

# NORFOLK & PORTSMOUTH BAR ASSOCIATION

## BAR BULLETIN

Volume XXXIX  
Number 6

July –  
August 2014

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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



T. Wayne Williams

What is volunteerism? The World English Dictionary defines volunteerism as “the principle of donating time and energy for the benefit of other people in the community as a social responsibility rather than for any financial reward.” The origins of the word are from the years 1835-45 as our country began to expand westward and build new communities. For me the key word in the definition is responsibility as it almost dictates that we give our time and energy to help others in our community. If able, it is not optional, it is an obligation.

Data from the year 2012 from the National Conference on Citizenship found that in the State of Virginia, 28.5% of residents, 1.79 million Virginians, volunteered, ranking us 21st out of the 50 states. Residents of Virginia on average contributed 221.7 million hours of volunteer service totaling \$5.1 billion of service to the Commonwealth. That is a lot of volunteer work and a lot of good done for our state and our communities, but with less than a third of residents volunteering, there is room for improvement.

If you are reading this article you are already a volunteer as a member of the NPBA. You have chosen to join an organization of 800 lawyers that collectively supports our legal and community at large through the use of your dues. Beyond that, many of you volunteer your valuable time on our committees and in support of NPBA programs and sponsored causes which is greatly appreciated and make us a stronger organization. However, just like our state at large, I believe that more members of our organization can and should get involved. My goal as your president is to ensure that your membership in the NPBA has meaning and value and that you want to be involved due to all the great things we do together cumulatively as an organization. To accomplish that goal I need your help.

We already have several great programs that help us make a difference in our community thanks to you, our members, but there are opportunities for new programs and new causes to support that are both worthwhile and fun. All it takes is an idea and organization. This past week I attended the Conference of Local Bar Associations' Breakfast and Award Ceremony that was part of the Virginia State Bar Annual Meeting. The event honored local bars throughout the Commonwealth for the good work done by them in their communities for such projects as Jazz for Justice, The Rule of Law Project, You and the Law: Aging with Dignity and school mentoring projects to name a few. The people involved and the projects themselves were impressive and provided possible ideas for events for our organization. The CLBA awarded the inaugural Bar Association of the Year award for 2014 to the Roanoke Bar Association for performing charitable works, and offering pro bono services. As your 2014-15 President I would like to see our organization compete to win next year's

(continued on page 2)

## UPCOMING EVENTS

### INJURY LAW INSIGHTS AND ISSUES

3 CLE (1 Ethics) Credits

Tuesday, October 7, 2014 • 1:00 – 4:00 PM

### VISUAL AIDS IN THE COURTROOM

2 CLE Credits

Wednesday, October 8, 2014 • 2:00 - 4:00 PM

### IMMIGRATION LAW FOR THE NON-IMMIGRATION PRACTITIONER

2 CLE Credits

Tuesday, October 14, 2014 • 1:00 - 3:00 PM

### 21st CENTURY ETHICS

2 CLE Credits

Wednesday, October 15, 2014 • 2:00 - 4:00 PM

### TOP TEN MALPRACTICE TRAPS

2 CLE Ethics Credits

Wednesday, October 22, 2014 • 2:00 - 4:00 PM

### CONFIDENTIALITY: STRENGTH AND SCOPE OF THE DUTY

2 CLE Ethics Credits

Friday, October 24, 2014 • 2:00 - 4:00 PM

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### (PRESIDENT'S MESSAGE CONTINUED)

Bar Association of the year award and I ask you to work with me toward obtainment of that goal. With the skill, talent and passions of our membership, it is obtainable. The award itself would just be a symbol of our hard work and passion for our causes and would hopefully be fun. It would also indicate success in my goal to get more members involved and volunteering to do more good for the community.

We are all busy these days with our families, our jobs, other organizations and our hobbies. Our time is further shrunk with the current technology that allows us to be constantly plugged into our work and family obligations through the use of our cell phones to access emails and texts. It is hard to find the extra time to volunteer. However, I believe that you will find that making the time to volunteer by creating an event or supporting an event through our organization will have a positive impact on your life and will make you a better person and better lawyer. I am going to make the effort to do more and I graciously ask that you do too. Take it as your responsibility.

• • •

## YOUNG LAWYERS SECTION

By Cart Rixey Reilly, Chair



**Cart Rixey Reilly**

I hope everyone is enjoying the summer so far. The YLS has been hard at work and we look forward to a number of fun events that are being scheduled for the coming months! The YLS had a wonderful turnout for the Happy Hour it hosted at Luna Maya on May 22, 2014. We were joined by a record number of NPBA members and everyone enjoyed a nice evening of catching up with their NPBA colleagues.

On June 3, 2014, the YLS and other NPBA members met for another very successful and packed Breakfast with the Bench event. Judge Arenda Wright Allen from the U.S. District Court for the Eastern District of Virginia joined us and spoke about living her "dash," referring to the lovely poem, "The Dash," by Linda Ellis. Judge Allen's remarks were inspiring and insightful. She also offered excellent tips on practice before the federal bench. Thank you, Judge Allen, for joining the YLS for our Breakfast with the Bench event!

Finally, on June 19, 2014, the YLS hosted its annual Golf Tournament at Bide-A-Wee Golf Course. Each year, this event is a rousing success and this year was no different! Many, many thanks to David Crain and Amber Randolph for their diligent work in planning another wonderful, well-attended tournament. I would also like to thank all of the players and sponsors for making this event so successful yet again! Without their support, the tournament would not be nearly as successful. The YLS is so appreciative of all who participated and supported another great tournament!

The YLS has a number of upcoming events on the horizon. Please stay tuned for more information on the YLS's annual Tides game at Harbor Park. The YLS is also working on planning another CLE for the fall and will be scheduling another dinner event at the Ronald McDonald House. We have enjoyed making dinner for the residents of the Ronald McDonald House and look forward to growing this partnership.

The next YLS meeting will be held on Tuesday, July 22, 2014 at 6:00 pm at Todd Jurich's Bistro. As always, we welcome new members to join us and I would encourage all those interested in joining the YLS to contact me at [creilly@wolriv.com](mailto:creilly@wolriv.com) for more information. Enjoy the rest of the summer!

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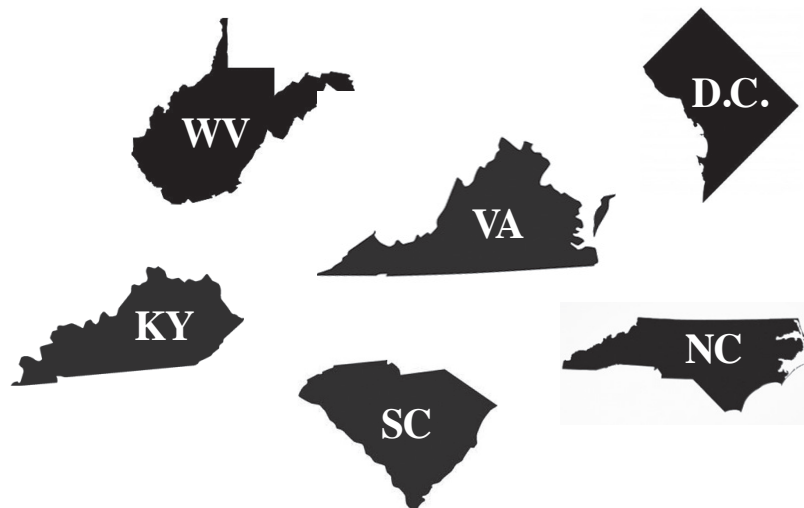
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*\*At least one lawyer holds a bar license in each state*



## ANNOUNCEMENTS

**John Cooper** of **Cooper Hurley Injury Lawyers** has been reelected as a 2nd District governor for the Virginia Trial Lawyers Association. His term will run from 2014 to 2015. The 2nd District covers Norfolk and Virginia Beach. Additionally, Cooper was named by VTLA to co-chair its Public Affairs Committee which oversees programs including bringing car safety information to high schools.

**Crenshaw, Ware & Martin, P.L.C.** is pleased to announce that nine of its lawyers were selected as 2014 Virginia Super Lawyers and Rising Stars. They are: Top 100 Virginia Super Lawyers: **W. Ryan Snow**; Virginia Super Lawyers: **James L. Chapman, IV** – Transportation/Maritime; **Timothy A. Coyle** – Government; **Howard W. Martin, Jr.** – Real Estate; **Donald C. Schultz** – Creditor Debtor Rights; **W. Ryan Snow** – Business Litigation; **Steven M. Stancliff** – Transportation/Maritime. Virginia Rising Stars: **Delphine G. Carnes** – Tax; **Elaine Inman Hogan** – Employment & Labor; **Amy Taipalus McClure** – Construction Litigation.

**Kalfus & Nachman** announced that **Thomas A. Fitzgerald** has joined the firm.

Tom is a native of Hampton Roads, born and raised in Newport News. He graduated from Menchville High School in 1981 and Washington and Lee University in 1985, with majors in U.S. History and Politics. He then attended the Marshall-Wythe School of Law at the College of William and Mary, graduating in 1988. Tom joined the firm of West, Stein, West and Smith in Newport News. During his fifteen years at the firm which later became Stein and Smith, P.C., Tom handled complex personal injury and insurance litigation in Circuit Courts throughout Virginia and in U.S District Courts in Newport News, Norfolk, Richmond and Baltimore.

**Willard J. Moody, Sr.**, founder and president of **The Moody Law Firm** and former state senator, was inducted into the Trial Lawyer Hall of Fame for 2014. The Hall of Fame, which includes John Adams, Clarence Darrow, Thurgood Marshall, Melvin Belli and Johnnie L. Cochran Jr., recognizes select civil plaintiff and criminal defense trial lawyers who have left a mark on the legal profession, as well as their communities, through a lifetime of service.

**Jeffrey A. Hunn** was elected as shareholder of **Pender & Coward** law firm in April. Hunn practices at Pender & Coward's Virginia Beach office, specializing in litigation, business and commercial transactions, insurance coverage and defense, employment and community association law. He earned his J.D. from the University of Richmond School of Law and a bachelor's from Auburn University.

**Robert C. Nusbaum** and **Linda S. Laibstain** received the 2014 Virginia Community College Chancellor's Award for Leadership in Philanthropy. They were nominated for the award by Tidewater Community College. The award is given by the Virginia Foundation for Community College Education to honor leading philanthropists from each of Virginia's 23 community colleges as well as the statewide foundation. This year's class of distinguished philanthropy leaders has contributed a combined total of more than \$12 million to Virginia's community colleges. **Nusbaum** and **Laibstain** practice with **Williams Mullen**. The couple supports a fund to assist TCC students who encounter financial emergencies.

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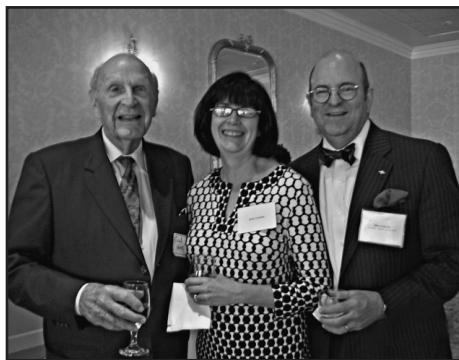
# ANNUAL DINNER



Eggleston/I'Anson Professionalism Award recipient Anita O. Poston,  
Past President Cheshire I'Anson Eveleigh and Judge Charles E. Poston



Elizabeth Fitzwater Scholarship recipient Alexandra Gabriel  
and Walter E. Hoffman Community Service Award  
recipient Tameeka Williams





# NPBA FOUNDATION 2014 SCHOLARSHIPS

## Foundation Board of Directors

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Foundation Board members S. Beryl Adler and Robert H. Powell, III contributed the following update on the 2014 NPBAF Scholarships:

The Norfolk & Portsmouth Bar Association Foundation is pleased to announce the selection of Alexandra M. Gabriel as the 2014 recipient of the Elizabeth Fitzwater Memorial Scholarship in the amount of \$2,500. 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 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 Hampton Roads.

A rising third year student at The University of Virginia School of Law, Ms. Gabriel is a graduate of Old Dominion University with a Bachelor of Arts in Philosophy and a Bachelor of Science in Political Science, and a recipient of numerous awards, including recognition as the student with the highest graduating GPA in the Philosophy department. Apart from her academic achievements, Ms. Gabriel has been active in community service projects, volunteering as a counselor in a camp for autistic children, working as a volunteer and case manager for the Innocence Project, and serving an internship with the Legal Aid Society of Eastern Virginia and the Children's Hospital of the King's Daughters.

She is currently working as a summer intern in the Virginia Attorney General's Office, after which she will join the Virginia Beach City Attorney's Office for the remainder of the summer. In September, Ms. Gabriel will spend the first semester of her third year of law school working in the Washington, DC office of the Cancer Action Network of the American Cancer Society, assisting in the presentation of legislation affecting healthcare.

This year's High School scholarship selection committee was composed of Judges Rebecca Beach Smith of the U.S. District Court in Norfolk, Kenneth R. Melvin of the Portsmouth Circuit Court, and Charles E. Poston, recently retired from the Norfolk Circuit Court. Judge Smith served as Chairman of the selection committee and remarked on what an outstanding group of candidates there were this year. The winners, both of whom attended this year's annual meeting, were poised and outgoing. They were ecstatic at having been selected to receive this year's scholarships. The Foundation was pleased to award the scholarships to two such deserving students.

The recipient of the \$2,500 scholarship was Luke Waterfield, a senior at Indian River High School in Chesapeake. He will be attending George Mason where he plans to study criminal justice. Following college, he hopes to attend the Chesapeake Police Academy and become a police officer. Based on his school activities it would not be a surprise to see him serving as Chief of Police one day. In addition to his being nearly a straight A student, Luke has been heavily involved in both school and community activities.

In recommending Luke, one of his teachers had the following to say: "Another of Luke's strong qualities is his remarkable character. He is one of the most honest and trustworthy students I have ever had the privilege to work with. His work is not only always of the highest quality, but I know without a doubt that he would never do anything unethical. I appreciate his dedication and determination \*\*\*. Luke Waterfield is one of those rare students whose unwavering commitment to his schoolwork has made him an ideal student."

Our \$1,000 scholarship recipient, Megan Mason Dister, is a senior at Maury High School in Norfolk where she not only maintains a high GPA but also participates in many school and extracurricular activities. Just a few in a long list of activities and accomplishments include having been selected as the Cross Country team's most valuable player, having been the Eastern District Cross Country champion on two separate occasions, playing in the Silver Strolling Strings, founder of The Friendship Club that brings together high achievers such as herself with students with disabilities, serving as President of Model United Nations, having received the Jefferson Book Award, and being in the National Spanish Honor Society. Megan plans to attend UVA where she has been accepted as an Echols Scholar.

Her letter of recommendation written by her AP History teacher sums up her qualities: "While I have had the privilege to work with many extremely intelligent young people through the AP program \*\*\*, Megan stands out above all the rest in terms of being a well-rounded human being. \*\*\*I have written dozens of college recommendations over the last years, but the ones I enjoy the most are those for students who will enrich the collegiate community even as they improve their own minds. And there is not a single student I believe will contribute more to the day-to-day experience of those around her than Megan will."

Both Luke and Megan are outstanding and deserving students and the Foundation wishes both every continued success.



NPBA Foundation High School Scholarship recipient Megan Mason Dister and her parents

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**Hon. Charles E. Poston (Ret.)**

Retired Judge  
Norfolk Circuit Court

After more than twenty-five years of distinguished judicial service, Charles Poston has recently retired. Judge Poston served the Norfolk Circuit Court with distinction for twenty years, including three years as Chief Judge. Prior to that appointment, he served in the Norfolk Juvenile and Domestic Relations District Court for six years, including four years as Chief Judge. Judge Poston was the Presiding Judge for Virginia's first Mental Health Court and is a former member of the Boyd-Graves Conference. Before his judicial service, Judge Poston enjoyed a successful career in private practice in Hampton Roads. He also served in the United States Army Reserve, rising to the rank of Lieutenant-Colonel in the Infantry. Judge Poston now brings his distinguished record of accomplishment to The McCammon Group to serve the mediation, arbitration, judge pro tempore, and special master needs of lawyers and litigants throughout the Commonwealth and beyond.



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Virginia's Largest Verdicts 2008 #2 \$10.2 million  
Zoll v. Werner Enterprises Inc. 01/12/2009

Motorcyclist Hit By Bus Settles For \$7.5 Million 02-02-2004

Million Dollar Settlements 2012 #13 \$3.7 Million  
Case type: Tractor-trailer collision

Million Dollar Settlements 2009 Jane Doe v. Jones Corporation; Rhonda Doe v. Jones Corporation \$2.5 Million and \$1.1 Million Settlements

Virginia's Largest Verdicts 2009 \$2.1 Million and \$1.1 Million Personal injury – traumatic brain injury 02/1/10

Three separate actions filed after shipyard explosion: \$1,000,000 Settlement, \$1,350,000 Settlement, \$1,195,000, Settlement 01-23-12

Virginia's Largest Verdicts 2005 #7 \$3 million Wood v. S.C. Jones Inc. and Young 01/23/2006

Brain injury mediated for \$2.4 million 12-08-2003

Virginia's Largest Verdicts of 2013 #12 \$2.1 Million Teen thrown from hotel balcony during party Case name: Remley v. Ruiz

Earning capacity, future medicals contested in TBI case \$1,725,000 Settlement 01/23/12

Million Dollar Settlements of 2011 #20 \$1.725 Million Kallam v. Colvin and Dunkin Doughnuts Mid-Atlantic Distribution Center 02/06/12

Million Dollar Settlements 2013 #28 \$1.55 Million Plaintiff suffered MTBI in tractor-trailer collision Name of case: Smaw v. Buffington, et al. 2-10-14

Million Dollar Settlements 2013 #33 \$1.45 Million Brain injury led to loss of employment, total disability 2-10-14

Million Dollar Settlements of 2011 #32 \$1.35 Million Jones v. Capitol Finishes, Inc., et al. 02/06/12

Separate settlements negotiated for couple injured in head-on collision – \$150,000 and \$1,125,000 Settlements 12-03-2012

Million Dollar Settlements 2010 #28 (tie) \$1.25 million Staff v. Hurst 02/07/11

Death case after scooter-Hummer collision settles for \$1.25M limits 08-26-2010

Million Dollar Settlements 2013 #39 \$1.247 Million Patriot Guard motorcycle rider struck by pickup truck Name of case: O'Brien v. Townsend 2-10-14

Million Dollar Settlements of 2011 #37 \$1.195 Million Campbell v. Capitol Finishes, Inc., et al.

Million Dollar Settlements 2012 #46 \$1.125 Million Name of case: Kehoe v. Harvey Case type: Automobile accident

Million Dollar Settlements of 2011 \$1 Million Moore v. Capitol Finishes, Inc., et al.

Million Dollar Settlements of 2011 \$1 Million Venable V. Pete's Autos Service of Denbigh

Family settles death claim for 85-year-old for \$1M 05-24-2011

Seizure disorder caused by injuries from collision – \$800,000 Settlement 11-23-2009

Injured deliveryman negotiates settlement after arbitration award – \$750,000 Settlement 09-02-2013

CNA sexually assaults assisted living resident \$750,000 Verdict 06/22/09

Case of death of minor is mediated for \$625,000 01-16-2006

Mack truck failed to stop at stop sign in Franklin – \$450,000 Settlement 12-29-2011

Failure-to-yield case mediated – \$375,000 Settlement 03-12-2012

NEGLIGENCE – Auto Accident – Wrongful Death \$289,101.58 Settlement 06-01-1998

Jane v. John Doe NEGLIGENCE – Premises Liability (323676) \$200,000 Settlement 06-22-1998

Intersection crash led to mild TBI – \$190,000 Settlement 08-27-2012

Tomlinson v. Beck NEGLIGENCE – Auto Accident \$95,000 Settlement 03-30-1998

Pressure ulcer turned fatal during nursing home stay – Confidential Settlement 02-18-2013

Man died after eloping from assisted living facility – Confidential Settlement 01-31-2011

Nursing home patient dies after CNA drops her – Confidential Settlement 12-27-2010

Patient dies from complications from multiple pressure sores – Confidential Settlement 11-29-2010

Nursing home resident dies from head injury – Confidential Settlement 10-25-2010

Nursing home patient fell within the first hour of admission. \$230,000 mediated settlement

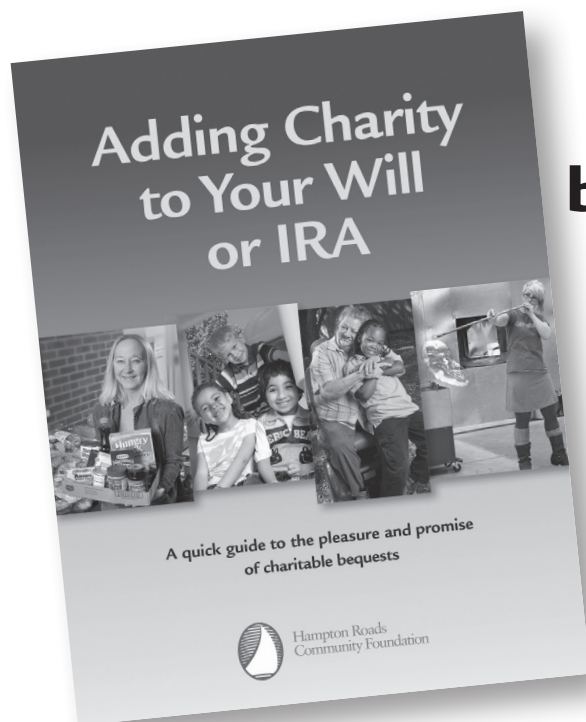
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