

BAR BULLETIN

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March-
April 2007

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PRESIDENT'S MESSAGE

How quickly a year goes by! This will be my last opportunity to write the President's Message. The May/June message will be written by your then new president Don Schultz. He and the other new officers and executive committee members will be invested at the **Annual Meeting** at the **Town Point Club** on **May 17th**. I hope to see as many of you there as can make it. That is also when the Eggleston/I'Anson Professionalism and Walter E. Hoffman Community Service Awards and the NPBA Foundation Scholarship Awards will be presented.

Here is a quick review of some of the year's highlights and remaining events:

The **CLE Committee** continues to provide a valuable membership benefit, producing outstanding programs, including a joint session with the Virginia Beach Bar Association.

The **Courts of Justice Committee** has been active in seeking action by the City to ensure that Norfolk gets a new courthouse complex that justice and the public safety require. The city administration and elected officials have now committed funds and begun concrete planning for the future courts complex. Senior officials have met with Don Schultz and invited input from your bar association. This will be a major project for the city, the courts, and our association for years to come.

The **Young Lawyers Section** has conducted a number of events that bring the bar together and has the golf tournament scheduled for June 21st and the next "Breakfast with the Bench" with Norfolk Circuit Court Judge Thomas April 25th.

The **Public Relations Committee** is considering nominations for the Walter E. Hoffman Community Service Award. They are again sponsoring our **Annual Food Frenzy** for the benefit of the Foodbank of Southeastern Virginia. Virginia AG Bob McDonnell was so impressed with our program, he convinced the VBA to go statewide with it. The Committee is also again sponsoring the **Model Judiciary Program** in four Norfolk middle schools and mock trials to be held in March in Norfolk Circuit Court.

The **NPBA Foundation** had a very successful fundraising year—the best ever for the Foundation, which has permitted the Foundation to expand its programs beyond the very successful **scholarship program**. The Foundation has contributed both financially and to the planning for a special program **April 10th at the Virginia Contemporary Arts Center** on the **Magna Carta**. The Foundation has also worked on a joint venture with Regent University to produce a "**Law School for Journalists**" program on **April 20th**. Topics include civil and criminal procedure, reporters' rights and liabilities, lawyers' ethical obligations, and access to court proceedings. Many of your fellow members are participating as presenters or panelists. Your continued financial support for the Foundation is critical to its mission and will be a continuing challenge to both the Foundation and the Bar Association.



James A. Metcalfe

(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, March 15, 2007 • 11:45 AM
Hits at the Park, Harbor Park
Speaker: R. Bruce Bradley

Residential Real Estate Transactions CLE
Tuesday, March 22, 2007 • 1:00 PM
Dominion Tower, 4th Floor Meeting Room

Attacking & Defending Expert Witnesses CLE
Thursday, March 29, 2007 • 1:30 PM
Dominion Tower, 4th Floor Meeting Room

Ninth Annual Bench Bar Conference
Tuesday, April 17, 2007 • 8:30 AM
Keynote Speaker: Hon. Mark R. Warner

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(PRESIDENT'S MESSAGE CONTINUED)

The **Bench Bar Committee** has another outstanding **Bench Bar Conference** on **April 17th** and former Governor Mark Warner will be our keynote speaker.

The **Judicial Endorsements Committee** has had a very busy year. The Committee conducted thorough reviews and made recommendations for a new substitute Juvenile and Domestic Relations Court judge (**Andy Protogyrou** was appointed by the Circuit Court), for the J&DR judgeship created by Judge Joan Skeppstrom's retirement and for the Circuit Court judgeship created by Judge Lydia C. Taylor's retirement. **Lauri D. Hogge** and **Karen Burrell** respectively were selected by the General Assembly.

As always the work of your bar association is really carried forward by you and your colleagues working on the various committees. If you are not active, join a committee in the new year. We have enclosed a flyer in this issue asking for volunteers for committee service.

Judicial Selection Process: One of the more important aspects of your bar association was highlighted in the recent judicial selection process. The local news reported extensively on the process for the filling of the two Norfolk judgeships and the re-appointment of a Portsmouth circuit judge and suggested that the process needs to be changed. Whether you believe it needs to be changed or should remain as it is, there are two issues about which I think we as lawyers and a bar association should be deeply concerned. One is the **selection of qualified candidates**. The other is ensuring the **independence and impartiality of the bench**.

The NPBA in the selection process: At the request of our local delegates (most recently Senator Rerras as the senior member of the party in power in the General Assembly), the Judicial Endorsements Committee, chaired by Ray King, a past president, has admirably and professionally performed arduous public service in reviewing the various candidates' qualifications and making recommendations. Here is quick summary of their work on the two most recent appointments.

In each case the committee reviewed the applications submitted by each of the candidates, gave notice to you, the members of the NPBA, and received your comments, and then interviewed each of the eight candidates for the J&DR judgeship and the ten candidates for the circuit court judgeship. After the committee had carefully examined and deliberated the relative professional merits of the various candidates, the chair wrote to Senator Rerras a fair and straightforward report (highly qualified, qualified, or not recommended). The committee report also went to all the members of the local delegation, as well as the Chief Judge of the Norfolk Circuit Court. I believe that this deliberate and careful examination of the qualifications of the various candidates, together with a fair and straightforward recommendation to our elected representatives, is an appropriate way to provide the decision makers with the considered and informed judgment of the experienced and indeed distinguished members of the NPBA Judicial Endorsements Committee and the bar.

The recent public debate concerning judicial appointments has illustrated the importance of an independent and impartial judiciary. The Association has worked diligently to provide a fair and impartial process to assist elected officials in judicial selection. Whether or not you believe the system should be changed, you should give these matters your consideration. In the long run, we all benefit from an independent and impartial judiciary. Make your voice heard by being an active participant in your Association.

NINTH ANNUAL BENCH BAR CONFERENCE

TUESDAY, APRIL 17, 2007

KEYNOTE SPEAKER: FORMER GOVERNOR MARK R. WARNER

Mark Warner was born in Indiana in 1954. He earned his undergraduate degree from George Washington University and his law degree from Harvard University. Warner served as Governor from 2002-2006. His administration inherited \$6 billion in budget shortfalls and ended with a surplus that allowed investments in



education, care for Virginia's most vulnerable citizens and Chesapeake Bay cleanup. Warner did this by cutting budgets, finding

efficiencies and making business-like reforms. He took on modernization of Virginia's tax code to promote fairness, long-term fiscal integrity and the preservation of core services. Warner serves as Honorary Chair of Forward Together, whose mission is to recruit and elect a new generation of leaders across America.

We are honored to have the Hon. Mark R. Warner as the Keynote Speaker for the Bench Bar Conference.

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MARCH LUNCHEON MEETING

Thursday, March 15, 2007

Hits at The Park, Harbor Park

11:45 AM



Speaker: R. Bruce Bradley

Executive Vice-President

*Landmark Communications and
President, Landmark Publishing Group*

Bradley has been president of the Landmark Publishing Group since 1999. Until 2000, he was also president and publisher of The Virginian-Pilot, where he began his newspaper career in 1974. At the Pilot, Bra-

dley served as general manager and director of advertising. Previously, he held various executive advertising and marketing positions at the Greensboro (NC) News & Record, the Roanoke (VA) Times & World News and the Ledger-Star.

Bradley has served on the board of directors of the Newspaper Association of America, as well as on the boards of the United Way of South Hampton Roads, the Virginia Symphony, WHRO Foundation and several other organizations. Bradley holds an M.B.A. from Old Dominion University and a B.S. in business administration from Villanova University. From 1971 to 1974, he was a lieutenant junior grade in the United States Navy.

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ANNOUNCEMENTS

Huff, Poole & Mahoney, P.C. is pleased to announce the addition of **Natalia C. Wilson** as an associate to the firm's Domestic Relations practice group in Virginia Beach. Wilson's practice will focus on divorce and family matters. Wilson earned her bachelor's degree from The University of Virginia, and her juris doctorate from American University, Washington College of Law.

Kaufman & Canoles, P.C. is pleased to announce that the following attorneys were selected for inclusion in *Virginia Business Magazine's* 2006 Legal Elite:

Deborah C. Albiston
Elizabeth J. Atkinson
Stanley G. Barr Jr.
Robert J. Barry
Elaina L. Blanks
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Stephen E. Noona
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Alfred M. Randolph Jr.
Hunter W. Sims Jr.
Stephen E. Story
William R. Van Buren III
Burt H. Whitt

The law firm of **Norris & St. Clair** is proud to announce that effective January 1, 2007 it will conduct business as **Norris, St. Clair & Lotkin**, adding **Adam H. Lotkin** as a named member of the firm. Lotkin's practice is in the areas of personal injury, employment law, civil rights, criminal defense and malpractice litigation. Lotkin was recently named a young Super Lawyer by *Virginia Business Magazine*. Lotkin, a member of the Virginia Bar, is also licensed to practice in California and Washington, D.C. The firm is also pleased to announce the addition of **Patrick S. Gershon** as an associate attorney. Gershon, a licensed architect, is a graduate of Regent University Law School, *cum laude*. His practice will focus on construction law and commercial litigation.

Michael Goodove was selected a 2007 Super Lawyer and as a Rising Star as one of the Top Young Lawyers in Virginia in the area of plaintiff's personal injury law by the Law and Politics Publication. The selection was based upon peer recognition and professional achievement. Michael practices personal injury law in Norfolk with the law firm of **Rabinowitz, Swartz, Taliaferro, Swartz & Goodove**.

Richard J. Serpe is pleased to announce the formation of the **Law Offices of Richard J. Serpe, P.C.** Mr. Serpe will be joined by **Cindra M. Dowd**. The Norfolk firm will focus on complex litigation, including toxic tort and personal injury litigation.

Troutman Sanders LLP is pleased to announce that **Christopher A. Abel**, a member of Troutman Sanders' Transportation, Complex Litigation, and Labor & Employment practice groups, who has been with the firm since 2004, has been elected partner. Prior to joining the firm, he was a partner at Williams Mullen from 2001 to 2004, a partner at Crenshaw, Ware & Martin from 1995 to 2000 and a Commander in the United States Coast Guard, where he served as a commissioned officer from 1979 to 1995. His transportation practice is focused on admiralty and maritime law, where he represents a broad range of clients in both the commercial and recreational marine fields. In the area of complex litigation, he deals routinely with a broad spectrum of general business and commercial litigation, including construction work, government contract disputes, business conspiracies, industrial espionage, computer torts, misappropriation of intellectual property, and non-competition issues. As a labor and employment counsel, he represents and advises both public and private employers across the full range of human resources and employment law and practice, including discrimination and harassment matters, employee grievances and discipline, pay, benefit, and pension concerns, and hiring, retention, discharge, and post-termination issues. He also serves as adjunct faculty, teaching employment law, at the College of William and Mary. He obtained a J.D., Order of the Coif, in 1990 from the College of William and Mary, a M.A. in 1985 from Old Dominion University, and a B.S., with honors, in 1979 from the U.S. Coast Guard Academy.

Troutman Sanders LLP is pleased to announce that **Thomas F. Betz Jr.** was inducted into the Virginia Law Foundation's 2007 Class of Fellows. Induction as a Fellow is an honor conferred on selected Virginia attorneys, law professors and retired members of the judiciary by the VLF Board. These individuals are inducted based on the Board deeming them as outstanding in their profession and in their community. Membership is limited to one percent of the active and associate memberships of the Virginia State Bar, and currently numbers 347. Thomas F. Betz is managing partner for the firm's Virginia Beach and Norfolk offices, and is a member of the Commercial Development and Real Estate Investments

practice group. His practice focuses on real estate loan transaction matters, such as commercial and real estate lending, loan workouts and restructures, industrial park development and sales, acquisition and sale of office buildings and shopping centers, and negotiation of shopping center leases. Additionally, he represents athletes and sports figures with negotiating endorsement and contractual arrangements. Betz received a J.D. from the University of Richmond in 1962 and a B.S. from Virginia Tech in 1960. After graduation from law school, he served in the U.S. Air Force as a Judge Advocate from 1962-1965.

Troutman Sanders LLP is pleased to announce attorneys selected for inclusion in the *Virginia Business Magazine 2006 Legal Elite*.

Christopher A. Abel
Thomas F. Betz Jr.
Michael J. Gardner

Vandeventer Black attorney **Richard H. Ottinger** received the Virginia Bar Association (VBA) Young Lawyers Division's prestigious Sandra P. Thompson Award at the VBA Annual Meeting. The award recognizes an individual for outstanding work and long-term service to VBA. Ottinger concentrates his law practice in commercial litigation with a particular focus on products liability defense, as well as commercial and private property disputes and is based in Vandeventer Black's Norfolk office. Ottinger received a B.A. from Boston University and a J.D. from The College of William & Mary School of Law. He is a 2002 graduate of the Sorenson Institute of Political Leadership. Ottinger has also received the Virginia State Bar's prestigious R. Edwin Burnette, Jr. Young Lawyer of the Year award and the Norfolk & Portsmouth Bar Association's Walter E. Hoffman Community Service Award. He was selected as one of Hampton Roads' Top Forty Under Forty for 2002 by *Inside Business* magazine and as one of "Virginia's Legal Elite" Young Lawyers by *Virginia Business* magazine. Richard was also recognized as a VBA Community Servant Charter Member.

The law offices of **Vandeventer Black LLP** are pleased to announce that **Joy Weber** has joined the firm. Weber concentrates her practice in employment and benefits matters as well as corporate and commercial transactions. Weber earned her J.D. (*summa cum laude*) from Regent University School of Law, where she graduated as valedictorian and served as Managing Editor of the Law Review. Among other honors, Weber received the 2006 Outstanding Scholastic Achievement Award

and the National Association of Women Lawyers' Outstanding Graduate Award. She earned her B.S. in Labor Studies from Pennsylvania State University, University Park. Prior to her law career, Weber worked as a Health and Welfare Consultant with Aon Consulting's Employee Benefits Division. She has earned the Certified Employee Benefits Specialist (CEBS) designation.

Willcox & Savage is pleased to announce attorneys recognized in the 2007 edition of *Virginia Super Lawyers Rising Stars*. This designation is given to only 2.5 percent of all attorneys in Virginia.

Kevin P. Greene
Henry J. Huelsberg, III
Michael R. Katchmark
Timothy M. McConville
John D. McIntyre

Willcox & Savage is proud to announce that **Brett A. Spain** has been elected as a shareholder of the firm. Brett practices in our Commercial Litigation group and focuses on media law, municipal law and complex litigation. Brett graduated from the University of Virginia School of Law in 1999 and received his B.A. from the University of Virginia in 1995.

Matthew S. Sheldon has joined **Williams Mullen** as an associate in the Litigation

Section in Virginia Beach. His practice focuses on general commercial litigation matters, including business and contract disputes, as well as construction litigation. Sheldon received his Bachelor of Arts degree in history from the College of William & Mary and his juris doctor degree from the Marshall-Wythe School of Law at the College of William & Mary.

Williams Mullen, Virginia's third largest law firm, and **Maupin Taylor, P.A.**, North Carolina's oldest law firm, have signed a letter of intent to combine the firms. The resulting firm will be one of the largest in the Southeast with 300 attorneys. The combined firm will operate offices in Raleigh,

Research Triangle Park and Wilmington, NC; Charlottesville, Newport News, Norfolk, Richmond, Tysons Corner, Virginia Beach and Portsmouth, VA; Washington, DC; and London.

Williams Mullen attorneys have been recognized as *Virginia Super Lawyers Rising Stars* by publisher Law & Politics. The *Virginia Super Lawyers Rising Star* list, published for the first time in January 2007, comprises the top attorneys who are either 40 or under or who have been practicing 10 or fewer years.

Adam Casagrande
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MESSAGE FROM THE YOUNG LAWYERS' SECTION

By Andrew R. Fox, Chair

Greetings to all during these cold winter days! The Young Lawyer Section continues to roll along with our 2006-2007 agenda, with several great events still to come.



Andrew Fox

Our Breakfast with the Bench series continues to be extremely popular with our young and more seasoned attorneys alike. On February 22, we were honored to have U.S. District Judge Walter D. Kelley with us. Judge Kelley shared his unique perspective on complex civil and criminal litigation in the "Rocket Docket." Thanks again to Judge Kelley and his chambers for being with us, to Derek Myers for coordinating the event, and to Phillip Decker and his staff at D'Egg Diner for their hospitality. On **April 25, 2007**, we will hold our third **Breakfast with the Bench** event with the Honorable Norman A. Thomas of the Norfolk Circuit Court, also at D'Egg at 7:30 a.m. We look forward to seeing you there!

Turning to warm thoughts of summer, hopefully everyone has marked their calendars for the **NPBA Young Lawyer Section Golf Tournament** on **June 21, 2007**. We return to Bide-a-Wee Golf Club in

Portsmouth, where Andy Giles and his staff have been terrific hosts in the past. The Young Lawyer Golf Tournament is a great opportunity to get out of the office (or chambers – we're hoping to be joined by some of our local judiciary this year as well) and spend a summer afternoon with colleagues out on the course. The Young Lawyer tournament has also historically been a chance to showcase the collegial spirit of our local bar to summer associates, interns, and law clerks – in other words, a chance to show them why we enjoy the practice of law in our region so much. We've set the price for this year's tournament at \$85 per person, which includes 18 holes and a cart, unlimited driving range balls, beverages on the course, and the post-tournament barbecue (always a big hit). This is a great deal! Even better, in order to increase participation, we're offering a \$10 per golfer discount this year for those who pre-register by June 7. To register, contact veteran tournament coordinator Kevin Greene or his assistant Pat Erickson at 628-5653 or kgreene@wilsav.com.

The other purpose of our Golf Tournament is to raise funds for the Norfolk Law Library. Crucial to this effort are sponsorships. Young Lawyer Committee members are currently hard at work secur-

COURT NEWS

You are cordially invited to acknowledge and celebrate the retirement of

The Honorable Joan C. Skeppstrom

March 23, 2007

Reception 2 pm Presentation 3 pm

Norfolk Juvenile Court - 1st Floor

District Court Judges' Spring Conference

The Conference is scheduled for April 24, 2007. The JDR Court will have two Courts in session on both days for overnight arrest cases and for emergency cases only.

Portsmouth Circuit Court Civil Docket Control Procedures

Civil Docket Control Procedures have been adopted by the Circuit Court Judges and will be placed on their web site and available at: www.courts.state.va.us/courts/circuit/Portsmouth/home.

ing sponsorships from vendors and service providers to the legal community. However, we need your firms to sponsor our event as well. Law firm sponsorships are \$250. Sponsoring firms will receive a sign on the course as well as recognition in the tournament program, the Bar Bulletin, and the Law Library annual report. Please contact Kevin and sign your firm up as a sponsor today, and we'll see you on the golf course!

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.

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NPBA FOUNDATION REPORT

By Anna H. Myers • President, NPBA Foundation

Greetings from your Foundation! 2007 has had a busy beginning for the Foundation. Our Scholarship Essay Competition is underway. This year's topic will prove to be both challenging and informative to high school seniors. Students are asked to determine under what circumstances school officials have the ability to censor "free speech" of students. We are again grateful to Bob Powell for his stellar crafting of the topic. Scholarship application materials are posted on the NPBA website for wide dissemination to prospective applicants.



Anna Myers

We are collaborating with Regent University to present a **Law School for Journalists Friday, April 20, 2007**. This program will be open to journalists and attorneys and will address media coverage of legal issues from a wide range of topics from civil procedure to cameras in the courtroom to ethical constraints. A panel of distinguished judges will offer perspectives from the bench. Bob Timms chairs this subcommittee.

We have provided sponsorship for a panel discussion on the

relevance of America's formative documents to modern life. This is an event planned by the NPBAF and Virginia Beach Bar Association in conjunction with the visit of the **Magna Carta** and exemplars of the Declaration of Independence, the Emancipation Proclamation and women's suffrage documents to the Virginia Contemporary Arts Center. The program will be held on **Tuesday, April 10, 2007**.

The Foundation is proud to announce Charter Fellows, Law Firms and other major contributors:

Charter Fellows

Leroy T. Canoles, Jr. Lester Shields Parsons, Jr. (1918-2006)
E. Leslie Cox Toy D. Savage, Jr.
James A. Metcalfe Guilford D. Ware

Charter Law Firm Fellows:

Vandeventer Black, LLP

Partners:

David A. Buzard James A. Harvey, III Jeffrey R. Russell

Counselors:

Christine H. Buchanan Hon. James S. Mathews

Further recognition of these generous donors is forthcoming. As always, your continued support of the Foundation is both appreciated and necessary. We continue our capital campaign and continue to accept donations at any level.



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MESSAGE OF THANKS

Words cannot express my sincere gratitude for the outpouring of friendship and support from the local legal community in the wake of my beloved husband Fred Block's passing January 11, 2007. For your generous memorial contributions to Norfolk Law Library and the American Heart Association and your kind words and gestures of concern, I am forever grateful and more proud than ever to be part of this wonderful community.

Donna Bausch