Local bars offer one-of-a-kind virtual CLE seminar featuring judges and clerks from all courts in three jurisdictions

Sadly, the 2020 Bench-Bar Conference was cancelled due to COVID, but the local bar associations have put together a virtual program that you won’t find anywhere else! Make plans to attend the Virtual Bench-Bar Conference on Thursday, March 18, 2021 beginning at 9:00 a.m. The program brings together nine judges and nine clerks from each level of court in Chesterfield, Henrico and Richmond to provide you with the inside information on the newest changes and procedures for 2021 in all of the local courts and everything else you need to know for an efficient, successful court practice. You’ve heard of the “jump the line pass” at Disney World? This is your opportunity to bypass the confusion caused by the pandemic and get “fast-pass” tips from the experts on scheduling cases, updated docket procedures, jury trial processes, planning for virtual trials, and everything else you need to know for an efficient, successful court practice.

9:00-10:30  Break-Out Sessions (1.5 hr. of MCLE credit)

Getting There is Half of the Battle - The “Fast-Pass” to Getting Your Case Heard
Circuit Court Practice
Panelists: Wendy S. Hughes, Heidi S. Barshinger, Edward F. Jewett
General District Court Practice
Panelists: Linda J. McCollum-Moore, Barbara C. Shaw, Richmond GDC representative TBA
Juvenile & Domestic Relations Court Practice
Panelists: Laura G. Griffin, Shannon Flinchum Meadowcroft, Felicia Edmonds-Rustin

10:45-12:15  Break-Out Sessions (1.5 hr. of MCLE credit)

Court is Now in Session - Tips for Trying Your Case in the New Normal
Circuit Court Practice
Panelists: Hon. David E. Johnson, Hon. Randall G. Johnson, Jr., Hon. W. Reilly Marchant
General District Court Practice
Juvenile & Domestic Relations Court Practice

See pages 6-7 for full details and registration information.

RBA Committee interviews judges in Bankruptcy and Richmond Courts

In its continued effort to promote the administration of justice in the Richmond area and to facilitate cooperation between the bench and the bar, the Administration of Justice Committee recently concluded its annual interviews with the Honorable Judges for the U.S. Bankruptcy Court for the Eastern District of Virginia, Richmond Division and Honorable Judges for the Courts of the City of Richmond. As in years past, the Judges were gracious with their time and spoke with candor to Committee members regarding new pandemic protocols, virtual hearings and the increased use of technology in the courthouse, and jury trials, among other topics.

The Honorable Kevin R. Huennekens and the Honorable Keith L. Phillips
United States Bankruptcy Court

On October 26, 2020, members of the Administration of Justice Committee of the Richmond Bar Association met with the Honorable Kevin R. Huennekens and the Honorable Keith L. Phillips of the U.S. Bankruptcy Court for the Eastern District of Virginia.

In response to the COVID-19 pandemic, the court implemented numerous standing orders and developed procedures that ensure the safe and efficient functioning of court operations while ensuring access to justice. The court strives to balance the public health concerns in minimizing in-person courtroom participation while also ensuring that litigants have their day in court. Court staff are well equipped to work from home, and both Judges are preparing to begin conducting court hearings via Zoom. The Judges commend the bar for quickly adapting to

continued on page 4

Due to the continuing social distancing restrictions necessitated by the COVID pandemic, the RBA’s February luncheon has been cancelled. Currently, the luncheons scheduled for March 25th and May 3rd remain on the schedule. A decision on the viability of the March event will be made in late January based on COVID activity and the Governor’s mandate.
If you’ve recently landed a new job or promotion, share the good news with the Richmond Bar. Include your full name, your company’s name and location, your new title and your areas of concentration in your letter, press release, fax or e-mail. Announcements can be e-mailed to lmartin@richmondbar.org or mailed to Lee Martin, at P.O. Box 1213, Richmond, VA 23218.

Harman Claytor Corrigan & Wellman welcomes three new lawyers to its Richmond office:

John E. Peterson Jr. has joined as a Partner and will concentrate his practice on medical malpractice defense.

Justin G. Guthrie, Laura M. Berry and Briana M. Jackson join the firm as Associates. Mr. Guthrie will concentrate his practice on insurance coverage matters, while Ms. Berry and Ms. Jackson will focus on general civil litigation.

Williams Mullens announces the addition of David Allen to their Richmond office. He joins the Corporate Section where he will assist clients in general corporate matters, including mergers & acquisitions and corporate governance and securities matters.

Butler Royals, PLC, and The Curwood Law Firm officially merged on Jan. 1, 2021, to become Butler Curwood, PLC. Harris D. Butler practices in the area of employment law and Craig J. Curwood represents clients in all types of employment litigation. The new firm will operate out of Butler’s existing offices on the canal in Shockoe Slip at 140 Virginia Street, Suite 302, Richmond.
COVID-19 safety protocols and increased use of technology

continued from page 1

the technological and operational changes. They noted that when trial courts opened, they have the best bar in the country.

Consumer bankruptcy case filings decreased significantly at the beginning of the COVID-19 pandemic. Government protection of individuals from certain creditor collection actions may reduce the urgency often associated with consumer filings. Additionally, the funds provided through the government stimulus package are likely to contribute to more people remaining solvent despite the economic downturn. A leading indicator for consumer case filings is the unemployment rate, which continues to remain high. The Judges noted that there has been a slight increase in consumer bankruptcy pro se filings recently. They expect a tsunami of consumer case filings, unless Congress acts quickly to extend protections and stimulus funding. The Judges emphasized that when the deluge does come, the court is prepared to manage the case load and provide relief to those in need.

Business bankruptcy case filings have increased this year. Several Chapter 11 mega cases have been filed in the Eastern District of Virginia. The Judges expect that big retail business cases may be the next to come.

The Judges applauded the efforts of the Richmond Bar Association and the Central Virginia Legal Aid Society in continuing to provide pro bono services to low and no income debtors. The Judges noted that pro se filings in the Richmond district have continued to be higher than that of the Court’s other divisions.

Despite the shift from in-person hearings to virtual hearings, the rules of professional conduct still apply. Counsel should continue to exhibit proper courtroom decorum and dress appropriately for court appearances.

Members of the bar are encouraged to check the division and district court websites for the latest developments and changes in procedures related to the COVID-19 pandemic. The Judges and Bar Association were working diligently on improving the court website.

The Judges invite suggestions for improvements to court operations. Comments can be given to the RBA Bankruptcy Section chair, Alex Burnett.

The members of the Committee thank the Judges for their time and candor.

The Honorable W. Reilly Marchant
Richmond Circuit Court

Judge Marchant appreciates the civility and professionalism of the local bar. At the time of the interview, Richmond Circuit Court Judges, as with all trial judges, returned to having jury trials since all jury trials were suspended due to COVID-19. Richmond Circuit Court has resumed with criminal jury trials only in order to address speedy trial and other due process concerns. Richmond Circuit Court planned on resuming civil jury trials in January 2021. Priority will be given to those matters that have been on the docket the longest and have experienced the most delays.

Judge Marchant said that logistical considerations with keeping 6-feet of distance between court staff, attorneys, the parties, and jurors have forced the Court to utilize up to three additional courtrooms for criminal jury trials from jury selection through deliberations. One courtroom has been used as the main courtroom and the other two courtrooms have been used as jury panel rooms. Jurors have been seated in what has historically been the gallery. Once impaneled, the jury has remained in the main courtroom through deliberations. When matters are heard outside the presence of the jury, one of the additional courtrooms has been utilized.

Deliberations, the main courtroom is vacated with the exception of the jurors. Judge Marchant said that only two criminal trials had gone forward since resuming criminal jury trials because the parties were able to settle with either a plea agreement or other mutually agreeable resolution. Having sufficiently large jury pools has been a concern, but thankfully has not caused a delay as is the case with jury trials. Judge Marchant encourages the bar to contact the Court if attorneys believe they may need more jurors in voir dire. The trial involves issues that some potential jury members may consider sensitive, or if the matter has received unusual pre-trial publicity.

Judge Marchant believes that jury trials have taken longer and will continue to take longer with the new guidelines in place. What would have been a one-day jury trial is now taking about a day-and-a-half. As a result, the jury and litigants have been required to arrive earlier than they were before COVID-19.

The Honorable David M. Hicks
Richmond General District Court

Judge Hicks reports that Richmond General District Courts are quite busy with criminal, traffic, and civil matters after navigating COVID-19 and addressing a backlog of cases.

Judge Hicks is one of the Judges who commended the operation and resiliency of all stakeholders involved for their response to COVID-19 in the courtroom system. The City of Richmond, sheriffs’ office and implementing new of technology, public defenders, bailiffs, clerks, and the local bar have pulled together to keep the wheels of justice turning in Richmond with jury trials, appointments and courthouse cases. Their efforts are appreciated, especially after the clerk’s office closed for several weeks and new procedures were implemented to enforce social distancing and maintain safety at the courthouses and in the courtrooms.

On the criminal side, the Court has made adjustments to keep the dockets moving. Many preliminary hearings are conducted by video now. If plea agreements are reached in advance, the parties may submit paperwork and wave appearances. The Court commends prosecutors and defense counsel for working together on these issues and is impressed by the efforts of all counsel to communicate with their clients during a time when face-to-face meetings are very limited. These efforts have helped the Court address the backlog of cases, which has now mostly diminished.

The Court appreciates the pragmatic and collaborative approach exhibited by all stakeholders, especially as extensions to the judicial emergency declarations continue and unanswered questions linger about thorny speedy trial issues.

On the traffic side, the Court has used all traffic-related matters for video now. If plea agreements are reached or extensions to the judicial emergency declaration are issued by state and federal governments. Thus, bar members practicing in this area should continue to exhibit proper courtroom decorum and dress appropriately for court appearances. Members of the bar are encouraged to check the division and district court websites for the latest developments and changes in procedures related to the COVID-19 pandemic. The Judges and Bar Association were working diligently on improving the court website.

The Judges invite suggestions for improvements to court operations. Comments can be given to the RBA Bankruptcy Section chair, Alex Burnett.

The members of the Committee thank the Judges for their time and candor.

In sum, the year has been a trying one for Richmond General District Courts as the pandemic has forced all major stakeholders to re-focus on the fundamentals of proper legal representation and the administration of justice. The stakeholders, however, have risen to the occasion in a spirit of resiliency and cooperation that is encouraging. The Court has been impressed with the general level of preparedness and professionalism of regular practitioners and encourages the bar to maintain this high standard.

The Honorable Marilyn C. Goss
Richmond Juvenile & Domestic Relations District Court

On December 1, 2020, a member of the Administration of Justice Committee of the Richmond Bar Association had a wonderful meeting with the Honorable Marilyn C. Goss. Judge Goss assumed the role of Chief Judge on July 1, 2020. She is grateful for the leadership of Judge Richard Campbell in navigating the court through the onset of the COVID-19 pandemic, and she is thankful to work with such collaborative colleagues.

Judge Goss is also very appreciative of the way in which the bar has cooperated with the court as it continues to make adjustments in response to the COVID-19 pandemic.

The most significant recent changes at the courthouse have been the court’s adoption of and implementation of a number of new protocols aimed at ensuring the safety of all those who enter the court building during the pandemic. At the onset of the pandemic, the court had reduced its docket, but regular dockets resumed on June 8, 2020. Masks or face coverings are now required in the courthouse. Everyone who enters the building will be asked health screening questions and have their temperature scanned. Entry to the court building will be allowed only for those who are currently diagnosed with COVID-19 or awaiting COVID-19 test results; have a temperature over 100 degrees or are visibly ill. The clerk’s office is open to the public from 8:00 a.m. to 4:00 p.m., and appointments are required for the Court Service Unit.

Judge Goss notes that the court strives to list the number of persons in the courtrooms by allowing entrance to only the parties and witnesses. Attorneys are asked to submit the names of anticipated witnesses to the Clerk of the Court no later than 24 hours prior to trial. Witnesses arriving at the courthouse who have not been previously identified to the court will be asked to wait in the lobby of the Court Service Unit until their names are properly submitted to the clerk on duty. The lobby and courtrooms have been equipped with signage, designating where persons may be seated to ensure compliance with proper social distancing.

During the pandemic, the court has also implemented a liberal continuance policy. Judge Goss encourages those who are unable to attend court due to health concerns or other reasons; or those whose appearance may be delayed, to call the clerk’s office to inform the court of the circumstances. The court continues to monitor the trends and statistics relating to the COVID-19 pandemic and will make additional procedural changes should it become necessary.

The Administration of Justice Committee members thank the Judge for her time and candor.

Page 4
Virtual Bench-Bar Conference

The local bar associations present a CLE program that you will not find anywhere else!

We are bringing together nine judges and nine clerks from each level of court in Chesterfield, Henrico and Richmond to provide you with the inside information on the newest changes and procedures for 2021 in all of the local courts. Bypass the confusion caused by the pandemic and get tips from the experts on scheduling cases, updated docket procedures, jury trial processes, planning for virtual trials, and everything else you need to know for an efficient, successful court practice. This is your “fast pass” to getting your case heard!

Thursday, March 18, 2021
Via Zoom

COST: $100.00 ($110 after March 10th)
Rate for lawyers practicing less than 6 years and all public sector attorneys - $80.00 ($90 after March 10th)

MCLE CREDIT: This program has been approved by the Virginia Mandatory Continuing Legal Education Board for 3.0 hours of live, interactive credit. CLE materials will be e-mailed to attendees prior to the program.

REGISTRATION INFORMATION: Use the link or form below. Please indicate your break-out session preferences. There will be no refunds after March 10th. There will be no registration after 4:00 p.m. on March 17th.

The conference is sponsored by the following Richmond metropolitan area bar associations: The Bar Association of the City of Richmond, Chesterfield County Bar Association, Greater Richmond Criminal Bar Association, Henrico County Bar Association, Hill-Tucker Bar Association, Metro Richmond Family Law Bar Association, and the Metropolitan Richmond Women’s Bar Association.

Virtual Bench-Bar Conference - March 18, 2021

To register online: https://www.richmondbar.org/events/event/bench-bar-conference/

To pay by check:

PROVIDE THE INFORMATION REQUESTED BELOW AND INDICATE ON THE FOLLOWING PAGE YOUR PREFERENCES FOR EACH OF THE BREAK-OUT SESSIONS. PLEASE PHOTOCOPY AND RETAIN A COPY OF THIS FLYER FOR YOUR RECORDS AND RETURN THE ORIGINAL, WITH PAYMENT, TO THE BAR OFFICE AT THE ADDRESS GIVEN BELOW.

- $100.00 - lawyer attendee ($110 after March 10th)
- $80.00 - new lawyers attendee ($90 after March 10th); Bar #/date admitted to practice: ____________
- $80.00 - Public sector attorney ($90 after March 10th); Agency: ______________________
- Member of the Judiciary

Name ____________________________________________
Address __________________________________________
E-mail Address (required) ___________________________
Phone number ______________________

Send form and payment to:
Richmond Bar Association
P.O. Box 1213
Richmond, Virginia 23218-1213

Virtual Bench-Bar Conference
March 18, 2021

9:00-10:30 Break-Out Sessions (check the box corresponding to the session that you wish to attend) 1.5 hr. of MCLE credit

Getting There is Half of the Battle - The “Fast-Pass” to Getting Your Case Heard

- Circuit Court Practice
  - Panelists: Wendy S. Hughes, Clerk of Court; Heidi S. Barshinger, Clerk of Court; Edward F. Jewett, Clerk of Court
  - Moderator: TBA

- General District Court Practice
  - Panelists: Linda J. McCollium-Moore, Clerk of Court; Barbara C. Shaw, Clerk of Court; Richmond General District Court representative TBA
  - Moderator: TBA

- Juvenile & Domestic Relations Court Practice
  - Panelists: Laura G. Griffin, Clerk of Court; Shannon Flinchum Meadowcroft, Clerk of Court; Felicia Edmonds-Rustin, Clerk of Court
  - Moderator: TBA

10:45-12:15 Break-Out Sessions (check the box corresponding to the session that you wish to attend) 1.5 hr. of MCLE credit

Court is Now in Session - Tips for Trying Your Case in the New Normal

- Circuit Court Practice
  - Panelists: Hon. David E. Johnson, Hon. Randall G. Johnson, Jr., Hon. W. Reilly Marchant
  - Moderator: TBA

- General District Court Practice
  - Moderator: TBA

- Juvenile & Domestic Relations Court Practice
  - Moderator: TBA

The local bar associations appreciate the support of the law firms sponsoring the technology making this program possible:

- Allen, Allen, Allen & Allen, P.C.
- Christian & Barton, LLP
- Harman Claytor Corrigan & Wellman
- Lynch & Selii, P.C.
- Ogletree Deakins
- Owen & Owens PLC
- Spotts Fain PC
- Whiteford Taylor Preston, LLP
- Barnes & Diehl, P.C.
- Eckert Seamans Cherin & Mellott, LLC
- Hundley & Johnson
- McCandlish Holton, PC
- O’Hagan Meyer
- Sands Anderson PC
- ThompsonMcMullan P.C.
- Williams Mullen

The Richmond Metropolitan Area Local and Specialty Bar Associations present a very special program

The local bar associations present a CLE program that you will not find anywhere else!
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Protecting Your Practice is Our Policy.

Nominations for the Following Awards are Now Being Accepted

Hunter W. Martin Professionalism Award

Established in 1993, the Hunter W. Martin Professionalism Award is named after the first recipient, Hunter W. Martin. This award was created to be presented to Richmond Bar members who, throughout their lives and careers in the law, have best exemplified the conduct and high ideals embodied in the Bar’s Principles of Professionalism. Nominees should possess an understanding of, and adherence to high ethical standards of conduct and tolerance, respect and civility toward clients, opposing parties, colleagues and the judiciary.


The deadline to submit nominations for this award is 12:00 noon on April 16th.

John C. Kenny Pro Bono Award

In 1989, the Bar Association of the City of Richmond established its Pro Bono Publico Award, which is presented annually to a Richmond Bar member who has excelled in one or more of the following ways:

(1) Demonstrated dedication to the development and implementation of pro bono projects to improve delivery of legal services to the poor;
(2) Contributed significantly toward the development of innovative approaches to delivery of volunteer services;
(3) Participated in an activity which resulted in addressing previously unmet legal needs or extending pro bono legal services to underserved segments of the legal community;
(4) Successfully handled pro bono cases that favorably affected the provision of other services to the poor in the Richmond metropolitan area;
(5) Participated in activities which resulted in the enactment of legislation that contributed substantially to the delivery of services (legal or otherwise) to the poor; and/or
(6) Devoted significant time to furthering the delivery of legal services to the poor by handling one or more pro bono matters or providing training for or recruiting volunteer pro bono attorneys in the Richmond metropolitan area.


The deadline to submit nominations for this award is 12:00 noon on April 16th.

* - awarded posthumously

Members are encouraged to nominate any candidates who they believe are qualified for an award. To nominate an individual, contact Lee Martin (lmartin@richmondbar.org) or any member of the Association’s Committee on Awards and Honors listed below.

T. O’Connor Johnson (t.oconnor@hundleyandjohnson.com)  John W. Anderson (janders@spottsfain.com)
R. Braxton Hill IV (bhill@cblaw.com)  Julie M Cillo (jcillo@owenowens.com)
Daniel E. Lynch (dlynch@lchslaw.com)
2020 presented many challenges, both personally and professionally. Unable to conduct business as usual, the Richmond Bar faced numerous hurdles, but through the perseverance of Bar leaders the Association found new ways to engage members. Using virtual platforms, the Bar continued to conduct Committee meetings, offered free programs on criminal justice reform and legal marketing, hosted a Zoom holiday party and presented live-credit CLE seminars. Via Zoom, the RBA joined with several other local bars to conduct interviews of candidates seeking endorsement for local judicial vacancies. A free virtual holiday party. The Young Lawyers Section featured babies, pets and happy YLS members. A free outdoor “member appreciation” concert in early October provided members with the opportunity for safe, socially-distant collegiality. The Bar continues to work with the local courts to supply members with the latest updates on procedures and activities.

The Bankruptcy Section didn’t miss a beat, successfully hosting its traditional luncheon CLEs via Zoom and a virtual holiday party. The Young Lawyers Section offered the best of both worlds: an outdoor trail run and yoga classes, volunteer opportunities at Feed More and virtual programs like the fireside chat with Judge McClenney and a holiday trivia Zoom. Proving that two is better than one, the Business Law and Corporate Counsel Sections joined forces for a very popular, free virtual CLE seminar. All Sections are planning events for the Spring.

While we are all hoping for a return to a more normal way of life and work in 2021, the RBA will continue to provide educational and social opportunities for its members. If you have suggestions for programming, please contact Lee Martin at lmartin@richmondbar.org.

The Richmond Bar Association welcomes the following new members:
- Melissa Huntley-Bosco
- Wesley Marshall
- Leonard McCall
- Chelsey Noble

Each new member is contacted by a member of the Board of Directors to encourage them to become active in Bar activities. We invite all RBA members to reach out and welcome our new members.

**Bankruptcy Section to host virtual CLE program on February 9th**

The Bankruptcy Section will host a virtual CLE seminar on Tuesday, February 9, 2021 beginning at 12:30 p.m. The program will feature a presentation on attorney wellness by Margaret H. Ogden, the Wellness Coordinator for the Supreme Court of Virginia. It is anticipated that the program will be approved for 1.0 hour of live, interactive MCLE credit.

The CLE is free for Section members and personnel from the U.S. Bankruptcy Court, U.S. Trustee’s office, and Clerk’s office, but reservations are required; RSVP to spotter@richmondbar.org to receive your Zoom invitation.

The non-Section member rate is $30. Register using a credit card at https://www.richmondbar.org/bankruptcy; no refunds will be given after February 5th. Reservations must be received by February 5th.

**VJLAP provides resources for attorneys and judges struggling with impairment**

The Virginia Judges and Lawyers Assistance Program (VJLAP) provides confidential, non-disciplinary assistance to lawyers, judges, law students, legal professionals, and their family members who are experiencing impairment as a result of substance abuse and/or mental health conditions.

Assistant is designed to:
- Prevent disciplinary problems for the professional
- Promote recovery
- Protect the working professional
- Strengthen the profession
- Support their families and professional associates

VJLAP educates members and prospective members of the legal profession regarding the impacts of chemical dependency and mental health disorders not only on you, but on your loved ones also. Early treatment is key for successful recovery.

For assistance call the VJLAP 24-Hour Confidential Help Line at 1-877-545-4682.

**Welcome new members**

**Try the Bar’s online Pictorial Directory**

Manage your own membership information using the Bar’s on-line Pictorial Directory. You can also use the Directory to search for members’ contact information, undergraduate and law school affiliations and areas of practice listings, as well as photos if they were previously provided.

To access the Directory visit http://www.richmondbar.org and enter your username (your Virginia State Bar number) and password (default password is RBA2012) in the Membership Directory login box on the right side of the page. Contact the Bar office at 780-0700.

**We want to see what the RBA means to you!**

Whether you’re networking on your own or at an RBA event, share photos and short videos on your personal social media channels. Please tag the Richmond Bar Association in these posts. This will provide us with fresh content as well as help grow the Association’s presence in the Richmond community.
## CALENDAR

### February

1. Executive Committee meeting, 3:00 p.m., via Zoom
2. Board of Directors meeting, 12:30 p.m., via Zoom
3. Bankruptcy Section CLE, 12:30 p.m., via Zoom
4. Succession Planning Committee, 12:30 p.m., TBD

### March

1. Personnel Committee meeting, 12:00 noon, TBD
2. Executive Committee meeting, 12:30 p.m., TBD
3. Board of Directors meeting, 12:30 p.m., TBD
4. Pro Bono Committee meeting, 12:30 p.m., TBD
5. Virtual Bench-Bar Conference, 9:00 a.m., via Zoom
6. RBA Luncheon, 12:30 p.m., Omni Hotel
   Speaker: TBD
7. Executive Committee meeting, 12:30 p.m., TBD

### April

1. Board of Directors meeting, 12:30 p.m., TBD
2. Annual Meeting, 5:30 p.m., Willow Oaks Country Club
3. Spring Cocktail Party, 6:00 p.m., Willow Oaks Country Club
4. Executive Committee meeting, 12:30 p.m., TBD

### May

3. RBA Law Day Luncheon, 12:30 p.m., Omni Hotel
   Speaker: Hon. Marla Graff Decker, Court of Appeals of VA
4. Board of Directors meeting, 12:30 p.m., TBD
5. Pro Bono Committee meeting, 12:30 p.m., TBA
6. Bar office closed for the holiday