

# NORFOLK & PORTSMOUTH BAR ASSOCIATION

## BAR BULLETIN

Volume XXXX  
Number 5

September –  
October 2015

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

## PRESIDENT'S MESSAGE

### Social Media for the Lawyer: Friend or Foe?



Mary T. Morgan

from the Pew Research Center for Media and Journalism, more than 60% of millennials<sup>1</sup> surveyed said that during the previous week they got their political news from Facebook, compared with 37% who got it from TV. For older members of the "Baby Boom" generation, meanwhile, those figures were almost exactly reversed: about 60 percent of that age group said they got most of their political news from local television, with about 39% saying they got it from Facebook (only 14% of millennials said they got political news from Twitter).

Nearly everyone these days is familiar with the social media platforms currently available, Facebook, LinkedIn, Twitter, Instagram, Google+, Pinterest, Snapchat, Tumblr, Flickr...and the list continues to grow. The sheer number of social media platforms is staggering and frankly, a little overwhelming. How do you keep up and what does this mean for us, as lawyers? Social media can be a great marketing and business development tool and a good way to maintain relationships with friends and family who live far afield. Used carefully, social media can give your firm a presence, develop your professional reputation, and help drive new business. According to the ABA's 2014 Legal Technology Survey Report, attorneys are using social media marketing more than ever, with solos and small firms leading the way in engaging on social media networks, blogging and website development. Social media is also increasingly relevant in communication between lawyers, their clients and the courts. However, that isn't the whole story with social media. Social media now represents a ripe source of electronic evidence for litigators and potential sources of risk for those advising businesses. Regardless of practice area, online connections are fraught with the same ethical pitfalls as in-person interaction with potential clients and others. With the volume of communication made possible by social networking, ethical risks are magnified. Just a few practical tips: Don't comment on pending trials or reveal specific case results without a disclaimer. Don't criticize judges or other

<sup>1</sup> The cohort of Americans born between 1980 and the mid-2000s, and who are currently the largest generation in the U.S., representing one-third of the total U.S. population in 2013.

(continued on page 2)

## UPCOMING EVENTS

### SEPTEMBER LUNCHEON

Thursday, September 17, 2015 • 11:45 AM

Hits at the Park, Harbor Park

Featuring: John R. Broderick, President  
Old Dominion University

### OCTOBER LUNCHEON

Thursday, October 15, 2015 • 11:45 AM

Hits at the Park, Harbor Park

Featuring: Hon. Arenda L. Wright Allen  
U.S. District Court, E.D.Va.

### FALL CLE SEMINARS

CLE Seminar flyers enclosed.

Purchase the NPBA CLE Season Ticket and attend UNLIMITED NPBA CLE SEMINARS through April 30, 2016.  
Future CLE seminars will be listed on our website.

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### (PRESIDENT'S MESSAGE CONTINUED)

attorneys. Protect privileged and confidential information. Be cautious when sending messages that appear to be legal advice, which can create unintended attorney-client relationships. When it comes to marketing on social media, make sure you are familiar with the Virginia Rules of Professional Conduct regarding solicitation of legal work. When using personal social media accounts, use common sense and be smart about what you post and communicate.

#### *News from the Association:*

Fall is just around the corner! The kids are headed back to school, the dog days of summer are hopefully drawing to a close, the Association's monthly luncheon series will resume and the MCLE deadline is looming!

*Continuing Legal Education:* Our CLE Committee has worked tirelessly to bring the Association a CLE series filled with interesting, informative and diverse topics. 37 hours of CLE credit, 7 of which are ethics credits, between September 14 and October 29 are currently available. If you are not familiar with our season ticket, now is the time to get more information. For \$250 you can attend each and every CLE offered by the Association through April 30, 2016. With the season ticket, you will receive the CLE credits you need (and many more) close to home, with local judges and practitioners as faculty.

*NPBA Social Media:* Did you know - NPBA is now on Twitter? Don't miss a single tweet! Follow @npbanews for the latest news from NPBA, fast and to the point. Did you know that NPBA is on Facebook? Please remember to "like" our Facebook page: <https://www.facebook.com/NorfolkPortsmouthBarAssociation> Stay up to date on activities and events!

*Luncheons:* The Programs Committee has worked diligently to line up great luncheon speakers this year. In September, we will be joined by John R. Broderick, President of Old Dominion University, a position he has held since 2008. As President, Broderick guides the University's six colleges, more than 10 economic development and research centers, and numerous partnerships with government, military and business organizations and agencies. He oversees an operating budget in excess of \$526 million and more than 3,000 faculty and staff. At the October lunch meeting, the Honorable Arenda Wright Allen will speak. Judge Allen was appointed to the United States District Court for the Eastern District of Virginia in 2011, and has the distinction of being the first African-American woman on the federal bench in Virginia.

## What Norfolk Law Library can do for you...

Do options for obtaining cases seem more limited in practice compared to the legal research universe you had available in law school?

Do you have a Lexis citation from the Code of Virginia, but your firm has Westlaw?

Or do you have a Westlaw cite, and your firm has Lexis?

**Norfolk Law Library can help.**

Call or email us with a citation, and we will respond within a short turnaround time.

We can also send law review articles and assist you in locating other books and articles.

If you're a more seasoned practitioner, but face research challenges, don't hesitate to contact us.

Between the two of us on staff, we offer more than 40 years of legal research experience, so please allow us to be of service.

#### **Contact:**

**David Knight at:**

**[dknight@norfolkclawlibrary.org](mailto:dknight@norfolkclawlibrary.org)**

**Donna Bausch at:**

**[dbausch@norfolkclawlibrary.org](mailto:dbausch@norfolkclawlibrary.org)**

**or call 622-2910.**

# The McCammon Group

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## Hon. LeRoy F. Millette, Jr. (Ret.)

Former Justice, Supreme Court of Virginia

The Honorable LeRoy F. Millette, Jr. recently retired after seven years of distinguished service as a Justice on the Supreme Court of Virginia. Prior to his tenure on the high court, Justice Millette served at every level of the Commonwealth's judicial system, including serving two terms as Chief Judge during his fourteen years on the Circuit Court of Prince William County. Justice Millette is a Master of the I'Anson-Hoffman American Inn of Court and a Former Master of the George Mason American Inn of Court. He is a Member of the Boyd-Graves Conference and a Former Member of the Virginia Criminal and Civil Benchbook Committee. Justice Millette now brings this exemplary record of dedication and achievement to The McCammon Group to serve the mediation, arbitration, judge pro tempore, and special master needs of lawyers and litigants throughout the Commonwealth and beyond.



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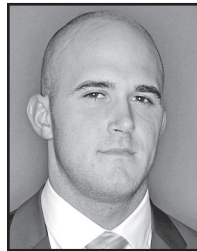
## YOUNG LAWYERS SECTION

By Zachary Simmons, Chair

YLS has been having a fantastic summer. On June 25th, we hosted our Annual Golf Tournament at Ocean View Golf Course. We had a great turnout and a beautiful day for golf. Thank you to everyone who participated. I'd like to give a special thanks to David Crain and Amber Randolph for all of their hard work in organizing the tournament and making it such a success. Finally, Brandon Bybee deserves to be recognized for making history—he is the first person in the history of the YLS Golf Tournament (as far as I know) to hit a hole-in-one. Exciting stuff.

On July 27th, YLS teamed up with the VBA's Young Lawyers Committee to host a happy hour at Smartmouth Brewing. This was another fun event with a great turnout. Perhaps more importantly, we donated a substantial portion of the proceeds to Dress for Success, an organization that provides used professional attire to disadvantaged women seeking to enter the workforce. Thanks to everyone who came out to the event and supported this great cause. I'd

like to thank Lucy Brandon and Andrew Richmond of the VBA for helping to put this event together as well as Porter Hardy and all the folks at Smartmouth for opening their doors and allowing us to drink their beer.



Zach Simmons

On August 4th, YLS had another successful volunteer night at the Ronald McDonald House, which provides temporary housing for families whose children are being treated at local hospitals. Under the leadership of "Chef Jeff" Partington, we cooked chicken tacos for the residents. They were excellent. Thanks to everyone who volunteered. For those of you interested in volunteering in the future, YLS volunteers at the Ronald McDonald House on a regular basis, and in addition to being a great cause, we always have a lot of fun. So, please stay tuned for more announcements.

If you can believe it, YLS still has more exciting events in the pipeline. On September 1st, we host our annual YLS Tides Game. Also, another Breakfast with the Bench is in the works for the middle of September, so be on the lookout for more details.

Finally, as always, I encourage anyone under age 37 or in practice for less than five years to join our Section. As you can see, we do a lot of things, but we're very open to new ideas. So, if you have something to bring to the table, or if you just want to hang out and meet new people, come out to our next meeting on September 15th at 5:30 p.m. at Todd Jurich's Bistro. Hope to see you there!

For more information, please contact me at: [zachary.simmons@norfolk.gov](mailto:zachary.simmons@norfolk.gov)



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# SEPTEMBER LUNCHEON MEETING

**Thursday, September 17, 2015**

**Hits at The Park, Harbor Park**

**11:45 AM**



**John R. Broderick**

*President, Old Dominion University*

John R. Broderick has served as the eighth president of Old Dominion University since 2008.

As president, he guides the University's six colleges, more than 10 economic development and research centers, and numerous partnerships with government, military and business organizations and agencies. He oversees an operating budget in excess of \$526 million and more than 3,000 faculty and staff members.

More than \$338 million capital projects have been authorized or completed on his watch, including academic buildings, research centers, residence halls, athletic facilities and arts venues. Under his leadership, the university completed an ambitious master plan and two strategic plans to guide its growth.

President Broderick serves as chair of the Council of Presidents, as one of six college presidents on the Governor's Commission on Higher Education Reform, Innovation and Investment, was appointed by the Governor to the Virginia Offshore Wind and Development Authority and in 2012 was appointed to the American Association of State Colleges and Universities Council of State Representatives. Additionally, the university has been named a Chronicle of Higher Education's "Great Place to Work."

Shortly after becoming president, Broderick introduced a University-wide initiative to set a new standard for student success and learning, which included a \$10.2 million Student Success Center and Learning Commons and the creation of a vice president position and division for stu-

dent engagement and enrollment services. Additionally, he has led efforts to keep the university affordable and accessible, while maintaining academic standards. He was awarded the American College Personnel Association's Contribution to Higher Education Award in 2012, one of the national organization's highest honors, for his leadership in student success initiatives.

To support his vision of Old Dominion as a leader in local and statewide economic development, the University launched the ODU Business Gateway as a business-friendly entry point to the University.

President Broderick's pursuit of parity in state funding and responsiveness to legislative calls for more efficiency, affordability and access in higher education have led to historic levels of state funding for Old Dominion and several of its initiatives, in particular modeling and simulation, bioelectrics, increased STEM degrees and online programs, and student financial aid, among others. Over the past two years, Old Dominion received more than \$30 million in additional funding from the General Assembly.

Private support for Old Dominion has also increased during Broderick's tenure. The university has raised more than \$100 million in gifts and commitments and its endowment has increased \$50 million. An \$11 million gift from alumnus Mark Strome will support President Broderick's vision for an entrepreneurial curriculum and co-curricular activities and services for students in all disciplines.

In 2011, the university launched a comprehensive civic and community engagement initiative. More than 11,000 students engaged in community service last year, equating to more than 375,000 hours spent tutoring, offering health check-ups, reading to the elderly, beautifying neighborhoods, and cleaning local waterways. Faculty and staff provided another 54,000 hours of service for more than 800 organizations. Old Dominion was recognized for the second consecutive year on the President of the United States' Higher Education Community Service Honor Roll.

Broderick oversaw the renewal of football at Old Dominion in 2009, with

the Monarchs posting the most successful record of any start-up team in FCS history. He served on the NCAA board of directors, as chair of the President's Football Championship Series advisory committee and serves on the NCAA Division I Committee on Institutional Performance. In 2013, the University joined Conference USA and its football program was reclassified to the Football Bowl Subdivision. President Broderick currently serves as the vice chair of the Conference USA board.

The University's Board of Visitors voted in 2012 to extend his contract to 2017.

Prior to becoming president, he served as vice president of institutional advancement and admissions and chief of staff to the president. His areas of responsibility included admissions, athletics, community and governmental relations, marketing, media relations, military affairs and student financial aid.

In addition to his administrative duties, Broderick teaches graduate courses in the Darden College of Education. He also has lectured on leadership for a variety of institutions and organizations.

President Broderick has been recognized for his contributions to higher education and the Hampton Roads community with the Virginia Center for Inclusive Communities' Humanitarian Award, the Urban League of Hampton Roads' Marian Palmer Capps Award, the College Communicators Association Distinguished Service Award, Lead Hampton Roads' Julian F. Hirst Award for excellence in community, civic and professional leadership, and a 2011 Visionary Award from the Hampton Roads Chamber of Commerce. In 2013, Old Dominion's Diversity Champion Award was renamed in his honor for his leadership and efforts to encourage a culture of inclusion and diversity.

Prior to joining Old Dominion University, President Broderick was a faculty member in the University of Pittsburgh system and an administrator at St. Bonaventure University. He received a bachelor's degree from Northeastern University and a graduate degree from St. Bonaventure. He is a native of Bristol, CT.

**For luncheon reservations, call the NPBA office at 622-3152 or email your reservation to [npbamail@gmail.com](mailto:npbamail@gmail.com)**

# NPBA Committees: Why You Should Get Involved

Jennifer L. Eaton, Esq.

Vandeventer Black LLP

As lawyers, time is our most valuable commodity. Most of us think of our time in six-minute increments as we diligently record the labors of each day. Recognizing this reality, we have a tendency to use time as an excuse. Statements like "I am too busy" or "I just don't have time" roll off our tongues. As a result, we forgo many extracurricular activities because we worry about the potential time drain. What does this have to do with NPBA Committees? Perhaps you have attended some of the monthly association luncheons and/or some of the social events sponsored by the Young Lawyers Section. Maybe you had a good time at these events and wish you could get more involved, but you are concerned about the ubiquitous pressure of time. If this is what is holding you back from getting further involved in the NPBA, then this article is for you.

## How to get involved in the NPBA?

Becoming an NPBA Committee member is an easy way to get more involved in your local bar association. Rest assured, the time commitment is manageable. Committees meet once a month at the most, and most do not meet at all during the summer. The meetings are short—usually only an hour—and are to the point. The NPBA Committees consist of practicing attorneys who are just as busy or even busier than you, and the Committee Chairs fully appreciate the value of your time.

## What NPBA Committees exist?

There are six active NPBA Committees or Sections: Bench Bar, Continuing Legal Education, Professionalism, Programs, Public Relations, and the Young Lawyers Section.

Each Committee has a distinct role. The Bench Bar Committee coordinates the logistics and programming for the Bench Bar Conference held each April. The Continuing Legal Education Committee brainstorms relevant legal issues germane to the local bar and schedules CLEs with presenters knowledgeable on those topics. The Professionalism/Awards Committee recommends candidates for the Eggleston/I'Anson Professionalism Award, the Walter E. Hoffman Community Service Award, and the Liberty Bell Award, presented at the NPBA's annual banquet and is available to address professionalism

issues. The Program Committee develops topics and coordinates speakers for monthly association luncheons at Hits at the Park. The Public Relations Committee focuses primarily on social media and acts as the conduit between the public and the other committees, collaborating with the other committees and assisting in building mutually beneficial relationships so that NPBA programs sponsored and organized through our committees can flourish. The Young Lawyers Section coordinates various events for NPBA members under age thirty-seven or those admitted to practice within the last five years.

With such a breadth of offerings, there is sure to be an NPBA Committee that is a good fit for you.

## Why become an NPBA Committee member?

As an NPBA Committee member, you have the opportunity to work with a diverse group of legal professionals, and through your creativity you will be able to enhance the image of the profession through the local bar. Serving on a Committee allows you to forge deeper, more meaningful relationships than those that usually occur from attending the occasional bar social event. And being a Committee member is fun.

Having served on the CLE and Bench Bar Committees, I can personally attest to the fulfillment of Committee service. I have been introduced to many attorneys in the local bar whom I otherwise would not know. Further, I am confident that when I interact with these attorneys in practice—whether on the same or opposing side of a legal issue—we will share a commonality that contributes to mutual respect and cooperation.

## Join an NPBA Committee today!

Stop letting the excuse of time prevent bar association involvement. Join an NPBA Committee today.

In summary, here are three reasons to get involved in an NPBA committee:

1. Meet new, interesting people.
2. Give back to the profession.
3. Have fun!

If you are interested in joining an NPBA Committee, send an email expressing your interest to npbamail@gmail.com.

# WELCOME NEW MEMBERS

**Justin R. Atkins**  
Hampton Roads Law Group

**John J. Chappell III**  
Chappell Law Firm

**Erica Pero**  
PeroLaw, PLLC

**Keven R. Schreiber**  
U.S. Navy JAG Corps

**Kerry K. Stolz**  
Stackhouse, Nexsen & Turrietta, PLLC

**Julianna Battenfield**  
Regent University Law student

**Amanda Gregory**  
Regent University Law student

**Alexandra McPhee**  
Regent University Law student

## CLASSIFIED AD

### SEEKING ASSOCIATE ATTORNEYS

General business law firm located in Town Center Virginia Beach seeking two associate attorneys on full or part time basis. Experience is preferred but not required. Office sharing or "of counsel" arrangements also available. Please contact cwbest@bestlex.com

## BEST DEAL IN TOWN NPBA CLE Season Ticket

Attend Unlimited  
NPBA CLE Seminars  
through April 30, 2016

CLE seminars listed  
on our website  
and  
CLE flyers  
included in this issue

# OCTOBER LUNCHEON MEETING

**Thursday, October 15, 2015**

**Hits at The Park, Harbor Park**

**11:45 AM**



**Hon. Arenda L. Wright Allen**

*U.S. District Court, E.D. Va.*

Arenda L. Wright Allen has served as Federal District Court Judge for the Eastern District of Virginia since early 2011.

Judge Allen, a native of Philadelphia, graduated from Kutztown University in 1982. She received her law degree from

North Carolina Central University School of Law in 1985. She served as a Judge Advocate Officer in the United States Navy between 1985 and 1990, and as a United States Navy Reserve Officer between 1992 and 2005. She retired at the rank of Commander.

The Judge began serving as an Assistant United States Attorney in the Eastern District of Virginia in 1990. She joined the Federal Public Defender's Office in 2005, serving as Supervisory Assistant Federal Public Defender in the Eastern District.

President Obama nominated her for a seat on the United States District Court for the Eastern District of Virginia in late 2010, and again in early 2011. The United States Senate Judiciary Committee gave her an outstanding evaluation, noting her profound integrity and professionalism, and commending her for her "respectful demeanor" and "her fairness in handling matters."

Virginia Senator Mark Warner recommended her to the full Senate, citing her impressive record as a federal prosecutor and public defender. The United States Senate – acting with rare unanimity – confirmed her nomination on May 11, 2011 in a resounding 96-0 vote. Judge Allen is proud to serve as the first African-American woman on the federal Bench in Virginia.

Judge Allen received an honorary Doctorate in Public Service from Kutztown University. She has lectured on a variety of topics on campuses including Old Dominion University, Regent University School of Law, and William & Mary Law School. She is also active in the community and at her church. She has worked with high schools and at-risk children, and has served on the Board of Directors for Park Place Family Life Center. She is married to Delroy Allen and is especially proud of her sons, Yanni and Nyle.

**For luncheon reservations, call the NPBA office at 622-3152  
or email your reservation to npbamail@gmail.com**

## ANNOUNCEMENTS

**Bertini & Hammer** is pleased to announce that effective August 31, 2015 we will be moving our offices. Lisa's firm **Bertini Law** will be located at 5712 Cleveland St, Ste 140, Virginia Beach, VA 23462. The firm's new website is [bertinilawfirm.com](http://bertinilawfirm.com).

**John Cooper**, a partner with **Cooper Hurley Injury Lawyers**, has been re-elected to chair a litigation group of the American Association for Justice, the largest plaintiffs' attorney organization in the United States. Mr. Cooper has chaired the FELA Litigation Group since 2011.

**Gilbert, Albiston & Keller, P.L.L.C.** is pleased to announce that **O.L. "Buzz" Gilbert** and **George T. Albiston** have been named Super Lawyers for 2015. They were also named in the 2015 Edition of "Best Lawyers in America" in Personal Injury Litigation. Mr.

Gilbert has been named a Best Lawyer for 15 consecutive years and Mr. Albiston for 5 consecutive years.


**Pender & Coward** is pleased to announce the addition of **Duncan G. Byers**. Byers focuses his practice on intellectual property and business matters, in addition to litigation in the state and federal courts of Virginia and the U.S. Patent and Trademark Office. He received his B.S. and M.S. from Old Dominion University and his J.D. from Washington and Lee University.

Nine attorneys from the Norfolk office of **Vandeventer Black LLP** were selected as Virginia Super Lawyers, and five were selected as Super Lawyers Rising Stars. The Super Lawyers were: **Dean Buckius**, employment and labor; **Deborah Casey**, real estate; **Mark Coberly**, transportation/maritime; **William**


**Franczek**, construction litigation; **Patrick Genzler**, surety; **Patrick Herman**, estate planning and probate; **Neil Lowenstein**, construction litigation; **John Ryan**, transportation/maritime; and **Michael Sterling**, government contracts. The Rising Stars were: **Megan Caramore**, immigration; **Richard Crouch**, business/corporation; **Shalanda Franklin**, business bankruptcy; **Gretchen Ostroff**, construction litigation; and **Dustin Paul**, civil litigation defense.

Best Lawyers in America named 14 **Williams Mullen** attorneys 2016 "Lawyers of the Year," the most in firm history. NPBA members who received the honor are: **David C. Burton**, labor law - management and **William L. Nusbaum**, Public Finance Law. In addition, 106 lawyers from Williams Mullen were selected by their peers for inclusion in The Best Lawyers in America 2016.





His Experience  
with a Scalpel  
Gives Him the Edge  
In The Court Room.



*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 41 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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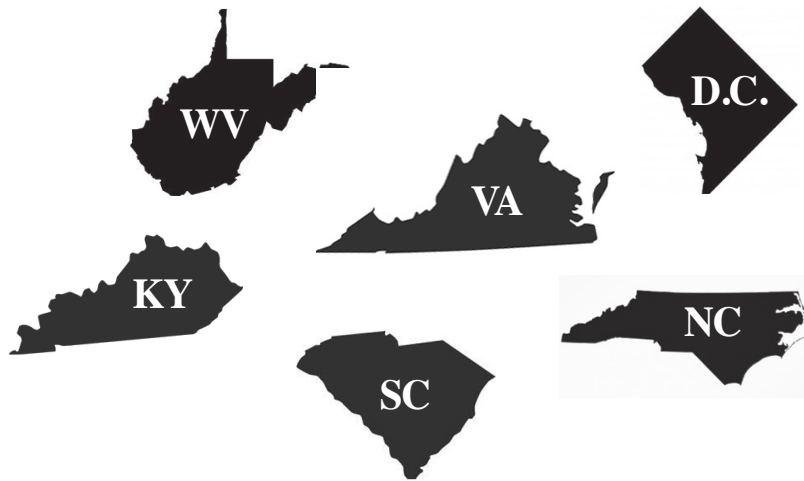
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# Which local injury law firm\* Is licensed in these places?



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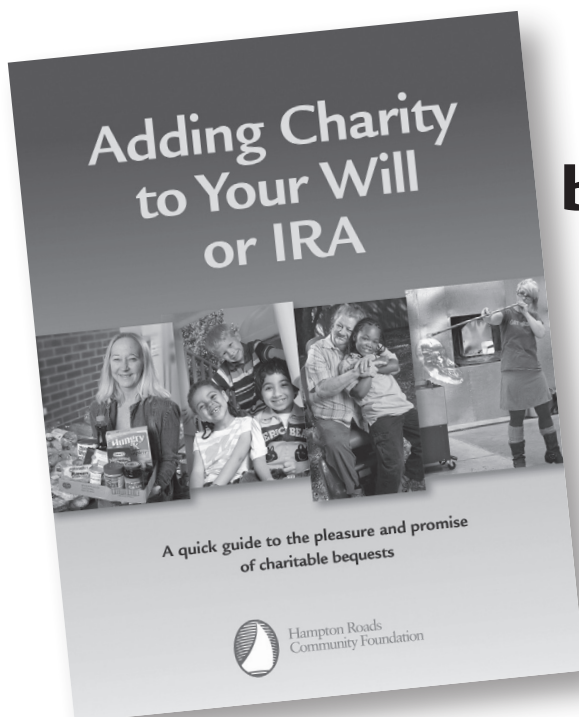
*\*At least one lawyer holds a bar license in each state*

**NORFOLK & PORTSMOUTH**  
B A R A S S O C I A T I O N

999 Waterside Drive, Suite 1330  
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