

BAR BULLETIN

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**November -
December 2007**

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PRESIDENT'S MESSAGE

As I write, Game 7 of the American League Championship is keeping me company. Fenway Park in late October.

Ah, Boston. Boston is a city that you don't forget. I had my first microbrew, well before anyone called them microbrews, in a bar down by the Charles River. I went for a run in Boston Common on an early Spring afternoon and the place was packed with softball games. From the Charles River to Beacon Hill, Boston is a city rich with history and charm.

But that's not what I'm going to write about.

Several weeks ago I received a letter from a Boston attorney that I would like to share with you.

The attorney's name seemed familiar, but at first I couldn't place it. It looked like a solicitation. But as I read further, it hit me.

Earlier this year, I had received a random junk email about an email exchange between a Boston attorney and a prospective associate. The email exchange was something of a *cause celebre*. The attorney had reportedly extended an offer of employment to a newly minted law school graduate. Apparently, the prospective associate had rejected the firm's offer by email and failed to exercise a great deal of, well, tact. The following version of the exchange appears throughout the internet.

From the prospective hire:

Dear Attorney Korman: At this time, I am writing to inform you that I will not be accepting your offer. After careful consideration, I have come to the conclusion that the pay you are offering would neither fulfill me nor support the lifestyle I am living in light of the work I would be doing for you. I have decided instead to work for myself, and reap 100% of the benefits that I (sic) sew. Thank you for the interviews.

Hardly deserving of a passing grade from Dale Carnegie (or Strunk and White, for that matter). Or that business of "100%" of the "benefits that I (sic) sew" (not an econ or English major, apparently). But, not the first shot of WW III, either. In any event, not worth responding to, right?

Well, not exactly:

Dianna - Given that you had two interviews, were offered and accepted the job (indeed, you had a definite start date), I am surprised that you chose an e-mail and a 9:30 p.m. voicemail message to convey this information to me. It smacks of immaturity and is quite unprofessional. Indeed, I did rely upon your acceptance by ordering (sic) stationary and business cards with your name, reformatting a computer and setting up both internal and external e-mails for you here at the office. While I do not quarrel with your reasoning, I am extremely disappointed in the way this played out. I sincerely wish you the best of luck in your future endeavors.

Whew. Maybe after receiving this, the recent law school graduate spends a little time for some introspection? Not so much:

(continued on page 2)



Donald C. Schultz

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Breakfast with the Bench
Tuesday, November 13, 2007 • 7:30 AM
D'Egg Diner, Norfolk
The Honorable Joseph A. Leafé

NPBA Luncheon
Thursday, November 29, 2007 • 11:45 AM
Hits at the Park, Harbor Park
Chief Justice Leroy Hassell

The Notorious Notary Laws
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(Immediately following November luncheon)

NPBA Holiday Party
Thursday, December 6, 2007
5:30 - 8:30 PM
Hits at the Park, Harbor Park

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(PRESIDENT'S MESSAGE CONTINUED)

A real lawyer would have put the contract into writing and not exercised any such reliance until he did so. Again, thank you.

You get the idea. Suffice it to say that the lawyer and the no-longer-prospective-hire went toe to toe for several more rounds. If I were scoring, I'd say a draw on all three cards.

Ok. If things had ended here, no harm, no foul, no . . . Oprah? Not satisfied with the judges' decision, the hiring attorney shared the exchange with a colleague. Before long, the email exchange had made the rounds of the Boston area firms and law schools. Not that Boston has many of either.

By the time I received it, it had been to Europe a lot more times than I have.

If you are embarrassed for either or both participants at this point, you must be, like, so old school. No, this is something to capitalize upon.

For the letter I received a few weeks ago was from the hiring attorney in the email exchange. Apparently, he has decided to utilize this exchange, and the notoriety it has brought, as a springboard to speak about it to groups such as ours. "Should your association hold any training seminars, I would be honored if you would keep me in mind." He has a powerpoint presentation regarding "ethics and our profession."

Neither side in the email exchange came out well, in my view. It goes without saying that the prospective hire could use a session or two with Emily Post. But also, I'd like to believe that nearly everyone reading this piece would be a bit more circumspect about airing so publicly such a juvenile and poorly written rejection by a person still wet behind the ears. Email enhances the effect by an order of magnitude.

Somehow, the whole silly exchange chips away at the dignity of our profession. Without being maudlin, the dignity of our profession is worth protecting and, indeed, is a duty of the bar. If we as practitioners don't counter the corrosive effect of popular culture upon our profession, it won't be long before we're just performing in another ring of the larger circus.

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NPBA FOURTH ANNUAL HARVEST FOR THE HOMELESS

It's time to clean out your closets! As we enter the (soon to be) cold winter months, the Norfolk & Portsmouth Bar Association is organizing the Third Annual "Harvest for the Homeless," a clothing/toiletries drive. Needed items will be collected from November 5-21 and donated to The Dwelling Place, Union Mission Family Shelter, and Samaritan House Shelter (or another local shelter of the participating firm's choosing).

We have the opportunity to provide a great number of sorely needed items that we take for granted. As you reflect on the upcoming Thanksgiving holiday, let Harvest for the Homeless give you the opportunity to bless the less fortunate with your generosity. During last year's Harvest for the Homeless, NPBA members collected over 250 bags of clothing and toiletries. Let's try to surpass that number this year!

Items to Collect:

- Men's, women's, and children's seasonal clothing, all sizes (including infants and toddlers)
- "Hotel"/travel size hygiene items: toiletries, soap, shampoo, conditioner, lotions, diapers and wipes

- Coats, mittens, scarves, hats, and gloves (all sizes)
- New underwear and socks (all sizes)

How each Law Firm can help:

- Designate a staff member or attorney as Firm Coordinator and e-mail **Shawn Voyles** at svoyles@cwm-law.com to let him know of the firm's participation.
- The Coordinator will send out an e-mail or post a notice regarding Harvest for the Homeless, encouraging everyone to donate needed items.
- The Coordinator will designate a place in the office where donated items may be placed, and keep track of the number of bags of items donated.
- Finally, the Coordinator will receive instructions as to which shelter the firm will give its donated items (although the firm may select a shelter not listed above if it so desires). The Coordinator will be responsible for arranging a pickup time with the shelter.

THANKS FOR YOUR PARTICIPATION!

NOMINATIONS SOUGHT FOR THE LIBERTY BELL AWARD

The NPBA is pleased to re-introduce the Liberty Bell Award to recognize a non-lawyer who, by extraordinary efforts and selfless contributions to the local community, has strengthened the effectiveness of the American system of justice.

The Liberty Bell Award will be presented each year at the annual meeting of the Association to an individual:

- who promotes a better understanding and appreciation of the rule of law
- who encourages a greater respect for law and the courts
- who stimulates a sense of civic responsibility
- who contributes to the effectiveness of our institutions of government

Previous NPBA Liberty Bell Award recipients include such illustrious local leaders as Porter Hardy, Jr., Vincent J. Thomas, Stanley C. Walker, Emily N. Spong, Colgate W. Darden, Henry Clay Hofheimer, II, Alfred B. Rollins, Jr., Frank Batten, Jr., Betty Wade Coyle, Evelyn T. Butts, Harvey L. Lindsay, Martha R. Sorenson, Dr. William T. Greer, Jr. and Janie and G. William Whitehurst.

Nominations by letter should be submitted to the NPBA office by January 31, 2008.

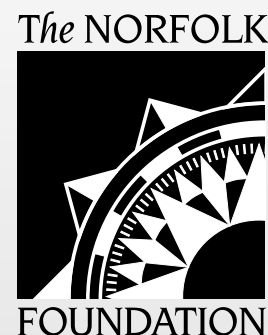
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FIRM ANNOUNCEMENTS

Kaufman & Canoles, P.C. is pleased to announce that **Stephen E. Story**, Chairman of its Franchise Group, has recently been named as one of the seven Virginia Super Lawyers 2007 in Franchise/Dealership Law by Law & Politics; the only lawyer in Hampton Roads to achieve this distinction. He was also the only lawyer in Hampton Roads named one of the Best Lawyers in America (2007) in franchise law. Mr. Story, who holds an AV rating from Martindale-Hubbell, is a former Chair of the Board of Governors of the Virginia State Bar Antitrust, Franchise and Trade Regulation Section. He is the only local member of the International Franchise Association's (IFA) Legal/Legislative Committee.

Norris, St. Clair & Lotkin is pleased to announce the addition of **Richard E. Phillips** as an associate attorney with the firm. Mr. Phillips, a 1999 graduate of George Mason Law School, will focus his practice on eminent domain, commercial disputes and bankruptcy.

Troutman Sanders LLP is pleased to announce that more than 100 of its lawyers have been selected for inclusion in the 2008 edition of Best Lawyers in America.

NPBA member **Michael J. Gardner** was included in the specialty of Maritime Law.

Anita O. Poston, senior partner at **Vandeventer Black LLP** and NPBA past president, has been awarded the first Barron F. Black Community Service Award by the Norfolk Foundation.

Willcox & Savage is pleased to welcome **Tara L. Chadbourn**, who will focus on catastrophic loss and tort defense, as well as products liability litigation. Tara graduated in 2006 from Vermont Law School where she also earned a Master of Studies in Environmental Law. She earned her B.S. in Business Finance from Lehigh University in 2000. While in law school, Tara clerked in civil litigation for the Department of Justice. A Virginia native, Tara was licensed to practice in Virginia in 2006. Prior to joining the firm Tara was a Law Clerk to the Honorable Junius P. Fulton, Jerome James and Everett A. Martin of Norfolk Circuit Court.

Willcox & Savage is proud to announce that **Michael R. Katchmark** has been recognized as the **2007 Volunteer of the Year** by the Hampton Roads Chamber of Commerce, Chesapeake Division. Michael is Vice Chair/

Chair Elect of Governmental Affairs for the Chesapeake division of the Chamber.

Willcox & Savage is proud to announce that **Randy D. Singer** has returned to the firm as a partner. Randy was formerly President of FamilyNet television and the Executive Vice-President and General Counsel of the North American Mission Board of the Southern Baptist Convention (NAMB). Randy is also an award-winning author. He previously was with the firm from 1986-1997. Randy graduated from the College of William & Mary School of Law in 1986 and received his B.A. degree from Houghton College in 1978.

Willcox & Savage is pleased to announce the following attorneys were selected by their peers for inclusion in The Best Lawyers in America 2008: **Bruce T. Bishop, Susan R. Blackman, Gary A. Bryant, Glenn R. Croshaw, Robert L. Dewey, Allan G. Donn, William M. Furr, Peter M. Huber, Thomas C. Inglima, Thomas G. Johnson, Jr., John D. McIntyre, Wiley F. Mitchell, Jr., Hugh L. Patterson, John Y. Pearson, Jr., William E. Rachels, Jr., Ross C. Reeves, Thomas A. Rucker, Toy D. Savage, Jr., Conrad M. Shumadine, James R. Warner, Jr., and Samuel J. Webster.**

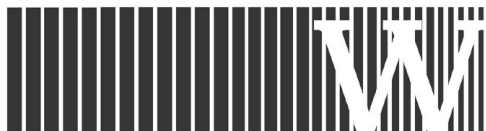
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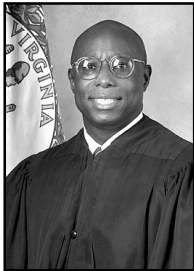
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NOVEMBER LUNCHEON MEETING

Thursday, November 29, 2007

Hits at The Park, Harbor Park

11:45 AM



Chief Justice Leroy R. Hassell, Sr.
Supreme Court of Virginia

Leroy Rountree Hassell, Sr., born 1955, in Norfolk, Virginia, is the first African American chief justice of the Supreme Court of Virginia. A 1973 graduate of Norview High School, where he was voted "most likely to succeed," he is the fifth of six children. His parents were educators. His father, who died three months before Hassell was appointed to the Supreme Court, was an assistant high school principal. His mother was an elementary-school teacher and, later in her career, a school social worker. Hassell graduated in

1977 from the University of Virginia, where he won a Scholar of the Year award and was selected to live on the Lawn, an honor recognizing student leadership and achievement. Three years later, he graduated from Harvard Law School. He served there as a recruiter in the admissions office and worked on the Civil Liberties Law Review. Following law school, Hassell joined the law firm of McGuireWoods, where he specialized in commercial and professional liability litigation and was co-counsel to the Richmond Redevelopment and Housing Authority. Hassell also served as chairman of the Richmond School Board. He currently serves on the Board of Visitors of the Regent University School of Law.

In 1989 Governor Gerald Baliles nominated Hassell to the Virginia Supreme Court. "He has a wide-ranging intellectual curiosity and an extraordinary amount of energy," Baliles told Christina Nuckols in the *Virginian-Pilot*. Hassell, at 34, was also one of the youngest jurists to be chosen for Virginia's highest court. Hassell succeeded Justice John Charles Thomas, the first black to serve on the court, when Thomas resigned for health reasons.

On February 1, 2002, Hassell became

the first African American to be named chief justice on Virginia's Supreme Court. "I do not wish to serve, however, because I happen to be black," Alan Cooper of the *Richmond Times-Dispatch* quoted Hassell as saying. "Rather, I desire to serve because I am Virginian by birth who has a strong affection and love for the commonwealth and its people." His achievement also marked the first time a chief justice was chosen by the court's jurists as opposed to choice by seniority. "I think it sends a pretty powerful message," Hassell told Tavis Smiley on the *Tavis Smiley Show*, "that if you work hard, if you're able to get along with your peers, if people have confidence in you and your ability, then you can be elected as the chief judge in this commonwealth."

Hassell has a reputation as a reasonable and fair jurist. "My impression has remained consistent over the years," University of Virginia law professor Robert O'Neil told the Associated Press, "that Justice Hassell is a thoroughly committed and thoughtful citizen and lawyer and he has been a conscientious justice on the court."

Please join us November 29, 2007 to welcome Chief Justice Hassell. Call 622-3152 to register today.



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JANUARY LUNCHEON MEETING

Thursday, January 17, 2007
11:45 A.M.

Hits at the Park, Harbor Park

Speaker: **Roderick (Rod) S. Woolard**
Director of Development, City of Norfolk

Woolard is a native of Hampton Roads, born in Portsmouth and spent most of his childhood growing up in Virginia Beach.

Upon graduation from Frank W. Cox High School, he attended the University of South Carolina where he earned a degree in International Studies and Political Science.

He began his career with the Norfolk & Western Railway (predecessor of Norfolk Southern Corporation). He later joined Island Creek Corporation, a subsidiary of Occidental Petroleum, where he ultimately became President overseeing the sales, marketing, mining, terminal, transportation and operational assets of one of the largest coal companies in the United States. Under his leadership, the corporation was restructured, focusing on a market/customer driven philosophy resulting in a significant enhancement of profits.

He has been married over 38 years and has two daughters and two grandchildren.

Woolard sees Norfolk as a city on the move, which possesses a vision of greatness. He feels fortunate to have joined the City of Norfolk as Director of Development at a time when that vision is in the process of being realized.

Call 622-3152 to register for the January luncheon.

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MESSAGE FROM THE YOUNG LAWYERS' SECTION

By **Andrew R. Fox, Chair**

The Young Lawyer Section capped off its program year with the 9th Annual Fall Reception. Once again this year we were extremely fortunate to enjoy both the unparalleled hospitality of **Judge Charles and Margie Griffith** and a perfect autumn afternoon in Norfolk. We had a great turnout, including several of our newest members-to-be (who, to their credit, were able to function socially while still fervently awaiting the results of the bar exam).



The highlight of the reception was our presentation to **NPBA President Don Schultz** of a \$2000 donation to the Norfolk Law Library. We raised these funds through our highly successful golf tournament last June, and are extremely happy to support this most treasured resource.

Looking ahead, we have two fantastic events coming up in the month of November that are open to our entire NPBA community. The first is a welcome aboard mixer for our newly-minted lawyers which we are hosting together with the Membership Committee on November 8 at Blackfinn Restaurant in the Waterside Marketplace from 5:30-8:30. Come out and welcome the newest members of our legal community while enjoying a beverage and complimentary appetizers.

Second, I'm happy to announce the next installment of our very popular Breakfast with the Bench series on November 13 at 7:30 a.m. at D'Egg Diner in downtown



Andrew Fox

Norfolk. We are very fortunate to have the **Honorable Joseph A. Leafe** as our guest. Judge Leafe will share his thoughts on his current career as an alternative dispute resolution professional with

the McCammon Group, as well as his extensive experience as a Norfolk Circuit Court Judge. Breakfast with the Bench is an excellent opportunity for lawyers, both young and 'seasoned,' to get to know our local judges in a relaxed and informal setting. Hope to see you there! RSVP for both of these events by calling the NPBA at 622-3152 or via email at npba@visi.net.

Next on the agenda, I'm pleased to introduce your next Young Lawyer Section Chair, **Caryn R. West**. Caryn is a 1999 graduate of SUNY Geneseo and earned her Juris Doctor from Washington & Lee in 2002. After clerking for Judges Morrison and Leafe of the Norfolk Circuit Court, she joined the firm of Saunders, Barlow, Riddick, Babineau in Suffolk, Virginia. Since 2005, she has practiced with the Norfolk firm of Clarke, Dolph, Rapaport, Hull, Brunick & Garriott, PLC, where she specializes in corporate matters. Caryn has served during the past year as our section's membership chair and treasurer, and did a fantastic job coordinating our last two fall receptions.

In closing, I'd just like to thank all who made this past year's Young Lawyer program such a great success. It was truly a pleasure to serve. And to all my fellow young (or, as in my case, newer) lawyers out there in our great association, I challenge you to join me in making 2007-2008 an even greater year for our section!

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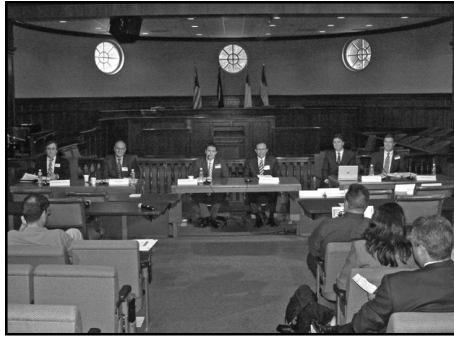
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On Monday, September 17, 2007, the Norfolk and Portsmouth Bar Association Foundation, Regent University School of Law and Regent University School of Communications co-sponsored the region's first "Law School for Journalists." The landmark program, held in Regent's Robertson Hall, was designed to inform and educate members of the print and broadcast media about basic civil and criminal procedures, reporter liability, attorney ethics, cameras in the courtroom, and Freedom of Information Act requests.

The one-day seminar was divided into four sessions during which guest panelists outlined basic concepts of procedure and law, followed by questions from the nearly one hundred registrants, including journalists, communications and law students and lawyers. The various panels of distinguished guests were comprised of lawyers from Kaufman & Canoles, Willcox and Savage, as well as editorial representatives from the Virginian Pilot and local television affiliates.



The event was highlighted by a keynote address from Emmy award-winning journalist Manny Medrano. Currently the ABC News legal affairs correspondent, Mr. Medrano shared his unique experiences as a former Assistant United States Attorney in California and as a private law practitioner before launching into television broadcasting in 1993. Mr. Medrano received an Emmy award for his role as the NBC West Coast Legal Affairs Correspondent throughout the O.J. Simpson trial.

The Norfolk and Portsmouth Bar Association Foundation would like to thank local attorneys **Johan Conrod, Brett Spain, Steve Noona, Michael Rosenblum, Christopher Abel, and Dawn Serafine** for their hard work in preparing outlines and participating in the program. The Foundation would also like to thank the faculty and staff of Regent University for their hard work in producing a first class program; with special thanks to **Dean Jeffrey Brauch**, School of Law; **Associate Dean James Murphy**, School of Law; **Dean Michael Patrick**, School of Communications and the Arts; **Professor James Duane**, School of Law; **Professor Natt Gantt**, School of Law; **Professor Bruce Swaffield**, School of Communications and the Arts; **Professor David Wagner**, School of Law; and **Lisa Marie Massato**. Lastly, the Foundation would like to express its appreciation to **Judges Joseph P. Massey, Mark S. Davis and Stephen C. Mahan** for their participation in the program.

ABC LEGAL CORRESPONDENT SHARES INSIGHTS AT LAW SCHOOL FOR JOURNALISTS

Reporting accurately, objectively and ethically should be the goal of all news coverage, and journalists – especially those covering high profile court cases – must keep these goals in mind, said Manny Medrano, ABC News legal correspondent, addressing attendees at the *Law School for Journalists* September 17.

Medrano, who worked for more than 10 years as a successful trial attorney before turning to journalism, shared his insights from both perspectives in the courtroom. "I've been fortunate to have two immensely gratifying careers," he said. "At times, there's friction between the fourth estate and the legal system, but I think we can dissipate some of that friction by understanding each other and working together."

Following "Manny's Rules" for covering court cases will go a long way in reporters' success in achieving the goals of news coverage and working productively within the legal system, Medrano asserted. Some of his rules include:

- Follow the rules of the court



Manny Medrano

- Treat court personnel with respect
- Work closely with the court's public information officer
- Develop attorneys as sources for background information
- Don't assume editors know about legal issues
- Be accurate and ethical in reporting and in treatment of sources

He also provided guidance for attorneys who find themselves on the other side of the microphone. "Lawyers should not be reluctant to deal with the media," Medrano said. "The words 'no comment' are a dinosaur. It borders on malpractice not to look

out for your client's interest." Besides being more proactive with media, Medrano advised attorneys to be accessible and train their staffs on properly fielding media calls.

WELCOME NEW NPBA MEMBERS

Sarah Constance Black Bland
LASEVA

Anne Graham Bibeau
Vandeventer Black, LLP

Tara L. Chadbourn
Willcox & Savage, P.C.

Charlotte Annette Dauphin
Taylor & Walker, P.C.

Vanessa G. Henderson
Regent University Law Student

Randy D. Singer
Willcox & Savage, P.C.

Shane L. Smith
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COURT NEWS

Norfolk JDR Court Holiday Schedule

The Court will be closed or hearing only emergency cases on the following dates. Please mark your calendar accordingly.

November 6, 2007 Election Day
Clerks Office open for business.
No courts will be in session.

November 12, 2007 Veterans Day – Closed

November 21, 2007 Court closes at 12:00 noon

November 22, 2007 Thanksgiving – Closed

November 23, 2007 Closed

December 24, 2007 .. Christmas Eve – Closed

December 25, 2007 Christmas – Closed

December 26, 27 & 28, 2007 1 Court
Emergency Cases Only

December 31, 2007 . New Year's Eve – Closed

January 1, 2008 New Year's Day - Closed

RECENT BAR EVENTS

FAMILY LAW UPDATE CLE



Tim Lockhart and Mary Commander

OCTOBER BREAKFAST



Virginia Van Valkenburg, Breakfast Speaker
Dean Brauch, Don Schultz, and John Pearson

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Criminal Practice before the Federal Courts

Friday, November 30, 2007, 8:30 a.m - 5:30 p.m.

U.S. Courthouse, 600 Granby Street, Norfolk

Bring a copy of the Sentencing Guidelines Manual

No charge. MCLE credit will be requested.

Register by Friday, Nov 23 - 457-0860 OR Larry_Dash@fd.org

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