



# VIRGINIA BEACH BAR ASSOCIATION

Volume Number 18

February, 2009

Issue Number 1

## President's Message

By the time you read this President's Message, the Bar Association's annual banquet will have passed. If you missed it, you missed a really good time. Judges Hudgins and Shadrick, who both retired in 2008, had their portraits unveiled. Judge Shadrick actually received two portraits, the second of which was last seen under his arm as he left the banquet and is rumored to be proudly displayed on his mantel at home.



The Bar Association also recognized three extremely deserving members with Bar awards. Jeff Marks received the Bar Service award for his longstanding committee work for the Association. Steve Emmert received the Joseph L. Lyle, Jr., Professionalism Award for, well, his professionalism. Edward S. Stolle, Jr., who is now retiring from the practice of law – his third career - received the newly re-named Thomas S. Shadrick Community Service Award for his tireless work with juveniles and families as a guardian ad litem in the Juvenile and Domestic Relation District Court. These brief biographies do not do justice to the accomplishments of these award winners, but I hope they know that their hard work has not gone unnoticed. Also at the banquet, Glen Huff was recognized for his service as Bar President in 2008. Although Glen remains on the Board one more year as Immediate Past President, his leadership will be impossible to replace.

The final bit of business undertaken at the banquet, and the reason I am now delivering this message, is that the new Board of the Virginia Beach Bar Association was sworn in by Chief Judge Lowe. I became the president of the Association, Bill Bischoff became president-

elect, Tim Quick became secretary, Glenn Croshaw became treasurer, Sandra Sampson moved into her second year as a director and Robert Hagans joined the Board as our new first year director. In addition to becoming the 53<sup>rd</sup> president of the Bar Association, my swearing marked only the tenth time a Bar president has been sworn in the same year a new President of the United States. Since the occasion does not present itself very often, I thought it was appropriate for my first president's message to compare some of the similar challenges both jobs present.

President Obama is taking over at a time of crushing unemployment, falling stock prices and record deficits. Although our Association is in the black, a week before the banquet, I was advised that the price for the dinner combo that

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**President's message continued**

had been served at the banquet just three years ago had increased by \$20.00 per plate. Without hesitation, I immediately decided to jettison the jumbo crab cake in favor of the cheaper filet of wild salmon (we have put in for some stimulus money in hopes of restoring the crab cake next year). I just hope President Obama is prepared to make these kinds of tough financial decisions during his next four years in office.

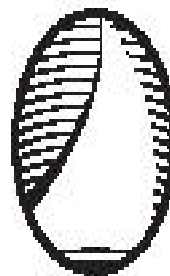
In preparation for taking office, President Obama sat down with Vice-President Biden to discuss strategy and go over the active policy role the Vice-President would have in the President's administration. Likewise, I met with our vice-president, Bill Bischoff, to review some of our goals for the year. In many administrations, the role of vice-president is largely ceremonial, but I wanted Bill to know that, like Joe Biden, I saw his role as that of a valued advisor and active participant in all the various programs of the Association. After spending last

Bar year being responsible for publishing the newsletter, Bill assured me he was much more comfortable with the ceremonial role and told me not to bother him too much this year.

One of President Obama's first actions as President was to immediately issue an executive order freezing all regulatory and policy initiatives of his predecessor. I did the same. It wasn't that I disagreed with any of Glen Huff's policies, but I thought his ten-fold increase in the senior lawyer committee's budget during his last few days in office was hard to justify.

So far, those are the only real similarities I have come across, but I will keep looking for more as the year progresses. All kidding aside, though, I am very much looking forward to this Bar year and am tremendously honored to be the next president of this great organization.

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## Committee Reports

**Membership Committee:** next meeting is Monday, February 23rd at 4:00 PM at the office of Pender & Coward, PC. Anyone interested in attending is welcomed. For more information, contact Kathryn Byler at 490-6292.

**Young Lawyers Committee:** next meeting - February 24 at 5:30 at Red Star Tavern. For more information call Allison Anders at [awanders@kaufcan.com](mailto:awanders@kaufcan.com). The YLC will be collecting gently-used suits/professional wear during the month of March to help those less fortunate dress to impress for job interviews. Please drop off donations to the bar office.

**Mentor Committee:** **MENTORS NEEDED!** The committee has received positive responses from new VBBA members wanting a mentor. However, the mentor list is very small. Any senior associate or partner who is interested in acting as a mentor (minimal time commitment) contact Brandon Ziegler at [zeigler@wolriv.com](mailto:zeigler@wolriv.com). We need to rebuild our list of

mentors and it is a great way to get a new member of the VBBA involved.

**Golf Committee:** This committee desperately needs a few good men and women to assist with the 2009 Annual Dick Brydges Memorial Golf Tournament. Last year this event raised \$6,000, of which \$3,000 was donated to the Virginia Beach Bar Foundation, \$2,000 to CASA, and \$1,000 to the Virginia Beach Rescue Squad. If interested in a fun and charitable committee, please contact Jon Thornton at [jon@piercelandthornton.com](mailto:jon@piercelandthornton.com).

**CLASS:** The CLASS program has been a huge success thanks to the lawyers who have been volunteering their time and effort. If you are interested in donating a Friday morning once every six months for a truly worthwhile cause, please contact Jeff Marks at 491-4045.

# Court News - Short Circuits

## ISSUES REGARDING FILING DOCUMENTS AND THE JUDGES' OFFICE

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

A few months ago, I published an article advising attorneys not to fax pleadings, letters and the like to the Clerk's Office. I also noted that the Judges' Office is not an alternative destination, because it does not accept faxes on behalf of the Clerk's Office. Unfortunately, attorneys have continued to fax unsolicited pleadings, motions and briefs to the Judges' Office. As a reminder, nothing should be faxed to the Judges' Office unless requested by a judge or the judges' staff. Documents faxed without a request from the Judges' Office will be discarded. The Circuit Court is a court of record, and neither the Code nor the Rules of Court provide for filing by fax. In the same vein, the duty docket is not a "notice and motion by telephone" docket. Although matters may be set on the duty docket by telephone, *a written notice and motion still needs to be filed with the court* (and not by fax!). First of all, as with any motion set for hearing with the court, a written notice and motion is required. Second, the court cannot rely upon the description provided by a staff person setting the matter. More often than not, that person is entirely unclear about exactly what is being set (I know, I've talked to some of them). Finally, attorneys often add several motions by faxes between themselves. The court cannot prepare for the hearing when these motions are not also provided to it in advance. So, remember to file your motion!



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[http://www.doa.virginia.gov/General\\_Accounting/EDI/EDI\\_Main.cfm](http://www.doa.virginia.gov/General_Accounting/EDI/EDI_Main.cfm)

Upon accessing this site, go to the "Trading Partner Information" subtitle and click on "Trading Partner EDI Agreement and Enrollment Form for Vendors." You will be routed to a PDF form for you to complete and mail.

Once registered, you will receive e-mail notices indicating the date and amount of deposit that is being made to your designated bank account, along with a trace record number for you to track this transaction.

# MEMORIES OF THE 2009 ANNUAL BANQUET



President Tim Brunick and Michelle Vachris



2009 Board of Directors

Beth Barnes & Dad



Judge Hansen, Judge Morgan, and Bobby Davis

# ANNUAL BANQUET MEMORIES

Retired Chief Circuit Court Judge Thomas S. Shadrick and Retired Chief General District Court Judge Edward Hudgins were recognized by the unveiling of their portraits, which will be hung proudly in the Virginia Beach Courthouse.

It was rumored that Judge Shadrick had been hitting the gym pretty hard in his retirement, but who knew?



**LOST** - at banquet, late night from chair in ballroom, one black tuxedo jacket; **FOUND** - one dark blue pinstripe suit jacket. Gentlemen, please check your closets - you won't want to accidentally look like my cousin Vinnie in court. Call Tim Quick if you have any information regarding these lost and found items. 314-2354x104 or e-mail [tim@quickandquick.com](mailto:tim@quickandquick.com).

# The McCammon Group

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**Hon. John C. Morrison, Jr. (Ret.)**

Retired Judge, Norfolk Circuit Court

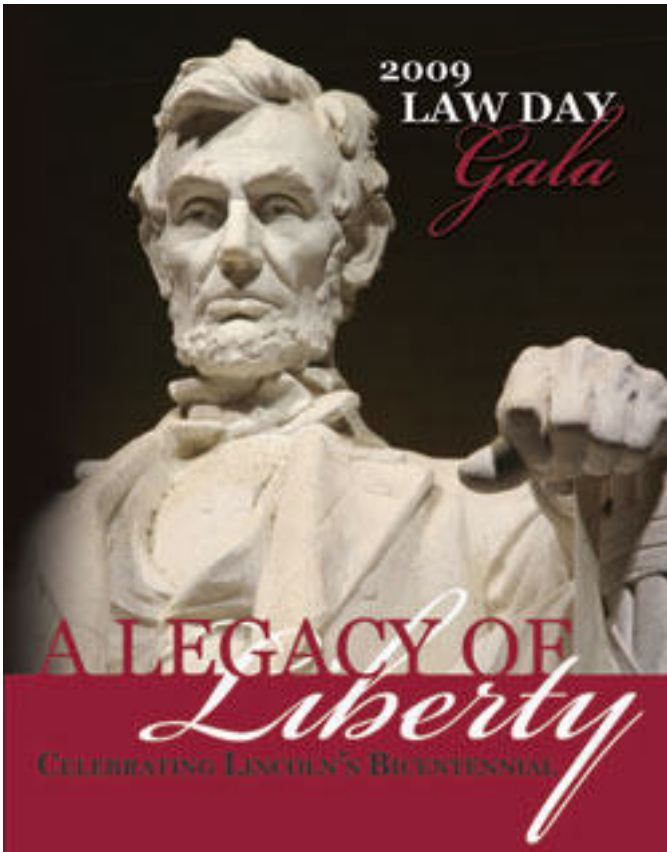
John Morrison's years of distinguished judicial experience includes service to the Norfolk Circuit Court as well as to Norfolk's Juvenile and Domestic Relations Court. Preceding his service on the bench, he served in the City Attorney's Office as well as the Commonwealth's Attorney's Office in Norfolk. He also had a broad general practice including both civil and criminal matters. He now joins The McCammon Group to serve the mediation and arbitration needs of lawyers and litigants throughout Hampton Roads and the Commonwealth.



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*featuring*

# Michael Beschloss



**Celebrate Law Day with the Virginia Beach Bar Foundation at its Law Day Gala Event on May 7, 2009. President Eisenhower proclaimed the first Law Day as a "day of national dedication to the principle of government under law".**

**In celebration of Law Day, on May 7, 2009, we will celebrate the bicentennial of the birth of Abraham Lincoln, regarded by many as our nation's greatest and most elegant president and his "Legacy of Liberty" at the beautiful new Sandler Center for the Performing Arts, with a presentation by acclaimed historian, Michael Beschloss. Newsweek has called Beschloss, "the nation's leading presidential historian" and recently, he was appointed as the NBC News Presidential Historian, the first person with that title in the history of NBC. Mr. Beschloss also makes regular appearances on Meet the Press, The Today Show, PBS' The News Hour with Jim Lehr and other network programs.**

**Be a part of the Virginia Beach Bar Foundation's celebration of Law Day by purchasing tickets or a sponsorship package by visiting the Sandler Center for Performing Arts website at [www.sandlercenter.org](http://www.sandlercenter.org) , or by calling 757.282.6938. Law Day Gala events will begin at 5pm with a cocktail reception with heavy hors d'oeuvres for VIP sponsors and guests, followed by Michael Beschloss' performance.**

Sponsorship levels: Presenting Sponsor - \$10,000 (One Available), recognition in all print advertising and at event, 30 premier seating tickets & 30 VIP reception tickets ,full-page color ad in program.

VIP Party Sponsor - \$7,500 (One Available) - recognition in all print advertising and at event, 14 premier seating tickets & 14 VIP reception tickets, full-page color ad in program.

Supreme Court Sponsor - \$5,000, 12 premier seating tickets & 12 VIP reception tickets, half-page color ad in program.

Federal Court Sponsor - \$1,500, 8 premier seating tickets & 8 VIP reception tickets, quarter-page color ad in program.

Circuit Court Sponsor - \$1,000, 4 premier seating tickets & 4 VIP reception tickets, recognition in program.

# Notices and Announcements

The Board of Directors of the VBBA is pleased to announce that at the January 31, 2009 annual banquet, the VBBA presented awards to three outstanding lawyers. The Community Service Award was renamed the **Thomas S. Shadrick Community Service Award**. The 2009 award was presented at the banquet to **CDR**



**Edward Stolle, Jr.**, (USN Ret.), recognized for his zealous representation of the rights and interests of young people in the Virginia Beach JDRC. Since passing the Bar in 2002, Mr. Stolle has devoted countless hours of his time as a Guardian ad Litem, and has always stood ready, willing and able

to assist the JDRC bench upon a moment's notice. Congratulations to Mr. Stolle!

The **VBBA 2009 Bar Service Award** was presented to **Jeff Marks** for his tireless effort in support of the CLASS program over many years. Instituted by his father, Retired JDRC Judge Ron Marks, the program's success is directly attributable to Jeff's tremendous devotion to ensuring that victims of domestic violence receive the pro bono assistance of Virginia Beach lawyers at hearings for protective orders. Congratulations to Jeff!

The **VBBA Joseph L. Lyle Jr. Professionalism Award** was presented to **L. Steven Emmert**.



Steve has devoted countless hours to the advancement of effective appellate advocacy, not only in Virginia Beach, but across the Commonwealth. He volunteers his expertise at numerous CLE's and has dedicated a free website for use by Virginia lawyers in keeping

abreast of appellate news. For anyone who has ever practiced with Steve or seen him in action, you know that he personifies what it means to be "professional." Congratulations to Steve!



**Michael A. Inman** of the law firm of **INMAN & STRICKLER, PLC** has been selected for membership in the College of Community Association Lawyers, having been evaluated by other attorneys who are long time practitioners of community association law and members of the Community Associations Institute (CAI). Inman has been presenting in seminars on Community Association topics for over 20 years and has been a presenter for the Virginia State Bar on the topic of *Creating Condominiums in Virginia*.

**Robert V. Timms, Jr.**, a partner at **Stokes, Timms, Bell & Vaiden, P.C.**, has been selected as a member in the *2008 Legal Elite by Virginia Business Magazine* in Business Law.



The law firm of **Huff, Poole & Mahoney, P.C.** congratulates the following attorneys who have been promoted within the firm:



**Stephanie C. Blythe**, has been promoted to the position of Shareholder. Ms. Blythe's practice areas include business and commercial real estate matters, estate planning, and estate and trust administration.

**Shantell S. Nashatka**, has been promoted to the position of Principal and is a member of the Domestic Relations Department and focuses her practice on divorce and family matters.



**Tara L. Chadbourn** has become an associate of the firm where she will focus her practice in the areas of catastrophic loss, tort defense and products liability. Ms. Chadbourn received her Master of Studies in Environmental Law and juris doctorate from Vermont Law School.

# RE-ELECT OUR COMMONWEALTH'S ATTORNEY



## HARVEY L. BRYANT

**THESE OUTSTANDING MEMBERS OF OUR GREAT BAR ASSOCIATION ARE  
AMONG THE MANY FRIENDS OF HARVEY BRYANT ENDORSING HIS RE-  
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Tabitha Anderson	Ryan Ferguson	Jeffrey Marks	Vena Sanders
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Charisse Black	Steven Frucci	Mark McKinney	Chester Smith
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Catherine Dodson	Scott Kezman	Paul Powers	Scott Vachris
Richard Doummar	Kari Kopnicky	E.J. Rafal	John Venner
William Drinkwater	David Laird	Alfred Randolph	Lyla Zeidan
Kevin Duffan	Scott Lang	John W. Richardson	

**Next issue, more member endorsements!**

# Wahab Law Library

**NOTICE** The Wahab Public Law Library hours of operation are Monday – Friday, from 8:00 a.m. until 4:30 p.m. Any fax, e-mail, or phone request received after closing will be processed the morning of the following work day.

## What's New?

### Legal Reference Materials



*17<sup>th</sup> Annual Advanced Elder Law*  
Virginia CLE, 2008

*23<sup>rd</sup> Annual Mid-Atlantic Institute on Bankruptcy and Reorganization Practice*  
Virginia CLE, 2008

*27<sup>th</sup> Annual Trusts & Estates Seminar*  
Virginia CLE, 2008

*29<sup>th</sup> Annual Construction and Public Contracts Law*  
Virginia CLE, 2008

*2008 Virginia Information Technology Legal Institute*  
Virginia CLE, 2008

*Civil Discovery*  
Thomson West, 2008

*Construction Law*  
Thomson West, 2008

*Criminal Procedure*  
Thomson West, 2008

*Death and Taxes: Putting it All Together*  
Virginia CLE, 2008

*Decisions of the United States Supreme Court – 2007-08 Term*  
LexisNexis, 2008

*Decisions of the United States Supreme Court – Cumulative Case Table*, LexisNexis, 2008

*Digital Paper-Scanning, Paper-Reduction Strategies, and a Lawyer's Guide to Adobe Acrobat* Virginia CLE, 2008  
Virginia CLE, 2008

Please call 427-4419 Monday – Friday 8 a.m. – 4:30 p.m. or email us at [llstaff@vbgov.com](mailto:llstaff@vbgov.com), if you have any questions.  
*Thank you for your support!*

*Distelhorst on Ethics: Integrity-Based Lawyering*  
Virginia CLE, 2008

*Family Practitioner's Guide to Trial Advocacy*  
Virginia CLE, 2008

*Federal Sentencing Guidelines Manual, Volumes 1-3*  
Thomson West, 2008

*J.K. Lasser's Your Income Tax 2009*  
Wiley, 2008

*Jury Instructions*  
Thomson West, 2008

*Let's Make A Deal – Nuts and Bolts of Handling a Corporate Transaction*, Virginia CLE, 2008

*Limited Liability companies in Virginia*  
Virginia CLE, 2008

*LiveStrong Survivorship Notebook*  
Lance Armstrong Foundation, 2008

*Medical Malpractice Law in Virginia*  
Virginia CLE, 2008

*Negotiating and Drafting Marital Agreements*  
Virginia CLE, 2008

*Pattern Jury Instructions of the Third Circuit, Civil Cases*  
Thomson West, 2008

*Probate Handbook*  
Thomson West, 2008

*Representation of Incapacitated persons as a GAL*  
Virginia CLE, 2008

*The U.S. Government Manual*  
Claitors, 2008

*U.S. Master Tax Guide*  
Commerce Clearing House, 2008

*Virginia Construction Law Deskbook*  
Virginia CLE, 2008

*Virginia Criminal and Traffic Law Manual*  
LexisNexis, 2008

*Virginia Review Directory of State & Local Government Officials*  
County Publications, 2008

*Workers' Compensation Practice in Virginia*  
Virginia CLE, 2008



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**THE VIRGINIA BEACH BAR ASSOCIATION WELCOMES THE  
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**JERRELL R. JOHNSON**

**PATRICK J. SULLIVAN**

**MARTIN A. THOMAS**

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\*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 Tim Quick at 314-2354 x104 or email [tim@quickandquick.com](mailto:tim@quickandquick.com).

Deadline - The deadline for the April Newsletter is March 15, 2009.

Please forward your submissions to [tim@quickandquick.com](mailto:tim@quickandquick.com). For further information, contact Tim Quick at 314-2354 x104.

# Virginia Beach Bar Foundation Corner

The Virginia Beach Bar foundation serves as the charitable arm of the Virginia Beach Bar Association. The Foundation is a 501(c)(3) organization with the purpose of promoting and supporting charitable work of the VBBA and activities in furtherance of justice and legal education. Such activities include, without limitation, the facilitation of programs to improve the quality of life and help meet the legal needs of the indigent and under-served in the Virginia Beach community; the provision for law related educational opportunities and scholarships for the community and legal profession; and the education of the public about the importance of law in their daily lives and in the protection of their freedoms.

## MEMORIAL DONATIONS

A memorial contribution is a personal remembrance that honors the life of a friend, relative, or colleague. When you make a memorial gift, the Foundation notifies the family of the individual and acknowledges that your gift was made in memory of their loved one. Memorial donations will also be recognized in this newsletter and on the Foundation's website for one year after they are made and count as Distinguished lawyer Memorial donations if the subject of the donation has been nominated for the honor.



## DISTINGUISHED LAWYER MEMORIAL NOMINATION

A memorial contribution is a personal remembrance that honors the life of a friend, relative, or colleague. When you make a memorial gift to the Virginia Beach Bar Foundation, the Foundation notifies the family of the individual and acknowledges that your gift was made in memory of their loved one. Memorial donations will also be recognized in the newsletter and on the Foundation's website for one year after they are made and count as Distinguished Lawyer Memorial donations if the subject of the donation has been nominated for the honor.

**Mark E. Slaughter - In memory  
of John A. Tilhou**

If you would like to give something back to the Virginia Beach community and help enhance the image of the legal profession, please make one of the above contributions to: the Virginia Beach Bar Foundation, c/o Mark Slaughter, Esquire, Treasurer, *Troutman Sanders LLP*, 222 Central Park Avenue, Suite 2000, Virginia Beach, VA 23462

## Classified

**Office Space Available:** 1050 sq. feet available in the Zoby & Broccoletti, P.C. building - 6663 Stoney Point South, Norfolk. Call Lisa Daniel at 466-0750 for more information.

**Office Space Available:** 900 to 9,000 SF of space available in the center of Hampton Roads, just minutes off of 264 on Newtown Rd. Majority of space is available for immediate move-in or can build to suit. 1,500 to 2,000 SF of space available at 762 Independence Blvd. For more information, contact Bill Williams at 757-650-1830.

**Office Space Available:** 2 office spaces available, approx 350 SF in the Virginia Beach/Hilltop Area. Amenities are as follows: Reception area, conference rooms, law library, kitchen area. Great location, reasonable rent. For further questions contact Regina or Louise at 428-7447, or by fax 428-8237.

**Positions Available:** The Office of the Executive Secretary of the Supreme Court of Virginia is accepting applications for the position of **Chief Magistrate for the city of Virginia Beach in the 2nd Judicial District**. Responsibilities include the management of the magistrate's office within the judicial district and communication with judges, clerks of court, local government officials and other chief magistrates of the magisterial region to assure the efficient functioning of the magistrate system. Position further requires competency in managing, training, and evaluating a staff of independently operating judicial officers; preparing work schedules; preparing budgets; developing, implementing, and applying policies; and assuring delivery of high quality services throughout the district and region. Position requires 40 hours per week, and the ability to travel frequently throughout the district and region. Flexibility with work schedule is a must. Extensive knowledge of criminal and civil procedure and substantive criminal law and all aspects of the Virginia magistrate

system are essential. **Membership with the Virginia State Bar required.** Most competitive applicants will have management experience and demonstrate competence in conducting neutral and impartial hearings and interviews; ascertaining and evaluating relevant facts; and maintaining order and decorum in highly charged, sensitive and hostile circumstances. The position requires skill in reading, applying, and explaining laws and ordinances; researching legal issues; and communicating effectively, both orally and in writing with the public and the criminal justice community. Applications will be accepted until position is filled. For immediate consideration, submit [State Application \(www.courts.state.va.us\)](http://www.courts.state.va.us), resume and salary requirements by Friday, February 27, 2009, 5:00 P.M. to: Beth B. Turnbull, Magistrate Regional Supervisor, Department of Judicial Services, Office of the Executive Secretary, Supreme Court of Virginia, 100 St. Paul's Blvd., Norfolk, Virginia 23510. Criminal background check required. EOE

**Magistrate 4<sup>th</sup> Judicial District - Norfolk.** The Office of the Executive Secretary of the Supreme Court of Virginia is accepting applications for the judicial position of Magistrate for the City of Norfolk. A Bachelor's degree from an accredited institution of higher learning is required. Related work experience and law degree, or Va. State Bar license preferred. Responsibilities include conducting hearings

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**February 23rd - Membership  
Committee Meeting - Pender &  
Coward - 4:00 p.m.**

**February 24th - Young Lawyer's  
Committee Meeting - Red Star  
Tavern - 5:30 p.m.**

**May 7th Law Day Gala - Sandler  
Center**

**May 15th - CASA Annual Fundraiser**

**May 21st - Legislative Update CLE**

**June 18th - Virginia State Bar  
Convention**

**November 17th - Intro to the  
Courts CLE**