

JOURNAL

Newsletter of the Fairfax Bar Association www.fairfaxbar.org April 2011

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Run for
JUSTICE 5K

IN REMEMBRANCE



THE HONORABLE ARTHUR WILLIAMS SINCLAIR

OCTOBER 13, 1914 - FEBRUARY 25, 2011

by Honorable Michael J. Valentine, Judge, 19th District, Retired

Each of us has milestones in our lives that help us measure the worth of being alive. Grandchildren are certainly high on the list as are developing some ability based on experience in our chosen endeavors, from golf to fly fishing, bridge to dance, and maybe even the experience of having read many great books.

For a lawyer—for a Fairfax lawyer—it is, I believe, a most enviable attribute to be old enough to have lived professionally during the long and productive life of Arthur Sinclair. Those of you not old enough to have known him may be enviably young(er), but you missed out on an incredible man and jurist. For those only slightly older who might remember the wonderfully entertaining and eloquent Lewis Hall Griffith, perhaps I can explain Judge Sinclair best by telling you that Judge Griffith was often described as an understudy to Judge Sinclair. If you are too young to remember either Judge Sinclair or Judge Griffith, you truly missed out.

Before Prince William became a new Circuit and was still part of the 19th, many of our (Fairfax) judges lived in Prince William and sat in both Fairfax and Prince William. When the Circuit was split, Judge Sinclair became a full-time Prince William County Circuit Judge and the 32nd's gain was most assuredly the 19th's loss. Eloquent, gracious, and witty, with a memory of exceptional depth, Arthur Sinclair was an inspiration to many lawyers, new and experienced. I know of few who could match his abilities as a keynote speaker, Lew Griffith having probably come as close as anyone.

In the libertine 70's, when our Bar Libel (now the Bench and Bar Dinner) had deteriorated to a ribald roast of our bench and bar with many tasteless references and anecdotes and skits that would probably earn one a sanction these days, Judge Sinclair could actually emcee such an event and come out still the consummate gentleman, having us rolling in the aisles laughing, but never in an off-color or inappropriate sense. Well, almost never.

We were a Bar of under 300 people then and the Bar offices were run out of a Rolodex on Diane Sutphin Mason's desk in the Legal Aid office on the first floor. It took no time at all for everyone to know everyone else and I never heard anything but admiration and love expressed for Judge Sinclair. In 1974, as I sat in my brand new law office wondering how I would pay the rent, our secretary told me that Judge Sinclair was on the phone for me. I stood at attention for this call, and that shows how young and naive I was. The conversation went something like this:

Judge Sinclair: "Mike, this is Arthur Sinclair. How are you?"

Me: "Just fine, Judge, I think. Have I done something wrong?"

Judge Sinclair: "No, of course not, I just want to ask you if you will accept an appointment as a Special Justice under this new law that goes into effect for mental commitment judges."

Me: "Judge Sinclair, I would consider it an honor, Sir."

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President's Column

by David J. Gogal, Esq.

FAIRFAX COUNTY PUBLIC SCHOOLS SEEK EXPANSION OF FBA LAW RELATED EDUCATION



When the Fairfax Law Foundation Board met with representatives of the Virginia Bar Association a year ago to discuss the success of the Rule of Law program in jurisdictions such as Roanoke, the assumption was no such success could be replicated in Fairfax County. With 175,296 students, Fairfax is by far the largest school district in the Commonwealth of Virginia and the 11th largest school district in the United States, consisting of 26 middle schools and 25 high schools. It seemed to most of us at the meeting that smaller jurisdictions could more easily attract local attorneys to get involved in their schools because of the close-knit nature of smaller communities. In my own experience at my son's middle school in the City of Falls Church, an independent jurisdiction with its own small school system and only 160 seventh graders, three of us attorneys, parents of kids at the school, have provided PowerPoint presentations on the legal system at school assemblies as well as classroom instruction for mock trials. The teachers know us as parents and simply contact us directly when they want us to come to school. The question posed to the Fairfax Law Foundation Board was whether the 2,000-member Fairfax Bar Association could similarly meet the educational needs of such a vast school system. As I mentioned in my column in December, the decision was made then by the FLF Board to pursue a "more realistic" interim pilot project of perhaps two to three middle schools and a similar number of high schools.

On February 15, 2011, FBALRE Chair Sonya Duchak, FBA Board Member Mike Shevlin, and I attended the annual meeting of the Social Studies Department Chairs for all of the middle schools and high schools of Fairfax County, a room full of some 60 educators. We were invited by my former Annandale High School History Teacher, Kurt Waters (incidentally, who now supervises all of the high school social studies departments), to explain our proposed pilot project. The response to our presentation was nothing short of electrifying. Before we even left the room, Mike Shevlin received over a dozen requests for information on high school curriculum materials. Sonya Duchak received a number of requests from several schools for attorneys to speak to students on topics such as social networking, alcohol/driving, consumer rights, the Federal Court system, and also to assist with mock trials. Many of the requests were for dates within just two weeks of our meeting. This overwhelming response took us by surprise and we had no way of knowing whether our Fairfax Bar Association members could rise to the occasion to meet these unexpected needs on such short notice.

My concern was quickly resolved. In some cases with only a week's notice, FBA members throughout Fairfax County volunteered to meet the teachers' calls for help. At McLean High School, FBA members Christie Leary, Aaron Book, John Carroll, Mike Rieger, Gary Moliken, Kristi Cahoon Kelly, and Burke Beale have volunteered to speak to students. At Hayfield High School, Judge Ian M. Flaherty judged and critiqued their moot court. At Oakton High School, FBA members Mark Yeager, Bob Scully, Joanna Faust, William Krebs, Andrew Paul Kawel, and Mike Rieger volunteered to speak to AP Government classes. Also at Oakton High School, FBA members Chris Costa, Nathan Olson, and Steve Gold volunteered to help with the moot court program. At Lee High School, FBA members Sandra Rohrstaff, Christie Leary, and Amy Lombardo have volunteered to speak to students on legal issues relating to social networking. At Woodson High School, Aaron Book has volunteered to speak to high school students. In addition,

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FAIRFAX BAR JOURNAL

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FAIRFAX BAR ASSOCIATION'S

ABA DELEGATE MIDYEAR MEETING REPORT

by David P. Bobzien, Esq., Fairfax Bar Association's Delegate to the ABA House of Delegates

The 2011 Midyear Meeting of the American Bar Association took place in Atlanta, GA, and it was a busy one. The House of Delegates met on Valentine's Day for an all-day session that led to several new policy measures being adopted by the 560-member House of Delegates. The Fairfax Bar Association is one of 80 local bar associations in the United States to be represented in the ABA House of Delegates. While some of the proposals before the House appeared to be controversial, all of the recommendations passed with unusual unanimity. The most notable items passed by the House of Delegates were the following:

- In light of recent cases in which young people who were identified as gay were bullied, teased, and taunted, the Commission on Youth at Risk urged federal, state, and local officials to prevent and remediate the existence and dangers of bullying, including cyber bullying. The resolution called for Internet service providers and social networking platforms to adopt terms of service that define and prohibit cyber bullying and urged law enforcement agencies to cooperate with the FBI's data collection program related to hate crimes committed by and against juveniles.
- In response to the expanded role of the National Guard in responding to natural disaster and global military crises, some have called for an increasing harmonization among the applicable state and federal laws governing its operation. Recommendation 103 sought to promote uniformity in military discipline for guard units working together domestically as well as their possible transition from relief mission to active combat mission overseas. It did so by urging the adoption of the Model State Code of Military Justice and Model Manual for Courts-Martial.
- Reaffirmed support for the principles of law school self-governance and academic freedom, as well as ethical independence of law school clinical programs consistent with the ABA Model Rules of Professional Conduct and opposed attempts by persons or institutions outside law schools to interfere in the ongoing activities of law school clinical programs and courses.

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APPLICATIONS BEING ACCEPTED FOR FBA VICE PRESIDENT AND BOARD OF DIRECTORS

The Nominating Committee is currently accepting applications for the positions of Vice President and members of the Board of Directors of the Fairfax Bar Association. Interested candidates should return their applications to the FBA by **4:00 PM on April 4, 2011.**

Applications may be found on the FBA's home page (www.fairfaxbar.org) or in the FBA office.

Anyone who would like to be considered for Vice President or Director must meet the following requirements:

- Vice President—Minimum of two (2) years service on the FBA Board;
- Director—Minimum of two (2) years active participation in a Bar activity, section, committee, or other project.

Interested candidates must submit a completed application, photograph, a bio, CV or resumé.

Run for JUSTICE 5K

Come be part of the 2nd Annual Run for Justice 5k benefitting the Fairfax Law Foundation. Join us on Saturday, May 7, 2011, at 8:00 AM at the Tysons Sport & Health, 8250 Greensboro Drive, McLean, VA, to celebrate friends, family, and fun.

New this year, the Run for Justice 5k will feature disposable D-tag timing technology from ChronoTrack Race Systems. In addition, this year's race will also feature a Kids' Fun Run. All participants in the 5k race will receive a premium T-shirt. All children participating in the Fun Run will receive a medal.

Last year's race attracted over 300 registered runners and included a post-race buffet sponsored by Great American Restaurant's Best Buns Bread Bakery and Coyote Grille. In addition, over \$10,000 was raised to benefit the Fairfax Law Foundation and its many community programs. This year we look forward to continuing the tradition.

Register online at active.com.

LOCATION

Race activities will take place on and around the Tysons Sport & Health located at 8250 Greensboro Drive, McLean, VA 22102. The start line is located in the Sport & Health parking lot near the entrance to the gym. The Finish Line is located on Greensboro Drive near the back of Sport & Health.

ON-SITE REGISTRATION

Register in person or pick up your packet Friday, May 6th. Location and time to be determined.

Race day registration and packet pickup will open at 7:00 AM. It will be near the Start Line in the parking lot of Sport & Health.

AWARDS & PRIZES

Prizes will be awarded to the top three men and top three women, top three masters male and female, and to the top three men and women in ten (10) year increments. The awards ceremony will take place following the race.

ENTERTAINMENT

Before, during, and after the race—Scorpio Entertainment will provide pre- and post-race music and entertainment.

POST-RACE REFRESHMENTS

This year's race will feature a buffet.

T-SHIRTS

All runners and volunteers will receive a T-shirt.

KIDS' FUN RUN

There will be a noncompetitive Fun Run for kids. Medals will be awarded to all finishers.

TIMING

The ChronoTrack timing system will be used to score the race. The system uses a disposable D-tag, which must be secured to runners' shoelaces, and records the exact time a runner crosses the starting line as well as the finish line, resulting in a net, or "chip" time for each runner. Overall awards will be based on the "clock time," and age group awards will be based on "chip time."

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ENORMOUS BENEFITS TO FBA MEMBERS

by Ira S. Saul, Esq., Chair, Law Library Committee

For many Bar Association members the wealth of available resources in the Fairfax Public Law Library is the best kept secret in the Courthouse. Since the Law Library Committee last wrote an article for the Bar Journal a number of very positive developments have occurred.

UNLIMITED ACCESS TO ONLINE LEGAL RESEARCH TOOLS

Thanks to our head law Librarian, Tom Pulver, the Law Library has available an enormous quantity of online research tools. Tom Pulver and the Library's extremely capable staff, attorneys Cat Butler and Missy Scheeren, can assist Bar Association members in finding applicable precedent, identifying learned authorities in most legal specialties, and providing myriad litigation and contract forms.

The Law Library is one of the few, and perhaps the only, law library in Virginia that provides its local bar unlimited access to Westlaw, Lexis, and HeinOnline, at no charge, other than per page charges for copies. Results can be saved on a thumb drive or other portable storage device at no charge whatsoever.

These resources are particularly beneficial to the small law firms for which monthly subscriptions to Westlaw and Lexis are prohibitively expensive. Through these data bases, members of the Bar Association have available to them literally hundreds of form book and hornbook sets on a vast array of subjects. The subject areas cover all, or almost all, specialty areas.

Through HeinOnline, the entire Federal Register and the entire Code of Federal Regulations from 1937 to the present, as well as most law review articles from the earliest publication to the present, all available in PDF form. This resource is particularly useful for attorneys who want to see the actual text of a regulation on the printed page, or a cited reference within the actual pages of

a textual reference. Frequently, federal regulations online in digital format contain confusing information regarding dates of enactment and amendments. This limits the utility of free online databases provided by the government.

The comparison of the price for the online services paid by the Law Library versus the price charged to private law firms demonstrates the considerable savings that Tom Pulver has obtained for our Law Library. Because of our status as a public resource, the Law Library, over a one-year period, pays in excess of \$1,000,000 less than private law firms would have to pay for access to most of the popularly utilized legal databases. The savings that accrue to Bar Association members form these resources can be substantial.

COMPUTER ROOM UPGRADES

The Law Library is pleased to inform the Bar Association that our computer room now has the most current Microsoft Office version and a computerized Smartboard, which is a whiteboard that can save the data written on it in the host workstation. The computer room is available to host CLE sessions, and is particularly useful for sessions in which use of legal computer programs or online resources is being taught. There will be forthcoming teaching sessions in our computer room in use of social media such as Facebook, Twitter, and LinkedIn, which are important to practicing attorneys.

EXTENDED HOURS

Despite budget constraints that limit availability of Courthouse resources for extended hours and on the weekend, the Law Library is meeting our mandate to provide extended hours to the public. We are now open Mondays and Thursdays until 8:00 PM, and Saturdays from 9:00 AM to noon.

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Keeping Students Informed About the Judicial System

by Sonya M. Duchak, Esq., Chair, Law Related Education Committee

How many times have any of us been stopped in the hallways of the Courthouse and asked where Courtroom 2A, or Circuit Court, or Land Records is? As those with knowledge of the workings of the Courthouse, we quickly point the inquirer in the right direction. As members of the community and members of the legal profession, we all should do the same when asked to point the students of our community in the right direction.

The Law Related Education Committee is doing just that, and we ask for your help. We have a number of programs that are designed to give students a better understanding of the judicial system, as more than likely, they will become a part of it at some point in their life. We want them to understand their rights and their responsibilities as citizens of our community. We want them to understand the consequences of undesirable actions. We want them to feel comfortable to turn to an adult when they see or hear something that they know is wrong. We want them to make the right decisions when faced with peer pressure. We want them to understand freedom and the loss of freedom. We want them to understand why laws are put into place and the meaning of the laws. We want them to see that our judicial system works and more importantly, how it works.

We start with our elementary school children. For 15 years, we have been bringing mock trials to the elementary schools. We show them, in a 20-minute "fairy tale" trial, who the plaintiff is and who the defendant is, how people testify to the facts, what the role of the judge is, and what the role of the jury is. We give them a chance to "deliberate" and come up with a verdict. They can ask questions to a judge and get answers that they can understand.

Middle school children have the opportunity to come to the Courthouse through our Court Tour Program and speak to a Juvenile & Domestic Relations Court Judge, perform a mock trial, and view trials at the Circuit Court level. While every middle school in the country has the opportunity to visit the Courthouse, not all of the students for each middle school can attend. We have over 27,000 middle school students in the county schools. The Fairfax Bar Association, through the Law Related Education Committee, has just recently launched a Pilot Project with a few area middle schools in which attorneys will go to the schools to discuss topics that are normally discussed during a Court Tour, and utilize the lesson plans and information provided by the

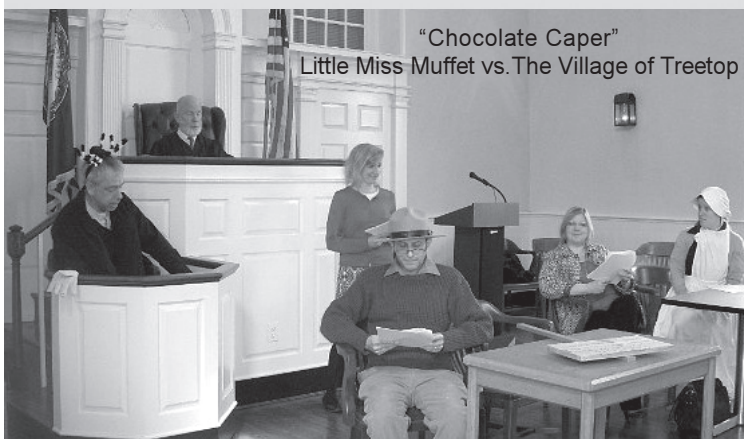
Virginia Bar Association and Virginia Law Foundation through its Rule of Law Program. Our goal is to reach all middle school students in every corner of the community. We are also trying to reach out to the high school students in a similar Rule of Law Program that will coincide with Law Day. We will need your help to do so.

Students today face many challenges, and we want them to know that we are here to help them. Our Devonshire Program does that by sending a speaker to participate in Fairfax County Public School's Alcohol and Other Drug Use Intervention Seminar, held every Wednesday at the Pimmit Hills Center in Falls Church. Speakers at this program provide the students with a discussion of the legal consequences of drug or alcohol use. These students have been charged with their first offense of possession of drugs or alcohol on school property or at a school-sponsored event. Our goal is to provide information to the students and answer questions to prevent them from engaging in such activity again.

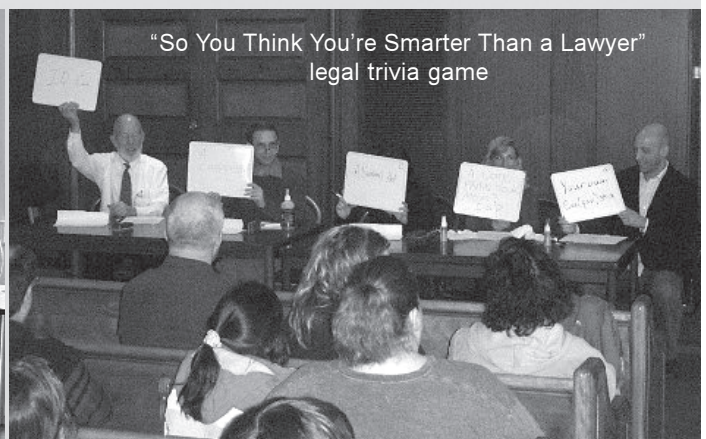
The Law Related Education Committee opened the Courthouse doors to the community during the Annual Chocolate Lovers Festival held on March 5, 2011 in the City of Fairfax. Two mock trials were performed at the ceremonial/historical courtroom of the former Juvenile & Domestic Relations Courthouse. The mock trials give the children in our community not only an opportunity to experience a trial in the historical courtroom, but also to be the jurors and ask questions to the judges who are present. Our very entertaining, but educational, "So You Think You Are Smarter Than A Lawyer" game show was also offered to our guests to match their wits against our very astute panel of judges and lawyers.

All of our programs are sponsored by the Fairfax Law Foundation and any donation to the FLF is a step toward keeping these programs running to their full extent. We have developed a strong and solid relationship with our schools, our children, and our community. We need your help in continuing that relationship. For more information about the Fairfax Law Foundation, contact Jana Gill at jgill@fairfaxbar.org.

If you are interested in volunteering for any of these programs, please contact Sonya Duchak at 703-627-1228 or sduchak@fairfaxbar.org for more information. ■



"Chocolate Caper"
Little Miss Muffet vs. The Village of Treetop



"So You Think You're Smarter Than a Lawyer"
legal trivia game

FBA PRO BONO AWARDS

2010

The FBA is pleased to announce the 2010 Pro Bono Awards given by the Northern Virginia Pro Bono Law Center. Local legal professionals were honored for their service at the Membership Luncheon held on February 14, 2011. During the presentation, Arlene Beckerman, Director of Pro Bono Activities, said "We appreciate all of the time and efforts donated by our volunteers. The legal community gives of their time and talents to serve the neediest in our community, and, therefore, help to provide access to justice."

PRO BONO PARALEGAL OF THE YEAR—LORI JONES

Lori Jones is a PACE Registered Paralegal. She has been a Fairfax County Government employee since August 2004, and currently specializes in guardianships for the Fairfax County Department of Family Services, Adult Protective Services.

For approximately the past two years, Lori voluntarily became the liaison for the Fairfax County Department of Family Services and the Wills on Wheels program. Wills on Wheels matches low-income seniors and disabled persons with volunteer lawyers who meet with them and then draft life-planning documents. This is done at locations that the seniors can easily access, such as senior centers and low-income housing sites.

In addition, Lori has been an active member of the Fairfax Bar Association Paralegal Section since September 2007. In 2007 and 2008, she headed the Capital Area Food Bank drive on behalf of the Section, as well as having annually participated in the Back-to-School Drives and Valentine's Day projects for the Girls' and Boys' Probation Houses.

PRO BONO LAWYER OF THE YEAR—JENNIFER VARUGHESI

Jennifer has been an active volunteer in the Northern Virginia Pro Bono Law Center's Neighborhood Outreach Program for approximately four years. This program reaches out to clients at community sites that are convenient and accessible to them. Lawyers go out to meet with the clients to provide legal advice and referral information on a regular basis.

Jennifer's service over the years has been particularly valuable, and valued by the site, because of her expertise in immigration law. She has worked at a location where many immigrants seek assistance, and Jennifer's legal skills and caring manner have provided much-needed legal help for numerous low-income

clients with nowhere else to turn. She has regularly gone out to the community to help these clients and has often followed up and provided additional legal services, beyond the expectations of the program.

PRO BONO LAW FIRM OF THE YEAR—COOPER GINSBERG GRAY, PLLC

Cooper Ginsberg Gray serves as an example to others for its commitment to *pro bono* legal services and community service, both through the actions of its individual members, as well as the undertakings of the firm as a whole.

The lawyers have provided representation to *pro bono* clients in contested family legal matters, donating legal services valued in excess of \$25,000, and staffed by several members of the firm. Two of the attorneys took on a matter involving a client who had been verbally and physically abused during the marriage. The husband kept the client's earnings, would not provide her access to the family car, and openly committed adultery. The client required assistance in Juvenile Court with issues of custody, visitation, and support.

The firm has provided other valuable *pro bono* assistance including representation of a woman appealing termination of parental rights to Virginia Court of Appeals, representation of clients through the Legal Services of Northern Virginia *pro bono* program, providing *pro bono* divorce representation to an individual with mental health issues, organization of a *pro bono* law clinic at the Northern Virginia Mental Health Institute, participation in the domestic violence Attorney of the Day program, and the donation of time to *pro bono* hotline sessions.

Not only have the lawyers willingly volunteered, but the paralegals at the firm have also provided direct client services including intake at the monthly uncontested divorce clinics. ■



FAIRFAX COUNTY PUBLIC SCHOOLS SEEK EXPANSION OF FBA LAW RELATED EDUCATION

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Corinne Magee has offered to present her “Drunk Driving and 30 Ways to Lose Your License” PowerPoint to the high schools. In short, I do not think in all my years as an FBA member that I have been more proud of our members.

Given our new expanded relationship with all of the middle schools and high schools throughout Fairfax County, we can expect as FBA members to continue to receive requests from teachers for attorneys to speak with students on a variety of legal topics and to assist with moot court trials. The only way we will be able to meet this new demand is for us to simply make the time to give back to our schools. For many of us, volunteering may be easier when the request comes from a school where our children may attend or where they may have attended, or at least one that is close to where we live. For others, it may depend more on the topics that the teacher is requesting we address. I hope that all of us will give due consideration to the requests that we receive from Sonya Duchak as LRE Committee Chair and contribute to this new volunteer effort. From my own experience with Model Judiciary, Court Tours, and speaking to middle school classes, we truly can make a difference not only by promoting awareness of the importance of the rule of law, but also by enhancing both the education and civic responsibility of our youth. And, by the way, it really is good fun! ■

FAIRFAX COUNTY PUBLIC LAW LIBRARY

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We encourage the Fairfax Bar to take advantage of the wealth of resources available at the Fairfax Public Law Library, conveniently located on the first floor of the Courthouse, next to the Public Service counter and near the main entrance. ■



BENCH BAR DINNER DANCE 2011



Bench Bar Dinner Dance Recap

by Jason A. Weis, Esq.

"When in Rome" was this year's offering from the Fairfax Bar Association for its annual Bench Bar Dinner Dance. As the largest social event in the Northern Virginia legal community, the dance offers lawyers and judges the rather unique opportunity to mingle in an informal atmosphere, albeit in formal attire. This year's event came off in commendable fashion and quietly added another notch to the Bar Association's many triumphs.

On March 5, 2011, the Fairview Park Marriott hosted 483 judges, attorneys, and legal community members. The "When in Rome" theme was evident with a bottle of Chianti on each table, but the Marriott is no Coliseum. Few attendees seemed to mind as the organizers smartly featured both an open bar reception and wine tasting sponsored by a number of Virginia wineries. First Colony Winery, Gabriele Rausse Winery, Kilaurwen Winery, LLC, and Vint Hill Craft Winery graciously shared their latest vintages in a spacious lounge-type atmosphere that offered guests a quiet respite from the bustling bar area. Perhaps better than the wine itself, the tastings were complimentary and unlimited. Who knew Virginians were producing Nebbiolo?

Food was plentiful. Various hors d'oeuvres were passed during the cocktail hour and they were followed by a three-course plated dinner in the hotel's main ballroom. "10 Spot" provided a lively mix of rock and Motown music for those brave enough to make their way onto the well-populated dance floor.

As a young lawyer, I admit it took a few seconds of "visual readjustment" to recognize Judge Schell on the dance floor and retired Judges Klein and Wooldridge holding an entirely different type of court at their respective tables. It was also great to see Judges Carr and Sotelo among these orbiting festivities, moving seamlessly from the courtroom to the ballroom. By night's end, my trepidation over spending several hours socializing with my bar brethren proved utterly misplaced. So long as the participants continue to "let their hair down," this event will surely be a continued success.

As always, I have no doubt the Bar Association's staff worked tirelessly to ensure a festive evening for all. A special debt of gratitude should be paid to Yvonne McGhee, Courtnie Norris, Larissa Williams, Jana Gill, and Arlene Beckerman for their efforts, as well as David Gogal for emceeing the event and keeping everyone on task. Perhaps not having to see a single lawyer in a toga, however, is payment enough for their hard work. I look forward to seeing everyone next year. ■

FAIRFAX BAR ASSOCIATION

"When in Rome"

Bench Bar Dinner Dance Sponsors

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IN REMEMBRANCE—THE HONORABLE ARTHUR WILLIAMS SINCLAIR

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Judge Sinclair: "Well that's just wonderful, Mike, as I have asked nearly a dozen people, and George Griffith and you are the only persons who have accepted."

I am glad I have lived to see the Righteous Brothers in concert; to fill my gas tank for under \$5.00; to have been part of the Fairfax legal community. But among the greatest experiences, now gone

except in the collective memories of a dwindling few, was to have appeared before, and to have known Arthur W. Sinclair. So many of us tried to emulate him as an icon of the judiciary, and having failed, I am no less the person for trying. He was truly a Prince of the Bench. There were no CLEs on civility in the days of Arthur Sinclair. One need only follow his lead. ■

THE LIFE & LEGACY OF JUDGE ARTHUR WILLIAMS SINCLAIR

by Alissa Hudson, Executive Director, Prince William County Bar Association, and Sharon E. Pandak, Esq.

The Honorable Arthur Williams Sinclair, retired Circuit Court Judge, and a Virginian by birth, passed from this earth on February 25, 2011. He died at home with his wife Emily and his dogs at his side. He was greatly respected and much loved.

Judge Sinclair was born in Manassas, VA, on October 13, 1914, to Charles Armistead Sinclair and Frances Emonia Taylor Sinclair. He was the youngest of four children, now deceased, Charles Armistead Sinclair II, Elizabeth (Mrs. Otho Fitzwater), and Anna (Mrs. Henry Steinbach).

Judge Sinclair was a lifelong Prince William County resident. His ancestors journeyed from Dumfries, Scotland, to settle in the town they would call Dumfries, VA, becoming one of the founding families of Prince William County. He was immensely proud of his heritage. His ancestors served in the colonial House of Burgesses and were among the first families of Virginia. His judicial heritage dates to the Civil War when his great uncle served as judge of the Utah territory. His great-grandfather James Mordecai Sinclair was Clerk of Court during the Civil War, and saved valuable records from destruction. His grandfather and namesake Arthur Williams Sinclair was Postmaster of Manassas and one of the organizers of the Peoples National Bank of Manassas. His father was County Treasurer. When the courthouse was moved from Brentsville to Manassas, Judge Sinclair's grandfather moved the family to the Town of Manassas.

Judge Sinclair graduated from Augusta Military Academy in Ft. Defiance, outside of Staunton, VA, and attended Washington & Lee University in Lexington, VA, where he was a member of Pi Kappa Alpha fraternity. He graduated from Georgetown University with an LL.B. in law.

In 1939, Judge Sinclair married his childhood sweetheart, Ann Bradford (deceased). Their respective families continued to be close and developed many lifelong friendships in the Manassas area. Arthur and Ann had two daughters Catherine McRae Sinclair (now of Alexandria, VA), and Ann Bradford (Nancy) Sinclair (now of England).

In 1939, Judge Sinclair became the fourth generation of Sinclairs to practice law in Manassas, entering his father's firm in the former Peoples National Bank building in Manassas. Two years later, he became one of the founding members of the Prince William County Bar Association. His initial practice was cut short by World War II. Judge Sinclair entered the Army in 1943 and served in the Judge Advocate General's Corps. He received an honorable discharge.

In 1946 Judge Sinclair opened his legal practice in Manassas. Among his clients, he assumed representation of Peoples National Bank, and later became Chairman of its Board. He served as Town Attorney for Manassas and Commissioner of Accounts for the Court. He was a stockholder in The Hesco Corporation, which was formed to sell generators before electric power became widespread in this area, and was one of the oldest businesses in Manassas.

Judge Sinclair rounded out his work and family schedule with being a Lay Reader and Superintendent of Sunday School at Trinity Episcopal Church, and tournaments with his wife as bridge partner. He was a good athlete and excelled in tennis, taught ice skating on local ponds to his daughter Cay's Girl Scout Troop, played in the softball league, and enjoyed golf. He enjoyed singing in church and to his daughters. He could also be found discussing issues *du jour* with colleagues at Cocke's Drugstore and, in later years, at Marie's Diner.

At the urging of longtime friend Judge H. Selwyn Smith, Sinclair became a candidate for a judicial appointment in 1950. Judge Sinclair was sworn in by his father as the youngest Circuit Court Judge at the age of 35, and served on the 19th Judicial Circuit, which then comprised Alexandria, Fairfax, and Prince William Counties. He was the fourth judge appointed to serve the circuit at that time. Judge Sinclair was entrusted with the many condemnations for the construction of I-95 and I-66, as well as other difficult civil and criminal cases over his 30-plus years on the bench as a sitting judge. He was made a judge of the newly-created 31st Judicial Circuit in Manassas in 1977. Judge Sinclair was asked to join the Virginia Supreme Court but declined that invitation in order to remain in Manassas. At

continued next page

THE LIFE & LEGACY OF JUDGE ARTHUR WILLIAMS SINCLAIR

continued from previous page

his retirement in 1980, he was the longest serving Judge in Virginia. He adjudicated cases, as a substitute judge, until he was 90 years old, and continued to assist the Virginia Judicial Conference.

At their first apartment home, the Sinclairs made lifelong friends with neighbors who would become mayors, judges, elected officials, and builders of the community. Judge Selwyn Smith fondly recalled the early days of their 71-year friendship, saying, "Arthur and I were good friends all those years—close, close friends—and always had a lot of respect for each other." Local builder, John Gregory, recalled the days when they and the Sinclairs, Smiths, and Gillums would gather for dinners as newlyweds, a practice that continued throughout their lives. Gregory felt that Sinclair "was a respected attorney and always exemplified the demeanor of the perfect judge...carried himself well and was well respected. I don't think I ever heard anyone say an unkind word about him."

Judge Sinclair was a sought-after speaker because of his charm, wit, and sense of humor. He was often called upon to give presentations and tributes, including for his friend, retired Virginia Supreme Court Justice Harry Lee Carrico. Commonwealth's Attorney Paul Ebert recalls that it sometimes surprised people that Judge Sinclair had a dry sense of humor, which he exhibited at times on the bench, and used to resolve litigation. Judge Sinclair was a handsome and engaging man, who was very comfortable listening to other people talk.

In 1955, Judge Sinclair married the former Emily Peters of Manassas, who survives him. Emily is a portrait artist and longtime Manassas resident. Judge Sinclair and Emily enjoyed the company of their combined friends and families. They vacationed in Emily's home state of Maine, and continued to support Bar Association and other local community activities. Judge Sinclair was a founding member of the Evergreen Country Club where he loved to play golf. Until very recently, he would play a round every New Year's Day with a low handicap. He was also the first President of the Prince William County Historic Preservation Foundation, which promotes preservation of County history.

Judge Sinclair was acclaimed in the legal profession for his legal abilities and gentlemanly treatment of all persons coming before him. He has been referred to by a former legislator as the "dean of all the trial judges." Judge Sinclair was known to leave the bench to shake hands with attorneys after a hearing, sending a message that he understood their efforts and that all were equally a part of the justice system.

Judge Sinclair received many recognitions, legal and civic, during his life, including a House Joint Resolution in 2001, commemorating 60 years of "meritorious public services to Prince William County." His portrait appears in both the Fairfax and Prince William County Courthouses. He was inducted into the Fellows of the Virginia Law Foundation.

In 1992 the Prince William County Bar Association created the Arthur W. Sinclair Professionalism Award to annually recognize the qualities for which Judge Sinclair was known. These traits include possessing a reputation for candor, maintaining the highest standard of professional conduct, promoting confidence in the legal system, and providing service to the community. For many years, Judge Sinclair and Emily attended the Bar Association event in order to present the award and personally commend the recipient, whom he invariably complimented as deserving the award more than its namesake.

Judge Sinclair said about his time on the bench, "In order to hear a man out, I've had to listen to things that I was utterly tired or bored to death from. But I listened because my job was to give a man his day in court." Commonwealth's Attorney Paul Ebert recalls that "He was never intimidating in court, but he commanded respect."

Judge Sinclair loved his family, loved the law, and treasured his friends. In a quintessential way, he loved and respected the people of Manassas and Prince William County. Judge Sinclair took the legacy of public service in his family and enhanced it. This Virginia gentleman and humble judicial giant will be missed by all who knew him. ■

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Prince William County Bar Association*

THE GENERAL DISTRICT COURT REMINDERS

- Defense counsel must file a copy of their appearance praecipes in DWI/DUI cases with the Commonwealth's Attorney's Office and file a copy of a change of address praecipe in all cases whenever there is a change of address, phone number, or facsimile number.
- In Felonies, Class 1 Misdemeanors, Class 2 Misdemeanors, and DWI/DUI cases, defense counsel are reminded to please provide the Commonwealth's Attorney's Office with a copy of their Appearance Praecipe.
- Effective March 1, when filing any new civil action, an additional copy of the initial pleading will be required (exceptions: concealed weapon permit and name change).

UPCOMING EVENTS/CLEs

APRIL 27, 2011

**BUSINESS REPRESENTATION CLE:
BUSINESS, BANKRUPTCY, AND LITIGATION
PRACTICE POINTS UNDER ARTICLE 9,
SECURED TRANSACTIONS**

1:00-3:30 PM

2.0 MCLE Credits *Pending*

Maggiano's Little Italy
2001 International Drive
McLean, VA 22102

MAY 1, 2011

11TH ANNUAL LAW DAY WEINER ROAST

1:00 - 5:00 PM

Weiner & Spivey, PLC
10605 Judicial Drive, Fairfax, VA 22030
Rain or Shine!

MAY 7, 2011

RUN FOR JUSTICE 5k

8:00 AM

Tyson's Sport & Health, 8250 Greensboro Drive,
McLean, VA

For additional information, visit us on Facebook—

*Fairfax Law Foundation Run for Justice 5k or on the web
at www.fairfaxlawfoundation.org.*

May 9, 2011

11th ANNUAL SPRING GOLF TOURNAMENT

11:30 AM - 12:30 PM —Registration

12:00 PM - 12:30 PM—Putting Contest

Westfields Golf Club
13940 Balmoral Greens Avenue
Clifton, VA 20124

\$175.00 Per Person (includes greens fee, cart,
boxed lunch, buffet dinner, and prizes)

May 20, 2011

HANGING OUT ON A SHINGLE CLE

12:00 NOON - 5:00 PM,

FOLLOWED BY RECEPTION

*Co-sponsored by the Prince William and
Fairfax County Bar Associations*

3.5 MCLE (1.0 Ethics) Credits *Pending*
Columbus Grill, 8349 Centreville Road,
Manassas, VA 20110

\$120.00 for Members of either Bar Association
\$150.00 for Non-Members

May 23, 2011

TOPICS IN CHILD SUPPORT CLE

4:30-7:30 PM

3.0 MCLE Credits *Pending*

Fairfax County Courthouse,
4th Floor Jury Assembly Room
\$105 FBA Members
\$150 Non-Members

June 22, 2011

POST-JUDGMENT COLLECTIONS CLE:

A JUDGMENT, IF YOU CAN ENFORCE IT

4:30-6:30 PM

2.0 MCLE Credits *Pending*

Fairfax County Courthouse,
4th Floor Jury Assembly Room
\$70 FBA Members
\$100 Non-Members

SAVE THE DATE!

OCTOBER 9-12, 2011

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Sean Cody
Darice Collins
Sicilia C. Englert
Kate Fitzgerald
John Byron Flood
Adele Marie Garmirian
Tori B. Gasmalla
James Plummer Lukes
Mary K.E. Maples
Marzia Rafiq Momen
Kelvin Lamont Morris
Whitney Elizabeth Scherck
Evan Michael Stepanick
Benjamin Alan Tecmire
Adam C. Terminella
William Wides
Wojtek Piotr Wilczynski

FEBRUARY

Aseil Imad Abu-Baker
Alvi Aggarwal
Ken Baldassari
Sean Matthew Carney
Edward P. Cuccias
Justin Romuald George Du Mouchel
Muhammad Elsayed
Michelle Lynn Evans
Kristine Lee Festa
Melanie A. Fett
Jeremy Flachs
Patrick Halley
Geraldine Welikson Hess

FEBRUARY CONTINUED

Isidore David Horowitz
Cheryl B. Hyder
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Paul Kim
Erik Broch Lawson
Jane R. Lee
Laura Lee Golden Liff
Bianca Deshera Mack
Corey N. Neal
Harold Eugene Oliver, III
Christine Stephanie Ramapuram
Amir Ramnipoor
Syed Mohsin Reza
Christopher J. Shadle
Alene Chanda Sprano
Thomas Michael Trucksess
Deborah Wilkes
Tawnya M. Yetter

MARCH

Justin Bell
Jill Corrigan
Ashley Kristen Hamrick
Tracy Januzzi
Jonathan David Rhodes
Brienne Schaefer
Megan Elizabeth Vetula

Announcements

JEAN GALLOWAY BALL, P.L.C., is pleased to announce and welcome **KATHERINE E. LARKIN** as the firm's newest associate. Katherine specializes in corporate law, estate planning, and probate, and is admitted to both Virginia and the District of Columbia. Prior to joining the firm, Katherine managed her own practice in Northern Virginia, representing business organizations in all facets of corporate transactions. Katherine also practiced corporate law with Sutherland Asbill & Brennan LLP in the District of Columbia following her graduation from George Mason University School of Law in 2001. KLarkin@uselderlaw.com; www.uselderlaw.com.

KATE A. GARRETSON formerly of The Garretson Law Firm, P.C., and **KIMBERLY JO PHILLIPS**, formerly of Patrick Henry LLP, are pleased to announce they have merged their practices to form **GARRETSON PHILLIPS, P.C.** 11325 Random Hills Road, Suite 360, Fairfax, VA 22030; 703-225-3467; 703-225-3333 Fax.

SHOUN, BACH, WALINSKY & CURRAN, P.C., is pleased to announce that **KEENAN R. GOLDSBY**, **ROBERTA K. HEINAULT**, and **SONYA L. POWELL** have become principals of the firm. 4000 Legato Road, #400, Fairfax, VA 22033; 703-222-3333; 703-222-3340 Fax; info@shoun.com.

Congratulations!

Congratulations to **THOMAS L. APPLER**, **PEYTON R. MAHAFFEY**, **WILLIAM L. SCHMIDT**, and **EDWARD L. WEINER** who were among the 21 Virginia lawyers inducted by the **VIRGINIA LAW FOUNDATION** as its 2011 Class of Fellows at a dinner ceremony held on January 20 in Williamsburg during The Virginia Bar Association's Annual Meeting. Induction as a Fellow of the Virginia Law Foundation is a special honor conferred by the VLF Board on selected Virginia attorneys, law professors, and retired members of the judiciary who are deemed to be outstanding in their profession and in their community.

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Virginia Claims Association

Grants

LEGAL SERVICES CORPORATION

Notice of Availability of Competitive Grant Funds for Calendar Year 2012

The Legal Services Corporation (LSC) announces the availability of competitive grant funds to provide civil legal services to eligible clients during calendar year 2012. A Request for Proposals (RFP) and other information pertaining to the LSC grants competition will be available from www.grants.lsc.gov on or around April 11, 2011. In accordance with LSC's multiyear funding policy, grants are available for only specified service areas. The listing of service areas for each state and the estimated grant amounts for each service area will be included in Appendix-A of the RFP. Applicants must file a Notice of Intent to Compete (NIC) in order to participate in the competitive grants process. The NIC will be completed online at www.grants.lsc.gov. Further instructions on filing the NIC will be available in the Request for Proposals Narrative Instruction. Please refer to www.grants.lsc.gov for filing dates and submission requirements. Please e-mail inquiries pertaining to the LSC competitive grants process to Competition@lsc.gov.

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10603 JUDICIAL DRIVE:

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- 3,300 SF end unit faces Fairfax Courthouse
- Great windowline on 3-sides, offices w/hardwood flooring
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SALES PRICE—\$285 psf (\$940,000)

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- **10605 Judicial Dr (Lawyers Row)** 1,100 SF on 1st floor has reception/admin area, 3 private offices, conference room, kitchenette, BA, closets, plenty parking, exterior signage, some furnishings — \$20 psf, full service.

- **4085 Chain Bridge Rd (The Equity Bldg)** 1,490 SF corner suite in elevated bldg, layout has large reception/waiting area, 3 private offices, conference room, break room, new paint & carpet w/3-yr lease — \$23 psf, full service.

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FAIRFAX BAR ASSOCIATION'S ABA DELEGATE MIDYEAR MEETING REPORT

continued from page 3

- Approved a resolution during the U.S. Sentencing Commission to reevaluate current federal policy on criminal sentencing for economic crimes. The resolution asks that guidelines be proportional to the severity of offenses and that there be a reevaluation of the emphasis on monetary loss and other factors.
- Urged the requirement of civics education in public elementary, middle, and secondary schools and the provision of competitive grant funding for programs to meet this requirement.
- Urged the United States House of Representatives to restore the right of D.C. citizens to have their elected Congresswoman vote on proposed legislation considered by the House Committee of the Whole.
- Opposed any proposal to cut funding for the Legal Services Corporation for Fiscal Year 2011 and urged Congress to upport increased funding of the Corporation to the level necessary to provide needed services to low income Americans.

In addition, a member of the Virginia delegation, public contract lawyer John S. Pachter, championed the passage of a resolution that opposed the adoption of legislation by Congress that would mandate suspension or debarment of a single entity or class from bidding on or receiving federal contracts and grants without regard to the existing regulatory framework that provides for agency discretion in suspension and debarment determinations.

The highlight of the meeting came early on when Congressman John Lewis (D-GA) gave the invocation and introductory remarks on the day before he was set to receive the Presidential Medal of Freedom, the nation's highest civilian award. In the 1960s, Lewis was one of the founding members of the Student Nonviolent Coordinating Committee. He protested segregated lunch counters and helped launch the Freedom Rides throughout the South. Lewis was beaten violently, many times. His head was bashed as angry white mobs and police attacked protestors. A young confidant of Dr. Martin Luther King, Jr., he was one of the speakers at the 1963 March on Washington, where he demanded an end to segregation and pointed out problems with the civil rights law that was being considered. After the invocation, Lewis spoke of the struggles in his life fighting for racial equality that included being jailed 40 times. He owes much, he said, to the members of the Georgia Bar who helped him, and judges who understood him. "You must never give up. You must never give in," he told the House of Delegates. "We are one people, one family, one house. We are the American house."

The next annual meeting of the American Bar Association will be in Toronto, Canada, from August 4 through 9. ■



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WATER STATIONS

In addition to water at the start/finish, water will be available on the course just past the halfway point.

PARKING

Parking will be available in adjacent lots.

VOLUNTEER OPPORTUNITIES

Join in the fun as an event volunteer! This event relies on 50+ volunteers to be successful, and we need YOUR help. Volunteer jobs include water station, race buffet, registration area, or course marshals on race day. Or, volunteer at packet pickup on Friday, May 6. Please email Christie Leary to sign up and for more information: cal@greenspunlaw.com.

SPONSORSHIPS

Sponsorship opportunities are still available. Please contact Gerry Stegmaier at gstegmaier@wsgr.com or Christie Leary at cal@greenspunlaw.com for more information.

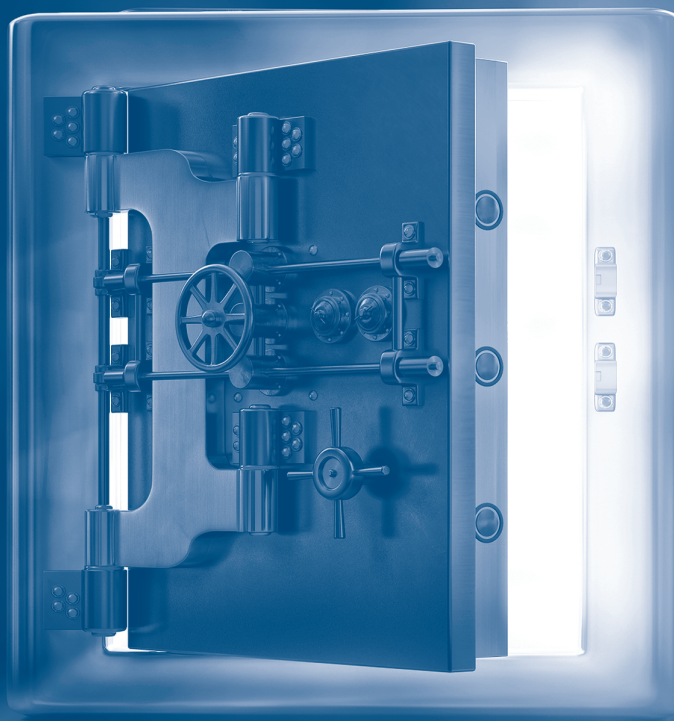
ADDITIONAL INFORMATION

For additional information, visit us on Facebook—Fairfax Law Foundation Run for Justice 5k or on the web at www.fairfaxlawfoundation.org.

PLEASE NOTE

Strollers, baby-joggers, skates, and pets are welcome on the course. Please see Race Etiquette. No refunds. No confirmations will be sent unless you register online. To confirm your entry, please check the list of registered runners a week or so before race day. Please pick up your T-shirt on or before race day, as we cannot mail it to you. ■

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