

2005-2006 FBA Leadership Profiles



RICHARD JOHN RUDDY, JR., will ascend to the top of the FBA leadership ladder. A member of the FBA Board since 1997, Ruddy tackled the role of Treasurer in 2000 and continued in that position for three years. During his tenure as Treasurer, the FBA's finances continued in the black through the reduction of selective overhead costs and expenses, and the adoption of various non-dues revenue programs.

Prior to serving as Treasurer, Ruddy was an active member and Chair of the FBA's Revenue Development Committee, the latter being a group designed to bolster the FBA's sources of non-dues revenue. Ruddy's contributions to the FBA also include membership in the Strategic Planning, Election, Law Related Education, and Bench Bar Dinner Dance Committees, and serving as a member, then Chair of the Continuing Legal Education Committee.

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STEVEN W. RAY automatically succeeds to President Elect. Steve has been actively involved in the FBA, serving as a Director, then Secretary and Treasurer of the FBA Board; Chair, Revenue Development Committee, Continuing Legal Education Committee, Judicial Screening Committee, and Employment Law Section. Steve has also served on the Budget Committee as well as FBA Task Forces considering Membership, Long Range Planning, and Judicial Evaluations.

Steve is a graduate of the California State University at San Diego, and the McGeorge School of Law, University of the Pacific. He practices Management Labor Law and Employment Law as a partner in the Tysons Corner firm of Ray & Isler, PC. ■



DANIEL H. RUTTENBERG was elected as Vice President of the FBA. Dan has previously served as FBA Treasurer, Board Member, and Chairman of the Budget Committee. Other FBA activities include serving on the Circuit Court Committee, Technology Committee (Chair), Membership Task Force, Strategic Planning Task Force, and Revenue Development Committee.

Dan is a graduate of University of Maryland, B.S.; George Mason University School of Law, J.D., with Honors, 1997; Georgetown University Law Center, LL.M., with Distinction, 2005. He practices Business, Corporate Law, Trusts and Estates as a partner with the Tysons firm of Smolen Plevy. ■

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President's Column

by Richard John Ruddy, Jr.



Another year, another FBA President and, for better or worse, that person is me. So, I continue my grand adventure that began on the CLE Committee many years ago, continued through countless FBA budgets and several near FBA financial disasters, onto those ever popular Board meetings, and now to this first column as President. The focus of the FBA has changed dramatically since my adventure began, and has returned to its roots, namely you, my fellow FBA members. In short, the **FBA is here to help you achieve success** in your professional life to the extent our resources permit us to do so. Therein lies the challenge to the next several FBA Boards and the emphasis of my first column: **Your Success!**

The FBA is focused on finding efficient and effective ways to provide valuable benefits and services to our present members to ensure their continued success, and to attract new members to the FBA family. Described below are but three of our current efforts. Please give me three minutes (time estimates do count) of your time and read on.

Saving You Money. Over the last few months, you have been receiving a growing list of member benefits from our **expanding list of affinity partners**. These partners provide both real dollar savings for our members and helpful revenue for the FBA. We encourage you to consider our affinity partners when you are making buying decisions. Patronize them if it makes sense to you. The success of our affinity partners will rebound to the benefit of the FBA and lessen the constant budget pressure on the Board to find revenue from other sources. Check out the FBA website for more details at www.fairfaxbar.org.

Expanding Interaction with the NOVA Delegation. Over the years, the FBA has built a reputation as having the finest bench-bar partnership in the Commonwealth, if not beyond. Together, we have solved many mutual problems. Missing from that exchange of ideas and problem solving, however, has been the perspective of our Virginia legislators. If the people enacting the laws, the attorneys litigating the issues and the judges deciding cases work together, good things will happen. You will see or hear about activities over the next year or so by various FBA committees which will begin the process of **cultivating a new relationship with our NOVA Delegation to the General Assembly**.

The FBA Website is Our Mutual Key to Success. Finally, the FBA embraced technology a few years ago. By the time this newsletter reaches your desk, we will have activated our new website. Let the FBA staff know what you think of the new website layout and logo. We will be working with the Law Practice Management Section, the Technology Committee, and others to develop content for this website. Our goal for this site is to provide content which will be helpful to the professional and personal lives of each FBA member, and to provide service to you in an efficient and cost effective manner. Thank you for your patience as we build this incredible tool.

I Need Your Help Now! My three minutes are up, but I ask each of you to do one thing for me over the next 30 days. The FBA needs to grow its membership. I would appreciate you identifying and providing me the **name and contact information of one attorney or one paralegal** in your office or on your floor who is NOT a member of the FBA.

Thanks for your help. God bless and keep you safe. ■

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*.

FBA OFFICERS & DIRECTORS:



EDWARD J. WALINSKY was also elected by the members of the FBA Board to serve a second term as FBA Secretary. Walinsky has been an active member of the FBA since 1984, including two terms as Chair of the CLE Committee. Walinsky also served as Chair of the Law Day Committee, Co-Chair of the LRE Committee, as a member of the Judicial Screening Committee, and Budget Committee. He volunteers as a Motions Day Conciliator, a Neutral Case Evaluator, and a *Judge Pro Tempore*.

Ed practices in all facets of domestic relations law with the Fairfax firm of Shoun, Bach & Walinsky in Fairfax. He has participated in many CLE programs for the FBA and other bars. He is a graduate of the College of William & Mary, and Vanderbilt Law School. A native of Falls Church, Ed now lives in Annandale with his family. ■

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JULIE H. HEIDEN was elected to her second term on the FBA Board, and the FBA Board selected her to be FBA Treasurer at their June meeting. Heiden has been actively involved in the FBA for the past 12 years, having served on the Legislative Committee, Budget Committee, Law Related Education Committee, Revenue Development Committee, Membership Committee, and Circuit Court Committee. In addition, she chaired the CLE Committee and co-chaired the 2001 Bench Bar Convention Planning Committee for the 2001 program in Williamsburg.

Julie is a principal at Koonz, McKenney, Johnson, DePaolis & Lightfoot. Julie graduated *Magna Cum Laude* from Shepherd College, Shepherdstown, West Virginia, in 1988; attended the Master's program in Public Administration at Florida State University from 1988 to 1989; and graduated from George Mason University School of Law in 1992. She resides in Virginia with her husband Steve Heiden and their two daughters. ■

SAVE THE DATES!
Homestead in the Fall
November 10- 12, 2005

Jazz for Justice
November 18, 2005

Young Lawyers Section Chair:

Kevin F. DeTurris, Steptoe & Johnson, LLP, Washington, D.C.



Kevin F. DeTurris joins the FBA Board as Chair of the Young Lawyers Section. Kevin is an associate with Steptoe & Johnson in Washington, D.C., in their litigation department.

Kevin received his BA from the University of Rhode Island, and his JD, *cum laude*, from American University, Washington College of Law.

Elected to the Board: (First Term)

Edward L. Weiner, Weiner & Associates, Fairfax, VA



Edward "Ed" L. Weiner was elected for his first term on the FBA Board. Ed has served on many FBA committees, and is currently the President-Elect of the Fairfax Law Foundation. Through his work on the Foundation, Ed is known as the "Chairman of Jazz" due to his single-handed development of the Jazz for Justice Concert with George Mason Department of Music.

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BRETT A. KASSABIAN EXPLAINS NEW GDC JUDICIAL FEEDBACK PROGRAM

Interview by Charles E. Collins, Jr.



Brett A. Kassabian has now assumed the role of the first Fairfax Bar Association (FBA) Facilitator appointed as part of the newly created Judicial Feedback Program. Brett was selected for this role by former FBA President Sharon Nelson. Brett's wide range of experience, impressive legal skills, and warm personality uniquely qualified

him as the person to step in and fulfill this important function. He was interviewed recently about the program by Chuck Collins of the General District Court Committee.

Q: The Judicial Feedback Program is now in effect in the General District Courts of Fairfax County. Where did that concept originate?

Chief Judge McDonough originated the concept. Judge McDonough's goal was to provide an opportunity for the judges of the General District Court to receive feedback from the attorneys who practice before them in an open, non-confrontational setting. Research by the General District Court Committee, along with FBA Executive Director Yvonne McGhee revealed a pilot program in Palm Beach County, Florida. The Judicial Feedback Program was loosely based on the Palm Beach concept, but was modified to make it easier and more direct. I am honored to serve as the Facilitator of the GDC Judicial Feedback Program.

Q. Can you summarize how the program works?

In a nutshell, the program enables every attorney to submit appropriate, professional comments or suggestions to the judges they appear before, as long as those comments do not relate to a specific decision or ruling. There are forms in the Fairfax Bar Association readily available for this purpose. Fairfax Bar members can download the form from the "members section" of the FBA website at www.fairfaxbar.org. Once the form is completed, the attorney mails or delivers it to my attention at the Fairfax Bar Association, 4110 Chain Bridge Road, Suite 303, Fairfax, Virginia 22030. After I verify the subject matter is professionally presented and does not involve a specific judge's ruling, I will present the form to the judge's designate without identifying the author. He or she then presents it to the Judge, who has the option to take no further action or to formulate a response unless it was submitted anonymously.

Q: What is your role in the program?

I will review the contents submitted to verify they are within the scope of appropriate, professional comments as outlined by the program. If I find a problem, I will discuss it with the originating attorney and explain what needs to be done to satisfy the criteria for submission. Obviously, if the form was submitted anonymously and violates the guidelines, I will be unable to forward it or discuss it with the originator, so it will be destroyed by me. I consider my primary responsibility to be maintaining the anonymity of every attorney who chooses to participate in this program. That is a special trust that has been placed in me and I personally guarantee strict confidentiality to anyone who chooses to participate in this significant process.

Q: What is the role of the Judge's Designate?

Each judge appoints someone who can receive the information from the FBA facilitator and present it to them personally. This is purely a ministerial function, although obviously this is someone with whom the judge has a comfort level. The Judge's Designate will play no role whatsoever in how the matter is resolved. That is left entirely up to the individual judge. If the judge elects to send a response, the Judge's Designate communicates that response back to me, so that I can notify the initiating attorney.

Q: Are records going to be kept about the individual comments that are submitted to the judges?

This program is about enhancing communication, not record keeping. In fact, it was specifically designed to ensure that no forms are maintained beyond the handling of each individual submission. At whatever stage the matter reaches a final disposition, the forms are destroyed as soon as possible.

Q: What was the attitude of the General District Court judges when the program was announced?

The program was designed to allow any judge to "opt out" if they wished. Yet, every judge in the General District Court has elected to participate. I believe that speaks volumes about the progressive attitude of our judges toward the program. They are openly soliciting the ideas and input from the attorneys who appear before them each day. Obviously, they want their courts to be run as efficiently and judiciously as possible.

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FBA UNVEILS NEW WEBSITE

In its mission to provide the best services possible to our members, the Fairfax Bar Association has upgraded its website. The new site, still found at <http://www.fairfaxbar.org>, offers a more modern look and many services and programs formerly unavailable to our members. New features include:

1. **Court News:** Look for more relevant postings for the area courts and procedural information. We are working with the area courts to offer the most recent rules changes and any important updates on navigating the Northern Virginia judicial systems.
2. **eCommerce:** Members may now register for events, order publications, and/or pay dues on the web site. Non-members may join the FBA with the click of a mouse. The site, powered by VeriSign, offers a secure link to ensure the privacy of the transactions.

Home

Who We Are

For Lawyers

Lawyers Help

News Center

Legal Resources

Members Only

3. **Committee/Section Pages:** In the months to come, the committees and sections will be able to upload their own information regarding programming, as well as recent developments in their area of law. Stay tuned for more information.

4. **Member Mall:** By partnering with Affiniscape, FBA members may make purchases at name brand online retailers to benefit the FBA. Next time you are purchasing an item or gift online, log into the FBA Member Mall for the purchase and a portion of the proceeds will benefit the FBA. Vendors include:

- Amazon
- Barnes & Noble
- Walmart
- Target
- Dell

Logging in as a member: Since this is a new site, members must create a new password. FBA members User Names are their first and last names as one word (i.e., johndoe), and the password is fba. Once you log in the first time, you will be required to change your password to your own secure log in. This system can also email the password to you, in the event you forget. If you have trouble logging in, please call the FBA office at 703.246.2740.

Once you have logged in, please review your information and update any changes in your address, email or other methods of contact. Once you have logged in, the site will remember you and registration will be a breeze.

Check it out! Let us know what you think. Also, feel free to report any problems as this is a work in progress. We also welcome suggestions on content, or other submissions for the public website or the members only section. We want to hear from you so we may serve you better. ■

Jazz 4 Justice Concert—November 18, 2005

Jazz for Justice has received National recognition and awards from the American Bar Association as well as from the Virginia State Bar.

This evening of fabulous music will again be held at the George Mason University Concert Hall, and supports the GMU Music Department and Fairfax Law Foundation. We expect this year to be a “sellout” with over 2,500 people in attendance. The concert starts at 8:00 p.m.

The Fairfax Law Foundation is a 501c(3) non-profit organization. Since 1982, the Fairfax Law Foundation has provided an array of educational and charitable services to benefit the Northern Virginia community. Just a few programs include:

1. Educational programs for area at-risk youth;
2. Courthouse educational tours for junior high students in Fairfax County;
3. *Pro Bono* Programs;
4. Fairfax County Public Law Library.

Please consider supporting the Fairfax Law Foundation by contributing at the “Event Sponsor” level of \$1,000, or the “Donor” level of \$500. Your participation will be recognized on event programs, the Bar web site as well as the Bar Newsletter, acknowledging your commitment to the Northern Virginia Community. A \$1,000 sponsorship entitles you to 20 tickets, \$500 Donor level up to 10 tickets, and both levels receive an invitation to the pre-concert reception. We hope you will join in helping to support this fun evening filled with great music for a worthy cause by enclosing your check payable to: The Fairfax Law Foundation, or visit our website at <http://www.fairfaxbar.org>.

Additional tickets are available through the FBA office or through Top Centre Tickets 703.251.2335, 11781 Lee Jackson Highway, Suite 270, Fairfax, VA 22033, www.topcentre.com. ■

**COMMONWEALTH OF VIRGINIA
19TH JUDICIAL DISTRICT
FAIRFAX JUVENILE & DOMESTIC RELATIONS DISTRICT COURT
REQUEST FOR ADDITIONAL JUDICIAL RESOURCES
EXCERPT OF PRESENTATION TO THE COMMITTEE ON DISTRICT COURTS**

by Hon. Gayl Branum Carr, Chief Judge

Background of Request

In September 1993, the Fairfax Juvenile and Domestic Relations District Court of the Commonwealth's 19th Judicial District submitted a request for a seventh judge. We were extremely pleased to have our request granted. A seventh judge was installed on July 12, 1994. There have not been any further requests for additional judgeships since 1994. However, there have been significant and material changes in our judicial workload since 1994.

The 2002-2004 Strategic Plan for the judicial system of Virginia has as its mission *"to provide an independent, accessible, responsible forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia constitutions."* This court's ability to achieve this mission and adequately serve the community is diminishing. Despite restructuring and micro-managing our docket, reducing continuances to a minimum, practically eliminating optional functions such as pre-sentence reports and home studies, and making every efficiency we can design, we are not satisfied with our service to the public. As a result, we are respectfully requesting authorization for an eighth judge.

The basis for this request lies in the significant changes in the population and the nature of the work that have occurred over the last ten years within the Fairfax Juvenile and Domestic Relations District Court. These changes have decreased our ability to serve the bar and the public in a timely and responsive fashion.

Changes in Fairfax County

Since 1992 when the court last began documenting the need for an additional judge, the population in Fairfax County has increased from 862,700 to 1,043,600. This is a 21% increase in population. In addition to changes in the overall population which will have an



impact on domestic relations cases, the "at risk" youth population has also increased. In 1992, this population (defined as youth in grades 5-12) was 78,754. By the 2004 school year, this group had grown to 102,004 youth, an increase of 30%.

Much of the population increase is the result of immigration which further burdens judicial proceedings. The Strategic Plan has acknowledged this increase throughout the state, calling it *"The New Face for The Old Dominion."*

"The composition of the population in the Commonwealth is changing. The racial and ethnic mix within communities is in a state of flux, and multiculturalism is increasingly evident in every area of the state. As the numbers and types of immigrants and refugees grow, destination countries grapple with how to best deal with large numbers of individuals living within their borders who bring with them different social, cultural, religious, and political views and expectations."

For the courts this presents a number of challenges. At the most basic level is the issue of communication and the need for qualified language interpreters to be readily available to courts. Beyond language, however, is the broader need for cultural competency and sensitivity in dealing with those who are adapting to

the language, institutions, laws and justice system in Virginia." (2002-2004 Strategic Plan, pp7-8)

The change is felt acutely in Fairfax County. Over the past 20 years, language minority populations in the county have doubled and then doubled again. In 1980, 7% of the population spoke a language other than English. In 1990 this group had increased to 14%. In 2002, 27% of the County's population was language minority groups. This increase has had a tremendous impact on how all county agencies, including the Juvenile and Domestic Relations Court, do their business. In addition to providing written material in other languages, the Court must ensure that citizens with business before the court can understand courtroom proceedings.

The court uses both volunteer and paid interpreters to help ensure that courtroom proceedings can be understood by all participants. In FY2004, the Court's Volunteer Interpreter Program provided 570 hours of translation for 1,075 status hearings. Paid interpreters provided services to a total of 2,659 (658 in civil cases and 2,001 in criminal cases) people in FY2004 at a cost of \$414,088. Although there was only three months of information for FY2005, if use remains at current levels, these numbers will increase.

Hearings that require translation take much longer to conclude as questions and responses are interpreted. While necessary in order to ensure fairness, interpretation slows down the process within the courtroom which contributes to the Court's ability to process cases in a timely fashion.

In addition, based on information provided in the Supreme Court of Virginia statistical reports, there is a wide discrepancy in population per authorized judge between Fairfax County and other urban jurisdictions within Virginia. In 2002 (the

most recent information available from Supreme Court reports), the state average (excluding Fairfax) was 60,823 citizens per judge. In Fairfax County, the average was 146,957 citizens per judge. The addition of an eighth judge would reduce this figure to 128,588—still far higher than other urban jurisdictions.

Local Efforts to Manage Workload

Judicial workload can be captured by looking at new cases coming into the system and by the number of hearings held during each year. Between 1992 and 2003, there has been a seven percent increase in new cases coming into the Fairfax County Juvenile and Domestic Relations Court. However, there has been a 19 percent increase in the number of hearings held during the same time.

Creating a New Service Paradigm—2002-2004 Strategic Plan

"Service excellence is the name of the game in the 21st Century. Consumer expectations are high when it comes to their treatment at the hands of business and government. Attuned to the pace of cyberspace, the public's patience with poor, slow or non-existent service is in short supply. ..."

At the same time, court systems are exploring ways to reengineer their basic processes and practices to provide more responsive service. ..."

In keeping with the spirit reflected in the Supreme Court's strategic plan, in response to these increases in workload and a sincere desire to improve service to the bar and public, the bench has fundamentally revised our case and docket management. The Court has taken several steps that are directly related to the Supreme Court's goal of providing more responsive service.

In 1994, the court implemented an "individualized" civil docket. "Pool" docketing of civil cases, with lengthy cases set by the clerk's office (as long as a year into the future), was replaced by assignment of each case to one judge (one-judge, one-family, time certain docket). The judge conducts an initial status conference, takes ownership of the case, and schedules a trial if necessary. The great majority of cases are settled at the brief status conference. If the case

requires a trial, time estimates tend to be more accurate as each judge knows their own trial pace. The same judge hears modification issues and enforcement of orders. These changes resulted in a much shorter trial docket, and modification and enforcement are more predictable as the judge often knows the case. We strive to resolve uncontested civil matters within 60 days of filing and contested civil matters within six months of filing.

As the entire bench recognized the improvements that this management change produced, attention shifted to the criminal docket. This "pool" docket was difficult for the Assistant Commonwealth Attorneys, produced long waiting time for attorneys and the public, and resulted in excessive continuances and complaints from the public. In 1997, with input from all corners, the judges created a time certain criminal docket pre-assigned to a courtroom. As in civil cases, judges keep cases for post trial enforcement. This revision has dramatically reduced time awaiting trial, courthouse waiting time, continuances, and citizen complaints. We strive to have all criminal matters heard within 30 days of filing by the police officer or citizen.

In addition, the Court has implemented many other measures designed to improve efficiency including:

- Advisement hearings in all non-detained criminal cases are now scheduled to avoid the need for continuances for attorney or interpreter appointments;
- Attorneys are pre-assigned to abuse and neglect cases to avoid postponements;
- A motions day was reinstituted to improve bar access to the court;
- Judicial policy decisions were implemented to promote consistency in both procedural and substantive law issues.

We avoid "pool" dockets to preclude inconvenience to litigants. In order to serve the public in this manner (which they deserve) all seven judges have cases docketed from 9:00 a.m. until 4:00

p.m. each day.

Continuing Challenges

Despite these positive and innovative interventions by the bench, due to the dramatic shift in the population in Fairfax County, the diversity of the population we serve, the influx of more *pro se* litigants, and the increase in high risk and gang-related activity of juveniles, our research has shown that uncontested civil matters are, on the average, taking 90 to 120 days to resolve. Similarly, contested civil matters are being docketed for a full hearing closer to nine months to one year from filing. We are equally concerned about the rampant rise in the number of gang-related criminal activity involving juveniles and the resulting court involvement. These types of cases frequently involve multiple defendants, multiple attorneys, language interpreters, and lengthy trials. Hence, we are in nearly the same position, if not worse, as we were in 1994, prior to the authorization of the seventh judge.

Due to the unique nature of the Juvenile and Domestic Relations District Court and the population we serve, the above-mentioned restraints and challenges interfere with our ability to dispense justice in a meaningful manner that protects the safety of the public, diverts juveniles out of the criminal justice system, and protects children and families. We are often "chained to our dockets" in a race against the clock in our efforts to serve as many citizens as we can in the quickest manner possible. These constraints would be alleviated by the authorization of an additional judicial position. An eighth judge would allow the court to order child support for a child within 30-60 days of filing rather than 90-120 days. An eighth judge would allow us the flexibility of dealing directly with the rise in gang-related juvenile delinquency cases by devoting a criminal docket to these types of challenging and lengthy cases in an effort to protect public safety.

Summary

On behalf of the seven judges of the Fairfax Juvenile and Domestic Relations District Court, the 347 clerks and court services unit employees, and the 1,010,000 million citizens of Fairfax County, we respectfully request careful

consideration of these factors as you consider our request for approval of an eighth judge:

1. The significant rise in population in Fairfax County since 1983;
2. The significant rise in population due to immigration;
3. The significant rise in the complexity of criminal cases involving:
 - * "At risk" Youth
 - * Gang Activity
 - * Gang-related activity
4. Delays in resolving civil (custody, child support, visitation) cases;
5. Population per Judge is the highest in the Commonwealth of Virginia;
6. Importance of a Qualitative analysis as well as a Quantitative analysis.

The Fairfax Juvenile and Domestic Relations District Court has evolved significantly over the last ten years in response to the needs of the community. It reaches out beyond the courtroom to address the issues and concerns raised by the people and organizations it serves. The courts' efforts to improve its service delivery are not complete. This court will continue to adapt to the ever-changing needs of children, youth, families, and Fairfax County.

This presentation was made by Judge Carr to a subcommittee of the Committee on District Court on September 9, 2005. The subcommittee voted to recommend to the full Committee on District Court that an additional judgeship be created for this court effective July 1, 2006. The Committee on District Court will consider this recommendation at its meeting on October 14, 2005, and Judge Carr will appear at that meeting as well. ■

Ruddy

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Ruddy is a graduate of St. Vincent College, B.A.; University of Richmond, J.D.; and Georgetown University Law School, LLM Tax; as well as a Certified Financial Planner. He practices in his Fairfax office of The Ruddy Law Firm. ■

New FBA Logo Offers Rich History

In an effort to freshen up our look, the FBA Board of Directors adopted a new logo at their July meeting. The design maintains the classic logo tradition and is designed around the most striking feature in the City of Fairfax: The distinctive arches and cupola of the Old Courthouse.

The Old Courthouse is the icon of the legal community in Fairfax County. Its history is set forth on the Fairfax County Website: The Old Courthouse was commissioned in 1799, and the first hearing was held in the building on Monday, April 21, 1800. The building stood as a courthouse until 1862, when the Union Soldiers commandeered the facility for their headquarters until the end of the war. Once the war was over, the building was refurbished and returned for use as a Court. The Old Courthouse remained in use until substantial renovations were made in the 20th Century (1918—electricity was installed; 1920—a South Wing was added).

In the 1960s, the Fairfax Bar Association, working in conjunction with the Fairfax County Landmarks Preservation Commission, requested funding from the Fairfax County Board of Supervisors to restore the inside of the old courtroom to its original appearance. The \$90,000 project was unveiled in the Spring of 1967. A time capsule was added in 1976, with an opening date of 2076.

For information or images of the Old Courthouse, visit:
<http://www.co.fairfax.va.us/library/branches/vr/courthouse/default.htm>.

In designing the most recent courthouse expansion scheduled for completion in 2008, the architect chose to integrate the Old Courthouse arches in the new design thereby incorporating the rich history of the Fairfax Courthouse in the new facility. The FBA logo's highlight of this unique feature pays tribute to both the rich history of Fairfax County while keeping an eye toward our future development. Accordingly, the logo should serve the bar well in the years to come.

Our thanks to Chris Klink of the Allegheny County Bar Association and his Executive Director David Blaner for their generous assistance in developing this logo for the FBA. David agreed to allow Chris the time to offer his assistance to the FBA free of charge. Chris designed the logo based upon information and photos we sent to him about the FBA and the Old Courthouse. ■

KASSABIAN

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Q. Do you anticipate that attorneys will take advantage of this program?

This program is designed for the benefit of each attorney and to give individual judges an appropriate and

discreet opportunity to respond to the input of the professionals who appear before them. It is a unique opportunity to participate on a different level in how the administration of justice is carried out in Fairfax County. The judges have done their part in making this tool available. It is now up to the individual attorneys to take advantage of it. ■

THANKS TO ALL
PARTICIPANTS OF THE LAW
RELATED EDUCATION
COMMITTEE

by Sonya Duchak, Chair



I want to offer my deepest and sincerest thanks to all of you who participated in the programs of the Law Related Education Committee over the past year. We always receive numerous compliments from members of the community, the schools, the library system, and others regarding the devotion and dedication that our volunteers have for this community. No matter what the request is, the members of the Bar Association have stepped forward to help out, whether it be for the Court Tours, the Children's Plays, Chocolate Lovers' Festival, or any of the special requests that we receive throughout the year. Our members have participated in special events in conjunction with All Fairfax Reads, a program instituted by the Fairfax County Public Library System, with the Chocolate Lovers' Festival, and with Girl Scout troops earning their badges. Every time we step forward in the community, it is a boost to the image of the Fairfax Bar Association as a caring, helpful organization that is sincerely concerned with every single member of the community. I applaud your efforts to the fullest. You all should be congratulated continuously through the year, but I wanted to take this moment, at the start of a new year for the Law Related Education Committee, to say thank you to each and every one of you. ■

Saying Good-bye to
Ken Weiner

by Hon. Michael J. Valentine,
J&DR District Court



Kenneth R. Weiner
1945 - 2005

With 25 years on the District Bench I have said good-bye to too many of the "courthouse crowd." For a time I compartmentalized their departures. Seniors (to me), contemporaries and far fewer thank goodness, the younger lawyers. Some I considered mentors, others were icons and many were friends. When George Griffith departed this earth prematurely in a plane crash, I lost a friend, a mentor and someone just a couple of years older than me. Arnie Kassabian left a void on our bench and in my heart that I am sure will never be filled. When Officer Ron Zelaya died so young from lung cancer we lost a fine motor officer, a dashing role model, father, and husband. Bob McCandlish, an icon. Tommy Bernal, another great motor officer snuffed out just while contemplating retirement.

And so it goes on, accident, illness, and sometimes old age. The passing of Ken Weiner hits new soft spots I did not know I had. Ken invited me and my wife to my first Bar Mitzvah. It was my first experience of witnessing something I could not understand but coming away incredibly envious of the camaraderie, fellowship, and bond that was exhibited that day. Ken somewhere along the line got my home number and for awhile I became his personal advisor on issues of the juvenile realm. I could never bring myself to tell Ken not to call. I always enjoyed his questions and our banter. In Court the banter was even more fun as it had an audience. It always gave me a positive feeling when Ken came into my courtroom. No matter which side he was on or how strong his position was, I knew we would have fun. What might have shown up as contempt on the face of another litigator was always "disdain" from Ken. He enjoyed the adversary system and I enjoyed him.

So many faces come to mind as I say good-bye to Ken. The smoke filled, **yes smoke filled**, lobby of the "old" courthouse...with J. Mason Grove, John Rothrock, Lew Griffith, and Gene Morris making sure we all had our acts together or were prepared to pay the price. I keep hoping someone older than me is acting as bar historian to make sure all of this does not get lost. Mike Martin and the dancing chicken at the Herndon Fair, Quinlan Hancock siphoning gas at the Bailey's Crossroads airport, Jim Swinson's patio slab, and George Griffith's 40th birthday party, complete with roulette table. So many great memories. And Ken has now joined the ranks. What awesome company. ■

Privacy and Divorce Cases New Laws New Rules

by Richard J. Byrd
Chair, Family Law Section



Effective July 1, 2005, the Court, Counsel, and the Clerk's Office must comply with a new privacy statute §20-121.03. This new statute requires that the record of a divorce case not contain certain information that could lead to identity theft. The new Code section now provides (in part):

Any petition, pleading, motion, order, or decree filed under this chapter, including any agreements of the parties or transcripts, shall not contain the social security number of any party or of any minor child of any party, or any financial information of any party that provides identifying account numbers for specific assets, liabilities, accounts, or credit cards. Such information if required by law to be provided to a governmental agency or required to be recorded for the benefit or convenience of the parties, shall be contained in a separate addendum filed by the attorney or party....

This new statute requires that the Clerk's Office keep a segregated, sealed portion of every divorce case. The public may access the public part of the court file, but is not allowed access to the Private Addendum part. When you file any order or pleading containing the restricted information, you need to file an accompanying *Private Addendum* to

be kept by the Clerk in the private file. This addendum will contain the restricted identifying numbers.

No agreement of the parties can be incorporated into a decree if it contains any account numbers or Social Security Numbers (SSN). You must redact such restricted information from the agreement and place that information into an addendum to be incorporated into the Final Decree. Every Final Decree and all support orders must contain this restricted information, due to the requirements of §20-91.B, §20-60.3 and §20-107.1 (all require SSNs). Hence, these Orders and Decrees must all have a separate Private Addendum document.

The Clerk of Court will maintain the private addendum file in a string-clasp envelope with an appropriate "SEALED" stamp on it and this envelope will be kept in the usual

court file. Presumably, the clerk will slip this envelope out of the file when turning over the file for review by anyone other than the parties or counsel of record or an authorized government agency or authority.

The details of applying this new statute are very complex. You will need the New Model Orders for divorce cases in Fairfax and the detailed explanation that accompanies them in order to be able to submit acceptable orders and decrees in divorce cases. Every divorce will need a Private Addendum.

The New Model Orders for Fairfax are available at the FBA website and are available in Word and in WordPerfect format upon request. Please send an email to Dick Byrd at: rbyrd@byrdmische.com and specify Word or WordPerfect format.

Awards

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

The Fairfax Bar LRIS is pleased to announce that it has been selected to receive the American Bar Association's 2005 Cindy A. Raisch Award. This award was established by the ABA's Standing Committee on Lawyer Referral and Information Service in 1996 and has been awarded since 1997 to recognize those public service oriented referral services that demonstrate exceptional achievement or superior service. The referral service won the award under the criteria that it had "demonstrated superior efforts in revising or restructuring an existing program." The award is to be presented at the annual ABA National Lawyer Referral Workshop to be held in October in Memphis, Tenn. The LRIS is the ninth recipient of this award and is proud to join the ranks of referral services from the cities of New York, San Francisco, Toledo; the Counties of Contra Costa (CA), King County (Seattle, WA), Travis County (Austin, TX), and the States of Kansas and New York. This award adds to a banner year for the LRIS, which won a Virginia State Bar Award of Merit in June for its Criminal Law Subject Matter Panel. ■

Elected to the FBA Board

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Ed received his BA from University of New York at Binghamton, his JD from University of Richmond, T.C. Williams School of Law, and LLM in International Law. He resides in Fairfax with his wife Maura and their two daughters.

Re-Elected to the Board: (Second Term)

Corinne N. Lockett, Office of the Fairfax County Attorney, Fairfax, VA.



Corinne N. Lockett was born and raised in Fairfax County, Virginia. After graduating from Chantilly High School in 1985, Corinne attended George Mason University. Subsequent to obtaining a degree in Government and Politics in 1989, Corinne left Virginia to attend law school at Cumberland School of Law at Samford University in Birmingham, Alabama. Following law school, Corinne returned to Fairfax to begin her career as an attorney. Following several years practicing in the areas of real estate, general litigation and family law, Corinne signed on with the Office of the Fairfax County Attorney in 1999 where she is employed as an Assistant County Attorney. Corinne is married to David Lease, an attorney with Smith, Lease and Goldstein, LLC, in Rockville, Maryland, and they reside in Bethesda, Maryland.

Brett Kassabian, Kassabian & Kassabian, PLC, Fairfax, VA.



Graduated from Wake Forest University School of Law in 1985; member, Wake Forest University Law Review. Admitted to the Virginia State Bar, 1985. Kassabian served as a Senior Assistant

Commonwealth's Attorney for the Fairfax County Commonwealth's Attorney's Office; since 1994, he has been a principal in the law firm of Kassabian & Kassabian, P.L.C., engaged in the general practice of law, emphasis on criminal law. Since March 1995, Kassabian served as the Fairfax City Prosecutor. He was a Legal Instructor at the Northern Virginia Criminal Justice Academy from 1996-1998. In 1998, Kassabian was appointed a Substitute Judge for the General District Court and the Juvenile and Domestic Relations District Court of the 19th Judicial District.

Kassabian is a member of the Fairfax Bar Association and Virginia Trial Lawyers' Association. He has served on the FBA's Judicial Selection Committee and the Criminal Justice Advisory Board, and he currently serves on the FBA Board of Directors.

SAVE THE DATE

FBA Jurisprudence Award Dinner
Recipient: Judge Rosemarie Annunziata
December 5, 2005



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Homestead in the Fall—November 10-12, 2005

by Edward J. Walinsky, Esq.

It's early November. The election is over, the Skins are mediocre, and Christmas sales are in full swing. You've finished the leftover Halloween candy and Thanksgiving is just a couple of weeks away. There's no Circuit Court on Friday the 11th—sounds like a perfect time for a getaway! Courtesy of your friendly neighborhood bar association, have we got a deal for you—a weekend at the Homestead, attending the biannual convention.

This convention appeals to all types of lawyers:

Social Climbers will hobnob, seeking the small-group interaction with the Fairfax Bench. A large contingent of judges will be there.

Early Early Birds may already be there, getting almost all their 2005-2006 CLE credits.

Gourmets eat this up, especially since all meals are included—from Thursday's dinner through Saturday's breakfast.

Casino aficionados will all be dealt in, as Friday night's activity involves casino games for all.

Bargain Seekers get a lot for a little—prices for both room and board are dramatically reduced for this event.

Those who wish to be pampered/entertained have already marked their social calendars—free time can be filled up with golf, spa activities, horseback riding...the list goes on.

Just plain normal folks (if there are such people) come for all of these reasons. They will eat well, sample all the amenities, speak with judges on a personal level, attend valuable CLE sessions focusing on evidentiary and ethical issues (with opportunities for ongoing feedback, rather than all lectures), and will enjoy a beautiful weekend with first class perks for a reasonable price.

Treat yourself to Homestead quality at a substantial discount. Get your meaningful CLE credits, focusing on local practice and procedures. Enjoy golf, gambling, and/or gazing at the mountains. Bring significant others and share the fun. See you there!



Fairfax Bar Association

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