

NORFOLK & PORTSMOUTH B A R A S S O C I A T I O N

BAR BULLETIN

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September –
October 2014

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See Flyers Inside for
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Preregistration required
for all NPBA Events.
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PRESIDENT'S MESSAGE



T. Wayne Williams

As hard as it is to believe, summer is quickly drawing to a close. Even though we continue to work hard in our jobs, summer still feels a little more carefree than the rest of the year with family vacations, kids out of school and extra activities available to us due to the longer hours of daylight. But now is the time we look forward to the fall with more set schedules, schools back in session, cooler temperatures, falling leaves and, for sports fans, the return of the pigskin for football Saturdays and Sundays.

During the summer, our organization takes a bit of break with activities, but NPBA committees have been working to prepare for the rest of our bar year. I would like to use this column to highlight upcoming events so you can put them on your schedule. We value you as members of our organization and want to offer programs that allow you to get involved, be better lawyers and make your membership in NPBA worthwhile.

We are very fortunate to have a great group of attorneys in our Young Lawyers Section that are our future NPBA leaders. For lawyers new to the profession, the Young Lawyers Section is one of the best ways to get involved with our organization and make contacts. On Sunday, October 26th, the Young Lawyers will coordinate a reception at Judge Hall's home for new bar admittees, although everyone is invited. It is always a nice event and a good time to chat with judges and fellow members in a relaxed setting. The Young Lawyers Section also coordinates Breakfasts with the Bench, with the next on October 7, 2014 featuring the Honorable S. Bernard Goodywn, Justice, Supreme Court of Virginia.

The Program Committee is putting together a very interesting slate of speakers for the upcoming year. Our first speaker is author John Peters on September 18 who will speak about Judge Hoffman and his role in desegregation of the Norfolk schools, as well as his book, *From Marshall to Moussaoui*. Mr. Peters will be followed in October by Virginia State Bar President and local attorney, Kevin Martingayle, who will give us a statewide perspective. I encourage you to join us at Hits at the Park for meetings between September and March for a nice lunch, intriguing speakers and social interaction with colleagues outside of work.

Every year the CLE committee puts together a full slate of seminars on timely topics with knowledgeable speakers. This year is no different as the committee has already been meeting this summer to put an outstanding schedule in place. One of the benefits of membership in the NPBA is our season ticket that allows you to get up to two full years of credits for only \$200. For those looking for last minute credits, there is no better deal and will also provide you with information to help your career.

The Public Relations Committee will again this year be supporting Harvest for the Homeless in the fall and Legal Food Frenzy for the Foodbank in the spring, as well as the mock trial program

(continued on page 2)

UPCOMING EVENTS

SEPTEMBER LUNCHEON

Thursday, September 18, 2014 • 11:45 AM

Hits at the Park, Harbor Park

Speaker: John Peters

Author, *From Marshall to Moussaoui*

BREAKFAST WITH THE BENCH

Tuesday, October 7, 2014 • 7:30 AM

Brick House Diner, 580 E. Main Street, Norfolk

Featuring: Hon. S. Bernard Goodywn
Justice, Supreme Court of Virginia

OCTOBER LUNCHEON

Thursday, October 16, 2014 • 11:45 AM

Hits at the Park, Harbor Park

Speaker: Kevin E. Martingayle

President, Virginia State Bar

SEE ENCLOSED FLYERS
FOR UPCOMING CLE SEMINARS

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(PRESIDENT'S MESSAGE CONTINUED)

for the middle schools of the Norfolk Public Schools starting in February 2015, now in its 10th year. The PR Committee also manages our Facebook page where you can get updated information on events and see photographs from our events. If you have not yet liked us on Facebook, please do so. The committee is seeking to add additional events to highlight our organization and assist with good causes. If you have not yet joined a committee, consider joining this one to help with and promote events that support our community.

Our other committees are also preparing for the upcoming year. The Bench Bar committee will meet throughout the fall to organize one of our signature events, our Bench Bar conference in April 2015. The Professionalism committee will meet later in the bar year to discuss the Eggleston/T'Anson Award, for demonstrating the highest standards of professionalism. NPBA also awards the Walter E. Hoffman Award for outstanding community service and the Liberty Bell Award for a non-lawyer who positively impacts our legal profession. Our organization is full of worthy candidates. In the upcoming year, please consider nominating someone so we can reward excellence and highlight the strength of our organization.

I am very thankful for all of you who give of your time and talents for the NPBA and as president I am excited for the remainder of the bar year. As you can see, the NPBA offers something for everyone but there is always room for improvement. Please share any fresh ideas with me or your committee. Again, thank you for being an NPBA member and helping us make the upcoming year successful and rewarding.

YOUNG LAWYERS SECTION

By Cart Rixey Reilly, Chair



Cart Rixey Reilly

I hope everyone enjoyed the summer; it is hard to believe that August has drawn to a close. YLS was hard at work this summer and we have several exciting events planned over the course of the next few months, so be sure to stay tuned!

On August 4, members of YLS and the NPBA enjoyed a night out at Harbor Park to watch the Tides take on the Buffalo Bisons. The City of Norfolk kindly donated its luxury box for our use and we cannot thank them enough for their generosity! The weather held out for us and it was a beautiful night for the game. Although the Bisons won, all of those in attendance enjoyed a wonderful night. Thank you to those who attended the game and to the City of Norfolk!

The day after the Tides game the YLS and other NPBA members met for another successful Breakfast with the Bench. Judge John R. Doyle from the Norfolk Circuit Court spoke about the new courthouse and answered a number of questions regarding, among other interesting topics, jury trials, settlement issues, and practice before the circuit court bench. Judge Doyle, your insight was invaluable and we thank you so much for taking the time to join the YLS at our Breakfast with the Bench! YLS Breakfast with the Bench events are always open to the entire Bar and we encourage you to attend.

The YLS held its Annual Summer Social on August 28th at Luna Maya. As always, this event made for a great evening and NPBA members really enjoyed catching up with colleagues before the holiday weekend!

The YLS has a number of exciting events scheduled in the coming months. In lieu of our usual committee meeting in September, the YLS is scheduled to serve dinner at the Ronald McDonald House on Tuesday, September 16 at 5 pm. The YLS has enjoyed its partnership with the Ronald McDonald House and looks forward to another fun night serving dinner to the residents.

We are also excited to announce that the Honorable S. Bernard Goodwyn, of the Supreme Court of Virginia, has agreed to join us on Tuesday, October 7th for our next Breakfast with the Bench. Please mark your calendars and plan to join us for breakfast with Justice Goodwyn.

The YLS is hard at work planning another free CLE for November and we will be hosting the Annual Fall Reception on Sunday, October 26th, so please stay tuned for more information on these two exciting events!

As always, we welcome new members and I would encourage all those interested in joining the YLS to contact me at creilly@wolriv.com for more information. Additionally, if you would like more information on the events we have planned this fall, please do not hesitate to contact me. We hope everyone had a happy Labor Day weekend!

ANNOUNCEMENTS

Clarke, Dolph, Rapaport, Hull & Brunick is pleased to announce **Caryn R. West** has been selected as a 2014 Virginia Rising Star. West practices in business and commercial real estate, estate planning and administration and taxation. She is director and treasurer of the Norfolk & Portsmouth Bar Association Foundation and a 2011 graduate of LEAD Hampton Roads. **Tim Brunick** was chosen as a 2014 Virginia Super Lawyer. Brunick is AV rated by Martindale-Hubbell and has extensive experience handling civil litigation involving products liability, toxic torts, personal injury and contracts. He is a past president of the Virginia Beach Bar Association and a member of several local and national litigation defense organizations.

Cooper Hurley partner **Jim Hurley** has been listed among Virginia Super Lawyers for 2014. **John Cooper** has been re-elected to chair the FELA Litigation Group of the American Association for Justice, the largest trial attorney organization in the United States. He has chaired the group since 2011.

Crenshaw, Ware & Martin, PLC had nine of its lawyers selected as 2014 Virginia Super Lawyers and Rising Stars. **W. Ryan Snow** was selected as one of the Top 100 Virginia Super Lawyers as well as Virginia Super Lawyer for business litigation. Others selected as Super Lawyers were: **James L. Chapman IV** – transportation/maritime; **Timothy A. Coyle** – government; **Howard W. Martin, Jr.** – real estate; **Donald C. Schultz** – creditor debtor rights; **Steven M. Stancliff** – transportation/maritime. Those selected as Rising Stars were: **Delphine G. Carnes** – tax; **Elaine Inman Hogan** – employment and labor; **Amy Taipalus McClure** – construction litigation.

Crenshaw, Ware & Martin PLC is pleased to announce that seven of its lawyers have been named to the 2015 Best Lawyers in America: **Delphine G. Carnes**, Project Finance Law and Public Finance Law; **James L. Chapman IV**, Admiralty/Maritime Law and Commercial Litigation; **Timothy A. Coyle**, Municipal Law; **Howard W. Martin, Jr.**, Real Estate Law; **Donald C. Schultz**, Bankruptcy & Creditor-Debtor Rights/Insolvency & Reorganization Law, Eminent Domain/Condemnation Law, and Litigation-Bankruptcy; **W. Ryan Snow**, Admiralty/Maritime Law; **Guilford D. Ware**,

Admiralty/Maritime Law. **Donald C. Schultz** was selected as 2015 “Lawyer of the Year” in Eminent Domain and Condemnation Law in Norfolk. Only a single lawyer in each practice area and metropolitan area is honored as the “Lawyer of the Year.”

Kalfus & Nachman PC is honored that **Neal C. Schulwolf** has been reappointed for another three year term by Governor McAuliffe to the Board of Directors of the Virginia Birth Related Neurological Injury Compensation Program. The Program helps parents take care of children who suffer neurologic injuries during childbirth and covers what insurance and other programs don't. Neal was appointed to the board in 2011 by Governor McDonnell. Currently, he serves as vice-chair. Neal is an active member of the Virginia Trial Lawyers Association (VTLA) as well as NPBA.

Kaufman & Canoles, P.C. had the following attorneys from Hampton Roads selected for inclusion in Virginia Super Lawyers 2014: **Debra C. Albiston**, family law; **Stanley G. Barr, Jr.** – business litigation; **John M. Bredehoft**, employment and labor; **Paul K. Campsen**, bankruptcy; **R. Johan Conrod, Jr.** – insurance coverage; **George L. Consolvo** – government finance; **Jason R. Davis** – health care; **Barry W. Hunter** – real estate; **Kirkland M. Kelley** – estate and probate; **Scott W. Kezman** – employment and labor; **Vincent J. Mastracco, Jr.** – mergers and acquisitions; **Terence Murphy** – construction litigation; **Stephen E. Noona** – intellectual property litigation; **Alfred M. Randolph, Jr.** – banking; **Jeffrey M. Stedfast** – banking; **Stephen E. Story** – franchise/dealership; **Burt H. Whitt** – employment and labor. In addition, the following lawyers with the firm were named Virginia Rising Stars 2014: **Nicole J. Harrell** – business/corporate; **Christy L. Murphy** – general litigation; **Mary Elizabeth Sherwin** – medical malpractice defense; **Mark E. Warmbier** – employment and labor.

The Greater Norfolk Corp., a nonprofit whose board is composed of senior business leaders whose mission is to enhance Norfolk's and the region's competitiveness, has elected **Charles V. McPhillips**, executive vice president of practice management at **Kaufman & Canoles, PC**, President for 2014–2015.

The following NPBA members from **Le-ClairRyan** were selected as 2014 Virginia Super Lawyers: **Alan D. Albert** – business litigation and **Ray W. King** – real estate.

Sarah Kate McConaughy, McGuire Woods LLP, was among lawyers from the firm named to the Rising Stars for 2014.

Norris & St. Clair, P.C. is pleased to announce that **Jonathan L. Stone** was selected a 2014 Rising Star in business litigation.

Pender & Coward shareholder **Richard E. Garriott Jr.** has been elected chairman of the Virginia State Bar Family Law Section Board of Governors. A Fellow of both the American Academy of Matrimonial Lawyers and the Virginia Law Foundation, Garriott focuses his practice in family law, domestic relations and litigation.

Poole Mahoney PC had several lawyers selected as 2014 Virginia Super Lawyers: **Reeves W. Mahoney** – family law; **Jeffrey F. Brooke** – plaintiff personal injury; **Tara L. Chadbourne** – construction litigation; **Shantell S. Nashatka** – family law.

Albert H. Poole, Chief Executive Officer and managing shareholder of **Poole Mahoney, PC**, has been named a Top 100 Lawyer by Virginia Super Lawyers for 2014. He chairs the firm's business department, handles commercial transactions, and acts as general counsel to many area businesses. Mr. Poole has been repeatedly included in the Legal Elite in business and Virginia Super Lawyers magazine in business/corporate. He has also been selected to be included in the Best Lawyers in America and has an AV Preeminent rating from Martindale-Hubbell.

Effective July 1, 2014, the law firm of Rousos, Lassiter, Glanzer & Barnhart, P.L.C. changed its name to **Roussos, Glanzer & Barnhart, P.L.C.** and their new email addresses are: roussos@rgblawfirm.com; glanzer@rgblawfirm.com; and barnhart@rgblawfirm.com.

Deborah C. Waters of Waters Law Firm was honored by Virginia Lawyers Weekly as one of the Influential Women of Virginia 2014. Waters focuses primarily on maritime and labor law, representing those

(Announcements continued)

who work aboard ships or in and around the Virginia Port Authority terminals. She was appointed to the BP Oil Spill Maritime Law Committee in New Orleans and is a frequent national speaker on maritime law topics. Waters was also recently appointed to the board of the Virginia Port Authority by Governor McAuliffe.

Willcox Savage is pleased to announce that **Susan R. Blackman** and **Cher E.**

Wynkoop are listed in the "Virginia Top 50 Women" in the 2014 edition of Virginia Super Lawyers. Ms. Blackman practices employment law with an additional focus on immigration law and Ms. Wynkoop practices employee benefits law. Additionally, seven attorneys have been recognized in the "Virginia Top 100." **Bruce T. Bishop**, Class Action/Mass Torts; **Gary A. Bryant**, Business Litigation; **Allan G. Donn**, Business/Corporate; **William M. Furr**, Employment

Litigation: Defense; **Thomas G. Johnson, Jr.**, Real Estate; **Timothy J. Lockhart**, Intellectual Property; **Conrad M. Shumadine**, Business Litigation. Overall, Willcox Savage has 29 attorneys recognized in Virginia Super Lawyers. An additional 12 attorneys are recognized as Virginia Rising Stars.



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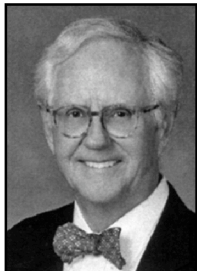
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SEPTEMBER LUNCHEON MEETING

Thursday, September 18, 2014

Hits at The Park, Harbor Park

11:45 AM



John O. Peters

Author of From Marshall to Moussaoui

John O. Peters began writing about courts, judges and lawyers in 1969 with *Courts of the Richmond Area – A Primer*, written with his wife Margaret. He authored

a centennial history of The Bar Association of the City of Richmond (1985) and an article on the early years of the Virginia Bar Association (VBA Journal, Summer 1988).

Virginia's Historic Courthouses (1995), also written with his wife, is considered a classic work on historic courthouses and their architecture, which established his reputation as an architectural photographer. His other books include *Richmond's Hollywood Cemetery* (2010) and photography for *Richmond's Monument Avenue* (2001).

A graduate of University of Virginia School of Law, he practiced law in Richmond for thirty years as a commercial litigator and appeared in the United States District Court for the Eastern District on numerous occasions before many of the judges about whom he writes.

From Marshall to Moussaoui:

Federal Justice in the Eastern District of Virginia

A compelling argument can be made that the United States District Court for the Eastern District of Virginia has the richest, most diverse, and most important history of any trial jurisdiction in America, state or federal. This court's significance to the Commonwealth of Virginia is equally impressive. Beginning with the Founding Fathers and the Judiciary Act in 1789, this court has been confronted with vital issues that touch virtually every aspect of American life. There is perhaps no better way to chronicle the history of a state or nation than through its courts. During his entire tenure as Chief Justice (1801-1835) John Marshall sat on circuit on the bench of this court as a trial judge. Two of his epic confrontations with his cousin and antagonist Thomas Jefferson took place there – the treason trial of Aaron Burr and *Livingston v. Jefferson*. Even now, the competing philosophies of the Federalists and Anti-Federalists continue to find voice in federal courts.

From the early days of the Republic, when the seas offered a world of pirates, prize ships, and emerging Latin American

republics to the 21st century, admiralty jurisdiction has bestowed a rich and colorful legal bounty. The Civil War brought unique issues to a state that had both Confederate and federal courts sitting within its borders.

The 20th century brought two world wars and, with them, much of the country's defense and intelligence communities to the Eastern District. One of the most enduring aspects of the court's history took place between 1950 and 1974, when school cases flooded the docket. *Brown* and its progeny placed the Eastern District center stage in the struggle for civil rights and integrated schools. In recent years, cases involving uranium contracts, pollution of the James River, the Titanic, Spanish gold, espionage, Pentagon procurement fraud, drugs, drug kingpins, wireless communications, and gay rights have appeared on the docket.

Perhaps no case has spoken to its time more dramatically than the trial of terrorist Zacharias Moussaoui in 2006. Geography, history, and politics combine to make this court unique.

OCTOBER LUNCHEON MEETING

Thursday, October 16, 2014

Hits at The Park, Harbor Park

11:45 AM



Kevin E. Martingayle

President, Virginia State Bar

Kevin E. Martingayle of Bischoff Martingayle is president of the Virginia State Bar. He began his term as VSB president in June.

Martingayle earned a bachelor's in economics from Hampden-Sydney College and is a graduate of the University of Virginia Law School and . His practice focuses on appeals; civil, commercial, employment, and estate litigation; civil rights; and constitutional, land use and zoning, and municipal and administrative law.

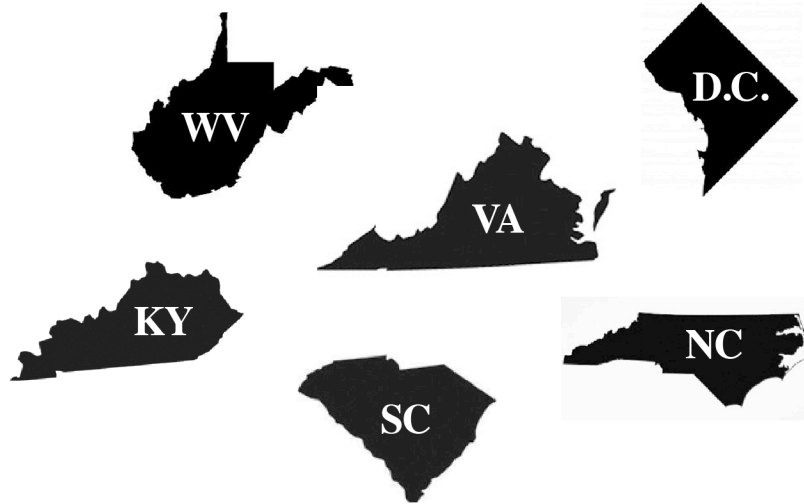
Martingayle has been listed in the Legal Elite since 2006 as well as in Best Lawyers in America and Virginia Super Lawyers. A former lifeguard and now legal adviser to the Virginia Beach Lifeguard Association, Martingayle is a member of the Virginia Trial Lawyers Association, Virginia Bar Association, American Bar Association, Federal Bar Association, the Norfolk & Portsmouth Bar Association and the Virginia Beach Bar Association.

He is the founder and event coordinator of the Allen Stone Braveheart Memorial Races, which raise money for the Navy Seal Foundation, Virginia Beach Volunteer Rescue Squad, and Virginia Beach Lifeguard Association. He is married to Elisabeth Martingayle and has three children.



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Virginia's Largest Verdicts 2008 #2 \$10.2 million
Zoll v. Werner Enterprises Inc. 01/12/2009

Motorcyclist Hit By Bus Settles For \$7.5 Million 02-02-2004

Million Dollar Settlements 2012 #13 \$3.7 Million
Case type: Tractor-trailer collision

Million Dollar Settlements 2009 Jane Doe v. Jones Corporation; Rhonda Doe v. Jones Corporation \$2.5 Million and \$1.1 Million Settlements

Virginia's Largest Verdicts 2009 \$2.1 Million and \$1.1 Million Personal injury – traumatic brain injury 02/1/10

Three separate actions filed after shipyard explosion: \$1,000,000 Settlement, \$1,350,000 Settlement, \$1,195,000, Settlement 01-23-12

Virginia's Largest Verdicts 2005 #7 \$3 million Wood v. S.C. Jones Inc. and Young 01/23/2006

Brain injury mediated for \$2.4 million 12-08-2003

Virginia's Largest Verdicts of 2013 #12 \$2.1 Million Teen thrown from hotel balcony during party Case name: Remley v. Ruiz

Earning capacity, future medicals contested in TBI case \$1,725,000 Settlement 01/23/12

Million Dollar Settlements of 2011 #20 \$1.725 Million Kellam v. Colvin and Dunkin Doughnuts Mid-Atlantic Distribution Center 02/06/12

Million Dollar Settlements 2013 #28 \$1.55 Million Plaintiff suffered MTBI in tractor-trailer collision Name of case: Smaw v. Buffington, et al. 2-10-14

Million Dollar Settlements 2013 #33 \$1.45 Million Brain injury led to loss of employment, total disability 2-10-14

Million Dollar Settlements of 2011 #32 \$1.35 Million Jones v. Capitol Finishes, Inc., et al. 02/06/12

Separate settlements negotiated for couple injured in head-on collision – \$150,000 and \$1,125,000 Settlements 12-03-2012

Million Dollar Settlements 2010 #28 (tie) \$1.25 million Staff v. Hurst 02/07/11

Death case after scooter-Hummer collision settles for \$1.25M limits 08-26-2010

Million Dollar Settlements 2013 #39 \$1.247 Million Patriot Guard motorcycle rider struck by pickup truck Name of case: O'Brien v. Townsend 2-10-14

Million Dollar Settlements of 2011 #37 \$1.195 Million Campbell v. Capitol Finishes, Inc., et al.

Million Dollar Settlements 2012 #46 \$1.125 Million Name of case: Kehoe v. Harvey Case type: Automobile accident

Million Dollar Settlements of 2011 \$1 Million Moore v. Capitol Finishes, Inc., et al.

Million Dollar Settlements of 2011 \$1 Million Venable V. Pete's Autos Service of Denbigh

Family settles death claim for 85-year-old for \$1M 05-24-2011

Seizure disorder caused by injuries from collision – \$800,000 Settlement 11-23-2009

Injured deliveryman negotiates settlement after arbitration award – \$750,000 Settlement 09-02-2013

CNA sexually assaults assisted living resident \$750,000 Verdict 06/22/09

Case of death of minor is mediated for \$625,000 01-16-2006

Mack truck failed to stop at stop sign in Franklin – \$450,000 Settlement 12-29-2011

Failure-to-yield case mediated – \$375,000 Settlement 03-12-2012

NEGLIGENCE – Auto Accident – Wrongful Death \$289,101.58 Settlement 06-01-1998

Jane v. John Doe NEGLIGENCE – Premises Liability (323676) \$200,000 Settlement 06-22-1998

Intersection crash led to mild TBI – \$190,000 Settlement 08-27-2012

Tomlinson v. Beck NEGLIGENCE – Auto Accident \$95,000 Settlement 03-30-1998

Pressure ulcer turned fatal during nursing home stay – Confidential Settlement 02-18-2013

Man died after eloping from assisted living facility – Confidential Settlement 01-31-2011

Nursing home patient dies after CNA drops her – Confidential Settlement 12-27-2010

Patient dies from complications from multiple pressure sores – Confidential Settlement 11-29-2010

Nursing home resident dies from head injury – Confidential Settlement 10-25-2010

Nursing home patient fell within the first hour of admission. \$230,000 mediated settlement

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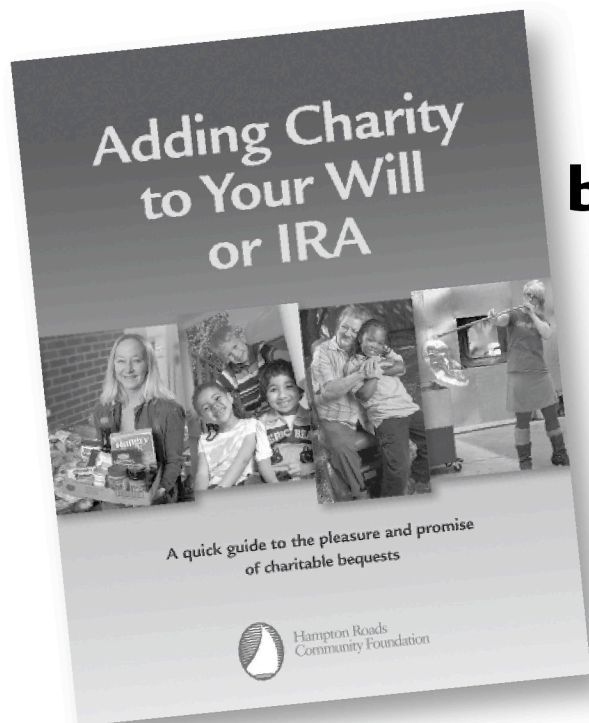
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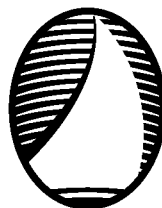
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