

NORFOLK & PORTSMOUTH BAR ASSOCIATION

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See Flyers Inside for
Event Details and
Registration Information

Preregistration required
for all NPBA Events.
Call 622-3152.

PRESIDENT'S MESSAGE

The Play is Under Review



Jeffrey L. Stredler

Fall has arrived along with shorter days, chilly mornings, and best of all, football season. For those of you who enjoy watching high school, college or professional football games, this is a special time of year. As many of us watch the football games, either in person, on television, or increasingly over the internet, it is interesting to note how technological advances have changed the game, particularly the use of instant replay to review close or questionable officiating calls during the course of a game.

One can't help but notice the similarities between the instant replay rules used in college and professional sports and the appellate rules that govern our judicial system. Many of the instant replay standards of review read as if they were written by attorneys. In the NBA, a referee's calls can only be overturned when there is clear and conclusive evidence that the initial decision was incorrect. In the NFL, the standard for overturning a call on the field is indisputable visual evidence, and in major league baseball the standard is clear and convincing evidence. In addition, most sports limit the number of challenges a team can make, the time at which challenges can be made, the time during which a review can be performed, and the types of plays or calls that can be challenged. And just like our judicial system, the use of instant replay attempts to balance the interests of ensuring accurate decisions against the finality of decisions and the undue (and sometimes very frustrating) delay caused by the stoppage of play to perform the review.

The link between the world of sports and our judicial process is not limited to instant replay. Whether referring to the "three strikes" rule in criminal prosecutions or Chief Justice Roberts comparing the role of a judge to that of a baseball umpire during his Supreme Court confirmation hearing, there is a lengthy history of using sports analogies and metaphors in our judicial process. Sports comparisons have often been referenced in opening and closing arguments as well as judicial opinions. Just as the world of sports has embraced technology to help correct mistakes that could influence the ultimate outcome of a game, our judicial system should continue to embrace reliable technological advances to ensure accurate outcomes in trials, both at the trial and appellate level.

According to the Innocence Project, there have been 259 post-conviction DNA exonerations in the United States since 1989, and 12 of those have been in Virginia. In addition, 17 of the 259 exonerated individuals served time on death row. The average length of time served by those who have been exonerated is 13 years (the total number of years served is approximately 3,303). The true suspects and perpetrators have been identified in 113 of the DNA exoneration cases. These figures do not include the thousands of suspects who were accused of committing crimes until

(continued on page 2)

UPCOMING EVENTS

November Luncheon
Thursday, November 18, 2010, 11:45 AM
Hits at the Park, Harbor Park
Speaker: Irving Blank
President, Virginia State Bar

Holiday Party
Thursday, December 9, 2010, 5:30-7:30 P.M.
Willcox & Savage, P.C.
Wells Fargo Center
440 Monticello Ave #2200, Norfolk

January Luncheon
Thursday, January 20, 2011, 11:45 AM
Hits at the Park, Harbor Park
Speaker: Dr. Michelle Clayton
Child Abuse Pediatrician and Medical Director,
Pediatric Forensic Nurse Examiner Program
at CHKD

For details on these events and CLE seminars, visit our
website and consult flyers included in this issue

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(PRESIDENT'S MESSAGE CONTINUED)

DNA testing prior to conviction established that they were wrongly accused. These errors have not gone unnoticed – today 48 states have enacted laws that provide access to DNA testing after conviction under certain circumstances. Ironically, much of the American public was first introduced to DNA testing during the O.J. Simpson trial. Since that time, there have been many advances in DNA fingerprinting that have not only helped solve unsolved cases and convict the guilty but, as noted above, free the innocent from wrongful convictions.

Technological advances, whether on the football field or in our courtrooms, do not come without a cost, often a significant cost. However, the importance of accurate and reliable outcomes in our judicial system is critical to the integrity of the system. Although we all recognize that states are facing significant budgetary pressures at this time, we must all step up to the plate and emphasize to the public and our elected officials that the appropriate funding must be in place for our courts, judges, law enforcement personnel, prosecutors, and public defenders to help ensure reliable and accurate outcomes in our judicial system.

HARVEST FOR THE HOMELESS 2010

by Shawn Voyles, Crenshaw, Ware & Martin, PLC

It's time to clean out your closets! As we enter the cold winter months, Norfolk & Portsmouth Bar Association is organizing the Seventh Annual "Harvest for the Homeless," a clothing/toiletries drive. Needed items will be collected from November 1-24 and donated to The Dwelling Place, Union Mission Family Shelter, Samaritan House Shelter, For Kids, 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 270 bags of clothing and toiletries. Let's donate 400 bags 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!

SEPTEMBER LUNCHEON



NOVEMBER LUNCHEON MEETING

Thursday, November 18, 2010

Hits at The Park, Harbor Park

11:45 AM



Irving M. Blank
President, Virginia State Bar

Irving M. Blank, a Richmond attorney, is 2010-11 President of the Virginia State Bar – the state agency that regulates Virginia's 39,000 lawyers.

Blank, a lawyer since 1967, practices with Paris Blank LLP. He holds a bachelor's degree from Virginia Tech and a law degree

from the University of Richmond. He is a native of Richmond.

He has served on the VSB's governing council since 2003 and the VSB Executive Committee since 2006. He is on the faculty for the VSB's Professionalism Course that is required for all lawyers, and he is a member of the Budget and Finance Committee. He also is a liaison for the VSB committee that reviews candidates for Virginia judgeships.

Blank is a fellow of the Virginia Law Foundation and the American College of Trial Lawyers. He is a member of the John Marshall Inn of Court, the Virginia Association of Defense Attorneys, and the Virginia Trial Lawyers Association.

He was a member of the Virginia Bar Association commission that developed the Virginia Principles of Professionalism, an aspirational set of standards for attorney conduct. He has served on the Board of Directors of the Central Virginia Legal Aid Society.

Please join us at Hits at the Park Thursday, November 18th. Remember, monthly luncheons are included in your dues – the guest fee is \$30.00. Call 622-3152 to register today.



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MESSAGE FROM THE YOUNG LAWYERS SECTION

By Wes B. Simon, Chair

By the laws of probability it was bound to happen, although it was just a question of when. The alignment of stars which bestows its cosmic grace upon earthly events is somewhat unpredictable, but once known, is studied by scholars in the hopes that one day, again, an event can be planned to benefit from the heavenly blessing. This year's Young Lawyer's Fall Reception was that event, and truly it was nothing less than perfect.

On a cool October Sunday afternoon, with the sun gently warming the spacious semi-shaded back yard of Judge and Mrs. Poston's Norfolk home, a record breaking attendance convened for the annual reception. Gathered under the clear sky by the water was a diverse crowd of law students, young lawyers, clerks, judicial personnel and Judges. Attendance was at an all time high with Judges from Norfolk's Circuit, General District, Juvenile and Domestic as well as Federal Courts, coming out to support and socialize with an eager group of young lawyers.

The casual and relaxed setting is one of the few opportunities where young lawyers



Wes Simon

and law students can speak directly and openly with the local bench. What is more significant is that 12 of the local Judges were able and willing to take the time out of their weekend to meet and socialize with young attorneys. As a young attorney who remembers what it was like to appear before the Court for the first time, I can appreciate the feeling of trepidation and uneasiness, that a new attorney feels the first time he or she argues before the bench. The reception yielded the opportunity for attorneys who had not yet appeared before the Court in their own practice, to share stories with the Judges before whom they would one day venture. For many that

nervous sense of fear seemed to melt away as they learned and experienced the open and friendly nature of our Norfolk Bench.

The event itself was flawless, from the weather to the catering. Everything was in place and moved along seamlessly as the record crowd mingled the afternoon away. A special thank you goes out to Judge and Mrs. Poston for allowing us to hold the reception at their home. Another thank you goes out to our sponsors, TowneBank and Wall, Einhorn & Chernitzer, PC., whose generous contributions and support of our Young Lawyer's events, allows us to put on such quality functions.

This year's Young Lawyer's Reception was put together by **K. Lynn Preston Fox** and **Amy McClure**, whose tireless efforts in planning and organizing the Reception went far above what was expected and put together a truly amazing afternoon.

So for my column this bulletin, I would thank everyone who organized, hosted, contributed and attended the Annual Young Lawyer's Fall Reception. If ever there was a standard by which we measure a successful event, this would be it.

FALL RECEPTION



FIRM ANNOUNCEMENTS

Mary G. Commander and Ellen C. Carlson are pleased to announce the formation of **Commander & Carlson**, Attorneys and Mediators, with a practice emphasizing Family Law, Bankruptcy and Mediation. They also are pleased to announce that Ms. Commander was selected for inclusion as a member of the "Legal Elite" in Domestic Relations for 2010 by Virginia Business Magazine and as a SuperLawyer in Family Law by Law & Politics.

Crenshaw, Ware & Martin, P.L.C. is pleased to announce that **James L. Chapman, IV**, has been elected as a Member of the Federation of Defense & Corporate Counsel. The Federation is an international organization of attorneys specializing in the defense of business and other civil litigation. It seeks to promote excellence, integrity and professionalism in trial advocacy and the continuing legal education of its members in such practice areas as employment, commercial, intellectual property, construction, healthcare, and tort litigation. A partner in the firm since 1989, Mr. Chapman's practice emphasizes the representation of broad range businesses engaged in manufacturing, maritime and rail transportation, and commercial insurance.

Peter G. Decker, III has been elected chairman of the Virginia Board of Corrections. Decker, an attorney at **Decker, Cardon, Thomas, Weintraub and Neskis, PC**, focuses his practice on criminal, traffic and personal injury. He serves on the board of directors for St. Jude Children's Research Hospital in Southeastern Virginia. He hosts the annual March of Dimes Signature Chefs' Auction, and is a member of the Law & Disorderly Club, which raises money for local children's charities. He is a member of the Knights of Columbus Council 3548, the order of AHEPA, Robert E. Lee Chapter, and is on the board of directors for the Sons and Daughters of Lebanon. In addition to serving as a member of the Norfolk Police-Fire Trial Board, Decker is an associate member of the Fraternal Order of Police Lodge No. 28. He serves on the boards of the Norfolk Drug Court Foundation, Heritage Bank in Norfolk, the Norfolk Sheriffs Foundation and the Norfolk and Portsmouth Bar Association Foundation.

David A. Buzard, attorney with **Jeremiah A. Denton III, P.C.**, and Navy JAG Reservist, is being recalled to active duty. Commencing October 1st, he will affiliate with the Defense Institute of International Legal Studies, an arm of the Defense Security Cooperation Agency, as its In-Country Rule of Law Program Director to the Democratic Republic of the Congo. There, he will oversee all facets of the United States' efforts to build and strengthen the capacity of the Congolese Armed Forces' military justice sector, through training and education, in conjunction with the United Nations Stabilization Mission.

Rodney S. Dillman of **HDJN, P.C.** in Virginia Beach has been recognized by Virginia Super Lawyers Magazine in its Rising Stars edition in the area of "personal injury defense: medical malpractice" in 2010.

Huff, Poole & Mahoney, P.C. takes pleasure in announcing **Sal Iaquinto** and **M. Ann Wright** have joined the firm as Members. Mr. Iaquinto will focus his practice on civil litigation with an emphasis on business, administrative and land use law. He earned his bachelor's degree from the University of Tennessee and his juris doctorate from Regent University School of Law. He will practice in Chesapeake and Virginia Beach. Ms. Wright's areas of practice include wills and estates, collections, creditors' rights, domestic relations, small corporations, and banking regulations. She earned her bachelor's degree from Norfolk State University and her juris doctorate from Marshall-Wythe School of Law at the College of William and Mary. Ms. Wright will practice in Norfolk.

The Honorable Westbrook J. Parker, retired Chief Judge of the City of Suffolk Circuit Court, has joined **The McCammon Group**, Virginia's leading mediation, arbitration, facilitation, training & consulting firm. Judge Parker served twenty-four years on the bench in the City of Suffolk Circuit Court until his retirement in June, 2010. Prior to his time on the bench, Judge Parker was partner in the law firm Parker, Clark & Parker. Judge Parker's general civil practice included a wide variety of cases including

but not limited to personal injury, product liability, contracts, and trusts & estates.

Troutman Sanders LLP is pleased to announce that partner **Christopher Abel** was elected Chairman of the York County Planning Commission for FY 2010-2011. At Troutman Sanders, Abel leads the Maritime Law and Government Contracts practice group, which represents clients across the full range of marine and government contracts matters before state and federal courts, the U.S. Congress and a variety of federal regulatory agencies. Abel received a B.S., with honors, in 1979 from the U.S. Coast Guard Academy, a M.A. in 1985 from Old Dominion University, and a J.D., Order of the Coif, in 1990 from the College of William and Mary.

The following Hampton Roads lawyers from **Vandeventer Black LLP** were selected for The Best Lawyers in America 2011: Norfolk Office: **F. Nash Bilisoly**, workers' compensation law; **Dean T. Buckius**, labor and employment law; **Mark T. Coberly**, maritime law, transportation law; **William E. Franczek**, alternative dispute resolution, construction law; **Patrick A. Genzler**, construction law, environmental law; **Patrick W. Herman**, tax law; **Arlene F. Klinedinst**, labor and employment law; **Walter B. Martin, Jr.**, maritime law; **Bryant C. McGann**, banking law; **Robert L. O'Donnell**, commercial litigation; **Anita O. Poston**, corporate law, health care law, personal injury litigation; **Edward J. Powers**, maritime law; **John M. Ryan**, commercial litigation, labor and employment law, maritime law; **Arthur Serratelli**, immigration law.

The following attorneys at **Williams Mullen** have been selected for The Best Lawyers in America 2011: Norfolk Office: **William F. Devine**, commercial litigation; **Patrick C. Devine, Jr.**, corporate law, health care law; **H. David Embree**, real estate law; **Howard E. Gordon**, land use and zoning law, real estate law; **Montgomery Knight, Jr.**, tax law, trusts and estates; **Robert C. Nusbaum**, corporate governance and compliance law, corporate law, eminent domain and condemnation law, real estate

(continued on page 6)

(Firm Announcement continued)

law, tax law, trusts and estates; **William L. Nusbaum**, public finance law; **William A. Old, Jr.**, corporate law, tax law; **Maria S. Stefanis**, tax law. Portsmouth Office: **Albert J. Taylor, Jr.**, tax law, corporate law. Virginia Beach Office: **Monroe Kelly, III**, banking law, bankruptcy and creditor debtor rights law, real estate law; **Robert C. Miller**, trusts and estates; **Craig L. Mytelka**, intellectual property law; **John M. Paris, Jr.**, tax law; **Robert L. Samuel, Jr.**, personal injury litigation.

The law firm of **Williams DeLoatche, P.C.** is pleased to announce that **T. Wayne Williams** has been named as one of the honorees of Inside Business magazine's Top 40 under 40 award for 2010. The award recognizes young businesspeople in Hampton Roads for their success in their field of business and involvement in the community.



WELCOME NEW NPBA MEMBERS

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ATTORNEY GENERAL CUCCINELLI PRESENTS LEGAL FOOD FRENZY AWARDS — LEGAL COMMUNITY BREAKS RECORD TO FEED THE HUNGRY —

Building on the history of the Legal Food Frenzy, organized by the Norfolk and Portsmouth Bar Association, the 4th Annual Statewide Legal Food Frenzy awarded local and state law firms for their efforts. In Southeastern Virginia, legal professionals raised enough food and funds to provide approximately 433,372 pounds of food for hungry children, struggling individuals and families, and senior citizens. Statewide, the Frenzy donated the equivalent of more than 1,725,330 pounds.

"We are so proud of the legal community for continually stepping up to help their hungry neighbors," said Joanne Batson, Chief Executive Officer for the Foodbank of Southeastern Virginia. "What started with just a few firms has grown into a great 2-week competition that includes all sizes of law firms, colleges, multiple bar associations, and corporate law departments from across the Commonwealth. The 1.7 million pounds of food raised will help provide many meals to hungry individuals in Virginia."

The "Legal Food Frenzy," a statewide competition among Virginia law firms to

raise food and funds for their local food banks, was held April 5-16, 2010. The "Attorney General's Cup" is a rotating award, staying with the winning law firm until the following year's contest. Beginning in 2007, the Foodbank of Southeastern Virginia worked with the Federation of Virginia Food Banks and the Attorney General's office to expand this event and open it to legal professionals across the state to benefit all 7 food banks in the Commonwealth.

In addition to the statewide contest, local attorneys competed in the categories of small, medium and large organizations. Results were calculated per capita, so smaller firms in each category could realistically compete with the larger ones. In the Southeastern Virginia area, the winners are:

Best firm overall: McGuire Woods, LLP (Norfolk)

Small firms:

1st: B. Cullen Gibson

2nd: Jackson Lewis

3rd: Law Offices of David A. Greer

Medium-sized firms:

1st: McKenry, Dancigers, Dawson & Lake, PC

2nd: Williams Mullen, Virginia Beach

3rd: Williams Mullen, Norfolk

Large firms:

1st: Vandeventer Black LLP

2nd: Kaufman and Canoles, PC, Norfolk

3rd: Willcox & Savage, PC

Virginia Attorney General Ken Cuccinelli
and NPBA President Jeff Stredler



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HON. WILLIAM H. LEDBETTER, JR. (RET.)



Hon. Westbrook J. Parker (Ret.)

Retired Chief Judge,
City of Suffolk Circuit Court

After a broad civil litigation career and twenty-four exemplary years on the bench, Judge Parker has recently retired. He will continue his lifetime of service to the citizens of Southeast Virginia as the Executive Director of the Camp Foundation, but now also joins 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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COURT NEWS

Please be advised of the following docket restrictions for the Norfolk Circuit Court:

- Tuesday, November 2, 2010** – General Elections - The only criminal cases the Court will hear are guilty pleas and motions that will not require the testimony of witnesses. The only civil cases the Court will hear are uncontested divorces in which defendant has signed a waiver, appeals of the denial of concealed weapons permits, and motions that will not require the testimony of witnesses.
- Wednesday, November 24, 2010** – The Court will be open until noon. The only criminal cases the Court will hear are guilty pleas, bond hearings, probation violations, and (with the consent of the judge) sentencing. The only civil cases the Court will hear are uncontested divorces, motions, and concealed weapons permit appeals.
- Monday, November 29, 2010** – No jury trials except in assigned cases by order of the judge.
- Thursday, December 16, 2010** – Last day for jury trials until Tuesday, January 4, 2011.
- Thursday, December 23, 2010** – The only criminal cases the Court will hear are guilty pleas, bond hearings, probation violations, and (with the consent of the judge) sentencing. The only civil cases the Court will hear are uncontested divorces, motions, and concealed weapons permit appeals.
- Thursday, December 30, 2010** - The Court will be open until 2:00pm. The only criminal cases the Court will hear are guilty pleas, bond hearings, probation violations, and (with the consent of the judge) sentencing. The only civil cases the Court will hear are uncontested divorces, motions, and concealed weapons permit appeals.
- Tuesday, January 18, 2011** – No jury trials except in assigned cases by order of the judge.
- Friday, April 15, 2011** – No Docket. Regional Judges' Meeting.
- Monday – Wednesday, May 9-11, 2011** – No Docket. Mandatory Judicial Conference.
- Tuesday, June 14, 2011** – Primary Elections (assuming there is a primary) – The only criminal cases the Court will hear are guilty pleas and motions that will not require the testimony of witnesses. The only civil cases the Court will hear are uncontested divorces in which defendant has signed a waiver, appeals of the denial of concealed weapons permits, and motions that will not require the testimony of witnesses. If there is no primary, the Court will have a regular docket.
- Friday, September 16, 2011** – No Docket. Regional Judges' Meeting.
- Tuesday, November 8, 2011** – General Elections - The only criminal cases the Court will hear are guilty pleas and motions that will not require the testimony of witnesses. The only civil cases the Court will hear are uncontested divorces in which defendant has signed a waiver, appeals of the denial of concealed weapons permits, and motions that will not require the testimony of witnesses.

Please note that Thursday, **April 14, 2011**, and Thursday, **September 15, 2011**, will serve as sentencing dates.

The Norfolk Juvenile and Domestic Relations District Court

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

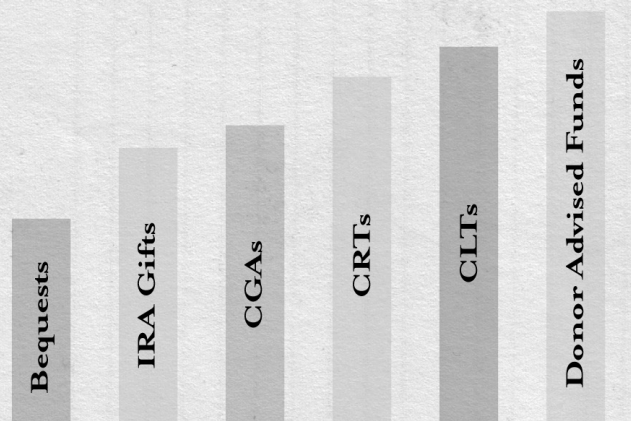
November 2, 2010..... Election Day Clerk's office will be open for business. No courts will be in session.	December 28, 2010..... 1 Court overnight arrest cases & emergency cases only
November 11, 2010..... Veterans Day – Closed	December 29, 2010..... 1 Court overnight arrest cases & emergency cases only
November 24, 2010..... Court will close at 12:00 Noon	December 30, 2010..... Closed
November 25, 2010..... Thanksgiving – Closed	December 31, 2010..... New Year's Eve – Closed
November 26, 2010..... Closed	January 14, 2011..... Lee-Jackson Day – Closed
December 23, 2010..... Closed	January 17, 2011..... Martin Luther King, Jr. Day – Closed
December 24, 2010..... Closed	February 21, 2011..... President's Day – Closed
December 27, 2010..... 1 Court overnight arrest cases & emergency cases only	

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