

# VIRGINIA BEACH BAR ASSOCIATION

Volume Number 27 :: Issue 2 :: Summer 2018

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## PRESIDENT'S MESSAGE

In March, I wrote that our Board is mindful that our selection of a new Executive Director will likely be the single decision that defines our tenure as your Board. In an effort to make sure we had the full benefit of our association's institutional knowledge and wisdom – and that we made the best decision possible – we created an interview panel that included Judges Glenn Croshaw, Lisa Hodges, and Kevin Duffan, VBBA Past President Judy Rosenblatt, and several members of the Board. The panel interviewed a number of highly qualified candidates, and today I am pleased to announce that the Virginia Beach Bar Association's new Executive Director is Kathy Stull, effective immediately.

Kathy has served in the Office of Career & Alumni Services for Regent University School of Law for over ten years, and will continue to do so while serving the VBBA. As Director of that office, Kathy has overseen the school's professional development programming, counseled law students and alumni on career development, and been active in employer relations. Her past experience also includes non-profit management and fundraising for the March of Dimes among other organizations.



Kathy graduated with Honors from Penn State University with a Bachelor Degree in Public Relations and Advertising, and earned her Master's in Education at Regent University. She is involved in numerous professional organizations including the Richmond Area Recruiters Association and the National Association for Law Placement.

On a personal level, Kathy has been married to her husband, Justus, a local engineer, for 14 years. In her rare free time, she enjoys traveling, going to the beach, following college football, and cheering on her daughter Sydney's Beach FC travel soccer team. She reports that she is greatly looking forward to the challenge and opportunity of serving the Board and members of the VBBA, and furthering its mission as a professional but highly social organization.

Toward that end, we hope you will take the opportunity to introduce yourself to Kathy at our Annual Banquet & Party on June 9th at the Cavalier Hotel. We have an evening of food, fellowship and fun awaiting you, with orange crushes and a full open bar on the Lawn at the Cavalier kicking things off at 6:00 p.m., followed by a buffet-style banquet, award presentations, and all the 80's hits you thought you had forgotten, performed in the Grand Ballroom by the Deloreans, a 6-piece show band that is not to be missed!

Please make it a point to get maximum value from your dues by receiving all your CLE credits from the VBBA, socializing with your professional colleagues at our events and happy hours, and learning more about whatever area of law you practice in the process. We look forward to seeing you soon.

*- Christopher S. Boynton, President*



## CALL FOR VOLUNTEERS!!

### CONCERNED LAWYERS ADVOCATING SPOUSAL SAFETY (C.L.A.S.S.)

An initiative of the VBBA that provides representation to victims of romantic partner domestic violence at protective order hearings. Each Friday morning, the CLASS program provides two volunteer attorneys to meet with qualified victims and represent them for their request for a protective order.

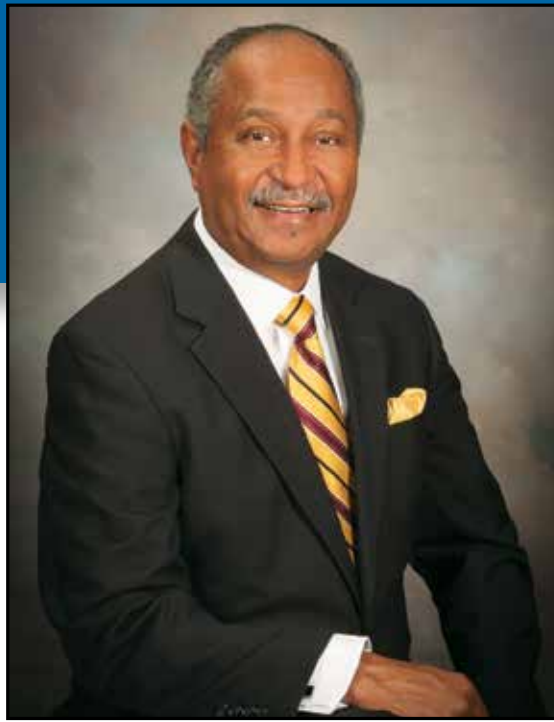
Please consider donating your time to this important program! The time commitment is minimal – 8:30am to around 12:00pm, once or twice a year – but the impact on the lives of those represented is significant.

**PLEASE EMAIL JENNIFER SHUPERT AT ADMIN@SHUPERTCHAING.COM IF YOU ARE INTERESTED IN VOLUNTEERING OR FINDING OUT MORE ABOUT THE PROGRAM.**



# The McCammon Group

is pleased to announce our newest Neutral



## **Hon. Wilford Taylor, Jr. (Ret.)**

Retired Judge, Hampton Circuit Court

The Honorable Will Taylor recently retired after over thirty years of distinguished judicial service. He first served on the bench of the General District Court and then was elected as a Judge of the Circuit Court of the City of Hampton, where he served multiple terms as Chief Judge. Before his tenure on the bench, Judge Taylor enjoyed a successful general practice representing both plaintiffs and defendants, and he also served as a Deputy City Attorney. A leader in his community and beyond, he attained the rank of Colonel during his twenty-eight years of active and reserve duty in the U.S. Army. Judge Taylor now brings this exemplary record of dedication and leadership to The McCammon Group to serve the mediation, arbitration, and judge pro tempore needs of lawyers and litigants throughout the Commonwealth.

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## VIRGINIA BEACH BAR ASSOCIATION LAS VEGAS CLE SEPT. 27-30, 2018



The Virginia Beach Bar Association is pleased to announce their 7th annual fall CLE getaway. The CLE is to be held at the luxurious Palazzo all suites hotel in Las Vegas. The Palazzo is a 5 star hotel and is among the hottest Vegas hotels on the strip. Enjoy cocktails and sunshine at one of seven pools or check out Tao Beach at the Venetian, the Palazzo's sister resort.

Nightlife is plentiful at the Palazzo. You can enjoy some of the best restaurants Las Vegas has to offer or take a short walk to any of the other resorts located on the Strip. Along with your trip you will be able to take advantage of dining discounts and drink specials the Association was able to negotiate as part of your CLE in Las Vegas.

The Association will be offering 4 CLE hours broken into two 2 hour sessions so as to not interfere with your activities. Be sure to register for your player's card. The cost of the trip is \$1,175.00, per room with an option to upgrade to Prestige Level for an additional \$450.00 (plus any applicable tax). The trip does not include airfare so as to give you the option of when you leave and return, or your use of frequent flyer miles. Feel free to add nights or adjust your stay accordingly (resort limitations may apply). Included in the cost of your trip are accommodations, resort fee, cocktail reception, pool bar refreshments on non-cabana day, cabana party at the pool club, breakfast CLE's and transportation from the airport (dependent on arrival time of the majority of travelers) to Palazzo. A deposit by check of \$600.00 due upon sign up (or by June 1, 2018), and balance due no later than July 6, 2018.



Contact Christy Wood at [CJW@EdgeLawPC.com](mailto:CJW@EdgeLawPC.com) or Chris Jacobs at [cij@knlegal.com](mailto:cij@knlegal.com) (228-7852 office) or Colin O'Dawe at [cpo@knlegal.com](mailto:cpo@knlegal.com) for more details and how to get your deposit or payment in for the trip. Limited space available.

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Practice tips from the Circuit Court *By: Amy H. Jones - STAFF ATTORNEY*

## SOME LEGISLATIVE CHANGES YOU MAY NOT BE AWARE OF;

Also, cohabitation is not enough to support long arm, and who to contact with questions about an order rejection

### New legislation effective July 1

One area where the General Assembly made a number of changes this past session was adoptions. The changes impact some of the more common adoption proceedings seen in in circuit court. Significantly, in stepparent adoptions, § 63.2-1242 will now require that the prospective adoptive parent provide the court with a national criminal history background check. This is to be used by the court in determining whether referral to an agency for investigation and report should be required.

Also, close relative adoptions perhaps will become little easier. For many years, where a close relative petition must initially be filed – as between circuit court and juvenile and domestic relations court – has been based upon how long the petitioners have had custody of the child. Traditionally, the “cut-off” has been three years – i.e., if petitioners have had custody for less than three years, then the matter had to commence in the juvenile and domestic relations court. After three years, it could commence in circuit court. Now, as of July 1, that period will be shortened to two years, so that the adoption initially can be filed in circuit court if petitioners have had custody for at least two years.

On a different front, the procedures for issuance of a civil show cause for violation of a court order are now codified. The Virginia Beach Circuit Court has always required either a sworn to petition for issuance of a rule to show cause, or an affidavit supporting such a petition. Once the rule is entered, both it and the petition must be served on the person allegedly in contempt. These exact procedures will now be set forth in new § 8.01-274.1.

### Allegations that the parties “last cohabitated” in Virginia are not sufficient to support long arm jurisdiction in a divorce

Section 8.01-328.1(9) provides that long arm jurisdiction may be asserted over a defendant in a divorce if he or she maintained, in Virginia,

“a matrimonial domicile at the time of separation of the parties.” A frequent area of confusion is that an allegation that the parties last cohabitated in Virginia satisfies this requirement. Unfortunately, as the relevant terms have been defined in case law, that is not sufficient. Cohabitation simply means living together, while matrimonial domicile requires a combination of residency with intent to remain. See, e.g., *Colley v. Colley*, 204 Va. 225, 229 (1963) (cohabitation means living together); *Harrison v. Harrison*, 58 Va. App. 90, 102 (2011) (matrimonial domicile means “residence at a particular place, accompanied with positive or presumptive proof of an intention to remain there for an unlimited time”). As further explained in *Rock v. Rock*, 7 Va. App. 198, 202 (1988), “[d]omicile and cohabitation are distinctly different concepts and should not be equated or confused. Domicile is not determined solely by the location where people reside, while cohabitation is. Cohabitation does not require an intent to remain somewhere indefinitely, while domicile does.” So, to have long arm jurisdiction over a divorce defendant, the plaintiff must plead and prove the maintenance of a matrimonial domicile in Virginia.

### Who to contact about questions/“objections” regarding the rejection of an order (hint: the person listed on the return form)

Because many attorneys and paralegals have my contact information, frequently I end up being used as the first point of contact for an order rejected by a law clerk. Sometimes I’m contacted with a request to explain what the law clerk meant. Other times I’m contacted first because the attorney or paralegal disagrees with what the law clerk said.

In both of these situations, we can better assist you if you first contact the law clerk who returned the order. That person is familiar with the file, and likely can help you faster and more effectively than anyone else. He or she also will probably remember the contents of the order you submitted, even though it’s been returned to you. Further, law clerks are required to put their name and email address on all return forms, for the very purpose of responding to inquiries about their returns. For these reasons, I usually ask those who contact me about a return that I did not generate to please direct their inquiries to the person who did.

To help us help you better, first contact the person who sent your order back to you. Then, if you are not satisfied with a law clerk’s response or explanation, contact me and I will be happy to take a look at the matter.



WELCOMES CHRISTY L. MURPHY



## BISCHOFF MARTINGAYLE

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**Bischoff Martingayle P.C.** is proud to announce that Christy L. Murphy has joined the firm as a partner. She is a graduate of Regent University School of Law and received her undergraduate degree from Old Dominion University.

Murphy has been named one of Virginia’s Rising Stars by Law and Politics Magazine, in Virginia’s Legal Elite by Virginia Business Magazine and a Top Lawyer by CoVaBIZ (2017-18). Based at the firm’s Norfolk office, she will represent clients in civil and commercial litigation, divorce and custody matters, estate litigation, creditor’s rights and landlord-tenant issues.

208 East Plume Street, Suite 247 | Norfolk, VA 23510  
3704 Pacific Avenue, Suite 300 | Virginia Beach, VA 23451  
clmurphy@bischoffmartingayle.com

(757) 965-2793 | bischoffmartingayle.com

# NOTICES

## VBBA STUDENTS ON THE SWIM IS EXPANDING ITS OUTREACH

Following a rash of drowning incidents involving children at the Oceanfront, the Virginia Beach Bar Association expanded its community outreach effort at Seatack Elementary School in 2015 to include free water safety lessons for second graders. While third graders are busy preparing for and taking Standards of Learning Exams, second graders are transported by school buses to the Seatack Recreation Center where they receive two weeks of basic water safety instruction from certified Red Cross instructors. The program includes introduction to water skills, fundamental aquatic skills, stroke development, stroke improvement and stroke refinement. By the end of the program, each child will learn basic water safety, how to float, and how to swim freestyle. This year, the VBBA has expanded its participation in the program to include a second Title 1 school, Rosemont Elementary. Below are pictures of the Rosemont second graders enjoying their swim lessons at the Bow Creek Recreation Center



## The Hampton Roads Association of Legal Administrators is pleased to announce the newly elected Board for 2018-2019:

- Kim Pici of Inman & Strickler, President
- Pam Deming of Virginia Beach Office of the City Attorney, President-Elect
- Rob Sadler of Hofheimer Family Law Firm, Vice President
- Jo Ann Kittrell of Wolcott Rivers Gates, Treasurer
- Jim Neeley of Boleman Law Firm, Secretary.

For more information regarding the HRALA, contact Jim Neeley, HRALA Secretary, or go to [HRALA.com](http://HRALA.com).




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COURTHOUSE CLASSIC GOLF TOURNAMENT**

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RSVP to Allison Anders by October 1, 2018 • [aanders@pzlaw.com](mailto:aanders@pzlaw.com)



# ANNOUNCEMENTS

## NEW MEMBERS

*Virginia Beach Bar Association Welcomes New Members*



### ERIN CONWAY

Wolcott Rivers Gates

### BRITTANY GOLD

GEICO Staff Counsel

### KIMBERLY PHILLIPS

Phillips & Peters, P.L.L.C.

### SARAH BUITRAGO

Hadley Law, P.L.C.

### ADRIENNE GOODMAN

Pincus Goodman, P.C.

### PAUL R. HERNANDEZ

Kalfus & Nachman, P.C.

### MARK KILDUFF

TaylorWalker P.C.

### MIKE IMPREVENTO

Breit Drescher Imprevento, P.C.

### JERRAULD C. C. JONES

Bischoff Martingayle, P.C.

### WILLIAM V. RIGGENBACH

McKenry Dancigers Dawson, P.C.

### SAMANTHA BULL

Legal Aid Society of Eastern Virginia

### JOSEPH MILLER

Joe Miller Law, LTD

### TYLER J. ROSA

Pender & Coward P.C.

### MICHAEL C. DEERING

Mike Deering, P.C.

### TEDDY MIDKIFF, P.L.L.C.

Teddy Midkiff, P.L.L.C.

### ROWLAND BRAXTON HILL

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Schafer Law Group

### BRETT L. SHRADER

Beacon Health Options, Inc

### JAMES ABRAHAM

Weaver Law Office of Daniel J. Miller

### HUGH EDWARD BLACK, III

Black & James, P.C.

### ELIZABETH COUNTS

Virginia Beach Office of the Commonwealth's Attorney

### KEVIN JULES

Virginia Beach Office of the Commonwealth's Attorney

### INDIA RICHARDSON

Virginia Beach Office of the Commonwealth's Attorney

### BETSY SCHUPPIN

Virginia Beach Office of the Commonwealth's Attorney

### KAREN SOSA

Virginia Beach Office of the Commonwealth's Attorney

### MARGARET KELSEY

Anderson & Pittman, P.C.

### KYLE HARRISON

Dunlap Bennett & Ludwig

### ALLISON EDDY

Bonney, Allenbert & O'Reilly, P.C.

### BRIAN BOYS

Atlantic Law, P.L.C.

### ROBERT NEELEY

Neeley Law Group, P.L.C.

### CARL FAILMEZGER

Carl Failmezger P.L.L.C.

### MEREDITH TRAVERS

Kozak, Davis, Renninger & Belote, P.C.

### DANA S. POWER

Harbour Law, P.L.C.

### LAURA RIXEY

Kaufman & Canoles, P.C.

### MARGARET A. KELLY

Kaufman & Canoles, P.C.

### SCOTT LEHMAN

Thomas, Adams & Associates, P.C.

### ROBERT FOLEY

Foley and Foley P.C.

### REBECCA MELONE

Melone Law P.C.

### MEGAN BRADSHAW

Megan Bradshaw

## WAHAB PUBLIC LAW LIBRARY

### Computer Changes Coming to Wahab Public Law Library:

Starting on June 15, 2018, all library customers must have a Virginia Beach Public Library Card before they can use a library computer. Full access library cards are free for residents of Virginia Beach. Internet only cards are free to all. All computer sessions last for up to 120 minutes. Library staff will always be available to assist attorneys to ensure a seamless transition. Please see library staff for more information.



**Printing Changes Coming to Wahab Public Law Library:** Starting in June 15, 2018, payment for printing and photocopying will be done at the printer, via cash, credit, or debit. Charges remain the same; 20 cents per black and white page and 50 cents for a color page. Attorneys with print accounts will still be able to use them. Please see library staff for more information.

**Holiday Closures:** The Wahab Public Law Library and all Virginia Beach Public Libraries will be closed Monday, May 28, for Memorial Day, and on Wednesday, July 4, for Independence Day.

**Downtime at the Law Library:** Have you found yourself with an hour to spare between appearances? Visit the Wahab Public Law Library for access to computers and Wi-Fi, daily regional and national newspapers, Virginia Lawyers' Weekly, magazines, and books.

### Virginia CLE Materials:

Defending Criminal Cases in Virginia, 2018  
Eminent Domain Law in Virginia, 2017  
Forty-eighth Annual Criminal Law Seminar, 2018  
Juvenile Law & Practice in Virginia, 2018  
Virginia Criminal Practice in Virginia, 2018

### Books & Treatises:

Evidentiary Foundations, 10th Edition  
Family Law: Theory, Practice, and Forms, 2018  
Guidebook to the Freedom of Information & Privacy Acts, 2018  
Trial Handbook for Virginia Lawyers, 2018  
What to do About Personal Problems in Virginia

### 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,  
Bldg. 10B  
Virginia Beach, VA  
23456-9062

**Phone:** (757) 385-4419

### E-mail:

llstaff@vbgov.com

### Website:

www.vbgov.com/law-library

## OFFICE SPACE SHARING – POSSIBLE ASSOCIATION

Newtown Road firm has office space to share. Two attorney offices available; space for assistant(s), if needed. Use of two conference rooms and copy machine. Convenient for all Courts. Ample free parking. Potential for referral work and/or association.

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# VIRGINIA BEACH BAR ASSOCIATION MISSION AND VISION STATEMENTS

## MISSION STATEMENT

To be an inclusive and diverse organization that fosters legal excellence, encourages a culture of integrity, honor, collegiality, professionalism, and civility among the bar and the bench, promotes justice and fair play in the legal system, provides public service opportunities to its members, and serves its membership and the public with distinction.

## VISION STATEMENT

The Virginia Beach Bar Association will be viewed as the “best in class” local bar association – an exemplary benchmark. It will be known within the legal community and the community-at-large as a bar association that provides excellent professional development, leadership, service, networking, and social opportunities that are timely, relevant, and continuously improving. It will be considered an invaluable “must-join” bar association for any attorney residing in or providing legal services in or around Virginia Beach. The association will utilize best practices in communications and technology to provide our membership with efficient and cost-effective services that maximize their membership investment. The association will display pride and excellence in all of its activities and services.

## NEWSLETTER ADVERTISING RATES\*

SIZE	COST PER ISSUE
Full Page	\$265.00
½ Page	\$135.00
1/3 Page (horizontal or vertical)	\$100.00
1/6 Page	\$60.00
Classified Ad (6 lines)	\$35.00

\* 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, 2018. Contact Christopher Jacobs, [cij@knlegal.com](mailto:cij@knlegal.com)

**NEXT NEWSLETTER SUBMISSION DEADLINE: AUGUST 15, 2018**



# VBJDR COMMITTEE SAVE THE DATE

June 4, 2018 12p JDR#7 Brown Bag CLE on CLASS  
Come and learn how to be a part of this important program and get all your questions answered!

June 4, 2018 2p JDR#7 Mandatory CAC List Training

July Brown Bag CLE (Date TBD) on new Tax laws and how they will affect your domestic clients to be held in VBCC Jury Room – Ground Floor Courthouse  
\*\* The JDR Brown Bag CLE will be monthly in the Jury Room unless otherwise specified. Each session will be 1-2 CLE credits. Bring your lunch, learn, and earn CLES!! Free to all VBBA members.

VBBA JDR Annual CLE- ATC 9/20/2018 ~  
Get your IDC and GAL credits!

## VIRGINIA BEACH BAR ASSOCIATION'S COMMITTEES, CHAIRS AND LIAISONS

COMMITTEE	CHAIR	VICE CHAIR	LIAISON
Awards	Brandon Zeigler	N/A	Brandon Zeigler
Circuit Court	Jerry Harris	Kathleen Edge	Chris Boynton
Golf Tournament	Allison Anders	Brook Thibault	Ryan Ferguson
General District Court	Kathryn Byler	N/A	Jonathan Stone
Young Lawyers	Laura McQuesten	Brad Hudgins	Ed Booth
Pro-Bono Seatack	Rich Cromwell	N/A	Ryan Ferguson
Pro-Bono-CLASS	Jennifer Shupert	Ana Sas	Christy Wood
Juvenile & Domestic Relations Court	Christi Cunningham	Bretta Lewis	Christy Wood
Membership	Megan Casey	N/A	Ed Booth
Past Presidents	Brandon Zeigler	N/A	Brandon Zeigler
Destination CLE	Colin O'Dawe	N/A	Chris Jacobs
Web/Tech	Scott Hallauer	Kevin Sharp	Chris Jacobs
Law School Outreach	Andrew Rice	Amanda Thibault	Brandon Zeigler
Public Service Project	Stephen Pfeiffer	Kathleen Keffer	Chris Boynton
Transactional Practice	Lamont Maddox	Kyle Korte	Brandon Zeigler

## OFFICERS

<b>CHRISTOPHER BOYNTON</b> PRESIDENT 385-5061 <a href="mailto:cboynton@vb.gov">cboynton@vb.gov</a>	<b>JONATHAN L. STONE</b> PRESIDENT-ELECT 393-4093 <a href="mailto:jstone@moodyrrlaw.com">jstone@moodyrrlaw.com</a>	<b>CHRISTOPHER I. JACOBS</b> SECRETARY 461-4900 <a href="mailto:cij@knlegal.com">cij@knlegal.com</a>	<b>CHRISTY J. WOOD</b> TREASURER 368-9643 <a href="mailto:cjw@edgelawpc.com">cjw@edgelawpc.com</a>	<b>EDWIN BOOTH</b> DIRECTOR 671-6000 <a href="mailto:ebooth@srgslaw.com">ebooth@srgslaw.com</a>	<b>BRANDON H. ZEIGLER</b> IMMEDIATE PAST PRESIDENT 448-3025 <a href="mailto:bzeigler@pzlaw.com">bzeigler@pzlaw.com</a>	<b>KATHY STULL</b> EXECUTIVE DIRECTOR 352-4557 <a href="mailto:kathy@vbbarassoc.com">kathy@vbbarassoc.com</a>
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# VIRGINIA BEACH GENERAL DISTRICT COURT 2018 INTERIM CALENDAR

UPDATED 6/9/17

■ 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 DOCKET

JANUARY						
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NOVEMBER						
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25	26	27	28	29	30	

DECEMBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	★	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	★	■	■	27	28	29
30	31					



**On the following dates: August 6, 7, 8, November 6, 21, December 7 and 24  
the arraignments will start at 10:00 a.m.**

