

# BAR BULLETIN

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# NORFOLK & PORTSMOUTH BAR ASSOCIATION

## PRESIDENT'S MESSAGE



Lamont Maddox

I've never been a cookie-cutter attorney, and I've never been afraid to try new or different things. So, it's no wonder that I relished the chance to explore innovative improvements for the NPBA when I began my term as president last May. The first such improvement was the implementation of an on-line membership renewal and registration platform for our outdated website. That new system conveniently enables members to renew their membership on-line by credit card and to register for upcoming events. This improvement has served us well and will continue to provide further benefit to our members as we build-out more features of the on-line system, such as discussion boards, photo albums, job postings, member directory, lawyer referral service, etc. Another enhancement for the NPBA was the institution of Zoom videoconferencing for live programs during COVID-19 social distancing restrictions. The Zoom videoconferencing platform allowed members to remotely and safely interact for NPBA luncheon programs, CLEs, committee meetings, the Bench Bar Conference, and YLS Breakfast With The Bench. We definitely look forward to returning to in-person events once the coast is clear from the pandemic threat, but we can still utilize the Zoom videoconferencing capability at times when beneficial to our members. We also "thought outside the box" when our normal luncheon venue at Hits at the Park temporarily closed this past Fall, and we instead ventured to host a luncheon program at the Chrysler Museum and a couple of socially-distanced luncheons at the Town Point Club. In lieu of our normal Holiday Party in December, we produced a light-hearted video message to spread some holiday cheer and gave away gift cards to randomly selected members in support of a few local restaurants. For another creative event, our Young Lawyers Section hosted a virtual wine & cheese tasting by Mermaid Winery for their Winter Social. Needless to say, it has been an extraordinary year, and the NPBA will strive to provide ever improving programs, benefits and resources to our membership for years to come.

As I pass the leadership baton to president-elect John Sawyer, I am confident that he will continue to strengthen our local bar association and enhance membership value. I want to give a heartfelt "Thanks" to our dedicated executive director, Isaac Nee-dell, the rest of our committed Executive Committee, the various hard-working NPBA committee members, and many loyal members for helping to make this year a tremendous success. It has truly been a team effort and a very fulfilling experience.

Now, stay tuned for exciting news about a valuable CLE benefit that will be added with your membership renewal!

## UPCOMING EVENTS

### 23RD ANNUAL BENCH BAR CONFERENCE [VIRTUAL] 3.0 CLE (1.0 ETHICS) CREDITS PENDING\*

Tuesday, May 18, 2021 • 1—5 PM • Zoom Webinar  
The first 25 NPBA Members to registrations are FREE!  
REGISTRATION MUST BE COMPLETED BY MAY 17 AT 5PM:

[HTTPS://NORFOLKANDPORTSMOUTHBAR.ORG/2021-BENCH-BAR-CONFERENCE](https://norfolkandportsmouthbar.org/2021-bench-bar-conference)

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## ANNOUNCEMENTS

We are very excited to announce that **all regular CLEs (excludes the Bench Bar Conference) are now included in Norfolk & Portsmouth Bar Association Membership Dues!**

NPBA will offer all of our CLE programs in-person (subject to occupancy limits of the venue) and via videoconferencing so that members can attend in the room with your colleagues or remotely from your office at no additional charge. This new benefit is worth over \$300+ in annual savings based on the 12 hour MCLE requirement and our prior \$30 per-credit-hour price for NPBA Members.

## YOUNG LAWYERS SECTION

By Kerry Stolz, Chair • [kstolz@pendercoward.com](mailto:kstolz@pendercoward.com) • 490-6277



Kerry Stolz

A great YLS year has come and gone but another fantastic year is on the horizon. It's hard to believe that YLS accomplished so much during the unpredictable years of 2020 and 2021.

Despite the pandemic, we hosted virtual socials, had regular membership meetings, hosted a virtual wine tasting, and organized a well-attended Norfolk kayaking event. We even revitalized the ever-popular Breakfast with the Bench program by adapting it to the Zoom platform. It has been such an honor to be YLS Chair during this past year and I look forward to

the exciting things that lie ahead for YLS!

At our last business meeting, we enthusiastically elected our officers and chairs for 2021-2022. Margaret Kelly of the Norfolk City Attorney's Office will serve as YLS Chair and Kate Lennon of Fraim & Fiorella will serve as Treasurer. Garry Hartlieb of the U.S. Attorney's Office will serve as Social Chair and Grayson Orsini of Wolcott Rivers Gates will serve as Philanthropy Chair. I know that next year's leadership will plan and prepare great opportunities for our YLS members in the year to come. We look forward to welcoming all young and newly-admitted attorneys at the next YLS event.

## Welcome New Members

### W. Andrew Patzig

*Patzig Law*

### John Basilone

*Wolcott Rivers Gates*

### Tricia Batson

*Legal Aid Society of Eastern Virginia*

### Mark Andrews

*Goodman Allen Donnelly, PLLC*

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### Emily Strak

*Babcock & Moore, PLC*

Contact Norfolk Law Library at (757) 622-2910 • [www.norfolklawlibrary.org](http://www.norfolklawlibrary.org)

Dear Members of the NPBA,

The Norfolk Law Library is open to in-person services daily Monday through Friday 9:30am-4:30pm. Please visit the library website for announcements, updates, events, and the library catalog. Appointments are available, but not required, and allow staff to prepare for your visit by making sure that computer terminals or print resources are ready when you arrive. Appointments can be made online or by phone.

Library staff continue to be available to assist with research and citation retrieval both in-person and remotely. Please contact us with any questions that you may have and we can discuss the available options and library resources that we can provide remotely. Please contact us at (757) 622-2910, by email [staff@norfolklawlibrary.org](mailto:staff@norfolklawlibrary.org), or via the Contact Us page at <https://norfolklawlibrary.org/contact-us/>.

Finally, please join me in welcoming our new Associate Law Librarian, Kristen Pariser, to the Norfolk Law Library!

Best regards,

Isaac Needell  
Law Librarian

The Norfolk Law Library would like to thank the following Friends for their generous support:

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Lauren A. Martin  
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Mark F. Williams

This list includes donors May 1, 2020, through May 1, 2021.

**Norfolk Law Library is OPEN for in-person and remote services including case research, citation retrieval, and general assistance.**

**Monday—Friday 9:30am to 4:30pm**

**Visit <https://norfolklawlibrary.org/> for information on appointments (available but not required), the library catalog, our contact form, events, and recent updates.**

# NPBA Foundation

*Caryn R. West, President, NPBA Foundation*

I am writing as your newly elected President of the Norfolk and Portsmouth Bar Association Foundation. My first order of business is to thank outgoing President Greg E. Summy, Esquire for his years of service in that position. As President, Greg guided us through a period of growth in both our foundation's assets and our programs, and we appreciate his many years of wisdom and leadership. Although we will miss him as our President, we are grateful that he has agreed to continue to serve on our board.

We also welcome Bonnie P. Lane, Esquire, of the Norfolk City Attorney's office as our newly elected director and Treasurer. Bonnie's addition is great timing as Nathaniel ("Chip") Beaman, IV, Esquire has recently decided to retire from our board. We will miss Chip but are thankful that Bonnie has agreed to serve in his place.

The last year has seen a slight reduction in our programming as COVID halted some of the programs that we support, and I look forward to a slow increase in activity as society works toward its new normal. We hope that you will continue to support your bar foundation this year and in the future, as we support high school scholarships and other programs that fit our mission to promote the administration of justice, to educate the public about the important of law in their daily lives, and to enhance the image of the legal profession in our local community. We welcome any suggestions from our members of any worthwhile programming that could benefit from the support of your foundation.



## Available for In-Person Mediations and Arbitrations\*

Zoom sessions are also  
available upon request



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# **PRO BONO CORNER**

*Special Content from Tricia Batson, LASEVA, NPBA Pro Bono Committee*



## **Pro Bono and Private Attorney Involvement Program**

The Legal Aid Society of Eastern Virginia (LASEVA) provides free civil legal services to low and moderate income residents in much of the eastern Virginia region, and uses the Pro Bono and Private Attorney Involvement Program to collaborate with private attorneys across Hampton Roads to provide additional advice and representation to qualifying individuals.

The Pro Bono and Private Attorney Involvement Program serves as a true force multiplier and allows LASEVA to provide services and representation to a greater number of Tidewater-area clients in need. Our pro bono attorneys help underserved members of our community by providing representation in a broad range of practice areas, including uncontested divorces, bankruptcies, bankruptcy avoidance, guardianships, adoptions, and estate matters. Volunteers provide representation in court as well as providing counsel and advice in writing and over the phone.

In addition, we have also partnered with private attorneys to provide community outreach and meet potential clients where they live. For example, through “Debtor Clinics” and “Pro Bono Lawyer for a Day” programs, we were able to assist over 200 clients in 2019. These programs would not have been possible without the valuable time volunteered by 33 local attorneys.

In 2019 the Pro Bono and Private Attorney Involvement Program assisted a total of almost 1000 low income citizens who would have otherwise gone without help. This assistance made a significant (and at times life-changing) difference in the lives of our clients. Although the COVID-19 pandemic had a serious impact on our programs and our clients, our pro bono attorneys still managed to serve well over 600 individuals in 2020. We hope to resume many of our clinics and outreach activities in the coming months and provide greater access to services for those in need.

In the past several years, this program, under the direction of (now Judge) Tameeka Williams, has evolved and expanded to provide ever greater and more diverse opportunities for private attorneys. In March, with Tameeka’s ascension to the bench, Tricia Batson became the new director of the Pro Bono and Private Attorney Involvement Program. Tricia, a military spouse, first came to LAEVA in 2002 as a staff attorney in Norfolk, and then became the managing attorney in the Hampton/Newport News Office. After many years with the program, she took a break from her legal career (other than writing practice profiles for the Association of Corporate Counsel) to focus on her family as military transfers took them outside of Hampton Roads. Many moves later, Tricia has returned to Hampton Roads for good. With her (now) teenagers telling her it is no longer cool to have mom volunteering at school, she rejoined Legal Aid in the summer of 2020. If you are interested in sharing your time and talents, and would like to make a real difference in our community and in the lives of our clients, please reach out to her at [triciab@laseva.org](mailto:triciab@laseva.org).

# The McCammon Group

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## **Hon. Randall D. Smith (Ret.)**

*Retired Judge, 1st Judicial Circuit Court of Virginia, City of Chesapeake*

The Honorable Randall Smith recently retired after fifteen years of distinguished service on the 1st Judicial Circuit Court of Virginia. Judge Smith began his career as a Deputy Sheriff for the City of Chesapeake. After attending law school, he had a successful career in private practice and was the Commonwealth's Attorney for the City of Chesapeake. He also served as local counsel for the Department of Transportation and as a former Chairman of the Chesapeake Board of Zoning Appeals. Judge Smith now brings this exemplary record of service and commitment 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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## ***SPECIAL FEATURE:***

### ***REMOTE APPEARANCES IN NORFOLK CIRCUIT COURT***

*The Honorable David W. Lannetti, Judge, Norfolk Circuit Court*

*Whitney Davis, Esquire, Law Clerk, Norfolk Circuit Court*

The age of web hearings is here (at least for the time being), ushered in unceremoniously by the COVID-19 pandemic. When the Supreme Court of Virginia entered the first pandemic-related Judicial Emergency Order in March 2020, circuit courts were instructed to implement “telephonic or video technology” to conduct necessary court proceedings. In September, the Supreme Court reiterated that all courts should “continue to conduct as much business as possible by means other than in-person court proceedings,” and on April 12, 2021, the Supreme Court issued its most recent extension order (the Twentieth), which extended the declaration of judicial emergency through May 9, 2021. Both within and outside Virginia, the past year has seen a substantial increase in reliance on web-based platforms to host hearings, examine witnesses, and even conduct entire trials over the internet. The combination of relatively unfamiliar technology and previously unimaginable reliance on it has presented challenges for both tech-savvy counsel and those whose favorite legal technologies are the legal pad and flip chart. When using the technology, attorneys have had to—and must continue to—consider how to present effectively to a judge or jury and how to operate online meeting platforms, understand various court policies regarding remote hearings, and properly prepare clients and witnesses. Understanding the relevant Norfolk Circuit Court policies and procedures will make the technology component less time consuming and allow attorneys to focus on their case and presentation. This article will explain the remote appearance rules and procedures in Norfolk Circuit Court and provide advice regarding successful remote court presentations.

#### Local Court Rules and Requesting a Remote Hearing

Norfolk Circuit Court is able to accommodate remote hearings and appearances in most civil and criminal cases, and it has done so over the past year. Additionally, although the Court has not yet had any requests for an entirely online trial, it is configured to do so. Of note, those approved to appear remotely are not authorized to record the proceeding, and links to remote hearings should never be shared with non-parties or members of the public.

If counsel would like to appear remotely for a hearing, would like a witness to testify remotely, or would like a party to join remotely, the first step is to contact the Norfolk Circuit Court Clerk’s Office (or if a case is pre-assigned, the assigned judge’s judicial assistant) and request a remote appearance. Like all communications with the Court, opposing counsel should be copied on the request. The Clerk’s Office or judicial assistant will respond by providing you a Motion for Remote Hearing form, which you should fill out and return. During the current pandemic, motions for remote appearances have been liberally granted, although the final decision always rests with the discretion of the judge. Please note that simply because one attorney or witness has been approved to appear remotely, it does not mean that the entire proceeding has moved online or that anyone else has permission to appear remotely. Once the motion is approved, one of the Norfolk Circuit Court law clerks will contact you with further instructions for setting up the remote appearance. The requesting party is generally responsible for ensuring that any of his or her clients, witnesses, or co-counsel who have been approved to appear remotely have access to the web hearing link. Two further items are worth noting. First, if the individual appearing remotely is incarcerated, the Court must be notified of that as early as possible. While the request can typically be accommodated, the incarcerated status may change the web platform used. It is best practice to note the incarceration on the motion for remote hearing form and to alert the law clerk in advance. Second, any individual who has been approved to appear remotely may request a test call to ensure that there are no connectivity issues, although the request should be made as soon as possible after the motion is approved.

In the future, attorneys may be asked to set up and host the remote meeting for a hearing and provide the relevant information to the Court, as well as to other parties attending remotely. For now, however, the Court is “hosting” all remote hearings. Of course, we are operating in a dynamic environment, and the Court will continue to look for solutions that provide maximum access while maintaining an efficient use of court resources, so web-hearing policies could further change.

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## ***SPECIAL FEATURE:***

### ***REMOTE APPEARANCES IN NORFOLK CIRCUIT COURT***

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#### Understanding WebEx and Preparing for Remote Appearances

As of now, almost every Norfolk Circuit Court courtroom is equipped with web cameras and large, flat-screen monitors to accommodate remote appearances. The Court uses WebEx to host the majority of remote appearances—as that is the platform approved by the Supreme Court of Virginia—and Zoom or Microsoft Teams is not currently authorized for use in the courtrooms. For those unfamiliar, WebEx is a video meeting platform similar to Zoom. An account is not required to attend a WebEx meeting, although one is required to host a meeting. Like most video platforms, there are both free and paid subscription accounts available. An attorney wishing to create an account can do so by going to <https://www.webex.com/>. To attend remotely, a user must have a web-enabled device with both a camera and a microphone, as well as access to a reliable internet connection.

If you intend to introduce documents during a proceeding in which WebEx is utilized (regardless of whether you are appearing remotely or are in-person in the courtroom), you will need to be proficient in sharing documents via WebEx's "screen share" function. To support this, counsel should have pdf versions of documents saved to a laptop or tablet that will be available during the proceeding. If you will be in the courtroom, bring the device with you. Once in court, connect the device to the internet and open the WebEx application. The documents can then be shared as exhibits at the appropriate time. Hard copies should still be brought to court (or emailed ahead of time) for the judge and opposing counsel. Note that when WebEx is utilized in the courtroom, laptops cannot be connected to courtroom screens via an HDMI cable, and the ELMO projector cannot be used while WebEx is in use. Additionally, if WebEx is in use, the Court cannot utilize the in-court telephone system because parties attending remotely will not be able to hear the party on the telephone.

As stated previously, any party attending remotely may request a test call prior to the scheduled proceeding. The Court highly recommends doing this for all counsel unfamiliar with WebEx or the courthouse facilities. Even if a test call with the Court is not needed, all counsel should consider test calls with their clients and any witnesses appearing remotely. Although the Court—via its law clerks—will attempt to provide technical assistance during the proceeding if necessary, the capacities are limited and a law clerk may not be immediately available. Running a test ahead of time will allow the judge and counsel to focus during the proceeding on the law and the facts, as opposed to why the video feed is choppy or the sound is not working perfectly. It will also be beneficial to practice screen sharing documents and exhibits.

Finally, to be fully prepared for a proceeding, all counsel should have at least one independent means to communicate with co-counsel, clients, and witnesses who will not be present in the physical courtroom. Although WebEx has a "break out room" feature, the Court is not currently able to use this function with the installed in-court cameras.

#### Effective Technology Use During the Presentation

Even the most experienced attorneys are sometimes unsure how to effectively present over the web. The following are some simple suggestions to make the transition to "digital court" virtually seamless. The first recommendation has been mentioned once, but cannot be stressed enough: practice presenting on WebEx, and test the technology you will use. Taking a few moments to do so can highlight significant issues that are easily fixed before court but will be stressful and distracting during court if not resolved. During the proceeding, listen attentively and keep the microphone on mute unless actively speaking. When speaking, speak to the camera, not to the computer screen. Try to choose a flattering camera angle, and sit in a well-lit, quiet space. Avoid sitting directly under a light or in front of a window. Avoid artificial backgrounds, as you might fade from sight if you move at all. If your laptop or tablet microphone does not work well, consider purchasing discreet Bluetooth headphones with a built-in microphone. If possible, connect to the internet via an ethernet cable, as opposed to over a wireless network. Minimize distractions by taking pets and children out of the room (when possible) and turning off background noise like TV's, music, or loud fans.

*(continued on page 9)*

## ***SPECIAL FEATURE:***

### ***REMOTE APPEARANCES IN NORFOLK CIRCUIT COURT***

*(continued from page 8)*

Finally, treat the virtual proceeding like any live in-court proceeding by arguing and presenting like you would in front of a live judge or jury. Avoid reading, be sparing but pointed with visuals, and communicate only if necessary with co-counsel, your client, and witnesses. As in any proceeding, counsel and outside parties should not contact witnesses while they are testifying and should instruct witnesses not to allow others to be present while they testify, to stay off their phones or web chat, and not to accept any kind of coaching. Should technological issues arise, remain calm. The judges and judicial staff are understanding of technology issues, although they do expect that you will have tested out your setup prior to the hearing or trial. If appearing remotely, be sure to have the contact information of a law clerk or judicial assistant in the event the judge cannot hear you over WebEx or your connection to the remote proceeding is lost.

Understanding the Norfolk Circuit Court remote appearance policies and best practices will hopefully allow attorneys to focus less time and energy toward the technology itself and more time toward their clients and legal arguments. Although the future of remote proceedings post-COVID remains to be seen, Norfolk Circuit Court anticipates continuing to use them liberally—when requested—for at least the next few months.

*The views advanced in this Article represent commentary “concerning the law, the legal system, [and] the administration of justice” as authorized by Virginia Canon of Judicial Conduct 4(B) (permitting judges to speak, write, lecture, teach, and otherwise participate in extrajudicial efforts to improve the legal system). These views, therefore, should not be mistaken for the official views of the Norfolk Circuit Court or the opinion of a circuit court judge in the context of any specific case.*

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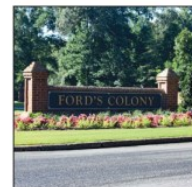
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