

## VSBS TechShow

Thank you for all your efforts in making the VSBS TechShow a success. I appreciate it. The CLE seminar was truly enjoyable with interesting topics and great presenters.

**Richard A. Kuenzi**  
Lynchburg

Thanks to Sharon Nelson for taking the risk during your year as president to launch a new technology conference for Virginia lawyers. Paulette Davidson (VSBS liaison) and everyone did a great job organizing and presenting the event. Kudos to all. As a Virginia lawyer, I am pleased this tradition has been started in the Old Dominion, and hope that it continues annually for many years!

**Reid F. Trautz**  
Washington, DC

I just wanted to say that the TechShow was one of the best and most useful CLE classes I have ever taken. Thank you for all that you did and please thank Sharon Nelson and anyone else for an outstanding program. It was worth the two hour drive to attend!

**Rhea Moore**  
Arlington

## Letters

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## Physics and the Law

“The Laws of Physics and the Physics of Law” in the April 2014 issue of *Virginia Lawyer* is flat out one of the most extraordinary articles I’ve ever read in a bar publication. It is evident that this was a labor of love for Judge Kelsey, and I hope that it is read by a broad audience in the Virginia Bar.

Congratulations on a wonderful article.

**Paul B. Terpak**  
Fairfax

Congratulations on a well-written and thoughtful article “The Laws of Physics and the Physics of Law” in the April 2014 *Virginia Lawyer*, by the Honorable D. Arthur Kelsey. I look forward to reading the full law review article in the Regent University Law Review. I appreciate Judge Kelsey taking the time to summarize the longer version into a more accessible form so that many more Virginia lawyers benefit from his thesis and conclusions.

My professional practice is exclusively facilitated dispute resolution and I often refer to discoveries in other disciplines to deepen my client work. Judge Kelsey’s analogies to the laws of physics are very aligned to my understanding of conflict and dispute resolution generally and very timely in a broader approach to interdisciplinary connectedness.

In my research and writing, I have referenced neuroscience research to elucidate how decisions are made and how lawyers can facilitate positive client interactions. I too rely on Heisenberg’s Uncertainty Principle to educate lawyers about their direct impact on the system they are entering and encourage self-awareness in all client interactions. I am still pondering his discussion of the particle-wave debate applied to law and equity. Since most of my client work is

in family law, I expect that this tension is significant in understanding impasse and resolution. I am also considering the broader application of his point that precedent is not the common law, but rather evidence of the common law. The implication that there is a fabric of justice beyond the cases is both exciting and challenging.

I also wanted to reference the writings of Kenneth Cloke, a lawyer and mediator based in California. Cloke is a visionary and shaper of the facilitated dispute resolution movement and has written extensively about interdisciplinary connections to the legal justice system. In his book, *The Crossroads of Conflict*, Chapter 11 at page 293, “Toward a Unified Theory of Conflict Resolution,” he too addresses principles of physics as applied to our work. Thanks to *Virginia Lawyer* for sharing Judge Kelsey’s allegorical perspective. I applaud his persistent and focused effort to produce cogent writing and editing of an article. Judge Kelsey, with the able assistance of his law clerk, has made a great contribution to the continuing conversation of how we understand justice. It is inspiring for one of our judges to remind practitioners of the art of justice about our roots and continuing obligation to seek and discern.

**Kimberly P. Fauss**  
Richmond

I write to thank you for Judge Kelsey’s excellent article on “The Laws of Physics and the Physics of Laws” in the April issue of *Virginia Lawyer*. It’s certainly an engaging and charming thought to compare scientific axioms to some of the legal doctrines that inform our business.

Judge Kelsey’s article, drawing as it did on principles outside the law as illus-

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# Don't take the "ostrich" approach

According to legend, an ostrich will shove its head in the sand when confronted with something unpleasant. I think you'll agree - probably not the best approach.



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trative of legal questions, did some of what we do too little in our profession. We're often tempted to think of most problems as legal, or not, and to think of legal solutions as springing from the law, as if the law evolved in a vacuum. But it didn't and it doesn't. Our clients, and the consumers of our system of justice, are not much interested in the law as an end in and of itself. They are interested in the law as a way of making sense of the world, and of their affairs. It stands to reason, then, that discussion between our profession and the people we're meant to be serving ought to be a two-way street. We ought to know as much as we can about the world around us. In that way, when we're called upon to administer some justice, in whatever role we play in that process, we do so with

some understanding of how the rest of the world thinks.

The rule of law is a fine idea to which we're all sworn, and most of us by disposition and not just the oath of our admission to the bar. But there are other good ideas out there. Judge Kelsey's article was a fine example of analyzing how the principles of our profession compare with the principles of other disciplines and how we might better understand our own work in light of the work other people are doing. It was also a happy reminder that the law doesn't exist in a vacuum of our own creation, but is a product of the world around us.

Thank you again for the thought provoking and interesting article. I'll look forward to reading more like these.

**Cullen D. Seltzer**  
Richmond

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