

NORFOLK & PORTSMOUTH BAR ASSOCIATION

BAR BULLETIN

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Preregistration required
for all NPBA Events.
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PRESIDENT'S MESSAGE



Gary Bryant

Every year the Conference of Local Bar Associations sponsors a Bar Leaders Institute at the University of Richmond School of Law. Participation is free, and it draws Bar leaders from across the Commonwealth. I had the privilege of attending this year, along with two other members of our Executive Committee, Mary Morgan and Kelly St. Clair. The first half of the program focused on the importance of a strategic plan for all Bar associations as well as a periodic review of the strategic plan to make certain that it remains relevant, and that the association is meeting the needs of its members. As it turns out, our President, Chip Beaman, is ahead of the game. In his very first President's Message, Chip wrote:

Planning for the future. For any organization, it is critically important that there be a carefully constructed roadmap to help guide its future course. This is particularly true in times of economic distress and uncertainty. The NPBA has enjoyed remarkable success over the years due to the loyalty and dedication of its members and staff. And although we do have in place a mission statement, we do not have a strategic plan that sets forth in sufficient detail our short term and long term goals and how we intend to achieve them. Dave Lannetti recognized this deficiency and began the process of addressing it during his term as President. Jeff Stredler in turn continued the process. It is my hope that by the end of the year we will have a strategic plan in place, ready to be implemented, that will prove to be an effective guide for the Association well into the future.

At the start of his term in office Chip asked former Bar President Dave Lannetti to chair the Strategic Planning Committee, whose task was to review the NPBA mission statement, to make any necessary revisions, and to develop a strategic plan for the Association. Chip included on the committee lawyers of all ages, from large and small firms as well as solo practitioners. The Committee also had representatives from local law schools as well as the bench.

Before tackling the strategic plan, the Committee concluded that it was important to first articulate the Association's mission:

The mission of the Norfolk Portsmouth Bar Association is to serve our members, the legal profession, the justice system, and the community at large through: education; advocacy on behalf of the legal profession and the judiciary; and programs that help meet the legal needs of the community.

In essence, the mission of the Association is to serve. The Association has an obligation to serve not only its members, but through its members to serve the legal profession, the justice system

(continued on page 2)

UPCOMING EVENTS

Young Lawyers Section
"For Kids" Workday
Saturday, May 5, 2012

Annual Dinner Meeting
Tuesday, May 8, 2012
Norfolk Yacht and Country Club

2012 NPBA Young Lawyers Section
GOLF EVENT
Thursday, June 28, 2012, 1:00 PM
Bide-A-Wee Golf Course

Visit www.norfolkandportsmouthbar.org
for the most current list of upcoming events

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(PRESIDENT'S MESSAGE CONTINUED)

and our community. This conclusion rests on the NPBA's aspiration to be the preeminent legal professional association in Hampton Roads. The Committee concluded that, by virtue of our status as lawyers and officers of the court, we not only should, but have an *obligation* to, serve the profession, the justice system and our community. In short, the obligation to serve has less to do with the nature of our Association and more to do with the status of our members as legal professionals.

Once the Committee identified and articulated the mission of the Association, it turned to the various methods by which the Association could implement its mission. Those of you who are active in the Association know that NPBA emphasizes education. Its leaders work to provide meaningful opportunities to attend and participate in continuing legal education, including the "season ticket" package which allows members unlimited access to any CLE sponsored by the Association. Indeed, the CLE Committee is perhaps the most active in the Association, working to provide both general programs useful to all members as well as programs specifically tailored to individual practice areas. In addition, the Association sponsors the annual Bench Bar Conference, providing more continuing legal education as well as an opportunity to interact with our judges, both state and federal. Fourteen judges attended this year's conference, and ten participated as speakers.

Another method by which the Bar Association serves is by advocating on behalf of the legal profession. Keeping in mind that its goal is to serve its membership, what is the appropriate "litmus test" for determining when a "cause" improves the profession, and thus merits the Association's advocacy? Clearly it would not advocate for a policy or rule that would favor plaintiffs or prosecutors over defendants or vice versa. But there are some causes the Association can comfortably back as having the support of virtually all of its members. For example, the Association has, through its Courts of Justice Committee under Don Schultz's leadership, advocated for and participated in the design of the new courthouse complex. No one could credibly argue that a new courthouse would not be in the best interest of our profession or the legal system. The Strategic Planning Committee concluded that the advocacy should extend to issues on behalf of judges and/or the judicial system as a whole, under appropriate circumstances. While the Committee was not so naïve as to think that the Association can inject itself into the political process inherent in selecting judges, it can certainly play a role in providing to legislators input with regard to the qualifications, including experience, of various candidates. In addition, the Committee agreed that it is entirely appropriate for the Association to advocate for an independent judiciary.

Finally, the Strategic Planning Committee concluded that the Association could serve its members by providing opportunities to serve in the community. Of course, the NPBA has been associated with the Legal Food Frenzy for more than 20 years; in fact, the Food Frenzy was the brainchild of Association members Bill Nusbaum and Peter Huber. The Association provides opportunities to participate in local high schools through its Mock Trial Project and Mentoring Program. In addition, attorneys can participate in the "ForKids" Program, sponsored by the Young Lawyers Section. And the Association is looking to expand these opportunities, as one of its long range goals is to provide "meaningful community involvement opportunities in which members are encouraged to participate."

If you have not already done so, please visit the NPBA website where you can find a link to the full strategic plan, which lists the Association's core values as well as its long range goals. Remember, this is your bar association, and its primary mission is to serve. To that end, we welcome input from all of our members with regard to the strategic plan which, to be effective, must always be a work in progress.

MARCH LUNCHEON



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New NPBA Strategic Plan**by David W. Lannetti, Chair, Strategic Planning Committee**

After approximately six months of hard work, the *ad hoc* NPBA Strategic Planning Committee (appointed by NPBA President Chip Beaman and comprised of a diverse cross-section of NPBA's membership) presented a draft NPBA Strategic Plan to the Executive Committee for approval. The Strategic Planning Committee's task was to identify and articulate a vision, a mission statement, core values, and long range goals for the Association. Of note, the aim was not to change the current direction of NPBA, but rather to create a document on which the Association and its leadership could focus as the NPBA President and Executive

Committee develop goals each year. The Strategic Plan will allow the Association to identify where it wants to be three to five years from now and how to get there.

The Executive Committee approved the draft Strategic Plan, which now is available on the Association's website (www.norfolkandportsmouthbar.org). According to the Plan, Norfolk & Portsmouth Bar Association's vision is "to be the pre-eminent legal professional association in Hampton Roads," and its mission is "to serve our members, the legal profession, the justice system, and the community at large through: education; advocacy

on behalf of the legal profession and the judiciary; and programs that help meet the legal needs of the community." Look for your Association to initiate a plan of action, incorporating its core values and consistent with its mission and long range goals, that best allocates its resources—including you, the Association membership—as it strives to make its vision a reality. Incorporated properly, a successful strategic plan is best exemplified by what motivational speaker Joel Barker once observed: "Vision without action is merely a dream. Action without vision just passes the time. But vision with action can change the world."

Federal Court Pro Bono Counsel Program

The Judges of the Norfolk and Newport News Divisions of the United States District Court for the Eastern District of Virginia are pleased to announce the creation of a Pro Bono Counsel Program in conjunction with the Office of the Federal Public Defender ("FPD"). The Pro Bono Counsel Program will be a partnership between the FPD and private law firms/practitioners through which attorneys act as *pro bono* co-counsel under the supervision of one or more Assistant Federal Public Defenders in federal court cases. The *pro bono* co-counsel's responsibilities may include legal research and writing, drafting pleadings, meeting with clients, participating in court proceedings, and appellate work.

Under the partnership, firms may participate by identifying one or more attorneys who are interested in committing the time and energy necessary to act as *pro bono* co-counsel on indigent criminal cases assigned to the FPD. The partnership is open to any attorney who has been admitted to practice before the United States District Court for the Eastern District of Virginia.

The Pro Bono Counsel Program serves the mission of the FPD and the Court in a

number of important ways. First, the FPD and its clients benefit from the assistance firm attorneys can provide, especially in complex cases or cases that result in a jury trial. Second, firm attorneys benefit from the experience and training they receive by working with and under the supervision of experienced federal court practitioners. Third, the Court benefits from having experienced attorneys practice before it, especially if some of these lawyers later join the Criminal Justice Act ("CJA") Panel, thereby being eligible for direct court appointments in criminal cases. Finally, the program encourages *pro bono* contributions by law firms/practitioners to the defense of the indigent in federal court.

The Pro Bono Counsel Program is endorsed by the Judges of the United States District Court for the Eastern District of Virginia. For additional information about the program, and for enrollment procedures, please access the Federal Public Defender website at www.vaefpd.org.

Rebecca Beach Smith
Chief Judge

WELCOME NEW MEMBERS

Marie Bentley

Amanda E. Burks
Foley Burks, P.C.

Brady Chick
B. Clay Chick, PLC

Katie Dougherty
U.S. Attorney's Office

Melissa A. Hamann
Willcox & Savage, P.C.

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FIRM ANNOUNCEMENTS

Lisa P. O'Donnell of **Bertini O'Donnell & Hammer, PC** was named president of the Virginia Trial Lawyers Association at VTLA's 53rd Annual Convention at the Greenbrier, where her colleagues, members of the judiciary and legislature convened.

Christie, Kantor, Griffin, Smith, Shepherd & Chiusano, P.C. is pleased to announce that **Jill Roseland Harris** has joined our firm. Mrs. Harris earned her law degree from Creighton University School of Law and her undergraduate degree from Coe College. She was most recently a partner with the law firm of Kaufman & Canoles. Jill was selected for inclusion in Virginia Business magazine Virginia's Legal Elite 2011 and is a board member of the Court Appointed Special Advocates for the City of Virginia Beach. Jill will focus her practice on domestic relations and family law, in all cities and courts in the area.

Robert L. "Bo" Foley and **Valerie B. Foley**, are pleased to announce the addition of **Amanda Burks** as a partner. The firm will now be known as **Foley Burks, P.C.** Amanda Burks brings her wealth of experience as a Commonwealth's Attorney in both Norfolk and Suffolk to a firm that has a primary focus of representing individuals and businesses

in litigation matters. Amanda graduated in 1997 summa cum laude from James Madison University with a degree in English. She earned her master's degree in English from the University of South Carolina in 1999 and her Juris Doctor from the Washington and Lee School of Law in 2002. Thereafter, Amanda clerked for the Honorable Jerome James, the Honorable Junius P. Fulton, III, and the Honorable Everett A. Martin, Jr., at the Norfolk Circuit Court. She began her practice as a prosecutor in the Norfolk Commonwealth's Attorney's Office. Beginning in 2007, Amanda worked for Virginia Polytechnic Institute and State University as an Assistant Attorney General and Special Counsel for the University. Amanda returned to Hampton Roads in 2009 and joined the Suffolk Commonwealth's Attorney's Office.

Kaufman & Canoles, P.C. is pleased to announce that **Kirkland M. Kelley** is the recipient of the 2012 YWCA Women of Distinction Award for law. The Awards celebrate outstanding women who have made significant contributions to the South Hampton Roads community by demonstrating a commitment to the YWCA's mission of eliminating racism and empow-

ering women. Ms. Kelley is a partner in the firm's Norfolk office where she practices in the Private Client Services and Tax Groups. She is a Fellow in the American College of Trust and Estate Counsel and is AV rated by Martindale Hubbell. Ms. Kelley received her B.A. from Hollins University and her J.D. from Washington and Lee University School of Law. Active in the community, Ms. Kelley's current civic involvement includes service on the Boards of Directors of WHRO Public Television and The Library of Virginia Foundation in addition to serving as a professional advisor to numerous charities and foundations, including the Hampton Roads Community Foundation.

The **Law Offices of Carl Khalil and Sada Sheldon, PLC** is founded by two former Liberty Tax in-house attorneys who have a combined 26 years of legal experience. **Carl Khalil** was Corporate Counsel to Jackson Hewitt before moving to Liberty. Khalil and Sheldon plan to focus their practice in franchise and distribution, business law and civil litigation. The firm is located at 2000 General Booth Blvd., Suite 201, Virginia Beach, 23454, 263-4596, www.Carl-And-Sada-Law.com.

(continued on page 5)

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The law firm of **Phillips & Peters, PLLC** is pleased to announce that **Sarah J. McCoy** and **B. Caitlin Walters** have joined our team as our newest associates. Both Sarah and Caitlin were admitted to the Virginia Bar in 2011. Sarah received her undergraduate degree in 2007 from Fort Lewis College, Durango, Colorado and her Juris Doctorate in 2011 from Regent University School of Law. Sarah was formerly a legislative aide for the Virginia House of Delegates. Caitlin received her undergraduate degree in 2008 from McKendree University, Lebanon, Illinois and her Juris Doctorate in 2011 from Regent University School of Law. Both Sarah and Caitlin will continue the firm's focus of representing clients with their Family Law needs.

Kellam T. Parks has opened the **Law Office of Kellam T. Parks, PLLC**, a law firm located near Town Center in Virginia Beach focusing primarily on Domestic Relations, Personal Injury, and Credit Reporting Dispute cases. The firm embraces modern technologies in its operation. It utilizes cloud-based systems to manage the firm's paperless files, allowing remote 24/7 access for its clients. Mr. Parks earned a bachelor's degree in philosophy with honors from St. Andrews University in North Carolina and a juris doctorate from the Marshall-Wythe

School of Law at the College of William and Mary. Mr. Parks returned home to Tidewater upon graduating law school and has practiced in the area for over a decade. He looks forward to continuing to provide legal services to clients throughout Hampton Roads with his new firm.

James Webb Jones has joined **Poole Mahoney's** Chesapeake office. Mr. Jones brings more than forty years of legal experience in land use in both the private and government sector. His experience includes planning and acquisition for transportation projects, port development, parks and school sites. Mr. Jones served as outside counsel and as a Staff Attorney to the Department of Transportation and rose to the level of Senior Assistant Attorney General for the VDOT Southeast Region as the Region's Staff Counsel. Mr. Jones earned his bachelor and his *juris doctorate* degrees from University of Virginia, a Graduate Certificate in Transportation Policy, Operations & Logistics from George Mason University and VDOT Executive Institute Certificate from Virginia Commonwealth University's Center for Public Policy.

Michael L. Goodove, partner in the law firm of **Swartz, Taliaferro, Swartz & Goodove, P.C.**, was recognized as a Virginia Super Lawyer in 2012 in the area of personal in-

jury law by the Virginia Super Lawyers magazine. **Franklin Swartz**, another partner, was recognized as a "Virginia Super Lawyer" in 2012 in criminal law. Mr. Goodove specializes in personal injury law and Mr. Swartz specializes in criminal law with an emphasis in white collar crime.

Willcox & Savage is pleased to welcome a new Associate. **Melissa A. Hamann** is in the Maritime practice group. She will focus on representing maritime clients in a wide variety of matters, including admiralty and maritime law, maritime insurance defense and subrogation, and marine employment law. Melissa is a 2011 graduate of The Catholic University of America Columbus School of Law. During law school, she served as a legal intern for the U.S. Coast Guard Office of Maritime and International Law. Melissa received a B.A. from the University of San Diego in 2003. Prior to law school, Melissa was a Lieutenant in the U.S. Navy.

Neil L. Rose, a partner in the Tax and Estate Practice Group at **Willcox & Savage**, has been elected a Fellow of the American College of Trust and Estate Counsel (ACTEC). A former IRS and Treasury Special Honors Attorney, Mr. Rose has over twenty-five years experience in the areas of estate planning and administration, federal and local taxation, real estate and corporate law.

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MESSAGE FROM THE YOUNG LAWYERS SECTION

By Joshua E. Baker, Chair

The Young Lawyers Section and other members of the NPBA met on April 17, 2012 for another Breakfast with the Bench program. We appreciated hearing from Norfolk General District Court Judge S. Clark Daugherty about practice in the General District Court and the practice of law in general. Thank you Judge Daugherty for joining the YLS and for sharing your time and advice.

On May 5, 2012, plan to join the YLS and other members of the NPBA as we volunteer our time to assist ForKids in their mission to break the cycle of homelessness in our community. There are two options for volunteering on May 5. At 9 am, there will be an outdoor option to assist with yard work and maintenance of various ForKids properties. At Noon, there will be an indoor option to assist with the operation and organization of ForKids' thrift store, Good Mojo, located at Granby and 25th Street. Please RSVP either to me at jeb@waldoandlyle.com or to npbamail@gmail.com. More specifics will be available closer to the date.

This year the NPBA at large has been



Joshua Baker

considering its goals and its role in the legal community. I believe two of its greatest contributions are in helping to build a sense of community within the local legal profession and providing opportunities for our community of lawyers to give back to the community at large. The two events mentioned above are but the latest of examples of ways in which the YLS means to support the NPBA carry out its mission. I look forward to continuing to help support these worthy goals.

It has been a great privilege to serve the bar and as the YLS Chairman this past year. I would like to thank the NPBA Executive Committee and Chip Beaman for their tremendous support through the year. I also wish to offer a special thanks to Donna Bausch and her staff who continually serve the NPBA in many seen and unseen, but always greatly appreciated ways.

Lastly, I wish to thank the YLS Committee for their hours of service, volunteerism, commitment and dedication to helping provide meaningful opportunities to serve our community and to build camaraderie among the bar.

I wish all the best to incoming YLS Chairman Bonnie Lane as she continues the Committee's good and fine work.

NPBA FOUNDATION NEWS

By Greg E. Summy • President, NPBA Foundation
Greg.summy@nscorp.com • 533-4890

Spring is a wonderful time of year in South Hampton Roads. The azaleas are blooming, warm days are arriving, and your NPBA Foundation is opening its checkbook to award scholarships to deserving students!

I am pleased to announce that the Foundation's Selection Committee has chosen the recipient of the inaugural Elizabeth Fitzwater Memorial Scholarship. This scholarship is awarded to a second year law student expressing an interest to return to South Hampton Roads after graduation and emphasize public interest law in his or her practice. The first annual recipient of the Fitzwater Scholarship is Natalie Ann Shave of Virginia Beach. Ms. Shave is a graduate of



Greg Summy

Norfolk Academy, received her undergraduate degree from Davidson College, and is a second year law student at Elon University School of Law. Ms. Shave has demonstrated a commitment to public service, and the Fitzwater Scholarship Selection Committee, chaired by NPBA Past President Beryl Adler, believes she is a deserving recipient of our first Fitzwater Scholarship.

Your Foundation's annual scholarship competition for high school students has received a record level of interest — 41 applications in all — more than double the number of applications received in recent years. As a result, I am unable to introduce the recipients to you as this issue goes to press. However, one thing is certain — the recipients of the scholarships will be announced at the NPBA Annual Dinner on Tuesday, May 8. I hope to see you there!

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Bench/Bar Conference

April 11, 2012



COME OUT FOR THE NPBA YLS FORKIDS WORKDAY!

This year alone, over 7,700 children will become homeless in Hampton Roads. Every day, ForKids works with over 150 homeless families including 300 children. To fully break the cycle of homelessness and poverty, ForKids provides emergency shelter in addition to a full spectrum of services, programs and education for the entire family. ForKids helps enroll kids in school, provides access to medical care, offers daily tutoring and counseling, along with budgeting classes, GED tutoring, parenting classes and therapy for the parents. By emphasizing education and self-sufficiency, the ForKids model gets results. The families successfully keep a budget and save every month. Children not only catch up in school but make the honor roll and the football team. ForKids offers tools, so parents and children learn how to become self-sufficient.

We will be assisting with upkeep and maintenance at two transitional homes that help provide housing for 12 families with 24 children. We will also assist with many projects at Good Mojo, ForKids' thrift store.

Two ways to participate:

MAY 5, 2012, 9 am at 840 West 38th Street, Norfolk

MAY 5, 2012, Noon at Good Mojo Thrift Store – corner of 25th Street and Granby

This event is open to all members of the NPBA and their families

RSVP: npbamail@gmail.com — We would appreciate an RSVP, but all are welcome to show up on the 5th

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For more information about ForKids please visit their website at: www.homesforkids.org

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MARCH LUNCHEON



PORTRAIT PRESENTATION

On **Thursday, June 14, 2012**, the Norfolk and Portsmouth Bar Association will present to the Norfolk Circuit Court the portrait of **Judge Lydia C. Taylor**.

You are invited to attend this ceremony, which will commence at **3:00 p.m. in Courtroom Number 1** of this Court.

NORFOLK JUVENILE & DOMESTIC RELATIONS DISTRICT COURT

The following are state holidays and the court will be closed:

May 28, 2012 – Memorial Day

July 4, 2012 – Independence Day

September 3, 2012 – Labor Day

There is a Judicial Conference August 13-14, 2012. We will have only one court in session on those days (emergency and overnight cases only).

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A quick guide to the pleasure and promise
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