

JOURNAL

Newsletter of the Fairfax Bar Association

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FBA Fall Convention at The Gaylord in National Harbor



PRESIDENT'S COLUMN A PRELIMINARY VICTORY IN RICHMOND

By Douglas R. Kay, Esq.

Last year, the General Assembly enacted legislation reducing the number of judges in the Fairfax Juvenile & Domestic Relations District Court (J&DR) from eight judges to seven (upon the death or retirement of one of the eight). This is unacceptable. FBA leadership (together with its partners on the Fairfax J&DR bench) began preparations to right this wrong even before the General Assembly enacted the offending legislation. With the announcement of Judge Grodner's retirement effective April 30, 2016, our efforts began in earnest and culminated with a significant early victory last month.



The impetus for reduction in the Fairfax J&DR bench can be traced to efforts on the part of the General Assembly to ascertain the appropriate number of judges statewide. In the wake of competing claims of overstaffing and understaffing by various circuits and their constituent politicians, the General Assembly commissioned a study by National Center for State Courts (NCSC) to evaluate judicial need using objective criteria. This effort culminated in the Virginia Judicial Workload Assessment Report (Report), which essentially developed an algebraic equation to determine the number of judges appropriate for each circuit:

$$\frac{\text{"Case Filings"} \times \text{"Case Weight" (in minutes)}}{\text{Judge Year Value (in minutes)}} = \text{Judge Need}$$

The Report recommended that some courts lose judgeships and that others gain judgeships. In Fairfax, the Report adversely affected only J&DR. See the Report here: http://www.fairfaxbar.org/resource/resmgr/Judicial_Funding/virginia_Judicial_workload_a.pdf.

The FBA, through its motivated representatives, as well as its hired professionals in Richmond, vigorously lobbied the General Assembly for an exception for the Fairfax J&DR. Among other things, we contended that the Report did not adequately take into account the effect that interpreters have on our dockets. These lobbying efforts were insufficient to persuade a General Assembly anxious to put in place objective criteria by which it could ascertain appropriate judicial staffing. The General Assembly adopted the study across the board. With the support of our local delegation, however, we were able to get a significant concession enabling language in the statute that required additional and further evaluation of the effect of interpreters on the Report.

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PRESIDENT'S COLUMN

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As required by statute, the General Assembly commissioned the NCSC to study the impact of interpreters on certain dockets, including those in Fairfax. The NCSC collected data in June 2015 and promised to report its findings in early November 2015. Not long after this, Judge Grodner announced her impending retirement. The J&DR Bench promptly determined it would formally apply for reinstatement of its eighth judgeship to the Committee on District Courts (CDC) in November 2015.

Fortunately for our cause, Judge Clayton (and his colleagues on the Fairfax J&DR bench) did not idly wait for the NCSC to report on interpreters. In 2014 and 2015, the Fairfax J&DR bench collected its own data on interpreter use. Judge Clayton conducted his own analysis upon the data collected. He also gathered other statistics that support the proposition that Fairfax J&DR cannot afford to lose any judges. Armed with a myriad of statistics and data, Judge Clayton prepared countless spreadsheets supporting our position. With the assistance of Aaron Christoff (Chair of the FBA Legislative Committee); Joe Dailey (then Chair of the FBA J&DR Committee); Jay Myerson (Judicial Taskforce Chair); and others, Judge Clayton composed draft after draft (nine at last count) of what would become the primary advocacy piece seeking recovery of Fairfax J&DR's eighth judgeship.

Touching on a few of the high points, it was in 2005 that CDC first determined that Fairfax County needed an eighth judgeship for Fairfax J&DR. A decade later this need has not diminished. From 2005 to the present, the population of Fairfax County increased 21% (over 100,000 additional residents). Moreover, the number of case filings and hearings in Fairfax J&DR remain far greater than in the rest of the state. Finally (and most importantly, because it uses the very formula the General Assembly utilized to justify reduction of our bench), weighted caseload analysis for Fairfax J&DR—using statistics compiled by the Virginia Supreme Court over the past three years—indicates Fairfax J&DR should have eight judges. This is largely due to the fact that Fairfax J&DR has experienced the largest percentage increase (28%) in case filings in the state over the last three years. When these current figures are applied to the weighted caseload formula adopted in the Report, it is clear that Fairfax J&DR needs eight judges.

These facts justify reinstatement without the need for the boost anticipated from the Interpreter Study. But, to no surprise of the J&DR Bench (which, as noted above, had conducted its own studies that reached the same inescapable conclusion), the Interpreter Study only strengthened our position. (More on the Interpreter Study in a moment). First, keep this in mind: Fairfax County has the most diverse population in the state—30% of its population is foreign-born and over one-third of its households speak a language other than English at home. School-age children represent Fairfax J&DR's primary customers, and data from Fairfax County Public Schools show a 13% increase in student population since 2005 (when the General Assembly first gave us our eighth judgeship). The Hispanic student population and the Asian student population has increased 78% and 27%, respectively, over the same decade.

As a result of Fairfax County's diversity, Fairfax J&DR judges frequently hear cases that require interpreters. Indeed, Fairfax J&DR handles nearly one-half of all cases involving interpreters statewide. Any judge or trial lawyer will confirm without hesitation that cases involving interpreters take much longer than those without them. The Interpreter Study published on November 12th merely confirmed what we already knew: "Hearings that involve an interpreter take longer than similar hearings without an interpreter." See Interpreter Study here:

https://c.ymcdn.com/sites/fairfaxbar.site-ym.com/resource/resmgr/Judicial_Funding/VA_Court_Interpreter_Study.pdf.

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FAIRFAX BAR JOURNAL

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Hon. Dennis J. Smith (Ret.)
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The Honorable Dennis J. Smith recently retired after serving the Fairfax Circuit Court for twenty years, including four terms as Chief Judge. Prior to his tenure on the bench, he enjoyed a successful career in private practice with a focus on family law. A Past President of the National Conference of Metropolitan Courts, Judge Smith is also a Member of the Boyd-Graves Conference and the Virginia Civil and Criminal Benchbook Committee. He previously served as Chair of the Judicial Education Committee for the Judicial Conference of Virginia and of the Advisory Committee on the Establishment of a Family Court in Virginia. Judge Smith now brings this distinguished record of leadership and achievement to The McCammon Group to serve the mediation, arbitration, and special master needs of lawyers and litigants throughout the Commonwealth and beyond.

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Lawyers as Problem Solvers: Alternative Dispute Resolution

By Charlie Rowan, JD, and Robin Graine, JD

If you want to grow your law practice and your reputation, to be known as a problem solver, and to keep pace in today's value-driven consumer and business culture, consider enhancing and promoting your skills in Alternative Dispute Resolution (ADR).

HOW DOES ADR COMPARE TO LITIGATION?

ADR is a broad term that covers virtually every means of resolving conflict other than litigation. Most ADR involves a private, informal, non-adversarial process. Often in ADR, the conflict is framed as a shared problem to be solved, the parties have broad freedom to customize the procedure, and information is shared voluntarily. The law may or may not be a significant factor in the outcome. In most ADR, the parties are the decision-makers and are not limited to traditional legal remedies. Rather, the parties jointly create a solution that satisfies their interests.

Even when litigation is practiced efficiently and cost-effectively, it is almost always more expensive than a successful ADR process addressing the same issues.

The best-known forms of ADR are mediation and arbitration, but there are many others, including neutral case evaluation, facilitation, ombuds services, and project dispute panels. Arbitration and mediation come in various forms and styles and can be customized to suit the situation. Other forms of ADR include combinations of mediation and arbitration.

In "med-arb," mediation is followed by arbitration of any remaining issues. In "arb-med," an arbitration hearing takes place, but the decision is withheld while the parties attempt to reach settlement through mediation.

CLIENTS WANT SOLUTIONS, NOT VICTORIES

Today, potential clients—both individuals and organizations—are more knowledgeable, result-oriented, and price-conscious than ever. They come to law firms for expert help resolving problems that are already costing them dearly in distracted management, lost business, damaged relationships, and missed opportunities. They want lawyers who will help them move through their conflicts wisely and pragmatically so that they can return their focus to living their lives and running their businesses. For these clients, "winning" often means resolving the dispute in a way that satisfies their business and personal interests. They do not necessarily want or need a victory in court, especially if that would require a large expenditure of time, money, and other resources.

More and more, clients see the adversarial system as one that, by design, divides a fixed-sized pie among three hungry competitors—a plaintiff, a defendant, and a lawyer or law firm. These clients, therefore, aren't looking for a lawyer for whom "conflict resolution" means beating the other side or pressuring them to "give in" or "come to reason."

These clients are inherently skeptical of threatening litigation as settlement "leverage" because they have learned that litigation is expensive and unpredictable and that most cases never go to trial anyway. Today's savvy clients understand, at least generally, that ADR offers the possibility of expanding the pie and preserving a greater portion of this larger pie for the parties to share.

THE LEGAL PROFESSION IS MORE COMPETITIVE THAN EVER

Another reason more lawyers are embracing ADR is that the practice of law is more competitive than ever. Services formerly reserved to private-practice lawyers billing by the hour are now being provided more cheaply by non-lawyers, being automated, being "commoditized," and being sold and delivered à la carte online.

In this new world, lawyers who want to be known as the "go-to" problem solvers for business, government, and family conflicts, who want to enjoy long-term relationships with clients, and who want to receive high-quality referrals must be able to attract not just clients who want to "win" in the sense of someone else losing, but also the many clients who have a more flexible attitude toward what an acceptable solution might be.

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Lawyers as Problem Solvers...

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More and more, lawyers are successful not because they are great litigators, but because they are great litigation avoiders. Helping clients prevent disputes and, for the disputes that do arise, resolving them in efficient and satisfying ways, are what many potential clients now think of when they think of “dispute resolution.” For many clients, litigation is now the “alternative”—one they want to avoid.

VIRGINIA LAWYERS ARE EXPECTED TO DISCUSS ADR WITH THEIR CLIENTS

If appealing to a larger pool of potential clients and satisfying the clients who retain you were not reasons enough, the Virginia Rules of Professional Conduct remind us of our duty to inform clients of the range of options available for solving their problems and the importance of honoring the clients’ goals for the representation. Specifically, Comment 1 to Rule 1.2 provides that every Virginia lawyer “shall advise the client about the advantages, disadvantages, and availability of dispute resolution processes that might be appropriate in pursuing these objectives.” The same comment continues:

“[A] clear distinction between objectives and means sometimes cannot be drawn, and in many cases the client-lawyer relationship partakes of a joint undertaking. In questions of means, the lawyer should assume responsibility for technical and legal tactical issues, but should defer to the client regarding such questions as the expense to be incurred and concern for third persons who might be adversely affected.”

Of course, this does not mean that lawyers must choose ADR for every client problem or dispute. But Virginia lawyers plainly have a duty to advise clients of alternatives to litigation. Considering all the ADR methods available, the range of matters and situations for which one or another ADR process may be suitable is very broad. Rule 1.2 contemplates that lawyers will be familiar with these methods and prepared to advise their clients about them.

CONCLUSION

The authors sometimes wonder whether, given a blank slate, we would invent the modern American adversarial system. Knowing what we now do know about what works and what people want when it comes to addressing conflict, would we create the expensive, complex, and often misunderstood litigation system we have today?

Or would we create a system that recognizes that conflict is a natural part of life, that focuses on aiding relationships, and empowering and supporting parties to create their own solutions in efficient and satisfying ways, and that makes it a primary obligation of lawyers to seek solutions that heal and add value?

Litigation is not likely to go the way of the buggy whip. We are not likely to do away with the adversarial system anytime soon. Nor should we. That system is sometimes the most effective, and sometimes the only, way to protect a client’s interests. But today, relatively few clients are looking to hire a modern-day gladiator to vanquish an opponent. Rather, most are looking for wise, balanced counsel and cost-effective, pragmatic solutions.

If you have a headache, you don’t typically begin the search for medical help with a visit to the neurosurgeon. Yes, some headaches will require brain surgery, but most will be cured with far less invasive, costly, risky, time-consuming, and destructive interventions. Litigation is the “brain surgery” of our legal system. Today’s clients get that. That is why they often prefer to work with lawyers who offer the realistic possibility of a “cure” through the use of the rich assortment of constructive and creative approaches known as “Alternative Dispute Resolution.” ■

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Awards Ceremony Held to Honor Exceptional Service to Our Community

The Fairfax Law Foundation (FLF) is pleased to announce the 2015 Golden Gavel Award winners. The awards were given on October 20, 2015 at the Fourth Annual Golden Gavel Awards Ceremony. The evening, emceed by Larry Smith, Anchor at Good Morning Washington weekday mornings on ABC7/WJLA-TV and News Channel 8, honored lawyers, organizations, and individuals whose charitable work exemplifies the Foundation's culture of service—one that has a long history of community activism that improves the quality of life in Northern Virginia.



Fairfax Law Foundation Volunteer of the Year – Gina L. Marine, Esq.

Since entering George Mason Law School in 1996, Gina has been involved in organizations with the goal of helping others. She was an intern for Legal Services of Northern Virginia and an intern for the Fairfax Public Defender's office while in law school. She served as an intern for the Honorable Leslie M. Alden of the Fairfax County Circuit Court. She became a member of the Fairfax Bar Association's Law Related Education Committee in 2003, and immediately volunteered for Court Tours and Mock Trials, including participation in the Annual City of Fairfax Chocolate Lovers Festival. She played many roles in the mock trials for kids and was a volunteer contestant in the "So You Think You Are Smarter Than A Lawyer" game show. In 2012, Gina offered to be the Court Tour Coordinator for the Fairfax Law Foundation's Eighth Grade Court Tour Program, and continues to serve in that capacity, as well as Vice Chair of the Law Related Education Committee. Gina also serves as a conciliator for the Juvenile & Domestic Relations District Court, and volunteers every month (using her day off) as the *Pro Bono* Attorney of the Day in the J&DR Court. Gina has served on many organizations, including the Virginia Women Attorneys Association—Northern Virginia Association, the Virginia State Bar Young Lawyers Conference, the Northern Virginia Black Attorneys Association, and the George Mason American Inn of Court.

Gina has earned this award through her dedicated participation in so many of the programs that have become the cornerstone of the Fairfax Law Foundation. We thank Gina for all of her contributions to the Foundation and our community.

Attorney Volunteer – Brian C. Drummond, Esq.

A lifelong resident of Fairfax County, and the son of a military family, Brian Drummond has a profound sense of duty to serve those who are in need in this community. He has generously donated his time and efforts to a wide variety of community service and philanthropic opportunities over the last 20 years, all the while carrying on a busy and quite successful law practice.

Over 20 years ago, Brian established the Kiddos Charity Golf Classic, Ltd., (a 501(c)(3) organization) for the benefit of the Child Life Program at Inova Children's Hospital, raising over \$250,000 since its inception. He is a member of the Development Board at Inova Children's Hospital, and has participated in fundraising projects such as the Star Kid 8k, Movies Under the Stars, and book and computer drives for children who must stay at the hospital.

Brian is the current Chairman of the Board of Final Salute, Inc., a 501(c)(3) corporation dedicated to the housing and support of homeless female veterans. Homeless female veterans are one of the fastest growing segments of the homeless population, and this organization has assisted over 300 women with housing and/or financial assistance.

He also joined the board of Ellie's Hats, another 501(c)(3) organization, dedicated to kids with cancer and their families.

Emerging Leader Volunteer – Ryan M. Witkowski, Esq.

Ryan graduated from the Emory University School of Law in Atlanta, GA in 2008. Upon graduation, he began working as an associate at Feldesman Tucker. In April 2011, Ryan joined The Condo Law Group, where he currently practices.

Ryan was the President of the Young Lawyers' Board last year and presently serves as Past-President on that Board. Fellow Board members describe Ryan as an excellent leader, and the Fairfax Bar Young Lawyers and the Northern Virginia legal community benefited from his service and leadership. He also served on the Law Foundation's 5k committee last year. If you need someone to step up and do something, Ryan is your man.

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Awards Ceremony...

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For the past several years, Ryan has helped his church, the United Methodist Church of Annandale, VA, organize mission trips to different regions of Brazil to help local communities build necessary infrastructure such as schools and community centers. Ryan spearheaded the trip for the church this year and will likely return for his seventh year next summer.

Non-Profit – Volunteer Fairfax

Volunteer Fairfax has been the heart of volunteering in Fairfax County for over 40 years. The Center matches the skills and interests of volunteers and donors to the needs of local nonprofit organizations, helping to build a better community through service. Through a variety of programs and services such as Emergency Response (which works with agencies to train pre-affiliated volunteers, and works with the Fairfax County Office of Emergency Management to fulfill unmet needs and coordinate spontaneous volunteers in times of disaster), and the Volunteers for Change program (which is designed to offer busy, working adults a monthly calendar of one-time projects to participate in), Volunteer Fairfax undoubtedly strengthens the capacity of its nonprofit members and offers meaningful volunteer opportunities for local citizens.

A little known fact is that Volunteer Fairfax has an emergency response program. In times of emergency, Volunteer Fairfax is tasked with the responsibility of spontaneously deploying and coordinating volunteers throughout the region. Most frequently our expertise is called upon during floods and snowstorms. There is often a need for coordination across multiple jurisdictions, so Volunteer Fairfax works closely with the federal government, local Offices of Emergency Management, and other community-based organizations to ensure a unified response in the event of an emergency.

Education – Patricia Winch

Ms. Winch began her teaching career in Fairfax County in 1993. In her many years with the County, she has continued her lifelong learning by attending conferences and seminars. She is an active member of the education community, serving with such groups as the Board of The Cold War Museum, and the Virginia Department of Education SOL Curriculum Review Committee.

For the past several years Patti has been coordinating the 8th Grade Court Tour Program on behalf of the Fairfax County Public Schools. Thanks to Patti's tireless efforts to coordinate the participation and transportation of students and faculty, young people of Fairfax County have the opportunity to learn about the civil and criminal judicial systems of the county and state with a field trip the Fairfax County Courthouse. ■

**Please See Awards Ceremony
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2015 FAIRFAX BAR ASSOCIATION FALL GOLF TOURNAMENT

By Robert S. Letnick, Esq.



The Fairfax Bar Association held its Fall Golf Tournament at the Potomac Shores Golf Club on Monday, September 21, 2015. The Potomac Shores Golf Club is located in a fast-developing planned community along the Potomac River in Prince William County. The golf course was honored by *Golf Digest* in 2014 as one of the best new courses in the nation. The golf course is a Jack Nicklaus-designed golf course that is adjacent to the shore line of the Potomac River. This golf course was selected for this event based upon an informal survey of those who regularly participate in our golf events, and the Potomac Shores Golf Club did not disappoint any of the participants. The golf course was in excellent condition, despite having endured a very difficult summer.

The format for this tournament was a scramble (Captains' Choice). The first place team was a threesome consisting of Leo Coates, John Lamorte, and Charles Brown, who won the event with a 14 under par 58. The second place team of Steve Cochran, Bill Musto, Stacy Moulton, and Scott Heon shot a 13 under par 59. Third place went to the team of Dickson Young, Brigitte Perry, Justin Daniel, and Mike Dougherty, who shot a score of 12 under par 60, and won third place in a match of cards against another team that also shot 60. The last place team, who appeared to really enjoy playing in this event, shot a 1 over par 73. As far as I can recall, this is the lowest score for a last place team that we have ever had in one of our Bar Association tournaments.

The women's closest-to-the-pin competition on hole #6 was won by Brigitte Perry, while the men's closest-to-the-pin competition on hole #15 (at a distance of only 18.5" from the hole) was Bill Musto. The women's longest drive competition on hole #7 was won by Keiran Carter, and the men's longest drive on hole #17 was won by Justin Daniel.

After a great day on the golf course, the golfers were treated to a buffet dinner at the Tidewater Grill, which overlooks the 18th hole on the golf course. There were raffle items awarded to numerous participants who had the opportunity to win substantial golf merchandise, including assorted golf clubs and golf balls. The Potomac Shores Golf Club and the Westfields Golf Club donated rounds of golf as silent auction items that benefited the Fairfax Law Foundation. Special recognition goes out to the Fairfax Memorial Park for their sponsorship of the dinner buffet.

Just like the Miss America contest has the Miss Congeniality Award, the Fairfax Bar Association may soon have to give out an award for the best dressed golfer. Those who participated in this golf tournament had the dubious fortune to observe one of our very own, who shall remain anonymous, arrive in an ensemble that included Loudmouth shorts that only he could pull off. Once again, while he is a past President of the Fairfax Bar Association and the current President of the Virginia State Bar, his identity shall not be revealed in this article.

The next scheduled golf event sponsored by the Fairfax Bar Association shall be the **16th Annual Spring Golf Tournament at the Westfields Golf Club on Monday, May 9, 2016 at 1:00 p.m.** As in all of the golf outings of the Bar Association, all golfers of varying skills are encouraged to participate in our golf events and enjoy a great day on the golf course with your friends while leaving the anxiety of the office behind. Please mark your calendars for the next Bar Association golf tournament and we look forward to seeing you next Spring at the Westfields Golf Club. ■



MEMBER SPOTLIGHT

SONYA M. DUCHAK, ESQ.



Sonya Duchak is the Development Coordinator for the Fairfax Law Foundation. Part of her responsibility with the Fairfax Law Foundation is to oversee the fundraising campaign programs for the Fairfax Law Foundation, which benefits the Motions Conciliation Program and the Court Tour Program, along with the *Pro Bono* Center and the Fairfax Law Library. She also has chaired the Fairfax Bar Association's Law Related Education Committee since 1996. As such, she coordinates the Devonshire Program, the Court Tour Program, the children's mock trials, and speakers for the schools. She is also Coordinator for the Motions Conciliation Program.

Her husband is in the military, so Sonya says she tried to take advantage of wherever her young family was stationed. She managed to earn her undergraduate degree and MBA while moving to 13 different places. She moved to Virginia in 1990 and started law school shortly thereafter. She said, "Before coming here, we were in 13 different places, so I didn't have continuous work experience, but I did get my education and that was really important for me."

A 1994 graduate of the George Mason University School of Law, Sonya started her legal career working for First Virginia Bank (now BB&T) in their corporate law department. When she left First Virginia Bank, she worked for a couple of small law firms in Northern Virginia and became involved in the Fairfax Bar Association. Sonya credits the Hon. Janine M. Saxe for introducing her to the FBA. Judge Saxe invited her to her first FBA luncheon and asked her to join the Law Related Education Committee. "[Judge Saxe] was the best person I could have associated with on that first round of getting into the FBA," Sonya said.

After joining the Law Related Education Committee, Sonya says "the rest is pretty much history." The Devonshire Program is one of the Law Related Education Committee's biggest responsibilities and the Court Tour Program comes under the auspice of the Fairfax Law Foundation. She worked closely with Judge Saxe and the late Ed Walinsky, and says they got the court tours up and running in the mid-1990's. [Judge Saxe], John Wasowicz, and Ed Walinsky had contacts through the state that enabled them to start the Devonshire Program in 2000. The Devonshire Program uses volunteer attorneys to speak to at-risk kids. The program classifies "at-risk" kids as those who are first time offenders for drugs and/or alcohol.

From the first week of September through the end of the school year in June, there are approximately 72 sessions. Volunteer attorney speakers are needed every Wednesday morning at 9:30 at either the Quander Road or Pimmit Hills sites. Sonya lines the speakers up and says that the Devonshire Program's goal is to engage with the at-risk kids and start a conversation rather than lecture them. The program seeks to educate the kids about their rights and responsibilities.

"You can't go through life without somehow getting caught up in the legal system for good, bad, or indifferent," said Sonya. "I think we're better off as a society if we can help some of these kids."

Every year in August, Sonya speaks with the local middle school social studies department heads and talks to them about the Court Tour program. She says Gina Marine coordinates the court tours for Fairfax County Public School eighth grade civic students. Each year, approximately 26 middle schools are involved and they each come twice during the school year. A court tour typically happens three times per week and lasts three hours. The children do a mock trial, talk to a judge from the Juvenile and Domestic Relations District Court, see a General District Court holding cell, and observe a Circuit Court trial or arraignment. Sonya says that, thanks to the efforts of Ed Walinsky and Judge Saxe, the court tour is included in Fairfax County Public School's standards of learning.

Sonya credits former Fairfax Bar Association president Jay Myerson with getting her involved in the Conciliation Program. According to her, Jay and others started it in the late 1990's and she became involved in 2005. She reports quarterly to the Virginia Supreme Court regarding the program. She says there have been more than 5,000 conciliations since 2005. Measuring by motions that are removed from the docket after conciliation, Sonya estimates the program averages about a 75% success rate.

"We average more than 400 conciliations a year in J&DR and Circuit Court. We have helped the courts considerably by freeing up their dockets," she said. "I am there every Friday in Circuit (along with Bob Walker or David Hirsch). We have conciliators every Wednesday in J&DR. I really feel that we can help people who can't seem to find help anywhere else. My phone number

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Fairfax Courtrooms Are Going Digital!

By David Bartee, Sharon Nelson, and John Simek

Fairfax Courtrooms are going Digital! Fairfax County's Court Technology Office (CrTO) is currently designing the "next generation" digital courtroom to upgrade the existing Courtroom Technology Management System (CTMS). Coined "CTMS 2", the new digital design is necessary to replace obsolete analog hardware and will include newer, digital components for courtrooms undergoing renovation and the upgrade of existing CTMS courtrooms. The first CTMS courtrooms were launched in 2008 using state-of-the-art technology at that time to support electronic evidence presentation, video conferencing, and system management.

In less than 10 years, the technology has changed dramatically and the ability to keep pace is challenging, yet exciting. As analog equipment and repair parts are being discontinued, existing evidence and presentation hardware components require replacement with digital hardware. This emerging technology is not a "plug and play" fix, as digital hardware may require new cabling, connections, and upgraded software code. Digital technology is expensive but necessary to accommodate future needs.

To the casual observer, a CTMS courtroom may look like a simple set-up of flat screen displays and microphones. CTMS is actually a very complex system of components both inside and outside the courtroom including routers, switchers, codecs and edge devices such as touch panels, flat screens, laptop interfaces, document cameras, enhanced x-ray, CD/DVD players and computer video with annotation and printing capabilities. Specialized programming allows the judge and clerk to manage multiple microphones and video displays located at the judge's bench, clerk's station, court recorder station, attorney tables, podium, jury box, and spectator gallery. Attorneys are provided a control panel at the podium to select an evidence source and review the status of what is being seen by the witness, jury, or gallery.

Recently, members of the FBA faculty who teach "Technology in Fairfax Courtrooms: Come Kick Our Tires" met with CrTO staff for a "sneak-peak" demonstration of some of the new digital products and functions available to end users. The Court Technology Office has shared an excellent relationship over the years with the FBA and many of the attributes of CTMS are a direct result of this collaboration. High on the list for CTMS 2 is the ability to support Bring Your Own Devices (BYOD) such as laptops, tablets, cell phones, etc.

One of the most exciting products demonstrated was the CYNAP wireless presentation system from WolfVision. The CYNAP allows attorneys and users to make a simple and secure wireless connection into the CTMS directly from their BYOD device. This requires a two-step wireless connection for Android and Apple devices including iPhones, iPads, and MacBooks. Devices running Microsoft Windows will require a software installation available from the manufacturer.

CTMS 2 will continue to include audio and video connections for laptops at the attorney tables, podium, and witness stand. This will include both analog VGA and digital connections for HDMI and DisplayPort connector types. Annotation enhancements may be underway as well with many options available from various manufacturers that include an electronic highlighter and a spotlight. Wireless lavalier microphones will be provided in larger courtrooms such as 5E, 5J, and 4J to allow attorneys that prefer to walk around the courtroom to be heard more clearly when they step outside of normal microphone ranges. New higher-end touch panel displays from Dell and Planar are being tested and are showing significant improvement and reliability over the existing Elo panels. In addition, a new interpreting system is being rolled out providing interpreters a small control panel to control volume levels for all speaking participants with the ability to toggle back and forth between English and foreign languages.

The new CTMS 2 digital design will be completed by January 2016. The first CTMS 2 "Digital Courtrooms" are planned to rollout by August 2016 as renovations for Courtrooms 5A, 5B, 5E, and 2B are completed. The upgrade of 18 existing CTMS courtrooms will commence soon afterwards. As you can understand, the completion of the project will take some time as we can only have so many courtrooms "out of commission" at one time. The objectives of CTMS are "to improve citizens' access to the Courts, facilitate trials and hearings in the most effective and efficient means possible, allow for all three Courts to share common resources, and provide for the flexibility and adaptability required to incorporate future changes in technology and court proceedings.

As with all new courtroom technology, judicial approval is necessary. We look forward in the latter part of 2016 to incorporating all of these changes in our very popular "Kick the Tires" CLEs. Now that you've had a preview, make sure to join us for this educational foray into our courtroom technology future. ■

PRESIDENT'S COLUMN

continued from page 2

The Interpreter Study noted that nearly one-quarter of all Fairfax J&DR hearings require the use of an interpreter. Stated simply, the Interpreter Study confirms that Fairfax J&DR is justified in seeking restoration of its eighth judge.

The application to the CDC includes 12 of Judge Clayton's compelling spreadsheets and no fewer than 29 letters of support from various individuals, including the Sheriff of Fairfax County; the Chairman of the Board of Supervisors; the Commonwealth's Attorney; the Public Defender; the Chief of Police; and others. It represents months of effort and planning and I urge you to read it. See Application of the Fairfax J&DR here: https://fairfaxbar.site-ym.com/resource/resmgr/Judicial_Funding/FairfaxJDR_CDC_Appl.pdf..

On November 23, 2015, Judges Saxe, Carr, and Clayton appeared before the CDC at the Supreme Court building in Richmond and presented oral argument. I assure you that our legal community was very well represented; each of these fine jurists proved to be excellent advocates. It was a sight to see. I am pleased to report that the CDC approved the application submitted by the Fairfax J&DR to restore its eighth judgeship. I hope you will join me in congratulating Judges Saxe, Carr, and Clayton, and all their colleagues on the J&DR bench for a job well done. Bravo!

The CDC will inform the General Assembly of its determination if it has not already, but this is merely the first step in restoring the eighth judgeship to our J&DR court. The challenge ahead is to persuade the General Assembly to enact legislation restoring the eighth judgeship and also to approve funding of all eight positions. The road ahead remains uncertain and difficult. Your continued support is crucial to the success of the project. I urge all of the more than 2,200 members of the FBA to write your delegate and senator in support of this worthy cause. In the near future, a letter will be circulated to FBA Members. ■

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UPCOMING CLEs/EVENTS

January 6, 2016

JUDICIAL PORTRAIT PRESENTATION FOR JUSTICE JANE MARUM ROUSH

12:00 - 2:00 PM

Fairview Park Marriott, 3111 Fairview Park Drive, Falls Church, VA 22042
\$45 FBA Members/\$55 Non-Members

Sponsorships are available! Please contact Jana Sehrer at 703-246-2084 or jsehrer@fairfaxbar.org.

March 22, 2016

"FIRE & ICE" BENCH BAR DINNER DANCE

6:30 PM - Open Bar Reception

8:00 PM - Dinner Followed by Dancing

Fairview Park Marriott, 3111 Fairview Park Drive, Falls Church, VA 22042
\$125 Per Person/\$100 FBA Young Lawyers Section Members

(Discount applies to YLS guests)

Sponsorships are available! Please contact Jana Sehrer at 703-246-2084 or jsehrer@fairfaxbar.org.

SAVE THE DATE!

April 10, 2016

HEROES v. VILLAINS 7TH ANNUAL RUN FOR JUSTICE 5K

Fairfax Corner, 4100 Monument Corner Drive, Fairfax, VA 22030

Sponsorships are available! Please contact Laura Hoover at 703-246-2734 or lhoover@fairfaxbar.org.

May 9, 2016

SPRING GOLF TOURNAMENT

11:30 - 12:30 PM - Registration

12:00 PM - 12:30 PM - Putting Contest

1:00 PM - Shotgun Start

Westfields Golf Club, 13940 Balmoral Greens Ave, Clifton, VA 20124

\$175 Per Person. Includes: Greens Fee, Cart, Lunch at the Grill, Buffet Dinner, and Prizes.

SAVE THE DATE!

January 21, 2016

VETERANS DOCKET CLE

February 2, 2016

CIRCUIT COURT COMMITTEE'S DOMESTIC RELATIONS SUBCOMMITTEE BEST PRACTICES BROWN BAG LUNCH SERIES

12:00 PM - 2:00 PM

Brown Bag Lunch - Bring Your Own

Fairfax County Courthouse, 4th Floor Jury Assembly Room #404

2.0 MCLE Credits (*Pending*)

\$50 Per Person

SAVE THE DATE!

April 6, 2016

WINE LAW CLE AND TASTING

March 1, 2016

THE THREE "F" WORDS OF FAMILY LAW: FAULT, FACTORS, AND FEES IN DIVORCE CLE

4:30 PM - 7:30 PM

Fairfax County Courthouse - Courtroom 5J

3.0 MCLE Credits (*Pending*)

\$105 FBA Attorney Members/\$150 Attorney Non-Members

\$75 FBA YLS Section Members/\$120 YLS Non-Members

SAVE THE DATE!

April 21, 2016

LEGAL HISTORY OF FAIRFAX CLE

SAVE THE DATE!

May 5, 2016

ANNUAL DUI CLE ■

NEW MEMBERS

September 2015

Peter Biberstein
Justin Contratto
Julia Cosans
Alina Czaplicki
Dana Desprois
Kevin Deturris
Tracie Dorfman
Jennifer Draut
Jessica Draut
Mark Franco
Scott Friedman
Nancy Goodiel
Bryan T. Kennedy
Jessica Killeen
Linh Ly
William Frederick Mason
Tashea McDade
Peggy McLean
Stephanie Melnyk
Richard Nguyen
Temitope Odusami
Isaac Post
Anam Rahman
Cassandra Sheehan
Michael J. Smith

October 2015

Karrie Lyn Barbaro
Donna Biderman
Joseph Boyle
Maura Bradley-Andre
Randolph Brickey
Christopher Chipman
Kevin M. Fitzpatrick
Dirk McClanahan
Lamya Moosa
Joshua A. Morehouse
Jibran Muhammad
John William Palenski
Christine Anne Thibodeau
Bradley C. Tobias
Michael Volz
Craig Young
Meghan Zimman

November 2015

Nathaniel Blase
Francis Brickfield, Jr.
Caitlin Brown
Alexander Bylund
Adam Calinger
Damon Colbert
Michael Connolly

Joseph Coules
Justin Curcio
Katherine David
Jeffrey Thomas DePaso
Jolene Y. Doedens
Hillary Freund
Jennifer Groves
Kang He
Mary Horner
Anthony Jarboe
Saba Khwaja
Sotia Kyriacou
Hasina Lewis
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OFFICES FOR SALE OR LEASE

3927 Old Lee Hwy, Unit 102-C - Fairfax Commons at Main Street intersection across from Courthouse Shopping Plaza. 1,150 SF upper lvl office suite has high ceilings, open fir plan, 2 prvt offcs, kit, BA, util, extra lighting & 5-ton HVAC. Suitable for many uses! Plenty parking! **SALE - \$250,000 (\$217.39 psf)**
New reduced price and \$2,500 credit to purchaser at closing with ratified contract before 12/31/15!

3843 Plaza Drive - Located at Old Lee Hwy and Plaza Dr. 2,542 SF on 2 floors: Main lvl (1,308 SF) has recep. area, conf. rm, 2 prvt offices, lrg workspace, kitchenette, BA, workspace, util. rm. & 2 entrances. Lower lvl (1,234 SF) has 2 prvt offices, lrg exec. office or conf rm, full kit, work/storage rm, BA & util. rm. Plenty free, unassigned surface parking. Uniform ext. signage avail. **SALE - \$535,000 (\$210.46 psf) \$5,000 construction credit to purchaser at closing w/ratified contract by 12/31/15! Owner retirement & relocation requires 5% below market price for speedy sale!**

3911 Old Lee Highway, Unit 43B - Office condo located in the heart of FFX City nr corner of Main St. across from Courthouse Shopping Plaza. Excellent visibility facing Old Lee Hwy. Lovely office has high ceilings, 4 prvt. offices, recep. area, conf. rm, office/workroom, util. clst, BA & kitchenette. Uniform ext. signage allowed. Plenty parking. **SALE - \$255,000 (\$222 psf) or LEASE - \$1,700/mo + elec. & cln.**

10627 Jones Street (at Judicial Dr) Ste 301-A - Red Maple Ct - Bright 2nd flr corner unit 1,000SF w/recep/waiting area, 2 offices, conference room, BA, util/storage & file room. Avail immed. 2-5 year lease. Owner will replace carpet w/3 year lease min. Existing furniture conveys (optional). **SALE - \$225,000 (\$225 psf) or LEASE - \$1,350/mo + elec & cln.**

10379-B Democracy Lane - 2,000 SF office condo located in the heart of Old Town Fairfax. Very bright, attractive suite w/6 prvt. offices, 2 conf. rm, open workspace, recep. area, 2 BAs, 2 storage/file rms, & 2 zoned HVAC systems. **SALE - \$470,000 (\$235 PSF) or avail. For 1-year LEASE - \$2,500/mo (\$15 psf) + elec, cln, phone & internet**

4103 Chain Bridge Road - Location! Elevated office building w/plenty parking across from Fairfax Courthouse! Office suites from 570 SF - 4,500 SF avail. for 3-10 yr. term. New paint, carpet, and standard build-out w/4+ year lease. **LEASE - \$23 PSF, Full Service**

4122 Leonard Drive (at Judicial Drive) - 3,300 SF across from FFX Courthouse! Townhouse-style office in Lawyer's Row with: 8 offices, conf. rm, recep. area, admin areas, 2 BAs, kitchen/breakroom & storage closets. Owner will replace carpet in tenant's choice w/2-yr min. lease. **LEASE - \$4,125/mo (\$15 psf) + util. & cln.**

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- **4015 Chain Bridge Rd.** - Small suites avail. Some w/shared use of waiting area & conf. rm. New paint, carpet, blinds & trim. **LEASE - \$625/mo - \$1,250/mo, Full Service. 1st month rent-free w/2 year min lease!**
- **4023 Chain Bridge Rd.** - Large, elegant offices in historic building w/ hardwood flr, decorative fireplace, shared amenities: waiting areas, porch & courtyard. **LEASE Suite 7 (partially furnished office) - \$950/mo OR Suite 3 (private office w/full BA) - \$1,000/mo full service. Discount for renting the 2 offices together - \$1,850/mo!**
- **4101 Chain Bridge Rd.** - Windowed private office completely renovated w/shared use of conf. rm. and kit. **LEASE - \$800/mo, full service. OR 2,500 SF office suite in 'warm, lit shell' condition - Build-to-suit \$25 psf, full service, 4 yr min.**

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MEMBER SPOTLIGHT: SONYA DUCHAK, ESQ.

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and email are on the motions praecipe, and most of the time I just try to find them someone, somewhere who can answer their question. These people are not my clients but they still need help.”

“Her commitment and work ethic shows in all she gets done. She oversees multiple programs simultaneously, contacting and responding to fellow lawyers, court personnel at all levels, and the schools and *pro se* litigants, among others, who benefit,” said Edward S. Culbertson, who is the vice chair of the Law Related Education Committee.

Sonya is a Chicago native and in her spare time travels back to Chicago at least once per month. She spends time with her adult children. Her daughter has a clinical forensic psychology degree and lives in Spokane, WA. Her son has an MBA and works with entrepreneurs and lives in Chicago. Her husband works with the Department of Defense in many different places around the country. ■

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ANNOUNCEMENTS

THE MYERSON LAW GROUP, PC is pleased to announce that **DAVID A. HIRSCH, ESQ.**, has joined the firm as Of Counsel. Mr. Hirsch's practice includes sitting as an arbitrator as well as representing businesses and individuals in arbitration and mediation, criminal and traffic defense, commercial litigation, public school discipline, and construction and renovation disputes.

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