

VIRGINIA BEACH BAR ASSOCIATION

Volume Number 26 :: Issue 1 :: Spring 2017

PRESIDENT'S MESSAGE

THANK YOU

First, a thank you and a deep appreciation for a job well done, Peggy Kellam, our immediate past president. Peggy and I joined the board together 5 years ago. Over that time, I have learned that she is thoughtful and strong, intelligent and fair and a leader (not boss) with a firm hand. She listens more than she speaks (a lesson I could stand to learn) but when she does speak her analysis usually carries the day. Her contributions have served this association well and we are a better organization because of her.

CRITICAL REVIEW

During the bye weeks in football season, college and the NFL teams undertake "self-scouting." They look for their own tendencies that can be exploited, consistencies in formation and play calling that can give a well-coached opponent an advantage. The VBBA does not have opponents but that does not mean a critical review of our operations is not important. At our November meeting, the board spent several hours doing just that. In short, here are some of the results.

We are known as social organization and we will enhance that reputation this year. We will have no fewer than 12 social gatherings (with the appropriate beverages) that are free to members. As is our tradition, after each CLE, we will host a free social for the members. This year we will also host 4 stand-alone happy hours, also free to members.

This year our annual Party will be an oyster and pig roast on a fall Saturday afternoon with live music and televisions for college football (it will be programmed to avoid an ODU home date). Thereafter, we will have rooms at an oceanfront hotel and, weather permitting, an outdoor after party. It will be very casual.

The enhanced social calendar is made possible by Veteran Reporters, Inc. They have agreed to sponsor each social. This allows our dues to stay low (\$200 a year) and our social calendar full. Please take a moment to thank them as they will be attending each event.

We will continue our new tradition of coffee and donuts on the first Friday of the month in the bar office.

AND NOW THE "NEEDS IMPROVEMENT" SECTION

A quick review of the board, past and present, shows it is dominated by litigators. This has led to a very litigation-heavy stance in our programming and focus. We need balance as many attorneys have never been to a Friday motion day or begged for time on the duty docket. Overall, the VBBA has done, in my opinion, a very poor job programming and adding value for transactional attorneys. We aim to begin to change that this year but need your help. Any suggestions on how to add value for attorneys with real estate practices, tax practices, Trust and Estate Practices or other transactional practices is welcome. We will start by programming 4-6 hours of CLE this year targeting transactional practices. This is only a start and more needs to be done but a start is better than no effort at all. We welcome any and all suggestions on how to fast track this initiative.

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VBBA NEWS

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.

When I was first licensed, membership in the local bar association was a must. I do not believe that is perceived to be true anymore. As a result, we need to spend extra effort reaching out to the newest members of the bar. The new ideas, the energy and youthful spirit is infectious and welcome. We need to show those members the value we can add to their practice. Again, we ask our members to introduce any newly licensed or new to the area attorneys so a board member can extend a warm greeting and extol the virtues of our organization.

LOOKING FORWARD

We have a great year planned – expanded socials, barn party in the fall, bench bar conference slated for June 22, 2017, the annual holiday party at Hot Tuna on Friday December 1, 2017, spring and summer happy hours outside on a deck with a water view, 16+ hours of free CLE for members, new emphasis on working with transactional practitioners, an active and engaged board and a deep bench of committee chairs and vice-chairs.

If you have any suggestions on how to improve, they are always welcome.

FOOTNOTE

Again, when I started to practice several lines of text were reserved for comments on local restaurants. For some reason this was very popular so I am going to try it again. Jade Villa Chinese Restaurant (353 Independence Blvd, across from REI) serves dim sum on Sunday mornings. What a great break from the traditional brunch! The staff constantly circles the restaurant with many steam carts filled with all sorts of deliciousness. You stop them when you are hungry and pick out whatever you want from the various offerings – sticky rice, bbq ribs, steamed ribs, steamed bok choy, dumplings of all kinds, shrimp wrapped in rice noodles and sesame seed honey buns (think dessert) to name just a few of the offerings. For this type of meal, the larger the group the better. Overall a good way to help eat away a slow start to a Sunday morning and share a meal with friends and family.



*** VOLUNTEERS NEEDED ***
for Seatack Mentoring Program.

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

ANNOUNCEMENTS

ATTORNEY NEEDED



VIRGINIA BEACH

LOOKING FOR MORE THAN THE RUN-OF-THE-MILL ATTORNEY FOR OUR TECHNOLOGY-DRIVEN, PAPERLESS, AV-RATED LAW PRACTICE.

Applicants to have two to five years civil litigation experience with a strong desire to excel and succeed. To learn more, visit our website for a complete listing and instructions: <http://tinyurl.com/jaz7noz>

FIRMS IN SERVICE / PRO BONO CLES 2017 DATES

TRAINING DATES (12-1PM)

DATE	TOPIC	LOCATION
Wednesday, April 26	Uncontested Divorce	TBD
Wednesday, August 23	Adult Guardianship	McGuire Woods
Wednesday, October 18	Uncontested Divorce	TBD

BANKRUPTCY BYPASS PROJECT TRAINING 4-5PM, CALL SESSION 5-6PM

DATE	LOCATION
Monday, March 27	Legal Aid
Monday, April 24	Legal Aid
Monday, May 22	Legal Aid
Monday, June 26	Legal Aid
Monday, July 31	Legal Aid
Monday, August 28	Legal Aid
Monday, September 25	Legal Aid
Monday, October 23	Legal Aid
Monday, November 20	Legal Aid
Monday, December 18	Legal Aid

BANKRUPTCY BYPASS

Legal Aid needs attorneys to participate in its Bankruptcy Bypass project on [date] from 4-6 pm at the Legal Aid office, 125 St. Paul's Boulevard, Norfolk.

Legal Aid will provide a 1 hour training (with CLE credit) followed by a 1 hour advice clinic at the Legal Aid

office. During training, volunteers will be given the necessary information on why an individual may be collection proof and does not need to file for bankruptcy. Immediately after training, volunteers will call individuals who have been scheduled for this clinic with Legal Aid. Each call takes about 10-15 minutes, and during that call the volunteers will explain that the client is collection proof and give advice on what they can do to stop creditors from calling.

An attorney who participated in a prior session (and received training), does not need to repeat training (and cannot receive additional CLE credit).

SPACE IS LIMITED.

Please RSVP to Jill Townsend at jntownsend@kaufcan.com

NEW MEMBERS

Virginia Beach Bar Association
Welcomes New Members

JUSTINA EHIWAGUAN

Advocacy Works, LLC
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LAURA D. HARRIS

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Virginia Beach, VA 23452

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Richmond, VA 23229

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Virginia Beach, VA 23452

JESSICA KOEPF

Virginia Beach Commonwealth's
Attorney's Office
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Virginia Beach, Virginia 23456

RANDALL LEEMAN

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Norfolk, VA 23502

ALLISON MCKEE

Kaurman & Canoles, P.C.
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Norfolk, VA 23510

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East Coast Trial Lawyers, PLC
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Virginia Beach, VA 23462

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Virginia Beach, VA 23452

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JOHN BRALEY

U.S. Navy

CYNTHIA CHAING

Shupert Chaing Law Firm
1333 Laskin Road
Virginia Beach VA 23451

BRANDON C. EMERY

Office of the Virginia Beach
Commonwealth's Attorney
2425 Nimmo Parkway
Virginia Beach, Virginia 23456

RONALD GUILLOT

Samuel I. White, P.C.
5040 Corporate Woods Dr
Suite 120
Virginia Beach, VA 23462

MARGARET B. MCNAMARA

Thomas, Adams & Associates
4176 S Plaza Trail #128, Virginia
Beach, VA 23452



The State of Virginia legal community will once again come together to help those who are food insecure in our communities. The Foodbank of Southeastern Virginia and the Eastern Shore invite you to participate in the 26th Annual Norfolk and Portsmouth Bar Association and 11th Annual Statewide Legal Food Frenzy Competitions beginning April 3, 2017 through April 14, 2017. These fundraising events raise funds and foods for the Foodbank of Southeastern Virginia and the Eastern Shore.

This fun fundraising event provides the legal community an opportunity to compete by creatively working with staff members to make a huge impact in our communities by helping provide food to those struggling with hunger. In 2016, the funds and food collected during the Legal Food Frenzy equated to 643,132 pounds of food to be distributed in our community.

Let this opportunity be a challenge to you to join your colleagues in this humanitarian effort and make the 11th Annual Statewide Legal Food Frenzy the most successful one yet! Please sign up today by going to <http://foodbankonline.org/lff2017/> or contact Debbie Hansley at 757 201 6284 or dhansley@foodbankonline.org.



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.)

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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.)

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HON. J. MICHAEL GAMBLE (RET.)

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HON. TEENA D. GRODNER (RET.)

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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
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 I'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. BARRY R. PORETZ (RET.)

HON. CHARLES E. POSTON (RET.)

HON. JANE MARUM ROUSH (RET.)

MARK E. RUBIN, ESQ.

HON. THOMAS S. SHADRICK (RET.)

HON. PAUL F. SHERIDAN (RET.)

HON. DENNIS J. SMITH (RET.)

HON. F. BRADFORD STILLMAN (RET.)

SENATOR WALTER A. STOSCH

HON. ALFRED D. SWERSKY (RET.)

HON. RICHARD D. TAYLOR, JR. (RET.)

BRUCE E. TITUS, ESQ.

GUY K. TOWER, ESQ.

HON. WINSHIP C. TOWER (RET.)

HON. ARTHUR B. VIEREGER (RET.)

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

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

SHORT CIRCUITS

NEW POLICY FOR VIRGINIA BEACH CIRCUIT COURT CONCERNING ALTERNATIVE INCARCERATION PROGRAMS IN JAIL:

For a defendant serving his/her sentence in jail, all assignments to the Electronic Home Incarceration Program or the Offender Support Unit Program shall be made exclusively by the Sheriff. The Court will no longer make an assignment or recommendation at sentencing except for weekends pursuant to Code § 53.1-131.1. The attorney must submit a request to the Sheriff, who shall determine eligibility and make a final determination to assign a defendant to one of the following particular programs within the jail:

OFFENDER SUPPORT UNIT (OSU):

The Offender Support Unit allows candidates to serve their sentence on a detail either inside or outside of the jail. Inmates assigned to work in the jail will be taken in by the Intake Deputies. Some offenders may be utilized to work at sites outside of the facility, such as Animal Control or the City Garage. The candidates selected to participate in the Offender Support Unit will be released daily until their sentence is served. This program will be limited by the number of available job sites and amount of participants each can allow. If all available positions are full then participants will be placed in another aspect of the program until an opening occurs. These offenders report to the jail daily where they receive work assignments. They are released daily and report to the jail each day until their sentence is complete. Participants will be responsible for providing their own transportation to the Correctional Center. They will further be responsible for transportation to their assigned worksite and back to the Correctional Center to be released at the conclusion of their detail. There is a required \$50 processing fee.

ELECTRONIC HOME INCARCERATION (EHIP):

Offenders qualifying for this program will serve their time at their homes. A tracking device will be attached to their lower limb in the ankle proximity. This device will allow tracking of the offenders as they move to authorized destinations and areas. If the offender moves outside authorized destinations and areas, he/she will be subject to violation and returned to the jail facility to complete their jail sentence in consecutive days. Fees for EHIP are \$50.00 processing fee and \$18.00 per day for the remainder of the sentence.

Defendant must meet all program criteria established by the Sheriff. Contact Sheriff for program criteria.

If the offender violates any provision of the terms of the program, the sheriff may remove the offender from the program and the offender shall serve the entirety of the remainder of his/her sentence in consecutive days or straight time.

Active Philanthropy Options



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Contact Kay Stine,
vice president for
development, at
(757) 622-7951 or
kstine@hamptonroadscf.org.



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NOTICES

UPCOMING CLOSURE:

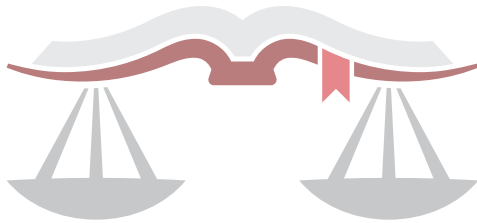
Wahab Public Law Library - along with all branches of the Virginia Beach Public Library - will be closed all day on March 8, 2017, so that staff can attend a system-wide training day.

COPYING & PRINTING:

Copying & Printing: Color copying and printing now available at the law library! Please be advised of the copying and printing fees in effect at the law library as of February 15, 2017:

Black & white copies ~ singled-sided, 20¢ per page ~ double-sided, 40¢ per page

Color copies ~ single-sided, 50¢ per page ~ double-sided, \$1.00 per page



LAW DAY 2017 AND THE FOURTEENTH AMENDMENT

Law Day (traditionally the first of May) is a day set aside to celebrate and reflect on the rule of law. This year's theme is The 14th Amendment: Transforming American Democracy. The Fourteenth Amendment advances the rights of all Americans through the citizenship, due process, and equal protection clauses. Consider the text of Section 1 and what an important role the Fourteenth Amendment has in our lives every day, nearly 150 years after its adoption: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The American Bar Association has wonderful information and materials available for Law Day on its website, www.americanbar.org.



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

LEGAL RESEARCH IN THE TIME OF ALGORITHMS

How do legal database services, like Lexis or Westlaw, decide which cases to return when you enter your search terms? How do they select which results are at the top of the list and how many results to return? Are these decisions affecting your research?

When you enter your search terms into a legal database, the service uses proprietary, undisclosed algorithms to deliver results in an order directed by the algorithm. Of course, algorithms are simply computer programs designed by humans, who make choices (including preferences, biases, and assumptions) about how the algorithm will work. Susan Nevelow Mart, a law school professor and director of the law library at the University of Colorado Law School, recently conducted a study to determine how differently services (such as Lexis and Westlaw) return search results based on their algorithms. By testing the same search terms in different databases, Mart was able to compare the results for uniqueness and relevancy. The results of Mart's study indicate that there are "substantial variations in the unique and relevant results each database provides." (Mart, p. 49). In other words, the results returned by each service for the same search terms can be very different, depending on the service!

As a practical example of Mart's study, staff at Wahab entered the terms <slip and fall and accident> into a search of Virginia cases on Lexis and Westlaw. Lexis returned 215 case law results and Westlaw returned 118 results. In the top ten results returned by each service, there was overlap on only three of the results.

Mart calls for more accountability and disclosure by legal databases about how their algorithms work, so that attorneys and researchers have a better understanding of the parameters of the algorithms. Until then, it is recommended that researchers run multiple search combinations, on more than one database, if they want to retrieve a comprehensive set of results. Lexis and Westlaw are both available at Wahab Public Law Library, and attorneys in Virginia have access to Fastcase through the bar's website at www.vsb.org. Law Library staff are happy to assist attorneys with developing search terms and running searches on multiple platforms.

Mart, Susan Nevelow, *The Algorithm as a Human Artifact: Implications for Legal {Re}Search* (October 26, 2016). Available at SSRN: <https://ssrn.com/abstract=2859720>

NEW MATERIALS

Books & Treatises:

Virginia Domestic Relations Handbook, 2016 Edition
Virginia Practice, Jury Instructions, 2017 Edition
Virginia Practice, Trial Handbook for Virginia Lawyers, 2017 Edition
Zoning Law and Practice, 2016

Virginia CLE Materials:

17th Virginia Information Technology Legal Institute 2016
25th Advanced Elder Law Update Seminar
28th Intellectual Property Seminar, 2016
31st Mid-Atlantic Institute on Bankruptcy & Reorg. Practice
35th Family Law Seminar, 2016
35th Trusts and Estates Seminar, 2016
37th Construction & Public Contracts Law Seminar, 2016
7th Annual Advanced Business Litigation Institute
Guide to the Rules of Evidence in Virginia
Defense of Serious Traffic Cases in Virginia
Employment Law in Virginia
Estate Planning in Virginia, 2017
Federal Civil Practice in Virginia, 2017
Objections: Interrogatories, Depositions, & Trial
Representation of Incapacitated Persons as a GAL, 2016
Virginia Family Law: A Systematic Approach, 2017
Virginia Law & Practice: A Handbook for Attorneys, 2017

VBBA NEWS

JUVENILE AND DOMESTIC RELATIONS COURT COMMITTEE

1. The Committee will begin sponsoring a clerk appreciation breakfast that will be held once per quarter.
2. Committee member, Mitch Broudy, is looking into bringing AG Mark Herring in as a keynote speaker for the Bench Bar CLE in June with regard to the human trafficking initiative that was started by the AG's office last month. This topic was the focus of the Committee's Annual CLE last year and was highly regarded. The Committee is also looking at topics for its break-out section of the Bench-Bar conference as well as in the beginning stages of planning for the Annual CLE in September.
3. The Committee is looking forward to a renewed collaboration with the Noblemen, who are under new administration and are re-energized into help at-risk children.

SAVE THE DATE THURSDAY, JUNE 22, 2017



**VBBA Bench
Bar Conference**
@ Virginia Beach
Convention Center
NOON-6PM



KNOWLEDGE + PASSION + INNOVATION



Parks Zeigler, PLLC would like to congratulate our partner Allison W. Allison for earning the distinct honor of becoming a Fellow with the American Academy of Matrimonial Lawyers. She has been rewarded by the recognition of the bench and bar as an attorney able to handle complex matters related to domestic law, further enriching our firm's ability to service our clients.

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VBBA CALENDAR DATES TO REMEMBER

- **CLE:** The University of Virginia, Rolling Stone Magazine, and Defamation Law Presented By: Conrad Shumadine and Brett Spain
March 29, 2017 3pm - 5pm at Hilton Garden Inn Town Center
252 Town Center Drive, Virginia Beach VA 23462
2 Credits of CLE Pending • Social Hour to Follow
- **Past Presidents' Council Meeting**
May 11th, 2017 at 5:30 at Aldo's Ristorante
LA Promenade Distinctive Shops, 1860 Laskin Rd, Virginia Beach
- **VBBA Bench Bar Conference**
Thursday, June 22, 2017, Noon-6pm
Virginia Beach Convention Center, 1000 19th Street, Virginia Beach

**NEXT NEWSLETTER SUBMISSION
DEADLINE: MAY 15, 2017**

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 May 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

OFFICERS

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vbba@verizon.net

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

JANUARY						
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SEPTEMBER						
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OCTOBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	■	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

NOVEMBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	★	8	9	■	11
12	13	14	15	16	17	18
19	20	21	★ ^{1/2} DAY	■	■	25
26	27	28	29	30		

DECEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	★	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	■	26	27	28	29	30
31						



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

