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BAR BULLETIN

Volume XXXVII Number 6

November - December 2012

INSIDE

PAGE 2	BENCH BAR CONFERENCE
Page 3	Announcements
Page 5	November Luncheon
Page 6	YLS Message
Page 7	NPBA FOUNDATION WELCOME NEW MEMBERS

See Flyers Inside for Event Details and Registration Information

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

PRESIDENT'S MESSAGE



Gary Bryant

When my children were young, I sometimes had difficulty explaining my profession. After a few attempts at trying to describe exactly what it is that a lawyer does, my wife would chime in "He gets paid to worry for people." Of course, that explanation did not help at all, and just prompted more questions. But the explanation stuck with my oldest daughter, who is now a junior in high school and exploring potential career paths. As she considers the possibility of the law as a profession, she had a difficult time understanding how someone could find career satisfaction in a profession where you are paid to worry. Even more succinctly, she asked the simple question "Dad, are you glad you're a lawyer?" My response was, "Depends on when you ask."

What may seem to be an evasive answer turns out to be typical. Job satisfaction among practicing attorneys often turns on when you ask the question. An ABA survey published 5 years ago concluded that career satisfaction often comes with age for lawyers. Stephanie Francis Ward, "Pulse of the Legal Profession," ABA J. Oct. 1, 2007. This may be because attorneys get more responsibility as their careers advance. It also may be because those who do not enjoy practicing law leave the profession. Among lawyers with six to nine years of experience, only 40% report career satisfaction. By comparison, 60% practicing a decade or more are satisfied with their careers. The ABA survey rings true, at least for me. While I harbored doubts about my chosen profession early in my career, those doubts faded over time. I now find a great deal of satisfaction from my profession. So what will I tell my daughter if she is exploring a career in the law?

The ABA survey tackled this question as well. But the results were somewhat surprising. While older lawyers have found satisfaction with the practice of law, they were *less likely* to recommend the legal profession than younger lawyers. Almost 60% of attorneys with less than 5 years experience would recommend the profession. By contrast, for lawyers with 10 or more years of experience, that number drops to 42%. If career satisfaction improves with experience, why do fewer experienced attorneys recommend a career in the law? Notably, Roanoke litigator William R. Rakes was featured in the ABA survey, explaining that he had advised his daughter to explore a career in the law, insisting that "you can do a lot of different things" with a law degree. When confronted with statistics suggesting that the majority of experienced lawyers *would not* recommend a legal career to a young person, Rakes pondered whether the low recommendation rate stems from those who fell into the profession by default as opposed to choosing the profession out of a sincere desire to practice law. Another possible explanation is that, while older lawyers find satisfaction in their careers, they recognize a considerable sacrifice necessary to reach that level of satisfaction.

Without question, the legal profession can be demanding, which begs the question "Are the

(continued on page 2)

UPCOMING EVENTS

NPBA Luncheon Thursday, November 15, 2012, 11:45 AM Hits at the Park, Harbor Park Speaker: Harry Lester, President, *EVMS*

(Immediately following NPBA Luncheon)
The Freedom of Information Act
1 CLE Credit
Faculty: Megan H. Rhyne
Virginia Coalition for Open Government

NPBA Holiday Party Thursday, December 13, 2012, 5:30 - 7:30 PM Hits at the Park, Harbor Park

NPBA Luncheon
Thursday, January 17, 2013, 11:45 AM
Hits at the Park, Harbor Park
Speaker: Charles W. "Wick" Moorman
Chairman, President & CEO
Norfolk Southern Corporation



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(President's Message continued)

rewards worth it?" That, of course, depends on the rewards. Most who are dissatisfied with the legal profession entered for the wrong reason or with misconceptions about the law as a career. For example, if someone enters the legal profession purely for financial gain, chances are they will be disappointed. There are easier ways to make a living. Most highly compensated attorneys either are enormously successful plaintiffs' lawyers, or employed in very large firms. According to the American Bar Foundation's Lawyer Statistical Report, such lawyers represent less than 1% of all practitioners. The vast majority of lawyers work in lower paying settings such as small firms, public interest groups and the government. Indeed, according to NALP, 83% of lawyers who work in private practice are employed in firms of fewer than fifty lawyers. Ironically, large firm lawyers report the *least* career satisfaction according to the ABA survey.

So what "rewards" bring career satisfaction? Without question, one of those rewards is the opportunity to help those who do not have the wherewithal to hire legal counsel. An informal survey of members of the Norfolk and Portsmouth Bar Association suggests that meaningful pro bono service is one of the most important elements in finding job satisfaction, particularly among younger lawyers. The same survey found that many young lawyers simply do not know where to look for pro bono opportunities. This perception is the same nationally. Reporting the findings of the National Opinion Research Center on "lawyer happiness," the ABA notes that only 16% of lawyers found that their jobs afforded them the "ability to contribute to the public good" as much as they expected when they entered the profession. Jill Schachner Chanen, "Are You Happy Now?" ABA J. Nov. 1, 2010. One of the most meaningful ways to "contribute to the public good" is by providing legal services to the indigent. It seems we have two "needs" that are simply passing in the night. On the one hand, we have lawyers looking for job satisfaction which they can find, in part, through providing pro bono services. On the other hand, our community is overwhelmed with indigent individuals desperate for legal services.

To address the problem, the NPBA formed an ad hoc group for the specific purpose of exploring the need for a standing pro bono committee for the Association. The recommendation of the ad hoc group was unanimous—the Association needs a standing committee primarily for the purpose of serving as a "clearinghouse" for pro bono opportunities. The goal of the standing committee will be to work closely with organizations like the Legal Aid Society of Eastern Virginia to identify pro bono opportunities, and match those opportunities with NPBA members interested in providing pro bono services. While the primary goal is to increase the number of attorneys participating in pro bono activities, I suspect we will see a secondary benefit as well—an increase in job satisfaction, particularly among our members who find it truly rewarding to provide legal services to the indigent.

So what will I tell my 16-year-old when she asks if she should consider a career in law? I will tell her the same thing Bill Rakes told his daughter. A career in the law is worth exploring because of the real rewards available. We are counselors who guide our clients through unfamiliar waters and advocates who plead our clients' cases to those who will decide their fate. But, perhaps first and foremost, we are problem solvers. And in that sense, my wife is correct. Our clients come to us because they are worried about something, and want the peace that comes with turning to competent counsel for advice. And perhaps the greatest reward is to help shoulder the burdens of the indigent. I will tell my daughter, "If that's something you would find rewarding, then a career in the law may be for you."

SAVE THE DATE FOR BENCH BAR 2013!

Mark your calendars for the 2013 Bench Bar Conference! The 2013 Bench Bar Conference will take place on **Thursday**, **April 4**, **2013** at the Norfolk Waterside Marriott Convention Center and feature keynote speaker **General William K. Suter**, **Clerk of the United States Supreme Court**. General Suter is the 19th Clerk of the Supreme Court and has served in that capacity since 1991. He is an unparalleled expert on the Supreme Court's functions and traditions. We will maintain the popular afternoon conference format and offer sessions of interest to all members, as well an opportunity to learn more about the new Norfolk Combined Courthouse Project scheduled to open in December of 2013. We look forward to seeing you there!

Announcements

Virginia Super Lawyers 2012 has recognized Mary G. Commander of Commander & Carlson, Attorneys and Mediators, as one of the Top 50 Women Lawyers in Virginia. Ms. Commander's practice emphasizes Family Law Mediation and Litigation.

Christie, Kantor, Griffin, Smith, Shepherd & Chiusano, P.C. is pleased to announce that attorneys George Christie, Barry Kantor, Mark Smith and Peter Chiusano have been named Virginia Super Lawyers for 2012. Peter V. Chiusano has also been elected to a four year term on the Virginia State Bar's Family Law Section Board of Governors.

The law firm of Clarke, Dolph, Rapaport, **Hull & Brunick** is proud to announce that Timothy S. Brunick has been recognized in 2012 Virginia Super Lawyers in the personal injury defense (products) category. Brunick represents liability, property damage, contracts and personal injury cases. Cyrus A. **Dolph IV** has been recognized in the estate planning and probate category for the fifth consecutive year. Dolph advises clients in business transactions and in the planning and administration of estates, foundations, and trusts. Robert A. Rapaport has been recognized in the workers' compensation category. For over 30 years Rapaport has represented employers, insurers and selfinsureds in defending workers' compensation claims. Carvn R. West has been recognized in Rising Stars 2012 by Virginia Super Lawyers for the second consecutive year. West practices in the areas of business and corporate, estate planning and probate, and real estate law.

Crenshaw, Ware & Martin, P.L.C. is proud to announce that it has been named as the 2012 Maritime Law Firm of the Year in Virginia by *Corporate INTL Magazine* in its annual Global Awards for Legal Excellence. The Maritime Practice Group represents clients in matters involving vessel accidents, cargo damage, vessel and marina fires, personal injury and death, limitation of liability, marine salvage and pollution. It assists maritime clients in commercial matters such as vessel financing, Bowaters documentation, and vessel and facility pollution response plans. The firm also represents clients in U.S. Coast Guard and OSHA investigations, businesses in civil penalty proceedings with the Coast Guard and merchant seamen in license

suspension and revocation proceedings before Coast Guard hearing officers and administrative law judges.

Reid H. Ervin & Associates, P.C. is pleased to congratulate Reid H. Ervin for being selected as one of Virginia's Legal Elite in Labor and Employment Law by Virginia Business Magazine. A 1969 graduate of University of Virginia School of Law, Mr. Ervin's practice focuses primarily on labor and employment law. He has successfully represented both plaintiffs and defendants in federal and state courts as well as before numerous government agencies.

Michelle Foy has joined Ganderson Law, P.C. as an associate. Ms. Foy began her legal career at what is now McCandlish Holton in Richmond before joining the Commercial Real Estate Group at Willcox & Savage. Ms. Foy's practice included business transactions and commercial real estate development and leasing. Ms. Foy earned a B.B.A. in finance from Marshall University, summa cum laude, and a J. D. from Washington and Lee University School of Law. Ms. Foy's practice areas include business transactions, trust and estate planning and administration, and tax planning.

Cherish L. Hadley-Njewel is excited to announce the opening of Hadley Law, PLC, located at 128 South Lynnhaven Road, Suite 202, Virginia Beach. Hadley Law, PLC's main areas of focus are family law and immigration. You can reach Cherish at 498-1800.

The Hook Law Center is pleased to announce that Jessica Hayes has joined the firm. Ms. Hayes has a B.A. from the College of William and Mary and a J. D. from Regent University School of Law. Her elder law experience includes preparation of wills, trusts, powers of attorney and advance medical directives, as well as all aspects of estate planning and administration.

Inman & Strickler, PLC is proud to announce that Robert V. Timms, Jr. has been recognized in 2012 Virginia Super Lawyers in estate planning and probate for the third consecutive year. Mr. Timms advises clients in the areas of business and corporate law, estate planning and administration, and real estate law.

Inside Business has named the following NPBA members among this year's

Top 40 Under 40 recipients: Andrew R. Fox, Norfolk City Attorney's Office; Emily Meyers Munn, Emily M. Munn, P.C.; Gretchen M. Ostroff, Vandeventer Black, LLP and Christine Nguyen Piersall, Williams Mullen.

Pender & Coward is pleased to announce that attorneys Richard E. Garriott, Jr., Burke W. Margulies and E. Diane Thompson have been named Virginia Super Lawyers for 2012.

Phillips & Peters, PLLC is pleased to announce that Corrynn J. Peters was selected for the 2012 Virginia Super Lawyers -Rising Star Edition. Additionally, we are pleased to announce that Sarah J. McCoy and B. Caitlin Walters are certified as guardians *ad litem*.

The personal injury law firm of **Shapiro**, **Lewis and Appleton**, **P.C.** is pleased to announce that **Jim Lewis** has been selected by Best Lawyers in America for inclusion in the 2012 directory in the field of personal injury and medical malpractice and that **Rick Shapiro** has been selected in the field of railroad personal injury.

Vandeventer Black LLP is pleased to announce that Anita O. Poston has been named the Best Lawyers' 2013 Norfolk Health Care Law Lawyer of the Year. Best Lawyers designates Lawyers of the Year in high-profile legal specialties in large legal communities. A single lawyer in each specialty in each community receives the honor. Ms. Poston concentrates her practice in Health Care, Business Law and Estate Planning. A partner in the firm, she co-chairs the Government Relations Committee and serves on the Practice Management Committee and as trustee of the law firm's retirement plan. Ms. Poston is past president of the Norfolk and Portsmouth and Virginia Bar Associations. She serves as a member of the Virginia Board of Bar Examiners and is chair of the board of Lake Taylor Transitional Care Hospital. Ms Poston obtained a B.A. with Honors from the University of Maryland and a J.D. from the College of William & Mary.

Twenty-three attorneys from Vandeventer Black LLP were recently selected by their peers for inclusion in The Best Lawyers in America 2013. NPBA members include: Admiralty & Maritime Law: Thomas S. Berkley, Mark T. Coberly, Walter B. Martin, Jr., Richard H. Ottinger, Edward J. Powers, John M. Ryan; Arbitration:

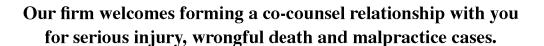
ANNOUNCEMENTS CONTINUED

William E. Franczek; Banking and Finance Law: Bryant C. McGann; Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law: Daniel R. Weckstein; Commercial Finance Law: Bryant C. Mc-Gann; Commercial Litigation: Robert L. O'Donnell, John M. Ryan; Construction Law: William E. Franczek, Patrick A. Genzler, James R. Harvey III, Michael L. Sterling; Corporate Law: Anita O. Poston; Employment Law – Management: **Dean** T. Buckius, Arlene F. Klinedinst, John M. Ryan; Environmental Law: Patrick A. Genzler; Financial Services Regulation Law: Bryant C. McGann; Health Care Law: **Anita O. Poston**; Immigration Law: **Arthur** Serratelli; Labor Law – Management: Dean T. Buckius, Arlene F. Klinedinst, John M. Ryan; Litigation - Banking & Finance: **Bryant C. McGann**: Litigation – Construction: William E. Franczek, Patrick A. Genzler; Litigation – Environmental: Patrick A. Genzler; Mediation: William E. Franczek; Mortgage Banking Foreclosure Law: Bryant C. McGann; Personal Injury Litigation - Defendants: Anita O. Poston; Project Finance Law: **Bryant C. McGann**; Tax Law: **Patrick W. Herman**; Transportation Law: Mark T. Coberly; Workers' Compensation Law – Employers: R. John Barrett, F. Nash Bilisoly.

Willcox & Savage, P.C. is proud to announce Benchmark Litigation has recognized Susan R. Blackman as one of the Top 250 Women in Litigation in the United States. She is the only lawyer in Hampton Roads to earn this distinction, and one of only four in Virginia. Susan is a partner in the Labor & Employment Group, where her practice focuses on employment and business immigration law.

Wolcott Rivers Gates is pleased to announce that L. Cart Rixey has joined the firm. Ms. Rixey received her J.D. from The Catholic University of America, Columbus School of Law. Ms. Rixey concentrates her practice in banking, creditor's rights, and business transactions.

Willcox & Savage is pleased to announce the following NPBA member attorneys were selected by their peers for inclusion in The Best Lawyers in America 2013. Christopher A. Abel - Admiralty and Maritime Law; Bruce T. Bishop - Mass Tort Litigation, Personal Injury Litigation/ Defendants; Susan R. Blackman - Employment Law, Immigration Law, Labor and Employment Litigation; Gary A. Bryant - Commercial Litigation, Environmental Law; Robert L. Dewey - Real Estate Law; Allan G. Donn - Tax Law, Trust and Estates Law; William M. Furr - Employment Law. Labor and Employment Litigation; Gregory A. Giordano - Commercial Litigation, Employment Law, Labor and Employment Litigation; Peter M. Huber - Trusts and Estates Law; **Thomas C. Inglima** - Corporate Law, Mergers and Acquisition Law; Thomas G. Johnson, Jr. - Banking and Finance Law, Corporate Law, Real Estate Law; Wiley F. Mitchell, Jr. - Railroad Law; Hugh L. Patterson - Corporate Law; William E. Rachels, Jr. - Employment Law, Labor and Employment Litigation; Ross C. Reeves -Bankruptcy and Creditors' Rights Law; Neil L. Rose - Trusts and Estates Law; Toy D. Savage, Jr. - Corporate Law, Tax Law, Trusts and Estates Law; Conrad M. Shumadine -Antitrust Law, Appellate Law, Banking and Finance Litigation, Commercial Litigation, First Amendment Litigation; Mark E. Slaughter - Mergers and Acquisition Law; Anthony M. Thiel - Real Estate Law; Samuel J. Webster - Railroad Law, Transportation Law; Cher E. Wynkoop - Employee Benefits Law.



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November Luncheon Meeting

Thursday, November 15, 2012 Hits at The Park, Harbor Park 11:45 AM



Harry T. Lester, President Eastern Virginia Medical School

Harry T. Lester has served as President of Eastern Virginia Medical School since 2005. Previously, Mr. Lester was a member of the EVMS Board of Visitors for five years and served a portion of that time as Rector of the Board.

During his tenure as President, Mr. Lester has been a catalyst for positive change. He worked with the Board of Visitors and the Dean to implement a series of strategic initiatives, and he forged stronger relationships with other educational institutions and with EVMS' teaching hospitals. During Mr. Lester's tenure, the school has signed cooperative agreements with Old Dominion University, the University of Virginia and Sentara Healthcare.

Mr. Lester also has led efforts – supported by leaders in the community, legislature and local health care community - to secure additional state budget support. He also succeeded in clarifying the school's relationship with the state and securing state bond financing for new campus facilities to accommodate growing student enrollment.

A North Carolina native, Mr. Lester earned a degree in business administration from Rollins College in 1967. Upon graduation, he served as an officer in the United States Navy, which brought him to Hampton Roads. He had a successful career in commercial real estate for more than 30 years.

An active community leader, Mr. Lester serves on the boards of the Hampton Roads Community Foundation, the Hampton Roads Partnership, Virginia Beach Vision, and the Greater Norfolk Corporation. He also serves as co-chair of Lynnhaven River Now Board. He previously served on the Board of the Chesapeake Bay Foundation, Virginia Commonwealth Transportation Board and the Chesapeake Bay Bridge Tunnel Commission. Prior to being named president of EVMS, he led the Chrysler Museum of Art's \$30 million capital campaign and served as Chair of the Chrysler Board of Trustees.

Recently, Mr. Lester was named the 2012 First Citizen of Hampton Roads. Mr. Lester has previously been honored as First Citizen of Virginia Beach, recipient of the Darden Award for Regional Leadership by the Civic Leadership Institute and awarded the Lenora Matthews Lifetime Achievement Award by Volunteer Hampton Roads.





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Message from the Young Lawyers Section

By Bonnie P. Lane, Chair

I would first like to congratulate all of the July 2012 Virginia Bar Exam passers! We all can identify with your excitement and relief. I would encourage new Virginia State



Bonnie Lane

Bar members to get involved with NPBA and ioin the YLS.

Fall is moving right along and the YLS has been active with ForKids. On October 6. volunteers helped out at one of ForKids' shelters, Haven House, with painting and other tasks. Other volunteers organized donations at the ForKids' thrift store, Good Mojo. Thanks to everyone who gave up part of their Saturday to help ForKids! Please be on the lookout for ForKids volunteer events in November to help provide Thanksgiving meals to the families at For Kids, and start saving up for a toy drive to benefit the children at ForKids.

Another Breakfast with the Bench was

held on October 16, with special guest Judge Humphreys of the Court of Appeals of Virginia. I would like to thank Judge Humphreys for speaking, as well as a thank you to everyone who came out that morning. Another Breakfast is planned for early 2013.

On October 21, a great group of young lawyers and local judges gathered at the home of the Honorable Mary Jane Hall and John W. Hall, Esq., for the annual YLS Fall Reception. This event is an excellent and unique opportunity for young lawyers to interact with judges outside of the courtroom. I would like to thank the Halls for so graciously opening their home to the YLS and I would like to thank all of the judges whose attendance help make this event so successful. This year, I would like to extend a huge thank you to the sponsors of this event: TowneBank, Wolcott Rivers Gates, and Clarke, Dolph, Rapaport, Hull & Brunick, PLC. Their generosity and support is much appreciated. Finally, thanks to Courtney Williams and Cart

Rixey who did an excellent job of planning the event.

The YLS presented its annual donation to Norfolk Law Library at the Fall Reception. Norfolk Law Library is an invaluable resource and the YLS is proud to continue to support it this year with its contribution of \$1,800.00.

I hope everyone has a wonderful upcoming holiday season. If anyone is interested in getting involved with the YLS, please feel free to contact me at blane@clarkedolph.com.



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NPBA FOUNDATION NEWS

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

Greetings to all and Happy Autumn!

Recently, the NPBA Foundation Board voted to increase the amount of the award for the Fitzwater Memorial Scholarship from \$1,000 to \$2,500. You'll recall that the first annual



Grea Summy

Fitzwater scholarship was awarded last year in honor of the late Elizabeth Fitzwater, a local young attorney who lost her life under tragic circumstances as a result of a traffic accident. The award is presented to a second year law student who intends to practice in South Hampton Roads and has an interest in public interest law and public service.

Why did the Board decide to the increase the amount of the scholarship? Well, anyone less than ten years out of law school can tell you that \$1,000 doesn't go very far. And while \$2,500 doesn't come close to paying tuition for a year, it does provide more meaningful support than the previous amount.

The NPBA Foundation now awards three

scholarships and runs two competitions. These are:

- The high school senior scholarships. which include an essay component where the student writes about a topic of current interest touching upon the law. First and second place awards are made in the amounts of \$2,500 and \$1,000, respectively.
- The Fitzwater Memorial Scholarship, discussed above.

Our endowment is relatively modest, and our awards and expenses cannot be supported over the long term unless we receive annual contributions from NPBA members. The work of the Foundation is designed to assist youth in developing an interest in the law (for high school students) and to provide support for law students to settle in South Hampton Roads if they are interested in becoming contributing members of our community through public service or public interest law.

With this in mind, I ask you to consider making a contribution to the Foundation this year. Should you have any questions about the Foundation, please feel free to contact me.

The Tidewater **Bankruptcy Bar Association**

requests that you

SAVE THE DATE!

Twenty-first Annual Tidewater Bankruptcy Bar Conference

Friday, February 22, 2013 8:30 am until 4:30 pm

The Westin Virginia Beach Town Center

> 4535 Commerce Street Virginia Beach, VA 23462

Welcome New Members

Kirk Berkhimer Berkhimer Law, P.C.

Victor Brannon American Maritime Holdings, Inc.

Blake Christensen

Willcox & Savage, P.C.

Elizabeth Dietzmann

Harbor Group

Chad G. Dorsk Dorsk Law Office, P.L.C.

Michele Fanney

Willcox & Savage, P.C.

Ramin Fatehi Norfolk Commonwealth Attorney's Office

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Scott C. Hartin

McKenry, Dancigers, Dawson & Lake, P.C.

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Hook Law Center Quickly Emerges As Region's Elder Law Leader.

With Andy Hook as founding partner, the new Hook Law Center picks up where Oast & Hook left off. Opened in June 2012, with offices in Virginia Beach and Suffolk, the new firm is already recognized as the region's leading specialist in elder law.

Of Mr. Hook's 37 years' experience practicing law, 30 have been in the estate, trust, and elder law field. He is a national leader in this area and an active member of the Elder Law Alliance, Special Needs Alliance and other related organizations.

The firm's team of accomplished legal professionals includes Attorney Shannon Laymon-Pecoraro, Attorney Jessica Hayes and Law Clerk Edward H. Miller. A professional support staff adds another 50 years of combined experience in elder law.

Mr. Hook and his associates are proud to be at the forefront of protecting seniors and the disabled in Southeastern Virginia. The firm focuses on estate planning, planning for long-term care, retirement and investment advice, trust and estate administration, and the unique situations associated with special needs.

Learn more about the Hook Law Center at www.hooklawcenter.com.



Andy Hook



Shannon Laymon-Pecoraro



Jessica Hayes



Edward Miller

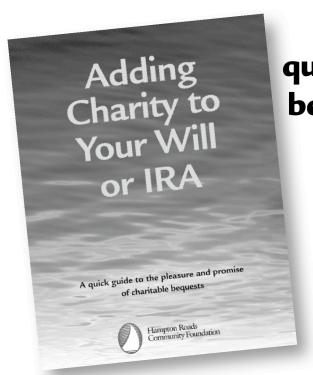


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