

BAR BULLETIN

Volume XXXII
Number 1

January-
February 2007

INSIDE

PAGE 2 . BENCH BAR CONFERENCE
PAGE 3 . COURTHOUSE CONDITIONS
PAGE 4 LIBRARY LINES
PAGE 5 ANNOUNCEMENTS
PAGE 6 JANUARY LUNCHEON
HARVEST FOR THE HOMELESS
PAGE 7 FEBRUARY BREAKFAST
PAGE 8 MARCH LUNCHEON
NEW MEMBERS
PAGE 9 YLS MESSAGE
RECENT EVENTS
PAGE 10 COURT NEWS
RECENT EVENTS
PAGE 11 NPBA FOUNDATION

PRESIDENT'S MESSAGE

I trust you all have enjoyed the holidays with family and friends and good fellowship and entered the New Year with determination to improve not only your own lot (we will see people at the local fitness centers we have not seen since January 2006) but also the state of the profession. As a group you and your association have made many contributions this past year to the betterment of our society and there are great plans for the future. I need only mention a few programs to illustrate how vibrant your work has been.



James A. Metcalfe

- The **CLE Committee** has provided outstanding programs and has more planned for the New Year, including a joint session with the Virginia Beach Bar Association.
- The **Courts of Justice Committee** has met and is committed to ensuring that Norfolk gets a new courthouse complex that justice and public safety require. The chief judges of each of the Norfolk courts have taken the bold move of writing a joint letter to the Mayor, City Council, and the City Manager to make the argument for urgent attention to our obsolete and unsafe Norfolk court facilities. We have published their letter in this bulletin. The letter received attention in an article in *The Virginian-Pilot* and we have written a letter to the editor supporting the judges and urging the implementation of a plan to achieve the construction of a new court complex that will meet the needs of the 21st century in Norfolk and Hampton Roads (the Norfolk courts serve a wider constituency than just Norfolk – criminals ignore jurisdictional boundaries and civil matters likewise cross city, county, and even state boundaries).
- The **Young Lawyers Section** has conducted a number of events that bring the bar together and continues with plans for 2007. The “Breakfasts with the Bench” are a big hit.
- The **Professionalism Committee** will be working on selecting the recipient of the Eggleston-I'Anson Professionalism Award and will need your nominations of worthy attorneys who have made exceptional contributions to the profession over a significant period of time.
- The **Public Relations Committee** will soon be seeking nominations for the Walter E. Hoffman Community Service Award that recognizes outstanding service to the community by a younger NPBA member. They will also be sponsoring our Annual Food Frenzy for the benefit of the Southeastern Virginia Foodbank. Virginia AG Bob McDonnell was so impressed with our program, he convinced the VBA to go statewide with it. The PR Committee is again sponsoring the Model Judiciary Program in four Norfolk middle schools. The program will begin in early January with mock trials to be held in March in Norfolk Circuit Court.
- The **NPBA Foundation** has made great strides in obtaining commitments from many of you (much more work to do in fund raising) and is planning as a joint venture with Regent University to produce a “Law School for Journalists” program on April 20th.

(continued on page 2)

See Flyers Inside for
Event Details and
Registration Information

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

NPBA Luncheon
Thursday, January 18, 2007 • 11:30 AM
Hits at the Park, Harbor Park
Speaker: Chuck Rosenberg
U. S. Attorney, Eastern District of Virginia

Elder Law Workshop CLE
Thursday, January 18, 2007 • 1:00 PM
Dominion Tower Meeting Room

NPBA Breakfast
Thursday, February 15, 2007 • 7:30 AM
Hits at the Park, Harbor Park
Speaker: Karen Gould
President, Virginia State Bar

Breakfast With the Bench
Thursday, February 22, 2007 • 7:30 AM
Speaker: Hon. Walter D. Kelley, E.D.Va.

NORFOLK & PORTSMOUTH BAR ASSOCIATION

999 Waterside Drive, Suite 1330
Norfolk, Virginia 23510

TEL (757) 622-3152
FAX (757) 622-4406

E-MAIL npba@visi.net
- WEBSITE -

www.norfolkandportsmouthbar.org

OFFICERS

James A. Metcalfe

President
441-6331
jim.metcalfe@usdoj.gov

Donald C. Schultz

President-Elect
623-3000
dschultz@cwm-law.com

Stanley G. Barr, Jr.

Past President
624-3274
sgbarr@kaufcan.com

David W. Lannetti

Secretary
446-8652
dlannetti@vanblk.com

John L. Deal

Treasurer
321-5659
jdeal@dollartree.com

Nathaniel Beaman, IV

664-4205
chip.beaman@norfolk.gov

David A. Buzard

513-1117
david.buzard@navy.mil

Jeffrey L. Stredler

622-3366
jstredler@williamsmullen.com

Kelly B. St. Clair

480-9510
kbstclair@stclairlawfirm.com

Alan D. Albert

President, Library Board
624-1454
aalbert@leclairryan.com

Andrew R. Fox

Chairman
Young Lawyers Section
664-4222
andrew.fox@norfolk.gov

STAFF

Donna Bausch

Executive Director
622-2910
dbauch@norfolklawlibrary.org

Sharon James

Administrative Assistant
622-3152
npba@visi.net

PUBLISHER

Advertising Service Agency, Inc.
Layout and Printing

(PRESIDENT'S MESSAGE CONTINUED)

- The **Bench-Bar Committee** is busy planning our annual conference on April 17th and former Governor Mark Warner will be our keynote speaker.
- The **Membership Committee** sponsored a very well attended happy hour at Blackfinn at Waterside to give new attorneys an opportunity to network.
- The **Law Library Board** continues to muster financial support for the Norfolk Law Library.
- The **Judicial Endorsements Committee** has completed its recommendations for a new substitute judge (congratulations to **Andy Protogyrou** on his appointment to the substitute judgeship) and will be reviewing nominations for the J&DR judgeship that will be open as a result of Judge Joan Skeppstrom's retirement.
- The **Military Law and Lawyers Committee** had an organizational meeting in December and is planning projects for the future.

As you can see, the work of your bar association is really carried forward by you and your colleagues who give selflessly of time and talents. If you are not active, join a committee or offer to participate in a project. With almost 1000 members, we can be a force for good in our community.

The **Magna Carta** is coming! Between March 30 and June 18 one of the four original remaining copies of the 1215 Magna Carta signed by King John and his barons at Runnymede will be on display at the Virginia Beach Contemporary Art Center. The exhibit will trace the development of the barons' rights through the years to the present rights we have fought so hard to obtain and preserve. Other documents on exhibit will include an original July 4, 1776, copy of the Declaration of Independence, a first draft of the U.S. Constitution, an 1864 commemorative copy of the Emancipation Proclamation signed by President Lincoln, and other artifacts related to obtaining women's suffrage and the efforts to end racial, ethnic, and religious discrimination. There will be many special programs during the visit of these seminal documents. We anticipate participating together with the Virginia Beach Bar Association in a program tentatively scheduled for April. For those wishing to obtain more information, go to www.cacv.org or call Kate Jacobson, special projects manager (425-0000 ext. 33).

Members in uniform: I also want to recognize members who have been recalled to active duty for the war on terror. If you know of others, please let me know and I will recognize them in later Bulletins. **Paul Driscoll** of Pender and Coward was recalled to active duty in the U.S. Army in September. Paul, a lieutenant colonel in the infantry, will deploy to Iraq for about 12 months after completing training. He anticipates that he will be training the Iraqi Army. Paul has for a number of years been active in training the Army Guard and Reserve. **David Buzard**, a Navy Commander, was recalled to active duty and is training for deployment somewhere in the war, most likely next summer. They are indeed "twice a citizen". We all wish them Godspeed and a safe return to family and friends.

NINTH ANNUAL BENCH BAR CONFERENCE

TUESDAY, APRIL 17, 2007

KEYNOTE SPEAKER: FORMER GOVERNOR MARK R. WARNER



Mark Warner was born in Indianapolis, Indiana in 1954. He earned his undergraduate degree from George Washington University in 1977 and his law degree from Harvard University in 1980. He is married to Lisa Collis and they have three daughters. Warner served as Governor from 2002-2006. His administration inherited \$6 billion in budget shortfalls and ended with a surplus that allowed investments in education, care for Virginia's most vulnerable citizens and Chesapeake Bay

cleanup. Warner did this by cutting budgets, finding efficiencies and making business-like reforms. He took on modernization of Virginia's tax code to promote fairness, long-term fiscal integrity and the preservation of core services. He was named among *Governing Magazine's* "Public Officials of the Year," *TIME Magazine's* "America's 5 Best Governors" and *Newsweek's* "Who's Next" issue in 2006. Warner serves as Honorary Chair of Forward Together, whose mission is to recruit and elect a new generation of leaders across America.

We are honored to have the Hon. Mark R. Warner as the Keynote Speaker for the Annual Bench Bar Conference, Tuesday, April 17th.

LETTER FROM NORFOLK COURTS REGARDING COURTHOUSE CONDITIONS

Dear Mayor Fraim and Members of the City Council:

For two decades the three trial courts for Norfolk – the Circuit Court, General District Court, and Juvenile and Domestic Relations District Court – have described the security needs of the city’s three courthouses. During the past several years the City has engaged in a thorough examination of the needs of these facilities and has involved the judges of these courts in the process. As a result of these studies, the Council and administration concluded that all of the courthouse facilities are inadequate and sought architectural proposals some two years ago for construction of a new facility. At some point thereafter the City turned its attention to exploring public-private partnership options for the construction of a new courthouse to serve the three courts.

We, speaking for all of the judges of our respective courts, now feel compelled to express our collective conclusions about the needs of our courthouses and the immediacy of the need to give better protection to the citizens who enter these buildings. We are concerned that the real danger existing in these buildings may not be fully appreciated. In our view, the safety of each person who enters one of Norfolk’s courthouses is in danger.

The problems identified in a 1992 study by the National Center for State Courts continue to plague our facilities: circulation patterns, security, prisoner access and holding areas, and insufficient waiting areas. The difference today when compared to 1992 is that the severity of the problems has seen a dramatic increase and a consequent growth of danger for those using the courthouse facilities.

After years of discussion, study, and planning, the courthouses remain inadequate. In their present conditions, they are unsafe for the public. Overcrowding, lack of safe circulation patterns, buildings that do not and cannot meet current safety and security standards – all those concerns so well documented over the past two decades – still characterize these facilities. In 2005, Atlanta witnessed a tragedy in its courthouse that cost three lives and injured others. The same type of incident could occur in any of our courthouses at any moment.

The Sheriff’s Department estimates that over 3275 people enter Norfolk’s courthouses on an average day¹, excluding those who work in these buildings. Each person deserves to be safe while appearing in the halls of justice.

An additional concern is the safety of the public records. Case files, deeds, wills, marriage records, adoption records, recent judgments and financial statements – these are only a few of the many types of important documents retained in the circuit courthouse. Similarly, metal cabinets containing thousands of civil and criminal case files line the public hallways of the General District Court’s facility. Indeed, in many aspects the heritage of our city and its families is documented in these court records. If these records were destroyed, economic havoc might well erupt. It is significant that each of the studies noted that the existing filing and administrative spaces impede the effective operation of each court.

We understand that the responsibility for courthouse security in an operational sense rests jointly with the Sheriff and Chief Judges.² It is equally clear that the City shares this burden to the degree that it must provide courthouse facilities that are adequate and safe for the public.³ We appreciate the City’s cooperation thus far. However, consistent with our responsibility we must insist that definite decisions be reached in the immediate future. The public safety is not served by continued indecision.

Sincerely,

Everett A. Martin, Jr., Chief Judge
Circuit Court of the City of Norfolk

Ray W. Dezern, Jr., Chief Judge
Norfolk General District Court

M. Randolph Carlson II
Chief Judge, Norfolk Juvenile and
Domestic Relations District Court

¹ The detailed estimate is 810 for the Circuit Courthouse, 1375 for the General District Courthouse, and 1090 for the Juvenile Courthouse. The total for an average day is 3275, or 16,375 for an average week. These figures do not include persons whose workplace is in one of these buildings.

² Virginia Code §53.1-120

³ Virginia Code §15.2-1643

Contact Norfolk Law Library at 622-2910 • www.norfolklawlibrary.org

Thank You

“You gotta have Friends...”

Without the continuing support of our Friends, Norfolk Law Library would no longer be able to offer services such as free, unlimited onsite use of Westlaw and Lexis, as well as the treatise collection which includes current and archival material found nowhere else in our region.

It's never too late to send a fully tax deductible contribution to the Friends of the Norfolk Law Library and join the generous and loyal Friends listed below...

2006–2007 Friends as of 12-18-06

Platinum \$1000.00+

NPBA Young Lawyer Section
 Troutman Sanders, LLP

Gold \$500.00+

Breit Drescher & Imprevento
 Kaufman & Canoles, P.C.
 Taylor & Walker, P.C.
 Willcox & Savage, P.C.
 Wolcott Rivers Gates

Bronze \$100.00 – 250.00

H. Lee Addison, III
 Susan C. Alper
 Gary R. Arsenaault
 Bangel, Bangel & Bangel, LLP
 Bertini, O'Donnell & Jochens, P.C.

Manfred Block and Donna Bausch
 The Honorable Hal J. Bonney, Jr.
 James M. Boyd
 Robert F. Boyd
 Christine H. Buchanan
 Stephen J. Burgess
 David A. Buzard
 F. Sullivan Callahan
 Delphine G. Carnes
 Mary G. Commander
 Timothy A. Coyle
 Peter G. Decker, Jr.
 Jeremiah A. Denton, III
 Hon. Robert & Dorothy Doumar Foundation
 Philip R. Farthing
 Michael F. Fasanaro, Jr.
 B. Cullen Gibson
 O.L. Gilbert
 Linda Harris
 The Honorable Marc Jacobson
 Ray W. King
 Montgomery Knight, Jr.
 Lambert and Lambert, PLC
 Carl C. La Mondue
 Nicole S. Lang
 Jean A. Major
 Hon. Joseph P. Massey
 Vincent J. Mastracco, Jr.
 Robert W. McFarland
 Thomas F. McPhaul
 James L. Miller
 Robert C. Miller
 Willard J. Moody, Sr.

William H. Monroe, Jr.
 David Pierce
 Rephan Lassiter, PLC
 Martha G. Rollins
 Palmer S. Rutherford
 Andrew M. Sacks
 Frank J. Santoro
 The Honorable Joan C. Skeppstrom
 Robert McL. Smith, III
 The Honorable Bradford Stillman
 The Honorable Lydia C. Taylor
 The Honorable Norman A. Thomas
 Tinkham & McLemore, P.C.
 Jon Thornton
 Jeanne T. Ullian
 Guilford D. Ware
 Michael S. Weisberg
 Samuel I. White
 The Honorable Alfred W. Whitehurst, Sr.
 Jay F. Wilks

Additional Friends
 Duncan G. Byers
 Thomas Connor
 Daniel D. Dickenson, III
 Diane M. Jeffries
 Linda Laibstain
 Emily M. Munn
 G. Michael Price
 John M. Ryan
 Henry M. Schwan
 Robert P. Stenzhorn
 Mark F. Williams

Your clients will *like* this new tax law.

..... No kidding.

For the first time federal tax laws allow some of your clients to donate IRA assets to The Norfolk Foundation... without their gift counting as taxable income. Donating an IRA counts toward clients' required annual minimum distribution and is an easy way for them to support their community.

IRA owners who are at least 70½ by the end of 2007 – when the provision expires – can donate up to \$100,000 a year to The Norfolk Foundation for:

- Scholarship funds to help college students
- Designated funds to benefit specific charities
- Field of interest funds for the arts, education and other areas
- Unrestricted funds to provide broad grantmaking support

To find out how you can help your clients benefit from this limited-time opportunity, visit www.norfolkfoundation.org or call (757) 622-7951.

The NORFOLK



FOUNDATION

INSPIRING PHILANTHROPY In
 SOUTHEASTERN VIRGINIA Since 1950

ANNOUNCEMENTS

Mary Commander, Attorney at Law and a member of the board of directors of the Community Mediation Center, was one of 15 honored as a Leader in the Law by Virginia Lawyers Weekly. Commander has had a private practice since 1982 and specializes in family, adoption and surrogacy, collaborative law and power of attorney.

Richard E. Garriott, Jr. has been appointed by the Virginia Beach City Council as an alternate to the Board of Zoning Appeals for an unexpired term ending August 31, 2010. Mr. Garriott is a partner at the law firm of **Clarke, Dolph, Rapaport, Hardy & Hull, P.L.C.** and continues in his practice in family law and civil litigation.

Glasser and Glasser, P.L.C. is proud to announce the association of **Lindsey C. Kelly** as an associate attorney with the firm. Ms. Kelly is a 2002 graduate of the University of North Carolina Law School and is licensed to practice law in Virginia and North Carolina. She will concentrate her practice in the areas of mortgage foreclosure and creditors' rights.

The law offices of **Vandeventer Black LLP** are pleased to announce that **David W. Lannetti** has been named partner. Lannetti concentrates his practice in Government Contracts, Construction and Maritime Law and Litigation. He received a B.S. (with distinction) from the U.S. Naval Academy, an M.S. in Management (with Honors) from Troy State University and a J.D. from The College of William & Mary School of Law (Order of the Coif). Lannetti serves on the Norfolk & Portsmouth Bar Association's (NPBA) Executive Committee and is Past Chair of the NPBA Continuing Legal Education and Bench Bar Conference committees. He is an adjunct professor at The College of William & Mary School of Law and Regent University School of Law. Lannetti's community and civic involvement is extensive, including work for Virginia Special Olympics, the Boy Scouts of America and the U.S. Naval Academy. Lannetti's first career was as an active duty officer in the U.S. Navy, where he served in the nuclear submarine program prior to his retirement. Lannetti is based in the Firm's Norfolk office.

The law offices of **Vandeventer Black LLP** are pleased to announce that **Ethan G. Ostroff** has joined the firm. Ostroff concentrates his practice in general and commercial litigation. Ostroff earned his J.D. (cum laude) from American University, Washington College of Law and an M.Phil. from the University of Memphis. He holds a B.A. (summa cum laude) in Philosophy and German from Emory University. Ostroff was awarded a Fulbright Commission English Language Teaching Assistantship following graduation from Emory and spent an academic year in Linz, Austria. Ostroff served as a Law Clerk for the Circuit Court of the City of Virginia Beach. Ostroff is based in the firm's Norfolk office.

Willcox & Savage is pleased to announce that one of its partners, **Stephen R. Jackson**, was elected as a fellow of the Foundation of the Federal Bar Association. Mr. Jackson also serves as the Vice-President for the Fourth Circuit and on its National Council.

Willcox & Savage is pleased to welcome **Laura C. Pyle** to our firm, where she will focus on commercial litigation. Laura graduated, *cum laude*, in 2006 from the Washington & Lee University School of Law where she was Managing Editor of the Law Review. She earned her B.S., *magna cum laude*, in Neuroscience from Vanderbilt University in 2003.

Willcox & Savage is pleased to welcome **Aminah Collick Rogers** to our firm, where she will focus on litigation. Aminah graduated in 2004 from the University of Tennessee College of Law. She earned her B.A. in History from Hampton University in 2000. Aminah is currently licensed to practice in Tennessee.

Wolcott Rivers Gates is pleased to announce that **Martin E. Silfen** has joined the firm. Mr. Silfen concentrates his practice in the areas of Entertainment, Sports and Commercial Law. He is a Phi Beta Kappa, Summa Cum Laude, Honors B.A. graduate of Hobart College, holds an LLB from Brooklyn Law School, and is a member of the Bars of Virginia and New York. He is often called upon to mediate enter-

tainment law disputes and to give expert testimony in such disputes. He co-authored the book "Law and Business of the Entertainment Industries," which was recently published in its Fifth Edition.

Wolcott Rivers Gates offers a well-deserved congratulations to these members who were selected by their peers to be recognized as the 2006 Virginia's Legal Elite by Virginia Business Magazine.

W. Brantley Basnight, III
Family/Domestic Relations

Cheshire I'Anson Eveleigh
Family/Domestic Relations

Ronald M. Gates
Business

Samuel W. Meekins, Jr.
Civil Litigation

David N. Reda
Labor/Employment

C. Arthur Robinson, II
Taxes/Estates and Trusts

Brandon H. Zeigler
Young Lawyer

LAWYER'S
STAFFING, INC.



*Specializing in Temporary,
Temporary-To-Hire and
Direct Hire of Legal Professionals*

**ATTORNEYS
PARALEGALS
LITIGATION SUPPORT
LEGAL SECRETARIES
DOCUMENT PRODUCTION
LEGAL ASSISTANTS
RESEARCH SPECIALISTS
TRIAL PREPARATION**

NOVA RICHMOND
703-918-4952 804-282-1289
HAMPTON ROADS
757-627-3700

www.lawyerstaffing.com
recruiters@lawyerstaffing.com

**MEMBER NATIONAL ASSOCIATION
OF LEGAL SEARCH CONSULTANTS**

JANUARY LUNCHEON MEETING

Thursday, January 18, 2007
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 Gen-

eral 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 January 18th NPBA Luncheon.

HARVEST FOR THE HOMELESS 2006 RESULTS

According to Harvest for the Homeless coordinator Shawn A. Voyles of Crenshaw, Ware & Martin, P.L.C., 270 bags of clothes and toiletries were collected by the following firms and offices and donated to four area nonprofit organizations serving the homeless; The Union Mission, The Dwelling Place, ForKids and Samaritan House.

Clarke, Dolph, Rapaport, Hardy & Hull, P.L.C.
Crenshaw, Ware & Martin, P.L.C.
Glasser & Glasser, P.L.C.
Kaufman & Canoles, P.C.
LeClair Ryan, P.C.
McKenry, Dancigers, Dawson & Lake, P.C.
Norfolk Public Defender's Office
Norfolk City Attorney's Office
NPBA
RutterMills, L.L.P.
Sacks & Sacks, P.C.
Shapiro & Burson
Stackhouse, Nexsen & Turrietta, PLLC
Willcox & Savage, P.C.
Williams Mullen

Many thanks to everyone who contributed items to this important annual effort. Your generosity is making the winter more tolerable for someone local in need.

TAYLOE ASSOCIATES, INC.

COURT REPORTING & VIDEO SERVICES

EXPERTISE. INTEGRITY. SERVICE.

THE TAYLOE DIFFERENCE.

FOR OVER 25 YEARS, TAYLOE ASSOCIATES HAS BEEN PROVIDING THE HIGHEST LEVEL OF LITIGATION MANAGEMENT SERVICES TO CLIENTS WORLDWIDE WITH THE CARE AND ATTENTION OF SEASONED PROFESSIONALS AND UNSURPASSED CUSTOMER SERVICE.

TAYLOE UTILIZES THE FULLEST POSSIBLE RANGE OF RESOURCES AVAILABLE TO GUARANTEE THE SUPERIOR WORK CLIENTS HAVE COME TO DEPEND ON YEAR IN AND YEAR OUT.

EXPERIENCE AND TALENT COUNT...
TAYLOE ASSOCIATES,
NATIONALLY CERTIFIED
COURT REPORTERS.

- > CONDENSED TRANSCRIPTS
- > REALTIME REPORTING
- > DAILY & EXPEDITED DELIVERY
- > CART TRANSLATION
- > ENCRYPTED ASCII
- > TOTAL FILE INDEX
- > VIDEOGRAPHY, CLVS
- > VIDEO EDITING
- > VIDEOCONFERENCING
- > MULTI-MEDIA
- > MOCK TRIALS
- > DIGITAL TRIAL SUPPORT SERVICES

CALL NOW TO SEE
WHAT A DIFFERENCE A
SUPERIOR LEVEL OF
PROFESSIONAL SERVICE
& EXPERTISE CAN MAKE.

TAYLOE ASSOCIATES, INC.
253 WEST BUTE STREET
NORFOLK, VIRGINIA 23510

T 757.461.1984
F 757.461.5454
TF 800.828.5928

NORTH CAROLINA
T 252.338.9600

TAYLOE@TAYLOEASSOCIATES.COM



FEBRUARY BREAKFAST MEETING

Thursday, February 15, 2007
Hits at The Park, 7:30 AM



Speaker: Karen A. Gould
President, Virginia State Bar

Karen A. Gould was installed as the Virginia State Bar's sixty-eighth president in Virginia Beach in June 2005. She succeeded Phillip V. Anderson of Roanoke as leader of the 39,000-lawyer state bar.

Gould is a longtime volunteer in the bar's lawyer discipline system. She was chair of the Disciplinary Board, which adjudicates the most serious allegations of lawyer misconduct and served on the district disciplinary committee that hears cases in Richmond. Gould has served on VSB Council since 2000, and on the Executive Committee since 2002. She has been chair of the VSB's Budget and Finance Committee, and the Mandatory Continuing Legal Education Board.

Among Gould's biggest challenges is being the ambassador for an anticipated increase in bar dues which most likely will occur on the watch of Gould's successor, NPBA past president Howard W. Martin Jr. Preparation for the increase has begun, and explaining it is part of Gould's job as she travels to different regions of the state.

Items Gould listed on her to-do list when she took office included:

- the search for a successor to Thomas A. Edmonds, the bar's executive director, who will retire in 2007. She hopes to present a name to the VSB Council next June.
- Supporting recently launched bar projects— including the Chief Justice's initiatives on indigent defense, involuntary commitment of the mentally ill, and educational support for solo and small firm lawyers.
- Urging the General Assembly to observe the constitutional separation of powers as it elects and reelects judges.

- Improving the VSB's relationship with the General Assembly and the Supreme Court.
- Overseeing a new task force that will look into ways to better protect clients from lawyer dishonesty.
- Steering the bar's decisions on future office space as the lease on its quarters in Richmond expires.

As a veteran volunteer in the disciplinary system, Gould is concerned that the VSB process is sometimes criticized for being unfair to solo and small-firm practitioners.

"If someone were to do a study of the cases brought before the Disciplinary Board, I think those misconceptions would be dispelled," she said. The cases brought before the Disciplinary Board are very serious, and the board considers each case with due deliberation.

Gould, born in Cleveland and raised in Richmond from the age of six, began her legal career as a law clerk for U.S. District Judge Glen Williams of Abingdon before joining the Virginia Attorney General's Office in 1980. She entered private practice in 1984. She is now with the firm of McSweeney, Crump, Childress & Gould, P.C. in Richmond.

Gould concentrates in the areas of professional liability defense, workers' compensation defense, and employment law. She also represents health care professionals before the health regulatory boards. She has defended obstetrician-gynecologists, emergency department physicians, general and vascular surgeons, plastic surgeons, orthopedic surgeons, and neurosurgeons. She has also represented hospitals, nursing homes and their employees in a wide variety

of claims covering all aspects of the care rendered to patients, and she has defended these facilities in employment-related matters and workers' compensation claims. She has also defended lawyers in legal malpractice matters.

She is married to Malcolm Rudolph "Rudy" West, a lawyer and corporate secretary for the New Market Corporation and they have a daughter, Elizabeth, who attends the University of the South in Sewanee. In her free time, Gould enjoys her three Welsh Corgis and, until recently, a horse. "For me, owning a horse meant that I could know what to expect from my beast. I hate fear of the unknown. I try to control my environment at all times," she said. With the horse gone, she took up running. "Running gives me time to think and provides me with a sense of accomplishment," she said.

Gould is a serious reader who finds time for a book club with law partners and other members of the Richmond legal community. She frequently reads books on her Palm Pilot. Recent titles she has taken on are *Truman*, by David McCullough; *Love and Hate in Jamestown*, by David Price; *The Island in the Center of the World*, by Russell Shorto (about the history of Manhattan); and *Team of Rivals*, by Doris Kearns Goodwin (about Abraham Lincoln and his Cabinet). *Team of Rivals* helped Gould focus on the qualities of leadership as she prepared to step into the VSB presidency, she said. "The leaders I have most admired are the ones who put aside their personal agendas and provide an opportunity for differing views to be voiced," Gould said. "They lead, rather than dictate".

Please join us to hear more about the VSB from its President, Karen Gould. Call 622-3152 to register.

Magna Carta

March 30 - June 18, 2007

Magna Carta • Declaration of Independence
U.S. Constitution • Emancipation Proclamation



CONTEMPORARY ART
CENTER OF VIRGINIA



www.cacv.org

MARCH LUNCHEON MEETING

Thursday, March 15, 2007
Hits at The Park, Harbor Park
11:45 AM



Speaker: R. Bruce Bradley
Executive Vice-President
Landmark Communications
and
President, Landmark Publishing Group

Bradley is president of Landmark Publishing Group, parent company of the **Virginian-Pilot**. He was president and publisher of The **Virginian-Pilot** for nearly 10 years before accepting his current title, and has been involved in publishing since 1974.

Bruce has been president of the Landmark Publishing Group since January 1999. Until 2000, he also was president and publisher of The **Virginian-Pilot**, where he began his newspaper career in 1974 when he answered an advertisement for a sales position. At the **Pilot**, Bruce also served as general manager and director of advertising. Previously, he held various executive advertising and marketing positions at the Greensboro News & Record, the Roanoke Times & World News and the Ledger-Star.

Bruce has served on the board of directors of the Newspaper Association of America, as well as on the boards of the United Way of South Hampton Roads, the Virginia Symphony, WHRO Foundation and several other organizations. He is the past chairman of the Hampton Roads Chamber of Commerce and past Chairman of the Hampton Roads YMCA. Bruce holds an M.B.A. from Old Dominion University and a B.S. in business administration from Villanova University. From 1971 to 1974, he was a lieutenant junior grade in the United States Navy.

Join us to hear from one of the most influential members of the local media and publishing community at the March breakfast. Call 622-3152 to register.

Legal Aid Launches 40th Anniversary Campaign

By Diana Chappell-Lewis, LASEVA

The Legal Aid Society of Eastern Virginia, its Board of Directors, Staff, and Anniversary Campaign Committee, would like to express appreciation to the Norfolk & Portsmouth Bar Association for your support as we launched our 40th Anniversary Campaign November 2, 2006. To date, the campaign has raised \$25,000 in donations and pledges. Howard W. Martin, Jr., of Crenshaw, Ware and Martin and Robert "Bob" Nusbaum, of Williams Mullen are honorary co-chairs of the campaign.

Bob Nusbaum, a staunch advocate of pro bono support for Legal Aid had this to say about the campaign, "The truth is most of us practice in an environment where legal aid applicants seldom find their way to our doors. Public appropriations for legal aid have been cut heavily. Legal Aid Society lawyers are terribly overburdened, and we are now being asked to step up to the plate."

In 1967, a committee of the Norfolk and Portsmouth Bar Association established the Tidewater Legal Aid Society, which was re-incorporated as the Legal Aid Society of Eastern Virginia. For nearly 40 years, Legal Aid has served as a safety net for poor citizens of Hampton Roads. Its mission is "to promote the equal application of Justice, to remove impediments to fairness for the low-income and vulnerable families of Eastern Virginia, and to work within the justice community to help individuals realize their basic human rights." What began with 3 attorneys providing services to residents of Portsmouth and Norfolk, is today an agency of 42 lawyers and support staff with offices in Norfolk, Virginia Beach, Hampton, Williamsburg, and on the Eastern Shore.

In 1980, the Society added a Senior Law Center, providing special expertise in areas of law most affecting seniors, such as wills, advance medical directives, predatory lending and social security. In 2005-2006, Legal Aid completed 6,500 cases and won awards in excess of \$5,000,000, which benefited some 17,000 low-income residents living within 125% of the federal poverty level.

The 40th Anniversary Campaign asks each law firm to make a contribution on behalf of its lawyers, to fulfill our *pro bono* obligation. Some firms contribute in the firm name; others ask individual attorneys to make personal contributions. Whichever method your firm adopts, we would appreciate your firm identifying a liaison with Legal Aid for support of the Campaign.

Our goal is to raise an average of \$100 per lawyer for the local work of Legal Aid. The 40th Anniversary Banquet will be held in October 2007 at the Portsmouth Renaissance Hotel. Participating firms will be honored. For additional information, to work on the Anniversary Committee, to serve as a sponsor or advertiser, contact: Diana Chappell-Lewis, Legal Aid Resource Development Officer, at 627-5423, ext. 132, email dianal@laseva.org, or Raymond A. Hartz, Executive Director, at rayh@laseva.org.

WELCOME NEW NPBA MEMBERS

Dwain Alexander, II
Naval Legal Services Office

Michael A. Beverly
Kaufman & Canoles, P.C.

Benjamin David Bowers
Furniss, Davis, Rashkind & Saunders, P.C.

James J. Duane
Professor, Regent University School of Law

Sally J. Moore
Virginia Beach Public Defender's Office

Stephanie J. Pough
LASEVA

Laura Chernitsky Pyle
Willcox & Savage, P.C.

Devin H. Snyder
Robert L. Gutterman, P.C.

Natalia Wilson
Huff, Poole & Mahoney

and the following
Regent University Law Students:

Angela Dinger
Farnaz Farkish
Sandra Oswalt
David L. Wiederstein

MESSAGE FROM THE YOUNG LAWYERS' SECTION

By Andrew R. Fox, Chair

Happy New Year to all! The Young Lawyer's Section is off to a great start this year. On December 5, we were privileged to have the Honorable John C. Morrison, Jr. of the Norfolk Circuit Court as our guest for Breakfast with the Bench. Judge Morrison shared his wisdom and experience with several members of our association, both young and young-at-heart. These events continue to be well-attended and provide an outstanding opportunity for us to get to know our local judiciary in an informal setting.

Our next Breakfast with the Bench will be on **February 22, 2007** at 7:30 a.m. at D'Egg Diner in downtown Norfolk. We will welcome the Honorable Walter D. Kelley, U.S. District Court Judge for the Eastern District of Virginia. While you've got those calendars out, be sure to mark the afternoon of **June 21, 2007** for the **NPBA Young Lawyer Section Golf Tournament**. We return to Bide-a-Wee Golf Course in Portsmouth this year for what is sure to be a fantastic event.

That bit of housekeeping out of the way, I wanted to spend a few moments on the topic of mentoring. Law school teaches us many aspects of the practice of law, yet once we enter practice, most young lawyers can't help but feel that we have been set adrift in a raging sea without a paddle, compass, or light to show the way. A mentor can provide the advice, reassurance, and commiseration a young or new lawyer needs to get through these difficult times. I doubt any of our more seasoned and venerable members could say they got where they are without at least a few, and probably several, mentors.

Unfortunately, like so many other things, mentoring of young lawyers often falls by the wayside due to the pressures of schedules, deadlines, and client commitments (not to mention those billable hours). We should take a moment to remember that mentoring was once the sole path of entry into the profession. Prior to the installation in 1779 of George Wythe at the College of William & Mary as our nation's first Professor of Law, and the shift



Andrew Fox

to formal legal education that followed, one became a lawyer through apprenticeship to a practicing attorney under whom the apprentice would work and study (admittedly, often with a heavy emphasis on the former, as Thomas Jefferson himself was known to lament). Our profession is thus guided by a deeply-rooted tradition of mentoring in the education and development of young lawyers.

Hopefully, every young lawyer should be engaged in at least one mentoring relationship with his or her supervisor. Many firms also provide assigned mentors to young associates outside their primary practice group. However, there may be times when a lawyer could benefit immensely from the learned advice of a colleague outside of his or her organization. A young lawyer may not feel comfortable discussing issues such as job satisfaction, work-life balance, or career development with a senior attorney in their office. Also, an attorney may seek mentorship and advice from someone of the same background, gender, or ethnic group who is not represented in their firm or agency.

Along these lines, our Bar Association is available as a prime source of mentoring opportunities for young and more experienced attorneys alike. If you would like to be matched with a mentor, please contact Donna Bausch at the Bar Association Office or via email at dbausch@norfolklawlibrary.org. Please include any preferences you may have regarding the practice area, length of time in practice, gender, ethnic group, or background of your ideal mentor. Any such requests and preferences will be kept confidential.

On a final note, thanks to all of those who have assisted in getting our YLS year off to such a great start!

RECENT NPBA EVENTS

NOVEMBER BREAKFAST



Howard Copeland, Guest Speaker Lt. Dean Horton and Joseph Myers



HOLIDAY PARTY 2006



MORE PHOTOS NEXT PAGE

JDR COURT APPOINTMENT LIST TO RE-OPEN

The Judges of the Norfolk Juvenile and Domestic Relations District Court are re-opening the Attorney Court Appointment List, effective March 1, 2007. All attorneys wishing to be added on the list must submit an application to the Clerk of Court, Debra A. Hill, at 800 E. City Hall Avenue, Norfolk, Virginia 23510 not later than January 31, 2007. Applications may be obtained in person from the Clerk's Office or by written request to the Clerk. Any attorney wishing to be considered for inclusion on the list must be willing and able to represent persons charged with criminal offenses and must be willing and able to serve as a guardian *ad litem*. The following criteria will be considered when evaluating each applicant:

1. Certification by the Virginia Indigent Defense Commission to represent persons charged with misdemeanor, felony and juvenile offenses.
2. Certification by the Supreme Court of Virginia as a Guardian *Ad Litem* for children.
3. Inclusion on the Norfolk Circuit Court Appointed List and inclusion on the lists of other cities.
4. Record of past performance demonstrated as court appointed counsel on assigned duty days, including, but not limited to attendance and timeliness.
5. Willingness and ability to affirmatively pursue appeals at all levels.
6. Willingness and ability to follow the standards of performance for guardians *ad litem* as set forth in Rule 8:6 of the Rules of Court as promulgated by the Judicial Council of Virginia (Standards to Govern the Performance of Guardians *Ad Litem* for Children, effective September 1, 2003).
7. Years of trial experience.
8. Proximity of the attorney's office to the courthouse and availability/accessibility to clients.
9. Timely investigation of the case and trial preparation.
10. Willingness and ability to comply with the Code of Professional Responsibility.
11. Record of prior disciplinary action.
12. Any other relevant consideration.

COURTHOUSE CELL PHONE USE

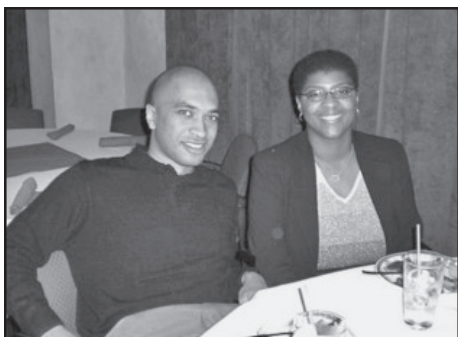
Effective December 1, 2006, cellular phones will be prohibited beyond the security screening desks at all three Norfolk courthouses. This new policy is based entirely on courthouse security concerns. As the capabilities of cellular phones have increased, we believe they have come to present a safety and security risk. Officers of the court will be the only exceptions to this rule. Attorneys, police officers, and probation officers may be asked for proper identification in order to exercise the exemption. Citizens arriving at the screening desk with phones will be directed to nearby lockers. Security screeners will not be authorized to hold phones, or any other property, while citizens attend to matters in the courtrooms or clerks' offices.

Robert J. McCabe
Sheriff / High Constable

ASSOCIATE ATTORNEY POSITION

Norfolk office of Regional Law Firm seeks full-time attorney with 3+ years of experience in labor and employment law and litigation. Send confidential replies with salary and partnership expectations to flambert@vanblk.com

MORE HOLIDAY PARTY PHOTOS



NPBA FOUNDATION REPORT

Robert V. Timms, Jr. • Chair, Law School for Journalists

The Norfolk Portsmouth Bar Association Foundation plans to co-sponsor with Regent University's Schools of Law and Communications a seminar entitled "Law School for Journalists." The seminar will be held on April 20, 2007 at Regent University in conjunction with Law Day and the Jamestown Celebration. It is anticipated that a nationally known speaker will address the seminar attendees during the lunch portion of the program. The goals of the seminar will be to educate local print, radio and television journalists regarding issues involving criminal and civil law and procedures, and to facilitate the interaction between the press and members of the Bar Association. Members of the Foundation have been meeting with representatives of Regent University to plan the curriculum for the seminar. As part of the process Regent's School of Communications has contacted local journalists to determine the topics they would like to be discussed at the seminar. Once the journalists' topic list has been compiled the Bar Foundation will meet with a panel of local Bar members to refine and supplement the seminar topics. The seminar will be open to members to the Bar Association and local journalists.

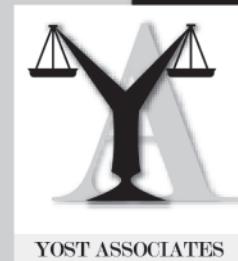
If you wish to contribute to the Foundation,
Please make check payable to: NPBA Foundation
Mail to: 999 Waterside Drive #1330
Norfolk, VA 23510

"Peace and Prosperity - A New Approach to Divorce"

Presented by: Attorneys Karen Fortier, of Karen L. Fortier, P.C., and Ellen Carlson, of Harbour Law, PLC, with Lonnie J. Broussard and Margaret V. Little, Certified Financial Planners and Certified Divorce Financial Analysts of Financial Designs of Virginia.

Two sessions Tuesday, January 23, 2007 - 10:00 a.m at the Kempsville Branch of the Virginia Beach Public Library, 832 Kempsville Road, and 6:30 p.m at the Virginia Beach Central Library, 4100 Virginia Beach Boulevard.

The presentations will focus on the mythology of divorce in Virginia, its subversion of viable economic outcomes, and how divorce, estate planning and financial professionals can team with divorcing clients to collaborate peacefully in developing asset preservation and growth plans meeting the needs of both clients. Reserve a seat by calling October at 473-9022.



Registered Professional Reporters

1609 Duke of Windsor Road
Virginia Beach, VA 23454-2505

Tel.: (757) 481-2583
Fax.: (757) 481-4482

E-mail: info@yostassoc.com
<http://www.yostassoc.com>

CART • Realtime • e-transcript • Videotaping
Conference Room • Condensing • Word Index

A PROFESSIONAL STAFF ...

A HISTORY OF SUCCESSFUL SETTLEMENTS

Our mediators are skilled negotiators and successful in their respective fields of **law, healthcare, construction, real estate, securities, accounting, employment, and family issues.**

Our affordable and time-saving services include: **mediation, arbitration, fact-finding, group facilitation, conflict resolution, supervised visitation and Virginia Supreme Court certified mediation training.**

Our Basic Mediation Training is approved for CLE credit.



The Professionals in Alternative Dispute Resolution

www.mediationhamptonroads.com • Offices in Virginia Beach and Norfolk • Call (757) 624-6666

1330 Dominion Tower
999 Waterside Drive
Norfolk, Virginia 23510

PRSR STD
U.S. POSTAGE
PAID
NORFOLK, VA
PERMIT NO. 175