



# VIRGINIA BEACH BAR ASSOCIATION

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## PRESIDENT'S MESSAGE

Get a group of lawyers together and the conversation will eventually turn to “war stories,” those unexpected and often amusing events that occur in the practice of law, often in the battlefield that is the courtroom. Some attorneys are masterful at recounting these stories. They are the people who are fun to talk to, both at court and at bar functions. Then there are the attorneys who insist on retelling every detail of a case. They are not telling “war stories” but “bore stories,” and they are the people it is often best to avoid. And it is no surprise that the biggest cache of “war stories” is held by attorneys who may politely be described as “veteran.” They are the attorneys who have practiced long enough to remember the days at the old courthouse. The old courthouse had fewer but larger courtrooms outside of which attorneys would congregate to swap stories. (To “veteran” lawyers, our current judicial digs is still the “new” courthouse despite it having been in use for over 20 years.)

Those who remember practicing in the old courthouse recall that General District Court and Juvenile and Domestic Relations District Court were located in one building while Circuit Court was housed separately in a set of lovely brick buildings. One had to walk outside to get from District Court to Circuit Court and often even walk outside to get from one Circuit Court courtroom to another. Attorneys and members of the public walked freely from building to building without a metal detector in sight.

If you knew what car each member of the Circuit Court bench drove, it was easy to tell if the judge in whose courtroom your case was docketed had arrived at work, as the parking spaces were clearly marked as designated for the judge. If you wanted to talk to a Commonwealth's Attorney, his office window might be open in warm weather, and you could yell to him from the parking lot.

Circuit Court bailiffs wore plain clothes and were, to my recollection, all men. Many were retired from the Sheriff's Department. One of those bailiffs was Buck Williamson. When uniformed deputies took over as bailiffs in Circuit Court, Buck manned the Circuit Court information desk in the “new” courthouse until ill health forced him to stop.

Buck was not an attorney, but he was a veteran and not of the symbolic “trenches” of the courtroom. Buck had fought in World War II and had been a part of Operation Overlord, more commonly known as the D-Day invasion of Normandy. After the war, Buck returned home and lived his life honestly and modestly with no hint that his actions, along with those of many others, had saved the

free world. When asked about his service, Buck only recounted fun and amusing stories from his time in the Army. He didn't talk about fighting in the war, and though Buck was immensely proud to have been a part of the D-Day invasion, he never gave many specifics.

Fortunate to be able to attend the 60th anniversary of the commemoration of D-Day, Buck returned from his trip bearing gifts. He gave me a clear globe containing sand which is mounted on a marble stand. A plaque affixed to the marble simply says “Omaha Beach.” I was honored to receive this from Buck, and the globe has been in my office ever since.

Apparently history is no longer taught in school because clients often come into my office, pick up the globe and have no idea what Omaha Beach represents: the bloodiest battle of the largest amphibious invasion the world has ever known, yet the client is clueless about it.

This month marks the 72th anniversary of the D-Day invasion. Buck, like most veterans of World War II, has died and taken his war stories with him. War stories that would have been worth telling. War stories that I would have liked to have heard.

Peggy Kellam  
President, Virginia Beach Bar Association

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# TEN THINGS EVERY VIRGINIA ATTORNEY SHOULD KNOW ABOUT THE VIRGINIA MAGISTRATE SYSTEM

A Virginia magistrate performs a wide range of constitutional and statutory functions. Here are ten things that every Virginia attorney should know about a magistrate's role and authority.

## 1. A MAGISTRATE IS A NEUTRAL, DETACHED JUDICIAL OFFICER.

The Virginia General Assembly abolished the office of justice of the peace and implemented the Virginia Magistrate System in 1974. A magistrate's primary responsibilities include determining if probable cause exists for issuance of a criminal process or search warrant, conducting an initial bail determination hearing, determining if a petitioner meets criteria for an emergency protective order, issuing mental health and medical emergency custody orders and temporary detention orders, and other functions authorized by law.

The General Assembly enacted a number of statutory changes governing appointment and oversight of magistrates in 2008. Magistrates are appointed and supervised by the Executive Secretary of the Supreme Court. There are eight magistrate regions throughout Virginia, and most magistrate authority may only be exercised within the region in which the magistrate is appointed. Virginia Beach is in Region 7, which includes Norfolk, Portsmouth, Virginia Beach, and Accomack and Northampton Counties. Chesapeake is in a different region, so a Virginia Beach magistrate generally has no authority to issue a criminal charge for an offense committed in Chesapeake.

## 2. A MAGISTRATE IS REQUIRED TO ISSUE A CRIMINAL CHARGE IF HE OR SHE DETERMINES PROBABLE CAUSE EXISTS.

Under § 19.2-72 of the Code of Virginia, a complainant must appear under oath before a magistrate to seek criminal charges. The appearance may be in person or through a video-conference system. Formal rules of evidence don't apply during a probable cause hearing. A magistrate relies on the complainant's oral testimony in addition to a written complaint when determining if probable cause exists for a criminal charge, and sworn testimony is "evidence." Although a complainant who is not a law enforcement officer must provide a written, sworn criminal complaint, a written complaint generally isn't itself evidence and it's not necessary for the written complaint to independently establish every element of a charged offense. § 19.2-72 also provides that a magistrate shall issue an arrest process, subject to limitations discussed below for felony charges, if he or she determines that probable cause exists for the charge.

So what constitutes probable cause? In *Illinois v. Gates*, 462 U.S. 213 (1983), the U.S. Supreme Court adopted a "totality of the circumstances" approach to probable cause and rejected rigid, technical legal rules. Probable cause exists if, based on the totality of the circumstances, there is a fair probability of criminal activity. Proof beyond a reasonable doubt or by a preponderance

of the evidence isn't required. Technically, there is no such thing as a "cross-warrant" in a criminal case. The parties are the Commonwealth or the City/County vs. the defendant, not an individual vs. an individual as in a civil proceeding. The fact that the complainant was charged with a related offense may affect his or her credibility but doesn't automatically negate probable cause for charges against another person. A magistrate doesn't consider possible affirmative defenses when determining if probable cause exists for a criminal charge.

## 3. A MAGISTRATE MAY NOT ISSUE A FELONY CHARGE FOR OTHER THAN A LAW ENFORCEMENT COMPLAINANT UNLESS THE CHARGE IS AUTHORIZED IN ADVANCE BY THE COMMONWEALTH ATTORNEY OR A LAW ENFORCEMENT AGENCY WITH JURISDICTION OVER THE ALLEGED OFFENSE.

The Virginia General Assembly amended §§ 19.2-71 and 19.2-72 in 2011 to limit a magistrate's authority to issue an arrest warrant for a felony offense. A magistrate may not issue a felony charge for a non-law enforcement complainant even if he or she determines that probable cause exists without prior authorization from the Commonwealth Attorney or a law enforcement agency with jurisdiction over the alleged offense. Most property and financial crimes involving \$200 or more are felony offenses. Generally, the Virginia Beach Commonwealth Attorney will authorize a felony charge only if a police investigation is completed, not just a police report filed. The magistrate will direct the complainant to the Virginia Beach Police Department Detective Bureau or the Virginia Beach Commonwealth Attorney's office.

## 4. A MAGISTRATE MAY NOT DISMISS A CRIMINAL CHARGE.

A magistrate has no authority to withdraw or dismiss a criminal charge if the complainant decides not to pursue prosecution after a warrant or summons is issued. The charge may only be dismissed by the court to which it is returnable. Under § 19.2-76.1, the Commonwealth Attorney may ask a court to dismiss any unexecuted warrant or summons without prejudice.

## 5. BAIL DECISIONS ARE MADE ON A CASE-BY-CASE BASIS AFTER AN ARREST.

Various statutes require a law enforcement officer to bring a defendant before a magistrate for a bail hearing following a warrantless arrest or execution of a warrant or *capias*. A magistrate typically does not make arrests or serve arrest warrants, so a person with an outstanding warrant should be directed to surrender to a police officer or sheriff deputy, not to the magistrate office. § 19.2-120 provides that a person shall be admitted to bail unless there's probable cause to believe he or she will not appear for trial or will present an unreasonable danger to self or the public if released. §

19.2-120 directs a judicial officer to consider a number of factors, including the nature and circumstances of the offense, the person's ties to the community, and his or her criminal history, including prior failures to appear in court. § 19.2-121 also specifies a number of factors that a judicial officer must consider when fixing terms of bail. Each bail decision is an individual determination – unlike sentencing guidelines, there is no guide or table for bail. It's impossible to predict in advance if an individual defendant will be granted bail and if so, under what conditions.

## **6. A MAGISTRATE'S AUTHORITY MAY BE LIMITED BY COURT-ORDERED BAIL CONDITIONS, STATUTORY PRESUMPTIONS AGAINST BAIL, AND STATUTORY REQUIREMENTS FOR A SECURE BOND.**

A magistrate's discretion to set bail is limited in certain circumstances. Under § 19.2-130.1, a magistrate is required to set terms of bail in accordance with a court order included in or attached to a capias unless the magistrate finds that stricter conditions are necessary. § 19.2-120 requires a judicial officer to presume, subject to rebuttal, that no condition of bail is adequate to protect the public if the defendant is charged with certain offenses, including violent felonies, a Class 1 or 2 felony, certain drug offenses, or a firearm offense with a mandatory minimum sentence, or if the current felony offense was committed while on release pending trial, sentencing, or appeal for a prior felony charge. A felony failure to appear is a felony committed while on release for a prior felony.

If a presumption against bail applies, a magistrate may grant bail only if he or she finds that the presumption is rebutted and the Commonwealth Attorney concurs. Under § 19.2-123, a defendant charged with a felony and previously convicted of any felony or on bond for a separate misdemeanor or felony charge may only be released on a secure bond. That requirement may only be waived with the Commonwealth Attorney's concurrence. You should consider contacting the Commonwealth Attorney's office to seek concurrence in advance if your client intends to surrender on a charge to which the no-bail presumption or secure bond requirement applies. One important caveat: A magistrate will consider the Commonwealth Attorney's advance "concurrence," but that concurrence is not binding. It's the magistrate's decision whether the no-bail presumption is rebutted or a particular bond is sufficient.

## **7. THERE ARE SEVERAL WAYS TO SATISFY A SECURE BOND.**

§ 19.2-123 addresses ways in which a secure bond may be satisfied. A magistrate may accept cash in the full amount of the bond. A magistrate may not accept a percentage of the bond, and may not accept a credit or debit card, money order, or check for a bond. Funds may be transferred by electronic funds transfer, but additional fees will be imposed and the defendant will not be released until the magistrate confirms during normal banking hours that the funds were received.

As an alternative to cash, a surety may show solvency with real or personal property. The property establishes the surety's overall solvency to satisfy the bond should he or she be ordered to do so by a court. A bond does not create a lien against specific real property and a magistrate will not take custody of personal property. Personal property may be a tangible item such as an automobile or a financial interest such as a bank account, certificate of deposit, or investment account. It's not necessary for the surety to withdraw funds to pay the bond in cash if he or she is able to demonstrate solvency. The surety will be asked to provide proof of ownership and value and all joint owners of an account must be present. For real property, the surety will be asked to provide proof of ownership, evidence of the property's value (e.g., recent appraisal or tax assessment), a current mortgage statement or other evidence to establish equity in the property, and evidence that taxes are paid to date. If the property is held in joint tenancy, both joint tenants must be present. Using real property held in trust to satisfy a bond may be problematic due to questions about the trustee's authority to use the trust asset for that purpose. All sureties will be required to sign an affidavit of surety under oath.

Finally, a defendant may satisfy a bond by engaging the services of a licensed bail bondsman. By law, a bondsman must charge 10-15% of the value of the bond as a non-refundable fee.

## **8. A MAGISTRATE HAS STATUTORY AUTHORITY TO ISSUE AN EMERGENCY PROTECTIVE ORDER.**

Authorities and procedures for Emergency Protective Orders differ for orders involving family members and non-family members and may be confusing. A victim may petition for an Emergency Protective Order or a law enforcement officer may petition on a victim's behalf. A parent or person acting in loco parentis may petition for a protective order on behalf of a minor or the minor may petition on his or her own behalf if competent to testify. However, a 3rd party other than a law enforcement officer may not petition for a protective order for an adult. Similar to a complainant for a criminal charge, a petitioner for an Emergency Protective Order must appear under oath before a judge or magistrate. He or she will also be asked to provide a written complaint. Venue is proper where either of the parties resides or where an act of abuse or violence was committed.

Authority for an Emergency Protective Order involving family members as defined in § 16.1-228 is different from authority for non-family members. If the protected party and respondent are family members, a magistrate must issue an order returnable to the Juvenile and Domestic Relations Court if he or she finds probable cause that the respondent committed family abuse – an act of violence or threat of bodily harm – and there is a probable danger of a further such act. There is a rebuttable presumption of probable danger if the respondent is charged with domestic assault & battery in violation of § 18.2-57.2.

The Virginia General Assembly significantly expanded authority

for non-family protective orders in 2011. For non-family members, a magistrate must issue an order if he or she finds probable cause that the respondent committed an act of violence, force, or threat and there is a probable danger of a further such act or a petition or arrest warrant is issued for a criminal offense involving an act of violence, force, or threat. A non-family order is generally returnable to the General District Court unless the petitioner or respondent is a juvenile.

Every Emergency Protective Order prohibits the respondent from committing further acts of violence against the protected party and crimes against his or her person or property. A magistrate may also impose a requirement that the respondent have no contact with the protected party. Effective July 1, 2016, a magistrate may prohibit the respondent from being in the “physical presence” of the protected party or his or her family members, with “physical presence” defined as intentionally maintaining direct visual contact with the petitioner or unreasonably being within 100 feet from the petitioner’s residence or place of employment. A magistrate may also grant custody of a companion animal to the protected party. For an order involving family members, a magistrate may also exclude the respondent from a family residence. A magistrate has no authority to award child custody, grant possession of a car or other items, or order payment of insurance, utilities, or other expenses as part of a family abuse order. Such conditions may only be imposed by a court. For a non-family order, the magistrate may impose other conditions necessary for the safety of the protected party. The respondent may be charged criminally if he or she violates a provision of an Emergency Protective Order after it is served.

If issued, an Emergency Protective Order is in effect for approximately 3 days. The day of issuance is not counted and an order may not expire on a day the court is not in session. For example, an Emergency Protective Order issued on Monday typically expires at 11:59 p.m. on Thursday. However, an order issued on Wednesday would remain in effect until 11:59 p.m. on Monday – or until 11:59 p.m. Tuesday if Monday is a holiday. A petitioner may apply to the appropriate court for a Preliminary Protective Order. For orders involving family members or juveniles, the Virginia Beach Court Services Unit encourages petitioners to arrive at 8:00 a.m. to get on the court’s docket that day. A magistrate may extend an Emergency Protective Order only if requested to do so by a law enforcement officer because the petitioner is physically or mentally incapable of pursuing a protective order through a court.

## **9. A MAGISTRATE HAS LIMITED AUTHORITY IN CHILD CUSTODY CASES AND CASES INVOLVING A JUVENILE OFFENDER.**

As discussed above, a magistrate has no authority to issue a child custody order or to direct police to take physical custody of a child. Generally, both parents have access to a child in the absence of a court order. Under § 18.2-49.1, a magistrate may charge a parent with withholding a child from the other parent or guardian if

doing so is a clear and significant violation of a court order. A first offense is a non-jailable misdemeanor if the child is withheld within Virginia. If charged, the person will be required to appear in court but he or she will not be physically arrested. Withholding a child outside Virginia in violation of a custody order is a felony.

A parent may be charged with abduction under § 18.2-47 if, under the circumstances, he or she has no legal justification for taking the child. Abduction is generally a felony but may be a misdemeanor if the act is punishable as contempt in a pending court proceeding and the child is not taken outside Virginia. As discussed above, a magistrate may only issue a felony charge for other than a law enforcement complainant if the charge is authorized in advance by the Commonwealth Attorney or a law enforcement agency with jurisdiction over the offense.

A magistrate also has very limited authority to issue a criminal charge for a juvenile offender. Generally, criminal charges against a juvenile must be initiated through an intake officer in the Court Services Unit. A magistrate may issue an arrest warrant for a juvenile only if the Juvenile and Domestic Relations Court and an intake officer are not reasonably available, on appeal following denial of a petition for a Class 1 misdemeanor or felony charge, or if the juvenile was previously convicted as an adult.

## **10. A MAGISTRATE HAS LIMITED AUTHORITY IN CIVIL ACTIONS.**

A magistrate has a very limited role in civil actions. He or she may accept a filing for an Unlawful Detainer, Tenant’s Assertion and Complaint, or Warrant in Debt, collect filing fees, and forward the filing to the appropriate court. A magistrate has no authority to issue an eviction order. A magistrate may issue an Attachment Order, Detinue Seizure Order, or Distress Warrant if the plaintiff files the appropriate paperwork, establishes statutory grounds for issuance of the requested process, and pays all filing fees and bonds. If issued, the order or warrant is forwarded to the appropriate Sheriff’s Office for execution. Please keep in mind that the Virginia Beach Sheriff’s civil process section is usually open during normal business hours so an order issued outside normal business hours may not be executed until the following business day. Please contact the Virginia Beach Sheriff’s Office if you have questions about service of civil processes.

*Additional information is available on the [Virginia Judicial System website](#) and the [City of Virginia Beach website](#).*

*The Virginia Beach Magistrate Office, like many magistrate offices throughout Virginia, is open 24 hours a day, 7 days a week. The main Virginia Beach magistrate office is on the Nimmo Parkway side of the Virginia Beach Correctional Center, next to the Virginia Beach Courthouse. The main office is always open. A second office is at the Second Police Precinct near the Virginia Beach Convention Center but that office isn’t always open.*

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF SUFFOLK  
REVISED ORDER FROM THE JUDGES OF THE 5TH CIRCUIT**

JOHN DOE

Petitioner

v.

JANE DOE

Respondent

Case No: \_\_\_\_\_

**ORDER APPOINTING GUARDIAN AD LITEM**

It appearing appropriate to do so, the Court ORDERS that \_\_\_\_\_, Esquire is hereby appointed as guardian ad litem to protect the interests of \_\_\_\_\_ in connection with all proceedings involved in this matter.

In performance of their duties, the guardian ad litem shall comply with Rule 8:6 of the Rules of the Supreme Court of Virginia, as well as the STANDARDS TO GOVERN THE PERFORMANCE OF GUARDIANS AD LITEM FOR CHILDREN adopted by the Judicial Council of Virginia.

The guardian ad litem appointed to represent the child shall have access to following persons without further Order of the Court: the child, Court Appointed Special Advocate (CASA), local department of social services, court services unit worker in the case and school personnel. The guardian ad litem shall have access to the parties to the proceeding conditioned upon the agreement of any counsel representing such party.

Upon presentation by the guardian ad litem of this order, the guardian ad litem shall have access to any records relating to the child held by any state or local agency, department, authority or institution and any school without consent of the child or his parents. If the guardian ad litem desires hospital, physician or other health or mental health records, then the guardian ad litem may file a motion with the court requesting access to such records.

The guardian ad litem shall be paid as follows: The parties to the action shall pay to the guardian ad litem a fee for services rendered in the amount of one hundred and fifty dollars (\$150.00) per hour for time in court and one hundred dollars (\$100.00) per hour for time out of court. Within 10 days of the entry of this order, the party requesting the appointment of the guardian ad litem shall pay to the guardian ad litem the sum \$1,500.00 to be held in trust by the guardian ad litem as advanced payment for services to be rendered in the matter. If both parties are requesting the appointment of a guardian ad litem, then each party shall pay one-half of said payment. Unless otherwise ordered by the Court on motion of either party, each party shall be responsible for one-half (1/2) of the total guardian ad litem fee in the matter. *Verrocchio v. Verrocchio*, 16 Va. App. 314 (1993).

The guardian ad litem shall keep an accurate accounting of all time and shall provide an itemized statement of services rendered at the conclusion of the matter. The guardian ad litem fee shall not exceed \$5,000.00 without prior leave of Court upon a motion made by the guardian ad litem with notice to the parties.

The clerk shall forward copies of this order to all counsel of record, all pro se parties and the guardian ad litem. The Court dispenses with endorsement of this Order, pursuant to Rule 1:13 of the Rules of the Supreme Court of Virginia.

ENTER: \_\_\_\_\_

\_\_\_\_\_  
Judge

# ANNOUNCEMENTS

## JOB OPPORTUNITY

### CITY OF VIRGINIA BEACH PUBLIC EDUCATION ATTORNEY

The Virginia Beach City Attorney's Office seeks qualified applicants for the position of Public Education Attorney to handle matters involving human resources, special education, student records, student rights and discipline, contract review and administrative hearings. The successful applicant should have experience with one or more of the following: administrative and judicial hearings; juvenile and domestic relations or general district court matters; or administrative law matters such as FOIA, COIA, and procurement. Public Education Law experience preferred. Starting salary range is \$70,325 to \$85,584 DOQ. Candidates must be active members in good standing of the Virginia State Bar. Submit City application, resume, writing sample, and law school transcripts at [www.vbgov.com](http://www.vbgov.com). EOE.

## MEMBERSHIP EXTENSION

If you are ready to extend your membership to the Virginia Beach Bar Association you can do it online by logging in to your account at [wbbarassoc.com](http://wbbarassoc.com). While you are there please check and update your profile.

# Active Philanthropy Options



## Donor-advised funds let your clients stay involved with their philanthropy.

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# SAVE THE DATE FRIDAY, OCTOBER 7, 2016



The Virginia Beach Bar Association presents its 18th Annual

## Richard G. "Dick" Brydges Memorial Courthouse Classic Golf Tournament

@ Virginia Beach National Golf Course

# GOLF TOURNAMENT

# SHORT CIRCUITS

## Practice tips from the Circuit Court

By: Amy H. Jones  
Staff Attorney

### REMOVAL OF FRIDAY MOTIONS DOCKET CASES AND ELIMINATING PRE-FILLED DATES OF ENTRY ON ORDERS

#### WHAT TO DO IF YOU WILL NOT BE APPEARING FOR YOUR FRIDAY MOTION DOCKET HEARING

Attorneys often end up not appearing for a Friday motions docket hearing for a variety of reasons, such as settling the motion or agreeing to continue it. The judges ask that you call the Clerk's Office to take off your motion if you will not be appearing. That way the file can be removed from the docket rather than unnecessarily being pulled, placed in a cart to be taken to the courtroom, and called by the judge. It is best to call no later than 2 p.m. on the Thursday immediately before your hearing, because after that time the docket is printed and the files are pulled. However, if you end up needing to remove the matter after that time, please still call as the Clerk's Office will still take the case off the docket (it's just more difficult).

Please note that the above pertains to "regular" Friday motions docket motions only. Different procedures apply for Friday Contested and Uncontested Divorce hearings, Duty Docket hearings, and trials. The procedures for removing those types of matters are set forth in the relevant manuals available on the circuit court web site at [www.vbgov.com/courts](http://www.vbgov.com/courts).

#### PRE-FILLING THE DATE OF ENTRY ON AN ORDER: PLEASE DON'T!

Almost every order submitted for entry by the court has at least the year of entry already provided, and typically also includes the month, leaving a blank line for the day. This causes problems when the order is submitted for entry in a different month – or even year – than what is already typed in. If that error is not caught before the order is entered, it creates a lot of work for everyone because then a correcting order must be drafted and entered to correct the date of entry. To avoid this problem, please do not fill in any part of the date. Just provide at most a line and the judge will fill in the rest!

# WHAT'S NEW AT WAHAB

## BOOKS / TREATISES

- NCLC Federal Deception Law 2016
- Va. Search & Seizure for Law Enforcement 2016
- Va. Uniform Statewide Building Code (updated)

## VIRGINIA CLE'S

- Advanced Real Estate Seminar (20th Annual)
- Getting to Success: Chapter 13s in the ED & WD
- Negotiating & Drafting Marital Agreements (7th Ed)
- Debt Collection for Va. Lawyers (6th Ed)
- Defending Criminal Cases in Va. (10th Ed)
- Enforcement of Liens & Judgments in Va. (7th Ed)
- Contract Law in Va. (4th Ed)
- Trial of Capital Murder Cases in Va. (7th Ed)
- Trying Cases in the Western District of Va. 2015
- Va. Construction Law Deskbook (3rd Ed)
- Workers' Compensation Practice in Va. (9th Ed)

## HOW TO FIND US:

The Wahab Public Law Library is located within the Virginia Beach Judicial Center in Building 10B. Take the elevator down to the ground floor; the library entrance will be on the left.

Our hours of operation are Monday through Friday from 8:30am-4:30pm.

Wahab Public Law Library  
2425 Nimmo Parkway, Bldg. 10B (Ground Floor)  
Virginia Beach, VA 23456-9062  
757-385-4419

Visit us on the web at  
[www.vbgov.com/dept/library/law](http://www.vbgov.com/dept/library/law)

## DID YOU KNOW?

***WAHAB PUBLIC LAW LIBRARY PROVIDES  
LEGAL REFERENCE SERVICES TO LOCAL ATTORNEYS.***

### WHAT DOES THAT MEAN?

In the library,

- We can help you find the legal resources you need, quickly.
- We are experienced in using legal resources with which you may not be familiar and can make suggestions to improve your research.
- We have a deep understanding of Lexis Advance and Westlaw Next, and can help you perform efficient, thorough searches.

At your office,

- We can fulfill research requests when you can't get down to the law library. You may call or e-mail us with research inquiries, and we will respond in a timely manner. We currently provide this service free of charge!
- For example:
  - We received an attorney's e-mail request for recent Virginia cases pertaining to detainee. We e-mailed the attorney results for the twenty most recent Virginia cases mentioning detainee and excerpts from Michie's Jurisprudence pertaining to the topic.
  - An attorney (working on a Saturday!) e-mailed a request for a particular case and a Shepherd's report on the case. We responded before 9:00 a.m. on Monday when we reopened the library.



# VBBA NEWS

## NEW MEMBERS

*Virginia Beach Bar Association Welcomes New Members*

### ASHLEY B. COLEMAN

Virginia Beach Commonwealth's Attorney's Office  
2425 Nimmo Parkway, Bldg. 10B  
Virginia Beach, VA 23456

### PATRICK HAGEN

Regent University School of Law Student  
1712 Birch Trail Cir. Apt A  
Chesapeake, Virginia 23320

### JACK DOUGLAS HOWELL

Rebecca S. Colaw, P.C.  
2470 Pruden Boulevard  
Suffolk, VA 23434

### KEVIN R. PETTREY

The Law Office of Kevin R. Pettrey, P.C.  
638 Independence Parkway, Ste. 240  
Chesapeake, VA 23320

### ASHLEY W. PROVOST

Williams Mullen  
222 Central Park Avenue, Ste.. 1700  
Virginia Beach, VA 23462

## CLASSIFIED ADS

### NORTH END OFFICE SPACE AVAILABLE

Two separate office suites available May 1, 2016 on first floor of a class A office building at 3704 Pacific Avenue. Close to the beach . Assigned parking, close to multiple restaurants in walking distance, in front of the Princess Anne Country Club. Suite 1 includes 2100 rentable SF with 4 private offices, a large group work area, reception area, kitchen, file room, and private rest room. Suite 2 has 1400 rentable SF with 3 private offices, a large reception area, kitchen, file room and private bathroom. Both are carpeted and fully finished. A noted Virginia Beach law firm is a long-term tenant for possible referral work. Perfect for a new or existing law firm!  
Call Steve Windsor at 757/831-6884 or contact via email: sjwindsor@me.com



## RECAP OF THE VIRGINIA BEACH BAR BANQUET

The Virginia Beach Bar Association hosted its annual banquet on Friday, May 20th at The Cavalier Golf and Yacht Club. The setting and weather were both beautiful (save for a slight chill in the air after sunset), Southbound played a great set and the food was fantastic. Kathryn Byler was the 2016 recipient of the Bar Service award, and Richard Beale was the 2016 recipient of the Brydges-Russo Distinguished Service award. Many thanks to Bar President Peggy Kellam for organizing the event, and to Executive Director Jean Keary for making sure registration went smoothly.

## Experience a Different Kind of Office Space.



### WHAT OUR CLIENTS SAY

"They go the extra mile to make sure that folks calling in get that warm and friendly voice. The office provides a very professional experience for my clients. I wish I could have done this years ago, it would have saved me a lot of money."

LINDA SHERFEY, *Linda M. Sherfey, P.C.*

**For more information please contact Sandi Ayres**  
at (757) 842-4821 or [SAyres@OfficesOnDemand.com](mailto:SAyres@OfficesOnDemand.com)

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## VIRGINIA BEACH BAR ASSOCIATION LAS VEGAS CLE SEPT. 22-25, 2016



*Commissioner of Accounts Stephanie Smith and friends.*

### SEATAACK MENTORING PROGRAM

The Virginia Beach Sheriff's Department sponsored an end of the year lunch and celebration for the Seataack Mentoring Program on May 12, 2016. Sixty-five Seataack third graders, their teachers and mentors, Sheriff Ken Stolle and Retired Virginia Beach Circuit Court Judge Tom Shadrick participated in the event. The program celebrated over 1,750 mentoring hours at Seataack during the 2015-16 school year. Judge Shadrick highlighted the program's enduring impact and awarded medals to the most improved students. The awards ceremony was followed by a "cool science" demonstration by an instructor from Nauticus, which featured dry ice experiments and exploding balloons! The VBBA is also sponsoring a learn-to-swim program for Seataack second



*Sheriff Stolle, Judge Shadrick and friend*



*Mentor/mentee lunch*

graders this year. Please contact Rich Cromwell if you would like to help mentor a third grader at Seataack next year and be part of this positive program.

The Virginia Beach Bar Association is pleased to announce their 5th 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 CLEs 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 \$1,035.00, per person single occupancy or \$1,100.00 per double occupancy with an option to upgrade to Prestige Level for an additional \$350.00. 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, 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.

*Contact Christy Wood at [CJW@EdgeLawPC.com](mailto:CJW@EdgeLawPC.com) or Chris Jacobs at [cij@qnlegal.com](mailto:cij@qnlegal.com) (228-7852 office) for more details and how to get your deposit or payment in for the trip. Limited spots available.*

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

COMMITTEE	CHAIR	LIAISON
Mentoring	Anthony Gantous	Jonathan Stone
Legal Studies	Regis Rice	Brandon Zeigler
Website	Ed Booth	Kevin Duffan
Young Lawyers	Kathleen Keffer	Jonathan Stone
Golf Tournament	Andrew Rice	Kevin Duffan
General District Court	Kathryn Byler	Chris Boynton
Circuit Court	Stephen Pfeiffer	Chris Boynton
Juvenile & Domestic Relations Court	Paul Powers	Kevin Duffan
CLASS	Christy Wood	Jeff Marks
Membership	Kevin Sharp	Chris Jacobs
Pro-Bono (Seatack)	Richard Cromwell	Brandon Zeigler

### NEWSLETTER ADVERTISING RATES\*

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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. Contact Kevin Duffan, [kduffan@hsinjurylaw.com](mailto:kduffan@hsinjurylaw.com).

### VBBA CALENDAR DATES TO REMEMBER

- 18h Annual Richard G. "Dick" Brydges Memorial Courthouse Classic Golf Tournament  
Friday, October 7th - 12 p.m.  
at Virginia Beach National Golf Course
- Legislative Update CLE- Thursday, June 23 from 3pm-5pm at the Wyndham 57th Street

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**NEXT NEWSLETTER SUBMISSION  
DEADLINE: AUGUST 15, 2016**

# VIRGINIA BEACH GENERAL DISTRICT COURT 2016 FINAL CALENDAR

UPDATED 10/15/15

■ 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						
S	M	T	W	T	F	S
					■	2
3	4	5	6	7	8	9
10	11	12	13	14	■	16
17	■	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY						
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28	29					

MARCH						
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27	28	29	30	31		

APRIL						
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24	25	26	27	28	29	30

MAY						
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29	■	31				

JUNE						
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31						

AUGUST						
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SEPTEMBER						
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MAND CNF	★	★	★	★	★	24
25	26	27	28	29	30	

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30	31					

NOVEMBER						
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20	21	22	★ 1/2 DAY	■	■	26
27	28	29	30			

DECEMBER						
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4	5	6	7	8	★	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	■	27	28	29	30	31



Arraignments at 10:00 a.m. on: September 19, 20, 21, 22, 23, November 8, 23, & December 9th  
On all other dates arraignments will be at 2:00 p.m. in Traffic D  
ONLY BOND HEARINGS & ARRAIGNMENTS ON NOVEMBER 8TH, 23RD & DECEMBER 9th

