

NORFOLK & PORTSMOUTH BAR ASSOCIATION

BAR BULLETIN

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November –
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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



Robert V. Timms, Jr.

I would like to address two matters. The first is the creation of a new bar association committee. The second concerns a situation I am currently experiencing, which I thought would helpful to all members of the bar association.

The Honorable David W. Lannetti, Judge of the Norfolk Circuit Court, approached the Association concerning the creation of a Bench Bar Relations Committee. While the Executive Committee is working on specific goals and guidelines for the committee, it is supportive of its creation and we expect to approve it at our next meeting.

The committee is expected to consist of one to two judges each from the Circuit, General District and Juvenile and Domestic Relations District Courts. It is also expected to have six to nine attorneys, who practice primarily before each respective court. The committee will act as a liaison on issues of shared concern such as pro bono (what types of cases the judges are seeing that are in critical need of support), practice specific issues (substantive and procedural), professionalism, and other areas of common concern.

The new committee will not supplant any other association committee or their respective activities. It will serve as a resource for other committees interacting with the Court such as the Bench Bar Committee, the Pro Bono Committee, the CLE Committee and the Young Lawyers Section.

We will be sending out an email request to our members in the near future to see who may be interested in serving on this committee. This committee is a great opportunity for our association to strengthen one of the purposes for which it was created and to create an opportunity for greater member participation.

The second matter I wanted to address is the need for all of our members to plan for unforeseen medical issues. In the last part of September, I fell and ruptured my patella tendon. I required surgery to correct the condition. Having never previously experienced a sudden disabling event, I found myself scrambling to find assistance in covering the matters I was working on prior to my accident. Unlike a planned vacation, I did not schedule my appointments around the time I would be out of the office, nor did I have time to find someone to cover my ongoing matters. Luckily, I have enough partners and support staff to assist me through this period. However, there are other matters we must plan to deal with outside of our clients and their legal matters. The biggest concern for me is that I cannot bend my knee for six weeks, which prohibits me from driving. It also means that, if I have a meeting out of the office or a lunch I have to attend, I need to plan ahead of time to figure out how I will get to the meeting or lunch and how and where I will sit. In other words, I am limited as to what meeting or lunches I can attend. Luckily, with the arrival of Uber and

(continued on page 2)

UPCOMING EVENTS

LEED: SUSTAINABLE CONSTRUCTION

2 CLE Credits

Tuesday, November 15, 2016 • 3:00 - 5:00 PM
Clark Nexsen, 4525 Main St., #1400, Va. Beach

NOVEMBER LUNCHEON

Thursday, November 17 • 11:45 AM
Hits at the Park, Harbor Park
Hon. Glen A. Huff, Chief Judge
Virginia Court of Appeals

Rule 68 Offers of Judgment

1 CLE Credit

Thursday, November 17, 2016
Immediately following the luncheon

HOLIDAY PARTY

Thursday, December 15, 2016
5:30 - 7:30 PM
Hits at the Park, Harbor Park

ADDITIONAL EVENTS ON PAGE 7

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(PRESIDENT'S MESSAGE CONTINUED)

Lyft, I have ways to get around town. These services are very useful, but they do require you to add additional time in your schedule to accommodate the arrival time of the drivers.

I urge you to set up a plan with your staff now to deal with unforeseen emergencies. I suggest you work out a list of attorneys who your staff can call to cover your cases in the event you are incapacitated. I was fortunate in that I was able to make phone calls after my accident and after my surgery. However, if I was unable to communicate with my office, then my staff would not have had an action plan to initiate to handle my active files. I urge you to plan now for unforeseen emergencies.

ANNOUNCEMENTS

Adam Casagrande has moved to **ADS, Inc.** to become General Counsel and Executive Vice President. While at Williams Mullen, Casagrande served as managing partner for Hampton Roads, Vice President of the firm and member of the Board of Directors. Previously, he served as law clerk for Justice A. Christian Compton of the Supreme Court of Virginia. Casagrande received his B.A. from James Madison University and his J.D. from William and Mary Law School. Casagrande serves as Commissioner of the Norfolk Hospital Authority and is a member of the Board of Directors of TowneBank, the Virginia Zoological Society and the Greater Norfolk Corporation. Adam has been recognized in Inside Business Magazine's "Top 40 Under 40", as well as the Legal Elite and Virginia Super Lawyers Magazine.

Clarke, Dolph, Rapaport, Hull & Brunick, P.C. is pleased to announce **Cyrus A. Dolph, IV** was selected for The Best Lawyers in America 2017 for trusts and estates. Dolph has previously been recognized as a Virginia Super Lawyer and one of the Legal Elite by Virginia Business. He is AV Preeminent Peer Review Rated.

Crenshaw, Ware & Martin PLC is pleased to announce that seven of its lawyers have been named to the 2017 Best Lawyers in America: **Delphine G. Carnes, James L. Chapman IV, Timothy A. Coyle, Howard W. Martin, Jr., Donald C. Schultz, W. Ryan Snow** and **Guilford D. Ware**.

Darius K. Davenport of **Crenshaw, Ware & Martin PLC**, has been elected to serve as Vice-Chairman of the Suffolk Wetlands Board for 2016-2017.

Gilbert & Albiston, P.L.C. is pleased to announce that **O.L. "Buzz" Gilbert** and **George T. Albiston** have both been selected for the 2017 Best Lawyers in America. Gilbert was named as Personal Injury Litigator of the Year in Norfolk for the third time. Only one lawyer

in a legal category in a geographical area is selected as Lawyer of the Year.

25 attorneys from **Vandeventer Black LLP** were named Best Lawyers in America 2017, many in multiple specialties, for a total of 52 for the firm. Vandeventer Black attorneys who are NPBA members and their specialties are: **Edward J. Powers, John M. Ryan, Mark T. Coberly*** and **Richard H. Ottinger** - Admiralty and Maritime Law; **William E. Franczek*** - Arbitration; **Bryant C. McGann** - Banking and Finance Law; **Christopher Ambrosio** and **Richard S. Guy** - Business Organization (including LLCs and Partnerships); **Patrick W. Herman*** - Closely Held Companies and Family Business Law; **Bryant C. McGann** - Commercial Finance Law; **John M. Ryan** and **Robert L. O'Donnell** - Commercial Litigation; **Deborah Casey** - Community Association Law; **James R. Harvey III, Michael Sterling, Neil Lowenstein, Patrick A. Genzler, William E. Franczek*** - Construction Law; **Anita O. Poston*** - Corporate Law; **Arlene F. Klinedinst, Dean T. Buckius** and **John M. Ryan** - Employment Law - Management; **Patrick A. Genzler** - Environmental Law; **Bryant C. McGann** - Financial Services Regulation Law; **Anita O. Poston*** - Health Care Law; **Arlene F. Klinedinst, Dean T. Buckius** and **John M. Ryan** - Labor Law - Management; **Bryant C. McGann** and **Neil Lowenstein** - Litigation - Banking and Finance; **Patrick A. Genzler** and **William E. Franczek*** - Litigation - Construction; **Patrick A. Genzler** - Litigation - Environmental; **William E. Franczek*** - Mediation; **Bryant C. McGann** - Mortgage Banking Foreclosure Law; **Anita O. Poston*** - Personal Injury Litigation - Defendants; **Bryant C. McGann** - Project Finance Law; **Patrick W. Herman*** - Tax Law; **Mark T. Coberly*** - Transportation Law; **Adam S. Rafal, R. John Barrett** and **F. Nash Bilisoly** - Workers' Compensation Law - Employers.

*Denotes attorney selected as "Lawyer of the Year".

THE VALUE OF POSITIVE BENCH-BAR RELATIONS

By Judge David W. Lannetti and Jennifer L. Eaton, Esquire

Positive bench-bar relations support and improve the administration of justice, increase professionalism throughout the legal system, and enhance service to the community. Facilitating open communication and a certain degree of familiarity between judges and attorneys also makes the practice of law more enjoyable from the perspectives of both the judiciary and legal professionals. Creating opportunities for the bench and the bar to interact therefore is a worthy goal, and one that the Norfolk & Portsmouth Bar Association (the “NPBA”) fully embraces.

The deep-rooted relationship between the bench and the bar stems back to the NPBA’s inception more than a century ago. The original charter from the General Assembly of Virginia, which was approved March 5, 1900, committed the NPBA and its members to “cultivating and advancing the science of jurisprudence, promoting *reform* in the law *and in judicial procedure*, *facilitating the administration of justice* and upholding and elevating the standard of honor, integrity and courtesy in the legal profession.” (emphasis added). True to this purpose, the NPBA and its leadership over time established specific programs designed to strengthen bench-bar relations.

The NPBA is recognized throughout the Commonwealth for being on the forefront of developing and maintaining programs and events that bring the bench and the bar together. Judges traditionally have participated in the NPBA’s continuing legal education (“CLE”) programs and monthly speaker luncheons. In 1999, the NPBA established an annual Bench Bar Conference, where practitioners and judges gather to discuss relevant legal issues. CLEs featuring judicial presenters, including specialized breakout sessions, create a unique setting for judges to exchange ideas with attorneys regarding substantive and procedural legal topics. The event also includes a luncheon with a prominent speaker relevant to the legal community. In 2001, the Young Lawyers’ Section of the NPBA introduced an annual New Lawyers’ Reception, hosted by a Norfolk Circuit Court judge at his or her

home. Initially envisioned as an event for new attorneys to meet local judges in an informal setting, it has since been renamed the annual Fall Reception and has been expanded to include all NPBA members. In 2004, the Young Lawyers’ Section initiated a Breakfast with the Bench series, where several times a year a local judge is invited to breakfast to socialize and deliver informal comments typically aimed at new attorneys. The NPBA also periodically sponsors an “Introduction to the Norfolk Courts” CLE, which incorporates judicial speakers, to familiarize new attorneys with local judicial procedures. These programs contribute to continued, strong relations between the bench and the bar and, together, the regular interactions and resultant collaborations positively shape the local legal environment.

The benefits of strong bench-bar relations should not be underestimated. By engaging with judges in social settings, attorneys develop a sense of professional familiarity that reduces stress in the courtroom and enhances effective advocacy. Additionally, attorneys gain a better appreciation for effective practices and judicial expectations regarding professionalism. Judges also benefit by using these interactions as conduits to communicate their preferences regarding courtroom procedures and behaviors, thereby promoting efficiency while adhering to the rule of law. By using social interactions to manage expectations in the courtroom, everyone is better off. The bench and bar can also work together in their service to the community by developing best practices to enhance and streamline court-appointed and *pro bono* services for those who cannot afford legal representation.

The benefits of a positive bench-bar relationship go beyond direct interactions between judges and attorneys. Area legislators often ask the NPBA to interview potential judicial candidates and recommend which ones the Association believes are qualified to be appointed judges. Similarly, the Chief Judge of the Norfolk Circuit Court typically requests that the NPBA interview potential district court substitute judges and provide a list of qualified candidates for final selection. Judges also

look to local bar associations to comment on matters related to judicial independence and other justice-related issues, including the need for new courthouse facilities.

The NPBA has sponsored wonderful programs over the years that have fostered the administration of justice, improved professionalism, and encouraged community service. These programs also contributed—and continue to contribute—to a robust bond between local judges and attorneys. Looking ahead, there are additional ways to enhance bench-bar relations. After the completion of Phase II of the City of Norfolk Courthouse, the NPBA Office will be located within the impressive judicial complex. The continuous, close proximity of the bench and bar will present opportunities for further growth and additional partnerships. Additionally, it is noteworthy that the NPBA currently does not have a committee to address issues that affect both judges and attorneys, something incorporated into many local and statewide bar associations. The formation of such a committee could serve as a resource to the NPBA’s Bench-Bar Committee, CLE Committee, and Young Lawyers’ Section for established judicial programs. Such a committee could also explore new ways for judges and attorneys to collaborate with and support each other. An NPBA Bench-Bar Relations Committee almost certainly would result in a great bench-bar relationship becoming even stronger.

The views advanced in this Article represent commentary “concerning the law, the legal system, [and] the administration of justice” as authorized by Virginia Canon of Judicial Conduct 4(B) (permitting judges to speak, write, lecture, teach, and otherwise participate in extrajudicial efforts to improve the legal system). These views, therefore, should not be mistaken for the official views of the Norfolk Circuit Court or Vandeventer Black LLP.

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Hon. Joel C. Cunningham (Ret.)

Retired Judge,
10th Judicial Circuit of Virginia

The Honorable Joel C. Cunningham (Ret.) recently retired after nineteen years of distinguished judicial service. Judge Cunningham first served on the bench of the General District Court for the 10th Judicial District then was elected to serve as a Judge on the Circuit Court of the 10th Judicial Circuit. Prior to his service on the bench, Judge Cunningham served for a decade as Highway Condemnation Counsel for the Virginia Department of Transportation, throughout which time he also enjoyed a successful private practice in Halifax County. Judge Cunningham now brings this distinguished record of leadership and achievement to The McCammon Group to serve the mediation, arbitration, judge pro tempore, and special master needs of lawyers and litigants throughout the Commonwealth and beyond.



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YOUNG LAWYERS SECTION

By Jennifer L. Fuschetti, Chair

The young lawyers of the NPBA have been keeping busy this Fall. We've had wonderful turnout at our monthly section meetings. Thank you to all of our devoted and engaged members!

This month, we began working with the Foodbank of Southeastern Virginia. More than a dozen of our members volunteered to help process donations of food and necessary goods for distribution to some of our community members in need. The young lawyers' enthusiasm for public service continues to inspire me. I'm so proud to count our section members as my colleagues and friends.

In September, the section held its annual summer social at Luna Maya in Ghent. We had an amazing time celebrating the end of summer with all of you! The food was almost as wonderful as the company. We're proud to report that the donations raised that day for the Boys and Girls Club were enough to provide services for 15 local children for a month. We hope that this marks the beginning of a great relationship with them.

In October, we were honored that Judge Tasha Scott joined us at the Brickhouse Diner for our Breakfast with the Bench series. We were also looking forward to another successful Fall Reception. As I am writing this, we are finalizing the menu and anticipating a beautiful afternoon in West Ghent with Courtney and Judge



Doyle, who have graciously invited us all into their home.

Among the section's projects for the spring is a new initiative to connect new attorneys with more experienced attorneys for mentorship and some social time. If you are interested in helping us shape this program, please reach out to me at jlfuschetti@va-law.org.

The Young Lawyers Section meets monthly and there are plenty of opportunities to get involved and meet your colleagues. If you are under 36 or have been practicing for five years or less, I highly encourage you to become active in our section. Meetings are usually held on a Tuesday at 6:00 p.m. at a local establishment offering early-evening specials. For more information, please contact me at npbayounglawyers@gmail.com. I'm looking forward to meeting you.

NOVEMBER LUNCHEON

Thursday, November 17, 2016

Hits at The Park, Harbor Park

11:45 AM



The Honorable Glen A. Huff
Chief Judge, Court of Appeals of Virginia

The Honorable Glen A. Huff was elected chief judge of the Court of Appeals of Virginia for a four year term by his fellow judges in 2014, succeeding Judge Walter S. Felton.

Judge Huff practiced law for more than thirty-five years before joining the court. He is from Virginia Beach and was appointed to the court by the General Assembly in July 2011.

Judge Huff received his bachelor's degree from the University of Maine and his law degree from the University of New Hampshire Law School, formerly the Franklin Pierce Law Center.



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NPBA Holiday Party!



Thursday, December 15, 2016

5:30 pm - 7:30 pm

Hits at the Park, Harbor Park

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RSVP REQUIRED:

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NPBA HOLIDAY PARTY

Thursday, December 15, 2016

Name: _____

Firm: _____

Phone: _____

Email: _____ Number Attending: _____

Mark Your Calendar and Save These Dates

JANUARY LUNCHEON

Thursday, January 19, 2017 • 11:45 AM
Hits at the Park, Harbor Park
Speaker: James J. Duane, Professor,
Regent University School of Law

FEBRUARY LUNCHEON

Thursday, February 16, 2017 • 11:45 AM
Hits at the Park, Harbor Park
Speaker: TBA

CONSUMER LAW CLE

1 CLE Credit
Thursday, February 16, 2017 • 1:00 PM

Coordinator: Jason E. Ohana
Willcox & Savage, PC

Faculty: Lenard Myers, II
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Legal Aid Society
of Eastern Virginia

MARCH LUNCHEON

Thursday, March 16, 2017 • 11:45 AM
Hits at the Park, Harbor Park
Speaker: Greg Bockheim
Executive Director, Virginia Zoo



Nineteenth Annual
BENCH / BAR CONFERENCE
Keynote Speaker: Wendy Collins Perdue, Dean
University of Richmond School of Law
Tuesday, April 18, 2017 • Noon
Norfolk Waterside Marriott

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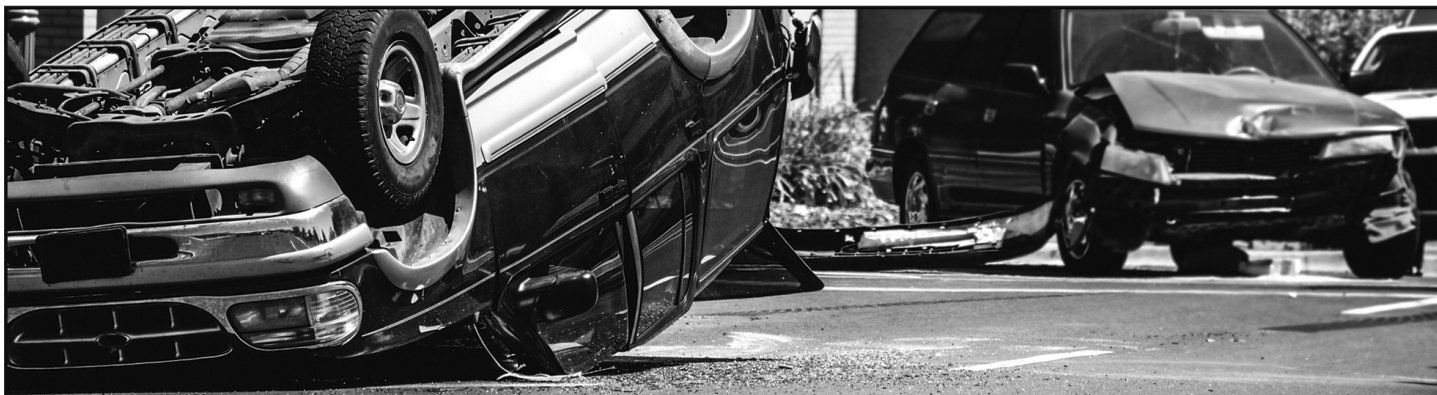
Stephen M. Smith, Esq.

Out of thousands of trial lawyers in the United States, Stephen M. Smith was one of the select few invited to be trained in the Neuro-Anatomical Dissection of the Human Brain and Spinal Cord at Marquette University College of Health Sciences. This advanced medical training, coupled with his 42 years of national and international complex medical litigation experience, provides his clients with an advantage in the court room.

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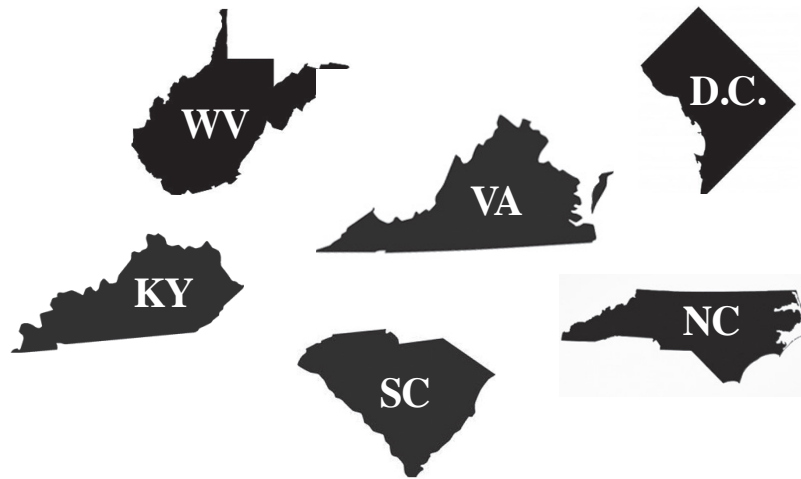


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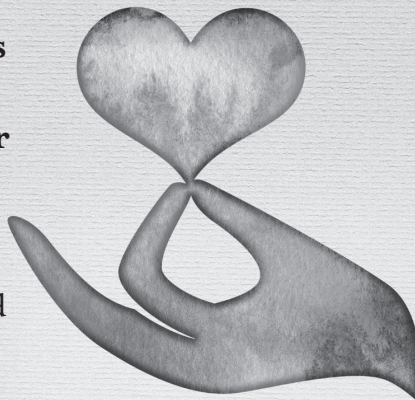
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