



# VIRGINIA BEACH BAR ASSOCIATION

VOLUME NUMBER 19

JUNE 2011

ISSUE NUMBER 8



## THE PRESIDENT'S MESSAGE

by Timothy J. Quick

As I bobbed up and down on the elliptical contemplating whether to continue sucking in my gut every morning to button my pants, or just have all of my suit pants let out, I decided to put in an extra ten minutes and try to come up with some idea for this month's President's message. You see, I had already delayed publication of the newsletter by two weeks due to a severe case of writer's block, and I could tell that our Secretary, Sandra Sampson, was starting to get perturbed.

And then there it was, right before my eyes, playing out on the multitude of flat screens in front of me. Yes, it was day five of the Oscar Mayer scandal. There I was, in the gym, albeit not a gym paid for by U.S. taxpayers, and not in front of the locker room mirror with my cell phone, chuckling to myself. This was better than a senator caught in a stall with "a wide stance."

*"At a time when the GOP is playing games with the debt limit, a member of the Supreme Court is refusing to recuse himself from matters he has a financial interest in, and middle class incomes are stagnant, many want to change the subject. I don't. This was a prank, and a silly one. I'm focused on my work."*

Your work was apparently not the only thing you were focused on, my friend!

As I looked around, I saw that my fellow 5:30 a.m. middle-aged, stationary bikers and stairclimbers were all smiling too. FOX News was having a field day with this one. And as much as it pained them to do so, even the CNN anchors had to condemn the congressman's underwear photos. No longer was he just a run of the mill congressional pervert, the news channels had just reported that Weiner's wife "had a bun in the oven."

A few days later Weiner professed, *"I cannot say with certitude that this is not part of my body."* That sounds a lot like

Clintonspeak to me. Better yet, when asked why the FBI was not involved, Weiner replied the incident *"doesn't rise to the occasion."* This was getting good! As the female sexting participants started coming out of the woodwork to get their five minutes of fame, it had now turned into a full-blown "Weinergate." By the end of the week, Weiner was checking himself into the Tiger Woods' rehab facility for the sexually embarrassed, and we all know how the story ends.

So, where is Quick going with this and how is he going to tie in some lewd Weiner photos to the practice of law, like a good Catholic priest can relate the Gospel to modern day life in less than 7 minutes? Because, you know, everyone knows Catholics don't like to be in church for more than one hour per week. It's not written down anywhere, but that's the rule. Father starts to go over one hour and we all start tapping our watches. OK, I'm rambling; here's the message: The law profession is your livelihood. Lawyers are already the butt of more jokes than the troubled congressman from New York, if that's possible. Use common sense. Carry yourself with dignity. Represent your clients well. Always remember that you are a member of a larger community with a reputation at stake, and that there is still some semblance of stateliness in being an attorney and counselor at law. And if you can't do that, try not to take pictures of your stuff in the locker room and e-mail them to 25 members of the opposite sex, and think that everything will be ok.



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## SUPREME COURT OPINIONS ON THE INTERNET

THE COURT'S OPINIONS CAN BE LOCATED ON THE INTERNET THROUGH THESE FREE WEBSITES:

### *Oyez*

[www.oyez.org/](http://www.oyez.org/)

*(The Oyez website also includes audio recordings with synchronized transcripts of oral arguments.)*

### *U.S. Supreme Court*

[www.supremecourt.gov](http://www.supremecourt.gov)

### *Cornell University Law School*

[www.law.cornell.edu/supct/](http://www.law.cornell.edu/supct/)

### *FindLaw*

[www.findlaw.com/casecode/supreme.html](http://www.findlaw.com/casecode/supreme.html)

### *Justia*

[www.supreme.justia.com/](http://www.supreme.justia.com/)

## FEDERAL SENTENCING GUIDELINES MANUALS

(CURRENT AND SUPERSEDED EDITIONS) ARE AVAILABLE ON THE WEBSITE OF THE UNITED STATES SENTENCING COMMISSION

*The current edition is available at:*

[www.ussc.gov/Guidelines/2010\\_guidelines/index.cfm](http://www.ussc.gov/Guidelines/2010_guidelines/index.cfm)

*Superseded editions going back to 1994 are available at:*

[www.ussc.gov/Guidelines/archives.cfm](http://www.ussc.gov/Guidelines/archives.cfm)

## VIRGINIA CONTINUING LEGAL EDUCATION PUBLICATIONS

The law library maintains a standing order subscription to all of the Virginia CLE published seminars. Seminar notebooks may be checked out for a week and selected handbooks may be checked out for three days. Please see the library staff for more information about checking out these materials. The law library also maintains CDs with copies of forms that accompany many of the Virginia CLE publications. These CDs can be used on

our public access computers, downloaded, and printed. For more information about CLE published seminars, you can visit the Virginia CLE website at [www.vacle.org](http://www.vacle.org).

## WHAT'S NEW?

### NEW LEGAL RESOURCES AT WAHAB

*Critical Clauses in (Almost) Every Contract: Recrafting Your Drafting Skills*

Virginia CLE, 2011

*Elder Law in Virginia*

Virginia CLE, 1<sup>st</sup> Edition

*Family Law: Theory, Practice, and Forms (Virginia Practice Series)*

West, 2011 Edition

*Federal Civil Judicial Procedure and Rules*

West, 2011

*Federal Civil Rights Acts*

West, 2011 Edition

*Federal Criminal Code and Rules*

West, 2011 Edition

*Federal Habeas Corpus Practice and Procedure*

LexisNexis, 6<sup>th</sup> Edition

*15<sup>th</sup> Annual Advanced Real Estate Seminar*

Virginia CLE, 2011

*41<sup>st</sup> Annual Advanced Business Law*

Virginia CLE, 2011

*41<sup>st</sup> Annual Criminal Law Seminar*

Virginia CLE, 2011

*Goolsby on Virginia Corporations*

LexisNexis, 4<sup>th</sup> Edition

*Objections: Interrogatories, Depositions, and Trial*

Virginia CLE, 2011 Edition

*Trial Handbook for Virginia Lawyers (Virginia Practice Series)*

West, 2011 Edition

*Understanding Financial Statements*

Virginia CLE, 2011



# WHAT'S NEW AT WAHAB CONTINUED



The Summer 2011 issue of *Legal Briefs* is now available on the W drive and on the Wahab Web site ([www.vbgov.com/dept/library/law](http://www.vbgov.com/dept/library/law), then select 'Legal Briefs Newsletter'). Some highlights include:

- A review of recent programs at Wahab
- Using e-readers and smart phones for legal research
- What the law has to say about that summer favorite, the tomato!

W:\LawLibrary\Legal Briefs\2011\LB\_Summer\_2011.pdf

If you have any difficulty accessing the document or have any questions, please call 385-4419 or email [llstaff@vbgov.com](mailto:llstaff@vbgov.com)

## COMING SOON!

This summer, the Law Library's Westlaw subscription will be transitioning to WestlawNext. For training on this new, more intuitive version of Westlaw, please see staff. And don't forget that use of Westlaw, Lexis and Casefinder is always free at Wahab!



## CLASSIFIEDS

OFFICE SPACE AVAILABLE IMMEDIATELY FOR LAWYER WITH EXISTING PRACTICE OR NEW PRACTICE -

Adjacent to personal injury office (with potential for referrals) separate entrance and reception area, alarm system, utilities, ample parking, copier and internet access with the use of a phone system and conference room. Located in the heart of Kempsville and is convenient to courts, retail and restaurants. Contact (757) 490-7500.

### ASSISTANT CITY ATTORNEY CITY OF SUFFOLK

Position advises City Council, Departments, and boards and commissions on various legal matters. Must be an active member of the Virginia State Bar in good standing and have at least 2 years experience in litigation or municipal law. To view full job description and to apply, visit [www.suffolk.va.us](http://www.suffolk.va.us) or call 514-4110.

Salary: \$57,877 - \$110,398 DOQ.

Open until filled. EOE



## VBBA NEW MEMBERS

MARK J. FAVALORO  
THOMAS W. HODGE  
GREGORY S. LARSEN  
JOHN M. MCCORMICK  
CAROLYN P. OAST  
BETTY CAROL BOGESE



## MENTOR PROGRAM

Has your firm hired a new associate? Do you know a practicing attorney that could use a helping hand? Please remember the Virginia Beach Bar Association has a wonderful mentoring program. Each attorney in need will be paired with a member of the association to answer questions and give advice.

New and seasoned lawyers alike are encouraged to participate. For more information, contact Brandon Ziegler at [zeigler@wolriv.com](mailto:zeigler@wolriv.com)





## NOTICE

*Beginning June 1, 2011*

This is to advise that the locked boxes that the Virginia Beach Circuit Court Clerk's Office put in place on the Recording side and the Court side will remain in place for convenience purposes; however, anything placed in the boxes after 4pm will be clocked in the next business day. Thank you.

Tina E. Sinnen, Clerk,  
Virginia Beach Circuit Court

## CONDOLENCES

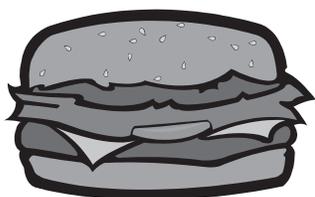
*Our sincere condolences go out to the Normile Family.*

*Some of you may have heard that fellow VBBA member Jay Normile's two year old son, Charlie, passed away on May 26, 2011 after an extended hospital stay.*

*The medical bills and funeral expenses are significant. A nonprofit organization is in the process of being established to offset those expenses. Donations can be sent to Zoby & Broccoletti, P.C., 6663 Stoney Point South, Norfolk, VA 23502. Checks should be made payable to "The Charlie Normile Fund". Any amount you are able to contribute would be greatly appreciated by Jay and his family.*

## LAWYERLY LUNCH

We would like to thank Mayor Will Sessoms and all the VBBA members that joined us for lunch last month. The feedback was great and we would like to continue enjoying each other's company on a quarterly basis. Please join us Friday, August 26, 2011 at 12:30 for lunch at the Black Angus Grille.



*The Mid-Atlantic Innocence Project presents:*

## THE DNA NOTIFICATION PROJECT

A Training for Volunteer Attorneys and Law Students

The Commonwealth of Virginia has ordered the DNA testing of biological evidence from hundreds of old criminal cases that was discovered in the archives of the Department of Forensic Science. The Forensic Science Board has asked the Mid-Atlantic Innocence Project and the Virginia State Crime Commission to recruit and train pro bono attorneys and law students to locate and notify current and former Virginia inmates in person that evidence from their cases is being tested.

Three people have already been exonerated as a result of this new testing ordered by the Commonwealth.

If you are interested in participating in this important and one-of-a-kind program please join us at one of the following trainings:

Tuesday, June 21st

12:00 p.m. to 1:00 p.m.

Hampton Main Public Library

Meeting Room B

4207 Victoria Blvd.

Hampton, VA 23669

Wednesday, June 22

12:00 p.m. to 1:00 p.m.

Mary D Pretlow Anchor Branch Library

Meeting Rooms 1 and 2

111 W Ocean View Ave

Norfolk, VA 23503

Or contact John Hardenbergh at the address below to receive a DVD of the training.

Please RSVP to John Hardenbergh at (202) 274-4197 or [jhardenbergh@exonerate.org](mailto:jhardenbergh@exonerate.org)

More trainings will be announced shortly.





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

**Your Co-Counsel  
Should Be As Specialized  
and Qualified As  
Your Expert Witnesses.**

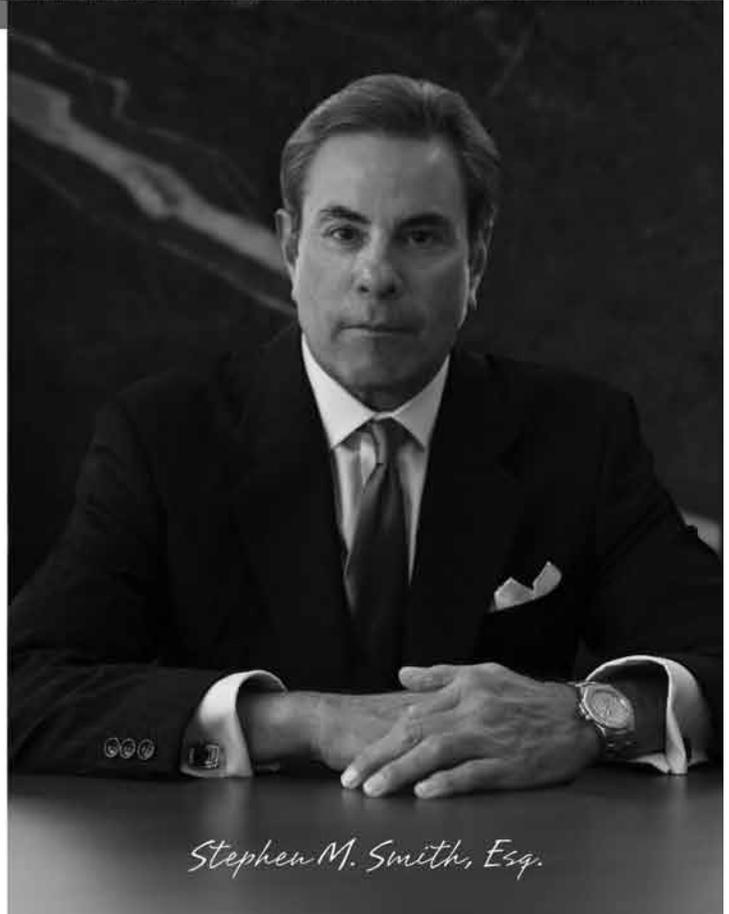
Out of thousands of trial lawyers in the United States, Stephen M. Smith's was one of the select few invited to be trained in the Neuro-Anatomical Dissection of the Human Brain and Spinal Cord at Marquette University College of Health Sciences. This advanced medical training, coupled with his 37 years of national and international complex medical litigation experience, provides your clients with an advantage in the courtroom.

Stephen M. Smith is a nationally recognized expert in traumatic brain and spinal cord injury and has unparalleled trial experience and record of success. He accepts national and international referrals and is licensed to practice in Virginia, New York and the District of Columbia with permission to handle cases throughout the country.



[braininjurylawcenter.com](http://braininjurylawcenter.com) | 877.840.3431 | 757.650.9818

[ssmith@BrainInjuryLawCenter.com](mailto:ssmith@BrainInjuryLawCenter.com)



*Stephen M. Smith, Esq.*



# 20<sup>11</sup>/<sub>12</sub> Season

## Thought Provoking Entertainment!

online at [www.vabeachforum.com](http://www.vabeachforum.com), at the Sandler Center Ticket Office, or call 757.504.4327

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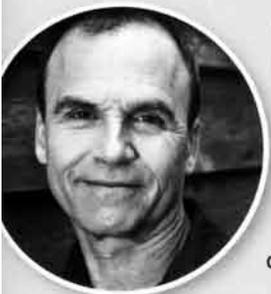
Limited Seating – Purchase Tickets Today



### Howard Fineman • November 16, 2011

A true Washington insider, political speaker Howard Fineman is widely respected throughout the news industry for his knowledge of the political landscape. He is editorial director of The Huffington Post Media Group, and previously served as senior political editor. Fineman continues to report for *The Huffington Post*, and maintains a role as an analyst for NBC and MSNBC.

As former senior Washington correspondent and columnist for *Newsweek*, Fineman has reported from the nation's capital since 1980. His *Living Politics* column also appears weekly on *Newsweek.com* and *MSNBC.com*. He is a frequent contributor to *Hardball with Chris Matthews* and *Countdown with Keith Olbermann*.



### Scott Turow • February 29, 2012

Scott Turow is a writer and attorney. He is the author of nine best-selling works of fiction: *Presumed Innocent* (1987), *The Burden of Proof* (1990), *Pleading Guilty* (1993), *The Laws of Our Fathers* (1996), *Personal Injuries* (1999), *Reversible Errors* (2002) and *Ordinary Heroes* (2005). He has also written two non-fiction books—*One L* (1977) about his experience as a law student, and *Ultimate Punishment* (2003), a reflection on the death penalty, and has frequently contributed essays and op-ed pieces to publications such as *The New York Times*, *Washington Post*, *Vanity Fair*, *The New Yorker*, *Playboy* and *The Atlantic*. Mr. Turow's books have won a number of literary awards. Mr. Turow continues to work as an attorney concentrating on white collar criminal defense.



### Mia Farrow • April 4, 2012

Following her young life in 1940s Hollywood as the daughter of Hollywood royalty, Farrow gained national attention through her role in the television classic *Peyton Place*. Farrow went on to star in over forty movies, including such classics as *Rosemary's Baby*, *The Great Gatsby* and *Hannah and Her Sisters*. As the mother of fourteen children (ten of whom are adopted), Farrow has devoted her life to humanitarian efforts as seen through her awareness of the genocide occurring in Darfur and the care of a truly remarkable family as reflected in her elegant memoir which reveals her personal struggles and successes, and the quest to find deeper meaning in her life.



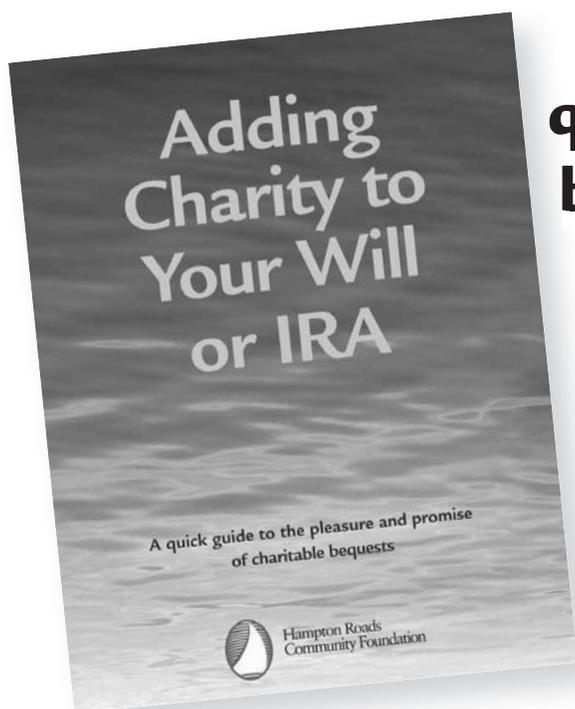
## JIM LEWIS

and his firm welcome forming a co-counsel relationship with you for serious injury, wrongful death and malpractice cases.

**460-7776**

**Shapiro, Cooper, Lewis & Appleton, P.C.**

*“All We Do Is Injury Law”*



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Community Foundation

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## *Practice tips from the Circuit Court*

By Amy H. Jones  
Staff Attorney

### NEW LEGISLATION UPDATE

THE GENERAL ASSEMBLY MADE A NUMBER OF CHANGES THIS PAST SESSION AFFECTING CIVIL PROCEDURE AND DOMESTIC RELATIONS. HIGHLIGHTS OF SOME OF THESE STATUTES FOLLOW.

#### *Parents who are separated but do not have a divorce suit pending must file custody/guardianship petitions in J&D*

In the past, parents who were separated but had not filed for divorce could choose to file under § 31-1 *et seq.* for custody/guardianship in either the circuit or juvenile and domestic relations court. As of July 1, § 31-8 will be amended, and §§ 31-15 through 31-18 repealed, so that the only forum in that situation will be the juvenile and domestic relations court.

#### *Delegation of visitation under the Virginia Military Parents Equal Protection Act, and appearance by telephone/videoconference*

Section 20-124.8(B) will now allow a deploying parent to seek delegation of his or her visitation rights to a family member who has a “close and substantial relationship” with the child. The request may be granted upon a finding that it is in the best interest of the child. In addition, in any proceeding under the Act, upon good cause shown a deploying parent may have a party or witnesses appear by telephone or videoconference.

#### *Marital debt: classifying it for equitable distribution; paying it pendent lite*

In response to *Gilliam v. McGrady*, 279 Va. 703 (2010), the General Assembly amended § 20-107.3 to define the categories of debt. The statute also requires the court to classify debt as marital or separate, and specifies how the classification may be rebutted. In a similar vein, § 20-103 will now permit the court to order payment *pendent lite* of secured or unsecured

debt, whether incurred jointly or by either party.

#### *Re-adoption no longer required for adoptions finalized abroad with certain visas*

New § 63.2-1200.1 will eliminate the requirement that a child adopted abroad be readopted in Virginia, so long as the child has an IR-3 or IH-3 visa. The adoption will be recognized as if it had occurred in-state.

#### *More civil suits qualify for filing in general district court*

The jurisdictional limit for general district courts will be raised to \$25,000, through the amendment of various statutes. This will make it possible for more litigants to choose a potentially less costly forum.

#### *Special appearance versus waiver of objection to defective service now (partly) defined by statute*

New § 8.01-277.1 provides extensive provisions regarding what does and does not constitute a waiver of objection to service. However, since the provisions include the phrase “included, but not limited to” in defining the relevant conduct, there will still be plenty of room to litigate the issue.

#### *Significant change for adult guardian and conservator proceedings: adoption of the UAGPPJA*

The General Assembly joined 19 other legislatures in adopting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, §§ 37.2-1031 *et seq.* This is a lengthy Act that provides a means for determining jurisdiction among competing states. The Act uses concepts such as “home state” and the like that mirror the provisions of the Uniform Child Custody Jurisdiction and Enforcement Act. It also contains similar provisions calling for communication between courts. Finally, the Act provides procedures to transfer guardianships/conservatorships between states, eliminating the prior requirement that these positions be separately appointed in Virginia. The Act is beyond simple summarization here, and anyone who might be involved in these matters will need to read it in its entirety.





## ANNOUNCEMENTS

HARVEY L. BRYANT, COMMONWEALTH ATTORNEY, announces the following addition to the Virginia Beach Commonwealth's Attorney's Office effective May 1, 2011:



WILLIAM H. SWAN, III has been hired as a Senior Assistant Commonwealth's Attorney. Mr. Swan received his Bachelor's Degree from Xavier University and his Juris Doctor from Duke University. Mr. Swan was the Chief Deputy Commonwealth's Attorney at the

Portsmouth Commonwealth's Attorney's Office from January 2002-March 2011. He sat as a substitute judge in General District and Juvenile and Domestic Relations Courts in Virginia. Mr. Swan also has previous experience in private practice, in the Norfolk Commonwealth's Attorney's Office and Norfolk City Attorney's Office. He is currently assigned to the Second Precinct Trial Team.



## TECH TIPS

*THERE'S AN APP FOR THAT!*

Did you know that there are free and low-cost mobile apps for Android, iPhone and iPad that are specifically designed for lawyers? To locate any of the apps listed below, just go to your device's app store!

### **FASTCASE**

Description: Search federal and state cases and statutes by keyword, natural language, or citation. Free, but registration required. FastCase paid subscribers have access to additional content.

Devices: iDevices

### **LAWSTACK**

Description: Includes searchable Federal Rules of Civil, Criminal, Bankruptcy and Appellate Procedure, Federal Rules of Evidence, U.S. Code and CFR. Free.

Devices: iDevices

### **POCKETJUSTICE**

Description: Full version (\$4.99) includes abstracts of 600+ Supreme Court decisions with voting information, bios of Justices, searchable transcripts, and audio of oral argument. Free version gives top 100 cases only.

Devices: iDevices, Android

### **DROIDLAW**

Description: Includes Federal Rules of Civil, Criminal, Bankruptcy, and Appellate Procedure. Allows search, bookmarking, copying, sharing and annotation. Free.

Devices: Android



## VBBA NEWS

### **MORE THAN JUST A GOOD TIME...**



On June 2, 2011 Kevin Duffan and Jim Whitus of the Virginia Beach Bar Association attended the Legal Studies Academy graduation ceremony at First Colonial High School to accept a certificate of appreciation given for VBBA's donation of \$1,000 to the

LSA scholarship fund. The money was raised from profits generated from the 2010 Dick Brydges Memorial Courthouse Classic golf tournament. In addition to the scholarship fund for the Legal Studies Academy, proceeds for the golf tournament were also donated to the Virginia Beach Bar Foundation and to the CASA program, proving that our annual golf tournament is more than just a fun break from our daily work, and a chance to socialize with members and guests of the VBBA. All profits generated are for a good cause. The donations are possible, in part, due to the generous sponsorships purchased by those in our local legal community and the enthusiastic participation of the golfers year after year.

**The 2011 Courthouse Classic will be held at Redwing Lake Golf Course on September 30th.** We are hoping to make this year's tournament the best yet, and continue the VBBA's giving traditions to the Legal Studies Academy. See you at the course!

### *THIS YEAR'S SPONSORSHIP LEVELS:*

- \$2000 - Platinum (includes 4 golfer's registration fees)
- \$1000 - Gold (and 4 players)
- \$500 - Silver (and 2 players)
- \$250 - Flag
- \$125 - Hole





# VIRGINIA BEACH GENERAL DISTRICT COURT NOTICE

*This is a copy of the Uniform Scheduling Order that will be entered.*

**VIRGINIA: IN THE GENERAL DISTRICT COURT OF THE CITY OF VIRGINIA BEACH**

**IN RE: DISCOVERY IN CRIMINAL AND TRAFFIC MATTERS**

## **ORDER**

**IT APPEARS TO THE COURT**, that a uniform procedure is necessary for the entry of Discovery Orders in criminal and traffic matters. **IT IS THEREFORE ORDERED THAT THE FOLLOWING PROCEDURES SHALL BE IN EFFECT BEGINNING JULY 1, 2011:**

**AGREED AND SIGNED ORDERS:** All agreed discovery orders signed by the Commonwealth's Attorney and the defense attorney shall be submitted to the Duty Judge and barring unusual circumstances, will be entered in due course.

**STANDARD DISCOVERY ORDERS:** In cases where there is no prosecuting attorney, the attached **Standard Discovery Order**, *marked as Appendix A* (and incorporated herein by reference), is approved in the General District Court. If used, this Order should be submitted to the Duty Judge and it will be entered in due course. After entry, ***it is the defendant's burden to see that a copy is delivered to the law enforcement officer prosecuting the defendant at least fifteen (15) calendar days prior to trial.*** If the prosecuting officer has not received this Order in time to comply, the officer may request and will receive a continuance in order to be able to comply.

In Standard Discovery Order Motions, the Motion for Discovery must not be broader than the proposed Standard Discovery Order. If the Motion does not follow the language of the Standard Discovery Order, the Order will not be entered.

**CONTESTED or NON-STANDARD DISCOVERY ORDERS:** All other Discovery Motions and proposed Orders should be **NOTICED** for a specific date in the courtroom where the case is to be heard, either at 9:00 a.m. or 11:00 a.m. The officer and Commonwealth's Attorney should be given at least ten calendar days notice prior to the scheduled hearing. The Commonwealth's Attorney should be noticed in all cases because it is unknown which, if any, cases they will be handling. If there is no docket in the courtroom where the motion is to be heard, the matter will be sent to the Duty Judge. If proper notice of the hearing is given and the prosecution does not appear, ***it is the defendant's burden to see that a copy is delivered to the law enforcement officer prosecuting the defendant at least fifteen (15) calendar days prior to trial.*** If the prosecuting officer has not received this Order in time to comply, the officer may request and will receive a continuance in order to be able to comply.

**ENTERED** this \_\_\_\_\_ day of **June, 2011.**

\_\_\_\_\_  
Gene A. Woolard, Chief Judge  
Virginia Beach General District Court





## VIRGINIA: IN THE GENERAL DISTRICT COURT OF THE CITY OF VIRGINIA BEACH

COMMONWEALTH OF VIRGINIA, Plaintiff,

v.

Case No.: \_\_\_\_\_

\_\_\_\_\_, Defendant

**STANDARD DISCOVERY ORDER**

**THIS MATTER** came before the Court on the Defendant's motion for discovery pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia and §19.2-187 of the Code of Virginia, annotated, and constitutional and case law authority providing for the disclosure of certain information.

It is therefore **ORDERED** that the prosecuting attorney, or if none, the law enforcement officer prosecuting the defendant (hereinafter collectively referred to as the "prosecution"), shall permit the attorney for the Defendant, to inspect and copy or photograph all of the following items:

1. Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements of confessions, made by the Defendant to any law enforcement officer, made in connection with the offenses for which the Defendant stands charged.
2. Any criminal or traffic record of the defendant.
3. Any actual or potentially exculpatory information known to law enforcement agencies involved in the prosecution of this case.

Therefore, it is **ORDERED** that:

The prosecution shall allow the attorney for the Defendant, to inspect and copy or photograph the information Ordered herein,

\_\_\_\_\_ (Judge initials) at a mutually agreed place, within ten (10) days after receipt of a copy of this Order (signed by a judge), **OR**

\_\_\_\_\_ (Judge initials) the information and/or examination shall take place in the courtroom, where the case is set for trial, on the trial date.

If this Order is not endorsed by the Commonwealth's attorney, or the law enforcement officer prosecuting the defendant, it is subject to Defense counsel delivering a copy of this ORDER, at least Fifteen (15) days prior to trial, to the Commonwealth's Attorney **and** the law enforcement officer. If the prosecuting officer has not received this order in time to comply, he/she may request and will receive a continuance in order to be able to comply.

**ENTER** this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Judge

I ask for this:

\_\_\_\_\_, p.d.

Seen and agreed:

\_\_\_\_\_



# CARIBBEAN CLE



## The Hard Rock Hotel & Casino Punta Cana, Dominican Republic February 4 - 11, 2012

*We are pleased to announce the Caribbean CLE For Lawyers to be held in the Dominican Republic. The elegant Hard Rock Hotel & Casino Punta Cana brings the all-inclusive luxury to its newest destination. Set on the Easternmost tip of the*

*Dominican Republic in Punta Cana, this 121-acre property rests on one of the most beautiful beaches in Punta Cana. Everything is first rate: spacious accommodations featuring balconies & double Jacuzzis (R), a grand spa with 48 suites, an 18-hole Nicklaus Design golf course, 11 restaurants & 14 bars, 11 pools, nightclub, and casino. Ease into your week in paradise HARD ROCK STYLE ... high energy, hot sounds, cool drinks, balmy breezes, gorgeous white sandy beaches and warm Caribbean sunshine.*

### ALL INCLUSIVE PACKAGE FEATURES

- US Airways flights round trip between Norfolk and Punta Cana
- Private motor coach transportation round trip between the airport and the hotel in Punta Cana. Approximately 30 minute drive
- Accommodation for 7 nights at the hotel
- All meals and drinks at the hotel including alcoholic beverages
- 24 hour room service
- Most on property sports and activities (except golf and motorized water sports)
- Wireless internet access throughout the resort
- Welcome Reception
- Departure Day Party
- All Hotel taxes and gratuities
- \$1500 per room resort credit (restrictions apply)
- Bottle of wine on arrival

**N**OT INCLUDED: SPA; GOLF; TOURS;  
CASINO/SPORTS BOOK; DISCO FEES; BEAUTY  
PARLOR

### US Airways FLIGHTS

#### Saturday, February 4, 2012

Depart Norfolk 7:00 a.m.  
Arrive Charlotte 8:26 a.m.  
Depart Charlotte 11:55 a.m.  
Arrive Punta Cana 4:21 p.m.

#### Saturday, February 11, 2012

Depart Punta Cana 5:45 p.m.  
Arrive Charlotte 8:30 p.m.  
Depart Charlotte 10:20 p.m.  
Arrive Norfolk 11:31 p.m.

### PACKAGE COST

Double Room \$2,900.00 per person  
Single Room \$4,250.00 per person

### PAYMENT SCHEDULE

July 15th: \$500 per person  
September 15th: \$1,000 per person  
November 30th: Balance



**V**ALID PASSPORT REQUIRED

**C**ONTACT: STEPHANY PISHKO / TOUR PLAN INT'L  
[s.pishko@tourplaninternational.com](mailto:s.pishko@tourplaninternational.com)  
(804) 359-3217 x318 or (800) 426-2944  
(804) 353-2947 fax

### **Room Amenities**

Liquor dispenser featuring whiskey, tequila, rum & vodka, Mini bar stocked with sodas, bottled water & domestic beer, Double Jacuzzi, Balcony, LCD TV w/ satellite, Wireless internet, Individually -controlled air conditioning, Direct dial telephone, Alarm clock, Digital safe, Coffee maker, Hair dryer, Iron/ironing board, Bathrobes & slippers, Rock spa bath amenities, Purified water, Turndown service, 24-hour in room dining

### **Dining**

**Caffeto:** Sometimes you need breakfast. Sometimes you need a cocktail. Sometimes you need a breakfast cocktail. You're on vacation, we won't judge. Be it coffee, snacks, breakfast or lunch, this café has you covered. **Ciao:** Located on the main boulevard, this Italian-specialty restaurant offers a beautiful view of the property's natural gardens. So authentically Italian you might want to eat facing the door. Open for dinner only, but worth the wait. **Ipanema:** There may have been a girl from here. Surrounded by the lazy pool, with an incomparable ocean view, this outdoor Brazilian style restaurant allows guests to enjoy the breeze and tropical weather while feasting on a vast selection of meats and poultry. These are served sword-style, which sounds dangerous but is actually just delicious. A complementing salad bar offers a wide variety of vegetables, cold cuts, cheeses and bread. Open for dinner only. **Isla:** The specialty here is Caribbean cuisine, with delightful fish, poultry and meat dishes freshly prepared using spices that characterize the exotic flavor of the islands. This is what you came here to eat! Breakfast and lunch are buffet-style and dinner is a la carte. **Los Gallos:** The only punches this pugilistic poultry throws are of the culinary kind. Located at the end of the boulevard, Los Gallos boasts a garden view, magnificent decorative ambiance and freshly prepared Mexican cuisine. Open for dinner only. **Pizzeto:** Pizzeto offers artisanal brick oven-style pizza as well as other Mediterranean influenced dishes. **The Market:** Can't get the group to decide? This buffet-style restaurant has something for everyone. Breakfast, lunch or dinner, you can find it all here. **Toro:** Premiere cuts of meat, premiere ocean views, the perfect martini. **Zen:** This teppanyaki style eatery specializes in Chinese and Japanese dishes. The food is superlative, but the main attraction is the show our chefs perform while creating memorable meals right before your eyes. **In-Room Dining:** For your convenience, we offer an in-room dining menu 24 hours a day.

### **Recreation**

11 expansive pools, a dedicated kids pool and a lazy river, Nicklaus Design 18-hole golf course, spa & the largest casino in Punta Cana. The 15,000 square-foot Body Rock fitness center, Arcade Center, rock climbing wall, two tennis courts, mini-golf, billiards, ping pong and various other table games will keep our most active guests entertained.

### **Spa**

The Rock Spa® is an incredible 60,000 square foot facility with 48 spa suites, featuring the Caribbean's most complete hydrotherapy circuit with contrast lagoons, whirlpools, color therapy steam rooms, clay steam room, sauna, an innovative ice room to close the pores and purify the skin after multiple heat therapies and much more. Additional services include beauty salon with kids services and a wedding suite.

### **\$1,500 per room - Resort Credit Promotion**

Credit amount will be applied to the customer account upon check-out. All services, products, and upgrades are subject to availability. Resort credits have no cash value and cannot be exchanged for other goods or services. Unused credits are not redeemable for cash and cannot be used toward future stays or transferred to another room. No refunds will be issued for unused credit. Limitations on credits for select products, services, or tours apply. Credits cannot be used for purchases at gift shops, and are not applicable for products at pro shop, beauty salon, or spa. Other restrictions may apply. Complete details of inclusions, exclusions, and limitations available from the property directly either upon check-in or by contacting the property after booking.





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DEADLINE

Deadline for information and ads for the next newsletter:

**August 1<sup>st</sup>, 2011**

Please submit all information and ads for the next newsletter to: [ssampson@garybyler.com](mailto:ssampson@garybyler.com)



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is pleased to announce our newest Neutral

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**Hon. Glen A. Tyler (Ret.)**

Retired Judge,  
Second Judicial Circuit Court

After eighteen exemplary years of service, Glen Tyler has recently retired from the bench. Previously, he enjoyed a broad civil litigation practice on the Eastern Shore of Virginia. He is a current Member of the Virginia State Bar, Virginia Bar Association, Virginia Trial Lawyers Association, and the Association of Trial Lawyers of America, to name a few. He also served as the Chair of the Virginia State Bar Continuing Legal Education Committee. Glen is now available to serve the mediation, arbitration, judge pro tempore, and special master needs of lawyers and litigants on the Eastern Shore, throughout Hampton Roads, and beyond.



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**PLEASE MAKE NOTE**

- JUNE 15<sup>TH</sup>, 2011  
CLE: Legislative Update  
Contemporary Art Center of Virginia
- AUGUST 26<sup>TH</sup>, 2011  
Luncheon  
Black Angus Grille
- SEPTEMBER 22<sup>ND</sup>, 2011  
CLE: Personal Injury  
Contemporary Art Center of Virginia
- SEPTEMBER 30<sup>TH</sup>, 2011  
13<sup>th</sup> Annual Dick Brydges Courthouse  
Classic Golf Tournament  
Redwing Golf Course
- OCTOBER 6<sup>TH</sup>, 2011  
CLE: Ethics  
Jewish Mother
- NOVEMBER 11<sup>TH</sup>, 2011  
CLE: Introduction to the Courts  
Virginia Beach Courthouse
- FEBRUARY 4<sup>TH</sup>-11<sup>TH</sup>, 2012  
Caribbean CLE