



2021 Fall Conference / October 14-16

Omni Richmond | Richmond, Virginia

Program Schedule

Thursday, October 14

9 – 11:30 a.m. | Board Meeting

11:30 a.m. – 12:30 p.m. | Board Lunch with Annual Sponsors

1 p.m. – 1:15 p.m. | Conference Welcome!

1:30 – 3 p.m. | Concurrent Sessions 1 & 2

Cedar Point Nursery v. Hassid: New Territory on Takings? | 1.5 MCLE

Moderator: Eric Gregory, Partner, Hefty, Wiley & Gore, P.C., City of Emporia, County of Northumberland

Speakers:

Damien Schiff, Senior In-House Lawyer, Pacific Legal Foundation

Professor Julia Mahoney, Professor, University of Virginia School of Law

Sharon Pandak, Partner, Greehan, Taves, & Pandak PLLC

In the case of *Cedar Point Nursery v. Hassid*, decided on June 23, 2021, the Supreme Court of the United States struck down a California labor regulation requiring farm owners to allow access to their properties so that labor unions could recruit farm work employees because it constituted a per se physical taking of private property without just compensation and was therefore a violation of the Fifth and Fourteenth Amendments of the U.S. Constitution. The case was the latest in a series of SCOTUS decisions bolstering private property rights in response to government impositions upon private property for public purposes, the upshot being "that government-authorized invasions of property - whether by plane, boat, cable, or beachcomber, - are physical takings requiring just compensation." But where might commonly utilized conditional use permits or restrictions or entries upon private property for inspections cross the line into regulatory takings? How will the Cedar Point decision impact local and state governmental authority in the context of land use, planning, and the exercise of police powers for the protection of public health, safety, and welfare?

Senior Attorney with the Pacific Legal Foundation, Damien Schiff, who was on brief in the Cedar Point case, UVA law Professor Julia Mahoney, an expert on property and constitutional law, and our own Sharon Pandak, a recognized expert on condemnation and takings law, will discuss these issues and the potential impact of *Cedar Point Nursery v. Hassid*.

Commercial Cannabis in Virginia: Considerations for Local Governments | 1.5 MCLE

Moderator: Kalli Jackson, Deputy County Attorney, County of Goochland

Speakers:

Christina Sava, Associate, Troutman Pepper

James M. Flaherty, Assistant Attorney General, Office of the Attorney General

Helen E. Phillips, County Attorney, County of Louisa

With adult-use/recreational cannabis legalization in Virginia moving forward swiftly, local governments soon will find themselves playing a role as gatekeepers of Virginia's cannabis industry. Localities will face decisions about which businesses to allow within their jurisdiction, and where, before those businesses can seek licensure from the State.



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Thursday, October 14 (continued)

This panel will review the Cannabis Control Act, present options for local government regulatory schemes, and give some insight into likely future developments in this area. Topics that may be covered (subject to LGA approval and additional amendment) are as follows:

Summary of CCA provisions

New State agencies

- Statutory provisions around taxation, social equity businesses, eligibility for licensure, and operations of the various license types
- Restrictions on advertising

Local government considerations for regulation

- Ability to prohibit commercial cannabis businesses
- Ability to pass local regulations for cannabis businesses, extent of authority, Dillon rule considerations
- Common elements of a local cannabis ordinance
 - Zoning
 - Time, Place, Manner Restrictions
 - Competitive licensing programs and caps on number of licenses
 - Eligibility for licensure
 - Local social equity programs
 - Security
 - Preventing youth access
- Administrative considerations such as which local department should oversee local cannabis licensing
- Local taxation considerations

Possible future direction of cannabis legislation and regulation

3 – 3:30 p.m. | *Hotel Check-In Break (Check-In available at 3 p.m.)*

3:30 – 5 p.m. | Concurrent Sessions 3 & 4

Use of Force: Law Enforcement Panel | 1.5 MCLE

Moderator: Stephen Grim, Assistant City Attorney, City of Newport News

Speakers:

Jim Cales, Attorney, Furniss, Davis, Rashkind and Saunders PC

Leslie Winneberger, Of Counsel, Harman Claytor Corrigan & Wellman, P.C.

Lee Ann Anderson, County of Henrico, Senior Assistant County Attorney

Jim Cales of Furniss, Davis, Rashkind, and Saunders, PC, will talk about jury instructions and voir dire - especially such timely issues as involvement and support of political or social movements. Leslie Winneberger of Harman Claytor Corrigan & Wellman will talk about sovereign and qualified immunity, especially as to the different treatment and outcomes immunity and related issues receive in different courts across the Commonwealth. Lee Ann Anderson of the Henrico County Attorney's Office will talk about Internal Affairs files, the investigations that lead to and determine their contacts, and the production and redaction of Internal Affairs files – especially in light of changes to the Code of Virginia.



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Thursday, October 14 (continued)

Environmental Issues Impacting Local Governments | 1.5 MCLE

Moderator: Tyler Southall, County Attorney, County of Dinwiddie

Speakers:

Dan Jordanger, Partner, Hunton Andrews Kurth LPP

Heather Stevenson, Counsel, McGuireWoods LLP

Christopher Sigler, Assistant County Attorney, County of Fairfax

Dan Jordanger, partner at Hunton Andrews Kurth LLP, will talk about some of the environmental issues that face local government from time to time, such as asbestos, lead paint, PCBs, radon and mold, and emerging environmental issues to look out for, including PFAS (Per- and polyfluoroalkyl substances) and environmental justice. Heather Stevenson, Counsel at McGuireWoods LLP will speak on environmental issues in real estate transactions. Christopher Sigler, Assistant County Attorney in Fairfax County, will speak about recent General Assembly action and different environmental ordinances and policies that can be enacted by localities under the Dillon Rule, including plastic bag taxes, local green banks, tree conservation and replacement, solar energy projects, and environmental justice. In addition, he will discuss potential environmental bills in the 2022 Session.

5:30 – 6:30 p.m. | YLGA “how to” and “I wish I knew” Happy Hour

7 – 9 p.m. | Opening Night Party

Friday, October 15

7:30 – 9 a.m. | Breakfast

8 – 8:50 a.m. | Practice Group Meetings – Set #1 (practice group leaders will provide scheduling information)

9 – 10:30 a.m. | General Session A

New Caselaw Update | 1.5 MCLE

Moderator: John C. Blair, II, City of Staunton, City Attorney

Speakers:

Jeremy Carroll, Principal Guynn, Waddell, Carroll & Lockaby

Marissa Mitchell, Deputy County Attorney, County of Henrico

Wahaj Memon, Senior Assistant County Attorney, County of Loudoun

The Federal and State Caselaw Update will provide LGA members with detailed analysis of federal and state judicial opinions issued since October 2020. The analysis will provide guidance for local government attorneys on how the opinions directly affect the practice of local government law in areas such as employment law and land use.

10:30 – 11 a.m. | Friday Break

Program Schedule

Friday, October 15 (continued)

11 a.m. – 12:30 p.m. | Concurrent Sessions 5 & 6

Local Government Litigation Basics | 1.5 MCLE

Moderator: Katherine C. Donhauser, Assistant County Attorney II, County of Chesterfield

Speakers:

David Corrigan, Partner, Harman Claytor Corrigan & Wellman
Gerald "Jerry" Harris, Senior City Attorney, City of Virginia Beach

David P. Corrigan of Harman Claytor Corrigan & Wellman and Gerald L. "Jerry" Harris of the Office of the City Attorney of Virginia Beach will present and lead a discussion on the basics of local government litigation. They will provide the perspective of in-house and outside counsel through all stages of litigation, from being served with a lawsuit to taking a case to trial. This session will touch on client communications, conflicts of interest, the discovery process, motions practice, and trial preparation, and will be beneficial to both new local government attorneys and seasoned litigators.

Education Law Update | 1.5 MCLE

Moderator: Wade Anderson, Attorney, Sands Anderson, PC

Speakers:

Bradford A. King, Shareholder, Sands Anderson PC
Ellen D. Kennedy, Assistant Division Counsel, Fairfax County Public Schools

Bradford A. King, shareholder at Sands Anderson PC, and Ellen D. Kennedy, Assistant Division Counsel with Fairfax County Public Schools, will discuss a variety of topics concerning the many issues facing local school divisions and how they impact local governments. The past year confronted school divisions with a host of challenges from virtual instruction, state-mandated policies addressing the treatment of transgender students, and resurgent First Amendment issues. Brad and Ellen will also address discuss state mandates and other factors that impact school division budgets.

12:30 – 1 p.m. | Awards Reception

1 – 3 p.m. | Awards Luncheon

Friday Afternoon Activities: Separate Registration Required (see 2021 LGA Fall Conference web page for details)

- Discover Richmond Brewery Tour Experience (fee)
- Discover Richmond Scavenger Hunts (fee)
- KulWheels Lily Pads & The Lily Pad Electric Bike Tour (fee)
- Group Canal Walk (no fee)
- Other local opportunities

9 – 11 p.m. | Hospitality Suite



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Saturday, October 16

7:30 – 9 a.m. | Breakfast

8 – 8: 50 a.m. | Practice Group Meetings – Set #1 (*practice group leaders will provide scheduling information*)

9 – 11 a.m. | General Session B

Ethics Program | 2.0 Ethics MCLE

Moderator: Haskell Brown, Interim City Attorney, City of Richmond

Speakers:

Sharon Pandak, Partner, Greehan, Taves, & Pandak PLLC

Courtney Sydnor, Senior Deputy County Attorney, County of Loudoun

Rodney Smolla, Dean and Professor of Law, Delaware Law School at Widener University

Rodney Smolla, Dean and Professor of Law at Delaware Law School at Widener University, with the assistance of Leo Rogers, Loudoun County Attorney, Sharon Pandak of Greehan, Taves, & Pandak PLLC, and LGA cast members, will present *The Trial of Oliver Wendell Holmes*, a play that highlights a lawyer's internal struggle to reconcile his work and life as a lawyer and his family life with his wife and child. A lively discussion of the meaning of the play and a variety of the ethical scenarios and topics involved will follow.

11 a.m. - 11:30 a.m. | Break

11:30 a.m. – 1 p.m. | Concurrent Sessions 7 & 8

Getting Your Ducks in a Row: How to Prepare for a Termination of Parental Rights Trial | 1.5 MCLE

Moderator: Denise Letendre, Assistant County Attorney, County of Henrico

Speakers:

Karen Dottore, Assistant County Attorney, County of Henrico

Martin Crim, Shareholder, Vanderpool, Frostick & Nishanian, P.C., & Town Attorney, Town of Culpeper

Angela Daniels, Guardian ad Litem & Court Appointed Attorney (former DSS Attorney)

Angela Daniels, a private attorney and substitute judge who has previously represented Richmond DSS, will discuss how to work with social workers from the infancy of a case to ensure a successful TPR should the case warrant it. Martin Crim, shareholder at Vanderpool, Frostick, & Nishanian, P.C., will talk about preparing for the trial, including the preparation of witnesses and how to handle common evidentiary issues. Karen Dottore, Assistant County Attorney for Henrico County, will address TPR appeals in Circuit Court and the challenges that accompany them.

Town Law Primer | 1.5 MCLE

Moderator: Andrea Erard, Assistant County Attorney, County of Prince George



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Saturday, October 16 (continued)

Speakers:

Lesa Yeatts, Town Attorney, Town of Herndon

Sandi McNinch, General Counsel, Virginia Economic Development Partnership

The panel will discuss some of the issues that are specific to the representation of towns and the unique challenges faced by towns. Lesa J. Yeatts, the Herndon Town Attorney, and Sandi McNinch, General Counsel to the Virginia Economic Development Partnership, will explore legal requirements for towns that are under 3,500 in population, as well those that are over 3,500 in population. Finance, taxation and economic development will also be discussed, both in terms of best practices and mandates.

1 p.m. Adjourn