

NORFOLK & PORTSMOUTH BAR ASSOCIATION

BAR BULLETIN

Volume XLIV
Number 2

March –
April 2019

INSIDE

PAGE 2 .. YOUNG LAWYERS SECTION

PAGE 3 LIBRARY FRIENDS
BENCH BAR RELATIONS COMMITTEE

PAGE 4 MARCH LUNCHEON

PAGE 5 INTERVIEWS WITH
THE BENCH

PAGE 6 ANNOUNCEMENTS

PAGE 8 NORFOLK'S SPECIALTY
DOCKET PROGRAMS

PAGE 9 . WELCOME NEW MEMBERS
VIRGINIA LEGISLATIVE UPDATE CLE

PAGE 10 . COMMITTEE OPPORTUNITIES

See Flyers Inside for
Event Details and
Registration Information

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

PRESIDENT'S MESSAGE

What I Learned About Being a Lawyer While Not Practicing Law



Caryn R. West

In 2016, after many years of practicing law, I received and accepted an offer to work as a trust officer at a local investment bank. With years of estate planning and administration legal experience, I thought it would be a great fit, and I could say so long to the billable hour, which I figured was pretty much the dream for every attorney who ever billed by the hour. For the most part, I loved working as a trust officer. I broadened my experience and learned a lot about trusts. The practice of law is generally a lifetime journey of learning, and the last two and a half years provided me with a new set of skills that both widened and deepened my trust knowledge. Now, as I reflect back, I'd like to share three things I learned about being a lawyer while I was not practicing law.

Lawyers Are Respected. Despite the endless lawyer jokes we are subjected to, non-lawyers generally view lawyers with a heightened level of respect. Once someone learned that I was a lawyer as well as a trust officer, there was a surprised and respectful response. They viewed me, thereafter, as if I could do my job better because I was a lawyer. Certainly, there were parts of my job I did do better because of my legal background, but there were other parts of my job that my law degree had not prepared me for. For those parts, my colleagues with years of trust experience and investment training were invaluable in teaching me.

I Missed It. I did not think that I would ever want to go back. I got away from the billable hour – why would I want to return to that? Despite the billable hour, attorneys are in a unique position to help people. The special knowledge and skills that attorneys possess, to help people navigate the often complex world of law, is a gift not to be taken lightly or for granted. When someone called me to ask for my legal help, I wanted to help them. I missed helping people navigate the legal system.

Be Attentive To Your Clients. I often had to engage outside counsel to assist me with one thing or another. If an attorney referred a matter to me, they would receive the legal work. However, if it had not been referred to me, I was free to pick any attorney that met my company's requirements. I was in the position of being a client to many attorneys. I picked attorneys that showed great legal skills, but what was also highly important to me was the attention they paid to a matter, and if they made me feel valued as a client. Let's face it, there are a lot of us, and competition is fierce. If you treat your clients well, they will remember; hopefully when their friends and family are looking for an attorney!

(Continued on page 2)

UPCOMING EVENTS

MARCH LUNCHEON

Thursday, March 21, 2019, 11:45 AM
Hits at the Park, Harbor Park
Stephanie Osler, LCSW, Director
CHKD Mental Health Service Line

immediately following Luncheon
LEGISLATIVE UPDATE
1 CLE Credit - see page 9

BENCH BAR CONFERENCE

Monday, April 1, 2019, Noon
Norfolk Waterside Marriott

NPBA ANNUAL DINNER

Thursday, May 2, 2019
Norfolk Yacht & Country Club

NORFOLK & PORTSMOUTH BAR ASSOCIATION

City of Norfolk Courthouse
150 St. Paul's Blvd., 2d Fl.
Norfolk, Virginia 23510
(757) 622-3152
npbamail@gmail.com
www.norfolkandportsmouthbar.org

OFFICERS

Caryn R. West
President
453-7744
carynrivettwest@gmail.com

Charles M. Lollar
President-Elect
735-0777
chuck@lollarlaw.com

James R. Harvey, III
Past President
446-8518
jharvey@vanblacklaw.com

Lamont Maddox
Treasurer
454-2045
lmaddox@guidancelaw.com

Kimberly H. Phillips
Secretary
320-4133
kphillips@phillipslaw.com

Kristan B. Burch
624-3000
kbburch@kaufcan.com

Kellam T. Parks
453-7744
kparks@pzelaw.com

John F. Sawyer
497-6633
sawyer@wolriv.com

Tameeka M. Williams
627-5423
tameekaw@laseva.org

Griffin M. O'Hanlon
Chair
Young Lawyers Section
455-0077
gohanlon@cooperhurley.com

STAFF

Donna Bausch
Executive Director
622-2910
dbauch@norfolklibrary.org

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

PUBLISHER

Norfolk Printing Company
Layout and Printing

(President's Message continued)

As I now return to a professional life measured in six minute intervals, I take with me a new appreciation for the best parts of practicing law, along with a greater tolerance for some of the less popular aspects of practicing law.

Pro Bono Update – We are organizing a CLE to be held after our September luncheon which will provide our members with training in issues specific to victims of domestic violence, along with information about pro bono opportunities available to our attorneys to represent victims of domestic violence. Look for more information in upcoming NPBA newsletters.

YOUNG LAWYERS SECTION

By Griffin M. O'Hanlon, Chair • gohanlon@cooperhurley.com • 455-0077

Help Me Help You

In my most recent article, I offered some advice for newly admitted lawyers which I found useful as I transitioned from law school to the practice of law. This month, I am writing to the more experienced lawyers of the NPBA about how you can best position young lawyers in your firm to provide efficient and useful assistance within your practice. To get the most out of your associates, establish clear expectations. As an associate, we want nothing more than for you to file with the Court the first draft of our brief because it

was *exactly* the work-product you expected. However, expectations are not always clear and can leave an associate thinking "I hope this is what she was asking for." If you take the time at the outset to explain what is expected on a given project, and its context within the particular case or legal representation, you will receive work of a higher quality and save yourself the headache of a lengthy editing process.

Here are three ways to clearly set expectations and get the most out of your less-seasoned colleagues:

Set Clear Time Deadlines

Clear time deadlines are essential if an associate is to be successful. Remember, most young associates are being assigned case work by multiple partners or senior associates. It can be difficult for a young or inexperienced lawyer to prioritize assignments. By setting clear time deadlines, you force your associate to critically analyze his calendar and ensure that he prioritizes the most time-sensitive tasks. Even better, you get the completed work when you want it!

Use Templates/Exemplars

It can be difficult to explain to an associate exactly how you want her to draft your motion for summary judgment, even more so if the associate is newer to your firm and you do not yet have an established working relationship. You probably have a specific format and order of analysis that you have found to be particularly effective in your practice. If you simply ask your associate to draft the motion and have it to you by the end of the week, you will probably be disappointed with the draft you review. Instead, direct your associate to a template or exemplar of a similar motion that you previously filed. You will find that your associate can more efficiently complete the assignment from a time standpoint, freeing herself to begin work on another task, and will provide you with a more quality product.

Provide Regular Performance Reviews

Schedule a one-on-one meeting with your associate to review his performance at least once every six months. Young lawyers embrace constructive criticism. Let your associate know what she can do to better assist you in your practice. At the same time, provide concrete examples of when your associate provided valuable support or exceeded your expectations. Your associate can use those successes as future motivation and validates your associate's hard-work. These performance reviews are also a great training opportunity. Along with providing constructive feedback, pick a single aspect of your practice, discuss it in-depth with your associate, and explain how your associate can be of the most assistance when supporting on a task in that area.

Young lawyers are eager to provide useful support and strive to produce quality work product. However, we may not always know the best way to do so. I am willing to bet that if you take some additional time to set clear expectations at the outset for your associates, you will be quite pleased with the results.



Griff O'Hanlon

Contact Norfolk Law Library at 622-2910 • www.norfolklawlibrary.org**NORFOLK LAW LIBRARY FRIENDS • 2018-2019**

Donations received from July 1, 2018 – February 20, 2019

Platinum (\$750 & up)

Kaufman & Canoles, P.C.

Gold (\$500-\$749)Adam Casagrande
Willcox & Savage, P.C.**Silver (\$250-\$499)**Ann B. Brogan
Decker, Cardon, Thomas, Weintraub &
Neskis, P.C.
Foley & Foley, P.C.
Hon. Everett A. Martin, Jr.**Bronze (\$100-\$249)**S. Beryl Adler
Claude & Kathleen Anderson
Hon. Michelle J. Atkins
Bangel, Bangel & Bangel, L.L.P.
Harold E. Bell
Thomas S. Berkley
Bruce T. Bishop
David A. Buzard
Paul K. Campsen
Ellen C. Carlson
James L. Chapman, IV

John A. Coggeshall

Mary G. Commander

Connor & Price, P.C.

Hon. Mark S. Davis

Jeremiah A. Denton, III

Robert and Dorothy Doumar Foundation

B. Cullen Gibson

Richard S. Glasser

Edward F. Halloran

Aaron F. Kass

Ray W. King

R. Larry Lambert

Bonnie P. Lane

Hon. David & Kamala Lannetti

William A. Lascara

Howard W. Martin, Jr.

Vincent J. Mastracco, Jr.

Hon. James S. Mathews

John C. McLemore

Daniel J. Miller

Hon. Douglas E. Miller

William H. Monroe, Jr.

Amy G. Pesesky

David J. Pierce

Anita O. Poston

Price Perkins Larkin

John E. Pappas

Ralph Rabinowitz

Cartwright Rixey Reilly

Allan S. Reynolds, Jr.

C. Edward Russell, Jr.

Joseph V. Sherman

Conrad M. Shumadine

Greg E. Summy

Virginia Van Valkenburg

Guilford D. Ware

Susan L. Watt

Marshall A. Winslow, Jr.

Other contributors

Sandra Claxton

Deborah Y. Collins

Terry H. Davis, Jr.

Karen J. Johnson

Samuel W. Meekins, Jr.

Hon. Louis A. Sherman

Charles E. Vogan, Jr.

Mark F. Williams

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

- - -

NPBA BENCH-BAR RELATIONS COMMITTEE

The Norfolk & Portsmouth Bar Association created the NPBA Bench-Bar Relations Committee a little more than two years ago. The purpose of the committee is to support and improve the local administration of justice, enhance service to the community, and increase professionalism within the legal system by exploring issues of emerging concern or interest that affect the local bench and bar.

Although the relationship between the bench and bar in South Hampton Roads is robust and renowned, there is always room for improvement. To that end, NPBA wants you to feel free to contact any of the committee members with concerns, recommendations, or feedback. Below is a list of the committee members:

Hon. David Lannetti (Co-chair)

Hon. Joan Mahoney

Hon. Lyn Simmons

Don Schultz (Co-Chair)

John Sawyer (Executive Committee Liaison)

Griffin O'Hanlon (Young Lawyer Liaison)

Bill Bischoff

Jason Davis

Ramin Fatehi

Eric Korslund

Anna Myers

George Neskis

Corrynn Peters

Cara Purvis

Tameeka Williams

MARCH LUNCHEON

Thursday, March 21, 2019

Hits at The Park, Harbor Park

11:45 AM



Stephanie Osler, LCSW
CHKD Mental Health Service Line

CHKD Mental Health Services -
A Transformational Initiative for Our Re-
gion and the Commonwealth to Address
a Compelling Need

The Children's Hospital of the King's
Daughters has committed itself to expand-
ing its mental health program to provide
services for the ever-increasing number of
children who need help. CHKD has reported
that between three and five children are
evaluated in the CHKD Emergency Depart-
ment each day. Suicide is the second-leading
cause of death among youth ages 10-24.
The struggles these children face affect all
areas of life and the law. While the need for
services is growing and the impact of this
problem across our country is becoming
apparent, resources for children and their
families are still limited.

Last year, the Commonwealth of Vir-
ginia approved CHKD's certificate of public
need application for a new pediatric men-

tal health facility. Stephanie Osler will be
joining the NPBA's March luncheon to
discuss CHKD's Mental Health Initiative
and how we can help as members of our
community. Osler has cared for children
and their families in clinical settings for
over 20 years. She has been at CHKD for
the past 14 years, first as a licensed clinical
social worker in the emergency depart-
ment and then as program manager of
the social work department. In 2014, she
was named director of the Mental Health
service line.

She has extensive training in leader-
ship, program management, family sys-
tems, crisis intervention, trauma, suicide
risk assessment and cognitive behavioral
therapy. She provides strategic program
development for the mental health service
line, operations oversight, and vision for
mental health program expansion.

• • •



COOPER HURLEY INJURY LAWYERS



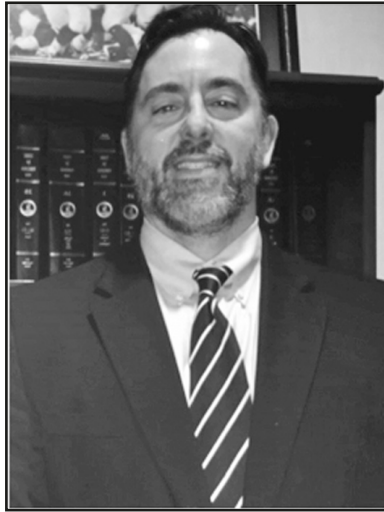
We value Your Referrals!

Helping those injured in car, truck, and motorcycle accidents as well as wrongful death cases.
Call to discuss our attorney fee sharing at 757-455-0077 or visit CooperHurley.com

INTERVIEWS WITH THE BENCH: ADVICE AND INSIGHTS FROM LOCAL JUDGES

Presented By: Jennifer L. Eaton, Esq., with editorial assistance of Dustin M. Paul, Esq., Vandeventer Black LLP

Featured Judge: The Honorable Douglas B. Ottinger, Judge, Portsmouth General District Court



Judge Douglas B. Ottinger was appointed to the Portsmouth General District Court bench in 2009. Prior to his appointment, he served as Senior Deputy Commonwealth's Attorney for the City of Portsmouth. In addition to his service on the bench, Judge Ottinger is an Adjunct Professor of Law at William & Mary Law School. He graduated from the Pennsylvania State University and the University of Dayton School of Law.

THE INTERVIEW:

Q.: What makes you optimistic about the future of the practice of law?

A.: As both an Assistant and Senior Deputy Commonwealth's Attorney, I managed the interns and trained young lawyers and I still host interns in Judge's chambers and in the clerk's office every summer. From these experiences, I can tell you that these young legal minds give me hope. They are mature, diligent, and conscientious of others. They are bright and very receptive to advice. It is their optimism for the future and their almost uniform belief in the societal value of our profession that encourages me about where the practice of law will be in the decades to come. I am confident it is in good hands.

Q.: What is the most common advice that you give to new and aspiring attorneys?

A.: There are two pieces of advice that I give over and over: 1) your credibility and reputation are paramount. They take a

while to build but can go away in instant so avoid compromising positions at all cost and learn to fall on your sword rather than tap-dancing or fudging—the Court knows when you are doing so; and 2) preparation, preparation, preparation—hard work and preparation can make up for unfamiliarity in a particular setting or subject area and ultimately can even the score when facing a more experienced adversary.

Q.: How would you explain practicing law in Portsmouth to someone that normally does not practice there?

A.: Portsmouth is different in many ways from other cities in Hampton Roads because its citizens face unique challenges. It is important when practicing in different jurisdictions to recognize the different demographics, societal concerns and trials confronted on a daily basis by the citizenry because that combination of factors will inform and impact the practice of law in those localities. As a judge, I strive to be

compassionate and a good listener because I recognize that each case, even one buried in a large docket, is uniquely real and important to those involved. I will also say that Portsmouth is very fortunate in that it has enjoyed a long history of astute legal minds and skilled practitioners battling in court. Despite the high level of advocacy, the bar here is a very close-knit group.

Q.: Do you have any pet peeves regarding attorney conduct in your courtroom?

A.: I don't really have pet peeves because I think it's important we remind ourselves as judges how it was to practice law and that annoyances can happen for many good reasons. If pressed, I guess I would say the two things that I find frequently undermine effective legal process are when attorneys come unprepared and when they get upset when the court grants a *pro se* litigant a little extra time to present evidence or articulate a defense.

The views advanced in this Interview represent commentary "concerning the law, the legal system, [and] the administration of justice" as authorized by Virginia Canon of Judicial Conduct 4(B) (permitting judges to speak, write, lecture, teach, and otherwise participate in extrajudicial efforts to improve the legal system). These views, therefore, should not be mistaken for the official views of the Portsmouth General District Court or the opinion of a general district court judge in the context of any specific case.

ANNOUNCEMENTS

Crenshaw, Ware & Martin, P.L.C. is proud to announce that **Darius K. Davenport** has become a partner in the firm. Mr. Davenport joined the firm in 2012 and leads its Cybersecurity and Data Privacy Practice Group. He also handles complex litigation with an emphasis on Public Sector Law and Insurance Defense. He is admitted in to practice in Virginia and Wisconsin. Before joining Crenshaw, Ware & Martin, P.L.C., Mr. Davenport taught at Regent University School of Law and served as an Attorney for the United States Army Judge Advocate General's Corps. He received his J.D. from the University of Wisconsin Law School and his B.S. from Norfolk State University. Mr. Davenport serves on the Virginia State Bar Special Committee on the Future of Law Practice. He also serves as Vice Chairman for the Suffolk Wetlands Board and as a board member and Advocacy Committee Chairman for the Foodbank of Southeastern Virginia. He is rated AV® Preeminent™ by Martindale-Hubbell.

Cooper Hurley Injury Lawyers is excited to add attorney **Kevin Briggs**. Kevin is a North Carolina native who moved to

Norfolk while young. He graduated from Bishop Sullivan Catholic High School and Old Dominion University where he dual majored in Philosophy and Political Science. Kevin received a scholarship to Regent University School of Law. After law school, Kevin joined the Legal Aid Society of Eastern Virginia where he provided civil representation to clients with landlord/tenant issues, custody and family matters, and government benefits disputes.

Crenshaw, Ware & Martin, P.L.C. is pleased to announce that **James J. Johnsen** has joined the firm as an associate. Mr. Johnsen joined the firm in November 2018 as an associate attorney practicing with the firm's litigation team. He will focus his practice in admiralty and maritime law. Prior to joining CWM, Mr. Johnsen clerked for the Honorable Douglas E. Miller, a U.S. Magistrate Judge for the Eastern District of Virginia. Before attending law school, Mr. Johnsen served as an officer in the U.S. Marine Corps. Mr. Johnsen holds a J.D. from George Washington University School of Law and a B.S. in international studies from Georgetown University.

Glasser and Glasser, P.L.C., a Norfolk litigation and creditors' rights law firm, is pleased to announce that attorneys **Daniel T. Bengston** and **Rachel E. VanHorn** have been elected members of the firm. Dan Bengston graduated from Regent University School of Law and serves in the firm's Collections Department. In his role as Director of Litigation, Dan represents national and regional banks, credit unions, consumer finance companies, municipalities and others that seek to compliantly enforce consumer and Commercial contracts. Dan has presented on topics including Fair Debt Collection and Collection Law. Rachel VanHorn graduated from Florida State University School of Law and also practices in the firm's Collections Department. Rachel is an accomplished litigator with experience representing clients throughout Virginia. She focuses on legal collections with an emphasis on compliance management. Named a Super Lawyers Rising Star in 2017, Rachel serves in various capacities for the National Creditors Bar Association and the Norfolk & Portsmouth Bar Association.

(continued on page 7)



Attention, Estate Lawyers!

Does your client have trouble selling or disposing of a property? Habitat for Humanity of South Hampton Roads (SHR) has a solution that will help your client *and* the local community!

Donate the land or the house to Habitat SHR. The gift will enable a local, low-income family to own a home. In addition, your client will receive community recognition and a market-value tax receipt.

For more information, contact Frank Hruska, Habitat SHR Executive Director, at (757) 837-0082 or frank.hruska@shrhabitat.org.

www.shrhabitat.org



(Announcements continued)

Inman & Strickler, PLC is pleased to announce that its partner, **Thomas E. Snyder**, who practices law in the areas of commercial real estate, mergers and acquisitions, corporate and business, has been rated by Martindale Hubbell as AV, preeminent peer rated for the highest level of professional excellence.

Inman & Strickler, PLC is proud to announce that **Robert V. Timms, Jr.** has been selected as a member in the 2018 Legal Elite by Virginia Business Magazine in the area of Business Law. Mr. Timms advises clients in the areas of business and corporate law, estate planning and administration, and real estate law.

Inman & Strickler, PLC is pleased to announce that **Michael A. Inman** has been appointed to the Executive Committee of the Hampton Roads Association of Commercial Real Estate (HRACRE). He has also been appointed as a board member of the Board of Trustees for the REACH Foundation, a philanthropic arm of HRACRE focused on educational opportunities. Mr. Inman has been practicing law in Hampton Roads for over 40 years and has focused his practice on real estate related matters. He has especially emphasized the practice of

community association law which includes the formation of and rendering advice to common interest communities such as condominiums and homeowner associations. Mr. Inman also serves on the Virginia Beach Planning Commission.

John Lockard is proud to announce the opening of his new law practice, **John R. Lockard Law, P.C.** in Norfolk. The new practice focuses on construction and government contracts law, civil litigation, landlord-tenant law and creditor's rights. John was previously a partner with the law firm of Vandeventer Black LLP and has over 20 years of experience in these areas of the law. John can be contacted at (757) 677-5810 or www.jrlockardlaw.com.

The law firm of Roussos, Glanzer & Barnhart, P.L.C. has changed its name to **Roussos & Barnhart, P.L.C.** and our new address is 500 East Plume Street, Suite 503, Norfolk, VA 23510. Our email and telephone numbers remain the same.

Willcox & Savage is proud to announce that **John E. Pearson** has been elected partner. Johnnie joined the firm in 2010 and practices in the Commercial Real Estate group, where he provides counsel to real estate owners and developers, and general businesses with commercial real estate

needs. Johnnie is a 2010 graduate of the College of William and Mary School of Law. He earned his B.A. degree from University of Virginia in 1998.

The following **Willcox & Savage** NPBA member attorneys have been named to Virginia's 2018 Legal Elite. **Chris Abel, Bruce Bishop, Pat Blake, Stephen Brewer, Gary Bryant, David Crain, Rob Dewey, Allan Donn, Matt Dudley, Len Fleisig, Billy Furr, Tom Inglima, Tommy Johnson, Kevin Keller, David Kushner, Tim Lockhart, Joe Moriarty, Jason Ohana, Hugh Patterson, Neil Rose, Conrad Shumadine, Brett Spain, Dave Sump, Warren Tisdale and Cher Wynkoop.**

NOTICE

Effective July 1, 2019, the Judges of the **Norfolk Juvenile & Domestic Relations District Court** will reestablish the Attorney Court-Appointed List.

All attorneys now serving the Court and all those wishing to be included on the new list must submit an application to the Clerk of Court, Debra A. Hill, 150 St. Paul's Blvd., 5th Floor, Norfolk VA, 23510, no later than May 1, 2109.

Applications may be obtained in person from the Clerk's Office or by written request.



It is with great pride that Parks Zeigler, PLLC
announces our newest partner

Caryn R. West

Caryn comes to us with over 15 years' experience as a trusts & estates and business attorney, handling all aspects of estate planning and administration, as well as providing transactional assistance to business owners. She currently serves as the President of the Norfolk & Portsmouth Bar Association, Treasurer of the Norfolk & Portsmouth Bar Association Foundation, and Secretary of the Hampton Roads Estate Planning Council. Parks Zeigler is pleased to add such an accomplished attorney to provide trusts & estates and corporate services of all levels to our clients.

4768 Euclid Road, Suite 103, Virginia Beach, VA 23462-3810
phone: 757.453.7744 • www.pzlaw.com

AN OVERVIEW OF NORFOLK'S SPECIALTY DOCKET PROGRAMS

The Honorable David W. Lannetti, Judge, Norfolk Circuit Court

Kristin M. Godsey, Esquire, Law Clerk, Norfolk Circuit Court

Virginia circuit courts can, with permission from the Virginia Supreme Court, administer specialty docket programs. These programs provide a different type of court intervention, one in which non-violent offenders are held publicly accountable both for their offenses and their recovery. Such therapeutic programs are an alternative to traditional court adjudication and are characterized by collaborative and cooperative multidisciplinary treatment teams dedicated to treating criminal offenders, with the goal of restoring them to productive, lawful citizenship. The Court actively monitors each participant's progress, and it provides incentives and imposes sanctions when appropriate. Although treatment is individualized, the programs are similar in structure, quality, and intensity. Norfolk Circuit Court currently administers a drug treatment court docket program ("Drug Court"), a behavioral/mental health docket program ("Mental Health Court"), and a re-entry docket program ("Re-Entry Court"). The Court also manages a Veteran's Track within Drug Court for those offenders who served in the U.S. Military, incorporating Veteran's Administration resources into treatment, probation, counseling, and case management. Screening for these programs, which have proven to be highly successful, usually is at the request of counsel (with a stated willingness of the defendant to fully participate), so local attorneys need to be familiar with them.

The specialty dockets involve a cooperative effort between the Court, the Norfolk Community Services Board, the Norfolk Commonwealth's Attorney's Office, the Norfolk Sheriff's Office, the Norfolk Police Department, and Norfolk Probation and Parole. These dockets were created to meet eight objectives: 1) centralize and expand legal and clinical screening and assessment; 2) expand cognitive behavioral programming for re-entry docket participants; 3) expand access to, and improve the quality of, intensive outpatient treatment services; 4) implement trauma services as needed; 5) conduct process and outcome evaluations for mental health docket participants; 6) implement a web-based management information system for re-entry docket participants; 7) advance the quality

of services and the skill set of individual providers by providing trauma-informed training for practitioners; and 8) increase the use of incentives and immediate enforcement of graduated sanctions.

The Therapeutic Docket Admissions Committee (TDAC) consolidates the screening, assessment, and intake process for Norfolk's specialty dockets. The Committee consists of a prosecutor, a probation officer, a clinical screener, coordinators for the three programs, a sentencing advocate, and a jail liaison. The admissions process includes five steps. First, the Commonwealth's Attorney's Office accepts referrals and evaluates the applicant's legal eligibility to participate in one of the programs (including that the offender is a Norfolk resident and not a certified gang member). Second, the Norfolk Community Services Board screener, a licensed clinician, screens the applicant for substance abuse problems, trauma, and mental health issues. Third, the probation officer conducts a criminal history check to verify that the applicant has no prior sexual or violent felony convictions and no obligations in other jurisdictions. Fourth, the clinician recommends to TDAC the appropriate problem-solving docket, and an assigned counselor conducts an intake interview and explains the program to the participant. Finally, the counselor provides a recommendation to TDAC, and the prosecutor sends a letter with TDAC's decision to the applicant's attorney.

Drug Court. Norfolk's Drug Court, which was created more than twenty years ago, is an alternative to incarceration for non-violent offenders whose involvement in the legal system has been driven by drug addiction. The primary goals of the program are to increase public safety and reduce recidivism. The Court combines community resources with treatment, supervision, counseling, and case management to assist participants in obtaining and maintaining sobriety. Program participation consists of three primary parts: judicial supervision, treatment, and probation. Judicial supervision includes regularly scheduled appearances before the judge and immediate sanctions for any violations. Treatment includes substance abuse education, group therapy,

and peer support. Probation ensures the participant remains in compliance with program conditions of supervision. To be eligible to participate in Drug Court, the offender must acknowledge a substance abuse history with verifiable documentation, be referred by the Court as a special condition of probation (to allow offenders to take advantage of intensive treatment in lieu of incarceration), and enter a plea of guilty. The Veterans Track provides treatment for veterans diagnosed with co-occurring issues (*e.g.*, PTSD, depression) through partnership with the Hampton Veterans Administration Medical Center. Drug Court and Veterans Track participants advance through five phases of treatment over a period of approximately eighteen months (assuming no sanctions while in the program), with each succeeding phase involving less oversight.

Mental Health Court. Norfolk's Mental Health Court was created to address the unique needs of offenders with mental illness and/or co-occurring disorders. The goals of the program are to reduce contact between individuals with mental illness and the criminal justice system, ensure participants receive appropriate mental health treatment, enhance interaction between the criminal justice and mental health systems, and increase public safety. To be eligible to participate in Mental Health Court, the offender must be pre-diagnosed with a serious mental illness and enter a plea of guilty. Similar to Drug Court, Mental Health Court participants advance through five phases over a minimum of eighteen months.

Re-Entry Court. Norfolk's Re-Entry Court is the first of its kind in Virginia. It is designed to develop and promote an effective and efficient system of substance abuse treatment, accountability, and successful reintegration into the community for offenders. The goals of the program are to 1) increase public safety by reducing recidivism, 2) protect the community by implementing a valid assessment tool to assess risk factors and treatment needs, 3) increase the likelihood of successful rehabilitation by matching services to offender needs, 4) expedite processing of

(continued on page 9)

(Specialty Docket Programs continued)

eligible probation violators or sentencing of new offenders, and 5) eliminate or reduce substance abuse by offenders. The program provides coordinated and comprehensive re-entry planning, supervision, substance abuse treatment, case management, and judicial oversight. To be eligible to participate in Re-Entry Court, offenders must have a high risk for recidivism and be willing to participate in structured programming. Re-Entry Court

differs from Drug Court and Mental Health Court in that it has a “pre-release” phase, which requires successful completion of jail-based treatment and re-entry programming. Participants then advance through four additional community-based phases over at least eighteen months.

Norfolk’s specialty dockets represent a win-win scenario, saving money from a cost-benefit perspective while providing a viable road to recovery for criminal offenders. Criminal defense attorneys therefore should consider asking the Court

to have eligible clients screened for these programs.

The views advanced in this Article represent commentary “concerning the law, the legal system, [and] the administration of justice” as authorized by Virginia Canon of Judicial Conduct 4(B) (permitting judges to speak, write, lecture, teach, and otherwise participate in extrajudicial efforts to improve the legal system). These views should not be mistaken for the official views of the Norfolk Circuit Court or the opinion of a circuit court judge in the context of any specific case.

- - -

WELCOME NEW MEMBERS

Mark Delevie

Paul D. Hawkins
Kaufman & Canoles, P.C.

Jeffrey B. Sodoma
Sodoma Law, PLLC

Blake Willis
Waldo & Lyle, P.C.

Diane Hess-Hernandez
Regent University law student

Cameron Kawato

Regent University law student

Nathaniel Stephens
Regent University law student

- - -

**The Norfolk & Portsmouth Bar Association
presents**

2019 Virginia Legislative Update

1 CLE Credit

Thursday, March 21, 2019, 1:00-2:00 P.M.

(immediately following NPBA Luncheon)

Hits at the Park, Harbor Park

Coordinator: Joy Malbon-Griffin
Minnesota Lawyers Mutual Insurance

Faculty: Hon. Jerrauld C.C. “Jay” Jones
Bischoff Martingayle
Member, Virginia House of Delegates
89th District

2019-2020 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. Please mark your first two committee choices by number and return it to the Bar Office. Mail to:

NPBA

City of Norfolk Courthouse

150 St. Paul's Blvd., 2nd floor

Norfolk, Virginia 23510

or scan and email to: npbamail@gmail.com

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 2019-2020 year. I have indicated 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. Develops topics, identifies instructors and coordinates seminar details.

___ **Mock Trial**

Coordinates annual Mock Trial Program with Norfolk Public Schools. Solicits and organizes attorney volunteers to coach middle school teams for trial competition. Recruits judicial participation. Management and orchestration of competition. Creates rules and curriculum along with the mock trial case and evidence for the Program. Trains teachers and attorney volunteers to manage expectations.

___ **Pro Bono**

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, Hoffmar Community Service Award and Liberty Bell 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 and corresponds with speakers before and after the event.

Name: _____

Firm: _____

Address: _____

Phone: _____ Mobile: _____ E-Mail: _____

The McCammon Group

is pleased to welcome our newest Neutrals



Hon. Jan L. Brodie (Ret.)
Retired Judge,
Fairfax County Circuit Court



Hon. Gerald Bruce Lee (Ret.)
Retired Judge, U.S. District Court,
Eastern District of Virginia



Hon. James R. Spencer (Ret.)
Retired Judge, U.S. District Court,
Eastern District of Virginia



Hon. Winship C. Tower (Ret.)
Retired Judge, Virginia Beach
Juvenile and Domestic Relations Court



Leaders in Dispute Resolution

For a complete list of our services and Neutrals throughout VA, DC, and MD,
call 888.343.0922 or visit www.McCammonGroup.com

NORFOLK & PORTSMOUTH BAR ASSOCIATION

City of Norfolk Courthouse
150 St. Paul's Blvd., 2d Fl.
Norfolk, Virginia 23510

ADDRESS SERVICE REQUESTED

PRSRT STD
U.S. POSTAGE
PAID
NORFOLK, VA
PERMIT NO. 175



**Pulling together
towards a bright future
for Hampton Roads.**

Let us be part of your team as you chart a course for your charitably-inclined clients.

Since 1950 attorneys have partnered with us when crafting charitable legacies for their clients. Charitable bequests, IRA gifts, donor-advised funds, private foundation transfers, CRTs and CLTs are among the possibilities. Our expert advice is free and in total confidence.

**Contact Kay Stine, CFRE, vice president
for development, at (757) 622-7951 or
kstine@hamptonroadscf.org.**



**Hampton Roads
Community Foundation**

Inspiring Philanthropy. Changing Lives.

www.hamptonroadscf.org • (757) 622-7951