

Supreme Court of Virginia Starts Judicial Evaluation Program

by Hon. Suzanne Fulton

In July 2006, the Supreme Court of Virginia commenced a Judicial Performance Evaluation (JPE) Program under the auspices of the Judicial Performance Evaluation Commission chaired by Justice Barbara M. Keenan.

Pursuant to §17.1-100 of the *Code of Virginia*, all District and Circuit Court Judges in the Commonwealth of Virginia are to be evaluated. A judge's evaluation dates are determined by his or her beginning term, and are calculated by a computer program used in the Court's Human Resources Department.

The JPE program has two fundamental purposes: (1) to afford the judges of the Commonwealth a program for professional self-improvement, and (2) to provide a source of information for the re-election process. All judges are assured of at least one self-improvement evaluation before any evaluation results will be sent to the General Assembly for re-election purposes.

Virginia's judges will be evaluated by the attorneys who have practiced in their courtrooms during the last 12 months. The evaluation is in the form of a survey, with questions designed to evaluate a judge's performance as defined by the

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FAIRFAX LAW FOUNDATION KICKS OFF ITS "MAKING A DIFFERENCE" CAPITAL CAMPAIGN

by Sharon D. Nelson, Esq.



I expect to pass through life but once. If therefore, there be any kindness I can show, or any good thing I can do to any fellow being, let me do it now, and not defer or neglect it, as I shall not pass this way again. ~William Penn

These gracious words have as much meaning today as when they were penned, and they represent a challenge to all area lawyers to become involved in the fundraising efforts of the Fairfax Law Foundation. The Foundation has successfully kicked off its multi-year "Making a Difference" Capital Campaign, seeking to raise one million dollars to capitalize the Foundation over a five-year period.

This marks the first time the Foundation has undertaken a capital campaign, and board members have worked tirelessly to ensure its success. The campaign was spurred on by the necessity of providing ever-increasing funds to support the Fairfax Public Law Library, growing costs to administer the constantly increasing legal needs of the community poor, and the desire to continue to develop programs of community outreach, especially those designed to educate our youth about drugs, alcohol, and the way our legal system works.

The campaign had its kickoff celebration at the home of Peter and Kathy Greenspun, and was privately underwritten by Greenspun, Davis & Leary; Sensei Enterprises, Inc.; Edward L. Weiner & Associates; and William L. Schmidt & Associates. What a kickoff it was! In a single glorious night of fine food, excellent libations, and the wonderful music of a George Mason Jazz Ensemble, the Foundation raised approximately \$45,000.00. After a powerful presentation by Peter Greenspun, Sharon Nelson, Ed Weiner, Bill Schmidt, and Glenn Lewis, the guests were clearly moved. They pledged their own monies generously, and promised to go back to their firms to secure even more funding.

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PRESIDENT'S COLUMN

Small Town Civility

by Steven W. Ray

As I have reported in my prior columns, my wife and I moved to the Town of Washington, Virginia, at the beginning of this year to be closer to our farm. The Town of Washington, located in Rappahannock County, is beautiful and quaint, nestled against the Blue Ridge and the Shenandoah National Park. We are very pleased with our decision to move here and enjoy a slower pace of life—at least on the weekends.



I am regularly reminded that this is a small town. How small is it you ask? There are no traffic lights, chain stores, or restaurants in Rappahannock County. You don't know people's actual first names, just their nicknames, such as "Bubby," the guy we bought our pickup from, and "Jenks," the preacher who is our neighbor. Hair styling salons on a per capita basis greatly exceed the national average. Local elections can actually be decided by one vote (talk about a feeling of power).

But most noticeable about living in a small town is that people are more friendly and civil towards one another. I attribute this to the fact that anonymity is very difficult to achieve unless you live in a hollow and intentionally avoid contact with anyone. Most everyone knows each other's name or at least where you live or what you do. We quickly learned this fact shortly after we moved into our house. We purchased a 1920's-era craftsman bungalow style home that was buried in large boxwoods, such that you could barely see the house. Just along the walkway from the sidewalk to the front porch alone, there were 40 very mature boxwoods that were over 10 feet high. My wife, who is a serious gardener (I am merely the manual labor, but I take direction well), decided to transplant the boxwoods from our house to other locations around the yard and to our farm. From that point on, she became known as "the Boxwood Lady." The other way we are known is by the prior owners of our house, the Millers, who lived in the house and were active in the community for over 25 years. Thus, when introducing ourselves we simply say we are the ones who bought the Millers' house, and people know immediately where we live.

To a certain extent the legal community in which we practice in Northern Virginia has some of the same attributes as living in a small town. In general, those who regularly appear in the Fairfax, Loudoun, Arlington, and Alexandria courts know each other or at least know about each other. And, because people cannot remain totally anonymous, it has fostered a more collegial environment than that which exists in larger metropolitan areas. Thus, I believe the small-town feel that we have in our legal community and the bar association has made the practice of law more enjoyable and benefitted the members of the community whom we as lawyers are retained to represent. My hope is that we as lawyers will remember the benefit of maintaining such an environment.

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FBA Luncheon Honors Commissioner of Accounts Office

by Brenda Grembowski

On October 11, 2006, the Fairfax Bar Association marked the changing of the guard in the Court-appointed office of the Commissioner of Accounts, honoring Fairfax County's Commissioner of Accounts, Jesse B. Wilson, III, the Assistant Commissioner of Accounts, Henry C. Mackall, and the Deputy Commissioner of Accounts, Peter A. Arntson on the occasion of their retirement. The Honorable Robert W. Wooldridge, Jr., gave the keynote address to the luncheon crowd gathered at Maggiano's Restaurant in Tysons Corner, thanking all the retirees for their long and dedicated service to the Court and to Fairfax County.



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Running for the Roses: **ELECTRONIC FILING IN FEDERAL COURTS: 2006**

*by Sharon D. Nelson, Esq. and John W. Simek
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Sharon D. Nelson, Esq.



John W. Simek

In the early days of electronic filing, there were skeptics who doubted we would ever see the day when electronic filing was standardized throughout the federal courts. The naysayers were clearly wrong for that day is almost upon us. The Administrative Office of the U.S. Courts (AO) is now in the mopping up stage, bringing the last few bankruptcy and district courts online to join their sister courts in the Case Management/Electronic Case Filing (CM/ECF) system.

Though scheduled to be completed at the end of 2005, the new target goal for completion of this massive project is now the end of 2006. As it turned out, there were a few stragglers—some courts already had a home-grown system, which made data transfer complex, and others simply were late “getting on the train.” Though adoption of the federal CM/ECF program remains discretionary rather than mandatory, the standardization of process within the federal bankruptcy and district courts has become a phenomenon that no court could resist over time. The only courts remaining to join the phenomenon are the bankruptcy courts of the Northern Marianas Islands and the district courts of Southern California, Southern Florida, New Mexico, the Virgin Islands, and the Western District of Wisconsin. As a final motivating factor the AO will no longer support any of the old systems—any court that chooses to keep an old system is “on its own.” As you might imagine, it’s pretty cold out in Siberia without support, so the move to the federal system has been accelerated by the notion of trying to survive without technical support from the federal government.

We interviewed Gary Bockweg, who has been shepherding this process over many years. He currently holds the title of Division Chief, Office of Court Administration, Technology Division within the AO. Bockweg is a veritable fountain of statistics, some of which are profoundly impressive. If you haven’t been keeping track, 93 of 94 federal bankruptcy courts have now gone “live,” as well as 89 out of the 94 federal district courts. Also in the system now are the Court of International Trade and the Federal Court of Claims. More than 26,000,000 cases are now in the system, some of them legacy cases that have been converted from paper, and more than 240,000 lawyers have now filed electronically using the system.

One interesting wrinkle has been the impact of the Bankruptcy Reform Act, which became effective on October 17, 2005. In May of 2005, more than 136,000 new bankruptcy cases were filed. In May of 2006, the number of new cases filed was down to about 53,000, undoubtedly as a reaction to the more stringent requirements of the new law, which seem to have emptied out the pipelines by prompting everyone considering bankruptcy to file before those new provisions went into effect. In fact, in the first two weeks of October 2005, just before the law became effective, over 600,000 new bankruptcy cases were filed. The system slowed under the weight of the onslaught, but never shut down. This live and unrehearsed “stress test” was not anticipated, but the result was a tribute to a well designed system.

Curiously (at least to many observers), the AO is sticking with a User ID and password system. Though digital signatures are now far more reliable and standardized, Bockweg believes it will likely take several years before they are implemented as part of the system. The code on which the system is now based is nearly ten years old, though of course many adjustments have been made. Within the next few months, Bockweg says, the courts will complete their migration to the LINUX platform.

Have there been any problems reported by users of the system? Bockweg says there are not many complaints. One problem that crops up from time to time is e-mail

notifications that are delayed or do not get delivered. Often, this is due to a change of attorney address that hasn't been recorded in the system. Sometimes, spam filters trap messages. Sometimes, firms or attorneys get so many messages that messages simply "go missing" at the firm. From time to time, the AO has managed to get itself on one of the blacklists and had to scramble to get itself delisted. Many firms are now being proactive and using the system's capability to notify multiple addresses—this allows them to have a backup in the event that one of their providers goes down or one of their attorneys goes on vacation. Many elect to send not only to the individual attorney but to a main firm e-mail address as well so that all case developments are logged and monitored. The AO is also being proactive, adopting an Ironport e-mail management system. If the AO receives bounceback messages from an e-mail address, the process of tracking down the problem falls to court staff members, who generally call the attorney to verify the correct e-mail address.

The "ka-ching, ka-ching, ka-ching" of the federal courts PACER system has continued to be music to the AO's ears, making the CM/ECF project totally self-supporting with NO additional fees charged for electronic filing. Last year, revenues from PACER exceeded \$40,000,000. At eight cents a page, a lot of folks are choosing to access a lot of pages. Is the federal court data being harvested? You bet, and for all sorts of purposes. Banks, credit card companies, mortgage firms, stockbrokers, real estate agents—the list goes on and on. The data contained in federal courts records, which are of course, public records, is black gold for businesses. In fact, the data harvesting is so intense that court personnel have had to request that some of the major players do their data harvesting at night in order to keep from bogging down the system during the business day. Thus far, there has been little outcry from privacy advocates, though with the recent publicity surrounding data breaches and their consequences, it may be that the privacy groups eventually will take a look at the notion that the federal government is selling data (albeit public records) to anyone willing to cough up the eight cents per page fee.

In case you are wondering: yes, some identifying information is now redacted under law, including social security numbers, credit card numbers, and the like. But much is not redacted—worse still, the burden of properly redacting the documents falls on the attorneys filing the documents, with somewhat mixed results.

One obvious question we put to Bockweg: How did Katrina impact the system? With justifiable pride, Bockweg responded that most courts were backed up the day after Katrina. There were a couple of exceptions in Louisiana and Alabama, but it won't surprise technologists to hear that the technology was ready to go before the people were. As disaster recovery experts point out all the time, disasters continually demonstrate that the first and foremost problem is communications. The AO was ready to get some courts back up with replicated data, but they couldn't contact the necessary court officials to secure their authorization. Of course, with the power out and the ongoing battle against the waters, it was something of a moot point since there was no one at the courts to conduct business.

There was also a curious twist that provided a learning experience for the future. Sprint had a major communications hub in a low-lying area of New Orleans. When it went out, the court had one of two choices—it could run CM/ECF as a stand-alone system that only court staff had access to—or it could put the system up on the Internet, but then the court staff would have no access to the system because they had no Internet. Immediately after Katrina, some creative courts were able to quickly drop in DSL lines as a backup measure for Internet connectivity. This new redundant measure is being considered by the AO to prevent such problems in the future.

Another lesson, from both Katrina and 9/11, is the critical nature of the replicated data. Currently, the western courts have replicated data held in Missouri, while the eastern courts have replicated data held in Reston, Virginia. As an added precaution, courts in the immediate vicinity of the two data storage areas will have their replications moved to the opposite part of the country.

Security remains a headache at the AO, just as it is everywhere else. Bockweg notes happily that, though there have been several PACER intrusions, there have been no intrusions of the "clean" servers that hold the original court data behind a firewall. It's not that they aren't knocking to get in—there are tens of thousands of "door knockings" each month, but so far, security has remained tight. Security is an ever-present concern, but, the AO works closely with the National Security Agency (which actually performs some "white hat" hacking to evaluate

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President's Column

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I have been reminded of the importance of collegiality and civility during the judicial screening process. For those of you who are not familiar with the process, when a judicial vacancy occurs, the FBA convenes the members of the Judicial Screening Committee to interview the prospective applicants for the open seat. The Committee follows the ABA guidelines for judicial selection. Two of the primary characteristics to be considered for a judgeship under the ABA guidelines are the candidate's temperament and fairness. As you might expect, these characteristics are considered to be of high importance to the members of the Committee. No one wants to appear before a judge who may treat a lawyer unfairly or disrespectfully. Unfortunately, these two characteristics are what often result in an individual receiving a "Not Qualified" or only a minimally "Qualified" rating. The lesson for all of us is that it is important how we treat each other, professionally and personally. We all develop reputations (good and bad) with colleagues and judges.

I believe strongly in the Golden Rule and the more modern version of that rule, "What goes around comes around." Thus, I hope you remember the importance of civility the next time you feel the urge to say or do something you will regret later on.

Farm Story: I met a farmer recently who had a three-legged pig. Obviously, I was intrigued by a pig with

such a disability and asked the farmer what happened to the pig. The farmer said "One day in the dead of Winter, we had a bad cold spell that caused the pond to freeze over. Unfortunately, it wasn't completely frozen and my five-year-old nephew fell through the ice. Old Bessie here jumped into the pond and pulled him to safety." I was amazed and asked if that was how the pig had lost a leg. "No" replied the farmer. He continued, "One night a kayot (coyote) came down to the barn and began to attack the sheep. Bessie fought off the kayot and saved the sheep." Again, I was amazed at the pig's abilities and asked if that was how the pig lost his leg. "Nope" said the farmer. "On another night Bessie woke us from a deep sleep with her whining and snorting. We woke up, the house was full of smoke, we could barely see, but Bessie led us out of the house to safety." I said, "That must be how she lost her leg." The farmer said "No, with a pig this good, you don't want to eat her all at one time."

[Note: No animals were harmed in the making of this joke.]

Last month there was an increase in the number of responses to my farm trivia question. Last month's question: How many bees make one pound? The correct answer is 3,000. Last month's winner is John Tran, of DiMuro Ginsberg P.C.

This month's question: We are in the process of installing watering troughs in various pastures for livestock. How much water does an average adult cow drink each day? Send your answers to Yvonne McGhee at ymcghee@fairfaxbar.org. ■



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Courthouse Expansion Update

by Robert Johnson, Safety Analyst, Risk Management Division

Background:

As the Courthouse expansion proceeds, the contractors will be joining the new addition to the existing Jennings building. As part of this renovation, asbestos-containing materials (ACM) were discovered within the Jennings building and will need to be addressed.

Asbestos is the name given to a group of six different fibrous minerals that occur naturally in the environment. Asbestos minerals contain long flexible fibers and are extremely heat resistant. Because of these characteristics, asbestos has been used for a wide range of manufactured goods, including many building materials (fireproofing insulation, roofing shingles and ceiling/floor tiles), and friction products (automobile clutches and brakes).

Materials containing asbestos that are not disturbed or deteriorated do not, in general, pose a health risk and can be left alone. However, if materials are damaged or disturbed, microscopic bundles of fibers can become airborne and may linger in the air for an extended period of time. Subsequently, these airborne fibers may be inhaled into the lungs and can contribute to several lung-related diseases, including scarring of the lungs, emphysema, and lung cancer. The potential for adverse health effects are determined by duration and intensity of contact with airborne asbestos fibers.

In 1989, the Environmental Protection Agency (EPA) banned all new uses of asbestos; however, some products were exempt and are still produced.

Friable vs. Non-Friable

The key word in dealing with ACM is "friable." A material is defined as friable if it is easily crumbled or reduced to powder with hand pressure. Friable materials pose the most concern as they may become easily damaged and pose an airborne exposure. Spray-applied fireproofing is a friable material.

Non-friable materials such as floor tiles and roofing shingles cannot be damaged by hand pressure and will present an exposure only when physically damaged, such as by drilling, grinding, or sanding.

Jennings Building

During this phase, two asbestos-containing materials were identified and will need to be addressed: floor tiles and insulating tape. Floor tiles contain a low percentage of asbestos and are defined as non-friable. The insulating tape was used during the installation of air ventilation ducts. The duct exteriors are covered with fiberglass insulation. The seams (between insulation pieces) were sealed in tape that contains a small amount of asbestos. This insulating tape is also categorized as non-friable.

Both materials will be removed intact and properly disposed as asbestos waste. Waco, Inc., a licensed asbestos abatement contractor will be performing this work after-hours, and will be following all applicable federal and state regulations. Additionally, the engineering firm, Versar, will be on-site during this work to perform air quality monitoring to document

any levels of airborne contaminants. Air sampling will be performed during and following all work in compliance with all applicable federal and state regulations.

If you should have any questions or require additional information, please feel free to contact Robert Johnson, Safety Analyst, Risk Management Division at 703.324.3043 or e-mail Robert.johnson@fairfaxcounty.gov. ■

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JUDICIAL PERFORMANCE...

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Judicial Canons of Conduct. Working with the Clerk in each court where a judge will be evaluated, the JPE Program is currently compiling a list of names of attorneys to whom surveys will be sent.

The JPE Program has contracted with the Survey Evaluation and Research Laboratory (SERL) at Virginia Commonwealth University to send, receive, and analyze the surveys returned by the attorneys. All JPE Program surveys are confidential and anonymous. No tracking of attorneys who do/do not return surveys is being undertaken. The Chief Justice of the Supreme Court of Virginia will write a letter to all attorneys selected to receive an evaluation survey explaining the program and informing the attorney that a survey is on its way. One week after the survey has been sent, a reminder letter will be sent, followed by a reminder postcard, if needed. In some situations, a new survey packet may be necessary. The success of the JPE program depends on attorneys returning the surveys.

Once the surveys have been returned and the analysis of responses is complete, SERL will complete a report containing any comments the attorneys made. Each judge's first evaluation and report is for self-improvement purposes only. To assist each judge in the interpretation and use of evaluation results, analysis results will be sent to the evaluated judge and to a facilitator (retired judge). The facilitator judge will meet with the evaluated judge to examine the survey results. Once this is accomplished, all copies of the survey and results will be destroyed.

FAIRFAX LAW FOUNDATION CAPITAL CAMPAIGN...

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It was an exhilarating start to an important campaign, but it was indeed only the start. It is up to the lawyers of our area to provide a strong base of support for the campaign, before we move onward to the corporate coffers. Always, always, the first question of prospective business contributors is: "Have the lawyers in this area supported this campaign with their own monies?"

We will soon have a beautiful new public law library, but we have no monies to expand our collection or to expand the hours to nights and weekends to assist the public. We currently serve more than 61,000 patrons a year—even with County financial assistance, we are strained to keep our collections up-to-date and provide adequate computing resources as well. We are successfully conciliating more than 400 cases a year through our Conciliation Program, and the judges are thrilled with our assistance, but that program too takes money to administer and to provide the needed technology.

When it comes to developing new programs for the elderly and young in our community, as we would dearly like to do, we simply cannot—our resources are tapped out. It is all we can do at the moment to keep our current *Pro Bono* and law related educational programs going—we are simply at the financial breaking point.

Where will your donated funds go? We have budgeted \$375,000 for our *Pro Bono* program; \$25,000 for our 8th grade court tours and alcohol/drug education for students; \$75,000 for our conciliation program; and \$200,000 for the Fairfax Public Law Library. Less than 10% of the funds raised go to the administrative costs of running the campaign. Every additional dollar will allow us to expand our good works and our visibility to the community as lawyers who are compassionate and concerned citizens.

It is important that each and every member of the Fairfax Bar Association take a moment to reflect on the importance to the legal profession of the philanthropic work of the Foundation. If we take our commitment to our profession seriously, then we must also undertake our commitment to the philanthropic arm of our profession with equal seriousness. How much did you spend this year on clothes? On restaurants? On vacations? Each of us can afford to contribute something, and some of us can afford a great deal. What we cannot afford is to ignore the needs of our fellow citizens. We who have been given so much surely have a duty to share our good fortune generously with those who have so little.

As Thoreau once said: "Goodness is the only investment that never fails." So invest in your community and reap the rewards of a fine investment—a better community that you helped make better.

If you are interested in "Making a Difference," please contact Yvonne McGhee at the Fairfax Bar Association, 4110 Chain Bridge Road, #303, Fairfax, VA 22030; fba@fairfaxbar.org. ■

2006 Fairfax Bar Association Fall Golf Tournament

by Robert S. Letnick, Esq.



The Fairfax Bar Association held its Fall Golf Tournament at the Heritage Hunt Golf & Country Club on Monday, October 16, 2006. The format for this tournament was a scramble (Captain's Choice), and 47 golfers participated in this event.

Those who participated enjoyed a beautiful sunny Fall day of about 65 degrees. What better way was there to spend the afternoon than on a golf course on National Bosses' Day?

The first place team of William J. Virgulak, Jr., Robert S. Letnick, George Bigus, and "John Doe" shot a 13 under par score of 59. The second place team with a 9 under par score of 63 was the team of Thomas C. Carter, Robert L. Fredericks, James E. Bitner, and Steve Zimmerman. This team had won this event two years ago when it was last played at Heritage Hunt Golf & Country Club, however, on this occasion Mr. Fredericks and Mr. Carter were unable to locate a pencil with a large enough eraser. The third place team with a 6 under par score of 66 was the team of Elaine Bredehoft, Keenan Frank, Christian Wickwire, and Jan Wickwire. Based on the score submitted by the team of Edward L. Weiner, Steven W. Ray, Luis Perez, and Vernon Gutjahr, it is clear that they have been spending far too much time in the office and not enough time on the driving range.

The women's closest to the pin competition was won by Elaine Bredehoft. The women's longest drive competition was won by Grace Carroll. The men's closest to the pin competition was won by Tom Scanlon of SunTrust Bank, while the men's longest drive competition was won by George Bigus. The last special competition was the closest to the keg competition. A beer keg was placed on the fourth fairway approximately 220 yards off the men's tee and approximately 175 yards off the women's tee. The winner of the closest to the keg competition was Sandra L. Havrilak who hit a drive just a few feet from the keg.

After a great day on the golf course, the golfers were treated to hors d'oeuvres and liquid refreshments in the dining room of the Heritage Hunt Golf & Country Club and it was during this time period that approximately 30 participants won raffles ranging from a day of golf for a foursome at the Heritage Hunt Golf & Country Club, golf clubs, golf shoes, golf bags and assorted accessories down to golf books including the all-important "How to Cheat at Golf," an important golf publication that was won by a fellow bar member with the initials of T.C.C. (his real identity cannot be divulged as we do not have the requisite release).

Special thanks go out to Kirby-Hunter Investigations, Inc., who provided the photographer for this event, and some of the photographs may be observed on the bulletin board next to the Bar Association Office.

The next scheduled golf event sponsored by the Fairfax Bar Association shall be the Sixth Annual Spring Memorial Golf Tournament scheduled at the Westfields Golf Club on Monday, May 14, 2007, at 1:00 p.m. For those who maintain their calendars far in advance, please note that the Fairfax Bar Association has scheduled a Fall Convention that consists of a cruise to Bermuda from September 30, 2007 to October 5, 2007. In addition to the CLE credit hours available at the convention, participants shall also have the opportunity to earn the required golf education hours by playing in a golf tournament in Bermuda. Please note the dates for these events on your calendar and as usual all members of the Bar and their guests are encouraged to participate in these Bar Association golf outings. ■

Jazz 4 Justice 5—The Best Show in Town!

by Yvonne C. McGhee, Esq.

Just when you think it can't get any better, Jazz 4 Justice outdoes itself, year after year. Jazz 4 Justice was a toe-tapping extravaganza for the fifth year in a row. Featuring the classic standards from Duke Ellington and Cole Porter, there was something for everyone in the audience. As Fairfax Law Foundation President Edward L. Weiner noted, "This is the best bargain in town" with tickets priced at \$10.00 this year.

This year's show featured a special guest performance by Geoffrey Gallante, a child prodigy who, at age 6, is a trumpet virtuoso. Gallante has appeared on Leno, The CBS Early Show, and the Ellen DeGeneres Show. Geoffrey played the National Anthem at a Washington Potomac's game at age 4, and since has played with the Washington Symphony Orchestra and Maynard Ferguson. Geoffrey played two selections with the orchestra, "Geomping with Geoffrey" in the first set and "Mack the Knife" in the second.

In addition to Gallante, another special guest was our Foundation's own Chairman of Jazz, Edward L. Weiner. Weiner lit up the stage in his white smoking jacket, exhorting the best not only from the band, but also the audience in recruiting them to join in the fun by providing the vocals in the classic "Pennsylvania 6-5000."

Jazz 4 Justice is a concert performed by the 20-piece GMU Jazz Ensemble directed by Dr. Jim Carroll. In years past, the students used to play for a meager audience until Ed Weiner came up with the brainstorm of partnering the Fairfax Law Foundation with the show to raise funds for both the GMU Department of Music and the charitable programs funded by the Fairfax Law Foundation. The partnership was met initially with skepticism, even confessed by Dr. Carroll from the stage. Yet, the collaboration has met with great success, beginning in 2001 in the Harris Theater and moving to the Center for Performing Arts in just its second year. Jazz 4 Justice 5 boasted record attendance with a house count of 718!

As in the years past, the Friday night show got the crowd fired up, but this year, the end of the show was not the end of the music. Jazz 4 Justice 5 offered the first "Jazz Cafe," an open mike jam session immediately following the concert. All musicians were invited to attend, as well as any member of the audience who wanted to join the impromptu musical selections. Since it was not a "school night" Gallante's parents allowed him to share the stage and charm the crowds late into the night. The crowd was standing room only and the music continued, making the Jazz Cafe yet another wonderful addition to the successful evening.

Jazz 4 Justice 5 was made possible by the Department of Music at George Mason University, the Fairfax Law Foundation, and our generous sponsors:

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Fairfax County General District Court *News and Information*

Additional Holiday Closings:

The General District Court will be closed all day on Tuesday, December 26, 2006, and Tuesday, January 2, 2007, following the Monday holidays for Christmas and New Year's. Copies of the General District Court closing schedule for 2006-2007 may be obtained in the Clerk's Office on the first and second floors of the Judicial Center.

Trial Advisement & Plea Form:

The blue Trial Advisement and Plea Form is now available in all traffic and criminal courtrooms in the General District Court. Attorneys should be completing the top portion of this blue form on all Class I and Class II misdemeanor cases in the General District Court even if they do not intend to use the bottom half of the form to obtain the Commonwealth Attorney's recommendation. The top portion contains the required advisement for those charged with an offense punishable by jail.

Appearance of Counsel Form:

The pink Appearance of Counsel form is still required to be filed to enter your appearance as counsel in a criminal or traffic case in the General District Court. The Trial Advisement and Plea Form does not serve to enter counsel's appearance.

Request for Forensic Evaluation:

When requesting a 169 mental health evaluation be ordered on a defendant in the General District Court, attorneys must submit the Request for Forensic Evaluation form along with the Competency Motion form. Both contain crucial information needed before an evaluation or treatment can be ordered. These forms are available in the Clerk's Office.

State Bar ID Number:

The General District Court requests that attorneys include their Virginia State Bar ID number on all forms submitted to the court. ■

17th Annual Newly Admitted Attorneys Orientation

*by Jennifer Lattimore, Esq.**

It's that time of year again: Time to welcome our new members of the Bar to the practice of law in Fairfax! In its continuing effort to welcome and educate the new members of the Bar, the Young Lawyers Section of the Fairfax Bar hosted the 17th Annual Newly Admitted Attorneys Orientation on November 15, 2006, in the ceremonial courtroom at the Fairfax County Circuit Court. The Young Lawyers host this event each year to introduce new attorneys to the bench, the Fairfax Bar Association, other new attorneys, and the practice of law in Fairfax. In addition to receiving 1.5 CLE credits, every new attorney who attended received a packet of helpful practice materials and a snazzy FBA umbrella (which came in handy later that night!).

We were honored to have Judge Thacher from the Fairfax County Circuit Court, Judge McDonough from the Fairfax County General District Court, and Judge Maxfield from the Fairfax County Juvenile and Domestic Relations District Court, all of whom spoke to us about professionalism, civility, the importance of preparation, and what makes a good lawyer. Judge Thacher spoke candidly about the importance of treating one another with respect and civility, recognizing that as attorneys, we are building relationships with other attorneys that will last a lifetime. These relationships make the difference between a pleasurable experience and a difficult one in the future, and are not worth damaging for a client. Judge McDonough stressed that we make an impression on the judge and counsel each time we step foot in the courtroom, and that it is the civility of our system that makes it special. The three most important words are preparation, preparation, and preparation. Judge Maxfield offered helpful advice about making an effort to show you are trying to abide by the local rules of any court in which you appear. He also stressed the importance of professionalism, and advised that throughout our careers, we will be measured by how we handle ourselves with others.

Following the judges, Steve Ray, President of the Fairfax Bar Association, emphasized the importance of getting involved in the Fairfax Bar Association. He was assisted by Daniel Ortiz, President of the Young Lawyers Section of the Fairfax Bar Association, who described many of the exciting annual events hosted by the Young Lawyers Section. Some of these events include "Lawyerpalooza," a volleyball event held in early Fall that brings lawyers, judges, and families together in a fun and

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ELECTRONIC FILING IN FEDERAL COURTS: 2006

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security measures) to ensure that court data remains secure. Every so often, viruses, worms, Trojans, etc. slip through the system and wind up on the "dirty servers" outside the firewall, but they are quickly quashed.

Another security worry for the future: Bockweg advised that the AO will begin an experiment in releasing its code to state and other federal agencies, which have long pleaded to have the code to incorporate in their own systems. While the AO is anxious to be of help, Bockweg notes wryly that "obscurity is security." The more the code is out in the open and available to would-be hackers and cyberterrorists, the greater the vulnerability. This will mean that the AO will have to pull the security net still tighter.

You don't need a crystal ball to see the next goal for the AO. Bockweg reports that the first of the 12 appellate courts will go live early next year, though there is no current indication of which court will go first. This presents a brand new challenge for the programming folks at AO. As Bockweg points out, the appellate courts have a completely different set of requirements—this project has been in development for a couple of years already, simply laying the groundwork for a very different kind of court. He also notes with a smile that "the appellate courts have been less eager to embrace this technology—they are not all clamoring for e-filing!" All of them, however, are very interested in the case management aspects of the new system.

Beyond that, Bockweg is eager to make the programming more service-oriented and to update the software tools used to develop the system. Unsurprisingly, there is a list of enhancement requests from lawyers and the courts that goes on and on and on. To the extent possible, the AO will be trying to fulfill those requests. Though just in the planning stages, there will probably be a multi-technological upgrade of the entire system. Besides working on the states and

sister agencies, the AO hopes to work with the Federal Sentencing Commission and the Bureau of Prisons to develop a data-sharing capacity so that data can be exported and imported, allowing different parts of the federal government to become more interconnected and to exploit the efficiencies of data-sharing.

July 2006 has seen the advent of a new director of the AO, Jim Duff. What he will bring as a vision is anyone's guess at this point. He comes aboard the train at an interesting moment, when the bankruptcy and district courts are almost finished and the challenge of the appellate courts lies ahead. All in all, it has been a heck of a ride. The federal government is often lambasted for getting things wrong, but this is one project that has come up a winner. ■

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NEWLY ADMITTED ATTORNEYS

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relaxed environment to network and socialize; a "Breakfast with the Judges" event, which is designed to give lawyers an opportunity to meet some of the Fairfax County judges outside of the courtroom; "Running from the Law," an upcoming 5K run through Fairfax City; and the Gold Cup event held in May, among others. Both Mr. Ortiz and Mr. Ray emphasized that new lawyers are automatically members of the Young Lawyers Section and invited us to get involved in the Fairfax Bar immediately.

Perhaps the most immediately useful portion of the program was the tour provided by the Fairfax County Circuit Court and General District Court employees. Ms. Deb Sterling took us on a tour of the Fairfax County Circuit Court to critical places such as civil filing, land records, and the civil records office. We were introduced to supervisors in each department. Ms. Suzy Swain guided us through the Fairfax County General District Court, showing us where to find the docket (including how to read it and determine whether you have time for a coffee before appearing—very crucial indeed), how to use the fancy new electronic docket boards, where to go with traffic matters, and how to avoid the crowds, civil filing and records, as well as whom to go to with questions.

After the tour, we were taken through the administrative process of each Court by John Frey, Clerk of the Circuit Court; Nancy Lake, Clerk of the General District Court; and Jennifer Flanagan, Clerk of Court for the Fairfax County Juvenile & Domestic Relations Court. Not only did the clerks offer advice about the practice in general, but they also shared specific tips about such things as the arrest process in General District Court and the benefit to having family members participate, why we should plan ahead to obtain copies of Circuit Court files we may need during the summer months, and why punctuality is becoming even more important at the Fairfax County Juvenile and Domestic Relations District Court. Very valuable tips indeed!

Sergeant Redic Morris of the Fairfax County Sheriff's Department then guided us through the maze of service of process, offering useful advice about common problems in filling out service of process forms, the difference between serving individuals and

corporations, and why service in rent actions can be tricky. We learned that the Fairfax County Sheriff's Department serves an impressive 150,000 documents each year.

The Honorable R. Terrence Ney of the Fairfax County Circuit Court closed the event with inspiring words and helpful hints aimed at preparing new lawyers for situations that we will face in the practice of law but do not learn in law school. For instance, Judge Ney showed us which table in the courtroom is the plaintiff's and which is the defendant's, how to properly address a judge inside or outside the courtroom, how to properly cite a case in court, and where not to look when asking a witness questions, among other things. While some of these may appear to be rudimentary concepts for experienced attorneys, none of us had ever learned any of it in law school. Judge Ney ended things on a high note, emphasizing that it is one of the greatest honors to be asked to speak on behalf of someone else, and that we must make the most of the opportunity by being world-class lawyers.

The fun continued at Il Lupo, where members of the Bar and Bench gathered to raise a glass to the newest members of the Fairfax legal profession.

In a three-hour period of time, we were given a crash course in practicing law in Fairfax County. We received important practical, as well as philosophical, advice. We can now place several faces with three different courts, and when we run into the inevitable crises that face all new attorneys, we know whom we can approach for help. Most importantly, for many of us, this was our first interaction with the Fairfax Bar, and it was one that emphasized professionalism, civility, and honor—cornerstones of the practice that we will hopefully carry with us for many years to come. This was my second time attending the event, and not only did I learn just as much as I did the first time, I was reminded of the people and attitudes that make Fairfax such a wonderful place to practice. Thank you to everyone who made this event so successful, especially Sandra Marchenko and Courtne Norris, as well as the Fairfax County judges, clerks, and staff. ■

**Ms. Lattimore is an Associate at The Lewis Law Firm and a Board member of the Young Lawyers Section of the Fairfax Bar Association. She is a 2005 graduate of George Mason University School of Law and was previously Law Clerk to the Honorable Dennis J. Smith at the Fairfax County Circuit Court.*

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Announcements

DAVID BOBZIEN, JR., was elected to the Nevada General Assembly for District 24. Bobzien is the son of Fairfax County Attorney David P. Bobzien, Sr. and Catherine Bobzien.

KOONZ, McKENNEY, JOHNSON, DePAOLIS & LIGHTFOOT is pleased to announce that M. THOMAS McWEENY has become an associate of the firm practicing in the areas of personal injury and workers' compensation. 10300 Eaton Place, Suite 200, Fairfax, VA 22030; 703.218.4410; Fax: 703.218.4411

ODIN, FELDMAN & PITTLEMAN is pleased to announce that DAVID M. ZANGRILLI, JR., and JOHN PATRICK SHERRY have been elevated to principal. For more information contact Sarah Montezon at 703.218.2340 or visit our website at www.ofplaw.com. Odin, Feldman & Pittleman, PC, 9302 Lee Highway, Suite 1100, Fairfax, VA 22031; 703.218-2100; Fax: 703.218.2160.

SHOUN, BACH, WALINSKY & CURRAN, P.C., is pleased to announce that JENNIFER J. TUORINSKY has become associated with the firm. 12700 Fair Lakes Circle, Suite 300, Fairfax, VA 22033; 703.222.3333; 703.222.3340.

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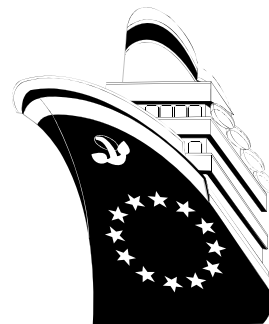
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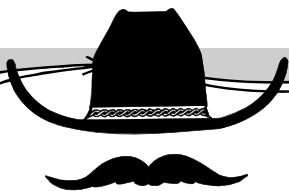
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