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Virginia CLE Sources: Important Practitioner Tools for Forty Years

by Gail F. Zwirner



Gail Zwirner is head of access services at the University of Richmond Law School Library, where she also teaches legal research in the first year law skills program. Prior to joining the library faculty, she was senior reference librarian at Hunton & Williams LLP in Richmond and worked at law firms in Washington, D.C. and Philadelphia. She is a contributing author and co-editor of *A Guide to Legal Research in Virginia*. Zwirner is a former President of the Virginia Association of Law Libraries and co-chairs the publications committee. She welcomes suggestions for article topics for the Law Libraries column in future issues at gzwirner@richmond.edu.

In honor of the Virginia Law Foundation's 40th anniversary, we celebrate some of Virginia's most important research tools, the continuing legal education sources published by Virginia CLE, the foundation's nonprofit educational division. Virginia CLE offers seminars and publications in many formats, including live, on-site seminars, and popular online and USB flash drive seminars. Each year Virginia CLE presents approximately eighty-five new seminars in all practice areas, offered as live on-site programs, video on-site replays, webcasts, or telephone seminars. In addition, the publisher offers more than 300 previously presented programs for online viewing or on USB flash drive.

This article focuses primarily on the desk-book sources that are the go-to materials in many subject areas for Virginia practitioners.¹ The publisher offers all these sources on CD, USB, or downloads. The titles include the forms that practitioners savor as good starting points for their clients' needs. These forms account for many reference desk success stories for practitioners who rely on Gouldman's *Virginia Forms* and are disappointed when that group does not provide the specificity they want. When I refer the patron to a CLE, the response consistently is, "I found exactly the language I need."

Virginia CLE also bundles at significant discounts related publications into "libraries." The following descriptions outline the libraries and their contents:

Bankruptcy and Collections: With contributions from leading bankruptcy practitioners and the

Virginia judiciary, *Bankruptcy Practice in Virginia* (2012) covers many topics ranging from pre-bankruptcy planning troubleshooting to how to save a business through a reorganization. It also reviews the legislative history of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. *Enforcement of Liens and Judgments in Virginia* (6th ed. 2009) blends analysis of the law, practical advice, and forms to enable the practitioner to deal with creditor/debtor issues. The new edition of *Debt Collection for Virginia Lawyers: A Systematic Approach* (5th ed. 2013) guides practitioners from winning a case through collection of the debt with nearly 200 forms and practical advice from experts in the field.

Business and Commercial Law: *Choosing a Virginia Business Entity* (3d ed. 2009) includes a helpful chart comparing the attributes of C and S corporations, general, limited and limited liability partnerships, limited liability companies, and business trusts and allows the practitioner to choose among the different business forms to determine the best client match. *Limited Liability Companies in Virginia* (4th ed. 2012) covers topics including formation, dispute resolution, taxation, use in estate planning and real estate, and termination. It also addresses state and federal legislative changes. *Corporations and Partnerships in Virginia* (2009) covers many topics, including formation planning, general corporate governance and management, sales of assets, mergers and acquisitions, redemptions, and liquidations.

Civil Litigation: *Civil Discovery in Virginia* (3d ed. 2009) moves through the preparation of a comprehensive discovery plan, possible ethical problems, and court expectations when the attorney faces a discovery obstacle. The forms disc included with the handbook works with a document assembly system called Pathagoras. *The Law of Damages in Virginia* (2d ed. 2008) outlines the factors that determine the amount of recovery in a particular case. Topics include evaluating a case

for damages, a judge's decision to increase/decrease jury-awarded damages, punitive damages, damages without proof of loss, and future financial losses. *Objections: Interrogatories, Depositions, and Trial* (2013) covers objections at each stage of litigation from discovery and voir dire to closing argument. Additionally, it addresses written objections to discovery, motions in limine, and pleas in bar. *Appellate Practice – Virginia and Federal Courts* (5th ed. 2012) addresses the needs of an appellate practitioner including preservation of issues for appeal, brief writing, oral argument, and federal and state court procedure. It also addresses recent Supreme Court of Virginia rules changes.

Criminal Law: *Defending Criminal Cases in Virginia* (9th ed. 2012) is a collaboration with the Virginia Association of Criminal Defense Lawyers. It is designed to provide relevant statutory and case material, and also significant portions devoted to tactics and techniques. *A Guide to the Rules of Evidence in Virginia* contains the full text of the new rules that became effective on July 1, 2012. The Boyd-Graves Conference Evidence Committee collaborated with Virginia CLE on the guide and contributed updated citations and descriptions of recent case law. The Guide is Virginia CLE's best-selling title. *Trial of Capital Murder Cases in Virginia* (5th ed. 2013) addresses many unique issues related to this type of litigation. The publication provides tables of relevant cases grouped by defendant's surname and citation, by degree of aggravation and mitigation, by aggravator, and by Virginia Code section. A new section addresses issues related to the ineffective assistance by counsel. *Defense of Serious Traffic Cases in Virginia* (3d ed. 2012) includes analysis of the different aspects of scientific evidence relied on to support the methods of proof. *Mental Health Experts: Roles & Qualifications in Court* guides a practitioner through evaluating experts and understanding who is qualified to do what and when. It also includes trial preparation sources including voir dire questions for many key types of mental health professionals, direct and cross-examination samples, an acronym glossary, and professional association contact information.

Employment: *Employment Law in Virginia* (4th ed. 2010) is a comprehensive overview of statutory, regulatory, and common law issues and is

offered with the companion *Virginia Employment Practices and Forms* (2007 & Supp. 2011). The latter is intended to provide practical advice on the use of more than thirty forms related to employer policies that become the subject of a dispute. It includes summaries of the revisions to the Fair Labor Standards Act. *Workers' Compensation Practice in Virginia* (8th ed. 2011) addresses not only the issues for the workers' compensation practitioner, but also employment attorneys, personal injury attorneys, and corporate counsel.

Estate Planning and Administration: Two titles in this series were released with new editions this year. *Estate Planning in Virginia* (4th ed. 2013) is a core tool for new and experienced attorneys and walks practitioners through the entire estate planning process from client intake to completion of representation. It includes ready-to-use forms and addresses recent developments in Federal and Virginia legislation and case law. *Estate and Trust Administration in Virginia* (4th ed. 2013) traces step-by-step the probate process, including initial decisions in the administration process, qualification of the personal representative, probate of the will, and distribution of assets. Practitioners will also benefit from the topics covering tax filing requirements, federal and Virginia estate tax returns, and the fiduciary income tax return. *The Manual for Commissioners of Accounts* (4th ed. 2009) is the product of the Standing Committee on Commissioners of Accounts of the Judicial Council of Virginia and includes a list of Virginia Commissioners of Accounts and contact information. *Elder Law in Virginia* (2011) tackles the many challenges unique to this practice area with a special focus on Medicare and Medicaid statutes. The last title in this library is a management tool published by the American Bar Association entitled *How to Build and Manage an Estates Practice* (2d ed. 2008). It covers many topics, including client development, fee agreements, and how technology and ethics have changed the practice area.

Family: *Virginia Family Law: A Systematic Approach* (3d ed. 2008 & Supp. 2013) is authored by Professor Richard Balnave of the University of Virginia School of Law. This two-volume title tackles all aspects of family law from the attorney-client relationship through divorce, discovery and trial, custody, property, domestic violence, and interstate divorce and support issues. It includes

more than 200 forms to support each stage of the proceedings. The supplement covers legislative updates including required content to custody and visitation orders, enforcement of equitable distribution awards, and garnishment of federal pensions. *Juvenile Law and Practice in Virginia* (3d ed. 2009) covers the unique proceedings associated with children and adolescents. It includes analysis of factors such as child psychology and development, physical and medical aspects of child abuse and neglect, and substance abuse. *Adoption Procedures and Forms: A Guide for Virginia Lawyers* (5th ed. 2010) provides guidance to the novice and experienced family law attorney with a practical guide to the successful completion of each type of adoption procedure. *Negotiating and Drafting Marital Agreements* (5th ed. 2008) is one of the most heavily circulating items in our collection. The source has added value with nearly 100 available on disc. In another collaborative effort with the ABA, Virginia CLE makes *How to Build and Manage a Family Law Practice* (2006) available to Virginia practitioners. The author shares practical tips, techniques, forms, and checklists from an established specialized legal practice.

Practice Management and Technology: *A Guide to Legal Research in Virginia* (7th ed. 2012) assists practitioners with finding Virginia research sources to comply with their ethical obligation for well-prepared representation. The guide covers the primary materials generated from all branches of government, secondary sources and Fastcase, and includes coverage of internet and major vendor sources as well. *The Virginia Lawyer: A Deskbook for Practitioners* (4th ed. 2011 & Supp. 2013) is an excellent source for new attorneys to understand the basics in many practice areas or for the attorney whose regular client presents an unexpected topic to research. For example, it includes general information on managing your law office and professional responsibility, and also tackles specific topics from “administrative law” to “representing debtors and creditors.” *How to Start and Build a Law Practice* by Jay Foonberg (5th ed. 2004) is published by the ABA and made available to Virginia practitioners through Virginia CLE®. It is a comprehensive guide to planning, launching, and growing a successful practice.

Additionally, there are new chapters covering mergers and dissolutions, opportunities created by an aging population, non-lawyer consultants,

and globalization of legal practice. *Fee Agreements for Virginia Lawyers* (2004) is designed to assist the practitioner in creating fee agreements that are consistent with professional ethics requirements. Forms are easily modifiable for a particular situation and commentary clarifies the subject areas.

The Boyd-Graves Conference Evidence Committee collaborated with Virginia CLE on the guide and contributed updated citations and descriptions of recent case law.

Real Estate: *Real Estate Transactions in Virginia* (3d ed. 2012) is a comprehensive two-volume source addressing issues ranging from the simplest purchase transactions to complex zoning issues. It includes checklists, forms and practical advice for many situations. *Virginia Construction Law Deskbook* (2d ed. 2011) offers expert advice on dealing with builders, owners, insurers, financial institutions, subcontractors, and suppliers at all government levels – federal, state and local authorities. The new edition includes a chapter on subcontractors and suppliers and covers changes to the Virginia Public Procurement Act, use of the federal E-Verify system to verify eligibility of employees on projects involving federal funds, and revision of Public Contracts title of the U.S. Code. *Eminent Domain Law in Virginia* (2012) covers proceedings at both the federal and state level, including expert advice on aspects such as valuation and relocation assistance.

Virginia CLE sources are favorites among many practitioners because of the expert analysis and the specificity of supporting appendices and forms. It is well worth your time to familiarize yourself with these titles and we look forward to forty more years of effective publications from Virginia CLE.

Endnote:

- 1 For a complete list of Virginia CLE® sources, consult the Virginia CLE publications page at <http://www.vacle.org/Publications-c131.aspx>.

