

BAR BULLETIN

**Volume XXXIII
Number 4**

**July -
August 2008**

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

PRESIDENT'S MESSAGE

Lawyers charging \$20 per hour? That caught my eye for a number of reasons. In my relatively new role as an in-house lawyer, I have to be conscious of the fees we are being charged. Without even taking the CPI into consideration, that's considerably less than what I was charging when I first started practicing in a firm over thirty years ago.¹ So what's the catch? Well, apparently there is none, at least for certain types of work being done for major companies across the country. Welcome to the world of outsourcing. Much of this work is being done in India by lawyers who are being paid a fraction of what first year associates are paid in the U.S. The Forrester Research Group estimated some years ago that by the year 2015, nearly 40,000 U.S. lawyer jobs would be lost to India. That process of erosion has already started as many large firms either outsource work such as discovery review or they have established satellite offices in countries where lower fees prevail. Should lawyers be concerned? It depends. No one is worried about a lawyer located in India trying a routine traffic case in a Norfolk court, but who knows? Virtual courtrooms are being studied by the Center for Legal and Court Technology in Williamsburg and at various law schools. Twenty years ago, not many of us were thinking about surfing the web on a mobile phone or worrying about a computer forensics expert digging through our client's email. Like it or not, we have entered an era where technology is changing the practice of law. Here are some other trends worth noting.

Law school tuitions are up more than 267 percent since 1990 while starting salaries are up 60 percent over the same period of time. The average law student graduates with \$80,000 in law school debt alone. Visions of \$160,000 starting salaries will only be realized by the top students from the very top schools. In fact, one recent BU graduate, Kirsten Wolf, is on a mission to tell students not to go to law school. Even though she was a B+ student at a top 30 law school, she had no law job offers and settled on returning to her place of employment before she left for law school, \$87,000 in debt.

For those who do land that job, it turns out they are not always happy. While figures for young lawyers are not available, the Bureau of Labor Statistics reports that today's graduates will have had 10-14 jobs by the time they reach age 38. That seems like an exaggerated figure for young lawyers, but in large firms (i.e. more than 500 lawyers) there is a lot of movement. The *Wall Street Journal* reported that nearly 40% of recent hires are gone within four years of being hired. Moving from firm to firm is much more common and accepted today.

Early exodus from law firms may be facilitated by online communications. There is a great deal being written online about "life in the firm." Not only are large firms worried about being embarrassed online at sites such as *Above the Law* and *Greedy Associates*, but they are also worried about the dumb things their associates may post about themselves. Communication also



John L. Deal

(continued on page 2)

**Mediation Tactics CLE Seminar
September 11, 2008 • 1:00 - 4:30 PM**

**Subdivision, Zoning and Land Use CLE
September 15, 2008 • 12:00 - 2:00 PM**

**Limited Liability Companies CLE Seminar
October 9, 2008 • 1:00 - 4:30 PM**

**Internet Law CLE
September 17, 2008 • 2:00 - 4:00 PM**

**NPBA Luncheon
September 18, 2008 • 11:45 AM
Hits at the Park, Harbor Park**

**Beginning & Ending Client Relationships CLE
September 23, 2008**

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(PRESIDENT'S MESSAGE CONTINUED)

flows freely at an assortment of social networks, such as *LinkedIn*, *Facebook* and *MySpace*. The Internet is a great source for information but there is also such a thing as too much information. For those who participate, there is risk of being accused of online discretions, as in the recent case of Judge Alex Kozinski of the 9th Circuit. But also there is a less obvious tendency for some to neglect participation in worthy outside activities since much of that socialization is occurring online.

Sound depressing? Well nearly twenty years ago, researchers at Johns Hopkins University reported that lawyers were often depressed. They found "statistically significant elevations" of major depressive disorder in just 3 of 104 occupations studied: pre-kindergarten and special education teachers, secretaries and lawyers. Lawyers, unfortunately, topped the list. Lawyers also suffer from disproportionately high rates of alcoholism, illegal drug use and divorce.

There are now more lawyers approaching retirement age than are graduating from law schools as 55% of lawyers are members of the baby boomer generation. Recent statistics indicate that the number of U.S. adults over 65 will double in the next 25 years. As we age, more of us will continue to practice law well into our seventies and eighties. In some instances we will benefit from the continued wise counsel of those lawyers. But in others, there may be age related deficits and risks that will not be properly addressed.

There are many issues facing us today which deserve our attention. As a bar association, we can address them through speakers, committees, continuing legal education and other programs. For some of these issues, it is not only a choice but our duty to address them. We have the forum to try and make a difference, now let's use it.

¹For those who like numbers, the hourly charge in 1976 equivalent to today's \$20 per hour charge would have been \$5.28. I think my firm was billing me at around \$35 per hour.

NPBA 100% CLUB CHARTER MEMBERS

The 100% Club is a special category of membership that demonstrates a commitment to the legal profession and our community from law firms, law departments and legal organizations with two or more attorneys who enroll 100% of their attorneys as members in the NPBA.

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Williams Mullen (Norfolk office)
Wolcott Rivers Gates

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Crenshaw Ware & Martin, PLC
Norfolk City Attorney's Office
Taylor & Walker, P.C.

Firms of 2-10 Attorneys

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Montagna & Montagna, P.C.
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Thank You

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Honorable Louis A. Sherman
Robert P. Stenzhorn
Mark F. Williams

Bargain Basement Internet Legal Research Sites

by David Knight, Assistant Law Librarian

Legal technology expert Robert Ambrogi recently introduced readers of Law Technology News to preCYdent.com, created by Thomas A. Smith, Professor of Law at the University of San Diego, and Antonio Tomarchio, of Politecnico de Milano, in 2006. Tomarchio is a computer scientist developing search algorithms based exclusively on legal citations. This site is free, so you incur no costs by using it. To date, coverage includes all U.S. Supreme Court cases. In addition, all Federal Courts of Appeals cases from August 2006 to the

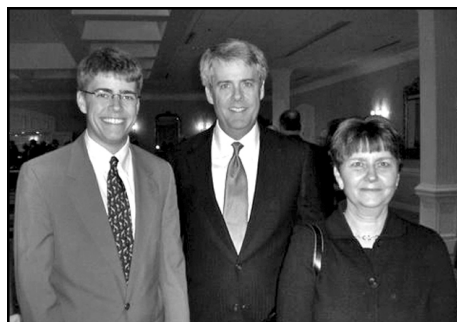
present are available from preCYdent, as are opinions from the Federal District Courts since 2004. Case files are updated monthly. Professor Smith states that his goal is to eventually have all state and federal cases back to the beginning, as well as statutory and administrative materials from all 50 states. This site is a work in progress but definitely worth monitoring.

Another free website mentioned by Ambrogi for accessing cases is altlaw.org. This site is a joint project of the Columbia University and University of Colorado Law

Schools. When last checked on June 16, over 800,000 cases were available from a variety of courts. For example, there are almost 91,000 cases from the United States Court of Appeals for the Fourth Circuit. Altlaw has a simple interface for searching or one can follow the directory for navigating the site.

Neither website is as complete as Lexis or Westlaw. However, if you use either on a transactional basis, preCYdent or altlaw might be worth your time.

ANNUAL MEETING 2008



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COURT NEWS

PORTSMOUTH CIRCUIT COURT New Chief Judge Elected

Pursuant to the provisions of Section 17.1-501, a meeting of the Judges of the Third Judicial Circuit was held on May 29, 2008 and the Honorable James A. Cales, Jr., was elected as Chief Judge of this Court beginning July 1, 2008.

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iCOURT CASEFILE IS HERE!

Norfolk Circuit Court Clerk George Schaefer is pleased to announce the arrival of iCourt CASEFILE version 1.0. CASEFILE is an internet browser based application to allow viewing "official" civil and criminal court records over a secure connection. Currently, all civil and criminal case files from January 1, 2007 are available on the system. We are in the process of adding all 2006 civil and criminal case files.

Advantages to utilizing this system are "near real time" access to the official court record. All documents are scanned into the system as they occur and are updated on the system several times per day.

Access is available to members of the Virginia State Bar in good standing and upon approval by the Clerk of Norfolk Circuit Court. Pricing for this service is \$500.00 per year. However, we have reached an agreement with the Norfolk and Portsmouth Bar Association to offer this service to its membership at a discounted rate of \$200.00 per year.

Additional information and a subscriber agreement are available on our website at <http://www.icourt.info>. Membership in the NPBA will be verified by the NPBA staff.

Use the application inserted to the left.

NPBA Fall 2008 CLE Lineup

Get up to 19 CLE credits this fall at a reasonable price in your own backyard. Fulfill your annual CLE requirement and then some the easy way! For additional details and to register, visit the NPBA website at: www.norfolkandportsmouthbar.org Check this site regularly, as additional CLE opportunities will be added soon...

***Mediation Tactics* – 3 CLE Credits**

Thursday, September 11, 2008 • 1:00 - 4:30 PM

Location: Dominion Tower, 4th Floor Meeting Room

Coordinator: W. Ryan Snow, *Crenshaw, Ware & Martin, PLC*

Faculty: Paul Warren, Mediation and Arbitration Services of Virginia, LLC

Michael Katchmark, *Willcox & Savage, P.C.*

***Primer On Subdivision, Zoning and Land Use* – 2 CLE Credits**

Monday, September 15, 2008 • 12:00 - 2:00 PM

Location: Dominion Tower, 4th Floor Meeting Room

Coordinator: Dawn L. Serafine, *Troutman Sanders, LLP*

Faculty: R. J. Nutter, II and Thomas C. Kleine, *Troutman Sanders, LLP*

***Internet Law* – 2 CLE Credits**

Wednesday, September 17, 2008 • 2:00 - 4:00 PM

Location: Dominion Tower, 4th Floor Conference Room

Coordinator: Lamont Maddox, *Williams Mullen*

Faculty: Thomas C. Folsom, Associate Professor

Regent University School of Law

Kevin W. Grierson, Of Counsel, *Willcox & Savage, P.C.*

Christian R. Eriksen, Associate, *Williams Mullen*

***Thinking On Your Feet: Developing Client Relationships and Practicing Ethically* – 3 CLE Credits**

Tuesday, September 23, 2008 • 1:00 - 4:00 PM

Location: Dominion Tower, 4th Floor Meeting Room

Coordinator: Todd Gaynor, *Taylor & Walker, P.C.*

Faculty: James Brydges, *Taylor & Walker, P.C.*

John Pearson, *Willcox & Savage, P.C.*

***Document Authenticity* – 2 CLE Credits**

Thursday, September 25, 2008 • 1:00 - 3:00 PM

Location: Dominion Tower, 4th Floor Meeting Room

Coordinator: Timothy Lockhart, *Willcox & Savage, P.C.*

Faculty: Cina Wong, *Court Qualified Document Examiner*

***Labor, Employment & Immigration Law for the General Practitioner* – 3 CLE Credits**

Thursday, October 2, 2008 • 1:00 - 4:00 PM

Location: Dominion Tower, 4th Floor Meeting Room

Coordinators: Elaine Inman, *Crenshaw, Ware & Martin, PLC*

Todd Gaynor, *Taylor & Walker, P.C.*

Faculty: Susan Blackman, *Willcox & Savage, P.C.*

Reid H. Ervin, *Reid H. Ervin & Associates, P.C.*

***Discovery: Drafting and Responding to Discovery in Civil Practice* – 1 CLE Credit**

Thursday, October 16, 2008 • 1:15 - 2:15 PM

Location: Hits at the Park, Harbor Park

(Immediately following NPBA Luncheon)

Moderator: Robert L. "Bo" Foley, *Willcox & Savage, P.C.*

Faculty: Joseph J. Perez, *Shuttleworth, Ruloff, Swain,*

Haddad & Morecock, P.C.

Kevin P. Greene, *Willcox & Savage, P.C.*

***Deposition Tactics* – 3 CLE Credits**

Thursday, October 23, 2008 • 1:00 - 4:00 PM

Location: Dominion Tower, 4th Floor Meeting Room

Coordinators: Dawn L. Serafine, *Troutman Sanders, LLP*

W. Ryan Snow, *Crenshaw, Ware & Martin, LLC*

Faculty: Larry Leonard, *United States Attorney's Office*

FIRM ANNOUNCEMENTS

Crenshaw, Ware & Martin is pleased to announce that **Timothy A. Coyle** has been elected Managing Partner of the firm effective June 1, 2008. Mr. Coyle is a senior member of the firm where he leads the Public Sector Law Group representing governmental entities. He is listed in both The Best Lawyers in America and Virginia Super Lawyers in the field of municipal law.

Timothy R. Spaulding has become an associate with **Glasser and Glasser PLC**. Spaulding is a graduate of Roberts Wesleyan College and Regent University Law School. He will practice in the area of creditors' rights, mainly in the foreclosure and commercial litigation areas.

The law firm of **McKenry, Dancigers, Dawson & Lake, P.C.** is pleased to announce that **Ted G. Yoakam** has become a shareholder in the firm. Ted will manage the medical malpractice section of the firm and continue his civil litigation and appellate practice in federal and state courts. Ted was admitted to the Pennsylvania Bar in 1988, the Virginia Bar, and the Supreme Court of the United States in 1999; he was educated at Saint Vincent College (B.A. 1983); University of Pittsburgh (J.D., 1987).

Thomas B. Shuttleworth of **Shuttleworth, Ruloff, Swain, Haddad & Morecock, P.C.** was recently inducted into the International Academy of Trial Lawyers. Membership

in the Academy is by invitation only and is limited to 500 Fellows from the U.S. Its mission is to cultivate the science of jurisprudence, promote reforms in the law, facilitate the administration of justice and elevate the standards of integrity, honor and courtesy in the legal profession.

Willcox & Savage practices and attorneys have been recognized in the 2008 edition of *Chambers USA*. The Commercial Litigation group was named a leading practice in Virginia. *Chambers USA* also designated each of the Corporate/M&A group and the Real Estate group as a leading practice in Southern Virginia. In addition, the following attorneys were named as leading practitioners in their respective areas of law:

- **Bruce T. Bishop**
Commercial Litigation
- **Thomas C. Inglima:**
Corporate/M&A
- **Thomas G. Johnson, Jr.:**
Real Estate and Corporate/M&A
- **Conrad M. Shumadine:**
Commercial Litigation

Additionally, **Patrick D. Blake** was recognized as an "up and coming" attorney in commercial litigation. For the directory, members of the *Chambers USA* research team conducted interviews with thousands of clients and attorneys across the nation. The qualities on which rankings are assessed include technical legal ability, professional conduct, client service, commercial awareness/astuteness, diligence, commitment, and other qualities most valued by the client.

MORE ANNUAL MEETING PHOTOS



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NPBA FOUNDATION NEWS

By James R. Harvey • President, NPBA Foundation

The Foundation is again proud to celebrate the achievement of our local youth in the award of two scholarships. The awards are open to the public and applicants throughout South Hampton Roads compete on the basis of an essay on a topical issue of constitutional law, grades, extracurricular activities and need.



The Ankney Family and the Baldwin Family

This year's NPBA Foundation scholarship winners are Richard Joshua Ankney and Matthew Lawrence Gates Baldwin. Ankney, winner of the \$2500.00 prize, recently graduated from Kempsville High School. Josh is an Eagle Scout who plans to major in exercise science at Brigham Young University and has been captain of the



James R. Harvey

volleyball team for two years.

Matthew, the \$1000 winner, is interested in a career as a lawyer and plans to major in history and political science. He was Vice President of Chesapeake Public Library's Teen Advisory Group and woodwind captain in the Western Branch High School marching band.

I also want to thank the judges for our competition, Judges Bray, Davis and Massey. The Foundation was proud to make these awards at the Bar Association's Annual Meeting last month, and these worthy recipients remind all of us that the future of our society, premised on justice and the rule of law, will be in good hands.

WELCOME NEW NPBA MEMBERS

Rebecca J. Ennis
Ganderson Law, P.C.

Bryan A. Harrison
Anderson & Associates, PC

Linda L. McCausland
Norfolk Public Defenders Office

David A. Mick
Norfolk Public Defenders Office

Lori D. Osgood
Norfolk Public Defenders Office

Timothy R. Spaulding
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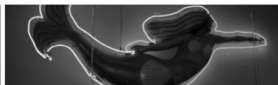
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