

BAR BULLETIN

Volume XXXIV Number 4

July -August 2009

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

PRESIDENT'S MESSAGE

REDISCOVERING COMMUNITY

Two hundred thirty-three years ago on an unusually cool summer afternoon, a diverse group of patriots assembled in the Pennsylvania State House and collectively pledged their lives, their fortunes, and their sacred honor as they formally adopted the Declaration of Independence. With the American Revolution underway, each of the fifty-six men who eventually would affix his signature to the document fully recognized the personal risk he took in doing so (the penalty for such a treasonous act was death by hanging). John Hancock explained that his oversized



David W. Lannetti

signature was to ensure that the King of England could recognize the script without glasses and perhaps double the ransom already on Hancock's head, and Benjamin Franklin is credited with proclaiming—in response to a call for revolutionary unity—that "[i]ndeed we must all hang together, otherwise we shall most assuredly hang separately."

By July 4, 1776, the delegates of the Second Continental Congress had been together in Philadelphia for almost fourteen months. They knew each other well. They had a history of corresponding with one another, of spending time together, and—at least while in Philadelphia—of often sharing food and drink. In short, they made it a point to develop personal relationships that allowed them not only to understand each others' viewpoints, but also to appreciate the thought processes that went into formulating those views. Our forefathers consequently developed a trust that enabled compromise and resolution outside the public domain, in an arena where calmness and reason could prevail over partisan politics and rhetoric. It was this close association and mutual trust, combined with an extraordinary commitment to both civic engagement and a common purpose, that enabled the fledgling experiment in representative democracy to succeed.

In 1995, political scientist and Harvard University public policy professor Robert Putnam published an influential article titled *Bowling Alone: America's Declining Social Capital*, in which he noted that membership in civic associations had decreased during the previous several decades with no corresponding increase in membership in other social organizations. As Putnam observed, the number of bowlers in bowling leagues had steadily declined although overall participation in the sport actually had risen. Hence, more individuals were bowling alone and thereby threatening the livelihood of bowling-lane proprietors, because league bowlers "consume three times as much beer and pizza as solo bowlers, and the money in bowling is in the beer and pizza, not the balls and shoes." The broader social concern, according to Putnam, is that the loss of social interaction and civic discussion once provided by league membership—what he referred to as a loss of "social capital"—is symptomatic of the overall decline in active civil engagement required of citizens in a strong democracy.

As Thomas Friedman pointed out in his 2005 international best seller *The World Is Flat: A Brief History of the Twenty-First Century*, the advent of the technological revolution allowed an ever-increasing rate of globalization and further participatory decline in American social associa
(continued on page 2)

UPCOMING EVENTS

Breakfast with the Bench Tuesday, July 21, 2009 • 7:30 AM Mom's Kitchen, 580 E. Main St., Norfolk Hon. Jerrauld Jones, Norfolk Circuit Court

Tides Game with the Young Lawyers Section
July 30, 2009 • 12:15 PM
Location: Harbor Park
Tickets: \$10.00

Breakfast with the Bench
Tuesday, September 15, 2009 • 7:30 AM
Mom's Kitchen, 580 E. Main St., Norfolk
Hon. Jack Doyle, Norfolk Circuit Court

Ethics CLE (2 Credits Pending)
Thursday, October 8, 2009 • 2:00 - 4:00 PM
Dominion Tower, 4th Floor Conference Room

ØRFOLK & ORTSMOUTH BAR ASSOCIATION

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(President's Message continued)

tions. Although the "flattening" of the world eliminates barriers and supports greater world-wide efficiencies, globalization arguably also threatens the diversity of communities and their cultures. Individuals increasingly are opting for solitary entertainment or on-line socializing instead of traditional interpersonal association. In other words, we not only are bowling alone today, we are doing so in the privacy of our own homes—no doubt in front of plasma screen televisions projecting images of virtual bowling alleys compliments of Wii game consoles. By focusing only inward, or seeing the world only through the homogenous medium of the internet, we invariably overlook the uniqueness of our local community and those who reside in it, and consequently fail to focus on the welfare of our neighbors. According to Lehigh University student Hilary Lewis, "Loss of community is a key failure of globalization because community creates a sense of personal responsibility for others that helps protect its members."

Although electronic technology may allow individual tastes to be satisfied more fully, such self-gratification comes at the expense of the positive social interactions associated with more traditional forms of communication, arguably driving a wedge between our individual interests and our collective community interests. We phone each other because we don't have time to meet in person; we e-mail one another because we don't have time for a lengthy phone conversation; we text because we don't have time to e-mail; we check out each other's Facebook page because we don't have time to send a text message; and we tweet because we don't have time for a collaborative conversation and want to "take advantage" of updates that are limited to 140 characters. But is the erosion of social interaction and association driven by actual time limitations, or by our own choices? And as our associations with others decrease, are we indeed losing valuable social capital and a sense of community? In a recent commencement address, Google chairman and CEO Eric Schmidt seemingly answered these questions when he told graduates that they need to find out what is most important to them—by living analog for a while. "Turn off your computer. You're actually going to have to turn off your phone and discover all that is human around us."

One of the purposes of a local bar association is to foster a sense of community, to have its members support community association and community identity. Hampton Roads and its residents have unique characteristics and unique needs, and we—as active citizen-lawyers and stewards—need to be ready to provide tailored services to benefit and advance our community. Putnam's "social capital" increases when bar associations interact with their local communities. Civic engagement facilitates coordination and communication, and thus allows the resolution of problems requiring collective action. Ideally, such interaction converts the perception of "I" into one of "we," further supporting the completion of collaborative tasks and creating a sense of personal responsibility for others.

Like the environment in which our Founding Fathers found themselves during the Revolutionary Period, the Norfolk & Portsmouth Bar Association offers opportunities for its members to interact with each other, to develop professional and personal relationships, and even to break bread together. In so doing, NPBA fosters the development of close bonds and mutual trust that not only make interactions among our members more pleasant and ultimately better serve our clients, but also make our efforts as an association more effective. Attorneys coordinate and

cooperate not only for their mutual benefit, but also for the benefit of their Based on personal experience. I know that dealing with an attorney in an adversarial arena after first developing a relationship with that attorney through NPBA usually leads to mutually satisfying compromise and resolution. Even if the matter does not resolve short of an adversarial proceeding, working with that attorney invariably is a professional and enjoyable experience. I encourage you to take advantage of the opportunities provided by NPBA to develop personal relationships with your fellow attorneys, and ultimately to better serve our clients and our community.

clients and the community as a whole. Based on personal experience, I know that dealing with an attorney in an adversarial arena after first developing Over Massive Resistance Community Forum"



Dave Lannetti and Jim Harvey accept the award from VSB President Manny Capsalis and CLBA Chair Bill Wilson

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Allan S. Reynolds, Jr.

Harriet T. Reynolds

R. Bruce Rider

Martha Rollins

Toy D. Savage, Jr.

Dawn L. Serafine

FIRM ANNOUNCEMENTS

Abrons, Fasanaro & Sceviour is pleased to announce that **Diane P. Toscano, Esq**, formerly an assistant commonwealth's attorney for the City of Virginia Beach has joined our firm. Mrs. Toscano will specialize in family law.

Crenshaw, Ware & Martin, PLC is pleased to announce that **Alyssa Carducci Embree** has become an associate in our firm. Mrs. Embree earned her law degree from Tulane University Law School and her undergraduate degree from Boston College. She focuses her practice on commercial real estate, public sector and project finance.

Crenshaw, Ware & Martin, PLC is pleased to announce that Amy Taipalus McClure has become an associate in our firm. Mrs. McClure earned her law degree from Georgia State University College of Law and her undergraduate degree, cum laude, from Florida State University. She focuses her practice on commercial litigation, eminent domain, bankruptcy and creditors' rights in both state and federal courts.

Crenshaw, Ware & Martin, PLC is pleased to announce the inclusion of five attorneys in the 2009 edition of Virginia Super Lawyers[®]. James L. Chapman, IV was recognized in the field of Transportation and Maritime; Timothy A. Coyle in Government, Cities and Municipalities; Howard W. Martin, Jr. in Real Estate: Donald C. Schultz in Bankruptcy and Creditor/ Debtor Rights; and **Ann K. Sullivan** in Employment and Labor. In addition, four of our attorneys have been selected as Virginia Rising Stars 2009[®]. Delphine G. Carnes was named in the field of Tax; Elaine Inman in Employment and Labor; W. Ryan Snow in Business Litigation; and Shawn A. **Voyles** in Civil Litigation Defense.

Huff, Poole & Mahoney, P.C. opened a downtown Norfolk office on July 1st. The office is at Main Street Tower, 300 East Main Street, Suite 140, Norfolk, VA 23510.

Michael L. Goodove, a partner with the Norfolk law firm of **Rabinowitz**, **Swartz**, **Taliaferro**, **Swartz & Goodove**, **P.C.** was recognized as a Virginia Super Lawyer in 2009, in area of personal injury law by the Law and Politics Magazine. The top 5% of

lawyers were recognized as Super Lawyers. Mr. Goodove specializes in personal injury law.

John M. Cooper of the Virginia Beach firm of Shapiro, Cooper, Lewis & Appleton, P.C. has been appointed to serve as designated legal counsel for the Transportation Communications International Union (TCIU). TCIU is a major railroad workers' union and has membership including train car repairmen/inspectors and clerks who work for the major rail carriers throughout the United States, such as Norfolk Southern and CSX. Mr. Cooper's practice focuses exclusively on personal injury and wrongful death cases, primarily on behalf of railroad industry employees under the Federal Employers Liability Act (FELA).

Troutman Sanders LLP is pleased to announce the addition of **Ethan G. Ostroff** as an associate in its Complex Litigation practice group in Virginia Beach. Ostroff comes to Troutman Sanders from Vandeventer Black LLP, where he was an associate from 2006 until he joined Troutman Sanders. Ostroff's practice will focus on general and commercial litigation, with an emphasis in consumer finance litigation. Specifically, he will represent various entities in construction, maritime, commercial lease and business torts litigation. Ostroff is a member of the Virginia Beach Bar Association; the American Bar Association; the Federal Bar Association; the Norfolk Portsmouth Bar Association, where he serves on the Young Lawyers Committee; and the Virginia Bar Association, where he is co-chair of its Dis-aster Legal Assistance Committee of the Young Lawyers Section. Additionally, he is a member of the Virginia State Bar and the Virginia Association of Defense Attorneys, Ostroff is a member of the board of directors of for For Art's Sake. Prior to working at Vandeventer Black, Ostroff served as a law clerk to the Hon. H. Thomas Padrick Jr., the Hon, A. Bonwill Shockley, and the Hon. Frederick B. Lowe of the Virginia Beach Circuit Court and as an intern to the Hon. Richard W. Roberts, U.S. District Court for the District of Columbia. Ostroff received a B.A., summa cum laude, in philosophy from Emory University, a M.Phil. from the University of Memphis, and a J.D., cum laude, from American University.

Troutman Sanders LLP is pleased to announce the addition of **Megan E. Burns** as of counsel in its Complex Litigation practice group in Virginia Beach. Burns comes to Troutman Sanders from Williams Mullen. where she was a partner from 1998 until she joined Troutman Sanders. At Troutman Sanders, Burns' practice will focus on creditors' rights with an emphasis on bankruptcy and representation of financial institutions and fiduciaries in complex commercial litigation, primarily in federal court. She also handles matters involving government contract financing and primesubcontractor disputes. Burns is a member of many legal organizations, including the American Bankruptcy Institute, as well as the American Bar, Federal Bar, Norfolk and Portsmouth Bar, Tidewater Bankruptcy Bar, Virginia Bar and Virginia Beach Bar associations. Burns is a member of the Tidewater Area Service Contractors group and serves on the Tidewater Government Industry Council. Additionally, she serves as secretary for the Organization of Women in International Trade and as on the Board of Directors for Girls on the Run of South Hampton Roads. Prior to working at Williams Mullen, Burns was an associate with Kaufman & Canoles, PC, and served as a clerk for Judge Rebecca Beach Smith. Burns received a B.A. from the University of Virginia, and a J.D. from the College of William & Mary School of Law, where she was an editor of the William & Mary Law Review and member of the Order of the Coif.

Troutman Sanders LLP is pleased to announce that 46 of its lawyers have been selected for inclusion in the 2009 Law & Politics' Virginia Super Lawyers. For inclusion as a "Super Lawyer," attorneys are selected by their peers based on balloting. research and blue-ribbon review process. This year, Law & Politics sent out thousands of 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 certain criteria, such as peer recognition, professional achievement, civic service and pro bono activities. Ranking in the top five percent of active, licensed

(Continued on page 5)

(FIRM ANNOUNCEMENTS CONTINUED)

attorneys, Troutman Sanders' 2009 Virginia Super Lawyers who are also NPBA members are: Thomas F. Betz, Jr., Jeffrey H. Gray, and David H. Sump.

Troutman Sanders LLP is pleased to announce that 21 of its lawyers have been selected for inclusion in the 2009 Law & Politics' Virginia Super Lawyers – Rising Stars. For inclusion as a "Rising Star," attorneys are selected by the most recent group of "Super Lawyers" and independent research. Super Lawyers are asked to vote for leading attorneys who are either 40 or under, or who have been practicing 10 years or fewer. They are also instructed to vote for lawyers they have personally observed in action. Only 2.5 percent of Virginia attorneys are named Rising Stars. One of Troutman Sanders' 2009 Virginia Rising Stars who is also an NPBA member is Robert P. Beaman, III.

Bruce T. Bishop, an attorney with Willcox & Savage, has been recognized as a leading practitioner in litigation law in the 2009 edition of Chambers USA. Bishop is recognized nationally for his defense of toxic torts and products liability claims. He is regularly called on to address the medical issues associated with toxic tort litigation in courts throughout the United States. He is also a regular presenter before the Defense Research Institute on issues pertaining to toxic tort defense.

WELCOME NEW NPBA MEMBERS

Alyssa Embree

Crenshaw, Ware & Martin, P.L.C.

Tonye Epps Duncan G. Byers, P.C.

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Andrew R. Page

Regent University law student

R. Melissa Yatko

Regent University law student

Message from the Young Lawyers' Section

By Kevin P. Greene, Chair

I am honored to serve as Chair of the Young Lawvers Section and look forward to an excellent year. The YLS expects to continue many of its traditional programs and seek new oppor-



Kevin Greene

tunities to serve young lawyers and the NPBA as a whole. Please contact me at kgreene@wilsav.com if you are interested in learning more about the YLS.

Special thanks to Caryn West who served as YLS Chair for over 18 months as the YLS moved its election cycle to correspond with the other NPBA committees. Under her exceptional leadership, the YLS strengthened its existing programs and developed new opportunities for young lawyers and for all members of the NPBA. She also attracted many new young lawyers to the YLS Committee. We are grateful to her for her service and look forward to her wise counsel and continued participation in YLS and NPBA events.

YLS ANNUAL GOLF EVENT

The YLS hosted its annual golf event on June 25, 2009 at Bide-A-Wee Golf Course. Over 70 attorneys attended the event and enjoyed a wonderful afternoon of golf and good company. Those who especially enjoyed the day included:

1st Place: Bob Barry, Rick Mapp,

Victor Grannox, and Pat Yockey

2nd Place: Jim St. Clair, Bob St. Clair,

Mike Davis, and James Spencer

3rd Place: Don Schultz, Jeremy Starkey,

and Bill Young

Longest Drive: **Bob Barry**

Closest to the Pin: Ben Crumpler

As usual, the YLS intends to make a gift to the Norfolk Law Library with the proceeds from the event. Thanks to all who

participated, and special thanks to the event sponsors:

- Clarke, Dolph, Rapaport, Hull, **Brunick & Garriott, PLC**
- Vandeventer Black LLP, and
- Willcox & Savage, P.C.

SUMMER SOCIAL

The YLS joined with the Membership Committee to host a summer social on July 9, 2009 at Vandeventer Black. The event was sponsored by:

- Farm Fresh
- LexisNexis
- **Towne Bank**
- Vandeventer Black LLP

BREAKFAST WITH THE BENCH JULY 21 at 7:30 a.m.

Mark your calendars for Breakfast with the Bench at Mom's Kitchen on July 21, 2009 at 7:30 a.m. Our guest judge is the Hon. Jerrauld Jones. This is an excellent opportunity to introduce your summer associates to a member of the judiciary. RSVP for this event to npba@visi.net or call 622-3152.

(SEE ENCLOSED FLYER)

TIDES GAME JULY 30, 2009 at 12:15 p.m.

The YLS has reserved a block of tickets for the Tides game at Harbor Park on July 30, 2009 at 12:15 p.m. Tickets are \$10 each, and space is limited. Please contact Josh Baker at jeb@emdomain.com or 622-5812 to reserve your ticket.

(SEE ENCLOSED FLYER)

RUFFNER MIDDLE SCHOOL MENTORING PROGRAM

The Ruffner Middle School Mentoring Program is set to begin in earnest this fall. We are looking for volunteers to serve as mentors. Please contact Gretchen Baker at 446-8530 for additional details.

(SEE ENCLOSED FLYER)

The CLE Season Is Upon Us

Look no further than NPBA to get the credits you need at a price you can afford. Watch your email and check our website for the latest news on the seminars we have to offer. www.norfolkandportsmouthbar.org/

FROM THE ANNUAL DINNER



Jeffrey L. Stredler, *President-Elect*, John L. Deal, *Past President* and David W. Lannetti, *President*



NPBA Foundation Scholarship judge, The Honorable Joseph Massey, with scholarship winners, Jingshi Jiang and Courtney Sump



John Deal and David Lannetti with Eggleston / l'Anson recipient Howard Martin



David Lannetti presented a plaque to John Deal to commemorate his service to the bar association



Nicole Harrell accepts the Walter E.Hoffman Community Service Award



Lee Ann Avery accepts the Liberty Bell Award

JIM LEWIS

and his firm welcome forming a co-counsel relationship with you for serious injury, wrongful death and malpractice cases.

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COURT NEWS

The Honorable **Lauri D. Hogge** has been re-elected as the Chief Judge of the **Norfolk Juvenile and Domestic Relations District Court** for a two-year term effective, July 1, 2009.

Norfolk Circuit Court

A Regional Judges Conference will be held on Friday, September 18, 2009. There will be no docket that day. Thursday, September 17, 2009, will be a criminal sentencing day and a civil motions day.

There is a general election on Tuesday, November 3, 2009, and pursuant to Article II, Section 9 of the Constitution of Virginia, no voter shall be compelled to attend court as a suitor, juror, or witness during the time of any election. Therefore, the only criminal cases that may be put on the docket that day are guilty pleas and motions that will not require the testimony of any

witness. The only civil cases that may be put on the docket that day are uncontested divorces in which the defendant has signed a waiver, appeals of the denial of concealed weapons permits, and motions that will not require the testimony of any witness.

There will be no jury trials on Monday, November 30, 2009 or Tuesday, January 19, 2010. These are the first days court will be in session after four day weekends and experience has taught us that few cases set for trial by jury on such dates actually go to trial. Summoning in jurors on those days involves inconvenience to the jurors and an unnecessary expenditure of public funds. Tuesday, December 15, 2009, is the last date on which jury trials may begin this year (with the exception of one civil case already set to begin on December 16), and jury trials will recommence on Tuesday, January 5, 2010.

WHY YOUR RSVP IS IMPORTANT

Although we do our best to accommodate everyone who attends an event, not sending in your RSVP (or not attending when you do) greatly impacts our space, food, beverage, and budget considerations. Thank you for responding prior to RSVP deadlines so that we can continue to offer these great events.

Refund/Cancellation Policy:

Refunds will not be given for last-minute cancellations or no-shows.

FIRST ANNUAL SUMMER SOCIAL A HUGE HIT!

The Bar Association held its first annual Summer Social on Thursday, July 9, 2009. Well over 100 NPBA members and potential new members attended, consisting of lawyers, summer associates, judicial law clerks, and law students.

An abundance of food, never-ending flow of cold beverages, and superb view of the recently refurbished Town Point Park guaranteed great conversation, fellowship, and new acquaintances. A vital part of our Association is the opportunities it offers for our members to socialize and get to know one another better, and this event certainly didn't disappoint in that regard.

The Young Lawyers Section and the Membership Committee deserve high praise for putting on such a great event. A special thanks also goes to the sponsors of the Summer Social—TowneBank, Lexis-Nexis, and Farm Fresh—and to the host of the event, Vandeventer Black LLP. We hope more of you take advantage of future NPBA social opportunities, and that we will see you at next year's Summer Social, if not before then.

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NPBA RUFFNER ACADEMY MIDDLE SCHOOL MENTORING PROGRAM

The Program: The Ruffner Academy Mentoring Program ("RAMP"), an initiative of the Norfolk & Portsmouth Bar Association ("NPBA") Young Lawyers Section, the UP Center and the Ruffner Academy Middle School Guidance Department, will begin at Ruffner in September 2009. Ruffner is located off Tidewater Drive, mere minutes from downtown Norfolk.

The Mentees: Bright, dedicated, at-risk **6th, 7th, and 8th grade students** at Ruffner Academy Middle School.

The Mentors: Local members of the Bar, members of the Bench, law enforcement officers, and other professionals in and around Norfolk.

The Commitment: After passing a no-cost background check facilitated by the UP Center and attending a brief mentor training session, mentors will be paired up with one student and will be expected to visit the student at the Ruffner campus **for one hour, twice per month** (with the opportunity for more contact at the mentor's election). The UP

Center will lend its expertise in making mentor/mentee matches and will be available and involved throughout the year to facilitate the mentor/mentee relationship.

The Mentoring: Generally speaking, the substance of "mentoring" really amounts to spending time with the student and providing a positive role **model** where one otherwise might not exist. Mentoring is not limited to, but can include: assisting with homework; participating in educational or athletic activities; attending the student's athletic games or extracurricular performances: and/or having lunch together in Ruffner's cafeteria. If a prospective mentor is unable to make this commitment, the school's pre-existing "Boys to Men" program offers less time-intensive opportunities for local professional men to become involved.

The Timeline: In order to afford the UP Center sufficient time to coordinate background investigations, mentors must be identified no later than the beginning of July 2009. Mentors will be required to attend a brief (approximately two hour) training session in July or August 2009. There will be a kickoff event at Ruffner in mid-September 2009. The RAMP program will run with the school year from September 2009 through May or June 2010 and conclude with an end of the year mentee awards ceremony.

This program is a very meaningful way for members of the local professional community to give back to local youth. To paraphrase the words of a local Norfolk Circuit Court Judge (who already has committed to be a mentor), "This program is long overdue." Ruffner's location close to downtown Norfolk lends itself to flexibility and ease of participation in this program for those located in the Norfolk area. Please consider donating your time to this worthwhile effort. If you are interested in participating or would like more information, contact **Gretchen Baker** by e-mail at **gbaker@vanblk.com** or by phone at 446-8530.



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