MARKS & HARRISON POINTS of LAW

By Marks & Harrison Attorneys

Volume 2 | Number 2 | Summer 2024

IN THIS ISSUE


Steven G. Friedman

The Doggone "One Free Bite" Fallacy

By Steven G. Friedman

As noted by a trial judge in the District of Columbia:

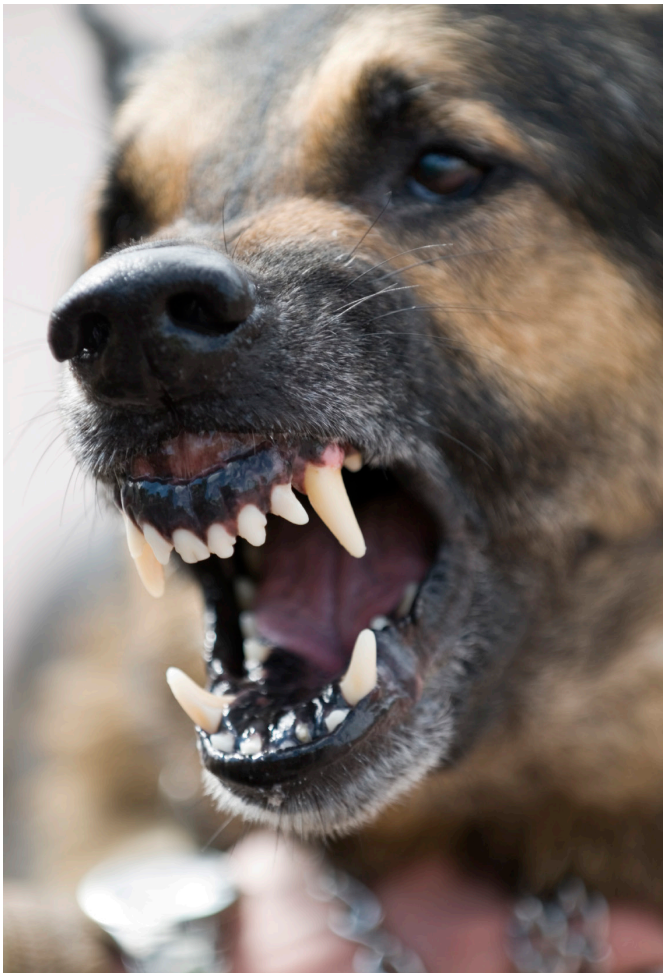
> The ancient rule is that, in a case of a "first offense," a prerequisite to any such recovery must include proof that the owner of the offending canine knew, or had reason to know, of the dog's "vicious propensities." This legal principle (often encapsulated in the overly-simplified bromide that, "Every dog is entitled to one bite.") is so common in the case law throughout the nation that it has become—well, dogma.

Pederson v. Wirth, 2003 D.C. Super. LEXIS 33, at *8 (May 21, 2003).

Indeed, some Virginia jurists have taken that leash and walked this dogma right into the kennel of Virginia case law. See, e.g., *Crocker-Sanford v. Landrum,* 40 Va. Cir. 282, 284 (Va. Beach 1996) (asserting that "a potential defendant is not on notice unless an animal has previously bitten or attacked another person").

Continued on next page

Disclaimer: *Except where otherwise indicated, these articles address the law in Virginia, are provided for general informational purposes only, and may not reflect the current law. These articles should not be construed as legal advice from the author and/or Marks & Harrison, P.C., or as creating an attorney-client relationship. These articles should not be treated as a substitute for legal counsel. Readers of these articles must seek appropriate legal or other professional advice on the particular facts, circumstances, issues, and law involved from a lawyer licensed in the appropriate licensing jurisdiction.*



Continued from previous page

But I have a bone to pick with the "one free bite rule," which must be tamed before it breeds any further progeny into Virginia jurisprudence. This fallacious "rule" must heel to well-established fundamental principles of law and common sense.

Under Virginia law, a dog owner has "the common law duty of exercising ordinary care to protect other persons from injuries that might be inflicted by his dog and [is] subject to civil liability for breach of that duty." *Butler v. Frieden,* 208 Va. 352, 355, 158 S.E.2d 121, 123 (1967).

> "Reasonable care" or "ordinary care" is a relative term, and varies with the nature and character of the situation to which it is applied. The amount or degree of diligence and caution which is necessary to constitute reasonable or ordinary care depends upon the circumstances and the particular surroundings of each specific case. The test is that degree of care which an ordinarily prudent person would exercise under the same or similar circumstances to avoid injury to another.

Perlin v. Chappell, 198 Va. 861, 864, 96 S.E.2d 805, 808 (1957) (internal quotation marks omitted).

In order for negligence to be actionable, a defendant "need not have anticipated or foreseen the precise injury sustained, but it is sufficient if an ordinarily careful and prudent person ought, under the same or similar circumstances, to have anticipated that an injury might probably result from the negligent acts." *New Bay Shore Corp. v. Lewis,* 193 Va. 400, 409, 69 S.E.2d 320, 326 (1952); *accord Panousos v. Allen,* 245 Va. 60, 66, 425 S.E.2d 496, 499-500 (1993). "The sufficiency of the notice is a question of what is sufficient to put a reasonable and prudent man on his guard. It is not necessary that it be notice of mischief actually committed; it is the propensity to commit the mischief that constitutes the danger." *Perlin*, 198 Va. at 865, 96 S.E.2d at 809 (internal quotation marks and citation omitted) (emphasis added).

As a result, the fundamental question in any personal injury claim for negligence is not whether the specific event which caused the injury had occurred before but instead is whether a rational jury could conclude under all the circumstances shown at trial that the defendant should have anticipated that any injury might result from the defendant's conduct. Thus, in the context of a dog bite, the question is not whether the dog has actually bitten a person before but instead is whether a rational jury could conclude under all the circumstances shown at trial that the defendant should have anticipated that the dog might probably cause injury to a person due to the defendant's conduct (i.e., allowing the dog to run loose, failure to have the dog on a leash, failure to confine the dog, failure to warn, etc.).

Common sense also indicates that proof of a prior bite is not always necessary. For example, a dog owner who knows his dog has repeatedly snarled

Continued on next page

Continued from previous page

and lunged at strangers, and/or previously attempted to bite strangers, and yet fails to take any action to restrain the dog when opening the front door for a visitor obviously could be found to have failed to use reasonable care for the safety of the visitor whom the dog bites.

And in some cases, the injury will not have been caused by a bite at all but will instead have been caused by other types of dangerous conduct. For instance, an owner who knows that his 60-pound dog boisterously and happily jumps onto any visitor could be found to have failed to use reasonable care when the unrestrained dog causes injury by knocking a visitor down. Similarly, an owner who knows that his unrestrained dog frequently gets into fights with other dogs could be found to have failed to use reasonable care when the unrestrained dog knocks down a neighbor who is walking their own dog on a leash.

Statutes and local ordinances define what constitutes a "dangerous" or "vicious" dog. *See Va. Code* §§ 3.2-6540, et seq.; *Albemarle County Code* §§ 4-210, et seq. Simply stated, these terms are generally defined to apply to those dogs who have inflicted serious injury upon another person or animal. *See Va. Code* § 3.2-6540(H) (dangerous); *Va. Code* § 3.2-6540.1(A) (vicious); *accord Albemarle County Code* § 4-210 (dangerous); *Albemarle County Code* § 4-221 (vicious). But there is nothing in these provisions that indicates that proof of prior dangerous or vicious incidents is required to establish negligence.

Rather, as summarized by Judge Hughes in Richmond:

> When a dog injures another person or animal, this places the dog owner on notice of their dog's dangerous or vicious propensities, imbuing the owner with a heightened standard of care with respect to their dog's actions in the future. This is sometimes colloquially referred to as the "one bite" rule. When the dog owner is not on notice of the dog's propensities, Virginia case law indicates that "the dog owner . . . [has] the common law duty of exercising ordinary care to protect persons from injuries that might be inflicted by his dog and [can be] subject to civil liability for breach of that duty." *Butler v. Frieden,* 208 Va. 352, 355, 158 S.E.2d 121 (1967).

Smith v. Simmons, 89 Va. Cir. 213, 214 (City of Richmond 2014).

Simply stated, if a particular dog is deemed "dangerous" or "vicious" pursuant to a statute or ordinance then the owner owes a "heightened" duty of care to others. But even when this "heightened" duty is not applicable, the owner nevertheless owes a duty of exercising ordinary care.

As explained by the Supreme Court of Virginia:

> . . . . The owner or keeper of a domestic animal is bound to take notice of the general propensities of the class to which it belongs, and also of any particular propensities peculiar to the animal itself of which he has knowledge or is put on notice; and in so far as such propensities are of a nature likely to cause injury he must exercise reasonable care to guard against them and to prevent injuries which are reasonably to be anticipated from them.
>
> The sufficiency of the notice is a question of what is sufficient to put a reasonable and prudent man on his guard. It is not necessary that it be notice of mischief actually committed; it is the propensity to commit the mischief that constitutes the danger. And if the mischief is of a sort that animals of the kind are likely to commit at a certain season of the year—as in the case of stallions—the owner should anticipate and guard against it without any special notice or warning.

Perlin, 198 Va. at 865, 96 S.E.2d at 809 (emphasis added) (internal quotation marks and citations omitted).

Continued on next page

Continued from previous page

Accordingly, the dog owner may be on notice of the dog's dangerous propensity even if the dog has not previously bitten or attacked someone. As one trial court explained:

> It would appear that the dog need not be actually of a vicious temperament to satisfy this qualification if his habits are such as to raise in an ordinarily prudent person the apprehension that the dog might injure persons other than his master. An extremely nervous and high-strung animal might pose as much of a threat to one coming on the premises of its owner as would a dog which was of a vicious nature. One indicia suggesting the possibility of a vicious nature is often the particular type dog involved.[1] A German police dog used by the owner as a watch dog has been held an example of this type of dog.

Burton v. Walmsley, 9 Va. Cir. 309, 1967 Va. Cir. LEXIS 8, at *2-3 (City of Richmond 1967).

Accordingly, the "one bite rule" is not actually a rule of law and it does not mean that a dog owner gets a proverbial "free pass" the first time their dog hurts someone. Rather, the "one bite rule" only means that after a first bite incident the dog owner is necessarily on specific, actual notice of the dog's dangerous propensity for purposes of civil liability in future incidents. But even when there has not yet been a bite or attack, the owner of the dog may nonetheless be on notice that the dog has dangerous general propensities or behaviors which may cause injury if the dog is not restrained. Rather, if the owner knew or should have known that the dog had exhibited aggressive, anxious and/or protective behavior such as snarling, lunging, or jumping at others a jury could under the proper circumstances find that the owner had notice of the animal's dangerous propensity.

Although there is currently a dearth of on-point Virginia case law upon which I can put my paws, courts in other jurisdictions have explicitly noted the above-summarized distinction in the common law. *See, e.g., Domm v. Hollenbeck*, 259 Ill. 382, 387, 102 N.E. 782, 784 (1913) (the evidence presented a jury question where the only testimony as to bad propensities was that the dog had, on a previous occasion bared his teeth at a person and on another occasion had "put his paws on the glass and jumped up against the glass in a manner which made the witness apprehensive that the dog might get out and bite him") (cited with approval in *Burton*, at *4).

As succinctly summarized by a trial court in New York:

> The oft-repeated aphorism "every dog gets a free bite" is not true. Though a dog may never have bitten anyone, still, if its owner knew it to be vicious, then even its first bite is not free. The reason is that it is the knowledge of the dog's propensity to bite, not just the proof of it, that gives rise to the owner's duty to take precautions, so that a foreseeable injury can be avoided.

O'Brien v. Amman, 21 Misc. 3d 1118(A), at *2, 873 N.Y.S.2d 513, 513 (Sup. Ct. 2008) (unpublished) (emphasis added) (citing, inter alia, *Collier v. Zambito*, 1 N.Y.3d 444, 447, 807 N.E.2d 254, 256, 775 N.Y.S.2d 205, 207 (2004) ("[A] triable issue of fact as to knowledge of a dog's vicious propensities might be raised—even in the absence of proof that the dog had actually bitten someone—by evidence that it had been known to growl, snap or bare its teeth. . . . The keeping of a dog as a guard dog may give rise to an inference that an owner had knowledge of the dog's vicious propensities")).

[1] Although a dog cannot be deemed dangerous "[s]olely because it is a particular breed," *Va. Code* § 3.2-6540(K)(1) (emphasis added), that does not mean that a dog's breed is irrelevant to the analysis but, rather, breed may be "a" factor.

Continued on next page

Continued from previous page

Last but not least, as noted by Professor Prosser in his well-known treatise on torts:

> Notice that a dog has once bitten a man is ordinarily sufficient to establish scienter that he may do it again, but the often repeated statement that "every dog is entitled to one bite" is not and never has been the law. It is enough that the dog has manifested a vicious disposition, and a desire to attack or annoy people or other animals. Such knowledge may be inferred from … continued ownership of an animal whose tendencies are obvious, or from its reputation in the neighborhood.

Pederson, 2003 D.C. Super. LEXIS 33, at *9 (quoting William L. Prosser, *Handbook of the Law of Torts* § 76 pp. 501-02 (4th ed. 1971)).

Now that you are armed to the teeth with knowledge of dog-law, and can fight off the assertion of erroneous dogma on the subject, fetch yourself a winning case.


Roger T. Creager

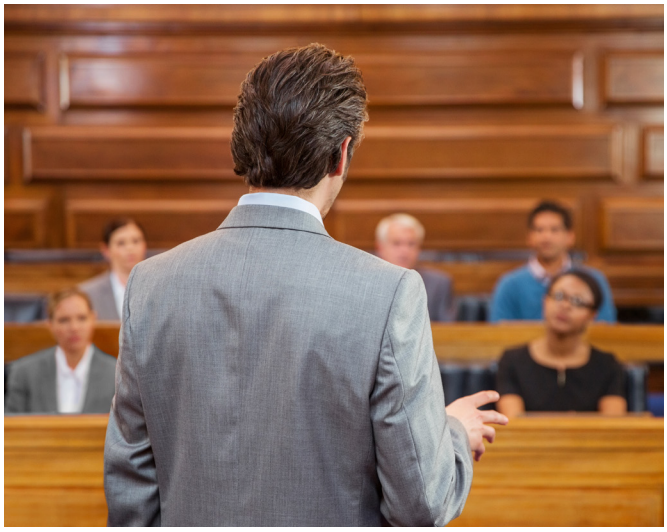
Multiple Cause Cases and the *Hanger* Jury Instruction

By Roger T. Creager

In April of this year, the Supreme Court of Virginia held that a trial court erred in refusing to grant a special jury instruction (Instruction D) requested by the defense that would have told the jurors that they must find against the plaintiff if the jury was "unable to determine" whether the plaintiff's injury was caused by the defendant's alleged malpractice or by some other cause for which the Defendant was not responsible. *See Emergency Physicians of Tidewater, PLC v. Hanger*, 899 S.E.2d 413, 2024 Va. LEXIS 15 (Va. 2024). In future personal injury cases, defense lawyers may argue that the jury instruction approved in *Hanger* must be given in any case where there is more than a scintilla of evidence that something other than the defendant's wrongdoing might have caused the plaintiff's injuries. For the reasons stated herein, any such argument would be wrong. The effect of the *Hanger* opinion and the jury instruction language it approved should be limited to the unique situation involved in *Hanger*.[1]

In *Hanger*, the plaintiff's contended she suffered a seizure, lost consciousness, and fell due to a dangerously low blood sodium level. The plaintiff struck her head when she fell and as a result sustained a traumatic brain injury. The plaintiff contended that if the defendant doctor had properly diagnosed, documented, and treated her low blood sodium level she would not have been injured.

The holding in *Hanger*, as with any decision, is tied to the specific evidence and arguments involved. The defendant doctor and her medical practice "continuously asserted throughout trial that the fall could have been caused through other means." 899



[1]The opinion also should be given limited effect for the additional reason that it conflicts with pre-existing principles of Virginia law. The Supreme Court of Virginia held in *Hanger*, for example, that a litigant can preserve an appeal of a trial court's refusal to grant a jury instruction even though the litigant failed to identify to the trial court the particular evidence and reasons the litigant believes support the instruction. This holding places upon trial courts the burden of independently discerning each item of evidence from an entire trial that could possibly support a jury instruction. This ruling is unworkable and unreasonable. The litigant, rather than the trial court, can and should reasonably and properly be expected to identify each item of evidence that supports a proffered instruction. The Supreme Court also erred in concluding that the proximate causation principle in Instruction D was not covered by other instructions. In fact, the trial court had already given Instructions 12, 13, 14 and 15 which told the jury in clear terms that the plaintiff could not recover unless she proved that the defendant's wrongdoing was a proximate cause of her injuries. Record No. 230199, Joint Appendix at 1972-1975.

Continued on next page

Continued from previous page

S.E.2d at 414, 2024 Va. LEXIS 15, at *1 (emphasis added). The defense pointed to other possible causes of the plaintiff's injury. One defense expert "identified various possibilities that could have caused Hanger's fall other than hyponatremia, including a trip and fall, stress-induced fainting, low blood pressure, cardiac arrythmia, a mild stroke, a heart attack, or a pulmonary embolus." 899 S.E.2d at 417, 2024 Va. LEXIS 15, at *10 (emphasis added). One defense expert said on cross-examination, when he was asked about a picture of an air vent covering on the floor of the room where the plaintiff fell, said "I'm not a crime scene analyst or accident analyst, but if I look at that, it looks to me like it's been tripped over." 899 S.E.2d at 417, 2024 Va. LEXIS 15, at *11. This testimony was also apparently viewed as evidence of another possible cause of the plaintiff's injury.

Under basic Virginia law, however, the "evidence" of other possible causes that was relied upon by the defense as supporting the jury instruction in *Hanger* will almost certainly not be admitted in future cases since it concerned possibilities rather than probabilities. The Supreme Court of Virginia has held:

> A medical opinion based on a "possibility" is irrelevant, purely speculative and, hence, inadmissible. In order for such testimony to become relevant, it must be brought out of the realm of speculation and into the realm of reasonable probability; the law in this area deals in "probabilities" and not "possibilities."

Spruill v. Commonwealth, 221 Va. 475, 479, 271 S.E.2d 419, 421 (1980) (emphasis added) (quoted and followed in *Fairfax Hosp. Sys. v. Curtis*, 249 Va. 531, 535, 457 S.E.2d 66, 69 (1995)). "With regard to proximate causation where there is no direct proof, the circumstantial evidence must be sufficient to show that the causation alleged is 'a probability rather than a mere possibility.'" *Bussey v. E.S.C. Rests. Inc.*, 270 Va. 531, 536, 620 S.E.2d 764, 767 (2005) (emphasis added) (quoting *Southern States Coop. v. Doggett*, 223 Va. 650, 657, 292 S.E.2d 331, 335 (1982)).

The "evidence" which supported the special jury instruction in *Hanger* was thus evidence of a type which in most cases will be excluded as inadmissible. If the evidence about other possible causes had been excluded based upon a timely objection, there would have been no basis for the special instruction given in *Hanger*. The *Hanger* opinion contains no indication that the plaintiff objected to any of the testimony about "other possible causes." The *Hanger* decision and its holding thus involve a very unusual record, a record that was laden with speculative testimony about "possibilities" that was apparently introduced without objection. It seems highly unlikely that future cases will involve a similar record.

Another aspect of the *Hanger* decision which should limit its application in future cases is that the plaintiff apparently did not argue, either in the trial court or on appeal, that the particular language of Instruction D was likely to confuse and mislead the jury and was written in a biased manner. Instruction D read as follows:

> If you believe from the evidence that the injury to Patricia Hanger might have resulted from either of two causes, for one of which Dr. Raines might have been responsible and for the other of which Dr. Raines was not responsible, and if you are unable to determine which of the two causes occasioned the injury complained of, then the plaintiff cannot recover.

899 S.E.2d at 417-418, 2024 Va. LEXIS 15, at *12. Because the language of the instruction was not challenged as misleading, confusing, or biased, the Supreme Court's opinion obviously did not consider those issues.

In future cases, however, plaintiff's counsel should point out that the instruction is not balanced and even-handed but instead **operates only in favor of a defense verdict**. The instruction ends with

Continued on next page

Continued from previous page

"then the plaintiff cannot recover." It contains no corresponding language instructing the jury that if they conclude that a cause for which Dr. Raines was responsible was "a proximate cause" of the plaintiff's injury, then the plaintiff can recover. The defense may argue that other instructions already address this point. But if the standard jury instructions on causation are deemed insufficient and an additional instruction is deemed necessary, then obviously any additional jury instruction language that is used certainly should be written in a balanced and fair manner.

Another defect in the special instruction involved in *Hanger* is that it uses language which might cause the jurors to conclude that the plaintiff must prove the elements of the plaintiff's case by more than a preponderance of the evidence. For example, the instruction tells the jury "if you are unable to determine" the cause of the injury "then the plaintiff cannot recover." This language is not connected in any way to the preponderance of the evidence standard. Under this language, jurors may believe that they can find for the plaintiff only if they are able to confidently "determine" the cause without any significant doubt. That would be wrong. Under the preponderance of the evidence standard, the jury must find for the plaintiff if they believe that the defendant's wrongdoing was probably (more likely than not) the cause of the injury, and this is sufficient proof even if the jury also believes that there is a substantial chance (any probability less than 50 percent) that something else caused the injury.

Perhaps the most serious problem with the instruction is that it tells the jury that they must find against the plaintiff "if you are unable to determine **which** of the two causes occasioned the injury complained of." But the jury does not need to determine "which" cause was the cause of the injury. Rather, the jury must find for the plaintiff even if **both** causes were a proximate cause and the defendant is liable as long as his wrongdoing is a proximate cause of the injury. *See Williams v. Le*, 276 Va. 161, 167, 662 S.E.2d 73, 77 (2008) ("There may be more than one proximate cause of an event."); *Sullivan v. Robertson Drug Co.*, 273 Va. 84, 92, 639 S.E.2d 250, 255 (2007) ("If separate and independent acts of negligence of two parties directly cause a single indivisible injury to a third person, either or both wrongdoers are responsible for the whole injury . . . irrespective whether one may have contributed in a greater degree to the injury.").

These issues were not raised by the parties in the *Hanger* case and as a result none of these problems with the particular language of Instruction D were addressed in *Hanger*. Furthermore, for the reasons noted above, most if not all of the "possibility" testimony which was the basis for the instruction in *Hanger* will not be admitted in future cases if timely objection is made, and thus future cases are unlikely to involve the type of testimony involved in *Hanger.*

The fact that the jury instruction the Supreme Court approved in *Hanger* should not necessarily be given in other cases in the future is most compellingly shown by the fact that Supreme Court did not even hold that the instruction it approved in *Hanger* had to be given on the retrial of the *Hanger* case itself. Instead, the Supreme Court held that (as usual) the exact nature of the jury instructions to be given at the trial of the case on remand would depend upon numerous factors specific to the retrial:

> The Court of Appeals will ultimately remand this matter to the trial court, but it is uncertain how the proceedings will unfold. The approach and strategy to the litigation may change, and unexpected factors inherent to any case might emerge. Consequently, the evidence that is eventually presented to the jury will determine whether Instruction D, if proposed, should be given upon any retrial in line with this opinion. Accordingly, this matter is reversed and remanded to the Court of Appeals to enter a mandate to the trial court consistent with the opinion herein.

899 S.E.2d at 420, 2024 Va. LEXIS 15, at *17-18.

In short, there is no basis for an assertion that the

Continued on next page

Continued from previous page

instruction approved in *Hanger* must be given in other cases involving multiple cause arguments. Instead, whether the instruction involved in *Hanger* should be given in other cases must be decided by trial courts by reviewing factors that include the particular evidence, arguments, issues, and litigation strategy involved in each case. A critically important issue will be whether the defendant can point to properly admitted evidence which would allow a rational jury to find that there was some other cause or causes (other than the defendant's negligence) of the injury. If timely objection is made to evidence concerning other possible causes (the type of possibility speculations involved in *Hanger*), that evidence should not be found sufficient to justify the *Hanger* instruction and the holding in *Hanger* would be inapplicable.

Furthermore, in future cases even if admissible evidence of "other causes" is introduced, the plaintiff can and should argue that the particular language used in the *Hanger* jury instruction is not necessary (if other jury instructions cover the point). Moreover, even if additional jury instruction language appears to the trial court to be necessary, the plaintiff should argue that the particular language of Instruction D used in the *Hanger* case should not be used because it is potentially misleading and confusing. In response, defense counsel may point out that in *Hanger* the Supreme Court said that "Instruction D correctly stated the law." 899 S.E.2d at 419, 2024 Va. LEXIS 15, at *17. But even if Instruction D, properly interpreted and understood, is a correct statement of law, it is clear from the comments previously made in this article that a jury could be misled or confused by the particular language used in Instruction D. As a result, even if a trial court concludes that some additional language is necessary, Instruction D should not be given verbatim but should be redrafted so that it is more balanced and less misleading and confusing. And an even better course would be not to give an additional separate instruction but instead to amend one of the other causation instructions to make the point that Instruction D attempted to address (and to do so in a less misleading and more balanced manner). For example, Virginia Model Jury Instruction-Civil Instruction Number 5.005 regarding multiple proximate causes could be given with the added language underlined below:

> There may be more than one proximate cause of an injury. If the negligence of a defendant proximately caused injury to the plaintiff then the negligence of that defendant is a proximate cause of the plaintiff's injury even if there were other acts or omissions that caused the plaintiff's injury. The plaintiff can recover, however, only if the plaintiff proves by a preponderance of the evidence that the negligence of the defendant was a proximate cause of the plaintiff's injury.

1 Virginia Model Jury Instructions - Civil Instruction No. 5.005 (2024) (modified by adding the last sentence). The added sentence makes the point that Instruction D made – if there is evidence of some other proximate cause, the plaintiff can recover if and only if there is sufficient evidence to prove by a preponderance of the evidence that the defendant's negligence was a proximate cause. Adding this sentence to Civil Instruction Number 5.005 would be better than using the confusing language of Instruction D. Moreover, in most cases (cases which do not involve the unique testimony and record presented in *Hanger*) plaintiff's counsel can point out that no additional jury instruction language is needed since the other standard jury instructions already make it sufficiently clear to the jury that the plaintiff cannot recover unless the plaintiff proves by a preponderance of the evidence that the defendant's wrongdoing was a proximate cause of the injury.

Alexandria
1725 Duke Street, Suite 750
Alexandria, VA 22314
(703) 884-1863

Charlottesville
440 Premier Circle
Charlottesville, VA 22901
(434) 244-0024

Chesterfield
15001 Dogwood Villas Drive
Chesterfield, VA 23832
(804) 662-5882

Fredericksburg
10209 Patriot Highway
Fredericksburg, VA 22407
(540) 735-0999

Harrisonburg
337 East Market Street
Harrisonburg, VA 22801
(540) 433-1738

Hopewell
2141 E. Hundred Road
Hopewell, VA 23860
(804) 458-2766

Louisa
4549 Davis Highway
Louisa, VA 23093
(540) 967-2350

Petersburg
2618 South Crater Road
Petersburg, VA 23805
(804) 748-0999

Richmond
1500 Forest Avenue, Suite 100
Richmond, VA 23229
(804) 282-0999

Staunton
206 Greenville Avenue
Staunton, VA 24401
(540) 887-1200

Tappahannock
602 Church Lane
Tappahannock, VA 22560
(804) 443-0043

Warrenton
50 Culpeper Street
Warrenton, VA 20186
(540) 410-1886

Washington D.C.
1003 K Street NW
Suite 404
Washington, DC 20001
(202) 839-9286

David A. Harrison
(1886-1966)
James G. Harrison
(1925-1989)
C. Hardaway Marks
(1921-2004)
John D. Ayers
Genoveva I. Border*
Michael J. Braggs
Lee J. Bujakowski
Andrea R. Carver
Roger T. Creager
Leslie C. Dalton
Charles W. Davis, Jr.
Joseph E. Dean II
Alistair D. Edwards
Tara A. Enix
David M. Erwin
Berkley D. Foltz
Steven G. Friedman
Fletcher W. Harkrader, III
James G. Harrison, III
Vanessa E. Hicks
Gregory S. Hooe
Mark S. Lindensmith
James A. McCauley
Joel R. McClellan
Kevin M. McGowan
Bryan L. Meadows
Craig V. Mehall
Robin M. Nagel
Daniel E. Savage
John C. Shea
William R. Sievers
J. Westwood Smithers, III
Ryan T. Walker

Staff Attorney. Not Licensed in the United States.

MARKS & HARRISON
Attorneys at Law
A Professional Corporation

804-282-0999 800-283-2202

Alexandria • Charlottesville • Chesterfield
Fredericksburg • Harrisonburg • Hopewell
Louisa • Petersburg • Richmond • Staunton
Tappahannock • Warrenton • Washington D.C.