



Fairfax Law Foundation Officers 2006-2007



Edward L. Weiner
President

Edward L. Weiner is Founder and Senior Partner of Weiner & Associates, a Fairfax, VA firm specializing in personal injury litigation. He has been a member of the Fairfax Bar Association since 1980. A graduate of State University of New York at Binghamton, Ed received his J.D. from the University of Richmond, and his LL.M degree in International Law from Georgetown University Law Center. He has appeared before the U.S. Supreme Court and has numerous published state and federal court decisions. Many of his cases have received national media attention, including his successful representation of the deaf community against a national electronics retailer. Currently, Ed serves on the Virginia State Bar's Council of Local Bar Leaders, and hosts the annual Law Day celebration benefiting the Fairfax Law Foundation's programs. In addition, Ed is the national fundraising chairman for the Recurring Respiratory Papilloma Foundation. Ed and his wife, Maura, have two daughters, Maurissa and Brianna. ■



Peter D. Greenspun
President Elect

A trial attorney for 28 years, **Peter D. Greenspun** concentrates on complex criminal matters, personal injury, medical malpractice, and wrongful death actions in Virginia and Washington, D.C. Mr. Greenspun is active in the legal community as past president of the Fairfax Bar Association and Fairfax Law Foundation, has been chair of the Judicial Screening Committee, and is a member of the Virginia Bar Council and the ABA House of Delegates.

As a Martindale-Hubbell "AV" rated attorney, Mr. Greenspun has obtained noteworthy results in high-profile cases and has been a featured commentator for local and national broadcasts in addition to frequently speaking at legal education programs. Mr. Greenspun is 10th on the Washingtonian list of top lawyers, listed in Virginia Super Lawyers, included by Virginia Businesses as a member of "The Legal Elite," and listed in Best Lawyers in America since 1999.

continued on page 14



David J. Gogal
Secretary

David J. Gogal is a principal in the law firm of Blankenship & Keith, P.C., in the City of Fairfax. He is a commercial litigator with 18 years of trial practice in the Federal Courts of the Eastern District of Virginia and the Virginia Circuit Courts in Northern Virginia, as well as considerable appellate experience before the Supreme Court of Virginia and the United States Court of Appeals for the Fourth Circuit. David's practice areas also include employment law and real estate law.

David served for six years on the Fifth District Disciplinary Committee for the Virginia State Bar including terms as chairman and Vice Chairman, and is currently a member of the Standing Committee on professionalism. He has been an active member of the Fairfax Bar Association, serving as a Member and Secretary of the Board of Directors, Chair of the Circuit Court Committee, Chair of the Legislative Committee, Chair of the Law Library Committee and a member of the Judicial Screening.

continued on page 14

PRESIDENT'S COLUMN

Modern Art and the Practice of Law

by Steven W. Ray

Modern art is a general term used for most of the artistic production from the late 19th Century until approximately the 1970s. Modern art refers to the new approach to art where it was no longer important to represent a subject realistically...Instead, artists started experimenting with new ways of seeing, with fresh ideas about the nature, materials and functions of art, often moving further toward abstraction. Wikipedia.



I never understood modern art. I guess it's the abstraction of it all. My mother tried to make me appreciate art when I was growing up by giving me books of famous artists and taking me to art museums. Unfortunately, nothing worked. In my view, art should be something recognizable—an object or thing that exists in the real world. The more abstract a piece of art, the more it is defined by whatever the artists says it is rather than what the viewer thinks it is.

My opinion that modern art (also referred to as "contemporary art"—the prior term of "modern" being so 20th Century), makes no sense to me was recently reinforced at an event I attended at the Hirshhorn Museum in Washington, D.C. This was my first trip to the Hirshhorn Museum, which I came to learn is considered one of the nation's top museums for contemporary art. At the museum we received a lecture from several artists who, according to others in the group who were "in the know" about such things, were highly regarded in the world of modern art.

The first artist to speak was a young woman mid-twenties, with waist length jet black hair, dressed as you might guess, all in black. Her first piece of artwork was a canvas containing swirls of different colored paints, which did not appear to represent anything other than swirls of colored paint. Of course, it had a much deeper meaning that was lost on me. This very nice woman went on to explain that it was not the finished work that was important but rather how she made those colored swirls on the canvas. Instead of using a paint brush as most of us learned in elementary school as the standard tool for painting, she used a much more interesting method. Specifically—and I am not making this up because I saw the photographs—she would dip her long black hair into buckets of paint and then proceed to roll around on a very large canvas sloshing her hair around and transferring the paint from her hair onto the canvas. In addition, while rolling on the canvas it was important for her to have people surround her to allow her the experience of "controlling her space".

While struggling to suppress my urge to laugh, I thought maybe it was just me—I am just a simple-minded ignorant bumpkin who doesn't know anything about art. However, it was her next piece of "art" when I concluded (1) it wasn't just me; and, (2) I was in the wrong line of work. Her next creation was a series of busts she made of various people, including her parents. Of course, these were not ordinary busts made of materials that busts are normally made of, such as plaster or cement. No, these were

continued on page 6

FAIRFAX BAR JOURNAL

*Official Newsletter of the
Fairfax Bar Association*
4110 Chain Bridge Rd., Suite 303
Fairfax, VA 22030-4046
Telephone: 703.246.2740
Fax: 703.273.1274
Email: fba@fairfaxbar.org
<http://www.fairfaxbar.org>

Officers 2006/2007

President Steven W. Ray 703.748.2690
President-Elect ... Dan H. Ruttenberg 703.790.1900
Vice-President Julie H. Heiden 703.218.4410
Past President Richard John Ruddy, Jr. 703.383.9000
Treasurer Corinne N. Lockett 703.324.2421
Secretary David J. Gogal 703.691.1235
Gen. Counsel . David A. Hirsch 703.934.2940

Board of Directors 2006/2007

William P. Daly, Jr. 703.790.1911
Kevin F. DeTurris 703.714.7400
Linda M. Jackson 703.760.1600
Brett A. Kassabian 703.750.3622
Jay B. Myerson 703.715.9600
Michael E. Ollen 703.818.6948
Thomas P. Sotelo 703.752.5651
Edward L. Weiner 703.273.9500

Executive Director/Editor

Yvonne C. McGhee

703.246.2740

e-mail: ymcghee@fairfaxbar.org

Production/Graphic Design

Ann Hill Thornton, RODANGraphics

240.727.5206

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.

**Fairfax Law Foundation
Officers
2006-2007**



continued from page 1



Alex R. Heidt
Treasurer

Alex Heidt is married to his wife Gail and has three children. He has been a Virginia resident for over 15 years, all of which have been in Fairfax County. He spent four years in the United States Marine Corps prior to relocating to Virginia. He has over 15 years experience in both commercial and government business. He possesses a B.A. in Business, M.S. in Finance and his J.D., and he is admitted to the Virginia Bar.

As the Director of Contracts and Business Strategy for Lockheed Martin, Alex has either led or participated in multiple due diligence exercises for the acquisition and divestiture of multiple businesses. He has led the transition efforts of the acquisitions of OAO Corp. and ACS Corp. by Lockheed Martin and will likewise lead the integration efforts for the Titan Corp. acquisition. During the integration phase he has identified and implemented numerous objectives to substantially increase the profitability and cash flow of Lockheed Martin. He leads all major negotiation efforts for the Information Technology Division and directly manages 45+ employees, and is part of the executive staff that indirectly manages over 12,000 employees.

**Fairfax Law Foundation
New Board Members
2006-2007**

Peter C. DePaolis

Koonz, McKenney, Johnson,
DePaolis & Lightfoot, P.C.

Timothy J. McEvoy

Odin, Feldman & Pittleman, P.C.

Luis A. Perez

Law Office of Luis A. Perez

Steven W. Ray

Isler, Dare, Ray & Radcliffe, P.C.

Gerard M. Stegmaier

Wilson, Sonsini, Goodrich & Rosati,
P.C.

Clerk of the Fairfax Circuit Court John T. Frey was named the 2006 Public Official of the Year by the National Association of County Recorders, Election Officials, and Clerks (NACRC) at its annual conference August 3-4 in Chicago. The award is the highest the association presents to any member. It recognizes the member who has best exemplified a commitment to excellence in the industry and exhibited exemplary service to the community served.

The NACRC cited Frey's outstanding list of accomplishments with the association, as Clerk of Fairfax Circuit Court, and as a civic leader. Among Frey's accomplishments are automating the Fairfax Circuit Court's land records recording process. He also upgraded and significantly expanded Virginia's first remote access system for court records, which include 35 million digital images of land records, marriage certificates, probate and other Fairfax case documents. Frey was instrumental in the passage of Virginia's first electronic filing statutes in the mid-1990s and implemented the first land records electronic recording system in the Commonwealth.

An active member of NACRC for more than a decade, Frey has served on its Board of Directors for the past 10 years and was President in 2002-2003. He also spent five years on the Fairfax Law Foundation Board of Directors; was President of the Virginia Metropolitan Circuit Court Clerks' Association; and has been the Governor's Appointee for the State Public Records Advisory Board and for the Virginia Board for People with Disabilities.

For further information on the award, contact the Fairfax Circuit Court Office of the Clerk at 703.246.4111, TTY711. ■

**HON. JOHN T. FREY
RECEIVES
NATIONAL PUBLIC
OFFICIAL OF THE YEAR
AWARD**



John T. Frey, Clerk of the Circuit Court



FBA Affinity Partners Member Benefits



**BAY
BUSINESS
BROKERS**

Bay Business Brokers Manages the Entire Process of Selling or Buying a Business.... We Provide Expertise to Business Owners Wishing to Sell Their Businesses as well as Offer Guidance to Prospective Buyers.

Our goal is to maximize the monetary return for our seller clients.

Please Contact Bay Business Brokers if we can be of assistance.
Richard Stopa Richard@BayBusinessBrokers.com 703.476.3996



Meridian Imaging Solutions, the Largest women owned-operated office equipment dealership in the DC Metropolitan area, is a vendor for Ricoh-copier equipment and supplies. Lowest Lease rates provided to all eligible Members.

<http://www.meridian-imaging.com/#Meridian>



**Special interest rate reductions
for Federal Student Loan
Consolidation**

Sun Trust Bank offers Fairfax County Bar members special interest rate reductions on Federal Consolidation on loans of \$10,000 or more.

For more information on SunTrust and student loans visit www.suntrusteducation.com/legal or call 1-888-403-5027 to apply. There are no credit checks or fees. This offer is subject to change without notice.



Virginia Lawyers Weekly is the commonwealth's top source of legal information for practicing attorneys.

FBA members receive a 15% discount off new subscriptions.

<http://www.valawyersweekly.com>



Treats by Gale

Treats by Gale provides baked goods for catered events and in gift baskets. Check out their website for more information.

FBA members receive a 5% discount.

<http://www.treatsbygale.com>



USI—Bertholon Rowland
offers a wide range of insurance options for attorneys

including:

Professional Liability Coverage * Employee Benefits* Life Insurance* Long Term Policies* Workers Compensation* Business Overhead

Contact their Falls Church office at 703.205.8763 or 877.853.1382



Action Business Systems, Inc.

Action Business Systems, Inc. is an exclusive Toshiba Dealer with state of the art Printers, Facsimile and Digital Equipment Solutions.

FBA Members receive a free consultation and the lowest Major Account pricing.

<http://www.abscare.com>



Introducing a new range of benefits that can help you get home with less stress

The Fairfax Bar Association has recently arranged for First Horizon & First Horizon Home Loans® to provide a wide range of home loan services at reduced rates. This includes savings on closing costs (up to \$1,500), Specific Mortgages Geared Towards Income Variations of Attorneys, and Free Home Warranty with Select Realtors.

Contact Kathy Austin, Mortgage Loan Officer/Relationship Manager (703) 818-7863 for more information.



As a benefit of your membership in the FBA, Affiniscape Merchant Solutions is proud to present a new program to manage your cash flow.

Taking credit and debit cards has never been easier with discounted pricing on your behalf in order to ease collections and accept retainer payments from checking accounts. For more information, contact Janelle at 800-944-9060 ext. 6971.

MORE COMING SOON

**To learn more, visit "Member Benefits" on our website at
<http://www.fairfaxbar.org>**

“THE LIBRARY”

by Thomas W. Repczynski



Thomas W. Repczynski
Bean Kinney & Korman, PC

In preparation for a recent plea to the Fairfax County Board of Supervisors for increased funding, Steve Ray recently reminded me that the mission of the Fairfax Public Law Library—the “Library” as we like to refer to it affectionately—is to promote justice by providing all citizens with access to legal information. From its humble beginnings in a small room in the basement of the old courthouse in the early 1950s, we look this coming year to move into what promises to be dramatic space prominently in the public eye.

Today, the Library serves more than 50,000 individuals a year, most of whom are not attorneys. With this emphasis on public service comes great challenges and difficulties as our costs continue to soar and our principal revenue source—civil filing fees—continues a long-trending decline. Consequently, budget deficits keep widening, reserves keep dwindling, and we keep cutting the collection in a vain effort to keep pace.

Since 1991, our state-based filing fee contribution has dropped nearly \$60,000 per year, and we’ve seen a nearly 9% drop from just two years ago. County and Fairfax Law Foundation funding have been flat but constitute an essential and substantial part of our annual

budget without which we literally could not function. During this period of declining revenues, the likes of AmJur2d, for example, have tripled in price since 1995. Though AmJur has thus far been spared, regional reporters, many treatises, and now our Maryland and DC Codes and related materials, Harvard Law Review, Collier’s on Bankruptcy and many more titles have all been cut merely to keep the projected deficits reasonable.

It is oft said that “you don’t know what you got ‘til it’s gone.” while it is certainly true with regard to much of what had previously been considered core parts of our collection, it is all the more so as it relates to the decision of our longtime librarian Bobbie Denny to move on. After more than 10 years of service, Bobbie has decided that it is time to give something else a try. The search for her successor has begun in earnest and we hope to have someone in place shortly though trying to fill Bobbie’s shoes is not a prospect I would relish.

Though the Fairfax Law Foundation has emphasized the Library in its giving and in its newly-initiated capital campaign, we continue to struggle to find ways of making ends meet. Regrettably, in what proved to be a very close vote, the County Board refused any additional funds in this latest “carry-over” budget process, but the Board did signal a particular willingness to reconsider our need for increased staffing as we will be forced after the move to extend daily hours of operation and increase to six the days per week we remain open to the public. Of note was the suggestion by one of the Supervisors that significant participa-

tion by private firms might itself incentivize further financial support at the County level.

We optimistically anticipate our early 2007 migration to new quarters and encourage any of you to step forward to assist us in any way that you are able. I welcome the opportunity to discuss any ideas you might have and encourage each of you to consider taking an active role in your Library...our Library.

As we each in our own way have the wherewithal to do our part to help, whatever it may be, I cannot but be reminded of Daniel Webster’s “Peroration” before the Supreme Court in the famous Dartmouth College Case of 1818:

[Y]ou may destroy this little institution; it is weak, it is in your hands! I know it is one of the lesser lights in the literary horizon of our country. You may put it out! But if you do so, you must carry through your work! You must extinguish, one after another, all those great lights of science which for more than a century have thrown their radiance over our land! It is, Sir, as I have said, a small [library]. Yet, there are those who love it!”

—Daniel Webster, *Peroration, The Dartmouth College Case, March 10, 1818*



Bobbie J. Denny

President's Column...

continued from page 2

made of lard—yes, the thing that gives you high cholesterol—and covered with chocolate. Now, obviously, these had a less than permanent shelf life. Nevertheless, it was not the lard that was the most disturbing aspect of the busts, but rather what they sold for. The artist relayed a story that while the busts were on display at MoMA (Museum of Modern Art in New York), she inadvertently dropped one of them. Because the bust was made of such a malleable material she was able to mold it back together in relatively short order, even though it did not look the same as it did before. The most remarkable part of the story is that after she dropped the bust and molded it back together, it sold for over \$10,000. To heck with billable hours—give me a bucket of Crisco and see what I can create.

The point of this story is that I believe non-lawyers sometimes view the practice of law and the legal system with the same type of misunderstanding and bewilderment as I view contemporary art. Our firm's practice is limited to representing employers in employment law disputes. Clients often complain about how many of the laws that regulate the employer-employee relationship do not make sense or question why litigation is so expensive.

Occasionally, it is hard to disagree with their criticisms. One of my favorite examples is an unusually novel legal theory that has been argued in several recent cases involving the issue of what constitutes an adverse employment action under the employment discrimination laws. There has been a trend in which plaintiffs have argued that continued employment with full pay and benefits can constitute an adverse employment action. In the case of Currier v. Postmaster General, 304 F.3d 87 (D.C. Cir. 2002), the plaintiff asserted a claim of race discrimination because he was forced to perform his job duties after a RIF, whereas he had not been required to do so before the RIF. The following testimony of the plaintiff illustrates why his case was dismissed.

- Q. So you stayed at Merrifield. What were your duties at Merrifield?
- A. None.
- Q. None? Did you work while you were out there?
- A. No.
- Q. What did you do all day?
- A. Occupied an office.

The court held that requiring a paid employee to work is not an adverse employment action.

Unlike the foregoing example, the law is generally rational and well-intentioned. Unfortunately, it is not always readily transparent to the non-lawyer, which in turn leads to criticisms of the legal system. Therefore, I believe that an important obligation of our profession is to educate the public about the law, the courts, and the overall system of jurisprudence in our country. As lawyers, we should seek out opportunities to do so, whether informally, such as talking to family members and friends or in a more formal setting, such as participation in community service outreach programs.

The FBA and the Fairfax Law Foundation have developed many community service outreach programs geared toward educating the public. Several of these programs are directed at young people, like the Court Tour Program, the Doctor/Lawyer Team Project, while other outreach efforts involve publications about the courts as a means of assisting individuals who may not have the financial resources to obtain legal assistance. I would strongly encourage everyone to view our website and click on "Get Involved" under the "For Lawyers" tab to learn more about how you can participate in helping to educate the public about the legal system.

As I mentioned in my column last month, to test the level of readership of the *Journal*, I am including a question in each issue of my column. The person with the most correct answers at the end of my term as FBA President will receive four tickets to a Washington Nationals' game. Because my wife and I purchased a farm near Sperryville, Virginia, several years ago and now reside full time in the town of Little Washington, I thought I would use the questions as a means of educating you on facts about things I have learned since owning the farm.

Earlier in the year, we discovered a large beehive sandwiched in the wall of the old schoolhouse that was part of the poor town farm on our property. The apiarist whom we called to remove the hives was excited as—well a bear in honey—to find such a large hive intact. She estimated the hive contained over 10,000 bees.

How many bees does it take to weigh one pound?

Last month's answer: Missy the world champion jumping mule is able to jump 72 inches. Last month's winner is Lenore C. Garon, with a guess of 6 feet, 6 inches. ■



The Fairfax Law Foundation and
GMU Jazz Ensemble
proudly present
The 5th Annual Award-Winning

JAZZ 4 JUSTICE

A jazz concert benefiting the programs of the Fairfax Law Foundation

Friday, November 10, 2006
8 p.m.

George Mason University
Center for the Arts Concert Hall
Fairfax, Virginia

Tickets \$10

Come hear the music of your favorite
jazz legends!



College of Visual
and Performing Arts

For more information, contact the Fairfax Law Foundation at 703-246-2740.

Bar Business: A Self-Serving Plug for Our Organization

Is it really self-serving if we are trying to help our members? We'll leave it for you to decide. This month we are asking you to help support our organization by purchasing goods and services from our Affinity partners.

Behind the scenes we work to find creative funding sources for our organization by seeking out sponsors that provide products and services that attorneys need. From full shop insurance programs to office machines, we offer benefits for your business and your life that can easily add up to more than your dues—if you take advantage of them! Our programs are listed on Page 4 of this *Journal*.

We are excited to tell you benefit, a service that generates non-dues revenue—credit card processing—is a new it's rapidly becoming an clients. Who can blame convenient and often the for unexpected legal start if you are considering cards?

You can begin with our Merchant Solution association benefits a credit card processing law firms. AMS is com-working with attorneys and used by the Fairfax tions nationwide.

Most importantly they handle attorney specific ing retainers from normal eliminating the commin-are automatically depos-account, while process-from an operating ac-



**Even Lady Justice
can see taking
credit cards
is a GREAT idea.**

**Introducing a New Member Benefit -
Credit Card Processing Designed for Law Firms.**

- Accept credit cards in a professional manner.
- Increase business for the firm by accepting retainers on credit cards.
- Improve cash flow by offering credit cards for billing and collections.

For more information contact Jason Kapler with AMS at (800) 644-9060, ext. 6977 or visit www.fairfaxbar.org.

Affiniscope Merchant Solutions
"The Power of the Association Network."

VISIT www.fairfaxbar.org/creditcards

about our newest saves you money and enue for our organiza-cessing. "Credit card world to many of us and expectation of our them? Credit cards are only option when paying fees. So where do you ing accepting credit

partner, Affiniscope (AMS), a leading company that designed solution specifically for petent, experienced and their trust accounts, Bar and other associa-

know how to properly transactions—separat-billing charges and gling of funds. Retainers ited into your firm's trust ing fees are debited count.

FBA members receive reduced processing fees on all your credit, debit, and check card transactions. You can also expect no contract, application or start-up fees, and no minimum processing requirements.

Don't lose another client—accept credit cards for retainers, speed up payments, and increase your firm's cash flow. Please call Dan Reed with AMS at 800.644.9060, ext. 6976 for information or visit our website www.fairfaxbar.org and click on the Lady Justice banner at the bottom of the home page.

Thanks for your attention and support.

THE PROCESS OF BILLING (AND COLLECTING)

by Patricia A. Yevics, Director, Law Office Management Assistance, Maryland State Bar Association



There was a time in the legal profession when you performed services for a client, you billed the client for those services, and the client paid you for those services. Like most aspects of modern life, it is no longer that simple.

Now more than ever, billing is a process which practitioners must understand and master if they are to manage their practices effectively and profitably. It requires planning and organizational skills. There are five important aspects to the process:

1. Deciding which clients to take;
2. Determining the type of fee and the fee agreement;
3. The process of recording time;
4. The billing process;
5. Getting paid.

This article will discuss steps three through five. Although the article will not discuss one and two at this time, they are integral parts of the process. If they are handled properly then it will be much easier to bill and collect for your services.

TIMEKEEPING

According to Ted Orenstein writing in the ABA Publication, *Flying Solo*, results of an economic survey of lawyers consistently reflect that those who keep contemporaneous time records have 25% to 40% higher income than those who do not. You must

keep track of your time as you do the work. Using your laptop or PDA, it is now possible to enter your time as you work regardless of where you are. The reasons, according to Orenstein, that lawyers who keep time daily make more money is because they: (1) send better and more detailed bills; (2) know the true value of their services and are more likely to send bills that reflect all of time put into the matter; and (3) are better able to determine which types of cases are less profitable.

You should be recording all of your time everyday and not just on those matters that are billed on an hourly basis. Keep in mind that these are time records and not billing records. You will ultimately determine what time you bill and what time you do not bill. You need to know how you spend the hours in the day so that you can be certain that you are utilizing your precious and valuable time

Position Announcement

Deputy Commissioner of Accounts
Fairfax County, Virginia
Fairfax, Virginia

The Commissioner of Accounts for the 19th Judicial Circuit is seeking applicants for the full time position of Deputy Commissioner of Accounts.

Job Duties—The office of the Commissioner of Accounts, with staff support, audits, reviews, and approves inventories and accounts filed with the Circuit Court of Fairfax County. There are approximately 4,000 new filings annually with the office. The Deputy Commissioner of Accounts will be vested with the Commissioner's authority to approve such inventories and accounts and will be expected to review and make disposition of a substantial portion of the routine filings each year. In addition, the Deputy Commissioner shall assist in the drafting of hearing reports and opinion letters, and in development and implementation of office policies and procedures. The Deputy Commissioner may conduct hearings and participate in judicial enforcement proceedings as appropriate based upon his or her experience. The Deputy Commissioner will assist in the supervision and direction of the office staff and will undertake such other duties of the office as the Commissioner may direct.

Qualifications—The successful applicant must have sufficient maturity and communication skills to deal well with the general public, the court's probate staff, and both lay and professional fiduciaries. Applicants interested in a long-term professional opportunity preferred. Applicants must have an excellent academic background with strong research and writing skills. Applicants must be a member of the Virginia State Bar with a minimum of three to five years legal experience. Some experience with trust and estate administration preferred. Applicants must demonstrate the ability to work with computer-based practice management, research, word processing and spreadsheet programs. Hiring and continuing employment are subject to approval and appointment by the Circuit Court.

Compensation—The position offers a competitive salary, commensurate with experience, and an attractive benefits program.

Application Procedure—Applications will be accepted until the position is filled. To ensure earliest consideration, submit a cover letter, resume and writing sample by Friday, October 27, 2006, to Elizabeth Poling either at bpoling@cavtel.net or P.O. Box 460, Fairfax, Virginia 22038. Electronic applications welcome.

effectively. You should even be accounting for your non-billable time, such as those spent on business development, bar association activities, and education.

BILLING

According to J. Harris Morgan in his outstanding book, *How to Draft Bills Clients Rush to Pay*, communicating effort is critical in preparing invoices. Without proper time-keeping, there is no way to communicate the work and effort that went into the services that were performed. In his book there are excellent examples of various invoices.

On long engagements or matters you should consider doing progress billings. It is much easier for a client to pay a series of invoices as the work progresses than a large invoice when the matter is completed. Too often, the client will forget about all the effort that went into the case when it is completed.

PRACTICAL BILLING TIPS

1. Surprise Total! A client should never be surprised by the amount of a bill. Poor communication was listed by Altman Weil Pensa as a main reason clients give for not paying an invoice. If you know that a client's bill is going to be high for a particular reason, contact the client personally and tell him/her in advance.

2. Complicated or Incomprehensible Format. The key here is to make the bill as clear as possible. Include enough detail to be certain that the client knows what was done.

3. Untimely Billing. For ongoing work, it is critical to bill timely. It is best to bill as soon as the work has been completed. With today's new time and billing software, it is not necessary to wait until the end of the month to send a bill. It is very easy and convenient for a client to forget the work that was done if a bill is sent out long after the work was completed.

4. Errors of Any Kind on the Invoices. There is no excuse for any type of error on an invoice, especially an error in arithmetic. Although the time and billing software almost eliminates errors, attorneys in all size practices will often retype an invoice. An error on an invoice will cause a client to question the entire bill and may cause them to question all past and future bills.

5. Directing the Invoices to the Wrong Person. Make certain that the person who is responsible for reviewing and paying the bills receives them. Nothing slows the payment process more than sending the invoices to the wrong person.

6. Overuse of Certain Billing Descriptions. Clients do not like the overuse or, in some cases, misuse of billing descriptions such as "conference" or "telephone." When using these descriptions, be as specific as possible.

7. Staggering the Billing Cycle. New billing packages have made it much easier to bill. Consider sending invoices out continuously rather than all the bills going out at the same time. This improves cash flow. You can bill based on alphabet. A-M are billed on the first of the month and N-Z are billed on the 15th of the month.

Keep in mind that none of these tips will guarantee that your clients will pay their bills quickly. You must still make certain that you provide quality work, communicate with your client, mail invoices timely and monitor your receivables constantly.

COLLECTION

Unfortunately even when we do everything right in steps one through four, we still have a problem collecting a fee. You must be diligent when dealing with your accounts receivable. You must make certain that you review your aged account receivables on a weekly basis. In small firms, everyone should understand the importance of collecting the accounts receivable.

As with billing, time is of the essence. Statistics show that an invoice over 60 days has only a 70% chance of being collected in full. After 90 days the chance of collecting the invoice in full drops to 45% and after 120 days, it falls to 20%. You should be able to generate the following information from your time and billing system on all of your clients and you should review this information regularly: (1) How much each client owes you in total and on each separate matter; (2) How much has been billed to date; (3) What is the total work in progress and how old is the work in progress; (4) How much work remains to be done on this matter/client; (5) What is the payment history of this client; (6) Your fee agreement with the client; (7) Other factors such as whether or not the client is a fantastic referral source or is the brother-in-law of the president of your best corporate client.

COLLECTION TIPS

(1) Concentrate your efforts on your current clients. We all have clients and former clients that we have allowed to get too far behind. We should not allow our past errors to prevent us from making certain that we do not allow our current clients to get too far behind in payment; (2) Develop a collection policy. The policy should be simple to administer and enforce. It should address what should be done when a client goes past 30 days, 60 days, and 90 days. For 90-95% of the cases, the

process should be automatic. It can be as simple as sending a letter after 30 days to determine if there is a problem or having an office manager contact a client; (3) Monitor daily cash receipts. If necessary, distribute copies of daily cash receipts to appropriate staff; (4) Communicate with clients. Do not avoid discussing collection of fees with clients. If you are providing quality legal services and are charging a fair and reasonable fee, you should be paid for those services. If you choose for whatever reason, to do the work *pro bono*, then the decision should be yours and not the client's. Good management of our firms will result in quality service and satisfied clients who will value your effort and be willing to pay you for it; (5) Enclose a self-addressed envelope with invoices. Make it easy for people to send you payment. It is very inexpensive to have envelopes printed with your address which you can include with the invoices. ■



PROCEDURES FOR THE REMOVAL OF ATTORNEYS FROM THE J&DR COURT APPOINTED ATTORNEYS' LIST AND THE CESSATION OF APPOINTMENTS AS GUARDIAN AD LITEM

The Judges of the Fairfax Juvenile and Domestic Relations District Court ("the Court") ("the Bench") have implemented and established certain quality control standards and criteria for attorneys who practice in the Court as follows:

It has come to the attention of the Bench that a small number of attorneys who practice before the Court are not meeting the minimum standards required by the profession and the Rules of the Supreme Court of Virginia. This concerns attorneys who are appointed as counsel, including *Guardians Ad Litem*, who fail to appear at scheduled hearings, arrive late for scheduled hearings, who are either unprepared or do not represent their clients in a competent fashion, or who have sent another lawyer to cover their case(s) without preparation and/or leave of Court.

The Bench finds that these attorneys are impeding the orderly administration of justice by and through substandard representation of their clients'/wards' interests, causing matters to be unnecessarily continued, and otherwise not meeting standards of professionalism expected by the Bench and the otherwise excellent legal community who routinely practice in this court.

Any lawyer who meets the following criteria will be removed from the Court Appointed list and will not be assigned

cases as a *Guardian Ad Litem*:

- A. Failure to appear for court appearances on two (2) or more occasions during the past six (6) months;
- B. Substantially late for scheduled court appearances on three (3) or more occasions during the past six (6) months or combination of three violations of lateness or being absent;
- C. Lack of preparation or substandard performance for any court case or proceeding;

Upon removal from the Court Appointed list or removal from *Guardian Ad Litem* appointment, attorneys may make a written request to the Court for reinstatement on the list after one (1) year. Attorneys will state in writing the steps which have been made to rectify the past infractions. No in-person conferences will be held on these requests for reinstatement, therefore, a complete and thorough written request for reinstatement will provide the Court with the information it needs to make a decision on the issue.

It is our hope that the implementation and rigorous enforcement of this program will ensure satisfactory performance of all attorneys who practice in this Court. Likewise, we hope that this program will be for the betterment of the community we all service. ■



Office and Medical Condos from just \$285/sf

AT PREMIER PLAZA IN SPRINGFIELD

Call 703-918-0256 and stop paying rent today!

- ★ Springfield location surrounded by new development
- ★ High concentration of medical, professional tenants
- ★ Storefronts or offices, free parking, easy access
- ★ Some leased units for investors still available

Closing bonus
offer ending
soon!



Premier Plaza
6120 Brandon Avenue
Springfield, Virginia 22150

Grubb & Ellis.
Property Solutions Worldwide

Brokers welcome. Sales and marketing by:
Larry Fitzgerald, Senior VP: 703-918-0221
Ed Bretz, Senior Associate: 703-918-0256

OCTOBER 2006 CLE PROGRAMS

**Don't Forget—The October 31st MCLE deadline is fast approaching!
Let the Fairfax Bar Association help you to fill your requirement.**

Registration is Easy!

**E-mail Sandra at smarchenko@fairfaxbar.org or call 703-246-2735.
Register Online at <http://www.fairfaxbar.org> and click on the Calendar.**

**PLUS—We offer 115+ courses in our Online Catalog!
View Online CLEs in the comfort of your home or office,
24 hours a day, 7 days a week!**

<http://www.fairfaxbar.org> or <http://www.legalspan.com/fairfax>

LIVE CLEs

Eleventh Hour Ethics

Hypotheticals & Analyses provided by the Virginia Bar Association

Join us to discuss a series of hypotheticals on legal ethics with
our panel of experts.

DATE: Wednesday, October 18, 2006
TIME: 5:00 p.m. to 7:00 p.m.
LOCATION: Fairfax Courthouse Cafeteria
COST: \$50.00 FBA Members
\$70.00 Non-Members
MCLE CREDIT: 2.0 (2.0) MCLE CREDITS APPROVED
FOR VIRGINIA

Professionalism & Civility for Young Lawyers: A Panel Discussion

**Presented by the FBA Young Lawyers Section
Sponsored by the Virginia Bar Association Young Lawyers Division**

A panel discussion of ethical problems that face young attorneys in
a variety of practice areas.

DATE: October 25, 2006
TIME: 5:00 p.m. to 7:00 p.m.
LOCATION: Fairfax Courthouse Cafeteria
COST: FREE—Young Lawyers of the FBA & VBA;
\$15.00 for Young Lawyer Non-Members
\$70.00 FBA Members
\$80.00 Non-Members
MCLE CREDIT: 2.0 (2.0) MCLE CREDITS APPROVED FOR
VIRGINIA

Countdown to Zero: The New Federal Rules of Civil Procedure

**The new Federal Rules of Civil Procedure will take effect on
December 1st—are you ready?**

Our panel will instruct you in “electronic evidence best practices”
under the new rules—this is one CLE you don’t want to miss!

DATE: Monday, October 30, 2006
TIME: 5:00 P.M. TO 7:00 P.M.
LOCATION: Fairfax Courthouse Cafeteria
COST: \$70.00 FBA Members
\$80.00 Non-Members
Please add \$10.00 after October 23.
MCLE CREDIT: 2.0 MCLE CREDITS APPROVED FOR VIRGINIA

ONLINE CLEs

Recently Added to Our Catalog

Virginia Uniform Trust Code CLE

Originally Presented January 26, 2006
2.0 MCLE Credits

FBA Annual DUI CLE

Originally Presented February 15, 2006
3.5 (1.0) MCLE Credits

4th Edition Fairfax Juvenile & Domestic Relations District Court Practice Manual

Originally Presented April 20, 2006
2.5 (0.5) MCLE Credits

Introduction to Collaborative Law for Family Law Practitioners

Originally Presented May 2, 2006
1.0 MCLE Credits

Probate 101 for the Non-Estate Practitioner

Originally Presented May 11, 2006
2.5 MCLE Credits

Business Torts CLE

Originally Presented May 22, 2006
3.0 MCLE Credits

Your First Time in Court: What To Expect and What the Bench Expects of You

Originally Presented June 7, 2006
2.0 MCLE Credits

Two Faces of Landlord and Tenant Law: VRLTA & Common Law

Originally Presented June 14, 2006
2.0 MCLE Credits

Basics of Tracing and Brandenburg vs. Keeling CLE

Originally Presented June 22, 2006
1.0 MCLE Credit

What To Do When Your Client Goes to Jail CLE

Originally Presented June 28, 2006
2.0 MCLE Credits

Conciliation Program Celebrates Ten Years of Dispute Resolution

*Sara M. Leiner, Co-Chair
Conciliation Task Force Committee*



Happy Birthday to the Conciliation Program, which will celebrate its 10th year of service this Winter. Encouraged and inspired by the success of the program, the Conciliation Task Force Committee had its first meeting of the year. Attorneys should be on the lookout for a Conciliation CLE this Spring. In the past, this CLE was given on a bi-annual basis, but thanks to the O'Shaughnessy-Hurst Memorial Foundation, the program will be having CLEs on an annual basis. The Conciliation Program would like to give a special thanks to Deborah Piland, the chief officer of the O'Shaughnessy-Hurst Memorial Foundation, and a member of the Fairfax Bar Association. A special thanks also goes out to the Virginia Supreme Court which provides the program with its primary operating grant.

The Conciliation Task Force Committee welcomes the new law clerks and encourages law clerks and practicing attorneys to avail themselves of this program. Early conciliation is free to the parties and an excellent way to resolve issues during the week leading up to a contested motion. Interested attorneys can contact the Conciliation Task Force at ffxconciliation@aol.com for inquiries. Please also utilize the conciliators who volunteer their time on Motions Days. There are now computers (fully equipped with the VADER program) and printers available on Motions Day in the Circuit Court and in the Juvenile and Domestic Relations Court.



CARRIAGE LANDING, FAIRFAX CITY FROM \$1,154,345



Cul-de-sac of 5 custom luxury homes built by SEKAS HOMES. Immediate Delivery! 4-levels, 6000+sq ft on 3 levels, 9 ft ceilings, 5 bedrooms, 4.5 baths, elegant mouldings, granite gourmet kitchen, half acre lot. **FC6114593**

JOHN JORGENSEN 703.321.2000



There is no substitute for experience.



Philip Mulford, Esq.
Professional Mediator

**Fairfax 703.222.0124
Old Town Warrenton 540.341.4615**

www.mulfordmediation.com

Peter D. Greenspun...

continued from page 1

A 1975 graduate of LaSalle College, Mr. Greenspun earned his J.D. from George Mason University School of Law in 1978.

David J. Gogal...

continued from page 1

He is also a Co-editor of the Fairfax Circuit Court Practice Manual (2002 and 2004 Editions).

David received both his undergraduate and law degrees from the University of Virginia, where he received the Algernon Sydney Sullivan Award, the Raven Society Award, and the UVA Alumni Association Distinguished Student Award. From 1993 to 2006, he served as a faculty member of the National Trial Advocacy College at the University of Virginia School of Law.

David and his wife, Laura, reside in Falls Church with their three boys, Austin, Tyler, and James. ■

Positions Available/Wanted

Administrative Assistant Needed (Immigration)—Prepare immigration applications. Draft correspondences. Organize files, perform other tasks as needed. Must work independently and use MS Word, Outlook and Immforms. 1 year plus immigration experience preferred. Fairfax area. Call Lee 703.968.5966.

Attorney with 20 years personal injury and commercial litigation experience, licensed in Virginia, Maryland and DC, seeks part time or assignment work. Proficient with Word. PLEASE CALL 703.235.3514.

Office Space Rent/Lease

FAIRFAX, FAIR OAKS, CENTREVILLE—Sublease space in law office wanted near Fairfax, Fair Oaks or Centreville area. 1-2 offices plus use of common area. Please call Lee at 703.968.5906.

TYSONS/GREENSBORO DRIVE—Two attorney offices available in suite of attorneys. Full service and use of all common areas. \$1,625 and \$1,900/mo. Secretarial space available. Bud Roeder 703.749.6006; budr@roederlaw.com.

Announcements

POWELL & CHEYNEY, LLC, is pleased to announce that **JOHN M. POWELL** has recently been appointed by the Governor of Virginia to the Public Guardian and Conservator Advisory Board. 8221 Old Courthouse Road, Suite 300, Vienna, VA 22182; 703.442.0923; Fax: 703.442.7751.

SMOLEN PLEVY is pleased to announce that **KYUNG (KATHRYN) DICKERSON** has become a principal of the firm. 8045 Leesburg Pike, Fifth Floor, Vienna, VA 22182; 703.790.1900; Fax: 703.790.1754; KNDICKERSON@SMOLENPLEVY.COM.

YATES, CAMPBELL & YATES, LLP, and **A. MARK CHRISTOPHER** are pleased to announce the formation of a new firm **YATES, CAMPBELL, CHRISTOPHER & YATES, LLP**. 4155 Chain Bridge Road, Fairfax, VA 22030; 703.273.4230; Fax: 703.383.1939.

To Members of the Fairfax Bar Association:

As some of you know my son Peter was badly injured in a car accident in Pennsylvania on June 16, 2006. Because he was hospitalized in an ICU in Pennsylvania from then until August 1, I had to travel back and forth to Allentown, PA a lot.

I thank those of you who covered my court dates and did me numerous other favors to keep my practice going. I especially want to thank the lawyers in the office of the Commonwealth's Attorney and a number of judges for their cooperation with continuances and the like.

Peter has been home since August 10. He is in a wheel chair but his recovery is going pretty well. I deeply appreciate all your many courtesies, your thoughts and your prayers during this difficult time.

Chris Finch

The UPS StoreSM



Litigation Protocopying

- ▶ High Speed Digital Copying
- ▶ Bates Labeling
- ▶ Digital Color Copying
- ▶ Binding Services
- ▶ On-Demand Fulfillment

Document Printing

- ▶ Printing of TIFF & PDF Files
- ▶ Bates Overlay
- ▶ Digital Color from File
- ▶ Digital Oversize from File

CD/DVD Duplication

- ▶ One-to-One
- ▶ One-to-Many
- ▶ CD/DVD Labeling

Document Imaging

- ▶ High Speed Digital Scanning
- ▶ Digital Color Scanning
- ▶ PDF & OCR

Pick-up and Delivery Service Available
Think of us when you need to get the job done right

The UPS Store[®]

Greenbriar Town Center
4094 Majestic Lane
Fairfax, VA 22033
703.631.4280
703.631.4281 (fax)

Store1697@theupsstore.com
www.theupsstore.com/1697.htm

The choice of Virginia Attorneys.
Lawyer's Professional
Liability Insurance you
can count on... from
a company you can trust!



USI Bertholon-Rowland
is the LPL Insurance
Administrator for the
Fairfax Bar Association.

Visit the Fairfax Bar Association's Website for
All Your Insurance Needs at www.fairfaxbar.org



USI BR products
for today's legal
professionals
also include:

- 401k
- Health Insurance
- Life & Disability Insurance



To learn more please
contact us at:

877-853-1382

Fairfax Bar Association
JURISPRUDENCE AWARD DINNER

Please Join Us to Pay Tribute to
Honorable Johanna L. Fitzpatrick
Chief Judge (Retired)
Court of Appeals of Virginia



Monday, November 27, 2006
5:30 p.m.—Social Reception
6:30 p.m.—Dinner
7:30 p.m.—Presentation & Program
Fairview Park Marriott, 3111 Park Drive, Falls Church, VA

Keynote Speaker:
Governor Timothy M. Kaine, Commonwealth of Virginia

Special Guest Speakers:
Hon. Richard J. Jamborsky (Ret.), Fairfax County Circuit Court
Justice Barbara M. Keenan, Supreme Court of Virginia

Master of Ceremonies:
Hon. Michael P. McWeeny, Chief Judge, Fairfax County Circuit Court

Registration: \$80 Members & Non-Members
\$70 FBA Young Lawyers

Table Reservations for Parties of 10—\$100 [Tickets Additional]
Reservations must be received no later than NOVEMBER 22, 2006. No Walk-ins—No Exceptions.
To register email or call Sandra Marchenko: smarchenko@fairfaxbar.org; 703.246.2735

**JURISPRUDENCE AWARD DINNER SPONSORSHIPS ARE AVAILABLE. FOR MORE INFORMATION,
PLEASE CONTACT SANDRA MARCHENKO AT smarchenko@fairfaxbar.org; 703.246.2735.**



Fairfax Bar Association
4110 Chain Bridge Road, Suite 303
Fairfax, VA 22030-4046

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

Address Service Requested



Printed on Recycled Paper
Design/Production by RODANGraphics 240.727.5206