

VIRGINIA BEACH BAR ASSOCIATION

Volume Number 23 :: Issue 4 :: December 2014

PRESIDENT'S MESSAGE

"It Was the Best of Times"

by Jonathan L. Thornton



In this, my final President's message, the thought had crossed my mind (not an expansive journey at all) that before passing the baton to President-Elect Jeffrey Marks, I should compose a Haiku, or perhaps a limerick, to capture the VBBA's 2014 year in review. I quickly realized that blending the terms "Orange Crush", "Palazzo pool cabana", "Caribbean CLE", and "Dick Brydges" into verse was too daunting a task. Therefore,

I decided to hearken back to my original message penned while snowed in a Denver hotel during the Polar Vortex of 2014. At that time, I outlined a few of the goals that our Board had for the year—building on our history of camaraderie, reinvigorating our two signature events, the Charity Golf Tournament and the Annual Banquet, and increasing our service to the Virginia Beach community. I am gratified to report that we accomplished, or at least put a serious dent in, these goals for 2014 thanks to the creative, inspired, dedicated, and, at times, entertaining leadership of our Board members—Jeff Marks, Peggy Kellam, Brandon Ziegler, Kevin Duffan, Christopher Boynton, Past President Robert Hagans, and the always steadying influence of Executive Secretary, Jean Keary. I would be remiss if I did not also thank each of our Committee chairs (whose names are listed in this Newsletter) and members for giving their time and talents to the VBBA this year.

2014 truly was a year of Change (and, dare I say it, Hope...?) for the VBBA. For our Golf Tournament and Annual Banquet, we selected new venues and tried to change up the formats to attract more participation, which was, by most accounts, well-received by our membership in terms of the fun and camaraderie evident at these events.

The VBBA also funded the purchase of two new computers for the VBBA office at the Courthouse and flat screen televisions for the JD&R Court. Since you are reading this Message, you know about our leap into the digital age by converting to an electronically formatted, paperless Newsletter. We also successfully launched a redesigned VBBA website with the capability for online CLE

registration, dues payment, and retrieval of CLE materials. These changes will undoubtedly improve the membership experience and save significant funds, which can be re-directed to our charitable, community service and other projects.

I want to commend our Treasurer, Brandon Ziegler, for, among his many other contributions, spearheading the establishment of scholarships that VBBA will award annually to three deserving seniors in the Virginia Beach Public Schools Legal Studies Program. We look forward to awarding the first scholarship winners in 2015. In addition, I want to give kudos to Directors Christopher Boynton and Kevin Duffan for their excellent CLE programming (over 20 credit hours, including Ethics, offered by VBBA this year). Chris was also the point person in highlighting VBBA's Seatack project to the Virginia State Bar, which netted the VBBA a Virginia State Bar Community Service Award of Excellence. Additionally, Secretary Peggy Kellam deserves a VBBA "Combat Medal" for successfully managing and delivering our Newsletter on time during the transition to an E-Newsletter. Finally, I wish to thank Jeff Marks for consistently bringing a heavy dose of energy, ideas and good counsel, always in well-coiffed fashion, to our 2014 Board.

And, our year is not quite over. We still have the famous, not to be missed, Annual Holiday Party and Meeting at 501, which kicks off at 5 p.m. on December 5. The U.S. Marines will be at the door accepting Toys for Tots and cash donations, so please bring an unwrapped toy or extra cash to give to this worthy cause. We will have a vote on approval of our new Board for 2015 and on revised Bylaws, the latter being available for review on the VBBA website and via email to our members.

In closing, I would like to thank you for allowing me to serve the undisputed, undeniably strongest Bar Association in the Commonwealth. It has been my pleasure and privilege to serve as your President. The VBBA continues to thrive and will be in very capable hands with our incoming President and a proven team of Board members.

With best wishes for the Holidays,
Jon Thornton
President, Virginia Beach Bar Association

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ANNOUNCEMENTS

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WHAT'S NEW AT WAHAB

VBBA NEWS

ANNOUNCEMENTS

Commonwealth's Attorney Colin D. Stolle announces the following addition to the Virginia Beach Commonwealth's Attorney's Office: Mr. Adam Lantz was hired as an Assistant Commonwealth's Attorney effective September 8, 2014. Mr. Lantz received his Bachelor of Science degree from Virginia Commonwealth University and Juris Doctor from Regent University School of Law. Mr. Lantz has prior experience at the Colonial Heights Commonwealth's Attorney's Office and in private practice. He is currently assigned to the Third Precinct Prosecution Team.

The Virginia Beach Juvenile & Domestic Relations District Court announces that effective October 1, 2014:

The Second District Court Service Unit (CSU), Intake Department, will only be processing Civil petitions [Custody, Visitation and Support] by appointment only.

To schedule appointments the petitioners can go to Court Service Unit office, which is located on the ground floor of the Judicial Center, Building 10 A, to obtain the paperwork needed for the appointment. They may also request the paperwork via email at VirginiaBeachCsuIntakeUnit@djj.virginia.gov, by phone at 757-385-4361, or in person. An intake officer will then contact them to set-up an appointment date and time.

Second District Court Service Unit
2425 Nimmo Parkway, Building 10-A
Ground Floor
Virginia Beach, VA 23456
Office: 757-385-4361
Fax: 757-385-5628

The Docket Administrator of Chesapeake Circuit Court asks that no criminal, civil or ADAT matters be set on the following dates:

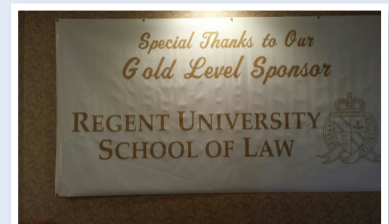
- Friday, April 17, 2015 (Regional Judicial Conference)
- Monday, May 11, 2015 (Mandatory Judicial Conference of Virginia)
- Tuesday, May 12, 2015 (Mandatory Judicial Conference of Virginia)
- Wednesday, May 13, 2015 (Mandatory Judicial Conference of Virginia)
- Thursday, May 14, 2015 (Mandatory Judicial Conference of Virginia)
- Tuesday, June 9, 2015 (Tentative Primary Election Day)
- Friday, September 18, 2015 (Regional Judicial Conference)
- Tuesday, November 3, 2015 (Election Day)

The law firm of Zoby, Broccoletti & Normile announces that James O. Broccoletti has been appointed to the United States Sentencing Commission Practitioner's Advisory Group. Mr. Broccoletti was appointed by the United States Sentencing Commission to represent the Fourth Circuit on the Commission's 17 member panel of attorneys from across the nation who comprise the Practitioner's Advisory Group. The group provides valuable input from practitioners on the Commission's activities and work, including proposed priorities and amendments. Members of the group also act as liaisons between the Commission and practicing attorneys.



The Bar Association's 16th Annual Richard G. "Dick" Brydges Memorial Courthouse Classic Golf Tournament was held on October 10, 2014 at the Virginia Beach National Golf Course. Approximately 90 golfers enjoyed perfect fall weather. The winners of the 1st Flight were Jeff Marks, Honorable Ronald Marks (retired), Honorable Richard Atlee, Jr. and Berk Jolly. The

winners of the 2nd Flight were Andrew Rice, Eli DeJarnette, Adam Lantz and Eric Leckie. Brian Donnelly won closest to the pin for men while Beth Spreder took the closest to the pin for women. Eric Washburn was recognized for the longest drive for men, and Amanda Thibault took that recognition in the women's category.



Many thanks to our Golf Tournament Sponsors.



OPINIONS

RECENT VIRGINIA BEACH CIRCUIT COURT OPINIONS

Note: Copies of these opinions may be obtained from the Clerk's Office.

Laura Lynne Greenwood v. Michael Raymond Gossner, Sr., Docket No.: CL14-1506 (Judge Croshaw, 10/20/14)

– this appeal from J&D involved issue of jurisdiction over the former husband and whether the presumptive limitation on the duration of reserving spousal support applied. The parties were divorced in 2005, and both their agreement and decree simply stated spousal support was reserved. Wife first filed for an award of spousal support in 2014. First, husband argued there was no jurisdiction over him. The court found that § 8.01-328.1(8) applied to provide jurisdiction, holding that a reservation of spousal support constituted an obligation to pay support as contemplated by the statute. Next, by analogizing to § 20-109 and cases decided thereunder, the court held that the statutory presumption applied in the face of a silent agreement. Accordingly, husband's motion to dismiss was sustained.

Rodney Chisholm v. Tracy K. Hayes, Docket No.: CL14-2020 (Judge Croshaw, 10/20/14)

– this matter involved a request by father to offset mother's interest in his military retirement against child support arrearages, and a request by mother to modify child support. The court addressed the issue of whether it had jurisdiction to modify child support, and the authority to offset mother's marital interest in the military retirement. As for jurisdiction, the court found that it had concurrent jurisdiction with J&D, but declined to exercise it as support modification was better addressed by J&D. On the issue of offset, the court relied upon *Nkopchieu v. Minlend*, 59 Va. App. 299 (2011), to find that it could modify equitable distribution of the pension to offset arrearages.

Daniel Gregg Wiggin v. Commonwealth of Virginia, Docket No.: CL14-4102 (Judge O'Brien, 10/29/14)

– petitioner sought to expunge charges of Code of Virginia § 46.2-868.1, Aggressive Driving and Virginia Beach Code § 23-10, Disorderly Conduct. He was found not guilty of aggressive driving, but the General District Court found the facts were sufficient to find guilt on the disorderly conduct charge and deferred disposition to a later date, pending Petitioner's successful completion of the conditions of probation. The conditions were successfully completed and that charge was then dismissed. At issue was expungement of the disorderly conduct charge. Petitioner argued that the warrant for that charge was void because

it charged him under a prior version of the relevant statute. The court held that the warrant was not void and gave the defendant sufficient notice of the "cause and nature" of the offense of disorderly conduct. Accordingly, the request to expunge that charge was denied.

Jaime Simon v. Dennis Simon, Docket No.: CL12-4132 (Judge O'Brien, 11/12/14)

– the court addressed several issues in this divorce case. First, it granted father the right of first refusal for visitation with his son any time Plaintiff is unable to care for him for five (5) hours or more, over mother's objection that he was just trying to keep her parents from spending time with their grandson. The court considered the factors of § 20-124.3 as supporting this request, as well that § 20-124.2(B) gives the parent-child relationship priority. Next, the court addressed a request to reserve child support to J&D, finding that since this was not agreed upon, § 16.1-244(A) required the circuit court to decide the issue. In setting child support, the court refused to find wife was voluntarily unemployed, since the parties' son had previously suffered a stroke and mother needed to be available on an as-needed basis for school-related issues. Thus, she could not be gainfully employed under these circumstances. Finally, the court found that neither party should be awarded attorney's fees.

Commonwealth of Virginia v. Devon Dontel Thompson, Docket Nos.: CR13-2752 and CR14-2500 (Judge Frucci, 11/12/14)

– defendant sought to suppress his statements to police based upon a claim that they were taken in violation of his Miranda rights and were involuntary. Defendant, who was 19 years old and had no prior criminal record at the time of his statements, argued that he did not knowingly and voluntarily waive his rights due to his youth, and lack of experience with the criminal system and Miranda. The court rejected these arguments, finding that the defendant indicated he understood his rights and answered questions, without ever indicating confusion or an intent to invoke his rights. He also showed sufficient understanding of the criminal system since he asked the officers whether they would help him out in setting a bond if he provided certain information. At the same time, the officers' offer to assist him with a bond reduction was not a promise of leniency and did not overbear defendant's will. Motion to suppress denied.

SHORT CIRCUITS

Practice tips from the Circuit Court

By: Amy H. Jones
Staff Attorney

CLARIFYING FRIDAY CONTESTED DIVORCE DOCKET REQUIREMENTS

As of September 5, 2014, the court amended Procedure 1(d) of the Uncontested Divorce Manual to elaborate on when an otherwise uncontested divorce may be directed to the Friday Contested Docket. First, if the parties seek to rely upon any portion of a separation period that involves residing in the same house, the matter cannot proceed by affidavit or hearing request. Instead, a Friday Contested Divorce Docket Request must be submitted. Likewise, if the matter requires proof that goes beyond the uncontested questions in the Uncontested Divorce Manual, the Friday Contested Divorce Docket procedures will have to be followed.

Admittedly, “Friday Contested Divorce Docket” is a misnomer for these situations, but counsel are reminded that the manual for this docket states in ¶ 1.0 that the procedures also apply “to suits which the Court directs to be placed on this docket due to special circumstances.” However, it is a simpler designation to use than “Friday Contested/Selected Cases/Separate in Same House” docket. Also, because the court retains flexibility to deal with a variety of unique circumstances in requesting that matters be placed on this

docket, it is obviously not possible to spell out every type of case that might apply to. However, hopefully this clarification will assist counsel in calculating the course of their divorce case.

On another Friday Contested Divorce Docket note, requests for this docket are not approved until a judge reviews the matter and determines whether or not the contested issues can actually be heard in one hour. If the judge decides it will take more than an hour, the law clerk rejects the request with an indication of which judge made the determination. Needless to say, no one simply accepts this type of rejection, and everyone wants to present an argument as to why it really can be heard in an hour. In that situation, you need to submit your arguments directly to the judge who made the decision. Emailing and arguing with the law clerk that sent the return, and seeking to have him or her act as intermediary to present your arguments to the judge, is neither effective nor appropriate in this situation. So, please send your correspondence directly to the judge, and the court will advise you one way or another whether your request will be approved.

2014 VBBA Annual Meeting and Holiday Party

Friday, December 5, 2014

5:00 to 7:00 P.M.

Five 01 City Grill

501 N. Birdneck Rd. • Virginia Beach, VA

Please bring an unwrapped toy for Toys for Tots!

This event is for members only.



WHAT'S NEW AT WAHAB

BOOKS / TREATISES

- Horn's Federal Criminal Jury's Instructions for the Fourth Circuit, 2014
- Pattern Jury Instructions (Civil), 2014
- Virginia Practice Series
 - Δ Landlord-Tenant Handbook, 2014-2015
 - Δ Jury Instructions, 2014-2015
 - Δ Civil Discovery, 2014-2015
- National Consumer Law Center (NCLC) titles:
 - Δ Fair Debt Collection, 8th Ed.
 - Δ Foreclosures and Mortgage Servicing, 5th Ed.
 - Δ Mortgage Lending, 2nd Ed.
 - Δ Collection Actions, 3rd Ed.

VIRGINIA CLES

- Fundamentals of Probate Practice 2014: The Life of an Estate
- Adoption Procedures and Forms: A Guide for Virginia Lawyers
- A Guide to the Rules of Evidence in Virginia, 2014-2015
- Virginia Business Torts, 2014
- Defending Serious Traffic Cases in Virginia, 2014
- 29th Annual Mid-Atlantic Institute on Bankruptcy and Reorganization
- 23rd Annual Advanced Elder Law Seminar



WestlawNext training in the Law Library's classroom. The classroom, as well as our conference room, may be reserved for your use at no charge.

TECH CORNER

Since the Law Library is a member of the Virginia Beach Public Library system, you can search for our resources on the VBPL catalog, as follows:

1. Go to the VBPL catalog
2. Click Power Search.
3. Select "Wahab Law Library" In the Library dropdown box.
4. Enter search criteria in one or more of the following fields - Words or Phrase, Author, Title, Subject, Series, Periodical Title.
5. Click Search.

For example, to locate all of the Virginia CLEs that address family law, enter:

- Words or Phrase = family law
- Series = Virginia cle
- Library = Wahab Law Library

Or, to search for all books written by Peter Swisher published in 2014, enter:

- Author = Swisher
- Pubyear = 2014
- Library = Wahab Law Library

WE VALUE YOUR INPUT!

In order to provide the products and services to serve you most effectively, we would greatly appreciate your input in the following short survey:

<https://www.surveymonkey.com/s/MGCXT8F>

Look for the results in the next issue of the VBBA Newsletter.

Thank you!

Wahab Public Law Library
Court Support Bldg. 10B (Ground Floor)
757-385-4419

Visit us on the web at

www.vbgov.com/dept/library/law

VBBA NEWS

NEW MEMBERS

*Virginia Beach Bar Association Welcomes
New Members*

CHARISSE BLACK

Charisse L. Black, P.C.
1311 Baltic Avenue
Virginia Beach, Virginia 23451

MEGHAN CASEY

Abrons, Chiusano & Seviour, PLLC
760 Lynnhaven Parkway, Suite 140
Virginia Beach, Virginia 23452
644-6789

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4164 Virginia Beach Boulevard, Suite 204
Virginia Beach, Virginia 23452
453-7744

JEREMIAH DENTON, IV

Jeremiah A. Denton, III, P.C.
477 Viking Drive
Virginia Beach, Virginia 23451
348-3232

ALEXANDRA GRASS

Alexandra Wood, Attorney at Law, PLLC
208 Ash Avenue Suite 100
Virginia Beach, Virginia 23452
785-4254

MEGHAN HEISTERMAN

K. Page Kistler, PC
909 First Colonial Road, Suite 101
Virginia Beach, Virginia 23454
271-3279

MEREDITH JACOBI

Andrews Law Group
3220 Henderson Boulevard
Tampa Florida 33609

VIVYANE KIMA

Kima & Associates
1921 Chopin Drive
Virginia Beach, Virginia 23454
860-543-9504

ERIC LECKIE

The Law Offices of Erick Leckie, PLLC
1545 Crossways Boulevard, Suite 250
Chesapeake, Virginia 23320
474-2930

ERIK MCCAULEY

Wooten Law Group
1435 Crossways Boulevard, Suite 303
Chesapeake, Virginia 23320

W. ANDREW PATZIG

Law Office of W. Andrew Patzig
1201 Colonial Avenue
Norfolk, Virginia 23517
622-8242

JENNIFER PETERSON

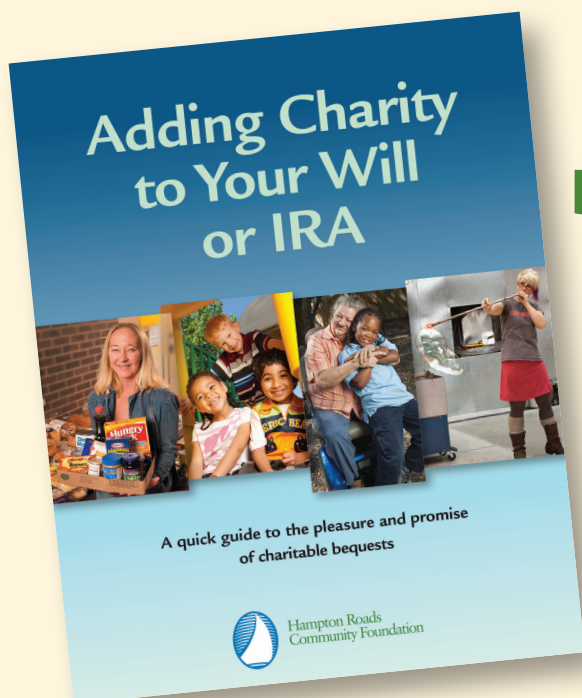
Peterson Law, PLC
321 Johnstown Road, Suite D
Chesapeake, Virginia 23322
410-7903

WILLIAM SAS

FGS, LLC
113 Howard Street, Suite 302
La Plata, Maryland 20646
757-202-3655

T. WAYNE WILLIAMS

Williams Deloatche, P.C.
924 Professional Place, Suite B
Chesapeake, Virginia 23320
547-5555



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VIRGINIA BEACH BAR ASSOCIATION'S COMMITTEES, CHAIRS AND LIAISONS

COMMITTEE	CHAIR	LIAISON
Awards	Robert Hagans, Jr.	Robert Hagans, Jr.
Circuit Court	Scott Vachris	Jeff Marks
Golf Tournament	Pat Connolly	Kevin Duffan
General District Court	Kathryn Byler	Peggy Kellam
Legal Studies	Edwin Booth	Kevin Duffan
Mentoring	Anthony Gantous	Brandon Zeigler
Young Lawyers	Steven Pfeiffer	Brandon Zeigler
Pro-Bono Seatack	Graham Stolle	Brandon Zeigler
Pro-Bono CLASS	Christy Wood	Jeff Marks
J&DR Court	Paul Powers	Peggy Kellam
Membership	Jonathan Stone	Chris Boynton
PPC	Sandra Sampson	Jon Thornton

VBBA CALENDAR DATES TO REMEMBER

- Holiday Party at 501 City Grill December 5, 2014
- Caribbean CLE for Lawyers in Curacao, Netherlands Antilles
- January 28, 2015 to February 4, 2015 for group 1 and January 29, 2015 to February 5, 2015 for group 2.
- Bar Banquet on May 30, 2015 at 6:00 p.m. Further information to follow after the first of the year.

NEWSLETTER ADVERTISING RATES*

SIZE.....	COST PER ISSUE
Full Page Insert	\$550.00
Full Page	\$265.00
½ Page.....	\$135.00
1/3 Page (horizontal or vertical).....	\$100.00
1/6 Page	\$60.00
Mailing Labels of the Membership	\$100.00
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 Brandon Zeigler, zeigler@wolriv.com.

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497-6633, zeigler@wolriv.com

KEVIN DUFFAN, DIRECTOR

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385-5061; cboynton@vb.gov

ROBERT F. HAGANS, JR., IMMEDIATE PAST PRESIDENT

627-5215, robert@rfhagans.com

EXECUTIVE DIRECTOR

JEAN KEARY

2425 Nimmo Parkway
Virginia Beach, Virginia 23456
Tel: 757-385-2155
Fax: 757-385-2156
Email: vbba@verizon.net

NEXT DEADLINE: FEBRUARY 14, 2015

VIRGINIA BEACH GENERAL DISTRICT COURT 2015 FINAL CALENDAR

■ HOLIDAY, NO COURT, CLERK'S OFFICE CLOSED

★ NO COURT CLERK'S OFFICE OPEN

SMALL CLAIMS COURT DATES- CIVIL ONLY

CONFLICT CASES

UPDATED 11/03/2014

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★ ★ ★ On August 24, 25, 26, 27, 28, November 25, and December 11 the arraignments will be held at 10:00 a.m.
 On all other dates the arraignments will be held at 2:00 p.m. in Traffic D



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Stephen M. Smith, Esq.

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HOLIDAY COURT CLOSINGS

VIRGINIA BEACH CIRCUIT COURT

November 26, 2014 Closing at noon
 November 27 & 28, 2014 Closed
 December 24 - 26, 2014 Closed
 December 29, 2014 No regular court. Motions, DC, Bond Hearings, etc. Clerk's office is open.
 December 30, 2014 No regular court. Motions, DC, Bond Hearings, etc. Clerk's office is open.
 December 31, 2014 No regular court. Motions, DC, Bond Hearings, etc. Court closing at noon.
 January 1 & 2, 2015 Closed

VIRGINIA BEACH GENERAL DISTRICT COURT AND VIRGINIA BEACH JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

November 26, 2014 Closing at noon
 November 27 & 28, 2014 Closed
 December 24 - 26, 2014 Closed
 December 31, 2014 Closing at noon
 January 1 & 2, 2015 Closed

Hook Law Center Continues To Build Its Elder Law Brand.

Few would disagree that when it comes to Elder Law, the top brand in the region is the Hook Law Center. Founded by nationally recognized attorney Andy Hook, the Center represents hundreds of seniors and their families, as well as the disabled.

Andy Hook's 39 years of practicing law is the driving force behind the firm. He is an active member of the Elder Law Alliance, the Special Needs Alliance, ACTEC, and other national organizations where he is a frequent guest speaker.

In addition to Andy Hook, the firm's team of legal professionals includes Attorney Shannon Laymon-Pecoraro, Attorney Jessica Hayes, and Attorney Edward Miller. A professional support staff adds another 50+ years of combined experience in elder law.

The Hook Law Center focuses on estate and tax planning, planning for long-term care, retirement and investment advice, trust and estate administration, the unique situations associated with special needs, and personal injury consulting.

Learn more about the Hook Law Center at HookLawCenter.com.

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 5806 Harbour View Blvd., Suite 203 | Suffolk, VA 23435

Phone | 757.399.7506
HookLawCenter.com



Andy Hook



Shannon Laymon-Pecoraro



Jessica Hayes



Edward Miller

kaufCAN.com



THANK YOU FOR YOUR REFERRALS.

Your confidence in our abilities is the highest compliment we could receive. We are pleased to serve and be part of the Virginia Beach Bar Association.
We can. And we will.

**KAUFMAN &
CANOLES**
attorneys at law

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