



# VIRGINIA BEACH BAR ASSOCIATION

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Issue Number 1

## President's Message



Here we go again – it's time for the 2005 "changing of the guard" with the Virginia Beach Bar Association's Executive Committee. Hats off to Immediate Past President, Mark Slaughter, for a great job at the helm of the VBBA in 2004. For those of you who haven't observed the workings of your Executive Committee firsthand, I want to say that Mark has done an outstanding job over the past year and has worked with great energy to benefit the programs and

activities of our bar association. While Mark's legal and organizational skills are outstanding, it's his status as a rock and roll trivia guru that impresses me the most. As a guitarist and former band member, I thought I knew a lot of music trivia, but I am no match for Mark when it comes to the history of rock and roll.

As with any bar association, the effectiveness of the governing body depends in large measure on the caliber and commitment of the persons who have agreed to serve. The Virginia Beach Bar Association is no different. I have the privilege of working with an outstanding Executive Board to serve you this year. The members of your Executive Board are as follows:

### **Immediate Past President**

Mark E. Slaughter  
Troutman Sanders LLP  
687-7538  
[mark.slaughter@troutmansanders.com](mailto:mark.slaughter@troutmansanders.com)

### **President**

Jeffrey H. Gray  
Willcox & Savage, P.C.  
628-5516  
[jgray@wilsav.com](mailto:jgray@wilsav.com)

### **President Elect**

Robert M. Tata  
Hunton & Williams  
640-5324  
[btata@hunton.com](mailto:btata@hunton.com)

### **Secretary**

Lisa S. Hodges  
(Temporarily on sabbatical from  
the "active" practice of law)  
496-5867  
[lhodges999@aol.com](mailto:lhodges999@aol.com)

### **Treasurer**

Glen A. Huff  
Huff, Poole & Mahoney, P.C.  
552-6021  
[ghuff@hpmlaw.com](mailto:ghuff@hpmlaw.com)

### **Director**

Timothy S. Brunick  
Clarke, Dolph, Rapaport, Hardy & Hull,  
PLC  
466-0464  
[tbrunick@clarkedolph.com](mailto:tbrunick@clarkedolph.com)

### **Director**

William C. Bischoff  
Stallings and Bischoff, P.C.  
422-4700  
[wcb@sb-lawgroup.com](mailto:wcb@sb-lawgroup.com)

### **Executive Director**

Jean Keary  
Virginia Beach Bar Association  
219-2155  
[vblaw@vbbarassoc.com](mailto:vblaw@vbbarassoc.com)

Thanks in advance to all of these individuals for their anticipated hard work in the coming year.

As you may know (or can guess), writing a "President's Message" is one of the more daunting tasks that each bar president has the pleasure of addressing during his or her tenure. The "fun" of preparing the President's Message column is tempered by the adage (according to people in the know) that no one reads these columns anyway!

In anticipation of the day that I would have to write my own President's Message, I have been saving old copies of the Virginia Beach Bar Association Newsletter. I figured I could just plagiarize something from another President's Message four or five years ago, and no one would be the wiser. Now that the day has arrived, however, I became worried that my plagiarism would be discovered (if anyone reads these columns, it's probably past bar presidents). In reading back through the archives, I have come across many columns that would be worthy of stealing. In doing so, I realized that I will never be as witty as Bobby Davis.<sup>1</sup> I don't think I

<sup>1</sup> "A law office was held up recently. The stickup man lost \$200." See Bobby Davis' President's Message, October 2002 (quoting Milton Berle,

could be as practical as Rick Beale<sup>2</sup> or as erudite or philosophical as Judy Cofield.<sup>3</sup>

One of my favorite prior President's Messages was by Les Lilley in December 1999. The "Reign of Lilley" was marked by particularly insightful commentary. Acknowledging my blatant plagiarism in advance, I'll leave you with Les' definition of "A GOOD LAWYER," which Les distilled from a variety of excellent letters from VBBA members. Here's what Les had to say:

A GOOD LAWYER ... has the ability to take the complex and make it understandable, whether for a client, the jury or an arbiter ~ remembers that zealous representation does not transcend the need to be scrupulously honest or the need to be courteous to the court and opposing counsel ~ recognizes the distinction and honor of having the opportunity to serve a public in need of representation and advice, and treasurers that relationship above the desire for personal wealth and gain ~ has the ability to temper or say no to a client's demands, expectations or misconceived ideas ~ is generous with his/her intelligence (he/she is always willing to answer another lawyer's questions about the law or share procedural tips, because the community can never have enough good lawyers) ~ has the ability to create or maintain calm where a heated exchange or an impulsive response would otherwise be a more natural reaction ~ recognizes that justice is the cause to be served, and that this principle involves adding clarity to the law and a reluctance to capitalize on tactics which obfuscate issues or which rely on technical preciseness ~ and, remembers that being a professional includes the duty to contribute his/her time and talents to both professional and community endeavors.

If we could all live up to that definition, I believe that the public's dim perception of our profession would be quite different. I look forward to serving as your president in the coming year. Thanks for the opportunity to do so!

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1989); "I grew up with John Wayne and Jesus in a small town overlooking the New River in Southwestern Virginia. . . . I doubt that anyone in our town could describe fuchsia or use the word 'quintessential' in a sentence." *Id.* August 2002; "Frank Perdue used to say, 'a happy chicken is a healthy chicken.' I think the same goes for lawyers." *Id.* February 2002.

<sup>2</sup> See Rick Beale's President's Message of August 1998, regarding "Stress Relief for Lawyers."

<sup>3</sup> "Lawyers and language: A symbiotic relationship any shark and remora would envy. Argue for a broad or narrow construction; choose and define words with care, then faction innuendoes to re-define the original meaning – such that it exists." See Judy Cofield President's Message December 2000; "There are many ways and many contextual truths to saying goodbye. This is mine." *Id.*; "[Our past enchants] because our past can be expressed with words we choose to portray a distinct meaning – and so control the truth of an experience. The future has no language of convenience. It's only protection is with our institutions." *Id.*

## Committee Reports

### GDC JUDICIAL LIAISON COMMITTEE

The VB General District Court has been advised by the Honorable Chief Justice Hassell that further staggered docketing may be necessary in order to minimize wait time for pro se litigants and defendants. Records are being maintained to evaluate the current situation. A meeting to discuss effects of such changes is being scheduled with members of the Committee and GDC judges. If any VBBA member desires to voice a concern or an opinion on the topic, please contact Kathryn Byler at Pender & Coward P.C., 490-6292 (direct dial) or [kbyler@pendercoward.com](mailto:kbyler@pendercoward.com).

## Court News



### Short Circuits

*Practice tips from the Circuit Court*

By: Amy H. Jones  
Staff Attorney

### GETTING EVERYONE ON THE SAME PAGE

Oftentimes, coming up with a title for each *Short Circuit* is difficult – especially when it involves a mish-mash of information such as this one. The title for this edition reflects the theme of this article (or at least most of it): giving notice of the matters at issue.

### The duty judge docket and the mystery motion

Part of the purpose of the duty judge docket is to allow the judges to prepare for the hearing ahead of time. Recently, an increasing number of matters set on the duty judge docket keep the motion to be heard a mystery. Either nothing is filed regarding what is to be heard, or a notice is filed with only the title of the motion

(e.g., "Motion in Limine"). Although briefs are not automatically required for duty judge motions, counsel should at least file a notice of what is to be heard and provide some minimal identification of what is at issue and/or the basis for the motion. For example, the motion could be noticed as a motion in limine, then state that it seeks to exclude experts for failure to timely identify them. The goal is to rule on your case at the time of the hearing, and you can ensure a better result by letting the court know what the issues are.

### Changes to contested divorce orders

As a reminder, the court's divorce programs are subject to change as required by circumstances. Please check the court's website regularly to ensure you are up to date on any changes, at [www.vb.gov/courts](http://www.vb.gov/courts). We have recently made the following changes:

1. Check boxes for "attorney's fees" and "costs" have been added to the pretrial scheduling order, so that attorneys can indicate if these matters are in dispute.
2. The mediation order has been revised so that issues regarding spousal support and equitable distribution may be referred to mediation if the parties agree to do so. Please note that equitable distribution may be mediated at no cost by only one provider, as listed on the revised order. The parties are not prohibited from having equitable distribution mediated by any Supreme Court certified mediator they choose, but they will have to pay for the service.
3. By agreement, the parties may also seek to have the matter referred to a retired judge for a settlement conference, at no cost to the parties. The court must prepare the order of referral in this situation. As explained in the manual, if you want to pursue this option you must call the duty judge judicial assistant at 427-4501 (option 2).

### Setting hearing/trial dates for uncontested and contested divorces

The court now has afternoon times available for uncontested divorces. These matters may now either be scheduled Tuesdays at 10:00 a.m., or Wednesdays at 2:30 p.m.

Also, as you may know from reading the Contested Divorce Procedures Manual, one way to set trial dates for these contested divorces is by praecipe at docket call. However, docket call is not held during the Friday motion docket, so please do not fill in a Friday motion date on the praecipe. Docket call is held the first Monday of every month, unless it is a holiday, in which case it is held on the first Tuesday.



## Wahab Law Library

**Books for Sale**  
By Rebecca Day

Due to the nature of legal information, the law library collection is constantly being updated, and we often find ourselves with materials that have been superseded, but are otherwise in good condition and current to within a year. We also occasionally receive duplicate items from publishers, or donated books that for various reasons cannot be incorporated into our collection.

We have a number of such books that are in need of a good home and have decided to implement a silent auction process for these special items (based upon a suggestion from an attorney interested in purchasing them). A minimum bid will be established and then bids will be accepted for a limited period of time. The high bidder will be notified, and will have two weeks to pay for and pick up the items. Payment will be accepted by check (from bar

members only) or in cash. Money raised through this process will provide vital support for the law library as we face a shrinking budget and rising materials costs.

The following items will be available for bidding starting Tuesday, February 1, 2005 and may be previewed upon request. Bids will be accepted for two months, or until no new bids are taken for a period of two weeks. The bid sheets will be displayed on the front bulletin board for your convenience.

**LaFave, Wayne. *Search & Seizure: A Treatise on the Fourth Amendment 3<sup>rd</sup> Edition. Updated with 2004 pocket parts. Part of West's Criminal Practice Series.*** This five volume hardbound series includes a table of cases, table of statutes, full index, and extensive discussion of many topics related to search and seizure including:

- Exclusionary Rule
- Protected Areas and Interests
- Probable Cause
- Search Warrants
- Seizure and Search of Persons and Personal Effects
- Entry and Search of Premises
- Search and Seizure of Vehicles
- Consent Searches
- Stop and Frisk and Similar Lesser Intrusions
- Inspections and Regulatory Searches

**Virginia Court Rules and Procedure: State and Virginia Court Rules and Procedure: Federal 2005 Edition. Thomson West.** This two volume softbound set has never been used and is current for 2005. The contents include but are not limited to:

- Rules of the Supreme Court of Virginia
- Virginia Civil Remedies and Procedure

- Virginia Criminal Procedure
- Medical Malpractice Rules of Practice
- Rules of the Virginia Workers' Compensation Commission
- Rules of the Circuit Courts of Norfolk and Virginia Beach
- Federal Rules of Civil Procedure
- Federal Rules of Evidence
- Federal Rules of Appellate Procedure for the Fourth Circuit
- Local Rules for the U.S. District Court for the Eastern District of Virginia
- Local Rules for the Bankruptcy Court for the Eastern District of Virginia

Please see the Wahab Public Law Library's web page for information on future auctions, which will feature items such as full sets of *Michie's Jurisprudence*, and the *Code of Virginia*.  
<http://www.vbgov.com/dept/library/law>

## Notices and Announcements



**The Honorable J. Dale Bimson** has joined the firm of **Pender & Coward**, of Counsel.

Bimson is former City Attorney of the City of Virginia Beach, and served as Judge and Chief Judge of the Virginia Beach General District Court. He will practice in the areas of Public Administration, Municipal and Governmental Law, Land Use Planning, Mediation and Arbitration



### What's New?

#### Legal Reference Materials

*Bankruptcy Evidence Manual*  
Thomson West, 2005 Edition

*Divorce & Money: How to Make the Best Financial Decisions During Divorce*  
Nolo, 7<sup>th</sup> Edition

*11<sup>th</sup> Annual Elder Law Seminar*  
Virginia CLE, 2004

*Immigration Meets Employment*  
Virginia CLE, 2004

*Immigration Procedures Handbook*  
Boardman, 2005

*J.K. Lasser's Your Income Tax 2005*  
John Wiley & Sons, 2004

*Judicial Yellow Book*  
Leadership Directories, Fall 2004

*Law of Sentencing*  
Thomson West, 3<sup>rd</sup> Edition

*Local Regulation of Adult Businesses*  
Thomson West, 2005

*Music Law: How to Run Your Band's Business*  
Nolo, 4<sup>th</sup> Edition

*Physicians' Desk Reference*  
Thomson PDR, 2005 Edition

*Plan Your Estate*  
Nolo, 7<sup>th</sup> Edition

*Police Misconduct*, Thomson West, 2004

*Report of the Secretary of the Commonwealth*  
Secretary of the Commonwealth, 2004

*35<sup>th</sup> Annual Advanced Business Law Seminar: Parting is Such Sweet Sorrow: Getting Closely Held Business Clients Ready for Sale*  
Virginia CLE, 2004

*23<sup>rd</sup> Annual Family Law Seminar: Who Gets the Children? Helpful Advice for Handling Child Custody Cases*  
Virginia CLE, 2004

*The United States Government Manual*  
Office of the Federal Register, 2004/2005 Edition

*Virginia Practice: Criminal Offenses and Defenses in Virginia*  
Thomson West, 2005

*Virginia Practice: Probate Handbook*  
Thomson West, 2005 Edition

*Virginia Rules Annotated*  
Lexis Nexis 2005 Edition

*West's Analysis of American Law*  
Thomson West, 2005



**A. Bartlett Keil** formerly of **The Keil Law Firm, PC** has merged his practice with the Law Firm of **Pender & Coward**.

Mr. Keil specializes in all areas of Family and Matrimonial Law, as well as complex property settlements, distributions and litigation.

**Christie, Kantor, Griffin & Smith, P.C.**, takes pleasure in announcing that **Kimberly Dailey Shepherd** has become associated with the firm to practice general litigation, primarily in the areas of domestic relations and criminal law.

**Carolyn K. Williams** accepted the position as **Clerk of Court for the Virginia Beach Juvenile and Domestic Relations District Court** on November 8, 2004. Carolyn has a diverse professional background which includes serving in the United States Navy for nine years and working as a claims adjuster for Allstate Insurance Company. Her career with the City of Virginia Beach began 12 years ago when she became employed as a Clinician with the Community Services Board, now known as the Department of Human Services. She has extensive experience working with substance abusers and at-risk youth. This skill carried

over to an active involvement in her community and prompted her to pursue a Master's Degree at Norfolk State University in the field of social work. She has served as an adjunct professor at Tidewater Community College. The past four years saw Mrs. Williams as one of the Lead Trainers for the City of Virginia Beach's Department of Human Resources.

## Classified

**Buying Or Selling Real Estate** - Courtesy Listing commission discount or closing cost assistance extended to Virginia Beach Bar Association Members and their staff. As a licensed attorney in Virginia, a member of the Virginia Beach Bar Association and a licensed real estate agent with Wainwright Real Estate, I will list and market your home or other real estate for sale on the local Multiple Listing Service for as low as 4% total commission; or will provide up to 1% closing cost assistance when you purchase any property listed on the local MLS through me as buyer's agent for you. Offer valid until next issue of this newsletter. Conditions apply; call or email me for details. John Probst; Cell: 757-235-9300; email: [jp.realestate@earthlink.net](mailto:jp.realestate@earthlink.net)

**Space Available** - 120 South Lynnhaven Road in Virginia Beach one block off I-264. Several units available ranging from two room units to multiple room units. Call John Zydron @ 486-5454.

**Office Space Available** in the highly respected Dominion Tower, with spectacular view of downtown Norfolk. Office is available with a work area for secretarial stations, and non-exclusive use of reception area, conference room, library, copy room and kitchen. Please contact Bronwen at 624-9323, or by fax 624-8414.

**Office Space Available** - Pleasure House Road, near shore Drive, Northampton Boulevard, Independence Boulevard, and quick access to I-64. Beautiful courtyard style office/retail complex. Executive suite - \$375, including all utilities! 1,000 sq. ft. for \$750. Call DuBay Properties at 460-6550 for more information.

**Attention All Attorneys!** Are you stressed and overworked? Too many clients to handle and not enough hours in the day? I am a sole practitioner and am available to handle any criminal or traffic cases you are unable to handle. Also, minor court appearances, proceedings, or depositions. I will travel to any jurisdiction in Hampton Roads. Call

### ATTORNEY GENERAL KILGORE TO JOIN WILLIAMS MULLEN

RICHMOND, VA – **Virginia Attorney General Jerry W. Kilgore** will join the Governmental Affairs Practice at **Williams Mullen** on Feb. 1. He will be based in the firm's Richmond office.

"Attorney General Kilgore is an outstanding attorney and a proven leader," said Julious P. Smith, Jr., chairman and chief executive officer of Williams Mullen. "His accomplishments in public office, in the community and in private practice align with Williams Mullen's strategic values and core mission to provide the highest quality legal services to our clients."

Kilgore joins Williams Mullen's team of experienced attorneys who represent businesses, associations and individuals in a variety of matters at the federal, state and local levels.

"Williams Mullen is truly Virginia's law firm, so it was a natural fit for my practice," Attorney General Kilgore said. "I look forward to joining a firm with such outstanding clients, attorneys and staff."

Kilgore was elected Virginia's 42nd Attorney General in November 2001. Prior to his election as Attorney General, Kilgore served as Secretary of Public Safety for then Governor George Allen managing 11 State agencies, including the Virginia State Police, the Department of Corrections and the Department of Juvenile Justice. He also served on the front lines of law enforcement as both a State and Federal prosecutor. Previously, he was an Assistant U.S. Attorney for the Western District of Virginia. As an Assistant Commonwealth's Attorney for Scott County, Kilgore prosecuted a variety of criminal cases.

Williams Mullen provides comprehensive legal services to regional, national and international clients. With 250 attorneys and offices throughout Virginia, Washington, D.C., and London, we deliver innovative solutions to support our clients' diverse business activities. Close working relationships with clients have been the foundation of Williams Mullen's progressive approach to law practice since the firm was founded more than 90 years ago. For more information, please visit [www.williamsmullen.com](http://www.williamsmullen.com)

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## Welcome New Members

The Virginia Beach Bar Association welcomes the following new members:

*Tariq K. Louka  
Audrey Marcello  
Susan G. Moritz  
Christopher L. Spinelli  
Timothy V. Anderson  
Marla Jordan Diaz  
Trey Robert Kelleter*

Rita K. Janecek, P.L.L.C. at (757) 497-2082 or (757) 754-0783.