



VIRGINIA BEACH BAR ASSOCIATION

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THE PRESIDENT'S MESSAGE

by Timothy J. Quick

I digress from silly tales of sleepy attorneys and booze cruises, to something we as lawyers should all think about as Law Day approaches on May 1, 2012 – The Rule of Law in America. So, let’s go back 241 years. Not that you need one, but consider this article a refresher course in American history. The subject matter not only concerns one of the most famous criminal defense attorneys of all times, but the first lawyer-President, and of course, our role as lawyers in a modern day justice system.

It was five years before the Revolutionary War, but there was already a strong public sentiment by colonists against the British soldiers who walked the streets of Boston. On March 5, 1770, a small group of colonists were up to their usual sport - taunting the British soldiers - and a lone sentry outside the Custom House soon became the object of their disdain. The sentry finally lashed out at the colonists, which only brought more colonists to the scene. The sentry called for help. Captain Preston and seven or eight other soldiers came to his rescue and were suddenly surrounded. The crowd could not be calmed, and some would say that the colonists turned into a mob. At this point, accounts vary, but we do know that someone yelled “Fire!” and muskets left several Colonists wounded and five dead. The crowd quickly dispersed, and the soldiers went back to their barracks. This we know as the Boston Massacre.

Then there was a public trial. The questions presented: Did the soldiers fire with provocation? Was Captain Preston guilty of ordering his men to fire into a crowd of civilians? Was Preston innocent and merely being prosecuted for political means to highlight the oft-claimed tyranny of England? Regardless of the strong public sentiment against Captain Preston and his men, our forefathers believed so strongly in the Rule of Law that they understood that he was entitled to a zealous defense. In came a thirty-four year-old John Adams, who was asked to defend the soldiers and their captain. Adams understood that taking the case would not only subject him to criticism, but might jeopardize his legal practice or even risk the safety of his family. But Adams believed deeply that every person deserved a defense, and he took on the case without hesitation.

Adams, and his young assistant, Josiah Quincy, succeeded in casting grave doubt as to whether Preston ever gave orders to shoot, and the Boston jury acquitted the captain. Of the remaining soldiers, the jury

acquitted six of the eight soldiers, while two were convicted of manslaughter and branded on their thumbs. Adams’ role in the Boston Massacre trials has come to be seen as the lawyerly exemplar of adherence to the Rule of Law and defense of the rights of the accused, even in cases when we as lawyers represent unpopular clients and become involved in matters that generate public controversy.

Fast forward 241 years. Suspected Somali pirates are accused of brutally killing four Americans in connection with the February hijacking of an American yacht – the *Quest* - sailing south of Oman. The Americans were missionaries delivering Bibles around the world. The fourteen surviving pirates were captured and have been brought right here to federal court in Norfolk to stand trial – likely on murder charges that could carry the ultimate penalty of death. As one Somali defendant stated in court, "We are in the hand of the most powerful country on the planet . . . [m]y future is dark."

In comes several of our own, appointed by the federal Court to take on the rather unpopular task of ensuring that the same rights afforded to Americans, are afforded to these fourteen Somalis, even though public sentiment would seem to favor summary executions and burial under the jail. These Virginia Beach Bar Association members’ names should not go without mention, as their dedication to the Rule of Law is profound. Regardless of the outcome of the piracy trials, I am certain these members will go down in history as having provided the same zealous defense that John Adams gave Captain Preston and his men back in 1770. So, on this Law Day, if you see **Melinda Glaubke** or **Lawrence “Woody” Woodward, Jr.** walking the halls of the Virginia Beach courthouse, give them a pat on the back for taking on an unpopular case, and a big “Thank You” for doing their part to uphold the Rule of Law in America.



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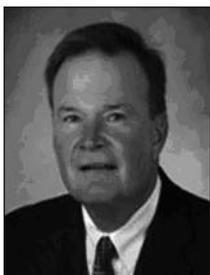


EXECUTIVE BOARD BIOS



Timothy J. Quick, *President*

Tim received a B.A. from George Mason University in 1989. He attended the University of Baltimore School of Law. Mr. Quick is an active trial lawyer with Rabinowitz, Swartz, Taliaferro, Swartz & Goodove, P.C.



Glenn R. Croshaw, *President-Elect*

Glenn received a B.A., B.S. from East Carolina University and a J.D. from the University of Virginia School of Law. Mr. Croshaw currently serves on the Virginia State Crime Commission and is a trial lawyer with Willcox & Savage.



Sandra L. Sampson, *Secretary*

Sandra is a native of Virginia Beach graduating from Green Run High School, then Old Dominion University. Ms. Sampson attended Regent University Law School and is an associate at the Law Office of Gary C. Byler, P.C.



Jon Thornton, *Director*

Jon earned his Bachelor of Arts degree from Washington & Lee University. He graduated from the University of Virginia Law School. Following a judicial clerkship, Jon began a private practice. In 1997, he co-founded Pierce & Thornton, PLC.



Jeff Marks, *Director*

Jeff received his undergraduate degree from Washington & Lee. He attended the College of William & Mary School of Law and is currently a partner with Kaufman & Canoles in the Virginia Beach office.





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

THOMAS W. SERSHON v.
DENISE L. SERSHON,
CL09-3171 (JUDGE O'BRIEN, 1/18/11)

This divorce came before the court for a ruling on exceptions filed to the commissioner's report. The parties' agreement provided that the husband was to pay all bills until the marital home was sold, "in lieu of spousal support." The commissioner held that the wife could move for spousal support if the husband did not pay the bills, and husband excepted. This exception was sustained, as neither the parties' agreement nor their conduct supported this finding, and the court could not make spousal support a remedy for breach of the agreement where the parties had waived support.

NORMAN HARRES v.
MARJORIE HARRES,
CL09-6396 (JUDGE O'BRIEN, 1/27/11)

This opinion addresses the issues of spousal support, child support, and responsibility for the Guardian ad Litem's fees after a divorce trial was held. Husband was ordered to pay \$2,000.00 per month in spousal support for the wife for two years. Among the factors considered was the lifestyle of the parties based upon a six-figure income, that wife stopped work to care for the children (which the husband supported), husband was earning \$151,787.00 per year, that the parties were married for nearly ten years. Based upon the guidelines, child support was set at \$1,420.16 per month. Finally, the total of \$13,000.00 in guardian ad litem fees was split with \$8,667.00 to be paid by the husband and \$4,333.00 to be paid by the wife.

COMMONWEALTH v.
JOHNNY S. MCCLOUD,
CR09-3528; CR09-3661; CR09-3710
(JUDGE O'BRIEN, 2/4/11)

Defendant argued that the evidence was insufficient to prove he possessed the firearm that formed the basis for his convictions. Defendant was driving a vehicle alone when he was pulled over on suspicion of illegal window tint. He fled after stopping. Officers found a gun hidden in a tear in the carpet where it meets the center console, easily accessible to the driver. Since defendant was a co-owner of the car and its only occupant, the gun was

easily accessible to him, and he fled the scene, the court found sufficient evidence of constructive possession.

KW1, LLC v.
COMMONWEALTH SOUTHEAST, LLC
ET AL.,

CL09-2801 (JUDGE O'BRIEN)
The court denied a motion to reconsider its ruling that the notice methods stated in the parties' contract were exclusive. The contract required the use of Fed Ex "or other nationally recognized overnight or same day courier service providing a return receipt." Defendant e-mailed and hand delivered its notice. On reconsideration, defendant relied on authority from other jurisdictions holding that notice provisions are not to be strictly construed, and that the goal of a notice provision is to provide nonexclusive methods. The court rejected that authority, finding that the contract provided a specific method to give notice, and that the court lacked authority to re-write the contract.

FLOR HADFEG v.
FRANKLIN HADFEG,
CL09-6970 (JUDGE O'BRIEN, 3/2/11)

The disputed issues in this divorce were spousal support, equitable distribution of benefits related to the military (survivorship, life insurance, and pension), and attorney's fees. The parties were married for just over 14 years, and led a middle class lifestyle. Wife earns \$2,253.33, husband \$4,908 per month, and both incur normal expenses for persons similarly situated. Wife is awarded \$450.00 per month in spousal support. Each party is to pay only his or her own attorney fees. As for military benefit related issues, husband is not required to maintain survivor benefits at his cost, as wife is significantly (8 1/2 years) older. Wife may only require him to maintain them if she pays the cost of the benefits. Husband is not required to maintain wife as a beneficiary of his life insurance. Finally, wife is entitled to 50% of husband's military retirement based upon the standard formula.





RECENT VIRGINIA BEACH CIRCUIT COURT OPINIONS

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

PATIENT FIRST RICHMOND MEDICAL GROUP, LLC v. AMEANTHEA RICA BLANCO

CL10-6211 (JUDGE LOWE, 2/15/11)

Defendant demurred to a complaint seeking to enforce a covenant not to compete and a covenant not to solicit employees. In part, it barred defendant from “directly or indirectly” perform services of the type that she performed for her employer for a period of two years and within seven miles of where she regularly provided services. The demurrer was sustained, as the covenant was not limited to occupations that were competitive with the employer. It barred mere stockholding, did not define “directly or indirectly,” and did not specify what services were covered. Likewise, the demurrer to the non-solicitation provision was sustained on the basis of overbreadth, as it was unlimited as to function or location.

MATTHEW TALLEY v. EDWARD R. BUSSIERE

CL10-2549 (JUDGE O'BRIEN, 2/23/11)

Plaintiff's motion to require defendant to produce his interview with an insurance adjuster is granted. The interview is not work product as it was not procured in anticipation of litigation, but is part of a common business practice among insurance companies. There is no evidence to suggest this case presents unique circumstances suggesting otherwise.

MARK E. COURRIER & KAREN A. COURRIER v.

MAXWELL J. SHUMAN AND
KENDALL M. SHUMAN

CL07-3891 (JUDGE O'BRIEN)

Defendants demurred to the complaint, which alleged fraud in the sale of real estate, on the basis that it lacked the specificity required for a fraud action, and that the claim was barred by the doctrine of *caveat emptor*. First, the court held that *caveat emptor* did not apply if the plaintiffs stated a proper cause of action for fraud, because court must take the plaintiffs' allegations as true, and the perpetration of fraud trumps the application of *caveat emptor*. Next, the court found plaintiffs' fraud allegations (which included the knowing provision of a

false inspection report) sufficiently specific to survive demurrer. Accordingly, the demurrer was overruled in its entirety.

COMMONWEALTH OF VIRGINIA v. THADDEUS ULYSSES FRANCOIS COOPER

CR11-96 & CR11-226 (JUDGE LILLEY)

The court denied a motion to suppress the search of a backpack. Defendant relied upon *Arizona v. Gant* to argue that the search of his backpack was not a valid search incident to arrest. The backpack was searched while the defendant was placed in the police vehicle and separated from the backpack. Defendant argues that he had to have access to the backpack or that there was a reasonable likelihood of discovering offense-related evidence for the search to be valid. The court rejected this argument, finding that Virginia appellate cases applying *Gant* have only applied it to searches of vehicles. In addition, the backpack was part of defendant's “person” for purposes of a search incident to arrest, and the search was substantially contemporaneous with the defendant's lawful arrest.

DAWN BLACK v. ESTHER GORDON,

CL10-4103 (JUDGE O'BRIEN)

In this automobile accident case, defendant insurance company filed a plea of settlement, relying upon a letter by plaintiff's prior counsel reciting a settlement agreement. Plaintiff contended she did not authorize counsel to settle, and discharged him and retained new counsel. The court found that prior counsel had apparent authority to settle the suit, which the insurer was entitled to rely upon, and it had no duty to inquire as to actual authority. As a result, the plea was sustained and the case dismissed with prejudice.





SUPREME COURT OPINIONS ON THE INTERNET

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

Oyez

www.oyez.org/

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

U.S. Supreme Court

www.supremecourt.gov

Cornell University Law School

www.law.cornell.edu/supct/

FindLaw

www.findlaw.com/casecode/supreme.html

Justicia

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

Superseded editions going back to 1994 are available at:

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.

WHAT'S NEW?

NEW LEGAL RESOURCES AT WAHAB

Bankruptcy Code, Rules and Forms

West, 2011 Edition

Best Lawyers in America

Woodward White, 2011

Consumer Arbitration Agreements

National Consumer Law Center, 2010 Supplement

Consumer Bankruptcy Law and Practice

National Consumer Law Center, 2010 Supplement

Consumer Law Pleadings

National Consumer Law Center, 2010

Criminal Offenses and Defenses (Virginia Practice Series)

West, 2010-2011 Edition

Criminal Pattern Jury Instructions (10th Circuit Court of Appeals)

West, 2011 Edition

Employment Law Handbook: Employee Rights and Employer Responsibilities in Virginia

Virginia CLE, 6th Edition

Fair Credit Reporting

National Consumer Law Center, 7th Edition

Federal Sentencing Guidelines Manual

West, 2010 Edition

Hampton Roads Legal Directory

Professional Consulting Group, 2011

Handbook of Virginia Local Government Law

Local Govt. Attorneys of Virginia, Inc., 7th Edition

Martindale-Hubbell International Law Directory

LexisNexis, 2011

Martindale-Hubbell Law Directory (All Volumes)

LexisNexis, 2011

PDR for Nonprescription Drugs, Dietary Supplements, and Herbs

Thomson PDR, 32nd Edition





WHAT'S NEW AT WAHAB CONTINUED

NEW LEGAL RESOURCES AT WAHAB (CONTINUED)

Repossessions

National Consumer Law Center, 7th Edition

The Rocket Docket: Trying Cases in the Eastern District of Virginia

Virginia CLE, 2010

Seventh Circuit Federal Jury Instructions Civil

West, 2010

Student Loan Law

National Consumer Law Center, 4th Edition

Trusts 101

NBI, 2010

Truth in Lending

National Consumer Law Center, 7th Edition

Unfair and Deceptive Acts and Practices

National Consumer Law Center, 2010 Supplement

Virginia Court Rules and Procedures: State and Federal

West, 2010

Virginia Insurance Case Finder

LexisNexis, 3rd Edition

Virginia Personal Injury Forms

LexisNexis, 3rd Edition

Women's Custody Survival Handbook

Word Association Publishers, 2009



CLASSIFIEDS

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VBBA NEW MEMBERS

JEFFREY A. BRAUCH

Regent University

AMANDA K. FREEMAN

Court of Appeals of Virginia

SCOTT C. HARTIN

McKenry, Dancigers, Dawson & Lake

HARRY W. JERNIGAN, III

Harry W. Jernigan CPA, Attorney at Law

SARAH K. MCCONAUGHY

Williams Mullen

MYKELL L. MESSMAN

Joseph W. Hood, Jr.

ERIN C. QUINN

Glasser and Glasser

SHARON SHAEFFER

Eagles Law Firm

RONALD D. SLAVEN, JR.

Thomas & Associates

DENNIS W. TACKETT

Law Office of Dennis W. Tackett





ADMISSION OF A CERTIFICATE OF ANALYSIS IN A CIVIL TRIAL

Submitted by Robert Lorey, Esquire

Until recently, the easiest way to get a *Certificate of Analysis* into evidence in a civil trial was to use the *Certificate* admitted in the traffic or criminal trial. Once admitted into evidence in another proceeding, the judicial records exception to the hearsay rule and the self-authentication of the Clerk's seal was pretty much all counsel generally needed. The *Certificate* came in against the person who was tested and that was that. The breath test statute specifically provided that if the 28-day notice and filing requirements were met, and the *Certificate* was admitted at trial, it would then be admissible in a civil trial.

What happens if there was no traffic or criminal proceeding, or the file is unavailable, or the *Certificate* was not admitted into evidence? The *Certificate* is then inadmissible hearsay, is unauthenticated and your photocopy is likely not the best evidence available. The problem of getting the *Certificate* into evidence in a civil trial was then much more difficult. The problem was well-nigh impossible if the police officer who originally performed the test was no longer available to testify, serving as a member of the National Guard stationed in Afghanistan, say.

The General Assembly -- in amending the Virginia Code's criminal provisions to comply with the U.S. Supreme Court Melendez-Diaz case dealing with testimonial hearsay, has seen fit to squirrel away a nice little provision for civil litigators into the breath test statute of Title 18.2;

This certificate, when attested by the individual conducting the breath test on equipment maintained by the Department, shall be admissible in any court as evidence of the facts therein stated

and of the results of such analysis...
in any civil proceeding.

Va. Code § 18.2-268.9(B)(ii) (as amended 2009 Va. Acts Sp. Sess. I Chs 1, 4). Thus, so long as there is a *Certificate of Analysis* attested by the person conducting the test, the *Certificate* "shall be admissible in any civil proceeding."

Many civil practitioners never consider the criminal provisions of the Virginia Code, which is an entirely rational allocation of limited time. However, the import of this Code section as amended is that civil practitioners must be attuned to the possibility of chemical impairment of the parties. If any of the parties were suspected of chemical impairment at the scene of the occurrence, there may well be a *Certificate of Analysis* 'out there.' This is especially true in any field which is wholly or partly regulated by the U.S. Code, where post-accident drug screening is typically required, such as the Motor Carrier Act or the Federal Aviation Regulations. If there is a suspicion of any impairment on the part of any party, counsel needs to contact the investigating officer and/or the Division of Forensic Science to determine for certain sure whether there is a *Certificate of Analysis* which will be revealed in discovery and later presented to the trier of fact.





**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.



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ssmith@BrainInjuryLawCenter.com



Stephen M. Smith, Esq.





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7:30PM UNTIL MIDNIGHT

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TICKETS

\$70 each • \$85 each after May 13, 2011
Awesome live auction & raffle baskets!



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\$3,500 Sombreros:

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Name Recognition at Putting Hole, on Invitation and On-Site



\$2,500 Piñatas:

6 Event Tickets, Name Recognition on Invitation and On-Site



\$1,000 Maracas:

4 Event Tickets and Name Recognition On-Site



\$750 Niñas:

2 Event Tickets and Name Recognition On-Site



\$500 Niños:

1 Event Ticket and Name Recognition On-Site



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Virginia Beach CASA Annual Fundraiser

Providing volunteer court advocates for abused and neglected children in Virginia Beach since 1988.
Registered 501 C(3) Non-Profit Organization.



Looking like a beer commercial for weekend fun, Gordon “Gordie” Ufkes seems to find joy in life wherever he goes. Surfing, skydiving, scuba diving, hunting, fishing, Kung Fu fighting, playing kickball, driving his jeep on the beach in the Outer Banks and riding his Harley are among his many activities.

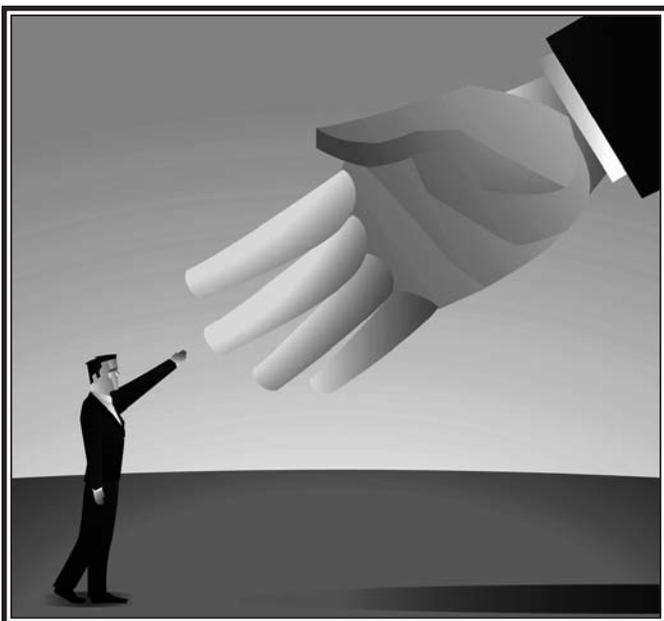
Before he began the practice of law, Gordie worked days as a life guard at the oceanfront and nights as a bartender on the block. With few signs of slowing down, Gordie now rides with the Lawful Order motorcycle club that restricts membership to law enforcement officers and he still takes his board out when the waves are good. Gordie lives with, his wife, Beth, who is a Norfolk prosecutor, their daughter, Maggie, and two lab’s.

Ufkes graduated from ODU with a Political Science degree in 1998 and Regent Law in 2001. His legal career has gone from the Office of the VB Public Defender, to private practice with Stallings and Bischoff, to the Office of the VB Commonwealth’s Attorney. His community involvement includes membership in Knights of Columbus and a recent appointment to the Criminal Justice Advisory Board for Kaplan College.

Without exception, everyone who knows Gordie has a couple of entertaining stories. Gordon Ufkes: Ice Fisherman, Senior Assistant Commonwealth’s Attorney, Husband, Father, GI Joe collector and all-around good guy.



If you’d like to suggest a member of the VBBA for a future highlight, contact Kathryn Byler at kbyler@pendercoward.com or 490-6292.



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



Practice tips from the Circuit Court

By Amy H. Jones
Staff Attorney

FINAL DIVORCE DECREES AND CONFLICTS WITH AGREEMENTS; WHO TO CONTACT TO REMOVE CASES FROM THE FRIDAY CONTESTED DIVORCE DOCKET

Avoid problems – keep your divorce decree consistent with the parties’ agreement

One of the biggest reasons for rejected final decrees is that they fail to match the parties’ agreement. Most often, this occurs with health insurance and unreimbursed medical provisions for children. For example, the agreement may only state, “husband shall provide health insurance,” but the decree will add “if available at a reasonable cost through his employer.” Or the agreement and decree may differ on whether unreimbursed medical expenses are split equally or paid pro rata according to income. Further, the decree and agreement may differ on whether that applies to all medical expenses, or just reasonable and necessary ones. In another twist, the body of the decree may have all of this information correct, but then the notices will have erroneous provisions. Other examples include variances in the start date and amounts of support.

Watching out for these types of inconsistencies can save a lot of time and trouble with rejections. Also, please keep in mind that the court cannot assume that simply because both counsel signed the decree, the changes were intentional. Unfortunately, it usually turns out that counsel skipped over or missed reading that part of the decree, and did not intend to agree to it. This results in having to re-open the file and have a correcting order entered to solve the problem. In order to ensure that the change was intentional, the decree needs to state that particular change was “by subsequent agreement.” Also, if this changes express

terms of the parties’ agreement, ratification of that agreement will have to be modified to be “except as to” whatever subject is altered.

Removal of a divorce from the “Friday Contested Divorce Docket” requires notice to the Judges’ Office

First, as a general reminder, the Friday Contested Divorce Docket (for contested divorces that will not take more than an hour) is part of the *duty judge* docket. It is not part of the regular Friday Motions Docket. In fact, the Virginia Beach Circuit Court does not have any procedures permitting the hearing of a divorce on the regular Friday Motions Docket. In that same vein, if you have a case on the Friday Contested Divorce Docket and you need to remove it, you must contact the Judges’ Office to do so. Advising the Clerk’s Office that the case will be removed is ineffective, because those cases are not on any docket managed by the Clerk’s Office. Instead, the Friday Contested Divorce Docket is handled by the Judges’ Office, so you need to contact our office to remove your case.



ANNOUNCEMENTS



WILLCOX & SAVAGE attorney NEIL L. ROSE was recently named Vice Chair of the Virginia Bar Association Tax Section Council. He is a partner practicing in the firm's Taxation and Trusts and Estates



NEIL L. ROSE

Practice Groups. Mr. Rose is a former IRS and Treasury Special Honors Attorney with over twenty-five years experience in the areas of federal and local taxation, estate planning and administration, real estate and corporate law. He has lectured on corporate tax, real estate

tax, Virginia sales and use tax, estate planning, pension tax, tax exempt organizations, and limited liability company issues for the Tax Section of the American Bar Association, Virginia State Bar, ODU Tax Conference, and the Virginia Society of CPAs. Currently Mr. Rose also serves on the Regional Board of the Hampton Roads Chamber of Commerce, is the President-Elect of the Virginia Beach Education Foundation, and he is a past President of Congregation Beth El. He is the former Chair, Elder Law Section Council of the Virginia Bar Association.



JULIE M. COLANERI

HANCOCK, DANIEL, JOHNSON & NAGLE, P.C. is pleased to announce that JULIE M. COLANERI has joined the firm's Virginia Beach office. Ms. Colaneri primarily concentrates her practice in the representation of healthcare providers in the defense of professional liability litigation.



REEVES W. MAHONEY

REEVES W. MAHONEY, a shareholder of the law firm of HUFF, POOLE & MAHONEY, P.C., has been appointed to the Child Support Guideline Review Panel by Governor McDonnell. Mr. Mahoney concentrates his practice on Divorce and Family Matters with an emphasis on divorces involving substantial assets and contested custody issues.



STEVEN P. LETOURNEAU

INMAN & STRICKLER, PLC, a Virginia Beach law firm, is pleased to welcome STEVEN P.

LETOURNEAU, as a member of the firm. Mr. Letourneau is a native of Hampton Roads and focuses his practice on civil litigation, personal injury and wrongful death, criminal and traffic defense, domestic

relations/family law and appellate practice. Mr. Letourneau is a member of the Virginia Beach Bar Association and the Virginia Trial Lawyers Association.



ROBERT V. TIMMS, JR.

INMAN & STRICKLER, PLC, a Virginia Beach law firm, is pleased to welcome ROBERT V. TIMMS, JR., as a member of the firm. Mr. Timms is a native of Hampton Roads and focuses his practice on business, tax matters, construction law,

commercial real estate, trusts and estates, probate matters, and tax exempt entities. Mr. Timms was

named as a "Legal Elite" in 2008 (business law) and in 2009 (taxes/estates/trusts/elder law) by *Virginia Business Magazine* and named a Virginia "Super Lawyer" (taxation/trusts and estates) in 2010.



ALFRED M. RANDOLPH, JR.

RANDOLPH NAMED TO BOARD OF GOVERNORS OF THE VIRGINIA BAR ASSOCIATION

Norfolk, VA – March 2011 – KAUFMAN & CANOLES, P.C. is pleased to announce that ALFRED M. RANDOLPH JR. was recently elected to a three year term on the

Virginia Bar Association's Board of Governors.

Mr. Randolph is a partner in the firm's Norfolk office. He is the Vice President for Associate Recruitment and Retention. His practice includes general business law, lender representation, corporate and commercial transactions, and intellectual property law. His civic involvement includes serving on the Board of Trustees of Norfolk Academy and serving on the Board of Directors of Tidewater Scholarship Foundation (ACCESS).





ANNOUNCEMENTS CONTINUED

HARVEY L. BRYANT, COMMONWEALTH ATTORNEY, announces the following additions to the Virginia Beach Commonwealth's Attorney's Office effective February 1 and March 1, 2011, respectively:

CAITLIN ANDREA PARKER has been hired as an Assistant Commonwealth's Attorney. Ms. Parker received her Bachelor's Degree from Rice University and her Juris Doctor from William and Mary Law School. Ms. Parker has previous experience in the Newport News Commonwealth's Attorney's Office and in the Newport News Division of the United States Attorney's Office.

SEBASTIANO MARIO LORELLO has been hired as an Assistant Commonwealth's Attorney. Mr. Lorello received his Bachelor's Degree from George Mason University and Juris Doctor from the University of Virginia School of Law. He has previous experience as a clerk in Chesterfield County Circuit Court and in the Commonwealth's Attorney's Offices of Albemarle County, Chesterfield County and the City of Alexandria.



LAMONT D. MADDOX has opened GUIDANCE LAW FIRM, P.C., a business law firm located in the Wells Fargo Center of downtown Norfolk, Virginia. Mr. Maddox earned a bachelors degree in economics from the University of

LAMONT D. MADDOX Virginia, a masters of business administration degree from the Mason School of Business at the College of William & Mary, and a juris doctorate from the Marshall-Wythe School of Law at the College of William & Mary. Mr. Maddox was previously with the law firm of Williams Mullen and is the former owner of computer consulting company Maddox Technology, Inc.



ANDERS NAMED PARTNER AT KAUFMAN & CANOLES

Virginia Beach, VA – March 2011 – KAUFMAN & CANOLES, P.C. is pleased to announce that ALLISON W. ANDERS has become a partner of the firm.

Ms. Anders is a member of the Family Law practice group in the firm's Virginia Beach office. Her practice

includes divorce, custody, visitation, child support, spousal support, separation agreements, equitable distribution, prenuptial agreements and adoptions. Active in the community, Ms. Anders serves on the Board of Directors and is the Vice President of Programs for REACH (Reading Enriches All Children). She also serves as the Membership Committee Co-Chair for the Virginia Beach Bar Association.

Ms. Anders received her B.S.C.J. from Old Dominion University and her J.D. from Loyola University New Orleans College of Law.



ANN K. CRENSHAW

ANN K. CRENSHAW NAMED TO BOARD OF DIRECTORS OF LIGHT RAIL NOW, INC.

Virginia Beach, VA – January 2011 – KAUFMAN & CANOLES, P.C. is pleased to announce that ANN K. CRENSHAW was recently

appointed to the Board of Directors of Light Rail Now, Inc., as a representative of the Hampton Roads Association of Commercial Real Estate (HRACRE). Light Rail Now, Inc. is a coalition of community members, including those from business, environmental, neighborhood, biking and running, housing, senior and church groups, which is advocating for light rail in Virginia Beach. Light Rail Now, Inc. views light rail as a powerful and lucrative economic development tool for the City.

Ms. Crenshaw is a partner in the firm's Virginia Beach office. She earned her A.B. from Sweet Briar College and her law degree from the College of William & Mary Marshall Wythe School of Law.

Ms. Crenshaw's practice focuses on commercial real estate services in the areas of zoning land use, development and transactions, including purchasing and leasing. Her practice also includes creditors' rights, bankruptcy, business restructuring and loan modifications.

ANN K. CRENSHAW RECEIVES YWCA WOMEN OF DISTINCTION AWARD

Virginia Beach, VA – April 2011 – KAUFMAN & CANOLES, P.C. is pleased to announce that ANN K. CRENSHAW is the recipient of the 2011 YWCA Women of Distinction Award for





law. The Awards celebrate outstanding women who have made significant contributions to the South Hampton Roads community by demonstrating a commitment to the YWCA's mission of eliminating racism and empowering women.

Ms. Crenshaw is a partner in the firm's Virginia Beach office. She earned her A.B. from Sweet Briar College and her law degree from the College of William & Mary Marshall Wythe School of Law.

Ms. Crenshaw's practice focuses on commercial real estate services in the areas of zoning land use, development and transactions, including purchasing and leasing. Her practice also includes creditors' rights, bankruptcy, business restructuring and loan modifications.

ANN K. CRENSHAW RECEIVES INFLUENTIAL WOMEN OF VIRGINIA AWARD

Virginia Beach, VA – March 2011 – KAUFMAN & CANOLES, P.C. is pleased to announce that ANN K. CRENSHAW has been named one of *Virginia Lawyers Weekly's* 2011 Influential Women of Virginia. The Awards recognize the outstanding efforts of women in the Commonwealth who are making notable contributions to their chosen professions, their communities, and society at large.

Ms. Crenshaw is a partner in the firm's Virginia Beach office. She earned her A.B. from Sweet Briar College and her law degree from the College of William & Mary Marshall Wythe School of Law.

Ms. Crenshaw's practice focuses on commercial real estate services in the areas of zoning land use, development and transactions, including purchasing and leasing. Her practice also includes creditors' rights, bankruptcy, business restructuring and loan modifications.



ALBERT H. POOLE

ALBERT H. POOLE, a shareholder of the law firm of HUFF, POOLE & MAHONEY, P.C., by Governor McDonnell to the Virginia Lottery Board. Mr. Poole chairs Huff, Poole & Mahoney's Business Department, handles commercial transactions, and is active in commercial litigation as well as asbestos defense litigation.



SAVE THE DATE



Mark your calendar and get your golf shoes polished, the 13th Annual Virginia Beach Bar Association/Dick Brydges Memorial Classic Golf Tournament is scheduled to take place September 30, 2011 at Redwing Golf Course. Last year's event was a

huge success with beautiful weather and a full crowd. Start practicing and get your foursome together.

GENERAL DISTRICT COURT UPDATE

Submitted by Kathryn Byler

A follow-up meeting was held to discuss civil filings. Chief Judge Woolard, Judge Frucci, Clerk of Court Andre Mayfield, Steve Leon representing the VA Creditor's Bar, and Kathryn Byler representing the VBBA GDC Judicial Liaison Committee attended.

We were pleased to be told that the backlog of garnishments is gone. In order to file the approximate dozen tubs of garnishments, the clerk allowed staff to work late and on weekends resulting in earned comp time that those workers will take later. No overtime can be worked. Staffing does not look good for spring as three employees will be out on extended medical leave. However, there will be two new hires the first of May.

Members of the bar are encouraged to talk with their legislators about funding for the courts. Numerous changes were discussed that might ease the labor-intensive nature of some of the administrative matters such as electronic filing, combining Summons and Suggestion into one form, and continuing garnishments.

Appreciation goes to Clerk Mayfield, Shelby and the others who worked late to catch up all the garnishment filings. This is a great example of the beneficial relationship the Virginia Beach bench and bar enjoy where problems can be addressed and resolved.





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Deadline for information and ads for the next newsletter:

July 1, 2011

Please submit all information and ads for the next newsletter to: ssampson@garybyler.com



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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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MAY 4TH, 2011

CLE: Collection of Judgments
Contemporary Art Center of Virginia

JUNE 15TH, 2011

CLE: Legislative Update
Contemporary Art Center of Virginia

SEPTEMBER 22TH, 2011

CLE: Personal Injury
Contemporary Art Center of Virginia

SEPTEMBER 30TH, 2011

13th Annual Dick Brydges Courthouse
Classic Golf Tournament
Redwing Golf Course

OCTOBER 6TH, 2011

CLE: Ethics
Contemporary Art Center of Virginia

NOVEMBER 11TH, 2011

CLE: Introduction to the Courts
Virginia Beach Courthouse