

JOURNAL

Newsletter of the Fairfax Bar Association

www.fairfaxbar.org

February/March 2014

The Fairfax Bar Association

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Fairfax Law Foundation 2013 *Pro Bono* Awards

The FBA is pleased to announce the 2013 *Pro Bono* Awards given by the Northern Virginia *Pro Bono* Law Center. Local legal professionals were honored for their service at the Annual State of the Judiciary Membership Luncheon held on December 12, 2013. Arlene Beckerman, Director of *Pro Bono* Activities, stated, “It is through our generous volunteers that we are able to serve the neediest in our community and help to provide access to justice.”

Pro Bono Paralegal of the Year – Renier Jessel

Renier Jessel, Deputy Clerk in the Traffic Division of the Fairfax General District Court, came forward to volunteer his free time and use his paralegal skills to help others. For the past year, Mr. Jessel has worked regularly through the Northern Virginia *Pro Bono* Law Center’s outreach site in Herndon. Often using his Spanish language skills, Mr. Jessel meets with clients and puts them at ease before the interview. Then, he assists the lawyer in gathering information from the client, analyzes the situation, and provides legal advice and referral information. His participation makes a significant difference to both the client and the *pro bono* lawyer, helping both to reach possible solutions in each matter.

Mr. Jessel is in the process of finishing his Master’s Degree in Legal and Ethical Studies at the University of Baltimore. He is also two courses away from finishing his paralegal certification from the Northern Virginia Community College.

Mr. Jessel had an internship as a paralegal with Just Neighbor’s legal services, an immigration law provider serving the low-income community. He later volunteered as a paralegal at their legal clinics dealing with immigration issues.

During the past two years, Mr. Jessel has also served as a volunteer paralegal for our local legal aid, Legal Services of Northern Virginia, at their monthly Saturday morning divorce clinics. In addition, he interpreted at attorney-client meetings whenever he had free time.

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President's Column

By Edward L. Weiner, Esq.

"Buddy, Why Should I Spare You a Dime?"

Recently, I approached a non-attorney acquaintance about making a donation to the Fairfax Law Foundation. I was a little taken aback when he responded, "Why would I want to make a donation to a bunch of lawyers? What possible benefit is that to me?"



This experience reminded me that our profession continues to face some "image" issues. We all know about the good works done by lawyers and other legal professionals individually, as well as through the Fairfax Bar Association, and the Fairfax Law Foundation. We need to feel comfortable sharing that good news, when it's appropriate. Here's a quick update of facts and figures on FBA/FLF activities—I think of these as countermeasures to disparaging lawyer jokes.

The Fairfax Law Foundation and the Fairfax Bar Association support a range of vibrant and expanding *pro bono* and legal education programs.

The Northern Virginia *Pro Bono* Law Center works toward equal access to justice for low income residents of Fairfax County, as well as Northern Virginia nonprofits. Eligibility for *pro bono* services for individuals is limited to those with incomes no more than two times the Federal Poverty Level, which equates to about 200,000 Fairfax County citizens.

- The Law Center's Neighborhood Outreach Program matches volunteer attorneys with approximately 15 sites throughout Fairfax County to provide legal assistance and referral information in locations that are comfortable and accessible for eligible residents.
- Through the Wills on Wheels Program, volunteer attorneys serve low-income seniors in nursing homes and community centers, providing life planning documents such as Wills, Powers of Attorney, and Advance Health Directives. The program has recently been expanded to include services for non-English speaking residents.

Here are some additional facts on our Northern Virginia *Pro Bono* Law Center activities for 2012-2013:

2012-2013 FBA and FLF *Pro Bono* Law Center Facts and Figures

Number of individual lawyers and paralegals participating in Northern Virginia *Pro Bono* Law Center programs:
250 or about 13% of FBA members

Number of donated legal hours:
4,175 or over 2 person-years of donated time

Value of donated time:
\$935,000

Number of individual clients served:
772

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FAIRFAX BAR JOURNAL

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Fairfax Bar Association
4110 Chain Bridge Rd., Suite 216
Fairfax, VA 22030-4009
Telephone: 703-246-2740
Fax: 703-273-1274
Email: fba@fairfaxbar.org
<http://www.fairfaxbar.org>

Officers 2013-2014

President	Edward L. Weiner	703-273-9500
President-Elect ..	David L. Marks	703-385-1100
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Executive Director/Editor

Courtne L. Norris • 703-246-2740
cnorris@fairfaxbar.org

Communications Coordinator

Kristin Derlunas Fisher • 703-246-3721
kfisher@fairfaxbar.org

Graphic Design/Space Advertising

Ann Hill Thornton • 703-743-9375
rodangraff@aol.com

Classified Advertising

Trista J. Boyd • 703-246-2734
tboyd@fairfaxbar.org

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Fairfax Law Foundation 2013 *Pro Bono* Awards

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Mr. Jessel's other community involvement includes volunteering with Mothers Against Drunk Driving in Loudoun County, and volunteering as a Service Coordinator with OAR, an organization dedicated to rebuilding lives and breaking the cycle of crime with opportunities, alternatives, and resources for offenders and their families to create a safer community.

Mr. Jessel has dedicated himself in so many ways to helping others, often using his paralegal skills. He is a wonderful example of how, given the desire, paraprofessionals can make substantial volunteer contributions to the legal community.

Pro Bono Lawyer of the Year – Sudeb Basu

Sudeb Basu graduated from the Catholic University of America Law School in 2011 with Certificate of Highest Honors for *Pro Bono* Service. While still in law school, he was on *Law Review*, interned with two judges, and was a student volunteer at Legal Counsel for the Elderly.

Before completing his law degree, Mr. Basu received a Master's Degree in Computer Science and worked in software development.

Since entering the practice of law, Mr. Basu has continued his *pro bono* work in several areas, and can always be counted on to help out when needed.

Mr. Basu has volunteered as counsel of record in immigration law matters with Catholic Charities, helping clients in asylum and deportation proceedings. One success story involves an asylum application he filed for a woman journalist and victim of torture who had opposed female mutilation in Kenya.

Working with the clinic of the American Immigration Lawyers Association, Mr. Basu was one of several immigration attorneys providing advice for potential beneficiaries of the newly announced Deferred Action for Childhood Arrivals program. Most of the clients were high school students, accompanied by their parents.

Mr. Basu has regularly participated in the Northern Virginia *Pro Bono* Law Center's Neighborhood Outreach Program. He has been dedicated to providing legal advice and assistance at sites in low-income areas. Most of these poverty clients would have no other access to legal assistance, and greatly appreciate Mr. Basu's expertise and kindness. He is able to provide these clients valuable information in a variety of civil legal matters, enabling them to assert or protect their rights. Mr. Basu is also an active participant in the Law Center's housing panel, providing legal advice and representation to tenants who are legal aid clients of Legal Services of Northern Virginia. These cases typically involve matters such as eviction, tax liens, and similar threats to continued possession, as well as other landlord-tenant disputes. His work in helping to preserve housing for low-income clients may stabilize an entire family, and prevent unwarranted homelessness.

Mr. Basu has also represented clients in uncontested divorce actions, helping clients negotiate the legal system to terminate an unsuccessful marriage. Clients without formal education or language skills often are unprepared to represent themselves in court without legal assistance.

Although not *pro bono*, as a public service, Mr. Basu serves as court-appointed counsel for misdemeanor offenses in Fairfax and Loudoun Counties, as well as representing clients in civil commitment proceedings in Loudoun County.

Mr. Basu is zealous in his representation of his less-fortunate clients, and has dedicated himself to helping others. He is always willing to step in to help out when a last-minute substitute is needed, and is appreciated by all with whom he works.

Pro Bono Law Firm of the Year – Morrison & Foerster

Morrison & Foerster has always viewed itself as part of a profession that must be committed both to promoting the availability of justice for all, and to providing for the welfare of communities and individuals. The firm was one of the first to accept the Law Firm *Pro Bono* Challenge, and to create a full-time *pro bono* counsel position. The firm dedicates extraordinary resources to help its worldwide attorneys contribute their best through *pro bono* work.

Specifically, Morrison & Foerster's Northern Virginia office has been very active in handling a wide variety of *pro bono* matters. The Northern Virginia office alone has performed nearly 1,800 hours of *pro bono* work this year, which averages to just over 50 hours per attorney. Moreover, the firm is nearly at 100% *pro bono* participation this year. Here are some examples of its work:

- Lawyers have worked out a negotiated resolution in a custody case where the great-grandmother had been the primary caregiver during most of the girl's life. The agreement allowed both the mother and the great-grandmother to stay involved in the child's life and planned for decision-making to ensure the best possible care for the child.
- Attorneys have successfully represented a young undocumented immigrant in her application for Special Immigrant Juvenile Status, enabling her to remain in the United States and eventually naturalize as a citizen, if she so desires.
- Transactional lawyers have assisted a nonprofit organization that runs an "MBA Without Borders" program, creating model contracts for the group to use with its volunteers.
- In a new matter just referred by the Northern Virginia *Pro Bono* Law Center's Nonprofit Legal Assistance Program, they are working with an organization that recruits volunteers to assist elderly people living in the community. The group has developed an innovative curriculum for volunteers who accompany seniors to medical appointments, to teach the volunteers to take high quality notes so that the information from the appointment is available for later use by the senior, a family member, or other caretaker.

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Fairfax Law Foundation 2013 *Pro Bono* Awards

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- They are currently working with a nonprofit on tax status matters. This nonprofit helps to reduce the spread of water-borne diseases for people living in third world countries.
- Attorneys are assisting a nonprofit called Do Something! with patent law matters. The organization encourages and aids teens in running “case campaigns” on issues they care most about.
- A number of attorneys have volunteered with the “Wills on Wheels” program of the Northern Virginia Law Center, working with individual low-income senior and disabled clients. The volunteer attorneys travel to sites throughout Fairfax County, where they meet with clients, gather information, draft the documents, and return to execute simple Wills, Powers of Attorney, and Advance Medical Directives. The clients are extremely grateful for this help and often express the peace of mind they feel upon completion. Without this free assistance, these seniors would be unable to plan and document their health care choices.

Morrison & Foerster has purposely nurtured a culture where its lawyers are encouraged and supported in doing substantial *pro bono* work, and giving back to their local community. The attorneys in the Northern Virginia office have volunteered their time to help individuals and families in need as well as those organizations seeking to support them.

James Keith Public Service Award – Leigh Taylor

This year’s James Keith Award winner, Leigh Taylor, has demonstrated a long-standing commitment to *pro bono* and community service.

Ms. Taylor is a Principal with the Susan Hicks Group in Fairfax, specializing in domestic relations litigation practice. She has been recognized as a Super Lawyers Rising Star and as a Top Lawyer in Family Law by *Northern Virginia Magazine*.

Ms. Taylor has a long history of dedicating herself to helping those less fortunate. Her legal public interest work began while still in law school, as a legal intern with Ayuda, an organization that assists low-income immigrants overcome obstacles in order to succeed in the United States. Ms. Taylor helped battered women with family law matters, using her Spanish language skills to communicate directly with the clients and helping to put them at ease during a very difficult time in their lives.

Also during her time as a law student, Leigh was a law clerk with our local legal aid, Legal Services of Northern Virginia, and the National Organization for Women Legal Defense and Education Fund, working with immigrant women’s rights on public policy and litigation support. She was also the first Conciliation Coordinator for the Fairfax Bar Association, recruiting attorneys to conciliate matters on the Circuit Court’s Friday motions docket. The program, which was then in its infancy, is still flourishing.

Ms. Taylor then became a Supervising Attorney and Clinical Teaching Fellow at the Domestic Violence Institute at the North-

eastern University School of Law, administering the domestic violence program. While there, she volunteered as a member of the Dorchester Community Roundtable’s Enhanced Advocacy Committee on Domestic Violence, the Haitian Women’s Roundtable on Domestic Violence, and the Health Center Advocates’ Sub-Committee on Domestic Violence.

When Ms. Taylor relocated back to the Northern Virginia area, she joined local bar organizations and committees. She has served as Chair or Co-Chair of the Fairfax Bar Association’s *Pro Bono* Advisory Committee since 2008. She has initiated and supported numerous projects in support of the *pro bono* programs, always leading by example.

Ms. Taylor has been an active volunteer with the Northern Virginia *Pro Bono* Law Center’s Neighborhood Outreach Program since 2004, dedicating countless hours to providing legal advice to low-income clients at neighborhood sites. Ms. Taylor has the ability to focus on the issues presented by the client, and convey both compassion and professional advice. She has taught new lawyers how to interview clients, demonstrating her ability to effectively communicate with, and assist, clients in need. She has gone beyond the requirements of the program by continuing to assist clients after the interview, in order to make sure that their needs are being served.

In 2006, Ms. Taylor was one of the original participants in the Domestic Violence Attorney of the Day program, donating at least one day per quarter to represent petitioners in protective order cases, and assisting clients at a time when they are the most vulnerable. She continues to participate in this program. Ms. Taylor’s legal assistance helps to assure that battered and abused clients get the legal protection they need for themselves and their children to stay safe.

In addition, Ms. Taylor has regularly represented poverty clients in uncontested divorce matters, usually taking on two to five cases per year.

Ms. Taylor also regularly volunteers to provide legal advice to Legal Services of Northern Virginia clients through the Helpline. She is a volunteer for The Women’s Center in Vienna and provides free divorce consultations for financially qualified clients and has taken several cases for representation over the years.

Ms. Taylor is a regular volunteer with the Juvenile Diabetes Research Foundation. She also has served as President of the Northern Virginia Chapter of the Virginia Women Attorneys Association.

All of these activities and experiences clearly demonstrate Ms. Taylor’s commitment to helping those most in need. With her unassuming and modest demeanor, she has compassionately provided her clients and the community with numerous volunteer hours of assistance. She has been a force in making our legal community a better place. ■

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Fairfax General District Court Elects New Chief Judge

The Honorable Penney S. Azcarate has been elected as Chief Judge of the Fairfax County General District Court effective January 1, 2014.

Judge Azcarate originally joined the General District Court bench in June 2008, after serving two years as a substitute judge for Fairfax and neighboring counties. She is a graduate of George Mason University School of Law and worked five years with the Fairfax County Commonwealth's Attorney's Office before entering private practice.

The Court welcomes Judge Azcarate to her new position as Chief Judge, and extends sincere appreciation to her predecessor, Judge McDonough, for his ten years of outstanding service in this capacity.

Conference Rooms in the Courthouse Now Available to Attorneys and Their Clients

The Fairfax County Courthouse is now offering access to conference rooms in the courthouse for attorneys and their clients as a secure and convenient workspace during trials. These spaces will be available only to active Virginia Bar members associated with a case being heard in any court in the complex. Rates vary from \$200 to \$300 a day based on the size of the space.

You will need to provide the case number for the trial and complete the rental application form. There are some prohibitions to review before you sign the rental application, including no food in the space, and no recording (audio or video) inside the courthouse without approval from the presiding judge.

If you have any questions or wish to make a reservation, please contact Kim Pratt at 703-246-4166 or kim.pratt@fairfaxcounty.gov. ■

SUPREME COURT UPHOLDS CONTRACT FORUM-SELECTION CLAUSE

By Declan Leonard, Esq., Chair, Employment Law Section

Last month, the United States Supreme Court handed down a critical ruling upholding the enforceability of forum-selection clauses in contracts, including employment and independent contractor agreements. The Supreme Court held, in the case of *Atlantic Marine Construction Co., Inc. v. United States District Court for the Western District of Texas*, that when parties to a contract agree on a specific state forum to resolve any disputes arising under the contract, a party seeking to enforce the terms of the contract must bring suit in the state named in the forum-selection clause. The Court said the only rare exception to enforcing the forum-selection clause is where extraordinary circumstances exist, but not where the circumstances indicate a mere inconvenience to one party of litigating in the selected state.

Forum-selection clauses are quite common in contracts, particularly employment and business agreements, and are used to specify the state in which any lawsuit between contracting parties must be filed. It is important to note that forum-selection clauses are different than choice-of-law provisions, which merely specify which state law will govern the contract. Parties from different states often prefer to include forum-selection clauses in their contracts in order to have a predictable venue of where any disputes would be litigated. In the absence of a forum-selection clause, one party to a contract could file suit in a state far away from the other party, making the costs of defending the action that much more expensive. And there is sometimes the concern, whether real or imagined, that a party will get "home towned" in having to litigate a case far away from its own state residence or headquarters.

Until this ruling, the enforceability of forum-selection clauses in contracts was an open issue that practitioners and courts grappled with for many years. Often a party to a contract

containing a forum-selection clause would ignore the clause and file suit in another state, claiming it was more convenient for that party. The defending party in the case would then ask the court to enforce the forum-selection clause in the contract and transfer the case to that state. In some cases, courts have chosen to enforce the forum-selection clause, but in other cases, courts have allowed the litigation to proceed in another state based on factors such as the convenience of one of the parties. This latter approach was taken by the lower court in the *Atlantic Marine Construction* case, until the Supreme Court stepped in and ruled that the forum-selection clause agreed to by the parties would determine the venue for the case.

The Supreme Court reasoned that forum-selection clauses "represent the parties' agreement as to the most proper forum." When parties pre-select a venue to raise any disputes under a contract, the Supreme Court found that the parties waived any future right to challenge this venue as inconvenient or somehow improper. The Court noted that the selected forum is often a term negotiated by the contracting parties, and one party may have received other consideration within the contract in exchange for agreeing to a less convenient venue. Therefore, "the interest of justice" is served by holding parties to their bargain, reasoned the Court.

This ruling by the United States Supreme Court brings long-needed clarity and predictability for lawyers who draft and enforce contracts, and underscores the importance of including an appropriate forum-selection clause in every contract. ■

Declan Leonard, who Chairs the FBA's Employment Law Section, is Managing Partner of the Tyson's business law firm Berenzweig Leonard, LLP. He can be reached at dleonard@berenzweiglaw.com.

APPLICATIONS FOR FBA VICE PRESIDENT AND BOARD OF DIRECTOR POSITIONS

The Nominating Committee, chaired by Immediate Past President Jay B. Myerson, 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 application to the FBA by 4:00 PM on **March 14, 2014**.

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.

Candidate applications, photos, and bios will be posted on the FBA website and in the *FBA Journal*.

*****A photo must be included with your application*****

Please direct questions to Jana Sehrer
703-246-2740; 703-273-1274 Fax; or jsehrer@fairfaxbar.org

UPCOMING CLEs/EVENTS

MARCH 8, 2014

"GATSBY GLAM: AN EVENING OF ELEGANCE"

BENCH BAR DINNER DANCE

6:30 PM OPEN BAR RECEPTION

8:00 PM DINNER FOLLOWED BY DANCING

Fairview Park Marriott

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Music and dancing provided by

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Reservations:

\$125 Per Person

\$100 for FBA Young Lawyers Section Members [discount applies to YLS guests]

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2013 FAIRFAX BAR ASSOCIATION FALL GOLF TOURNAMENT

by Robert S. Letnick, Esq.

The Fairfax Bar Association held its Fall Golf Tournament at The Old Hickory Golf Club on Monday, October 21, 2013. The Old Hickory Golf Club is located in a community near the Prince William County Government Center in Woodbridge, Virginia. The format for this tournament was a scramble (Captains' Choice) and the Old Hickory Golf Course is an excellent golf course for a scramble. Those who participated in this event were rewarded with a sunny day with a high of 67 degrees. Checking in at the registration desk, the sky was blue and totally clear of any cloud coverage. This golf tournament, as with most Fairfax Bar Association golf tournaments, was extremely competitive.

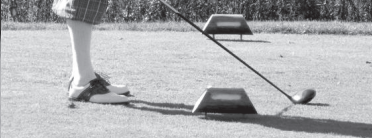
There was a tie for first place, and after a match of cards the first place team with a score of 57, or 15 under par, was Robert Fredericks, Jr., Thomas Carter, James Bitner (or as he would like to be called Boom Boom), and Pat Cavanagh. The second place team with an identical score of 57 was the team of Jeremy Letnick, Robert Letnick, John Jacob, and Mike Annessa. Third place went to the team of Robert Scully, Peyton Mahaffey, Michael Kim, and Mark Nelson with a score of 62. They also won in a match of cards against another team that also shot a 62. The last place team that included one elected official who shall remain nameless, and two former Bar Presidents who shall remain nameless, shot a 2 over par 74 and, as usual, the entire team's identity shall remain anonymous.

The women's long drive was won by Elaine Bredehoft, and the men's long drive was won by Jim Bitner a/k/a Boom Boom. The closest-to-the-pin competition was won by Mike Annessa.

After a great day on the golf course, the golfers were treated to a buffet dinner at the grill at the Old Hickory Golf Club where all participants had the opportunity to win substantial golf merchandise including assorted golf clubs, golf balls, and rounds of golf. The Old Hickory Golf Club and Westfields Golf Club donated rounds of golf as raffle items. Special recognition goes out to the law firm of Curran Moher for donating golf balls to the participants in this event. Rumor has it that at least one of our former Bar Association Presidents who participated in this event used and/or lost in water hazards/steep ravines and the woods somewhere between three to four dozen golf balls. It could be argued that when he and his group play golf they leave behind an environmental hazard.

Special thanks also goes out to the staff members of The Old Hickory Golf Club who provided excellent service and made this golf outing a most memorable experience for all who participated.

The next scheduled golf event sponsored by the Fairfax Bar Association will be the 14th Annual Spring Golf Tournament at the Westfields Golf Club on Monday, May 12, 2014 at 1:00 p.m. As in all of our golf outings, golfers of varying skills are encouraged to attend and enjoy a fabulous day on the golf course with their friends away from the stress of the office. Please mark your calendars for the next Bar Association golf tournament, and we look forward to seeing you at Westfields in the spring. ■



PRESIDENT'S COLUMN

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Total number of individuals living in households with clients receiving services through Law Center programs:

1,646 people

Number of Fairfax County residents eligible for *Pro Bono* Law Center services:

184,000 people

The Conciliation Program helps to speed up the disposition of cases and reduce the cost of litigation by helping to resolve some types of procedural motions and interim matrimonial disputes. In tough economic times, this program not only serves an increasing number of Fairfax County citizens, but also reduces the burden of their matters on the Courts. Since its inception in 2005, the Conciliation Program has handled approximately 4,088 motions with approximately 3,164 of those having been resolved - a resolution rate of 77%.

2012-2013 Conciliation Program Facts and Figures

Number of individual lawyers serving as Conciliators:
102 or about 5% of FBA members

Value of donated time:
\$201,600

Number of donated legal hours:
900 hours or about ½ of a person-year of donated time

Number of motions conciliated in the Juvenile and Domestic Relations Motions Docket, the Circuit Court Law Docket, and the Circuit Court Family Law Docket:
465 motions conciliated

Number of motions conciliated, which were resolved or substantially narrowed
377 motions

Resolution rate
81%

Fairfax County Circuit Court Judge Jonathan C. Thacher said, "The Conciliation Program regularly resolves disputes expeditiously and efficiently prior to a Friday Motion. These efforts conserve a significant amount of judicial resources."

The Fairfax Public Law Library provides citizens with access to information about laws and legal procedures. Its resources include more than 35,000 books and legal periodicals, as well as several public computer research terminals. The legal resources available in the law library are not available to the

public at any other single location within the County of Fairfax. The staff assists more than 70,000 citizens each year in locating legal information and sample legal forms.

Beyond these critical accesses to justice programs, the FBA and FLF sponsor and support numerous legal education initiatives.

FBA's Law Related Education Committee works closely with the FLF on numerous programs designed to educate the school children of Fairfax County (now the 12th largest in the nation) regarding the legal system and the role of the judicial branch of the government.

Court Tour Program

Since 1995, the highly-successful Court Tour Program has been offered to all 8th grade students of Fairfax County. During the three-hour visits to J&DR, General District, and Circuit Courts, students speak with judges, interact with attorney guides and other court personnel, participate in a mock trial, as well as view actual trials.

In 2012-2013, 38 attorneys volunteered more than 150 hours to guide 2,000 students from more than 30 schools on 44 tours of the Courts. When Fairfax County Public Schools cut the funding to cover school bus transportation and additional teaching staff for the Court Tours Program, the Fairfax Law Foundation stepped up to cover the approximately \$20,000 needed annually. The Adopt-a-School Program asks Fairfax law firms to sponsor a middle school for \$1,000 per year. [Note: Please think about funding your local middle school.] Without the Bar's support, the tour program would not go forward.

Here is some feedback from middle school students after their tour:

- "It was a lot more serious than I normally see on TV."*
- "Now I am rethinking my future job. Now I think I want to be a judge/lawyer."*
- "I got to actually experience civics, instead of just learning about it."*
- "I learned that if you do something bad, you have consequences, bad consequences."*

The Rule of Law Program

The Fairfax Law Foundation instituted the Rule of Law Program to augment the Court Tour program. In 2012-2013, 36 attorneys put in 95 hours of volunteer time to speak on the Rule of Law to 875 middle school students at four middle schools.

The Rule of Law Program also has been offered to the community high schools. Twenty four (24) volunteer attorneys spoke to business law classes, government classes, and adult education classes.

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MICROSOFT XP

Will XP Be Attacked in April 2014?

by Sharon D. Nelson, Esq. and John W. Simek

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Unless you've been hibernating, you know that support for Windows XP SP3 will end on April 8, 2014. This means that Microsoft will not be providing any security updates after that date. Should you care and quickly run out and purchase an upgraded operating system? Many critics are claiming that Microsoft is stopping support in order to increase sales of the more current operating system software. Others are predicting that the sky will fall as hackers are just waiting to release their latest malware right after April 8th. We believe that there will be attempts to compromise Windows XP systems, but it is hard to believe that there will be a massive attack on April 9th. Sometime in the future, yes. Immediately, probably not.

Why all this hoopla over replacing Windows XP? Many systems are currently running XP and you probably don't even realize it. The majority of airport scheduling systems run XP to drive the monitors displaying departure times, gate assignments, etc., for the thousands of flights that occur every day. Imagine the impact if airport flight displays suddenly go dark. A bigger risk exists in the banking industry. Most ATMs run XP as the operating system. A compromise of an ATM could cause a huge amount of financial damage, especially if the exploit was spread across the entire ATM network.

Why should you care as a lawyer? Well, there's an ethical duty for lawyers to protect the confidentiality of their clients' information. Without the continuing security updates, your computer system could be compromised by the bad guys, putting your client's data at risk. As a result, some bars may determine that you are subject to disciplinary action for failure to reasonably protect client data if you continue to use Windows XP after April 8th.

Failure to comply with a lawyer's ethical duties isn't the only potential "gotcha." Many law firms use their computers to process credit card payments from their clients. If the computer is running Windows XP, there is a possibility that it will be infected with malware after the XP end-of-life date. The malware could intercept the credit card payment information. This means you have to deal with possible fines for violating the requirements of PCI DSS (Payment Card Industry Data Security Standards), state data breach laws, and a public relations disaster if you have a data breach. In short, it wouldn't be a very good day. It will be even worse if you use QuickBooks on the same compromised machine. That would put all of your financial data at risk, including any trust account information. Your first bounced check would be an unwelcome clue that a hacker had just siphoned money out of your bank account following a successful attack on your XP-based computer.

So what are you waiting for? Run, don't walk, and replace that soon-to-be-malware-magnet XP machine. Unfortunately, there is no direct upgrade option from XP to one of the modern operating systems. You'll have to transfer your data manually and potentially upgrade some of your application software. No matter what, ditch that XP computer and keep those security updates coming. ■

The authors are the President and Vice President of Sensei Enterprises, Inc., a legal technology, information security and digital forensics firm based in Fairfax, VA. 703-359-0700 (phone) www.senseient.com.

Family Law

FAMILY LAW SECTION UPDATE

The FBA Family Law Section continues its monthly meetings for the benefit of all Northern Virginia family law professionals. Lawyers, paralegals, legal assistants, and all members of the FBA who are interested in family law are welcome to attend. Our meetings are held in the cafeteria of the Fairfax County Courthouse on the second Monday of each month at 6:00 p.m.

Our January meeting featured Lianne Friedman, MA, CRC, and Cynthia Zagarski, CPA, CFP®, CDFA,™ who presented a program on using a vocational expert to establish earning capacity (or lack thereof), and a financial analyst for cash flow and tax projections to demonstrate the relationship between projected income, need for support, and ability to pay.

In November, as we have done for the past several years, the Section met with Judges White, Tran, and Brodie, as well as the Circuit Court law clerks. Wendy Hahn gave her celebrated “10 Common Mistakes” presentation, explaining the many common errors that cause rejection of Final Orders, Pendente Lite orders, QDROs, and all manner of daily orders submitted to the Clerk and in open Court. As he always does, Judge White invited the Section to introduce itself to the hardest working law clerks in Virginia.

October’s meeting featured Sharon Lieblich’s excellent presentation on significant case law and statute changes in 2013. The section started its bar year presentations in September with Lawrence W. Schwartz, CPA, and Allison Noll, Esq., presenting on tax and estate planning issues relevant to family law practitioners.

Every month, your section co-chairs, Laurie Forbes and Dan Gray, are able to attract (by arm-twisting, begging, and threatening) some of the best lecturers in the field of family law, who generously give their time and energy to the Section. We are always looking for topic ideas, and all FBA members are encouraged to submit suggestions to Dan or Laurie at dgray@cgglawyers.com and laurie.forbes@verizon.net.

For the history buffs out there, the once-moribund Section was jump-started by none other than the Honorable Dennis J. Smith of (then) Shoun, Smith & Bach, PC. After Judge Smith served his time, the fabled Dick Byrd kept the Section alive and vigorous. The Section used to meet in the courtrooms of the Juvenile Court in the historic courthouse, moving to its current cafeteria location several years ago after Dick retired to New Hampshire.

Over the years, the Section has presented on a wide variety of topics, including same-sex representation issues, representing clients under impairment, problems with the *Brandenburg* method, and immigration issues, just to name a few.

The FBA Family Law Section is consistently one of the most active and involved sections of the FBA—drop by one of our meetings to find out why. ■

Daniel Gray is Co-Chair of the FBA’s Family Law Section, and is an attorney with the law firm of Cooper Ginsberg Gray LLC in Fairfax. He can be reached at dgray@cgglawyers.com.

NEW MEMBERS

November

Autumn Rose Agans
Nathaniel M. Baldwin
Cassi Baumgardner
Tiago D. Bezerra
Julia Sprague Blizzard
Daniel D. Blom
David Lee Bodner
Stephanie Boone
Amanda H. Bowen
Lauren E. Brice
Brittany Ward Burke
Tzena Lynne Canter
Thomas L. Chittum
Kelsey Elise Codde
Sarah Collins
Jameson W. Crockett
Ashima Dhawan
Mark F. DiGiovanni
Charles Raiford Foster
Lindsay Aaron Freedman
Michael Doud Gill
Daniel G. Glynn
Kara Graham
Matthew Greene
Lauren Elyssa Hahn
Eric S. Hammesfahr
Amanda Harris Souvannametny
Phoenix Ayotte Harris
Tashina May Harris
Charles David Hatley
Daniel A. Hauffe
Bryan Hoynak
Chelsey Margaret Iaquito
Bethany Benes Ingersoll
Garrett Franklin Jagtiani
Allen Todd Johanboeke
Jaclyn Anne Kennard
Melinda Jungae Kim
Alexander Thomas Lewis
Joseph Wasson Lilly
Chaim Mandelbaum
Matthew Paul Massey
Amy Miller
Ayaz Ahmed Minhas
Nicholas Nathaniel Molling
Ashley Frances-May Morgan
John P. Morgan
Michael Murphy
Jassandra Kate Nanini
Lilith R. O'Connell
Cynthia O'Conner
Whitney Kathleen Ogden
John OMeara
Deirdre Van Dyke Potts
Mark David Quist
Simran Rahi
Jonathan David Rhodes
James Wilson Rice
Daniel Tomas Rodriguez
Jason Daniel Saylor
Andrew Brady Schick
Mark R. Scirocco
Tara Mary Shinnick

Channing Lynn Shor
Joshua Slade
Emma Jane Sutherland
Abby Vexler Uzupis
Fernando Villarroel
Joanne H. Yi
Lesley Ann Zimmerman

December

Kristen Marie Bergh
Charles Andrew Bray
Aaron Joseph Byrd
Carmen T. Cabrero
Matthew Aulin Crist
Maureen Cummins
Debarshi Das
Jaydee DiGiovanni
Maryam Shaker Ahmed Elsayed
Muhammad Elsayed
Aida Farahani
Lauren Elizabeth Gill
Anna Grace Gillespie
Louise Tavey Gitcheva
Jason Caldwell Greaves
Rasneek Gujral
Frank R. Gulino
Peter Vincent Hilton
Heather Jill Jelen
Lance G. Johnson
Carla Jordan-Detamore
Esther Kim
Jennifer Bolam Kim
Renee Kramer
Matthew Adam Lafferman
Sarah K. Leggin
Ellen E. Mains
Amanda Robyn Marra
Genevieve J. Miller
Meaghan J. Miracle
Michael John Mortorano
Gregory A. Mottla
Jonathan Christopher Murphy
Joseph Leonard Murphy
Jessica J. Niesen
Sarah L. Payne
Monica Penado
Necois D.N. Penn
Dennis Patric Pitman
Laila Raheen
Miriam Coakley Riherd
Robert Louis Saltaformaggio
Anusce Sanai
Morgan De Ann Shields
Karina Lizany Sgar
Kevin L. Stemple
Armin Tadayon
Joshua Edward Tyler
Stephen C. Wallace
Ilan Weinberger
David E. Wexelblat
Desiree N. Williams
Christine Xinlian Wu
Merry Elizabeth Wulff

UPCOMING CLEs/EVENTS

continued from page 7

MARCH 13, 2014

**SHAREHOLDER & LLC MEMBER
RIGHTS: DRAFTING, DISPUTES &
DILEMMAS CLE**

4:00 - 7:00 PM

Fairfax County Courthouse - Courtroom 1A

3.0 MCLE (1.0 Ethics) Credits *Pending*

\$105 FBA Attorney Members

\$150 Attorney Non-Members

\$75 FBA Young Lawyers Section Members

\$120 Young Lawyers Non-Members

SAVE-THE-DATE!

MARCH 27, 2014

ANNUAL DUILCE

4:00 - 8:30 PM

Fairfax County Courthouse - Courtroom 1E

4.0 MCLE Credits *Pending*

SAVE-THE-DATE!

APRIL 6, 2014

HEROES vs. VILLAINS

5TH ANNUAL RUN 4 JUSTICE 5K

Fairfax Corner

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Fairfax, VA 22030

MAY 12, 2014

14TH ANNUAL SPRING

GOLF TOURNAMENT

11:30 AM - 12:30 PM Registration

12:00 - 12:30 PM Putting Contest

1:00 PM Shotgun Start

\$175 Per Person

Includes: Greens Fee, Cart, Boxed Lunch,
Buffet Dinner, and Prizes.

Questions regarding the tournament?

Contact Bob Letnick at 703-273-4100;

or Trista Boyd at tboyd@fairfaxbar.org or

703-246-2734 to register.

Sponsorship opportunities available. ■

PRESIDENT'S COLUMN

continued from page 10

Devonshire Program (Safe and Drug-Free Youth)

Founded in 2001, this program provides volunteer attorney speakers to reach out during weekly discussions with groups of 7-10 at-risk teenagers ages 14-17. These sessions are part of the Devonshire Youth Alcohol and other Drug Intervention seminars held throughout the school year sponsored by the Safe and Drug-Free Youth Section of the Fairfax County Public Schools. Last year, 14 attorneys held 24 one-hour sessions. Mariam Suqi, Student Safety and Wellness Teacher with Fairfax County Public Schools, said, "I think I am speaking for all of us when I say that we truly appreciate the sacrifices made by all of those volunteering their time to a very worthy cause—our future. These kids really appreciate the life lessons, stories, advice, and guidance that these professionals bring to them week after week."

So thanks to our volunteer attorneys and paralegals, FBA/FLF staff and board, judges and court personnel. The Fairfax Bar Association and Fairfax Law Foundation can be proud of our work in the last year. At the same time, there is still so much to be done. If you are interested in supporting these programs by sharing your time or money, please contact the Bar staff:

Courtne L. Norris, Executive Director
cnorris@fairfaxbar.org / 703-246-2732

Arlene K. Beckerman, Esq., Director of *Pro Bono* Activities
abeckerman@fairfaxbar.org / 703-246-3779

Sonya M. Duchak, Esq., Conciliation and Court Tour Programs
sduchak@fairfaxbar.org / 703-246-2740

Thomas B. Pulver, M.L.S., Law Library Director
thomas.pulver@fairfaxcounty.gov / 703-246-2175

Oh getting back to my acquaintance. After hearing the overview of our Bar's work in Fairfax, he expressed true surprise and made a donation. I think that he was genuinely impressed with our work, although he didn't stay long to chat. Maybe it was the Jazz 4 Justice tickets I asked him to sell.

P.S. I am always incredibly proud of the work done by the FBA and am honored to serve this year as President. Last week, however, was a high point. Four other FBA members and I spoke at the Fairfax County Legislative Delegation Pre-Session Hearing regarding full funding of the Fairfax Judiciary. Past President Jay Myerson, Joseph Dailey, David Hirsch, and Aaron Christoff were well prepared, eloquent, and made a superior case. Brian Drummond spoke well for the Veterans Court. Please, thank them all, when you see them. Best wishes for a happy and successful 2014! ■

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10621 Jones Street (at Judicial Dr) Ste 201 A&B:

• Red Maple Ct - Lease together or sep. Bright units w/plenty windows, open work area, recep/waiting area, kit, 5 offices, conf room, 2BA, 2 util/storage closets. Avail. immed. 2-5 year lease.

- 950 SF each unit. \$1,575/mo per unit + elec, cln & pass thru of inc, if any;

- 1,900 SF leased together. \$3,000 per mo + elec, cln & pass thru of inc, if any

10615 Judicial Dr, Unit 102, Judicial Court - 1,358 SF Corner unit has nice windowline, 4 offices, conf room, recep area, admin area, BA, kit & closets.

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LEASE - \$20 PSF + elec & cln

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2,318 SF 2-story TH-office condo w/recep, open work area, 7 pvt offices, conf room, kit, storage closets & 2BA. Furniture & copier convey. Ext signage & parking avail.

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