



Virginia Local Government Law

More on Sanctions: The View from the Bench

By: Andrew McRoberts. *This was posted Friday, October 22nd, 2010*

Following up the recent posts on this blog regarding sanctions, [The Locality Strikes Back: Sanctions \(Part 1\)](#) and [The Locality Strikes Back: Sanctions \(Part 2\)](#), it is still tough to get a court to order sanctions for many reasons.

As [reported by the Virginia Lawyers Weekly](#), the Richmond Bench Bar Conference addressed the issue of sanctions yesterday.

A panel consisting of Richmond Circuit Court Judge Beverly Snukals and Richmond General District Court Judge Barbara Gaden and U.S. Magistrate Judge Dennis W. Dohnal ([named by Virginia Lawyers Weekly as Virginia's top "Leader in the Law" later that day](#)) discussed sanctions.

Among the reasons the judges cited for not imposing sanctions, the article reported, were failure to "meet and confer" under Rule 4:1(g), a "gotcha" aspect to some motions, existence of a competing motion for sanctions and the court's understandable desire to get to the substance.

The "take away" from these judges seems to be to avoid these disputes where you can, act reasonably in your approach to discovery, make the evidence of abuse clear, give the to-be-sanctioned party notice and discuss ways to avoid the sanctions with the party in advance.

And perhaps, expect not to get them very often.

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