

Virginia Practice
Fall 2009
Syllabus

All references to statutes are to the Code of Virginia.
All references to Rules are to Volume 11 of the Code of Virginia.
Number of classes required to cover a subject is only an estimates.
*I will provide these items to you by email or TWEN.

Courts (1 class)

8.01-670.1
16.1-77, 77.2, 97.1, 106-109, 114.1, 122.2 through 127, 241
17.1-513
19.2-398
8.01-581.01, 581.09, 581.10
Rules 5A:5, 5:7, 5:42
*Diagram of Virginia court system
Ragan v. Woodcroft, 255 Va. 322
Hurst v. Ballard, 230 Va. 365
Baker v. Elmendorf, 271 Va. 474
McMullin v. Union Land, 242 Va. 337
Waterfront Marine Constr. v. North End 49ers, 251 Va. 417

Law and Equity (1 class)

8.01-336, 607, 609, 610, 615, 620, 624-626, 629-631
Rules 3:21 and 3:22
Stanardsville Volunteer Fire v. Berry, 229 Va. 578
Blackwelder Furniture v. Seilig Manufacturing, 550 F.2d 189
Advanced Marine Enterprises v. PRC, Inc., 256 Va. 106
Nelms v. Nelms, 236 Va. 281 (only as to issue of jury trial)

Venue (2 classes)

8.01-257 through 267, and 276
Rules 7B:3 and 7B:11
Big Seam Coal Corp. v. Railroad Co, 196 Va. 590
Dowdy v. Franklin, 203 Va. 7
Barnett v. Kite, 271 Va. 65
N&W Railway Co. v. Williams, 239 Va. 390
Virginia Electric and Power Co. v. Dungee, 258 Va. 235
Meyer v. Brown, 256 Va. 53

Booth v. Broudy, 235 Va. 457
Faison v. Judson, 243 Va. 413
Paul Business Systems v. Canon U.S.A., 240 Va. 337

Service of Process (2-3 classes)

General:

8.01-275.1, 286.1, 293, 295, 325, 326, 290
Rules 3:2 and 3:5

Service on individuals:

8.01-296, 297, 9
Washburn v. Angle Hardware, 144 Va. 508
Washington v. Anderson, 236 Va. 316

Service on business entities:

8.01-299, 301, 304-306
13.1-637 and 836
Khatchi v. Landmark Restaurant Associates, 237 Va. 139

Long arm jurisdiction:

8.01-328-329
Basile v. American Filter Service, 231 Va. 34
Witt v. Reynolds, 240 Va. 452
Orchard Management v. Soto, 250 Va. 343
Kolbe v. Chromodern Chair, 211 Va. 736
Krantz v. Air Line Pilots Association, 245 Va. 202
Gallop Leasing v. Nationwide, 244 Va. 68
Glumina Bank v. D. C. Diamond Corp., 259 Va. 312

Non-resident motorists:

8.01-307-313
Dennis v. Jones, 240 Va. 12

In rem jurisdiction:

8.01-316-318, 320, 322
Mitchell v. Mitchell, 227 Va. 31
Robertson v. Stone, 199 Va. 41 (1957)
Forrer v. Brown, 221 Va. 1098

Miscellaneous:

8.01-286.1, 288, 275.1, 277, 325-327, 314
20-99.1:1
Rule 3:5(e)
O'Connell v. Bean, 263 Va. 176

Gilbreath v. Brewster, 250 Va. 436
Gilpin v. Joyce, 257 Va. 579
Lyren v. Ohr, 271 Va. 155

Tort Claims Act:

8.01-195.3, 195.4, 195.6, 255, 300
Halberstam v. Commonwealth, 251 Va. 248
Maddox v. Commonwealth, 267 Va. 657

Municipalities:

15.2-209, 300
Town of Crewe v. Marler, 228 Va. 109
Miles v. City of Richmond, 236 Va. 341
Heller v. Virginia Beach, 213 Va. 683

Parties and Claims (2 classes)

Keepe v. Shell Oil, 220 Va. 587
8.01-272, 443, 5, 7, 30
Rule 3:12-3:14, 3:16; 1:8
Schultz. v. Schultz, 250 Va. 121
Kane v. NuSCOPE, 243 Va. 503
Nash v. Blessing, 247 Va. 95
Fox v. Deese, 234 Va. 412
Powers v. Cherin, 249 Va. 33
8.01-6, 6.1 and 6.2
Rockwell v. Allman, 211 Va. 560
Jacobsen v. Southern Biscuit, 198 Va. 813
Chesapeake House v. Virginia National Bank, 231 Va. 440
8.01-15, 15.1; 8.01-2, 8, 9, 678; 53.1-221-223; Rule 3:5(c)
Herndon v. St. Mary's Hospital, 266 Va. 472
Cook v. Radford Community Hospital, 260 Va. 443
Tucker v. Wimer, 42 Va. App. 42
8.01-34, 35.1, 442, 443; 11-10, 11-11 and 11-13
Nationwide Mutual v. Jewel Tea, 202 Va. 527
Pierce v. Martin, 230 Va. 94
Massie v. Firmstonee, 134 Va. 150
VEPCO v. Wilson, 221 Va. 979
Gemco-Ware, Inc. v. Rongene Mold, 234 Va. 54
8.01-25, 26

Statutes of Limitations (2 classes)

8.01-228

Brunswick Land Corp. v. Perkinson, 153 Va. 603

Murphy v. Holland, 237 Va. 212

8.01-230, 249

Luddeke v. Amana Refrigeration, 239 Va. 203

Jordan v. Shands, 255 Va. 492

MacClellan v. Throckmorton, 235 Va. 341

Pigott v. Moran, 231 Va. 76

Various statutes of limitation: 8.01-236, 239 thru 243.2, 244 (wrongful death), 245, 246 (contract), 247, 247.1 (defamation), 248 (catch-all), 250.1, 251, 253, 254, 255, 255.1, 255.2; 8.2-725, 8.3A-118, 8.3A-118.1; 16.1-94.1

W. J. Rapp Co. v. Whitlock Equipment, 222 Va. 80

Guth v. Hamlet Associates, 230 Va. 64

Purcell v. Tidewater Construction, 250 Va. 93

8.01-249

Nunnaly v. Artis, 254 Va. 247

8.01-235

St. George v. Parish, 253 Va. 329

Boykins v. Weldon, 221 Va. 81

Justice v. Natvig, 238 Va. 178

VMI v. King, 217 Va. 751

Nelson v. Commonwealth, 235 Va. 228

8.01-229

*Chart regarding tolling of statutes of limitations

Douglas v. Chesterfield County Police, 251 Va. 363

Parker v. Warren, 273 Va. 20

Newman v. Walker, 270 Va. 291

8.01-250 (statute of repose)

Cape Henry Towers v. National Gypsum, 229 Va. 596

8.01-231, 247

Pleadings and Motions (2 classes)

General rules of pleading

Rules 1:4, 5, 8, 9, 10 and 13; Rules 3: 2 and 3:18; Rule 7B:3

Ted Lansing Supply v. Royal Aluminum, 221 Va., 1139

8.01-383, 383.1, 275, 281, 377, 38.1, 35; Rule 1:10

Hensley v. Dreyer, 247 Va. 25

Johnson v. Buzzard Island, 232 Va. 32

Jenkins v. Bay House, 266 Va. 39

Powell v. Sears, Roebuck, 231 Va. 464

Commencing and responding to the action

Rules 3:4-3:8; 8.01-273; 16.1-69.25:1; Rule 7B2; 8.3A-308

Monahan v. Obici Medical, 271 Va. 621

Perk v. Vector Resources, 253 Va. 310

Ward's Equipment v. New Holland, 254 Va. 379

Yuzefovsky v. St. John's Wood Apts., 261 Va. 97

CaterCorp v. Catering Concepts, 246 Va. 22

Russo v. White, 241 Va. 23

8.01-274; Rule 3:11; Rule 7B:8 and 7B:9

Default

Rule 3:19; 8.01-428; 8.01-15.2; Rule 7B:9

Landcraft v. Kincaid, 220 Va. 865

State Farm v. Remley, 270 Va. 209

Charles v. Precision Tune, 243 Va. 313

Media General v. Smith, 260 Va. 287

Summary Judgment

Rule 3:20; 8.01-420

Slone v. General Motors, 249 Va. 520

Town of Ashland v. Ashland Investment, 235 Va. 150

Sanctions

8.01-271.1

Tullidge v. Board of Supervisors, 239 Va. 611

Ford Motor Company v. Benitez, 273 Va. 242

Williamsburg Peking Corp. v. Kong, 270 Va. 350

Miscellaneous:

8.01-319; 8.01-28 and 279; 8.3A-308; Rule 1:13; 8.01-335

Rosilio v. Winters, 235 Va. 268

Lake v. Northern Virginia Women's Medical Center, 253 Va. 255

Counterclaims, Cross-claims and Third Party Claims (1 class)

Rule 1:4

Rule 3:9, 10, 12, 13, 14, 16

Rule 7B:1, 7B:10

16.1-88.01, 88.02

8.01-364

Nottingham v. Weld, 237 Va. 416

Valley Landscape v. Rolland, 218 Va. 257

Nonsuit (1-2 classes)

8.01-380

Conner v. Rose, 252 Va. 57

Lewis v. Culpeper County

Brake v. Payne, 268 Va. 92

Ford Motor Company v. Jones, 266 Va. 404

Iloff v. Richards, 221 Va. 644

Moore v. Moore, 218 Va. 790

Khanna v. Dominion Bank, 237 Va. 242

Wells v. Lorcom House, 237 Va. 247

Newton v. Veney, 220 Va. 947

Homeowners Warehouse v. Rawlins, 409 S.E. 2d 115

Williamsburg Peking Corp. v. Kong, 270 Va. 350

Discovery (1-2 classes)

Rule 4:0-4:15 of the Rules of Court

8.01-401.1, 401.3, 399, 420.01, 420.6

Walsh v. Bennett, 260 Va. 171

Brown v. Black, 260 Va. 305

Horne v. Milgrim, 226 Va. 133

Shaheen v. Mathews County, 265 Va. 462

Food Lion, Inc. v. Melton, 250 Va. 144

Immunity (1 class)

Sovereign immunity

James v. Jane, 221 Va. 43

Messina v. Burden, 228 Va. 301

Stanfield v. Peregov, 245 Va. 339

Lee v. Bourgeois, 252 Va. 328

Linear v. Lawson, 261 Va. 30

Atkinson v. Satin, 261 Va. 278

Lostrangio v. Laingford, 261 Va. 495

Niese v. City of Alexandria, 264 Va. 230

Charitable Immunity

8.01-38

Bhatia v. Mehak, 262 Va. 544

University of Virginia Health Services Foundation v. Morris, 275 Va. 319

Ola v. YMCA of South Hampton Roads, 270 Va. 550

Jury Trial (1 class)

Rule 3:21, 3:22
8.01-336, 358-363, 376, 379.1, 379.2
Dairy Queen v. Wood, 369 U.S. 469
Rules 1:7, 1:23
Batson v. Kentucky, 476 U.S. 79 (majority opinion only)
Trial motions: 8.01-378, 384, 430, 383

Finality and Relitigation (1 class)

Res Judicata

Rule 1:6
Reed v. Liverman, 250 Va. 97

Collateral Estoppel

Snead v. Bendigo, 240 Va. 399
Glasco v. Ballard, 249 Va. 61
Norfolk and Western v. Bailey Lumber, 221 Va. 638

Bill of Review

8.01-428
Rule 1:1; Rule 3:19(d)(2)
8.01-623
Blunt v. Lentz, 241 Va. 547

Miscellaneous actions (1-2 classes)

Declaratory Judgment: 8.01-184-191
Attachment: 8.01-533-576
Partition: 8.01-81, 83, 84, 261(3) and 262(5)
Unlawful Detainer: 8.01-124-126, 128, 129
Ejectment: 8.01-132,133,135,149,160,161,166,261(3)
Detinue: 8.01-114-117, 119, 121, 262(5) and 534
Confession of Judgments: 8.01-431-433

Enforcement of Judgments (2 classes)

8.01-382 (interest on verdicts)
8.01-446, 447, 450 (docketing judgments)
8.01-455-57 (satisfaction of judgments)
17.1-601 (costs of trial)
8.01-426, 427 (judgments and decrees)

8.01-506-510 (debtor's interrogatories)
8.02-511,511.1,512.4,513,514,6.1-125.3 (garnishments)
8.01-458-460 (judgments as liens)
8.01-466,474,478-482,484,501,511,16.1-98,16.1-99 (writs of fieri facias)
8.01-462 (enforcement against realty)
8.01-477,546.2,365 (objections to execution of judgment)
8.01-492 (judicial sale)
8.01-526-532 (bonds)
8.01-251, 16.1-94.1 – (time limits on judgments)

Appeals (1 class)

Appeals to the Virginia Supreme Court - Rules 5:1-33 and 8.01-670, 671,672,674
Appeals to the Court of Appeals of Virginia - 5A:5-277 and 8.01-675.3
8.01- 670.0, 676.1, 677.1, 678, 679.1, 680
17.1-405 thru 412.
*Chart on appeals to Court of Appeals and Supreme Court of Virginia

Criminal Practice (1 class)

Rule 3A:1-17.1
19.2-239, 244, 251, 74 , 80, 231, 230, 183, 186
18.2-10 and 11
19.2-265.1, 265.01, 265.3, 262.1, 243, 265.4, 398;
16.1-132,133,133.1,136