaman worked as a title examiner for LandAmerica Lawyers Title Insurance Corporation. He received a B.A. in Government and Foreign Affairs in 2003 from the University of Virginia and a J.D. in 2007 from the College of William and Mary.

Jessica Link Martyn has joined **Troutman Sanders'** Transportation practice group. In 2006, Link worked as a law clerk for the U.S. Department of Justice's Criminal Division in the Office of International Affairs, and the Narcotics and Dangerous Drugs Section, as well as the U.S. Department of State's Bureau of Educational and Cultural Affairs. Prior to these clerkships, she worked as a law clerk for the 1st Fighter Wing Judge Advocate at Langley Air Force Base, as a special agent for the U.S. Department of Defense's Defense Security Service, and as an intern for U.S. Senator Robert Smith and U.S. Congressman Frank A. LoBiondo. Martyn received a B.A. in Philosophy in 2002 and a J.D. in 2007 from The Catholic University of America.

The law offices of **Vandeventer Black LLP** are pleased to announce that **Anne Graham Bibeau** has joined the firm. Bibeau concentrates her practice in Labor and Employment Law and Tax Litigation. She represents clients before federal and state courts, arbitrators/mediators, and administrative agencies, including the EEOC and the NLRB. In addition, she advises clients on sexual harassment, the Family and Medical Leave Act, disability law, employee discipline, labor relations, and other labor and employment law issues. Prior to joining Vandeventer Black, Bibeau worked for the U.S. Department of Justice, Tax Division, in Washington, D.C., where she litigated civil tax cases in federal district, bankruptcy, and state courts nationwide. She also worked for the U.S. Postal Service Law Department, where she litigated labor and employment cases and trained and advised management on preventative human resource strategies. Bibeau earned a B.A. from the College of William & Mary and a J.D. from the College of William & Mary School of Law, where she was Professional Articles Editor for the Law Review. She was a student law clerk for the Honorable William L. Person, Jr., Ninth Judicial Circuit, Virginia, from 1996-1997. Bibeau is based in the firm's Norfolk office.

Twenty-four attorneys from **Willcox & Savage** have been selected as members of Virginia's 2007 *Legal Elite*. NPBA members recognized include: **Bruce T. Bishop, Susan R. Blackman, Gary A. Bryant, Peter V. Chiusano, Glenn R. Croshaw, Robert L. Dewey, Allan G. Donn, William M. Furr, Thomas C. Inglima, Thomas G. Johnson, Jr., Michael R. Katchmark, Timothy J. Lockhart, John D. McIntyre, Hugh L. Patterson, William E. Rachels, Jr., Ross C. Reeves, Thomas A. Rucker, Conrad M. Shumadine** and **John S. Wilson**.

Willcox & Savage is proud to announce that attorney **Peter V. Chiusano** has been elected President of the Virginia Institute of Collaborative Professionals (VICP). The VICP is a group of specially trained legal, financial and mental health professionals who help parties resolve divorce issues and other disputes outside of court. To learn more about Collaborative Practice and the local group visit <http://www.collaborativepractice.com>.

Williams Mullen announces the addition of **Shane L. Smith** and **Jeremy N. Snyder** to the firm's Norfolk office. Shane Smith is an associate in the firm's Litigation Section, focusing his practice on commercial litigation. Prior to joining Williams Mullen, Mr. Smith completed a judicial clerkship with the Honorable D. Arthur Kelsey, Judge of the Court of Appeals of Virginia and held several positions with San Antonio, Texas-based Valero Energy Corporation and its acquired companies. Mr. Smith holds a bachelor of business administration degree in marketing, magna cum laude, from West Texas A&M University, and a juris doctor degree from William and Mary School of Law. Jeremy Snyder is an associate in the firm's Litigation Section, where his practice focuses on general litigation matters. Mr. Snyder received a bachelor of arts degree in political science, summa cum laude, from Lee University and received a juris doctor degree from the University of Virginia School of Law.

Wolcott Rivers Gates is pleased to announce that **Stephen E. Pfeiffer** has joined the firm. Mr. Pfeiffer will concentrate his practice in the areas of business law and general civil litigation. He received his Juris Doctor, Cum Laude, from Regent University School of Law and a B.A., Summa Cum Laude, from Carroll College.

ASSOCIATE POSITION

Hajek, Shapiro, Cooper, Lewis & Appleton has an immediate opening for an attorney with 2-5 years experience in personal injury law. Candidate should possess strong academic credentials and excellent research, writing and communication skills and have the ability to work independently. Virginia bar required. Excellent benefits. Salary negotiable and based on experience. Hajek, Shapiro, Cooper, Lewis & Appleton is an AV rated law firm devoted exclusively to plaintiff's personal injury cases. Please forward resume and writing sample to James C. Lewis, Esq., 1294 Diamond Springs Road, Virginia Beach, VA 23455, (757) 460-3428 (fax), jlewis@hsinjurylaw.com.

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NOVEMBER LUNCHEON



NPBA President Donald C. Schultz, Virginia Supreme Court Chief Justice Leroy R. Hassell, Sr. and Virginia State Bar President Howard W. Martin

NPBA MEMBER SERVICES

Conference Room Rental

NPBA members may rent the Bar Association conference room for \$100 per day. The conference room seats up to eleven comfortably, has a magnificent river view and is an ideal venue for depositions and conferences which need to be held on "neutral ground."

Membership Mailing Labels

Members may purchase mailing labels for use in mailing firm announcements or other information to your colleagues. You may buy these 1000-plus address labels for a reasonable cost of \$175.00.

Please contact Bar office at 622-3152 for assistance with either of these services.

MESSAGE FROM THE YOUNG LAWYERS' SECTION

By Caryn West, Chair

As my first order of business as the new Chair of the Young Lawyers Section, I would like to thank Andy Fox for his great leadership. The last year was full of great activities for the young lawyers, and I look forward to following in his footsteps in the next year.

The Young Lawyer Section includes every member of the NPBA that is under the age of 37 and also includes every member that has been practicing law for 5 years or less.

We are introducing a new program for the Young Lawyers Section. Beginning Thursday, February 7, 2008, at 5:30 p.m., and continuing the first Thursday of every month, we will have happy hours for the young lawyers. We hope that this will give the young lawyers in Norfolk an opportunity to network with one another and meet other young lawyers that you might not have a chance to meet otherwise. The Young Lawyers Committee is currently working on the location for our first event. We will email the location closer to the event.



Caryn West

I'd also like to remind everyone that we are in the initial planning stages for the Annual Golf Tournament to raise money for the Norfolk Law Library. Last year we were able to raise \$2,000 thanks to your participation

and the participation of our sponsors. We encourage all of the firms in our area to think about a sponsorship and to encourage their attorneys to participate in this worthwhile event.

Finally, we are starting a program in conjunction with the Legal Aid Society to provide pro bono legal services for the homeless in our community. We are trying to kick off this program by participating in the 3rd Homeless Connect on February 28, 2008. Anyone who is interested in participating in this program should contact Andy Fox at 664-4529 or by email at Andrew.Fox@norfolk.gov.

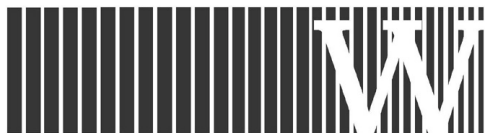
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Or

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757-622-1360

COURT NEWS

Virginia Supreme Court

Patricia L. Harrington, Clerk of Court, reports that a court order was entered on November 20, 2007 with amendments to Rules 5:6, 5:20A, 5:26, 5:27, 5:28, 5:29, 5:39A, effective February 1, 2008. The full text of these amendments can be found on the Supreme Court website, www.courts.state.va.us under Supreme Court of Virginia, Amendments to the Rules of Court.



Attorney's Fees in Norfolk General District Court

On November 6, 2007, the Judges of Norfolk General District Court approved the following changes in attorneys' fees allowed in certain civil collection cases following a review of the practice of several other district courts in the Hampton Roads area, subject to the rule announced in *Mullens v. Richlands National Bank*, 241 Va. 447 (1991), and other applicable case law and statutory enactments:

1. Landlord-Tenant Cases – where lease provides for “reasonable attorneys’ fees”: a maximum of 25% of original rent claimed.
2. Landlord-Tenant Cases – where lease provides for a stated percentage for attorney’s fees: a maximum of 25% of original rent claimed.
3. Contract Cases – where contract provides for “reasonable attorneys’ fees”: a maximum of 25% of contract damages.
4. Contract Cases – where contract provides for a specific percentage for attorneys’ fees: a maximum of 33 1/3% of contract damages.

In keeping with the practice of other courts, attorneys seeking attorney’s fees in excess of the above amounts may present evidence (testimony, affidavits, time records, etc.) as to additional time and effort to justify a larger award, when appropriate. Questions may be addressed to Thomas E. Baldwin, Clerk, Norfolk General District Court.

THE NPBA PUBLIC RELATIONS COMMITTEE 3RD ANNUAL MODEL JUDICIARY PROGRAM

The NPBA Public Relations Committee is looking for volunteer attorneys to assist in the 3rd Annual Model Judiciary Program for the Norfolk Public Schools.

This program was started two years ago at Blair and Meadowbrook Middle Schools, where students were taught basic trial skills and conducted mock trials in Norfolk Circuit Court. The program has been a great success due to the enthusiasm and hard work of the students and participating attorneys and has grown to four middle schools.

Middle schools participating this year are Blair, Meadowbrook, Ruffner and Northside. It is scheduled to be an eight to ten week program starting at the end of January 2008. Students will receive instruction one day a week for approximately an hour to an hour and a half after school, between 3:00 and 4:30 p.m. The

trials matching one school’s team against another’s are tentatively scheduled for the week of March 17-21 in Norfolk Circuit Court. At least 20-26 attorneys are needed so that a minimum of 4-6 attorneys can be assigned to each school. With that many attorneys at each school, your commitment can be modest, one hour a week every other week. Previous volunteers have commented on how well the students have done and on their enjoyment of watching the students’ growth throughout the process. The experience of working with the children is very rewarding as they are so appreciative of being able to work with real attorneys.

Please call the Bar Office at 622-3152 at your earliest convenience so that scheduling details with the schools can be completed and to ensure proper support of the program. Thank you for your assistance with this worthwhile program.

MILITARY LAW AND LAWYERS COMMITTEE

The committee has been actively working on programs to enhance military and civilian attorneys’ interaction and practice. We developed a Military Attorney Resource Program, JAG Day in Court, and are working on periodic gatherings with military attorneys, and a CLE on Federal Tort Claims and the Medical Care Recovery Act. The program that we hope to use as our primary bridge between the civilian and military legal communities is the Military Attorney Resource Program.

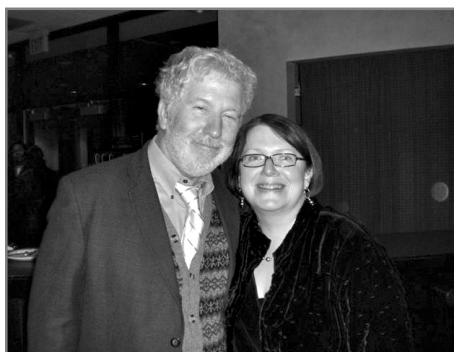
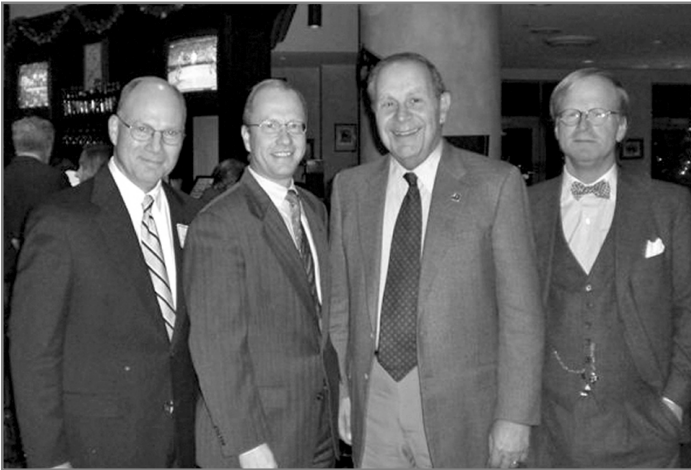
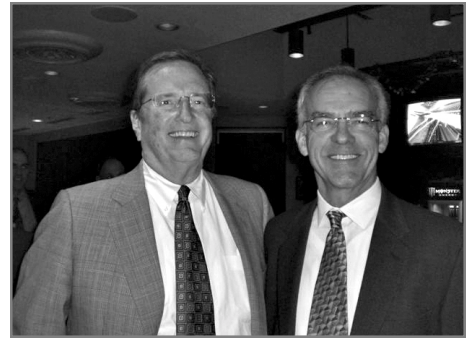
The Military Attorney Resource Program is modeled after Operation Standby which is hosted by the Legal Assistance for Military Personnel (LAMP) Section of the American Bar Association. LAMP’s Operation Standby provides attorneys across the country who advise military legal assistance attorneys on family law issues. The ABA program has been extremely successful in providing guidance and support for legal assistance attorneys and in assisting servicemembers through troubled times so that they can focus on their mission. The nature of military practice requires military attorneys to be generalists. Military practice presents challenges in its diversity and the need to develop job competency in a short period of time. The Norfolk and Portsmouth Bar Association can help in this area by providing civilian attorney

resources who will provide informal guidance and advice in their area of subject matter expertise to military attorneys. Our program expands the subject matter topics to include all areas of practice. The goal of the Military Attorney Resource Program is to enhance military and civilian attorneys’ practice while facilitating interaction, communication, and the creation of lasting relationships between the military and civilian bar. Civilian attorneys provide an understanding of the Virginia legal system and military attorneys provide access and insight to the regulations and procedures unique to the military. In cases where client needs exceed the services offered by the military counsel, cases can be referred to a civilian attorney.

We solicit your support for this program. Please complete the enclosed program document with your contact information and practice areas in which you would be comfortable providing informal guidance to a military attorney. Please return the form to: NPBA, 999 Waterside Drive, Suite 1330, Norfolk, VA 23510; by fax: 622-4406; or by e-mail at: npba@visi.net.

If you have questions, concerns, or comments contact Dwain Alexander, II, Chair, NPBA Military Law and Lawyers Committee at 444-4493 or by e-mail: dwain.alexander@navy.mil.

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