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**Drive Shack Short Pump
Friday, December 1, 2023**

**DRAFT AGENDA**

*6.5 HRS (1.0 Ethics) CLE Requesting*

9:00 **Registration/Coffee**

9:25-9:30 **Opening Remarks**

James A. Cales III, *Furniss, Davis, Rashkind and Saunders*, VADA President
 Sarah Knarzer, *McCandlish Holton,* VADA Young Lawyers Chair

# 9:30-10:30 Ethical Issues in Civil Defense Practice (1.0 HR Ethics)

 B. Patrick O'Grady, Thomas, Thomas & Hafer

This session will give an overview of the tripartite relationship between defense counsel, insured and insurer; a consideration of conflict issues arising from the dual representation of the insured and insurer; defending a case in which the ad damnum does not exceed the amount of coverage; defending a case in which the ad damnum exceeds the amount of coverage; defending under a reservation of rights; how the excess carrier and reinsurer affect the tripartite relationship; and, issues faced in settlement. The session will end with a discussion of hypothetical ethical situations and possible strategies and resolutions.

## 10:30-10:45 **Break**

10:45-11:45 **The Survivor's Guide to Expert Witnesses**

Julie Palmer, *Harman Claytor Corrigan & Wellman,* VADA Immediate Past President
Matthew Wagenhofer, *MW Forensic Engineering*

This session will define a testifying expert witness, identify when an expert is needed, explore what type of litigation may benefit from the use of expert, define in what ways an expert witness can help, share how to go about identifying the best expert for your case and finish with a discussion on how best to work with your expert.

11:45-12:45 **Navigating Your Way through Virginia General District and Circuit Courts**

 **and other Practical Tips in Civil Litigation**

 Lindsay Rollins, The Progressive Group

This topic is designed to educate a new attorney about handling new cases in either general district and circuit court to include verification of jurisdictional basis, service, venue;  noticing your appearance; what to do if case filed improperly against corporate client in small claims court; how to check service of process; what to expect and how to prepare for the first return in general district court; what to do at the first return in general district court; handling motions in general district court; what to expect and how to prepare for first trial in general district court; how to appeal a general district court case; taking the case to circuit court; addressing whether ad damnum can be amended; use of evidence presented in general district court in the circuit court case; preparation for appearance in circuit court; how to set the trial date; motions practice in circuit court; how to obtain jury pool information; jury size in circuit court if case appealed; how to determine the procedures of the jurisdiction where your case is pending; available resources to assist in navigation

# 12:45-1:15 Box Lunch

# 1:15-2:15 Effective Advocacy in Mediation

 The Honorable Beverly Snukals (Ret.), The McCammon Group

Our speaker will discuss situations when mediation might be in a client’s best interest, how you can best talk with your client about mediation, and how to prepare yourself and your client for a productive and successful mediation session. Finally, Judge Snukals will walk you through a mediation session, offering advice and tips regarding opening presentations, negotiations, settlements, and suggestions for follow-ups.

 2:15-2:30 **Break**

 2:30-3:15 **Written Discovery**

 Taylor Brewer, Moran Reeves Conn, VADA Capitol Region Director
 Tracy Taylor Hague, Woods Rogers Vandeventer Black

This session will explore the purpose of discovery, the general provisions of discovery, and what to do about claims or privilege and protective orders. Next, we will explain the obligations of counsel, discovery tactics and timing, how to create a discovery plan and what should be in it along with the methods of obtaining the information. Finally, the speaker will explain what to do when you don’t receive discovery, how to handle follow-up and supplemental responses and how to coordinate pre-trial scheduling orders.

#  3:15-4:00 Insurance Coverage in Automobile Cases

 Donald E. Morris, Law Offices of Donald E. Morris

The scope of this presentation focuses on liability, uninsured and underinsured motorist provisions of the automobile liability policies, including voluntary, assigned risk, and certified policies as well as personal and commercial policies. It will explore statutory regulation of auto policies and which vehicles are covered, the persons insured and covered risks. We will discuss the amount owed under the liability policies, primary and excess liability coverage, duties of insured to defend, policy defenses and non-waiver agreements, exclusions, uninsured and underinsured motorist coverage and cancellation of policies.

## 4:00-4:15 **Break**

4:15-5:15 **Judicial Advice for New Lawyers Panel Discussion**

 Hon. Roxie O. Holder, *Portsmouth General District Court* Hon. Glenn Huff, *Court of Appeals of Virginia* Hon. Randall Johnson, Jr., *Henrico Circuit Court* Hon. Tasha Scott, *Norfolk Circuit Court*

 Moderator: James A. Cales III, Furniss, Davis, Rashkind and Saunders, VADA President

The judges will explain pre-trial matters such as scheduling orders, pre-trial motions, discovery issues and pre-trial conference and settlement conferences. Next, they will discuss brief writing, including filing deadlines and suggestions for formatting. Then, they will discuss parts of trial including voir dire, opening statements, direct and cross, motions to strike, jury instructions and closing. Finally, they will explore post-trial motions, miscellaneous trial issues and offer specific tips for young lawyers.

# 5:15 Sponsor Raffle & CLE Adjourn

# 5:15-6:45 Networking Reception and Golf Games