

# BAR BULLETIN

**Volume XXXI  
Number 5**

**September/  
October 2006**

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## PRESIDENT'S MESSAGE



**James A. Metcalfe**

As you read this September-October Bar Bulletin, think of the hottest days in August. That is when I had to write this message. I say that Bar Presidents should not have to write a message during the summer doldrums. But alas Donna Bausch, our efficient and relentless Executive Director, says that I must write to you whether the Muse inspires me or not! So be it.

**The miracle of our jury system:** In July I tried another criminal jury trial and once again had my respect for jurors and admiration for the wisdom of our founding fathers reinforced. I say this not because "we" won. Indeed I will not tell you whether "we" prevailed. As defense counsel always argue, and judges often instruct, the government and the people win

when justice is done. And I have been on both sides of verdicts over the years, both in criminal and civil trials. While I may have differed with the verdict from time to time, I have always felt the jury system is the bedrock of our jurisprudence and I have the highest regard for the commitment to finding the truth and rendering justice that jurors almost always demonstrate. The jury system, as embodied in the Sixth Amendment (criminal) and the Seventh Amendment (civil), is what sets our system of justice apart from all others except those based on the English common law. As all of you know who practice in federal court and have been privileged to hear the history of the jury system expounded by Senior U.S. District Judge Robert G. Doumar, a former President of this association, our jury system has its roots in the Magna Carta and 1215 when the barons brought King John to heel, at least temporarily, and forced him to agree that none of them should be held to account for what we would call felonies except they be judged by their peers. The next 500 years led to many refinements that our forefathers had the wisdom to chisel in stone in our Constitution. Juries by and large bring common sense to the courtroom. They are both a shield against oppressive or overzealous government as well as the final arbiter of reason when litigants, whether criminal or civil, cannot deal with the facts and take responsibility for their actions (or reduce their demands or increase their offers to something "reasonable").

Today the jury system has many detractors who would like to reduce the role of juries, but so long as our Constitutions, both of the United States and the Commonwealth, remain intact the jury system will survive. Unfortunately the experience of jurors is not always a happy one. Our courthouses are oftentimes not constructed with the comfort of jurors in mind. Also our procedures sometimes make the lives of jurors onerous. And finally there are attorneys who do not consider the need of jurors to have cases presented in an interesting, informative, and succinct fashion. Jurors often find themselves frustrated in their efforts to understand a case, especially when a lawyer and a witness seem to be having a private conversation about a piece of paper (an exhibit) that the jurors cannot see or a lawyer and a witness seem to be trying to impress each other with erudite jargon rather than enlightening the jury with the use of simple and clear lan-

(continued on page 2)

See Flyers Inside for  
Event Details and  
Registration Information

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

**Perfecting the Record for Appeal CLE**  
Thursday, September 7, 2006

**Parallel Civil and Criminal Proceedings CLE**  
Thursday, September 14, 2006

**NPBA Luncheon**  
Thursday, September 21, 2006, 11:45 AM

**Eminent Domain CLE**  
immediately after

**September 21st Luncheon**  
Hits at the Park, Harbor Park

**Discovery Issues CLE**  
Thursday, September 28, 2006

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## (PRESIDENT'S MESSAGE CONTINUED)

guage. In this day and age there is no excuse, save for the lack of modern media facilities in or courthouses, for any substantial jury trial to lack multi-media presentation.

**The new courthouse plans:** Which brings me to the subject of the plans for our new Norfolk courthouse complex. It is still in the planning stages. Now is the time to get our "oar in the water" to ensure that the planning for the new complex benefits from the experience of our Bar Association and meets the needs of our community well past 2050 (think that is far off? —the current courthouse complex will be over 50 years old by the time ground is broken for a new one). We have a body of experience that covers all aspects of the judicial system. We have a Courts of Justice Committee tasked with presenting our views. Don Schultz, our President Elect, has been newly appointed to chair the committee to ensure that the full power of our Association is brought to bear on the project. If you have thoughts about how the new complex should be designed, please contact Don, or Kelly St. Clair, Executive Committee liaison to the committee. We need your input and we need it now.

**Upcoming CLE:** In your Bulletin you will find a number of upcoming CLE programs that are designed to both educate and to assist you in meeting your VSB annual CLE requirements. **September 7th** is "Protecting the Record for Appeal" presented by Judge Bob Humphreys of the Virginia Court of Appeals, together with Vicki Devine and Steve Emmert. I have seen Judge Humphreys make such a presentation in the past and can say that it is a "must" for trial attorneys. **September 14th** is "Parallel Proceedings' Pitfalls" presented by Pat O'Donnell, Virginia VanValkenburg, Susan Watt, Blair Perez, David Wagner, and Craig Wittman. If you have cases where there are civil, criminal, administrative, FOIA, and grand jury potential proceedings, such as government contracts cases, this is a "must" for you. **September 21st** (following the luncheon) is "Eminent Domain Power", a really hot topic, presented by Ryan Snow, Jim Pickrell, and Don Schultz. **September 28th** is "Discovery Issues", always an important area for trial attorneys, presented by Tom Dyar, Ryan Snow, U.S. Magistrate Judge Tommy Miller, Sharon Nelson, and Rob McFarland. **October 3d** is "The 3 AM Phone Call: Criminal and Traffic Law Basics" for those who do not specialize in these areas but need to give their clients advice, presented by James Theuer, John Fletcher, and Andrew Sacks. **October 12th** is "Workers' Compensation: Avoiding Potholes and Problems" presented by Debbie Vaughn, Brian Slaughter, Deputy Commissioner Dan Lahne, and Philip Geib. **October 19th** is "The Proposed New Virginia Rules of Evidence" (following the luncheon) presented by Melissa Morris Picco and Professor Kent Sinclair, U.Va Law School. That is 16 hours of top notch CLE before the annual VSB deadline. It is also a tribute to the hard work of your CLE committee.

**September 21st meeting:** The first fall luncheon starts the year with a blast. One of Moussaoui's defense counsel, Gerry Zerkin, will talk about the trial and the historic proceedings.



**Recent Changes of Venue** — We wish the following members of the Association farewell and following seas:

**Larry W. Shelton:** Larry, President of your association in 1995-96, has been appointed the first Federal Public Defender in the Western District of Virginia. He was the first supervisor of the Norfolk Division of the Federal Public Defender for the Eastern District of Virginia from 2001-2006. Prior to being a Federal Public Defender, Larry was in private practice here 1987-2001. He was an Assistant U.S. Attorney in Norfolk 1978-87, and a Staff Attorney with the U.S. Department of Labor 1974-78 in Washington, D.C. Larry is a Duke graduate through and through. He and his wife Barbara will live in Roanoke.

**Riley H. Ross, III:** Riley was an Assistant Federal Public Defender in the Norfolk office from November 2003, to July 2006, and was an active member of the Association. His wife, Teresa Ravenell, clerked for U.S. District Judge Raymond A. Jackson, was a visiting professor at William and Mary Law School for two years, and has now become a law professor at Villanova. Riley has joined the law firm of Miller, Alfano & Raspanti in Philadelphia.



Hampton Roads now has a local chapter of **The Organization of Women in International Trade (OWIT)**, a worldwide network of 30 chapters promoting individuals involved in international trade and commerce. OWIT-Hampton Roads will strengthen the region's international trade community by providing educational programs on timely issues, a global network of professional contacts and professional development initiatives. The chapter was founded by Evelyn Suarez, an international trade attorney in the Washington, D.C. office of Williams Mullen. For more information on OWIT-HR or to become a member, contact Brenda Bailey at 363-6032.

## LIBRARY LINES

Norfolk Law Library staff:  
Donna Bausch, J.D., M.S.L.S., Law Librarian, dbausch@norfolklawlibrary.org  
Larry Story, M.A., M.S.L.S., Assistant Law Librarian, lstory@norfolklawlibrary.org

Contact Norfolk Law Library at 622-2910 • [www.norfolklawlibrary.org](http://www.norfolklawlibrary.org)

### NORFOLK & PORTSMOUTH BAR ASSOCIATION YOUNG LAWYERS SECTION GOLF TOURNAMENT

To benefit  
Norfolk Public Law Library  
June 22, 2006

The winners were:

#### FIRST PLACE

Norris, St. Clair, Lotkin, and Stanley

#### SECOND PLACE

Bragg, Fentress, O'Connell, and Serrao

#### THIRD PLACE

Williams, Morgan, DeLoatche, Partin

CLOSEST TO PIN – Russ Fentress

LONGEST DRIVE - Jim St. Clair

### Participating Golfers

Allison Anders	Charles Lustig
Pat Blake	Greg Lydon
Dick Bragg	Marcus Massey
Stephen Brewer	Cliff Moorman
Duncan Byers	Mary Morgan
Tom Dawson	John Norris
Wyatt Deal	Patrick O'Connell
Jonathan DeLoatche	Jim Partin
Matt Dudley	Lindsay Roberts
Ron Dyer	Jason Roper
Russ Fentress	Jim St. Clair
Bo Foley	Jay Serrao
Andrew Fox	Megan Shearer
Kevin Greene	Tom Shuttleworth
Roby Hackney	Brian Slaughter
Dana Harmeyer	Kent Stanley
Tamele Hobson	Steve Swain
Casey Jamison	Caryn West
David Kellogg	Wayne Williams
Adam Lotkin	Larry Woodward

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sponsors and participants!

## Save the Date!

The Young Lawyers Section  
will be holding its  
Annual Reception  
on September 23, 2006  
from 2:00 to 5:00  
at the home of  
Honorable and Mrs.  
Charles D. Griffith, Jr.  
Details to follow.



Stan panicked, "this long just to  
get an application? How long to  
process a claim?"

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## ANNOUNCEMENTS

**LeClair Ryan, P.C.** announces the opening of its newest office in Town Center, Virginia Beach. Partners **Jeffrey H. Gray** and **Lisa M. Murphy** will anchor the new office. The firm also has an office in Norfolk and over 150 lawyers across Virginia and in Washington, D.C.

**Williams Mullen** is pleased to announce that the following attorneys, members of the Norfolk & Portsmouth Bar Association, have been recognized as Virginia Super Lawyers: **Patrick C. Devine, Jr., H. David Embree, Howard E. Gordon, Linda S. Laibstain, Craig L. Mytelka, Robert C. Nusbaum, William A. Old, Jr. Stanley L. Samuels** and **Jeffrey L. Stredler**.

**Jack Rephan** was elected vice-chairman of the Virginia State Bar Construction and Public Contract Law Section at its recent annual meeting in Virginia Beach. Mr. Rephan is a partner in law firm of Rephan Lassiter PLC.

The American Cancer Society congratulates Relay of Life Legal Addition team members and law firms for raising over \$23,000. Special thanks go to **Glasser and Glasser, P.L.C.** who raised over \$1,300, **Pender & Coward: Band-Aid Brigade** who

raised \$9,400 and **Williams Mullen: Sole Patrol** who raised over \$12,000.

**David A. Buzard**, a member of the NPBA Executive Committee, has left the firm of Rutter Mills, LLP, and has established his own practice at 220 West Freemason Street, Suite 200, Norfolk 23510. You may contact him at 513-1117, or by email at [david.buzard@navy.mil](mailto:david.buzard@navy.mil). He has just returned to Norfolk from a period of duty with the Navy. During July, David was at Pearl Harbor participating in Rim of the Pacific (RIMPAC) 2006, a multinational maritime exercise, conducted in the waters off Hawaii, that trains U.S. and allied forces to be interoperable and ready for a wide range of combined operations. David analyzed current and anticipated combat situations and drafted Rules of Engagement. He also worked with an allied navy liaison officer and U.S. Third Fleet staff on issues related to the allied country's law concerning the use of force and participa-

tion in combat operations. In addition to his private practice, David currently is the legal advisor to the Navy's prospective Expeditionary Training Command, whose mission will be to provide naval expeditionary warfare training to foreign countries in matters of maritime Anti-Terrorism and Force Protection. The saying "twice a citizen" applies to David and our many colleagues who serve our country in the Guard and Reserve. We all owe them a debt of gratitude.

### Church and State: Where Are We Now? Religious Freedom Roundtable

Thursday, September 21, 2006  
7:30 – 9:00 p.m.

### Boyd Dining Center • Virginia Wesleyan College

A distinguished panel of experts in law and religion will discuss recent developments affecting religious freedom and the relationship of church and state. Sponsored by the Center for the Study of Religious Freedom.  
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## SEPTEMBER LUNCHEON MEETING

**Thursday, September 21, 2006**  
**Hits at The Park, 11:45 AM**



**Speaker: Gerald T. Zerkin**  
 Assistant Federal Public Defender,  
 Richmond

Zerkin's infamous client, Zacarias Moussaoui, was recently convicted of conspiring in the September 11th attacks. Multiple counts brought against Moussaoui had carried a possible death penalty. Moussaoui confronted a team of civilian prosecutors from the Justice Department — two from the local United States attorney's office, one a terrorism specialist. Rather than depend on defense lawyers with a specialty in military law, Moussaoui was represented by court-appointed civilian lawyers selected by The Honorable Claude M. Hilton, E.D.Va.

Zerkin, considered one of the nation's top specialists in death penalty cases, at the

time of his appointment said that members of his family "probably swallowed hard when they heard I had been appointed to this, just because of the notoriety." But the 52-year-old Queens-born lawyer said he felt ethically obliged to accept the appointment, and excitement at the chance to take part in "what is obviously a terribly challenging case, a terribly interesting case." Moussaoui, he said, "is absolutely entitled to a vigorous defense, and it's our job and duty to give it to him."

Zerkin focused on keeping Moussaoui from being executed. "I am morally opposed to the death penalty," Mr. Zerkin said. "The death penalty is wrong. Period. End of discussion. And so this case is not a challenge for me on that issue."

Zerkin captured national attention when he helped free Earl Washington Jr., a retarded man who came within days of execution for a 1982 rape and murder that he did not commit. DNA tests cleared him of the crime.

Zerkin has been called "one of the bright lights of the defense bar in terms of creative thinking on the death penalty." A graduate of Boston College Law School, Zerkin worked for Richmond Legal Aid before going into private practice. Zerkin has represented four clients in federal murder

cases, and none received death sentences. Several leading defense lawyers said Zerkin was well suited to the hurdles he faced.

"Jerry Zerkin is a great lawyer," said David Baugh, who worked on two death penalty cases with Zerkin and represented one of the defendants in the 1998 bombings of the American embassies in Kenya and Tanzania. Prior to the Moussaoui trial, Baugh said, "That case was rough, but this case will be 20 times more intense." He said the task Zerkin faced was "analogous to John Adams representing the British soldiers" accused of perpetrating the Boston massacre, but before 24-hour news cycles repeatedly showed film of the terrorist attacks.

Join us to learn what it was like to represent a recalcitrant defendant in the bright glare of the media on Thursday, September 21st. Call the Bar Office at 622-3152 to register today.

### EMPLOYMENT OPPORTUNITY

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# **PROTECTING THE RECORD FOR APPEAL: PRESERVING AND ARGUING ISSUES EFFECTIVELY AT TRIAL AND ON APPEAL**

**Thursday, September 7, 2006**

**1:00 p.m. - 4:00 p.m.**

**4th Floor Meeting Room, Dominion Tower  
3 CLE Credits**

**Coordinator:** **Todd M. Gaynor**  
Taylor and Walker, P.C.

**Presenters:** **Judge Robert J. Humphreys**  
Court of Appeals of Virginia  
**Steven L. Emmert**  
Sykes, Bourdon, Ahearn & Levy, P.C.  
**Vicki H. Devine**  
Furniss, Davis, Rashkind and Saunders, P.C.

**I. PRE-TRIAL CONSIDERATIONS**

- Record Preservation at the Motion Stage
- Crafting Motions in Limine
- Preparing Witness Testimony

**II. PRESERVING ISSUES FOR APPEAL AT TRIAL**

- How to Properly Object for the Record
- Jury Instruction Objections
- Inviting Error

**III. APPELLATE PROCEDURE AND STRATEGY**

- The Appellate Process: Step by Step
- Drafting an Appellate Brief
- Preparing for Oral Argument
- Elements of Effective Persuasion

To register, mail with payment to:  
NPBA, 999 Waterside Drive, Suite 1330, Norfolk, VA 23510

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**Protecting the Record for Appeal:  
Preserving and Arguing Issues Effectively at Trial and on Appeal  
Thursday, September 7, 2006**

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Members \$60.00      Non-Members \$85.00**

## OCTOBER LUNCHEON MEETING

**Thursday, October 19, 2006**

**Hits at The Park, Harbor Park**

**11:45 AM**



**Speaker: Chuck Rosenberg**

*United States Attorney  
Eastern District of Virginia*

Chuck Rosenberg was appointed by Attorney General Alberto Gonzales in March 2006 to serve as the United States Attorney for the Eastern District of Virginia. He was subsequently nominated to that position by President George Bush and confirmed by

the United States Senate, unanimously, on June 13, 2006.

As the chief federal law enforcement officer for the District, which includes offices in Alexandria, Newport News, Norfolk and Richmond, Mr. Rosenberg supervises the prosecution of all federal crimes, and the litigation of all civil matters in which the federal government has an interest.

Mr. Rosenberg has spent most of his professional career in public service. From June 2005 until March 2006, he served as the United States Attorney for the Southern District of Texas. Prior to that, he served in several senior posts at the Department of Justice where his work focused on counterterrorism, counterintelligence, and national security matters, including as: Chief of Staff to Deputy Attorney General James B. Comey, Counselor to Attorney General John Ashcroft; and, before that, as Counsel to FBI Director Robert S. Mueller, III.

Before joining the FBI, Mr. Rosenberg was an Assistant United States Attorney in

the Eastern District of Virginia, in Norfolk and, subsequently, in Alexandria. There he prosecuted financial fraud crimes, violent crimes, and espionage cases. During the last two years of his tenure as a federal prosecutor in Alexandria, Mr. Rosenberg supervised that office's Major Crimes Unit - the unit that prosecuted numerous prominent spy cases. While in private practice with the law firm of Hunton & Williams, Mr. Rosenberg served as an NBC legal analyst, appearing frequently on television.

He is a graduate of Tufts University (B.A.), Harvard University (M.P.P) and the University of Virginia (J.D.).

Please call 622-3152 today to register to attend the October 19th NPBA Luncheon.

• • •

**Virginia Women Attorneys Association Annual Conference**, October 13-15, 2006, Williamsburg. A celebration of 25 years of the VWAA. For more information, visit [www.vwaa.org](http://www.vwaa.org).

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## COURT NEWS

### UNITED STATES DISTRICT COURT, E.D. VA.

Two amendments to the Local Rules took effect August 1. The amendments were proposed in April 2006, and were revised in light of public comment. Amendments to Local Civil Rule 67 concern orders involving the payment of funds into court for deposit for the benefit of any party. Amendments to Local Civil Rule 83.6 concern orders requiring individuals to attend settlement conferences. The two amended rules, marked to show the changes that were made, are located here:

<http://www.vaed.uscourts.gov/courtdocs/amendments08012006.pdf>

A complete and updated copy of all Local Rules is also available on the court's website: As a PDF:

<http://www.vaed.uscourts.gov/courtdocs/LocalRulesEDVA.pdf>

As a web page:

<http://www.vaed.uscourts.gov/courtdocs/LocalRulesEDVA.html>

### VIRGINIA BEACH BAR ASSOCIATION INAUGURAL BENCH BAR CONFERENCE

Tuesday, September 21, 2006

For more information and registration details visit: [www.vbbarassoc.com](http://www.vbbarassoc.com)

### VIRGINIA BEACH JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT Attorneys with pending civil matters in Virginia Beach J&DR District Court:

When submitting a Motion to Amend, Motion to Show Cause, Petition for custody, visitation, support, etc., for the court to set a hearing date, and you have not obtained a date from the clerk on which to set your motion, you must have a list of all counsel's "Avoid Dates" attached to the paperwork so the court can set the hearing date. If these dates are not listed, the paperwork will be returned to your office, as the court will be unable to determine your availability for the court's available date.

Also, please note that the Duty Docket for civil motions is at 11:00 a.m., but that only one judge has the Duty Docket on any given day. Any miscellaneous motions related to a pending civil case are to be scheduled on the Duty Docket of the Judge assigned to that case. All parties will be summonsed to be in court at 10:30 a.m. If your office notices parties for a different time, without prior approval by the Judge, your Notice of Hearing & Motion will not be docketed, and will be returned for you to make the appropriate correction(s). The clerk's office will no longer correct Notices of Hearings.

## VSB AWARDS OF MERIT



Jim Harvey, Jim Metcalfe and Jessica Mellington accept three VSB Awards of Merit from VSB President Philip Anderson and Conference of Local Bars Chair M. Janet Palmer for the successful Middle School Mock Trial Project, Wills for Heroes and the Legal Food Frenzy. Congratulations to everyone who worked on these award-winning projects!

## WELCOME NEW NPBA MEMBERS

**Ann D. Carnes**

Social Security Department  
of Hearings and Appeals

**Jesse B. Gordon**

Stackhouse, Nexsen & Turrietta

**Lauri Hogge**

CHKD Child Abuse Program

**Elaine Inman**

Crenshaw Ware & Martin P.L.C.

**David M. McCormick**

Attorney at Law

**Janelle Mills**

Attorney at Law

## We can help you help your clients

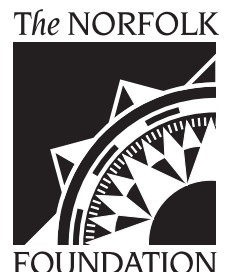
**IF YOU HAVE QUESTIONS ABOUT THE RIGHT CHARITABLE  
VEHICLE FOR YOUR CLIENTS, WE CAN HELP.  
THE POSSIBILITIES INCLUDE:**

- ◆ Charitable annuities or charitable remainder trusts.
- ◆ Bequests to create a scholarship fund.
- ◆ An endowment to support a favorite charity.
- ◆ Donor advised funds to support community causes.

For 56 years, The Norfolk Foundation has worked directly with attorneys of all specialties throughout southeastern Virginia. As the region's largest grant and scholarship provider, we can guide you through an array of charitable options.

For details visit the professional advisor section of [www.norfolkfoundation.org](http://www.norfolkfoundation.org) or call Nan Edgerton at 757-622-7951.

INSPIRING PHILANTHROPY in  
SOUTHEASTERN VIRGINIA Since 1950





## NPBA FOUNDATION REPORT

Joe Migliozi, President • Virginia Capital Defender's Office • [jmigliozi@msn.com](mailto:jmigliozi@msn.com)

As you know, the Norfolk and Portsmouth Bar Association Foundation is undertaking a major fundraising project this year that is vital to the organization's mission and continued success. While the bar membership has continually demonstrated its generosity through annual contributions to the Foundation, our mission to enhance the image of the legal system within our community can only be accomplished by strengthening our financial identity.

Fundraising for the Foundation represents more than golf tournaments, socials and silent auctions. The proud heritage of the Norfolk and Portsmouth Bar Association exists in each of its current members



Joe Migliozi

and it is incumbent upon us to insure that this legacy continues to thrive. Individually, our lawyer members have made remarkable contributions to the Hampton Roads community. Yet, together through the Foundation, we can accomplish so much more and the Fellows of the Foundation program was established for just that purpose.

The Fellows program recognizes those persons or organizations that share the Foundation's philanthropic vision. Becoming a Fellow welcomes the individual or firm among a group that will be uniquely recognized within the legal community. The Fellows initiative is divided among various levels of giving: Counselor, Partner, Barrister, Law Firm/Corporation, and Charter Fellow. Each level involves a specific pledge that may be satisfied in annual payments, ranging from two to five years. Charter Fellows will be challenged to make a one time contribution before December 31, 2006. To date, the Foundation has received Fellows pledges totaling \$6,600.00. Aside from the individual satisfaction of enhancing the image of our profession, Fellows will be recognized on a plaque to be displayed in the new Norfolk Circuit Court building and will receive a commemorative certificate during a recognition ceremony at the Bar's annual dinner. Additionally, Fellows will be invited to share their ideas for community programs and will receive personal invitations to Foundation events.

If you have not yet met with a member of the Foundation Board to discuss the Fellows initiative, I encourage you to welcome these representatives of your Foundation and fellow lawyers into your office or firm so that they may more thoroughly address any questions you may have on becoming a Fellow.

The Foundation recently received a grant in the amount of \$1,000.00 from the Virginia Law Foundation, which will help us fund scholarships to be made through the Essay Competition to be conducted in 2007. In 2004 through 2006, the Norfolk and Portsmouth Bar Association Foundation has awarded \$10,500.00 in college scholarships to graduating high school seniors who submit the top essays on a law-related topic in the annual competition.

We are grateful for this generous grant from the Virginia Law Foundation, whose mission includes educating the public about the law and the legal profession. The Virginia Law Foundation further seeks to provide access to justice for all Virginians through programs which promote or provide legal services to the poor, to improve the administration of justice, and to provide continuing legal education



Virginia Law Foundation Immediate Past President John R. Fletcher presents VLF's grant to support the NPBAF Scholarship program to Christine Buchanan, NPBA Foundation Treasurer.

and public service internships for Virginia law students. Our sincere thanks to the Virginia Law Foundation for helping make it possible for us to continue the annual Essay Competition Scholarship awards.

If you wish to contribute –

Please make check payable to:

**NPBA Foundation**

Mail to: 999 Waterside Drive #1330  
Norfolk, VA 23510

### NEED CLE CREDIT THIS FALL?

#### LOOK NO FURTHER THAN THE NPBA!

The NPBA CLE Committee is hard at work planning seminars for the Fall. If you need credits by the October 31 MCLE deadline, NPBA makes it easy on your schedule and your budget. You will be able to get all the credits you need and more - regular and ethics - in September and October - from the NPBA. See the list below, check out the flyers in this issue, and, for the latest, up to the minute updates, visit the Association website:

[www.norfolkandportsmouthbar.org](http://www.norfolkandportsmouthbar.org)

#### FALL CLE SEMINARS

**Perfecting the Record for Appeal:  
Preserving and Arguing Issues  
Effectively at Trial and on Appeal**  
3 CLE Credits (1.0 Ethics)  
Thursday, September 7, 2006

**How to Handle Parallel Civil and Criminal  
Proceedings: Avoiding Litigation Pitfalls**  
3 CLE Credits

Thursday, September 14, 2006

**Eminent Domain: Post-Kelo Limits**  
1 CLE Credit

Thursday, September 21, 2006  
(immediately after NPBA Luncheon)

**Discovery Issues**  
3 CLE Credits

Thursday, September 28, 2006

**The 3 AM Phone Call: Criminal and  
Traffic Law Basics for Non-Specialists**  
2 CLE Credits (.5 Ethics)  
Tuesday, October 3, 2006

**Workers Compensation**  
3 CLE Credits (1.0 Ethics)  
Thursday, October 12, 2006

**The Proposed New Virginia  
Rules of Evidence**  
1 CLE Credit  
Thursday, October 19, 2006  
(immediately after NPBA Luncheon)

# IMPROVING COMMUNITY RESPONSE TO ALLEGATIONS OF CHILD ABUSE

**Lauri D. Hogge, Director, Child Abuse Program  
Children's Hospital of The King's Daughters**

Nationally, child abuse continues at the forefront in the minds of the public, thanks in part to high-profile cases in the media. Much of the focus is on how to better serve victims and ensure perpetrators are kept from re-offending. Since the mid-1980's, communities across the country have recognized the need for a different way to address child abuse.

Through this recognition came the development and growth of Children's Advocacy Centers (CAC), a comprehensive, child-focused program that allows law enforcement, child protection professionals, and the medical and mental health communities to offer expertise and consult on child abuse cases. Organizational structures vary - including non-profit, governmental, university-based, or hospital-based programs. The benefits of a CAC include: consistent and fast follow up to abuse reports, medical and mental health referrals that more effectively help the child and the child's family, a dramatic reduction in the number of interviews a victim must undergo, increased successful prosecutions, identification of false allegations, and compassionate support for the child and the family. The benefits have led hundreds of communities nationwide to develop a Children's Advocacy Center. Now there are over 500 CACs across the country.

In the last five years, there has been rapid development of CACs across Virginia, with 13 centers providing services to thousands of children. The Child Abuse Program at Children's Hospital of The King's Daughters (CHKD), located in Norfolk and serving all of Hampton Roads, is the largest of Virginia's centers. The Program has become an important resource to all local agencies involved in cases of suspected abuse.

Operating for over six years, the Child Abuse Program at CHKD serves 1,000 clients each year. The program provides a variety of services in a safe, nurturing environment, including forensic interviews recorded by videotape or digital recording. The program's medical team includes three full-time forensic pediatricians who provide sexual assault examinations, physical abuse consultations, second-opinion examinations, and a foster care

clinic. A team of eight psychologists and licensed clinical social workers provides extended forensic evaluations, long-term therapy, psychological testing, and parenting capacity evaluations. Typically, referrals are made to the program by investigative agencies, physicians, or the courts.

Research shows Children's Advocacy Centers are doing exactly what they were designed to do. The multi-site Evaluation of CACs, funded by OJJDP, found children at CACs were more likely to get medical examinations and referrals to mental health services. A separate study on the Economic Impact of Child Maltreatment conducted by the National Children's Advocacy Center compared the child abuse investigative costs of a traditional child protection system/law enforcement model versus the CAC model. The analysis found that the cost savings using the CAC model was \$1,318.60 per case.

The implication for cost saving in Virginia based on the number of new children served by CACs in 2005 is \$2,695,218. These findings validate the contributions of Children's Advocacy Centers such as the Child Abuse Program at CHKD. The most significant validation comes from the healing of the children served by these programs.



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