

**Hon. Dennis W. Dohnal and Hon. M. Hannah Lauck**  
**United States Magistrate Judges**  
**Eastern District of Virginia, Richmond Division**  
**And**  
**Hon. Douglas O. Tice, Jr. and Hon. Kevin R. Huennekens**  
**United States Bankruptcy Judges**  
**Eastern District of Virginia**

In an effort to facilitate the administration of justice in Richmond and in the Commonwealth, the Administration of Justice Committee recently conducted its annual interviews with the United States District Court Magistrate Judges for the Eastern District of Virginia, Richmond Division and the United States Bankruptcy Court Judges for the Eastern District of Virginia, Richmond Division. As always, the Judges provided significant insight into the relationships that exist between the bench and the bar. Our committee would like to thank the Judges for their time, and share their thoughts with all of the RBA members.

**Hon. Dennis W. Dohnal**

As most of you know, Judge Dohnal previously announced that he is leaving the bench on January 30, 2012. However, members of the Richmond Bar will be pleased to know that he has accepted a position with The McCammon Group. According to Judge Dohnal, only McCammon mediates more cases locally than the Richmond federal district court. Therefore, he will continue to put his mediation skills to good use while assisting members of the Richmond Bar in resolving ongoing litigation matters.

In looking back at his judicial career, Judge Dohnal believes that his experience with the attorneys appearing before him has been excellent. He remains impressed and pleased with how local lawyers conduct themselves when appearing before him, especially when they are acting as local counsel. Local lawyers are very helpful in assisting out-of-state lawyers comply with the local rules and adjust to the rocket docket. Judge Dohnal usually uses local counsel as his point of contact, although he has been willing to deal with out-of-state counsel directly in certain cases. However, he still expects local counsel to be actively involved and ready to take over any matter.

Judge Dohnal recommends that lawyers use their resources. Less experienced lawyers should not hesitate to ask what a particular judge's preference is in terms of procedural matters. Experienced lawyers or law clerks are reliable sources of information. Judge Dohnal handles some matters differently from his colleagues. For instance, counsel can agree to extend a deadline, without seeking Judge Dohnal's approval, as long as the trial date does not change. However, he cautions counsel to review scheduling orders carefully. Each judge has different preferences, and lawyers must follow these orders.

Judge Dohnal strongly suggests that lawyers familiarize themselves with the federal and local rules. He indicated that lawyers should be thoughtful and concise with

their written product. However, he also reminded the bar that page limits are strictly enforced.

Judge Dohnal indicated that David Novak, Esquire has been selected to replace him in February. Mr. Novak is currently an AUSA with the United States Attorney's Office. Given Mr. Novak's breadth of experience, attention to detail, and temperament, Judge Dohnal does not expect that the transition will have much impact on the Richmond Bar. However, Judge Dohnal provided two general thoughts for his successor. First, he suggests that a judge should be a good listener. Second, he indicates that a judge should not be afraid to ask for advice. Given his previous comments, it appears that Judge Dohnal expects that these two thoughts apply equally to the attorneys that practice before the court.

In conclusion, Judge Dohnal indicated how fortunate he was to work with such a wonderful and talented team of judges, clerks, and staff. He emphasized that these individuals will continue to be a valuable resource for Mr. Novak and the Richmond Bar.

### **Hon. M. Hannah Lauck**

Judge Lauck echoed many of the same thoughts expressed by Judge Dohnal. In discussing her docket this year, Judge Lauck specifically discussed the advantages in civil cases to scheduling settlement conferences with her or Judge Dohnal and advised that settlement conferences be scheduled as soon as practicable after litigation begins. She continues to believe that settlement opportunities are a vital part of civil process and that local lawyers have a crucial role to play in educating out of state lawyers on the civility of the Bar. Judge Lauck imposes upon local lawyers the responsibility of preparing their clients for settlement conferences.

By consent of the parties, she has presided over various types of civil cases this year, including FLSA, Title VII and personal injury cases. She continues to be impressed by the caliber of the lawyers practicing before her.

Lastly, Judge Lauck emphasizes that lawyers should never underestimate the value of their written product. The Judges in the Richmond Division read all briefs so it is vital that all citations be correct. Judge Lauck also encourages lawyers to "take the hard stuff on" and to be forthright with the Court by including those citations that are problematic to your side. The Court will research and locate all relevant authority and a lawyer's chance to distinguish adverse authority may be lost if not initially addressed. When presenting your briefs to the Court, Judge Lauck likes to receive two courtesy copies and believes that even if a Judge doesn't require courtesy copies, those copies are beneficial to chambers.

In conclusion, we discussed advice for new lawyers and Judge Lauck stated that new lawyers should reach out to their more seasoned counterparts and learn the Rules and Local Rules.

**Hon. Douglas O. Tice, Jr. and Hon. Kevin R. Huennekens**

The Committee members met with Judges Tice and Huennekens in a joint meeting.

The Judges were once again very complimentary of the bar in general, stating that the lawyers do a good job of handling matters before the Bankruptcy Court.

The Judges feel that the dockets are running smoothly, thanks in large part to wonderful Court staff and administrators. The Judges continue to welcome comments and suggestions from the Bar on ways to improve the handling of the Courts' dockets.

The Judges noted that there are new rules in effect as of December 1, 2011 related to the filing of proofs of claims in bankruptcy cases. The Bar should take note of the changes and make every effort to comply with the new requirements.

The Judges observed that there is still relatively limited use of the technology available in the Courtroom for presentation of evidence. As a reminder, attorneys who would like to have all exhibits submitted to the Court in electronic format rather than on paper, the Judges suggest that the attorney make a motion to the Court to submit exhibits only electronically.

The Judges also noted their participation in a pilot program for new docketing software that allows the Judges to have easier and more immediate access to all documents associated with a case while they are in the Courtroom, and allows for increased flexibility in organizing the docket. Members of the Bar may have noticed some changes to the look of the Court's docket on the Eastern District website. Those changes are directly related to the new docketing software that the Judges are now using.

Judicial mediation continues to be a useful tool in negotiation of settlements. Both Judges favor the use of mediation and encourage members of the Bar to take advantage of the mediation services that are available through the Court where appropriate.

Overall the Judges appreciate the collegiality and civility of the Bar and look forward to another great year.