

JOURNAL

Newsletter of the Fairfax Bar Association

www.fairfaxbar.org

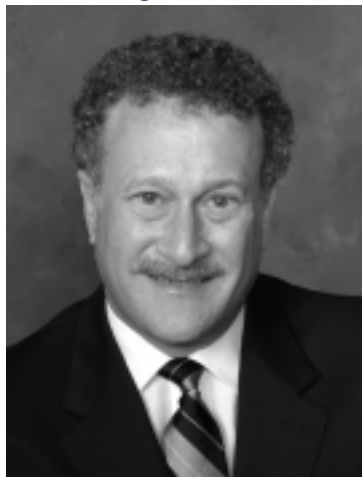
October/November 2007



Peter D. Greenspun, President

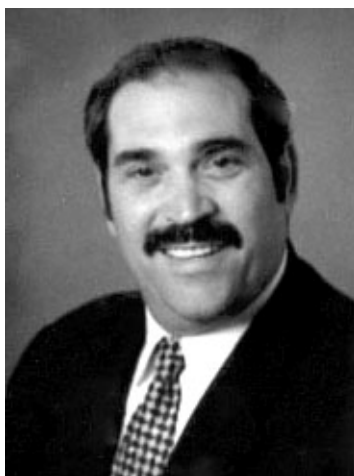


David J. Gogal, President-Elect

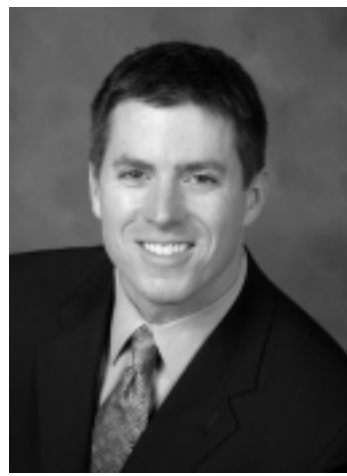


Edward L. Weiner, Past President

FAIRFAX LAW FOUNDATION *Leadership 2007-2008*



Luis A. Perez, Secretary

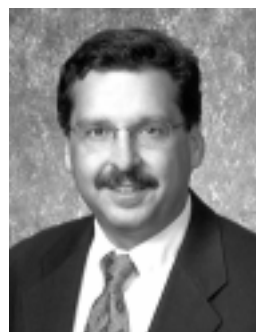


Timothy J. McEvoy, Treasurer

Newly Elected Directors



Christina Ayiotis



Jeff W. Dick



David L. Ginsberg



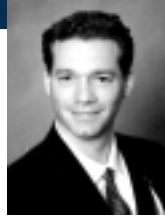
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W. Bruce Jennings



John C. McGranahan, Jr.

*See Foundation
Leadership Profiles
page 3*



As a transactional attorney, I must be very organized and, above all else, must never procrastinate. I rely on these guiding principles in my service to the Bar and, therefore, have found it helpful to keep a daily Journal of my FBA activities. Accordingly, it is with much planning that I present you with the following elected excerpts from my FBA Journal in lieu of a President's column:

November 13, 2005

I am really enjoying the FBA Convention at the Homestead. Last night I stayed late in the hotel bar talking with fellow members and some of the FBA staff. At about 3:00 AM, I had an epiphany—I'm going to take the FBA on a cruise when I'm President. Everyone toasted the idea as brilliant.

March 9, 2006

The ABA Bar Leadership Institute is very interesting. I met attorneys from all over the country. The workshop on drafting President's Columns was helpful as I am terrified of writing these things. They recommended planning ahead and drafting several columns before beginning my term as President. I think that is a great idea and I plan to do so.

March 23, 2006

I met Joe Condo for a happy hour at Colvin Run Tavern. He had a lot of ideas about what the FBA should do during my year as President. With regard to my President's Columns, he said I should be inspiring and personal. He gave me samples of articles he had published and said I could plagiarize freely. I'm not sure I can be inspiring. That's a lot of pressure.

March 29, 2006

I had lunch with Glenn Lewis today. I listened a lot. One recommendation that stands out is to start drafting my President's Columns early. I still have plenty of time to write these things. I'm sure I can come up with deep, meaningful topics.

May 19, 2006

It was great seeing Sharon Nelson at lunch. It's amazing how many different ideas the Past-Presidents have about what the FBA should be doing. The only thing they all seem to agree on is that I should start writing my President's Columns ASAP. I should really begin drafting my first column.

June 22, 2006

Had burgers for lunch with Mr. Lawyerpalooza himself, Paul Terpak. He had two pieces of advice for my year as President—have fun and don't wait until the last minute to write your President's Columns. Maybe I'll start writing these things next week.

July 15, 2006

I'm having a great time at the beach. I'm pretty sure I'm supposed to be working on something, but I can't remember what.

December 3, 2006

Planning the FBA's "CLE at Sea" Cruise to Bermuda is more work than I thought it would be. It's a good thing I have a great committee and Bar staff helping me out.

May 17, 2007

All of the candidates for the offices of Fairfax County Circuit Court Clerk and Fairfax County Commonwealth's Attorney have agreed to participate in a candidates' forum. They will each make an opening statement and then take questions from the audience. We have decided to combine this event with a legislative reception so our members will have an opportunity to network with the Northern Virginia delegation and other local elected officials. We will also invite all the people running against them for the various legislative seats so our members will have the opportunity to be better informed come Election Day.

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FAIRFAX BAR JOURNAL

*Official Newsletter of the
Fairfax Bar Association*
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FOUNDATION LEADERSHIP PROFILES

Peter D. Greenspun—President

A native of Philadelphia, PA, Peter Greenspun graduated from LaSalle College with a B.A. in 1975 and obtained his J.D. from George Mason University School of Law in 1978.

Mr. Greenspun is a litigation expert who has advocated for the rights of his clients in criminal and civil matters ranging from the simplest to the most complex. Capitalizing upon 25 years of experience gained preparing and trying countless cases, Mr. Greenspun has obtained noteworthy results in local, state, and federal trial and appellate courts.

He has been recognized twice by the *Washingtonian Magazine* as being among the top 50 lawyers in the Washington, D.C. metropolitan area. In 2002, he was ranked by the *Washingtonian Magazine* as #14 among the top 50 attorneys in the area. He also has been listed in *Best Lawyers in America* since 1999, and has been characterized by *Virginia Business* for two years in a row as a member of "The Legal Elite." In recognition of his commitment to high ethical and professional standards, Mr. Greenspun has been awarded the prestigious "AV" rating by Martindale-Hubbell.

Mr. Greenspun has tried numerous high-profile, unusual, and complex cases throughout his career. He is a regular speaker and lecturer on trial technique and strategy at Continuing Legal Education seminars throughout Virginia and is a Past-President of the Association of Criminal Defense Lawyers, the Fairfax Bar Association, and the Fairfax Law Foundation.

David J. Gogal—President-Elect

Gogal is a partner in the law firm of Blankenship & Keith, P.C., in the City of Fairfax for the past 15 years. He has been an active member of the FBA, serving as Chair of the Circuit Court Committee, Chair of the Law Library Committee, Chair of the Legislative Committee, Vice-Chair of the Convention Committee, and a member of the Judicial Screening Committee, as well as a number of task forces. He also has served for three years on the Fifth District Committee for the Virginia State Bar.

David is a native Northern Virginian and a graduate of Annandale High School, where he volunteered as a Model Judiciary Instructor for 10 years. He received both his undergraduate and law degrees from UVA, and has returned to Charlottesville for the last 11 years as a faculty member of the University of Virginia Trial Advocacy Institute.

David is married to Laura Steeves Gogal. They have three children: Austin, Tyler, and James. In addition to Bar activities, David served for four years as President of the Fairfax Police Youth Club. ►

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Edward L. Weiner—Past-President

Weiner is a Senior Partner of [Weiner, Rohrstaff & Spivey, plc](#), a Fairfax, VA firm specializing in personal injury litigation. He has been an active member of the Fairfax Bar Association since 1980, and a member of the Board of Directors of the Fairfax Law Foundation since January 2002, and currently serves as its treasurer. In 2004, Ed was nominated to serve on the Virginia State Bar, Conference of Local Bar Leaders Executive Committee. A graduate of State University of New York at Binghamton, Ed received his J.D. from the University of Richmond and his LL.M. 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 large, national electronic retailer. Ed is the national fundraising chairman for the RRP Foundation, a Board Member of the George Mason University Center for the Performing Arts, a five-year platinum level fundraiser of the American Cancer Society, and hosts an annual Law Day celebration benefitting the Fairfax Law Foundation's *Pro Bono* Programs. Ed and his wife, Maura, have two daughters: Maurissa and Brianna.

Luis A. Perez—Secretary

Born in Puerto Rico, Mr. Perez received a B.S. in Political Science from the University of Puerto Rico in 1978, a J.D. from the University of Puerto Rico Law School in 1981, and an LL.M. in Taxation from Georgetown University Law Center in 1985. Mr. Perez was admitted to practice in Pennsylvania in 1986, the District of Columbia in 1988, and Virginia in 1990.

Initially, Mr. Perez practiced law as a partner with the firm [Perez and Torres, P.C.](#), to fulfill the legal needs of the growing Hispanic community. In 1999, Mr. Perez began practicing as a sole practitioner. He has litigated for the past 13 years in Virginia, mostly in domestic relations, criminal, and juvenile matters. He is actively involved with the Fairfax Bar, Juvenile and Domestic Relations Committee, and has serves on the Board of Directors of the Fairfax Law Foundation, and the Juvenile and Domestic Relations Citizens Advisory Committee.

He resides in Arlington, VA, with his wife and two sons.

Timothy J. McEvoy—Treasurer

A former federal and Virginia prosecutor, Tim McEvoy is a versatile trial attorney who represents clients in many types of complex matters. He has successfully represented Fortune 500 companies, the United States of America, the Commonwealth of Virginia, and many other entities and individuals in litigation, negotiations, and settlements. Some of the matters Mr. McEvoy has handled have been reported in publications such as *The Washington Post* and *Virginia Lawyer's Weekly*. He has appeared as a legal commentator on MSNBC's *The Dan Abrams Show*, and was the recipient of the Fairfax Bar Association's President's Award for outstanding service in 2007. In addition, he regularly speaks to various civic and professional organizations. Mr. McEvoy is a principal at [Odin, Feldman & Pittleman, P.C.](#)

Christina Ayiotis—Director

As the Corporate Records Manager at [Booz Allen Hamilton](#), Ayiotis leads the Booz Allen Integrated Records and Information Management program. She has worked in 30 countries in the areas of international business development, infrastructure finance, and global knowledge management. She speaks nationally on the topics of e-discovery, records and information management, and collaboration. When she actively practiced law, she was involved in toxic tort and insurance coverage litigation. Ms. Ayiotis is currently licensed with the Virginia State Bar and the District of Columbia Bar, and she is admitted before the 4th U.S. Circuit Court of Appeals, Federal U.S. Circuit Court of Appeals, and U.S. Court of International Trade. She is a member of the American Bar Association, the Fairfax Bar Association (Law-Related Education Committee; Chair, Technology Committee), and the Women's Bar Association of the District of Columbia (Co-Chair, Working Parents Forum). She volunteers in a leadership capacity for ARMA International, serving on its 2007 Baltimore and 2008 Las Vegas Program Committees, its E-Discovery Advisory Group, and as Vice President of its Northern Virginia Chapter (ARMA NOVA). She received her B.S. in Biology/B.A. in Philosophy *magna cum laude* from Virginia Commonwealth University, and her J.D. from Marshall-Wythe School of Law, College of William and Mary.

She is the proud mother of one daughter and active in the Churchill Road PTA.

Jeff W. Dick—Director

Dick is the founder, CEO, and President of [MainStreet Bank](#), which is a state-chartered bank that opened in mid-2004. MainStreet Bank (OTCBB: MNSB) is a publicly-held community/commercial bank which maintains branches in Fairfax and Herndon. Jeff started his career as a bank regulator with the Comptroller of the Currency (OCC), advancing to the level of field manager in Washington, D.C., prior to his departure. He moved to London in 1996 as an advisor to the Bank Supervision Division of The Bank of England (U.K. Central Bank), in an effort to modernize their risk-based approach to banking supervision. In 1999, Jeff returned to the Washington, D.C. metropolitan area and transitioned into a commercial banking career. Jeff has an M.B.A. with distinction from the University of London, a management diploma from the Imperial College (London), and a B.S.A. in both accounting and management from the University of North Dakota. He is the President of the Herndon Downtown Alliance, Treasurer of the Dulles Regional Chamber of Commerce, and is on the Board of the Herndon Visitors Center. Jeff is married with three children ages 13, 14, and 17, and resides in Oakton.

David L. Ginsberg—Director

Ginsberg attended the University of Virginia where he received a B.S. from the McIntire School of Commerce with concentrations in finance and marketing in 1992. He earned his law degree from George Mason University School of Law in 1996, where he was a member of the *Civil Rights Law Journal*.

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CHANGING LIVES

by Arlene Beckerman, Director of Pro Bono Activities



Attorney Anne Rocktashel and Client Donna Callen.

Doing *pro bono* work offers a lawyer a chance to make a meaningful difference in the lives of others, often in a profound way. *Pro bono* lawyers use their skills in varying situations that may include helping an abused parent gain custody of a child, assisting a nonprofit with a tax issue, drafting a health care directive for a low-income senior, or providing advice for a worker deprived of wages.

Every lawyer volunteering through the award-winning Fairfax Bar *Pro Bono* Program has the opportunity to help a person or organization solve a problem, using their special talents and skills. Volunteer lawyers enjoy seeing their work positively impact the lives of clients and their families. Without legal assistance, the poor are often powerless and without resources. After a lawyer becomes involved, the power is equalized and just results are possible.

The time and commitment varies, as do the types of opportunities. Even lawyers who normally deal with matters totally unrelated to poverty law can be a valuable resource. Training and mentoring are available for many of the projects.

The Fairfax Bar *Pro Bono* Program includes opportunities such as:

- Employment, Housing and Consumer Law panels;
- Uncontested Divorce Panel;
- The Neighborhood Outreach Program: matching lawyers with clients seen in community-based sites throughout the county for legal advice and referral information;

- The Family Legal Assistance Project: working to help fill the ever-growing need for legal services to low-income clients with contested family law issues. Clients with custody, support, and property issues have been helped through the efforts of volunteer lawyers. The Custody Mediation Project, our latest effort, serves poverty litigants by providing *pro bono* counsel and a volunteer mediator in an effort to resolve all issues related to custody and visitation by agreement.

- Wills on Wheels: lawyers go to sites as a group to serve low-income seniors. The lawyers volunteer to draft life-planning documents such as wills and health care directives. Training and a manual are available to assist those without experience in this field. This is a two-step process culminating in the execution of the documents. For transactional and corporate lawyers, the Nonprofit Legal Support Program, and the Community Economic Development Project provide opportunities for business lawyers to help local nonprofits with their legal issues, and to

assist small businesses with their development.

Lawyers interested in finding out more about any of the Pro Bono Programs should contact Arlene Beckerman, Director of Pro Bono Activities, at 703.246.3779 or abeckerman@fairfaxbar.org. ■

New FBA Members--August 2007

Michael R. Abejuela
Michael Ahl
Thomas Owen Burke
Anthony R. Champ
Jessica Argiros Gorman
Ruth Katz
Julie Lorraine Mitchell
Denise Pitts
Kristen L. Reeves
Melissa K. Rose
Jeremy Scott Tishler
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THE LAW RELATED EDUCATION COMMITTEE COMPLETES ANOTHER SUCCESSFUL YEAR OF COURT TOURS, MOCK TRIALS, SPEAKERS, PROGRAMS, AND MANY OTHER EVENTS!

By Sonya Duchak, Chair, Law Related Education Committee



All of the participants of the Law Related Education Committee have been extremely busy this past year. Our Court Tour Program provided tours to 28 Fairfax County Middle Schools, 8 Fairfax County High Schools, 1 private school, and 1 home-schooled group, for a total of 38 schools and 66 tours, and over 2,500 students! The billable hours donated by our attorneys, at a very conservative rate of \$175/hour, totals \$57,750.00! This is quite an accomplishment and we could not have done it without the help of our coordinator, **Hope Nugent**, and all of the many, many court tour guides who gave their time to guide the two-and-a-half-hour tours. Our thanks go out to all of you!

We also provided a court tour and mock trial to a group of international students from Northern Virginia Community College. They were very much impressed with the ability of our attorneys to communicate so well to the students and to perform a very enlightening mock trial for them. Thanks to all of the attorneys who helped put that program together and guide the students through the courthouse.

One of the most anticipated events of the year is our participation in the City of Fairfax's Chocolate Lovers' Festival in February. The Law Related Education Committee, along with the Juvenile & Domestic Relations Committee, once again performed to full seating at the J&DR Courthouse. **Luis Perez**, with the help of many of his colleagues, presented a mock trial in Spanish for middle school and high school students based on the possession of alcohol by minors. This was extremely well received by the community.

Judge Ian O'Flaherty has continued to accompany members of the Law Related Education Committee to numerous elementary schools in the county to present our fairy tale mock trials to all age groups. Judge O'Flaherty has been the recipient of many beautiful thank you cards from the students and teachers, and we appreciate his continued support of the Law Related Education Committee.

The Model Judiciary Program will continue to be an integral part of the high school curriculum, with more high schools participating each year. Many Fairfax County High Schools have included a "Street Smart" course for upper level students to which the Law Related Education Committee has provided speakers in all areas of law. The Devonshire Program is also an essential part of Fairfax County's response to students in need of understanding the legal consequences of drug and/or alcohol possession and we thank **Charles Collins** for his coordination of this program.

The Law Related Education Committee was asked this year to participate in a Law Day event sponsored by The League of Women Voters of the Fairfax Area. The event included a videotape of a moot court practice session presided by **Judge Thacher**, followed by a discussion of the case and a question and answer session. The purpose of the event was to educate and inform Pre-Law and Government majors at George Mason University about the trial process and excite them about law as a profession.

The Law Related Education Committee strives to meet the educational needs of all members of the community, from students in kindergarten to students in college, from citizens of every age group, to visitors from outside the country. No request gets turned away. Law Related Education is unique in the sense that it reaches thousands of individuals every year and that so many members of the Fairfax Bar Association step forward to participate. Each participant understands the need to "give back to the community" and does so to the fullest extent possible. We thank each and every one of the participants, whether they volunteer for court tours, mock trials, Chocolate Lovers' Festival, Model Judiciary, Devonshire, speakers program, or any other event that takes place through the Law Related Education Committee. Your dedication and support of the Committee and the Fairfax Bar Association is appreciated. We hope that this year brings more programs and more opportunities to help our students and members of the community at large. ■



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for the position of
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Please contact Courtnie Norris 703.246.2084;
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COURTHOUSE EXPANSION UPDATE by James D. Fullerton

The Fairfax Bar Association Courthouse Construction Task Force had a meeting on July 12, 2007, with the Fairfax County Building Design Branch, the Facilities Management Department, the Sheriff's Department, and Chief Judge Dennis Smith to review the status of the construction project and issues of concern to the Bar.

CURRENT STATUS OF COMPLETION DATES:

- Phase 1A (new structure)—Substantially Complete at End of January 2008.
- Individual Floor Complete Dates
 - Level 2—July 24, 2007 (Date Met)
 - Level 3—September 30, 2007
 - Level 4—November 26, 2007
 - Level 5—December 7, 2007
 - Lower Level—December 21, 2007
 - Level 1—October 31, 2007 Except for Main Entrance
- Phase 1B is expected to be completed 90-120 days after substantial completion of Phase 1A. This includes Clerk staff moves to temporary and permanent space and renovation of the existing Jennings Building.
- Phase 2A and 2B are expected to be complete in 120 days after substantial completion of Phase 1B. This includes moving the J&DR Court and moves back into the renovated Jennings Building generally.
- All construction should be completed by January 1, 2009. If there are delays in any stage, all other dates will be invalid.

CAFETERIA:

The courthouse cafeteria will close in Spring 2008 (March 2008 at the earliest). The cafeteria will not be closed down until the following occurs:

- All parts and equipment needed for the new cafeteria are in stock and delivered to avoid any delays in the construction of the new facility. The proposed construction completion for the cafeteria renovations is ninety (90) days due to the requirement that all parts will be on site prior to closing the facility.
- The current courthouse atrium shall be used and outfitted to accommodate the new high-end vending stations for a small dining area. This will include at least 10 upscale vending machines which will carry microwavable foods such as pizza, BBQ sandwiches, and hot pockets. Some of the refrigeration units in the current cafeteria will be brought up to house sandwiches and other quick meals that require refrigeration. Microwaves will be provided.

The temporary café area will hold fifty-four (54). Members of the public will have priority for these seats. Courthouse staff will be encouraged to bring their own lunches, and jury members will be handled separately, with box lunches being brought in for them. Members of the Bar likely will need to leave the building for meals during this 90-day time period.

Chief Judge Smith requested a task force of Bench and Bar members to discuss Circuit Court scheduling, lunchtime, and docketing issues. The initial meeting of representatives from the Bench and Bar Committees met August 28, 2007, at 8:00 a.m. in Judge Smith's chambers. Judges, members of the Bar, and courtroom staff will

not have enough time to get lunch in an hour because of the increased need to leave the courthouse building. We probably will move to a 90-minute lunch break and may need to stay later each day to make up this time. The docket must be structured to avoid causing more congestion. The Bar Task Force will soon forward recommendations on these issues.

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

HANDICAP PARKING:

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

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

PARKING

Due to concerns expressed by the Sheriff's Department on matters of security, Garage A will remain staff parking, with the accommodation for general handicap parking. Sheriff representatives cautioned the attendees, however, that the garage will be stressed when the J&DR Court Facility moves over to the new building. Other parking concerns stem from a request by the Fairfax County Police Department to use 160 spaces in the basement of Garage B to house seized vehicles. This request has yet to be approved by the Courts or the County.

The surface lot adjacent to the J&DR Court will reopen when construction is completed (approximately 50 spaces) and the surface lot on Page Avenue will remain open. All surface lot parking is reserved for staff.

BUILDING ACCESS AND SECURITY:

The new facility will have a main entrance way with a rotunda area (closer to Route 123 than the current main entrance). This will accommodate most of the foot traffic. The Sheriff's Department's plan is to have 4 magnetometer machines and 2 X-ray machines at this area, along with designated lines to exit the building. The jail entrance on Judicial Drive will remain open, as will access through the Magistrate's office on the other side of the building near building A parking. Apparently there will be enough room and electric power in this new main entrance to double the number of magnetometers and X-ray machines, but this machinery will need to be "staggered". There is no current allowance in the Sheriff's Department budget for additional machines. This will

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As one of the founding partners of Cooper Ginsberg Gray, PLLC, he manages the firm's administration and finances. Mr. Ginsberg is experienced in complex equitable distribution, custody, and support cases. He has a particular interest in cases involving business entities and asset tracing issues, and he has extensive experience with cases that require the division of stock options, financial securities, investments, and pensions. Additionally, Mr. Ginsberg has written briefs and presented oral argument to the Virginia Court of Appeals on issues such as child support, attorney sanctions, and discovery.

Mr. Ginsberg is a member of the Virginia State Bar, the Fairfax Bar Association (Family Law Section, Circuit Court Committee, and Continuing Legal Education Committee), American Bar Association, and Board Member of the George Mason School of Law Alumni Association. He has authored articles for publication in the *Family Law News* and *Virginia Trial Lawyers Journal*, and has presented a seminar on tracing.

In addition, he organizes an annual charity golf tournament to benefit a local domestic violence shelter, and has been honored for this valuable contribution to the community. The golf tournaments have raised more than \$61,000 for abused women and children in Fairfax County.

W. Bruce Jennings—Director

W. Bruce Jennings is the founder and managing general partner for the Jennings Family Partnership t/a [Fairfax City Self Storage](#), founded in 1990, which rents 578 storage units located at 3980 Pickett Road. Since 1985, Bruce has partnered with Gateway Partnerships of Warrenton, VA in various franchises including Hampton Inn, Best Western, Comfort Inn, and Holiday Inn Express. Prior to that he was involved in the construction industry as President of S.O. Jennings Commonwealth University from 1967-1971, and received an A.S. in engineering (civil and highway) and further studies towards a B.S. in Business Administration.

Bruce is a Board Member and Past Chairman of the Central Fairfax Chamber of Commerce; President-Elect of the Fairfax Rotary Club; President of the Virginia Self Storage Association; Volunteer for the Parents Support Group of the Fairfax County Juvenile and Domestic Relations Court; and a member of the NOVA Regional Local Human Rights Committee, a component of the Virginia Department of Mental Health, Retardation and Substance Abuse Services, since 2006. He is also a member of the Advisory Board of SONA Bank.

He resides in Fairfax with his wife, the former Lauren Grefe.

John C. McGranahan, Jr.—Director

As a Capital Finance & Real Estate partner at [Hunton & Williams](#), John primarily focuses on zoning and land use regulation, real estate-related environmental regulations, public facilities availability, land use litigation, real estate transactions, eminent domain, local government law, and joint public/private partnerships. He has represented commercial landowners in the Tysons Corner and Reston-Herndon areas of Fairfax County. John also has obtained zoning approvals for various residential projects in Loudoun County, and obtained approvals for a full-service community hospital and medical campus in Stafford County. He has handled numerous zoning and regulatory violation matters involving both successful appeals and negotiated settlements.

John received his B.A. in Philosophy at the College of William & Mary, graduating with honors in 1987; and his J.D. at Harvard Law School, graduating *cum laude* in 1990.

John is a member of the Local Government Attorneys of Virginia, Inc.; District of Columbia Bar; Virginia State Bar; American Bar Association; Virginia Bar Association; and Fairfax Bar Association. He also serves on the Board of Directors for Leadership Loudoun since 1999. ■

Errata:

The FBA erroneously omitted a portion of David Hirsch's Interview with Judge Valentine in the August/September 2007 edition of the FBA Journal. Below is the corrected portion of the article. We apologize to David Hirsch and Judge Valentine for this omission:

Q. And what, if anything, do you feel was still unaccomplished or left not fully completed?

A. *De novo appeal is still long overdue for being jettisoned. We are the only state left with this archaic, demeaning, and time consuming system. We hear our court spoken of as the most important court in the state. But it is still treated in may regards as the junior varsity and I believe de novo appeal strongly contributes to this. No court should make rulings that are not reviewable by a higher court. The time for a unified trial judiciary in the state is long overdue. While it did not take place during my professional life time, I do hope to see it before I die. We are not reinventing the wheel here, it has been done across the country.*

Q. What are some of your best memories from your years on the bench?

A. *The associations and professional friendships, the real stories about the "old days." My memories of the Fairfax Courthouse circa 1971—the lawyers, the judges, the characters that were part of the legal fiber...so many great people I had the opportunity to try cases before and to sit as a colleague with.*



The Fairfax Law Foundation and George Mason University Jazz ensemble present the Sixth Annual "Jazz for Justice," **Friday, November 2, 2007, at 8:00 p.m.**, in the George Mason University Center for the Arts Concert Hall. This concert will benefit the charitable endeavors of the Fairfax Law Foundation and the music scholarship fund at George Mason University.

"Jazz for Justice—the Fairfax Law Foundation's annual fundraiser for its charitable services—will feature top jazz musicians and ensembles from George Mason University and the community. "We're pleased to be able to showcase some very talented local artists and to support the Foundation's critical educational and charitable programs all in one very festive evening," said Ed Weiner, Past-President of the Foundation.

The Fairfax Law Foundation is the charitable arm of the Fairfax Bar Association, and it operates a *Pro Bono* Program that provides legal services for Fairfax County residents who cannot afford to pay for them. The Foundation also supports the Fairfax Public Law Library and various educational programs for Fairfax County students, including court tours for all eighth grade students in the County. In addition, the Foundation offers programs for victims of domestic violence and teen safe driver programs.

"In the past year the concert has received State award and National acclaim. "With local and state governments operating under severe budget constraints, the Foundation's services have become even more critical," says Weiner.

For further information on the "Jazz for Justice" Program, or to purchase tickets, please contact **Sandra Marchenko at the Fairfax Bar Association 703.246.2735**, or via email smarchenko@fairfaxbar.org. In addition, tickets are available through the **Center for the Arts Box Office at 703.993.2787** or at www.Tickets.com. ■

COURT NEWS

CIRCUIT COURT

Verifying Trial Status—In the past the Circuit Court has always called weekly, beginning two weeks in advance of trial, to confirm the status of cases on our trial dockets. We would like to start making these weekly inquiries four weeks in advance of trial. However, to avoid interrupting counsel for the information and to conserve the time of the court staff, starting in October 2007 we will email counsel of record for whom we have an active email address to request a report on the status and time estimate for cases on our Monday to Thursday trial dockets. We will only telephone counsel of record who fail to send a reply within 48 hours. This will allow you to respond at your convenience and hopefully reduce the amount of time our staff will have to spend in verifying the docket.

The Judges of the Circuit Court thank you for your cooperation in this effort to make our docket management more accurate and efficient.

—Dennis J. Smith, Chief Judge

DISTRICT COURT

Court Appointed Attorney Voucher—Attorneys who serve as court appointed counsel on cases concluding on or after July 1, 2007, in the General District Court must use the **revised DC-40** voucher when submitting for payment. The recently updated voucher says "Revised, 7/07" and includes space for listing time expanded in and out of court as required by changes to Section 19.2-163. Older versions of the DC-40 will be returned as unprocessed by Accounts Payable in Richmond.

JUVENILE & DOMESTIC RELATIONS DISTRICT COURT

Court Closings and Docket Modifications—Please check out the links below for an updated listing of court closings and docket modifications for the Fairfax Juvenile and Domestic Relations District Court:

<http://www.fairfaxbar.org/associations/4650/files/2007%20Revised%20Court%20Calendar%209D07%20Edoc>

<http://www.fairfaxbar.org/associations/4650/files/2008%20Court%20Calendar%20Edoc> ■

Attention FBA Members

Come Learn About the Fairfax Courthouse Expansion

This is your chance to talk to representatives from the Sheriff's Department and the Construction Team

TOWN HALL MEETING

Friday, November 9, 2007

2:00-4:00 PM

Massey Building—Conference Room A



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President's Column

continued from page 2

June 5, 2007

Steve Ray passed me the gavel at the FBA luncheon. Stan Kasten was a great speaker. The crowd laughed when I told them about playing roulette in Nebraska next to a farmer who thought I was a "taxidermy" instead of a tax attorney.

June 18, 2007

I'm leaving for Italy next week. I certainly will need a vacation after all the hours I'm working trying to get ready for this trip. At least I will have plenty of time to write my President's Columns.

July 1, 2007

Italy is awesome. My daughter and I toured the Colosseum—very cool. I think I'm officially the President today. This job is not too difficult so far, but there is no way I'm writing my President's Columns on this trip.

July 9, 2007

My first day back from Italy. I spoke with Courtne Norris (FBA Assistant Executive Director) about the FBA's "CLE at Sea." I called about 30 different people about appointing chairs for various committees. I began plans for the Committee and Section chairs meeting. I emailed Yvonne McGhee (FBA Executive Director) about the Candidates' Forum for Fairfax County Circuit Court Clerk and Commonwealth's Attorney. I responded to emails about courthouse construction, talked with Yvonne about changes to the website...oh well, I didn't want to do any billable work this year anyway.

July 31, 2007

My first President's Column is due tomorrow, and I haven't finished it yet. How long do these things have to be. AARRRGHHH!!!!

August 31, 2007

I had my fantasy football draft tonight. My team looks horrible. I hate fantasy football.

September 10, 2007

The FBA Journal came in the mail today. Everyone seems to like my first column. I think it's best to pretend that I meant it to be funny.

September 12, 2007

My fantasy football team is awesome. I beat my opponent 139 to 55 this weekend. I love fantasy football!

September 14, 2007

My second President's Column is due today. I have absolutely no idea what to write about. People seemed to like an amusing column. Maybe I could write some jokes. I wonder if "knock, knock" jokes go over well in written form? AARRRGHHH!!!!

October 2, 2007

Bermuda is beautiful. The weather could not be more perfect. I spent the day relaxing on the beach drinking piña colodas out of a coconut. What a great trip. (Okay, I'm writing this entry on September 14, but this is what I **hope** happens). ■

COMMITTEE/SECTION UPDATES

Conciliation Task Force

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

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

Law Library Committee

We are preparing for the upcoming move into the new space in early 2008 with an unexpected surplus from FY07 after many years of deep cuts to the collection. We find ourselves in the enviable position of deciding how best to replenish our depleted legal materials, revamp our aging technology, and protect them in what will be a more accessible and, we expect, will, therefore, be a more highly utilized community resource.

Paralegal Section

Annual Career Advancement Presentation, Tuesday, October 23, 5:30 p.m., Fairfax County Courthouse. Refer to the Paralegal Section page at www.fairfaxbar.org for further details, as well as more information on future events.

Real Estate Law

The next meeting of the Real Estate Section will be held at Fairfax City Hall, City Council Chambers, at 5:30 p.m., on Wednesday, October 10. We will be discussing the scope of a possible CLE presentation, the agenda for future meetings, and other items of interest to the members.

Young Lawyers

• Happy Hour

Wednesday, Oct 10, 2007, 6:00 p.m.

Please join us for Happy Hour. The Happy Hour will be located at eCITIE Restaurant and Bar in Tysons Corner. The restaurant is located near the Tysons Corner Mall on Tyco Road. Look for the Section's new banner and meet some of your fellow young lawyers!

• New Lawyers' Swearing-In Ceremony

Wednesday, Nov 7, 2007, 2:00-5:00 pm.

All newly admitted attorneys are invited to join us for the New Lawyers Swearing-In Ceremony

and Orientation Program at the Fairfax County Circuit Court. This informative program will feature presentations about court procedure and the practice of law by Judges of the Fairfax Circuit, General District, and J&DR District Court. The Clerks of each Court will conduct a tour of the courthouse. In addition, representatives from the FBA's various practice and service sections and committees will be on hand to let you know how to get involved. A Happy Hour will follow.

• Dinner With A Judge—October 2007

"Dinner With A Judge" is an annual event that has recently become biannual due to the high level of interest from the Bar. This event gives 10-15 young lawyers an invaluable opportunity to enjoy a meal and some informal conversation with a member of the Fairfax Bench. Chief Judge Dennis J. Smith has graciously agreed to join us this Fall. The date and location will be chosen in the coming weeks. Look for an email from the FBA with sign-up instructions, and remember to sign up quickly to reserve your spot. A second "Dinner With A Judge" will be held next Spring.

• Breakfast With The Judges—November 2007

Stay tuned for information about our Breakfast With The Judges event to take place in November 2007. The YLS invites members of the District and Circuit Court Benches to join us for breakfast and small group discussions about topics of interest to the judges and new attorneys. Further information about this event including the date and location will be included in the FBA Blast Email and in an email to all YLS members.

More information on these events and other future events will be provided in the Friday FBA E-Blasts as well as an email sent out periodically to all Young Lawyers. If you do not receive either or both of these email information bulletins, please contact Courtne Norris at cnorris@fairfaxbar.org.

Information on Young Lawyers events:

Happy Hour

Julie Gerock, jgerock@ainbanklaw.com

Michelle Hess, mhess121@yahoo.com

Tania Saylor, Tania.saylor@wilsonelser.com

New Lawyers Swearing-In Ceremony

Christie Leary, cal@greenspunlaw.com

Jennifer Lattimore, Jennifer.Lattimore@gmail.com

Todd Davis, ToddDavis9@hotmail.com

Dinner With A Judge

Julie Gerock, jgerock@ainbanklaw.com

Jennifer Lattimore, Jennifer.lattimore@gamil.com

Tania Saylor, Tania.saylor@wilsonelser.com

Breakfast With The Judges

Donna Dougherty, donnadougherty@cox.net

Christie Leary, cal@greenspunlaw.com

Erin Sylvestor, erin.sylvestor@fairfaxcounty.gov

Kathleen Waldy, waldy.kathleen@gmail.com ■

FBA Offers Loan Consolidation With SunTrust Bank

If you have multiple federal student loans, you may be interested in consolidating today. Following are the five commonly asked questions about applying for federal consolidation loans.

1) **Does it cost anything to apply?**

Applying for a SunTrust Federal Consolidation Loan is free of charge—there are no application, origination, or processing fees.

2) **How long will it take to process my consolidation loan?**

Your loan will be processed within approximately 45 days of when you receive your completed application.

3) **How will I know when my online application has been processed?**

Once your SunTrust Federal Consolidation Loan is approved, we will send you an email. You'll need to open this email and follow the instructions to finalize our loan. If you do not receive this email within two days, please contact SunTrust Education Consolidation specialist at 888.403.5027. Later, your new servicer will send you a Disclosure Statement and Repayment Schedule, which will show the total amount of your new consolidation loan, the interest rate, the estimated interest cost over the life of your loan, and repayment schedule.

4) **When should I consolidate my student loans?**

If you are in your grace period, you should contact SunTrust at least two months prior to the end of your grace period in order to lock in the lowest possible rate. If you have already entered repayment, the sooner you consolidate, the sooner you can lower your payment.

5) **Do I have to keep making payments to my current lenders after applying for consolidation?**

Yes, you must continue to make all of your regularly scheduled payments until you receive your SunTrust Federal Consolidation Loan Disclosure Statement and Repayment Schedule.

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****Student loans advertised are offered in cooperation with SunTrust. Members receive enhanced borrower benefits due to the relationship between SunTrust and Fairfax Bar Association, and Fairfax Bar Association may receive a fee for each completed application.**

FAIRFAX PUBLIC LAW LIBRARY WELCOMES THREE NEW STAFF

by Randy Beckford

The next few months will be an exciting time for the Fairfax Public Law Library as it begins to turn more serious attention to the arduous task of organizing itself for its long-planned move into a more spacious and technologically updated facility in the courthouse expansion. Undertaking this transition are new Library staff members Randy Beckford, Cat Butler, and Law Librarian Tom Pulver. Each arriving within months of the other last Winter, this trio have spent this year learning about the unique needs of this public library's diverse patronage and now look forward to developing and expanding their services to the citizens of Fairfax County even more.

Tom Pulver, Library Director, comes to the Fairfax Public Law Library after two decades of experience working in a number of D.C.-area university, private firm, and government law libraries. Originally from Chicago, Tom now calls central Fairfax County his home. Although first arriving in Washington to attend graduate programs in piano pedagogy and theology at Catholic University, Tom was drawn to librarianship instead because he takes pleasure out of "knowing where to go to find answers and puzzle through the steps to get there." Tom is faced with many challenges this year as the new director, including trying to anticipate the kinds of services the library will provide after its upcoming move into a modern and larger facility. "The most exciting aspect of working at the Public Law Library is serving such a wide range of people from clerks to judges, from lawyers to the *pro se* public—and coming up with the best ways to meet the needs of this diverse patron group." Reflecting his interest in staying current in his field, Tom often works as a substitute reference librarian at the Arlington County Public Library, teaches Advanced Legal Research at Catholic University, and conducts informal English as a Second Language classes at his church.

Those already familiar with visiting the Law Library this year have perhaps met Cat Butler, Assistant Librarian. A lifelong resident of the D.C. area, Cat currently lives in Springfield with her two young sons and husband—who also serves the residents of Fairfax County as a facilities manager for the public schools. "The most rewarding aspect of working in the Law Library," Cat stated, "is the personal interaction with patrons and providing an important service that brings people and information together." Her commitment to helping the public can be seen in her previous 15-year career as Publications Director for a local nonprofit legal education association. "I gained an appreciation for the library and legal research while attending law school, but I've always been interested in the concepts of public service and information access." Cat is enthusiastic about the possibilities of greater outreach to the citizens of Fairfax County who need legal information as the Law Library grows into its new, highly-visible location in the expanded courthouse.

"I envision my job here as providing total background support," said Randy Beckford, Library Information Assistant. "I want Tom and Cat to be able to help patrons knowledgeably and efficiently." A new resident of Fairfax City, Randy has been a Latin teacher in New Jersey before developing an interest in librarianship. "I enjoy guiding people to find the information they need, no matter what subject it is." Although he currently spends most of his time away from the Reference Desk performing technical, organizational, and clerical duties, Randy is excited to start working towards his Master's Degree in library and information science very soon. After thru-hiking 1,000 miles of the Appalachian Trail for four months last year, it is no surprise that he enjoys backpacking in the Shenandoahs during his free time. ■



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FAIRFAX CITY--JUDICIAL DRIVE--Approx. 1,100 SF available early this Fall at 10513 Judicial Drive. Two offices, one secretarial area, conference room, reception area and kitchenette. Newly painted and carpeted. Free parking. Please contact Leigh Ann Bishop at 703.591.0200.

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Announcements

THE LAW FIRM OF EVAN H. FARR, P.C., is pleased to announce that DEAN ANDERSON has joined the firm as an associate attorney. Anderson, who obtained his undergraduate degree from Princeton in 1985 and his law degree from George Mason in 2006, will be practicing in the areas of Estate Administration, Estate Planning, and Medicaid Asset Protection Planning. YAHNE MIORINI, who has been with the FARR LAW FIRM since 2005, has been named as Senior Associate, and she will continue to lead the firm's Trust and Estate administration and International Estate Planning practices. The firm is also pleased to announce the opening of two new satellite locations. In addition to its main office at 10640 Main Street, Suite 203, Fairfax, VA 22030, the firm can now meet with clients at 8300 Greensboro Drive, Suite 800, McLean, VA, and 620 Herndon Parkway, Suite 200, Herndon, VA. The firm can also be contacted online at www.VirginiaElderLaw.com or by phone at 1.800.399.FARR.

GREENSPUN, DAVIS & LEARY, P.C., and THE LAW OFFICES OF JONATHAN SHAPIRO, P.C., proudly announce the joining of their practices and the formation of their new firm GREENSPUN, SHAPIRO, DAVIS & LEARY, P.C., which will continue the practice of criminal, personal injury, and civil litigation. Effective September 1, 2007: Our offices have moved to the newly completed Old Town Village Fairfax, 3955 Chain Bridge Road, Second Floor, Fairfax, VA 22030; 703.352.0200; Fax: 703.591.7268; info@greenspunlaw.com.

SHOUN, BACH, WALINSKY & CURRAN, P.C., is pleased to announce that HOPE F. ROSEN, MOLLY M. GARRETT and LUKE S. ABRAHAM have become associated with the firm, and that EDWARD J. WALINSKY has been selected for inclusion in the *Best Lawyers in America* as among the nation's highest rated family law attorneys. 12700 Fair Lakes Circle, Suite 300, Fairfax, VA 22033; 703.222.3333; Fax: 703.222.3340; www.shoun.com.

Courthouse Expansion

continued from page 8

continue to be a concern, especially once the J&DR Court personnel, Bar members, and public start to use the main courthouse. The net result will be one less entrance to the courthouse, but the same number of magnetometers and X-ray machines as currently exist.

The current Courthouse Access ID cards will continue to provide members of the Bar access at all public entrances. The Bar Association and the Sheriff's Department will continue to work on a long-term plan to expand security capabilities at the new courthouse entrances. No cell phones or laptops with camera capability will be allowed in the courthouse.

There will be one entrance for staff near the current cafeteria entrance. We are hopeful that members of the Bar with the current Courthouse Access ID cards will be able to use this entrance. This would be similar to the entrance plan used by Loudoun County, where members of the Bar can go through the employee entrance, but must go through security. That plan is not finalized with the Sheriff's Department, however.

Lt. Ortiz of the Sheriff's Department reports that members of the Bar can contact him at 703.246.4364 if they plan to enter the building with large loads of materials needed for a trial or other hearing at the courthouse.

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

MISCELLANEOUS:

There will be wireless Internet access areas available in the courthouse, specifically the Law Library, the Jury Assembly Room, and possibly the cafeteria.

The Bar Task Force, representatives from the Sheriff's Department, and John Frey of the Clerk's Office are now discussing policies regarding after hours access to the building. The Bar Committee will coordinate with the Sheriff's Department and Clerk's Offices regarding after hours access to the courthouse for use of the library, for certain services (such as marriage licenses), and for use of the cafeteria for CLEs and other meetings of the Bar.

The Bar plans a "Town Hall" meeting November 9, 2007, 2:00-4:00 p.m., at the Massey Building Board Room to generally inform Bar members regarding all of the upcoming changes. The Bar website also will provide copies of the new courthouse floor plan, the phased construction plan, and handicap parking maps. ■

Town Hall Meeting for FBA Members on Courthouse Expansion

Friday, November 9, 2007
2:00 - 4:00 PM
Massey Building
Conference Room A

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WHEN SHOULD YOU REFER TO AN ELDER LAW SPECIALIST?

By Evan H. Farr, Certified Elder Law Attorney

Author of *The Virginia Nursing Home Survival Guide*

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

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

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

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

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