VIRGINIA BEACH BAR ASSOCIATION

Volume Number 26 :: Issue 2 :: Summer 2017

PRESIDENT'S MESSAGE

Monday May 29, 2017 was Memorial Day. It is a day when America takes time to honor those military men and women who have paid the ultimate sacrifice in defense of their country. Memorial Day got its start in the years after the Civil War and was then known as Decoration Day.

November 11th is Veterans Day. It was first named Armistice Day and was initially celebrated on the first anniversary of the end of World War I, November 11, 1919. It became a national holiday in 1938. Veterans Day is designed to pay tribute to all current and past living service members.

As Hampton Roads is home to the largest naval base in the world, the best trained special forces in the world (including those commonly but incorrectly referred to as SEAL Team 6), and a host of other units, we should take time and pause to give thanks to those, living and dead, who have given a part of their lives, and in some cases their lives, to allow us to live as we do.

In furtherance of this idea, a portion of the funds raised by the ticket sales to the annual bar party (commonly but incorrectly referred to as "Bar Prom") will be donated to a charity that is veteran based. I am requesting ideas for worthy charities. Please email me any and all idea at bzeigler@pzlaw.com

The annual bar party will be held at Chicks on September 9, 2017 starting at 3 p.m. There will be live music, college football, oysters, BBQ, seafood and any adult beverages the expert mixologists at Chicks can dream up. The Party will then move to the Oceanfront where we are working on securing additional drinks around fire pits on what promises to be a great fall afternoon in September. Please put this date on your calendar, plan on making it a great night, and use Uber, Lyft, or the transportation company of your choice.

Our service to our community is lacking. We are members of a learned profession and with our education and training comes a responsibility. There are many worthy causes but the board wishes to explore helping our military and first responders using our legal training. We will be reaching out to existing military support organizations for ideas and working with the Virginia Bar Association and other statewide agencies that may have programs which we can adopt, in full or in part, to assist those in who serve us, locally and abroad.

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FOOTNOTE

When I first joined the board, the best advice I received was "remember, at the end of the day it is a social organization." To that end, I would like to highlight what you receive for your dues. In the next six months, as a member, you can attend at no cost: the Bench-Bar conference and reception on June 22nd where over 4 hours of CLE will be available including our annual update on the law and legislative changes; an Ethics in Mediation CLE with retired Judge Winship Tower on October 19th; and several happy hours including our next one on August 17th at Gordon Biersch and another on November 2nd. For a modest additional fee, you can participate in the annual Richard G. "Dick" Brydges Memorial golf tournament which will be held at the Princess Ann Country Club on September 22 and/ or travel with 30-40 of your fellow attorneys and their guests to the annual Las Vegas Destination CLE scheduled for October 5-8. Our year ends, of course, with our traditional Holiday Party to be held at Hot Tuna on December 1 - open bar and no cover as is our tradition.

Please make it a point to get value from your dues and receive your CLE credits, socialize with your professional colleagues, and have a drink on the VBBA. We look forward to seeing you.

~ Brandon H. Zeigler President, Virginia Beach Bar Association





* VOLUNTEERS NEEDED *

for Seatack Mentoring Program.

IF INTERESTED, THEN CALL STEVE PFEIFFER AT (757) 554-0258.



ANNOUNCEMENTS

ASSISTANT CITY ATTORNEY - SOCIAL SERVICES/ CIVIL LITIGATION ATTORNEY

Starting Salary: \$71,028

The Virginia Beach City Attorney's Office is accepting applications for a full-time Assistant City Attorney. This successful applicant will represent the Department of Human Services and other City departments and will be required to provide timely and appropriate legal advice; prepare legal documents; represent DHS in judicial and administrative proceedings in connection with matters involving child abuse and neglect, foster care and adult protective services; and represent other City departments in general civil litigation and administrative matters, such as workers' compensation claims. The applicant must have the ability to establish and maintain effective working relationships with court officials, city officials, and the general public; the ability to present complex ideas effectively both orally and in writing; and must be licensed to practice law in the State of Virginia. The position will have a starting salary of \$71,028 plus benefits.

Please submit a City application, resumé, writing sample, and law school transcripts www.vbgov.com. EOE.

THE VIRGINIA BEACH JUVENILE & DOMESTIC RELATIONS DISTRICT COURT WELCOMES JUDGE KEVIN DUFFAN TO THE BENCH.

Hon. Kevin Michael Duffan is a native of Virginia Beach, graduating from Green Run High School. He earned his bachelor's degree from James Madison University and his law degree at William & Mary School of Law. Prior to his appointment to the Juvenile & Domestic Relations District Court, he was employed as a Senior Assistant Commonwealth's Attorney in Virginia Beach, and most recently as a



partner at Shapiro, Appleton & Duffan, P.C. In addition to his legal practice, Judge Duffan also served as the legal analyst for WVEC 13 News and was the President-Elect for the Virginia Beach Bar Association. His investiture will be held on June 29th at 4 p.m. in Traffic Courtroom A.

S.B SYKES, BOURDON, AL AHERN & LEVY, P.C

ATTORNEYS AND COUNSELORS AT LAW

IS PROUD TO ANNOUNCE DAVID M ZOBEL Has joined the firm



Practicing in the areas of civil trial litigation with a focus on construction law, commercial disputes, contract claims, condominium controversies and real estate title related issues.

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The McCammon Group

is pleased to announce our newest Neutral

THOMAS E. ALBRO, ESQ. HON. WILLIAM N. ALEXANDER, II (RET.) HON. MICHAEL C. ALLEN (RET.) **HON. JOANNE F. ALPER (RET.)** HON. PAMELA S. BASKERVILL (RET.) DAVID P. BOBZIEN, ESQ. HON. B. WAUGH CRIGLER (RET.) HON. JOEL C. CUNNINGHAM (RET.) JOHN G. DOUGLASS, ESQ. CHESHIRE I'ANSON EVELEIGH, ESQ. HON. WALTER S. FELTON, JR. (RET.) HON. JOHANNA L. FITZPATRICK (RET.) HON. JEROME B. FRIEDMAN (RET.) HON. J. MICHAEL GAMBLE (RET.) HON. COLIN R. GIBB (RET.) RICHARD S. GLASSER, ESQ. ROBERT J. GREY, JR., ESQ. HON. E. PRESTON GRISSOM (RET.) HON. TEENA D. GRODNER (RET.) **ROBERT T. HALL, ESQ. GRAYSON P. HANES, ESQ.** MICHAEL E. HARMAN, ESQ. HON. JAMES C. HAWKS (RET.) SUSAN MASSIE HICKS, ESQ. HON. THOMAS B. HOOVER (RET.) HON. THOMAS D. HORNE (RET.) BARBARA L. HULBURT, ESQ.

JOHN A.C. KEITH, ESQ.



Hon. Winship C. Tower (Ret.)

Retired Judge, Virginia Beach

Retired Judge, Virginia Beach
Juvenile and Domestic Relations Court

The Honorable Winship C. Tower recently retired after sixteen years of distinguished judicial service. Judge Tower is a Fellow of the American Academy of Matrimonial Lawyers, and she practiced finance and family law in Hampton Roads for twenty years prior to her appointment to the court. She is a member of The Boyd-Graves Conference and a former member of the l'Anson-Hoffman Inn of Court. A statewide leader in family law, Judge Tower is Past Chair of the Board of Governors of the Family Law Section of the Virginia State Bar and Past Chair of the Domestic Relations Section of the Virginia Bar Association. Judge Tower now brings her extensive family law experience to The McCammon Group to serve the mediation, arbitration, and judge pro tempore needs of lawyers and litigants throughout the Commonwealth.



Dispute Resolution and Prevention

For a complete list of our services and Neutrals throughout VA, DC, and MD, call 1-888-343-0922 or visit www.McCammonGroup.com

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HON. JOHN E. WETSEL, JR. (RET.)

HON. ROBERT W. WOOLDRIDGE, JR. (RET.)



SHORT CIRCUITS

PRACTICE TIPS FROM THE CIRCUIT COURT by: amy H. Jones. Staff attorney

SELECTED STATUTORY CHANGES THAT ARE EFFECTIVE JULY 1

While the support notices for domestic relations matters weren't altered this year (whew!), there were many other changes that can affect your practice in domestic relations and otherwise. Here are a few:

FEDERAL CIVILIAN EMPLOYEES NOW COVERED BY § 20-97(3)

Section 20-97 sets forth subject matter jurisdiction requirements for annulments and divorces. Subsection (3) enables those who are currently stationed overseas to be able to file for divorce in Virginia, so long as the person was domiciled here for the six-month period immediately preceding their departure. Previously, this section covered only military members and foreign service officers, but effective July 1 federal civilian employees can also make use of this provision.

DRIVER'S LICENSE NO LONGER AUTOMATICALLY SUSPENDED IF A GUARDIAN OR CONSERVATOR IS APPOINTED

In what has sometimes been a trap for the unwary, § 46.2-400 has traditionally provided that if a guardian or conservator is appointed, the person subject to the appointment "shall" have his or her license suspended. Because this provision is not located in the guardian/ conservator appointment statutes, sometimes licenses ended up being unintentionally suspended. It will now be even more important to be aware of this code section, because as of July 1 there will be a way out of that problem. New § 46.2-400(B) provides that the license shall not be suspended "where the court order specifically permits such person to retain his driver's license or the privilege to drive or to apply for such license." In that instance, the order is not to be sent to the DMV – so if you take advantage of § 46.2-400(B) be sure you remove any language requiring that from your order. The prior automatic suspension rule still applies if the order is silent on this issue. Also, the statute gives the court the power to order the incapacitated person to be evaluated by the DMV on his or her fitness to drive. Exercise of that power is something that is likely to occur in almost any situation where the order appointing a guardian or conservator seeks to avoid suspension of the driver's license of an incapacitated person.

CUSTODY/VISITATION ORDERS THAT PROHIBIT A PARTY FROM PICKING UP A CHILD FROM SCHOOL MUST BE SENT TO THE SCHOOL

Sections 16.1-278.15 and 20-124.2 have had subsections added ((J) and (F), respectively) that require the court to order one of the parties to provide a copy of the order to the school where the child is enrolled. This must be done within three business days after that party receives the order. As a backup, the court can mail the order to the school if it determines that the party is unable to deliver the order. However, that party must provide the court with the name of the principal and address of the school.

CHILD SUPPORT CAN ORDERED PAID INTO A SPECIAL NEEDS TRUST OR ABLE ACCOUNT

Sections 16.1-278.15(A) and 20-124.2(C) have been amended to permit payment of child support for a disabled child into a special needs trust or ABLE account. This will add more flexibility to how funds for disabled children can be used.

PRE-SUIT DISCLOSURE OF LIABILITY POLICY LIMITS

New § 8.01-417.01 gives one the right to disclosure of homeowner's insurance liability limits for injuries suffered at a residence before suit is filed, if certain conditions are met. This is similar to legislation previously adopted for automobile liability insurance.

CLARIFICATION OF WHO MUST GIVE NOTICE OF AN ADOPTION PLAN AND ABILITY TO REGISTER WITH THE VIRGINIA BIRTH FATHER REGISTRY (FORMERLY PUTATIVE FATHER REGISTRY)

For the last ten years, § 63.2-1250 has required that a birth father be given notice of a planned adoption and his right to register with the registry, under certain circumstances. However, the statute has never identified who is required to give the notice. Effective July 1, subsection F will now specify that if required, this notice must be given by "the child-placing agency or the adoptive parents."





WHAT'S NEW AT WAHAB

UPCOMING CLOSURE:

The Wahab Public Law Library will be closed on Monday, July 4 for Independence Day and Monday, September 4 for Labor Day.

DOWNTIME AT THE LAW LIBRARY

Have you found yourself with an hour to spare between appearances? Visit the Wahab Public Law Library for free access to computers and WiFi, daily regional and national newspapers, Virginia Lawyers' Weekly, magazines (including Wired, The Economist, and Forbes), and a collegial atmosphere.

NEW MATERIALS

Books & Treatises:

Admiralty in a Nutshell, 2017

Swisher's Family Law: Theory Practice & Forms, 2017

Virginia CLE Materials:

Elder Law in Virginia, 2017 Medical Malpractice in Virginia, 2017 The Attorney-Client Privilege and the Work Product Doctrine, 2017 Trial of Capital Murder Cases in Virginia, 2017

Forty-Seventh Annual Criminal Law Seminar, 2017



HOW TO FIND US

Location:

Wahab Public Law Library is located at Virginia Beach Judicial Center, Building 10B, on the ground floor.

Hours of Operation:

Monday – Friday 8:30 am – 4:30 pm

Address:

2425 Nimmo Parkway, Building 10B Virginia Beach, VA 23456 **Phone:** (757) 385-4419

E-mail:

llstaff@vbgov.com

Website:

www.vbgov.com/law-library



KNOWLEDGE + PASSION + INNOVATION



Parks Zeigler, PLLC would like to announce

David L. Littel

has joined our firm as a partner.

Dave has over 20 years' experience trying civil cases at the highest level, including significant experience in personal injury matters. He is a long-standing member of the l'Anson Hoffman Inn of Court and the Norfolk/Portsmouth and Virginia Beach Bar Associations. Dave has served as a volunteer with the CLASS program in Virginia Beach, assisting battered and abused persons in obtaining protective orders. We are honored to add such an accomplished attorney to Parks Zeigler and look forward to his contributions assisting our clients.

4164 Virginia Beach Blvd., Suite 204, Virginia Beach, VA 23452-1762 phone: 757.453.7744 • fax: 757.453.7578 • www.pzlaw.com



VBBA NEWS



NEW MEMBERS

Virginia Beach Bar Association

SHERRILL BORKENS

The Marshall Law Group One Columbus Center, Suite 600

Virginia Beach, VA 23462

WILLIAM F. DUDLEY

Cooper Hurley Injury Lawyers 125 St Pauls Boulevard, Suite 510 Norfolk, VA 23510

JEREMY C. MASON

Law Office of Bruce C. Sams 208 E Plume Street, Suite 210 Norfolk, VA 23510

MARGARET MCNAMARA

Thomas, Adams & Associates 4176 South Plaza Trail Virginia Beach, VA 23455

EDRIE PFEIFFER

Hampton Roads Legal Services 372 S. Independence Blvd, Suite 109 Virginia Beach, Virginia 23452

ASHLEY TRIPP

K. Bailey Law, P.C. 5029 Corporate Woods Drive Suite 302-C Virginia Beach, VA 23462





2017 GENERAL DISTRICT COURT HOLIDAY LEAVE SCHEDULE

The Committee on District Courts has the authority to determine when the district courts and clerks' offices of the Commonwealth shall be open for business, and the Judicial Council has the authority to determine when the circuit courts (excluding circuit court clerks' offices) shall be open for business. Va. Code §§ 16.1-69.33, 17.1-705.2. Both judicial policy-making bodies met last week and authorized the holiday schedule below for their respective levels of court.

INDEPENDENCE DAY

Monday, July 3: closed (This is an additional day off approved by Judicial Council and Committee on District Courts.)

Tuesday, July 4: closed

THANKSGIVING

Wednesday, November 22: close at noon (This is an additional half day off approved by Judicial Council and Committee on District Courts.)

Thursday, November 23: closed Friday, November 24: closed

CHRISTMAS

Friday, December 22: close at noon (This is an additional half day off approved by Judicial Council and Committee on District Courts.)

Monday, December 25: closed

Tuesday, December 26: closed (This is additional day off approved by Judicial Council and Committee on District Courts.)

NEW YEAR'S DAY

Monday, January 1: closed

ORDER CONCERNING COMPLAINTS FOR AND FINAL DECREES OF DIVORCE IN NORFOLK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

From the office of: GEORGE E. SCHAEFER Clerk of the Circuit Court Norfolk, Virginia

Venue in suits for divorce is "preferred" and governed by Code of Virginia § 8.01-261(19), which provides that venue is proper where the defendant resides or where the parties last cohabited, or, if the defendant is not a resident of Virginia, where the plaintiff resides. Venue in divorce cases is no longer jurisdictional, nor is it mandatory, and if the defendant does not object, the suit can be filed and litigated in any jurisdiction within the Commonwealth. However, Code of Virginia § 8.01—264(D) authorizes the Court, within sixty days of service of process on all parties, sua sponte, to transfer a divorce cause filed in an improper venue to a proper venue. The Judges of this Court, to date, have exercised this authority infrequently.

In calendar year 2016, 3,963 complaints for divorce were filed in this Court. Based upon data supplied by the Supreme Court of Virginia, this constituted approximately 12% of all complaints for divorce filed in 2016 throughout all Circuit Courts in Virginia. For several years, residents of other cities in Hampton Roads have filed many contested divorce suits in Norfolk and residents of other areas of the Commonwealth have filed thousands of uncontested divorce cases in this Court. A conservative estimate is that venue is improper in 75% of all divorce suits filed in this Court. During 2016, the following numbers of complaints for divorce were filed in the Circuit Courts of our neighboring cities: Chesapeake — 1,009; Virginia Beach — 1,147; Portsmouth - 363; Suffolk — 273; Hampton — 548; Newport News — 680.

The Court and the Clerk appreciate the confidence the Bar and the public have shown in our practice of concluding suits for divorce promptly, but the disproportionate number of divorce filings in this Court is not consistent with the intent of Code of Virginia § 8.01-261(19).

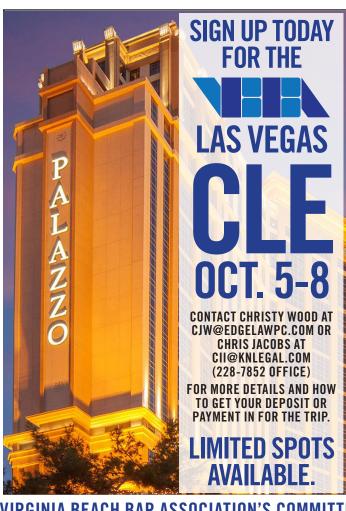
Many divorce complaints filed in this Court do not state the residences of the parties or the place they last cohabited, rendering it difficult for this Court to exercise its discretionary statutory authority to transfer the cause to a proper forum. \

Therefore, with unanimous consent of the Judges of this Court, it is ORDERED that effective June 1, 2017, all complaints for divorce filed in this Court, whether by counsel or the plaintiff pro se, shall state within the style or body thereof or include a separate paper stating the city and/or county and state of residence of the plaintiff and the defendant, or, if the residence of the defendant is unknown, the city and/or county and state where the defendant was last known to reside, and the city and/or county and state where the parties last cohabited.

FURTHERMORE, as it would be a burden to the docket should this Court become the forum for post-divorce litigation when neither party lives in the City of Norfolk, and as we wish to exercise in full our authority under Code of Virginia § 20-107.3(L), it is therefore ORDERED that every final decree of divorce tendered to this Court on or after June 1, 2017, which awards equitable distribution or incorporates a separation agreement, and which does not include a transfer provision pursuant to Code of Virginia § 20-107.3(L), shall state the city and/or county and state where each party then resides.

THE Clerk shall post a copy of this order on his web site, and mail copies to the Director of the Norfolk-Portsmouth Bar Association, the Portsmouth Bar Association, the Virginia Beach Bar Association, and the Chesapeake Bar Association.





VBBA CALENDAR DATES TO REMEMBER

- Bench Bar Conference and Legislative Update June 22, 2017 Virginia Beach Convention Center 12-5 pm, Reception to follow at Croc's
- Bar Social August 17, 2017 Gordon Biersch 5-7pm
- Personal Injury CLE September 7, 2017 Eagles Nest - Virginia Beach 3-5 pm
- Annual Bar Party September 9, 2017 Chick's Oyster Bar 3-7 pm
- Richard G. "Dick" Brydges Memorial Golf Tournament September 22, 2017
- Las Vegas CLE October 5-8, 2017
- VBBA Ethics in Mediation CLE with Judge Winship Tower (Ret.)
 October 19, 2017

NEXT NEWSLETTER SUBMISSION DEADLINE: AUGUST 15, 2017

NEWSLETTER ADVERTISING RATES*

SIZECOST PER ISSUE
Full Page\$265.00
½ Page\$135.00
1/3 Page (horizontal or vertical)\$100.00
1/6 Page
Classified Ad (6 lines)
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* The VBBA offers a 10% discount on half-year advertisements (2 issues) and a 20% discount on annual advertisements (4 issues). Classified ads and notices are free to members. For Premium Placement - 1st 3 pages add 25%. Next Newsletter submission deadline is August 15, 2017. Contact Christopher Boynton,

cboynton@vbgov.com

VIRGINIA BEACH BAR ASSOCIATION'S COMMITTEES, CHAIRS AND LIAISONS

COMMITTEE	CHAIR	VICE CHAIR	LIAISON
Awards	Mary M. Kellam	N/A	N/A
Circuit Court	Rich Cromwell	N/A	Mary M. Kellam
Golf Tournament	Ryan Ferguson	Allison Anders	Kevin Duffan
General District Court	Kathryn Byler	N/A	Jonathan Stone
Young Lawyers	Kathleen Keffer	Brad Hudgins	Christy Wood
Pro-Bono Seatack	Stephen Pfeiffer	Rich Cromwell	Chris Jacobs
Pro-Bono-CLASS	Jennifer Shupert	N/A	Christy Wood
Juvenile & Domestic Relations Court	Christianna Cunningham	Regis Rice	Kevin Duffan
Membership	Kevin Sharp	Eric Washburn	Jonathan Stone
Past Presidents	Mary M. Kellam	N/A	N/A
Destination CLS	Jay Normile	Randy Leeman	Chris Jacobs
Web/Tech	Edwin Booth	Andrew Rice	Chris Boynton

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KEVIN DUFFAN, PRESIDENT-ELECT 460-7776

kduffan@hsinjurylaw.com

CHRISTOPHER BOYNTON SECRETARY

385-5061 cboynton@vbgov.com

JONATHAN L. STONE TREASURER

498-7700 jstone@norrisstclair.com CHRISTOPHER I. JACOBS DIRECTOR 461-4900

461-4900 cij@knlegal.com CHRISTY J. WOOD DIRECTOR

368-9643 cjw@edgelawpc.com PEGGY KELLAM, IMMEDIATE PAST PRESIDENT 427-5094

mkellam@srklawfirm.com

BRANDON H. ZEIGLER, PRESIDENT

448-3025 bzeigler@pzlaw.com

JEAN KEARY, EXECUTIVE DIRECTOR

757-385-2155 Fax: 757-385-2156 <u>vbba@verizon.net</u>



VIRGINIA BEACH GENERAL DISTRICT COURT 2017 FINAL CALENDAR

UPDATED 08/11/16

HOLIDAY, NO COURT, CLERK'S OFFICE CLOSED



NO COURT CLERK'S OFFICE OPEN

CONFLICT DOCKET - Civil A **and** SMALL CLAIMS COURT - Civil B

MENTAL HEALTH CASES

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Arraignments at 10:00 a.m. on: August 28th, 29th, 30th, November 7th, 22nd, & December 8th On all other dates arraignments will be at 2:00 p.m. in Traffic D ONLY BOND HEARINGS & ARRAIGNMENTS ON NOVEMBER 7th, 22nd, & DECEMBER 8th

