

A winter scene featuring a white house with a brick chimney, partially obscured by snow-covered trees and a rustic wooden fence in the foreground. The ground is covered in a layer of snow.

124th Annual Meeting of The Virginia Bar Association

In collaboration with The Old Dominion Bar Association

January 23-25, 2014 • Williamsburg Lodge and Conference Center, Colonial Williamsburg, Virginia

V·B·A

The Virginia Bar Association

124th Annual Meeting of The Virginia Bar Association In Collaboration with the Old Dominion Bar Association

January 23-25, 2014 • Williamsburg Lodge and Conference Center, Colonial Williamsburg, Virginia

Our Winter Weekend Schedule

Thursday, January 23, 2014

- 12:00 n - 4:30 p.m. **VBA Board of Governors Meeting and Luncheon** (For 2013 Board members and 2014 Board Class Nominees.)
- 12:00 n - 3:30 p.m. **Virginia Law Foundation Meetings** (Virginia CLE Committee Meetings taking place on Wednesday, January 22.)
- 2:00 p.m. - 6:00 p.m. **Registration and Information Desk Open**
Courtesy of: U.S. Bank Corporate Trust Services
- 4:30 p.m. - 6:00 p.m. **Virginia Law Foundation New Fellows Orientation**
- 5:00 p.m. - 6:00 p.m. **Friends of Bill W.** (Open meeting.)
- 6:30 p.m. - 7:30 p.m. **Welcome Reception**
Courtesy of: SunTrust Bank
- 7:30 p.m. - 9:30 p.m. **Virginia Law Foundation Fellows Dinner and Induction Ceremony**

Friday, January 24, 2014

- 8:00 a.m. - 6:00 p.m. **Registration and Information Desk Open**
Courtesy of: U.S. Bank Corporate Trust Services
- 8:15 a.m. - 5:00 p.m. **Exhibits**
- 8:15 a.m. - 9:15 a.m. **Continental Breakfast**
Courtesy of: Virginia Business
- 8:15 a.m. - 9:15 a.m. **Section/Committee Business Meetings**
- 8:15 a.m. - 9:15 a.m. **Past Presidents Council Breakfast**
- 9:15 a.m. - 12:30 p.m. **CLE Programs: Concurrent Sessions**
(See separate listing.)
- 10:00 a.m. - 11:30 a.m. **Spouse/Guest Program: A Culinary Demonstration and Tasting**
“Chocolate: It’s All That Matters.”
(Separate registration and fee required.)
- 10:00 a.m. - 12:00 n **YLD Law School Liaison Recruiting Roundtable**
- 12:00 n - 4:30 p.m. **Virginia Association of Defense Attorneys Board Luncheon Meeting**
- 12:30 p.m. - 2:00 p.m. **Legacy Series Luncheon Presentation**
“Savage Inequality: African American Education in Virginia Before *Brown v. Board of Education*.”
A presentation of the Committee on Special Issues of National and State Importance, featuring William B. Obrochta, Manager of Educational Services of the Virginia Historical Society.
Courtesy of: Hunton & Williams LLP
(Register separately—additional fee for lunch.)
- 12:30 p.m. - 1:30 p.m. **YLD Executive Committee/Council Luncheon and Passing of the Gavel**
- 1:45 p.m. - 2:45 p.m. **CLE for Young Lawyers** (1 credit/1 ethics)
“Advocacy for the YLD: Learning How to Become a Zealous Advocate as a Young Lawyer.”
- 2:10 p.m. - 3:40 p.m. **General Session** (1.5 CLE Credits pending)
“What is the Enduring Legacy of *Brown v. Board*?”
A panel presentation by the Committee on Special Issues of National and State Importance. Panelists include Justice John Charles Thomas, retired; film-maker Tim Reid; historian Cassandra Newby-Alexander; and Harvard School of Education Dean Jim Ryan.
Courtesy of: McCandlish & Lillard, P.C.

- 3:00 p.m. - 4:00 p.m. **YLD/Judiciary Networking Reception**
“Pints and Pairings—Good For What ‘Ales’ You!”
A networking opportunity for young lawyers to meet and socialize with members of the judiciary in a casual setting.
- 3:50 p.m. - 5:20 p.m. **General Session** (1.5 CLE Credits pending)
“Serving Those Who Served Us: How Veterans Dockets Can Help Virginia’s Veterans.”
A presentation by the Veterans Issues Task Force.
- 4:00 p.m. - 5:00 p.m. **Old Dominion Bar Association Mid-year Business Meeting**
- 5:00 p.m. - 6:00 p.m. **Friends of Bill W.** (Open meeting.)
- 5:45 p.m. - 7:00 p.m. **VBA Portrait Gallery**
Complimentary photographs will be taken of VBA members and guests as they enter the reception.
Courtesy of: Wells Fargo Private Bank Legal Specialty Group
- 6:00 p.m. - 7:00 p.m. **Reception** (black tie)
Courtesy of: LexisNexis
- 7:00 p.m. **Banquet and Dance** (black tie)
Banquet
Courtesy of: The McCammon Group
Visual Presentation
Courtesy of: McGuireWoods, LLP
Decor Design
Courtesy of: MercerTrigiani
After Dinner President’s Reception
Courtesy of: Woods Rogers PC and Williams Mullen
After-dinner Entertainment by Flashback Band
Live music courtesy of: Equity Concepts, L.L.C.
- 10:30 p.m. - 12:30 a.m. **YLD “After-hours” Social**
Members of the YLD (Young Lawyers Division) and the OLD (“Old” Lawyers Division!) are invited to participate in after-hours cheer!

Saturday, January 25, 2014

- 8:00 a.m. - 9:15 a.m. **Annual Breakfast and Business Meeting**
(Spouses and guests are welcome.)
Courtesy of: Minnesota Lawyers Mutual Ins. Co.
- 8:30 a.m. - 1:30 p.m. **Registration and Information Desk Open**
Courtesy of: U.S. Bank Corporate Trust Services
- 9:00 a.m. - 12:30 p.m. **Exhibits**
- 9:15 a.m. - 10:45 a.m. **CLE Programs: Concurrent Sessions**
(See separate listing.)
- 11:00 a.m. - 12:30 p.m. **General Session**
“JDPlus: What’s the Plus? An Ambitious Plan to Cultivate, Assess and Select for Practice Ready Attributes in Law Students and Junior Lawyers.”
A presentation by the Law Practice Management Division.
- 12:30 p.m. - 2:00 p.m. **General Counsel Roundtable Luncheon**
(By invitation only.)
A presentation by the Law Practice Management Division.
- 12:30 p.m. - 2:00 p.m. **Managing Partners Roundtable Luncheon**
(By invitation only.)
A presentation by the Law Practice Management Division.
- 12:30 p.m. - 1:30 p.m. **Reception**
Courtesy of: Colonial Williamsburg
- 1:00 p.m. - 2:30 p.m. **VBA Board of Governors Luncheon**
(For 2014 Board members and spouses/guests.)

Educational Programming

Friday, Jan 24, 2014

- 9:15 a.m. - 10:45 a.m.
(1.5 Credits) **Domestic Relations Section**
"Phil Loves Bill, Mary Loves Carrie, The Future of Same-sex Relations in Virginia Post *Windsor*."
- 9:15 a.m. - 10:45 a.m.
(1.5 Credits) **Elder Law Section**
"Elder Law Traps for the Non-elder Law Attorney."
- 9:15 a.m. - 10:45 a.m.
(1.5 Credits) **Environment, Natural Resources and Energy Law Section • Real Estate Law Section**
"Tilting at Windmills: An Introduction to Wind Power in Virginia."
- 9:15 a.m. - 10:45 a.m.
(1.5 Credits) **Health Law Section**
"2014 Health Law Introduction & Update, Part I: Physicians and Nurses, Payment and Reimbursement, and Health Care Reform"
- 9:15 a.m. - 10:45 a.m.
(1.5 Credits/1.5 Ethics) **Intellectual Property and Information Technology Law Section • Law Practice Management Division**
"How Not to Be Stupid on the Internet: Ethical and Legal Risks of Attorney Marketing in the Digital Age."
- 11:00 a.m. - 12:30 p.m.
(1.5 Credits) **Corporate Counsel Section • Civil Litigation Section**
"The Continuing Challenge of e-Discovery: The Way Forward."
- 11:00 a.m. - 12:30 p.m.
(1.5 Credits) **Health Law Section**
"2014 Health Law Introduction & Update, Part II: Oversight and Enforcement, Real Estate and Equipment—Certificate of Public Need, Privacy and Security."
- 11:00 a.m. - 12:30 p.m.
(1.5 Credits) **Joint Alternative Dispute Resolution Committee • Domestic Relations Section**
"The Power of Apology: Broadening Perspective, Breaking Impasse and Building Trust in Negotiations."
- 11:00 a.m. - 12:30 p.m.
(1.5 Credits) **Law Practice Management Division**
"Culture of Inclusion: A View From the Top."
- 11:00 a.m. - 12:00 p.m.
(1.0 Credits) **Old Dominion Bar Association**
"Talking Out the Side of Your Neck": Improving Communication with Legal Clients."
- 11:00 a.m. - 12:30 p.m.
(1.5 Credits) **Wills, Trusts & Estates Section • Domestic Relations Section**
"Divorce and Death: Ten Issues Confronting Both Domestic and Estate Planning Practitioners."
- 12:30 p.m. - 2:00 p.m.
(No Credits) **Legacy Series Luncheon Presentation: Committee on Special Issues of National and State Importance**
"Savage Inequality: African American Education in Virginia Before *Brown v. Board of Education*."
Presentation by the Virginia Historical Society Manager of Education Services, William B. Obrochta.
(Spouses and guests are encouraged to attend. Register separately—additional fee for lunch.)
- 1:45 p.m. - 2:45 p.m.
(1.0 Credits/1.0 Ethics) **Young Lawyers Division**
"Advocacy for the YLD: Learning How to Become a Zealous Advocate as a Young Lawyer."
- 2:10 p.m. - 3:40 p.m.
(1.5 Credits) **General Session: Committee on Special Issues of National and State Importance**
"What is the Enduring Legacy of *Brown v. Board of Education*?"
A presentation including segments from a documentary by film-maker Tim Reid which portrays the argument before the U.S. Supreme Court on Brown v. Board of Education. Panelists include The Honorable John Charles Thomas, retired Justice of the Supreme of Virginia, as moderator; Emmy-nominated actor, director and producer, Tim Reid; Historian Cassandra Newby-Alexander, Ph.D.; and, legal scholar and Dean of the Harvard School of Education, Jim Ryan.
(Spouses and guests are encouraged to attend.)
- 3:50 p.m. - 5:20 p.m.
(1.5 Credits) **General Session: Veterans Issues Task Force**
"Serving Those Who Served Us: How Veterans Dockets Can Help Virginia's Veterans."
(Spouses and guests are encouraged to attend.)

Saturday, January 25, 2014

- 9:15 a.m. - 10:45 a.m.
(1.5 Credits) **Appellate Practice Section**
"Appellate Practice for the Occasional Appeal."
- 9:15 a.m. - 10:45 a.m.
(1.5 Credits) **Civil Litigation Section**
"Democracy of the Dead: The Relevance of Legal History in Modern Litigation."
- 9:15 a.m. - 10:45 a.m.
(1.5 Credits) **Construction and Public Contracts Law Section • Business Law Section**
"Winning Contracts Through Strategic Alliances: Bidding, Choice of Entity, Tax Implications and Other Considerations When Forming Single Purpose Entities and Joint Ventures."
- 9:15 a.m. - 10:45 a.m.
(1.5 Credits) **Labor Relations and Employment Law Section**
"Employees with Medical Conditions: A Defense and Plaintiff's Bar Perspective on Recent ADA/FMLA Developments."
- 9:15 a.m. - 10:45 a.m.
(1.5 Credits/1.5 Ethics) **Lawyers Helping Lawyers**
"Lawyers with Depression: How the Stress and Anxiety of Practicing Law May Lead to Depression."
- 9:15 a.m. - 10:15 a.m.
(1.0 Credits) **Old Dominion Bar Association (repeat from Friday)**
"Talking Out the Side of Your Neck": Improving Communication with Legal Clients."
- 9:15 a.m. - 10:45 a.m.
(1.5 Credits) **Virginia Barristers Alliance, Inc.**
"Managing Trust Owned Life Insurance as an Asset and the Role of the Trustee and Attorney."
- 11:00 a.m. - 12:30 p.m.
(1.5 Credits) **General Session: Law Practice Management Division**
"JDPlus: What's the Plus? An Ambitious Plan to Cultivate, Assess and Select for Practice Ready Attributes in Law Students and Junior Lawyers."
- 12:30 p.m. - 2:00 p.m.
(No Credits) **Law Practice Management Division: General Counsel Roundtable Luncheon**
A candid, by invitation only, discussion among Virginia's law firm leaders (topics to be solicited in advance.)
- 12:30 p.m. - 2:00 p.m.
(No Credits) **Law Practice Management Division: Managing Partners Roundtable Luncheon**
A candid, by invitation only, discussion among Virginia's law department leaders (topics to be solicited in advance.)

Hotel Reservations

Room reservations can be made by phone, fax, mail or online. Please refer to the form provided.

Hotel contact information:

Group Reservations
Colonial Williamsburg Co.
P. O. Box 1776
Williamsburg, VA 23187-1776
Phone: (800) 261-9530;
Fax: (757) 220-7729

Website: www.cwf.org

VBA Online Reservation Code:
<https://resweb.passkey.com/go/12397>

**Reservation Deadline:
December 24, 2013**

124th Annual Meeting of The Virginia Bar Association

January 23-25, 2014 • Williamsburg Lodge and Conference Center, Colonial Williamsburg, Virginia

Meeting Registration

Registrant _____ (Full Name) (First Name for Name Badge)

Spouse/Guest _____ (Full Name) (First Name for Name Badge)

Firm Name _____

Business Address _____

E-mail _____ Phone _____

Please indicate if this will be the first VBA Annual Meeting you have attended.

REGISTRATION FEES: (Check one)

- | | | |
|--|------------|--------------|
| <input type="checkbox"/> Single: Member only—1 banquet ticket (NOTE: Must register as couple if spouse attends.) | By Jan 13 | After Jan 13 |
| <input type="checkbox"/> Couple: Member and Spouse/Guest who is a non-lawyer—2 banquet tickets |\$255 | ...\$275 |
| <input type="checkbox"/> Couple: Member and Spouse/Guest who is also a lawyer and a member—2 banquet tickets |325 | ...345 |
| <input type="checkbox"/> Couple: Member and Spouse/Guest who is also a lawyer but not a member—2 banquet tickets |405 | ...425 |

REGISTRATION FEES FOR MEMBERS OF THE JUDICIARY AND FULL TIME GOVERNMENT OR PUBLIC SERVICE LAWYERS AND LAW SCHOOL FACULTY: (Check one)

- | | | | |
|--|-------|-----------|------------|
| <input type="checkbox"/> Single: Member only—1 banquet ticket (NOTE: Must register as couple if spouse attends.) | | Flat Rate |\$155 |
| <input type="checkbox"/> Couple: Member and Spouse/Guest who is a non-lawyer—2 banquet tickets | | |225 |
| <input type="checkbox"/> Couple: Member and Spouse/Guest who is also a lawyer and a member—2 banquet tickets | | |225 |
| <input type="checkbox"/> Couple: Member and Spouse/Guest who is also a lawyer but not a member—2 banquet tickets | | |305 |

ACTIVITIES REQUIRING SEPARATE REGISTRATION AND/OR ADDITIONAL FEES (Check Box)

- | | | | |
|--|---------|----|----------|
| <input type="checkbox"/> Fri. Spouse/Guest Program - Culinary Demo/Tasting - \$30/person (must register in advance) | # | \$ | _____ |
| <input type="checkbox"/> Fri. Legacy Series Lunch/Program - \$40/person (for member/guest - (must register in advance) | # | \$ | _____ |
| <input type="checkbox"/> Fri. Night Banquet Tickets for Additional Guests - \$80/person | # | \$ | _____ |
| <input type="checkbox"/> Sat. Annual Breakfast/Business Meeting - FREE (for member/guest - (must register in advance) | # | \$ | FREE |
| TOTAL | | | \$ _____ |

BANQUET

Banquet ticket(s) are included in registration. For planning purposes, however, please let us know your intentions:

- Yes, I/we plan to attend the banquet. No, I/we do not plan to attend the banquet (Order additional tickets for guests above.)

- Enclosed is my check for \$ _____
- My payment of \$ _____ is being processed and mailed separately. I understand that I will be billed if payment is not received, regardless of my attendance.

Please charge my (circle one)
Visa MasterCard AMEX

Amt. \$ _____

Card No.: _____

Exp. Date: _____ Sec. Code: _____

Name on Card: _____

CANCELLATION POLICY—Requests must be received in writing by January 14, 2014. A \$25 non-refundable fee will apply.

NOTICE TO NON-VBA MEMBERS

Our registration fee schedule is for VBA members only. Non-VBA members registering for the Annual Meeting must add \$125 to this fee. For information about joining the VBA contact us at (804) 644-0041 or by email at thevba@vba.org.

For Office Use

VBA Member: Yes No

Member ID#: _____

Patron: Platinum Gold
 Silver Blue

Check #: _____

Amount: _____

Payment by: Firm Personal

Educational Programming Registration

Friday, January 24, 2014

- 9:15 a.m.-10:45 a.m. **Domestic Relations Section**
(1.5 Credits)
"Phil Loves Bill, Mary Loves Carrie, The Future of Same-sex Relations in Virginia Post Windsor."
- 9:15 a.m.-10:45 a.m. **Elder Law Section**
(1.5 Credits)
"Elder Law Traps for the Non-elder Law Attorney."
- 9:15 a.m.-10:45 a.m. **Environment, Natural Resources & Energy Law Section • Real Estate Section**
(1.5 Credits)
"Tilting at Windmills: An Intro. to Wind Power in Va."
- 9:15 a.m.-10:45 a.m. **Health Law Section**
(1.5 Credits)
"2014 Health Law Introduction & Update, Part I: Physicians and Nurses, Payment and Reimbursement..."
- 9:15 a.m.-10:45 a.m. **Intellectual Property & Info. Tech. Law Sectn. • Law Practice Management Division**
(1.5 Credits/1.5 Ethics)
"How Not to Be Stupid on the Internet: Ethical and Legal Risks of Attorney Marketing in the Digital Age."
- 11:00 a.m.-12:30 p.m. **Corporate Counsel Section • Civil Litigation Sectn.**
(1.5 Credits)
"The Continuing Challenge of e-Discovery: The Way Forward."
- 11:00 a.m.-12:30 p.m. **Health Law Section**
(1.5 Credits)
"2014 Health Law Introduction & Update, Part II: Oversight and Enforcement, Real Estate and..."
- 11:00 a.m.-12:30 p.m. **Joint Alternative Dispute Resolution Committee • Domestic Relations Section**
(1.5 Credits)
"The Power of Apology: Broadening Perspective, Breaking Impasse and Building Trust in Negotiations."
- 11:00 a.m. - 12:30 p.m. **Law Practice Management Division**
(1.5 Credits)
"Culture of Inclusion: A View From the Top."
- 11:00 a.m. - 12:00 p.m. **Old Dominion Bar Association**
(1.0 Credits)
"Talking Out the Side of Your Neck": Improving Communication with Legal Clients."
- 11:00 a.m.-12:30 p.m. **Wills, Trusts & Estates Sectn • Domestic Rel. Sectn. Domestic Relations Section**
(1.5 Credits)
"Divorce and Death: Ten Issues Confronting Both Domestic Relations and Estate Planning Practitioners."

- 1:45 p.m. - 2:45 p.m. **Young Lawyers Division**
(1.0 Credits/1.0 Ethics)
"Advocacy for the YLD: Learning How to Become a Zealous Advocate as a Young Lawyer."
- 2:10 p.m.-3:40 p.m. **General Session: Committee on Special Issues of National & State Importance**
(1.5 Credits)
"What is the Enduring Legacy of Brown v. Board?"
- 3:50 p.m.-5:20 p.m. **General Session: Veterans Issues Task Force**
(1.5 Credits)
"Serving Those Who Served Us: How Veterans Dockets Can Help Virginia's Veterans."

Saturday, January 25, 2014

- 9:15 a.m.-10:45 a.m. **Appellate Practice Section**
(1.5 Credits)
"Appellate Practice for the Occasional Appeal."
- 9:15 a.m.-10:45 a.m. **Civil Litigation Section**
(1.5 Credits)
"Democracy of the Dead: The Relevance of Legal History in Modern Litigation."
- 9:15 a.m.-10:45 a.m. **Construction and Public Contracts Law Section • Business Law Section**
(1.5 Credits)
"Winning Contracts Through Strategic Alliances: Bidding, Choice of Entity, Tax Implications and Other..."
- 9:15 a.m.-10:45 a.m. **Labor Relations and Employment Law Section**
(1.5 Credits)
"Employees with Medical Conditions: A Defense and Plaintiff's Bar Perspective on Recent ADA/FMLA..."
- 9:15 a.m.-10:45 a.m. **Lawyers Helping Lawyers**
(1.5 Credits/1.5 Ethics)
"Lawyers with Depression: How the Stress and Anxiety of Practicing Law May Lead to Depression."
- 9:15 a.m.-10:15 a.m. **Old Dominion Bar Association (repeat from Friday)**
(1.0 Credits)
"Talking Out the Side of Your Neck": Improving Communication with Legal Clients."
- 9:15 a.m.-10:45 a.m. **Virginia Barristers Alliance, Inc.**
(1.5 Credits)
"Managing Trust Owned Life Insurance as an Asset and the Role of the Trustee and Attorney."
- 11:00 a.m.-12:30 p.m. **General Session: Law Practice Management Div.**
(1.5 Credits)
"JDPlus: What's the Plus? An Ambitious Plan to Cultivate, Assess and Select for Practice Ready..."

Return this form to the VBA at 701 E. Franklin St., Ste. 1120 • Richmond, VA 23219 • (804) 644-0041, FAX: (804) 644-0052,

E-mail: thevba@vba.org or register online at www.vba.org/vbaannual2014



Dear Members of The Virginia Bar Association:

On behalf of the Board of Governors, I am pleased to invite you and your family and guests to join us for the 124th Annual Meeting of The Virginia Bar Association at the Williamsburg Lodge and Conference Center, January 23-25, 2014. We're excited that the Annual Meeting will be held in collaboration with the Old Dominion Bar Association (ODBA). What better way to begin the New Year than to enjoy the warm hospitality of Williamsburg with friends and colleagues!

Through the efforts of our substantive law sections, distinguished speakers will present a variety of timely and interesting continuing legal education programs on Friday and Saturday. The Committee on Special Issues of National and State Importance will feature a general session program Friday afternoon on the occasion of the 60th anniversary of the Supreme Court's decision in *Brown v. Board of Education*. The Committee has also organized the traditional Legacy Series Luncheon Presentation on Friday - a longtime collaboration with the Virginia Historical Society. This 28th installment will address the disparity in education resources prior to *Brown v. Board of Education*.

As always, we have planned a number of enjoyable social events, including our Friday evening banquet where we will unveil the portrait of Virginia Supreme Court Justice Cleo E. Powell. It is also with great pride that we will pay tribute to Governors Linwood Holton, Jr. and L. Douglas Wilder by bestowing on them the Association's highest honor, the Gerald L. Baliles Distinguished Service Award.

And, you will want to be with us as we install John L. Walker III of Richmond as the 126th president of The Virginia Bar Association at our Saturday morning breakfast meeting.

Please send in your registration today, or register online at www.vba.org. We look forward to visiting with you in Williamsburg.

Very truly yours,

Thomas R. Bagby
President



The Virginia Bar Association

701 E. Franklin Street, Suite 1120
Richmond, Virginia 23219

PRE-SORTED
STANDARD
U.S. POSTAGE
PAID
Permit No. 784
RICHMOND, VA

Mission Statement

*The Virginia Bar Association is the independent voice of the Virginia lawyer,
advancing the highest ideals of the profession through advocacy and volunteer service.*

The logo for the Virginia Bar Association, featuring the letters 'V.B.A.' in a large, blue, serif font. The letters are stylized with a dot between the 'V' and 'B', and between the 'B' and 'A'.

The Virginia Bar Association

701 E. Franklin Street, Suite 1120
Richmond, Virginia 23219
(804) 644-0041 • FAX: (804) 644-0052

See our website for more information: www.vba.org