



VIRGINIA BEACH BAR ASSOCIATION

President's Message

To the five recipients of this Newsletter who actually read the President's Message, here is good news: This one will be mercifully short. The brevity arises from the lack of time for my usual windbag pontificating. The reason is that I'm in the midst of changing law firms. This may not seem like a huge deal, but after twenty-three (happy) years at my current firm, this is a major change for me.



I can remember, back in the '80s, when some of the Richmond-based firms began to establish offices in Hampton Roads. I called them "carpetbaggers." Now, I'm about to be a carpetbagger. I'm joining the Hampton Roads office of LeClair Ryan.

It's funny how things have changed in the practice of law over the past twenty years or so. One major change is the degree to which the practice of law has become geographically diversified. More law firms are establishing offices in different locations, and litigators increasingly operate on a regional (if not national) basis. I believe that business lawyers are seeing the same trend.

The trend toward regional (or national) law firms and law practices is reflected in the current affiliations of many VBBA members – and of the VBBA's current and former leaders. For example, past presidents Owen Pickett, Don Clark, Tom Betz, Jay Gorry, Bob Samuel, John Tilhou, Rick Beale, and Mark Slaughter all practice with firms based outside of Hampton Roads. Your president-elect, Bob Tata, is a partner with a Richmond-based firm. Undoubtedly, all of these folks consider themselves to be local lawyers. If there's any message from all of this, I guess it's that the lines between local and regional practices are increasingly blurred.

I have nothing but respect and admiration for the attorneys, friends and staff that I have worked with over the past twenty-

three years. It's hard to leave a place where you think so highly of your colleagues. At the same time, however, I'm excited about what lies ahead at my new firm. Part of that, and a primary impetus for the change, was to expand my securities litigation and regulatory practice with a great group of folks in Richmond and Washington, D.C. I expect to continue my litigation practice here in Hampton Roads, as well.

Anyway, I guess it's time to get back to packing boxes. It's amazing how much clutter you can accumulate over twenty-three years of law practice!

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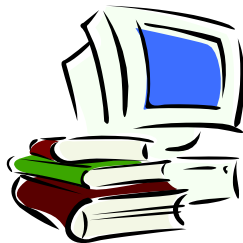
Committee Reports

YOUNG LAWYERS SECTION

GENERAL DISTRICT LIAISON

For those attorneys who wish to be on the 2:00 docket court-appointed list, please contact Monika Johnson at 427-4180. To be considered, the attorney must be certified to handle court-appointed cases under the Virginia Indigent Defense guidelines. Those attorneys who qualify will be randomly assigned Court dates and it will be up to the individual attorney to find a qualified attorney substitute if unavailable for their assigned date.

If you have matters to be brought before the bench or bar concerning the general district courts, please contact Kathryn N. Byler at kbyler@pendercoward.com or 490-6292.



COMPUTERS

Please visit the new VBBA web site and update your Member Profile. Instructions for doing so are found below.

1. Visit the web site at www.vbbarassoc.com.
2. Click on the "Member Directory" button.
3. Enter your first initial, middle initial and last name as the username and password.
4. Click on the "Update Your Profile" button.
5. Make changes to your profile
6. Click on the "Update Your Profile" button at the bottom of the page.

For efficiency in notifying Bar Members of events, the Board requests that you send your email address to vbba@infionline.net.

There is *an incredible new bonus to updating your member profile* - it will act as a Lawyer Referral Service for you. Just make sure that you indicate your areas of specialty and the public will be able to find you by your area of expertise. Just one more great reason to start using the website now!

The Young Lawyers Division of the Virginia Beach Bar Association has been hard at work this term. We are hosting an Introduction to the Courts CLE November 17, 2005 from 2:00- 5:30 p.m. in Virginia Beach General District Court Traffic A. There will be a meet and greet immediately following the CLE. We will have several judges as well as the sheriff speak on topics relevant to new attorneys.

As part of our commitment to public service, the Young Lawyers Division has agreed to expand on Judge Thomas Shadrick's initiative with Seatack Elementary School and "adopt" Cooke Elementary School. We will work closely with school administrators to provide availability to the students to assist in any manner possible. This school year we are making arrangements to volunteer to read to the students of Cooke Elementary on a monthly basis. This program known as S.T.A.R.T. (Students, Teachers and Attorneys Reading Together) will provide an appreciation for reading and work towards literacy. We are challenging other local bar associations to participate in similar programs across the region.

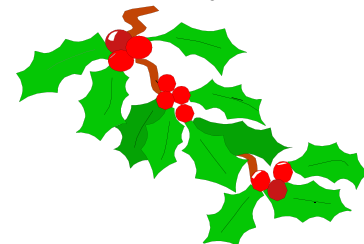
We remain a very small committee and would appreciate more participants in this committee. The time commitment is minimal and hour long meetings are held once monthly. It is not too late to get involved in the Virginia Beach Bar Association and if you are a newly admitted lawyer (with less than seven years of practice) please contact Ken Whitehurst or Sandra Sampson for more information on any of these projects.

Mark your calendars for the

Annual Holiday Party

Friday, December 9, 2005

501 City Grill



WELCOME NEW MEMBERS

THE VIRGINIA BEACH BAR ASSOCIATION WELCOMES THE FOLLOWING NEW MEMBERS:

DAVID ASHE

KENNETH DODL

SHANNON JONES

MARK MCKINNEY

GLEN ROBERTSON

GINA AMICK

CATHIE FRANCE

KIRA A. LIGATO

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Feature Article

Notes from a Police Ride-Along

By: Christopher L. Spinelli, an Attorney with the Law Firm of Leban and Imbrogno, PC, in Virginia Beach.

Here are some notes I took while riding along with a Virginia Beach police officer one Saturday night as he did his job. Maybe something here will be helpful to you:

- Virginia Beach police cars are equipped with sophisticated computer systems that allow officers to exchange instant messages and updates on calls. Moreover, if some kids in a car raise an officer's suspicions, he can simply enter the license plate number into the system and immediately retrieve three or four pages of information relevant to that vehicle.

- At second precinct headquarters, the Virginia Beach Police Department continuously operates a number of concealed fiberoptic cameras strategically

placed along the boardwalk and the waterfront. These cameras are powerful enough to peer into a car's tinted windows and read the label on a beer bottle beside the driver. These cameras are powerful enough to monitor the local goings-on inside local convenience stores, as well as the on-street conduct of bar patrons. Moreover, every minute of observation is recorded and retrievable.

- The police department regularly educates and tests officers on cultural sensitivity issues, including, for instance, the role and appearance of turbans in different ethnic and religious groups.

- Laboratory tests to confirm that a substance is marijuana are frequently backlogged, and the reports are delayed. Accordingly, the police department is pressing for its officers to be permitted to testify without objection at trial that "upon [their] training and experience, the substance was marijuana," and have that testimony be a sufficient substitute for a lab report. (Needless to say, our obligations as attorneys will direct our response to that.)

continued on page 6

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The Virginia Beach Bar Association
Presents its (newly re-named) 7th Annual

Richard G. "Dick" Brydges

Memorial Courthouse Classic Golf Tournament



PROCEEDS TO BENEFIT CHKD AND THE VIRGINIA BEACH BAR FOUNDATION*

FRIDAY, OCTOBER 14, 2005

HELL'S POINT GOLF COURSE, VIRGINIA BEACH

11:30 AM FREE RANGE BALLS -12:00 PM SHOTGUN START

CAPTAIN'S CHOICE BEST BALL

POST-TOURNAMENT BBQ BUFFET & AWARDS

\$75.00 per VBBA member; \$85.00 non-VBBA member

\$2,000.00 Platinum Sponsor = 4 players + Tournament Sponsor Recognition

\$1,000.00 Gold Sponsor = 4 players + Banner & Parview Recognition

\$500.00 Silver Sponsor = 2 players + Banner Recognition

\$125.00 Hole Sponsor = recognition signage at the tee

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SUPPORT STAFF ASSOCIATED WITH THE VIRGINIA BEACH COURTHOUSE

RSVP to Virginia Beach Bar Association ASAP, 2425 Nimmo Parkway, # C0037, VA BEACH, VA 23456

_____ Yes, I want to play in the Courthouse Classic. Enclosed is \$_____ to cover the cost of _____ players.
(Less than a foursome will be paired with single players).

1. _____ 2. _____

3. _____ 4. _____

I would like to be a sponsor. Please list my sponsorship name as _____.

PLEASE MAKE CHECKS PAYABLE TO: VIRGINIA BEACH BAR ASSOCIATION

YOU MAY FAX THIS FORM TO THE VBBA AT 219-2156

FOR FURTHER INFORMATION CALL TIM QUICK AT 301-9632

*CONTRIBUTIONS ARE 501(C)(3) TAX DEDUCTIBLE

continued from page 4

- Officers sometimes have various chemical detection kits, which change color when illegal substances are introduced. Additionally, officers sometimes have a “beanbag” gun for situations involving people who are threatening harm to themselves. The “beanbag” is powerful enough upon impact to stun and wind the individual, allowing for further police intervention.

If you’d like to do a ride-along and see these professionals at work, go to any Virginia Beach precinct to pick up an application. It’s a fun way to learn about law enforcement from another angle.

If you are interested in writing a feature article for possible submission in the VBBA Newsletter, please send your email to LHodges999@aol.com

Court News - Short Circuits



Practice tips from the Circuit Court
By: Amy H. Jones
Staff Attorney



MORE ON THE USE OF “ADDENDUMS” OUTSIDE DIVORCE (DON’T!) AND WHEN DIVORCES ARE HEARD (NOT ON THE FRIDAY DOCKET)

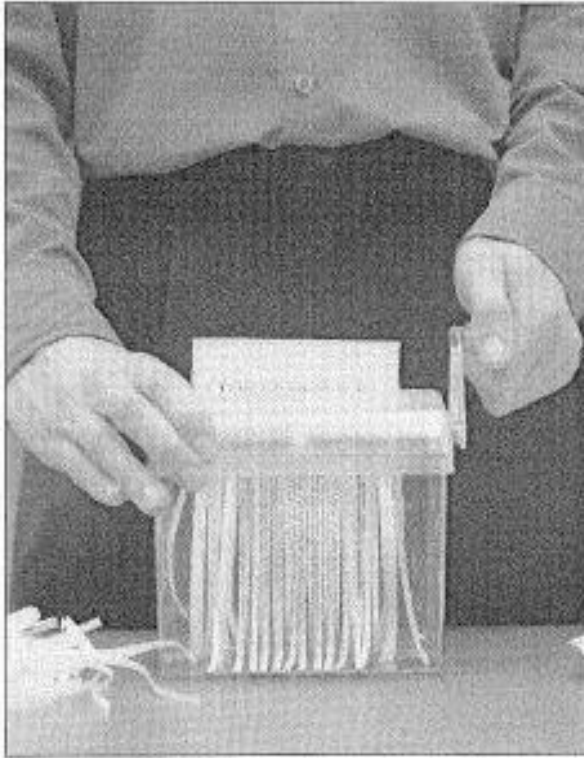
As you may know, § 20-121.03 (which went into effect July 1) states that social security numbers cannot be placed in pleadings, orders, etc., but must be in a separate “addendum.” Recently, there have been attempts to use such addendums in guardian and conservator appointments, and a request to use one in a name change. While that may seem like a good idea, it is important to know that by its terms, § 20-121.03 applies only to “any petition, pleading . . . **filed under this chapter**” (emphasis added). “This chapter” refers to “Chapter 6 Divorce, Affirmation and Annulment, §§ 20-89 — 20-124.” Therefore, addendums should not be used for files other than divorces, as there is no statutory authority for them at this time.

In addition, per § 20-121.03 only social security numbers and “identifying account numbers” are supposed to be removed from orders and placed in an addendum. All other information required to be in the order should be in the order. For example, dates of birth and addresses should not be removed from an order and placed in an addendum.

In the same vein, if an addendum is required for

a court order, it should not be referred to as being “attached” to the order. That language makes the addendum a part of the order, defeating the purpose of using an addendum. Instead, just say, “see addendum” or perhaps just refer to the “addendum filed herein.”

On the topic of divorces, recently final divorce hearings have started appearing on the Friday motions docket. **Final divorce hearings (as opposed to notice for entry of the final decree after the case has already been heard) are never held on the Friday motions docket.** The court’s divorce procedures are governed by the UNCONTESTED DIVORCE PROCEDURES MANUAL and the CONTESTED DIVORCE PROCEDURES MANUAL. Neither of these manuals provide for hearing divorces on the Friday docket. Instead, the options are (1) commissioner; (2) uncontested hearings before a judge at pre-set times on Tuesdays and Wednesdays; (3) trial date before a judge. Please take a look at these manuals to see how you should proceed. The updated versions are available at www.vbgo.com/courts – check to be sure you have the current version.



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Court News

From: **Judge Deborah V. Bryan, Virginia Beach Juvenile & Domestic Relations District Court**

For all criminal, delinquent and CHINS matters in the Virginia Beach Juvenile and Domestic Relations District Court, defense counsel, unless relieved by the court, shall appear at all reviews and deferral hearings related to that matter until final disposition.

From: **The Judges of the Norfolk Juvenile and Domestic Relations District Court**

The Judges of the Norfolk Juvenile and Domestic Relations District Court are reestablishing the Attorney Court Appointment List, effective January 1, 2006.

All attorneys now serving the Court in this capacity and all those wishing to be included on the new list must submit an application to the Clerk of Court, Debra A. Hill, at 800 E. City Hall Avenue, Norfolk, Virginia 23510 not later than November 1, 2005. Applications may be obtained in person from the Clerk's Office or by written request to the Clerk.

Every attorney, including those currently on the list, must submit a new application. In addition, attorneys may be removed or added as circumstances and qualification requirements dictate.

Any attorney wishing to be considered for inclusion on the list must be willing and able to represent persons charged with criminal offenses and must be willing and able to serve as a guardian *ad litem*.

The following criteria will be considered when evaluating each applicant:

1. Certification by the Virginia Indigent Defense Commission to represent persons charged with misdemeanor, felony and juvenile offenses.
2. Certification by the Supreme Court of Virginia as a Guardian *Ad Litem* for children.
3. Inclusion on the Norfolk Circuit Court Appointed List and inclusion on the lists of other cities.
4. Record of past performance demonstrated as court appointed counsel on assigned duty days, including, but not limited to attendance and timeliness.
5. Willingness and ability to affirmatively pursue appeals at all levels.
6. Willingness and ability to follow the standards of performance for guardians *ad litem* as set forth in Rule 8:6 of the Rules of Court as promulgated by the Judicial Council of Virginia (Standards to Govern the Performance of Guardians *Ad Litem* for Children, effective September 1, 2003).
7. Years of trial experience.
8. Proximity of the attorney's office to the courthouse and availability/accessibility to clients.
9. Timely investigation of the case and trial preparation.
10. Willingness and ability to comply with the Code of Professional Responsibility.
11. Record of prior disciplinary action.
12. Any other relevant consideration.

Wahab Law Library

What's New?

Legal Reference Materials July, 2005

By Rebecca Day

*A Day at the Races: The 14th Annual
Employment Law Update*
Virginia CLE, 2005

*Bankruptcy: Is It the Right Solution to Your
Debt Problems?*
Nolo, 2nd Edition

Beat Your Ticket: Go to Court & Win
Nolo, 3rd Edition

Chapter 13 Bankruptcy: Repay Your Debts
Nolo, 7th Edition

*Directory of Adult and Juvenile
Correctional Departments, Institutions,
Agencies, and Probation and Parole*
American Correctional Association, 2005

Every Landlord's Legal Guide
Nolo, 7th Edition

Expert Witness Checklists
Thomson West, 2005

*Eyewitness Testimony: Strategies and
Tactics*
Thomson West, 2003

Firearms Law in Virginia

Virginia CLE, 2005

Goolsby on Virginia Corporations
LexisNexis, 2002

H-1B Handbook
Thomson West, 2005

How to File for Chapter 7 Bankruptcy
Nolo, 12th Edition

*Professional Responsibility in Criminal
Defense Practice*
Thomson West, 2005

Prosser and Keeton on The Law of Torts
West, 5th Edition

*Skills, Strategies and Ethics for Lawyers
Representing Clients in Mediation*
Virginia CLE, 2005

*31st Annual Recent Developments in the
Law*
Virginia CLE, 2005

*21st Annual Advanced Family Law
Seminar: Mind your Ps and Qs: Property,
Pensions, and QDROs*
Virginia CLE, 2005

23rd Annual Real Estate Practice Seminar
Virginia CLE, 2005

What's it Worth?
Kluwer Law Book Publishers, 2005



Notices and Announcements

The American Cancer Society (ACS) announces *RELAY FOR LIFE: LEGAL EDITION*. Join ACS' newest fundraising program specifically for law firms. Each law firm determines the amount and by what method funds are raised from 10/1/05 thru 4/1/06.

Each firm participating will be recognized at the Virginia Beach Amphitheater Relay for Life Event, in newsprint and in various publications. The legal community will be recognized for its' contribution to fighting cancer. If interested contact the program coordinator, Asha Pandya at 664-4842. Let's make a difference together!

Nicole S. Lang, Esquire has joined the law firm of **McKenry, Dancigers, Dawson & Lake, P.C.** She will be working as an associate in the Real Estate and Insurance Defense divisions. She was formerly an associate at Pender & Coward, P.C.

Richard N. Shapiro been elected the 2005-2006 chairman of the Railroad Section of the Association of Trial Lawyers of America (ATLA) at ATLA's July 2005 annual convention in Toronto. The Railroad section is a specialty section within ATLA, the largest trial lawyers association worldwide, with over 56,000 members.

Shapiro has participated in plaintiff's railroad injury litigation throughout the eastern United States, and is board certified in civil trials by the N.B.T.A. He is a shareholder with Hajek, Shapiro, Cooper & Lewis, P.C. law firm which has a principal office in Virginia Beach, and an affiliated law office based in Washington, D.C.

"Caribbean CLE 2006"

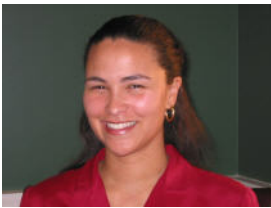
The Ritz Carlton - San Juan

February 10 - 15, 2006

Contact John Hooker or Monica

At 425-9977 for info





Blythe Scott has joined the law firm of **Rutter Mills** as an attorney specializing in both State and Longshore Workers' Compensation claims as well as Social Security disability claims.

Mrs. Scott holds a Bachelor of Arts degree from Princeton and a Juris Doctor from the University of Virginia School of Law. Mrs. Scott has been licensed to practice law in the Commonwealth of Virginia. Prior to working at Rutter Mills, Mrs. Scott worked in the areas of civil litigation, traffic defense, bankruptcy and residual real estate. Mrs. Scott is a member of the Virginia Bar, the Norfolk-Portsmouth Bar Association and serves on the Board of Zoning Appeals for the City of Norfolk.

Bradford Miller has joined the law firm of **Rutter Mills** as an attorney specializing in personal injury cases. His practice focuses mainly on automobile accidents, tractor trailer collisions and premises liability cases. Bradford Miller has practiced since 2001 in various areas of the law including criminal defense, traffic matters and juvenile and domestic relations. He has committed himself exclusively to representing those who have been injured due to the negligence of others. Mr. Miller earned a Bachelor of Arts degree from the University of Georgia and a Juris Doctor from Regent University. He is a member of the Virginia State Bar, the American Bar Association, Chesapeake Bar Association and the Virginia Trial Lawyers Association. Mr. Miller has enjoyed establishing public ties since his move to this area in 1997 and looks forward to contributing to the Hampton Roads Community.



EVELEIGH ELECTED CHAIR OF BOARD



Cheshire I'Anson Eveleigh, Esquire, of the law firm of **Wolcott Rivers Gates**, has been elected and installed as Chair of the Board of Governors of the Family Law Section for the Virginia State Bar. Mrs. Eveleigh previously served as the Vice Chair, Secretary and a member of the Family Law Section Board of Governors.

Mrs. Eveleigh continues her practice in the areas of Alternative Dispute Resolution and Family Law.

Robert V. Roussos, Richard C. Langhorne, Ellen C. Carlson, James L. Pedigo, Jr., and Neil K. Winchester announce with pleasure the opening of **Harbour Law, P.L.C.**, effective July 15, 2005, with offices at 500 East Main Street, Suite 1600, Norfolk, VA 23510. Mr. Roussos, Mr. Langhorne and Ms. Carlson previously were associated with the law firm of Roussos, Langhorne and Carlson, PLC. Mr. Pedigo and Mr. Winchester formerly were associated with the law firm of Alexander P. Smith & Associates, P.C. Mr. Roussos, Mr. Langhorne and Ms. Carlson earned their undergraduate degrees at Old Dominion University, Hampden-Sydney College and Wellesley College, respectively; Mr. Pedigo and Mr. Winchester earned their undergraduate degrees at James Madison University and the University of Virginia, respectively. All of the members of the new firm earned their law degrees from the Marshall-Wythe School of Law at the College of William and Mary. Harbour Law is engaged in the general practice of law, including domestic relations and civil and criminal litigation, with an emphasis on debtor, creditor and trustee representation in bankruptcy matters and consumer law. Mediation services also are available through Ms. Carlson, who is certified in both general and family mediation by the Supreme Court of Virginia. Harbour Law can be reached by telephone at 622-1621 or 622-9005 and by facsimile at 623-3250 or 624-9257.



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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 - Pleasure House Road, near Shore Drive, Northampton Boulevard, Independence Boulevard, and quick access to I-64. Beautiful courtyard style office/retail complex. Executive Suite - \$550, including all utilities! 1,000 sq. ft. Class A space beginning at \$1000. Call DuBay Properties at 460-6550 for more information.

Office Space Available - 347 S. Witchduck Road
Sole practitioner to share with same. Conveniently located near the corner of S. Witchduck and Princess Anne Roads. Easy access to Norfolk and Virginia Beach Courts. Call Bill Nelligar @ 490-3122.

Office Space for Lease - VA Beach - W. Great Neck Rd near Shore Drive. New construction. 1st floor 1500-3,000 sq ft. 496-6667.

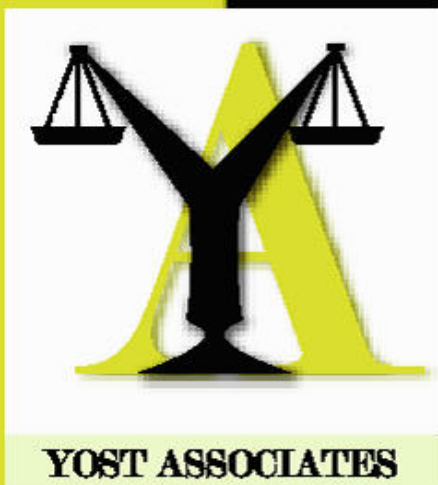
Office Space Available - Executive Cove Center--5600 Virginia Beach Blvd. Central location with easy access to Virginia Beach, Norfolk And Chesapeake. Call 287-0316 for more information.

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

DEADLINE – THE DEADLINE FOR THE DECEMBER

NEWSLETTER IS NOVEMBER 15, 2005.

PLEASE FORWARD YOUR SUBMISSIONS TO LISA HODGES AT LHODGES999@AOL.COM. FOR FURTHER INFORMATION, CONTACT LISA HODGES AT 496-5867.



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1/3 (horizontal or vertical).....	100.00
1/6.....	50.00
Mailing Labels of the membership.....	275.00
Classified Ad (6 lines).....	35.00

*The VBBA offers a 10% discount on half-year advertisements (3 issues) and a 20% discount on annual advertisements (6 issues). Classifieds and Notices are free to members. Contact Lisa Hodges at 496-5867 or email LHodges999@aol.com.

Committee Chairs

Legal Studies Academy Liaison	Carrollyn Cox 486-4645
Medical/Legal	Cliff Love 463-9000
General District Court Liaison	Kathryn Byler 490-6292
Circuit Court Liaison	Robert L. Samuel 473-5322
Awards	Rick Beale 687-7787
Mentor	Jim McKenry 461-2500
Juvenile & Domestic Relations Court Liaison	Peter Chiusano 628-5597
Golf Tournament/Social	Tim Quick 301-9632
Young Lawyers	Sandra Sampson 490-8094 Ken Whitehurst 687-7738
Pro Bono CLASS	Margaret Weaver 491-4141
Law Day	Jeff Marks 491-4045
Seatack Mentoring	Norma Catoe 427-8680
Computer/Technology	Joel Ankney 216-4578
Senior Lawyers	Bill Drinkwater 422-0111

Some committees are still seeking members. Contact the chair of your choice for information on becoming involved.



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Room C0037
Municipal Center
Virginia Beach, VA 23456**

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Fax: 757 219-2156

Web site: vbbarassoc.com

Email: vblaw@vbbarassoc.com

Officers

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Lisa S. Hodges, Secretary

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552-6021 ghuff@hpmlaw.com

Timothy S. Brunick, Director

466-0464 tbrunick@clarkedolph.com

William C. Bischoff, Director

422-4700 wcb@sb-lawgroup.com

**Mark E. Slaughter, Immediate
Past President**

687-7538

mark.slaughter@troutmansanders.com

Staff

Jean Keary, Executive Director

219-2155

vblaw@vbbarassoc.com

Calendar

MARK YOUR CALENDAR FOR THESE IMPORTANT EVENTS

Oct 14 Golf Tournament - VBBA
Annual Courthouse Classic - Noon at
Hell's Point

Nov 17 Introduction to the
Courts CLE

Dec 9 Holiday Party - 5:00 - 5:01
City Grill

Jan 21 VBBA Annual Banquet -
Invitations will be mailed in
December. Please RSVP quickly as
seating is limited. This is an event
you do not want to miss!

Feb 10 "Caribbean CLE 2006" - San
Juan - Call Monica at 425-9977 for
more info

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