

BAR BULLETIN

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**May-
June 2007**

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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

This is my first President's Message. I am honored to have the opportunity to address the membership of the Norfolk and Portsmouth Bar Association as your incoming President. As I mulled over a theme for the upcoming year that I could communicate in my first message, I considered writing about the importance of bar associations in the administration of our laws and justice system. It is my firm belief that attorneys, acting through vital bar associations such as ours, must be instrumental in the crafting of our laws and administering our system of justice.

Then Monday happened.

In sitting down to write this piece, I found that I could not write about anything other than the shooting. As the husband of a Virginia Tech graduate and a graduate of the University of Virginia myself, my connection to the school runs deep.

But I have struggled mightily to write something meaningful. This is because of the nihilism of the act.

The shootings were the senseless acts of a deranged individual. They were immoral. They were irrational. They cannot be adequately explained or properly placed in context. There are no words to describe the shooter. His own words, unfortunately communicated to the world in what has been referred to as his "manifesto", are vapid and meaningless. The less said about him the better.

There are lessons here, and they have been supplied to us by the Tech family.

In stark contrast to the shooter and his act, Tech's students, alumni and faculty have demonstrated the right stuff. In countless newspaper and television interviews, Tech students have focused upon remembering the lives of their friends and the professors lost. They have spoken of the courage of students and professors that resisted the shooter. They have expressed support for the victims' families. They have supported their school and its leaders. They have avoided re-cremations and finger-pointing, given myriad opportunities to do so. The Tech family has done itself, and the Commonwealth, proud.

This does not surprise me, because I have observed this firsthand. As the spouse of a Hokie, I have spent many Fall Saturday afternoons in Tech's Lane Stadium. Notwithstanding my conflicting allegiance, for which I have received a full portion of good-natured ribbing, I have always been impressed by the unconditional love for the school expressed by its family on those afternoons. It is primal. It is heartfelt. Echoes of those Fall afternoons wafted through the Blacksburg twilight Tuesday evening at a convocation on Tech's drill field. "Let's Go—Hokies." Virginia Tech will survive this tragedy and emerge as a stronger institution.

Their example has been followed by students, faculty and alumni of other universities. Schools across the Commonwealth and the Nation have expressed their support of the Tech family. The



Donald C. Schultz

(continued on page 2)

Annual Dinner Meeting
Thursday, May 17, 2007 • 6:00 PM
Town Point Club

2007 Legislative Update Seminar
Wednesday, May 16, 2007 • 3:00 PM
Contemporary Arts Center of Virginia
2200 Parks Avenue, Virginia Beach

Noncompete Agreements CLE
Thursday, May 24, 2007 • 1:30 PM
Dominion Tower, 4th Floor Meeting Room

Young Lawyer Golf Tournament
Thursday, June 21, 2007 • 12:45 PM
Bide-A-Wee Golf Course, Portsmouth

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(PRESIDENT'S MESSAGE CONTINUED)

example of which I am most proud was produced by my alma mater, Tech's blood rival. On Tuesday, U.Va.'s Beta Bridge, an ad hoc billboard used by students to announce school events, sported a fresh coat of Chicago Maroon and Burnt Orange, announcing proudly "Hoos for Hokies". As a colleague of mine noted, Beta Bridge has never worn those colors before.

What can we, as attorneys, learn from this reaction to the shooting? By virtue of our profession, the public looks to us for leadership in our words and deeds. This responsibility is to lead by example and demonstrate kindness and compassion to our fellow citizens. The shootings are a human tragedy and call for a human response. Call your Virginia Tech friends and have them over for dinner. Write a letter to a professor that you haven't seen since graduation. Offer to represent a person that can't afford your services.

In my opinion, there are no legal lessons here. The lessons are human.

PRESIDENT METCALFE'S FAREWELL MESSAGE



James A. Metcalfe

Dear Colleagues:

I hope to see many of you at the Annual Meeting at the Town Point Club the evening of May 17th, but to those who cannot attend, I thank you all for your support this past year. We have accomplished much as an association. Yet there are many challenges ahead. I am confident that under the leadership of our new president, Don Schultz, and the new Executive Committee, we will meet those challenges together.

As I have said before, the real work of the association is carried out by the various committees. To all who participated on a committee, I extend my special thanks. Some notable achievements included our CLE programs, our luncheon and breakfast speakers, the mock trials program with the Norfolk schools, the annual Food Frenzy—which this year went statewide—for the benefit of the Southeastern Virginia Foodbank, the annual Bench-Bar Conference with splendid participation by the judiciary and a nationally acclaimed guest speaker, and the Magna Carta night at the Virginia Contemporary Arts Center sponsored by us and our Foundation in collaboration with the VBBA and the two Inns of Court. The YLS always has a number of great programs including starting the fall with a reception courtesy of Judge Griffith and his wife, Margie, a night at a local pub, the breakfasts with the judges, and the golf tournament in June. We end the year in May with the award of scholarships by our Foundation and presentation of the Hoffman public service award to a younger lawyer and the prestigious Eggleston-I'Anson Professionalism Award to one who has exemplified the highest ideals of the profession over a lifetime of achievement. I have not covered all the work of our association by any means, but these are accomplishments all can take pride in. Your participation as attendees and dues paying members is also critical to our success.

I must also thank Donna Bausch, our Executive Director. We could not function without her day-to-day commitment to our mission. For all of us she is a great example of diligent service to our profession. She has earned our highest respect and gratitude as well as friendship.

Finally, for those who so "admired" my mug shot, I thank you for sharing with me your candid comments. I took some umbrage at the suggestion that it was a U.S. Marshal's arrest photo, but I was honored by the comment that I looked like a grizzled homicide detective.

With best wishes to all for the continued success of our association.

MARCH LUNCHEON MEETING



Bruce Bradley, Publisher of the Virginian-Pilot, joins President Jim Metcalfe and Program Chair Reid Ervin

CLE SEMINAR



Kevin Cosgrove, Judge Charles Poston and Richard Serpe present CLE seminar on Attacking and Defending Expert Witnesses

Thank You

NORFOLK CIRCUIT COURT PUBLISHES OPINIONS ONLINE

Chief Judge Everett A. Martin, in conjunction with Circuit Court Clerk George E. Schaefer, recently announced that judicial opinions for the 4th Judicial Circuit are now available online.

Judicial opinions dating back to 2004 can be located on the iCourt website at www.icourt.info and on the Circuit Court website at www.norfolk.gov/Circuit_Court/

Opinions are categorized by Judge and subject, using the Virginia Code Section Titles.

• • •

Norfolk Circuit Court Law Library books available free of charge. For more information and details on what's available, contact Karen Schwerzler at 664-4595.

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2007 Eggleston/I'Anson Professionalism Award To Be Presented to Thomas F. McPhaul

Thomas McPhaul is of counsel in the Norfolk office of Williams Mullen and a member of the firm's Litigation Section. His practice is focused on chancery litigation, landlord and tenant matters and alternate dispute resolution.

Education

Georgetown University, LL.B., 1958
Villanova University, B.S., 1954

Professional Affiliations

Boyd-Graves Conference
Appellate Committee
Norfolk & Portsmouth Bar Association
Past President
Virginia Bar Association
Senior Lawyers Section
Editorial Board Member

Publications

Contributor
"Enforcement of Liens Handbook"

Awards and Honors

Virginia Bar Foundation Fellow

Representations

Referrals as Commissioner
in Chancery for Circuit Courts
of Norfolk and Chesapeake
Alternate Dispute Resolution

Community Involvement

DePaul Hospital
Past Board of Directors
St. Mary's Home for Disabled Children
Foundation, Past President
Virginia Mental Health (Chapter X)
Past Board Chairman



NPBA President Jim Metcalfe informed a surprised Mr. McPhaul of his selection.



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2007 WALTER E. HOFFMAN COMMUNITY SERVICE AWARD WINNER – SHAWN A. VOYLES

Shawn's practice includes a broad range of civil litigation matters in federal and state courts, including maritime, railroad, toxic tort, condemnation, premises liability and employment law. Shawn teaches Admiralty Law at Regent University School of Law. In 2005, Shawn was named one of Hampton Roads' "Top 40 Under 40" by Inside Business.



Education

- Regent University School of Law, J.D., magna cum laude, 1998
- Articles Editor, Regent University Law Review
- DePauw University, B.A., cum laude, 1995

Memberships

- Virginia Bar Association (Co-Chair, Tidewater Pro Bono Hotline, 2004-2006)
- Norfolk and Portsmouth Bar Association
Chairman, Young Lawyers Section, 2003-2004
Bench Bar Committee, 2004-Present
- Federal Bar Association (Tidewater Chapter)
- Southeastern Admiralty Law Institute (Board of Directors, 2006-2007)
- National Association of Railroad Trial Counsel
- Maritime Law Association of the United States (Proctor)
- Virginia Maritime Association
- Propeller Club (Port of Norfolk)
- Virginia State Bar

Community Service

- Board of Directors, Legal Aid Society of Eastern Virginia
Vice-President, 2006-Present
40th Anniversary Kickoff Campaign Steering Committee, 2006-present
- Volunteer, Tidewater Pro Bono Hotline
- Founder, NPBA Harvest for the Homeless Program
- NPBA Young Lawyers Section Tutoring Program
Tidewater Park Elementary School, 2004
- Volunteer Coach, Youth Basketball and Soccer
- Board of Directors, South Hampton Roads Fellowship of Christian Athletes (2001-2002)
- Charter Member, VBA Community Service Program

Honors and Awards

- Named one of Hampton Roads' "Top Forty Under 40" by Inside Business, 2005

Accepted a 2005 Virginia State Bar Award of Merit on behalf of the NPBA in recognition of the revitalization of the Young Lawyers Section in 2003-2004.



President Metcalfe and PR Committee Chair Anna Myers make surprise presentation to Shawn Voyles



Mr. Voyles will receive his award
at the
NPBA ANNUAL DINNER MEETING
on May 17th
at the Town Point Club

COURT NEWS

NORFOLK CIRCUIT COURT LAW LIBRARY

BOOKS AVAILABLE FREE OF CHARGE.

For more information and details on what is available, contact Karen Schwerzler at 664-4595.

NORFOLK JUVENILE COURT/ AMERICAN CANCER SOCIETY

RELAY FOR LIFE

The Norfolk Juvenile Court is participating in the American Cancer Society Relay For Life at Norview High School June 1 & 2. We are having various fundraisers and we ask that you assist in efforts to raise \$3,000. Through May 31,

Footprints: Leaving My Mark For The Fight Against Cancer

Norfolk Juvenile Court, 3rd Floor Hallway. For a \$1.00 donation, place a footprint with the name of a loved one, friend or yourself on our 3rd floor hallway wall. These footprints will walk around our buildings to show support for this cause.

Call or see Patrice Gates, Susan Inman, Kim McCollum, Dotty Kello, Ada Wilson or Tina Kilby at 664-7601 for more details.

VIRGINIA BEACH JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Motions to Expedite regarding initial petitions for custody, visitation or support: When filing initial civil pleadings regarding support, custody and visitation, it is the practice of the Court not to assign a court date at the time of filing but only to process the payment. The Court will later assign a court date and time with notice to counsel and the issuance of summonses for the parties. If counsel or the parties wish to request an earlier court date after receiving the notice/summons from the Court, either side may file a Motion to Expedite. Effective immediately, at the time of filing, a Motion to Expedite will not be accepted with any initial petitions regarding custody, visitation or support at the Clerk's office window or by mail. The Court will only accept a Motion to Expedite after the assignment of a court date.

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NPBA MEMBER SERVICE

Conference Room Rental

NPBA members may rent the Bar Association conference room for \$100 per day. The conference room seats up to eleven comfortably, has a magnificent river view and is an ideal venue for depositions and conferences which need to be held on "neutral ground."

NPBA FOUNDATION REPORT

By Anna H. Myers • President, NPBA Foundation

Greetings! The Foundation is busy at work promoting the legal profession throughout the community this Spring. On April 10, the Foundation co-sponsored a debate at the Contemporary Art Center on Personal Freedoms in the 21st Century as part of The Four Foundations of Freedom Exhibit. The program was informative and provocative. Seeing the Magna Carta and the other historically significant documents in this collection was truly an awesome experience and I hope that each one of you will take the opportunity to see the display and share this exhibit with your friends and family while it is here.



Anna Myers

The essays submitted for our Scholarship Contest are being reviewed by our distinguished panel of judges at the time of this writing. We hope that all of you have made plans to attend the Bar Association's Annual Meeting on May 17, 2007 where the scholarships will be awarded. The caliber of the young people who win this award is astounding and it is always a pleasure to meet them.

The Law School for Journalists seminar that was planned in conjunction with Regent University has been postponed due to the tragedy at Virginia Tech on April 16. We anticipate that this event will be rescheduled for the fall and will update you very

soon. Our thoughts and prayers go out to all of the Virginia Tech community as they recover from the recent tragic events.

As always, your continued support of the Foundation is both appreciated and necessary. We will continue our capital campaign and continue to accept donations at any level. As you renew your membership in the Bar Association, please support the Foundation with your donation of \$100.00 or more by noting your donation on your renewal form. Your contributions to the Foundation are fully tax-deductible.

The Foundation wishes all of the members of the Bar Association a safe and fun-filled summer!



Robert "Skip" W. Ash (Assistant Professor, Regent University Law School), Anna Myers (NPBAF President), Dean Rodney A. Smolla (T.C. Williams School of Law, Univ. of Richmond), and Kent Willis (Executive Director, American Civil Liberties Union of Virginia)

Regent Law Succeeds Last Year's Winner, Harvard Law, As National Champions

Steve Pfeiffer & Dawn Young ABA National Negotiation Competition Winners

Two Regent Law students went head to head with 219 other teams from the nation's top law schools to take first place in the prestigious American Bar Association (ABA) National Negotiation Competition. This is the second consecutive national win for Regent Law. Last year, a team of Regent students won the ABA's National Appellate Advocacy Competition, winning the moot court contest and placing first for the nation's Best Brief.

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MESSAGE FROM THE YOUNG LAWYERS' SECTION

By Andrew R. Fox, Chair

The Young Lawyer Section's busy schedule keeps a-rolling! On April 25, we wrapped up this year's slate of Breakfast with the Bench meetings with a memorable morning with Judge Norman Thomas from the Norfolk Circuit Court. Thanks again to Judge Thomas for sharing his time and wisdom and to Joe Moriarty of Willcox & Savage for coordinating the event. Stay tuned for further Breakfast with the Bench opportunities in the fall!



Andrew Fox

Assuming that by the time of printing the temperature has climbed out of the fifties, our thoughts turn to warm days of summer, fresh cut grass, and the unmistakable sound of a perfectly hit drive. That's right, it's golf tournament time! Please join us on Thursday, June 21 at Bide-a-Wee Golf Club in Portsmouth for the NPBA Young Lawyer Golf Tournament. The tournament kicks off at 12:45 pm (tunnel traffic permitting) and is a perennial favorite. This event sells itself and yet we are sweetening the deal by offering a pre-registration discount of \$10 per golfer for all who register prior to June 7. \$75 gets you 18 holes, a cart, practice range balls, beverages on the course, and the post-round barbecue. As a final promotional thought, during my six years in the Navy, I saw a lot of water, stood a lot of watches, and had a lot of bosses. One unequivocal thing I learned is that a boss who appreciates the value of an occasional afternoon round of golf with his or her colleagues is better than a boss who doesn't. Just something to think about. So please mark your calendars and join us on June 21! For more information, please contact tournament coordinator Kevin Greene at 628-5853.

Our final event of the year will be the ever-popular Fall Reception. Judge and Mrs. Charles Griffith have once again graciously volunteered to host this event at their lovely home in West Belvedere. The date of the reception and additional details will be shortly forthcoming.

In closing, I'm happy to report that the Young Lawyer Section continues its tradition of service to the community. On the heels of last year's highly

successful Wills for Heroes program, we have partnered with the Legal Aid Society of Southeastern Virginia and the Union Mission to do our part to address homelessness in our region. The City of Norfolk has been recognized as a national leader in the fight against homelessness and we will be assisting in this effort by offering ongoing legal services to men and women who are trying to right their ship. If you are interested in participating in this initiative, please contact me at andrew.fox@norfolk.gov or 664-4222.

Hope to see you at Bide-A-Wee on June 21!

The Old Dominion Bar Association's Annual Meeting is May 31 to June 3, 2007 at the Suffolk Hilton Garden Inn and Conference Center. Student sessions will include mock interviews June 2nd between 10:45 and 12:45. **Attorneys are needed to conduct mock interviews with students** in the following areas: judicial clerkships/internships, public interest, and law firms. If you are interested, please contact Jennifer Williams by May 3rd at: (240) 731-3206 or jennwilliams1027@gmail.com.

Your clients will *like* this new tax law. No kidding.

For the first time federal tax laws allow some of your clients to donate IRA assets to The Norfolk Foundation... without their gift counting as taxable income. Donating an IRA counts toward clients' required annual minimum distribution and is an easy way for them to support their community.

IRA owners who are at least 70½ by the end of 2007 – when the provision expires – can donate up to \$100,000 a year to The Norfolk Foundation for:

- Scholarship funds to help college students
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FIRM ANNOUNCEMENTS

The law firm of **Christie, Kantor, Griffin & Smith, P.C.** is pleased to announce that **George A. Christie** and **Barry Kantor** were selected for inclusion in Virginia Business Magazine's 2006 Legal Elite as well as being selected as 2007 Super Lawyers in Virginia. Both attorneys practice family law.

Gregory B. Turpin has joined **Clarke, Dolph, Rapaport, Hull, Brunick & Garriott PLC** as a partner. His practice will emphasize criminal defense.

Kamala Hallgren Lannetti, Deputy City Attorney, Virginia Beach, has been selected one of the 2007 YWCA Women of Distinction in the category of law. She will be honored at a luncheon in May.

LeClair Ryan is pleased to announce that

Lisa Murphy, a shareholder in the firm's Virginia Beach office, has been recognized in the 2007 edition of Virginia Super Lawyers Rising Stars. This designation is given to only 2.5 percent of all attorneys in Virginia, who are either under 40 or who have been practicing law for 10 or fewer years.

The United Way of South Hampton Roads recently recognized **Willcox & Savage** with its 2006 Community Impact Award for its commitment of both time and resources to local agencies and our community.

Jennifer E. Damelio has joined the firm of **Wolcott Rivers Gates**, concentrating her practice in the areas of family law (including divorce, child and spousal support, child custody and visitation) and criminal defense.

WELCOME NEW NPBA MEMBERS

Gregory B. Turpin
Clarke, Dolph, Rapaport, Hull,
Brunick & Garriott, P.L.C.

Leslie F. Spasser
LeClair Ryan

Febron Christ
LeClair Ryan

Eric W. Harris
Myers, Myers & Myers

Valerie Huber
Willcox & Savage, P.C.

Christiana M. Schumacher
Regent University law student

BENCH BAR CONFERENCE 2007



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EMPLOYMENT OPPORTUNITIES

PARALEGAL – LeClair Ryan, an organization committed to excellence in client service, is looking for enthusiastic, committed professionals to join our firm. Presently, we are recruiting a skilled Paralegal to work with *Estate Planning* matters in our downtown Norfolk office.

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LeClair Ryan provides all successful candidates a competitive salary and comprehensive benefits package including paid parking, health and dental insurance, 401(k) retirement plan with company contribution and business casual work environment. Please forward qualified resumes, with attached cover letter and salary requirement to: Staff Recruiting Coordinator, Fax: (804) 916-7202, staffrecruiting@leclairryan.com. Visit our website at www.leclairryan.com.

ASSOCIATE ATTORNEY – AV Virginia Beach firm seeks attorney with 2-4 years experience in civil litigation. Familiarity with real estate and/or condemnation law would be beneficial. Send resume to John Norris at Norris, St. Clair & Lotkin at 2840 S. Lynnhaven Rd, Virginia Beach, VA 23452 or fax to 757-498-7700.

POSITIONS AVAILABLE

OFFICE OF THE CAPITAL DEFENDER

The Office of the Capital Defender for the Southeastern Region of Virginia is committed to providing quality team representation to persons facing the death penalty. The applicant for **Assistant Capital Defender** must be licensed to practice law in Virginia and in good standing with the Virginia State Bar; have demonstrated experience in felony practice at trial and appeal; experience in death penalty litigation; and possess excellent oral, written, and interpersonal skills. Based on experience, the starting salary range is \$57,200 to \$73,216.

Applicants for the **Investigator II** position should have significant experience as a criminal investigator. This position requires skill in collecting and analyzing historical records; identifying, locating and interviewing witnesses and experts; developing social histories; and experience identifying mental health issues.

Applicants must be committed to advocating for indigent defendants charged with capital murder and able to function in a team environment. Based on experience, the starting salary range is \$39,520 to \$44,658.

To apply for either position, please submit a cover letter, resume and references to Joseph A. Migliozi, Jr., Office of the Capital Defender, 207 Granby Street, Suite 200, Norfolk, VA 23510.

NPBA MEMBER SERVICES

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Members may purchase mailing labels for use in mailing firm announcements or other information to your colleagues. You may buy these 950-plus address labels for a reasonable cost of \$175.00.

Please contact Bar office at 622-3152.

OFFICE SHARING ARRANGEMENT

Available office within existing suite of law offices in Downtown Norfolk. Shared conference room and reception area. Secretarial support available and negotiable. All existing office equipment shared. Excellent location near courts, and free parking. Non-smokers only. Call Sheri at 625-4075.

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NORFOLK CITY JAIL ATTORNEY-CLIENT VISITATION

Effective Monday, April 30, licensed attorneys will again be allowed unaccompanied access to the Norfolk City Jail for attorney-client visitation if they have a waiver form on file. Attorneys should proceed to the loading dock area of the back door of the jail with their Virginia State Bar membership cards and photo identification, where they will be asked to provide the names of the inmates with whom they wish to meet. As always, the visitation desk in the lobby of the public safety building remains an alternative for those attorneys who wish at any time to conduct no-contact visits between 8 a.m. and 5 p.m. on weekdays, and by appointment on evenings and weekends. The decision to modify the visitation procedures was the result of a great deal of input from members of the bar who volunteered their time to meet with Sheriff McCabe, and he is grateful to those who worked together to discuss the visitation process and proposed changes.

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