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February 18, 2021

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*Via First Class Mail and Email*

Hon. John S. Edwards, Senator  
Pocahontas Bldg. Room E506  
Senate of Virginia  
PO Box 396  
Richmond, VA 23218  
Email: C/O Shannon Heard: [sheard@dls.virginia.gov](mailto:sheard@dls.virginia.gov)

Re: Vacancy on the Virginia Court of Appeals

Dear Senator Edwards:

On behalf of the Virginia Women Attorneys Association (“VWAA”), a judiciary committee (the “Committee”) was impaneled to evaluate candidates for a vacancy (or potential vacancies) on the Virginia Court of Appeals.

The VWAA requested that interested candidates complete the VWAA Judicial Candidates Questionnaire (the “Application”), submit a writing sample, and participate in an interview with the Committee. Prior to the interviews, members of the Committee contacted the references listed on each candidate’s Application, as well as other members of the local bar and legal community to inquire as to each candidate’s suitability for the Court. On February 2, 4, and 5, 2021, the Committee interviewed sixteen (16) candidates *via* Zoom. An additional nine (9) candidates who participated in the application process in 2020, opted to maintain their VWAA rating.

It is worth noting that the VWAA ratings are based upon a review of each candidate’s merits against published standards and guidelines, including the following: fairness, integrity, experience, intellect, temperament, professionalism, and *pro bono* service. Ratings are not a function of a general vote by the VWAA membership, nor are they a comparison of candidates within the “pool” presented.

The following rating categories are used by the VWAA:

**NOT QUALIFIED:** Applied to any applicant who fails to meet the minimum requirements for fairness, experience, intellect, temperament, professionalism, integrity, and/or other basic criteria set forth in the ABA Guidelines for Reviewing Qualifications for Judicial Office (“ABA Guidelines”). Candidates rated “Not Qualified” are given the opportunity to withdraw their name and rating from all materials disseminated by the VWAA. If the candidate declines to withdraw, the rating is disseminated along with a summary stating the reasons for such rating.

**QUALIFIED:** Applied to any applicant who meets the minimum requirements for fairness, experience, intellect, temperament, professionalism, integrity, and/or other basic criteria set forth in the ABA Guidelines.

**RECOMMENDED:** Applied to any applicant whose qualifications are sufficiently above the minimum requirements to warrant the Committee’s affirmative recommendation.

**HIGHLY RECOMMENDED:** Reserved for any candidate who is especially well-qualified for the position and merits special recommendation.

The VWAA’s procedures provide that ratings of “Qualified” and “Recommended” require a vote in support by at least a simple majority of the Committee. A rating of “Highly Recommended” requires a vote in support by at least a two-thirds majority of those voting. In order for the Committee to find that a candidate fails to meet the minimum qualifications and is “Not Qualified,” at least two-thirds of those voting must so find.

The Executive Committee of the Board of Directors of the VWAA has approved, in accordance with its procedures, the following endorsements of the Committee for this judicial vacancy (or potential vacancies):

Hon. David Bernhard is found *Highly Recommended\**  
Patrick Michael Lawrence Blanch, Esq., is found *Highly Recommended*  
Jennifer Franklin, Esq., is found *Highly Recommended*  
Frank Kevin Friedman, Esq., is found *Highly Recommended*  
Hon. Junius Phillip Fulton, III, is found *Highly Recommended*  
Hon. Richard E. Gardiner is found *Highly Recommended\**  
Hon. David W. Lannetti is found *Highly Recommended*  
Hon. Daniel Eric Ortiz is found *Highly Recommended\**  
Stuart A. Raphael, Esq., is found *Highly Recommended\**  
Patricia P. Rene (*nee Nagel*), Esq., is found *Highly Recommended\**  
Hon. Victoria A.B. Willis is found *Highly Recommended\**  
Daniel Taylor Young, Esq., is found *Highly Recommended*

Trevor Stephen Cox, Esq., is found *Recommended*  
Hon. Dale Durrer is found *Recommended*  
Lisa Marie Lorish, Esq., was found *Recommended*  
Hon. Wesley Gilmer Marshall was found *Recommended\**  
Edward Kyle McNew, Esq., was found *Recommended*  
Doug Ramseur, Esq., was found *Recommended*  
Jonathan Sheldon, Esq., was found *Recommended*

Virginia B. Theisen, Esq., was found *Recommended*  
Catherine French Zagurskie, Esq., was found *Recommended\**

Scott David Helsel, Esq., is found *Qualified*  
Michael V. Hernandez is found *Qualified*  
Ernest Wayne Powell, Esq., is found *Qualified*  
Elwood Earl "Sandy" Sanders, Jr., Esq., is found *Qualified\**

Executive summaries of the qualifications of each of the above candidates are attached to this letter.

For your information, the Committee members participating in the interview process were as follows:

**Michelle R. Parker ~ Co-Chair** is an attorney with Decker, Cardon, Thomas, Weintraub & Neskis in Norfolk, Virginia. She primarily practices in the areas of personal injury, civil litigation, wills, trust, and estates, and probate. Ms. Parker has been a member of the Virginia State Bar since 2004 and is admitted to practice in all courts of the Commonwealth of Virginia and the U.S. District Court for the Eastern District of Virginia. Ms. Parker is a current member and past president of Virginia Women Attorneys Association (VWAA) and continues to serve on the Board of Directors of VWAA. She is a member of and serves on the Executive Board of the James Kent American Inn of Court.

**Carmelou "Lu" G. Aloupas ~ Co-Chair** is an Attorney in private practice at Aloupas Law, P.L.L.C. in Chesapeake, Virginia. Her practice focuses on family law and criminal defense. Ms. Aloupas is a 2010 graduate of Regent University School of Law and is licensed to practice in all courts of the Commonwealth of Virginia (2010), the U.S. District Court for the Eastern District of Virginia (2011) and was admitted to the State Bar of Texas in 2018. She has a B.S. in Criminal Justice Administration from Athens State University, as well as a Master's in Criminal Justice from Virginia Commonwealth University. Ms. Aloupas is President of the Virginia Women Attorneys Association Hampton Roads Chapter, VWAA State Treasurer, a member of the Chesapeake, Virginia Beach, Norfolk & Portsmouth, and the Greater Peninsula Women's Bar Associations, and a member of the Virginia Trial Lawyers Association.

**Risa Katz-Albert** is a civil and commercial litigator with Spilman Thomas & Battle in Roanoke, Virginia. She represents clients in family law matters, insurance defense, contract cases, business disputes, creditor's rights, and landlord-tenant cases. She also advises clients on how to comply with legal requirements for financial transactions, employment issues, and landlord matters. Before joining Spilman, Ms. Katz-Albert clerked for the judges of the 23rd Judicial Circuit of Virginia, worked as a juvenile and domestic relations prosecutor, and served as a staff attorney at the Legal Aid Society of Roanoke Valley. She graduated *cum laude* from Washington & Lee University School of Law (J.D.), and *cum laude* from Colorado College (B.A.). She serves on the board of several area non-profit organizations, grades bar examinations for the Virginia Board of Bar Examiners, and is active in the Roanoke Bar Association and the Roanoke chapter of the Virginia Women's Attorney Association.

**Karissa Kaseorg** is an attorney at McCandlish Holton, PC in Richmond, Virginia. She represents clients in the areas of personal injury defense, products liability defense, insurance coverage litigation,

suretyship litigation, civil rights litigation, local government, and civil appellate matters. Following law school, Karissa served as a judicial law clerk to Judge Randolph A. Beales on the Virginia Court of Appeals. She has been a member of the Virginia State Bar since 2014.

**Andrea Morisi** is a partner at Farrell & Croft, P.C. in Manassas, Virginia. Her practice focuses on estate planning, probate and trust administration, suits for Guardianship and Conservatorship, and serving as a Guardian *ad litem* for adults. Prior to joining Farrell & Croft, Ms. Morisi had a solo practice for 11 years after spending 18 years at the American National Red Cross in its General Counsel's Office and serving as its Corporate Secretary. Ms. Morisi is a 1983 graduate of Boston College (B.S. in Biology) and in 1989 graduated from both The George Washington University Law School and its School of Health Services Administration, earning a joint J.D./M.H.S.A. degree. She is admitted to the Virginia State Bar. Ms. Morisi is active in the Prince William County Chapter of the VWAA, serving on its Judicial Review Committee. Andrea was the recipient of the Prince William County Bar Association's 2020 Pro Bono Award.

**Bradlee K. Suggs** is a Law Clerk to the Honorable William H. Seals, Jr. in South Carolina. Ms. Suggs is an attorney licensed to practice law in Virginia and North Carolina. She is currently seeking admission to practice law in South Carolina. She attended Elon University School of Law in Greensboro, North Carolina and graduated in December, 2019. She plans on obtaining employment in the area surrounding Washington & Lee once her clerkship ends in the summer of 2021. Ms. Suggs interned with Judge David C. Keesler, a United States Magistrate Judge in the Western District of North Carolina during the summer of 2019. She also worked as an extern to Chief Judge James E. Lockemy at the South Carolina Court of Appeals during the spring of 2019, and interned at the Aircraft Owners & Pilots Association in the summer of 2018 in Frederick, Maryland.

**Johneal M. White** is a litigator at Glenn Robinson Cathey Memmer & Skaff in Roanoke, whose practice concentrates on civil litigation including tort, contract, and other matters. She handles complex litigation in the areas of products liability, premises liability, contract, personal injury, and employment law. She has tried nearly 60 jury trials in both state and federal courts throughout the Commonwealth of Virginia and handled several appeals to the Supreme Court of Virginia. Ms. White was admitted to practice in Virginia in 2007.

We hope this information will prove helpful to you during your review process for this very important judicial position. Please feel free to contact me should you have any questions or need additional information.

Cordially yours,



Margaret Hardy  
President, VWAA



Lu Aloupas  
Co-Chair, Judiciary Committee



Michelle R. Parker  
Co-Chair, Judiciary Committee

\*Candidates denoted with an asterisk were previously reviewed and rated by a VWAA review committee for the same judicial position within the last 18 months. Pursuant to the VWAA Judiciary Committee Rules, these candidates elected to rely on their prior ratings and attested in writing that there have been no material changes in the veracity of the information previously submitted.

Enclosures: Executive Summary of the Hon. David Bernhard\*  
Executive Summary of Patrick Michael Lawrence Blanch, Esq.  
Executive Summary of Trevor Stephen Cox, Esq.  
Executive Summary of the Hon. Dale Durrer  
Executive Summary of Jennifer Franklin, Esq.  
Executive Summary of Frank Kevin Friedman, Esq.  
Executive Summary of the Hon. Junius Phillip Fulton, III  
Executive Summary of the Hon. Richard E. Gardiner\*  
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Executive Summary of Patricia P. Rene (*nee* Nagel), Esq.\*  
Executive Summary of Elwood Earl "Sandy" Sanders, Jr., Esq.\*  
Executive Summary of Jonathan Sheldon, Esq.  
Executive Summary of Virginia B. Theisen, Esq.  
Executive Summary of the Hon. Victoria A.B. Willis\*  
Executive Summary of Daniel Taylor Young, Esq.  
Executive Summary of Catherine French Zagurskie, Esq.\*

cc (*via* email only): Hon. David Bernhard  
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Virginia B. Theisen, Esq.  
Hon. Victoria A.B. Willis  
Daniel Taylor Young, Esq.  
Catherine French Zagurskie, Esq.

## **HON. DAVID BERNHARD\***

**Experience and Legal Ability:** Judge Bernhard earned a Bachelor of Arts in Economics and Political Science, graduating a year early from Brandeis University in 1983; and a Juris Doctor from Washington University in St. Louis School of Law in 1985, which he completed a half-year early. He was admitted to the Missouri Bar in 1986, District of Columbia Bar in 1987, Virginia State Bar in 1988, and Maryland Bar in 1989.

From 1987-1989, Judge Bernhard was an associate attorney practicing mainly immigration law. In 1989 he started his own firm in Arlington where he handled a variety of criminal, family law, and personal injury matters in addition to serving as a Guardian ad Litem. From September 1991 – June 2017, he was a partner at Bernhard & Gardiner, and the types of cases he was handling became more complex, focusing on criminal, divorce, and appellate practice.

As an attorney, Judge Bernhard tried tens of thousands of cases and hundreds of jury trials. He became a proficient trial and appellate attorney with excellent research and writing skills and had numerous noteworthy cases. Additionally, he has been published twice in the Fairfax Bar Journal (2011, 2012), and in the Washington Post (2014). He won the Fairfax Bar Association President's Award (2011) and was recognized by Virginia Lawyer's Weekly as a Leader in the Law (2012).

He was an active member of the Fairfax Bar Association, holding positions such as Co-Chair of the Criminal Law Practice Section (2011-2014), member of the Judicial Screening Committee (2012-2014, Chair 2013); as well as the Hispanic Bar Association, where he served as a screener on the Judicial Selection Committee (2006-2014).

Additionally, he and his law partner developed the VADefenses Listserv Group, which has become the second largest criminal listserv in Virginia and a valuable networking tool among practitioners.

In February 2017, Judge Bernhard was appointed to the 19th Judicial Circuit (Fairfax), taking the bench on July 1, 2017. He has declined to impose cash or surety bond release conditions and has been a proponent of evidence-based pretrial and sentencing practices. During *voir dire*, Judge Bernhard has advised potential jurors of the penalty range a defendant faces if convicted, in an effort to examine sentencing bias and reduce the chance of mistrials.

Judge Bernhard has presided over a wide variety of matters, heard as bench and jury trials, and has authored numerous letter opinions. Many of the cases over which he has presided are high-profile or otherwise unique and have garnering attention from various media outlets, including but not limited to Virginia Lawyer's Weekly, the Washington Post, Fairfax County Times, and the local NBC and Fox affiliates.

Judge Bernhard has a reputation as "the fact checker," and as a judge who will take time to do the research needed to make a fair decision. His letter opinions are considered the product

of diligent effort and thoughtful consideration of the law as applied to the specific facts of the case and written with a sincere desire to provide guidance for attorneys.

Judge Bernhard has attended the Judicial Conference in each of the last three years. Additionally, he has presented at the annual Fairfax Bar Association each of the last three years, addressing topics such as evidence-based sentencing practices, effective legal writing and oral advocacy, and arguing for pretrial release.

Judge Bernhard's community involvement includes being the longest serving Board member of the Forest Hills of Fairfax Homeowners Association, where he last served as its President. He was active in establishing the governance of the Association, organizing volunteer projects, and conducting environmental restoration of the civil war-era pond, which hosts a variety of wildlife.

Fairness and Temperament: Throughout his submission and interview and with additional information gathered during the screening process, Judge Bernhard consistently displays his dedication to public service and a passion to make "equal justice under law" a reality rather than an unattainable ideal. He recognizes that many of the litigants don't always see themselves represented in the courtroom – as attorneys, judges, or courthouse staff – and strives to apply his knowledge of the law and evidenced-based practices to the matters before him such that each person feels they had a fair hearing. He is known for treating everyone with fairness and respect. Judge Bernhard demonstrated that he possesses and exceeds the requisite fairness and temperament for the Virginia Court of Appeals.

Professionalism and Integrity: Judge Bernhard is held in high esteem in his courthouse and in the community. The Committee finds that he possesses and exceeds the requisite professionalism and integrity for the Virginia Court of Appeals.

Overall Evaluation: The Committee finds that Judge Bernhard is very well-qualified for the Virginia Court of Appeals and warrants the Committee's rating of **HIGHLY RECOMMENDED**.

\*\*In accordance with VWAA's Judiciary Committee Rules, Judge Bernhard elected to rely on his prior rating by the VWAA Committee from February, 2020.



## PATRICK MICHAEL LAWRENCE BLANCH, ESQUIRE

Experience and Legal Ability: Mr. Blanch earned his undergraduate degree from Millersville University of Pennsylvania in 2002. He earned his Juris Doctor from The George Washington University School of Law in 2006, and was admitted to the Virginia Bar that same year.

Mr. Blanch began his legal career in 2007 as an Assistant Public Defender in the Fairfax County Office of the Public Defender. He left that position in 2009 to join the firm, currently named Zinicola, Blanch, Overand & Hart, PLLC. Mr. Blanch has dedicated his career to criminal defense at both the trial and appellate levels, accepting court appointed and *pro bono* engagements, including appeals. His civil work involves expungements, *pro bono* uncontested divorces and, by court appointment, representations of Respondents under the Civil Commitment of Sexually Violent Predators Act.

Mr. Blanch has served as lead counsel in 6 cases decided by the Supreme Court of Virginia and 6 cases decided by the Virginia Court of Appeals, including *Grant v. Commonwealth* (54 Va. App. 714 (2009)), which established for the first time in Virginia that the Sixth Amendment's Confrontation Clause entitles a defendant in a DWI case to confront the witness who conducted the forensic test of the defendant's breath alcohol. During his interview, Mr. Blanch told the Committee that, as a result of cases such as *Grant*, he recognized the impact the Court of Appeals has on the life of not only the individual before them on appeal, but also the impact precedent has every subsequent case with that legal issue.

Mr. Blanch is active in the Fairfax Bar Association, serving on the Committees for the General District and Circuit Courts, as well as its inaugural Equal Access to Justice Committee. He regularly presents CLE programs for the local Bar Association and at the Indigent Defense Commission's conferences and mentors other attorneys who are preparing for their first appellate case. Additionally, of his Virginia Supreme Court cases, three of them were brought on a *pro bono* basis. In recognition of his work, in 2018 the Fairfax Bar Association awarded him its highest award, the James Keith Public Service Award.

Fairness and Temperament: Throughout the screening process, Mr. Blanch displayed a professional and respectful demeanor. The Committee believes he demonstrates the requisite fairness and temperament necessary to be a judge for the Court of Appeals of Virginia.

Professionalism and Integrity: Mr. Blanch is highly respected among his peers for his zealous representation, ethical practices and appellate leadership. Throughout the interview and based upon information gathered, the Committee finds that he possesses and exceeds the requisite professionalism and integrity for the Virginia Court of Appeals.

Overall Evaluation: The Committee finds that Mr. Blanch is well-qualified for the position of a Court of Appeals Judge for the Commonwealth of Virginia and warrants the Committee's rating as **HIGHLY RECOMMENDED**.

## **JENNIFER FRANKLIN, ESQUIRE**

**Experience and Legal Ability:** Ms. Franklin graduated from Virginia Polytechnic Institute & State University in Blacksburg, Virginia, in 1988. She earned her law degree from Regent University School of Law in 1999. Ms. Franklin became licensed to practice law in the Commonwealth of Virginia in 2000.

Ms. Franklin began her legal career clerking for the Supreme Court of Alabama immediately following her graduation from law school. She then worked for several years with the Office of the Attorney General for the Commonwealth of Virginia, where her practice focused on criminal appeals and habeas corpus cases. She was the Habeas Supervisor in the Supreme Court of Virginia's Office of the Chief Staff Attorney for approximately 8 years, where she advised the Court about habeas issues, managed the disposition of death penalty habeas cases, and reviewed appellate documents and court filings.

Since 2012, Ms. Franklin has worked with law students at William & Mary Law School, teaching appellate advocacy, legal writing, and advanced brief writing, as well as coaching the Moot Court Team. She also works with the Appellate Litigation Clinic at the law school. She does some *pro bono* work in addition to the work she does with law students. She has significant substantive experience litigating appeals as well as addressing appellate work from within the judiciary, as both a former law clerk and as a former staff attorney for the Supreme Court of Virginia. She is accustomed to posing questions to her students in ways that encourage thoughtful responses, and her writing skills are exemplary. Despite her recognized expertise in writing, she is refreshingly delighted by the idea that writing can always be improved, and welcomes collaboration for that purpose.

**Fairness and Temperament:** Ms. Franklin has a composed yet welcoming demeanor, evident in both her interview and in discussions with her references. She is described as "the calmest person in the room," and someone who is readily able to address issues. The Committee believes she demonstrates the requisite fairness and temperament necessary to be a judge for the Court of Appeals of Virginia.

**Professionalism and Integrity:** Ms. Franklin is respected among her peers and beloved by her students. Throughout the interview and based upon information gathered, Ms. Franklin demonstrates a level of professionalism and integrity that meets and exceeds the requisite professionalism and integrity for the Court of Appeals for Virginia.

**Overall Evaluation:** The Committee believes that Ms. Franklin would bring balance to the Court of Appeals with her specialized expertise in Habeas Corpus issues, her perspectives from both sides of the bench, and her patience and communication skills developed through her teaching. Her temperament and demeanor are well suited for a judge on the Court of Appeals, and her experience working with others demonstrates that she will be a successful collaborator and consensus builder. Accordingly, the Committee finds that she is qualified for the position of a Court of Appeals Judge for the Commonwealth of Virginia and warrants the Committee's rating as **HIGHLY RECOMMENDED**.

## **FRANK KENNETH FRIEDMAN, ESQUIRE**

**Experience and Legal Ability:** Mr. Friedman attended Harvard College, graduating in 1980 with his undergraduate degree. He earned his law degree from Vanderbilt University School of Law in 1985. Mr. Friedman was licensed to practice law in the Commonwealth of Virginia in 1985.

Mr. Friedman began his legal career with Woods Rogers, PLC in Roanoke, where he has practiced since 1985. He has cultivated a practice area specialty in appellate work, encompassing a broad range of legal subject matter. Mr. Friedman is recognized throughout the Commonwealth for his legal acumen. He has been appointed to a number of leadership positions within the VBA Appellate Section, the Litigation Section for the Virginia State Bar, The Appellate Practice Subsection for the Virginia State Bar, the Fourth Circuit Rules Advisory Committee, the Board of the Virginia Association of Defense Attorneys, the Supreme Court of Virginia's Appellate Rules Advisory Committee, and the Boyd Graves Conference, in addition to other positions, too numerous to list here.

Mr. Friedman is a superb appellate writer with a reputation for impeccable judgment. His calm demeanor, kind heart, and mild manner were consistently recognized by his peers and the judges in front of whom he has appeared. He demonstrates a unique depth of knowledge about the appellate process and therefore insight as to improvements that could be made in the appellate courts. He also serves as a resource to other attorneys, who look to him for guidance and mentorship with appellate matters.

**Fairness and Temperament:** Throughout the interview and from the information gathered, Mr. Friedman consistently displays a thoughtful, professional, and respectful demeanor. He recognizes that his skill set is best suited for appellate work where he can thoughtfully consider questions of law and its application, and he recognizes the difficulty facing trial litigators and trial judges in making fast paced arguments and decisions in the moment. The Committee believes Mr. Friedman demonstrates the requisite fairness and temperament necessary for the Court of Appeals of Virginia.

**Professionalism and Integrity:** Mr. Friedman is highly respected among his peers for his ethical practices, efforts at inclusion, and appellate leadership. Throughout the interview and based upon information gathered, Mr. Friedman meets and exceeds the requisite professionalism and integrity for the Court of Appeals for Virginia.

**Overall Evaluation:** The Committee believes that Mr. Friedman would bring balance to the Court of Appeals by providing significant civil experience, expertise, and perspective that is not represented in the current composition of jurists. His temperament and demeanor are exemplary for a thoughtful appellate analysis and courteous interactions with attorneys and litigants alike. Accordingly, the Committee finds that he is well-qualified for the position of a Court of Appeals Judge for the Commonwealth of Virginia and warrants the Committee's rating as **HIGHLY RECOMMENDED**.

## **HON. JUNIUS PHILLIP FULTON, III**

**Experience and Legal Ability:** Judge Fulton graduated from the University of Virginia in 1981 and from the Marshall - Wythe School of Law at the College of William and Mary in 1985. He was admitted to the Virginia State Bar in 1985.

Judge Fulton began his legal career as an Assistant Commonwealth's Attorney for the City of Norfolk, Virginia. In 1989, Judge Fulton joined a firm engaged in the general practice of law, where he handled a variety of criminal and civil matters (personal injury, real estate), bankruptcy, and wills. In 1996, he was appointed to the Norfolk Circuit Court, by Gov. George Allen, where he continues to preside. He was reappointed in 2005 and again in 2013. Judge Fulton has also been designated to hear matters in Richmond, Chesterfield County, Suffolk, Shenandoah County, Halifax County, and Hopewell. He has issued opinions on state and federal constitutional issues, as well as other letter opinions.

Judge Fulton has attended numerous conferences over the years. Specifically, but not limited to, the Judicial Conference of Virginia yearly since 2017; seminars presented by the Norfolk Portsmouth Bar Association (2018 and 2019); Emerging Issues in Neuroscience (2017 Durham, NC); Domestic Violence Conference (2017, Charlottesville); Realities of Judging Conference, American Association of Judicial Education, (2019 Florida); and Norfolk & Portsmouth Bar Association Bench-Bar Conference (2017-2019). Additionally, Judge Fulton serves as Chair of the Judicial Education Committee of the Judicial Conference of Virginia, Chair of the Supreme Court of Virginia H.B.291 Collaborative Law Agreement Study Group, and Chair of the Norfolk Evidence-Based Decision-Making Committee (EBDM).

Judge Fulton is a member of the Phi Beta Sigma Fraternity, Inc., and the Hiawatha Beneficial and Social Club. Neither organization engages in discriminatory practices. He is also a member of the Virginia Bar Association, Norfolk & Portsmouth Bar Association, Old Dominion Bar Association, South Hampton Roads Bar Association, National Association of Drug Court Professionals, and the Virginia Association of Drug Court Professionals. He has been actively involved in his parish, The Basilica of St. Mary of the Immaculate Conception, since 1992, serving as an instructor for adults seeking to become members of the Catholic faith since 2000, and in a variety of other roles ranging from Chair of the Parish Council, Bible Study Leader and member of the Renovation Committee.

During his tenure on the Circuit Court bench, Judge Fulton has received numerous honors and awards. These include, but are not limited to, the Virginia State Bar (Criminal Law Section) Harry L. Carrico Professionalism Award (2020) and Regent Law School BALSAs "Making My Mark" Award (2019). Under his leadership, the Norfolk Drug Court received the 2006 Crime Prevention Award, the Norfolk PACE, and the 2014 Garden of Hope Unity Award.

Judge Fulton has been a lecturer on specialized dockets, specifically, the 2014 Council of State Governments' Second Chance Act Conference, 2015 Southern Legislative Conference, and the 2017 Conference of National Association of Presiding Court Officers. He has also presented at the 2010 Judicial Conference of Virginia ("Considerations in Criminal Sentencing"), and at Virginia State Bar, Criminal Law Seminar (2000, 2018).

Fairness and Temperament: All of Judge Fulton's references describe him as a role model. He displays a high level of leadership and strives to make the court system more user-friendly. Judge Fulton was described as humble, dedicated, and compassionate, and a judge whose priorities have been, and continue to be, fairness and accountability. Judge Fulton demonstrates a high level of cultural awareness, he is very thoughtful and knowledgeable, and very engaging. He exhibits sound judgment and is very genuine. The Committee believes Judge Fulton demonstrates the requisite fairness and temperament necessary for the Court of Appeals of Virginia.

Professionalism and Integrity: Throughout the interview and from the information gathered, Judge Fulton consistently displays a thoughtful, courteous, and professional demeanor. His dedication to the community is evident in his leadership of the Norfolk Drug Court and the Re-Entry Court, among his other endeavors. He is held in the highest esteem by the local bar, his peers, and colleagues. One of his references stated that Judge Fulton "makes the job look easy when it's not." Recognizing the challenges the Court faced at the start of the COVID pandemic, Judge Fulton maintained the same level of calm decision-making he typically exhibits and was proactive in getting himself and staff up to speed on new technology and the changes in the courthouse. The Committee finds that Judge Fulton meets and exceeds the requisite professionalism and integrity for the Court of Appeals for Virginia.

Overall Evaluation: The Committee finds that Judge Fulton's knowledge, skills, and experience gained throughout his career as an attorney and Circuit Court judge would make him a valuable addition to the Virginia Court of Appeals. Accordingly, the Committee finds that he is well-qualified for the position and warrants the Committee's rating as **HIGHLY RECOMMENDED**.

## **HON. RICHARD E. GARDINER\***

**Experience and Legal Ability:** Judge Gardiner earned his law degree from the International School of Law (now George Mason Antonin Scalia School of Law) in 1978 and was licensed to practice law in Virginia in 1979.

Judge Gardiner worked as Assistant General Counsel for the National Rifle Association of America until 1989, when he transitioned to the role of Director of State and Local Governmental Affairs. From 1991 to 1994, Judge Gardiner worked as Legislative Counsel, and from 1994 to 2013, he worked as a sole practitioner with both a criminal and a civil practice. During this time, he acquired extensive appellate experience. For example, without including the numerous petitions for writs of certiorari he prepared, Judge Gardiner briefed and argued at least ninety-nine (99) appellate cases and briefed eight (8) cases in the United States Supreme Court.

Judge Gardiner is highly respected among his peers and was the recipient of the Fairfax Bar Association's President's Award and has been recognized by the George Mason University Alumni Association. In 2013, Judge Gardiner was appointed to the Fairfax General District Court and in 2016, he was appointed to the Fairfax Circuit Court, where he currently sits. During his time on the bench thus far, Judge Gardiner has authored at least fifty-four (54) written opinions.

**Fairness and Temperament:** Through the interview and from the information gathered, Judge Gardiner demonstrates a respect for the judicial process and the role of the court. He enjoys the process of researching and writing thoughtful opinions. Judge Gardiner demonstrates the requisite fairness and temperament for a judge of the Court of Appeals of Virginia.

**Professionalism and Integrity:** Through the interview and information gathered, Judge Gardiner indicated a level of professionalism and integrity sufficient for the Court of Appeals of Virginia. Judge Gardiner is regarded as an exceptional attorney and judge among his colleagues.

**Overall Evaluation:** The Committee finds Judge Richard E. Gardiner is very well-qualified for the position on the Court of Appeals of Virginia and warrants the Committee's rating as **HIGHLY RECOMMENDED**.

\*In accordance with VWAA's Judiciary Committee Rules, Judge Gardiner elected to rely on his prior rating by the VWAA Committee from February, 2020.

## **HON. DAVID W. LANNETTI**

**Experience and Legal Ability:** Judge Lannetti graduated from the United States Naval Academy, Annapolis, in 1981 and earned his Master's Degree from Troy State University, Norfolk, in 1994. He served as Lieutenant Commander, United States Navy from May 1981 to May 1996. Judge Lannetti earned his Juris Doctor from the Marshall - Wythe School of Law at the College of William and Mary in 1999 and was admitted to the Virginia State Bar that same year.

Judge Lannetti began his legal career at Vandeventer Black, LLP in Norfolk, VA. He became a partner at Vandeventer Black, LLP in 2007. His practice focused on creditors' rights, bankruptcy, construction law, commercial litigation, maritime law, and alternative dispute resolution. He was also a certified Criminal Justice Act (CJA) attorney, where he accepted court-appointed federal felony criminal cases. He was appointed Commissioner in Chancery for the Norfolk Circuit Court in 2007, and served in that position until 2014. As Commissioner, he presided over partition actions, equitable distribution actions, real estate sales, and debtor's interrogatories.

In March 2010, Judge Lannetti was appointed as a Substitute Judge for Virginia District Courts. In this role, Judge Lannetti presided over primarily civil cases, misdemeanor criminal cases, and felony probable cause hearings in general district courts and juvenile & domestic relations district courts. Judge Lannetti estimates that he presided over more than 19,000 cases in the district courts throughout Hampton Roads. He served in this role until 2014, when he was appointed to the Norfolk Circuit Court bench, where he continues to preside over a variety of civil and criminal cases and oversees the Judicial Internship Program.

Judge Lannetti serves as an adjunct professor at William & Mary Law School (Remedies, 2003 – present), Regent University Law School (Remedies, 2003 – present; Legal Research & Writing, 2020 – present), is a faculty member of the Virginia Continuing Legal Education National Trial Advocacy College (2020–Present), and Virginia Continuing Legal Education Legal Writing Workshop (2017–Present).

Over the last several years, Judge Lannetti's has demonstrated his dedication to advancing the practice of law in his service on numerous committees, including the Executive Committee and the Rules Committee of the Virginia Supreme Court (2019 – present); Chair, Virginia State Bar Standing Committee on Professionalism (2017–Present) and Harry L. Carrico Professionalism Course Faculty (2015–Present); Board of Governors, Section on the Education of Lawyers (2018–Present); Board of Governors, Section on Construction Law & Public Contracts (2020–Present); Virginia Bar Association *Pro Bono* Council (2019–Present); Boyd-Graves Conference (2020–Present) Norfolk & Portsmouth Bar Association, Founder and Co-Chair, Bench-Bar Relations Committee (2017–Present); and the James Kent American Inn of Court (2000–Present), Executive Committee (2009–Present).

Judge Lannetti participates and has held leadership roles in community organizations including, the Boy Scouts of America, Tidewater Council (2008–Present), Member, Board of Directors (2008–Present), Chartered Organization Representative, Troop 24, Boy Scouts of America (1999–2006, 2013–Present); the Girl Scouts of America, Colonial Coast Council (2019–Present); Larchmont United Methodist Church (1988–Present), Lay Leader (2020–Present), Adult Education Teacher (2002–Present); Norfolk Emergency Shelter Team (2000–Present); Norfolk & Portsmouth Bar Association Foundation (Board of Directors) (2011–Present); Norfolk Sister City Association (2009–Present), Member, Board of Directors (2009–17, 2019–Present); U.S. Naval Academy “Blue & Gold” Recruiting Officer (2002–Present), Southeast Virginia “Blue & Gold” Area Coordinator (2010–Present); Special Olympics Virginia (1993–Present), Member, Board of Directors, Southeastern Virginia (1997–2014), Coach, Norfolk Special Olympics (1997–Present); and the YMCA (1999–Present). None of these organizations restrict membership on the basis of age, race, or gender.

During his legal career, Judge Lannetti has authored or co-authored over 40 legal articles, in addition to hundreds of judicial opinions, and several in-depth law review articles exploring and recommending improvements to the law. One of his references described his writing skills as superb, his opinions logical, well-organized, and well-written; another reference said Judge Lannetti’s writing is analytical and thorough.

Fairness and Temperament: Throughout the interview and application process it was evident that Judge Lannetti demonstrates the requisite fairness and temperament necessary for the Court of Appeals of Virginia.

Professionalism and Integrity: Judge Lannetti meets and exceeds the requisite professionalism and integrity for the Court of Appeals for Virginia.

Overall Evaluation: The Committee finds that Judge Lannetti’s knowledge, skills, and experience gained throughout his career as an attorney and Circuit Court judge would make him a valuable addition to the Virginia Court of Appeals. Accordingly, the Committee finds that he is well-qualified for the position of a Court of Appeals Judge for the Commonwealth of Virginia and warrants the Committee’s rating as **HIGHLY RECOMMENDED**.



## **HON. DANIEL ERIC ORITZ\***

**Experience and Legal Ability:** Judge Ortiz earned his law degree from George Washington University in 2002 and was licensed to practice law the same year. He began his legal career in general civil litigation at a 30-lawyer, general practice firm, handling contract disputes, employment issues, business torts, and medical malpractice claims. Judge Ortiz also handled family law matters, including representation of parents in custody matters and support cases, claims relating to the division of marital assets, and contested protective orders hearings. He also represented commercial landlords in a variety of matters, including the drafting of leases and litigation matters.

Judge Ortiz is very engaged and active in *pro bono* matters, serving as chair of his firm's *pro bono* committee. He also contributed 100 hours of *pro bono* service yearly, representing clients in matters such as protective orders for victims of domestic violence, adoptions for special needs children, as well as victims of consumer fraud and wrongful foreclosure.

Judge Ortiz is the former president and chairman of the Board of Directors for Legal Services of Northern Virginia, serving on the Board for 8 years. He also served on the hiring and recruiting committees at his firm, focusing on increasing the representation of women and attorneys of color at the firm. Judge Ortiz was appointed to the bench in 2015 and commenced his term at the Fairfax County Circuit Court on January 1, 2015. Prior to his appointment, Judge Ortiz served as a substitute judge in the General District Court and Juvenile Domestic Relations District Court of Fairfax County.

Judge Ortiz presides over both civil and criminal proceedings. He also has experience in a variety of practice areas and has a history of service to indigent clients and those who have traditionally experienced difficulty accessing the courts. Judge Ortiz is committed to erasing the "justice gap" for those who cannot afford an attorney, including reducing the costs of litigation and re-evaluating how pro se litigants are treated in the judicial process.

Judge Ortiz has been active as a CLE speaker, speaking on topics such as evidence, professionalism, and injunctions in state and federal court. Judge Ortiz has been active in his community through this pro bono service as well as through participation in youth organizations.

**Fairness and Temperament:** Throughout the interview and in his application materials, Judge Ortiz expressed both a great concern and commitment to equity in connection with access to the courts, as well as treatment by the courts. He understands the importance of fairness in the judicial system, explaining his concern about the impact on litigation when access to the courts is withheld for some. Judge Ortiz has also been an active advocate for increasing diversity, both at his firm and in the practice of law.

**Professionalism and Integrity:** Through the interview and information gathered, Judge Ortiz demonstrated a level of professionalism and integrity that exceeds the requisite for a judge on the Virginia Court of Appeals. That professionalism extends to his dedication to indigent clients and to increasing diversity in the practice of law and the judiciary.

Overall Evaluation: The Committee finds Judge Daniel Eric Ortiz is very well-qualified for the position of Judge of the Court of Appeal of Virginia and warrants the Committee's rating as **HIGHLY RECOMMENDED**.

\*In accordance with VWAA's Judiciary Committee Rules, Judge Ortiz elected to rely on his prior rating by the VWAA Committee from February, 2020.

## STUART A. RAPHAEL, ESQUIRE\*

Experience and Legal Ability: Stuart A. Raphael earned his law degree from the University of Virginia in 1989 and was licensed to practice law the same year. Mr. Raphael began his career in law with Hunton & Williams, LLP and focused his practice on appellate litigation, constitutional law, state and local government law, complex litigation, toxic torts, construction litigation, and water rights. He was made partner at the firm in 1997.

In 2014, Mr. Raphael was appointed Solicitor General of Virginia. He was in this position until 2017, when he returned to Hunton Andrews Kurth LLP. Mr. Raphael has a great deal of appellate experience, arguing cases to the Supreme Court of the United States, to the 4th Circuit, and to the Supreme Court of Virginia. The subject matter of the cases he has undertaken on appeal is as varied as his areas of practice. Most notably, he argued and won *Virginia v. Maryland* (Virginia has the right to use the Potomac River without MD's permission) and *Bostic v. Rainey* (same sex marriage ban violates the 14th amendment).

Mr. Raphael is a self-described “appellate nerd” who enjoys reading and researching the law, and understanding the history of law. He also has a strong commitment to public service and for this reason, among others, seeks appointment to the Court of Appeals of Virginia. Mr. Raphael has considered judgment, significant experience with the interplay of state and appellate courts, and experience in a wide variety of practice areas. He is described by his peers as having “encyclopedic knowledge of Virginia law and procedure.”

Mr. Raphael has received many awards and recognition of his accomplishments. These include being named a Fellow with the American Academy of Appellate Lawyers, Best Brief in the U. S. Supreme Court for his *amicus* brief in *Obergefell v. Hodges*, Leading Individual in Commercial Litigation, national leader in water rights, and named “Legal Elite” in Richmond Business for Appellate Law.

Mr. Raphael recognizes that access to justice continues to be a significant problem for low-income individuals, as well as those with moderate incomes. He also identifies pay disparity for women and minorities and sexual harassment of women in the workplace and at college as ongoing significant legal issues. Mr. Raphael demonstrates a sincere desire to make a difference for the Commonwealth of Virginia and its residents, and also understands his judicial role if appointed to the Court of Appeals of Virginia. He seeks this appointment to continue to make a difference by promoting Virginia’s tradition of justice and respect for the rule of law, while serving his community.

Fairness and Temperament: Through the interview and from the information gathered, Mr. Raphael demonstrates a respect for the judicial process and the role of the court. Mr. Raphael demonstrates the requisite fairness and temperament for a judge of the Court of Appeals of Virginia.

Professionalism and Integrity: Throughout the interview and based upon information gathered, Mr. Raphael demonstrated a level of professionalism and integrity that meets and exceeds the needs for a judge in the Court of Appeals of Virginia. That professionalism extends

to his sense of responsibility to all litigants, including those of diverse cultural and economic backgrounds.

Overall Evaluation: The Committee finds Stuart A. Raphael, Esquire, is very well-qualified for the position on the Court of Appeals of Virginia and warrants the Committee's rating as **HIGHLY RECOMMENDED**.

\*\*In accordance with VWAA's Judiciary Committee Rules, Mr. Raphael elected to rely on his prior rating by the VWAA Committee from February, 2020.

**PATRICIA P. RENE, ESQUIRE\* (previously Patricia P. Nagel, Esquire)**

Experience and Legal Ability: Ms. Rene earned her law degree from the University of San Francisco School of Law in 1990 and was admitted to practice law in Virginia in 1995.

Ms. Rene has worked in private practice in Williamsburg in the area of criminal defense and also maintains a busy appellate practice and both state and federal court. As part of her appellate practice, Ms. Rene has filed hundreds of appeals in state and federal courts, as well as writs in the United States Supreme Court, originating from state and federal appellate courts. Ms. Rene has been granted 66 writs of appeal in Virginia appellate courts and has substantial oral argument experience. She has also served as a member of the United States Criminal Justice Act panel since 2010, representing indigent defendants in federal court and on state court-appointed lists, representing indigent clients at both the trial and appellate levels. She has employed technical experts in her cases and is well-versed with subjects such as computer forensics. She has also served as a Guardian *ad litem* in family law cases.

Prior to her robust private practice, Ms. Rene also served for 5 years as an appellate attorney with the Office of the Public Defender for the City of Richmond and for 2 years with the Virginia Indigent Defense Commission. She developed training programs for new attorneys to handle appeals and presented at numerous CLE's on appellate practice. She remains a resource to attorneys across Virginia seeking assistance with their trial and appellate practice.

Ms. Rene evinces fairness, judgment and commitment to her clients. She is experienced in both trial and appellate court matters, as well as in the interplay of state and federal courts. Ms. Rene is committed to serving indigent clients and increasing access to courts for those who have traditionally been excluded or faced difficulties in accessing the courts. The committee believes she would bring a needed defense-oriented perspective to the bench providing intellectual diversity to the Court of Appeals.

Fairness and Temperament: During the interview and from the information gathered, Ms. Rene demonstrated respect for the judicial process and the role of the court. She is committed to providing her clients their opportunity before the courts and advocating their position. She understands how the law can affect individuals on a personal level and has expressed her thoughts on how to increase representation for indigent clients. Ms. Rene demonstrates and exceeds the requisite fairness and temperament for a judge of the Court of Appeals of Virginia.

Professionalism and Integrity: Through the interview and information gathered, Ms. Rene demonstrates a level of professionalism and integrity that meets and exceeds the requisite professionalism and integrity required for a judge appointed to the Court of Appeals of Virginia. That professionalism extends to her sense of commitment to all litigants, including indigent and minority clients.

Overall Evaluation: The committee finds Ms. Rene is very well-qualified for the position of judge for the Court of Appeals of Virginia and warrants the committee's rating as **HIGHLY RECOMMENDED**.

\*In accordance with VWAA's Judiciary Committee Rules, Ms. Rene elected to rely on her prior rating by the VWAA Committee from February, 2020.

## HON. VICTORIA A. B. WILLIS\*

Experience and Legal Ability: Judge Willis earned her law degree from T.C. Williams School of Law in 1986 and was licensed to practice law the same year. She began her legal career as a clerk for the Chief Justice of the Supreme Court of Virginia, Harry L. Carrico, from 1986 to 1988.

After her clerkship with Chief Justice Carrico, Judge Willis worked in private practice in Fredericksburg and Richmond where she gained experience handling civil litigation, corporate matters (transactional and governance), criminal litigation, state and federal compliance matters, employment cases, healthcare cases and finance matters. Later, she worked in-house for a health system, rising to General Counsel and Vice President before returning to private practice in 2001. She has handled temporary detention orders as special counsel at Spotsylvania Regional Medical Center. She was appointed as a judge for the Fifteenth Judicial Circuit on December 1, 2014, where she currently sits. Judge Willis has served as faculty for the Harry L. Carrico Professionalism Course, at the University of Mary Washington and at the University of Auburn. She also conducts judicial training for new judges on how to preside over jury trials. Judge Willis has contributed to multiple publications and while on the bench, has written numerous opinions. Since her appointment to the bench, she has embraced a leadership role, while also maintaining her previous workload.

Judge Willis has considered judgment, experience with the interplay of state and appellate courts, and experience in a wide variety of practice areas that would be beneficial to her and the Court if she is appointed to the Court of Appeals of Virginia. She would bring to the Court of Appeals of Virginia not only diversity based on gender, but also diversity of perspective. Judge Willis presides over both civil and criminal dockets and is the only judge in her circuit that handles the probate docket. She seeks to ensure each litigant, win or lose, leaves the courthouse feeling heard. Judge Willis is very active in her community. Prior to being appointed to the bench, she donated her time and legal services to assist with establishing the Children's Community Theater and assisted in setting up Lloyd Moss Free Clinic to provide health services to the working uninsured. She has also provided her time and legal expertise to members of the community in need of guidance regarding elder law issues.

Fairness and Temperament: Through the interview and from the information gathered, Judge Willis demonstrates a respect for the judicial process and the role of the court. She values the jury system and embraces her role in helping litigants before her to appreciate and understand the process. While she makes her decisions based on the law and evidence before her, Judge Willis seeks to ensure each litigant knows that she heard and understood their argument/position. Judge Willis expressed her observations about how the justice system can provide those of diverse backgrounds with the same opportunities and responsibilities under the law. Judge Willis demonstrates the requisite fairness and temperament for a judge of the Court of Appeals of Virginia.

Professionalism and Integrity: Through the interview and information gathered, Judge Willis indicated a level of professionalism and integrity sufficient for the Court of Appeals of Virginia. That professionalism extends to her sense of responsibility to all litigants, including those of diverse cultural backgrounds.

Overall Evaluation: The Committee finds Judge Victoria A. B. Willis is very well-qualified for the position on the Court of Appeals of Virginia and warrants the Committee's rating as **HIGHLY RECOMMENDED**.

\*In accordance with VWAA's Judiciary Committee Rules, Judge Willis elected to rely on her prior rating by the VWAA Committee from February, 2020.

## DANIEL TAYLOR YOUNG, ESQUIRE

Experience and Legal Ability: Mr. Young attended the University of Virginia and graduated in 2007. He was a Jefferson Scholar and received a four-year, full tuition merit scholarship to attend the University of Virginia. He earned his joint Juris Doctor/Master in Public Policy degrees from Yale Law School and Harvard Kennedy School in 2012. Mr. Young was admitted to practice in Virginia in 2015.

Mr. Young began his legal career in 2012 as an Associate at Davis, Polk & Wardwell, LLP in New York where he co-authored briefs before the United States Supreme Court, Second Circuit, and Southern District of New York. Additionally, Mr. Young was the lead associate in a *pro bono* suit against loan modification scammers. Prior to Mr. Young transitioning into his current role as an Assistant United States Attorney, he was Law Clerk to the Honorable Lewis A. Kaplan for the United States District Court for the Southern District of New York in 2014, and he was a Law Clerk to the Honorable Julio M. Fuentes for the United States Court of Appeals for the Third Circuit in 2015.

Currently, Mr. Young is an Assistant United States Attorney for the Eastern District of Virginia. He works in the Appellate Unit for the Alexandria Division. He previously was a member of the White-Collar Crime Unit in the Norfolk Division from 2016 to 2018. As a member of the Appellate Unit, Mr. Young has argued 11 cases before the United States Court of Appeals for the Fourth Circuit and has gained significant experience with the appellate process.

Mr. Young has a passion for giving back to the community, evidenced by his participation in voting rights cases, his participation with the Innocence Network, and his support of justice reform. Mr. Young has a reputation for impeccable legal judgment and an enthusiasm and interest in the law that is readily apparent in his interview. His diligent work ethic, innovative thinking, and commitment to public service were consistently recognized by his peers and supervisors alike. He demonstrates a unique legal skill set that would bring value to the Court of Appeals in Virginia.

Fairness and Temperament: Throughout the interview and from the information gathered, Mr. Young consistently displays a thoughtful, professional, and respectful demeanor. He is highly intelligent while embodying the utmost humility. The Committee finds that Mr. Young demonstrates the requisite fairness and temperament for the Court of Appeals in Virginia.

Professionalism and Integrity: Mr. Young is highly respected by his peers for his professionalism, ethical practices, and leadership abilities. Mr. Young exhibits the requisite professionalism and integrity for the Court of Appeals for Virginia.

Overall Evaluation: The Committee believes that Mr. Young would bring a different perspective and experience to the Court of Appeals. Mr. Young's temperament and demeanor are well suited for interacting with attorneys and other judges on the Court of Appeals. Accordingly, the Committee finds that he is well-qualified for the position of a Court of Appeals Judge for the Commonwealth of Virginia and warrants the Committee's rating of **HIGHLY RECOMMENDED**.

## TREVOR STEPHEN COX, ESQUIRE

Experience and Legal Ability: Mr. Cox attended Harvard College for both undergraduate and law school. He earned his Juris Doctor in 2009 and was admitted to the Virginia Bar that same year.

Mr. Cox began his legal career in 2010 with Hunton & Williams on their securities litigation team, representing issuers and individuals in litigation matters related to securities, corporate governance, and mergers and acquisitions, as well as public and private companies in complex civil litigation, class actions, and government or internal investigations involving alleged violations of state and federal securities laws.

From 2014 to 2018, Mr. Cox was a member of the Solicitor General's division of the Attorney General's Office. His job focused on appellate litigation involving the Commonwealth, its agencies, and officials in matters involving the constitutionality of statutes or regulations, both in front of federal and Virginia courts. He also provided legal counsel to the Governor, Attorney General, and others on constitutional issues and matters of Virginia government. During his four-year tenure, the Office of the Attorney General was involved in nearly 80 appellate cases, with Mr. Cox contributing by briefing and presenting those cases, or assisting his colleagues with their briefs.

He returned to Hunton, Andrews, and Kurth in 2018 as a member of the Issues and Appeals team focused on appellate litigation. His current practice focuses on representing private and public individuals and companies on constitutional issues regarding energy, the environment, employment, and federal Title IX.

In addition to Mr. Cox's appellate practice, he is active in the Virginia Bar Association, having presented several CLEs, as well as co-teaching a seminar at the University of Richmond T.C. Williams School of Law. Mr. Cox also engages with the community through service in his church vestry, serving on several library boards, including the Richmond Public Library Foundation, and with alumni associations.

Fairness and Temperament: Throughout the screening process, Mr. Cox displayed a thoughtful, professional, and respectful demeanor. The Committee believes he demonstrates the requisite fairness and temperament necessary to be a judge for the Court of Appeals of Virginia.

Professionalism and Integrity: Mr. Cox is highly respected among his supervisors, peers and support staff for his thorough scholarship, industriousness, ethical practices and appellate leadership. Throughout the interview and based upon information gathered, Mr. Cox demonstrates a level of professionalism and integrity that meets and exceeds the requisite professionalism and integrity for the Court of Appeals for Virginia.

Overall Evaluation: The Committee believes that Mr. Cox would bring needed balance to the Court of Appeals. Accordingly, the Committee finds that he is well-qualified for the position of a Court of Appeals Judge for the Commonwealth of Virginia and warrants the Committee's rating as **RECOMMENDED**.



## **HON. DALE DURRER**

**Experience and Legal Ability:** Judge Dale Durrer attended a local community college before transferring to the University of Virginia to complete his undergraduate degree. Judge Durrer graduated with his Juris Doctor from American University Washington College of Law in 2000 and passed the Virginia bar in the same year. He was the first in his family to attend college.

Judge Durrer began his legal career as an associate attorney at the firm of Davies, Barrell, Will, Lewellyn, & Edwards in Culpepper, Virginia. He was part of a general practice firm, which included criminal defense, personal injury, real estate, and domestic relations work. In 2003 he left the firm to work in the Commonwealth's Attorney's Office in Culpepper. While in the Commonwealth's Attorney's Office, Judge Durrer handled cases in all Culpepper trial courts, including approximately thirty-five criminal jury trials. His caseload ranged from capital murder to sexual assault to money laundering to fraud. While at the Commonwealth's Attorney's Office, Judge Durrer was also designated a Special Assistant United States Attorney (2007-2013) in order to assist the federal government in prosecuting violations of federal law in Culpepper County, Virginia. Judge Durrer was appointed to the district court bench by the General Assembly in April 2013. He was elevated to Culpepper Circuit Court in 2018. In the almost 8 years he has been on the bench, he estimates presiding over 750 cases through verdict or judgment. Judge Durrer has not hesitated to write opinions explaining more complex rulings in various areas of law such as equitable distribution, constitutional supremacy clause questions, and judgments at the demurrer stage.

Judge Durrer is also an adjunct professor at American University Washington College of Law, where he won an adjunct faculty teaching award in 2016 and is thought of very highly by students and professors alike. One of Judge Durrer's references, a woman who put herself through law school as a single mother, gave Judge Durrer credit for inspiring her to continue her education. She is now an attorney at a prestigious firm. Judge Durrer is also a named author and contributor to the seminal treatise Wesley Oliver, Dale B. Durrer, & Kirsha Weyandt Trychta, *Evidence: Common Law and Federal Rules of Evidence* (7th ed. 2015).

**Fairness and Temperament:** In speaking with the Committee, Judge Durrer was thoughtful, professional, warm and respectful. The Committee believes he demonstrates the requisite fairness and temperament necessary to be a judge for the Court of Appeals of Virginia.

**Professionalism and Integrity:** The Committee finds that Judge Durrer demonstrates a level of professionalism and integrity that meets and exceeds the requisite professionalism and integrity for the Court of Appeals for Virginia. He is very well respected in his community and the legal field. In speaking with his references, the common thread that emerged was that Judge Durrer cares very much about treating others (litigants, law students, attorneys, colleagues) with respect.

**Overall Evaluation:** The Committee finds that Judge Durrer is well-qualified for the position of a Court of Appeals Judge for the Commonwealth of Virginia and warrants the Committee's rating as **RECOMMENDED**.

## LISA MARIE LORISH, ESQUIRE

Experience and Legal Ability: Ms. Lorish attended Princeton University, graduating in 2003. She later earned her law degree from the University of Virginia School of Law, graduating in 2008. Ms. Lorish was the Essays Development Editor of the Virginia Law Review, a John M. Olin Scholar in Law and Economics, a Raven Society Member, and recipient of the 2008 Raven Award.

Ms. Lorish began her legal career as a Litigation Associate at Sullivan Cromwell, LLP where she worked from 2008 to 2011. In 2011, she joined McGuireWoods as Litigation Association in Charlottesville, where she managed multi-year class action litigation and represented numerous companies in civil litigation. In 2014, Ms. Lorish transitioned to her current role as a Federal Public Defender serving the Western District of Virginia. In this role, Ms. Lorish gained appellate experience as she has briefed and argued 11 cases before the Fourth Circuit Court of Appeals.

In addition to her work as a Federal Public Defender, Ms. Lorish shares her passion for the law with others by teaching as an Adjunct Professor at the University of Virginia School of Law. As an Adjunct Professor, Ms. Lorish is the Director and Founder of the Federal Sentence Reduction Clinic, a Lecturer for the Criminal Justice Reform Seminar, and former Co-Director of the Criminal Defense Clinic.

Additionally, Ms. Lorish is highly regarded by her peers for her leadership skills and desire to serve her community. In 2016, Ms. Lorish became a Board Member of the Fountain Fund, which is an organization that provides low interest loans to formerly incarcerated citizens. Ms. Lorish served as the President of the Charlottesville Albemarle Bar Association from 2018 to 2019. She also served on the Judicial Endorsement Committee and the Pro Bono Committee from 2019 to 2020.

Fairness and Temperament: Throughout the interview and from the information gathered, Ms. Lorish consistently displays a thoughtful, courteous, and professional demeanor. She is known for her zealous representation of clients, her strategic legal decision making, and her ability to remain cordial to all parties. The Committee believes that Ms. Lorish demonstrates the requisite fairness and temperament necessary for the Court of Appeals of Virginia.

Professionalism and Integrity: Ms. Lorish is highly respected by her peers for her professionalism, community involvement, and impressive legal skill. Throughout the interview and based upon the information gathered, Ms. Lorish meets and exceeds the requisite professionalism and integrity for the Court of Appeals for Virginia.

Overall Evaluation: The Committee finds that Ms. Lorish's depth of knowledge in criminal law as well as her background in civil litigation would make her a valuable addition to the Court of Appeals in Virginia. Accordingly, the Committee finds that she is well-qualified for the position of a Court of Appeals Judge for the Commonwealth of Virginia and warrants the Committee's rating as **RECOMMENDED**.

## HON. WESLEY GILMER MARSHALL\*

Experience and Legal Ability: Judge Marshall earned his law degree from the University of Virginia in 1988 and was licensed to practice in Virginia later that same year.

Judge Marshall started his legal career in private practice handling national and local defense cases. He also handled products liability, FELA, tort, workers' compensation, bankruptcy and general practice matters. He thereafter transitioned to a smaller law firm and then started his own private practice. In his private practice, Judge Marshall handled tort, employment, personal injury, workers compensation and general practice matters. Judge Marshall has managed discrimination cases in federal courts, the Equal Employment Opportunity Commission, in state courts and before administrative agencies.

Since 2012, Judge Marshall has served as an appellate judge at the Virginia Workers Compensation Commission. Since becoming a judge, Judge Marshall has mentored young lawyers and law students. He also lectured at the University Richmond T. C. Williams School of Law and acted as a moot court judge Virginia and Florida for the past seven years. He has spoken frequently on his transition from advocate to judge, and he has given educational presentation to judges from over thirty-five states.

Judge Marshall possesses experience in a wide range of practice areas in both state and federal courts, and before administrative agencies. He has endeavored to ensure that the law serves individuals, and has been a strong advocate for workers and their families. Judge Marshall has also presided over hearing dockets across Virginia, including in Fairfax, Virginia Beach, Harrisonburg, Lebanon, Big Stone Gap, and Bristol, addressing a range of statutes, such as the Virginia Workers' Compensation Act, the Virginia Neurological Birth Fund, and the Criminal Injuries Compensation Fund. Judge Marshall has published extensively, particularly in the area of workers compensation.

Fairness and Temperament: Judge Marshall demonstrates a respect for the rule of law and the role of the court. He also makes an effort to balance the salience of legal procedure, against the need for practical solutions to solving problems and addressing litigants' concerns. Judge Marshall expressed his observation about the importance of education relating to the legal system in order to maintain the public's respect for the judiciary, while also insuring access to the court for those who have often been overlooked in terms of access. Judge Marshall demonstrates the requisite fairness and temperament for a judge of the Virginia Court of Appeals.

Professionalism and Integrity: Through the interview and information gathered, Judge Marshall demonstrated a level of professionalism and integrity that meets and exceeds the requirements for a judge on the Virginia Court of Appeals. That professionalism extends to his sense of fairness to all litigants and working to insure that the law serves people first.

Overall Evaluation: The Committee finds Judge Wesley Gilmer Marshall is well qualified for the position of judge for the Virginia Court of Appeals and warrants the Committee's rating as **RECOMMENDED**.

\*In accordance with VWAA's Judiciary Committee Rules, Judge Marshall elected to rely on his prior rating by the VWAA Committee from February, 2020.

## EDWARD KYLE MCNEW, ESQUIRE

Experience and Legal Ability: Kyle McNew graduated from the College of William and Mary with a B.A. in Government in 2003. He graduated *magna cum laude* with his Juris Doctor from Washington and Lee School of Law in 2006. While in law school, Mr. McNew was the Executive Editor of the Law Review.

Upon graduating, Mr. McNew clerked for the Honorable Walter D. Kelley, Jr. of the United States District Court for the Eastern District of Virginia. Mr. McNew went on to practice complex litigation in the Norfolk office of Troutman Pepper (then-named Troutman Sanders) for 2 years before leaving to clerk for the Honorable Boyce F. Martin, Jr., of the United States Court of Appeals for the Sixth Circuit.

Upon completing his appellate clerkship in the Sixth Circuit, Mr. McNew returned to Virginia to practice at Michie Hamlett, a Plaintiff's-side civil litigation firm. Mr. McNew started as an associate and is now a partner. He is a self-described "trial lawyer" with a focus on issues and appeals arising out of personal injury and products liability cases. While at Michie Hamlett, Mr. McNew has argued before the Supreme Court of Virginia, the Fourth Circuit, and Virginia state and federal courts. He has been lead attorney in more than 10 appeals to the Supreme Court of Virginia, and has authored numerous *amicus curiae* briefs on behalf of the Virginia Trial Lawyers Association. He has also been lead counsel in at least three appeals to the Fourth Circuit.

Mr. McNew has previously chaired the VTLA *amicus curiae* committee. He is a member of the VTLA Board of Governors, as well as the Board of Governors for the Litigation Section of the Virginia State Bar. He is frequently used as a resource for CLE courses on appellate advocacy and civil litigation issues, including an issue that frequently arises in civil litigation – the exclusivity rule in the Workers' Compensation Act (also known as the Workers' Compensation bar). Mr. McNew has been named a Rising Star in Appellate Practice by Virginia Super Lawyers from 2016 to present.

Fairness and Temperament: Through his submissions and interview, Mr. McNew demonstrated a thoughtful, professional, and respectful demeanor. His references stated that they seek him out as a person of wise counsel. He is considered the "go-to" appellate lawyer in his region (one reference even went so far as to call him an "appellate master"), assisting not only his firm, but outside attorneys as well. Mr. McNew demonstrated to the Committee that he possesses the requisite fairness and temperament for the Court of Appeals of Virginia.

Professionalism and Integrity: The Committee finds that Mr. McNew possesses the requisite professionalism and integrity for the Court of Appeals of Virginia. He was repeatedly praised for being impartial, unbiased, and academically interested.

Overall Evaluation: Based on his educational background, varied litigation/appellate experience, and commitment to continued scholarship in Virginia, the Committee finds that Mr. McNew is well-qualified for the Court of Appeals of Virginia and warrants the Committee's rating of **RECOMMENDED**.

## **DOUG RAMSEUR, ESQUIRE**

**Experience and Legal Ability:** Mr. Ramseur attended James Madison University, receiving his B.S. in Political Science in 1993. He received his Juris Doctor from the University of Richmond T. C. Williams School of Law in 1996. He was admitted to practice in Virginia in 1996.

Mr. Ramseur has spent the last 18 years as a public defender representing people charged with death penalty offenses. He was head of the Office of the Capital Defender for Central and Southeastern Virginia for 10 years. During his tenure he recruited and hired women and minority candidates, by actively seeking out and participating in public interest job fairs in order to reach a diverse field of candidates. He has recently opened a private practice where he is practicing state and federal criminal defense with an emphasis on death penalty litigation. He has represented clients before the Virginia Court of Appeals and the Virginia Supreme Court and the Georgia Supreme Court.

Mr. Ramseur was one of the principal authors of the new criminal discovery rules and has regularly presented on this topic and others. His references reported that his participation in drafting of the discovery rules was instrumental. He is a member of the faculty of the National College of Capital Voir Dire and trains lawyers from around the country in the selection of juries in death penalty cases. He is the past-president of the Virginia Association of Criminal Defense Attorneys. He has published on the need for criminal discovery reform.

Mr. Ramseur's colleagues report that his skills in the courtroom and in legal research and writing are exemplary and that he has been instrumental to ending the death penalty in Virginia, by giving poor defendants the best defense available. The committee understands that Mr. Ramseur did not have a client sentenced to death since he joined the Capital Defenders office. One reference said Mr. Ramseur was his hero.

**Fairness and Temperament:** Throughout the interview and from the information gathered, Mr. Ramseur consistently displays a thoughtful, professional, and respectful demeanor. Several references described Mr. Ramseur as displaying exceptional calm and grace in cases that have the highest stakes and they try to follow his example in dealing with clients, counsel, and the courts. The Committee believes Mr. Ramseur demonstrates the requisite fairness and temperament necessary for the Court of Appeals of Virginia.

**Professionalism and Integrity:** Mr. Ramseur is respected among his peers for his ethical practices, efforts at inclusion, and leadership. The Committee finds that Mr. Ramseur demonstrates the requisite fairness and temperament necessary to be a judge for the Court of Appeals of Virginia.

**Overall Evaluation:** The Committee believes that Mr. Ramseur has significant experience that would be a valuable asset on the Court of Appeals, that he has given the best representation to the least among us, and that in doing so he has advanced the cause of fairness in the criminal justice system. Accordingly, the Committee finds that he is well-qualified for the position of a Court of Appeals Judge for the Commonwealth of Virginia and warrants the Committee's rating of **RECOMMENDED**.

## JONATHAN SHELDON, ESQUIRE

Experience and Legal Ability: Mr. Sheldon attended the University of Massachusetts, Amherst where he graduated in 1987 with a B.S. in mathematics. He later earned his law degree from William & Mary School of Law in 1995.

Mr. Sheldon began his legal career in Massachusetts. He was licensed to practice law in the Commonwealth of Virginia in 2004. He has also belonged to the bars of New York and Massachusetts in the past. Mr. Sheldon has been a partner at his firm, Sheldon & Flood, PLC since 2006. His work has consisted primarily of criminal and capital defense, including post-conviction appeals and habeas corpus work. He has extensive experience in both appellate work and trial work, making him well suited to understand the challenges unique to litigators at both levels.

Mr. Sheldon has contributed to the scholarly body of work in his chosen field. He has drafted book chapters on Virginia Law and Practice: Post-Conviction Remedies in Virginia, he published the book, Trial of Capital Murder Cases in Virginia, as well as contributing to various related topics through articles and replies. He has been honored by Super Lawyers publication selection, Top Lawyer awards from Washingtonian Magazine, Northern Virginia Magazine, and Arlington Magazine, and he holds a 10 out of 10 rating from AVOO in criminal defense and appeals.

In addition to his practice, Mr. Sheldon performs significant *pro bono* work on complex cases. He has tailored his *pro bono* efforts to benefit a diverse group, assisting women in securing protective orders, working to exonerate innocent individuals convicted using previously untested DNA evidence, advocating for a mental health docket in Arlington, and helping the Fairfax Public Defender's Office, among others. His passion for *pro bono* service is readily apparent in speaking with Mr. Sheldon, and he acknowledges that giving up his active *pro bono* practice to take the bench would be the hardest part of the transition for him. However, he believes that he would find new ways to serve the community as a judge.

Fairness and Temperament: As demonstrated in both his interview and in discussions with his references, Mr. Sheldon's manner is approachable and well-grounded in his extensive knowledge and experience. He is known for presenting a zealous defense for his clients while remaining professional and courteous to everyone involved. The Committee believes Mr. Sheldon demonstrates the requisite fairness and temperament necessary for the Court of Appeals of Virginia.

Professionalism and Integrity: Throughout the interview and based upon information gathered, Mr. Sheldon demonstrates the requisite professionalism and integrity for the Court of Appeals of Virginia.

Overall Evaluation: The Committee believes that Mr. Sheldon's legal experience would bring balance to the Court of Appeals and that his temperament and demeanor are well suited for interacting with attorneys and other judges regarding complex issues of law. Accordingly, the Committee finds that he is qualified for the position of a Court of Appeals Judge for the Commonwealth of Virginia and warrants the Committee's rating of **RECOMMENDED**.

## VIRGINIA B. THEISEN, ESQUIRE

Experience and Legal Ability: Ms. Theisen earned her bachelor's degree from the College of William and Mary in 1981 and her Juris Doctor from the Marshall-Wythe School of Law at the College of William and Mary in 1984. She was admitted to practice law in the Commonwealth of Virginia in 1984.

Ms. Theisen began her legal career as an Assistant Commonwealth's Attorney in Roanoke, where she worked from 1984-87. In 1987, she took a position with the Attorney General's office in the Criminal Litigation Section. From 1994-98, she worked as a Staff Attorney with the Court of Appeals of Virginia, returning to the Attorney General's office in 1998. Ms. Theisen is currently a Senior Assistant Attorney General and a Unit Leader in the Criminal Appeals Section of the Office of the Attorney General of Virginia. Ms. Theisen has handled over 350 appeals to the Court of Appeals of Virginia, 64 appeals to the Supreme Court of Virginia and assisted with the preparation of the *Carrier v. Virginia* case heard by the Supreme Court of the United States.

Over the course of her career, Ms. Theisen has worked as the OAG representative on the Virginia Model Jury Instruction Committee (2012-present), she participated with the Virginia Supreme Court Special Committee for Criminal Discovery Rules (2014), and taught an Appellate Practice Seminar at the University of Virginia (Fall 2017; Fall 2018). In 2020, she was elected as a Fellow in the American Academy of Appellate Lawyers. This is a high honor for appellate attorneys and membership is reserved for the most experienced appellate advocates with the highest skill level and integrity.

When speaking with her personal references, it was clear that Ms. Theisen is highly regarded by her peers and by the bench. She possesses a sharp legal intellect and strong legal writing, research and reasoning skills. Ms. Theisen easily and quickly learns new areas of law and has an affinity for difficult, specialized and detailed areas of criminal law. Based on her experience and the observations by her references, Ms. Theisen would easily transition to a position where collaboration with others is necessary and would quickly be "up to speed" on the legal issues before her if appointed to the Court of Appeals of Virginia.

Fairness and Temperament: Through her submissions and interview, Ms. Theisen has demonstrated to the Committee that she possesses the requisite fairness and temperament for the Court of Appeals of Virginia.

Professionalism and Integrity: Ms. Theisen is well respected by her peers and the courts for her professionalism, integrity, civility, and impressive legal skill. Throughout the interview and based on the information gathered, the Committee finds that Ms. Theisen possesses the requisite professionalism and integrity for the Court of Appeals of Virginia.

Overall Evaluation: The Committee finds that Ms. Theisen is well qualified for the Court of Appeals of Virginia and warrants the Committee's rating of **RECOMMENDED**.

## **CATHERINE FRENCH ZAGURSKIE, ESQUIRE\***

**Experience and Legal Ability:** Ms. Zagurskie attended Smith College, graduating magna cum laude in 2002. She later earned her law degree, summa cum laude, from Case Western University in 2006, as well as an M.S. in Social Administration with a concentration in Mental Health. That same year, Ms. Zagurskie was licensed to practice law in the Commonwealth of Virginia. She is admitted to practice in all courts of the Commonwealth as well as the Supreme Court of the United States.

Ms. Zagurskie began her legal career in 2006 with the Office of the Capital Defender in Richmond where she litigated capital offenses and used her social work background to craft mitigation arguments. She transitioned to the Office of the Public Defender for Richmond City in 2007 where she served as an assistant public defender and trial attorney before ultimately focusing her practice on appellate work. As a supervising assistant public defender, Ms. Zagurskie maintained a full appellate caseload, supervised attorney appeals, and advised trial attorneys on legal updates, record preservation, and case-specific matters.

In 2012, she was recruited by the Virginia Indigent Defense Commission. Ms. Zagurskie currently serves as VIDC's Chief Appellate Counsel. In addition to managing her own appellate caseload, she oversees 25 appellate supervisors and serves as the Commonwealth's resident appellate expert as the first line of support to 300 public defenders and 1,500 certified court-appointed counsel. She is also an executive member of the VIDC Legislative Team and advocates for mental health and substance abuse reforms.

In addition to Ms. Zagurskie's appellate practice, she shares her wealth of knowledge through teaching. She has presented at over 30 CLEs to educate the Virginia Bar on criminal and appellate issues. In 2016, she was enlisted by the University of Richmond School of Law to consult on their criminal law curriculum, leading to the development and launch of the Criminal Law and Psychiatry course. She is currently an Adjunct Professor and serves as the sole instructor of the course. Ms. Zagurskie also has served as a Social Work Field Instructor where she supervises master's level social work students for the Virginia Commonwealth University and University of Louisville.

Ms. Zagurskie is well recognized throughout the Commonwealth for her knowledge and has been appointed to several advisory committees. In 2013, Ms. Zagurskie was invited by now Justice Stephen McCullough to serve on the Boyd Graves Evidence Committee. In 2015, she teamed with Chief Judge Marla Graff Decker to develop and lead appellate training programs which continue today. She has been twice solicited by the Governor, first for the Governor's Center for Behavioral Health and Justice Advisory Group, then as a member of the Governor's Advisory Commission on Opioids and Addiction. She also serves on the Supreme Court of Virginia's Behavioral Health Docket Advisory Committee.

Ms. Zagurskie is a superb appellate writer with a reputation for incredible judgment. Her acumen and measured demeanor is notable among her peers and the appellate courts. Her arguments before the Supreme Court of Virginia have resulted in Rule changes leading jurists to consult with her when changes are proposed. She further demonstrates a unique depth of



knowledge about the appellate process and therefore insight as to improvements that could be made in the appellate courts.

Fairness and Temperament: Throughout the interview and from the information gathered, Ms. Zagurskie consistently displays a thoughtful, professional, and respectful demeanor. She understands the difficulties trial lawyers face with issue preservation and creating a record and the Committee believes she would be more than fair to appellants in this regard. Overall, the Committee believes she demonstrates the requisite fairness and temperament necessary to be a judge for the Court of Appeals of Virginia.

Professionalism and Integrity: Ms. Zagurskie is highly respected among her superiors and peers for her ethical practices and appellate leadership. Throughout the interview and based upon information gathered, Ms. Zagurskie demonstrates a level of professionalism and integrity that meets and exceeds the needs for a judge in the Court of Appeals for Virginia.

Overall Evaluation: The Committee believes that Ms. Zagurskie would bring balance to the Court of Appeals by providing significant criminal defense experience and perspective that is not represented in the current composition of jurists. The Committee further believes that with additional experience outside of criminal law, Ms. Zagurskie would be an exceptional addition to the appellate courts. Accordingly, the Committee finds that she is qualified for the position of a Court of Appeals Judge for the Commonwealth of Virginia and warrants the Committee's rating as **RECOMMENDED**.

\*In accordance with VWAA's Judiciary Committee Rules, Ms. Zagurskie elected to rely on her prior rating by the VWAA Committee from February, 2020.

## **SCOTT DAVID HELSEL, ESQUIRE**

**Experience and Legal Ability:** Mr. Helsel attended Elizabethtown College, graduating in 1992 with a B.A. in English. He went on to attend law school at the College of William and Mary, graduating in 1995. He was admitted to the practice of law in Virginia in 1995.

Mr. Helsel began his career clerking for the Hon. Henry Whiting of the Supreme Court of Virginia. After completing his clerkship, he joined the firm of Arnold & Porter in Washington, D.C. where he was part of a complex litigation team that included the defense of class actions.

Since 2003, Mr. Helsel has been a Principal at Walton & Adams in Reston, Virginia, where his practice focuses on representing private and government clients in civil litigation in state and federal court. He has significant experience in eminent domain suits. Mr. Helsel has a special interest in appellate practice and has regularly represented clients in front of the Supreme Court of Virginia.

Mr. Helsel has frequently served on the faculty for Virginia Eminent Domain CLE program, and co-authored a recent edition of Virginia CLE's "Eminent Domain in Virginia." He is known in his practice as a lawyer who is interested in taking on complex and unusual issues and does not shy away from learning new areas of the law.

**Fairness and Temperament:** Throughout the interview and from the information gathered, Mr. Helsel consistently displays a thoughtful, professional, and respectful demeanor. Overall, the Committee believes Mr. Helsel demonstrates the requisite fairness and temperament necessary for the Court of Appeals of Virginia.

**Professionalism and Integrity:** Mr. Helsel is respected among his peers for his ethical practices, efforts at inclusion, and leadership. Throughout the interview and based upon information gathered, Mr. Helsel demonstrates a level of professionalism and integrity that meets the requisite professionalism and integrity for the Court of Appeals for Virginia.

**Overall Evaluation:** The Committee finds that Mr. Helsel meets the qualifications for the position of a Court of Appeals Judge for the Commonwealth of Virginia and warrants the Committee's rating as **QUALIFIED**.

## **MICHAEL V. HERNANDEZ, ESQUIRE**

**Experience and Legal Ability:** Michael V. Hernandez earned his bachelor's degree from the University of Virginia in 1984 and his Juris Doctor from University of Virginia in 1987. He was admitted to the practice of law in the Commonwealth of Virginia in 1987.

Mr. Hernandez began his legal career with McGuire Woods Battle & Boothe in Richmond (1987-89), as a civil litigator. He primarily litigated Products Liability cases. From 1989-92, Mr. Hernandez was a litigation associate with McSweeney, Burtch & Crump, P.C., where he transitioned to Environmental Law litigation. In 1992, he joined Regent University School of Law as an adjunct assistant professor. Mr. Hernandez became a tenured professor at Regent in 2001, and served as the Dean of Regent's Law School from 2015-18. During his time as Dean, the law school earned prominent rankings, increased job placement rates, increased the Virginia Bar passage rate, and welcomed a more diverse student body.

Mr. Hernandez founded and continues as the director of the LL.M in American Legal Studies and the LL.M in International Human Rights Program at Regent University, and has served as the faculty advisor to the Hispanic Law Student Association, Moot Court Board, and Trial Advocacy Board. Over his years of service as a professor, he has taught a multitude of legal subjects, becoming knowledgeable in each subject matter, including Appellate Advocacy, Advanced Appellate Advocacy, Property, Remedies, Advanced Legal Reasoning, Analysis & Writing, Race & the Law, International Human Rights, Environmental Law, and Civil Procedure, to name a few.

In addition to being a professor of law, Mr. Hernandez also works as a consultant for other attorneys on legal issues involving property, entity, equity, appellate, and constitutional law. He has served as *pro bono* counsel for public housing residents in Portsmouth, and currently is lead counsel on a case before the Supreme Court of Virginia.

Mr. Hernandez is active in his community, serving on the Board of Directors of the Christian Legal Society, Courtside Ministries (currently interim President), and Bethany Christian Services of Southampton Roads. He coaches boys basketball and girls volleyball at Veritas Christian Academy.

**Fairness and Temperament:** Through his submissions and interview, Mr. Hernandez has demonstrated to the Committee that he possesses the requisite fairness and temperament for the Court of Appeals of Virginia.

**Professionalism and Integrity:** The Committee finds that Mr. Hernandez possesses the requisite professionalism and integrity for the Court of Appeals of Virginia.

**Overall Evaluation:** The Committee finds that Mr. Hernandez meets the requirements for the position of a Court of Appeals of Virginia and warrants the Committee's rating of **QUALIFIED**.

## **ERNEST WAYNE POWELL, ESQUIRE**

**Experience and Legal Ability:** Mr. Powell received his undergraduate degree from the University of Richmond, graduating with a B.A. in Spanish and French in 1972. He received his M.A. in Spanish from the University of Wisconsin-Madison in 1973. He was an active duty Army Officer for 4 years (1973-77) and served 26 years in active reserve. He graduated from T. C. Williams School of Law, University of Richmond, with his Juris Doctor in 1980. He has been licensed to practice law in Virginia since 1980.

Mr. Powell started his legal career as a staff clerk at the Supreme Court of Virginia. In 1981 he joined the Richmond office of Sands Anderson as a litigator with emphasis on civil litigation, before moving on to the Office of the Attorney General, where he gained experience in federal and state court with criminal and civil trial law. Mr. Powell has a depth of experience in Workers' Compensation, having served from 1985-1991 as a Deputy Commissioner. While with the Workers' Compensation Commission, he gained experience writing opinions and took a judicial writing course at the National Judicial College, University of Nevada in 1989. Since 1991, he has worked in his own firm focusing on civil litigation, workers' compensation, personal injury and criminal misdemeanor litigation. Mr. Powell is fluent in Spanish and was commended by his peers for often representing clients for whom Spanish is a first language, including women who are victims of domestic violence.

Mr. Powell has participated in legal clinics for poor and Hispanic community members in Central Virginia, Richmond and the surrounding area. He has participated in several appeals in the Virginia Supreme Court, 4th Circuit, DC Court of Appeals, and the Virginia Court of Appeals.

**Fairness and Temperament:** Throughout the interview and from the information gathered, Mr. Powell consistently displays a thoughtful, professional, and respectful demeanor. The Committee believes Mr. Powell possesses the requisite fairness and temperament necessary for the Court of Appeals of Virginia.

**Professionalism and Integrity:** Mr. Powell is respected among his peers for his ethical practices, efforts at inclusion, and leadership. He was commended as being a thoughtful lawyer who gives excellent representation to vulnerable populations. Throughout the interview and based upon information gathered, Mr. Powell possesses the requisite professionalism and integrity for the Court of Appeals of Virginia.

**Overall Evaluation:** The Committee believes that Mr. Powell has significant civil experience that would be a valuable asset on the Court of Appeals, including in depth experience in the field of workers' compensation. Accordingly, the Committee finds that Mr. Powell is qualified for the Court of Appeals of Virginia and warrants the Committee's rating of **QUALIFIED**.

## ELWOOD EARL “SANDY” SANDERS, JR., ESQUIRE\*

Experience and Legal Ability: Elwood Earl “Sandy” Sanders, Jr., earned his law degree from the University of Alabama School of Law in 1983. He worked in a private, solo practice in Woodbridge, Virginia from 1986 to 1996, where his practice consisted of general trial practice with an emphasis on appeals, both criminal and civil. He handled many court-appointed cases in the Prince William County courts. From 1996 to 2000, he served as Director of Capital/Appellate Services, later known as the Appellate Defender at the Public Defender Commission (now the Indigent Defense Commission) of Virginia in Richmond, and was the first person to serve as Appellate Defender. From 2000 to 2007, he was an attorney at the Framme Law Firm in Richmond where he handled pre-paid legal standard benefits for member clients.

Beginning in 2007 and continuing through the present, he has held the role of Appellate Procedure Consultant for Lantagne Legal Printing. In his current position, he works closely with members of the legal community to ensure compliance with all appellate court rules and procedures. He reviews briefs, appendices, and other appellate documents to ensure compliance with the rules of court and has used his dedication, expert knowledge of appellate rules and procedure, and attention to detail to help numerous practitioners from procedurally defaulting on their appellate filings. He is a well-respected and highly valued member of the legal community.

Fairness and Temperament: Through the interview and from the information gathered, Sandy Sanders demonstrates a respect for the judicial process and the role of the court. He believes that the Court of Appeals could benefit from some changes to common terminology, wants to bring a nonpartisan approach to appellate procedure, and believes that in some instances the focus should be more on substance than form. He was the first person in his family to go to law school and remains true to his roots, clearly demonstrating respect for everyone. Elwood Earl “Sandy” Sanders, Jr. demonstrates the requisite fairness and temperament for a judge of the Court of Appeals of Virginia.

Professionalism and Integrity: Through the interview and information gathered, Sandy Sanders indicated a level of professionalism and integrity sufficient for the Court of Appeals of Virginia. His professionalism and integrity are well-known in the legal community.

Overall Evaluation: The Committee finds Elwood Earl “Sandy” Sanders, Jr. to be qualified for the position on the Court of Appeals of Virginia and warrants the Committee’s rating as **QUALIFIED**.

\*In accordance with VWAA's Judiciary Committee Rules, Mr. Sanders elected to rely on his prior rating by the VWAA Committee from February, 2020.