

NORFOLK & PORTSMOUTH BAR ASSOCIATION

BAR BULLETIN

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April 2014

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Event Details and
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Preregistration required
for all NPBA Events.
Call 622-3152.

PRESIDENT'S MESSAGE



Virginia Van Valkenburg

If you have not yet assisted your parents in downsizing their home, chances are you will. Or, maybe you have had the unfortunate experience of cleaning up the family home after your parents have passed away. Currently, my mom is preparing to move into an extremely nice independent living facility. She is therefore downsizing an entire house, and 52 years of memories, into two rooms. My dad passed away two years ago, but I am very blessed that I get to share this time, and this HUGE task, with my mom.

Of course if mom and I could just toss everything without looking at it, analyzing it, and then sharing it with one another, the process would move a lot faster, but we would miss out on so many fun memories. I can also tell you that Virginia in second grade was not very different from Virginia today.

Apparently I never saw the inside of a Hallmark when I was little, but I was well supplied with recycled paper (my dad's sales reports), construction paper, glue, scissors, and markers. My brother and I made cards for our parents for every holiday – and based on the rubber-banded stacks in mom and dad's dressers, none of the cards were ever thrown away.

Mom and dad also saved my letters from college, my studies abroad, and a year I traveled to ten different countries performing in a singing and dancing show with a group called "Up With People." As a young person, I never saw the value in consistent journaling, so I am so thankful that I now have these memories in writing.

Apparently around age 12 or 13, I got a fish tank with fish in it. I do not even recall the fish tank, but apparently I had a concern that my younger brother and his friends would stick their hands and toys in the tank and kill all of my fish. Thirteen-year-old-me drew up a "contract" – complete with legalese – and made my 9 year old brother sign it. The "contract" included phrases like "hereby proclaim" and "evidence thereof." It basically said that if my brother put his fingers or toys in the fish tank, that he would buy me a lid for the tank that locked. He actually signed it on the blank I drew for him, with his name printed below the blank. So...apparently being a nerd has been a lifetime journey for me, and not something that happened in college or law school. Thankfully my mom saved the "contract," because I have laughed at it more than once.

I realize that today we have moved away from "paper" snail-mail letters, to e-mails, texting, and tweets. I cannot recall the last time I hand-wrote a letter that was not a birthday card or a thank you note. Most of our photographs are in our phones and on our computer, now. Will those who go behind us go through our computers? Or just wipe the hard drive and give the computer to charity? Are we preserving memories and family history in a meaningful way if our only correspondence is

(continued on page 2)

UPCOMING EVENTS

NPBA LUNCHEON

Thursday, March 20, 2014, 11:45 AM
Hits at the Park, Harbor Park

and immediately following the luncheon
CLE: Patient Protection and
Affordable Care Act
1 CLE Credit

BENCH BAR CONFERENCE

3 CLE (1 Ethics) Credits
Tuesday, April 22, 2014, 11:45 - 6:00 PM
Norfolk Waterside Marriott

ANNUAL DINNER MEETING

Tuesday, May 13, 2014, 6 PM
Norfolk Yacht And Country Club

NORFOLK & PORTSMOUTH BAR ASSOCIATION

999 Waterside Drive, Suite 1330
Norfolk, Virginia 23510

(757) 622-3152

npbemail@gmail.com

www.norfolkandportsmouthbar.org

OFFICERS

Virginia Van Valkenburg

President

441-6331

virginia.vanvalkenburg@usdoj.gov

T. Wayne Williams

President-Elect

547-5555

twilliams@wd-law.com

Gary A. Bryant

Past President

628-5520

gbryant@wilsav.com

Mary T. Morgan

Treasurer

397-3481

mmorgan@portslaw.com

Robert V. Timms, Jr.

Secretary

486-7055

rtimms@inmanstrickler.com

Delphine G. Carnes

623-3000

dcarnes@cwm-law.com

James R. Harvey, III

446-8518

jharvey@vanblk.com

Charles M. Lollar

622-9473

cml@waldoandlyle.com

Lamont Maddox

454-2045

lmaddox@guidancelaw.com

Alan D. Albert

President, Library Board

441-8914

aalbert@leclairryan.com

Courtney C. Williams

Chair

Young Lawyers Section

670-3868

cwilliams@bhlegalteam.net

STAFF

Donna Bausch

Executive Director

622-2910

dbausch@norfolklibrary.org

Michelle Gibson

Administrative Assistant

622-3152

npbemail@gmail.com

PUBLISHER

Advertising Service Agency, Inc.
Layout and Printing

(PRESIDENT'S MESSAGE CONTINUED)

emails, and our only journals are blogs?

This process of getting mom ready for her new and smaller home has been much more of a blessing than it has been work. (And believe me – it has *really* been work!) But I am very grateful for the things that were hoarded through the years that preserved memories and laughs for “future me” to enjoy. I hope there is enough “evidence,” even if it is on a hard drive, for future generations to experience the same joy.

Additional President's Note:

The Norfolk & Portsmouth Bar Association, on behalf of its membership, has written a letter to the appropriate individuals urging General Assembly to appoint at least two additional judges to the Norfolk Circuit Court bench.

NPBA FOUNDATION

By Greg E. Summy, President, NPBA Foundation

Greg.summy@nscorp.com • 533-4890



Greg Summy Greetings to all! I hope 2014 is off to a good start for each of you. Even though Thanksgiving is three months past, for the NPBA Foundation, it's time to give thanks to our donors, who made 2013 one of the best years ever. Listed below are those who gave generously to the NPBA Foundation in 2013:

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If you're interested, it is possible to make a contribution earmarked for the Elizabeth Fitzwater Memorial Scholarship Fund. As you recall, the Fitzwater Scholarship is awarded to a second year law student who has an interest in practicing public service/public interest law area in South Hampton Roads. All you need to do is indicate that you want your contribution to go to the Fitzwater Scholarship Fund.

On behalf of Foundation Board, but most importantly those who have benefitted from your contributions, thanks again for sustaining our Foundation.

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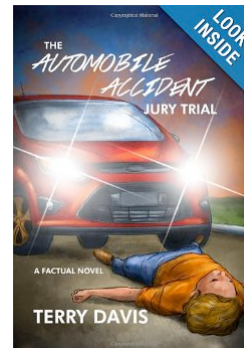
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***The Automobile Accident Jury Trial:
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ANNOUNCEMENTS

The law firm of **Bennett and Zytron, P.C.** is pleased to announce that **Kevin D. Sharp** has joined the firm and will be part of its Traumatic Brain Injury Litigation practice. Mr. Sharp has extensive experience litigating traumatic brain injury and spinal cord injury claims and has lectured about the complexities of these matters throughout the country. In addition, Mr. Sharp handles serious personal injury claims, nursing home neglect matters and medical malpractice cases. Mr. Sharp earned both B.S. and B.A. degrees from the University of Colorado at Boulder and a J.D. from George Mason University. He is a member of the Brain Injury Association of Virginia, the Virginia Trial Lawyers Association, the American Association for Justice, the Virginia Beach Bar Association, the Norfolk & Portsmouth Bar Association and the Virginia State Bar. He is AV rated by Martindale-Hubbell.

Best Law Offices, P.C. is pleased to announce its move to Town Center, at Two Columbus Center, 4500 Main Street, Suite 620, Virginia Beach, VA 23462. Telephone: 624-1800. Fax: 624-1900. www.bestlex.com

Inman & Strickler, PLC is pleased to announce that member **Lee A. Handford** has been elected to the Board of Directors of the

USO of Hampton Roads and Central Virginia. The USOHRCVA is part of United States Organizations, Inc., a national voluntary civilian organization with the mission of enhancing the quality of life of the men and women in the U.S. Armed Forces and their families. Locally, the USOHRCVA operates USO centers providing activities, outreach and assistance directly to military families and also partners with local government and business supporters to host special events.

Kaufman & Canoles, P.C. is pleased to announce that **Stephen E. Noona** has been inducted into the 2014 Class of Fellows of the Virginia Law Foundation. Induction recognizes excellence in the practice of law and public service and is limited to one percent of the active and associate membership of the Virginia State Bar. Mr. Noona is a partner in the firm's Norfolk office, Chair of the Litigation Section, and Co-Chair of the Intellectual Property & Franchising Section. With over 27 years of experience trying complex commercial cases, Mr. Noona is recognized as a preeminent trial lawyer in intellectual property law disputes. He has been inducted as a Fellow in the American College of Trial Lawyers. He

is a former President of the Virginia State Bar Intellectual Property Law Section and the Tidewater Federal Bar Association, and the current President of the I'Anson Hoffman American Inn of Court.

In the U.S. News – Best Lawyers listing of Best Law Firms for 2014, **Kaufman & Canoles, P.C.** announced that the firm received a Tier 1 ranking in Norfolk in the following practice areas: banking and finance law; bankruptcy and creditor/debtor rights/insolvency and reorganization law; closely held companies and family law; business law; commercial litigation; corporate governance law; corporate law; employment law – management; financial services regulations law; health care law; labor law – management; litigation – antitrust, bankruptcy, construction, intellectual property, labor and employment, patent tax, and trust and estates law.

LeClair Ryan has announced that 54 of the firm's practice areas have been selected for inclusion in the U.S. News - Best Lawyers listing, Best Law Firms for 2014. Firms were ranked in tiers, both nationally and by metropolitan area, based on data includ-

(Continued on page 5)

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YOUNG LAWYERS SECTION

By Courtney C. Williams, Chair

Throughout my year as YLS Chair, I have sought the advice of judges and attorneys and asked them to comment on advice for young attorneys. A common thread ran through the advice every single individual gave to me—be prepared and be congenial. When one thinks over the makings of a great attorney, preparation and congeniality are at the forefront of desirable qualities and actions. It flows logically that if you are prepared and congenial, you will achieve great results and will be remembered fondly rather than being remembered for being unkind or making simple mistakes that result from a lack of preparation.

Judge Poston spoke at the YLS's Breakfast with the Bench on February 18th. He advised NPBA members in attendance that preparation is essential. Judges are well aware of those who are prepared and those who are not. He implored that the most important habit for a young attorney, however, is to develop relationships with judges and other attorneys outside of the courtroom. Your first impression on a judge should never be the day of trial. Participate in the bar association activities that make it so easy to connect with other practitioners and judges and become a real part of this amazing and active bar association. If you have never been to a luncheon, mark the next one on your calendar and take the time to go. If you have not joined a committee, get on board with one that suits your interests. Making these relationships with judges and

other attorneys will benefit you now and indefinitely into the future. I would like to extend my gratitude to Judge Poston for speaking at Breakfast with the Bench. Your words of wisdom are greatly appreciated and, while everyone is so happy for you that you are able to embark upon the journey of retirement, your wisdom from the bench will be sorely missed.

I am proud of what the YLS has accomplished this year. They have been busier than ever and have accomplished many goals set to serve the bar association as a whole. The YLS has served ForKids, collected toys for hundreds of families during the holidays, planned and executed the Breakfast with the Bench program bimonthly (with a special thanks to Tim Boykin for all of his hard work in planning this event), hosted Happy Hours for the NPBA, taught a class for the Mock Trial Program, and set the goal of hosting a free CLE for the NPBA and then reached that goal to name just a few of the many accomplishments of this great group.

The YLS scheduled a CLE that featured Chief Judge Daugherty of the Norfolk General District Court, Dave Lannetti of Vandeventer Black, and Zachary Simmons of the Norfolk City Attorney's Office. The YLS conceived of the idea to have a judge, seasoned practitioner, and fairly



Courtney Williams

new attorney come together to give their unique perspectives and advice regarding trying a case in General District Court. This culminated in planning "The ABCs of General District Court Cases" held Thursday, February 27th. This represents the fruit of exceptional effort and hard work put in by this year's YLS.

It is with sadness that I tender my resignation as the Chair of the Young Lawyers Section. I was looking forward to continuing to exceed goals with this amazing group and being active in the NPBA. I have accepted a position with Charlson Bredehoft Cohen & Brown, P.C. in Reston, Virginia and I start next month. I regret that my time with the YLS will be cut short as I have sincerely enjoyed this responsibility and working with so many amazing individuals. Thank you to the YLS, Tim Boykin and Zach Simmons for their hard work and willingness to constantly step up to the plate, Cart Reilly who has been a fantastic YLS Treasurer, Virginia Van Valkenburg for being active in YLS events as the President of the NPBA, and Donna Bausch for her support for each YLS event. I leave the YLS in the capable hands of Cart Reilly who I am certain will do an excellent job in propelling the YLS forward to great new adventures. You can reach me at Courtney.carolann@gmail.com. I would love to stay in touch. Thank you for allowing me to serve such a congenial bar association and to get to know so many of you.

(Announcements continued)

ing client and peer surveys. In Norfolk, its Tier 1 rankings include commercial litigation, corporate law, litigation – real estate, litigation – tax, real estate law, tax law and trusts and estates law. In Norfolk, its Tier 2 rankings include closely held companies and family business law, criminal defense: white collar, employment law – management, government relations practice, land use and zoning law, litigation – intellectual property, litigation – labor and employment, litigation – patent and trademark law. Nationally, its Tier 1 rankings include bankruptcy and creditor debtor rights/insolvency and reorganization law and mass tort litigation/class actions – defendants.

Phillips & Peters, PLLC is pleased to announce that **Lindsey A. Flaherty** is now certified as a guardian *ad litem*. Ms. Flaherty is prepared to serve as a guardian *ad litem* in the circuit and district courts.

The Honorable Dana Adler Rosen, Chief Judge, Social Security Administration, Greensboro, NC hearing office, has been appointed a Judge with the U. S. Department of Labor in Newport News.

Roussos, Lassiter, Glanzer & Barnhart, P.L.C. is pleased to announce the inclusion of **Robert V. Roussos** in Virginia 2013 Legal Elite in bankruptcy law. The firm is also pleased to announce that **Ashley C. Tucker** has joined the firm as an associate

where her practice will focus on consumer bankruptcy. Prior to joining the firm, Ashley worked for the Law Offices of Steve C. Taylor. In 2008, Ms. Tucker graduated from the College of William & Mary with a Bachelor of Business Administration in Finance and Marketing with an international emphasis. She received her J.D. from Regent University School of Law in 2011.

Vandeventer Black is pleased to announce that **Michael L. Sterling** has been named as the firm's Managing Partner. Mike is a graduate of Lawrence University (B.A. Cum Laude) and William and Mary (J.D. Order of the Coif). He joined the firm in 1985 and he has served on the Executive Board, and

(Continued on page 6)

(Announcements continued)

as Chairman of the firm's Construction and Public Contracts Department, Practice Management Committee, and Dispute Resolution Services. He concentrates his law practice in construction, public contracts, and administrative matters. Recently, Mike prevailed in a case before the United States Supreme Court. Additionally, Mike is an arbitrator and mediator with the American Arbitration Association. Mike has served on the Boards of the Red Cross of Southeastern Virginia and the Norfolk & Portsmouth Bar Association, and he has been Chairman of the Virginia Bar Association Construction and Public Contract Law Executive Council and the Vandeventer Black Foundation. Virginia Business magazine recognized Mike as one of Virginia's Legal Elite in Construction and Alternative Dispute Resolution. He has also been recognized as a Virginia Super Lawyer, a Best Lawyer in Hampton Roads, and one of the Best Lawyers in America, Construction.

Susan Blackman is chair-elect of the Hampton Roads Chamber of Commerce. She is a partner at **Willcox & Savage, P.C.**, practicing employment law and business

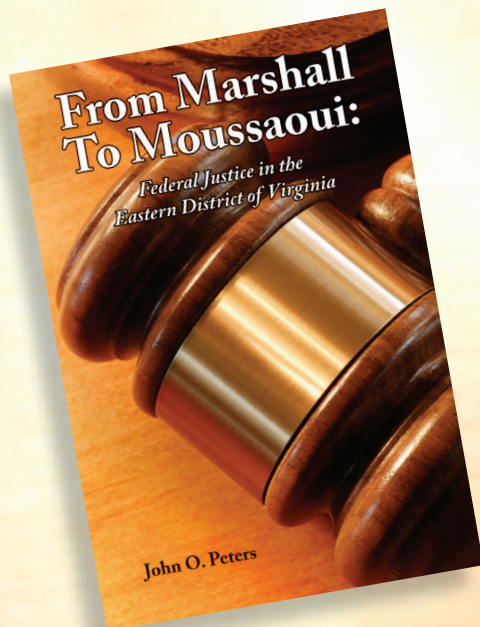
immigration law. She helps employers solve workplace issues including medical accommodation, discrimination and matters involving employees' rights. She represents employers in court proceedings and before the EEOC, Department of Labor and U.S. immigration agencies. She obtains visas and green cards for foreign employees and advises clients about U.S. employment and immigration laws. Blackman is in The Best Lawyers in America for both immigration law and employment law. She is the only Hampton Roads lawyer recognized by "Benchmark Litigation" as among the top 250 women litigators in the country. Blackman is a past chair of the chamber's Virginia Beach Division, has served on the chamber's Regional Board of Directors since 2007 and in 2013 was treasurer.

David H. Sump has joined the firm as a partner and practices in the Norfolk office of **Willcox & Savage**. He was previously with Troutman Sanders. David represents maritime clients in a wide variety of matters, including admiralty and maritime law, maritime pollution law and international trade. Prior to entering private law practice,

David served for fourteen years as a commissioned officer and law specialist in the United States Coast Guard, and served as a liaison to Capitol Hill for the Oil Pollution Act of 1990. David has been recognized in the Best Lawyers in America in the area of Maritime and Admiralty Law, and has been named to Virginia's Legal Elite. He was also named a Virginia Super Lawyer in the area of Transportation and Maritime Law. Mr. Sump received his J.D. from the College of William and Mary, an M.B.A. from Cleveland State University and a B.S. from the U.S. Coast Guard Academy.

Willcox & Savage, P.C. is pleased to welcome two new attorneys to the firm. **Christopher N. Harrell** practices in the Maritime Law group. He was previously with Davey & Brogan. Prior to this position he worked for Traveler's Insurance for several years and managed their marine litigation claims. Chris is a 2012 graduate of the University of Connecticut School of Law. He received an M.S. from Towson University in 2006 and a B.A. from Virginia Tech in 2004. **James B. "Jimmy" Wood** has joined the Business Immigration practice team. He is located

(Continued on page 7)



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From Marshall To Moussaoui:

Federal Justice in the Eastern District of Virginia

By Well-Known Author John O. Peters

From Marshall to Moussaoui: Federal Justice in the Eastern District of Virginia artfully traces the precedential decisions of a court that has made a rich contribution to the history of our Constitution. John Peters' book is well-researched, informative and quite entertaining.

Antonin Scalia, Associate Justice United States Supreme Court

John O. Peters' work entitled *From Marshall to Moussaoui: Federal Justice in the Eastern District of Virginia* is quite an accomplishment. Through the historical lens the reader quickly is transported to the times of the anecdotes that are sprinkled liberally across the pages. The U.S. District Court comes alive as Peters focuses the reader's attention on the brilliance – and the human foibles – of the jurists who have presided over cases that range from treason and trespass, to liquor and libel, and from civil war to civil rights. Collectively, the judges, lawyers and litigants personify the history of this important court of justice. It is also a rich and robust reflection of the history of America.

Gerald L. Baliles, Director and CEO of The Miller Center University of Virginia Governor of Virginia (1986-90)

in the Virginia Beach office. Mr. Wood is a 2013 graduate of the University of Richmond School of Law. He received a B.A. from Hampden-Sydney College in 2010.

Williams Mullen is pleased to announce that **Cameron Rountree** has joined the firm as an Associate in the Litigation practice. He will be working out of the Norfolk and Virginia Beach offices. Before joining Williams Mullen, Mr. Rountree worked in the U.S. Attorney's Office for the Eastern District of Virginia, where he tried several federal jury trials and investigated cases with federal agencies, including the Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms and Explosives, and Drug Enforcement Administration. He also gained practical experience as a law clerk to a federal judge advising on civil and criminal matters. Mr. Rountree earned his J.D. from the William and Mary School of Law, where he served as Articles Editor of the Bill of Rights Journal. He earned his B.A. from the University of Virginia, in Government (American Politics) and Spanish. Prior to law school, Mr. Rountree was an officer in the United States Navy, and is an active member of the Navy Reserve.

Wolcott Rivers Gates is pleased to announce that **C. Arthur Robinson II** has been inducted as a fellow by the American College of Trust and Estate Counsel ("ACTEC"). ACTEC is a national organization of lawyers elected to membership by demonstrating the highest level of integrity, commitment to the profession, competence and experience as trust and estate counselors.

Wolcott Rivers Gates is pleased to announce that **Cullen Drescher Speckhart** has joined the firm. Ms. Speckhart represents a wide range of parties to bankruptcy and insolvency-related litigation, including creditors, trustees, committees, and foreign representatives in transnational insolvency cases. Ms. Speckhart is also experienced in a wide range of civil matters, including commercial litigation, finance, marital dissolution, custody, and child support.

Wolcott Rivers Gates is pleased to announce that the following attorneys from the firm were selected as members of Virginia's Legal Elite for 2013: **Carl Eason** – Bankruptcy/Creditors' Rights; **Cheshire I'Anson Eveleigh** – Family/Domestic Relations; and **Glen Robertson** – Business Law.

Advertising Opportunities – Norfolk Sheriff's Office

The Norfolk Sheriff's Office is in the process of setting up advertising opportunities for lawyers and bail bondsmen to reach individuals who are processed into the jail and the 1,400 plus inmates who are housed in the Norfolk City Jail, daily. This advertising program will be similar to those already in existence in other cities.

We have 138 television screens in inmate cellblocks. Tentatively, we are planning to add TV screens to our Booking area, as well as other common areas to which inmates have access.

If you or your business may be interested in advertising your law practice, bail bonding business or other related business, feel free to contact us and we will be happy to send you a fee schedule and production/advertising contract. It's our hope to have advertising available to inmates by early spring.

If you pursue this advertising opportunity, you need only provide us with either a PowerPoint Slide or picture containing your business information.

Advertising will be on a first come, first-served basis.

We will also discuss possible advertising opportunities in the new courthouse complex.

Contact Paula Miller, Norfolk Sheriff's Office, 664-4344 or Paula.miller@norfolk-sheriff.com.

Dispute Resolution Services



Alternative Dispute Resolution ("ADR") has proven to be an effective and cost efficient substitute to resolve business, technical, and other types of disputes. Vandeventer Black's Dispute Resolution Service attorneys serve as mediators, arbitrators, partnering facilitators, and neutrals in a variety of business and technical disputes. William E. Franczek and Michael L. Sterling serve on the American Arbitration Association ("AAA") and other ADR organization panels of neutrals. They have facilitated the resolution of disputes regarding complex construction projects, business dissolutions, qui tam actions, corporate and commercial issues and real estate matters.

In addition to acting as neutrals in disputes, our attorneys have extensive experience representing our clients in mediation, arbitration, dispute resolution boards, early neutral evaluations, mini-trials, and other forms of litigation alternatives. Please contact Bill or Mike at bfranczek@vanblk.com and msterling@vanblk.com for additional information.

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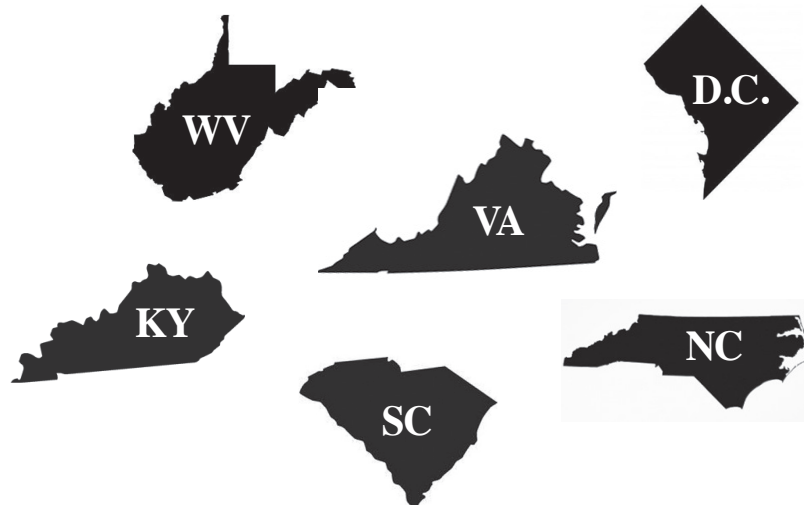
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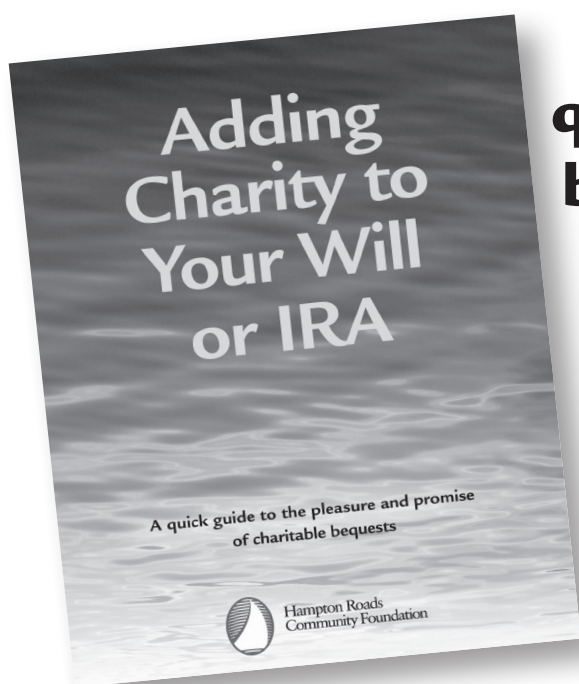
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