

NORFOLK & PORTSMOUTH BAR ASSOCIATION

BAR BULLETIN

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November –
December 2014

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See Flyers Inside for
Event Details and
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Preregistration required
for all NPBA Events.
Call 622-3152.

PRESIDENT'S MESSAGE



T. Wayne Williams

"Tell me and I forget,
teach me and I may remember,
involve me and I learn."

— Benjamin Franklin

In my first few NPBA newsletters I have taken the opportunity to tout our NPBA programs and you the members for all the great work that we do collectively for causes and the community. As noted previously I have been inspired by you, the members, for that work. That is part of the reason I chose to stay involved in the NPBA and get involved in the leadership of the organization. In this newsletter I would like to talk about the other part of the reason I have stayed involved in the NPBA. That reason is the opportunity to get to know, learn from and witness good judges and lawyers within the organization. Through my interactions in the NPBA, both directly and indirectly, many of you have served as role models and examples to me of how to be a good lawyer. While we can work together to help the community at large we can also help each from within through mentorship to new or young lawyers. We cannot give our time to the NPBA and other community centric organizations if we are not good and successful lawyers first. Access to our talented and successful members is a great benefit to being in our organization. Mentorship is an important part of career success and I encourage our members to engage in roles as mentor and mentee.

Although I have worked with and for some good lawyers, I have never been fortunate enough to have that one mentor who taught me all the skills necessary to be a good and complete lawyer. Nor have I ever worked for a large firm where I had access to dozens if not hundreds of attorneys to get my training, knowledge and experience. In my career, the NPBA has helped serve that role as somewhat of a virtual firm with a variety of mentors from the bench and the bar. Although I still have plenty of room to grow and improve, I am a better lawyer because of my time spent with judges and lawyers from big firms, small firms, private firms and public sector practitioners who are NPBA members. Mentors are not always immediately identifiable. It takes time and effort through using the opportunities our organization provides to build relationships with members and get to know them better. Sometimes you just have to ask or offer.

As I reach the middle part of my career I am enjoying opportunities to serve as a mentor to the associate in my firm and hopefully to some of the young lawyers of this organization. It is something I try to work at and a goal of my career. New lawyers have a lot to learn in their path to becoming successful: judges, clerks, opposing counsel, pleadings, courtroom demeanor, professionalism, client

(continued on page 2)

UPCOMING EVENTS

THE ABCs OF CIRCUIT COURT CASES

2 CLE Credits

Tuesday, November 18, 2014, 3-5 PM
Dominion Tower, 4th Floor

NOVEMBER LUNCHEON

Thursday, November 20, 2014 • 11:45 AM
Hits at the Park, Harbor Park
Speaker: Kevin E. Martingayle
President, Virginia State Bar

ADVANCED UNINSURED/ UNDERINSURED MOTORIST LAW

1 CLE Credit

Thursday, November 20, 2014
Immediately following Luncheon
Faculty: John Gaidies, Joynes & Gaidies

HOLIDAY PARTY

Thursday, December 11, 2014
Hits at the Park
5:00PM-7:30PM

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(PRESIDENT'S MESSAGE CONTINUED)

management, networking; the list goes on and on. Interaction with experienced attorneys is one of the best ways to learn. With the advent of technology it often seems like there is less and less personal interaction. However, a mentorship relationship is most often one on one and touches the core of human interaction and learning.

Providing mentorship can be as easy as asking another lawyer or directly offering to mentor an attorney within your firm or outside your firm. We are fortunate to have so many talented and successful members who have demonstrated the willingness to serve and mentor. Opportunities are always available at NPBA events or privately through relationships you build within our organization. You never know when or how you will start a mentor or mentee relationship. Sometimes you may not even know that you are serving that role for someone or what positive affect the way you conduct yourself in your career has on another. In my estimation none of us have obtained the successes of our careers without the mentoring of someone else. As the old saying goes, pay it forward.



YOUNG LAWYERS SECTION

By Cart Rixey Reilly, Chair



Cart Rixey Reilly

Happy fall from the YLS! It is hard to believe that it's already November with the warm September and October that we've had. Nevertheless, the YLS has had an exciting fall full of fun events.

On September 16th, the YLS cooked for and served dinner to the residents of the Ronald McDonald House. The YLS has enjoyed fostering its relationship with the Ronald McDonald House and looks forward to continuing to support such a wonderful, local cause.

The YLS and members of the bar met on October 7th for another exciting Breakfast with the Bench event. The Honorable S. Bernard

Goodwyn of the Supreme Court of Virginia joined us for a wonderful breakfast event. Justice Goodwyn's remarks focused on the importance of lawyers' contributions to access to justice initiatives, underscoring that it is our duty as lawyers to ensure equal justice to all Commonwealth citizens. Kevin Martingayle, President of the Virginia State Bar, was also in attendance and briefly highlighted related opportunities and initiatives offered by the State Bar. Thank you, Justice Goodwyn, for another wonderful Breakfast with the Bench! Stay tuned for information on the next Breakfast with the Bench event.

On the afternoon of October 26th, the YLS, members of the bar and local judges enjoyed catching up at this year's Fall Reception. The Honorable Mary Jane Hall of the Norfolk Circuit Court and her husband, John, so graciously hosted the event at their beautiful home. Thank you to the Halls for another excellent Fall Reception! As is the tradition at the Fall Reception, the YLS made its donation to the Norfolk Law Library. Thank you to the Law Library for continuing to be an extremely valued resource for our practitioners, the public and our community!

The YLS has been hard at work planning another free CLE for members of the bar! We are excited to announce that the YLS will present "The ABCs of Circuit Court Cases" on November 18th from 3:00 to 5:00 pm in Dominion Tower, Suite 400. Presenters on the panel will include The Honorable Mary Jane Hall of the Norfolk Circuit Court and Jennifer Fuschetti and Mark Smith, both from the firm of Christie, Cantor, Griffin, and Smith. The CLE is free of charge and attendees will be eligible to receive 2 CLE credits. Please mark your calendars and plan to join us for this free CLE!

As always, we welcome new members and I encourage anyone interested in joining the YLS to contact me at creilly@wolriv.com for more information. We hope everyone has a happy holiday.

ANNOUNCEMENTS

Chief Justice John G. Roberts, Jr., has named **Chief United States District Judge, Rebecca Beach Smith, Eastern District of Virginia**, to a three-year term as Chair of the Judicial Conference Committee on Codes of Conduct, effective October 1, 2014. The Committee addresses and advises on ethical issues for the entire federal judiciary and its employees, as well as for federal public defenders. The Committee is comprised of one judge from each federal judicial circuit in the United States. Before being named Chair, Chief Judge Smith served three years on the Committee as the Fourth Circuit Representative. The Chief Justice has sole authority to make appointments to Judicial Conference Committees.

Christie, Kantor, Griffin & Smith, P.C. is pleased to announce that **Barry Kantor** has been included in the 21st Edition of *The Best Lawyers in America* in Family Law. Mr. Kantor has been included for at least the last 25 years, and in 2009 was named Best Lawyer of the Year in the Norfolk area. Mr. Kantor has also been listed among Virginia Super Lawyers for 2014.

Clarke, Dolph, Rapaport, Hull & Brunick, PLC is pleased to announce the inclusion of partner **Cyrus A. Dolph, IV** in the 2015 edition of *Best Lawyers in America* in Trusts and Estates. Dolph has over forty years experience advising clients in business transactions and the planning and administration of estates, foundations and trusts.

Gilbert, Albiston & Keller, PLLC is pleased to announce that **George T. Albiston** has been included in the 2015 Edition of “Best Lawyers in America” in Personal Injury Litigation. Mr. Albiston has been named a Best Lawyer for five consecutive years. **O.L. “Buzz” Gilbert** has been included in the 2015 Edition of “Best Lawyers in America” in Personal Injury Litigation. Mr. Gilbert has been named a Best Lawyer for fifteen consecutive years.

Thomas M. Lucas of **Jackson Lewis PC** was named to the 2015 Edition of *Best Lawyers*. Lucas, shareholder in the firm and litigation manager of the Norfolk office, was one of 119 attorneys from the firm recognized. Lucas represents management exclusively in employment and labor law matters, including employment discrimination litigation and traditional labor law.

Kaufman & Canoles, PC Best Lawyers’ 2015 Lawyers of the Year were: **Alfred M. Randolph, Jr.**, Norfolk Banking and Finance Lawyer of the Year; **Barry W. Hunter**, Norfolk Public Finance Lawyer of the Year; **Gus J. James II**, Norfolk Corporate Lawyer of the Year; **Kirkland M. Kelley**, Norfolk Tax Lawyer of the Year; **Paul K. Campsen**, Norfolk Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Lawyer of the Year; **Stephen E. Noona**, Norfolk Litigation – Intellectual Property Lawyer of the Year; **Terence Murphy**, Norfolk Litigation – Construction Lawyer of the Year; **W. Edgar Spivey**, Norfolk Litigation – Real Estate Lawyer of the Year. Also honored by *Best Lawyers in America* were: **Debra C. Albiston**, **Stanley G. Barr, Jr.**, **Robert J. Barry**, **John M. Bredehoft**, **Kristan B. Burch**, **Paul K. Campsen**, **George L. Consolvo**, **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.**, **Charles V. McPhillips**, **Terence Murphy**, **Stephen E. Noona**, **Alfred M. Randolph, Jr.**, **Robert E. Smartschan**, **W. Edgar Spivey**, **Jeffrey M. Stedfast**, **Stephen E. Story** and **Burt H. Whitt**.

The following Norfolk lawyers from **LeClairRyan** were selected for the 2015 edition of *The Best Lawyers in America*: **Alan D. Albert**, commercial litigation, criminal defense; white collar, government relations practice, litigation – environmental, litigation – patent, trademark law; **Ray W. King**, closely held companies and family business law, corporate law, litigation – real estate, real estate law; **Kelvin L. Newsome**, employment law – management, litigation – labor and employment.

Pender & Coward is pleased to announce that **Richard E. Garriott, Jr.**, a firm shareholder, has been named to the 2015 Best Lawyers for Family Law. He was also voted “Lawyer of the Year” in his practice area. Garriott is a Fellow of the American Academy of Matrimonial Lawyers, a Virginia Super Lawyer (2011-13) and was selected for Virginia’s Legal Elite by Virginia Business Magazine in 2011. **E. Diane Thompson** has been named a 2015 Best Lawyer for the 22nd consecutive year in Trusts and Estates. She was also voted “Lawyer of the

Year” in her practice area. Thompson is a firm Shareholder specializing in Estate Planning, Trust and Estate Administration, Fiduciary Income, Taxation, Federal Estate and Gift, Taxation and Postmortem Tax and Disclaimer Planning. She has been listed as a Super Lawyer since 2006 and has been recognized among the Legal Elite by Virginia Business.

The following attorneys from **Poole Mahoney PC** were selected for inclusion in the 2015 edition of *The Best Lawyers in America*: **Albert H. Poole** – corporate law; **Reeves W. Mahoney** – family law; and **Jeffrey F. Brooke** – personal injury litigation – plaintiffs.

Williams Mullen is proud to announce that **Patrick C. Devine, Jr.**, a Partner in the firm’s Health Care section, has been named the 2015 Norfolk Health Care Law “Lawyer of the Year” by *The Best Lawyers in America*. Mr. Devine concentrates his practice in health care, antitrust, corporate and business, securities and venture capital law. He regularly assists health care providers with business and regulatory issues in the health care industry, including business structures, joint ventures, mergers and acquisitions, certificate of public need, tax, antitrust, reimbursement, compliance, false claims act, privacy, disciplinary and medical staff, credentialing, managed care, buy-sell and employment agreements, and legislative matters. Pat is included in Virginia Business magazine’s “Legal Elite” and was named “Top Health Law Attorney in Virginia” by the publication in 2003. He also is recognized as a “Super Lawyer” for Health Care by *Virginia Super Lawyers*. Pat was the first recipient of the Norfolk & Portsmouth Bar Association’s Judge Walter E. Hoffman Community Service Award. Martindale Hubbell has rated Pat AV, its highest rating.

Cheshire I’Anson Eveleigh of **Wolcott Rivers Gates** was recently selected for inclusion in *The Best Lawyers in America* 2015 in the field of Family Law. In addition, Ms. Eveleigh was featured by Fortune Magazine in their Women Leaders in the Law 2014 edition. Ms. Eveleigh’s practice includes complex divorce, custody, visitation, child and spousal support cases among other areas of family law.

● ● ●

JIM AND KAREN SQUIRES OFFER TO MATCH DONATIONS TO LEGAL AID

James A. ("Jim") and Karen Jones Squires are offering to match, dollar for dollar, contributions made to the Legal Aid Society of Eastern Virginia by December 31, 2014, up to an amount of \$50,000.

Mr. Squires, an attorney, former head of the Norfolk Southern Law Department, and former member of NPBA, now serves as President of Norfolk Southern Corporation. Mrs. Squires has been involved in a variety of volunteer organizations and served as a member of the School Board of the City of Norfolk.

Since the recession, public funding for the Legal Aid Society of Eastern Virginia has been considerably reduced, resulting in a one-third reduction in staff attorneys since 2009. At the same time, with much of the public still feeling the effects of the recession, demands for Legal Aid services are at record highs. With their legal and civic backgrounds, Mr. and Mrs. Squires have a keen interest in promoting civil justice for the indigent and disadvantaged, and hope their offer to match contributions will boost giving and help fill the void caused by the reduced levels of public funding.

When asked to comment on this offer, Gary Bryant, Chairman of the Pro Bono Committee of the NPBA, said: "Attorneys have a professional responsibility to assist the indigent in accessing legal services. While we are working to increase the level of pro bono services provided by attorneys in the area, we recognize that it isn't always feasible for attorneys to devote their time. For those attorneys who cannot perform pro bono services, making a contribution to the Legal Aid Society of Eastern Virginia is an excellent way to satisfy your professional responsibility, and this is a great opportunity to leverage your contribution to make twice the difference."

Those wishing to contribute to the Legal Aid Society can do so by credit card online at www.laseva.org or by sending a check made out to the Legal Aid Society of Eastern Virginia to 125 St. Paul's Boulevard, Suite 400, Norfolk, VA 23510.

NOVEMBER LUNCHEON MEETING

Thursday, November 20, 2014

Hits at The Park, Harbor Park

11:45 AM



Kevin E. Martingayle
President, Virginia State Bar

**For luncheon reservations,
call the NPBA office at 622-3152
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**The Norfolk & Portsmouth Bar Association
Young Lawyers' Section
presents**

The ABCs of Circuit Court Cases

**2 CLE Credits
FREE OF CHARGE**

**Tuesday, November 18, 2014, 3-5 P.M.
Dominion Tower, 4th Floor**

Coordinator: Zach Simmons
Assistant Norfolk City Attorney

Faculty: Judge Mary Jane Hall
Norfolk Circuit Court
Mark Smith
Christie, Kantor, Griffin & Smith
Jennifer Fuschetti
Christie, Kantor, Griffin & Smith

Whether you're new to the practice of law or new to the Circuit Court, this two-hour program will provide you with the practical knowledge you need to progress your case from consultation to courtroom. Learn what you need to file and how long you have to do it. Hear about common pitfalls and best practices from a young lawyer, an experienced litigator, and a circuit court judge. Get answers to your questions, no matter how basic, and find out about the best resources to turn to when you have more.

To register, complete form and fax to 622-4406 or mail to:
NPBA, 999 Waterside Drive, Suite 1330, Norfolk, VA 23510

YLS Circuit Court CLE

Name: _____

Firm: _____

Telephone: _____ Email: _____

THIS IS A FREE EVENT.

Contact NPBA at 622-3152 or npbamail@gmail.com

WELCOME NEW MEMBERS

Ellen Bergren

Colleen Callahan
Virginia Port Authority

Gregory Chakmakas
Judicial Clerk
Norfolk Circuit Court

Deborah Yeng Collins
Sullivan Law Group, P.L.C.

Steven Dunn
Judicial Clerk
Norfolk Circuit Court

Jennifer Eaton
Judicial Clerk
Norfolk Circuit Court

Gregory T. Harris

Meredith H. Jacobi
Andrews Law Group

Margaret Kelly
Judicial Clerk
Norfolk Circuit Court

James W. Noel, III
Virginia Port Authority

Aarthy S. Thamodaran
Norfolk Southern Corporation

Sean Conlen
Georgetown University law student

Lisa Jackson
Regent University law student



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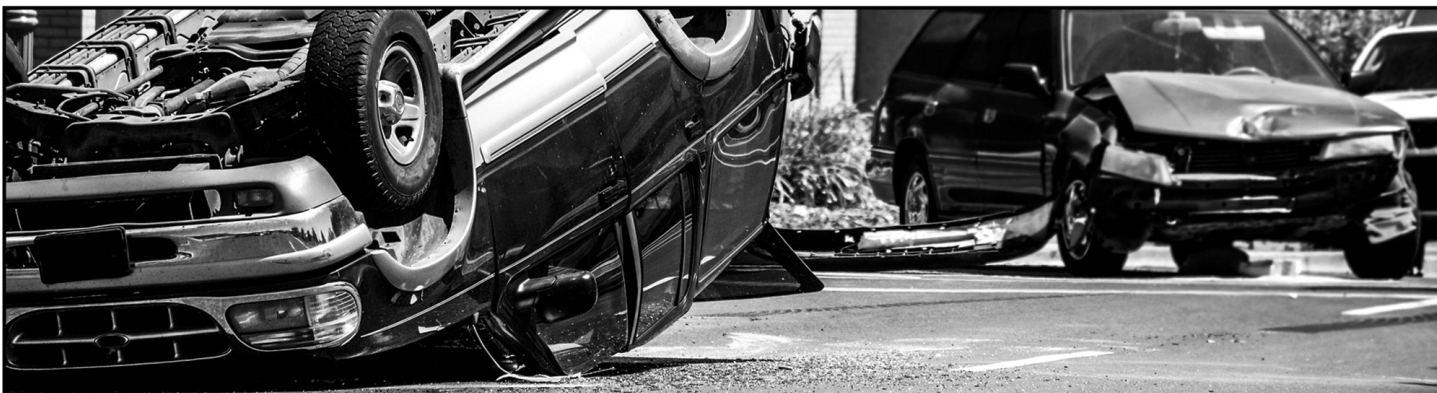
Stephen M. Smith, Esq.

Out of thousands of trial lawyers in the United States, Stephen M. Smith was one of the select few invited to be trained in the Neuro-Anatomical Dissection of the Human Brain and Spinal Cord at Marquette University College of Health Sciences. This advanced medical training, coupled with his 40 years of national and international complex medical litigation experience, provides his clients with an advantage in the court room.

If you or a loved one has suffered an injury and are experiencing difficulties, please contact us for a complimentary evaluation so you can learn about your legal options.



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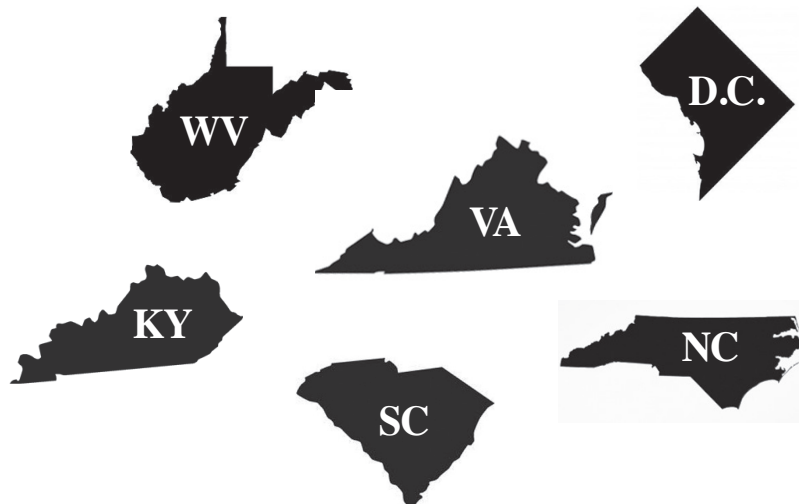


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Bennett and Zydron, P.C. cases reported in Virginia Lawyers Weekly. Please call.



Carlton F. Bennett



C. Stewart Gill, Jr.



Eric K. Washburn



Kevin D. Sharp



John E. Zydron

Virginia's Largest Verdicts 2008 #2 \$10.2 million
Zoll v. Werner Enterprises Inc. 01/12/2009

Motorcyclist Hit By Bus Settles For \$7.5 Million 02-02-2004

Million Dollar Settlements 2012 #13 \$3.7 Million
Case type: Tractor-trailer collision

Million Dollar Settlements 2009 Jane Doe v. Jones Corporation; Rhonda Doe v. Jones Corporation \$2.5 Million and \$1.1 Million Settlements

Virginia's Largest Verdicts 2009 \$2.1 Million and \$1.1 Million Personal injury – Traumatic brain injury 02/1/10

Three separate actions filed after shipyard explosion: \$1,000,000 Settlement, \$1,350,000 Settlement, \$1,195,000, Settlement 01-23-12

Virginia's Largest Verdicts 2005 #7 \$3 million Wood v. S.C. Jones Inc. and Young 01/23/2006

Brain injury mediated for \$2.4 million 12-08-2003

Virginia's Largest Verdicts of 2013 #12 \$2.1 Million Teen thrown from hotel balcony during party Case name: Remley v. Ruiz

Earning capacity, future medicals contested in TBI case \$1,725,000 Settlement 01/23/12

Million Dollar Settlements of 2011 #20 \$1.725 Million Kellam v. Colvin and Dunkin Doughnuts Mid-Atlantic Distribution Center 02/06/12

Million Dollar Settlements 2013 #28 \$1.55 Million Plaintiff suffered MTBI in tractor-trailer collision Name of case: Smaw v. Buffington, et al. 2-10-14

Million Dollar Settlements 2013 #33 \$1.45 Million Brain injury led to loss of employment, total disability 2-10-14

Million Dollar Settlements of 2011 #32 \$1.35 Million Jones v. Capitol Finishes, Inc., et al. 02/06/12

Separate settlements negotiated for couple injured in head-on collision – \$150,000 and \$1,125,000 Settlements 12-03-2012

Million Dollar Settlements 2010 #28 (tie) \$1.25 million Staff v. Hurst 02/07/11

Death case after scooter-Hummer collision settles for \$1.25M limits 08-26-2010

Million Dollar Settlements 2013 #39 \$1.247 Million Patriot Guard motorcycle rider struck by pickup truck Name of case: O'Brien v. Townsend 2-10-14

Million Dollar Settlements of 2011 #37 \$1.195 Million Campbell v. Capitol Finishes, Inc., et al.

Million Dollar Settlements 2012 #46 \$1.125 Million Name of case: Kehoe v. Harvey Case type: Automobile accident

Million Dollar Settlements of 2011 \$1 Million Moore v. Capitol Finishes, Inc., et al.

Million Dollar Settlements of 2011 \$1 Million Venable V. Pete's Autos Service of Denbigh

Family settles death claim for 85-year-old for \$1M 05-24-2011

Seizure disorder caused by injuries from collision – \$800,000 Settlement 11-23-2009

Injured deliveryman negotiates settlement after arbitration award – \$750,000 Settlement 09-02-2013

CNA sexually assaults assisted living resident \$750,000 Verdict 06/22/09

Case of death of minor is mediated for \$625,000 01-16-2006

Mack truck failed to stop at stop sign in Franklin – \$450,000 Settlement 12-29-2011

Failure-to-yield case mediated – \$375,000 Settlement 03-12-2012

NEGLIGENCE – Auto Accident – Wrongful Death \$289,101.58 Settlement 06-01-1998

Jane v. John Doe. NEGLIGENCE – Premises Liability (323676) \$200,000 Settlement 06-22-1998

Intersection crash led to mild TBI – \$190,000 Settlement 08-27-2012

Tomlinson v. Beck NEGLIGENCE – Auto Accident \$95,000 Settlement 03-30-1998

Pressure ulcer turned fatal during nursing home stay – Confidential Settlement 02-18-2013

Man died after eloping from assisted living facility – Confidential Settlement 01-31-2011

Nursing home patient dies after CNA drops her – Confidential Settlement 12-27-2010

Patient dies from complications from multiple pressure sores – Confidential Settlement 11-29-2010

Nursing home resident dies from head injury – Confidential Settlement 10-25-2010

Nursing home patient fell within the first hour of admission. \$230,000 mediated settlement

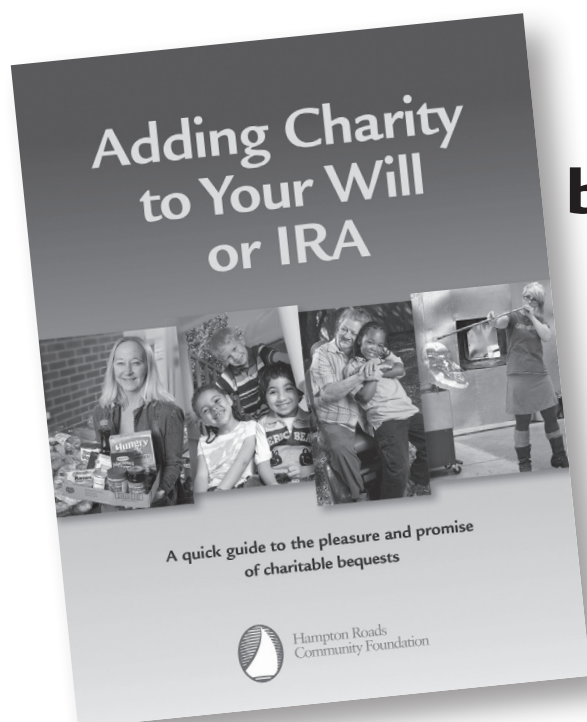
For more than two decades, Bennett and Zydron, P.C. has accepted referrals from attorneys throughout Virginia and North Carolina. We are proud to have served referring counsel and our clients at the highest level. Our success with litigation involving claims of traumatic brain injury, personal injury, medical malpractice and nursing home neglect has earned our lawyers recognition from Martindale-Hubbell, Super Lawyers, The Million Dollar Advocates Forum, The National Trial Lawyers (Top 100 Trial Lawyers) and Best Lawyers in America. But more than anything, we take pride in our continued relationships with referring counsel and achieving beneficial outcomes for those we serve. Please feel free to contact any of our attorneys to discuss referral of your claim and the benefits it can provide to you and your client. We look forward to working with you.

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