

BAR BULLETIN

**Volume XXXIII
Number 6**

**November -
December 2008**

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PRESIDENT'S MESSAGE

I had other ideas for this space this month, but the economic turmoil has occupied my thoughts over the last few weeks. While for months many have declared that we were in a recession, I doubt anyone could foresee such a dramatic drop in the market. This crisis has even managed to take center stage away from the presidential election. There is much finger pointing and plenty of blame to go around, but most of it is currently directed at Wall Street brokers, the bank and mortgage companies, the SEC and short sellers of the market. In politics, of course, it is the other party's fault too.



John L. Deal

In recent weeks, some elite lawyers have been in the thick of it trying not only to protect their clients' interests, but also trying to prevent a major collapse of the world financial system. Much work is yet to be done as the particulars of the various rescue efforts are sorted out. If anyone can count on steady work in the weeks and months ahead, it would seem to be H. Rodgin "Rodge" Cohen of Sullivan & Cromwell. According to the *Wall Street Journal*, "over the past five weeks alone Mr. Cohen and his team have advised Fannie Mae, Lehman Brothers Holdings Inc., Wachovia, Barclays PLC, American International Group Inc., J.P. Morgan Chase & Co. and Goldman Sachs Group Inc. in a blitz of mergers, rescues and cash infusions." One would be hard-pressed to name a troubled entity he did not represent.

More lawsuits will follow, just as was the case after the savings and loan crisis twenty years ago and the more recent Enron bankruptcy. One lawyer in Chicago speculates that the litigation which will follow this crisis "could well make the post-Enron litigation surge look like traffic court by comparison, as I expect there to be a number of criminal and civil lawsuits filed against both individuals and institutions." I suppose his comment relates to the degree of potential liability rather than the number of cases.

What effect will the recession have on lawyers in Hampton Roads? Like stocks, it is probably good to be diversified. If one practice area slumps, others may help to cover. This may work in some small general practice firms, but it is best suited for large multi-departmental firms. Altman Weil Inc., the legal consulting firm, gives this advice for firms facing a recession: "the key to being prepared is for a firm to diversify into countercyclical practice areas and to be prepared to downsize where necessary. Also, firms should cross-train lawyers in areas such as corporate law and real estate to handle matters on both sides of the cycle."

Some practice areas seem to be nearly recession proof with litigation and bankruptcy leading the way. There may also be significant work for corporate attorneys as banks and businesses continue to restructure and consolidate. Family law attorneys may also see an increase. "Recession has always been a factor raising divorce rates," according to Gary Becker, an economist from the University of Chicago Business School.

(continued on page 2)

See Flyers Inside for
Event Details and
Registration Information

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

NPBA Luncheon
Wednesday, November 19, 2008 • 11:45 AM
Hits at the Park, Harbor Park
Speaker: John Quarstein, Hampton City Historian

NPBA Holiday Party
Thursday, December 11, 2008
5:30 PM - 8:00 PM
Hits at the Park, Harbor Park

NPBA Bench Bar Conference
Wednesday, April 8, 2009
Keynote Speaker: Rodney A. Smolla,
Dean, Washington & Lee University School of Law

NORFOLK & PORTSMOUTH BAR ASSOCIATION

999 Waterside Drive, Suite 1330
Norfolk, Virginia 23510

TEL (757) 622-3152
FAX (757) 622-4406

E-MAIL npba@visi.net
- WEBSITE -

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OFFICERS

John L. Deal
President
321-5659
jdeal@dollartree.com

David W. Lannetti
President-Elect
446-8652
dlannetti@vanblck.com

Donald C. Schultz
Past President
623-3000
dschultz@cwm-law.com

Nathaniel Beaman, IV
Secretary
664-4205
chip.beaman@norfolk.gov

Jeffrey L. Stredler
Treasurer
769-7832
jstredl@amerigroupcorp.com

Gary A. Bryant
628-5520
gbryant@wilsav.com

Christine H. Buchanan
502-7330
cbuchanan@pendercoward.com

Virginia Van Valkenburg
441-6331
virginia.vanvalkenburg@usdoj.gov

Deborah C. Waters
539-2400
dwaters@frlrlaw.com

Alan D. Albert
President, Library Board
624-1454
aalbert@leclairryan.com

Caryn R. West
Chair
Young Lawyers Section
466-0464
cwest@clarkedolph.com

STAFF

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

Michelle Gibson
Administrative Assistant
622-3152
npba@visi.net

PUBLISHER

Advertising Service Agency, Inc.
Layout and Printing

(PRESIDENT'S MESSAGE CONTINUED)

Here are a few suggestions from law practice consultants on how to get through a recession:

- Pay attention to your clients and see how you can help them through the downturn in business. One suggestion is to schedule a free visit to a client's office to discuss business needs.
- Improve communications with your clients.
- Look at ways to promote efficiencies in your practice.
- Collect overdue accounts, remembering that an account that is past due more than a year only has a 45% chance of being collected.
- Market for new clients, which one commentator states includes involvement in your local bar association.
- Be careful where you keep your escrow account. If a bank failure leads to a loss of client funds, there could be potential liability for choosing that bank and not paying attention to limits on insurance.

Finally, if business does slow down, this is a good time to offer pro bono services to those in our community who are in need. People are afraid and may just need a consultation to alleviate that fear. Sign up with one of the lawyer referral services or call the local legal aid society for ideas on how you can help.

MESSAGE FROM THE YOUNG LAWYERS' SECTION

By Caryn West, Chair

At the time of the publication of this Article, we will have had our annual Young Lawyers Reception at the home of Judge and Mrs. Charles E. Poston, but as the deadline for this article occurs before the reception, I promise a recap and some pictures for the next issue. Preparing for the reception and receiving questions about why exactly we do this reception every year, I thought this article would be a good chance to tell young lawyers exactly what the Young Lawyers Section does, especially those who just passed the bar, or other young lawyers just joining the bar association.

The Young Lawyer Section is made up of all NPBA members under the age of 37 as well as all attorneys who have been practicing 5 years or less. If you fit either category, you are a member of this section. No need to sign up.

The Young Lawyer Section has a committee which meets throughout the year to organize and plan several events throughout the year. Annually, we host a golf tournament, open to all NPBA members, that raises money for the Norfolk Law Library. The reception is held in the Fall approximately around the time that the bar results come out to reach out to new Bar admittees and the new attorneys starting jobs in Norfolk area. We invite as many new lawyers to the reception to welcome them to the Norfolk legal community and introduce them to the bar association. Its also our chance to inform them of all that the



Caryn West

Young Lawyers Section has to offer. In the past, this event has always been graciously hosted by one of Norfolk's Circuit Court Judges.

We periodically host a "Breakfast with the Bench", in which a Norfolk judge comes to breakfast and chats

with the young lawyers and speaks to the group. This provides an excellent opportunity for new lawyers to get to know the judges in Norfolk. We are in the process of planning these breakfasts and hope that you will sign up to attend.

During the last year we have also held multiple Young Lawyer Happy Hours, which we will continue to host at appropriate times in the coming year.

We also try to provide our members with community service opportunities. In the past, we were involved in the Wills for Heroes program and other great community service events. Keep an eye out for more programs in the works that promise to be fun, exciting and fulfilling.

As always, for information on how to get more involved in the Young Lawyers Section, or to be informed of events, please email me at cwest@clarkedolph.com or call me at (757)466-0464.

NEED TO FIND A LAW REVIEW OR A SUPERSEDED FEDERAL REGULATION? JUST ASK!

by David Knight, Assistant Law Librarian

Were you aware that Norfolk Law Library has access to over 1,100 law reviews containing over 29,000 articles?

The value of law reviews typically lies in the depth to which they analyze a particular issue and the extent to which the discussion provides footnote references. Law reviews are an excellent place to begin research in an unfamiliar area of law or one in which primary authority is unsettled or silent.

Norfolk Law Library carries current print subscriptions to law reviews from Virginia law schools. In addition, law library staff has database access to law reviews from across the U.S. and 150 countries, far broader and deeper than the coverage of LEXIS and WESTLAW. This online law journal repository (Hein Online) offers complete retrospective and current content.

Norfolk Law Library also has all federal regulations issued since the Federal Register Act was passed in 1935. Via Hein Online, we have access to every Federal Register from 1936-present and the Code of Federal Regulations from 1938-present. (LEXIS and WESTLAW offer retrospective coverage only back to the early 1980s.)

If you need law review articles you've seen cited, call or email the library staff. There's a good chance that the article is one of the 29,000 we can provide. We can also search for articles topically if you don't have a specific citation.

In fact, whatever the nature of your "hard to find" citation, we'll do our best to assist you in locating and obtaining it quickly and inexpensively. Just ask! You may be surprised what we can find for you!

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SEPTEMBER LUNCHEON MEETING



NPBA President John L. Deal and John Ashcroft



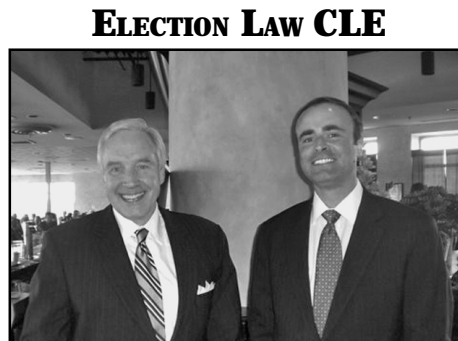
William T. Mason and Circuit Court Clerk George E. Schaefer



Tara L. Chadbourn and Andrew R. Fox



David A. Buzard, John Ashcroft and
David P. Price



Faculty: Alan D. Albert and Chris Ashby
of LeClair Ryan

NOVEMBER LUNCHEON MEETING

Wednesday, November 19, 2008

Hits at The Park, Harbor Park

11:45 AM



Speaker: John Quarstein

Hampton City Historian

Topic: The Future of Fort Monroe

John V. Quarstein is an award winning historian, preservationist, and author. Since February 2008, he has been City Historian for the City of Hampton. Quarstein previously served as the director of the Virginia War Museum since 1978. In addition to these duties, he oversaw the management of the City of Newport News' historic properties including Endview Plantation, Lee Hall Mansion, Young's Mill, and the Newsome House as well as serving as historical advisor for the Mariners' Museum's U.S.S. Monitor Center project. He has also served as an adjunct professor at the College of William and Mary, the University of Virginia, Virginia

Commonwealth University. Quarstein authored eight books including Fort Monroe: The key to the South, C.S.S. Virginia: Mistress of Hampton Roads, Civil War on the Virginia Peninsula, and The Battle of the Ironclads.

Quarstein received the National Trust for Historic Preservation's President's Award for Historic Preservation in 1993 and the United Daughters of the Confederacy's Jefferson Davis Gold Medal in 1999. He has served on the board of several national organizations including Virginia Civil War Trails, John Singleton Mosby Foundation, and Chief Historical Advisor for the U.S.S. Monitor.

"I grew up as a little boy on Fort Monroe. It was really Fort Monroe that gave me that tremendous love for history," said Hampton's history guru. "It was all so inspiring to me and it never left my soul. I always really wanted to make history come alive. With working for Hampton, my life has gone full circle in many, many ways." Quarstein is a member of the FMFDFA, the Fort Monroe Federal Area Development Authority, which has been tasked by the Department of Defense with studying, planning and recommending the best use of the Fort when the Army closes the base in 2011.

NPBA FOUNDATION NEWS

By James R. Harvey • President, NPBA Foundation

I come to the NPBA this month with nervous excitement as president of the NPBA Foundation. Working with the City of Norfolk and the Bar Association, the Foundation will host an important community forum on the evening of January 28, 2009 at Nauticus Living Seas Theater to commemorate the 50 year anniversary of the end of Massive Resistance and the integration of Norfolk Public Schools. You may have read *The Virginian-Pilot's* recent series, *When the Walls Came Tumbling Down*, and noted the important roles that local attorneys and judges played on both sides of the fight for desegregation and respect for the rule of law.

We have invited one of America's leading journalists and civil rights author, Juan Williams (NPR and Fox News) to facilitate the forum along with noted scholars and leaders to discuss the issues of 50 years ago,



James R. Harvey

and how they relate to us today. The event is an important and high profile outreach to the community on behalf of the legal profession and needs your enthusiastic support. Mark your calendars and look forward to hearing much more about this important event and your role in its success soon.

Contact Donna Bausch at the Bar office or Jim Harvey at 446-8518 for more information.



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5:30 pm – 8:00 pm

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Fax back the form, call the NPBA office or respond by email today.

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NPBA HOLIDAY PARTY

Thursday, December 11, 2008

Name: _____

Firm: _____

Phone: _____ Fax: _____

Email: _____ Number Attending: _____

FIFTH ANNUAL HARVEST FOR THE HOMELESS

It's time to clean out your closets! As we enter the (soon to be) cold winter months, the Norfolk & Portsmouth Bar Association is organizing the Fifth Annual "Harvest for the Homeless," a clothing/toiletries drive. Needed items will be collected from November 3-26 and donated to:

- The Dwelling Place,
- Union Mission Family Shelter,
- Samaritan House Shelter,
- For Kids, or
- another local shelter of the participating firm's choosing.

We have the opportunity to provide a great number of sorely needed items that we take for granted. As you reflect on the upcoming Thanksgiving holiday, let Harvest for the Homeless give you the opportunity to bless the less fortunate with your generosity. During last year's Harvest for the Homeless, NPBA members collected 395 bags of clothing and toiletries - up from 250 the year before! Let's donate 400 bags this year!

Items to Collect:

- Men's, women's, and children's seasonal clothing, all sizes (including infants and toddlers)

- "Hotel"/travel size hygiene items: toiletries, soap, shampoo, conditioner, lotions, diapers and wipes
- Coats, mittens, scarves, hats, and gloves (all sizes)
- New underwear and socks (all sizes)

How each Law Firm can help:

- Designate a staff member or attorney as Firm Coordinator and e-mail Shawn Voyles at svoyles@cwm-law.com to let him know of the firm's participation.
- The Coordinator will send out an e-mail or post a notice regarding Harvest for the Homeless, encouraging everyone to donate needed items.
- The Coordinator will designate a place in the office where donated items may be placed, and keep track of the number of bags of items donated.
- Finally, the Coordinator will receive instructions as to which shelter the firm will give its donated items, although the firm may select a shelter not listed above if it so desires. The Coordinator will be responsible for arranging a pickup time with the shelter.

Thanks for your participation!

WELCOME NEW NPBA MEMBERS

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Charles E. Jenkins, II

Law Office of John W. Bonney, P.C.

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Jennifer L. Rawls

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Cara Cotter

Georgetown University Law Student

Martha J. Smith

Regent University Law Student

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FIRM ANNOUNCEMENTS

George A. Christie and **Barry Kantor** of **Christie, Kantor, Griffin & Smith** have been named by *Virginia Super Lawyers* magazine as among the top lawyers in Virginia for 2008. Both attorneys were designated under Family Law. Mr. Kantor is a former President of the Norfolk and Portsmouth Bar Association.

The law firm of **Cooper, Spong & Davis, P.C.**, is pleased to announce that **Mary T. Morgan** has become associated with the firm. Ms. Morgan will practice primarily in the field of Business/Commercial Litigation, Construction Litigation and Civil Litigation Generally, including Professional Liability Defense, Insurance Defense and Coverage Disputes, Products Liability and Premises Liability in State and Federal Courts.

Crenshaw, Ware & Martin, PLC is pleased to announce that **Jason L. Stickler** has become an associate in the firm.

Keith Denslow has joined the law firm of **Inman & Strickler, PLC**. Mr. Denslow has been practicing law in Hampton Roads

since 1986 focusing his practice on trial work with an emphasis on Personal Injury and Wrongful Death cases.

Aaron J. Ambrose has joined **Kaufman & Canoles PC's** Norfolk office as an associate. Ambrose will focus on commercial law.

Jason C. Roper from **McKenry, Dancigers, Dawson & Lake PC** has been named in the 2008 edition of *Virginia Super Lawyers*. Roper also has become a member of the board for Junior Achievement of Hampton Roads.

Willcox & Savage is pleased to announce that 23 attorneys were selected by their peers for inclusion in *The Best Lawyers in America 2009, including NPBA members* **Bruce T. Bishop, Susan R. Blackman, Glenn R. Croshaw, Robert L. Dewey, Allan G. Donn, William M. Furr, Peter M. Huber, Thomas C. Inglima, Thomas G. Johnson, Jr., Thomas M. Lucas, John D. McIntyre, Wiley F. Mitchell, Jr., Hugh L. Patterson, Jr., William E. Rachels, Jr., Ross C. Reeves,**

Thomas A. Rucker, Toy D. Savage, Jr., Conrad M. Shumadine, Anthony M. Thiel, James R. Warner, Jr., and Samuel J. Webster. Since its inception in 1983, *Best Lawyers* has become universally regarded as the definitive guide to legal excellence in the United States. Inclusion in *Best Lawyers* is based on an exhaustive peer-review survey in which 18,000 leading attorneys are surveyed.

Williams Mullen announces that **Montgomery Knight, Jr.**, a senior partner with the firm's Tax Law Practice Group, has been elected President of the Hampton Roads Tax Forum for 2008-2009. The Tax Forum was created fifteen years ago to raise the level of professional service to taxpayers. It consists of approximately 150 lawyers, certified public accountants, and enrolled agents. Mr. Knight focuses his practice on complex commercial tax and fiduciary litigation, condemnation law, estate planning and administration and securities arbitration. He is a graduate of the College of William & Mary School of Law.

SAVE THE DATE
MARK YOUR CALENDAR

NOFOLK AND PORTSMOUTH BAR ASSOCIATION BENCH BAR CONFERENCE

WEDNESDAY, APRIL 8, 2009

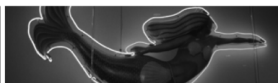
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