


# VADA

## Annual Meeting

October 23-25, 2024 

Kingsmill Resort, Williamsburg

### AGENDA

APPROVED FOR 8.5 CLE Hours (2.0 Ethics/1.0 Well-being)

*(Second Ethics Hour is in the Professional Liability Breakout Session)*

PLEASE DOUBLE CHECK MEETING ROOMS ON THE ONSITE POSTED AGENDA

#### Wednesday, October 23

- 5:30 PM **New Members' Reception** (By Invitation Only) *James River Ballroom Pre-Function*
- 6:00 PM **President's Welcome Reception** *James River Ballroom Pre-Function*
- 7:30 PM **Dine Arounds** *Bus departs hotel lobby at 7:15*
- 9:30-11:00 PM **Late Night** *Sponsored by: Elements Lobby Bar*



#### Thursday, October 24

- 6:30 AM **Wellness Committee Group Run/Walk for the Sun** *(meet in hotel lobby)*
- 8:00 AM **Registration and Buffet Breakfast** *James River Ballroom Pre-Function*
- 8:00 AM **Past Presidents' Breakfast** *Elements Restaurant Southall*
- 8:55 AM **General Session** *James River Ballroom*
- 9:00-10:00 AM **Motions Practice 101, 1.0 HR**  
*(Session coordinated by Melissa Kelley and Katherine Schwieder)*  
Discussion of the rules and procedures governing motions practice in both general district and circuit courts. In general district court, motions practice is often underutilized. The presenters will discuss how and when to best implement motions in those cases. In circuit court, the presenters will discuss common types of motions to make and why; the timing of the motion; how to file; and what to include with the motion.
- Melissa H. Katz, Esq., *McGavin Boyce Bardot Thorsen & Katz*  
John R. Owen, Esq., *Harman Claytor Corrigan & Wellman*  
Hon. Jayne Pemberton, *Chesterfield Circuit Court*
- 10:00-11:00 AM **The Art of Persuasive Arguments in the Courtroom, 1.0 HR**  
*(Session coordinated by Sarah Knarzer and Gifford Hampshire)*  
The art of persuasion is just that: an art. Whether it is communicating facts to a jury, or explaining legal issues before a judge, the ability to effectively present compelling arguments makes all the difference in the outcome of a case. From the early steps of framing and drafting arguments, to building credibility and utilizing emotional connections, this panel will discuss the essential skills and strategies necessary to become a persuasive litigator in the courtroom.
- Imie Aisiku Harber, Esq., *McCandlish Holton*  
Cass R. Morris, *Author and Educator*  
Hon. Claude V. Worrell, II, *Charlottesville Circuit Court*

11:00-11:15 AM

**Break**

11:15-12:15 PM

**Chat GPT and Other AI in the Practice of Law, 1.0 HR**

*(Session coordinated by Rebecca Roberts, Amanda Short and Sarah Jessee)*

Artificial Intelligence (AI), ChatGPT, and other Large Language Models (LLMs) are revolutionizing the practice of law. The speaker will discuss legal issues arising from the increasing use of AI, the rapid growth of the Internet of Things (IoT), and related emerging technologies. They will provide demonstrations and strategies for when attorneys should use (or not use) AI. This presentation will include practical tools for AI and discussion surrounding the limitations, risks, and ethical considerations of using AI.

Daniel Shin, Esq., CLCT, *William & Mary Law School*

12:15-2:15 PM

**Awards Luncheon**

*Burwell Ballroom*

*Sponsored by:*



2:30-4:30 PM

**LITIGATION SECTION BREAKOUTS**

**JOINT SESSION: APPELLATE ADVOCACY WITH MEDICAL MALPRACTICE** *James River Ballroom*

*Sponsored by:* 

2:30-3:30 PM

**Personal Jurisdiction & Modern Medicine: Can Your Doctors Be Sued Out of State? 1.0 HR**

How do modern medicine and the various ways doctors communicate with patients impact a personal jurisdiction analysis? Join us for this CLE where we discuss how personal jurisdiction has adapted to modern medicine and specifically discuss recent SCV case, *Carter v. Wake Forest University Baptist Medical Center, et. al.*, -- Va. -- (May 9, 2023).

Alicia M. Penn-Taylor, Esq., *McGuireWoods*

S. Virginia Bondurant Price, Esq., *McGuireWoods*

3:30-4:30 PM

**Preserving Appellate Issues with Jury Instructions in Medical Malpractice Cases, 1.0 HR**

This session will discuss why rulings on jury instructions can create strong appellate issues, how to best preserve appeal points when tendering and objecting to jury instructions, and noteworthy appellate opinions involving jury instructions in medical malpractice cases.

Kristen L. Mynes, Esq., *Troutman Pepper*

Elaine D. McCafferty, Esq., *Woods Rogers*

## JOINT SESSION: AUTOMOBILE & TRANSPORTATION LIABILITY WITH POLICY COVERAGE *Tazewell*

Sponsored by: HART REPORTING  
A VERITEXT COMPANY

2:30-4:30

### **Mediation and Insurance: Navigating Coverage Concerns towards Settlement, 2.0 HRS**

This session will be an insightful discussion on how insurance coverage issues impact the mediation process. Disputes over whether a loss is covered to multiple policies being implicated often present challenges in mediation. Learn how to become an effective advocate for your client and insurer from pre-mediation preparation through the mediation process: This presentation will help the practitioner recognize insurance-related issues in advance to facilitate a successful settlement.

Michael E. Harman, Esq., *The McCammon Group*  
Hon. Joseph W. Milam, Jr. (Ret.), *The McCammon Group*

## JOINT SESSION: CORPORATE & COMMERCIAL LITIGATION WITH PROFESSIONAL LIABILITY *Randolph*

Sponsored by:



2:30-3:30 PM

### **Avoiding and Responding to Bar Complaints – Navigating the Disciplinary Process, 1.0 HR Ethics**

In this session, our speaker discusses the ins and outs of the Virginia attorney disciplinary system from the initial complaint all the way through to conclusion. In this one-hour presentation, he also offers lawyers tips and recommendations for what to do should one receive the dreaded “Personal and Confidential” letter from the Virginia State Bar.

Paulo E. Franco, Jr., Esq., *ThompsonMcMullan*

3:30-4:30 PM

### **Offers of Judgment: Is the Juice Worth the Squeeze? 1.0 HR**

In this session, panelists will present their experiences using Federal Rule of Civil Procedure 68’s Offer of Judgment and share practice pointers on how members of the defense bar can incorporate this oft-overlooked settlement tool into their Federal practice.

Michael J. Finney, Esq., *Gentry Locke*  
Declan Leonard, Esq., *Brenzweig Leonard*

## LOCAL GOVERNMENT *Wareham*

2:30-4:30 PM

### **Understanding and Accessing Public Safety Records, 2.0 HRS**

In Virginia, there are several types of public safety records – including dispatch logs, 911 recordings, patient care reports, investigative files, incident reports, administrative reports, personnel files, decertification records, and body worn camera footage. Access to these records can be impacted by several factors, such as Virginia Freedom of Information Act exemptions, timing of the request, identity of the requestor, and the type of records sought. This presentation will cover the various types of public safety records that exist and the proper ways to access these records.

Deputy Chief David C. Johnston, *Hanover County Fire-EMS*  
Assistant Chief Walter B. Stephens, *Hanover County Fire-EMS*  
Captain Jonathan B. Jones, *Hanover County Sheriff's Office*  
Leah D. Han, Esq., *Hanover County Attorney's Office*

## PRODUCTS AND TOXIC TORTS *Colston*

2:30-4:30 PM

### **Products Liability Essentials: Early Investigation, Expert Witnesses, and Updates in the Law, 2.0 HRS**

This CLE course provides counsel with an overview of the products liability landscape, to include an analysis of the latest trends and court decisions. Moreover, this session will discuss the importance of early investigations of claims and the use of expert witnesses at an early stage. This course will discuss some of the latest technologies that aid the early investigation and analysis of claims.

John Dunnigan, Esq., *Harman Claytor Corrigan & Wellman*  
Karlo Goronja, Esq., *Nelson Mullins*  
Andrew Jones, *CED Technologies*  
Gavin O'Hare, *CED Technologies*

## WORKERS' COMPENSATION *Archer*

2:30-3:30 PM

### **PTSD, Anxiety, and Depression: The Newest Areas of Presumption in Workers' Compensation, 1.0 HR**

This segment will discuss the genesis and evolution of Va. Code §65.2-107. This segment will also discuss the implications of the Va. Code §65.2-107 provisions for PTSD diagnosis, comparison of the Code to the DSM-V guidelines for PTSD, applicable case law, and questions that arise in practice from the application of Va. Code §65.2-107. Analysis and discussion of the newest 2023 additions to Va. Code § 65.2-107 and how depression and anxiety fit within this established presumption criteria, a comparison of the Code to DSM-V guidelines for depression and anxiety, and questions that will now arise in litigation with these diagnoses based on this narrow class of workers. Finally, it will provide an explanation and analysis of differences between these three diagnoses within an injury context versus within a compensable consequence context under the Virginia Workers' Compensation Act

Kerry K. Stolz, Esq., *Pender & Coward*

- 3:30-4:30 PM **Medicare/MSAs and Recent Changes, 1.0 HR**  
 Medicare requires that the parties consider Medicare's interests as part of any workers' compensation settlement. What that means and how it applies to your case is not always cut and dry in the ever-evolving world of Medicare. This session will explore recent updates to CMS's WCMSA Reference Guide, and how these changes may impact workers' compensation settlements moving forward, as well as practice tips to address these issues.
- Beth O'Dea, Esq., *Penn Stuart*
- 4:30-6:00 PM **Break**
- 4:30-5:30 PM **Friends of Bill W. Meeting** *Whittaker*
- 4:45-5:30 **From Goals to Greatness Wellness Presentation**  
***The Best ROI for Your Wellness Journey*** *James River Ballroom*  
 Join registered dietitian, Jim White, as he shares tips on investing in your health to maximize your wellness journey. Discover how small, sustainable changes can lead to significant improvements in your overall well-being.
- Jim White, CPT, *Jim White Fitness*
- 5:00-6:00 PM **Young Lawyers Meet Up** *Eagles Restaurant*
- 6:00-7:30 PM **Bench-Bar Reception** *Sponsored by: MDD*  
*James River Ballroom Deck & Pre-Function*  
 In lieu of our traditional judicial breakfast, please join esteemed members of the judiciary for refreshments and casual conversation.
- 7:30-9:30 PM **Dinner on Your Own** *(Reservations Recommended)*
- 7:30-9:30 PM **Optional Women's Section Dinner** *Sponsored by: MDD*  
*Tazewell*
- 9:30-11:00 PM **Late Night** *Sponsored by: pd*  
*Moody's*
- Friday, October 25*
- 7:00-7:45 AM **Wellness Committee Yoga** *Moody's*
- 8:00-8:45 AM **Breakfast Buffet Available** *Sponsored by: Kincaid | VOCATIONAL & REHABILITATION SERVICES*  
*James River Ballroom Pre-Function*
- 8:45-9:00 AM **Morning Announcements & General Session** *James River Ballroom*  
 (Community Outreach, Wellness Raffle & Sponsors Raffle)

- 9:00-9:50 AM **Creating Good Relationships with Opposing Counsel, 1.0 HR**  
*(Session coordinated by Alison Fling and Katherine Bonorchis)*  
 With ever-growing polarization amongst trial attorneys, it is more important than ever to foster an environment of collegiality and professionalism through the life cycle of a case. Our panelists will focus on realistic steps that trial litigators can take to maximize their professional relationships with opposing counsel and develop cooperation throughout the profession.
- Hon. Joanne Alper (Ret.), *The McCammon Group*  
 Bridget N. Long, Esq., *Allen Allen Allen & Allen*  
 John D. McGavin, Esq., *McGavin Boyce Bardot Thorsen & Katz*
- 9:50-10:00 AM **Break**
- 10:00-10:50 AM **Elimination of Bias: Racial Bias Challenges in the Legal System, 1.0 HR**  
*(Session coordinated by Tracy Taylor Hague and Lindsey Brock)*  
 The Declaration of Independence states that all people are created equal. The Virginia State Bar Professional Guidelines Principles of Professionalism state that attorneys are to “Avoid all bigotry, discrimination, or prejudice.” How are we doing? Where can we do more? This program reviews studies on racial bias in the court system and the legal community; discusses implicit bias, cognitive dissonance, and confirmation bias; and makes recommendations for reducing racial bias going forward.
- Victor O. Cardwell, Esq., *Woods Rogers*  
 Patice L. Holland, Esq., *Woods Rogers*
- 10:50-11:50 AM **The Lawyer’s Role in Helping Clients Survive Litigation, 1.0 HR**  
*(Session coordinated by Michael Millstein and Ren Klinovskiy)*  
 Litigation can be one of the most traumatic and anxiety-inducing experiences of someone’s life. This session will advise on how to help clients with the emotional distress that is so common during litigation. This will include guidance on encouraging counseling and maintenance of strong social support systems while navigating privileged information. Additionally, this session will provide some area-specific resources that have been useful to clients in litigation.
- Anthony S. Cottone, Esq., *Byrne Canaan Law*  
 Julie S. Palmer, Esq., *Harman Claytor Corrigan & Wellman*
- 11:50-12:05 PM **Box Lunches Available** *James River Ballroom Pre-Function*
- 12:05-1:05 PM **Navigating Occupational Risks to Practicing Law, 1.0 HR Ethics & 1.0 Wellness**  
*(Session coordinated by Tracy Taylor Hague and Lindsey Brock)*  
 This presentation will provide a brief overview of the first studies that were the catalyst for the well-being in the law movement, the statistics and what’s been done at a national and state level to address the legal well-being crisis, defines well-being, summarizes the occupational risks to practicing law, the reasons to make changes (including a brief overview of ethics), and solutions (organizational level and individually).
- Barbara Mardigian, LPC, *Virginia Judges and Lawyers Assistance Program*  
 Charlene Reilly, Esq., *Virginia Judges and Lawyers Assistance Program*
- 1:05 PM **Adjourn**