

The newsletter of the Young Lawyers Conference of the Virginia State Bar

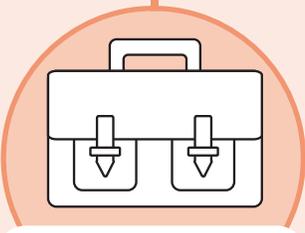
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## Training Tomorrow's Lawyers: The 2010 Hill/Tucker Prelaw Institute

by Antoinette N. Morgan and Lakai C. Vinson

High school students who attended the 2010 Hill/Tucker Prelaw Institute had the unique opportunity to learn about the legacies of celebrated civil rights attorneys Oliver W. Hill, Sr. and Samuel W. Tucker. The Institute's participants continue the legacy of Hill and Tucker by challenging themselves to push forward to make a difference, even when their stances or opinions may be unpopular.

This year's Institute was held from July 18 – July 23 at the University of Richmond. During the Institute, high school students from around the Commonwealth were introduced to not only the legal profession, but also given the opportunity to experience college life. The students lived in the dorms at the University of Richmond for a week, and attended a number of mock classes and seminars on trial advocacy, career opportunities in the law, and the college admissions process. At the end of the week, the students participated in a mock trial. The Institute concluded with a graduation banquet featuring David Baugh, Capital Defender for the central region of Virginia, as keynote speaker. Baugh challenged the students to identify their personal heroes by looking to those people in their families and communities who perform acts of heroism, sometimes without recognition.

### The Legacies of Hill and Tucker

In an era when African-Americans were often denied a formal education, Oliver Hill graduated with a law degree from Howard University. He established his career as a powerhouse attorney, refusing to accept the injustices forced upon African-Americans. In his first civil rights case to reach the U.S.

Supreme Court, *Alston v. School Board of Norfolk*, 112 F.2d 992 (4th Cir. 1940), *cert. denied* 311 U.S. 693 (1940), Hill advocated for equal pay for black and white teachers. Hill also argued *Davis v. County School Board of Prince Edward County*, which was incorporated into *Brown v. Board of Education*, 347 U.S. 483 (1954), the landmark case that ended public school segregation.

Samuel Tucker, an Alexandria native, also received his law degree from Howard University. Tucker was a zealous advocate for equal rights and demonstrated his commitment to challenging segregation, filing suits in almost 50 counties and cities in the Commonwealth of Virginia.

### The History of the Institute

The Institute is a joint project of the Young Lawyers Conference and the Millennium Diversity Initiative (MDI). In 2000, the VSB, under the leadership of then-president Joseph Condo, recognized that with an ever-growing diverse population, the need for diversity in the legal profession had become even more important. Although a disproportionate number of minorities are affected by the criminal justice system, the membership of the bar is not proportionately comprised of minority members. In an effort to increase the number of minority attorneys in the bar, the VSB founded MDI as a private, non-profit organization to develop programs to that end.

In 2001, MDI and the YLC developed the Institute. Named in honor of Hill and Tucker, the Institute was created under the direction of Delegate Jennifer McClellan (D-Richmond),

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## Domestic Violence and Immigration

Since I began working at Virginia Poverty Law Center (VPLC) in September 2007, I have received an increasing number of calls from advocates and service providers for immigrant clients who are victims of domestic and/or sexual violence. As you may know, these victims face additional hurdles in obtaining assistance such as having to rely on their abusers to obtain a green card or hesitating to report crimes for fear of deportation.

For a few years, I had been commiserating with Lakshmi Challa, one of VPLC's Board members, about trying to figure out how to address the special legal issues immigrant victims of domestic and sexual violence face. Ms. Challa has practiced immigration law exclusively for the past fourteen years and has her own immigration law firm in Richmond—the Challa Law Offices. We decided we needed to start an effort to help these victims. Therefore, in October of 2009, the VPLC and the Challa Law Offices began a series of free pilot immigration clinics in the Richmond area to serve undocumented immigrant victims of domestic and/or sexual violence. We have held eight clinics so far, and expect to continue to hold two each quarter. The YLC's Domestic Violence Safety Project (DVSP) has partnered with VPLC in this endeavor. The DVSP will be hosting a CLE this October in Richmond, and it plans to follow with more dates and locations throughout Virginia.

So, what do I mean when I write "undocumented?" It means that, in general, the clients we serve do not have a green card (Lawful Permanent Resident Status, an approved I-485 application), U.S. citizenship, or a visa that allows them to remain in the United States for a temporary period of time without having to rely on their abusive

partners to file follow-up immigration documents for them as their sponsors. Our clients come to our attention through victims service advocates and have completed intakes beforehand that help the attorneys that meet with them discuss their cases and determine whether they are candidates for U visas or Violence Against Women Act (VAWA) Self-Petitions. Attending one of our clinics does not guarantee a client's eligibility for a U visa, VAWA Self-Petition, or any other federal immigration remedy, nor does it guarantee free legal representation. That said, we hope to connect eligible victims free of charge with attorneys and other professionals who can help them with these types of petitions.

The VAWA Self-Petition is available to spouses of abusive U.S. citizens or green card holders who can show:

- Identity of the victim;
- Evidence of the abuser's legal status in the United States (i.e., U.S. Citizen or Lawful Permanent Resident);
- Evidence that the victim and abuser married in good faith;
- Evidence that the victim and abuser shared a residence;
- Evidence of physical, mental and/or sexual abuse; and
- Evidence of good moral character of the victim.

What if your client is not married? Or if he/she is married, but the spouse is not a U.S. citizen/green card holder? Or if the spouse is not the abuser? In these cases, the victim may be eligible for a U visa, which is a visa created as part of the Victims of Trafficking and Violence Prevention Act of 2000 to strengthen the ability of law enforcement agencies to detect, investigate, and prosecute

crimes against immigrants. The U visa supports victim and witness cooperation with law enforcement or the prosecution. A victim may be eligible for a U visa if it can be shown that he/she:

- Suffered substantial physical or mental abuse as a result of having been a victim of certain criminal activity;
- Possesses information concerning that criminal activity;
- Has been helpful, is being helpful, or is likely to be helpful to law enforcement or the prosecution; and
- The criminal activity described violated the laws of the United States or occurred in the United States.

To learn more about the potential of these tools for undocumented immigrants, please attend the CLE hosted by the YLC's Domestic Violence Safety Project on **October 14, 2010**. You may also volunteer for the next clinics on **October 19 and October 21, 2010**, in Richmond. These clinics represent the first step in launching what will hopefully be ongoing training to Virginia attorneys to serve the needs of undocumented immigrant victims of domestic and/or sexual violence.

**Susheela Varky** is a Staff Attorney at Virginia Poverty Law Center. She may be reached at [susheela@vplc.org](mailto:susheela@vplc.org).

*For more information on the YLC's Domestic Violence Safety Project CLE, please contact Lara Jacobs, the Co-Chair of the Domestic Violence Safety Project, at [jacobs.lara@gmail.com](mailto:jacobs.lara@gmail.com).*

# message from the president

Carson H. Sullivan



## Looking Back at a Great Year and Looking Forward to the Future

In just a few months, the YLC will be welcoming a new class of lawyers to our ranks. In our next newsletter, my President's Message will be geared largely towards those new lawyers: I'll tell them about the YLC, I'll urge them to get involved, and I'll explain why I believe it's important for every lawyer to give back to his or her community and to the bar.

For this issue, however, I want to do two things. First, I need to confess that the picture of me you see above and on the cover of this newsletter was taken quite a few years ago – before I had my two wonderful children and at a time when I highlighted my hair to make it lighter, not to cover up the gray (not that I'm suggesting a correlation between the two...). So, if you know me and you're laughing because my picture looks a little dated, I'll try to have a more recent picture taken at some point. I can't promise I'll actually get that done, but I'll try.

Second, and on a much more serious note, I want to look back at the great year we've just had. So many young lawyers have done so many amazing things for and with the YLC:

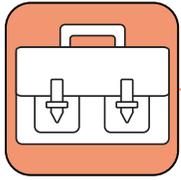
- I want to say a special word of congratulations and thanks to our Significant Service Award winners Wirt Brock, Sarah Bruscia, Kristi Cahoon, Christen Church, Joanna Faust, Andy Geyer, Travis Graham, Jennifer Haberlin, Leigh Strelka, Monica Walker, Marie Washington and Lindsey Waters. Each of these individuals went above and beyond in their efforts to make our 2009/2010 YLC programs and projects a huge success, and we are so thankful for those efforts.
- Congratulations again to Bob Byrne, the winner of the R. Edwin Burnette, Jr. Young Lawyer of the Year Award. As you can see on page 6 of this newsletter, Bob has done so much for the YLC, the legal profession, and the community. I cannot think of anyone more deserving of this award.
- I also want to thank Antoinette Morgan and Lakai Vinson, Co-Directors for the 2010 Hill/Tucker Pre-Law Institute, which took place in July. As you can see from their article on the cover of this issue of *Docket Call*, the Hill/Tucker Pre-Law Institute offers high school students a wonderful opportunity to learn about the law,

and Antoinette and Lakai did a fantastic job making sure this year's Institute was a huge success.

- Last, and certainly not least, I want to say just a few words about my predecessor, whose shoes, I think it's fair to say, will be very difficult to fill. Lesley Pate Marlin served the YLC tirelessly in the past year. Her dedication, her attention to detail, and her energy are unsurpassed. In addition to ensuring that all of the YLC's programs and projects went off without a hitch, she spearheaded a partnership with the Legal Information Network for Cancer (LINC) to create a *Legal Handbook for Cancer Survivors*. The handbook is an invaluable resource—it provides information on a huge range of topics, including paying for medical care, insurance issues and employment law concerns. Through Lesley's leadership, 8,000 copies of the *Handbook* have been printed and will be distributed across the Commonwealth by the YLC and LINC. This is an incredible accomplishment, and Lesley deserves a standing ovation for everything she did last year as President, as well as for all her contributions over the many years she has been a member of the YLC Board of Governors.

I am humbled and honored to be serving as YLC President, and I am looking forward to a great year. Please take a few minutes to look over our website, <http://www.vsb.org/site/conferences/ylc/>, and the descriptions of our programs, projects, and initiatives. We are always looking for new volunteers and leaders. If you want to get involved (or if you think you might want to get involved), please contact me at (202) 551-1809 or [carsonsullivan@paulhastings.com](mailto:carsonsullivan@paulhastings.com) or contact our YLC Membership Chair, Nathan Olson, at (703) 934-1480 or [nolson@cgglawyers.com](mailto:nolson@cgglawyers.com). Volunteering through the YLC is incredibly rewarding, and it's also a great way to meet and get to know other young lawyers from across the Commonwealth. I'll expand more on that theme in my next President's Message, but needless to say, I hope you'll join us this year!

**Carson H. Sullivan** lives in Arlington and practices employment law at Paul, Hastings, Janofsky & Walker LLP in Washington, D.C. She can be reached at [carsonsullivan@paulhastings.com](mailto:carsonsullivan@paulhastings.com).



## corporate corner

David C. Nahm

### The Sherman Act and the Single Entity-ness of the National Football League

For the last several years, I have been in a fantasy football league with my family. With the exception of one brother-in-law, no one in my family knows anything about football or even watches it. I honestly don't know whose idea it was to start the league, but much like tuna casserole, it is just something we have to deal with now. I regularly have players on my team who have retired or died from brain injuries—or in some cases, both. Honestly, you would think that the retired and dead would be removed from the system.

In any case, the majority of my football knowledge is limited to the fact that my mother thinks that Peyton Manning is pretty and that people really love to wear clothes with the logo of their favorite football team. Shirts, hoodies, shorts, and especially baseball caps, which seems weird since it has a football team logo on it but I guess people aren't really going to wear a helmet around for fun.

The upshot of these idle observations about contemporary American sartorial paradoxes is that it is clear that there is quite a bit of money in athletically-themed clothes. The owners of the 32 NFL teams realize this as well. For decades they have granted nonexclusive licenses to vendors to create and sell team-themed clothing. In the 1960s, the teams created a separate entity, the National Football League Properties (NFLP), to manage the intellectual property of the league and grant non-exclusive licenses. In 2000, however, the NFLP changed its practices and granted Reebok International Ltd. an exclusive license, while not renewing the other vendors' licenses.

Among the vendors who were unable to manufacture and sell NFL-related clothing was American Needle, Inc. American Needle had been creating clothing for the NFL for 20

years, so naturally, it sued when Reebok was granted the exclusive license. The suit alleged that the NFL violated the Sherman Act. Section 1 of the Sherman Act makes “[e]very contract, combination...or, conspiracy, in restraint of trade” illegal. 15 U.S.C. § 1. The NFL moved for summary judgment on the basis that the Sherman Act did not apply because the NFL's teams were a single entity with respect to the licensing of intellectual property for clothing and other sundry goods. The United States District Court for the Northern District of Illinois granted summary judgment, and the United States Court of Appeals for the Seventh Circuit affirmed.

The Seventh Circuit based its decision on a prior Supreme Court ruling, *Copperweld Corp. v. Independence Tube Corp.*, 467 U.S. 752 (1984), and the lines of federal court cases that came in its wake. *American Needle Inc. v. National Football League, et al.*, 538 F.3d 736 (2008). *Copperweld* held that a parent corporation and its wholly-owned subsidiary are a single entity for antitrust purposes. *Id.* The later federal cases expanded this holding over time beyond parent-subsidiary relationships to include affiliated companies or individuals, in certain circumstances. *Id.* The Seventh Circuit stated that “nothing in § 1 prohibits the NFL teams from cooperating so the league can compete against other entertainment providers...[v]iewed in this light, the NFL teams are best described as a single source of economic power when promoting NFL football through licensing the teams' intellectual property...” *Id.*

In *American Needle, Inc., v. National Football League, et al.*, 130 S.Ct. 2201 (2010), the Supreme Court reversed and remanded the case, holding that the alleged conduct was not categorically beyond the coverage of the

Sherman Act. The Supreme Court, in reviewing the case, came to the opposite conclusion from that of the Seventh Circuit, finding that for Section 1 of the Sherman Act to apply, there must be concerted action on the part of the alleged violators, as opposed to independent action. The Court, citing *Copperweld*, stated that concerted actions are inherently fraught with anticompetitive risk because they “deprive the marketplace of independent centers of decisionmaking...” *Id.* at 2209. In order to determine what is independent action and what is concerted action—and therefore what is and is not subject to the Sherman Act—the Court eschewed a formalistic approach and embraced the substance of the questioned activities.

In this case, the Court found that the NFL teams lacked unitary decisionmaking such that would make them a single entity. *Id.* at 2212. Each team is a separate entity which has a separate economic interest when pursuing the marketing and sale of its trademarked items. *Id.* at 2215. The NFL argued that the NFLP was a single entity created to promote the league as a whole and the whole league's intellectual properties. The Supreme Court, however, held that “[a]n ongoing § 1 violation cannot evade § 1 scrutiny simply by giving the ongoing violation a name and label.” *Id.* at 2213. Here we see the Supreme Court reigning in somewhat the expansion of the holding in

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### The Importance of Professionalism in Divorce Cases (and in Life!)

Professionalism is a topic often covered and, quite frankly, often boring to read about. However, in the practice of family and domestic relations law, the importance of professionalism cannot be emphasized enough. Professionalism can help you win a case in front of a judge and often settle a case before stepping into court.

As divorce lawyers, we deal with our clients' raw emotions. Hurt. Despair. Rage. Jealousy. You name it, our clients feel it. And they often want and expect us to empathize with them. However, while it's important to attempt to empathize with our clients, we must be very careful to maintain an objective distance from our clients and not internalize our clients' emotions when we deal with the opposing party and opposing counsel.

I have received letters from other attorneys where I could practically hear the attorney screaming through the page, or feel the sarcasm dripping from their voices. It was as if the opposing client, and not his or her attorney, had written the letter. These types of letters don't make me or my client more likely to see the other side's position or agree with its views. Instead, it makes me think how unprofessional the other

*Corporate Corner continued from page 4*

*Copperweld* and giving a more definite standard for the evaluation of claims under § 1 of the Sherman Act.

It is important to note that the Supreme Court did not decide that the Sherman Act was violated—only that the NFL could not by definition be excluded from the Sherman Act's provisions. The Supreme Court noted that collaboration between the teams was necessary to the success of the game and that many agreements would not violate § 1. *Id.* at 2214. However, in this specific case, on these specific facts, the Supreme Court found that there did appear to be a concerted effort which would fall under § 1 of the Sherman Act and which required further proceedings. *Id.* at 2217.

The upshot of this is that it is clear that when dealing with transactions that may be a violation of the Sherman Act, merely creating a separate entity to house that transaction will not shield the participants from liability. The holding of *Copperweld* is limited to true parent-subsidiary relationships, where there really is only one entity that is making the decisions. While understanding this case may be of some service when advising a corporate client, it does little to increase my chances this year of doing well in my family's fantasy football competition. I'm not too worried though—my mother explained to me that I want to be sure to draft the best kicker I can find first. She's always looking out for my best interests.

attorney is, and it usually makes my client angry and less likely to settle. This is counterproductive to keeping the case on an even keel and working towards a positive resolution.

I have seen attorneys post comments about other attorneys on social media sites. I have heard seasoned attorneys bashing other attorneys on motions days outside of the courtroom. While they may have been talking to a friend or close confidant, on motions days there are many other attorneys walking through the halls who are subjected to the criticism whether or not they wanted to be part of the conversation. On social media sites, friends have friends and private conversations are not private. Both situations are unprofessional, and often result in the speaker being the person who looks ridiculous or untrustworthy due to his or her lack of discretion.

I have been in courtrooms where attorneys were flippant and at times irreverent with the judges, and others where attorneys were far too casual without showing the proper respect due to the judge. I have also later been at a presentation where that same judge commented on how inappropriate such behavior is, and how she does not take kindly to it.

As young lawyers, we have our whole careers ahead of us. It takes years to truly develop a good and respectable reputation but it takes one incident of unprofessionalism to destroy that reputation. A good working relationship with your adversaries is critical, but once other attorneys think of you as unprofessional, they are less likely to want to work with you. Moreover, if a judge does not think you are professional and he or she has to make a credibility call between you and another attorney, each attorney's professional reputation may be the deciding factor on a close call. Judge Stanley Klein (Ret.) of the Fairfax County Circuit Court once told me that there were some lawyers who could tell him it was dark outside, and even if it were noon, he would believe them, thinking there must be an eclipse of the sun (Judge Klein was himself quoting from former Fairfax County Circuit Court Chief Judge Richard Jamborsky). That's the kind of lawyer we should all strive to be—where our professional reputation is such that others can and do rely on what we tell them because our reputation speaks for itself.

My grandmother used to always tell me "Kathy, never forget to treat others as you would have them treat you." That is a lesson in professionalism we should all live by.

**Katharine W. Maddox** practices family law at The Maddox Firm, P.C., in Vienna. You may reach her at [kmaddox@maddoxlawoffice.com](mailto:kmaddox@maddoxlawoffice.com).

# Fun in the Sun at the Annual Meeting!

by Joanna Faust

The Virginia State Bar's 72nd Annual Meeting, held in Virginia Beach, kicked off with a bang on Thursday, June 17th, with a cocktail reception on the sloping grounds of the historic Cavalier Hotel. Members of the Young Lawyers Conference met and mingled with their counterparts from around the Commonwealth.

Early the next morning, the YLC, along with its sponsor Virginia Lawyers Media, hosted a 5K "Run in the Sun" race on the Virginia Beach boardwalk. More than 50 competitors raced up and down the

Haberlin and her committee paired with the VSB Health Law section to present a CLE on "Diagnosing the Top Legal Issues Facing Clients with Cancer."

After the morning CLE, the YLC held its annual lunchtime Reception and Membership Meeting to install the new YLC Board members for the 2010-2011 bar year. The meeting also provided an opportunity to honor the YLC's 2009-2010 Significant Service Award winners for the programs they ran and their contributions to the YLC during the past bar year: W. Wirt Brock (No Bills Night), Sarah

Night), Jennifer A. Haberlin (Cancer & the Law CLE), Leigh R. Strelka (Roanoke No Bills Night), Monica A. Walker (Professional Development Seminar), Marie E. Washington (20th Circuit Representative), and Lindsey A. Waters (Southern Virginia Prelaw Conference).

The YLC's highest honor—the R. Edwin Burnette, Jr. Young Lawyer of the Year Award—was presented to Robert E. Byrne, Jr. of Charlottesville. This award is presented to the young attorney of the year who most exemplified outstanding service to the YLC, the legal profession, and his or her community. Bob was honored for his exceptional service during the past bar year, including his service to the YLC as Co-Chair of the Professional Development Conference and Chair of the Children and the Law Commission; his contributions to the YLC's Docket Call Newsletter, his service as Chair of the Community Relations Committee of the Charlottesville Albemarle Bar Association; and his organization of Senior Law Day and Rule of Law Day in his district.

On Friday night, YLC members gathered for a poolside reception before the Annual Banquet. YLC members had the opportunity to meet incoming YLC President Carson Sullivan and learn about her exciting plans for the upcoming bar year while enjoying cocktails by the beach.

The YLC closed out the Annual Meeting with its traditional beach volleyball tournament coordinated by YLC Annual Meeting Athletics Chair Andrew Tank. The David T. Stitt Memorial Volleyball Tournament was sponsored this year by the Chicago Title Insurance Company and The Maddox Law Firm, PC and won for the 3rd year in a row by the "Llamas." With the sand and the sun and plenty of frosty beverages, it was the perfect send-off to another successful Annual Meeting and bar year.



- ▲ And they're off! The runners have a beautiful morning to make their way up the Boardwalk.
- ▶ VSB Past-President Ed Burnette, Jr. presents Robert E. Byrne, Jr. with the Young Lawyer of the Year Award.

boardwalk in the early morning sun. The top two male finishers from last year – 1st place Thomas K. Kirui and 2nd place Nathan J. Olson – repeated their 1-2 finish for the second straight year. Ruth Kirui also repeated her 1st place finish for the second year in a row while Linda Jackson made a great showing as the 2nd place women's finisher.

After the race, it was time for the YLC to host its annual CLE. This year, Chair Jennifer



E. Bruscia (Bench Bar Celebration Dinner), Kristi N. Cahoon (Legal Handbook for Cancer Survivors), Christen C. Church (Prelaw Conference), Joanna L. Faust (Docket Call newsletter), Andrew G. Geyer (Wills for Heros), Travis J. Graham (Roanoke No Bills

**Joanna Faust** is a litigation associate in LeClairRyan's Alexandria office. She can be reached at [joanna.faust@leclairryan.com](mailto:joanna.faust@leclairryan.com).

# THE YOUNG LAWYERS CONFERENCE OF THE VIRGINIA STATE BAR

invites you to attend the  
**PROFESSIONAL DEVELOPMENT CONFERENCE**

**October 1, 2010**

10:00 a.m. - 5:00 p.m.,  
Hunton & Williams, LLP  
951 East Byrd Street, Richmond, VA 23219

## WHAT EVERY ATTORNEY NEEDS TO KNOW: SIX CORE TIPS AND TRAITS OF SUCCESSFUL YOUNG LAWYERS

5.0 CLE Credit Hours (pending)  
(including 1.0 Ethics Credits)

We will be discussing growing your practice, practice essentials for both litigators and transactional attorneys, and avoiding the pitfalls that face every young attorney. While these skills are invaluable for young attorneys, the Professional Development Conference is open to attorneys of all experience levels.

The cost to attend is only \$80 (\$20 for government attorneys).  
Hardship scholarships may be offered upon request. Parking and lunch are included!

For more information contact Monica Walker at [walkermonica2@aol.com](mailto:walkermonica2@aol.com) or at (804) 340-5210 x 17.

**Agenda (.pdf)    Registration Form (.pdf)**

***SAVE THE DATE    •    REGISTER NOW***

## Upcoming Events



**9/25** | Southern Virginia  
Minority Pre-Law Conference

**10/1** | YLC Professional Development  
Conference

**10/2** | YLC Leaders Conference and  
Board of Governors meeting

**10/6** | Mental Health Law  
Committee CLE

**10/14** | Domestic Violence Safety Project CLE

**11/4** | First Day in Practice Seminar

For a complete, up-to-date list of events, please visit:  
<http://www.vsb.org/site/events/>



# bankruptcy bullets

Martha E. Hulley

## The Basics

Welcome to the first installment of Bankruptcy Bullets, a quick-reference guide intended to assist attorneys in navigating the sometimes intimidating and often confusing arena of bankruptcy law. In light of the economic downturn, attorneys are finding themselves confronted with bankrupt individuals and entities in their legal practice. The purpose of Bankruptcy Bullets is to break down an otherwise complex and intimidating bankruptcy topic into short, easy-to-understand bites of knowledge. This inaugural article deals with basic procedural/technical information that should assist practicing attorneys in responding to a bankruptcy filing.

- **JURISDICTION:** Bankruptcy cases may not be filed in state court. The United States Bankruptcy Courts are federal courts, created pursuant to Article I of the United States Constitution. Bankruptcy Courts derive their jurisdiction from 28 U.S.C. § 1334(a) of the U.S. Code.
- **CASE ACCESS:** Bankruptcy Courts, like all federal district and appellate courts, have instituted the Case Management/Electronic Case Filing (CM/ECF) system. Anyone with a PACER account may view a bankruptcy case docket. This also means that attorneys may conduct nationwide PACER searches to determine if individuals or entities have filed for bankruptcy protection. The link for this service is located at: <http://www.pacer.gov/>.
- **COURT STRUCTURE:** Although Bankruptcy Courts are units of the federal district courts, they operate as separate judicial bodies. Bankruptcy Courts have their own clerk's offices and judges. Bankruptcy judges are federal judges who are appointed for terms

not to exceed fourteen years. Virginia is separated into two bankruptcy court districts: the United States Bankruptcy Court for the Eastern District of Virginia and the United States Bankruptcy Court for the Western District of Virginia. Both districts consist of several divisions, which are located throughout Virginia. The clerk's offices for both districts maintain websites (located at [www.vaeb.uscourts.gov](http://www.vaeb.uscourts.gov) and [www.vawb.uscourts.gov](http://www.vawb.uscourts.gov), respectively) which detail the contact information and location of the courts, filing information, local rules and standing orders, and access to CM/ECF databases.

- **APPELLATE PROCEDURE:** In the Fourth Circuit, appeals from Bankruptcy Court rulings are taken to the district court that is located in the federal district where the particular bankruptcy court is located. From there appeals go to the Court of Appeals for the Fourth Circuit, and then ultimately to the United States Supreme Court. Some federal circuits employ what is called a Bankruptcy Appellate Panel (known as a "BAP") which can also hear direct appeals of Bankruptcy Court rulings. A BAP consists of a tribunal of bankruptcy judges and provides an alternative to appealing to the district court. In circuits employing BAPs, the next step on the appellate ladder after a BAP ruling is to the Court of Appeals. A recent change in the Bankruptcy Code has created a direct appeal process, meaning that parties who wish to appeal a bankruptcy court ruling may apply for a direct appeal straight to the Court of Appeals. The process for such an appellate route is detailed in the Federal Rules of Bankruptcy Procedure.
- **ATTORNEY ADMISSION:** Attorneys wishing to appear in Bankruptcy Courts must be admitted to each Bankruptcy Court in which they wish to appear. Both districts in Virginia have established reciprocity policies permitting admitted attorneys of one district to be admitted to the other. Attorneys wishing to take advantage of these policies should review the local bankruptcy rules of each bankruptcy court on the court's website.
- **CASE/PLEADING FILING:** Like the federal courts, the Bankruptcy Courts have implemented electronic case filing. In order to file a pleading in a bankruptcy case, an attorney must be admitted to that bankruptcy court and also possess a CM/ECF filing password. Information on obtaining these passwords can be found on the bankruptcy clerk's office websites for each district.
- **BANKRUPTCY RULES:** Bankruptcy Courts utilize their own set of procedural rules referred to as the Federal Rules of Bankruptcy Procedure (the "FRBP"). While these rules do cover certain areas specific to bankruptcy matters, attorneys will often find that the

### VSJ Minority Pre-Law Conference

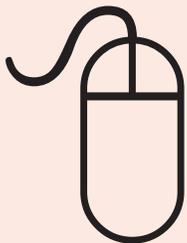
The 2010 Virginia State Bar Southern Virginia Minority Pre-Law Conference will be held on **September 25, 2010** from 9:30 am to 4:00 pm. at the Washington & Lee University School of Law in Lexington. Sponsors and volunteers are welcome. If you know a student who is considering attending law school, please pass on this information. Students may register at [www.gentrylocke.com/prelaw](http://www.gentrylocke.com/prelaw).

procedural requirements are similar to those of other federal courts. In fact, many rules in the FRBP simply incorporate a corresponding Federal Rule of Civil Procedure ("FRCP"). For example, FRBP 7012(b) does little more than refer the reader to FRCP 12(b). In addition to the FRBP, every Bankruptcy Court has its own set of local rules which should always be thoroughly reviewed, as they often provide vital and useful information regarding procedural quirks of the court.

- **BANKRUPTCY CODE/RULES:** What appears most intimidating to attorneys is that bankruptcy courts are governed by a separate bankruptcy code. The United States Bankruptcy Code is located in Title 11 of the United States Code and consists of several chapters which correspond to different types of bankruptcy cases. Knowing the chapter under which a bankruptcy case is filed allows attorneys to identify certain characteristics about the type of debtor, the likely process of the case, and even the intended result of the bankruptcy case. For example, an attorney who finds he is dealing with a Chapter 13 case can assume he is dealing with an individual debtor who is receiving a certain amount of annual income and who intends to develop a repayment plan for his creditors. A complete discussion of the various types of bankruptcy chapters, however, deserves an article all to itself.

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*Stay Tuned for our next issue which will delve into the various bankruptcy chapters, as well as an introduction to the automatic stay in bankruptcy.*



## Coming Up!

Stay tuned for the Fall 2010 *Docket Call*, which will feature an overview of the YLC Board and Committees, and provide information on how to become involved!

As always, check our website for the most up-to-date news and event listings, as well as archived issues of *Docket Call*!

<http://www.vayounglawyers.com/>

# CONGRATULATIONS!

Congratulations to the following YLC programs for receiving 2009-2010 Awards of Achievement at the American Bar Association Young Lawyers Division's Annual Meeting

**First Place**  
(Minority Project Category)

**The Oliver Hill/Samuel Tucker  
Pre-Law Institute**

•

**Second Place**  
(Service to the Bar Category)

**The Bench-Bar Celebration Dinner**

•

**Second Place**  
(Service to the Public Category)

**Legal Handbook for Cancer Survivors**

Congratulations to our YLC leaders, members, and volunteers for such a strong showing!

## Address Change?

If you have moved or changed your address, please see the VSB Membership Department's page on the Web for an address update form, at [www.vsb.org/site/members/](http://www.vsb.org/site/members/).

then a committee chair for the YLC, in order to reach future lawyers at an early age and provide them with exposure and opportunity to explore the legal profession, with hopes that participants would go on to pursue careers in the law. The Institute has grown over the past nine years from its first class of 16 students. It has now served more than 100 students, some of whom have gone on to attend law school.

### The Courtroom as a Classroom

During their week at the Institute, students had the opportunity to travel to local courthouses to observe courtroom proceedings and to meet with local judges. Fourth Circuit Court of Appeals Judge Roger L. Gregory shared fond memories of his humble upbringing in Petersburg, Virginia. Judge Gregory spoke of his experiences attending a newly integrated school and of his extraordinary path to the bench. Judge Gregory left the students with a valuable lesson: Don't let the obstacles of your past limit your career aspirations.

Henrico County Circuit Court Judge Gary A. Hicks, a mentee of both Hill and Tucker, explained to the students the great impact that the two great civil rights leaders had in the direction of his own career. Judge Hicks advised the students to use education as the means of following their dreams, whether they decide to pursue a career in law or otherwise.

Finally, Judge Denis Soden, a Henrico County Juvenile and Domestic Relations District Court judge, hosted the students while they observed proceedings in his courtroom. Judge Soden gave the students insight into the inner workings of the court and encouraged the students to seek internship opportunities in the law.

### Local Practitioners Teach Trial Advocacy and Impart Life Lessons

True to tradition, participants had the opportunity to learn from some of Virginia's most respected legal professionals. During his lecture on opening statements, Jimmy Robinson, a partner with Troutman Saunders, walked into the classroom and without explanation, immediately began giving an opening statement. The students were impressed by the passion Robinson showed for his fictitious client in his opening statement. Brian Telfair, founding partner of The Telfair Law Firm, LLC, taught a class on evidence by using interactive role-playing. Sherry Fox, an attorney with ThompsonMcMullan, lectured on direct and cross-examination and introduced the students to courtroom vernacular. Kimberly Skiba of Owen & Owens used the films "Philadelphia" and "A Time to Kill" to demonstrate effective closing arguments. Michael Herring, Commonwealth's Attorney for the City of Richmond, spoke with the students about his career as a prosecutor and described some of his more interesting cases. Bobbi Graves of Ayers & Stolte and Emily Bishop from the Henrico County Commonwealth's Attorney's Office also spoke with the students about the challenges and rewards of practicing criminal law.

At the end of the week, the students were given the opportunity to demonstrate their legal skills through a series of mock trials. Multiple

attorneys from Virginia, including Cameron Beck (Morris & Morris), Melissa York (Morris & Morris), Douglas B. Smith (McGuireWoods), Carlos Hopkins (Virginia Indigent Defense Commission), Angela Isabell (Gavin Law Offices, PLC), and Wayne M. Scriven (Scriven Law Offices) volunteered as judges and witnesses during the mock trials.

*The YLC would like to thank all of of this year's participants, volunteers, and donors for their time and commitment in making the 2010 Institute a success.*

**Antoinette N. Morgan and Lakai C. Vinson** served as co-directors for this year's Institute. Morgan and Vinson are associates at Morris & Morris. Morgan focuses her practice on products liability, premises liability and personal injury matters. Vinson focuses her practice on civil litigation matters, including wrongful death, products liability and premises liability.

## Docket Call

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