

# NORFOLK & PORTSMOUTH BAR ASSOCIATION

## PRESIDENT'S MESSAGE



**Nathaniel Beaman IV**

When British lawyer Richard Susskind published his book, *The Future of Law*, in 1996, senior members of the Law Society of England and Wales were incensed by certain of his predictions and went so far as to suggest that Susskind not be permitted to express his views in public. Susskind, they maintained, had evidenced an appalling lack of understanding of the concept of client confidentiality and was thereby bringing the legal profession into disrepute. So what was he predicting that caused such consternation among the eminent members of the bar? Simply this: Very soon most lawyers and clients would be communicating by e-mail.

By 2008, when his book, *The End of Lawyers? Rethinking the Nature of Legal Services* (updated in 2010), was published, Susskind and his ideas were being taken far more seriously. A graduate of the University of Glasgow, with a doctorate in law and computers from Balliol College, Oxford, he has written and edited numerous books and since 1998 has been the IT Advisor to the Lord Chief Justice of England.

It is Susskind's belief, now shared by many, that the practice of law and the provision of legal services will undergo dramatic changes within the next few years. These changes will be driven primarily by the rapid increase in what Susskind terms "disruptive information technologies" and the demand of clients for more efficient legal services at lower costs, a demand that has taken on a new urgency with the recent downturn in the economy. This transformation will occur in three primary ways: (1) the "commoditization" of certain legal services; (2) the "decomposition" of legal work into its component tasks and the "sourcing" of each of these individual tasks in the most efficient manner, to include "outsourcing," "off-shoring," and "multi-sourcing;" and (3) the emergence of new forms of legal businesses, based upon entirely different business models, perhaps utilizing outside funding.

By "commoditization," Susskind is referring to the standardization and computerization of certain legal work that can then be delivered as a "package" to the user. The document preparation software utilized by such companies as LegalZoom, LawDepot, and USLegalForms immediately comes to mind. But increasingly, law firms themselves are turning to such software. Much of the work that has traditionally been done by law firm associates can now be done much faster, more efficiently, and often more reliably by sophisticated software systems, and clients are increasingly unwilling to pay high hourly fees for such routine work. A recent *New York Times* column by John Markoff makes the point: In a 1978 antitrust case against CBS, the cost for lawyers and paralegals to examine over six million documents was in excess of \$2.2 million. Last January, in another case, a company called Blackstone Discovery utilized "e-discovery" software to review and analyze some 1.5 million documents for less than \$100,000.

(continued on page 2)

## UPCOMING EVENTS

### NPBA Luncheon

Thursday, November 17, 2011, 11:45 AM

Hits at the Park, Harbor Park

Speaker: William A. Galanko

Vice President - Law, Norfolk Southern Corp.

### NPBA Luncheon

Thursday, January 19, 2012, 11:45 AM

Hits at the Park, Harbor Park

Speaker: W. Taylor Reveley, III

President, College of William & Mary

### NPBA Holiday Party

Thursday, December 8, 2011, 5:30 - 7:30 PM

Hits at the Park, Harbor Park

## BAR BULLETIN

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December 2011

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See Flyers Inside for  
Event Details and  
Registration Information

Preregistration required  
for all NPBA Events.  
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## (PRESIDENT'S MESSAGE CONTINUED)

What Susskind calls "decomposition" is, in and of itself, not a new concept. It essentially involves separating legal work into its various component tasks and then making a determination as to the most efficient and effective way in which to accomplish each task. What will distinguish this process in the future however are the various ways in which the individual tasks will be "sourced." As clients demand more efficiency and lower costs, Susskind predicts that, increasingly, individual tasks will be performed by small specialty law firms, non-lawyers with expertise in certain areas, or lawyers located in low cost countries such as India. Law firms will find themselves in the position of being in effect "general contractors," responsible for ensuring that the work of their various "subcontractors" comes together in a finished legal product.

Perhaps the most significant changes, however, will involve the way in which law firms are structured. It is Susskind's belief that the traditional pyramid/billable hour model will eventually be replaced by new and innovative business models that are more efficient and cost effective. In this regard, two recent developments are particularly noteworthy.

The first was the announcement that as of October 2011, British law firms can now be owned by non-lawyers, thus permitting the buying and selling of law firms, the merger of law firms with other businesses, and the funding of law firms from outside sources. U.S. firms with a global practice are understandably concerned that their British counterparts will now enjoy a significant advantage, a concern that is shared by the ABA. As early as last April, the ABA's Commission on Ethics 20/20 was seeking comments on three possible forms of alternative business structures that might be permitted in the U.S.: (1) the active participation of non-lawyers with a cap on the level of non-lawyer ownership; (2) the active participation of non-lawyers with no cap on non-lawyer ownership; and (3) the formation of multi-disciplinary practices offering legal and non-legal services.

The second development of note is the rise of the "virtual law firm," perhaps best exemplified by the firm Clearspire, profiled recently in *The Economist*. Clearspire is composed of two separate legal entities: a multi-disciplinary law firm and a business services company that handles all of the business activities of the firm. The firm's lawyers work primarily from home, collaborating on a "technology platform." Clients are provided cost estimates of each phase of a legal job and if a lawyer completes his work sooner than promised, he receives a third of the savings, as do both the client and the firm.

Lawyers tend to be traditionalists. We embrace change reluctantly. And clearly the dramatic changes envisioned by Susskind and other legal "futurists" will continue to spark intense debate within the legal community. But of one thing there can be no doubt: with the rapid increase in technology and the demand by clients for more efficient legal services at lower costs, the manner in which lawyers and law firms do business will undergo significant changes over the next few years. The lawyers and law firms that succeed and prosper will be those that are best able to adapt to this new legal world.

## NOVEMBER LUNCHEON MEETING

**Thursday, November 17, 2011**  
**Hits at The Park, Harbor Park**  
**11:45 AM**

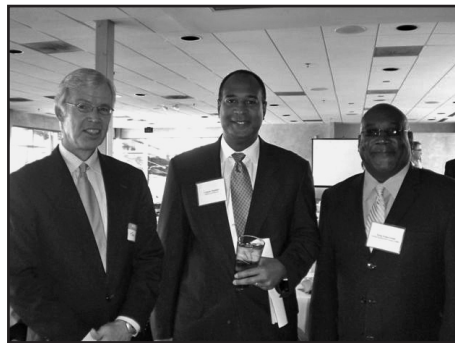


**William A. Galanko**  
**Vice President-Law,**  
**Norfolk Southern Corporation**

Bill Galanko is Vice President-Law with Norfolk Southern Corporation. Galanko joined Norfolk Southern in 1990 as a general tax attorney. He was named tax counsel in 1993 and Vice President-Taxation in 1999. In 2005, he was named Vice President-Financial Planning and in 2006 was appointed Vice President-Law.

Galanko is a graduate of West Virginia University and holds law degrees from the College of William and Mary and Georgetown University. He and his wife Paulette live in Virginia Beach and have two grown sons.

## ***OCTOBER LUNCHEON***



### **WELCOME NEW MEMBERS**

**Jennifer E. Bowen**

Court of Appeals of Virginia, Judicial Clerk

**Michael P. Giordano**

Vandeventer Black LLP

**William R. Hulcher, Jr.**

Williams Mullen

**Stephanie G. Johnson**

Hester, Shilling and Pass

**Steven Lauer**

McKenry, Dancigers, Dawson & Lake, P.C.

**Patrick L. Maurer**

Clark, Dolph, Rapoport, Hull,  
Brunick & Garriott, PLC

**Anna Mechling**

Christie, Kantor, Griffin, Smith,  
Shepherd & Chiusano, P.C.

**Jason Ohana**

Willcox & Savage, P.C.

**Brian H. Pishko**

Willcox & Savage, P.C.

**Lauren Turner**

Williams Mullen

**J. Caleb Dalton**

Student, Regent University  
School of Law

**Daniel R. Freer**

Student, Regent University  
School of Law

**Steven MacGilvray**

Student, Regent University  
School of Law

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## MESSAGE FROM THE YOUNG LAWYERS SECTION

By Joshua E. Baker, Chair

Congratulations to all of the July bar passers and welcome to the NPBA! Now that you have passed the bar I encourage you to become active with the NPBA YLS, if you have not already.

This Fall the YLS has been busy with a variety of standing traditions, as well as creating some new ones.

One of the new events arises from our support of ForKids. On October 15, members of the YLS volunteered their Saturday morning to assist ForKids with a Work Day to perform some needed yardwork at three of their Norfolk properties. The properties we assisted with are transitional housing properties where homeless families enrolled in the ForKids program for breaking the cycle of home-lessness reside. To continue living in these properties the families pay rent, meet employment and educational goals and otherwise work to better their situation while meeting ForKids' requirements for living in these properties. We will offer additional volunteer opportunities in the coming months and hope you can join us.

On October 23, dozens of young lawyers gathered with members of the local judiciary at the home of The Honorable and Mrs. Charles E. Poston for the annual Young Lawyers Fall Reception. The enjoyable afternoon was a great opportunity for new and existing members of the bar to join



Joshua Baker

with other young lawyers and to interact socially with their peers and the Bench. The Fall Reception, like so many bar events, helps foster collegiality and friendships outside of the courtroom that assist with raising the decorum and professionalism within the courtroom and practice. It was good to meet new members of our bar and to see so many old friends.

This special event cannot occur without the involvement of the judges who make it a priority and I wish to thank them, on behalf of the YLS Committee, for joining us. I would like to thank our sponsors TowneBank, Waldo & Lyle, P.C., and Wall, Einhorn & Chernitzer P.C. for their financial support of the event. I would also like to extend our deep gratitude to the Postons for continuing to graciously host the YLS's annual feature event.

During the Fall Reception, the YLS made its annual contribution to the Nor-

folk Law Library. The Norfolk Law Library and its tremendously friendly and helpful staff are an invaluable resource for the public and for practicing attorneys throughout the region. The YLS is proud to continue its support of the Norfolk Law Library and to be able this year to contribute \$2,500 to its operation.

On October 26, we gathered with Norfolk Circuit Court Judge Mary Jane Hall for the latest installment of our award-winning Breakfast with the Bench program. Thank you to Judge Hall for addressing us and sharing your thoughts and practice tips for young lawyers. We greatly appreciate Judge Hall taking the time to join us and make this event possible. Our next Breakfast with the Bench will occur in early 2012 and is presently being planned.

Over the next two months the NPBA YLS will be sponsoring a toy drive to benefit the homeless children served by ForKids. All members of the bar are invited to participate and to bring a toy or donation to our next two events. You may drop off a toy or donation at our November 17 luncheon or at the December 8 Holiday Party. Drop offs may also be made to ForKids at their thrift store located at the corner of 25th and Granby at 2411 Granby Street, Norfolk.

If you are interested in joining the YLS committee to please contact me at [jeb@emdomain.com](mailto:jeb@emdomain.com).

## NPBA FOUNDATION NEWS

By Robert V. Timms, Jr. • President, NPBA Foundation

The holiday season is fast approaching. The Foundation's board is looking forward to beginning work on its annual scholarship program. As I have written previously, last year we had our largest application pool ever and we look forward to another banner year.

In preparing for your end of year gift planning, I ask you keep the foundation in mind. More than ever we need your help in order to fund our scholarship programs. We have helped many deserving students over the years attain a college education. If you would like to make a contribution, please deliver it to the Bar Association's office.

We are interested in becoming affiliated with a program involving the rule of law and the Civil War. Please contact me if you know of any group that may be interested in joining with our Foundation in presenting a program on this topic.

In addition to a Christmas donation, I urge you to consider becoming a Fellow of the Foundation. The Fellows initiative is divided among various levels of giving. Each level requires a specific pledge that



Bob Timms

may be satisfied in annual payments. Also, the Foundation established a permanent endowment fund with the Hampton Roads Community Foundation ("HRCF"). You can now make a donation to the HRCF and designate the Foundation as the beneficiary of the gift, or remember the Foundation as part of your estate plan. The income from the corpus of the gifts made to the HRCF will be used by the Foundation to support and expand its programs.

For more information on how you can be part of the Foundation, please contact Robert V. Timms, Jr. at 486-7055 or [rtimms@inmanstrickler.com](mailto:rtimms@inmanstrickler.com).



## FIRM ANNOUNCEMENTS

**Clarke, Dolph, Rapaport, Hull, Brunick & Garriott** is pleased to announce that **Tim Brunick** recently earned the peer review rating of AV® Preeminent™ by Martindale Hubbell. An AV® certification is a significant rating accomplishment and is a testament to the fact that a lawyer's peers rank him at the highest level of professional excellence. Mr. Brunick defends local and national companies in products liability and premises liability cases. He has extensive experience in handling litigation and appeals in both federal and state courts in a variety of cases, including asbestos, personal injury, property damage, contracts, and employment. He is a past president of the Virginia Beach Bar Association and a member of the executive committee of the Conference of Local Bar Associations. He is also a member of the Virginia State Bar, Norfolk and Portsmouth Bar Association, Virginia Association of Defense Attorneys and the Defense Research Institute. He earned degrees from the College of William & Mary and George Mason University School of Law.

**Kaufman & Canoles, P.C.** is pleased to announce that nine of the firm's attorneys

have been named Best Lawyers' 2012 Lawyers of the Year. **Stanley G. Barr, Jr.** was named Norfolk Bet-the-Company Litigation Lawyer of the Year; **Robert J. Barry** was named Norfolk Employment Law - Management Lawyer of the Year; **Paul K. Campsen**, Norfolk Litigation - Bankruptcy Lawyer of the Year; **George L. Consolvo**, Norfolk Corporate Law Lawyer of the Year; **Barry W. Hunter**, Norfolk Public Finance Law Lawyer of the Year; **Dennis T. Lewandowski**, Norfolk Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law Lawyer of the Year; **T. Braxton McKee**, Norfolk Health Care Law Lawyer of the Year; **Stephen E. Noona**, Norfolk Litigation - Intellectual Property Lawyer of the Year; **Hunter W. Sims, Jr.**, Norfolk Litigation - Antitrust Lawyer of the Year and Norfolk Litigation - Banking & Finance Lawyer of the Year.

**Kaufman & Canoles P.C.** is pleased to announce that the following NPBA-member attorneys were selected for inclusion in The Best Lawyers in America 2012: **Michael E. Barney**, **Stanley G. Barr, Jr.**, **Robert J. Barry**, **John M. Bredehoft**, **Paul K. Campsen**, **George L. Consolvo**, **David M.**

**Delpierre**, **Robert C. Goodman, Jr.**, **Barry W. Hunter**, **Gus J. James II**, **Kirkland M. Kelley**, **Scott W. Kezman**, **Dennis T. Lewandowski**, **Richard C. Mapp III**, **Vincent J. Mastracco, Jr.**, **T. Braxton McKee**, **Charles V. McPhillips**, **Terence Murphy**, **Stephen E. Noona**, **Marina Liacouras Phillips**, **Alfred M. Randolph, Jr.**, **Hunter W. Sims, Jr.**, **Robert E. Smartschan**, **W. Edgar Spivey**, **Jeffrey M. Stedfast**, **Stephen E. Story**, **William R. Van Buren III**, **Lewis W. Webb III**, and **Burt H. Whitt**.

Virginia Lawyers Weekly has announced the 2011 class of "Leaders in the Law." Now in its sixth year, this awards program recognizes lawyers across the commonwealth who are setting the standard for other lawyers in Virginia. "Leaders" are recognized for changing the law, serving the community, changing practice or improving Virginia's justice system, among other accomplishments. NPBA member honorees are: **Jeffrey A. Breit**, **Breit Drescher Imprevento & Walker**; **Cheshire I'Anson Eveleigh**, **Wolcott Rivers Gates**; and **David W. Lannetti**, **Vandeventer Black**.

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# COURT NEWS

## Please be advised of the following docket restrictions for the Norfolk Circuit Court:

**Tuesday, November 8, 2011** – General Elections - The only criminal cases the Court will hear are guilty pleas and motions that will not require the testimony of witnesses. The only civil cases the Court will hear are uncontested divorces in which defendant has signed a waiver, appeals of the denial of concealed weapons permits, and motions that will not require the testimony of witnesses.

**Wednesday, November 23, 2011** – The Court will be open until noon. The only criminal cases the Court will hear are guilty pleas, bond hearings, probation violations, and (with the consent of the judge) sentencings. The only civil cases the Court will hear are uncontested divorces, motions, and concealed weapons permit appeals.

**Thursday, December 15, 2011** – Last day for jury trials until Tuesday, January 5, 2011.

**Thursday, December 22, 2011** – The only criminal cases the Court will hear are guilty pleas, bond hearings, probation violations, and (with the consent of the judge) sentencings. The only civil cases the Court will hear are uncontested divorces, motions, and concealed weapons permit appeals.

**Friday, December 23 and Monday, December 26, 2011** – No Docket – Norfolk Circuit Court Closed – Christmas holidays

**Thursday, December 29, 2011** - The only criminal cases the Court will hear are guilty pleas, bond hearings, probation violations, and (with the consent of the judge) sentencings. The only civil cases the Court will hear are uncontested divorces, motions, and concealed weapons permit appeals.

**Friday, December 30, 2011** – No Docket – Judicial Branch Holiday – Norfolk Circuit Court will be open for business.

**Monday, January 2, 2012** – No Docket – Circuit Court Closed – New Year's Day holiday.

**Tuesday, February 21, 2012** - No jury trials except in assigned cases by order of the judge.

**Friday, April 20, 2012** – No Docket – Regional Judges' Meeting.

**Tuesday, May 1, 2012** – City Council Elections - The only criminal cases the Court will hear are guilty pleas and motions that will not require the testimony of witnesses. The only civil cases the Court will hear are uncontested divorces in which the defendant has signed a waiver, appeals of the denial of concealed weapons permits, and motions that will not require the testimony of witnesses.

**Monday – Wednesday, May 14-16, 2012** – No Docket – Regional Judges' Meeting.

**Friday, September 21, 2012** – No Docket – Regional Judges' Meeting.

**Tuesday, November 6, 2012** – General Elections - The only criminal cases the Court will hear are guilty pleas and motions that will not require the testimony of witnesses. The only civil cases the Court will hear are uncontested divorces in which the defendant has signed a waiver, appeals of the denial of concealed weapons permits, and motions that will not require the testimony of witnesses.

**Thursday, December 13, 2012** – Last day for jury trials until Thursday, January 3, 2013.

**Thursday, November 10, 2011, Thursday, April 19, 2012, and Thursday, September 20, 2012**, will serve as sentencing dates.

## The Norfolk Juvenile and Domestic Relations District Court

will be closed or hearing only emergency cases on the following dates.

Please mark your calendar accordingly.

November 8, 2011.....Election Day Clerk's office will be open for business. No courts will be in session.	December 28, 2011..... 1 Court overnight arrest & emergency cases only
November 11, 2011..... Veterans Day – Closed	December 29, 2011..... 1 Court overnight arrest & emergency cases only
November 23, 2011..... Court closes at Noon	December 30, 2011.....Closed
November 24, 2011..... Thanksgiving – Closed	December 30, 2011.....Closed
November 25, 2011.....Closed	January 2, 2012.....Closed
December 23, 2011.....Closed	January 13, 2012..... Lee-Jackson Day – Closed
December 26, 2011.....Closed	January 16, 2012.. M. L. King, Jr. Day – Closed
December 27, 2011..... 1 Court overnight arrest & emergency cases only	February 20, 2012.....President's Day – Closed

## OCTOBER LUNCHEON



# You are cordially invited to the NPBA Holiday Party!



**Thursday, December 8, 2011**  
**5:30 pm – 7:30 pm**  
**Hits at the Park**  
**Harbor Park**

**CELEBRATE THE HOLIDAY SEASON WITH YOUR NPBA COLLEAGUES!**

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## **NPBA HOLIDAY PARTY**

Thursday, December 8, 2011

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Number Attending: \_\_\_\_\_

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