# ORFOLK ORFOLK ORTSMOUTH BARAR ASSOCIAN TION

# BAR BULLETIN

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July- August 2012

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See Flyers Inside for Event Details and Registration Information

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

#### President's Message



Gary Bryant

I think we can all agree that diversity is good. Most of our society, including members of the legal profession, have come to recognize the importance of acknowledging, accepting and, most importantly, embracing the differences among people with respect to such factors as age, race, class and gender. Our profession recognizes that diversity is especially crucial in today's global marketplace, as we interact with different clients and cultures. The advantages to diversity include increased creativity and productivity as individuals with different perspectives and skill sets work together toward a common goal.

While members of the legal profession may value diversity, the profession certainly does not parallel the diversity in our society. In

2010, the American Bar Association's Presidential Diversity Initiative issued its report and recommendations ("Report") concerning the state of diversity in the legal profession. While acknowledging progress, the Report concluded that "the lack of genuine diversity remains a disappointment" as, despite the efforts of bar associations, "thus far, racial and ethnic groups, sexual and gender minorities, and lawyers with disabilities continue to be vastly under-represented in the legal profession." The Report articulated four rationales for creating greater diversity in the legal profession.

- The Democratic Rationale: Lawyers and judges have a unique responsibility for sustaining a political system with broad participation by all its citizens. A diverse bar and bench create greater trust in the mechanisms of government and the rule of law.
- The Business Rationale: Business entities are rapidly responding to the needs of global customers, suppliers, and competitors by creating workforces from many different backgrounds, perspectives, skill sets, and tastes.
- The Leadership Rationale: Individuals with law degrees often possess the communication and interpersonal skills and the social networks to rise into civic leadership positions.
- The Demographic Rationale: Our country is becoming diverse in many dimensions and we expect that diversity to increase in coming years. The Census Bureau projects that by 2042 the United States will be a "majority minority" country.

Setting aside whether the legal profession "needs" to parallel society with regard to diversity, there is no escaping that the profession is becoming more diverse, which is reflected in the membership of the Norfolk Portsmouth Bar Association.

But with diversity comes the challenge for NPBA to meet the needs of a diverse membership. Based on Bureau of Labor statistics, our nation's workforce contains as many as four generations. NPBA membership reflects this reality, as the Association has student members in their early twenties, a number of active senior members in their eighties, and even a practicing attorney in

(continued on page 2)

#### UPCOMING EVENTS

Fastcase Update
2 CLE Credits
Wednesday, September 5, 2012
1:00 - 3:00 PM

Forgery and Forensics: Beating the Cheaters
3 CLE Credits
Thursday, September 6, 2012
1:00 - 4:00 PM

Attorney Discipline 101
2 CLE Ethics Credits
Tuesday, September 18, 2012
10:00 AM - Noon

Luncheon and CLE
Thursday, September 20, 2012, 11:45 AM
Hits at the Park, Harbor Park
Speaker: Norfolk Mayor Paul D. Fraim



999 Waterside Drive, Suite 1330 Norfolk, Virginia 23510

(757) 622-3152 npbamail@gmail.com www.norfolkandportsmouthbar.org

#### **O**FFICERS

Gary A. Bryant

President
628-5520
gbryant@wilsav.com

Virginia Van Valkenburg President-Elect 441-6331 virginia.vanvalkenburg@usdoj.gov

Nathaniel Beaman, IV Past President 664-4205 chip.beaman@norfolk.gov

Mary T. Morgan Secretary 397-3481 mmorgan@portslaw.com

T. Wayne Williams Treasurer 547-5555 twwilliams@wd-law.com

Delphine G. Carnes 623-3000 dcarnes@cwm-law.com

James R. Harvey, III 446-8518 jharvey@vanblk.com

Kelly B. St. Clair 480-9510 kbstclair@stclairlawfirm.com

Robert V. Timms 486-7055 rtimms@inmanstrickler.com

Alan D. Albert

President, Library Board

441-8914

aalbert@leclairryan.com

Bonnie P. Lane Chair Young Lawyers Section 466-0464 blane@clarkedolph.com

#### STAFF

Donna Bausch
Executive Director
622-2910
dbausch@norfolklawlibrary.org

Michelle Gibson Administrative Assistant 622-3152 npbamail@gmail.com

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#### (President's Message continued)

his nineties. Diversity encompasses more than just age. More than 25% of NPBA members are women or minorities. And diversity extends to practice areas. While the majority of the membership practices with private firms, more than 10% work for the federal, state or local government or practice as in-house counsel. Of those members working for firms, 33% are employed by larger (25 attorneys or more) firms, 8% are employed by mid-size firms (10 to 24 attorneys), 44% are employed by small firms, and 15% are solo practitioners.

Consider for a moment the divergence of law practices with some attorneys with over 40 years in the profession with a large firm looking at retirement; others with 20 years as a solo practitioner, juggling a work schedule while caring for aging parents and school age children; others with five years of practice as in-house counsel, a spouse and perhaps an infant; and finally the new associate who is single, tech savvy and still trying to determine whether he or she has made the right career choice. How does a bar association meet the needs of each member? Do we go completely digital, leaving senior lawyers (who still have their secretaries print out email) to fend for themselves? Or do we ignore Facebook, LinkedIn and Twitter as passing fads and risk becoming largely irrelevant to a growing percent of the membership? And how does an association assist the sole practitioner with a single paralegal, the city attorney trying to meet the legal needs of the council, the in-house lawyer with a single client and the partner in a larger firm with a specialty practice? And how can a bar association help that lawyer who just passed the bar and "hangs out a shingle" in order to make a living? There are no easy answers to these questions. But there is too much to be gained by diversity in the NPBA to either ignore or forego any attempt to answer the questions, and try to meet the expectations of all members.

The NPBA recognizes the generational issues and diversity of practices which, when coupled with the changing technology, create an ongoing challenge to make the Association relevant to its members. While the NPBA newsletter still shows up in hard copy, it is available on line and the Association has established an ad hoc technology committee to consider the likes of Facebook, LinkedIn and Twitter as potential tools to serve its members. The NPBA strives to provide a menu of continuing legal education that will meet the needs of all of its members, including litigators and non-litigators, civil and criminal lawyers, and those practicing in General District Court as well as in Circuit Court. The Association's six standing committees are populated with an eye toward diversity so that the NPBA can consider all issues relevant to a particular committee from a number of different perspectives.

The NPBA has a wealth of diversity in its membership, but keep in mind that the only way the Association can take advantage of diversity is if the membership participates. To that end, become involved in the NPBA. Tell your leadership when the Association is meeting your needs and expectations. If you think the Association is missing the mark, tell your leadership why, and how to better serve you. After all, NPBA is only as effective as its participating members.

### **WELCOME NEW MEMBERS**

Linda Blackburn

**Stephen D. Lentz**Stephen D. Lentz & Associates, PLC

**Esther Link** 

**S.W. Dawson** Good Soil Partners

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**Leonard L. Fleisig**Willcox & Savage, P.C.

Colleen C. Reed

James McNider

Matthew R. Foster Bangel, Bangel & Bangel, L.L.P.

Jill Roseland Harris

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Donations received July 1, 2011 - June 20, 2012

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Charles Oates John E. Pappas Mark Perreault Amy G. Pesesky Pierce & Thornton, P.L.L.C. Anita O. Poston Honorable William T. Prince Ralph Rabinowitz Martha Rollins John M. Ryan Kelly B. St. Clair Michael B. Salasky Stanley L. Samuels Toy D. Savage, Jr. John S. Shannon Richard N. Shapiro Conrad M. Shumadine Robert McLanahan Smith, III Moody Stallings Honorable F. Bradford Stillman Stephen E. Story James R. Theuer Jeanne T. Ullian Guilford D. Ware Honorable Alfred W. Whitehurst Marshall A. Winslow, Jr. Peter G. Zemanian

#### Additional contributors

Christine Buchanan Lisa Ehrich Henry E. Howell, III William T. Mason Palmer S. Rutherford Honorable Louis A. Sherman Robert P. Stenzhorn Charles E. Vogan, Jr. Valerie White Mark F. Williams

#### Be a Friend!

William H. Monroe, Jr.

Willard J. Moody, Sr.

Sherri L. Nelson

Robert C. Nusbaum

Make a Tax Deductible Contribution to Norfolk Law Library this year!

#### 2012 NORFOLK PUBLIC SCHOOL MIDDLE SCHOOL MOCK TRIAL PROGRAM

By T. Wayne Williams

For the seventh year, approximately thirty members of the NPBA taught basic trial skills to middle school students from the Norfolk Public School system. The mock trial program originally began with two schools and has now grown to seven schools with over 100 students participating. The seven middle schools that participated this year were Azalea Garden, Blair, Lake Taylor, Norview, Northside, Rosemont and Ruffner. The program began in early February and students met weekly with the volunteer lawyers who taught lessons on opening statement, direct examination, cross examination and closing statement. The students were assigned roles as attorneys and witnesses for the mock trial case, State v. Karen Dennis, a criminal case based on charges for destruction of property and hacking into a computer to change grades. Thanks to the continued support of the Norfolk Circuit Court, the program concluded with mock trials in six separate courtrooms on April 20, 2012 pitting a prosecution team from one school against a defense team from another. Judge Joseph A. Migliozzi, Jr. of the Norfolk General District Court and local attorneys and NPBA members Kelly St. Clair, Dave Lannetti, Michael Rosenblum, Corrynn Peters and



Sherri Carr sat as judges for the trials. Following the trials, verdicts were rendered and judges provided valuable feedback to the students. Each of the middle school students who participated in the final trials received participation medals for their efforts.

The Mock Trial program is held annually from February to April and is run through the Public Relations Committee. This year's program was co-chaired by Wayne Williams and Cas Richardson who wish to thank all the great attorney volunteer teachers, Sandy Claxton of the Norfolk Circuit Court, Dorie Banks of the Norfolk Public Schools and the presiding

judges who all made the program possible and highly successful again this year.

Participating volunteer NPBA members included:

Woody Anderson Stephen Anthony Richard Baker Lauren Bokansky Ann Brogan Joseph Carpenter Adam Carroll Kim Crump Mark Favaloro Andrew Fox Jerry Harris Kimberly Hartin Clare Lora Ted McFadden Georgina Montgomery Mary Morgan **Dustin Paul** James Pickrell, Jr. Safiva Porter Cas Richardson Ryan Snow Seymour Teach

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#### FIRM ANNOUNCEMENTS

The new address of **The Law Office of Henry P. Bouffard, P.C**. is 440 Monticello Avenue, Suite 1827, Norfolk, VA 23510.

Crenshaw, Ware & Martin, P.L.C. is pleased to announce the inclusion of four attorneys in the 2012 edition of Virginia Super Lawyers. Howard W. Martin was recognized in the field of Real Estate; Ann K. Sullivan in Employment and Labor; James L. Chapman, IV, in Transportation and Maritime; and Donald C. Schultz in Bankruptcy and Creditor/Debtor Rights. In addition, two attorneys were selected as Virginia Rising Stars 2012, W. Ryan Snow in Business Litigation and Delphine G. Carnes in Tax.

Lamont D. Maddox of Guidance Law Firm, P.C. has been named in the 2012 Virginia Super Lawyers magazine as a Rising Star in business/corporate law. Mr. Maddox advises clients in business law matters such as business start-ups, non-profits, incorporations, LLCs, contracts, leases, financings, equity capital raises, purchase/sale of businesses, franchises, government contracts, commercial disputes, estate planning, etc.

Hampton Roads Association of Legal Ad-

ministrators Chapter which was chartered in September 1979, and today has about 40 active members representing law firms, corporate legal departments and government agencies throughout the region announces new officers. President, Linda Pyatt Merrick, McKenry, Dancigers, Dawson & Lake; President-Elect, Shirley Beacham, Crenshaw, Ware & Martin, PLC; Vice President, Valerie Williams, Pender & Coward, P.C.; Treasurer, Barbara Jennings, Kaufman & Canoles; Secretary, Susie Bacon, Jones, Blechman, Woltz & Kelly, P.C. and Past President, Rob H. Sadler, Hofheimer/Ferrebee, P.C.

**Norris & St. Clair, P.C.** is pleased to announce the addition of **Jonathan Stone** as an associate attorney with the firm. Mr. Stone earned his Juris Doctor from Catholic University, Columbus School of Law in 2007. His practice will focus on construction law and commercial litigation.

Poole Mahoney PC lawyers named in Virginia Super Lawyers for 2012 include NPBA members Albert H. Poole in the category of Business/Corporate and as one of the Top 100 Lawyers in Virginia and Reeves W. Mahoney in the category of Family Law and

as one of the Top 100 Lawyers in Virginia. Selected for the 2012 Virginia Rising Stars List was **Shantell S. Nashatka** in the category of Family Law.

Seventeen lawyers from Vandeventer Black LLP have been named to the Virginia Super Lawyers list for the top attorneys in Virginia for 2012. Vandeventer Black lawyers receiving this designation include: Dean T. Buckius, Deborah M. Casey, Mark T. Coberly, William E. Franczek, Patrick A. Genzler, James R. Harvey, III, Patrick W. Herman, Arlene F. Klinedinst, David W. Lannetti, Neil S. Lowenstein, Bryant C. McGann, Richard H. Ottinger, Anita O. Poston, John M. Ryan, and Michael L. Sterling.

Leonard "Len" L. Fleisig has joined the law firm of Willcox Savage as partner in the firm's Maritime Practice Group. Previously with Troutman Sanders in Washington, D.C., he practices in the Norfolk office. Fleisig has more than 20 years of experience as an admiralty attorney, much of it focused on shipping transactions, cargo claims and maritime litigation work. He received his JD from New York University in 1990, and a BA from the University of Manchester in 1975.

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#### Court News

#### SUPREME COURT OF VIRGINIA

Effective July 1, 2012, the Justices of the Supreme Court of Virginia have determined that certain costs in cases filed by courtappointed counsel or cases filed pursuant to indigent status will not be reimbursed.

The costs affected by this decision are those incurred when using a vendor to print, copy, bind, and serve the following documents: Petition for Appeal, Brief in Opposition, Reply Brief (at the petition stage), Petition for Rehearing, Petition for a Writ of Habeas Corpus, Petition for a Writ of Mandamus, Petition for a Writ of Prohibition, Petition for a Writ of Actual Innocence, Motions.

This policy applies to the above referenced documents filed July 1, 2012 and thereafter. (Note: Rules 5:4, 5:6, 5:7, 5:7A, 5:7B, 5:17, 5:17A, 5:18, 5:19, and 5:20 do not require that such documents have a binding. Instead they are acceptable if stapled.)



#### NORFOLK CIRCUIT COURT

Please mark your calendars and notify your staff.

Wednesday, November 21, 2012 – The court will be open until noon. The only criminal cases the Court will hear are guilty pleas, bond hearings, probation violations, and (with the consent of the judge) sentencings. The only civil cases the Court will hear are uncontested divorces, motions and concealed weapons permit appeals.

Monday, November 26, 2012 and Tuesday, January 22, 2013 – No jury trial except in assigned cases by order of the judge.

Friday, April 19, 2013 – No Docket – Regional Judges' Meeting.

Monday-Wednesday, May 13 – 15, 2013 – No Docket – Mandatory Judges' Conference.

Tuesday, June 11, 2013 – Primary Elections (assuming there is a primary) – the only criminal cases the Court will hear are guilty pleas and motions that will not require testimony of witnesses. The only civil cases the Court will hear are uncontested divorces in which the defendant has signed a waiver, appeals of the denial of concealed weapons permits, and motions that will not require the testimony of witnesses. If there is no primary, the Court will have a regular docket.

Friday, September 20, 2013 - No Docket - Regional Judges' Meeting.

Tuesday, November 5, 2013 – General Elections - the only criminal cases the Court will hear are guilty pleas and motions that will not require testimony of witnesses. The only civil cases the Court will hear are uncontested divorces in which the defendant has signed a waiver, appeals of the denial of concealed weapons permits, and motions that will not require the testimony of witnesses.

Thursday, December 12, 2013 – Last day of jury trials until Monday, January 6, 2014. Thursday, April 18, 2013, and Thursday, September 19, 2013, will serve as sentencing dates.

## IMMIGRATION

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### Message from the Young Lawyers Section

By Bonnie P. Lane, Chair

I am honored to be serving as the 2012-2013 NPBA YLS Chair and am excited for the YLS opportunities in the upcoming year. I would like to thank Josh Baker for his



**Bonnie Lane** 

hard work and commitment to the YLS this past year and am looking forward to continuing the partnerships he pioneered. One of those partnerships is with ForKids, a local organization that provides assistance to homeless families. This past May, we had a successful volunteering event with ForKids at two of their locations. We had a great turnout of volunteers at the ForKids' Good Mojo thrift store as well as at one of the homes where we were able to get yard work and painting done. Please be on the lookout for more volunteer opportunities with ForKids in the future.

One of the YLS's annual events is its Golf Tournament which is held at Bide-A-

Wee Golf Course. This year it is scheduled for June 28, 2012, and it is shaping up to be another excellent event. I would like to thank all of the players and sponsors for supporting the YLS and participating in this year's tournament.

Other events are currently in the works for this year. I would urge everyone to watch for and consider attending some of these programs, such as the award-winning Breakfast with the Bench, which is anticipated for July. Also, on July 26, 2012, we will be having a Summer Social at the offices of Crenshaw, Ware and Martin. This event is open to the entire Bar and is a great event for summer associates to attend. Finally, in August, we are planning the YLS's annual Tides game. Please watch for updates in future Bar Bulletins and in your email. We are always looking for young attorneys to join the YLS committee and I would encourage anyone who is interested in to please contact me at blane@clarkedolph.com.

#### NPBA FOUNDATION News

By Greg E. Summy • President, NPBA Foundation Greg.summy@nscorp.com • 533-4890

Greetings to all of you, and I hope you are enjoying a pleasant and relaxing summer so far. At the NPBA Annual Dinner, your Foundation's high school scholarship recipients were introduced



**Greg Summy** 

to the membership. They are:

1st Place: E. Davis Rudisill

Western Branch High School

2nd Place: Janaki H. Barot

Nansemond-Suffolk Academy

Both recipients plan to attend the University of Virginia.

As I mentioned in my last column, the judges had a record number applications and essays to review, and as such, it goes without saying that the two scholarship recipients were very well qualified. I think

it's safe to say that the high school scholarship program is a vibrant and worthwhile mission for our Foundation.

We are always interested in hearing from NPBA members to offer suggestions about other vehicles that we could use to further the Foundation's mission, which is to:

- Promote the administration of justice;
- Educate the public about the importance of law in their daily lives; and
- Enhance the image of the legal profession in the local community.

Please send me your ideas!



The Barot family with Christine Buchanan

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## Annual Meeting May 8, 2012











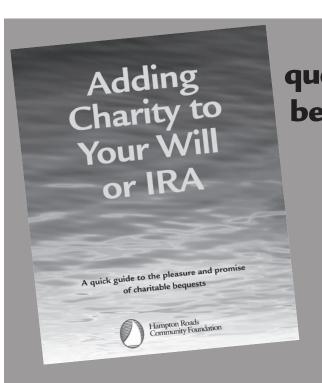








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