Volume Number 30 :: Issue 2 :: Fall/Winter 2021

PRESIDENT'S MESSAGE

If you are like me, you are struggling to comprehend that we are already headed into the new year. The last eighteen months seem to have simultaneously flown by and dragged on for a lifetime. In the fall, as the leaves turn and the weather cools, we are reminded to be thankful. This year my gratitude looks a little different. I find myself thankful for things I didn't know I needed, like a comfortable mask, a booster shot, and a grandbaby. I am also grateful for things I didn't know I would miss, like gathering in person with friends and colleagues.

I am especially thankful this year for the people that make the VBBA the best local bar association in Virginia! Each year VBBA committee members volunteer their talent toward planning our social events and CLE's. Because of their efforts during this challenging year, the VBBA offered twenty-one hours of free CLE credit! The golf tournament food drive raised 4432 meals for the Food Bank of Southeastern Virginia, the Bench Bar Conference saw record participation, and the Awards Banquet was a glamorous night of commemoration and celebration. To each person that helped plan, organize, call, zoom, email, budget, wrangle, herd, or harass on behalf of the VBBA this year, thank you for your time and effort. You are appreciated and invaluable. If you would like to be considered for service on a VBBA committee, please contact me. Committees for 2022 are being formed now so don't delay!

Finally, I want to express my gratitude to the Virginia Beach Bar Association for allowing me the honor of being your president this year. I have thoroughly enjoyed (almost) every minute of it. Being bar president does not come with a well-defined job description. Even after years of serving on the executive board I was surprised at all the position entailed. I have a new-found admiration for our past presidents, and specifically want to thank our immediate past-president, Christopher I. Jacobs, for his counsel, leadership and wisdom both during his presidency and mine.

Some other good news to be grateful for:

Electronic filing is coming to Virginia Beach Circuit Court! While there are still a few details to wrap up, the gears are in motion with the hope that we can be filing electronically in early 2022. (insert applause here!)

Make sure you keep an eye out for the new VBBA member composite photo. It is on its way to the courthouse to be hung IN THIS ISSUE (click tab to jump)
ANNOUNCEMENTS

VBBA NEWS

SHORT CIRCUITS

WHAT'S NEW AT WAHAB

in the Chambers office on the fourth floor. A special thanks to Ramone Photography for making sure we all look like we haven't aged a day since the last composite.

The VBBA Facebook group is live. If you haven't joined, please do. Facebook gives us the ability to quickly disseminate information during dynamic situations. It can also be a fun place to celebrate our profession and our members, so please check it out!

The Holiday Party is Friday, December 3 from 5pm-7pm at Tautogs. Please bring an unwrapped toy for donation to Toy's for Tots. I hope to see you there!

-Christy J. Wood, President Virginia Beach Bar Association





ANNOUNCEMENTS

2022 MEMBERSHIP DUES

Membership dues are due on January 1 each year. If you haven't done so already, you may renew your membership online at https://www.vbbarassoc.com/join/ or by mail to:

> Virginia Beach Bar Association 2425 Nimmo Parkway Bldg. 10, Room 49 Virginia Beach, VA 23456

We look forward to a great year of CLE's and social events throughout 2022!

VBBA JOB ANNOUNCEMENTS BOARD

The VBBA maintains a job announcements board for members to share attorney employment opportunities with the membership.

Go to https://www.vbbarassoc.com/job-announcements/ for all listed job postings including recent attorney openings from the following firms:

> Cooper Law Babcock & Moore, PLC Boleman Law Firm

To publish a job posting, contact Kathy Stull at kstull@vbbarassoc.com

VBBA ON FACEBOOK

Find us on **f**



Join the Virginia Beach Bar Association group on Facebook at https://www.facebook.com/groups/809408436268232/ to stay connected with other members and for information on upcoming events!

CALL FOR VOLUNTEERS!

Concerned Lawyers Advocating Spousal Safety (CLASS Program)

The CLASS Program is 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.

Please email Cynthia Chaing, clc@shupertchaing.com, Chair of the CLASS Committee for more information and to volunteer. All volunteers must be licensed attorneys.

CALL FOR VOLUNTEERS!

Docent Program

The Docent Program is sponsored by the VBBA with the purpose of educating high school students in Virginia Beach City Public Schools about the purpose and function of the Virginia Beach criminal and civil justice system as well as the correctional system. Please consider donating your time to this important program.

Please email Nancy Ford, cncnford@hotmail.com, Chair of the Docent Program Committee for more information and to volunteer. Volunteers positions are available for both attorneys and non-attorneys in the community.





TRICIA BATSON, Legal Aid Society of Eastern Virginia LAWREN BURROUGHS, Burroughs Law Office, P.C. SHANNON BAYONA, Anchor Legal Group, PLLC ROSS BROUDY, Pender & Coward ERIN DEBOER, Anchor Legal Group **ASHLEY EICK, Sykes Bourdon Ahern & Levy** JESSICA FLAGE, Kiernan Trebach LLP JENNIFER GEBLER, The Decker Law Firm KELLY COURNOYER, Toscano Law Group **BAILEY GIFFORD**, Cooper Hurley Injury Lawyers STEFANI GILLENWATER. JOHN GREENSIDE, John Greenside & Associates JEFF HOWELL JR., Parazonium Law Group, P.C. COLLEENJOHNSON, Sera-Brynn, LLC JOHN KAPTAN, Hanger Law MICHAEL LANG, Kalfus and Nachman, PC **ELISABETH MOORE**, Invictus Law SARAH NELSON, K. Page Kistler, P.C. MACAYLA NICOLAISON, Anchor Legal Group, PLLC CHRISTOPHER PALERMO-RE, Denton & Denton OLGA PAZILOVA, Ernest Law Group CHRISTOPHER POCTA, Anchor Legal Group, PLLC TIMOTHY RICHARDSON, Poole Brooke Plumlee PC KRISTA SHEETS. The Law Office of Shantell S Nashatka CHANDRA SNYDER, Pender & Coward, P.C. MINDY STOLWORTHY, Virginia Beach Public Defender's Office

NEW STUDENT MEMBERS

SAMANTHA HASTY PETER HUNTER TAYLOR QUALLS ADONIA WILLIAMS

UPCOMING VBBA EVENTS

For more information and to register go to https://www.vbbarassoc.com/





VBBA NEWS

THE VBBA HOSTED LIVE WEBINARS THROUGHOUT THE FALL

The JDR Committee hosted their Annual CLE, sponsored by Our Family Wizard, on October 15th. The CLE was well attended by the membership and covered topics including: DHS Bootcamp, Relief of Custody Roundtable, Marijuana, Presumption Against Bond, Changes in Probation, Technical Violations, and Metal Health, Law Enforcement Approaches to Juvenile Justice & Mental Health, and Co-Parenting in the Pandemic & Beyond. Thank you to the JDR Committee led by Christianna Cunningham and Bretta Lewis for hosting such an incredible CLE and to each of the attorneys and judges who presented throughout the day!

The VBBA presented the 2021 Seminar on Ethics CLE on October 26th, presented by Christopher Jacobs, Immediate Past President of the VBBA.

VBBA YOUNG LAWYERS JUDICIAL RECEPTION

The VBBA Young Lawyers Judicial Reception was hosted by the Hon. Kevin Duffan, Judge of the Virginia Beach Circuit Court and the Young Lawyers Committee led by Megan Lang and Erin McDaniel on July 17th. A great time was had by all!

LAS VEGAS DESTINATION CLE

The Las Vegas Destination CLE was held September 23rd-26th.

The Virginia Beach Bar Association wants to thank Virginia Spine Care, GBB Legal Lending, The Therapy Network, and Veteran Court Reporters for their longstanding and continuing support and sponsorship of the 9th Annual Las Vegas CLE.

Cheers to another great year!



LEGISLATIVE UPDATE & BENCH BAR CONFERENCE

The Legislative Update & Bench Bar Conference was held on July 15th at the Virginia Museum of Contemporary Art. The CLE included a Legislative Update with presentations by judges of the Juvenile and Domestic Relations District Court, General District Court, Circuit Court, and Court of Appeals of Virginia. Judge Robert Humphreys of the Court of Appeals of Virginia moderated the Court presentations and Christopher Jacobs moderated the Legislative Update. The event was widely attended and a reception followed.











23RD ANNUAL RICHARD G. "DICK" BRYDGES COURTHOUSE CLASSIC GOLF TOURNAMENT AND FOOD DRIVE

The Golf Tournament Committee, led by Jerry Harris and Wanda Cooper held a fantastic tournament on Friday, October 8th at Cypress Point Country Club. Prior to the event, Wendy Alexander was awarded the 2021 Joseph L. Lyle, Jr. Professionalism Award by Board Member Andrew Rice.

Tournament participants donated 73 pounds of food equaling 61 meals and \$1,530 of donations for a total equivalent of 4,432 meals for the Food Bank of Southeastern Virginia. We, along with the Food Bank of Southeastern Virginia thank you for your generosity. Also, thank you to Aaron Kass and Shemeka Hankins, leaders of the Public Service Committee for spearheading the food drive!

















23RD ANNUAL RICHARD G. "DICK" BRYDGES COURTHOUSE CLASSIC GOLF TOURNAMENT AND FOOD DRIVE (EVENT PHOTOS CONTINUED)





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Town Center Office Suites is the only executive office suites in the Town Center of Virginia Beach, with lots of free parking, retail, dining, entertainment and many of our area's premier businesses nearby. We have 50 offices at our facility – all different types of businesses – and it's a great professional atmosphere.

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Visit vbtcos.com or call 757-490-7800 to learn more.

TWO OFFICE SPACES AVAILABLE

Office space in Kempsville area of Virginia Beach (5265 Providence Road behind the navy Federal). The building currently is home to 3 lawyers. Space has its own entrance. Would be a great opportunity for someone hanging up their own shingle.

Office One: approx. 500 square feet Office Two: approx. 1000 sq. feet

Contact Roger Schafer (757) 490-7500

SHARED OFFICE SPACE AVAILABLE

Office space available to share with two attorneys near Mt. Trashmore. Spacious offices located at 4669 South Boulevard, Virginia Beach. Central to all courts and to major transportation.

Call Phil Russo at 499-6020 or email at phil@philrussojrlaw.com

See Full listing at https://www.vbbarassoc.com/job-announcements/



THE VBBA HOSTED THE ANNUAL AWARDS BANQUET & GALA

The VBBA hosted the Annual Awards Banquet & Gala on October 16th at the Marriott Virginia Beach Oceanfront. Judicial portraits were unveiled including: The Honorable Glenn R. Croshaw, The Honorable Teresa N. Hammons, and The Honorable Gene A. Woolard. Christianna Cunningham was awarded the 2021 Bar Service Award. The BJ Griffin Band provided live music and dancing.

























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Virginia CLE Materials

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Wireless Printing - try this link to send a print job to any VBPL public library printer and access when the library is open:

https://www.printeron.net/system/printspot/interface/select_file.jsp?url=vbpl/webprint&protocolSwitched=true

Update Your Knowledge-

Perhaps it's time to revisit LIS- **Virginia's Legislative Information System**: https://lis.virginia.gov/cgi-bin/legp604.exe?211+men+BIL

View & search bills by category, number, or subject, or experience the Virginia Law Portal with direct access to Virginia Code, Uncodified Acts and more. Or, take a look at the Virginia General Assembly whose website offers a link to **Capitol Classroom**, a learning tool for the younger people in your life.

LIS also contains links to searchable databases like *Bills & Resolutions*, *Bill Summaries*, *Reports to the GA*, & *Legislative Liaisons*. Finally, take advantage of *Lobbyist-in-a-Box* for tracking and reporting of legislation for up to five bills free of charge.

What's New?

Police, Crimes and Offenses and Motor Vehicle Laws of Virginia

After several requests for this handy resource, we now have the most current edition of "the green book."

Stop by the library to view this comprehensive reference featuring the full text of Virginia's Codes governing Crimes and Offenses, Criminal Procedure, Motor Vehicles, Traffic and Highways, as well as hundreds of other selected provisions in statutes relating to the administration of law enforcement and criminal and civil justice.

Note: this sets' cover rotates its color annually.

Updated Resources:

From the Virginia Practice Series:

- ⇒ Family Law: Theory, Practice & Forms
- ⇒ Trial handbook for Virginia Lawyers

From the Virginia CLE:

- ⇒ DUI Defense in Virginia
- ⇒ Employment Law Guide
- ⇒ Immigration Law Essentials

How Can We Help?

Got a good word for us or one to help us improve our service? We would love to hear from you! Email us at LLstaff@vbgov.com or call us at 757-385-4419.

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SHORT CIRCUITS

VIRGINIA BEACH GENERAL DISTRICT COURT

Virginia Beach General District Court

Determination of Counsel / First Appearance Hearings for DUI's in Traffic Courtroom C

Beginning December 1, 2021, the determination of counsel / first appearance hearings for DUI's set in Traffic Courtroom C will be moving from 8:30 a.m. to 8:00 a.m. and will be handled in the same manner as the Court handles them for felonies.

Daniel R. Lahne, Chief Judge

Virginia Beach General District Court

VIRGINIA BEACH GENERAL DISTRICT COURT CIVIL DIVISION UPDATES

Effective November 1st, 2021 clerk's office should charge \$24 total for service for a garnishment of a single debtor (\$12 for service of the garnishment on the debtor and \$12 for service on the third-party garnishee). The clerk's office should charge \$12 total for service of an interrogatories (\$12 service on the debtor only). The court should no longer charge a separate service fee for the writ of fieri facias portion, even if the request for the writ of fieri facias is completed on the form, as service for the writ of fieri facias is incorporated within the sheriff's fees for service of the garnishment summons/interrogatories.

The court requests that if attachments to a case are added the day of court that they be paperclipped or tabbed. It will alert the Clerk's Office that new information is included in the case and needs to be scanned. This will assist the Clerk's Office in complying with its scanning requirements and make the information more accessible to your office. Scanning will continue to play an increasing role in the development of future technologies for the court and we appreciate your assistance with helping us meet our goals.

NOTICE OF CHANGES TO DOCKET TIMES IN CIVIL COURTROOM B AND TRAFFIC COURTROOMS A, B AND C FOR VIRGINIA BEACH GENERAL DISTRICT COURT

Civil Courtroom B:

Beginning January 1, 2022 first returns on warrants, notices of motions for judgment, and garnishments will be heard on Mondays, Wednesdays, Thursdays, and Fridays at 8:30 a.m. Uncontested matters will be resolved on the initial return date. Contested matters will be scheduled for a future date on Mondays, Wednesdays, Thursdays, and Fridays at 9:30 a.m. Unlawful detainers and tenants' assertions will be heard on Tuesdays only. Small claims cases will continue to be heard on the second Friday of the month at 8:30 a.m.

Traffic Courtrooms A and B:

Effective immediately, traffic cases will be returning to the prepandemic times of 8:30 a.m. and 11:00 a.m. each weekday. Any cases currently set for 9:30 a.m. or 12:00 p.m. will be heard as scheduled.

Traffic Courtroom C:

Effective December 1, 2021, first appearance\determination of counsel hearings set for Traffic Courtroom C will move from 8:30 a.m. to 8:00 a.m.

VIRGINIA BEACH CIRCUIT COURT ORDER

Circuit Court Proceedings Regarding Civil Jury Trials for the Month of January and February

Please click <u>here</u> for the Order dated November 23, 2021 by the Virginia Beach Circuit Court regarding Civil Jury Trials for the month of January and February.



PRACTICE TIPS FROM THE CIRCUIT COURT

By: Amy H. Jones Staff Attorney

LEGISLATIVE UPDATE, PLUS TIPS ON SHOW CAUSE AND JUDICIAL SETTLEMENT CONFERENCE REFERRAL ORDERS

There were a multitude of legislative changes during the recent regular and special sessions of the General Assembly. You may have heard of many of them, as some received widespread attention and publicity. The following are a few changes that may not have received as much attention; all changes can be reviewed at https://leg1.state.va.us/ before July 1, and at https://law.lis.virginia.gov/vacode/ after that date:

Changes to 20-60.3 support notices

Amendments changed these notices effective Jan. 1, 2021, and more changes will go into effect July 1, 2021. The easiest and best approach is to go to the websites above and block copy the new notices, then paste them into your orders. Orders that do not use the current notices will be returned for corrections.

Corroborating witness requirement eliminated for no fault divorces

If you are seeking to have a divorce granted on no fault (six months or one year separation grounds), and you submit affidavits or have a hearing after July 1, 2021, a corroborating witness will no longer be required. This is due to amendments to §§ 20-99 and 20-106.

Discovery rule for accrual of limitations for latent injury from exposure to a substance/use of a product

Virginia is slowly adding more "discovery rule" provisions for determining accrual of statutes of limitation. Effective July 1, if someone is injured by exposure to a substance or use of a product, and the injury cannot be diagnosed during the limitations period because it is dormant or does not develop ("latent"), then the cause of action accrues "when the person knew or should have known of the injury and its causal connection to an injury-causing substance or product." This change results from an amendment to § 8.01-249.

Elimination of requirement of investigation and report in certain adult adoptions

Section 63.2-1244 currently requires an investigation and report if an adult adoption is based upon the adoptee being 15 years younger than the petitioner. As of July 1, that requirement will no longer be in the statute. An investigation and report will not automatically be required in any adult adoption, although the court still has the discretionary power to order one.

Expansion of stepparent adoption provisions to include adoption by a person with a "legitimate interest"

Section 63.2-1241 has been amended to add in the definition of a person with a "legitimate interest" from statutes governing custody disputes, and to give such persons the right to jointly petition for a stepparent adoption. Traditionally, two people could not join together in an adoption petition in Virginia unless they were married. That approach was first loosened with the enactment of § 63.2-1201.1, and will fall away further when the amendments to § 63.2-1241 go into effect July 1.

TIPS FOR SHOW CAUSE AND JUDICIAL SETTLEMENT CONFERENCE REFERRAL ORDERS

In recent months, there has been a new phenomenon of orders submitted for show cause for contempt ordering the alleged contemnor to appear "on a date to be agreed to between counsel." This is not proper, as show cause orders must contain a specified date and time for the return date. In order for the court to have the power to punish a party for contempt who fails to appear, that person must have been served with an order telling them a specific date and time to appear. As a result, it is ineffective to enter an order that states the return date is essentially to be determined. Also, the return date and time should not be left blank – counsel needs to fill that in.

As a reminder, petitions for show cause must be sworn to under oath by one with personal knowledge. This has always been required, and several years ago was statutorily clarified by the enactment of § 8.01-274.1.

As for judicial settlement conference referral orders, counsel need to use the form order on the court's web site. It is PDF-fillable, does not require counsel's signature, and can be faxed in. This is required for proper processing by the court, and to prevent the inclusion and potential dissemination of personal contact information for the judge presiding over the conference once the order is entered and processed.

The McCammon Group

is pleased to announce our newest Neutral



Hon. Randall D. Smith (Ret.)

Retired Judge, 1st Judicial Circuit Court of Virginia, City of Chesapeake

The Honorable Randall Smith recently retired after fifteen years of distinguished service on the 1st Judicial Circuit Court of Virginia. Judge Smith began his career as a Deputy Sheriff for the City of Chesapeake. After attending law school, he had a successful career in private practice and was the Commonwealth's Attorney for the City of Chesapeake. He also served as local counsel for the Department of Transportation and as a former Chairman of the Chesapeake Board of Zoning Appeals. Judge Smith now brings this exemplary record of service and commitment to The McCammon Group to serve the mediation, arbitration, judge pro tempore, and special master needs of lawyers and litigants throughout the Commonwealth.





Congratulations to partner

Griffin O'Hanlon

for being sworn in as an Executive Committee Member of the Norfolk & Portsmouth Bar 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*
SIZECOST PER ISSUE
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½ Page\$135.00
1/3 Page (horizontal or vertical)\$100.00
1/6 Page
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 February 15, 2022. Contact Kathy Stull, kstull@vbbarassoc.com

VIRGINIA BEACH BAR ASSOCIATION'S COMMITTEES, CHAIRS AND LIAISONS

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Destination CLE	Colin O'Dawe	Damian Garcia	Chris Jacobs
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Golf Tournament	Jerry Harris	Wanda Cooper	Andrew Rice
J&DR Court	Christi Cunningham	Bretta Lewis	Allison Anders
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Web/Tech	Jamison Rasberry	Tori Eisenberg	Ed Booth
Young Lawyers	Megan Lang	Erin McDaniel	Andrew Rice
Docent Program	Nancy Ford		Jennifer Shupert

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VIRGINIA BEACH GENERAL DISTRICT COURT CALENDAR

Updated 7/26/2021 DRL

Holiday, No Court, Clerk's Office Closed No Court Clerk's Offices Open Conflict Docket

Case Mgmt.

Mental Health Civil ONLY- No Court Clerk Office Open

2022



	February 2022											
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March 2022											
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September 2022											
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December 2022									
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Important dates and Information

Judicial Conference: August 21-24

Dates when NO Court/Clerks Office Open: Bond Hearings at 8:00 AM / Arraignments at 10:00AM / Protective Orders at 2:00 PM

No Conflict Date for November