

# NORFOLK & PORTSMOUTH BAR ASSOCIATION

## BAR BULLETIN

Volume XXXX  
Number 4

May – June 2015

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See Flyers Inside for  
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Preregistration required  
for all NPBA Events.  
Call 622-3152.

### PRESIDENT'S MESSAGE



Mary T. Morgan

As the 2014-2015 membership year draws to a close with the annual passing of the leadership torch, I am honored to assume the role of President of this prestigious and enduring Association. This year marks the 115th year of the Norfolk & Portsmouth Bar Association. Our history is filled with rich tradition, exceptional leadership and dynamic membership.

#### *A Brief History of the Norfolk & Portsmouth Bar Association*

On June 4, 1873, the Circuit Court of the City of Norfolk granted a charter to 12 lawyers under the name of the Norfolk Law Library Association. This first local "bar association" had only twenty-five members and no actual law library. By all accounts, this early bar association's existence was short-lived. However, in 1877, two local attorneys advocated for the formation of a law library and application was made to the General Assembly for a legislative charter. On February 10, 1880, the Virginia General Assembly authorized the formation of the Norfolk Law Library Association. This "bar association" was still very small - less than 40 members - and concentrated solely on the collection and maintenance of books and reported decisions for the law library. In 1898, the movement to organize a bar association responsible for more than acquisition and maintenance of a law library began. This movement culminated in the granting of a charter to the Norfolk & Portsmouth Bar Association by the General Assembly on March 5, 1900. Shortly thereafter, the newly chartered Association took the first steps towards acquiring the library of the old library association. At the beginning of 1951, the Association had 211 members. By December 1, 1968, membership had more than doubled to 494. One hundred years after the original Charter, Association membership had grown to almost 950 members. Our current membership stands at 764 members. Over the past few years, competing interests and economic challenges have adversely affected our membership numbers. Together, I'd like us to reverse this trend.

#### *Looking Towards the Future*

It is my privilege to continue the mission of the Association: 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. You may be wondering how the mission of the Association is carried out. I believe the Answer to this question begins with two different questions: First, *what can the Norfolk & Portsmouth Bar Association do for you?* Second, *what can I do for the Norfolk & Portsmouth Bar Association?*

My response to the first question, "what does the Association do for you" focuses on the many

(continued on page 2)

### UPCOMING EVENTS

#### ANNUAL DINNER

Thursday, May 14, 2015 • 6:00 PM  
Norfolk Yacht & Country Club  
See enclosed flyer for details.

#### YLS GOLF EVENT

June 25, 2015 • 1:00 P.M.  
Ocean View Golf Course  
See details on page 2.

#### LUNCHEON

Thursday, September 17, 2015  
Hits at the Park, Harbor Park  
Featuring: John R. Broderick, President  
Old Dominion University

#### LUNCHEON

Thursday, October 15, 2015  
Featuring: Hon. Arenda L. Wright Allen  
U.S. District Court, E.D.Va.

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## (PRESIDENT'S MESSAGE CONTINUED)

opportunities to share, learn, grow, network, come together, exchange ideas, interact and socialize that are provided to the membership. Membership in the Association offers many advantages. With the support of the Association, Norfolk Law Library offers free access to LEXIS and WESTLAW and expert legal research assistance. Meals at monthly luncheons are included in your dues and the Association offers quality continuing legal education programs at a discounted rate for members. Perhaps most importantly, the Association offers multiple opportunities every year for each member to connect with one another, to interact with local judges and to volunteer to serve the local community through organized programs. These opportunities include: Breakfasts with the Bench, monthly speaker luncheons, holiday gatherings, the annual Bench-Bar Conference, socials, golfing, community assistance events, and the Norfolk Public Schools mock trial program. The Norfolk & Portsmouth Bar Association Foundation is also active in the community providing scholarships to high school students and law students and contributing to the betterment of our community.

Turning to the second, and equally important question, "what can you do for your Association?" begins with the recognition that being an active part of your local bar association can be a rewarding and symbiotic relationship. Get involved and stay involved. At most, each committee only meets once a month. Do you have ideas for new and creative continuing legal education that the Association should consider? Join the CLE Committee. Do you have connections in the community that may be of interest as luncheon speakers? Join the Programs Committee. Are you a young lawyer eager to get involved? Join the Young Lawyers Section. Are you interested in planning and executing the Bench-Bar Conference? From the seasoned, veteran lawyer, to the ambitious mid-career attorney, to the motivated young lawyer, to the energetic first or second year associate, to the bright-eyed law student, all have something to offer and bring an important perspective to the Association. If you can't commit the time to actively participate in a committee, make sure you attend the events hosted by the Association. Encourage other members of your firm and colleagues to join the Association. Get the word out that being a part of the Association is both important and worthwhile. Active involvement in the Association enhances a lawyer's visibility and reputation - and can lead to indirect and sometimes unanticipated career benefits, including referrals of business. This year, decide to make a difference.

I am reminded of the African proverb: "If you want to go fast, go alone. If you want to go far, go together." Let's go together, and let's go far. I look forward to seeing you on May 14 at the Annual Dinner Meeting!

## 2015 NPBA YLS GOLF EVENT

Everyone is Invited! – REGISTER NOW

THURSDAY, JUNE 25, 2015 • 1:00 P.M.  
OCEAN VIEW GOLF COURSE

TO REGISTER CONTACT: David Crain(dcrain@wilsav.com) or  
Amber Randolph (arandolph@wilsav.com)

NPBA members before June 19th ..... \$80.00

NPBA members after June 19th and non-members ..... \$90.00

18 holes of golf, beverages during play,  
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Regent University law student**Be a Friend!**  
Make a Tax Deductible Contribution  
to Norfolk Law Library this year!

# *What Do Law Clerks Do, and How Can They Help You?*

Jennifer L. Eaton, Esq., Law Clerk,  
Norfolk Circuit Court

A Law Clerk serves on the judicial staff of a court and works with assigned judges to conduct legal research and facilitate the judicial process. Clerkship terms vary from court to court, but they typically last a year or two. Some courts also choose to use permanent clerk-like employees by hiring full-time staff attorneys. Interestingly, not all courts have Law Clerks. The Commonwealth does not provide Law Clerks, so their hiring depends on appropriation of local funding. Although this article focuses specifically on the role and responsibilities of Law Clerks at Norfolk Circuit Court, much of the information relates to Law Clerks generally. Knowing and understanding what these Law Clerks do may assist you in your practice.

## **What do Law Clerks do?**

Law Clerks provide a wide array of services not only to the judges they serve, but also to the legal community and the public. Within the Courthouse, Law Clerks work closely with judges, other judicial staff members, and in-court clerks to ensure that each day's docket moves smoothly and efficiently. In order to accomplish this goal, much happens behind the scenes. Law Clerks review the docket the afternoon before to prepare their judges for the next day. By design, release of the next day's docket is the first time the judges and Law Clerks are aware of the docket's content unless a judge has a pre-assigned matter. For pre-assigned matters—*i.e.* matters scheduled in advance on a judge's calendar, usually due to the anticipated trial length—Law Clerks review the applicable pleadings and often draft bench memoranda to assist the judge. Four days a week—Monday through Thursday—a designated Law Clerk is available to help *pro se* parties who have filed uncontested divorce complaints with the Court. Although the Law Clerks do not assist the *pro se* parties in filing their paperwork, they guide the litigants through the process on the day of their divorce proceeding; the Law Clerks take the *ore tenus* information of the Plaintiff and his or her corroborating witness and review

the file to ensure everything conforms to the statutory requirements. This assistance with “*pro se* divorces,” as they sometimes are called, is a huge service to the public, as many individuals cannot afford legal representation. In addition to the *pro se* divorces, the Law Clerks help the judges with divorces forwarded to the Court via affidavit, referred to as “affidavit divorces.” Law Clerks review the file and work with the judges to submit errata sheets regarding issues identified therein. Law Clerks also conduct legal research and often assist judges in writing letter opinions. In addition to these duties, Law Clerks perform other miscellaneous tasks assigned on a judge-by-judge basis.

## **What can't Law Clerks do?**

Law Clerks are held to high ethical and professional standards based on their roles and their close association with the judges. Law Clerks essentially are agents of the judges and, as a result, there are many things Law Clerks cannot do. For instance, Law Clerks: cannot give legal advice; cannot engage in *ex parte* communications with counsel or parties; cannot provide advance notice of a judge's ruling; cannot disclose case-related discussions with a judge; and cannot publicly comment on cases. It therefore is improper to ask a Law Clerk to do any of these things.

## **What is the difference between a Law Clerk and a Court Clerk?**

A Law Clerk is different from a Court Clerk. There are only four Law Clerks in the Norfolk Circuit Court, all of whom have graduated from law school and taken the Bar exam, but there are many more Court Clerks (in addition to the Clerk of the Norfolk Circuit, the Honorable George E. Schaefer). Court Clerks are employees of the Clerk's Office—as opposed to the Judges' Office—and they do a tremendous amount of work behind the scenes. The Court Clerks are really the unsung heroes of the Courthouse. They process pleadings and provide in-court support to the judges during criminal matters and civil jury tri-

als. The Court Clerks also are the ones with whom you interact when you come to the Circuit Court Clerk's Office on the seventh floor of the new Norfolk Courthouse. Like the Law Clerks, the Court Clerks cannot give legal advice.

## **How can a Law Clerk help you?**

Those who attended the NPBA CLE in March know that the new Norfolk Courthouse features the newest technology. The Law Clerks and the in-court staff are the first points of contact for any technology issues in the courtrooms. If you have a trial coming up, you can call one of the Law Clerks in advance to schedule a time to test out the equipment. Law Clerks also are a good resource if you have any pre-assigned matters; even though the Law Clerks cannot engage in *ex parte* communications, they can receive briefs from attorneys. It is recommended—and some judges require—that attorneys send any briefs to either the judge's Law Clerk or Judicial Assistant prior to a hearing (in addition to filing with the Clerk's Office). Sending a brief directly to the Law Clerk or Judicial Assistant ensures that the judge receives the brief quickly and can more easily refer to it. If you have a question and you are unsure whether it is best suited for a Law Clerk or a Court Clerk, then just give one of us a call and we will point you in the right direction.

*This Article represents the experiences and observations of one Law Clerk and is meant solely as an informative resource for the local bar. The views advanced in this Article should not be mistaken for the official views of the Norfolk Circuit Court or any judge thereof.*

## **SPACE AVAILABLE**

Office space available to share Class A  
in Town Center Virginia Beach  
Two Columbus Center.

Please contact 757-624-1800 or  
cwbest@bestlex.com.  
All inquiries confidential.

## YOUNG LAWYERS SECTION

By Cart Rixey Reilly, Chair

On February 24, 2015, the YLS hosted its most recent Breakfast with the Bench. Members of the YLS and the bar at-large met with and enjoyed hearing from Norfolk Circuit Court Judge David Lannetti. Judge Lannetti had an open and informative conversation with those in attendance and fielded questions regarding the new courthouse, provided thoughtful “practice pointers” that hit home with everyone, and also discussed the importance of preparing a well-written brief prior to oral argument. Thank you, Judge Lannetti, for taking the time to participate in our Breakfast with the Bench series.

Our next Breakfast with the Bench is scheduled for Tuesday, April 28, 2015 at 7:30 a.m. at Brickhouse Diner. Judge Michael Rosenblum of the Norfolk General District Court will be joining us and we look forward to hearing from him.

Thank you to everyone who participated in our Ronald McDonald House volunteer event on March 9, 2015. The Ronald McDonald House provides a “home away from home” for families with children facing



Cart Rixey Reilly

medical issues at CHKD and provides grants to nonprofit organizations for programs that enable children to live healthier, happier lives. The YLS has enjoyed volunteering to prepare and serve dinner to residents of the Ronald McDonald House and looks forward to more exciting opportunities in the future. Please be on the lookout for more volunteer opportunities as we continue to support Norfolk's Ronald McDonald House.

YLS members have also enjoyed participating in the middle school mock trial program this spring and look forward to the final “mock trial” in May.

Please sign up for the YLS's Annual Golf Event on Thursday, June 25th at Ocean View Golf Course in Norfolk. There are sponsorship opportunities available. I encourage anyone with questions or interest to contact our Co-Chairs, Amber Randolph ([arandolph@wilsav.com](mailto:arandolph@wilsav.com)) and

David Crain ([dcrain@wilsav.com](mailto:dcrain@wilsav.com)), for additional information. **See details on page 2.** Please plan to join us!

This has been a successful and exciting year for the YLS with excellent attendance at YLS meetings and events. I am honored to have served as this past year's YLS Chair. I would like to thank YLS committee members for their hard work and tireless effort in making YLS a better, stronger, and more involved organization. I would also like to thank Donna Bausch and her staff for all they do to assist with and promote YLS events, as well as the NPBA Executive Committee for their continuing support of YLS. Finally, I would like to thank all NPBA members who attended, participated in and supported our events this year. We are fortunate to have such a supportive bar association and the continued support for YLS is greatly appreciated.

I wish Zachary Simmons and Jennifer Fuschetti all the best as they take over this year as YLS Chair and Treasurer and am certain they will do a stellar job leading the YLS to continued success!

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## ANNOUNCEMENTS

**John Cooper**, a founding partner at **Cooper Hurley Injury Lawyers**, has been re-elected as a District Governor from the Virginia Beach/Norfolk area to the Virginia Trial Lawyers Association's (VTLA) Board of Governors. Mr. Cooper has been a District Governor since 2012. At the VTLA's recent convention, Mr. Cooper was also appointed as Co-chair of the Fundraising Committee, a major committee of the VTLA. The Virginia Trial Lawyers Association is a trial bar group which boasts thousands of members from across the Commonwealth. Mr. Cooper has more than 25 years experience in handling personal injury cases and has been chosen for the last four years to be one of the "Top 100 Trial Lawyers in VA." He is rated "AV" (pre-eminent and highly ethical) by Martindale Hubbell for his reputation among fellow lawyers.

Virginia Lawyers Media, publishers of Virginia Lawyers Weekly, has announced the Class of 2015 of "Influential Women of Virginia." This awards program, now in its seventh year, recognizes the outstanding efforts of women in the commonwealth in all fields, including law, business, health care, education and the arts. The honors are given to individuals who are making notable contributions of their chosen professions, their communities and society at large. Among the 2015 honorees is NPBA President **Mary Morgan of Cooper, Spong & Davis, PC**.

**Mark J. Favaloro, Favaloro Law Offices**, has been named to the 2015 Virginia Super Lawyers list. Each year, no more than five percent of the lawyers in the state are selected to receive this honor. Favaloro Law Offices is a full service civil litigation firm concentrating in the areas of medical malpractice and personal injury.

**Inman & Strickler, PLC** is pleased to announce that **Lindsey A. Flaherty** has joined the firm. Ms. Flaherty has practiced in Hampton Roads for the last six years, initially serving as a law clerk for the circuit court judges in Norfolk. Subsequently she has been representing clients in all courts throughout Hampton Roads. She will be practicing in general civil and criminal litigation, family law, workers compensation and representing children as a guardian ad litem.

**Michael Goodove**, partner at **Swartz, Taliaferro, Swartz & Goodove**, has

been inducted as a Fellow of the Virginia Law Foundation. Fellows are persons of integrity and character who have maintained and upheld the highest standards in their profession and community.

**William E. Franczek**, a partner in **Vandeventer Black LLP**, has been appointed by the American Arbitration Association to its AAA Construction Mega Project Panel. The new panel includes top construction arbitrators as rated by counsel on construction mega projects. Franczek has been a construction arbitrator for the AAA for more than 30 years. His practice includes representing parties on construction projects and serves as an arbitrator and mediator in alternative dispute resolution cases, specializing in construction and government contracting.

TowneBank announced that **Anita O. Poston** has been appointed Chairman of the Norfolk Board of Directors. Poston, a partner at **Vandeventer Black LLP**, has been an active member of the TowneBank Norfolk Board of Directors since its creation in 2005.

**Michael L. Sterling**, managing partner of **Vandeventer Black LLP**, was appointed to the board of Eggleston Services, nonprofit organization which offers 33 programs across 16 locations throughout Hampton Roads, providing services to more than 600 individuals with disabilities. Sterling joined Vandeventer Black in 1985. Sterling

concentrates his practice in construction, public contracts, and administrative matters, with particular focus in resolving complex disputes. He is an arbitrator and mediator for the American Arbitration Association.

**Brianna L. Weber-Wakelam** has joined **Willcox & Savage, P.C.** as an associate and practices in Norfolk. Her practice will focus on product liability defense, hospitality industry defense, railroad defense and general civil litigation. Brianna is a 2014 graduate of the American University Washington College of Law and received a B.A. from Virginia Tech in 2011.

**Williams Mullen** is pleased to announce changes to the firm's practice group and regional leadership. **David C. Burton**, Chair of Williams Mullen's Labor and Employment section, will take on the position of Practice Group Chair. In conjunction with the firm's Section Heads, Mr. Burton will be responsible for the overall performance of the Sections across the firm. **Adam Casagrande**, a partner in the firm's Litigation practice, will serve as the Managing Partner for Hampton Roads. Mr. Casagrande is an integral part of the firm and the community, serving as a member of the firm's Board of Directors. He represents companies of all sizes, from large manufacturers and government contractors to local businesses and entrepreneurs, in commercial litigation.

## 2015 BENCH BAR CONFERENCE

Thanks to all who contributed to the success of the Conference:

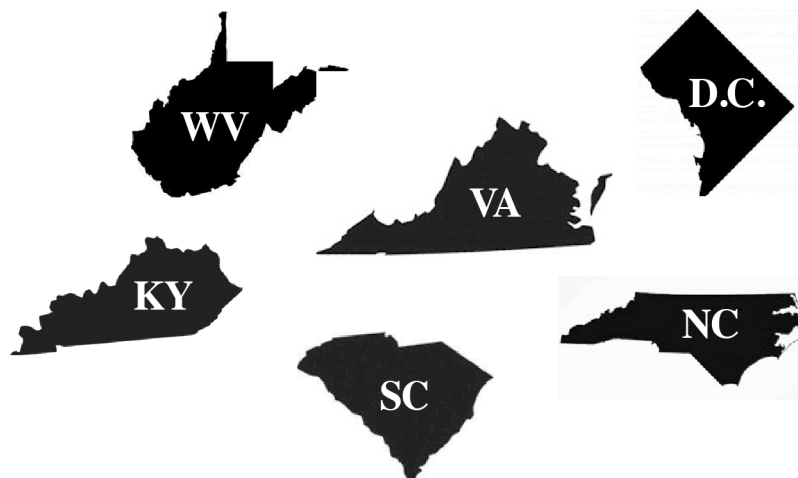
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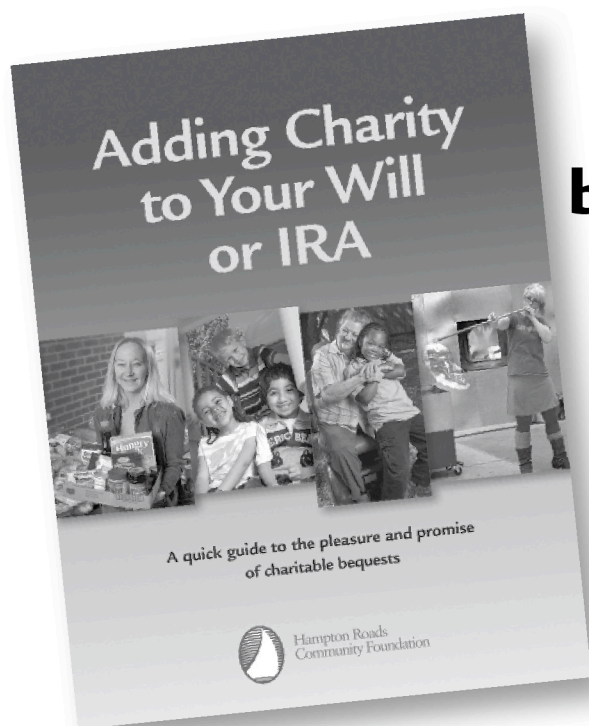
*\*At least one lawyer holds a bar license in each state*

# NORFOLK & PORTSMOUTH BAR ASSOCIATION

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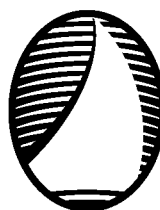
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