

NORFOLK & PORTSMOUTH

BAR ASSOCIATION

BAR BULLETIN

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Number 4

July –
August 2013

INSIDE

PAGE 3LIBRARY LINES
WELCOME NEW MEMBERS

PAGE 4YOUNG LAWYERS
UPCOMING CLE PROGRAMS

PAGE 5NPBA FOUNDATION

PAGE 6ANNOUNCEMENTS

See Flyers Inside for
Event Details and
Registration Information

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

PRESIDENT'S MESSAGE



Virginia Van Valkenburg

Am I getting dumber, or are the interns and new law students getting smarter? On second thought, don't answer that. I may not want to know.

I have had the privilege of being the mentor to most of the civil interns in our office in the last 10 years. A few years ago I noticed that the quality of law intern we have working in our office is outstanding. At one point, I was mentoring an intern whose writing ability was flawless. I actually called the professor who had recommended her for the internship and asked, "What do I do? If I 'correct' her work, I will only make it worse!" His reply is something on which I have reflected often. He said, "Teach her about the practice of law. She does not know how to practice law."

So while our interns and new associates are assisting us with research memos and drafting motions, we should also be teaching them what we have learned from the practice of law. Since we are in the season of summer interns, and many attorneys will soon hire new associates, I came up with a "Top 5 things that you may want to make sure you are teaching your interns/new associates." And with credit to David Letterman, I am counting backwards.

5. Give them feedback on their work.

When you change or redraft motions prepared by new associates, sit down with them and show them the changes you made and why. They may never have had the benefit of seeing a case from start to finish, and there may be strategies and issues that they did not consider. Sometimes we have been practicing so long, we forget what we did not know when we came out of law school. Talk to the interns and new associates. I understand that feedback takes extra time and the temptation is to move on to the next project, but your feedback will benefit you both in the long run. If you ARE the new associate, feel free to ask a more experienced attorney how you are doing and what you can be doing to improve. Actually, we could all benefit from that sort of feedback.

4. Teach them how to professionally deal with difficult people.

The practice of law, and litigation in particular, is adversarial. Sometimes it is difficult not to take the adversarial nature of the case, personally. Teach interns and new associates how to communicate professionally with other people. Sometimes, opposing counsel can be very uncooperative and angry. Sometimes co-workers can be difficult. (No one in MY office of course, but I have heard stories about other offices.) Part of the life skills you can show your intern and new associates is how to be professional in response to someone else acting like a jerk.

(continued on page 2)

UPCOMING EVENTS

An Introduction to Collaborative Practice
Tuesday, September 10, 2013, 1:00 - 4:00 PM

Appeals: How to Take Them & Make Them Work
Thursday, September 12, 2013, 1:00 - 4:00 PM

NPBA Luncheon
Thursday, September 19, 2013, 11:45 AM
Hits at the Park, Harbor Park

Following NPBA luncheon
U.S./Canada Cross-Border Litigation
Thursday, September 19, 2013, 1:00 - 2:30 PM

Litigating Abuse and Neglect Cases
Tuesday, September 24, 2013, 1:00 - 4:00 PM

Fences, Trees & Dogs: Neighborhood Law
Tuesday, October 1, 2013, 1:00 - 4:00 PM

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(PRESIDENT'S MESSAGE CONTINUED)

Early in my career I witnessed two attorneys having a disagreement by correspondence. (In hindsight, a phone call for lunch may have prevented the entire disagreement.) One attorney was clearly angry and venomous in his correspondence, and the other attorney consistently responded logically, and addressed the issues without any personal attacks. I decided that I would try never to write a letter like the first attorney, and always to respond like the second attorney. Given the opportunity, show your interns and new associates how always to maintain a professional demeanor.

3. Catch them doing something right.

Even the most confident new attorney would like to know that he or she is on the right track. Compliment them on the things they do well. If they are trying very hard, let them know that you see their efforts. Sometimes it may be as simple as recognizing punctuality and professional demeanor, but always let them know that you see their strengths. A small compliment can go a long way....for anyone.

2. Show them what to do when *someone* makes a mistake.

(If you do not make mistakes, you probably know someone who does.) All too often I have learned how to avoid a pitfall because I fell in the trap at some point. Share those mistakes. Everyone loves a good victory story, but also tell your interns and new associates about the losses and what you learned from the losses. Show them how you handle a mistake, and that the best policy is to address issues head-on, not hope it will go away. Chances are that as a new attorney, they will make a mistake at some point. They will be grateful to know they are not the first, and what to do to fix it.

1. Teach them the joy in the practice of law.

Seriously. I'm not kidding. I love the career I have chosen. Sure, I often have late nights and stressful days. Sometimes working a 9-to-5-job where I can go home and not think about work, looks enticing. But 99.9% of the time, I absolutely love the work I am doing. I like the variety. I like the challenge. I like the learning curve. I love the people. I drive to work in the morning looking forward to what I will tackle that day. Show your interns and new associates that all of the hard work at law school, and studying for the bar, and even those law school loans, are worth the privilege and blessing of serving in the rewarding profession of law.

Lastly, if you are reading this message and you are the intern or new associate, remember these days. Take notes. One day, faster than you can possibly imagine, you will be the experienced mentor. Welcome aboard.

Thanks for a great CLE season!

NPBA CLE Presenters & Committee Members 2012-13

Randall Appleton
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Kirk Berkhimer
Emily Brannon
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Kristan Burch
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Stephen Pfeiffer
Andy Protogyrou
Robert Roussos
Don Schultz
Rick Shapiro
Kelly St. Clair
Michael Steele
Mike Sterling
C.J. Vandervelde
Burt Whitt
Judge Alotha Willis
Kimberlie Young

Don't miss NPBA CLEs this Fall. Purchase your Season Ticket today.

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MESSAGE FROM THE YOUNG LAWYERS SECTION

By Courtney C. Williams, Chair

I am extremely honored to serve as the 2013-2014 NPBA YLS Chair and look forward to continuing to lead this exceptional group of young lawyers in the many exciting YLS opportunities in the upcoming year. Gratitude is owed to Bonnie Lane for her service, commitment, and hard work to the YLS this past year. It was truly a joy to work with her. I look forward to continuing to partner with the many organizations the YLS served in the past year and look forward to creating new partnerships to further extend the reach of the YLS to the community that we are all so fortunate to be a part of. The YLS's relationship with ForKids—a local and well known organization providing assistance to homeless families—is one that the YLS plans to continue to partner with and to increase participation with the NPBA as a whole. This May, the YLS sponsored an event with ForKids at two of their locations. The turnout and work completed by the volunteers at both the Good Mojo thrift store as well as one of the home facilities completing landscaping were greatly appreciated by the organization. Further volunteer opportunities with this organization are in the process of being planned for the Fall so please be on the lookout! We would love to have widespread participation across the entire NPBA.

On June 27, 2013, the NPBA Annual Young Lawyers Golf Tournament was held at the Bide-A-Wee Golf Course. I would like to extend my gratitude to David Crain and John Pearson for their hard work and to all of the players and participants for a record-setting event.

There are many upcoming events sponsored by the YLS that are open to the entire NPBA and we would be grateful for new and previous participants. On July 29, 2013, the YLS will partner with a new organization, the Ronald McDonald House, to make dinner for the individuals staying at the location. The mission of the Ronald McDonald House is to provide a "home away from home" for families and children facing medical challenges. The YLS is excited about this new partnership and all attorneys qualifying for participation in the YLS are invited and encouraged to attend.

The Social sponsored by the YLS for



Courtney Williams

the entire NPBA is currently scheduled for August 1, 2013 at Willcox & Savage. This event has always had a great turnout and is a wonderful event for summer associates to attend. On August 22, 2013, the annual YLS Tides game will occur beginning at 7:05 PM. Mark your calendars for this fun and exciting event. Food will be provided. Tickets are \$7.00 and are limited in number. Please contact me to purchase tickets, as they will be sold on a first come, first served basis.

Another installment of Breakfast with the Bench and a ForKids volunteer day at the Good Mojo Thrift store are currently being scheduled and planned for the fall so watch for details in future Bar Bulletins.

I would like to encourage all to attend the bar-wide events planned by the YLS and would encourage anyone who is interested in joining the Young Lawyers Section Committee to please contact me at cwilliams@bhlegalteam.com. Finally, if anyone in the YLS or NPBA has any suggestions for events or projects they would be interested in participating in, please do not hesitate to email or call me. The YLS is an extremely active group and is open to taking on new suggestions and projects.

CLASSIFIED

ATTORNEY POSITION AVAILABLE:

The law firm of **Bischoff Martingayle P.C.** is interested in adding to our Virginia Beach Oceanfront practice an attorney with civil litigation experience and possibly some exposure to criminal and traffic work. An interest in developing a domestic relations practice is a plus. This is a great opportunity for a motivated, self starting lawyer who wants to develop and grow his or her own practice, handle some existing client files, and practice law in a smaller firm atmosphere. Compensation is dependent upon prior production, experience, practice areas and skills; however, a willingness to explore compensation based upon individual production is preferred. Partner status may be considered. All inquiries will be kept strictly confidential. Please email Bill Bischoff at wcb@bischoff-martingayle.com with your resume.

UPCOMING CLE PROGRAMS

An Introduction to Collaborative Practice
Tuesday, September 10, 2013, 1:00 - 4:00 PM
3 CLE Credits (1 Ethics)
flyer enclosed

Appeals: How to Take Them and Make Them Work
Thursday, September 12, 2013, 1:00 - 4:00 PM
3 CLE Credits (1 Ethics)
flyer enclosed

U.S./Canada Cross-Border Litigation: Key Considerations for U.S. Lawyers
Thursday, September 19, 2013
Following NPBA luncheon, 1:00 - 2:30 PM
1.5 CLE Credits
flyer enclosed

Litigating Abuse and Neglect Cases
3 CLE Credits
Tuesday, September 24, 2013, 1:00 - 4:00 PM
Faculty: Heather Kelley, Norfolk City Attorney's Office
Corrynn Peters, Phillips & Peters, PLLC

Fences, Trees & Dogs: Neighborhood Law
Tuesday, October 1, 2013, 1:00 - 4:00 PM
3 CLE Credits
flyer enclosed

Personal Injury Law
Thursday, October 3, 2013, 1:00 - 4:00 PM
3 CLE Credits
Faculty: Rick Shapiro, Jim Lewis, Randy Appleton, Mark Favaloro & Kevin Duffan

Lions and Tigers and Bears-Oh My!: An Introduction to Animal Law
Tuesday, October 8, 2013, 1:00 - 4:00 PM
3 CLE Credits
flyer enclosed

USERRA & SCRA: Protecting the Servicemember
Thursday, October 10, 2013, 1:00 - 4:00 PM
3 CLE Credits
flyer enclosed

Where's the Line? Managing Daily Risks in the Practice of Law
Monday, October 14, 2013, 12:30 - 2:30 PM
2 CLE Ethics Credits
flyer enclosed

Military Retirement Benefits and Family Law Issues
Wednesday, October 16, 2013, 1:00 - 4:00 PM
3 CLE Credits

Mediation
Wednesday, October 23, 2013, 1:00 - 3:00 PM
2 CLE Credits (1 Ethics)
Faculty: The McCammon Group, Rick Shapiro, Rod Dillman

Trial Advocacy
Thursday, October 31, 2013, 1:00 - 4:00 PM
Suite 400, Dominion Tower
3 CLE Credits
Faculty: Judge Jerrauld Jones, Alan Albert, David Bowen

NPBA FOUNDATION NEWS

By S. Beryl Adler and Robert H. Powell, III



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The Norfolk & Portsmouth Bar Association Foundation is pleased to announce the selection of Kevin Allin Hoffman as the 2013 recipient of the Elizabeth Fitzwater Memorial Scholarship in the amount of \$2,500.00. Named for the late Ms. Fitzwater, a Portsmouth Assistant Commonwealth's Attorney and Special Assistant U.S. Attorney, the scholarship is awarded annually to a deserving second year law student who has demonstrated through his or her actions a commitment to volunteerism and service to others, and who has a stated interest in practicing law in the public sector or in the public interest in South Hampton Roads.

A rising third year student at Regent University Law School, Mr. Hoffman was the



Kevin and Brittany Hoffman

Selection Committee's unanimous choice. A recipient of numerous awards and honors, Mr. Hoffman, Lead Articles Editor of the 2013/2014 Regent Law Review, ranks in the top ten percent of his class and was a member of the Regent Moot Court team that placed third in the Price Media Law International Moot Court Programme at Oxford, England, having previously placed second in the oralist competition at the Americas Regional. Apart from his academic achievements, Mr. Hoffman has served on three mission trips to Haiti, and last summer worked in Rwanda for the human rights organization, International Justice Mission. He is currently working as a summer intern in the office of U.S. District Judge Mark Davis, and upon graduation he hopes to secure employment with the U.S. Attorney's office or as an Assistant Commonwealth's Attorney locally.

This year's high school scholarship selection committee was composed of Judges Rebecca Beach Smith of the U.S. District Court, Kenneth R. Melvin of the Portsmouth

Circuit Court, and Joseph P. Massey of the Norfolk Juvenile and Domestic Relations District Court who served as Chairman of the committee. Judge Massey was heard to say that because of so many well-qualified candidates, the selection process was very difficult this year. The winners, both of whom attended this year's annual dinner, were both very poised and outgoing. They were ecstatic at having been selected as the winners of this year's scholarships.

The winner of the \$2,500 scholarship was Sung Jin Choi, a senior at Princess Anne High School. He plans to attend Cornell University where he hopes to pursue a pre-medical curriculum followed by medical school and a career in medicine. His career goal is to serve as a doctor in Asia or Africa where medical needs are great and the supply of doctors is short. Active in his church, Sung Jin has served as a Korean-English translator, plays several musical instruments, is a member of the National Honor Society, and has won numerous awards for his scholastic achievements. (no photo)

Our \$1,000 scholarship winner, KaBria N. Rice, is a senior of Norview High School and will be attending VCU this fall where she plans to study nursing and become an RN. With over a 3.8 GPA, KaBria has still



KaBria Rice and her mother, Emerald Brown found time to volunteer at Sentara Leigh Hospital in an effort to get some practical experience in nursing before she starts her nursing studies. She is a member of the National Honor Society, a varsity cheerleader, a member of Young Life, and has won numerous awards for her scholastic achievements while maintaining a 100% attendance record in school.

Both Sung Jin and KaBria are outstanding and deserving students and the Foundation wishes both every continued success.

ANNOUNCEMENTS

Kaufman & Canoles is pleased to announce that **Robert J. Barry** is the recipient of the University of Virginia's 2013 Raven Society Award. The award recognizes excellence in service and contribution to the University along with genuine contribution to the recipient's community. Each year, the Society confers the award to honor a student, faculty member, administrator or alumnus of UVa who has widely and sympathetically shared, supported, and advanced the function of the institution. Mr. Barry is a partner in the Labor and Employment Law Practice Group of Kaufman & Canoles. His practice concentrates on employment law in both the public and private sectors. Active in the community, Mr. Barry has been a college and high school sports official for over 40 years, statewide Chairman of the Virginia Bar Association Labor and Employment Section, member of the Norfolk & Portsmouth Bar Association, and past event Chair for the American Heart Association and Bon Secours DePaul Health Foundation.

LeClairRyan is pleased to announce Hampton Roads based attorneys selected by their peers as 2013 Virginia Super Lawyers, **Alan D. Albert** – Business Litigation and **Ray W. King** – Real Estate.

William A. Lascara, chief financial officer and managing shareholder at **Pender & Coward, P.C.**, was reappointed for a second

term to the Council of the Virginia Bar Association's Section on Construction and Public Contracts. Lascara concentrates his practice in the areas of construction and public contracts law, corporate and business law, real estate law and general civil litigation. Lascara was also recently appointed to the Virginia Beach Neptune Festival Board of Directors. Lascara received his Juris Doctorate from the Marshall-Wythe School of Law at the College of William and Mary and his B.A. from the University of Virginia.

Pender & Coward is pleased to announce that shareholder **Richard H. Matthews** has been re-elected CEO. Matthews joined the firm in 1999 and specializes in banking, business, employment and civil litigation. He graduated from the University of Richmond with a B.A., magna cum laude and Phi Beta Kappa,

and received his Juris Doctorate from the same institution.

Jessica M. Booth has joined **Pender & Coward** as an associate, focusing her practice on Wills, Trusts, Estate Planning and Administration, as well as the field of Elder Law. Ms. Booth earned her Juris Doctorate from the University of Richmond School of Law and a Bachelor of Science degree from Mary Washington College.

Pender & Coward is pleased to welcome attorney **Brent R. Haden** to the firm's Business and Commercial Transactions section, where he practices corporate, general business and commercial law. Mr. Haden earned his Juris Doctorate from the Marshall-Wythe School of Law at the College of William & Mary and has more than 15 years experience in his field.

ANNUAL DINNER 2013



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Our Immigration Law Group regularly handles the full range of immigration services – from visas and green cards to citizenship and deportation defense in immigration court.

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301.384.9191 ♦ FAX: 301.236.4533 ♦ dtannen@verizon.net

REQUEST FOR CASH ADVANCE

I make small cash advances on automobile accident cases through lawyers with whom I have a meeting of the minds. Here's how I make it easy for you to work with me:

1. I never talk with the lawyer's client. The lawyer determines if an advance is appropriate, and further determines the amount of the advance. The only time a cash advance makes it difficult to settle is when a client borrows too much money.
2. I never do any due diligence. The case has to have clear liability, injuries related to the accident, an insurance policy, and be the type of case that the lawyer would invest in himself, if not prohibited from doing so.
3. I charge 20% every six months, with no upfront fee, no minimum, and no compounding. All I need is the information below.
4. I send the check and paperwork to your office by regular mail. Your client signs the paperwork and gets the check. If you want overnight delivery, provide your Fedex number below.

Attorney Name	Today's Date
Attorney Phone	Amount of Advance
Client Name	Date of Accident
Client Street	Insurance Company
Client City, State, Zip	Claim Number
Client Phone	Fedex #

2013-2014 COMMITTEE VOLUNTEER OPPORTUNITIES

NORFOLK & PORTSMOUTH BAR ASSOCIATION

Since the majority of the work of the Association is done by committee, your active participation is vital. We will assign everyone to a committee who requests assignment. Please mark your first two committee choices by number. Please fill out the form and return it to the Bar Office so that we can make committee assignments in a timely manner. Please fax to 622-4406 or mail to:

NPBA

999 Waterside Drive, Suite 1330
Norfolk, Virginia 23510

BE A PART
OF THE ACTION

LEND A HAND

→ **EVEN IF YOU CURRENTLY SERVE ON A COMMITTEE, PLEASE COMPLETE THIS FORM.** ←

() I am currently on the _____ Committee
and would like to continue as a member of that committee.

() I am interested in serving on one of the following committees for the 2013-2014 Year. I have indicated my
first and second choices.

___ **Bench Bar**

Plans and executes programming and sponsorships for the Bench Bar Conference each April.

___ **Continuing Legal Education**

Plans and executes the many CLE seminars offered throughout the year by the Association. Develops topics, identifies instructors and coordinates seminar details.

___ **Membership**

Assists with Association membership recruitment and retention.

___ **Pro Bono**

The purpose of the Pro Bono Committee is to assist members of the Norfolk & Portsmouth Bar Association in fulfilling their responsibility to participate in providing *pro bono publico* services consistent with Rule 6.1 of Virginia's Rules of Professional Conduct. Pursuant to this purpose, the Pro Bono Committee works closely with Legal Aid Society of Eastern Virginia to (1) sponsor programs designed to raise awareness of an attorney's obligation to provide *pro bono* services, (2) identify *pro bono* opportunities for members, (3) coordinate through the CLE Committee programs specifically designed for training lawyers to perform *pro bono* services, and (4) foster and support a culture of *pro bono* among NPBA members.

___ **Professionalism**

Makes recommendations to the Executive Committee for selection of the Eggleston/T'Anson Professionalism Award. Available to address professionalism issues as they arise.

___ **Program**

Assists the Association President with speakers and programs for luncheon meetings of the Association. Contacts speakers, makes invitations and corresponds with speakers before and after the event.

___ **Public Relations**

Plans and executes projects designed to enhance the image of the profession in the community and provide public services, which include the Legal Food Frenzy to benefit the Foodbank of Southeastern Virginia; recommends recipient for Hoffman Community Service Award and Liberty Bell Award to Executive Committee.

___ **Young Lawyers Section**

Open to NPBA members who are under the age of 37 or who have been in practice less than five years. Organizes social and service opportunities including a golf event, fall reception, Breakfasts with the Bench, social and volunteer opportunities.

Name: _____

Firm: _____

Address: _____

Phone: _____ Cell Phone: _____ E-Mail: _____

Accidents Happen In Seconds . . . Major Verdicts & Settlements Don't.

In October 2000, with co-counsel, we obtained the largest personal injury verdict in Virginia's history* and have regularly obtained major settlements and verdicts since. Our attorneys welcome the opportunity to work with you.

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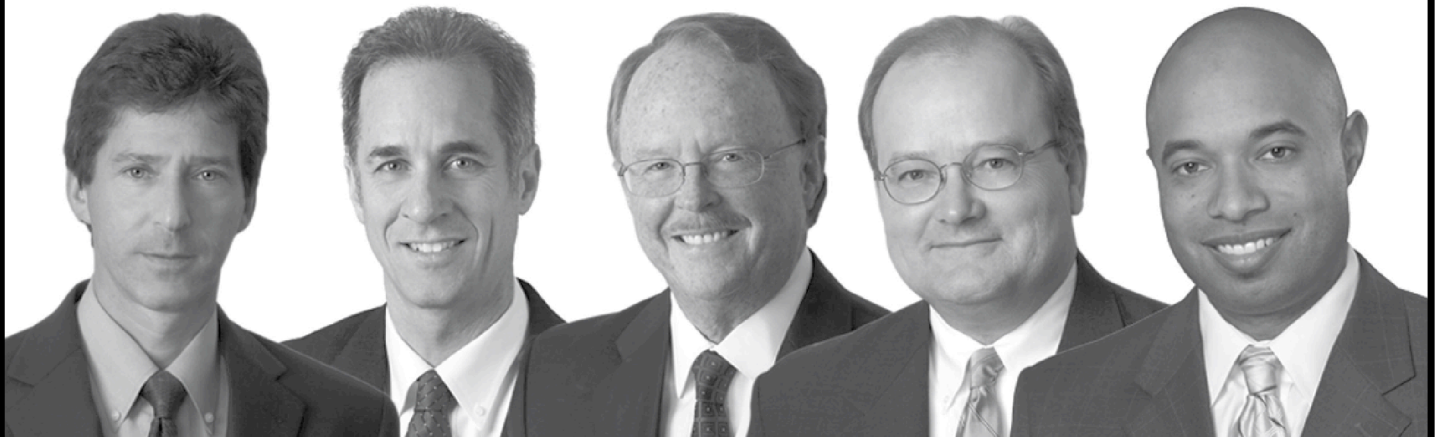
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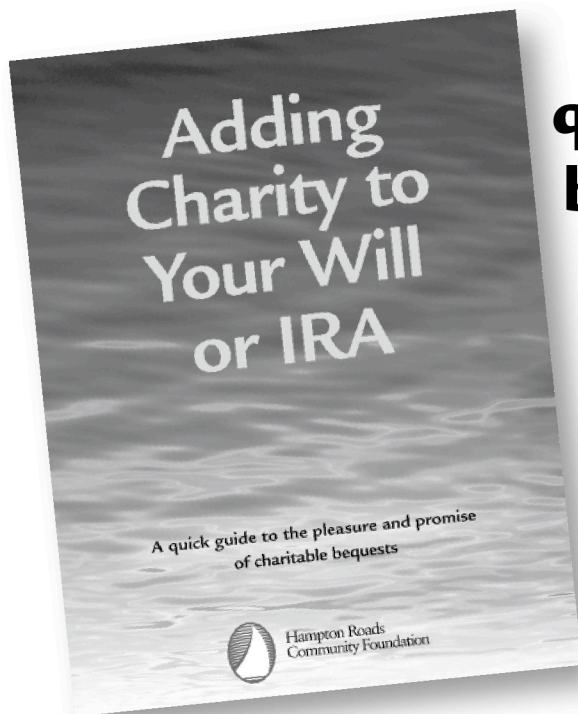
Hoffman Community Service Award
Dean Jeff Brauch & recipient Darius Davenport



Eggleston/I'Anson Professionalism Award
Judge Charles Poston & recipient Robert O'Donnell

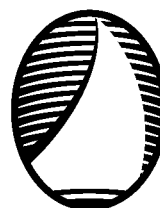


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