

NORFOLK & PORTSMOUTH BAR ASSOCIATION

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INSIDE

PAGE 2 .. WELCOME NEW MEMBERS
COURT NEWS

PAGE 3 SEPTEMBER LUNCHEON

PAGE 4 OCTOBER LUNCHEON
YLS MESSAGE

PAGE 5 FIRM ANNOUNCEMENTS

PAGE 6 ACCESS TO JUSTICE

See Flyers Inside for
Event Details and
Registration Information

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

PRESIDENT'S MESSAGE



Nathaniel Beaman IV

At the recent Virginia State Bar Disciplinary Conference in July, Judge William G. Petty made a recommendation that is sure to spark debate among members of the bar. It may, however, be an idea whose time has come.

According to the *Virginia Lawyer's Weekly*, Judge Petty, who sits on the Virginia Court of Appeals, expressed concern that the bar is not doing an adequate job of guiding and mentoring its newest attorneys. As noted by Judge Petty, in years past the older and more experienced members of the bar were quite willing to assist the younger lawyers, thus enabling these young lawyers to learn and make mistakes before those mistakes became serious. However, with the ever increasing financial demands of law practice, such mentoring is rapidly becoming a thing of the past. Judge Petty pointed out that, unlike the medical profession that requires all new doctors to serve a residency, the legal profession has no formal internship program. His recommendation was that the bar develop some form of what he termed "institutionalized mentoring." He is of the opinion that this will do more to enhance professionalism than anything else.

Judge Petty's concerns regarding the inadequacy of mentoring appear to be well founded. In their recent book, *The Happy Lawyer*, Nancy Levit and Douglas Linder, law professors at the University of Missouri-Kansas City, noted that in virtually every survey "lack of mentoring" is the primary reason for associate dissatisfaction. In one such study, 43% of associates indicated that they had not been provided with the mentorship they needed or wanted. Rick Allan, the director of the Nebraska Lawyers Assistance Program, attributes the lack of mentoring to a cultural shift in the profession. Interviewed for a recent issue of the ABA's *Bar Leader*, he was blunt: "Law firms are failing in the area of mentoring. I understand overhead and that law firms have to be profitable, but I've seen so much overreaching and greed in our profession. The emphasis is on hours billed, and they're not paying attention to good mentoring."

If the decline in mentoring has become a significant problem, as appears to be the case, what then is to be done? Is the development of a program of "institutionalized mentoring," as suggested by Judge Petty, the answer? These are important questions and I think they merit our very careful consideration.

In recent years, voluntary mentoring programs have been established by bar associations on both the local and state level. The success of these voluntary programs, it seems fair to say, has been modest at best. In fact, at least two state bars, Alabama and Nebraska, have now terminated their programs due primarily to a lack of participation by new attorneys. In Virginia, the State Bar does

(continued on page 2)

UPCOMING EVENTS

Advising Small Businesses
3 CLE Credits
Wednesday, September 14, 2011, 1:00 - 4:00 PM

Luncheon
Thursday, September 22, 2011, 11:45 AM
Hits at the Park, Harbor Park
Speaker: Brian T. Goldstein, Esq.
Fettman, Tolchin & Majors, P.C.

Trust and Estate Litigation
3 CLE Credits
Wednesday, September 21, 2011, 1:30 - 4:30 PM

Arbitrating Disputes
3 CLE Credits
Thursday, September 22, 2011, 1:30 - 4:30 PM
Blogging, Tweeting and Social Networking
2 CLE Ethics Credits
Wednesday, September 28, 2011, 1:00 - 3:00 PM
(continued on page 8)

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(PRESIDENT'S MESSAGE CONTINUED)

not offer a formal mentoring program, although the Virginia Law Foundation does sponsor a voluntary program that is designed to "supplement," rather than replace, similar programs in law firms and local bar associations. Several years ago, the Norfolk and Portsmouth Bar Association established its own voluntary mentor/mentee program. But, consistent with the experiences of many, if not most, local bar associations, the NPBA found that very few new attorneys will choose to participate in a voluntary mentoring program. As Melvin F. Wright, Jr., the chair of the ABA Standing Committee on Professionalism recently stated: "It's a challenge, where it's not required or mandatory."

If the voluntary approach to mentoring has proven only modestly successful, will a mandatory program—"institutionalized mentoring"—be any more so? A number of states are currently in the process of answering that question. Georgia, Utah, and Oregon, have established mandatory programs, with Wyoming and Nevada apparently in the planning stages. Although not identical, all of these programs have certain elements in common: Every new lawyer is assigned to an "approved" older attorney, who may be "in-house" (within the same firm or office) or "outside." Together the new attorney and the mentor devise a Mentoring Plan that must include certain core requirements. The Plan must be completed during the new attorney's first year of practice and both the new attorney and the mentor must certify completion to the state bar. It is far too soon to render judgment on any of these programs, but if they do ultimately prove successful, it is likely that many more state bars will soon be following their example and establishing mandatory mentoring programs for their new attorneys.

Whether or not mandatory or "institutionalized" mentoring proves to be the ultimate answer, Judge Petty is certainly correct that we are not doing an adequate job of mentoring our newest lawyers. This past July, some 1,513 aspiring attorneys took the Bar Exam and in a very short time we will be welcoming most of them into our ranks. They will be entering a new world that is at once challenging, exciting, and daunting. All members of the bar should feel an obligation to help these young lawyers develop the character and competence that will enable them to enjoy successful and productive careers. No less than the future of our profession depends upon our success.

VSb AWARDS



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WELCOME NEW MEMBERS

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COURT NEWS

The judges of the Fourth Judicial Circuit convened on June 1, 2011, and selected **Junius P. Fulton, III** to be Chief Judge of the Fourth Judicial Circuit of Virginia commencing July 1, 2011, pursuant to §17.1-501 of the Code of Virginia, 1950, as amended.

SEPTEMBER LUNCHEON MEETING

Thursday, September 22, 2011

Hits at The Park, Harbor Park

11:45 AM



Brian Taylor Goldstein
*Entertainment Law and
... Entertainment!*

For this season's opening production, renowned entertainment lawyer Brian Taylor Goldstein will expound upon the joys and tribulations of representing performing artists. And to demonstrate beautifully why it's worth all the drama, we will be joined by a Virginia Opera rising star, to give us the briefest taste of the performing arts.

Brian is a partner in the law firm of FTM

Arts Law, the entertainment division of the law firm of Fettmann, Tolchin and Majors, P.C., and is also the Managing Director of the arts management and consulting firm of FTM International. With offices in both Washington, DC and New York City, Brian's work concentrates on providing legal, consultation, and management services to clients in the fields of entertainment and the arts—including the performing arts, music, television, motion pictures, the fine arts, publishing, graphic design, and non-profit arts related organizations. His clients include renowned artists, performers, and authors; nationally and internationally distinguished companies in the fields of opera, dance, and theater; regional and off-Broadway theater companies; award-winning producers and directors; top-selling recording artists; award winning documentary and feature-length film makers; regional and national presenters and venues; and critically acclaimed

fine-artists and designers. He serves as general counsel for many nationally and internationally-based artist management companies and agencies, as well as Legal Affairs Advisor to NAPAMA (North American Performing Arts Managers and Agents), U.S. Legal Advisor to IAMA (International Artist Managers Association), U.S. Legal Advisor to the Association of British Orchestras (ABO), and legal advisor to the National Performing Arts Visa Task Force and the American Arts Alliance. FTM Arts Law is the recipient of the 2010 Yates Award for Outstanding Arts Advocacy from the Association of Performing Arts Presenters.

Following Brian's remarks, a Virginia Opera "diva of the future" will close the program with a sparkling glimpse of the artist's magic. We look forward to seeing everyone on September 22, 2011 at our first luncheon of the season!



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OCTOBER LUNCHEON MEETING

Thursday, October 20, 2011

Hits at The Park, Harbor Park

11:45 AM



Marcus Jones
Norfolk City Manager

Having served the City of Norfolk from 2004-2009 as the Director of Budget & Grants Management and as an Assistant City Manager, Marcus D. Jones returned to Norfolk February 1, 2011 to assume the post of City Manager. His responsibilities include the supervision of the administrative operations of the City including the preparation of its annual budget.

Prior to returning to Norfolk, he served as Deputy Chief Administrative Officer for Finance & Administration for the City of Richmond, where he played a major role in transforming Richmond City government

to a results-oriented organization. Prior to 2004, Mr. Jones served the Commonwealth of Virginia as Governors Warner and Gilmore's, Deputy Secretary of Finance. In each case, Mr. Jones played a major role in protecting the Commonwealth's coveted AAA bond rating and streamlining government operations.

Mr. Jones earned his Bachelor's degree in Public Administration from James Madison University and a Masters degree in Public Administration from Virginia Commonwealth University. Mr. Jones is married to Jillian and has three children.

MESSAGE FROM THE YOUNG LAWYERS SECTION

By Joshua E. Baker, Chair

This summer has been a busy and enjoyable time for the NPBA YLS.

On June 23rd nearly 80 NPBA golfers gathered at Bide-A-Wee Golf Course for the 2011 NPBA-YLS Golf Tournament for a fantastic day of golf, sun and camaraderie. The Golf Tournament is the YLS' chief fundraising event and allows us to support the Norfolk Law Library, as well as provide funds for the various YLS social events throughout the year. Thank you to all of the golfers who came out to participate and support the YLS.

Each year the Tournament relies on sponsors to make the event a success and this year we had a tremendous number of generous sponsors, without whom the Tournament cannot occur. I would like to offer special thanks to our Gold and Silver Sponsors listed below. I would also like to personally thank Johnnie Pearson and David Crain, both of Willcox & Savage, P.C. for their leadership and organization of this year's greatly successful tournament.

On July 28, 75 lawyers in a room was not



Joshua Baker

the setup to a bad lawyer joke, but rather the YLS-sponsored NPBA Summer Social. The Summer Social gave us an opportunity to gather with our colleagues, catch up and enjoy the panoramic views from Willcox & Savage's conference rooms while escaping the roiling heat. Many thanks to Steve Clarke, Waldo & Lyle, P.C., for organizing this enjoyable social event.

Our last event of the summer, the August 18, Tides' Game Outing was also a great success. This year we attended a night game, which allowed us to escape from the daytime heat that has accompanied this event in recent years and gave our members an opportunity to bring

their families out as well. Thanks to Brian Kunze, Waldo & Lyle, P.C., for organizing this fun event.

As the summer comes to a close we are looking forward to a busy fall and meeting all of the new young lawyers who will be joining our ranks. To that end, I would like to ask for the assistance of the Bar at large to encourage the young lawyers to join the Bar, become involved and to attend our upcoming Fall Reception. The Fall Reception offers new young lawyers joining our bar the opportunity to meet other lawyers in the early stages of their practices and members of the bench in an informal setting.

I am excited to announce that on October 15 we will begin our support of ForKids throughout the coming year. On October 15 all members of the bar will have the opportunity to join with the YLS as we donate our time to assist ForKids with capital improvement projects. The details are still being planned, but we look forward to assisting ForKids with their mission to break the cycle of homelessness.

If you are under the age of 36 or if you have been practicing less than 5 years, you are a member of the Young Lawyers Section and I hope to see you at our many upcoming events.

If you are interested in joining the YLS committee to please contact me at jeb@emdomain.com.

YLS GOLF TOURNAMENT

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FIRM ANNOUNCEMENTS

Christie Kantor Griffin Smith Shepherd & Chiusano, P.C. is pleased to announce that **Anna Hart Mechling** has become an associate in the firm. Mrs. Mechling earned her law degree from the University Of Richmond School Of Law and her undergraduate degree from Virginia Tech. Anna served for two years as Law Clerk to the Chesapeake Circuit Court. Mrs. Mechling is a native of Hampton Roads and will focus her practice on domestic relations, family law, guardian ad litem matters, and traffic/criminal matters.

Clarke, Dolph, Rapaport, Hull, Brunick & Garriott is proud to announce that partners **Cyrus A. Dolph IV** and **Richard E. Garriott, Jr.** have been named in the 2011 edition of Virginia Super Lawyers and **Caryn R. West** was recognized as a 2011 Virginia Super Lawyers Rising Stars.

Kaufman & Canoles, P.C. is pleased to announce that the firm and many of its attorneys have been named to the 2011 edition of Chambers USA: America's Leading Lawyers for Business. The firm received recognition as a leader in the state of Virginia in corporate/mergers and acquisitions, intellectual property, labor and employment, and litigation. **Vincent J. Mastracco, Jr.**, **T. Braxton McKee** and **William R. Van Buren, III** were recognized as leaders in corporate/mergers and acquisitions. **Hunter W. Sims, Jr.** received recognition in litigation. **John M. Bredehoft** and **Burt H. Whitt** were recognized in labor and employment. **Stephen E. Noona** received recognition in intellectual property.

Kaufman & Canoles, P.C. is pleased to announce that the following NPBA members were selected for Virginia Super Lawyers 2011: **Debra C. Albiston**, Family Law; **Michael E. Barney**, Real Estate; **Stanley G. Barr, Jr.**, Business Litigation; **Robert J. Barry**, Employment & Labor; **John M. Bredehoft**, Employment & Labor; **Paul K. Campsen**, Bankruptcy & Creditor/Debtor Rights; **George L. Consolvo**, Bonds/Government Finance; **Jason R. Davis**, Health Care; **David M. Delpierre**, Business/Corporate; **Robert C. Goodman, Jr.**, Business/Corporate; **Gus J. James, III**, Business/Corporate; **Kirkland M. Kelley**, Estate Planning & Probate; **Scott W. Kezman**, Employment & Labor; **Charles E. Land**, Real Estate; **Dennis T. Lewandowski**, Bankruptcy & Creditor/Debtor Rights; **Vincent J. Mastracco, Jr.**, Mergers & Acquisitions; **T. Braxton McKee**, Health Care; **Charles V. McPhillips**, Business/Corporate; **Terence Murphy**, Construction Litigation; **Stephen E. Noona**, Intellectual Property Litigation; **Alfred M.**

Randolph, Jr., Banking; **Hunter W. Sims, Jr.**, Business Litigation; **W. Edgar Spivey**, Securities Litigation; **Jeffrey M. Stedfast**, Banking; **Stephen E. Story**, Franchise/Dealership; **William R. Van Buren, III**, Business/Corporate; **Lewis W. Webb, III**, Estate Planning & Probate; **Burt H. Whitt**, Employment & Labor. The following attorneys were selected for Virginia Rising Stars: **Elaina L. Blanks**, Tax; **Kristan B. Burch**, Intellectual Property Litigation; **R. Johan Conrod, Jr.**, Insurance Coverage; **Ryan G. Ferguson**, Business Litigation; **Nicole J. Harrell**, Business/Corporate; **J. Bradley Reaves**, Government Contracts; **Mary Elizabeth Sherwin**, Personal Injury Defense: Medical Malpractice; **Anna Richardson Smith**, Employment & Labor; **David J. Sullivan**, Employment & Labor.

LeClairRyan is pleased to announce that five Hampton Roads-based attorneys were selected as 2011 Virginia Super Lawyers, including NPBA members **Alan D. Albert** in Business Litigation and **Ray King** in Real Estate.

McGuire Woods' NPBA-member 2011 Virginia Super Lawyer is: **Robert W. McFarland** in civil litigation defense.

Jeffrey F. Brooke, shareholder of the law firm of **Poole Mahoney, P.C.** has been appointed Chairman of the Virginia State Bar Fee Dispute Resolution Program for the Norfolk and Portsmouth area.

After 24 years, **Huff, Poole, & Mahoney P.C.** becomes **Poole Mahoney PC**. All 100 of the Poole Mahoney family congratulate **Glen Huff** on his appointment as Judge to the Virginia Court of Appeals.

Six **Poole Mahoney** lawyers were named in Virginia Super Lawyer Magazine for 2011. NPBA member **Reeves W. Mahoney** was selected in Family Law and **Shantell S. Nashatka** was selected for the 2011 Virginia Rising Stars list in Family Law.

Robert V. Roussos, **Joseph R. Lassiter, Jr.** and **Lawrence H. Glanzer** are pleased to announce that **Kelly M. Barnhart** has become partner in the firm and that the firm is now known as **Roussos, Lassiter, Glanzer & Barnhart, P.L.C.** Ms. Barnhart is currently President of the Tidewater Bankruptcy Bar Association and has been selected as a "Rising Star" by Super Lawyers of Virginia. She is a frequent CLE lecturer on Bankruptcy Matters and will continue to serve as Chapter 13 Trustee counsel.

Shapiro, Cooper, Lewis and Appleton is pleased to announce that three of the firm's attorneys - **Richard "Rick" Shapiro**, **James "Jim" Lewis**, and **John Cooper** - were named Virginia Super Lawyers for

2012. Jim was selected for plaintiff's personal injury and medical malpractice law and John and Rick for personal injury law.

The **South Hampton Roads Bar Association** recently elected the following officers for 2011-2012. President: **Stephen E. Anthony**, Williams Mullen, PC; Immediate Past President: **Jennifer M. Williams**, President-Elect: **Pamela F. Boston**, Asst. Attorney General, Norfolk State University; Treasurer: **Wm. T. Mason, Jr.**, Robinson Law Group; Secretary: **Charlene A. Morring**, Montagna Klein Camden, LLP.

Troutman Sanders LLP is pleased to announce that 43 of its lawyers have been selected for *Virginia Super Lawyers*. Troutman Sanders' 2011 NPBA-member Virginia Super Lawyers are: **Christopher A. Abel** - Transportation/Maritime; **John C. Lynch** - Business Litigation; **David H. Sump** - Transportation/Maritime. 26 of its lawyers have been selected for *Virginia Super Lawyers - Rising Stars Edition*. NPBA-member Rising Stars are: **Robert P. Beaman, III** - Land Use/Zoning and **Dawn L. Serafine** - Government Contracts.

Eighteen lawyers from **Vandeventer Black LLP** have been named to the Virginia Super Lawyers list for 2011, including NPBA members **Christopher Ambrosio**, **Dean T. Buckius**, **Deborah M. Casey**, **Mark T. Coberly**, **William E. Franczek**, **Patrick A. Genzler**, **James R. Harvey, III**, **Patrick W. Herman**, **Arlene F. Klinedinst**, **David W. Lannetti**, **Neil S. Lowenstein**, **Bryant C. McGann**, **Richard H. Ottinger**, **Anita O. Poston**, **John M. Ryan** and **Michael L. Sterling**.

Willcox & Savage's practice groups and attorneys are recognized in the 2011 edition of Chambers USA. The Commercial Litigation and Products Liability groups are named leading practices in Virginia. Chambers USA also designates the Corporate/M&A group and the Real Estate group as leading practices in Southern Virginia. In addition, Chambers USA names the following attorneys as leading practitioners in their respective areas of law: **Bruce T. Bishop**: Products Liability. **Robert L. Dewey**: Real Estate. **Thomas C. Inglis**: Corporate/M&A. **Thomas G. Johnson, Jr.**: Real Estate and Corporate/M&A. **Timothy J. Lockhart**: Intellectual Property. **Conrad M. Shumadine**: Commercial Litigation.

Virginia Super Lawyers 2011 has recognized **Susan R. Blackman** of **Willcox & Savage, P.C.** as one of the "Top 25" women lawyers in the state. Susan is a partner in the firm's Labor and Employment Group, where her practice focuses on business immigration and employment law.

ACCESS TO JUSTICE AND HOW YOU CAN HELP

By Michele Peters

Managing Attorney, Special Projects / Pro Bono Initiative Office • Legal Aid Society of Eastern Virginia

Did you know that less than 20% of the legal problems experienced by poor people are addressed with the assistance of a lawyer; that in 2009, on average, there were 6,400 poor people per legal aid attorney, but less than one tenth the number (430) of non-poor people per private attorney; that only 17% of poor people spoke with any kind of attorney for help with their legal needs, and that in 2005, the last year that a national survey was completed, over one million poor people were rejected for legal aid services, even though they qualified, because there weren't enough attorneys to assist them?

Legal Aid Society of Eastern Virginia (LASEV) is a 501(c) (3) charitable organization with offices in Norfolk, Virginia Beach, Hampton, Williamsburg, and the Eastern Shore. We assist poor people with their civil legal needs, especially cases involving basic "safety net" issues, including domestic violence, abused and neglected children, disabled and elderly, evictions and problems with substandard housing, Social Security, Medicare, consumer issues and debt collection. We maintain a Senior Law Center in Norfolk which assists low-income Southside clients aged 60 or over. The number of indigent people in Norfolk and Portsmouth eligible for our services has certainly increased since the last census data available (from 2000), which included over 52,000 in Norfolk and over 20,000 in Portsmouth.

It is no surprise, especially with the recent economic downturn, that more people than ever are eligible for, and seeking, legal aid assistance.

Our attorneys and paralegals were able to close over 7,000 cases last year, help over 16,000 people, and won lump sum awards for our clients totaling over \$1.8 million. That was a 32% increase in cases closed in the last three years, despite the reduction of case handlers. We had over 14,000 requests for legal assistance in fiscal year 2010-11.

This increase in requests for assistance comes at the same time that our program has suffered a severe reduction of over \$500,000 in funding during the past fiscal year, with additional reductions anticipated for the current fiscal year. These reductions are simply non-sustainable and they have already negatively impacted our program in many ways.

We cannot hope to address the rising tide of legal need and lack of resources on our own, and desperately need help from the private bar. In the last few weeks we have received several generous monetary contributions from individual lawyers and law firms. We would like to be able to count on greater and continued monetary support from our colleagues in our efforts to address the overwhelming legal needs of low-income citizens and thereby, to support equal access to justice in our communities.

Our program could also use the time and talents of the private attorneys in our service areas to take cases for brief service or representation in order to help ease the crush of applications that we receive daily. American Bar Association Model Rule 6.1 on Access to Justice, suggests that attorneys contribute 50 hours of *pro bono*

services annually. Virginia Rule of Professional Conduct 6.1 suggests that Virginia attorneys contribute 2% of their annual professional time assisting the legal needs of the poor.

The fact that Legal Aid is acting as opposing counsel in an unrelated case is not necessarily a bar to handling a *pro bono* referral from our legal aid program. LASEV provides professional liability insurance for *pro bono* referrals; we can provide case screening, assignment of only the case types wanted by a particular firm, case review, mentoring, and mini-instructional seminars by legal aid attorneys for *pro bono* attorneys interested in assisting us. We can also make co-counseling arrangements if needed. We can create nearly any type of environment which would work best for our *pro bono* partners, including developing hotlines for specific days and hours that private attorneys might be available for counsel and advice call-backs only.

Whether by monetary contribution or *pro bono* participation, we desperately need your assistance to serve those who, but for our program, would receive neither advice and counsel, nor representation before the courts. I am confident that the 850-plus members of the Norfolk and Portsmouth Bar Association will step forward at this critical hour to offer their time, talent and financial resources to help stem the tide of our fellow citizens' ever-increasing legal needs. I thank you in advance for your consideration and contributions. Please contact me at michelep@laseva.org or 757.627.5423 ext 103 for additional information on how you can help.

IMMIGRATION

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Guy K. Tower, Esq.
Neutral, Complex Business and
Commercial Disputes

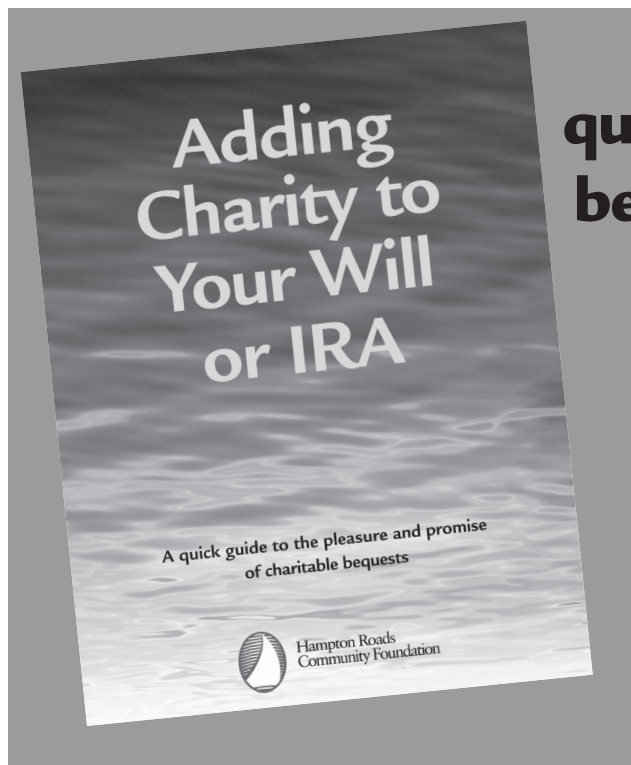
A leading business lawyer, mediator, and a founding Member of The McCammon Group, Guy Tower has served for the last several years as executive director of The Virginia Bar Association. His career has included positions as corporate counsel for a Virginia-based Fortune 500 company, managing partner of one of the state's largest law firms, adjunct professor in law and graduate business school settings, and director of judicial education for the Supreme Court of Virginia. Now Guy's unique background, experience and skill set are again available to serve civil litigators, business lawyers, and their clients in resolving business disputes, large and small, through a variety of ADR processes.



Dispute Resolution and Prevention

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Community Foundation

101 W. Main Street ♦ Suite 4500 ♦ Norfolk, VA 23510 ♦ (757) 622-7951 ♦ www.leaveabequest.org

UPCOMING EVENTS CONTINUED

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|---|---|
| Deconstructing a Jury Trial
3 CLE Credits
October 6, 2011, 1:00 - 4:00 PM | Elder Law Issues
3 CLE Credits
October 18, 2011, 1:00 - 4:00 PM |
| Mediation as an Alternative to Trial
2 CLE Credits (1 Ethics pending)
October 12, 2011, 1:00 - 3:00 PM | Nuts and Bolts of a Medical Malpractice Case
2 CLE Credits (1 Ethics pending)
October 19, 2011, 1:00 - 3:00 PM |
| Government Contracts
3 CLE Credits
October 13, 2011, 1:30 - 4:30 PM | Luncheon
Thursday, October 20, 2011, 11:45 AM
Hits at the Park, Harbor Park
Speaker: Norfolk City Manager
Marcus Jones |

OFFICE SPACE

For Lease. Newly constructed office suite/1500 square feet. Located on street front North Landing Road at the Virginia Beach Municipal Center. Turn key furnished. Please contact Alan Mahanes 563-2339.