ORFOLK ORFOLK B A R A S S O C I A T I O N

BAR BULLETIN

Volume XLII Number 1

January -February 2017

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

President's Message



Robert V. Timms, Jr.

As I write this message in December, I thought I would look back at past Presidents' Messages to see what some of my predecessors wrote. I found the message that John Deal wrote in the January/February 2009 issue to still be timely. John wrote about the stress of the holidays, choosing New Year's resolutions, and the recession. Whether getting ready for the holiday season or our clients' end of year requirements, there are always stressful events. Hopefully, after a number of years we have learned to do our best to cope with them. Also, many people are still suffering from the recession even though I have read that we are in a post-recessionary period. To quote Jean-Baptiste Alphonse Karr, "the more things change, the more they stay the same."

Studies show that people who explicitly make resolutions and set goals are ten (10) times more likely to achieve their goals than those

who do not. One of the resolutions I found in the list which would help me lower my stress level is the resolution to become more organized. So I am going out on a limb and state for all to read that I resolve in 2017 to get more organized. According to the poll, I am now ten times more likely to achieve my goal. I know. Fat chance. Nevertheless, I hope each of you will also set some goals for the coming year.

We all had one other stressor this year and that was the recent presidential election. I know for some that stress over the election continues. But in keeping with "the more things change/the more they are the same" vein, I found an interesting article from CNN that delves into the five (5) nastiest presidential elections in United States history. The article can be located at http://www.cnn.com/2016/09/23/politics/election-2016-personal-attacks/. After reading the article, I realized that this past election campaign was relatively civil compared to the ones described in the article.

Unfortunately, the tone of the presidential campaign continues after the election. I have read many articles decrying the President-Elect's actions or statements and the people being named to, or being floated as possible candidates for, various cabinet positions and the Supreme Court. We, as attorneys, should be able to take solace knowing our government is founded on the rule of law and separation of powers. The drafters of the Constitution had the goal of preventing one branch of the government from usurping too much power. Similarly, it is our job as attorneys to protect our clients' individual liberties and to protect and support an independent judiciary.

This last point gets me to the Norfolk & Portsmouth Bar Association Foundation. As most of you know, the Foundation was established in 1987 to promote the administration of justice, to educate the public about the importance of law in their daily lives, and to enhance the image of the legal profession. These goals are to be achieved by supporting projects that build trust in the

(continued on page 2)

UPCOMING EVENTS

JANUARY LUNCHEON
Thursday, January 19, 2017 • 11:45 AM
Hits at the Park, Harbor Park

James J. Duane, Professor Regent University School of Law

(immediately following Luncheon)
ESI & THE LITIGATOR: A PRIMER
1 CLE Credit

FEBRUARY LUNCHEON
Thursday, February 16, 2017 • 11:45 AM
Hits at the Park, Harbor Park
Michael W. Robinson, President
Virginia State Bar

(immediately following Luncheon)

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(President's Message continued)

legal system, fund and present one or more annual scholarships, and support philanthropic endeavors in the public interest which promote and relate to the administration of justice.

For many years we have awarded scholarships to high school seniors and second year law students. In conjunction with Regent University Law School, a few years ago we presented a "law school" for journalists. We also sponsored a forum highlighting Massive Resistance and the Norfolk 17. The Foundation board has asked that I let you know that it is taking grant applications for the funding of projects by our Association's committees and members that meet the stated goals of the Foundation. I know, from having served on the Foundation's board for many years, that it is difficult to find worthy projects to support. I hope that by putting this request out to our members, some of you will have some projects that are suitable for funding. If you do, please email the Foundation.

In closing, I encourage all of you to set goals for your priorities in 2017 and to make them known. The mission of the Bar Association Foundation serves as a good goal setting model for all of us in our professional lives. Here's to a productive and successful 2017.

VOLUNTEERS NEEDED 11TH ANNUAL MODEL JUDICIARY PROGRAM

NPBA is looking for volunteer attorneys to assist in the 11th Annual Model Judiciary Program for Norfolk Public Schools.

The program has been a great success due to the enthusiasm and hard work of the students and participating attorneys and has grown to include all Norfolk middle schools. The program has garnered attention from local and national media. It will be an 8 to 10 week program starting in early February 2017.

Students will receive instruction one day a week after school between 3:00 and 4:30 PM. Trials matching one school's team against another's will be scheduled for Norfolk Circuit Court in April 2017.

25-30 volunteers are needed so that 4-6 attorneys can be assigned to each school. With

that many attorneys, the commitment can be minimal, 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 children is very rewarding as they are so appreciative of being able to work with real attorneys.

Please respond by email to Wayne Williams (twwilliams@wd-law.com) or Kim Phillips (kphillips@phillipspeterslaw.com) or call the Bar office at 622-3152 to inform us of your interest in assisting with the program or with any questions about the program. Thanks in advance for your assistance with this worthwhile program.

WELCOME NEW MEMBERS

Brandon Allred

Kaufman & Canoles, P.C.

Cameron Bonney Willcox & Savage, P.C.

Luke Bresnahan Kaufman & Canoles, P.C.

Sarah Merrill

Holly Mowforth

Legal Aid Society of Eastern Virginia

William Tew

Willcox & Savage, P.C.

Alexandra McPhee

Regent University law student

William Morgan-Palmer

Regent University law student

Bryan Peeples

Regent University law student

Keith Proctor

Regent University law student

Melanie Sanders

Regent University law student

Jeffrev Sodoma

Regent University law student

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bigger office to accommodate our growing firm. We are seeking a tenant for our 2,800 square foot office on the corner of Granby Street and 21st Street in Ghent.

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The new tenant will have great visible signage. The building also has ample free parking. For more details call John Cooper at (757) 455-0077 or our agent Scott Godbout at (757) 525-4947.



JANUARY LUNCHEON

Thursday, January 19, 2016 Hits at The Park, Harbor Park 11:45 AM



James J. Duane, Professor Regent University School of Law

Professor James Duane teaches at Regent Law School, where he received the Faculty Excellence Award in 2002. He has twice taught as a Distinguished Visiting Professor at William and Mary Law School. In 2013-14, he served as a faculty associate at Harvard University's Berkman Center for Internet and Society. He was awarded the Distinguished Faculty Achievement Award by the Virginia State Council of Higher Education for Virginia in 2002. He received

his A.B. *magna cum laude* from Harvard College in 1981, where he was also elected to Phi Beta Kappa, and his J.D. *cum laude* from Harvard Law School in 1984.

Duane clerked for the Honorable Michael A. Telesca of the United States District Court for the Western District of New York and the Honorable Ellsworth A. Van Graafeiland on the United States Court of Appeals for the Second Circuit. He was senior associate at Connors & Vilardo in Buffalo, New York, where he practiced civil litigation and criminal defense, and was trial counsel for the defendants in Schenck v. Pro-Choice Network of Western New York, 519 U.S. 357 (1997).

Duane has taught at Regent since 1991 in the areas of Evidence, Civil Procedure, Trial Practice and Appellate Advocacy, and has published more than 30 articles. He is co-author of Weissenberger's Federal Evidence, and is a contributing editor of Black's Law Dictionary. Since 1995, he has been a member of the faculty at the National Trial Advocacy College and has taught Constitutional Law at the National Litigation Academy.

He has been interviewed about legal matters on television and radio, including National Public Radio's All Things Considered, and has testified before the Advisory Committee of the United States Judicial Conference on Federal Rules of Evidence. He has lectured at conferences and training sessions conducted by Hastings Law School, the College of William and Mary, the Virginia Association of Defense Attorneys, the Louisiana Trial Lawyers Association, the National Association of Criminal Defense Lawyers, and the office of the United States Attorney for the Eastern District of Virginia, among others.

Duane is a member of the Boyd-Graves Conference of the Virginia Bar Association, and is admitted to practice before the courts of New York and Virginia, as well as numerous federal courts. In spring 2008, he gave a talk about some of the reasons why even innocent criminal suspects should never agree to answer questions from the police, and that video now has more than 5 million views on YouTube.

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FEBRUARY LUNCHEON

Thursday, February 16, 2017 Hits at The Park, Harbor Park 11:45 AM



Michael W. Robinson, President Virginia State Bar

Mr. Robinson is the current president of the Virginia State Bar. He has served on the Virginia State Bar Council for eight years and its Executive Committee for three. He is former Chair of the VSB Standing Committee on Legal Ethics, and served on the committee for six years. He previously served on the Faculty of the Virginia State Bar Professionalism Course, and was Chair of the VSB Special Committee on Bench-Bar Relations. He has been active in the Fairfax County Bar Association and previously served as Chair of the Fairfax Bar Circuit Court Committee.

Mr. Robinson is a partner in the Tysons office of Venable LLP. His practice focuses on commercial disputes, business torts, legal malpractice defense, and protection of intellectual property rights. His practice emphasizes litigation in the United States District Court for the Eastern District of Virginia and local state courts in Northern Virginia.

Mr. Robinson's career includes experience in antitrust litigation, trademark litigation, patent infringement litigation involving computer software and other products, business dissolution litigation, business torts including employee covenants not to compete and fiduciary duty claims, protection of trade secrets and other commercial proprietary information, and legal malpractice defense in areas involving securities, business transactions, business litigation and patent prosecution.

He received his J.D., with honors, from George Mason University School of Law and was Lead Article Editor, George Mason Law Review. His B.A. was in Philosophy from George Mason University.

Young Lawyers Section

By Jennifer L. Fuschetti, Chair

I am excited to share some of what our young lawyers have been up to since October and announce some plans for the year ahead.

On October 30, we had a wonderful afternoon with Courtney and Judge Doyle at our Fall Reception. We had a great turnout from the bench and bar. We enjoyed delicious food and even better weather. The Young Lawyers' Section would like to thank the Doyles for opening their home to us as well as the following sponsors for their generous donations: Atkinson Law, Phillips & Peters PLC, Crowley Liberatore Ryan & Brogan, Cooper Hurley, Dawson P.L.C., Bischoff Martingayle, McKenry Dancigers Dawson, The McCammon Group, Regent University, and Towne Bank.

The Section continues its focus on service to the community. Thanks to your generous donations at the NPBA Holiday Party, we were able to gather dozens of toys for families and children working with ForKids. We are scheduling our next visit to Ronald McDonald House and programming service opportunities for our members throughout the first half of 2017.

We are excited to announce our new Mentorship Program, our biggest



initiative for 2017. We are working on building the foundations of a program that will serve the legal community for many years to come. We are endeavoring to match mentors and mentees thoughtfully in order

to foster strong and lasting relationships. We will be encouraging mentors and mentees to meet quarterly and to be generally available to each other by phone or e-mail. Mentors may be asked for guidance on all aspects of practice, including frank advice for navigating the courtroom and the local legal market. Mentees may help mentors keep current on the issues, circumstances, and concerns addressed by attorneys at the beginning of their careers, which may help mentors encourage positive outcomes with associates in their own firms.

We are aiming to match mentors and mentees during the first quarter of 2017. Please watch your inboxes for sign-up sheets. We are encouraging prospective participants to express their interest ahead of time, so that we can work towards an optimal balance of mentors and mentees. Please email Jennifer Fuschetti at jlfuschetti@va-law.org and let me know if you are interested in more information about being a mentor or mentee as well as any preferences or program suggestions you might have. Please encourage others – both partners and associates – in your firms to do the same. The members of the Norfolk & Portsmouth Bar Association are what make it so successful. YLS is proud to offer yet another opportunity to foster collegiality and mutual support within the bar. Thank you so much for everything each of you already offers to our community.

The Young Lawyers' Section meets monthly and there are plenty of opportunities to get involved and meet your colleagues. If you are under 36 or have been practicing for five years or less, I highly encourage you to become active in our section. We're also happy to welcome friends and colleagues who are considering joining NPBA to come to a meeting and get to know us! Meetings are usually held on a Tuesday at 6:00 p.m. at a local establishment offering early-evening specials. For more information, please contact me at npbayounglawyers@gmail.com. I'm looking forward to meeting you.



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Hon. James C. Hawks (Ret.)
Retired Judge,
Third Judicial Circuit of Virginia

The Honorable James C. Hawks (Ret.) recently retired after eighteen years of public service in Portsmouth. Most recently, he served for a decade as a Judge of the Third Judicial Circuit, including a term as Chief Judge. During this time, he presided over a variety of cases including but not limited to FELA, Jones Act, and asbestos matters. Prior to his appointment to the bench, he was elected to serve two terms on the Portsmouth City Council. Judge Hawks also enjoyed a successful general practice of law in the City of Portsmouth for over thirty years, providing counsel in practice areas including personal injury, family law, real estate, and corporate disputes. Judge Hawks now brings this distinctive record of achievement to The McCammon Group to serve the mediation, arbitration, judge pro tempore, and special master needs of lawyers and litigants throughout the Commonwealth.



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ANNOUNCEMENTS

Jim Chapman of Crenshaw, Ware & Martin, P.L.C., was elected to serve as rector of the Virginia Tech Board of Visitors for 2016-17. A graduate of Virginia Tech, Jim was appointed by the Governor of Virginia in 2013 to serve on the governing board of the University. He previously served as Vice Rector and chair of the Finance and Audit Committee. Today, Virginia Tech is a \$1.4 billion public research university, educating more than 30,000 students annually at its campuses in Virginia and abroad. With a research portfolio of more than \$500 million, Virginia Tech is the largest research university in Virginia.

Anna P. Ernest is pleased to announce the opening of her new law firm, Ernest Law Group, PLC. Ms. Ernest will be joined by associates Amy C. Holland and Catherine M. Deist. The principal areas of practice include: Family Law, Immigration, Personal Injury, Civil Litigation, and Consumer Bankruptcy. Attorney Ernest is fluent in Russian.

Kaufman & Canoles, P.C. is pleased to announce that **Brandon S. Allred** has joined the firm's Commercial Practice Group. Prior to joining the firm, Mr. Allred was a staff accountant at Ernst & Young. Mr. Allred received his Bachelor of Science degree from Washington & Lee University in 2012 and his Juris Doctor from the Washington & Lee School of Law in 2016.

Kaufman & Canoles, P.C. is pleased to announce that **Luke J. Bresnahan** has joined

the firm's Litigation Practice Group. Mr. Bresnahan received his Bachelor of Arts degree in Government from the University of Virginia in 2012 and his Juris Doctor, magna cum laude, from the University of Richmond School of Law in 2016.

Kirkland Kelley, 2016 winner of the Barron F. Black Community Builder Award, is passionate about philanthropy. Kirkland, a partner in Kaufman & Canoles P.C's Private Client Services Group, is a dedicated volunteer and donor. She grew up in Virginia Beach and started her career as a paralegal at her firm before attending law school. She has chaired the WHRO board and been president of the Junior League of Norfolk-Virginia Beach. She is on the Chesapeake Bay Foundation's Hampton Roads Council and has served on the YWCA of South Hampton Roads board and on foundation boards supporting the Library of Virginia, Norfolk State University and Old Dominion University. At the Hampton Roads Community Foundation, Kirkland is a member of the Professional Advisors Committee and the Legacy Society for Hampton Roads.

Kaufman & Canoles, P.C., is pleased to announce that the following NPBA members were selected for inclusion in Virginia Business Magazine's 2016 Legal Elite: Debra C. Albiston, John M. Bredehoft, Kristan B. Burch, Paul K. Campsen, R. Johan Conrod, Jr., Jason R. Davis, Laura G. Gross, Nicole J. Harrell, Barry W. Hunter,

Kirkland M. Kelley, Scott W. Kezman, Dennis T. Lewandowski, Vincent J. Mastracco, Jr., Charles V. McPhillips, Christy L. Murphy, Terence Murphy, Stephen E. Noona, Patrick H. O'Donnell, Laura D. Rixey, Mary Elizabeth Sherwin, Robert E. Smartschan, W. Edgar Spivey, Jeffrey M. Stedfast, Stephen E. Story, and Burt H. Whitt.

William "Bill" E. Franczek of Vandeventer Black LLP, was recently selected as a Fellow of the College of Commercial Arbitrators. Franczek was recognized for his experience, best practices and contributions to the profession. Franczek handles claim preparation, negotiation, and litigation/arbitration on behalf of construction industry clients. His experience includes privately-owned projects; federal, state and local public projects, and hybrid developments such as public private partnership projects.

Willcox Savage is pleased to welcome Cameron Bonney and William Tew. Cameron is in the Asbestos Defense, Product Liability and transportation practice group. She is a 2016 graduate of the College of William and Mary School of Law. Cameron earned her B.S. degree in Commerce from the University of Virginia in 2013. William is in the firm's Corporate practice group. He is a 2016 graduate of the University of Virginia School of Law. William earned his B.A. degree in Classics from the University of Florida in 2012.



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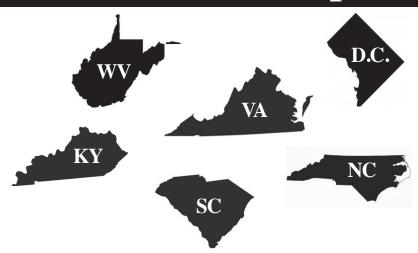
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