

JOURNAL

Newsletter of the Fairfax Bar Association

www.fairfaxbar.org

December 2007/January 2008

Anchors Aweigh for FBA

by Bob and Peggy Walker



On a gloriously warm October Sunday afternoon, "CLE at Sea" kicked off with smooth sailing as the *Grandeur of the Seas* navigated from Port Baltimore, by Fort McNair, under the Key and Bay Bridges, out through the Chesapeake Bay and eastward toward beautiful Bermuda. Then the tide turned—literally—when roiling seas turned into roiling stomachs. By the time we reached Bermuda (and with a little help from modern science liberally dispensed in the form of Bonine), the wind and seas had calmed and almost everyone was able to enjoy time on the island. Our brief island stay was filled with scooter rides, beach time, golfing, shopping, sight-seeing, prearranged excursions, and the famous Bermuda rum swizzles!

Educational programs were held on the two full days at sea and were timed to leave the afternoons free. They covered areas of interest and topics of relevance to most practitioners. Topics included ethics; practice in the General District Court; employment law and dealing with difficult employees; the interaction of bankruptcy and family law; criminal law; ethics in the electronic era; business valuations; domestic relations and relocation; the legal rights of nontraditional families; and practice at the Commissioner of Accounts office. Being on a ship provided ample opportunity to buttonhole the speakers, who generously

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ODIN, FELDMAN & PITTLEMAN, PC PLEDGES RECORD FIRM DONATION TO FAIRFAX LAW FOUNDATION—ENCOURAGES OTHER FIRMS TO MATCH THEIR COMMITMENT TO FAIRFAX



L-R: Timothy J. McEvoy, FLF Treasurer; James B. "Jimmy" Pittleman; David E. Feldman; Dexter S. Odin; Peter D. Greenspun, FLF President.

Odin, Feldman & Pittleman, PC (OF&P) is pleased to announce a commitment of \$75,000 to the Fairfax Law Foundation's "Making a Difference" Capital Campaign. OF&P's David Feldman stated, "The gift is intended as a sign of the firm's strong commitment to the role of the bar in the life of the local community. Just as importantly, it is a sign of our appreciation to those who make the Fairfax Law Foundation such a positive influence in the lives of others."

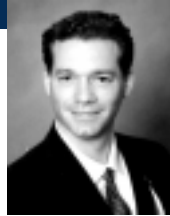
Odin, Feldman & Pittleman was founded in Fairfax County by David Feldman and Dexter Odin in 1972. Jimmy Pittleman joined the firm in 1973. In 1982, Pittleman, working *pro bono*, formed the Fairfax Law Foundation (FLF) by creating the corporate structure and shepherding its receipt of 501(c)(3) status through the IRS. He served as the FLF Secretary and a member of the Board of Directors for more than 15 years.

Fairfax Law Foundation President Peter D. Greenspun accepted the donation from Dexter Odin, David Feldman, and Jimmy Pittleman. In acknowledging the generous gift, Greenspun observed, "Odin, Feldman & Pittleman has a long and proud tradition of supporting the local bar and its Foundation in the work we do to promote justice here in Northern Virginia. Through their generosity and commitment, the Foundation will continue its mission of providing legal assistance to the indigent, educating our youth about the dangers of drug and alcohol abuse, making our court system more user-friendly and efficient for people of all backgrounds and income levels, and explaining our system of justice to the public."

Fairfax Law Foundation Treasurer Tim McEvoy noted that OF&P's gift brings the Capital Campaign's total pledges to just over \$300,000. "Although this amount is still \$700,000 short of the campaign's stated goal of \$1,000,000, OF&P is only the third law firm to have pledged any funds. If OF&P's gift spurs other firms to donate, we are

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Daniel Ruttenberg is the current President of the Fairfax Bar Association. His presidency thus far has been very exciting with events such as a cruise to Bermuda and Candidates Forum for the Offices of Clerk of the Circuit Court and Commonwealth's Attorney for Fairfax County. *EQ* (Esquires' Quarterly) sat down with Dan in his stylish and nicely appointed Tysons Corner office to discuss his views on life, work, and the Fairfax Bar.



EQ: The FBA recently hosted a CLE at Sea Cruise to Bermuda. How did that go?

Ruttenberg: This is an excellent question. The CLE at Sea was the best FBA event in which I ever participated. I had a great time. I met a lot of colleagues and their families. I really enjoyed getting to know new friends as well as becoming better acquainted with the friends I had already made through the years. We had a wonderful time together eating, drinking, dancing, singing karaoke, and hanging out in the sun. There was also plenty of time to do your own thing. For example, I survived exploring the island on a rusty old motor scooter, and found out very quickly that they drive on the wrong side of the road in Bermuda.

The CLEs were top-notch. The caliber of the presenters was exceptional, and they put on an excellent program. We really lucked out on the weather, too. About a week before we set sail, Hurricane Karen was making a beeline for Bermuda. Not wanting this cruise to be derailed by a natural disaster after all the hours that I and everyone else put into planning it, I became an expert in hurricane tracking in the days before the cruise. Thankfully, we had nothing but blue skies the entire trip, although on the way there, the seas were a little rough. It didn't bother me, but some of the little white bags the crew strategically placed on the ship's common area kept disappearing. Another bit of adventure we had was when one of the ship's two engines died on the way home and we had to limp into port. It's a good thing we didn't fly there.

The overall response from the attendees was tremendous, and I am very thankful to the CLE presenters, the FBA staff, the planning committee, and the sponsors for making the cruise such a great success.

EQ: Another very successful FBA event was the recent Legislative Reception and Candidates Forum. Please tell us a little about the evening.

Ruttenberg: I'd be happy to discuss this with you. This was the first joint event among the FBA, the Medical Society of Northern Virginia, and the Arlington County Medical Society. The night started with a networking reception that was well attended by Northern Virginia legislators, their opponents, and members of the three hosting associations. Imagine doctors, lawyers, and politicians in one room together (insert your own joke here). After the reception, the crowd was treated to a forum/debate among the candidates for the offices of Clerk of the Circuit Court of Fairfax County and the Fairfax County Commonwealth's Attorney. The evening was not only entertaining, but it gave the attendees a chance to learn more about the candidates' experience and positions on matters that could affect the attendees' daily lives, and hopefully enabled them to make more informed decisions on Election Day.

EQ: What is the theme for the FBA's Bench-Bar Dinner Dance this year?

Ruttenberg: I must say, these questions are very poignant and thought provoking. The Bench-Bar Dinner Dance, or lawyer-prom as I affectionately call it, is scheduled for March 8, 2008. (Be sure to mark your calendar). This year we are going with "Margaritaville" as our theme. Hopefully, there will be waiters walking

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FAIRFAX BAR JOURNAL

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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.

COURT NEWS

Circuit Court:

It is the policy of the judges of the Circuit Court that when a judge of this Court has presided over an initial contested custody or visitation trial, a petition for modification of custody or visitation that is filed within two years of the initial determination shall be assigned, if possible, to the judge who presided over the initial trial. Because these matters are normally set for hearing at Calendar Control, counsel should expect to be asked the following questions by the presiding judge: (1) Was the initial custody or visitation determination subject to a contested hearing? (2) What judge presided over the hearing? (3) When was the initial custody or visitation determination made? If the determination was made within two years of the filing of the petition for modification, the petition will be assigned to be heard by the judge who made the decision that is the subject of the request for modification, and the matter will be set for trial on the date available to that judge. ■

Save the Dates:

A Tribute to the Hon. Robert F. Horan, Jr.
Commonwealth's Attorney's Office, County of Fairfax
Tuesday, January 29, 2008

5:30 - 7:00 PM Reception

7:00 - 9:00 PM Dinner

Fairview Park Marriott

3111 Fairview Park Drive, Falls Church, VA

"Meet Me in Margaritaville"
Bench-Bar Dinner Dance & Silent Auction

Saturday, March 8, 2008

6:00 PM Cocktail Reception

8:00 PM Dinner & Dancing

Music provided by "Spectrum"

Featuring portrait presentations of Hon. Kathleen H. MacKay and
Hon. Arthur B. Viereg, Fairfax County Circuit Court

\$125.00 Per Person [Black Tie Optional]

\$100.00 Per FBA Young Lawyers' Section member

[Discounted fee will apply to Young Lawyers' Guests/Spouses]

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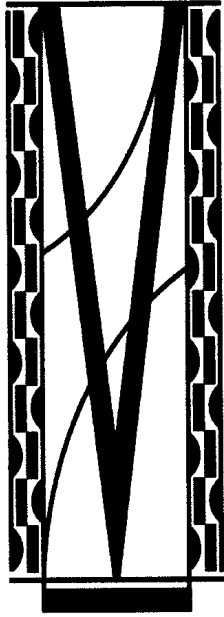
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Odin, Feldman & Pittleman

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confident that the Foundation can reach its goal in the foreseeable future. Law firm support is absolutely essential if the Foundation is to grow and prosper."

Regarding the firm donation, Fairfax Bar President Dan Ruttenberg commented, "I was very pleased to learn about Odin, Feldman & Pittleman's generous contribution to the Fairfax Law Foundation but was not surprised, as the members of that firm have always been active in the Fairfax Bar Association and committed to public service. The members of our community who are served by our Foundation's programs will benefit greatly from Odin, Feldman & Pittleman's gift."

The Fairfax Law Foundation's "Making a Difference" Capital Campaign initial goal is one million dollars to create, seed, fund, and sustain programs and services that support the local justice needs of the citizens of Fairfax County. Funds raised in the campaign will:

- meet increasing costs to provide legal support to the poor;
- support the Fairfax Public Law Library;
- provide new, educational programs at Fairfax County schools for parents and students on topics such as drugs, alcohol, and driving laws;
- continue Mock Trial programs for high school students; and
- support the Conciliation Program to assist in resolving motions in J&DR and Circuit Court.

Please consider joining the ranks with Odin, Feldman & Pittleman today to support the local Bar. Please make checks payable to the Fairfax Law Foundation, 4110 Chain Bridge Road, Suite 303, Fairfax, VA 22030. The Fairfax Law Foundation is a non-profit tax-exempt 501(c)(3) organization. Please consult your tax advisor as to the deductibility of your contribution. ■

The Fairfax Bar Association congratulates:

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JAZZ FOR JUSTICE

by Edward J. Walinsky

Getting money is usually music to an attorney's ears. But contributing money and hearing that music is even better. On Friday night, November 2, the **6th Annual Jazz 4 Justice** concert was held in the Center for Performing Arts at George Mason University. As always, the star performers were the members of the GMU Stage Band under the direction of Jim Carroll. And as always, Guest Conductor Ed Weiner showed that competent musicians and an enthusiastic conductor can produce some beautiful music.

Over the years, members of the Bar have noticed how this event has become better and better. This year was no exception. The house was as full as it has been, not only with members of the Bar and their kin, but with many from the George Mason community as well. Discerning ears also have noticed how the band itself has progressed. In earlier years, for instance, it was not uncommon to have a couple of "ringers" sitting in with the band. This is no longer necessary, as the group itself really cooks. In fact, they have recently put out a CD, "The George Mason Shuffle," a wonderful memento of a fun evening.

The band played a varied selection of tunes, some of which were standards and some of which were newer compositions. The great majority of the band took turns soloing, and all soloists acquitted themselves well. Of special note was Geoffrey Gallante, a seven-year-old trumpeter who performed a Duke Ellington piece "Concerto for Cootie." Members of the community and the Bar were treated to a solo by attorney by day, singer by night Barbara Fakoury. But the highlight of the evening had to be Ed Weiner, who has learned a second piece. For years, we knew that he would do a bang up job directing "In the Mood." Now, he has expanded his horizons to "Chattanooga Choo Choo." It was apparent that he has been practicing, as he was giving noticeable cues and keeping time in a very professional manner.

Best of all, the evening produced a sizeable contribution to the Fairfax Law Foundation's coffers, which will be used for various law-related and other community activities. It is a sterling example of lawyers and patrons of the art coming together for an enjoyable evening and a wonderful benefit that will be ongoing for the community. ■



Geoffrey Gallante

The Fairfax Law Foundation wishes to acknowledge the individuals and organizations who made the Jazz for Justice Concert possible:



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SECTION NEWS

Conciliation Task Force

Last Summer, the Conciliation Task Force began its third year working under a grant from the Supreme Court of Virginia. The committee has been invited to attend the Spring Judicial Conference and give an overview of the program to all Virginia judges. Additionally, members of the Conciliation Task Force have been presenting the program to other jurisdictions in the Commonwealth who are interested in adopting similar program.

The Conciliation Task Force utilizes volunteer attorneys to conciliate motions during the week they are to be heard as well as the morning of the hearing. Attorneys are needed for Circuit and Juvenile and Domestic Relations District Court on all weekdays as well as in Circuit Court for both the 10:00 AM and 11:30 AM Friday Motions dockets. Conciliators also are needed on Wednesdays at the Domestic Relations District Court during the motions docket. Attorneys interested in volunteering their time can contact the Conciliation Committee ffxconciliation@aol.com.

Legislative Committee

On October 16, the FBA, together with the Medical Society of Northern Virginia, hosted a Reception and Candidates' Forum. The event was very well attended by FBA members, judges, physicians, and more than two dozen candidates for state house and senate and Fairfax County Board of Supervisors. Following a lively reception complete with adult beverages and hors d'oeuvres, attendees were treated to a spirited debate between three candidates for clerk of court and two candidates for commonwealth's attorney.

In the coming weeks, we will be lobbying various members of the local delegation to the Virginia Legislature for at least one, and maybe two, bills that directly affect the FBA and/or the administration of justice. If you



Dr. Michael Trahos and Dan Ruttenberg



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are interested in getting involved with the Legislative Committee, please contact the Chair, Doug Kay at dkay@briglia-hundley.com.

Paralegal Section

The Paralegal Section would like to congratulate and recognize its two members, Cindy Jeffries and Justine Nguyen, who were honored as recipients of the 2007 President's List Award from the National Capital area Paralegal Association.

As a reminder, please refer to the Paralegal Section page at www.fairfaxbar.org for our 2008 listing of events. We've got an exciting year ahead of us!

Wills, Trusts & Estates

This year promises to be an exciting year in estate law! Or, at least it is going to be an exciting year to be a member of the Wills, Trusts & Estate Section. Our section meets on a monthly basis, generally on the third Wednesday of the month. In order to accommodate schedules, we try to vary meeting times by having breakfast meetings as well as lunch meetings.

We kicked off our year in September with our annual "Ask the Bench" luncheon at the Fairfax Country Club. The Honorable Robert W. Wooldridge delivered some useful words of wisdom, as well as recent case decisions from our bench. Because our section's practice area sweeps in a variety of cases, it is helpful to hear the judicial perspective on things.

Our last meeting involved issues about cemeteries and funerals, both from the perspective of the funeral service licensee, and from the perspective of the families and fiduciaries. Michael Doherty, and the General Manager of Fairfax Funeral Homes, Peter Piscatelli, gave our section some much-needed guidance and direction in the dynamics

involved in legal funeral issues.

We have many more exciting topics to come, including an Elder Law Update for the Trust and Estate Attorney, our annual joint meeting with the Elder Law Section—"Ask the Clerk," as well as our annual "Ask the Commissioner" meeting in March. For those of you unfamiliar with these annual events, our "Ask the Clerk" joint meeting centers on the latest filing issues in fiduciary matters here with the Fairfax County Circuit Court, including an update on filing protocols, local rules, and other matters. This meeting is normally very informative, and very well-attended. This joint section meeting takes

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Courthouse Expansion Update--

The Fairfax Bar Association sponsored a "Town Hall Meeting" to inform the Bar of the status of the courthouse improvements, answer their questions, and hear their concerns. Representatives of Fairfax County Department of Public Works & Environmental Services (DPWES); Building Design Branch & Construction Management; Facilities Management; the Office of the Sheriff; Circuit Court, General District Court, and Juvenile & Domestic Relations District Court; and the Contractor, Dick Corporation, attended. Many members of the Bar were there, including members of the FBA Board of Directors and the Circuit Court and General District Court Committees.

The Dick Corporation provided a running slide show of photographs depicting the construction project at various stages over the months. DPWES, Facilities Management, and the Dick Corporation provided tours of the project after the meeting. The tour required advance reservations that were filled very quickly. As a result, additional tours were scheduled on November 16th, at 3:00 p.m., and November 30th, at 4:00 p.m.

At the Town Hall Meeting, Representatives of the Building Design Branch & Construction Management and the Dick Corporation provided an overview of the features of the soon-to-be-completed Phase 1A of the project. The Facilities Management Branch also described the planned moves for various courthouse offices.

Some of the new courtrooms will be one-third larger than the biggest current courtrooms, with space for up to six counsel tables in the well. Some courtrooms will be "high-tech," with Powerpoint capability, raised floors for easy wiring, and jury boxes with monitors. There will be wireless Internet access areas available in the courthouse, specifically the Law Library, the Jury Assembly room, and possibly the cafeteria. Judge Smith expressed an interest in constant recording of all court proceedings and is working on this capability. There will be new attorney conference rooms associated with the new courtrooms. Chambers will still need to house law clerks in the old conference rooms in the Jennings Building. The existing witness rooms will still be available for conferences outside the courtrooms. The current courtrooms will continue for use as at present, with the addition of new courtrooms.

The existing elevators in the Jennings Building will be renovated after the courthouse addition and its new elevators are operational. This will be a separate construction contract handled by Facilities Management Department. The escalators currently are not budgeted for renovation. The Circuit Court hearing rooms will be renumbered to avoid confusion with the courtrooms.

CURRENT STATUS OF COMPLETION DATES:

- Phase 1A (new structure) substantially complete January 2008.
- Phase 1B is expected to be completed 90-120 days after substantial completion of Phase 1A. This includes Clerk staff moves to temporary and permanent space, and the start of renovation in the existing Jennings Building.
- Phase 2A, 2B, and 2C are expected to be completed in 245 days after substantial completion of Phase 1B. This includes moving the J&DR Court and moves back into the renovated Jennings Building generally.
- All construction should be completed by January 1, 2009.

Dates given are approximate and only valid if the project remains on schedule.

All courts expressed concern regarding court closures and cancellation of court dates. The J&DR Court expects to move in a matter of days after renovation of the Jennings Building, hopefully without disruption in the docket. All members of the Bar should double check the status of office moves and court closures during the transition periods.

CAFETERIA:

The courthouse cafeteria will close in March or April 2008, at the earliest. Almost all parts and equipment needed for the new cafeteria have been delivered to avoid any delays in the construction of the new facility. The proposed construction completion for the cafeteria renovations is ninety (90) days.

Chief Judge Smith explained that the cafeteria closure will impact Circuit Court scheduling and lunchtime. Judges, members of the Bar, and courtroom staff will not have enough time in an hour to get lunch because of the increased need to leave the courthouse building. The Circuit Court will move to a 90-minute lunch break, from 12:45 p.m. to 2:15 p.m. There is a good chance that many court trials and other proceedings will need to continue until 5:30 to accommodate the lost time during the day.

The current courthouse atrium shall be used and outfitted to accommodate the new high-end vending stations for a small dining area. This will include at least 10 upscale vending machines that will carry microwavable foods such as pizza, BBQ sandwiches, and



Town Hall Meeting 11.09.2007 by Jim Fullerton

hot pockets. Some of the refrigeration units in the current cafeteria will be brought up for sandwiches and other quick meals that require refrigeration. Microwaves will be available. This upstairs café will remain open after completion of the downstairs cafeteria renovation for some limited snacks and drinks.

The temporary café area will hold fifty-four (54) people. Members of the public will have priority for these seats. Courthouse staff will be encouraged to bring their own lunches and members of the jury will be handled separately with box lunches brought in.

Once the new cafeteria is up and running, the representatives from the Office of the Sheriff assured us that the FBA could still use the cafeteria for CLE programs after hours.

HANDICAPPED PARKING:

The Office of the Sheriff has many security concerns involving parking, and plans to keep Garage A for staff use only (garage closest to the courthouse). Currently, the following spaces exist for handicapped parking, in addition to the spaces in Garage B:

- surface lot between Jennings and Massey Buildings;
- approximately eight (8) spaces beyond the bollards near the back entrance to the Magistrate's office, which are often used by employees; and
- handicapped spaces in Garage A serve as overflow lot for handicapped spots. These spaces are not publicized to the community. Designated handicapped spaces and regular spaces in Building A are available for handicapped parking. Garage A is staffed M-F from 6:30 AM to 5:00 PM and anyone with a handicapped parking decal should be let into the facility by the staff member.

PARKING:

Due to security concerns, Garage A will remain staff parking, with accommodations for general handicapped parking. However, the Office of the Sheriff cautioned that the garage will be stressed when the J&DR Court facility moves over to the new building. The surface lot adjacent to the J&DR Court will reopen when construction is completed (approximately 50 spaces), and the surface lot on Page Avenue will remain open. All surface lot parking currently is reserved for staff.

BUILDING ACCESS AND SECURITY:

The new facility will have a main entrance through a rotunda area (closer to Route 123 than the current main entrance). This will accommodate most of the foot traffic. The Office of the Sheriff plans to have four (4) magnetometer machines and two (2) X-ray machines in this area, along with designated lines to exit the building. The jail entrance on Judicial Drive will remain open, as will access through the Magistrate's office on the other side of the building near Garage A. The security machinery will need to be "staggered" and there is no current allowance in the Sheriff's budget for additional machines. This will continue to be a concern, especially once the J&DR Court personnel, Bar members, and public start to use the main courthouse. The net result will be one less entrance to the courthouse, but the same number of magnetometer and X-ray machines as currently exist. The current Courthouse Access ID cards will continue to provide members of the Bar access at all public entrances as currently. The Bar Association and the Office of the Sheriff will continue to work on a long-term plan to expand security capabilities at the new Courthouse entrances.

There is continued concern regarding vehicular access between the Massey Building and the Courthouse for security reasons. It is possible that this access will be further restricted in the future.

No cell phones or laptops with camera capability are allowed in the courthouse other than those belonging to attorneys who have Courthouse Access ID cards. The Office of the Sheriff indicated that some members of the Bar have abused their ability to avoid security by carrying cell phones with cameras into the courthouse for their clients. The Sheriff's Department indicated that the members of the Bar who abuse this privilege will lose their individual special entrance privileges.

There will be one entrance for staff near the current cafeteria entrance. The Office of the Sheriff indicated that members of the Bar with the current Courthouse Access ID cards will be able to use this entrance and are encouraged to use this staff entrance. This is similar to the entrance plan used by Loudoun County, where members of the Bar can go through the employee entrance, but must go through security. Members of the Bar also will be able to enter at the new main entrance and the existing Judicial Drive entrance, apparently without going through security.

Members of the Bar expressed concern over need to go through security, because of the delay, particularly when transporting boxes of documents and other materials for trial. ▶



Lt. Ortiz reported that members of the Bar can contact him at 703.246.4364 if they plan to enter the building with large loads of materials needed for a trial or other hearings at the courthouse. However, there will be no elevator readily available at the staff entrance until after the cafeteria has been reopened, and it will not be easy to travel directly to the courthouse addition from this entrance. Members of the Bar expressed dissatisfaction with these arrangements and the need to approach all courthouse entrances without going through security. In this discussion it became apparent that the Office of the Sheriff had stopped running background checks on Bar members with Courthouse Access ID cards. Members of the Bar expressed a willingness to go through background checks on an annual basis in order to expedite entrance into the courthouse. Chief Judge Smith and the Office of the Sheriff will discuss these options and report the results in the future.

Members of the Bar will have access to the new Law Library as they do now, through the Jail entrance after hours. This may be changed to an easier access through the main entrance sometime in the future. The Office of the Sheriff still has budgetary concerns with extended hours access to the Civil Counter for Marriage Licenses and other public services. This will hopefully be resolved in the future. Members of the Bar expressed concern, because the bond referendum passed by the public had been partially for the purpose of extending hours of public services in the courthouse.

MOVE UPDATES

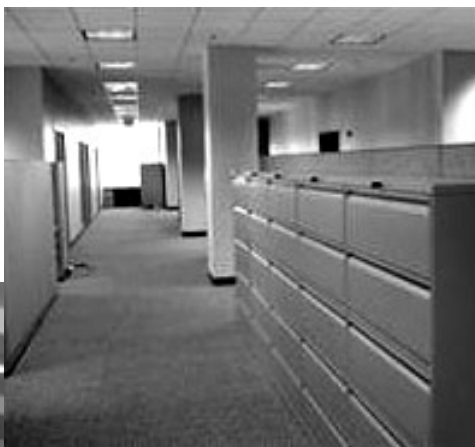
General District Court:

The opening of the Courthouse Expansion in February or March 2008 will cause major changes in General District Court operations. Three new courtrooms will open (one Traffic and two Criminal). Video advisements will move to the District courtrooms instead of 5E. All three clerk's offices will be moving. Traffic and Criminal will move to their permanent location on the southeast corner (nearest Red, Hot & Blue) of the building on the first and second floors, respectively. Court Services will move to a location adjoining the Criminal Clerk's office. The Civil Clerks will move temporarily to space on the third floor above the new entrance to the courthouse.

The space vacated by Court Services, the Civil and Criminal Clerk's office, and Courtroom 2E will be gutted. The space will be rebuilt for use as a clerks' training area and expanded Civil Clerk's office.

New District courtrooms in the expansion will include some electronic and AV upgrades, seating, and access accommodations to comply with current building code standards, secure prisoner interview rooms for attorneys, and many other improvements.

Hon. Michael J. Cassidy



J&DR District Court:

1. The courtrooms, the clerk's office, and judges' chambers are all on the third floor for ease of use by the public.
2. The public waiting areas are much nicer, bigger, and climate controlled.
3. Both air conditioning and heating will work 12 months out of the year; no change-over required.
4. We have a state-of-the-art holding facility for juveniles with private elevators from a secure hallway to individual courtrooms. Each courtroom has a holding cell attached for prisoners.
5. The judges and juvenile and adult prisoners will no longer share a hallway. No more almost bumping into prisoners on the way to court.
6. Private interview rooms for each courtroom on the third floor will allow attorneys to speak with their clients without having to go to juvenile holding.
7. There will be large improvements in technology and all courtrooms will have raised floors to accommodate future technology improvements.
8. Intake, on the first floor, will have extended hours Monday through Friday until midnight for juvenile defendants.
9. The J&DR District Court will move one time near the end of the project. We anticipate moving over the weekend with minimal disruption to our docket.
10. Each courtroom has a witness room and a conference room for attorney use.
11. There are many more nice features that are too numerous to mention.

Hon. David S. Schell



Anchors Aweigh for FBA

continued from page 1

answered questions and shared further information with us. Educational materials were distributed via email well ahead of the sailing so there were no cumbersome binders taking up valuable cabin space. They were provided on CD upon checking in on ship. The papers were all well-written and contained valuable information that will serve as good future references.

It was a rare and pleasant opportunity to have Judges Mutnick, Nordlund, and Daniel participate in the presentations. Each did a very fine job (as you'd expect), imparting information and insight into the topic at hand. It was quite a treat to interact with them in a setting other than the formal and often times tense courtroom. Jack Rust, the Fairfax Commissioner of Accounts, provided a great deal of information along with useful tips and insights.

As the ship left King's Wharf, we were delighted by the sight of double rainbows, surely a good luck sign for a safe voyage back to the U.S. That evening a nautically dressed Captain Ruttenberg hosted a well-attended cocktail party that provided a relaxed time for socializing before dinner. It was further reported that the good captain was also spotted leading his "crew" on the dance floor during the after-hours lounge scene.

Sailing back into Baltimore Harbor and reality signaled the end of a very pleasant five days of getting education on specific subjects, getting to know fellow bar members in a different setting, and getting used to the hedonistic life-style on a cruise ship. ■



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President's Column

continued from page 2

around with complimentary margaritas. Along with the silent auction, dinner, and dancing, we will be presenting portraits to Judges Kathleen MacKay and Arthur Vieregg, who are retiring this year. It should be a fun night.

EQ: In person, you look—well, a little older than you do in your current FBA photo. Yet you did not have a new photo taken when the FBA recently hired a photographer to update members' photos. Why?

Ruttenberg: That's a great, what? Wait, this is not one of the questions I received in advance. Okay, I can explain my picture. The FBA is joining forces with other local bars to come out with a new legal directory. It should be available next Spring. For now, however, the "blue book" is the current repository for everyone's picture. I am told that many attorneys, secretaries, and paralegals, when they receive a new edition, flip to the pictures section and critique photos (not that anyone in my office would do that). As we all want a good review, the selection of one's photo is very important. For men, we have to choose between wearing a suit and dressing casual. Then there is the all important decision of whether or not to smile.

I had my FBA photo taken in 2001. I took the conventional approach of a suit and a smile. I like the suit approach. In fact, I am wearing a suit and tie in my driver's license photo—on the rare occasions when I get carded, it impresses the cocktail waitresses. In any case, my plan is to use that FBA picture for the rest of my legal career. First of all, it's one of the few decent pictures I've taken, and secondly, I think it accurately reflects the state of my soul. It's not that I'm trying to cling to my rapidly fading youth (as some have suggested). Now that you mention it, I do use that same picture in other publicity materials. For example, I teach a lot of continuing education classes to CPAs. I suspect after awhile the attendees will probably think my father had to fill in for me.

EQ: Please address the rumors that you have help writing your President's columns.

Ruttenberg: Hold on. What is this?! Did Kathryn put you up to this? My publicist told me this would be a friendly interview. Okay—I acknowledge that Alan Plevy and Kathryn Dickerson review my drafts and share with me any comments that they may have regarding my work. Although, the most common comment I get is "you can't write that." And it was Jason Smolen's idea to do this interview (I'll have to have a talk with him), but I wrote most of it.

EQ: How many other times have you taken credit for other people's work?

Ruttenberg: Alright—that's it! I'm out of here! ■

Section News

continued from page 7

place in January, so watch for our announcement.

Our "Ask the Commissioner" event gives our section members the opportunity to pose questions to our very own John H. Rust, Jr., Commissioner of Accounts of Fairfax County, as well as our Deputy Commissioner, Joseph A. Barsanti. We also invited William G. Murry, Commissioner of Accounts for Arlington

County. The fiduciary oversight by the Commissioner of Accounts office can be fairly complicated, which is why dialogue between the commissioners and our practitioners is very important. Every member attending learns something new at this meeting.

As you can see, we have a busy year planned. If you would like to become a member of our section, please contact the Fairfax Bar Association's office and sign up. We always benefit from new members and ideas, and we encourage you all to join our section. ■

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Virginia Lawyers Weekly

FBA Affinity Partners offer discounts on goods and services. Visit our website to find out more fba@fairfaxbar.org.

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 for calendar year 2008. An annualized grant of approximately \$1.1 million is available for the provision of a full range of civil legal services to eligible clients throughout the VA-20 service area in Northern Virginia. The Request for Proposals (RFP) and other information pertaining to the LSC grants competition is at www.ain.lsc.gov. Refer to the RFP for details on preparing the grant proposal; applicant eligibility requirements; the regulations and guidelines governing LSC funding; the description of the VA-20 service area in Northern Virginia; and submission requirements. Applicants must file a Notice of Intent to Compete (NIC) to participate in the competitive grants process. The NIC is due by December 17, 2007, 5:00 p.m., E.D.T. The deadline for filing grant proposals is February 15, 2008, 5:00 p.m., E.D.T. E-mail inquiries pertaining to this notice and the LSC competitive grants process to Competition@isc.gov.

UPCOMING EVENTS & CLEs

HANGING OUT A SHINGLE: WHAT TO DO BEFORE TAKING THE LEAP
To be rescheduled

ANNUAL DUI CLE

Thursday, January 17, 2008

4:30 - 8:30 PM

Fairfax County Courthouse Cafeteria
4.0 (.5 Ethics) MCLE Credits *Pending*
\$140 FBA Members/
\$160 Non-Members

PARALEGAL SECTION PERSONAL ENHANCEMENT

January 23, 2008

A TRIBUTE TO THE HON. ROBERT F. HORAN, JR., Commonwealth's Attorney's Office, County of Fairfax
Tuesday, January 29, 2008

5:30 - 7:00 PM Reception

7:00 - 9:00 PM Dinner

Fairview Park Marriott, 3111 Fairview Park Drive, Falls Church, VA

Sponsorship Opportunities Available!

For more information, please contact Courtnie Norris at 703.246.2084 or email:

cnorris@fairfaxbar.org.

IMPORTANT RECENT CHANGES IN REAL ESTATE LAW & PRACTICE CLE
Wednesday, January 30, 2008

4:00 - 8:00 PM

Fairfax County Courthouse Jury Assembly Rm
4 MCLE Ethics Credits *Pending*
\$140 FBA Members/\$160 Non-Members

COLORS OF JUSTICE PROGRAM FOR HIGH SCHOOL STUDENTS
February - TBA

CHOCOLATE LOVERS' FESTIVAL
February 2, 2008

FRAUD AGAINST TAXPAYERS ACT CLE
Wednesday, February 6, 2008

4:30 - 7:30 PM

Fairfax County Courthouse Courtroom 1B
3.0 MCLE (.5 Ethics) Credits *Pending*
\$105 FBA Members/125 Non-Members

Speakers: Guy W. Horsley, Jr., Special Assistant Attorney General; J.E.B. White, Executive Director of Taxpayers Against Fraud; and Zachary A. Kitts, Esq., Cook & Kitts, PLLC

PARALEGAL SECTION LITIGATION SEMINAR
February 27, 2008

"MEET ME IN MARGARITAVILLE" BENCH-BAR DINNER DANCE & SILENT AUCTION

Saturday, March 8, 2008

6:00 PM Cocktail Reception

8:00 PM Dinner & Dancing

Music provided by "Spectrum"

Featuring portrait presentations of

Hon. Kathleen H. MacKay and Hon. Arthur B.

Vieregg, Fairfax County Circuit Court.

\$125 Per Person [Black Tie Optional]

\$100 Per Young Lawyers' Section Member
[Discounted fee will apply to Young Lawyers' Guests/Spouses]

Sponsorship Opportunities Available!

For more information, please contact Courtnie Norris at 703.246.2084 or email:

cnorris@fairfaxbar.org.

CIRCUIT COURT MANUAL CLE, TAKE 2
March 18, 2008

FIDUCIARY ACCOUNTING CLE (ELDER LAW SECTION)
April - TBA

COURTHOUSE MOVE
February/March 2008

GMU COLORS OF JUSTICE RECEPTION
April 11, 2008 - (Tentative)

YOUNG LAWYERS DISCOVERY CLE
April 16, 2008

FAMILY LAW HOT TOPICS CLE
May - TBA

LAW DAY WEINER ROAST
May 1, 2008

SPRING GOLF TOURNAMENT
May 12, 2008

SUPPORT STAFF ORIENTATION
June - TBA

ANNUAL LUNCHEON MEETING
June - TBA

See You in Margaritaville
Saturday,
March 8, 2008!

New FBA Members— October 2007

Kristi Cahoon

Diane C. Carey

Jennifer Ann Crane

Camille J. Dillio

Anne Campbell Gruner

Amy S. Gurgle

Christopher A. Jones

Kathleen J. Kiebler

Michelle N. Killik

Morgan Leyh

Abbe Lisa Reis

Jonathan Shapiro

Nancy Joan Truax

Kimberly Martin Turner

ANNOUNCEMENTS

Divorce Mediation: Myths and Facts, an Internet radio talk show on the VoiceAmerica network, hosted by Fairfax Bar member and professional mediator, Philip Mulford, has been profiled in **Duke Magazine**. Published in the January/February issue, the article highlights Philip's successful radio show and his practice of mediation in the Northern Virginia market. **Duke Magazine** has a subscription base of over 100,000 readers nationwide.

Entering its second year, Mulford's radio show, **Divorce Mediation: Myths & Facts** enjoys one of VoiceAmerica's fastest growing audiences. In its first 10 months, the show more than tripled its listening audience; an unprecedented growth according to show producer Brian Travis.

Mulford Mediation has offices in Fairfax and Warrenton, VA. For more information visit www.mulfordmediation.com.

Divorce Mediation: Myths & Facts airs every Thursday at 2 PM ET on www.voice.voiceamerica.com and is rebroadcast every Wednesday at 5 PM ET on www.business.voiceamerica.com. Past shows are archived and available on demand and for download on MP3 and Podcast.

ANNOUNCEMENTS CONTINUED

Sonja N. Aoun and **Jennifer L. Stanford** have formed **AOUN & STANFORD PC** in Fairfax. Their practice focuses on family law, estate planning, general civil litigation, and mediation; 10605 Judicial Drive, Unit A-1, Fairfax, VA 22030; 703.273.2670; Fax: 703.273.2672; www.aounstanford.com.

The law firm of **COOPER GINSBERG GRAY, PLLC** is pleased to announce that **Kimberly Martin Turner** has joined the firm as a partner. Ms. Turner practices Trusts and Estate law, including estate planning, estate administration and business succession planning. 10201 Fairfax Boulevard, Suite 520, Fairfax, VA 22030; 703.934.1480; www.cgglawyers.com.

Dean Anderson has joined the **LAW FIRM OF EVAN H. FARR, PC**, as an associate attorney. **Yahne Miorini**, who has been with the Farr Firm since 2005, has been named senior associate. The firm also has opened two satellite locations: 8300 Greensboro Drive, Suite 800, McLean, VA 22102, and 620 Herndon Parkway, Suite 200, Herndon, VA 20170; 800.399.3277; www.VirginiaElderLaw.com.

FITE & O'BRIEN, LTD., is pleased to announce that **Anne Campbell Gruner** has become associated with the firm and that **Frances Fite**, **Kathleen O'Brien**, and **Donald E. Anderson, III**, have added Collaborative Practice to their dispute resolution process offerings. 8027 Leesburg Pike, Suite 304, Vienna, VA 22182; 703.821.8575; Fax: 703.442.9472; www.fiteobrien.com.

HAMILTON ALTMAN CANALE & DILLON of Bethesda and Fairfax is pleased to announce **Marc A. Brown**, **Karen S. Karlin**, and **Thomas M. Wochok** are new members of the firm. Marc Bowen and Thomas Wochok are in the Fairfax office and Karen Karlin is in the Bethesda Office.

Manuel E. Leiva (formerly of The Leiva Law Firm P.C.), and **David L. Marks** (formerly of the Law Offices of David L. Marks), are pleased to announce the formation of **LEIVA & MARKS, P.L.C.**; 4011 Chain Bridge Road, Fairfax, VA 22030; 703.352.6400; Fax: 703.352.5226; www.leivamarkslaw.com.

Robert S. Letnick is pleased to announce the relocation of his law offices to 12700 Fair Lakes Circle, Suite 350, Fairfax, VA 22033; 703.273.4100; Fax: 703.273.4266.

The Tysons Corner law firm of **PESNER KAWAMOTO LAW GROUP PC** has changed its name to **PESNER KAWAMOTO CONWAY, A PROFESSIONAL LAW CORPORATION**, and remains located at 7926 Jones Branch Drive, Suite 930,

McLean, VA 22102; 703.506.9440. **Jeremy J. Milo** has joined the firm as an associate, with a practice that focuses on Trust and Estate Planning. www.pkc-law.com.

SHOUN, BACH, WALINSKY & CURRAN, P.C. is pleased to announce that **Hope F. Rosen**, **Molly M. Garrett**, and **Luke S. Abraham** have become associated with the firm, and that **Edward J. Walinsky** has been selected for inclusion in The Best Lawyers in America as among the nation's highest rated family law attorneys; 12700 Fair Lakes Circle, Suite 300, Fairfax, VA 22033; 703.222.3333; Fax: 703.222.3340; www.shoun.com.

Gerard M. Stegmaier has been appointed to the wireless broadband advisory committee of the Virginia General Assembly's Joint Commission on Technology and Science. He practices with **WILSON SONSINI GOODRICH & ROSATI PC** in Washington, D.C.

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WILLIAMSBURG SQUARE OFFICE CONDO FOR SALE OR LEASE—Located on 4001 Williamsburg Court, Fairfax, VA 22030. Approx. 2,453 SF office condo, end unit. Ideal for use as law office. Call Commonwealth Commercial, Inc. 703.476.9898 (shown by appointment). Contact Kevin Fitzpatrick 703.568.7596 direct; or Neil Cramsey 703.476.9898, ext. for info.

Positions Available/Wanted

FAIRFAX—Full-service law firm in Fairfax, VA seeks a trusts and estates attorney with 3-5 years of experience and an LL.M., a CPA, or equivalent coursework. Flexible or part-time hours possible (with anticipated growth to full-time associate). In 35 years, we have built a solid client base and a reputation for providing outstanding legal services. Our collegial firm emphasizes immediate responsibility, significant contact with clients, and challenging work for our associates in a team-oriented, creative problem-solving relationship with our clients. EEO Employer. Contact in confidence: careers@ofplaw.com with resumé and transcript. Visit our website at www.ofplaw.com for more details about our firm.

LAKE RIDGE OFFICE, PRINCE WILLIAM COUNTY—Prince William County boutique AV-Rated 10-lawyer litigation firm has immediate opening for two attorneys: **Lake Ridge Office – Domestic Relations**—energetic trial attorney for fast-paced practice, 1-3 years experience preferred, ability to handle complex cases a plus; **Stafford Office – Criminal/Traffic**—Associate to join rapidly growing criminal/traffic practice, 2 or more years experience, preferably Commonwealth Attorney's Office or Public Defender. Fax resumé to Attn: Dana 703.492.4201.

Save the Dates!

*A Tribute to the
Hon. Robert F. Horan, Jr.
Tuesday, January 29, 2008*

and

*Bench-Bar Dinner Dance
& Silent Auction
Saturday, March 8, 2008*

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WHEN SHOULD YOU REFER TO AN ELDER LAW SPECIALIST?

By Evan H. Farr, Certified Elder Law Attorney

Author of *The Virginia Nursing Home Survival Guide*

When your clients are concerned about nursing home expenses and/or Medicaid eligibility, your first thought should be to consider a referral to an elder law specialist. Medicaid laws are extremely complex, and they change frequently. The U.S. Supreme Court has called Medicaid law "an aggravated assault on the English language, resistant to attempts to understand it." *Schweiker v. Gray Panthers*, 453 U.S. 34, 43 (1981). Our own Fourth Circuit has called the Medicaid

Act one of the "most completely impenetrable texts within human experience" and "dense reading of the most tortuous kind." *Rehab. Association of Virginia v. Kozlowski*, 42 F.3d 1444, 1450 (4th Cir. 1994). Yet despite this complexity and despite the fact that much of the Medicaid law was re-written in early 2006, numerous Medicaid planning options still exist. No one ever wants to end up in a nursing home; however, if a nursing home becomes the only option, my firm and I help clients get the best possible care by protecting assets from the forced liquidation often required by Medicaid. By obtaining Medicaid benefits for clients and then helping the clients use the protected assets to pay for better care, we help our clients preserve dignity and quality of life when it matters most. For example, protected assets can be used to hire a private caregiver to supplement the basic level of care provided by the nursing home, or to purchase services or items for a nursing home resident that are not covered by Medicaid, such as special medical devices, upgraded wheel chairs, transportation services, travel and entertainment, and other amenities that make life better and more enjoyable.

With 3 attorneys, 4 paralegals, and a geriatric care coordinator, my practice focuses on Life Care Planning & Medicaid Asset Protection. In addition to being the only attorney in Virginia who has earned the dual designations of Certified Elder Law Attorney* and Certified Estate Advisor,* I was also recently named as a **Virginia Super Lawyer**, an honor bestowed upon Virginia's top 5% of lawyers as chosen by other Virginia attorneys and through the independent research of *Law and Politics Magazine*.

With office locations in Fairfax, McLean, and Herndon, I welcome referrals from all over Northern Virginia, and I'm always delighted to discuss a potential case with another attorney to determine if a referral is appropriate. If you think your clients might need an Elder Law specialist for themselves or their parents, please call me at 703-691-1888, or contact me by email at EvanFarr@FarrLawFirm.com or via our Web site, www.VirginiaElderLaw.com.

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