

JOURNAL

Newsletter of the Fairfax Bar Association www.fairfaxbar.org December 2012/January 2013



IT'S ALL ABOUT FACE TIME WITH THE JUDGES AT THE FBA ANNUAL CONVENTION

By Richard A. Gray, Esq.

The Fairfax Bar Association held its Annual Convention September 27-29 in Bedford Springs, PA, where 77 attorneys, including 25 members of the Young Lawyers Section (YLS), 12 judges, spouses, and guests enjoyed the spectacular Omni Resort nestled in the foothills of the Appalachian Mountains. Just over a two-hour drive from Fairfax, VA, the fully restored Omni Resort offered first-class lodging, food, wine, and amenities for the Bench and Bar's annual meeting. There were a variety of seminars on Friday the 27th and the morning of Saturday the 28th to satisfy any palate; but most importantly, there was an abundance of "face time" with the judges who presided over a variety of panels including a Judicial Panel on Professionalism, Use of the Judge *Pro Tempore*, Ethics and Evidence, and Effective Trial Advocacy. Each of the sessions included a judicial panel breakout where there was an opportunity to ask Juvenile, Circuit, and General District Court Judges direct questions on practices of the courts, motions practice, proper decorum before the courts, and "how to" questions on any of the scheduled topics presented.

The weekend events were kicked off with a cocktail reception from 5:00-7:00 PM in the main hotel Eisenhower Room. Later Friday evening, President Jay Myerson hosted a reception for the attendees, held, appropriately enough, in the Presidential Suite of the hotel. Beverages including beer, wine, and other libations, as well as a variety of desserts and snacks, were provided. At least one complaint for noise was received and President Myerson tried to get the crowd to quiet down; but they were having too good a time enjoying the food, beverages, and each other's company. The reception was a big hit with the attendees and will certainly set the standard for future Bar Association receptions.

2012-13 FBA President Jay Myerson opened the convention by thanking our sponsors, including [Access National Bank](#) who provided the breakfast. Mr. Myerson stated that the theme for the convention and the FBA this year is enhancing professionalism. He further announced that the Bar Association now has a committee working on a mentorship program for the YLS, and stated that part of our job as professionals is to pass on to younger members our knowledge and expertise.

President Myerson addressed the audience regarding the number of open vacancies on the bench and stressed that the FBA membership needs to lobby the General Assembly to fully fund and fill the vacant judgeships. The administration of justice, access to the courts, and timely disposition of cases are all adversely affected by understaffed courthouses and courtrooms. There has been a 10% cut in court clerk staff due to funding issues. President Myerson reached out to the membership for help in lobbying the General Assembly and asked members to let him know if anyone has contacts within the legislature.

continued on page 10

President's Column

THE ELECTION PROCESS



Those of you who know me even slightly know that I have spent a lifetime working with our political process, especially political campaigns and committees.

I deeply believe that our right to vote is perhaps the most fundamental of the fundamental rights. Ultimately, for better or worse, our flawed electoral process is still the best mechanism for choosing who will govern us, and thereby helps to protect our other rights. Every four years, we have the opportunity for the bloodless overthrow of the government by the governed. From my perspective, that is quite a remarkable accomplishment. In Virginia, we seem to have a greater appreciation of this opportunity to replace the Government, and so we have elections each and every year. Trust me, as a political activist, this can be a bit exhausting.

Perhaps my favorite story concerning the power of the voting process occurred in 1980. After waiting over an hour in line to vote for president, a good friend went into the voting booth next to the one in which I was voting. Everyone in the polling place could hear my friend exclaim in a booming voice, "take that you S.O.B." as he cast his vote to help turn the incumbent president out of office.

Earlier this month, we completed a bitterly contested election cycle. We know better than most how contested it was, since we reside in a swing state. This gave us a front row seat for an inordinate amount of attention from the candidates and their surrogates. We seemingly had an endless array of candidate advocacy, as well as "independent," "nonpartisan" issue advertisements, dominating our airwaves and cable boxes. These seemed to come from the candidates, political party committees, and "independent" supporters of both sides.

For those of you who are not election law attorneys, uncoordinated "issue" advocacy generally is not covered by the Federal Election Campaign Act (Act) while candidate advocacy is covered. This should help you better understand why some of the ads you watched on television avoided express advocacy (words such as "vote for," "vote against," "elect," "defeat") which would bring the expenditures within the scope of the Act, as contrasted with "issue" advocacy, which generally is outside the scope of the Act.

There are many ways in which we, as attorneys, participate in our elections, and the FBA has members who do them all.

The FBA has members on both sides of the aisle who have been successful and unsuccessful candidates. Anyone who has worked with our government knows that we are in great need of replenishing our elected officials with attorneys. As attorneys, we are predisposed to the needs of our judicial system and many attorneys possess important analytical skills and ethics developed through years of training in law school and experience in practice.

The FBA has members who have participated on both sides of the aisle seeking to protect and promote the vote while ensuring the integrity of the electoral process. This effort ranges from serving as election observers (inside or outside the polling place) to litigators who have successfully brought cases to protect the

continued on page 12

FAIRFAX BAR JOURNAL

*Official Newsletter of the
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 2012-2013

President Jay B. Myerson 703-715-9600
President-Elect .. Edward L. Weiner 703-273-9500
Vice-President ... David L. Marks 703-385-1100
Past President ... William P. Daly, Jr. 703-790-1911
Treasurer Douglas R. Kay 703-883-0880
Secretary Richard A. Gray 703-218-2100
Gen. Counsel ..Thomas A. Repczynski 703-745-1800

Board of Directors 2012-2013

Donna R. Banks 703-324-2421
Valerie E. Hughes 703-273-0711
Christie A. Leary 703-359-7111
Luis A. Perez 703-931-0804
Michael J. Shevlin 703-591-0067
John M. Tran 703-684-4333
Robert B. Walker 703-437-5128

Young Lawyers Representative

Joshua B. Isaacs 703-790-1900

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

*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.*

GOLDEN GAVEL AWARDS

Golden Gavel Awards Dinner a Triumph!

On September 20th, the Fairfax Law Foundation's Society of Fellows held its first Golden Gavel Awards dinner to celebrate people and entities who have made a difference in our community. The dinner was held at Fairfax Country Club and emceed by ABC's political reporter Scott Thuman.

Mr. Thuman proved to be a warm and witty host for a very successful evening with more than 100 guests celebrating the honorees. The categories and Golden Gavel Award winners were:

Legal: David P. Bobzien, Esq., Fairfax County Attorney's Office

Legal: Valerie E. Hughes, Esq., The Bowen Law Firm

Non-Profit: Fairfax Court Appointed Special Advocates (CASA)

Media: Virginia Lawyers Weekly

Education: William F. Reeder, Dean, College of Visual and Performing Arts at George Mason University

Corporate: Exxon Mobil Corporation

Emerging Leader: Christie A. Leary, Esq., Law Offices of Christie A. Leary, P.C.

Fairfax Law Foundation 30th Anniversary Award: Warrior Canine Connection

You can read about the wonderful community work of each of the recipients at
<http://www.fairfaxlawfoundation.org/displaycommon.cfm?an=1&subarticlenbr=35>

Special thanks to the 2012 Golden Gavel Awards Sponsors!

PLATINUM SPONSOR

Exxon Mobil Corporation

GOLD SPONSORS

Sensei Enterprises, Inc.
ShounBach

SILVER SPONSORS

Merrill Lynch
M&T Bank

BRONZE SPONSOR

Weiner, Spivey & Miller, PLC

After enjoying pre-prandial libations and networking, Fairfax Law Foundation President Luis Perez welcomed the attendees with his own tribute to everyone who takes time from their busy schedule to make continuing contributions to our community. The evening included a video tribute to all those who have worked hard for the Foundation set to the tracks from "What a Wonderful World" and "Thank You for Being a Friend." The Golden Gavel Awards provided a heck of a celebration for the 30th Anniversary of the Fairfax Law Foundation. Thanks to all who made the evening a great success!

(Please see photos next page)

Golden Gavel Photos



SOCIETY OF MEMBERS OF THE SOCIETY OF FELLOWS FELLOWS

BUSINESS FELLOWS

Sustaining (\$50,000)

ShounBach

Supporting (\$25,000)

Greenspun Shapiro PC

McCandlish & Lillard, P.C.

Miles & Stockbridge Foundation, Inc.

Sensei Enterprises, Inc.

Contributing (\$10,000)

Carroll & Carroll, P.C.

Cooper Ginsberg Gray, PLLC

DiMuroGinsberg, P.C.

Hirsch & Ehlenberger, P.C.

Luis A. Perez, P.C.

SmolenPlevy

Weiner, Spivey & Miller, PLC

Associate (\$7,500)

Bean, Kinney & Korman, P.C.

Reed Smith LLP

William L. Schmidt & Associates, P.C.

INDIVIDUAL FELLOWS

Benefactor (\$7,500)

Valerie E. Hughes, Esq.

Sustaining (\$5,000)

David P. Bobzien, Esq.

R. Mark Dare, Esq.

Laurie L. Dolson, Esq.

David J. Gogal, Esq.

W. Bruce Jennings

Mary H. Lawrence, Esq.

Christie A. Leary, Esq.

John C. McGranahan, Esq.

Jay B. Myerson, Esq.

Kathleen O'Brien, Esq.

William B. Reichhardt, Esq.

Carol J. Schrier-Polak, Esq.

Gerard and Suzanne Stegmaier

Deborah A. Wilson, Esq.

Looking to Move Your Data to the Cloud?



Derechos and Superstorm Sandy Make Compelling Cloud Arguments!

No power means **no e-mail**, **no network** and **no productivity**. The data center used for our Cloud services, with built-in redundancies, has an uptime of 99.999%.

Using the Cloud, Sensei Enterprises can now provide IT support to law firms and businesses throughout the United States!

Call IT Director Jeff Fox at 703-359-0700 and ask for a free Cloud-readiness assessment.



SENSEI ENTERPRISES, INC.

DIGITAL FORENSICS | INFORMATION TECHNOLOGY | INFORMATION SECURITY



Barking Up the Right Tree

By Kimberly LaFave, Paralegal, Law Offices of Jay B. Myerson and Member of the FBA Paralegal Section

A client going through a rough separation walked into our office a few weeks ago without an appointment. Confused, I asked her, "How may I help you?" She said, "I was having a tough day, and I just wanted to come in and pet Ruby."

So it is, time and time again, that clients coming into the office with troubles are greeted by one or more wagging tails and for a few minutes experience a measure of relief from their problems. For many of our clients, time spent in the reception area with our dogs makes their meetings with the attorneys more productive. And some even say they look forward to their appointments. Maybe dentists should take note!

When I was interviewing for a position here two years ago, a major factor in choosing this work environment was that it was dog friendly. In fact, Jay's long-time canine companion, Beau, had recently passed away, and he missed having a four-legged friend to greet him in the morning. And so it was that my dogs, Mitzy Mae and Charlie became official client greeters. Mitzy Mae is an Australian Terrier trained as a therapy dog; and Charlie, a Pomeranian, was rescued from a Florida puppy mill. Mitzy and Charlie aren't the only dogs whose presence is known at the office. Elanna Weinstein, Associate Attorney and member of the FBA, adopted her dog, Riley, through Homeless Animals Rescue Team (HART). Jay's dog, Ruby, is a Louisiana Catahoula Leopard Cur, but more on her later.

Every dog brings his or her own personality and skills to the job. Riley was of tremendous assistance several months ago when a potential client arrived. Riley was extremely agitated by this person's presence and would not permit the potential client to pet him. Riley's reaction to this person was one factor that led Jay to decline to represent him. Over the next few weeks, events unfolded that validated that decision. Thank you, Riley!

When Elanna was on maternity leave, Cathryn Oakley, also a member of the FBA, filled in temporarily. She adopted her first dog, Rocky, through PAWS Rescue of Northern Virginia. While she was finishing law school, a Forever Home Rescue Foundation brought puppies to George Mason University School of Law during exam week to help de-stress the students. It was quite a hit, and was reported by several news outlets. Most importantly, it led Cathryn to adopt two more dogs, Lucy (with whom she fell in love at the exam week event) and Caleb, who made the rounds with us more than once.

Our former intern, Paul Parrell, reports that his significant other, a relatively new admittee to the Virginia Bar, has been involved with a volunteer project, the Safety Network for Abused Animals and Persons (SNAAP), which is being headed by Columbus School of Law alumni. "The group operates to provide temporary shelters for the pets of a victim in an abusive relationship. The idea is that this not only protects the animal from harm, but it also removes one more roadblock that may keep victims who fear for their pet's safety in the process of leaving an abusive situation." It shouldn't be surprising that legal professionals and dogs find a

special place with one another. As Sharon Nelson, a former Fairfax Bar Association President, current President-elect of the Virginia State Bar Association and rescuer of Labrador Retriever, Josie, puts it, "Dogs are therapists encased in fun." Her dogs bring a necessary balance to the everyday stresses of being in the legal profession. Similarly, the President-Elect of the Fairfax Bar Association, Ed Weiner, is seldom seen at his office without his faithful companion, Chance, who greets visitors to his office and provides Ed with a useful distraction.

Anne Carr, a family law attorney who brings her dog, Jackson, to her office every day reports that, "Because of his wonderful personality and great attitude, he has been a constant office employee (although his only pay is dog treats). His presence has been good for us, my assistant, Anita, the UPS gal, and our clients. He loves to greet clients, usually taking one of his favorite toys to show them. He has even attended depositions at the office, and has lightened the atmosphere in a normally contentious situation. He brings out the best in everyone."

I own an equestrian farm in Lucketts, VA, and it has afforded me the ability to be involved in dog rescue for several years, and I am committed to promoting re-homing dogs in need. The opportunity to take a dog out of an untenable situation, change his or her life for the better, and then give someone the gift of unconditional love and companionship that is uniquely canine, is extremely rewarding. I have found excellent homes for a number of dogs, and every so often, one particularly grabs my heart and never leaves. Charlie is the quintessential lap dog, always willing to be cuddled and stroked and held, but equally content to lie in his bed under my desk.

When my daughter called me from North Carolina with two Louisiana Catahoula Leopard Curs that had been rescued from a puppy mill, I jumped into action. It is critical for dogs that have experienced extreme neglect and/or mental and physical trauma to be evaluated, rehabilitated, and placed in well-matched homes. As socialization is a critical part of the rehabilitation process, I enlisted the office in assisting with that process. Ruby and Max soon began visiting regularly. Of course, my ulterior motive was to remind Jay of what he was missing. It worked, and soon Jay became Ruby's human, and Ruby our designated "go to" office dog.

When there are particularly stressful occurrences, Jay will slip out of the office and take a mental health walk with Ruby in the woods surrounding his neighborhood. The other dogs take turns putting on their therapy hats and holding sessions with office staff on the reception room sofa.

Building bridges between dogs, rescue organizations, and lawyers gives us all an opportunity to connect with our humanity and create wonderful alternative outcomes that we need as much as the dog. In short, I think we are barking up the right tree.

continued on page 12

The McCammon Group

is pleased to announce our newest Neutral

THOMAS E. ALBRO, ESQ.

HON. MICHAEL C. ALLEN (RET.)

HON. JOANNE F. ALPER (RET.)

HON. F. BRUCE BACH (RET.)

HON. JOHN E. CLARKSON (RET.)

HON. JEAN W. CUNNINGHAM

HON. DENNIS W. DOHNAL (RET.)

JOHN G. DOUGLASS, ESQ.

CHESHIRE I'ANSON EVELEIGH, ESQ.

FRANCES FITE, ESQ.

HON. JOHANNA L. FITZPATRICK (RET.)

HON. JEROME B. FRIEDMAN (RET.)

RICHARD S. GLASSER, ESQ.

ROBERT J. GREY, JR., ESQ.

HON. E. PRESTON GRISSOM (RET.)

ROBERT T. HALL, ESQ.

GRAYSON P. HANES, ESQ.

MICHAEL E. HARMAN, ESQ.

HON. ROBERT L. HARRIS, SR. (RET.)

SUSAN MASSIE HICKS, ESQ.

BARBARA L. HULBURT, ESQ.

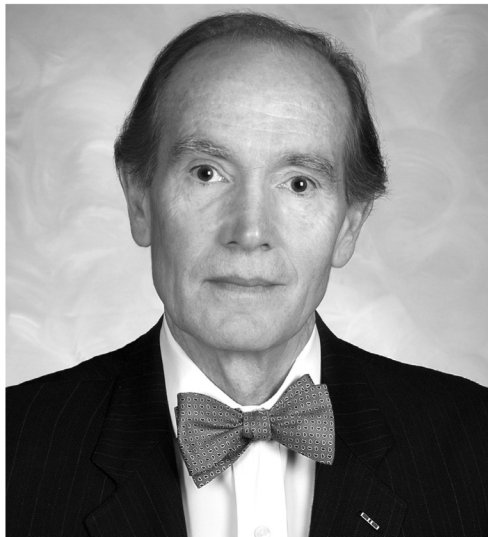
JOHN A.C. KEITH, ESQ.

HON. DONALD H. KENT (RET.)

HON. LARRY B. KIRKSEY (RET.)

HON. STANLEY P. KLEIN (RET.)

HON. LAWRENCE L. KOONTZ, JR. (RET.)



Hon. James Scott Sledge (Ret.)

Former Chief United States
Copyright Royalty Judge

After serving a six year appointment to the United States Copyright Royalty Board, James Sledge has retired. The first Chief Judge of the Board, Sledge led the three judge court through its start as the primary, independent regulatory agency for copyright licenses and royalty distribution. Prior to this appointment, Judge Sledge served fourteen years as a United States Bankruptcy Judge for the Northern District of Alabama. He has also served as Chair of the Judicial Division of the American Bar Association, and as Chair of the National Conference of Federal Trial Judges. Judge Sledge brings this distinguished expertise to The McCammon Group to serve the mediation, arbitration, judge pro tempore, and special master needs of lawyers and litigants throughout the Commonwealth, Nation and beyond.

THE
MCCAMMON
GROUP

Dispute Resolution and Prevention

For a complete list of our services and Neutrals throughout VA, DC, and MD, call 1-888-343-0922 or visit www.McCammonGroup.com

HON. ELIZABETH B. LACY (RET.)

HON. WILLIAM H. LEDBETTER, JR. (RET.)

EDWARD B. LOWRY, ESQ.

JOHN B. MCCAMMON, ESQ.

HON. MICHAEL P. MCWEENY (RET.)

ROBERT T. MITCHELL, JR., ESQ.

JOHN H. OBRION, JR., ESQ.

HON. NORMAN OLITSKY (RET.)

HON. WESTBROOK J. PARKER (RET.)

HON. BARRY R. PORETZ (RET.)

MARK E. RUBIN, ESQ.

HENRY M. SACKETT, III, ESQ.

HON. THOMAS S. SHADRICK (RET.)

HON. PAUL F. SHERIDAN (RET.)

HON. JAMES SCOTT SLEDGE (RET.)

SENATOR WALTER A. STOSCH

HON. DIANE M. STRICKLAND (RET.)

HON. ALFRED D. SWERSKY (RET.)

HON. JAY T. SWETT (RET.)

BRUCE E. TITUS, ESQ.

GUY K. TOWER, ESQ.

HON. KENNETH E. TRABUE (RET.)

HON. GLEN A. TYLER (RET.)

HON. ARTHUR B. VIEREGG (RET.)

HON. ROBERT W. WOOLDRIDGE, JR. (RET.)

HON. WILEY R. WRIGHT, JR. (RET.)

FALL CONVENTION GOLF TOURNAMENT

FBA GOLF TOURNAMENT

By Robert S. Letnick, Esq.

The Fairfax Bar Association held its Fall Convention Golf Tournament at The Old Course at Bedford Springs Resort on Saturday, September 29, 2012. The Old Course is a beautiful and challenging golf course set in the foothills of the Allegheny Mountains, which accounts for the significant elevation changes on certain holes resulting in a variety of downhill and uphill shots into small undulating greens. This golf course was first laid out in 1895 by Spencer Oldham, with subsequent revisions in 1912 by one of the legendary golf course architects, A.W. Tillinghast, who is best known for his work at Bethpage Black, Baltusrol Golf Club, and Winged Foot Golf Club. Subsequently, in 1923 another legendary golf course architect, Donald Ross, revised the design, and in 2007 the golf course underwent a renovation and now encompasses work from all three golf architects.

The format for this tournament was a scramble (Captains' Choice) and those who participated in this tournament played golf in ideal weather conditions with temperatures in the mid 60's. The first place team of Jeremy Letnick, Robert Letnick, Dickson Young, and Brigitte Perry won the event by 8 strokes with a score of 62 or 10 under par. The second place team of John Byrnes, Donald Anderson, Stephanie Ryan, and Tracey Simmons shot a 2 under par 70. The last place team, whose members shall remain anonymous, shot a 5 over par 77.

The women's closest-to-the-pin competition on hole #2 was won by Brigitte Perry, with the women's longest-drive competition on hole #13 also being won by Brigitte Perry. The men's closest-to-the-pin competition on hole #14 was won by Jeremy Letnick, with the men's longest-drive competition on hole #3 also being won by Jeremy Letnick. Of note is that while he may not have hit his tee shot closest-to-the-pin on #14, John Tran did sink what was measured to be a 46' putt on the 14th green for a birdie for his group.

After a fabulous day on the golf course, numerous raffle items were won by our members to be used at the Westfields Golf Club. One of our participants, Dickson Young, won the ultimate raffle of a foursome at the Westfields Golf Club. The next scheduled golf tournament sponsored by the Fairfax Bar Association will be the:

13th Annual Spring Golf Tournament at the Westfields Golf Club on Monday, May 13, 2013, at 1:00 PM.

All golfers of varying skill levels are encouraged to participate in our golf events and enjoy a great day on the golf course with your friends while leaving behind the pressures of the office. Please mark your calendars for the next Bar Association golf tournament and we look forward to seeing you at the Westfields Golf Club next spring. ■



2013 Legislative Session

By Christopher Costa, Esq., Chair, Legislative Committee

LEGISLATIVE COMMITTEE

The Legislative Committee meets to discuss and monitor legislation that may be of interest to the FBA's Board and members. Generally, these issues arise out of the Virginia General Assembly. The FBA has no lobbyist in Richmond, so a key function of the Legislative Committee is to monitor and report to the Board of Directors on important legislation. The Board then determines whether the FBA should advocate for or against a particular bill. If the FBA wants to advocate for or against a particular piece of legislation, the Committee members may begin to contact other FBA members, Delegates and Senators to express our organization's view. As a Bar Association, we are often able to present helpful, cogent arguments to elected officials on the possible consequences of a bill.

With the General Assembly going back into session on January 9, 2013, this time of year becomes busy. The FBA focuses on legislation that affects the administration of justice and avoids more partisan issues such as taxes, transportation, or health care. By way of example, the following bills were pending during the 2011 session with varying results:

HB 1990 and SB 1240 – proposed to realign the judicial circuits and districts of the Commonwealth.

HB 1590 and SB 774 – expanded the civil jurisdiction of the General District Courts to cases where the amount of the claim does not exceed \$25,000.

These are only two examples of the myriad of bills that are introduced in Richmond. You can access all the bills at <http://leg1.state.va.us/lis.htm> and click on the "Bills & Resolutions" for the 2013 Session. The General Assembly's website has already posted over a hundred bills and resolutions for the 2013 Session. If there are any bills that you believe merit attention, please contact the FBA or me at Christopher.Costa@fairfaxcounty.gov. ■

Virtual Office Packages *\$75 per month* Professional receptionists *\$175 per month*

Exceptional bilingual staff

Great location just blocks away from the Eisenhower Metro, King Street Metro, Federal Court House and Patent Trademark Offices!

3 executive conference rooms

LRB Business Centers
2121 Eisenhower Avenue
Suite 200
Alexandria, VA 22314

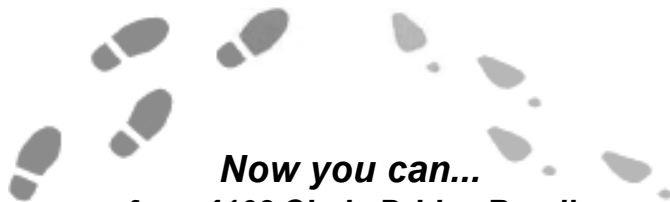


We welcome the opportunity to earn your business!

LRB
BUSINESS CENTERS

Lorraine R. Barnes
lrbbarnes@lrbbc.com
703-362-3146

Ever wish you could walk to the
Fairfax County Courthouse & Judicial Complex
from your office across the street?



Now you can...
from 4103 Chain Bridge Road!

- 1 office to 19,000 sq ft available
- Extended heating/cooling building hours
- **FREE** parking
- Economical rental rate



Contact: (703) 876-9590

Karen O'Gorman (kogorman@gateshudson.com)

Alice Kumar (akumar@gateshudson.com)

FBA ANNUAL CONVENTION...

continued from page 1

The judges' comments from the CLEs are noted or excerpted here because they were timely and important for every practitioner to take to heart.

1st PROGRAM—

JUDICIAL PANEL ON PROFESSIONALISM IN THE COURT

At the first program on Professionalism, FBA Past-President David Gogal moderated a Panel that addressed the question "What Does Professionalism Mean?"

Judge Mitchell I. Mutnick, (General District Court):

- Which is the most important of the three courts?
Answer is the one that your client is in at the moment.
- General District Court moves quickly.
- Counsel is there to represent his or her client.
- Take as much time as reasonably needed to put on your case.
- It's not necessary to rush. Take the time you need to present your case.
- Don't shortchange your client; do the work that you're there to do.
- Motions to Rehear in GDC: At the end of the docket for those litigants who are late.
- When a lawyer appears as a litigant, same rules apply.
- The court will extend courtesies when treated by the bar with equal courtesy.
- Be on time; it is unprofessional to be late.
- Attorneys are only ones who can bring cell phones into courthouse. Turn it off while in court.
- Be prepared. Don't assume the judge knows which case counsel is referring to.
- Court will not go look up case law for counsel.
- Don't bring a problem to court that counsel doesn't have a proposed solution to resolve it.
- Bring the court a reasonable solution. It shows the court that the attorney knows what the problem is, knows how to resolve it, and can articulate it to the court.
- Few people come to court prepared to tell the court what it wants the court to do.
- Don't argue with court once the court has ruled.
- Ask to meet with the judge afterwards in chambers if there is something that needs to be discussed outside the merits of the case.

Judge Janine M. Saxe (Juvenile and Domestic Relations District Court):

- Professionalism is manifested in civility in court.
- Competency.
- Integrity.
- Dedication in serving needs of society.
- Serving community in terms of *pro bono*.
- Serving the needs of the client the court is one of the "last bastions" of civil society.
- Lawyers need to set example for litigants when appearing before the court.
- Everyone is busy and the court is moving faster and faster; but still there is a need for professionalism in the court.
- Being an attorney also means being an officer of the court.
- VBA Rules of Professionalism: Attorneys should review it. Judge Saxe keeps it on her bench.

- Motions filed in the court sometimes do not appear to have had enough time invested in drafting.

Judge Jan L. Brodie (Circuit Court):

- Treat court and counsel in a professional manner.
- Competent counsel.
- Fair to opposing counsel and to the litigants.
- Caring about what you're doing.
- Need for mentoring.
- Advice to younger attorneys is to find a mentor.
- Everything moves so quickly but still need to take time to meet with seasoned attorneys.
- Lack of formality in the courtroom is an issue.
- Following procedures of the court shows the court that the attorney is prepared and knows how to facilitate the case.
- Introduce yourself even if you think the judge knows who you are.
- Come to court prepared.
- Court wants to "do the right thing" according to the law.
- The bench needs the attorney's help in presenting case law on point.
- Some attorneys get too informal with the court.
- Formality is necessary. Lets the court know that the attorney knows what he or she is doing.
- Inappropriate behavior: Counsel at table arguing with each other in front of the court or counsel using first names with each other and arguing at counsel table, turning counsel's back to the court or leaving the court out of the ongoing dialogue.
- Inappropriate behavior observed where counsel discussing case with witnesses despite Rule On Witnesses.
- Inappropriate expression of anger in briefs directed towards opposing counsel or party. The court picks up on it.
- Nothing more precious to the attorney than his or her reputation.
- Comments about the case or the judge's decision can get back to the court. Be mindful of what you say, especially outside of the courtroom itself.

BREAKOUT PANEL

Judge Jonathan C. Thacher (Circuit Court):

- Generally, high quality of the lawyers who appear in Fairfax.
- Good advocacy as a rule.
- Falling below that standard is not the norm.
- Judge wants to know four things: Who are you, who do you represent, what do you want, and how can I give it to you?
- Attachments to motions and other submissions to the court: Won't read them. Placed in the file.
- Judges look at the *Bar News* to see who has been sanctioned.
- Recommends calling other attorneys to discuss issues, particularly new issues to the attorney before presenting to the court.
- Judges try to be fair. None of the Judges are predisposed to either parent in domestic cases.
- Court rules based on the facts presented.
- Predisposition on some issues, such as failure to pay child support. If egregious, court will incarcerate.
- Recommends lawyers go and watch cases. Try to watch similar cases to the one you are preparing to try.
- Attorneys need to conciliate discovery disputes before showing up for Friday Motions docket.
- Need to have court reporter present for any substantive matters. Can't have an accurate "statement of facts" without accurate record.

continued on next page

Chief Judge Thomas P. Mann (Juvenile and Domestic Relations District Court):

- Don't cross the line of informality: judge runs things somewhat informally, but the court doesn't appreciate it when attorneys are too informal with the court.
- Attachments to motions and other submissions to the court: Judge is good at discriminating between what he is supposed to see and hear and not. There is not a jury, so Judge can discern between the two. Oftentimes documents submitted are inadmissible.
- Best lawyers know the facts, know the procedures, and know the rules of evidence.
- The rules of evidence are the "great equalizer."
- Find a Mentor. Senior members of the Bar are a tremendous resource.
- Judges talk about lawyers who appear before them. Ethics of lawyers is always under scrutiny.
- Recommends young lawyers just go and watch cases, see jury selection, see how good lawyers and bad lawyers practice. Go to all courts: GDC, J&DR District Court, and Circuit.
- J&DR District Courts are generally an open courtroom. Attorneys can come and watch. It can depend on what type of docket the Judge is hearing, but generally not a problem to sit in and observe the court in action.
- *LSNV.org* has a website for domestic violence cases. Good experience and exposure to protective order cases. Also can accomplish *pro bono* work obligation.
- Best days from the bench are seeing great lawyers "going at it."
- Time estimates are important. If counsel doesn't need the time originally estimated, please contact the court. It frees up a crowded docket for other cases. Attorneys need to keep to time estimates.

USE OF A JUDGE PRO TEMPORE

Judge Michael P. McWeeny (Circuit Court, Ret.):

- Only a few states use a Judge *pro tempore*.
- Va. Statute (Section 17.1-109) allows any citizens of the Commonwealth who is a practicing attorney may be appointed by any judge to act as a Judge *pro tempore*.
- Judge *pro tempore* used to be used in lieu of a Commissioner in Chancery.
- Cost was about the same.
- Now less used.
- Judge *pro tempore* in Fairfax must hear the case or evidence in the courthouse.
- One advantage of judge *pro tempore* is that parties can set the pace of litigation.
- Judge *pro tempore* can be used to get a Final Decree of Divorce entered by the end of the year, particularly on an uncontested divorce given the Fairfax deadline for submission of all filings is early December.
- Judge *pro tempore* can also hear multiple matters without having to follow scheduling orders of the court or limitation as to number of matters that can be heard at one time. Motions can be heard in a calmer manner; parties not stuck in court and hearing can be set at a convenient time.
- Judge *pro tempore* can give a ruling on a conference call. Parties don't have to wait for a written opinion letter or go back to court.
- Judge *pro tempore* can hear expert witnesses on a more convenient schedule and doesn't have to hear all the evidence at once.

- Judge *pro tempore* allows parties to choose their judge, a judge with special expertise, agreeable to both parties, etc.
- Judge *pro tempore* follows the same rules of court as sitting judge and is subject to appeal just like any other decision. May be favorable to arbitration which is normally not appealable or reviewable.
- Parties pay the cost of the Judge *pro tempore*.
- The McCammon Group and Judge McWeeny are available to serve as a Judge *pro tempore*.
- Note that case is still a public trial. Anyone who wants to observe can watch.
- Are not private proceedings such as occur with private mediation or arbitration.
- Judge *pro tempore* has all the powers of a regular Judge including power of contempt.
- In contrast to mediation where parties reach their own decision.
- Judge *pro tempore* is another tool in ADR.
- Judge *pro tempore* can be appointed in a jury trial.
- Cannot use a Judge *pro tempore* in the Juvenile and Domestic Relations District Court.
- Judge *pro tempore* is compensated by agreement as to his/her fee and allocated between parties by agreement.
- Parties can leave issue to Judge *pro tempore* as to how fees to be allocated.

LUNCH PROVIDED COURTESY OF THE MCCAMMON GROUP

Lunch was served in the main hotel Eisenhower Room. The attendees were treated to salad, vegetables, fried chicken, prime beef tenderloin, and a variety of desserts. The carrot cake was deemed worth a second slice.

ETHICS AND EVIDENCE—Moderator: Robert E. Scully, Jr. Judge Robert E. Smith (Circuit Court) and Judge Mark C. Simmons (General District Court):

- Preamble states that rules strictly for administration of rules of professional conduct.
- Question raised as to where personal ethics plays into rules of evidence.
- *Question*: Should an attorney use everything that is allowed even if not morally appropriate?
- Discussion of hypotheticals of prosecutorial misconduct in whether race of a potential witness can be used in a capital murder case where the race of the witness may unduly prejudice the jury.
- Can a prosecutor be forced to accept a stipulation to admit all proffered evidence except as to race of potential witness? Panel opined that no prosecutor could be compelled to enter into such a stipulation whether it would appear to use racial prejudice or not in the case in chief.
- In one example discussed, it was stated that the prosecutor can use his or her discretion to exclude evidence of the race of an alleged paramour even though not required to do so since it is prejudicial to defendant but not necessary to prove the State's case.

Following the day's scheduled seminars, the attendees had the rest of the day for exploring the Bedford Springs area, including area hiking trails, the championship level golf course, the mineral springs indoor heated pool and other amenities. A cocktail party was held in the Eisenhower Room at 6:30 PM followed by a S'mores gathering at the outdoor fire pit.

continued on page 13

PRESIDENT'S COLUMN

continued from page 2

process. For example, in the past, FBA members have successfully sought to temporarily enjoin the State Board of Elections from implementing a pilot voter identification program; others have successfully prevented election machines from being removed for maintenance from a polling place during the election. In Fairfax County, our Circuit Court Clerk and Chief Judge ensured that the Circuit Court was available all day on Election Day if needed (read that as before 6:00 AM until after 7:00 PM). Leading up to the election, teams of law clerks and judges worked nights to be prepared for issues that might arise. Staff stayed until almost 9:00 PM on the Friday night before the election for a hearing related to the conduct of the election. Finally, on election night, judges, law clerks, court clerks, the Sheriff and deputies all stayed late in case they were needed to open multiple courtrooms, and some deputies remained present until approximately 1:30 AM Wednesday to receive election-related material from some precincts.

Moreover, the FBA has members who have chosen to participate as officers of election on Election Day. Serving as an election official is a difficult, time consuming, exhausting but fulfilling role. These individuals seek to ensure the integrity of the election process that we value and depend on so greatly. Our last issue of the *Journal* contained an article by FBA Board member Robert Walker. I recommend it to you to better appreciate the role of the election worker. This year many voters had to wait up to four hours to vote; officers of election started their days before 5:00 AM and were still at the polls much, much later. In some precincts, the voting was not completed until after 11:00 PM—and then the officials were responsible for tallying the totals.

This was the first year that the American Bar Association (ABA) had its Citizen Attorneys program seek to recruit attorneys to help meet our great demand for election officials. The FBA was the first local bar association in the nation to opt into the ABA's program to recruit officers of election. Our participation was greatly appreciated by Cameron Quinn, the Fairfax County Registrar, who was one of the founders of this important initiative and helped lead the program nationwide for the ABA.

To all who participated in the electoral process, our community owes a vote of thanks. I would encourage each and every member to consider the sacred opportunity we are afforded by our elections, and to consider how she or he can help improve our democracy and the electoral process through participation, whether as an office holder, candidate, protector of the electoral process for a political committee or candidate, election official, or at least as a voter in the years to come.

If I had one suggestion (other than urging everyone to vote and to find one additional way to participate), it would be to reduce the waiting time to vote. Citizens should not have to wait one to four hours, or longer, to vote, although I'm proud

so many did. Although many options exist that would help to accomplish this goal, some of them are controversial. One non-controversial measure would be to invest sufficient resources to increase the number of voting machines and electronic poll books in each precinct to alleviate these waits.

With the election finally behind us, we can turn to the holiday season now at hand. As you enjoy the season, the parties, and the giving and receiving of presents, please remember the less fortunate and help with the Fairfax Bar Association's and the Fairfax Law Foundation's programs. During this season we had the Paralegal Food Drive, which benefited of the Capitol Area Food Bank and the Toys for Tots Program. Throughout the year, we have many other good and worthy undertakings in the community, such as the School Supply Drive to benefit Mondlock House II (Fairfax County's largest homeless family shelter), the Paralegal Book Drive for the benefit of the Girls' and Boys' Probation Houses, the court tours program for middle school students, *pro bono* representation, and conciliation, to name just a few.

I wish each and every one of you a wonderful holiday season and a healthy, happy, peaceful, and prosperous 2013. I look forward to working with you next year. ■

Barking Up the Right Tree

continued from page 6

For more information about the groups I have mentioned, please contact:

Homeless Animals Rescue Team (HART)
P.O. Box 7261
Fairfax Station, VA 22039-7261
hart90office@hart90.org

A Forever Home Rescue Foundation
P.O. Box 222801
Chantilly, VA 20153-3801
703-961-8690
www.aforeverhome.org

Safety Network for Abused Animals & People (SNAAP)
Washington, DC, Safety Network
Blair Warner, J.D., Executive Director and Co-founder
blaircw@gmail.com

■

FBA ANNUAL CONVENTION...

continued from page 11

SATURDAY, SEPTEMBER 28TH:

The most important event of the day was the first one with "Breakfast with the Judges" from 8:00-9:00 AM. Attorneys had a rare opportunity to not only break bread with the Judges but to learn something about the Judges (and conversely about the attorneys) and to develop or expand upon an informal relationship which will serve both the Bench and Bar well when everyone is back in court on opposite sides of the bench.

Breakfast with the Judges was followed by a "View from the Bench" as to effective trial advocacy. The panel consisted of Fairfax Juvenile and Domestic Relations District Court Judge Kimberly J. Daniel, General District Court Judge Mark C. Simmons, and Circuit Court Judge Jonathan C. Thacher.

The last panel of the seminar consisted of three Judicial Panel Breakouts for the Family Law Bar, the Criminal Law Bar, and the Civil Law Bar. Each panel had judges offering the court's view of timely issues, responding to inquiries from the bar, and exchanging opinions on several hypothetical questions in each practice area.

After the seminar ended, a golf tournament was held on a Spencer Oldham-designed course going back to 1919. The golf course was maintained in spectacular condition for the shotgun start of the tournament. Fortunately, the score mattered less than an afternoon on the course and the camaraderie of the pairings for golf. If your score lagged...well, there was always the Canteen wagon with a Budweiser or Miller beer to ease the angst.

The Fairfax Bar Association deserves a well-earned compliment for a well-run and relaxing convention. Next year, incoming President Edward Weiner will have the opportunity to take us on another outing which will no doubt be an equal to this year's convention. If you missed this one, you really missed it! Please join us next year and be an active member of your Fairfax Bar Association. ■

2012 CONVENTION SPONSORS

Access National Bank

Freedom Bail Bonds

The McCammon Group

Planet Depos

The Virginia Bar Association

JAZZ 4 JUSTICE SPONSORS

IN THE MIX (\$2,500)

Fite, O'Brien & Anderson, Ltd.

BREAK IT DOWN (\$1,000)

Aldebaran Group, Inc.
William L. Schmidt & Associates, P.C.
Weiner Spivey & Miller, PLC

BOOGIE-WOOGIE (\$500)

Abrams, Landau, Ltd.
Access National Bank
Law Offices of Raymond B. Benzinger, P.C.
Blankingship & Keith, P.C.
Bronley & Binnall PLLC
Commissioner of Accounts Office
Law Offices of Laurie L. Dolson, P.C.
Greenspun Shapiro, P.C.
Hale Carlson Baumgartner, PLC
Isler Dare
Lieblich & Grimes, P.C.
Littler Mendelson, P.C.
MainStreet Bank
Medical Society of Northern Virginia Foundation
Peed Plumbing
Red Hot & Blue, Fairfax
Rees Broome, PC
Sensei Enterprises, Inc.
ShounBach
James Stallings and Maxine Hayashi
George A. Weiner, Esq.

DOUBLE TIME FEEL (\$250)

American Eagle Title & Escrow Services, Inc.
Bancroft, McGavin, Horvath & Judkins, PC
Bean, Kinney & Korman, P.C.
John W. Bevis, P.C.
David and Cathy Bobzien
Briglia Hundley Nuttall & Kay, P.C.
Cannella & O'Neal
Michael H. Cantrell, P.C.
Carroll & Carroll, P.C.
Chef Geoff Restaurants
Cooper Ginsberg Gray PLLC
Curran Moher, P.C.
Sonya M. Duchak, Esq.
Fairfax Income Tax Service
Garver Law Offices, P.C.
The Susan Hicks Group, P.C.
Hottell Malinowski Group
Law Offices of Ralph E. Kipp, PLC
Koonz, McKenney, Johnson, DePaolis & Lightfoot, L.L.P.
Christie A. Leary, P.C.
Law Offices of Robert S. Letnick
The Law Offices of David L. Marks
Metropolitan Washington Law Consortium, PLLC
Courtne L. Norris
Luis A. Perez, P.C.
Petrovich & Walsh PLC
John P. Rowley, III, Esq.
Rudiger, Green & Kerns Reporting Service
Shevlin Smith
Jeffrey N. Silverstein, Esq.
Edna Ruth Vincent, Esq.
Virginia Lawyers Media
Whitestone, Brent, Young & Merril, P.C.

UPCOMING CLEs/EVENTS

January 16, 2013

iPAD FOR LAWYERS CLE

4:00 - 6:30 PM

Fairfax County Courthouse

Room TBD, Fairfax, VA 22030

2.5 MCLE Credits *Pending*

\$87.50 FBA Attorney Members

\$125 Attorney Non-Members

January 22, 2013

TECHNOLOGY IN FAIRFAX COURTROOMS:

COME KICK OUR TIRES! CLE

5:00 - 7:00 PM

Fairfax County Courthouse, Courtroom 5J

2.0 MCLE Credits *Approved*

\$100 FBA Members

\$130 Non-Members

SAVE THE DATE!

March 2, 2013

“PARROTS, PIRATES, AND PARADISE”

AN EVENING IN MARGARITAVILLE

BENCH BAR DINNER DANCE

Fairview Park Marriott

3111 Fairview Park Drive, Falls Church, VA 22042

6:30 PM - Cocktail Reception & Wine Tasting

8:00 PM - Dinner & Dancing

March 14, 2013

EXCULPATORY EVIDENCE CLE

5:00 - 8:00 PM

Fairfax County Courthouse

Room TBD

3.0 MCLE Credits *Pending*

\$105.00 FBA Attorney Members

\$150 Attorney Non-Members ■

NEW FBA MEMBERS

SEPTEMBER

Rachel Rebecca Bauer

James Douglas Bowling

Angela Gilless Campbell

Brian Francis Chandler

Nicolas V. Cummings

Meredith R. Fleming

Benjamin Jordan Kinder

David C. Majors

Richard Brinton Reiter

OCTOBER

Julia Blizzard

Michael Sterling Dingman

Nancy D. Greene

Julia Michelle Jankowski

Emily R. Oveissi

Karin Riley Porter

Rasheeda Raji

Gregory Joseph Sagstetter

Jackson D. Toof

Sean Jagger Williams

NOVEMBER

Sarah Elizabeth Bardos

James Beatty-Fechter

Nicole Elise Bonjean

Shirley Chim

Andrew Deglin

Charlotte Del Duca

Cameron Wakefield Dupuis

Daniel Faircloth

Stephanie Lynn Fleisher

Ashley Noel Fry

Peter I. Grasis

Tara D. Green

Brandy A. Hashem

Douglas Edward Haynes

Jennifer B. Hon

Amanda Lee Indorf

David Jacob Kartchner

Kristen Kugel

John P. Lujan

Sarah Elizabeth Mancinelli

Michael Manning

Terry Etta Marshall

Caitlin E. McAndrews

Nickolas Milonas

Natalie Danielle Morris

Bethan Noonan

Ryan Patrick O'Quinn

Charles K. Peters

Matthew Steven Poliner

Ashlee Elizabeth Sawyer

Mohamed E. Seifeldein

Joshua Sekoski

Andrew C. Sensei

S. R. Sidarth

Anders T. Sleight

Jessica Catherine Strock

Jasmin Tohidi

Julia Wiggins

Negin Farahmand Yeganeh

Jessica Young

Adrienne Roslyn Zelnick

■

CLASSIFIED ADVERTISING

SERVICES

ECONOMIST

- Personal Injury
- Wrongful Termination
- Wrongful Death
- Discrimination

Valuation of Business, Securities and Pension
Funds for Divorce and Business Cases

University Professor with Extensive Experience

Dr. Richard B. Edelman

8515 Whittier Boulevard • Bethesda, MD 20817

1-800-257-8626 301-469-9575



Referrals and Visa on Your Request - Visit at:



www.economist-analysis.com

PITORRI AND ASSOCIATES, LLC

SKIP TRACING — ASSET LOCATING

Gainesville, VA • 703.468.4978

<http://skipassets.com>

Searches by retired intelligence analyst and paralegal, with associates throughout the USA and overseas. Phone tracing, employment, account transfers, deposit history, and more.

Member, PANV. *Call us when credentials count.*sm

BROADSIDE INVESTIGATIVE GROUP, LLC

VA Private Investigation Services License #11-7121

Criminal, Civil, and Cold Case Investigations

Aggressive DUI Defense

Death Investigations

Missing Persons

Basic Accident Investigations

Process Service

Primary@BroadsideG.com

703-966-6409

www.BroadsideG.com

Serving Northern Virginia

OFFICE SPACE

FAIRFAX CITY—JUDICIAL DRIVE, FAIRFAX, VA

Fairfax City, Courthouse Square, directly across from the courthouse. Three attorney offices available now, in a seven-attorney office suite, with conference room, kitchen, reception area, and controlled parking. Call 703-352-5770.

OFFICES FOR SALE OR LEASE

3923 Old Lee Hwy, Unit 63B

- FFX Commons - 1,150 SF w/high ceilings, recep area, 3 private offices, lg conf room, kit, storage closets & BA. Plenty free, unassigned parking. Ext uniform signage allowed.

SALES—\$230.43 PSF (\$265,000)

LEASE—\$19 PSF + elec & cleaning

4122 Leonard Dr at Judicial Drive:

- Lawyers Row directly across from FFX County Courthouse.
- 3,300 SF - 3-story brick TH-office condo. Prof layout w/8 private offices, recep & 2 admin areas, conf room, 2 BA, kit/breakroom, copy/file rm, stor space. Ext. signage allowed & plenty free parking.

**Lease entire 3,300 SF or can be divided into private offices w/shared amenities. (\$500-\$750 per mo. + CAM).*

SALES PRICE—\$256 PSF (\$844,800)

LEASE RATE—\$19 PSF + util & cleaning

- **10615 Judicial Drive, Unit 303** - Judicial Court. 1,003 SF, prof layout w/2 private offices, conf rm, admin area, breakrm or 3rd small office, BA, stor closet, cathedral ceilings. Plenty free parking. Freshly painted and move-in ready! **\$1,672/mo + elec & cleaning**

- **10605 Judicial Drive, A-1, Suite 100** - (Lawyers Row). 1,100 SF, 1st floor, end unit ready for move-in w/existing furniture, recep/admin area, 3 private offices (one exec office w/conf space), kit, BA + stor. Ext. signage + plenty parking. **\$1,925/mo full service**

- **10615 Judicial Dr, A2** - (Lawyers Row). 2,318 SF, 2-story TH office condo w/ recep, open wrk area, 7 private offices, conf rm, kit, stor closets & 2 BA. Furniture & copier convey for tenant's use. Ext signage & plenty parking. **\$3,477/mo + elec & cleaning.**

• Private Offices & Small Suites—

4015 & 4023 Chain Bridge Rd AND 10347-B Democracy Ln

all close to FFX Courthouse. Individual private offices **\$725-\$1,150/mo.** and 2-rm suites up to 750 SF, **\$1,150-\$2,200/mo.** Parking incl. Some w/ shared amenities. Ext signage avail. 1-5 yr lease terms.

Call for more details or to schedule a showing:

Jennifer Neel

Questor Realty, Inc.

Office: 703-750-9200 • Cell: 703-639-7758 • www.questorrealty.com

4110 Chain Bridge Road, Suite 216
Fairfax, VA 22030-4009

PRSR STD
U.S. POSTAGE
PAID
FAIRFAX, VA
PERMIT NO 6565

Address Service Requested



Printed on Recycled Paper
Design/Production by RODANGraphics
703.743.9375 • rodan@rodan.com
Printed by Fairfax Printing & Copying
printers@cox.net

Parrots, Pirates, and Paradise *An Evening in Margaritaville* **Bench Bar Dinner Dance**

Saturday, March 2, 2013
6:30 PM—Open Bar & Wine Tasting
8:00 PM—Dinner followed by Dancing

Fairview Park Marriott
3111 Fairview Park Marriott, Falls Church, VA 22042
Music and Dancing Provided by "Soul Expressions"

Sponsorships available—
Contact Jana Sehrer for further details
703-246-2084 or jsehrer@fairfaxbar.org

