



VIRGINIA BEACH BAR ASSOCIATION

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THE PRESIDENT'S MESSAGE

by Robert F. Hagans, Jr.

Founded over 55 years ago, the Virginia Beach Bar Association is privileged to have had remarkable leadership. The organization has grown as has the number of lawyers practicing in the city and the city's population. Do you know what the Virginia Beach Bar Association is about and what it does?

Article II of the by-laws states in pertinent part that "The association shall be operated exclusively . . . (1) to aid in promotion of Justice and the advancement of legal science; to maintain and enhance the honor and uphold the ethical standards of the legal profession and to protect the general public from the abuse by those holding themselves to be versed in the knowledge of law; (2) to cultivate good fellowship among the members, to enhance the continuing education of its members, and to cooperate with the city of Virginia Beach in assisting in maintaining and operating a law library for the benefit of its members, the judiciary, local governmental bodies and staff and the general public"

Over the years we have developed an organization to accomplish these noble and desirable goals. The association has tried to promote justice, and maintain and enhance the ethical standards of the profession, in part, by appointing committees listed towards the end of this newsletter to secure these goals and continuously oversee their continuity.

We screen Judges for selection and seek to publicly defend them against wrongful accusations. We give awards to those who exemplify the very best of what we do or seek to offer. We cultivate good fellowship with affairs

such as annual banquets, happy hours, lawyer's lunches, CLEs, law day exercises, bench and bar conferences and getaways.

We are a growing bar association. The Board of Directors is comprised of overachievers who are thrilled to make new and exciting changes to expand our vision.

I envision a bar association of the highest order. A bar association that responds to the needs of its members, the legal profession and the community with the idea of making things better for all concerned. We revisit our past, learn from our mistakes, and expand our horizons.

All of what we do did not start at once. Past officers and the association itself have done an extremely creditable job. As I take office, I will endeavor, with your help, the help of the board and committees, to continue to improve upon what those who have served before us have done to make our bar association second to none.



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ANNOUNCEMENTS

JUDY ROSENBLATT
 is pleased to announce the opening of
 JUDITH L. ROSENBLATT, PLLC
 1206 Laskin Road, Suite 101
 Virginia Beach, Virginia 23451
 757-428-6021

The main focus of practice will be family law including contested divorces, custody and support cases, and estate litigation.

DAVID A. BUZARD
 of counsel to
 JEREMIAH A. DENTON III, P.C.,

has been on assignment with the U.S. Department of State, Africa Bureau, Office of Regional and Security Affairs, and posted in Kinshasa, Democratic Republic of the Congo (the former Zaïre). There, he is seconded to the European Union Security Sector Reform Advisory and Assistance Mission to the Congolese Armed Forces. He recently was promoted to the position of Strategic Counsel: Inspector General and Military Justice. Mr. Buzard retired from the U.S. Navy JAG Corps Reserve in December 2011, and graduated from the U.S. Army Inspector General School in November 2012. He may be contacted at david.buzard@eusec-rdc.eu.

The law firm of
 TAVSS FLETCHER
 is pleased to announce
 JOHN A. HEILIG
 and
 ROBERT E. MORELAND
 of the Heilig Firm



JOHN A. HEILIG



ROBERT E. MORELAND

have joined Tavss Fletcher effective December 1, 2012, and that Mr. Heilig and Mr. Moreland will continue to welcome medical malpractice referrals and co-counsel relationships.

THE VIRGINIA BEACH GENERAL
 DISTRICT COURT LIAISON COMMITTEE
 hereby announces the appointment of the following
 members to the committee for the upcoming year:

CAL BAIN, ESQ.
 Public Defenders Office

TOM MURPHY, ESQ.
 Virginia Beach Commonwealth Attorney's Office

MATTHEW TIFFANY, ESQ.
 Tiffany & Tiffany, PLLC

KYLE KORTE, ESQ.
 Wolcott, Rivers, Gates, P.C.

MICHAEL ROBUSTO, ESQ.
 Slipow, Robusto, & Kellam, P.C.

JONATHON L. STONE, ESQ.
 Norris & St. Clair, P.C.

The purpose of the Virginia Beach General District Court Liaison Committee is to serve as a liaison between the Virginia Beach General District Courts and Virginia Beach Bar membership in an effort to address any concerns/comments/suggestions regarding the policies, procedures, and practices of the Courts in an effort to continually improve the efficiency and effectiveness of the operations of the Court. Please feel free to contact any member of the committee regarding your concerns/comments/suggestions.

ABRONS, FASANARO & SCEVIOUR, P.L.L.C.
 is pleased to announce that
 PETER V. CHIUSANO, ESQUIRE

has joined the firm as a partner. Pete has practiced law in Hampton Roads since 1990 and will continue his family law and civil litigation practices. Pete was recently profiled as a Family/Domestic Relation lawyer in the December 2012 edition of the *Virginia Business* magazine featuring Virginia's Legal Elite. The firm's new name is Abrons, Fasanaro, Chiusano & Sceviour, P.L.L.C. and it has added a Virginia Beach office located at 760 Lynnhaven Parkway, Suite 140, Virginia Beach, Virginia 23452, Telephone (757) 644-6789, Fax (757) 644-6724. Contact Pete at the Lynnhaven location or by email pchiusano@afcs-law.com





SAVE THE DATE

Please mark your calendars for a one day local Court Improvement Conference sponsored by the VB JDR Court Improvement Committee and the Court. As we have done biennially, we offer this conference to provide invaluable information in the abuse/neglect arena, including a discussion of the family engagement process, at a minimal cost. CLE and ethics credits are pending. The date is Friday, May 17, 2013 at the Advanced Technology Center. Additional information will be forthcoming, but this will be a practical conference which all court appointed counsel and GALs are encouraged to attend. — Judge Bryan

BOB TATA

a partner in Hunton & Williams' Norfolk, Va. and Washington, D.C. offices, was recently named as a "Lawyer of the Year" by *Best Lawyers* 2013. *Best Lawyers* conducts thousands of peer-review surveys to identify a single "Lawyer of the Year" honoree for each metropolitan area and practice category. Bob has been recognized by *Best Lawyers* as a leader in intellectual property practice since 2007, and this year achieved **Best Lawyers' 2013 "Intellectual Property Lawyer of the Year"** for the Tidewater area.

This honor is the most recent accomplishment for Bob, an AV-rated litigator who has been consistently recognized as a leading commercial litigation and intellectual property attorney by various national publications. *Chambers USA: America's Leading Lawyers for Business* has named Bob as a "Leader in the Field" for Intellectual Property or General Commercial Litigation each year since 2004. Named a "Fellow" of the Litigation Counsel of America, Bob has also been ranked as a Virginia "SuperLawyer" for Business Litigation by *Virginia SuperLawyers* since 2006, and was included as one of the "3000 Leading Lawyers in America" by Lawdragon.



Virginia State Bar

Dear justice contacts, including local and special purpose bar association leaders:

We are pleased to report that the *free* CLE sponsored by the Virginia State Bar Access to Legal Services Committee and scheduled for Monday, April 15, 2013, in Richmond has been approved for 2.5 credit hours, including 2 ethics.

More details about the training, its panel of experienced practitioners, and celebratory events held in conjunction with evening presentation of the Lewis Powell and Oliver Hill pro bono awards are available via the Invitation/Registration page at http://www.vsb.org/site/pro_bono/PB-celebration.

If your voluntary bar association has the capacity to share this note with its members through a blast email or through an events link on the association's homepage, we hope you will consider doing so.



Paulette J. Davidson, Coordinator
Conference of Local Bar Associations and
Fee Dispute Resolution Program
Virginia State Bar 707 East Main Street, Suite 1500
Richmond, Virginia 23219-2800
(804) 775-0521 | Fax (804) 775-0501
www.vsb.org | davidson@vsb.org





WHAT'S NEW AT WAHAB

NEW MATERIALS AT WAHAB LIBRARY

Federal Personnel Guide 2013

Litigating Age Discrimination Cases

2012 Revised Chapters – New topics addressed include: probative evidence, production burden, and proving pretext.

UPDATES AT THE NATIONAL CONSUMER LAW CENTER

- *Consumer Arbitration Agreements*
- *Consumer Bankruptcy Law and Practice*
- *Consumer Law Pleadings*
- *Fair Credit Reporting*
- *Federal Deception Law*
- *Repossessions*
- *Student Loan Law*
- *Truth in Lending*
- *Unfair and Deceptive Acts and Practices*

VIRGINIA CONTINUING LEGAL EDUCATION MATERIALS

- *Appellate Practice: Virginia and Federal Courts, 2012*
- *Bankruptcy Practice, 2012*
- *Eminent Domain, 2012*
- *Representation of Incapacitated Persons as a Guardian Ad Litem, 2012 Qualifying Course*
- *The Rocket Docket: Trying Cases in the Eastern District of Virginia, 2012*
- *33rd Annual Construction and Public Contracts Law, 2012*
- *Trial of Capital Murder Cases in Virginia, Professor Ronald J. Bacigal 2013*

The law library maintains a standing order subscription with VA CLE. Most seminar materials may be borrowed, please see the library staff for more information.

NEW VIRGINIA PRACTICE SERIES UPDATES:

- *Criminal Offenses and Defenses in Virginia*
- *Criminal Procedure*
- *Landlord Tenant*

WAHAB PUBLIC LAW LIBRARY HIGHLIGHTS

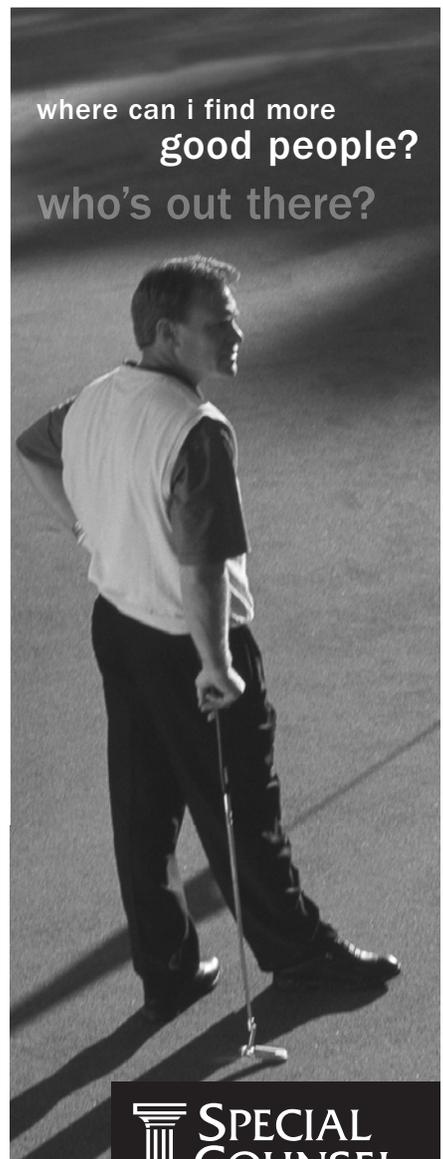
Meeting and Program Space

The law library offers a small conference room area which seats 4 -6. The room includes a flat screen television/monitor and wireless capability. There is a larger program area which seats 20. The room is equipped with a large flat screen television/monitor and wireless capability for presentations. Please see the library staff for information about utilizing these spaces.

Public Library Services

Wahab Public Law Library is an agency of the Virginia Beach Public Library Department therefore we offer some of the same services you will find at your area library, such as:

- Issuing library cards
- Drop off and pick up location for your public library materials
- A collection of popular movies on DVD, Audio Books & Music CDs
- You can also register to vote at the law library!



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Richmond: 804.418.6220
Norfolk: 757.548.6660

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CLASSIFIED



ATTORNEY WANTED

Pender & Coward, a mid-size law firm with offices in Virginia Beach, Chesapeake and Suffolk, is looking to hire an attorney with a minimum of 3 years of experience in trusts and estate law. Send resume to vwilliams@pendercoward.com

PARALEGAL POSITION WANTED

Tanya Mazur, paralegal, is now seeking a full-time position due to Mike Ashe closing his office to become "Of Counsel". Experienced in both contested and uncontested family law, military divorce, QDRO's; also, personal injury, corporation, wills and other general practice matter. Has run office independently and semi-virtually using applications such as DropBox, Spideroak Skype, etc. For more information: tanyamazur@cox.net or (757) 609-1983

VBBA NEW MEMBERS



Virginia Beach Bar Association Welcomes
New Members

JAMIE L. BARTON
Shupert Law

KAREN H. BISCHOFF

KAREN BETH ELLIGERS

LISA HUDSON KIM
Samuel I. White, P.C.

STEPHEN J. LIPSKIS
Wolcott Rivers Gates

PETER JOHN LOUIE
Peter John Louie, P.C.

JEFFREY P. PARTINGTON
McKenry, Dancigers, Dawson, & Lake



*As you climb the ladder of success,
be sure it's leaning against
the right building.*

- H. JACKSON BROWN, JR.
AUTHOR

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*60 Million Dollar record verdict as of Oct. 2000 (French v. NS). Visit our website for info.





Practice tips from the Circuit Court

By: Amy H. Jones

Staff Attorney

DIVORCE BY AFFIDAVIT ISSUES; MEANING OF "SET BY AGREEMENT" FOR THE DUTY JUDGE DOCKET

Divorces by affidavit must satisfy venue requirements for cases filed on and after March 1, 2013

Effective for cases filed on and after March 1, 2013, divorces that proceed by affidavit must satisfy the venue requirements of § 8.01-261. If they do not, the court will proceed under § 8.01-264(D) to *sua sponte* transfer the matter to the proper jurisdiction.

Divorces by affidavit must use the court's form questions

Procedure 7 of the court's UNCONTESTED DIVORCE MANUAL sets forth the procedures for a divorce by affidavit/deposition. It states, "The deposition or affidavit shall conform to and not deviate from the questions required by this Court. See Questions for Complainant and Questions for Corroborating Witness in this manual." The questions are at the end of the manual.

These required questions were provided to make the process easier, and eliminate disagreements over whether counsel's questions were sufficient or not. It was anticipated that they would be block copied and used. Despite all of this, the court continues to receive affidavits that counsel have drafted themselves, and which usually

do not contain all required information. In order to save yourself the trouble of having to have your client and/or witness re-execute affidavits, please block copy and use the required questions, and in the same order as they are provided. If there is additional information you feel needs to be provided, please provide such information after all of the required questions.

Reminder on scheduling matters on the Duty Judge Docket

With a few exceptions, the guideline for setting cases on the Duty Judge Docket is that they are set by agreement. This means not only agreement as to the date and time of the hearing, but also agreement on what motion or motions are to be heard. Since one key function of this docket is to enable the judge to review briefs, etc. in advance and be prepared for the hearing, it is critical that there is no question on *what* is to be heard. However, recently there have been cases placed on this docket where it turns out that counsel are disputing whether and when one or more of the scheduled motions should be heard. In one instance, this resulted in the judge removing the entire matter from the docket.

Especially in light of the court's reduced availability for the duty docket, please be sure that you and all other counsel agree to have the scheduled motions heard. This will prevent locking up docket space that ends up unused. If there is a dispute over whether the motion should be heard at all, that needs to be resolved separately and prior to setting it on the duty docket.





RECENT VIRGINIA BEACH CIRCUIT COURT OPINIONS

Note: Copies of these opinions may be obtained from the Clerk's Office.

ROBERT E. TALLEY, JR. v. APRILDAWN JOHN-SON-TALLEY, CL10-2861 & CL10-2862 (JUDGE O'BRIEN, 12/5/12)

This was an appeal from J&D of a custody ruling, which switched custody of two daughters from mother to father. After reviewing the statutory factors, the court ordered that custody be reversed back to the mother at the end of the school year. The court also balanced the mother's difficulty with following court orders against the father's work to be a better and more present father, and noted that the goal was to do what was best for the children and not reward or punish a parent. Therapy for the daughters was ordered to continue, and the court stated it would retain jurisdiction for one year.

COMMONWEALTH v. TREY EMERSON, CL12-0985 (JUDGE CROSHAW, 10/25/12)

Defendant objected to the admission at his sentencing hearing of statements he made to law enforcement regarding a homicide in another state. The court admitted the evidence, noting that adjudicated criminal activity could be considered at sentencing, and given such weight as the court deems appropriate.

COMMONWEALTH v. JOHN JAMES WRIGHT, III, CR12-1685 (JUDGE O'BRIEN, 10/15/12)

Before the court was a motion to suppress a bag of marijuana taken from the defendant. Police responded to a physical domestic complaint, and saw the defendant enter the kitchen from the garage. The entire house smelled of burnt marijuana, with a stronger odor surrounding defendant. An officer explained why he was there, and the defendant expressed a desire to tell his side of the story. He was then patted down and the marijuana was discovered. The court granted the motion to suppress the marijuana. Although the matter involved a physical domestic complaint, and the defendant entered from the garage (which could contain many objects that could be used as weapons), under all the facts it was unreasonable to conclude that the defendant was armed and dangerous. The area was not known to be dangerous, the defendant fully cooperated with the police by following them where requested and offering to tell his side of the story, did not make any furtive movements, and his clothing did not indicate that it might be concealing a weapon. The female occupant who called the police met them at the door and there was no evidence that she indicated that the defendant was armed.

KRISTEN C. ROBINSON v. BRENDA ROBINSON, ET AL., CL12-1007 (JUDGE CROSHAW, 10/31/12)

This matter came before the court on multiple motions by all defendants, including demurrers and motions to release *lis pendens*. Plaintiff alleges that the parties had an oral contract whereby she would deed property in Suffolk to defendants Behms, in exchange for defendant Robinson allowing her to live on particular property. As an inducement, Robinson agreed to will plaintiff two properties. Plaintiff deeded her property to the Behms, but did not move into the designated property of Robinson, instead moving into a different property owned by Robinson. After five years, Robinson evicted plaintiff. Plaintiff also discovered Robinson did not have title to the two properties she was to will to plaintiff. The court overruled the demurrer to plaintiff's declaratory judgment claim, because even though the oral contract is unenforceable, her claim is supported by an unjust enrichment theory. As for a breach of contract claim, the demurrer is sustained; the contract and will agreements are unenforceable under the Statute of Frauds and neither equitable estoppel nor part performance have been sufficiently pleaded by plaintiff so as to overcome this bar. The demurrer to the claim for rescission based upon undue influence is also sustained, because plaintiff has not pleaded facts that establish by clear and convincing evidence a confidential relationship between her and Robinson. Demurrers to actual and constructive fraud claims are overruled, as the pleadings reference specific statements and actions by Robinson and allege that Ms. Robinson had the requisite intent. The demurrer to a claim for unjust enrichment is overruled, because plaintiff sufficiently alleges she conferred a benefit by deeding property to the Behms, and that Robinson knew she expected compensation since she offered to will two properties in return. However, the demurrer to a negligent infliction of emotional distress claim is sustained, as the allegations – which are that plaintiff had a preexisting and chose to discontinue her prescribed medication after she was evicted – fail to establish causation. The demurrers of defendant Behms are sustained as to all counts against them. There is no claim for unjust enrichment as there is no allegation that the Behms were expected to pay plaintiff for the property they received. The fraud claim does not allege sufficiently specific facts to go forward. Claims for breach of contract, undue influence, and negligent infliction of emotional distress are defective for the same reasons they are defective as to Robinson. Finally, the court refused to



RECENT VIRGINIA BEACH CIRCUIT COURT OPINIONS



release the *lis pendens* because plaintiff states valid claims against Robinson, and refuses to require a bond because plaintiff has not filed for attachment or a lien.

AINSLIE GROUP, INC. v. SITE IMPROVEMENT ASSOCIATES, CL11-780 (JUDGE SHOCKLEY, 10/10/12)

At issue were cross-motions for summary judgment. The dispute concerned the rights to engineering work relating to a piece of residential property in Virginia Beach. AG contracted with SIA to perform site plan work for property it planned to buy, paid SIA \$112,000, and SIA assigned all of its rights in that work to AG. However, another party (Pace) bought the property and contracted with SIA for site plan work. That party paid \$47,000 to SIA and obtained plans similar to those prepared for AG. AG filed an unjust enrichment claim against Pace, and Pace moved for summary judgment. The court granted this motion, finding that by reference to the law of implied contracts, there had to be a direct relationship with any benefit directly conferred. There was no such direct relationship between AG and Pace. SIA moved for summary judgment on a conversion claim against it, asserting that the plans had no fair market value so there could be no damages. The absence of value was based upon a claim that Pace was the only possible buyer of the plans (because it had purchased the property) and since Pace and AG dispute the value of the plans in this litigation, there is no fair market value because there is no agreed price. The court denied summary judgment on this basis, because all Virginia formulations of fair market value refer to *a* buyer and *a* seller, rather than the actual buyer and seller. Further, the fair market value is in dispute and cannot be determined at this time.

JOYCE GREEN v. JOSEPH GREEN, CL11-1008 (JUDGE CROSHAW, 10/30/12)

This matter concerned whether or not husband's deposits of his retirement proceeds constituted a gift that is subject to equitable distribution. Husband sold his Ford company stock and had the proceeds deposited into the parties' joint account. He later withdrew an amount slightly greater than the sales proceeds and placed it into his individual account. First, the court held the property was husband's separate property, because husband worked for Ford before the parties were married. The property was not transmuted by deposit into the joint account because it was traced. Second, wife failed to carry her burden of proving that the proceeds were intended to be a gift. Testimony at trial did not establish this and she was not entitled to rely on § 6.2-605 in a divorce action.

CRAIG SANFORD, ET AL. v. SCG, LLC, ET AL., CL12-1376 (JUDGE CROSHAW, 10/1/12)

Multiple motions were involved in this matter. First, plaintiff sought an injunction prohibiting SCG from selling or transferring vehicles, which was granted for a period of six months. Plaintiff satisfied all elements under case law, and the court rejected an argument from the defendant regarding public interest in protecting property rights, as the property was obtained through fraudulent means. The court denied a motion to issue a *capias* under § 8.01-508 as there was not proof of compliance with § 8.01-506. Additionally, the court declined to rule on a defense motion to discharge an attachment, as testimony was required on the motion to quash the attachment, and the court was not permitted to discharge the attachment. A motion by one of the defendants to strike an amended complaint was granted, because plaintiff did not comply with the requirements of Rule 3:12 regarding service of a motion to add this defendant on the defendant.

CITY OF VIRGINIA BEACH v. ASIA RESTAURANT INC., D/B/A CLUB ROYALE BLUE, CL12-4732 (JUDGE SHOCKLEY, 10/1/12)

The court ruled on a demurrer filed by the defendant against an action seeking to enjoin the sale of alcohol at its business. The defendant attacked the constitutionality of the underlying statute, § 48-17.1, on vagueness grounds. The court found the statute facially constitutional because it imposed a duty that already existed under § 4.1-225. The standard of proof in the statute, "to the satisfaction of the court," was not vague, because it was reasonable to use the default civil standard of "preponderance of the evidence" in evaluating the evidence. Finally, the court found the statute was constitutional as applied because frequency, severity, and proximity of the crimes alleged in this case would satisfy any interpretation of those terms.

COMMONWEALTH v. TRACEY SHAW, CR11-3582 & CR11-3712 (JUDGE O'BRIEN, 10/16/12)

Defendant moved for reconsideration of his motion to suppress in light of *Bennett v. Commonwealth*, 60 Va. App. 656 (2012). The court held that *Bennett* did not alter its prior ruling, since *Bennett* dealt with the sufficiency of the evidence to convict for a violation of the motorcycle helmet law. The standard here was one of reasonable suspicion, not reasonable doubt, and that standard was satisfied.





RECENT VIRGINIA BEACH CIRCUIT COURT OPINIONS

COMMONWEALTH v. RIANNA MICHELLE RICH, CR12-0993 (JUDGE CROSHAW, 11/21/12)

Before the court was a motion in limine by the Commonwealth to exclude the BAC level of the victim and evidence of his preexisting conditions. Defendant is charged with Involuntary Manslaughter - DUI and had a BAC of .13 when she struck the victim while he was crossing the street on his medical scooter. The victim had a BAC of .25. He had preexisting conditions, but was severely injured in the accident and died three months later. Proximate cause is a central issue in this matter. Defendant argued that both that the evidence of preexisting conditions may show that he died from those and not the accident, and that evidence of his BAC may establish an independent, intervening act that breaks the causal chain. The court held that the defendant was entitled to present her side of the case and to establish her theory of the cause of death, and denied the motion.

SCOTT CLOUS v. MARK WHITNEY EDWARDS, ADMINISTRATOR OF THE ESTATE OF TRACY CURTRIGHT, CL10-3702 (JUDGE O'BRIEN, 1/16/12)

The court granted a motion to rehear and reconsider its Oct. 25, 2012 ruling, and reapportioned the recovery. Plaintiff was seriously injured in an accident with an uninsured motorist, and settled for the \$100,000 limits available under his policy. His medical expenses were more than \$325,000, and he had liens asserted in a total amount of \$147,419.20. The liens include a Medicaid lien for \$86,119.49, which the state was willing to reduce to \$33,000 (38.32% of its lien), if other statutory lien holders reduce their liens by the same percentage. Plaintiff has asked the court to so apportion the settlement, but seeks to exclude plaintiff's attorney's fees from the apportionment. Initially, the court found it inequitable for every lien holder to receive 38.32% but for counsel to receive 100%, and so reduced attorney's fees to 38.32%. Upon presentation of additional evidence from plaintiff's counsel of the work performed on this case, the court reconsiders and awards an additional \$5,000.00 in attorney fees.

MONICA S. HART v. JAMES A. HART, CL10-5157 (JUDGE O'BRIEN, 1/16/13)

This opinion primarily addressed equitable distribution, spousal support, and attorney's fees. Husband owned his own business, which became his sole employment prior to the marriage and where he worked throughout the marriage. Wife worked at the Company from 1997 until 2010. The court found the company was hybrid property, as the husband testified to his efforts to complete a

showroom (in the marital home) during the marriage. The parties agreed the showroom increased the value of the company by \$185,000, so that husband's significant efforts during the marriage substantially increased the value of the company. As for the marital home, the husband failed to trace his contribution to the purchase of the home, and that unknown amount was transmuted by commingling. Therefore, husband had no separate interest in the property, but the marital portion of the property is reduced by the \$185,000 showroom in the house owned by husband's company. The court also found that the personal property, the art, and all of the jewelry were all marital, as wife failed to prove and/or was prohibited from putting evidence on that certain items of jewelry were separate. Likewise, husband failed to carry the burden of tracing and establishing that his 401(k) was separate property. The court rejected a claim by wife that husband had committed waste with company funds. As the sole owner, husband was already accountable for the value of the company, so there was nothing to remedy, as Wife was already receiving her share of the marital value of the Company. The court found that the vast majority of the factors under § 20-107.3(E) weighed in favor of equal distribution of marital property. After reviewing the statutory factors, wife was also awarded spousal support in the amount of \$5,000 per month, to terminate upon the expiration of 10 years, the death of either party, or her remarriage. Finally, neither party was awarded attorney's fees, as both were partially responsible for the tortious nature of the divorce, and both have sufficient assets to pay for their own attorney's fees.

COMMONWEALTH v. CHRISTOPHER LEE BARRETT, CR12-2287 (JUDGE O'BRIEN, 1/15/13)

Defendant moved to suppress evidence obtained after he was stopped for failing to use his turn signal when exiting the interstate. The Commonwealth presented little evidence on what the other cars in the area were doing, so it was not possible to determine if defendant's movement may have affected the operation of the other cars and so justified a stop for failing to signal. As a result, the court granted the motion, finding that there was no evidence that any other vehicles' movement, path, or safety was affected in any way by defendant's movement exiting the highway.



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THANK YOU

FOR YOUR REFERRALS.

Your confidence in our abilities is the highest compliment we could receive. We are pleased to serve and be part of the Virginia Beach Bar Association.
We can. And we will.

KAUFMAN &
CANOLES
attorneys at law

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On February 23, 2013 the Virginia Beach Bar Association held their annual banquet at the Westin Town Center. A special congratulations to Mitchell D. Broudy, Esq., recipient of the Bar Service Award and Cheshire I'Anson Eveleigh, recipient of the Bar Professionalism Award.

By way of introduction, my name is Stephen P. Pfeiffer and I have the privilege of serving as the new chair for the Virginia Beach Bar Association Young Lawyers. In taking the post, I have set forth two objectives for my tenure:

First, we need to gather the names and contact information of all the young lawyers in the Virginia Beach Bar Association. Unfortunately, we are still catching up with the technology and we do not have an active list listserve. Thus, I am calling on all those who read these words to please send me an email with your name and contact information if you are a young lawyer. How do you know if you are a "Young Lawyer?"

ARE YOU 36 OR YOUNGER?

OR

HAVE YOU ONLY BEEN PRACTICING FOR 3 YEARS OR LESS?

If the answer to either of these questions is yes then you are, by definition, a "Young Lawyer" and I need you to email me your contact information at Pfeiffer@wolriv.com

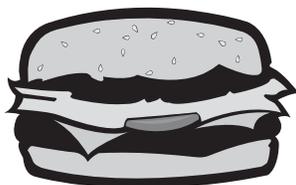
Second, I would like to outperform the Norfolk/Portsmouth Bar Association Young Lawyers. This group has been actively putting on activities for young lawyers to mingle and get to know the Bench. Plagiarism is the sincerest form of flattery and, as such, it is my intent to set up a similar program in Virginia Beach. In particular, I look forward to bringing multiple members of the judiciary to after-work events to socialize and enjoy appetizers and drinks.

All these objectives will be hashed out in our first meeting of the year and I welcome any and all young lawyers in the Virginia Beach Bar Association to meet me at Red Star Tavern in Town Center on April 10, 2013 at 5:30 p.m.

I look forward to serving you in the year to come.

LAWYERLY LUNCH

Look for details on our next Lawyerly Lunch. Check the VBBB website for details.



VIRGINIA BEACH GENERAL DISTRICT 2013 CALENDAR

- HOLIDAY, NO COURT, CLERK'S OFFICE CLOSED
- ★ NO COURT CLERK'S OFFICE OPEN
- ▨ SMALL CLAIMS COURT DATES- CIVIL ONLY
- CONFLICT CASES
- UPDATED 10/02/2012

JANUARY						
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DECEMBER						
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*** THERE WILL BE NO COURT ON 11/27/13***

BOND HEARINGS & ARRAIGNMENTS ONLY ON 11/27/13

occ ON DAYS DESIGNATED AS 'OCC' NO OTHER CASES WILL BE HEARD - JUST CIVIL CONTESTED CASES, BOND HRGS, ARRAIGNMENTS & PROTECTIVE ORDERS

★ In 2013 on all designated Holidays and the following dates: September 16, 17, 18, 19, 20, November 27, and December 13, 23, the arraignments will be held at 11:30 a.m. On all other dates the arraignments will be held at 2:00 p.m. in Traffic D

Hook Law Center Quickly Emerges As Region's Elder Law Leader.

With Andy Hook as founding partner, the new Hook Law Center picks up where Oast & Hook left off. Opened in June 2012, with offices in Virginia Beach and Suffolk, the new firm is already recognized as the region's leading specialist in elder law.

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DEADLINE

Deadline for information and ads for the next newsletter:

May 1, 2013

Please submit all information and ads for the next newsletter to Jeff Marks at jlmarks@kaufcan.com



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is pleased to announce our newest Neutral

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Eastern District of Virginia

After twelve years of distinguished service, including over 500 successful settlement conferences, United States Magistrate Judge Brad Stillman has recently retired. Prior to his appointment to the bench, he enjoyed a successful civil litigation career in both Charlottesville and Norfolk, handling a variety of cases ranging from personal injury to general commercial matters. As a magistrate judge, his docket consisted largely of intellectual property, maritime, personal injury, employment, and complex commercial matters. Magistrate Judge Stillman now brings this diverse background and record of accomplishment 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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PLEASE MARK YOUR CALENDARS

APRIL 10, 2013
VBBA Young Lawyer Meeting
at Red Star Tavern – 5:30 p.m.

MAY 1, 2013
VBBA Law Day Luncheon
at Havanna Nights – 12:00 p.m.

MAY 2, 2013
Law Day Event
at Sandler Center – 6:00 p.m.

MAY 30, 2013
VBBA Legislative Update & Happy Hour
at The Jewish Mother – 3:00 p.m.

JUNE 20, 2013
Summer Solstice Happy Hour
Location To Be Determined – 5:00 p.m.

JULY 25, 2013
CLE – Fee Dispute Resolution
at Tempt – 3:00 p.m.