

# NORFOLK & PORTSMOUTH BAR ASSOCIATION

## BAR BULLETIN

Volume XXXVIII  
Number 2

March –  
April 2013

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See Flyers Inside for  
Event Details and  
Registration Information

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

### PRESIDENT'S MESSAGE



Gary Bryant

Over the past year the Norfolk & Portsmouth Bar Association has focused on the need for pro bono legal services in our community. The Association has established a standing pro bono committee with the goal of linking pro bono opportunities with lawyers willing to serve. By partnering with Legal Aid Society of Eastern Virginia ("Legal Aid"), the Association anticipates bringing to the attention of its members available pro bono opportunities, and helping train our members to handle these opportunities. With this system in place, what could go wrong?

In October, Legal Aid had an open house at each of its offices in Hampton Roads, and invited all of the attorneys throughout the area to visit. Sadly, the turnout was not good. Only seven attorneys showed up in the Virginia Beach office and six in the Norfolk office. The Peninsula was worse, with only two attorneys showing up in the Hampton office, and none in the Williamsburg office. Few things are more discouraging than going to the time and trouble to arrange an open house to which no one comes. And that is what can go wrong. Legal Aid can provide both pro bono training and opportunities. The NPBA can facilitate the training and make its members aware of the opportunities. But it is all for naught if few participate.

Some bar organizations solve the problem by mandating participation. With half a million people living at or below the poverty level in the state of Mississippi and with legal services funding at a dismal \$11.18 per person, the Mississippi Supreme Court changed Rule 6.1 from "voluntary" pro bono public service to "mandatory," *requiring* every attorney to render 20 hours of pro bono service per year or pay a fee of \$500 to the state bar for provision of legal services to the indigent. The Supreme Court of New York took a different approach, mandating 50 hours of pro bono services in order to become a member of the state's bar. Lawyer response to these two programs has been overwhelmingly negative. The objections can be technical, with some attorneys insisting that mandatory pro bono amounts to a confiscatory "taking" in violation of the Constitution. Others object on principle, arguing that we should not mandate what amounts to charitable services any more than we should mandate charitable giving. The New York program drew particular criticism as it was seen as nothing more than another "barrier to entry" into the legal profession. Others found the program made little sense, as it relegated the legal needs of the indigent to be handled, for the most part, by lawyers with the least experience.

Some argue that every state bar already has a rule imposing pro bono service requirements on the profession. But whether those rules are "mandatory" is subject to debate. While no other state has adopted the "mandatory" language found in Mississippi's rule, some, like Florida, have adopted mandatory reporting requirements for pro bono activities that make it difficult to ignore

(continued on page 2)

### UPCOMING EVENTS

**NPBA Luncheon**  
Thursday, March 21, 2013, 11:45 AM  
Hits at the Park, Harbor Park  
Speaker: Lauren Mehosky  
Legal Aid Society of Eastern Virginia  
and  
CLE: Self-Represented and Indigent Litigants  
immediately following the luncheon  
1 CLE Ethics Credit

**Bench Bar Conference**  
Thursday, April 4, 2013, Noon - 5:00 PM  
Norfolk Waterside Marriott  
Keynote Speaker: General William K. Suter,  
Clerk of the Court  
Supreme Court of the United States  
**NPBA Annual Dinner**  
Thursday, May 9, 2013  
Norfolk Yacht & Country Club

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### (PRESIDENT'S MESSAGE CONTINUED)

the obligation. But the vast majority of states, including Virginia, rely on Rule 6.1 of the Rules of Professional Conduct which states that attorneys "should" provide pro bono legal services or fund other organizations that do, but omitting the "mandatory" language and any reporting requirement.

While there may be many arguments against mandating pro bono service, they do not include the argument that such services are unnecessary. The need for pro bono legal services are greater now than ever before, with more and more of our population being driven below the poverty level. And everyone knows that, in light of budget cuts, the solution *is not* more government funding.

If the Virginia Supreme Court does not mandate, and the government does not further fund *pro bono* legal services, the *only* way to solve the problem is through voluntary participation by members of our bar. Many of you participated in the recent survey of our members to determine the level of participation in providing pro bono services. The results of the survey are both encouraging and instructive. While many of our members do not currently meet the aspirational goal set forth in Rule 6.1, most are willing to do so, *if* there is a coordinated effort to link lawyers with pro bono opportunities and there is sufficient training so that lawyers feel comfortable handling the types of cases making up the bulk of pro bono matters.

Legal Aid, in cooperation with our Association, may provide the opportunities as well as the training. Judges can implore lawyers to recognize and continue the longstanding "tradition" of providing pro bono legal services. Bar leaders can use their positions as a "bully pulpit" to encourage lawyers to participate in or fund pro bono activities. But whether we resolve the critical shortage of legal services for the indigent depends on the willingness of our members to help meet those needs. Our survey suggested that there are a few lawyers (happily less than 10%) that have no intention of devoting any time or funds to pro bono legal services. More than 90% of those participating were willing to devote at least some time or funds to pro bono activities, ranging from 10 to 50 hours, or the 2% suggested by the Rules of Professional Conduct. We must keep in mind that the practice of law is a privilege, and with it comes an ethical responsibility, as outlined in our Rules of Professional Conduct, to fund or provide pro bono legal services. We will solve the problem when we take the responsibility seriously.

## MESSAGE FROM THE YOUNG LAWYERS SECTION

By Bonnie P. Lane, Chair

On February 12, 2013, Judge Louis A. Sherman was the guest at the Breakfast with the Bench. A great group of young and seasoned attorneys showed up to hear him give his practice pointers and answer questions. Many thanks to Judge Sherman for sharing his time with the YLS.

Planning for YLS events this spring is underway. Currently in the works is another Breakfast with the Bench, as well as another ForKids work day, once the weather gets a little warmer. Please be on the lookout for more information as these events develop.

Please also mark your calendars for the annual NPBA YLS Golf Tournament at Bide-A-Wee. This year, it will be held on Thursday, June 27, 2013. The YLS puts on this tournament every year and it is open to the entire bar. Last year, we had a record-breaking number of participants and this year, we are hoping for another strong showing. If any firm or company would like to sponsor this event,



Bonnie Lane

or would like more information about available sponsorship opportunities, please contact David Crain at [jcrain@wilsav.com](mailto:jcrain@wilsav.com), or Johnnie Pearson at [jepearson@wilsav.com](mailto:jepearson@wilsav.com). Your support helps make this event the success that it is.

The YLS committee works hard throughout the year and is great way to introduce new attorneys to the NPBA in general and hopefully to get them more involved in the legal community. If anyone has any questions about getting more involved in the YLS, or would like to attend our monthly committee meetings, please feel free to contact me at [blane@clarkedolph.com](mailto:blane@clarkedolph.com).

**NPBA YLS Golf Tournament  
Bide-A-Wee Golf Course  
Portsmouth  
Thursday, June 27, 2013**

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## CASA in Norfolk Courts

**Taylor Denslow**

If you spend any time in Norfolk's J&DR courtrooms, you may have noticed an increased presence of court-appointed special advocates on child abuse and neglect cases. These advocates serve Norfolk's children, and the Court, through Norfolk CASA, Inc., a non-profit organization that strives to support and promote court-appointed volunteer advocacy of abused and neglected children. It trains advocates to work alongside attorneys and guardians *ad litem* and submit independent reports to the Court that detail the current status and placement of the child or children involved in the case.

The advocates strategize with you and your clients' family members and social workers to devise a solid plan for each child's future. Please introduce yourself the next time you see a CASA in the courtroom.

Also, please consider supporting Norfolk CASA by attending its upcoming concert and silent auction sponsored by Mermaids in the Basement and Norfolk's School of Rock on March 23, 2013 from 6:30 pm to 9:00 pm. Ticket proceeds go directly to the Norfolk CASA. Email me at [taylor@gandersonlaw.com](mailto:taylor@gandersonlaw.com) for ticket information.

## WELCOME NEW MEMBERS

**Jared Clay**  
 Paul Warren & Associates  
**Karen Elligers**  
**Judith M. Floyd**  
 Law Office of Judith M. Floyd  
**David B. Holt**  
 Brain Injury Law Center  
**Lisa Hudson Kim**  
 Samuel I. White, P.C.  
**Stephan J. Lipskis**  
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**Tory Delpierre**  
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## Hon. F. Bradford Stillman (Ret.)

Retired Magistrate Judge  
United States District Court  
Eastern District of Virginia

After twelve years of distinguished service, including over 500 successful settlement conferences, United States Magistrate Judge Brad Stillman has recently retired. Prior to his appointment to the bench, he enjoyed a successful civil litigation career in both Charlottesville and Norfolk, handling a variety of cases ranging from personal injury to general commercial matters. As a magistrate judge, his docket consisted largely of intellectual property, maritime, personal injury, employment, and complex commercial matters. Magistrate Judge Stillman now brings this diverse background and record of accomplishment to The McCammon Group to serve the mediation, arbitration, judge pro tempore, and special master needs of lawyers and litigants throughout the Commonwealth and beyond.

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## **MARCH LUNCHEON**

**Thursday, March 21, 2013**  
**Hits at The Park, Harbor Park**  
**11:45 AM**



**Lauren Mehosky**  
**Director of Community Engagement**  
**Legal Aid Society of Eastern Virginia**

Lauren Mehosky is the Director of Community Engagement with the Legal Aid Society of Eastern Virginia. As Director of Community Engagement, Ms. Mehosky's responsibilities include fundraising, *pro bono* coordination, public relations, marketing and development of a Medical-Legal Partnership with Children's Hospital of the King's Daughters. In addition, Ms. Mehosky is an attorney with a full caseload of the organization's identification project cases – she obtains birth certificates and government-issued identification for the area's homeless

and disadvantaged so they can obtain employment, housing or other benefits.

Ms. Mehosky has been with LASEV since 2006, and says that she found her niche in poverty law. She enjoys working on behalf of low-income clients, and strives to treat each and every client with compassion, respect and dignity, just as any other paying client would receive. Helping those who not only face legal issues, but also added stressors such as domestic violence, disability or homelessness is a challenge Ms. Mehosky is gladly willing to take on. Like other legal aid attorneys, Ms. Mehosky does not specialize in one area of law and has worked in a variety of different areas of law, including housing law, family law, consumer law, and elder law. In her time with legal aid, Ms. Mehosky has handled over 1800 cases.

Ms. Mehosky has taken this can-do attitude to her role as Director of Community Engagement and wants to raise awareness of the work done by LASEV and the benefits of that work on the community at-large. Ms. Mehosky will also discuss the need for *pro bono* work in our area, and the countless families it will benefit. Unfortunately, funding cuts threaten the work done by LASEV and help is needed from the private bar.

## **BENCH BAR CONFERENCE**

**Thursday, April 4, 2013**  
**Norfolk Waterside Marriott**  
**Noon - 5:00 PM**



**Keynote Speaker:**  
**General William K. Suter, Clerk**  
**United States Supreme Court**

William Kent Suter is the 19th and current Clerk of the Supreme Court of the United States, a position he has held for over twenty years. His responsibilities include managing the Supreme Court's docket and

calendar and overseeing the Supreme Court Bar. He also attends all oral arguments at the Court. Suter is a former major general in the United States Army. At the time of his retirement from the military in 1991, he had served for over a year as acting Judge Advocate General.

Suter is a prolific speaker about the Court. A popular figure in the national bar, he has received numerous honors for his frequent outreach efforts, including honorary degrees. He has been a leader among retired judge advocates and a mentor to hundreds of lawyers.

Still an avid basketball player, he has been known throughout his career for his love of the sport. At the Court, he's known for playing basketball with law clerks on the "highest court in the land."

In January 2013, Suter announced that he will retire at the end of the 2012-2013 Supreme Court term, on August 31.

**Please use the flyer included in this issue to register.**



## ANNOUNCEMENTS

Abrons, Fasanaro & Sceviour is pleased to announce that **Peter V. Chiusano** has joined the firm as a partner. Pete has practiced law in Hampton Roads since 1990 and will continue his family law and civil litigation practices. Pete was recently profiled as a Family/Domestic Relations lawyer in Virginia Business' Legal Elite 2012. The firm's new name is **Abrons, Fasanaro, Chiusano & Sceviour, PLLC**, and it has added an office at 760 Lynnhaven Parkway, Suite 140, Virginia Beach, Virginia 23452, 644-6789.

**Bonney, Allenberg & O'Reilly, P.C.**, a firm dedicated to federal employees' rights, is pleased to announce that **Barton N. Daniel** has joined the firm. Mr. Daniel brings his extensive experience in criminal defense and general civil litigation to the firm. He will also practice in the field of federal employment law.

**John Cooper**, a partner at the **Cooper Hurley Law Firm**, has been named as a 2013 Virginia Super Lawyer in personal injury law. Mr. Cooper has received this honor since 2010. John Cooper has 24 years of experience in personal injury law and litigation. His practice is devoted to helping

individuals hurt in car, truck, train and motorcycle accidents.

**Davey & Brogan, P.C.** is pleased to announce that **Christopher (Chris) N. Harrell** has joined the firm as an associate where his practice will focus in Admiralty & Maritime Law. Prior to joining Davey & Brogan, P.C., Chris worked for Travelers Insurance where he was responsible for managing complex first party, liability, protection & indemnity, and salvage claims. Chris received his B.A., magna cum laude, from Virginia Tech University, his M.S., with honors from the University of Maryland, and his J.D., with honors, from the University of Connecticut School Of Law.

**Peter F. Decker, III** has been reelected chairman of the Virginia Board of Corrections. Decker was appointed to the Corrections Board by Gov. Kaine, and re-appointed by Gov. McDonnell. The board members elected him chairman for a two-year term in 2010, and with re-election he will serve an additional two years as chairman. Decker focuses his practice on criminal defense, traffic law and personal injury cases.

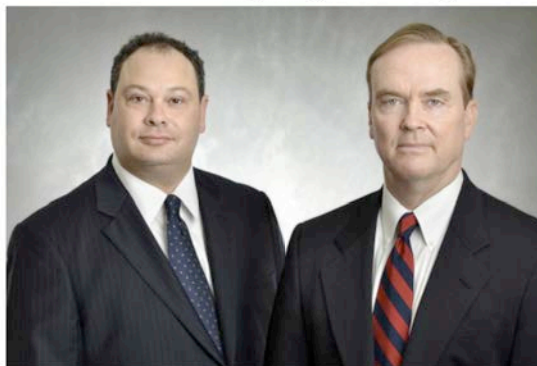
**David A. Buzard**, of counsel to **Jeremiah A. Denton III, P.C.**, has been on assignment with the U.S. Department of State, Africa Bureau, Office of Regional and Security Affairs, and posted in Kinshasa, Democratic Republic of the Congo (the former Zaire). There, he is seconded to the European Union Security Sector Reform Advisory and Assistance Mission to the Congolese Armed Forces. He recently was promoted to the position of Strategic Counsel: Inspector General and Military Justice. Mr. Buzard retired from the U.S. Navy JAG Corps Reserve in 2011, and graduated from the U.S. Army Inspector General School in 2012. He may be contacted at david.buzard@eusec-rdc.eu.

**Marina Liacouras** has been appointed General Counsel for **Elizabeth River Crossings OpCo, LLC**, the company responsible for the construction of improvements to and the operation of the Downtown Tunnel, the Midtown Tunnel and the Martin Luther King (MLK) Expressway. Prior to this appointment, Marina was a partner in the firm of Kaufman & Canoles, where she practiced environmental and administrative law.

(continued on page 7)

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(FIRM ANNOUNCEMENTS CONTINUED)

**Mark Favaloro** has been named a partner at **Shapiro, Lewis, Appleton & Favaloro**. With the firm for almost one year, he has 30 years of trial experience, including in the trial courts of the commonwealths of Virginia and Massachusetts, as well as in the U.S. District Courts and Courts of Appeal in the First and Fourth Circuits. He is recognized in the legal community as a health care defense attorney in southeast Virginia, and over the last several years has lectured to physicians and nurses on leading health care legal issues. In addition, he has served as panel moderator and panelist on Virginia Continuing Legal Education seminars, teaching Virginia lawyers on issues relating to medical malpractice cases and settlement alternatives for personal injury cases.

**Poole Mahoney PC** was named a Tier 1 Best Law Firm by U.S. News – Best Lawyers in the category of Family Law. Members of the Divorce/Family Law Group include: **Reeves Mahoney** is a shareholder and Chair of the firm's Divorce/Family Law Group. His areas of expertise include divorce/family law (with an emphasis on divorces involving substantial assets, complex equitable distribution and contested custody issues).

Mr. Mahoney has been repeatedly elected by his peers to Virginia Business' Legal Elite and Richmond Magazine's Virginia Super Lawyers list in the category of Family Law and was named one of the top 50 attorneys in Virginia. He is also included in The Best Lawyers in America and selected as Family Lawyer of the Year in 2010. Mr. Mahoney was appointed to Virginia's Child Support Guideline Review Panel by Gov. McDonnell and holds an AV rating from Martindale Hubbell. **Shantell Nashatka** is a Shareholder of the firm and has extensive experience in all facets of family law litigation, including high asset equitable distribution, military divorces, and complex custody cases. Ms. Nashatka also assists individuals in family-related settlement negotiations and has been trained to use a collaborative law model. She has been selected as a Virginia Rising Star by Virginia Super Lawyers and has been included in Virginia Business' Legal Elite in the category, Young Attorney. **Ryan Thum** is a new associate in the Divorce/Family Law Practice Group. Mr. Thum is a certified guardian ad litem and licensed to practice law in Virginia and North Carolina.

**Troutman Sanders LLP** is pleased to announce that seven of its Tysons Corner and Virginia Beach attorneys were selected as 2012 Legal Elite by Virginia Business, including NPBA member **Ethan G. Ostroff**, Appellate Law, Virginia Beach.

**Vandeventer Black LLP** is pleased to announce that partner **Anne Bibeau** has been elected President of the Hampton Roads Society for Human Resource Management (HRSHRM). The mission of HRSHRM is to engage, educate and empower professionals to be leaders in business and human resources through opportunities for lifelong learning, collaboration, and service. There are more than 550 members from the Southside and the Peninsula representing more than 300 companies. Anne focuses her practice on labor and employment law, general litigation, and tax litigation. She represents clients before federal, bankruptcy, and state courts, arbitrators/mediators, and administrative agencies, including the EEOC and NLRB. She advises clients on sexual harassment, workplace investigations, the Family and Medical Leave Act, disability law, labor relations, and other labor and employment law matters.

(continued on page 8)



We grew this year... thanks to you!



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**(FIRM ANNOUNCEMENTS CONTINUED)**

**Anthony J. Mazzeo** has joined **Vandeventer Black LLP** in Norfolk. Mazzeo concentrates his law practice primarily in government contracts, ship repair, construction, environmental and maritime law. He is licensed in Virginia, Washington, D.C., and Florida. He was commissioned as a naval officer upon graduating from the U.S. Naval Academy. He served as a surface warfare officer, then a Navy JAG for more than 20 years. As a Navy Judge Advocate, he gained significant litigation experience, managed the Department of the Navy's admiralty and maritime litigation practice, and held a number of staff judge advocate positions ashore, at sea and overseas, functioning as a "legal problem solver" for Navy executives at every level from ship/squadron commanding officer to 4-star fleet commander. He attended law school at the Florida State University College of Law under the Navy's Law Education Program, graduating with highest honors and being inducted into the Order of the Coif. While in law school, he served as Law Review articles editor and completed an internship as law clerk to Judge Robert Hinkle

in the U.S. District Court for the Northern District of Florida.

**Vandeventer Black** is pleased to announce that **Michael L. Sterling** has been named to the firm's Executive Board. The board is responsible for the day-to-day operations of the firm, and consists of five Partners. Mike has also served as chair of the firm's Practice Management Committee and is the former chair of the firm's Construction and Public Contracts Department. He concentrates his practice in construction, public contracts and local government matters, as well as arbitration and mediation. His construction practice has ranged from resolution of complex disputes involving co-generation power plants, hospitals, ships, highways and commercial buildings to residential development projects. Mike has been recognized by Virginia Business as one of the Legal Elite in the areas of Construction Law and Alternative Dispute Resolution. He has also been recognized as a Virginia Super Lawyer and as a Best Lawyer in Hampton Roads, Construction. Mike is a graduate of Lawrence University

of Wisconsin (Cum Laude) and the William and Mary School of Law (Order of the Coif). Mike is an Arbitrator and Mediator for the American Arbitration Association and focuses his mediation and arbitration skills in resolving complex construction, public contracts and business disputes.

**Willcox Savage** is proud to announce the election of a new partner effective January 1, 2013. **David A. Kushner** practices in the Labor and Employment group. He advises and represents businesses in all aspects of the employment relationship and in employment related litigation. David has recently been selected as a *Virginia Legal Elite Top Lawyer Under 40*, *Benchmark Litigation Future Star* and *Virginia Super Lawyers Rising Star*. David graduated from the University of Virginia School of Law in 2005 and received a B.A. from the University of Virginia in 2002.

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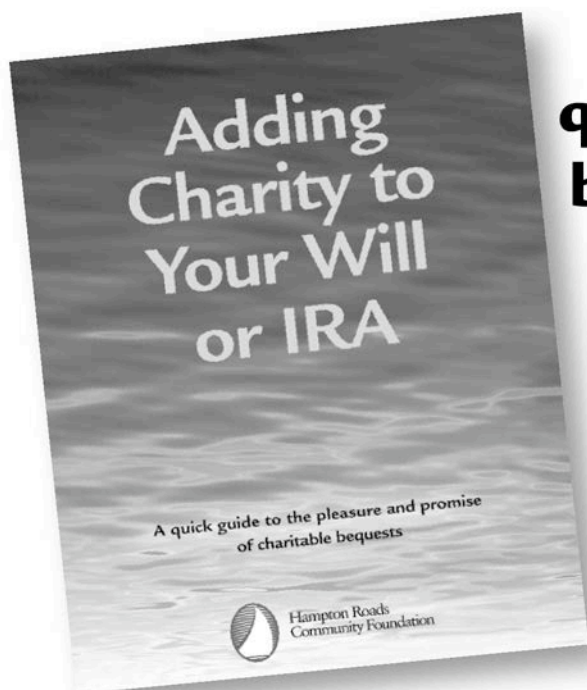
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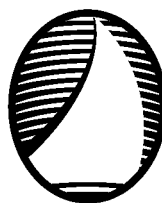
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