

NORFOLK & PORTSMOUTH BAR ASSOCIATION

BAR BULLETIN

Volume XLIII
Number 3

May – June 2018

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

PRESIDENT'S MESSAGE

VALUE



James R. Harvey III

The concept of “value” has been on my mind a lot lately. I’ve spent the last few weeks touring colleges with our youngest daughter, and swallowing hard when the topic of tuition gets discussed. What is the “value” of an education from a particular institution compared to another? What “value” can be placed on the experience each offers? Does the cost of a school reflect its “value” to the student? Is value measured objectively by statistical rankings and job placement, or by subjective, experiential growth?

As a father and businessman, it is easy to focus on the input (tuition) and objective output (job placement). As a lawyer, I know that such a decision cannot be boiled down to such simplistic terms. So it is with the practice of law. We do not become accomplished in our profession because we picked the right case to win, but because we have handled a range of matters, not always successfully, but with knowledge, dignity and respect. It is our body of work that creates “value”. We do not land a new client with every introduction, but spend time and considerable energy developing a network that hopefully builds upon itself. Any one event may not justify the time and cost involved for the objective result, but when combined with the entire effort, we can measure the value of our efforts. So too, the value of bar membership is greater than the sum of its many parts, and I am proud to say offers both objective and subjective benefits to our legal community.

Think about “value” in this past year. Here are some of the objective benefits the NPBA provided:

- When you attended our FREE luncheons, you saw our gubernatorial candidates, learned about the intersection of sea level rise and law in this region, saw Norfolk’s vision for the future, and heard from the premier local media personality about why lawyer engagement in our community is so important;
- You attended live and locally one of more than 30 CLEs on every topic imaginable taught by respected judges and lawyers in our community;
- You visited our law library, now located in the Norfolk Courthouse, serving as an important resource to both the bar and the public;
- At our Bench-Bar Conference, you met, mingled and learned from over a dozen local judges, including the inspirational Judge Gregory, Chief Judge for the United States Court of Appeals for the Fourth Circuit;

(Continued on page 2)

UPCOMING EVENTS

NPBA ANNUAL DINNER
Thursday, May 10, 2018
Norfolk Yacht & Country Club
7001 Hampton Blvd, Norfolk
Social Hour 6:00 PM
Dinner 7:00 PM

BREAKFAST WITH THE BENCH
Tuesday, May 22, 2018 • 7:30 AM
Brick House Diner, 580 East Main St., Norfolk
Hon. William P. Williams, NJ&DRDC
**YOUNG LAWYERS SECTION
GOLF EVENT**
Thursday, June 21, 2018, 12:00 PM
Bide-a-Wee Golf Course

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(President's Message continued)

- You attended a Breakfast with the Bench with our Young Lawyers and local jurists;
- You mentored a young lawyer;
- You or someone from your office taught enthusiastic Norfolk Middle School students how to conduct a trial from scratch;
- You met your pro bono obligation by participating in one of the opportunities advertised or made available through the Pro Bono Committee;
- You helped provide scholarships to high school and law students in this area;
- You referred or received a referral of legal work from one of our 700 plus members; and
- You attended our annual dinner to recognize those who have given much to our community.

Maybe you did not do all of these things, but hope that you found value for your nominal dues in at least one of these great activities. Of equal value in my experience are the subjective benefits of our bar. When I share a drink or a table with another lawyer in our bar, I know that I can call that person later and work through a legal issue in a professional manner to the benefit of my client. When I take a little time to meet those in practice here, I meet talented attorneys who are willing to support each other to advance our profession. When I am part of a larger legal community, I take ownership in making sure my efforts contribute to our responsibility to establish justice for all. When I am part of the bar, I am proud to call myself an attorney.

Value? Everyone measures it differently, but however you measure it, I know this organization provides value to every local attorney. I am proud to have served as President, and encourage each of you to join a committee, get involved and find your value.

• • •

DOCKET DIGEST – RECENT NORFOLK CIRCUIT COURT OPINIONS

Compiled and Summarized by Dustin M. Paul and Jennifer L. Eaton, Vandeventer Black LLP

Shatrell McCoy v. Ashton Gray, CL16-6711 (March 2, 2018) (Judge Martin)

This matter originated in General District Court and arose out of an automobile accident. The Plaintiff prevailed in GDC and was awarded \$8,000 in damages. Plaintiff then appealed and suffered a subsequent nonsuit. The matter was refiled in June of 2016 with an increased *ad damnum* of \$200,000—far beyond the jurisdictional limit of a general district court case.

The issue before the Court on Defendant's motion was whether the *ad damnum* must be reduced to \$25,000. Defendant argued that the Circuit Court's jurisdiction over the refiled action was derivative of the jurisdiction of general district court. The Court overruled the Defendant's motion to reduce the *ad damnum* as it recognized that such a result could cause injustice to Plaintiff, might deter plaintiffs from filing in general district court, and it would only further prolong the litigation. The Court further explained that the Defendant could renew the motion should the jury award a large verdict and, if the Court grants the renewed motion, plaintiff could then appeal. Should the Justices of the Supreme Court of Virginia disagree with the Court's ruling, the Supreme Court could reverse and enter final judgment for Plaintiff in the amount of the jury's verdict without the need for a remand or a new trial.

This Opinion showcases how possible appellate proceedings can impact the trial court's decision-making process.

Postition Available: Virginia Beach law firm seeks individual with 3 to 5 years of experience in civil litigation preferably in Virginia specializing in personal injury. Duties include: Maintain 50 litigation files; Drafting Complaints; Preparing discovery answers and responses; Scheduling depositions, mediations and trial dates to include obtaining a Scheduling Order; Calendaring Scheduling Order dates and preparing pleadings according to the Order; Communicating with clients, witnesses, opposing counsel and court personnel. MUST be proficient in Microsoft Word and Excel and can work independently. Our benefits include health, life, short term and long term disability insurances paid by the firm to the employee only. We have personal time off (PTO) and a retirement plan. The hours are Monday through Friday from 8:30 am to 5:00 pm. Please email your resume to kimp@inmanstrickler.com

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Make a Tax Deductible Contribution to Norfolk Law Library this year!

AWARDS ANNOUNCED

Please join us in congratulating **Chip Beaman**, a Past President of the NPBA, on receiving the Association's highest recognition, the Eggleston/T'Anson Professionalism Award. Chip will be formally recognized at the Annual Dinner, Thursday, May 10 at the Norfolk Yacht & Country Club.

Also, please join the NPBA in congratulating **Jennifer Eaton** as the 2018 recipient of the NPBA Walter Hoffman Community Service Award. Jenny will be formally recognized at the NPBA Annual Dinner on May 10. Jenny was Chair of this year's Bench Bar Committee.



Chuck Lollar and Jim Harvey give Chip Beaman the news that he's the 2018 Eggleston/T'Anson Professionalism Award recipient



Jennifer L. Eaton learns of her selection as recipient of the Walter E. Hoffman Community Service Award



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Stephen M. Smith, Esq.

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2018 Liberty Bell Award



Valerie Tuck of Norfolk Public Schools
to receive 2018 Liberty Bell Award
at the NPBA Annual Dinner on May 10.

WELCOME NEW MEMBERS

Kevin Sharp
Bennett & Sharp

Shayn Fernandez
Williams Mullen

Jeffrey Kiser
Goodman Allen Donnelly, PLLC

Brent Bickings
Regent University law student

Juliana Lyons
Regent University law student

Olga Pazilova
Regent University law student

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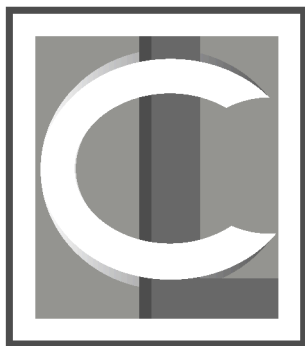
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ANNOUNCEMENTS

Cooper Hurley Injury Lawyers is excited to add attorney **John Baker**. John is a graduate of Norfolk Collegiate. He went on to obtain his undergraduate degree from Hampden-Sydney College and his law degree from the University of Mississippi where he graduated cum laude. John was selected as a Rising Star by Virginia Super Lawyers in 2015 and 2016. John is heavily involved in the Hampton Roads community. He serves as Vice President of the Virginia Club, is a member of Blessed Sacrament Catholic Church, and an Alumni Ambassador for Norfolk Collegiate.

The Hampton Roads Association of Legal Administrators is pleased to announce the newly elected Board for 2018-2019: Kim Pici of Inman & Strickler, President; Pam Deming of Virginia Beach Office of the City Attorney, President-Elect; Rob Sadler of Hofheimer Family Law Firm, Vice President; Jo Ann Kittrell of Wolcott Rivers Gates, Treasurer; and Jim Neeley of Boleman Law Firm, Secretary. For more information regarding the HRALA, contact Jim Neeley, HRALA Secretary, or go to HRALA.com.



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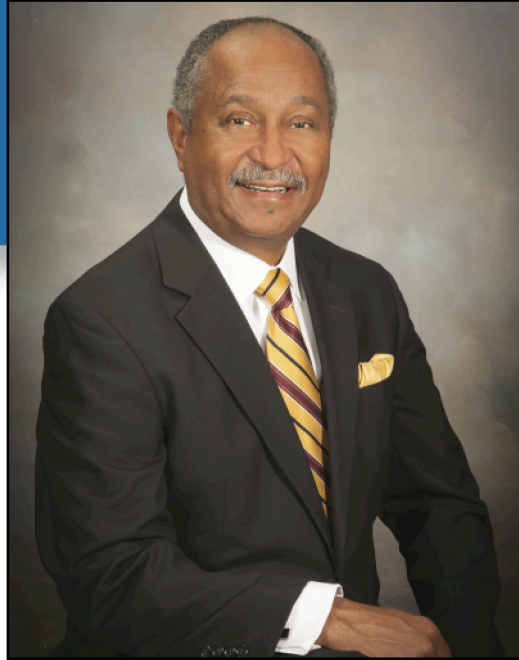
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Hon. Wilford Taylor, Jr. (Ret.)
Retired Judge, Hampton Circuit Court

The Honorable Will Taylor recently retired after over thirty years of distinguished judicial service. He first served on the bench of the General District Court and then was elected as a Judge of the Circuit Court of the City of Hampton, where he served multiple terms as Chief Judge. Before his tenure on the bench, Judge Taylor enjoyed a successful general practice representing both plaintiffs and defendants, and he also served as a Deputy City Attorney. A leader in his community and beyond, he attained the rank of Colonel during his twenty-eight years of active and reserve duty in the U.S. Army. Judge Taylor now brings this exemplary record of dedication and leadership to The McCammon Group to serve the mediation, arbitration, and judge pro tempore needs of lawyers and litigants throughout the Commonwealth.

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YOUNG LAWYERS SECTION

By Nicholas R. Raffaele

With spring comes fresh faces and renewed endeavors for the Young Lawyers Section! We recently held our annual elections, and we are excited to announce our new officers for the 2018-2019 session. Griffin O'Hanlon was elected Treasurer, and as such will be serving as Chair of the Section next year. Griffin has been a dedicated and involved member of YLS for several years, and I know the Section will continue to thrive under his leadership. We will also be joined by Jamilah LeCruise (community service chair) and Jennifer Fuschetti (mentoring program chair), who will be assisting with the planning and implementation of our upcoming programming. Thank you to all of our Section's leadership for so generously volunteering their time in making YLS a valuable resource to young members of our bar as well as the community at-large.

While YLS is entering a time of transition, our membership has remained busy with several events these past few months. On March 20, members of the bar enjoyed a

wonderful and enlightening Breakfast with the Bench with Judge S. Clark Daugherty of Norfolk General District Court. I would like to extend our deepest gratitude to Judge Daugherty and all members of the bench who have shared their time and wisdom over breakfast with our members. Thank you as well to Dan McNamara for his leadership of the Breakfast with the Bench series this past year. Under the leadership of Darden Barrett, YLS members also enjoyed cooking a meal for families in need at the Ronald McDonald House of Norfolk on March 22. Lastly, YLS members have been busy coaching middle school students trial skills as part of the NPBA's Mock Trial Program through Norfolk Public Schools, a very worthy program in which I would encourage all members of the bar to participate.

We are also in the early stages of planning our annual golf tournament. As a self-funded section of the larger bar association, proceeds from the golf tournament allow YLS to continue our programming each

year and to make an annual donation to the Norfolk Law Library. The tournament will be returning to Bide-A-Wee Golf Course, which has provided a wonderful venue for the event for several years now. We have reserved the afternoon of June 21, 2018 for the event, so please mark your calendars and be on the lookout for a flyer with more details in this Bulletin. I would like to specially thank Justin Guthrie of Willcox & Savage for volunteering his time in organizing and running the tournament this year.

Lastly, I would like to thank Andrea Ruege for her dedication and hard work on behalf of the Young Lawyers' Section this past year. She has certainly been a wonderful mentor to me, and the Section thrived under her care. We are at a wonderful jumping off point for 2018-2019 thanks to her leadership, and I am thrilled to see where the new year takes us. We welcome all members of the NPBA under the age of 36 or who have been in practice 5 years or less to join us!

A black and white photograph of six men in business suits standing in an office. In the background, a sign on the wall reads 'COOPER HURLEY INJURY LAWYERS'.

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12th Annual Mock Trial Program

After several months of training from NPBA members, Norfolk middle school students had their day in court. Teams for different schools represented either the defense or the prosecution and presented their cases. NPBA President James Harvey donned a judicial robe to preside in one of the courtrooms.

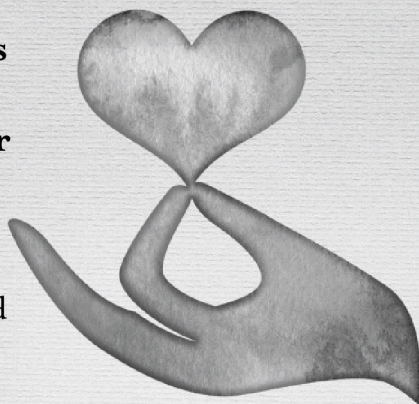
Teams with the highest scores faced off in a final trial during the last week of April.

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