



Bench Bar Dinner Dance 2007

More photos page 9



INTERVIEW: HONORABLE HELEN LEINER

by Maria Lynn Coyle, Esq.



*Judge Leiner is the newest addition to the
Juvenile & Domestic Relations
District Court—
Investiture: March 16, 2007*

Judge Leiner, are you a native Virginian?

No, I was born in New York. I grew up in Far Rockaway, which is in Queens, where my family lived near the beach.

Where did you attend law school?

When my children were two and four years old, I went to law school nights at George Mason University Law School, where I became the Editor in Chief of the Law Review.

What drew you to the law in the first place?

I was an American history major in college, and I was always fascinated by the development of this country's legal system, and by the role of an attorney as an advocate for individuals in need of assistance in having their position heard and properly considered in our very complicated justice system.

How long did you practice law before coming to the bench?

Twenty-two years.

Did you have a particular concentration?

Yes, when I began my practice I did family law as well as criminal law. Over the past few years I've exclusively done criminal law, especially focusing on juveniles accused of criminal conduct.

Having been on both sides of the bench, what do you think are the most important qualities for an attorney in the courtroom?

I respect attorneys who are well prepared and ethical.

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PRESIDENT'S COLUMN

McMissiles and Other Flying Objects

by Steven W. Ray

The early bird may get the worm, but the second mouse gets the cheese in the trap—*Larry the Cable Guy*

I've been busier than a one-legged soccer goalie these days, but I had to take a moment to weigh-in on one of the most publicized crimes of recent memory—that's right—the McMissile case. In case you were in a coma for the last six weeks, the case I am referring to involved Jessica Hall, who while driving north on I-95 with her three small children and her six-month pregnant sister on a hot and sticky day

last July, threw a McDonald's cup of ice (hence the name "McMissile"—I'm sure McDonald's is thrilled with the name) at another car that she felt had cut her off several times. Apparently, while the offending car was stuck in traffic, Ms. Hall drove along the shoulder of the highway and tossed the cup of ice at the driver. She was convicted on January 4th of maliciously throwing a missile into an occupied vehicle, which is a felony. According to the jury instructions, a missile is "any physical object" that is "propelled by any force, including throwing." Although no one was injured in the incident, she was sentenced by the jury to the minimum sentence of two years in prison.

The case received, in my opinion, a significant amount of publicity for several reasons. First, it was a crime everyone could relate to, because I believe most people who drive in Northern Virginia gridlock traffic have, at one time or another, thought seriously about committing the same crime—or worse. Hence, one could argue the jury was a tad bit hypocritical for convicting her.

The more important reason for the degree of publicity that is significant to us as lawyers is the punishment meted out in this case. As noted above, the law makes it a felony to throw any object at any occupied vehicle, whether moving or not. What really grabbed people's attention was the severity of the sentence imposed by the jury for what appeared to the average person to be a minor offense (although still an offense for which there should have been some punishment). But two years in prison as the minimum punishment seemed to strike people as over the top (or as the old expression goes, she "got the book thrown at her"). By imposing such a sentence, the legal system appeared unduly harsh and irrational under the circumstances, especially since no one was hurt and Ms. Hall is caring for her three young children while her husband serves in Iraq. However, we can't blame the jury, because that is the minimum sentence under the statute.

The lesson for us as guardians of the legal system is to resist the trend of attempting to overlegislate conduct via criminal and civil penalties [e.g., Va. Code §18.2-102.2 (unauthorized use of dairy milk crates as a class 4 misdemeanor) is one of my favorite examples]. Frankly, two years in prison is as much of a punishment to the taxpayers as to the defendant because it can cost tens of thousands of dollars per year to incarcerate a single person in Virginia. For my money, I could have thought of better ways to punish Ms. Hall. A year of one day a week picking up trash along I-95 would do far more for Virginia than having her sit in a prison. Or, if we felt that was not

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FAIRFAX BAR JOURNAL

*Official Newsletter of the
Fairfax Bar Association*
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All articles or advertising submitted to the Fairfax Bar Journal are subject to the editor's approval. The editor reserves the right to reject any submissions that, in the opinion of the editor, are inappropriate for the Journal.

FBA Presidents' Day

by Daniel H. Ruttenberg, Esq.

The FBA recently celebrated its own Presidents Day. On February 15, 2007, FBA presidents from years past, ranging from our current Past-President, Richard Ruddy, to William Cremins who served his term 27 years ago, gathered with the current Board of Directors to share their advice and experience in addressing some of the challenges the FBA is facing.

Peter DePaolis helped organize the event and Koonz, McKenney, Johnson, DePaolis & Lightfoot sponsored the dinner. The program started with an introduction from the current President, Steve Ray. I then presented a report on the "State of the FBA" and some of its current challenges, which are summarized as follows.

The state of the FBA is strong. We are one of the leading bar associations in Virginia and have over 2,000 members. The FBA is financially sound and has not raised dues since 1999. We have benefitted from proactive leadership, which is always looking ahead to improve the bar and address potential challenges before they become crises. Our association is amazingly active and many of our members do not realize the number of programs, services, and events the FBA offers. Due to the number of activities, we posted the list online at: fairfaxbar.org.whowere/memberbenefits. That list is almost as long as the list of powers I give a trustee (a little estate planning humor).

Not only does the FBA manage a vast amount of programs but it regularly receives requests for new programs, many of which would be beneficial to our members. This immense amount of activity leads us to one of the FBA's challenges.

Many programs, activities, and events used to be run by volunteer members. Increasingly, the FBA has fewer and fewer volunteer hours. This might be due to increased demand for billable hours, competing activities for a volunteer's time, changes in lifestyles, etc. Whatever the cause, this trend is likely to continue. Less volunteer time means that we have to rely more and more on the FBA staff. The FBA and Law Library have eight full-time employees and several part-time employees. The staff is already reaching capacity, and giving them additional responsibilities without taking away programs or services elsewhere risks overextending them. We previously pared down some of our programs, but it is very hard to



terminate programs (it is easy to add them). Additional staff can help, but employees are very expensive. This inevitable increase in costs leads us to another challenge—finances.

As I stated above, the FBA is financially sound. This is no easy task, as over the last few years, there have been significant reductions in income from our traditional sources of revenue, such as library copier machines and CLEs. Despite increasing costs due to inflation and other factors, the

FBA has not raised dues since 1999. It has successfully maintained its financial stability in this economically challenging environment because past FBA leaders had the foresight to cut costs by better utilizing technology. Where possible, we have used the Internet instead of paying for the printing and postage of costly "snail mail." For instance, judicial evaluations and many member communications are done online. Unfortunately, cost cutting can only go so far before it starts impacting the FBA's ability to serve its members. For example, many of our members felt that they lost touch with the FBA when we went to a purely electronic Journal, so we brought back the print Journal. After having cut costs about as much as possible without significantly impacting the services we offer to our members, the FBA has also begun looking for ways to increase revenues (other than from increased dues). We have increased efficiencies with the FBA's Lawyer Referral and Information Service (LRIS) by implementing a percentage fee program for participating attorneys and encouraging individuals to pay for referrals up front with a credit card (you no longer have to collect the \$40.00 fee on behalf of LRIS and send it in). Additionally, the FBA started an affinity program which not only provides our members with discounts from banking services to catering to credit card machines, but also provides the FBA with a stream of income. The other area that the FBA has focused on to generate income is increased membership. Membership, however, is one of our biggest challenges.

The number of FBA members has remained fairly consistent over the past several years. This is quite an accomplishment in itself, as voluntary bar associations around the country have struggled with significant reductions in their memberships. However, our membership is aging and few young attorneys are joining. It is unclear precisely why, but possible reasons may include that they don't see the need to belong to a bar

association, that as the practice of law becomes more specialized, they join specialty bar associations instead, or that they simply do not have the time given increased pressure to bill hours. We have focused on better serving our members and making membership more attractive, however, this is an issue with which we continue to struggle.

Following my report, the past presidents discussed the FBA's issues and brainstormed for ideas that could help. Peter DePaolis compiled their comments in a report to the Board of Directors. The Board will use this report as part of its strategic planning process. Here are some of the highlights: Many past presidents felt that the FBA's current challenges are very similar to problems they faced during their terms. Some felt that we should increase dues to help defray increasing costs. Others felt that we should reduce dues to encourage new members to join. (You didn't really think a room full of lawyers would agree on everything). Many felt the FBA should reduce the number of programs it offers, although there were not many suggestions on which programs should be terminated. One program recommended for eventual termination was the FBA's judicial evaluation program. The FBA should be very proud that its program was used as the model for the new statewide judicial evaluation program. Once the statewide program is fully operational, it was suggested that the FBA's efforts would be duplicative. There were also suggestions on ways to reach out to young attorneys and large firms. All in all, the consensus of the group was that the dinner was productive and a similar event should be held every two to three years.

Many thanks to our attendees: Robert Adams (1998-99); Thomas

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How Well Do You Know Your FBA Lawyer Referral and Information Service?

by Donna J. McBride, Director of the FBA Lawyer Referral & Information Service

Have you ever wondered what goes on behind that mysterious closed door just past the kitchen area in the Fairfax Bar Association office? We're the Lawyer Referral & Information Service! We thought we'd give you a little quiz so you could get to know us better (and for those of you who think you know us pretty well ... well, you just might be surprised!).

1. The LRIS was first established in which time period when a Rolodex of attorneys was used by the FBA to aid in citizen queries?

- a. Late 1970s
- b. Early 1980s
- c. Late 1980s
- d. Early 1990s

2. Which geographic area (by zip code) generates the most referrals?

- a. Fairfax
- b. Springfield
- c. Reston
- d. Alexandria

3. How many full-time employees work in the FBA LRIS?

- a. 5
- b. 4
- c. 0
- d. 1

4. The LRIS receives most of its referrals from the following source:

- a. Internet
- b. Attorneys
- c. Courts
- d. Yellow Pages

5. What area of law generated the highest fee to an attorney from an LRIS referral (since the LRIS started its percentage fee program in July 2003)?

- a. Personal Injury
- b. Divorce
- c. Wills & Estates
- d. Criminal

6. The LRIS has attorneys in its service who either speak or have staff members who speak seven other languages. Which of the following languages is not among the seven?

- a. Russian
- b. Korean
- c. Greek
- d. Farsi

7. The largest percentage fee (10% of attorney's fee) received by the FBA LRIS was:

- a. \$5,000
- b. \$7,500
- c. \$2,750
- d. \$3,333

How did you do? Please see answers on page 11. ■

Save the Date
Fairfax Circuit Court Practice
Manual CLE
Tuesday, May 22, 2007
Fairfax Government Center

IMPORTANT ANNOUNCEMENT...

RE: Pictorial Section of the Northern Virginia Legal Directory Published by New Town Publications

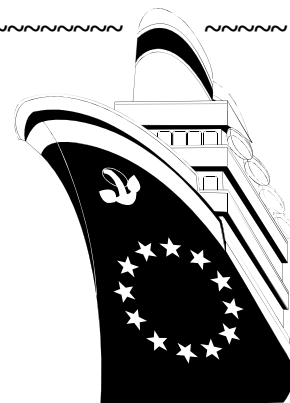
We want to update our members on the FBA's participation in the pictorial section of the Northern Virginia Legal Directory published by New Town Publications. As many of you know, the FBA, along with other local bar associations, has provided the photographs of bar members to New Town for publication in the Directory. We have enjoyed our relationship with New Town Publications and the service they have provided to our members. However, due to financial reasons and the fact that the FBA now operates its own online member Directory with photographs, the FBA Board of Directors has determined that it will no longer provide FBA staff services to New Town to update and coordinate the publication of new photographs in the Directory. We understand from New Town that it will continue to publish in the pictorial section the photographs of our members that are currently in the Directory. Of course, our members can still purchase the Directory.

As noted above, the FBA offers an online Directory that can be updated by our members and includes photographs. We seek your assistance in providing your contact information and photos to make this Directory current at all times. To assist you, the FBA is planning a photo shoot in the Fairfax Courthouse beginning May 8, 2007. Please plan to come.

Please visit the FBA web site today at www.fairfaxbar.org, log on, and update your profile. Or, if you need assistance, please send your information to our Membership Coordinator, Christine Lee at clee@fairfaxbar.org, 703.246.2734, 4110 Chain Bridge Road, #303, Fairfax, VA 22030.

DON'T MISS THE BOAT— STATEROOMS ARE SELLING OUT!

FBA's "CLE at Sea" Cruise to Bermuda September 30, 2007 - October 5, 2007



More than HALF of the staterooms and almost ALL of the suites available on the Grandeur of the Seas have already been booked for the Fairfax Bar Association's "CLE at Sea" Cruise to Bermuda. If you are thinking about going, please reserve your stateroom today.

Clear your schedule and pack your bags (and your golf clubs) and join us on a world-class educational experience in an exotic setting!

Reserve your spot now and plan to join your FBA colleagues and friends on an exciting five-night cruise on Royal Caribbean's Grandeur of the Seas. We depart on September 30, 2007, from Baltimore, Maryland, and drop anchor for an overnight stay in Kings Wharf, Bermuda. We arrive back in Baltimore on October 5, 2007.

To register and for more information on speakers and programs, visit <http://www.fairfaxbar.org> today.

MODEL JUDICIARY PROGRAM ANNUAL TRIAL DAY

by Yama Shansab, Esq.



The ice storm of January 2007 missed the Model Judiciary Program's Annual Trial Day by less than 24 hours, and a good thing it did, too: This year's program brought over 250 parents, teachers, and students to the Judicial Complex. Teams from Centreville, Chantilly, Lake Braddock, McLean, Paul VI,

Robinson and West Potomac High Schools fielded enough student attorneys, witnesses, deputies, clerks, and jurors to fill twelve courtrooms. The students tried the case of *Hunt v. Commonwealth*, a well known (and hypothetical) murder case to anyone who has acted as an attorney mentor to one of the high schools or served as a judge on Trial Days in years past.

The student trials are a real spectacle, with verdicts ranging from "not guilty" to "second degree murder." The student jurors prescribe the range of punishments after receiving instructions on the law. Some student attorneys are so convincing that they inevitably draw remarks from the Bench and Bar alike that they do a better job than many practicing attorneys. The volunteers from the Sheriff's Department add tremendously to the "real feel" of the program's Trial Day event, and the Bench and Bar are very grateful to Sheriff Stan G. Barry for the kind assistance of his dedicated staff, particularly, this year's volunteers: Sgt. Roger Scott, MDS Ronald Jennings, PFC Al Boyd, PFC Matthew McCracken, and PFC Charla Price.

Members of the Bench and Bar who gave generously of their time to judge the trials on January 21, 2007, are also responsible for the program's success again this year, and our thanks go to the Hon. Ian M. O'Flaherty; Hon. Michael J. Cassidy; Hon. Thomas P. Mann; Hon. Charles J. Maxfield; Bruce D. White, Esq.; Michael F. Devine, Esq.; Jerome Friedlander, Jr., Esq.; Brett Kassabian, Esq.; Steven M. Garver, Esq.; Beth Bittel, Esq.; Charles Dunn, Esq.; and Michael J. Holleran, Esq. Many attorneys and members of the FBA volunteered their time to train the student mentors in general trial practice, and they include Julia B. Judkins, Esq.; Kelly R. Dennis, Esq.; Bruce A. Levine, Esq.; Kyle F. Bartol, Esq.; and Whitney E. Minter, Esq. There were many other members of the Bar who donated time directly to their children's schools without formal contact with the program, and we thank them.

One of the most important reasons that the program continues to make great progress in student participation is the tireless work of the Hon. Stanley P. Klein, Chief Judge of the Fairfax County Model Judiciary Program and his secretary Dana Marcaccio. He and his staff, including all of the coordination of Ms. Kim Pratt, make the Trial Day event seem seamless to the kids and their parents. Anyone who has seen the attendees at the event will wonder what kind of grassroots machine made the event possible, and the credit goes largely to Judge Klein. Judge O'Flaherty, as in past years, is also to be

commended for his gracious willingness to assume all of the duties of the sitting judge for the Model Judiciary's Northern Virginia intermediate appellate round. Several students from McLean, Centreville and Chantilly, we are happy to report, will be arguing their appeals to the Virginia Supreme Court in Richmond.

Finally, warm thanks are also extended to Chief Judge Michael P. McWeeny, who makes it possible for the students to try their cases in the Judicial Complex. ■



FBA RESPONDS TO MEMBERS' REQUESTS FOR INSURANCE

You and your partners cannot guarantee that no one in your firm will ever make a mistake. Should someone miss a filing or improperly prepare a critical document, your client may suffer a loss—and they will look to you for compensation.

Don't leave your practice vulnerable. Make sure you have the right policy provided by a team of professional insurance experts. Make sure you have USI Bertholon-Rowland as your broker.

We understand your business and the risks it faces. We have extensive experience with law firms and a strong presence in the DC, Virginia, and Maryland market place. Take a look at USI Bertholon-Rowland:

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- Insurance administrator for more than 20 bar associations, including the Fairfax Bar Association
- 50+ years of experience serving legal professionals like you
- Supported by a deep and experienced staff who are experts in law firm insurance

USI Bertholon-Rowland brings you the strength of experience. The benefits to you are substantial. You will have more time to focus on the people who need you—your clients.

Applying is easy. Simply log onto the fairfaxbar.org website, double click on the Legal Malpractice landing page located in the right hand column and select which insurance product you'd like additional information on. We will forward an "easy to use" BR Estimate form for a premium indication on the firm's upcoming Legal Malpractice Insurance and/or any other lines of insurance you might be interested in. If you have any questions, please call me at 703.205.8763 Ext 243. We look forward to serving your insurance needs.

Sincerely,

Todd Routzahn

AVP, DC Metro Region, 2755 Hartland Road, Falls Church, VA 22043

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BERTHOLON-ROWLAND

CIRCUIT COURT NEWS...

Due to the high volume of cases currently on the 9:00 AM Friday motions docket with a judge, the judges of the Fairfax County Circuit Court would like to remind the bar about the distinction between the 9:00 AM with a judge and 9:00 AM without a judge dockets. Cases should only be put on the 9:00 AM with a judge docket if they require the intervention of a judge. Attorneys should be aware that cases which are improperly docketed on the 9:00 AM with a judge docket may be held over until the 10:00 AM or 11:30 AM dockets.

9:00 AM WITH A JUDGE DOCKET: UNCONTESTED MOTIONS REQUIRING THE INTERVENTION OF A JUDGE	9:00 AM WITHOUT A JUDGE DOCKET: UNCONTESTED MOTIONS NOT REQUIRING THE INTERVENTION OF A JUDGE
Motions to approve infant settlements	Default judgments not requiring <i>ex parte</i> proof of damages
Motions to approve settlements for persons under a disability	Nonsuits
Motions to appoint guardians and/or conservators	Entry of final divorce decrees where notice is required
Motions to approve estate distributions	Motions for admission <i>pro hac vice</i>
Motions to appoint or remove an estate administrator	
Other miscellaneous uncontested fiduciary matters	
Default judgments requiring <i>ex parte</i> proof of damages	

I-CAN! Online System Helps Fairfax County Residents File for Family Abuse Protective Orders

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The Fairfax County Juvenile and Domestic Relations District Court (JDRDC) has developed Fairfax-specific information for the web-based I-CAN! (Interactive Community Assistance Network) system. The system was developed by the Supreme Court of Virginia. I-CAN! helps residents file Family Abuse Protective Orders by taking filers through the process step-by-step. I CAN! is available 24 hours a day, 7 days a week. It can be accessed through any computer that has Internet access, and there is a link to I-CAN! from the JDRDC web page at <http://www.fairfaxcounty.gov/courts/jdr/jdrFamilyViolence.htm>. The JDRDC serves residents of Fairfax County, the city of Fairfax, and the towns of Herndon, Vienna and Clifton.

"The I-CAN! system is the result of a collaborative effort to provide an essential service to those in Fairfax County affected by domestic violence, including children and families," said JDRDC Judge Gayl Carr. "I-CAN! is another resource available to Fairfax County residents who are in need of services." Judge Carr headed a group of representatives from the courts, county agencies, state and community legal organizations that developed Fairfax-specific information for the I-CAN! system. Group members made sure information about available services and Fairfax Court practices was accurate and complete. The Fairfax-specific information can be accessed on the I-CAN! site under "Additional filing information for a Family Abuse Protective Order."

The I-CAN! system provides easy and convenient information and assistance in one place. Through responses to a series of questions, I-CAN! creates properly formatted petitions for a Family Abuse Protective Order than can be brought ready for filing to Intake (the Domestic Relations Services of Fairfax County's JDRDC). I-CAN! can be accessed anywhere there is Internet availability—at home, a local library, a domestic violence shelter, an attorney's office. The I-CAN! program also is available in Spanish; however, the Fairfax County-specific information posted on the Virginia I-CAN! website is currently available only in English. The county information explains court practices, the law and the steps for users to pursue their matter. Practical information includes how to find the JDRDC; what to expect in court; what time the court reviews petitions for protective orders; and how to access county and community-based resources, such as supportive services and legal assistance.

A Family Abuse Protective Order issued by a JDRDC judge can direct an abusive person to stop the abuse. It can further direct that person not to contact the person protected by the order and any of his/her family/household members. In addition, the abusive person can be prohibited from going near the protected party's residence or place of employment. More detailed information about Family Abuse Protective Orders is available on the JDRDC webpage at <http://www.fairfaxcounty.gov/courts/jdr/jdrFamilyViolence.htm>.

The Fairfax JDRDC I-CAN! work group included representatives from the Fairfax County JDRDC; Department of Systems Management for Human Services' Countywide Domestic Violence Coordinator; Women's Shelter; Police Department; Sheriff's Office; and the Public Library. Other work group members represented the Magistrate's Office; Foundation for Appropriate and Immediate Temporary Help; Office of the Public Defender; Office of The Commonwealth's Attorney; Shelter House; Legal Services of Northern Virginia; MacDowell and Associates PC; and the Office of the Executive Secretary of the Supreme Court of Virginia.

I-CAN! was created by the Legal Aid Society of Southern California and adapted for use in Virginia by the Office of the Executive Secretary of the Supreme Court of Virginia through a Virginia Services, Training, Officers, Prosecution (VSTOP) grant from the Virginia Department of Criminal Services. The system is currently in use by several Virginia localities. During the next year, the Office of the Executive Secretary of the Supreme Court of Virginia will be convening similar work groups across the state to assist other localities in developing the same type of detailed information as Fairfax County.

In addition to the I-CAN! link on the JDRDC web page at <http://www.fairfaxcounty.gov/courts/jdr/jdrFamilyViolence.htm>, I-CAN! also can be accessed directly at the Supreme Court of Virginia's website www.courts.state.va.us under "Programs and Services, Assistance with Family Abuse Protective Orders."

For free confidential 24-hour victim assistance in Fairfax County, residents may call the Fairfax County Women's Shelter at 703.435.4940 (voice/TTY) or the Fairfax County Victim Assistance Network at 703.360.7273, TTY 703.799.8253. For domestic abuse treatment services, residents may contact ADAPT (Anger and Domestic Abuse Prevention and Treatment) at 703.968.4052 or 703.471.6096 (24-hour), TTY 703.968.4050. ■

Fairfax Law Foundation
Silent Auction Fundraiser
& "Wild Wild West" Bench Bar
Dinner Dance on March 10th
were both huge successes!



RESTAURANT CHANGE OF OWNERSHIPS CAN BE SMOOTHER

by Ron Campbell, Senior Environmental Health Specialist, Fairfax County Health Department, Food Safety Program

Each month in Fairfax County, a number of permitted food establishments will change ownership. In many instances, the intent is to have a smooth transition and not miss a minute of business operation in the process. This is certainly achievable. It is important, however, to remember that the Health Department Permit to Operate a Food Establishment is not transferable and the new owner must have a permit in their name before they can open the establishment for business.

The buyer's first step is to make application for a Permit to Operate from the Fairfax County Health Department. A fee is required, as is a copy of the applications for a business license in the prospective buyer's name. The Health Department also recommends that a "courtesy inspection" be conducted well before (2-3 weeks) the proposed settlement date. Only the CURRENT owner may request the courtesy inspection from the Health Department. The buyer must ask the seller to request this inspection if it is going to happen. Often, this inspection will result in a list of items which must be corrected BEFORE the Permit to Operate will be issued. It is in the buyer's interest to request a copy of the courtesy inspection from the seller, because the next inspection will be his responsibility.

The "change of ownership" inspection is for the purpose of issuing the buyer a Permit to Operate. When all cited items on the courtesy inspection have been corrected to the BUYER'S satisfaction, he should call the Health Department to schedule the change of ownership inspection. Also at this time, the buyer should have a solid idea of a settlement date.



The change of ownership inspection may be conducted up to seven days prior to settlement. If all items from the courtesy inspection have been corrected and no other critical violations are cited, a report will be generated which states, in part, that the establishment is in compliance with the Fairfax County Food Code; however, the Permit to Operate will not be issued until the Health Department has been notified that the settlement has occurred. At that time a permit will be faxed to him and the original will be sent by mail.

The change of ownership inspection focuses on the condition and functioning of facilities and food equipment of the food establishment. To that end, the seller should make any needed kitchen repairs to floors, walls, and ceilings to meet the requirement of "smooth and easily cleanable." All maintenance must be current for hood cleaning, grease trap cleaning and pest control. All equipment must be clean, functional and in good condition. If it is not working, repair it or dispose of it!

Early planning is the key to a smooth change of ownership permitting process. For more information, contact Ron Campbell, Senior Environmental Health Specialist, Fairfax County Health Department, Food Safety Program, at 703.246.8427 or TTY 711. ■

Paralegal Section News...

Seminar Recap—Live Safe America

*by Cindy Jeffries, Paralegal
Odin, Feldman & Pittleman, PC*

Below is a recap of the January 19, 2007 seminar:

We had a very lively, informative and entertaining seminar covering:

- Crime prevention
- Personal security
- Workplace security
- Residential security
- General safety tips

Everyone enjoyed the presentation and learned many new (and memorable) tips for safety at home, at work, and when we're out in the world.

Our presenter/trainer was Mr. Arnold Passman, President of Live Safe America, www.livesafeamerica.com.

Mr. Passman's presentation got high marks from everyone who attended and we would recommend him to anyone who wants to learn more about their personal security, as he is very knowledgeable and his tips are practical. ■

The FBA Paralegal Section extends its sincere thanks to those who contributed to its annual Fairfax Girls' Probation House Valentine Project. The response from the Paralegal Section and the Bar was overwhelming.

Section and Bar donations provided the facility's 12 residents with three individual education and personal interest books each, and nearly a dozen books to the facility's library. Each resident also received a journal and writing pen, a bookmark, toiletries, hair accessories and other personal items. Moreover, Capstone Press, Inc., a scholastic children's book publisher in Mankato, MN, donated nearly two dozen non-fiction educational books to the facility's library, and a large, high-quality cloth book bag to each resident.

The facility's residents, teachers and directors were exceptionally grateful to receive our donations. Thank you for helping to make this year's project our best ever! ■

President's Column

continued from page 2

sufficient humiliation, considering the fact she was able to throw a cup of ice from the driver side of her car into the driver side of another car hitting the passenger of the other car, all while moving (no small feat), she could be sentenced to pitch for the Nationals, in light of the weakness in their current bullpen, and she could lose her dignity along with the rest of the team.

The second point regarding the punishment that is instructive to us as lawyers is the action of the judge during the sentencing phase, who wisely suspended her sentence conditioned on five years of good behavior. This demonstrates the need for judges to have discretion in evaluating the decisions of juries and the punishment imposed by juries. Failure to allow reasonable discretion to judges will remove the wisdom of our legal system, render it more a bureaucracy, and cause it to lose its credibility with the public.

Last Month's Question: After reviewing the many lengthy and well-researched responses to last month's question concerning the basis for depreciating a pond, I decided that the question was too difficult and abstract. As such, I am awarding credit to everyone who made a good faith attempt to provide the answer. The answer I was looking for was the loss of water. The basis for depreciating the pond is the loss of water as a result of things such as usage by livestock, ground seepage and evaporation.

This Month's Question: Since this is my second to last column, it will be the last column with a question so I can announce the winner in my last column. The question is: Under

Virginia law, when are you legally permitted to trespass on another's land? (Hint: hunters should know this answer off the top of their head). Send answers to Yvonne McGhee at ymcghee@fairfaxbar.org. ■

Judge Leiner Interview

continued from page 1

In the short time you have been on the bench, what have you found to be most challenging?

Oh, there's no question about that. The most challenging aspect of being a judge is scheduling and docket control; keeping things moving while giving each litigant the time, respect and consideration that they need to effectively present their case.

When you were practicing, what aspect of your practice did you enjoy the most?

I enjoyed working with young people and their families.

What did you find to be most difficult?

The most difficult aspect of practicing was trying to explain the law to people who needed representation, and to make them understand that sometimes the results could not be guaranteed.

If you were addressing a group of young people, what would you say to them to encourage them to seek a career in the law?

I would say the same thing that I said to my children, who are both family law attorneys. My son, Harris Leiner, is with the Barnes Law Firm in Richmond, and my daughter, Sara Leiner, is with Feldesman Tucker Leifer Fidell. I would say that being a lawyer is an exciting, challenging, and stimulating occupation, which would give them the opportunity to help others, and to utilize their intellectual and advocacy skills.

What has been the most satisfying aspect of your own legal career?

The most satisfying aspect of my career occurred when I was able to obtain a fair result for a client. I also enjoyed working with and mentoring new attorneys.

Are there people who have had an important influence on you during your career?

I consider Judge Jane Delbridge a role model because she always treated each litigant with patience and respect. I also admire Judge Rosemarie Annunziata for her intelligence and humanity.

When you are not practicing law or sitting on the bench, what do you like to do in your spare time?

I enjoy music and concerts, especially rock and blues. I also enjoy reading and being with my family.

Is there anyone you would like to trade places with for a day and why?

Bonnie Raitt—because it would be an amazing feeling to play the slide guitar and create music. ■

Answer key to LRIS questions on page 4:

1. b
2. d
3. c
4. a
5. c
6. b
7. b

Conciliators Needed

Think of it as free publicity. There's no better advertising than showing the world (or the attorneys waiting outside the courtrooms for their cases to be called) that you are a giver of your time and a contributor to the well being of the residents of Fairfax County. The Conciliation Program utilizes volunteer attorneys to conciliate motions during the week they are to be heard as well as the morning of the hearings. Attorneys are needed for Circuit Court and Juvenile and Domestic Relations District Court conciliators early during the week as well as in Circuit Court for both the 10:00 a.m. and 11:30 a.m. Friday Motions Dockets. Conciliators also occur in Juvenile and Domestic Relations District Court on Wednesday mornings for its Motions Docket. Interested attorneys can contact the Conciliation Task Force at ffxconciliation@aol.com.

The Conciliation Program is funded, in part, by the O'Shaughnessy-Hurst Memorial Foundation. The Foundation was started by Charlie and Mary O'Shaughnessy who wanted to leave a legacy in the community. They provided that upon the death of the last remaining spouse, all their assets would go to the Foundation. The O'Shaughnessy-Hurst Memorial Foundation donates money to the health, education, and welfare of the Northern Virginia community. Donations are made to many programs, among them are after-school programs, Fauquier Hospital, and the Conciliation Program. The Foundation donates to the Conciliation Program because the program assists residents by facilitating discussions that lead them to a more cooperative avenue than litigation. Deborah D. Piland, President of the O'Shaughnessy-Hurst Foundation said: "When people can find other ways to resolve disputes, it helps all of us—the children and the families, and it trickles down to the community and makes Northern Virginia a healthier community. By funding the program, we are looking for a more efficient and cooperative way to settle disputes that might otherwise use up valuable resources like time and money."

*Sara M. Leiner, Publicity Chair,
Conciliation Task Force Committee*

Positions Available/Wanted

POSITION AVAILABLE—Associate wanted for general litigation and business practice with sole practitioner. Prefer some civil and/or criminal courtroom experience, Virginia Bar needed, D.C. Bar helpful. Salary \$55-75K depending on experience. Contact Simon Osnos, Osnos & Associates, LLC, 7700 Leesburg Pike #434, Falls Church, VA 22043. Fax resume and writing sample with transcript if available to 703.356.8428 or email simonosnos@hotmail.com.

OF COUNSEL OR ASSOCIATE POSITION—AV rated Fairfax law firm with diverse practice seeks attorneys with 4+ years experience and some portable business in following areas of practice: Wills/Trusts/Estates, Domestic Relations, and Real Estate. VA Bar required, MD and/or DC Bars—bonus. Competitive compensation and benefits. Fax resume to 703.352.1301, Attn: Hiring Partner or email to ADMIN@ABHYLAW.COM.

POSITION AVAILABLE—ATTORNEY. Established mid-sized Northern Virginia AV-rated law firm seeks experienced attorney for wills, trusts, estates, and possibly elder law practice. Some portables preferred. Other practice areas a plus but not required. Virginia Bar required. Please fax cover letter and resume to Wanda at 703.352.4300, or contact her at 703.934.1171.

Office Space Lease/Rent/Sale

FAIRFAX CITY OFFICE CONDO FOR SALE—Intersection of Judicial and Jones St., approx. 4,118 sq. ft. of built-out offices ready for move in. Ideal for use as law offices. Call Commonwealth Commercial, Inc. 703.476.9898 (shown by apt.).

OFFICE SHARING AVAILABLE (12x12.8) in Suite B-1, 10605 Judicial Drive, convenient to Fairfax Judicial Center. Parking, conference room, kitchenette, copy machine, FAX, secretarial space available for one attorney. As option, the landlord will consider leasing entire unit (1170 sq. ft.) including front office with fireplace. For information, call Paul Hammack 703.352.2112.

FAIRFAX CITY, SALE—1,000 SF office suite opposite Judicial Center @ 10521 Judicial Drive. Three windowed offices, conference, reception/work area. Ideal for small firm or satellite office for large. Paul F. O'Neill Co., Realtors 703.273.4433.

FAIRFAX COUNTY—Sublet/Office sharing: two or three offices with secretarial space in offices of AV rated firm in Class "A" building near the government center in Fairfax. Shared use of three conference rooms, kitchen and reception space. Call 571.224.0004 and leave a message.

OFFICE SPACE SUBLEASE WANTED—Established Montgomery County CPA firm (with Virginia CPAs) is looking to expand its Virginia practice. We are seeking a short-term sublease of approx. 500-1500 sq.ft., with occupancy after April 15, 2007. Our firm provides traditional tax, accounting and auditing services to small and medium-sized businesses and high-wealth individuals. Possible opportunities for referrals. Contact Tim Mauk of Santos, Postal & Company P.C. at 240.499.2040, or email at JTM@santospostal.com.

OFFICE SPACE FOR RENT, RESTON—Two law offices for rent in Reston, Virginia, with law firm, Dain, Walker, Sobhani & Nicoli. Attorneys with established practice welcome for office sharing. Receptionist, copier, phone included. Call Bob Dain 703.435.0000.

Announcements

CHARLES COLLINS—Please note the following changes to both my office telephone number and my email address took place on February 10, 2007. My office mailing address will remain the same. The new telephone is 703.508.0036. My new email address is attycop@cox.net. Please note these changes in your records.

THE HILDER LAW FIRM, PLLC, of Washington, D.C., has recently opened a Virginia office. **BETSY SUE SCOTT** has joined the firm as the resident partner in Virginia. The office is located at 11710 Plaza America Drive, Suite 200, Reston, VA 20190, 703.871.5070; Fax: 703.871.5076.

SUSANNE HARRIS CARNELL & MICHAEL J. LORENGER are pleased to

announce the formation of **LORENGER CARNELL**, 651 South Washington Street, Alexandria, VA 22314; 703.684.1800; www.lorengercarnell.com.

SHOUN, BACH, WALINSKY & CURRAN, P.C., is pleased to announce that **ALBERT M. BONIN** has become associated with the firm, 12700 Fair Lakes circle, Suite 300, Fairfax, VA 22033; 703.222.3333; fax: 703.222.3340; www.shoun.com.

EDWARD L. WEINER & ASSOCIATES is pleased to announce that **SANDRA M. ROHRSTAFF** has joined the firm. The firm is now known as **WEINER, ROHRSTAFF & SPIVEY, plc**, 10605 Judicial Drive, Suite B6, Fairfax, VA; 703.273.9500; www.WRSattorneys.com.

In Memoriam

JAMES CLAIBORNE ALLRED, II
On Wednesday, March 7, 2007, Mr. Allred died of leukemia at the age of 60. He was born in Erwin, Tennessee; graduated from East Tennessee State University with a B.A. in Speech and Drama; and then went into the United States Marine Corps where he served from 1969 through 1979. While in the Marine Corps, Mr. Allred attained the rank of Major and as an aviator flew medivac helicopters during his tour in Vietnam. In 1979, Mr. Allred decided to leave the military in order to become a lawyer and entered the Catholic University, Columbus School of Law. He graduated in 1982 and began practicing in the Northern Virginia area. In June 1995, Mr. Allred helped form the law firm of Allred, Bacon, Halfhill & Young, P.C., with whom he practiced until his death. During this time, Jim represented families and businesses with wisdom, a pleasant demeanor, and devotion to their needs. He is survived by his wife Debra, his daughters Juli and Lara, and his "brothers" and extended family at Allred, Bacon, Halfhill & Young, P.C.

Notice

LEGAL SERVICES CORPORATION Notice of Availability of Competitive Grant Funds for Calendar Year 2008

The Legal Services Corporation (LSC) announces the availability of competitive grant funds to provide civil legal services to eligible clients during calendar year 2008. A Request for Proposals (RFP) and other information pertaining to the LSC grants competition will be available from www.ain.lsc.gov during the week of April 16, 2007. 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 available from the RFP. Please refer to www.ain.lsc.gov for filing dates and submission requirements. Please email inquiries pertaining to the LSC competitive grants process to Competition@lsc.gov.

Congratulations

ROBERT G. NATH, PLLC, was among 16 new members selected in February 2007 for appointment to the Internal Revenue Service Advisory Council (IRSAC). The IRSAC conveys the public's perception of IRS activities and plays a significant role as external evaluator regarding the reorganization and its implementation. Basically, this means the IRSAC advises the Commissioner directly on what the IRSAC is doing well and not so well, making advisory suggestions for improvements.

Loans

Clients' credit scores low, below 550 and they own a home? Foreclosure Bail Out, No cash out limits, BK buyouts. Loans based on the equity in the home. Clients in a tough divorce situation? Over 13 years helping clients solve their financing problems. Call Jeff Thomas 703.830.9808 or Jeff@LendingSolutionS.net.

FBA Presidents

continued from page 4

Appler (1984-85); William Baskin (1988-89); Joel Birken (1991-92); William Cremins (1980-81); Peter DePaolis (2001-02); Laurie Dolson (1993-94); Richard Ruddy (2005-06); Janine Saxe (2003-04); Judge David Stitt (1986-87); Judge Arthur Viereggs (1987-88); John Wasowicz (2002-03); and Judge Robert Wooldridge (1989-90).

And, of course, thanks always to the hardworking FBA staff for their assistance and efforts in organizing the Past Presidents dinner. ■

Special thanks to
**KOONZ MCKENNEY JOHNSON
DePAOLIS & LIGHTFOOT, LLP**,
for sponsoring the wine for this
event.

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Young Lawyers Section News...

Following are a few of the upcoming events from the Young Lawyers Section of the Fairfax Bar. Members of the Fairfax Bar Association who are 35 years old or younger or who have been in practice less than five years are automatically members of the Young Lawyers Section. If you are a Young Lawyer and interested in becoming involved, please contact Dan Ortiz at dortiz@blankeith.com or Donna Dougherty at donnadougherty@cox.net.

VIRGINIA GOLD CUP—by Donna Dougherty

The Young Lawyers Section of the Fairfax Bar Association will be hosting a tent at the Virginia Gold Cup on **MAY 5, 2007**. The Young Lawyers Section will begin selling tickets, which includes transportation to and from the event, entrance fee to the event, and food and spirits at the event. This event is open to anyone interested in attending. This is a great networking opportunity for young lawyers who want to become more involved with the Fairfax Bar. If you are interested in attending please contact donnadougherty@cox.net or kevin@bolgerlaw.com.

BREAKFAST WITH THE JUDGES—by Audra Hale-Maddox

Young lawyers seeking the opportunity to become more familiar with their local judiciary will certainly want to save **WEDNESDAY, MAY 30TH** on their calendars for the Fairfax Bar Young Lawyers annual Breakfast with the Judges. Several Fairfax County Circuit Court judges always attend this breakfast, and the “speed-meeting” format allows all young lawyers in attendance the opportunity to meet and learn from each judge. Gain perspective on what judges want to see from young lawyers, what areas to avoid for those new to the courtroom, and how young lawyers can get their careers in the courthouse started on the right foot. The breakfast will be held in the Judges’ Dining Room off the cafeteria in the Fairfax County Courthouse.

YOUNG LAWYERS HAPPY HOUR—by Julie Gerock

Please watch the E-Blasts each month to find out when and where the next YLS Happy Hour is. We try to schedule a Happy Hour each month at various locations in the Fairfax area. The Happy Hours are a great opportunity to get to know other young lawyers practicing in and around Fairfax County. If you are not a member of the Young Lawyers Section OR if you are a member but not receiving the email notifications regarding Young Lawyer Section events, contact Courtne Norris at the Fairfax Bar to ensure your receipt of these emails. For more information or questions, please contact Julie Gerock at jgerock@ainbanklaw.com.

SPEED-NETWORKING AT GEORGE MASON UNIVERSITY LAW SCHOOL—

by Christie Leary

The Young Lawyers Section was invited to participate in George Mason University (GMU) Law School’s “Speed-Networking” event held at the law school on March 29, 2007. The event helped law students meet new attorneys and get a fresh perspective on job searching and life after law school. In addition, the Young Lawyers Section recruited new membership to the Fairfax Bar Association by educating GMU law students about the benefits of membership in our organization.

**“Wild Wild West” Bench Bar Dinner Dance
2007 Sponsors**

Saloon Sponsor [Reception] - \$5,000

SunTrust Bank Legal Specialty Group

Round 'Em Up Sponsor [Wine] - \$5,000

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SAVE THE DATES

**COMPARATIVELY SPEAKING:
TRAFFIC & CRIMINAL PRACTICE IN THE LOCAL
GENERAL DISTRICT COURTS MCLE**
Wednesday, April 25, 2007
5:00-8:00 PM
Fairfax County Courthouse

**ON LAW, LIFE & LAWYERS:
REFLECTIONS OF HON. JOHANNA L. FITZPATRICK,
PLATO CACHERIS, ESQ., AND DEXTER S. ODIN, ESQ.**
Tuesday, May 1, 2007
12:00 PM Registration and Social Reception
12:30 PM Luncheon and Panel Presentation
Country Club of Fairfax, 5110 Ox Road, Fairfax, VA
Cost \$27.50 Members; \$32.50 Non-Members
Add \$5.00 for all registrations received after April 20th
Luncheon events include presentation of Arnold B. Kassabian
Memorial Award

VIRGINIA GOLD CUP STEEPLECHASE RACE
Saturday, May 5, 2007
10:00 AM - 6:00 PM
\$85.00 Per Person
Includes roundtrip bus transportation, entrance fee,
food, and open bar at the Fairfax Bar's tent at the event.
*The bus will load/unload in the parking lot of
Blankenship & Keith, P.C., 4020 University Drive,
Fairfax, VA 22030*
*For more information go to the Gold Cup website at
<http://www.vagoldcup.com/vgc>*

ANNUAL SPRING MEMORIAL GOLF TOURNAMENT
In Memory of Stephen K. Simpson, Esq.
Monday, May 14, 2007
1:00 PM Shotgun Start
Westfields Golf Club
\$150.00 Per Player

INVESTITURE FOR HON. CHARLES J. MAXFIELD
Friday, May 18, 2007, 4:00 PM
Fairfax County Courthouse Courtroom 5E
Reception Immediately Following

CIRCUIT COURT PRACTICE: VIEWS FROM THE BENCH
New 6th Edition Fairfax Circuit Court Practice Manual MCLE (2007)
Tuesday, May 22, 2007, 3:00-7:30 PM
Fairfax County Government Center
4 MCLE Credits Pending

**ANNUAL MEETING FEATURING STAN KASTEN,
PRESIDENT, WASHINGTON NATIONALS**
Tuesday, June 5, 2007
12:00 PM Registration and Social Reception
12:30 PM Luncheon
Maggiano's Little Italy, 2001 International Dr, McLean, VA
Cost \$25.00 Members; \$30.00 Non-Members
Add \$5.00 for all registrations received after May 22nd
Luncheon Program to Include:
Presentation of President's Awards
Installation of Daniel H. Ruttenberg as FBA President, 2007-08
Election of FBA Officers and Executive Board, 2007-08



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