

# NORFOLK & PORTSMOUTH BAR ASSOCIATION

## BAR BULLETIN

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Number 2

March –  
April 2020

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Event Details and  
Registration Information

Preregistration required  
for all NPBA Events  
622-3152  
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### PRESIDENT'S MESSAGE - *LAUGHTER IS THE BEST MEDICINE*



Charles M. Lollar

It's been a fickle winter so far in Tidewater, as temps are up and down more than the tide. Groundhog Day and Valentines are behind us. The winter doldrums are upon us and smiling sometimes becomes a chore. Legal work generally picks up after the first of the year, and some days it's hard to even catch a breath. What's a legal beagle to do to maintain that wellness? Rise up from the seriousness of it all. Find a way to laugh at yourself. Humor can be quite therapeutic, so tell an amusing story or two to your colleagues. An exchange of humor can become a welcomed *quid pro quo*.

Some may remember Art Linkletter, the Moose Jaw, Canada, born comedian who Americans loved because (in his words) "I stand fearlessly for small dogs, the American Flag, motherhood and the Bible." He was best known for his book, "Kids Say the Darndest Things" and an 18 year-run, television game show, "People Are Funny." Linkletter was also a major investor and promoter of the hula hoop. Some credit him with saying "Laughter is the best medicine." I recall that title as a collection of humor regularly appearing in *Reader's Digest*. In a paperback of the same title, there is a chapter on *The Professions*, with a section, *It's the Law*. They're all worth a quick read, but one hit *office* with me, and I've paraphrased it:

A young executive stomped onto the escalator, obviously upset. "What's the matter?" asked an older, suited gentleman standing above him. "Nepotism!" he shouted back. "My boss just promoted his nephew to office manager instead of me!" The older gentleman handed over his business card, saying, "Well if you need legal advice, give me a call." The young man glanced at the card: "O'Brien, O'Brien, O'Brien & O'Brien, Attorneys at Law."

Years ago, I had a case involving a family farm in Campbell County and met the presiding judge there. Judge J. Samuel Johnston immediately impressed me with his quick wit and his ability to inject levity to diffuse escalating emotions. My client was elderly and her adult son and daughter were my primary contacts. The son managed the farm, and always spoke loudly with a thick southern-hills twang; the daughter, a college professor, spoke softly and articulately. I shared with Judge Johnston my difficulty in understanding the son. He apparently knew the family better than I realized, quipping, "She speaks the Queen's English; he speaks the Irishman's brogue!" My face beamed with appreciation of his perception and understanding.

Following his retirement in 2008 Judge Johnston published, *Why Judges Wear Robes*; I commend it to those that of us who enjoy reminiscing about the "lighter side of an otherwise serious occupation." In this collection of stories from his thirty-plus years on the bench, Sam opens with

(Continued on page 2)

### UPCOMING EVENTS

#### MARCH LUNCHEON

Wednesday, March 19, 2020, 11:45 AM

Hits at the Park, Harbor Park

Marni Byrum, President, Virginia State Bar  
and

(immediately following luncheon)

Keys to Success at the Virginia Court of Appeals

Chris Holinger, Troutman Sanders

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#### BENCH BAR CONFERENCE

Monday, April 20, 2020, Noon

Norfolk Waterside Marriott

Keynote Speaker: Hon. Mark Martin,  
Dean, Regent University School of Law,  
former Chief Justice, North Carolina Supreme Court

#### ANNUAL DINNER MEETING

Thursday, May 14, 2020

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### (President's Message continued)

a comment about the book's title and two historical explanations for the donning of robes by the judiciary: John Adams wanted to emulate the British; not surprisingly, Thomas Jefferson wanted American judges to wear suits not robes or wigs. A compromise was reached with black robes. Judge Johnston explains that the true reason judges wear robes became apparent on his first day on the bench. He was nervous and couldn't find a robe. After the bailiff opened court, the prosecutor quickly slipped him a hand-written note: "Sam, check your zipper!"

Those of us that have been practicing a while no doubt have many stories which will break many smiles when told by those skilled in that art. One of my favorite memories is a story told decades ago by Judge Walter E. Hoffman at our Association's annual meeting, where he was recognized for his storied career as a jurist. I could never repeat that story as well Judge Hoffman told it nor describe the smile on his face in telling it. He explained why he had often been absent in Norfolk, as he was requested by the federal judiciary to substitute as presiding judge at trials in South Carolina. Judge Hoffman said it happened so frequently he asked his colleague why he couldn't try those cases. The South Carolina federal judge explained that he was previously a gentleman farmer. One day he received a telephone call from President Harry Truman, who told him that he wanted to appoint him to the federal bench because he was the only lawyer in the state who hadn't supported Dewey for president. The farmer explained that he had never practiced law and only attended law school and passed the bar exam to please his father. He told President Truman he didn't think he was smart enough to be a federal judge, to which Truman quickly quipped "Don't you know you don't have to have any sense to be a judge!"

For anyone who enjoys great English wit, (with a disclaimer for the many not-so-politically-correct quotes), try John Mortimer's *Rumpole of the Bailey* series. They can provide a much-needed break from federal or state court brief preparation.

"Sir, I find your restaurant pretentious and your portions skimpy. Your customers regale themselves in a dim religious atmosphere more fitting to evensong than a good night out. I find you an opinionated and self-satisfied bully. However, unlike you, I am on hire to even the most unattractive customer."

*Horace Rumpole*

I share these stories and resources not to disrespect our noble profession or the sanctity of the Rule of Law, our courts and the judiciary. This message is my attempt to infuse some laughter into labors that sometimes become a stressful weight on our wellness. Truth is truly stranger than fiction, and the things we witness daily in our practice and profession provide material for volumes of welcomed literature. It can be a breath of fresh air to step back from our daily deadlines for a lighthearted reality check. We're all humans, subject to mistakes, and laughter is our best medicine for a quick recovery.

## YOUNG LAWYERS SECTION

By Jamilah D. LeCruise, Chair • [jdlecrui@lecruiselaw.com](mailto:jdlecrui@lecruiselaw.com) • 627-5215

The Young Lawyers Section hosted its first Winter Mixer on February 27 at Grace O'Malley's in downtown Norfolk. YLS members enjoyed networking with other NPBA members and the mentor-mentee pairs met up as well.

Thank you to all of the NPBA members who attended and a special thank you to everyone who donated to *ForKids*, a wonderful local organization providing emergency shelter to families and children. *ForKids* serves 14 cities and counties in Southeastern Virginia and delivers quality individualized solutions to achieve stability for families and a lifetime of success for children. The organization operates a housing crisis hotline as well as year-round educational programs to provide wrap around services for



Jamilah LeCruise

thousands of families each year. (You can learn more at [www.forkids.org](http://www.forkids.org).)

These donations were part of the committee's goals for the year of increasing giving to the Hampton Roads community and raising awareness. We look forward to continuing these efforts throughout the remainder of 2020.

Contact Norfolk Law Library at 622-2910 • [www.norfolklawlibrary.org](http://www.norfolklawlibrary.org)

Hello from the Norfolk Law Library,

We would like to thank you all for the interesting and challenging research questions that you have submitted. We look forward to each and every request that we get, so please contact us whenever you have information needs from citation retrieval and Shepardizing to in-depth research.

The Norfolk Law Library would like to thank the following Friends for their generous support:

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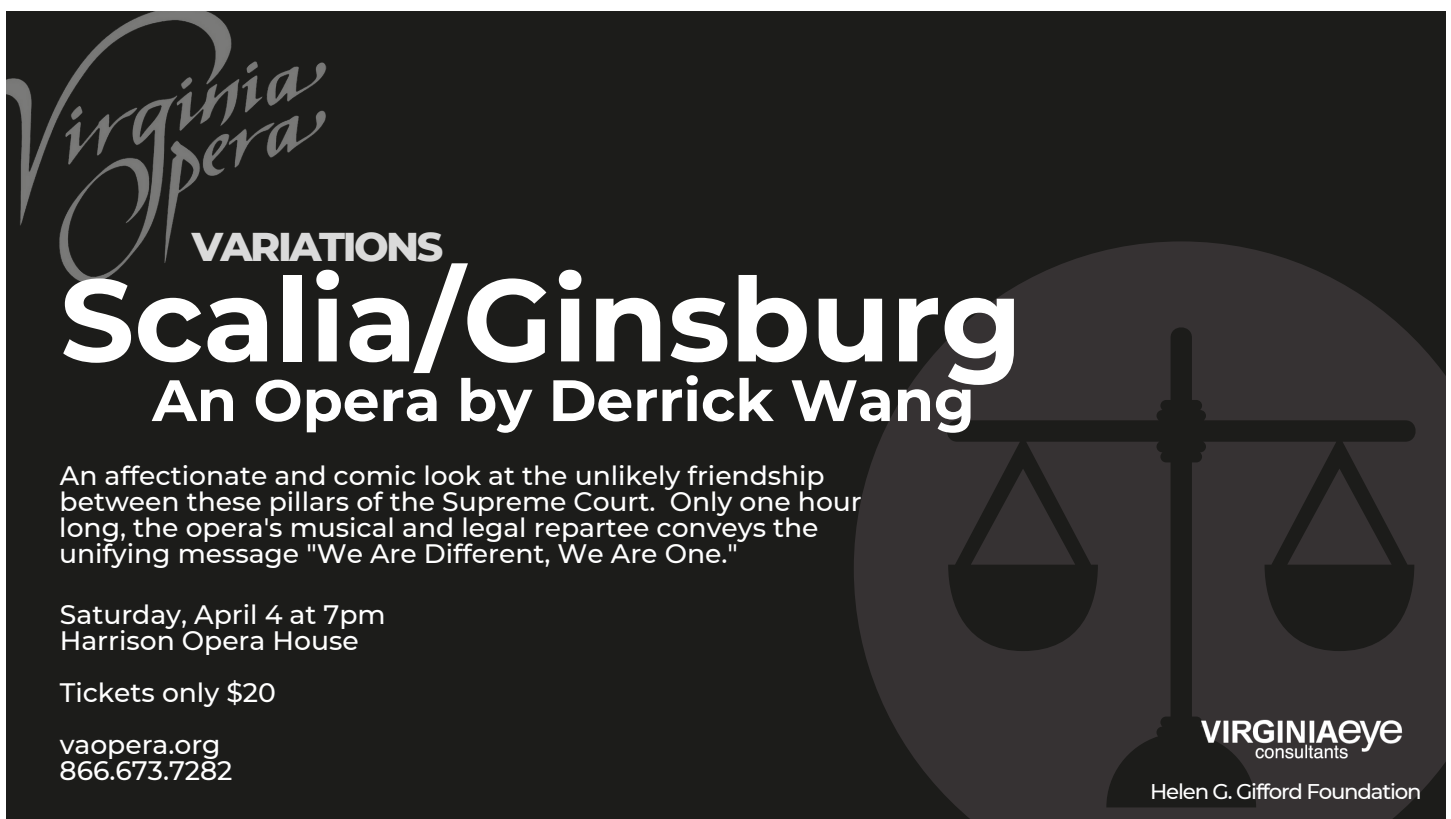
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*Cooper Hurley Injury Lawyers Welcomes New Attorney*

## Charles Lustig!

Charles Lustig joined Cooper Hurley Injury Lawyers as  
an attorney in January 2020.

He has been practicing law in Virginia for more than  
30 years and has extensive experience helping injured  
clients in both trial and appellate courts.



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## MARCH LUNCHEON

**Thursday, March 19, 2020**  
**Hits at The Park, Harbor Park**  
**11:45 AM**



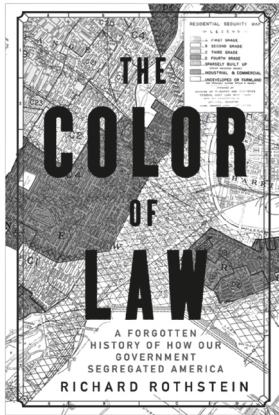
**Marni E. Byrum, President**  
*Virginia State Bar*

Marni E. Byrum, president of the Virginia State Bar for the 2019-20 term, is the guest speaker for the Norfolk & Portsmouth Bar Association luncheon on March 19 at Hits at the Park.

Byrum has served in numerous positions in the bar dating back to 1984. Currently, she serves on Bar Council and the Executive Committee, chairs the Standing Committee on Budget and Finance, and is a member of the Special Committee on the Future of Law Practice. She is a past chair of the Standing Committee on Legal Ethics, the Judicial Candidate Evaluation Committee,

and the Multi-Jurisdictional Practice Task Force. She is also a Past President of the Virginia Women Attorneys Association, the Northern Virginia Legal Services Board, and the Arlington County Bar Association.

In addition to her work within the legal community, Byrum has been recognized for her public and volunteer work, receiving the University Alumni Distinguished Service Award from Virginia Tech, the Women of Distinction Award from Soroptimist International and the Person of Vision Award from the Arlington Commission on the Status of Women.



The Hampton Roads Community Foundation's second Understanding Hampton Roads program of 2020 will feature **Richard Rothstein** talking about his 2017 book, *The Color of Law: A Forgotten History of How Our Government Segregated America*, at The Attucks Theatre at **7 p.m. on April 29**. Rothstein is distinguished fellow of the Economic Policy Institute and senior fellow emeritus of both the Thurgood Marshall Institute of the NAACP Legal Defense Fund and the Haas Institute at the University of California (Berkeley).

Partners for the program are Chesapeake Bar Association, Hampton Roads Estate Planning Council, Norfolk & Portsmouth Bar Association Foundation, South Hampton Roads Bar Association and the Virginia Beach Bar Association.

**Seating is limited**, and advance registration is required.  
<https://hamptonroadsfcf.org/about/events>



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## ANNOUNCEMENTS

**Hon. Junius P. Fulton III**, Norfolk Circuit Court, received the Harry L. Carrico Professionalism Award from the Virginia State Bar Criminal Law Section on February 14, 2020. The award honors members of the legal community who have made a singular and unique contribution to the improvement of the criminal justice system in the Commonwealth of Virginia.

**Cooper Hurley Injury Lawyers** announced the promotion of **Griffin O'Hanlon** to partner, effective January 1, 2020. He studied history at Virginia Tech and obtained his J.D. from Saint Louis University School of Law. He practiced criminal law at the Norfolk Public Defender's Office and a firm before joining Cooper Hurley. O'Hanlon represents clients who have suffered injuries in car, truck, motorcycle, pedestrian, and

cycling accidents. He is an active member of the Virginia Trial Lawyers Association, the Norfolk & Portsmouth Bar Association, and the Virginia Beach Bar Association.

**Crenshaw, Ware & Martin** has appointed **Donald C. Schultz** as Managing Partner effective January 1, 2020. He succeeds **W. Ryan Snow**, who served in that role since 2012, who will continue his Business Disputes and Construction Law practice. Mr. Schultz serves as Practice Group Chair for the firm's Commercial Bankruptcy and Creditors' Rights Group. He also practices in Civil Litigation, Commercial Real Estate, Construction Law and Eminent Domain. He received his B.A. from the University of Virginia and his J.D. from Washington and Lee University, after which he clerked with the Honorable Blackwell N. Shelley of the

United States Bankruptcy Court, Eastern District of Virginia. Mr. Schultz has served on the Board of Governors of the Virginia Bar Association, is past President of the Norfolk & Portsmouth Bar Association, and the Tidewater Bankruptcy Bar Association. He was inducted as a Fellow in the Virginia Law Foundation and has earned the AV rating by Martindale-Hubbell.

**Willcox Savage** is pleased to name **Jason Ohana** a new partner. Jason is in the Commercial Litigation practice group. Jason primarily focuses on complex litigation, with an emphasis on business litigation. He represents companies in state and federal court, and before arbitration panels. Jason is a 2011 graduate of William & Mary Law School. He received his B.B.A. degree from the University of Toledo.

### NORFOLK CIRCUIT COURT – AMENDMENTS TO COURT RULES

The judges of the Circuit Court of Norfolk have approved amendments to its civil rules effective January 1, 2020. Most of the changes are stylistic or organizational, or eliminate deadwood provisions. The following changes are called to your attention: (1) an amendment to no. 9 and the addition of a no. 13 to the civil continuance policy; (2) a revision of the circumstances in which spousal support and equitable distribution should be denied or reserved in a final decree of divorce (Rule 1(E)(2)); increasing the time limit on Friday motions from 30 to 60 minutes (Rule 2(C)(3); new Rule 2(E)(2) concerning final orders. Full text of the rules can be found here: <https://www.norfolkcircuitcourt.us/legal-professionals/local-rules/>

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