

# NORFOLK & PORTSMOUTH BAR ASSOCIATION

## BAR BULLETIN

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September -  
October 2012

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

### PRESIDENT'S MESSAGE



Gary Bryant

I find it ironic that the social networking site known as "Facebook" has done more to eliminate face to face interaction than any other technology since the telephone. At least the telephone provides an opportunity to hear a person's voice. Facebook, like email, is even more impersonal, as it amounts to voiceless, faceless communication. Lately, even the words themselves become less personal, reduced to a collection of acronyms developed by texting adolescents. This impersonal method of communication is not merely an option, it has become the primary method by which our society communicates one-on-one.

The legal profession has not escaped this transformation in the way we communicate. Not only do many of our clients *prefer* online communication, some clients mandate that we communicate primarily by email. The advantages to online communication are obvious. The message is immediately available. With a single email, you can communicate with large groups of people. You can include voluminous attachments relevant to the message without incurring copying costs. An assistant is not burdened with arranging meetings, screening telephone calls or sorting through mail.

(continued on page 2)

### UPCOMING EVENTS

<b>Fastcase Update</b> 2 CLE Credits Wednesday, September 5, 2012 1:00 - 3:00 PM	<b>Selected Topics in Personal Injury</b> 3 CLE Credits Thursday, September 27, 2012 1:00 - 4:00 PM
<b>Forgery and Forensics</b> 3 CLE Credits Thursday, September 6, 2012 1:00 - 4:00 PM	<b>Noncompete Agreements</b> 3 CLE Credits Wednesday, October 3, 2012 1:00 - 4:00 PM
<b>Current Topics in Injury Litigation</b> 3 CLE Credits (1 Ethics) Thursday, September 13, 2012, 1:00 - 4:00 PM	<b>Juvenile Law</b> 3 CLE Credits (1 Ethics pending) Tuesday, October 16, 2012 1:00 - 4:00 PM
<b>Attorney Discipline 101</b> 2 CLE Ethics Credits Tuesday, September 18, 2012 10:00 AM - Noon	<b>NPBA Luncheon &amp; CLE</b> Thursday, October 18, 2012, 11:45 AM Hits at the Park (Immediately following NPBA Luncheon)
<b>NPBA Luncheon &amp; CLE</b> Thursday, September 20, 2012, 11:45 AM Hits at the Park Speaker: Mayor Paul Fraim (Immediately following NPBA Luncheon)	<b>Franchise Law</b> 1 CLE Credit
<b>VSB Fee Dispute Resolution Program</b> 1 CLE Credit	<b>Landlord/Tenant</b> 3 CLE (1 Ethics) Credits Thursday, October 25, 2012 1:00 - 4:00 PM
<b>Bankruptcy for Nonspecialists</b> 2 CLE Credits Tuesday, September 25, 2012 1:00 - 3:00 PM	<b>Surviving E-Discovery</b> 3 CLE Credits Tuesday, October 30, 2012 1:00 - 4:00 PM

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### (PRESIDENT'S MESSAGE CONTINUED)

But there are disadvantages to online communication. When we communicate online, whether through Facebook or by email, or when we Tweet or text, what's missing? What specific elements do we miss when we trade face to face communication for connecting through our computer, iPads or iPhones? It may seem obvious, but we tend to forget about the importance of body language, voice inflection and, perhaps most importantly for the legal profession, the simple act of looking someone in the eye during a conversation. And how "undivided" is our attention when we are reading someone's email message as opposed to when we are sitting across the table from them? I have heard young lawyers complain about serious disagreements they have had with opposing counsel when text messages and emails are misunderstood. We have discussed how easily words can be misinterpreted when they are isolated from body language, and how emails can convey the wrong message. There is something stilted about online conversations because a certain dimension is missing—a dimension that only exists when people are face to face.

The deficiency is particularly acute in any profession where people communicate over contentious issues. Take, for instance, the United States Senate, an institution where polarization has become the norm. In a New York Times editorial former Senator Evan Bayh explained why he left the Senate, complaining that it had become dysfunctional. *The New York Times*, Op-Ed page, Feb. 20, 2010. Bayh writes that one of the reasons for dysfunction is that senators no longer spend time communicating face to face. Bayh insists that "this type of social interaction hardly ever happens today and we are poorer for it. It is much harder to demonize someone when you know his family or have visited his home."

The legal profession can be just as polarizing and our tendency to use online as opposed to face to face communication exacerbates the problem. Some lawyers will write things in an email that they would never say in person. While we all have anecdotal evidence of this phenomenon, sound research supports the conclusion that online communication is more likely to escalate hostilities between professionals. At the 15th Annual Conference of the International Association of Conflict Management, Professors Ray Friedman of Vanderbilt University and Steven Currall of the University College London presented their paper "E-mail Escalation: Dispute exacerbating elements of electronic communication." They concluded that online (as opposed to face to face) communication had a tendency to increase the level of hostility, making conflict management more difficult. So what's to be done to address the problem?

Since we are not going to eliminate online communication, we need to find a way to reduce the likelihood that such communication will result in unnecessary conflict in our profession. Evan Bayh has an idea. Bayh noted that in his twelve years of service, the Senate only twice gathered for something other than a ceremonial occasion—the first in connection with the impeachment proceedings against Bill Clinton and the second to discuss a response to the 9/11 attack. Complaining that "it shouldn't take a constitutional crisis or an attack on the nation to create honest dialogue," Bayh made a suggestion: "Let's start with a simple proposal: why not have a monthly lunch of all 100 senators?"

For as long as I have been a member, the NPBA has hosted monthly luncheons for the specific purpose of promoting more interaction among the members. We believe that these monthly luncheons give us an opportunity for face to face interaction, and help promote civility among our members. I have learned that opportunities for such interaction are the exception among bar associations in Virginia. Those of you who attended our annual dinner may remember that Edward L. Weiner attended, and made impromptu comments honoring John Richardson, this year's recipient of the Eggleston/T'Anson Professionalism Award. Ed is immediate past chair of the Council of Local Bar Associations. Ed commented on how well attended the annual dinner was, noting that it is unfortunate that bar associations do not have more opportunity for interaction among members. I explained to Ed that the NPBA strives to provide opportunities for interaction on a regular basis through our monthly luncheons. Ed found it hard to believe that the turnout averages in the neighborhood of a hundred members until I explained that they usually include remarks by someone prominent in our community and, more importantly, they are *free to all members*.

The NPBA is among the most active local, voluntary bar associations in the Commonwealth. A highlight of membership is the monthly luncheon tradition. While we always have remarks from a prominent member of our community (Mayor Paul Fraim will be speaking at September's luncheon), we believe the real benefit is providing our members an opportunity for face to face interaction. I think Evan Bayh is right—it's much harder to demonize someone after having lunch with them. We hope to see you on September 20th at Harbor Park!

## ANNOUNCEMENTS

**William C. Bischoff** and **Kevin E. Martin-gayle**, previously with Stallings and Bischoff, are now co-owners and partners in **Bischoff Martingayle P.C.** with offices at 3704 Pacific Avenue, Virginia Beach. With over forty years of combined legal experience, Messrs. Bischoff and Martin-gayle have routinely received top peer ratings. Bischoff, a 1986 graduate of the University of Richmond Law School, was formerly president of the Virginia Beach Bar Association.

**Boleman Law Firm, P.C.** announces the appointment of **Robert P. (Bob) Stenzhorn** as Partner in Charge of the firm's tax practice. Bob earned his J.D. from Regent University, an MBA (Finance) from Old Dominion University and is a Certified Public Accountant in Virginia and D.C. The American Institute of Certified Public Accountants has awarded Bob the Certified in Financial Forensics (CFF) credential. Bob is a member of the James Kent American Inns of Court, the Federal Bar Association, Virginia Trial Lawyers Association and is president elect of the Newport News Bar Association. He serves on the board of directors of the Newport News CASA, is a board member and treasurer of Legal Aid Society of Eastern Virginia, and is a volunteer with the Community Tax Law Project.

**Christie, Kantor, Griffin, Smith, Shepherd & Chiusano** is pleased to announce that four of its members, **George A. Christie**, **Barry Kantor**, **Mark S. Smith** and **Peter V. Chiusano**, have been selected as Virginia Super Lawyers for 2012 in Family Law.

**Crenshaw, Ware & Martin, P.L.C.** is pleased to announce that **W. Ryan Snow** has been elected Managing Partner. Mr. Snow chairs the firm's Business Disputes and Construction Law practice groups. He holds degrees from Washington & Lee University School of Law and Franklin & Marshall College. Mr. Snow succeeds Timothy A. Coyle, who served in the role for twelve years. Crenshaw, Ware & Martin, P.L.C. is a multi-disciplined law firm founded in 1923.

**John Cooper**, a partner at **Cooper Hurley Law Firm**, has been named a Virginia Super Lawyer for the third consecutive year. Mr.

Cooper has also been elected to chair the American Association for Justice's FELA Litigation Group for the American Association of Justice, for the second year in a row. Mr. Cooper has 23 years experience in personal injury law and litigation. The firm has offices in Norfolk, Virginia Beach and Hampton.

**Glasser and Glasser, P.L.C.** announces that **Rachel E. VanHorn** has joined the firm as an Associate. Ms. VanHorn received her B.A. from the University of Virginia in 2005. In 2008, she earned her J.D. from Florida State University. Before coming to Glasser and Glasser, P.L.C., Rachel worked at a general practice firm in Norfolk. In 2008, Rachel was admitted to the Virginia State Bar and the United States Bankruptcy Court for the Eastern and Western Districts of Virginia. She is a member of NPBA and serves on the CLE and Public Relations committees. Rachel's areas of expertise are in civil litigation, criminal defense, estate planning and creditors' rights.

**Kaufman & Canoles, P.C.** is pleased to announce that the following NPBA members were selected for inclusion in Virginia Super Lawyers 2012: **Debra C. Albiston**, Family Law; **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; **Robert C. Goodman, Jr.**, Business/Corporate; **Barry W. Hunter**, Real Estate; **Gus J. James, II**, 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; **Richard C. Mapp, III**, Employee Benefits/ERISA; **Vincent J. Mastracco, Jr.**, Mergers & Acquisitions; **Charles V. McPhillips**, Business/Corporate; **Terence Murphy**, Construction Litigation; **Stephen E. Noona**, Intellectual Property Litigation; **Alfred M. Randolph, Jr.**, Banking; **W. Edgar Spivey**, Securities Litigation; **Jeffrey M. Stedfast**, Banking; **Stephen E. Story**, Franchise/Dealership; **Burt H. Whitt**, Employment & Labor.

**Kaufman & Canoles, P.C.** is pleased to announce that the following NPBA members were selected for Virginia Rising Stars 2012: **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; **Mary Elizabeth Sherwin**, Personal Injury Defense; Medical; **Anna Richardson Smith**, Employment & Labor; **David J. Sullivan**, Employment & Labor.

NPBA member **Brian A. Boys** and his colleagues announce the formation of the elder and disability law firm of **Oast & Taylor, PLC**. The firm's practice areas include: estate planning, trust & estate administration, special needs planning, long-term care planning, veterans benefits, life care planning, guardianships and conservatorships, personal injury settlement consultation, and litigation supporting these areas, with offices in Virginia Beach, Portsmouth, and Elizabeth City.

**Pender & Coward** is pleased to welcome **Richard E. Garriott, Jr.** as shareholder. Garriott earned his J.D. from T.C. Williams School of Law, University of Richmond, a M.A. from Ball State University and a B.A. from University of Richmond. He practices in Family Law, Domestic Relations and Litigation, and is a fellow of the American Academy of Matrimonial Lawyers. Garriott is also AV Preeminent Peer Review Rated, Martindale-Hubbell's highest rating for legal ability and ethical standards. He is recognized as a Virginia Super Lawyer for 2011 and 2012 and was selected for Virginia's Legal Elite by Virginia Business Magazine in Family/Domestic Relations in 2011.

**Troutman Sanders LLP** is pleased to announce that 21 of its lawyers have been selected for the 2012 edition of Virginia Super Lawyers – Rising Stars Edition. Among Troutman Sanders' 2012 Virginia Rising Stars are NPBA members: **Robert P. Beaman, III**, Land Use/Zoning and **Ethan G. Ostroff**, Consumer Law.

**Waldo & Lyle, P.C.** is pleased to announce that **Joseph T. Waldo** and **Charles M. Lol-**



## ANNOUNCEMENTS CONTINUED

lar were named to the 2012 Edition of Virginia Super Lawyers. **Joshua E. Baker** was named to the 2012 Virginia Rising Stars list. Waldo & Lyle, P.C. practices exclusively on behalf of property owners facing an eminent domain taking.

Virginia Super Lawyers 2012 has recognized **Susan R. Blackman** of **Willcox & Savage** as one of the "Top 50 Women" lawyers in the state. Susan is a partner in the firm's Labor and Employment Group, where her practice focuses on employment and business immigration law.

**Willcox & Savage** is pleased to announce that eleven of its partners are recognized in the Virginia Top 100 by Virginia Super Lawyers 2012. This is the largest number from any firm in Virginia. **Bruce T. Bishop** – Class Action/Mass Torts; **Gary A. Bryant** – Business Litigation; **Stephen R. Davis** – Real Estate; **Robert L. Dewey** – Real Estate; **Allan G. Donn** – Business/Corporate; **William M. Furr** – Employment Litigation: Defense; **Gregory A. Giordano** – Business Litigation; **Thomas C. Ingle** – Mergers & Acquisitions; **Thomas G. Johnson** – Real Estate; **Ross C. Reeves** – Bankruptcy & Creditor/

Debtor Rights; **Conrad M. Shumadine** – Business Litigation.

**Wolcott Rivers Gates** is pleased to announce that **Adam M. Carroll** has joined the firm. Mr. Carroll received his J.D. from Campbell University, Wiggins School of Law and was admitted into practice in Virginia in 2005. He represents individuals in the areas of criminal defense, family law, civil litigation and real estate.

**Lawyers Helping Lawyers** provides completely confidential assistance for legal professionals dealing with mental health and/or substance abuse issues. A support group meets in the Tidewater area. Lawyers Helping Lawyers can offer individual counseling and assistance to those in need. If you or someone you care about may be facing mental health and/or substance abuse issues, call 877-545-4682 or contact Jim Leffler at [jim@valhl.org](mailto:jim@valhl.org) or 804-614-5841. Reaching out to Lawyers Helping Lawyers can be the first step on a new path forward. LHL is a non-profit group not affiliated with the Virginia State Bar.

## COURT NEWS

**The Honorable Kenneth R. Melvin** has been elected Chief Judge of **Portsmouth Circuit Court** for a term of two years commencing July 1, 2012.

**The Honorable Douglas B. Ottinger** has been elected Chief Judge of the **Portsmouth General District** for a term of two years commencing July 1, 2012.

## WELCOME NEW MEMBERS

**Michelle Glover Foy**  
Ganderson Law, P.C.

**Lisa Kim**  
Samuel I. White, P.C.

**Stephanie J. Peebles**  
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## MESSAGE FROM THE YOUNG LAWYERS SECTION

By Bonnie P. Lane, Chair

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I hope everyone has been enjoying their summer. The YLS has been hard at work with various events. On June 28, 2012, the YLS's annual Golf Tournament was held at Bide-A-Wee Golf



Bonnie Lane

Course. I am pleased to report that 88 golfers, a record number, came out to enjoy the beautiful afternoon. I would like to thank all of the players for participating and helping the YLS exceed its goals this year. In addition to the support from the golf tournament participants, I would like to thank the corporate sponsors listed at the end of this article. Without their support, the tournament would not have been as successful, and YLS truly appreciates their continued patronage. Finally, David Crain and Johnnie Pearson, both of Willcox & Savage, PC deserve a huge shout out for doing such a great job of taking the reins and organizing another great tournament this year.

On July 26, 2012, Crenshaw, Ware, and Martin, PLC graciously opened its doors to the YLS and hosted a packed Summer Social. I am pleased to say that there were several new faces in the crowd and that there was a fantastic turnout. Many thanks to everyone who stopped by after work. A big thank you goes to Steve Clarke of Waldo & Lyle, PC and Amy McClure of Crenshaw, Ware, and Martin, PLC for organizing the event. And of course, the YLS thanks Crenshaw, Ware, and Martin, PLC for providing their beautiful office space and hosting the event.

Each summer, the YLS plans an outing at Harbor Park. This year, several lawyers and their families attended the evening Tides game on August 14, 2012. While the Tides unfortunately did not win, their mascot managed not to fall off an ATV and a great time was had by all. The City of Norfolk was very generous in donating their luxury box to the YLS for use at this game, so we would like to thank the City for helping out with this event. Thanks also to Brian Kunze, Waldo & Lyle, PC for organizing the function.

Future events are being planned that I urge you to keep in mind. On **Saturday,**

**October 5, 2012**, the YLS will partner with **ForKids** for another volunteer day. Once again, there are two options for volunteering: an outdoor option including landscaping, painting, etc., at one of the shelters, and an indoor option at the organization's Good Mojo Thrift Store. I would encourage everyone to consider helping out with this, as the event in May was very rewarding. Additionally, be on the lookout for details regarding the YLS's Annual Fall Reception, as well as another Breakfast with the Bench.

I hope the rest of summer and the beginning of fall goes well for everyone. If anyone is interested in joining the YLS committee or has any questions, please feel free to contact me at [blane@clarkedolph.com](mailto:blane@clarkedolph.com).

## YLS GOLF TOURNAMENT

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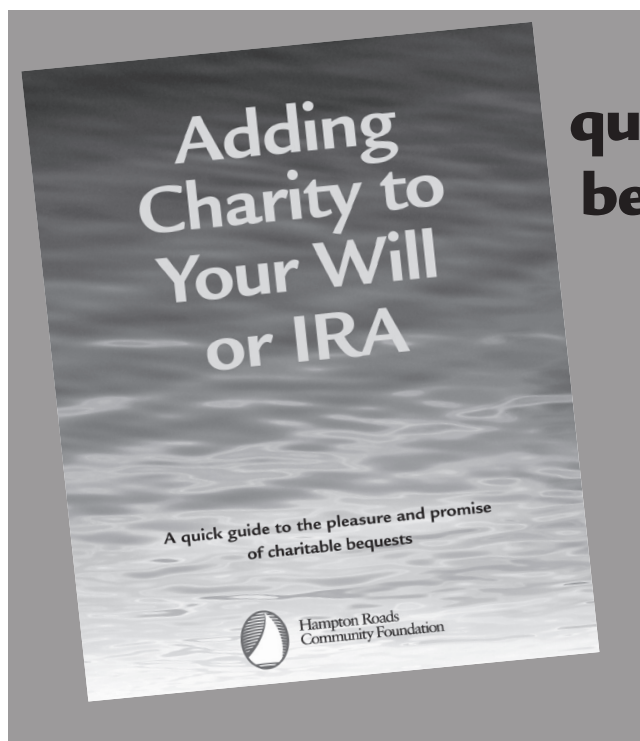
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