

FAIRFAX BAR

JOURNAL

Newsletter of the Fairfax Bar Association

www.fairfaxbar.org

September 2006

FBA LEADERSHIP 2006-2007



President
Steven W. Ray
Isler Dare Ray & Radcliffe, P.C.

Steven W. Ray is a founding partner of Isler Dare Ray & Radcliffe, P.C. Prior to establishing the firm in 1997, Steve represented employers in the Washington, D.C. area for 10 years as an attorney with local firms, Kruchko & Fries in McLean, and Epstein, Becker & Green in Washington, D.C.

Steve advises employers and speaks on subjects such as workplace security and monitoring, employee theft relating to electronic data, sexual harassment, union organizing, the Fair Labor Standards Act, the Service Contract Act, and affirmative action. He has represented employers in courts throughout the country, in particular California where he practiced for several years, in cases arising under federal and state laws.

Education: University of the Pacific, McGeorge School of Law, J.D. (1984); San Diego State University, B.S. Finance (1981).

Steve resides with his wife in Sperryville, VA.



President-Elect
Daniel H. Ruttenberg
Smolen Plevy

Dan is a principal with the law firm of Smolen Plevy in Tysons Corner, VA. His practice areas include tax planning for businesses, general corporate law, estate planning, and estate administration. He is a member of the Bar in Virginia, Maryland, and the District of Columbia, and is licensed as a Certified Public Accountant by the State of Maryland. Ruttenberg received his B.S. degree with a double major in Accounting and Finance from the University of Maryland. He earned his Juris Doctor with Honors from George Mason University School of Law and his Master of Laws in Taxation with Distinction from Georgetown University Law Center.

Mr. Ruttenberg is the author of "The Tax Court's Execution of the Family Entity: The Tax Court's Application of Internal Revenue Code Section 2036(a) to Family Entities," *North Dakota Law Review* Vol. 80:41 (2004).



Vice-President
Julie H. Heiden
Koonz, McKenney, Johnson, DePaolis & Lightfoot, L.L.P.

Julie H. Heiden, a resident of Vienna, VA, graduated *magna cum laude* from Shepherd College, Shepherdstown, WV, in 1998; attended the Master's program in Public Administration at Florida State University from 1988 to 1989; and graduated from George Mason University School of Law in 1992. Ms. Heiden was Editor-in-Chief of the *Civil Rights Law Journal* at George Mason University School of Law. She was admitted to the Virginia Bar in 1992 and the District of Columbia in 1994. She is admitted to practice before the Fourth Circuit Court of Appeals, the Eastern and Western Districts of Virginia, Superior Court for the District of Columbia and all courts in the Commonwealth of Virginia. Ms. Heiden is a member of the Association of Trial Lawyers of America, the District of Columbia Bar, the Virginia State Bar, and the Fairfax Bar Association. Ms. Heiden represents injured individuals in personal injury, product liability, social security, and workers' compensation cases.

PRESIDENT'S COLUMN Of Mules and Men

by Steven W. Ray

Welcome to a new year for the Fairfax Bar Association. I am pleased and honored to serve as the new President of the Association. Before introducing myself and explaining the picture (right), I would like to preview for you some of the goals the FBA Board has established, as well as upcoming events for this year.

Goals: As you may recall, assuming anyone actually reads this column (more on that later), the board held a strategic planning retreat in January at which it developed the following vision statement (i.e., how the Association will achieve its mission statement):

FBA VISION STATEMENT:

To be an essential resource for legal professionals practicing in Northern Virginia.

Based upon the vision statement and the mission statement, we hope to improve the services and benefits we provide to our members, the bench and the community in which we live and work, in three ways:

First, nothing happens in the FBA without the hard work of our staff. The business of the Association is carried out by our Executive Director, Yvonne McGhee, her assistant, Courtne Norris, and the CLE/Events Coordinator, Sandra Marchenko, as well as a front desk receptionist. Our Bar staff is supported by a number of other individuals in the Lawyer Referral Information Service (Donna McBride, LRIS Director), the Law Library (which is currently seeking a director—please let Yvonne know if you have any candidates), and the *Pro Bono* program (Arlene Beckerman, Director).

The board has determined that an area to be improved is our communications with our members, particularly with respect to our web site. Consequently, the board has authorized the hiring of a communications position to assist with our graphics and web site content (again, if you are aware of a suitable candidate, please contact Yvonne).

Second, the board examined and evaluated the programs and events we provide to our members. This evaluation was based on the results of the member survey and the past attendance at events. We concluded that the decline in participation at events in general is in part a reflection of the fast-paced world in which we live and that we are all short on time. Therefore, we sunsetted some events and reduced the frequency of others, such as the annual convention and the number of luncheons.

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.



Treasurer

Corinne N. Lockett

Fairfax County Attorney's Office

Corinne N. Lockett was born and raised in Fairfax County, VA. She graduated from Chantilly High School in 1985, obtained a B.A. in Government and Politics from George Mason University in 1989, and earned her J.D. at the Cumberland School of Law at Samford University in Birmingham, AL, in 1992. After graduation, Corinne returned to Fairfax to begin her career as an attorney. Following several years practicing in the areas of real estate, general litigation, and family law, Corinne signed on with the Office of the Fairfax County Attorney in 1999 where she is currently employed as an Assistant County Attorney. Corinne resides in Bethesda, MD, with her husband, David Lease, who is a principal with Smith, Lease and Goldstein, LLC in Rockville, MD.



Secretary

David J. Gogal

Blankingship & Keith, P.C.

David J. Gogal is a principal in the law firm of Blankingship & Keith, P.C., in the City of Fairfax. He is a commercial litigator with 18 years of trial

practice, primarily before the Federal Courts of the Eastern District of Virginia as well as the Virginia Circuit Courts in Northern Virginia. He has considerable appellate experience arguing before the Supreme Court of Virginia as well as the United States Court of Appeals for the Fourth Circuit.

David received both his undergraduate and law degrees from the University of Virginia, where he received the Algernon Sydney Sullivan Award. Since 1993 he has returned to Charlottesville each year to serve 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 the City of Falls Church with their three boys, Austin, Tyler, and James.



General Counsel

David A. Hirsch

Culin, Sharp, Autry & Day, P.L.C.

David is a former Magistrate for Arlington County and he taught for 11 years at the Northern Virginia Criminal Justice Training Academy where, for 10 years, he served as the senior legal instructor for rookie law enforcement officers.

David served many years on alumni boards at George Mason University, including one year as President of the Law Alumni Chapter. He is also active in the Herndon Dulles Chamber of Commerce. He has also long been active in the Fairfax Bar Association.

Practice Areas: Commercial & Corporate Litigation; Commercial Arbitration; Construction Litigation; Contracts; Criminal Defense; Public School Student Disciplinary Proceedings.

Admitted: 1984, Virginia and U.S. Court of Appeals, Fourth Circuit; 1985, U.S. District Court, Eastern District of Virginia; 1987, U.S. Court of Appeals, Eleventh Circuit; 1988, U.S. Supreme Court.

Law School: George Mason University School of Law, J.D., 1984.

Member: Fairfax and American Bar Association; Virginia State Bar.

Magistrate, Arlington County, 1988-1990. Arbitrator, Commercial Panel, American Arbitration Association.

**NEWLY ELECTED MEMBERS OF
THE BOARD OF DIRECTORS**



Linda M. Jackson

Venable LLP



Michael E. Ollen

*The Law Offices of
Roger S. Mackey &
St. Paul Travelers Staff Counsel*

BRAVE OLD WORLD FOR IRS OFFERS IN COMPROMISE

by Robert G. Nath, Esq.



A new law now requires taxpayers who make an “offer in compromise” of their back taxes to the Internal Revenue Service to pay 20% of the offer amount *up front*. To make matters more difficult, if the offer is rejected, you *don’t* get the money back.

Background:

Section 7122 of the Internal Revenue Code (26 U.S.C.) (the “Code”) grants the IRS broad authority to compromise taxes. Before 1992, however, the offer in compromise program was largely moribund. In that year, the IRS committed itself to a pro-offer policy, viewing offers as a “legitimate alternative” to enforced collection such as by levies and seizures. Policy Statement P-5-100 provided (and still provides) in part:

An offer in compromise is a legitimate alternative to declaring a case currently not collectible or to a protracted installment agreement. The goal is to achieve collection of what is potentially collectible at the earliest possible time and at the least cost to the Government.

This hospitable atmosphere for offers lasted several years, but gradually eroded in the late 1990s and in more recent years.

Still, a universal feature of offers was that no down payment was required. A “processable” offer then suspended collection action by the agency, with a corresponding suspension of the limitations period on collection normally ten years from the date of assessment).

Changes:

Effective for offers submitted July 16, 2006 and later, the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222) enacted Section 7122(c) of the Code

(redesignating prior subsections) and Section 7122(f). Under the new rules, a taxpayer who makes a processible lump-sum offer (an offer payable in five or fewer installments) must pay 20% of the amount of the offer, up front. A “periodic” offer (more than five installments) requires payment of the first installment and continuing payments, monthly, while the offer is being processed. (In the real world, offers can be processed in as few as 3-4 weeks for simple offers, or 9-12 months for more complex ones, and years if the offer is rejected and appeal is taken to the Office of Appeals. If this new law results in fewer offers, possibly those timelines will be reduced).

Code Section 7122(c)(2)(A) provides that either type of down payment may be applied at the direction of the taxpayer, but only to “the assessed tax” or “other amounts imposed under this title [26 U.S.C.] with respect to such tax”. Thus, if the offer is rejected the down payments are not returned but must be applied to tax (or penalty, interest, etc.). They are not considered “refundable deposits” as allowed under Code Section 7809(b) or Treas. Reg. Section 301-7122-1(h). (But voluntary payments in excess of the required down payments are refundable deposits if the taxpayer does not designate them to tax).

Comment: Thus, if the taxpayer makes an offer, he or she must be prepared never to see those funds again if the offer is rejected. True enough, the money is applied to the back taxes; however, in the real world, that simply reduces an insurmountable debt to the same insurmountable debt less the down payment, a bad deal in most cases. Still, in a few cases such an outcome may not be undesirable.

Also, this feature may drive taxpayers toward more periodic payment offers, as the down payment is less onerous. It may also force taxpayers to consider Chapter 13 bankruptcies.

The IRS’ administrative guidance indicates the agency will give taxpayers one chance to pay the down payment if the offer fails to include it. Also if the taxpayer does not designate how the money is to be applied, the IRS will apply it “in the best interests” of the government. Offers that fail to meet the down payment requirement will be returned to the taxpayer without appeal rights, treating the offer as “withdrawn”.

On a more positive note, the IRS’ FAQs (#15) indicates that the taxpayer no longer must be fully in compliance to have an offer be considered “processable”. But in that case, the IRS will give a “reasonable amount of time” to come into compliance (or the offer will be returned).

continued on page 8

Dick Byrd's Retirement Roast

by Valerie E. Hughes, Esq.

It was generally agreed that everyone had a blast at the July 13th retirement party for Dick Byrd. The tribute was at times sentimental, but for the most part, it turned into a roast, with the audience laughing all night. Judge Michael McWeeny kicked off the festivities with incredible stories about Dick's past, followed by Ann Mische, Judge Dennis Smith, Glenn Lewis, and Dick's daughter Bonnie Byrd. It was discovered that Dick's fashion sense, or lack thereof, made a huge impact on everyone, as well as his command of general automotive knowledge, and his inability to stop talking. Much was shared about his earlier days in practice, when he was, apparently, quite a cut-up. A video was presented by Valerie Hughes, set to such tunes as "Happy Days," "Top Gun," and "Happy Together," complete with photos of Dick from the age of two on up to the present, with live video clips from his friends and colleagues, including Chief Judge Johanna Fitzpatrick. A particular crowd pleaser was a clip of Dick in his swimsuit at age nineteen set to the song, "I'm Too Sexy." The video, a truly professional production, was engineered by Kimberly Wolfe, with help in the showing from her mother Sharon Nelson, and Sharon's husband, John Simek, from Sensei Enterprises. All of Dick's hobbies were covered in the video, from his geek days as an engineer to race car driving, astronomy, hiking, skiing, skating, boating, and tractor racing. It felt like an evening in a comedy club as one speaker after another outdid themselves in comedic tribute.

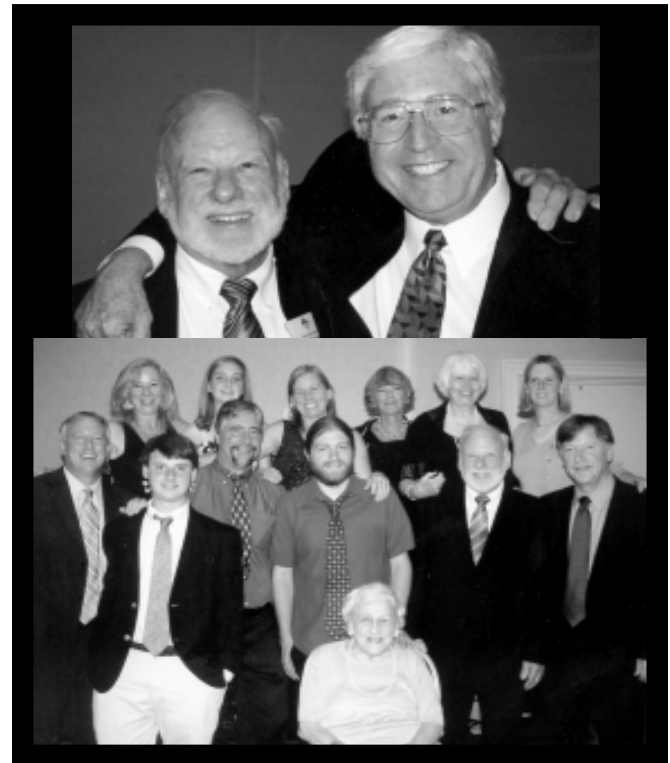
Judge Teena Grodner presented Dick with the Arnold Kassabian Award for lifetime contributions to the J&DR Court and Steve Ray, the FBA president, presented Dick with the FBA Lifetime Achievement Award. Amidst the laughter, every speaker talked about the love and respect the community has for Dick, about his incredible contributions to family law, and his example as a gentleman lawyer throughout his long career. Everyone expressed concern as to who could possibly fill the void that Dick's retirement has left in the domestic relations field. All agreed that it was one of the best retirement parties they had ever attended, filled with love, respect, and lots and lots of laughter.

Dick was especially pleased that his lovely bride of 50 years, Nancy, was in attendance and spent a special moment thanking her for her years of patience and love. Also present were Dick's three children: Bev, from California, Brady, from Massachusetts, and Bonnie, from Florida, as well as his mother, brother and wife, sister-in-law (who flew in from England) and a grandson.

A grand time was had by all, and it was a wonderful send off to an iconic figure. It was remarked that the evening was just what the Bar needed—a chance to mingle, have a drink, laugh, and just have fun for the night.

If you missed the evening and want to see the video, it can be purchased from Kimberly Wolfe by e-mailing her at kwolfe4@gmu.edu or calling 703.932.5211. The cost is \$20, with \$10 being donated on each video to the Fairfax Law Foundation in Dick's name.

Thanks to everyone, especially Yvonne, Sandra, and Courtnie at the Bar office, for making the evening such a memorable event. ■



Spotlight on Richard J. Byrd, Esq.—July 13, 2006

EVENT SPONSORS

\$1,500 Sponsorship
Sensei Enterprises, Inc.

\$750 Sponsorship
Bean, Kinney & Korman, P.C.

\$500 Sponsorship
The Bowen Law Firm
The Carlberg Law Firm
Colten Cummins Watson & Vincent P.C.
Craig & Hirsch, P.C.
Culin, Sharp, Autry & Day, PLC
Hottell Malinowski Group
Pasternak & Fidis, P.C.
Weiner & Associates

President's Column

continued from page 2

Third, we hope to streamline the administration of our community service programs like the *pro bono* and community outreach programs. We are working closely with the Law Foundation to assist the FBA with coordinating and funding these activities. We are fortunate to have on our board, Ed Weiner, who serves as the current president of the Foundation, and David Gogal, who serves as the Secretary of the Foundation board.

Events: We have several events planned for this year. In addition to our standard luncheons (CLE/Ethics in September, State of the Judiciary in January, and Law Day in May), the FBA will present the Jurisprudence Award to retired Virginia Court of Appeals Chief Justice Johanna Fitzpatrick later this year. The bench/bar dinner dance will be held on March 10, 2007, at the McLean Hilton.

Another significant event for the FBA is the move of the bar offices and the law library from the Jennings courthouse into the new courthouse. We have been advised by the County of a tentative date in the February-April 2007 timeframe, although I emphasize the word "tentative" as the date likely will change. In any event, when the move does occur, I would ask you to be mindful of the additional work this will impose on the bar staff and to be patient. We will keep you updated as the date gets closer.

Mules and Me: I thought I should explain the picture at the top of the column. Several years ago, my wife and I purchased a farm outside the town of Sperryville, VA (most recent notoriety as a bar that was owned by Ben Cooter of the "Dukes of Hazzard" fame). Last year we moved to the town of Little Washington to be closer to the farm until we can build a place to live on the farm. Living in the country has been different, especially for me since I grew up in Los Angeles where a trip to the country was like traveling to another planet.

In any event, the picture is me with Missy, the world champion jumping mule (no, she is not mine). Before moving to the country I did not know mules could jump—nor did I know the difference between a mule and a donkey (they both looked the same to me). For your reference, a mule is a cross between a female horse and a male donkey. (I can already hear the pejorative reference that is the name for a male donkey being used to describe me). However, I have found that living in the country provides numerous opportunities to learn things you never thought you would want or need to know.

To test my theory that very few people actually read the entire President's column, other than the bar staff because they have to, I will include in each column a farm trivia question. The person with the most number of correct answers during the year will receive four (4) tickets to a 2007 Nationals' game of their choice (subject to next season's schedule). Best guesses are accepted.

That brings me back to Missy. The farm trivia question for this column is: how high can Missy jump? Send your answers or guesses to ymcghee@fairfaxbar.org. ■

Paralegal Section News

The FBA Paralegal Section Executive Committee for the 2006-2007 year has been elected. The new Section Officers are as follows:

Melissa Salyer Muniz, Chair
Shoun, Bach, Walinsky & Curran, P.C.

Justine L. Nguyen, Vice Chair/Bar Liaison
McCandlish & Lillard, P.C.

Karen Axell Nelson, RP, Secretary
Karen Axell Nelson, RP, Paralegal Services

Suellen Honeychuck, RP, Legislative Liaison
Shoun, Bach, Walinsky & Curran, P.C.

Kelly Cook, Continuing Paralegal Education Coordinator,
Koonz, McKenney, Johnson, DePaolis & Lightfoot, LLP

To kick off our SIXTH year, the Paralegal Section will hold its first meeting on September 27, 2006, in the lounge area of the Hyatt Hotel at Fair Lakes. By popular demand, this meeting will be a Happy Hour Social beginning at 6:00 p.m. Please join us and learn all about the many exciting events we have in store for our members this year as well as meet other para-professionals in our area.

Membership applications are available online at www.fairfaxbar.org and will be available at the meeting!

Please RSVP to Karen Nelson at kaxell@earthlink.net. ■

Hear Ye! Hear Ye! FBA FAMILY LAW ATTORNEYS

Did you know that a new law went into effect on July 1st, making it a misdemeanor for you to receive telephone records that you know were procured by fraudulent means? How many times has a client or a private investigator pushed such records across your desk? Be careful what you accept!!

If you didn't know about this law, you need to come to the FBA's Technology CLE on October 3, 2006, and learn about the new technology-related laws impacting your practice! Registration information may be found at www.fairfaxbar.org.

Thanks to the Volunteers of the Conciliation Task Force!

by Sonya M. Duchak, Esq.

In June 2006, the Conciliation Task Force completed its first year working under a grant from the Supreme Court of Virginia. While these court grants are usually awarded to mediation services groups throughout the State of Virginia, we were most fortunate to receive a grant for the administration of the conciliation program.

From July 1, 2005, through April 30, 2006, the volunteer attorney conciliators have conciliated a total of 309 motions, including 55 for the Juvenile and Domestic Relations Court. Of those motions, 228 were resolved in the Circuit Court and 35 in the Juvenile Court. The list of conciliators for the Circuit Court includes 163 volunteer attorneys, and the list of conciliators for the Juvenile and Domestic Relations Court includes 44 volunteer attorneys. These volunteers spent over 249 hours during this time period helping over 775 parties resolve issues placed on the motions docket. This is an astounding accomplishment that will only be surpassed by the continuing dedication and support provided by these volunteers.

continued on page 9

ECONOMIST

Lost income determined for personal injury, wrongful death and wrongful discharge cases. Valuation of small businesses, pensions and securities for divorce, contract disputes and churning.

University professor with extensive experience.

DR. RICHARD EDELMAN

8515 Whittier Boulevard
Bethesda, MD 20817

301-469-9570 or 800-257-8626

Reference and vita on request.

VISA/MC

Visit at: www.economic-analysis.com

FBA EXECUTIVE DIRECTOR RECEIVES NABE PEER EXCELLENCE AWARD



Fairfax Bar Association Executive Director Yvonne C. McGhee was awarded the first annual "Peer Excellence Award" at the 2006 Annual Meeting of the National Association of Bar Executives in Hawaii. The Peer Excellence Award is presented to the NABE Member who has demonstrated outstanding service to the organization.

Tom Edmonds, Executive Director of the Virginia State Bar and President of NABE, presented the award to Ms. McGhee. McGhee was elected to the NABE Board of Directors as a local Bar representative in May 2006.



It's that time again...
Virginia MCLE Credits due by October 31!

MCLE credits in the comfort of your own office or home
24 hours a day, 7 days a week
Fairfax Bar Association Online MCLEs
<http://www.fairfaxbar.org> and click on For Lawyers
115+ courses (including Ethics) available NOW!

Check Us Out Online Today



For more information, please contact the FBA at (703) 246-2740 or
smarchenko@fairfaxbar.org

BRAVE OLD WORLD...

continued from page 4

The \$150 filing fee that has been in place for several years is still in effect. However, it is also now applied to the assessed back taxes. The new down payment rules do not apply to offers based on doubt as to liability (rare), or low-income taxpayers (also uncommon).

The IRS must act on offers within 24 months of submission, or the offer will be deemed "accepted." Note that the "date received" is the date that counts here, not the date the IRS determines the offer is "processable."

Comments:

1. Don't count on the IRS neglecting offers for 24 months. Even now, the agency makes its determination (accept or reject) within that period of time. If fewer offers are filed, the decision time is likely to decrease.

2. Some practitioners consider these new rules a total disaster (in fact, some see this as a back-door way to kill the offer program entirely). In many cases, they are correct—a death sentence for many offers. However, don't lose hope since periodic payment offers, while more expensive, are still viable.

3. Official IRS policy (Policy Statement P-5-100) still says offers are a "legitimate alternative" to enforced collection. But to show how the entire atmosphere has now changed, FS-2006-222 (July 2006) now says, "An offer in compromise may be considered only after all other payment options have been exhausted."

References:

The IRS website, www.irs.gov, contains references to:

IRS Notice 2006-68 (July 11, 2006), IRB 2006-31
FS 2006-22 (July 2006)
FAQs for New OIC Rules
IR-2006-106 (July 11, 2006)

All of the above are accessible by searching the IRS site using "offers in compromise" as your search expression. ■

Hear Ye! Hear Ye! FBA CRIMINAL LAWYERS

Did you know that a new law went into effect on July 1st, prohibiting transfer of child pornography evidence to defense counsel and their experts except by court order under rigid protocols designed to prohibit the redistribution of contraband?

If not, you need to come to the FBA's Technology CLE on October 3, 2006, and learn about the new technology-related laws impacting your practice! Registration information may be found at www.fairfaxbar.org.

Young Lawyers Section Update

by Daniel E. Ortiz, Esq.

This past June, the reins of the Young Lawyers Section of the Fairfax Bar officially passed from Kevin DeTurris to me, as we held our elections for President-elect and Board of Directors. Under Kevin's leadership, the Young Lawyers had a stellar year, full of activities directed to educating newly-admitted attorneys in giving the younger section of the Fairfax Bar an opportunity to meet their peers and members of the judiciary.

This year's Young Lawyers Section's election was held at the voter-friendly confines of IL Lupo in Fairfax City. The following members of our section were elected to our Board of Directors: Julie Gerock, of Ain & Bank, P.C.; Donna Dougherty of Gabeler, Battocchi, Griggs & Powell, PLLC; Jennifer Lattimore of The Lewis Law Firm; Christie Leary of Greenspun, Davis & Leary; and Kevin Wheatley of The Bolger Law Firm, PLLC. These newly-elected Board members will join incumbent members: Rita Colbert of Dain, Oxley, Markley & Nicoli; Anne Heishman of Condo, Roop, Kelly & Byrnes; Audra Hale-Maddox of Womble Carlyle; and, John Nichols of Boats USA. Jennifer Porter of the Law Office of Craig Jennings was unanimously elected to the position of President-elect. Jennifer has been an active member of the Young Lawyers Board for the past two years and has chaired the Lawyerpalooza Committee.

Our next event will be **Lawyerpalooza**. Lawyerpalooza is the young lawyers' Fall barbecue event. As with every gathering, it is an opportunity to get together socially and make contacts with other young lawyers. There is a variety of food and drink, door prizes, and musical entertainment. The centerpiece of Lawyerpalooza is the hard fought and prestigious volleyball tournament. Lawyerpalooza is being held on Saturday, September 30, 2006, from 2:00-6:00 p.m., at the home of the always generous Paul Terpak.

We have gathered a dedicated Board and look forward to bringing a multitude of worthwhile events for young lawyers. We plan on hosting several CLEs, "Breakfast with the Judges," Dinner with a Judge, New Lawyer Orientation, Happy Hours, and several community service events. Please be on the lookout for more information within the Friday e-mail blasts for the upcoming Lawyerpalooza or contact me regarding any Young Lawyers' event at dortiz@bklawva.com. ■

Conciliation Task Force...

continued from page 7

The Conciliation Task Force would like to offer its most sincere and grateful thanks to each and every one of the conciliation volunteers who come forth week after week offering to contact parties prior to Motions Day to help resolve the issues, or meet with the parties face-to-face on Motions Day and stay with the parties as long as they can to resolve the issues. Many times the conciliators can open up the communication process between the parties with positive implications beyond the particular motion in question, providing a foundation on which further positive communications can be built. The effort of the conciliators is very much appreciated by all involved. These volunteers include the following who have conciliated in the Circuit Court:

Nancy S. Alsfelder, Charles A. Anderson, Donald F. Anderson, Thomas L. Appller, W. McCauley Arnold, Beverly J. Bach, Maureen B. Beahn, Larry E. Becker, Harold G. Belkowitz, Raymond B. Benzinger, Wayne D. Berthelsen, Timothy S. Bird, John A. Blazer, John P. Bond, Aaron S. Book, Richard Winston Boone, Lawrence H. Bowen, Jerry W. Boykin, Jan L. Brodie, Patricia R. Brueggeman, Christopher Bruno, Kathleen D. Burgess, Susan M. Butler, Richard P. Buzan, Richard J. Byrd, Edward W. Cameron, Dennis R. Carluzzo, Faye Knapp Carroll, Emilia Castillo, Bradley T. Chase, Jack Coffey, Richard J. Colten, William S. Colwell, John C. Cook, Heather A. Cooper, Thomas A. Counts, Cherise Dyann Cuevas, Robert G. Culin, Gerald R. Curran, Gary V. Davis, Michael L. Davis, David B. Delaney, Kyung (Kathryn) Dickerson, Laurie L. Dolson, Carroll E. Dubuc, Charles C. Dunn, Carol L. Ehlenberger, Frances Fite, Peter M. Fitzner, Laurie E. Forbes, Robert L. Fredericks, Lenore

C. Garon, Lawrence D. Gaughan, Richard F. Gibbons, David L. Ginsberg, Stephen A. Gold, Debra A. Goldenberg, Andrew H. Goodman, Jack L. Gould, Alene C. Grabauskas, Daniel L. Gray, Richard A. Gray, Carolyn M. Grimes, Edward H. Grove, Paul W. Hammak, P.H. Harrington, Hunter C. Harrison, Joyce Henry-Schargorodski, David A. Hirsch, Allen E. Hirschmann, Carl P. Horton, Edward Houry, Suzanne Hruby, Dorothy M. Isaacs, Samuel S. Jackson, Charles M. Jorgenson, Michael Joshi, P. Clark Kattenburg, James R. Kearney, Shirley F. Keisler, Sean P. Kelly, Benjamin Kent, Sammy S. Knight, Donna J. Kraus, Rebecca E. Kuehn, Willis P. Lanier, Kathryn Leckey, Laura P. Leibowitz, Karen Leiser, David M. Levy, Edward Lippert, Louis J. Lombardo, Matthew W. Lucas, Robin M. Luketina, Marcia M. Maddox, Christopher Malinowski, Geoffrey C. Mason, David D. Masterman, J. Patrick McConnell, Anita V. McFadden, John McGavin, Michael J. McHugh, Martha JP McQuade, Ann Wood Mische, Frederick S. Mittleman, Robert M. Morgan, Thomas C. Mugavero, Philip M. Mulford, Joseph Mullaney, Paul A. Murphy, Sean F. Murphy, Jay B. Myerson, Lucy E. Nichols, Michael C. Normile, Morris A. Nunes, Kathleen O'Brien, Edward V. O'Connor, Brian M. O'Connor, Richard B. Orsino, Luis A. Perez, Demetrios C. Pikrallidas, Alan B. Plevy, Arlene L. Pripeton, Paula Rank, Catherine M. Reese, Linda D. Regenhardt, William B. Reichhardt, Robert K. Richardson, Carole A. Roop, David Rosenblum, Jeffrey Rosenfeld, Janine M. Saxe, Christopher W. Schinstock, William L. Schmidt, Carol J. Schrier-Polak, William Bernard Schroeder, Daniel Schumack, Keira L. Schwartz, Stephen C. Shannon, Leslie A. Shopf, Charles W. Sickels, Uzair Siddiqui, David W. Silek, Kyle E. Skopic, Christina M. Smith, Tina L. Snee, Sherry D. Soanes, David H. Spratt, Sarah Stanton, Arlene T.

Starace, Scott A. Surovell, Marcia Kay Thompson, Kathryn A. Untiedt, Edward J. Walinsky, Robert B. Walker, Michael A. Ward, Paul B. Ward, Inga A. Watkins, James A. Watson, Edward L. Weiner, Andrea C. Weiss, and Alanna C.E. Williams.

And the following who have conciliated in the Juvenile Court and Domestic Relations Court:

Michael S. Arif, Marc A. Astore, Kathleen R. Bell, Raymond Benzinger, Wayne D. Berthelsen, Timothy S. Bird, Faye Carroll, Glenn L. Clayton, II, Heather Cooper, Cherise Cuevas, Carol Ehlenberger, Peter M. Fitzner, Robert J. Hartsoe, Sandra L. Havrilak, Kelly S. Hite, Leslie Weber Hoffman, Suzanne Gwen Hruby, Dorothy M. Isaacs, Shannon Kroeger, Laura Leibowitz, Karen Leiser, Brooks McElwain, Jay B. Myerson, Lucy Nichols, Kathleen O'Brien, Edward O'Connor, Jr., Neal D. Olesker, Margo Owen, Fred M. Rejali, Carole A. Roop, Janine M. Saxe, Joyce H. Schargorodski, Jane E. Schroeder, Lauren E. Shea, Christina Smith, Thomas P. Sotelo, Scott A. Surovell, Kathryn A. Untiedt, Robert Walker, James A. Watson, II, Alanna Williams, Deborah A. Wilson, Luis Perez, and Marcia Thompson.

The Conciliation Task Force would also like to thank the law clerks who have taken the extra step to identify motions for early conciliation and report them to the coordinator for resolution. Many times the issues can be resolved and removed from the docket which is one of the main goals of both the Conciliation Task Force and the Virginia Supreme Court. We appreciate the work of clerks Helen Connelly, Rob Worster, Amy Steacy, Katie Schultz, Katie Brouwer, Sarah Hensley, Sarah Bland, Kathryn Lewis, Tanya Davis, Shaila Settles, Jennifer Lattimore, Michael Chang, Ruth Griggs, Bill Ledoux, and Dylan Gallagher.

In March 2006, the Conciliation Task Force offered a CLE open to members of all the local bars on conciliating in the Circuit and Juvenile and Domestic Relations Courts. The CLE was free to participants who would sign up to conciliate three sessions throughout the year in either the Juvenile or Circuit Courts. The CLE was attended by over 55 lawyers who have since volunteered their time and effort to the conciliation process. Thanks to all of our new attendees, and we appreciate your support of the conciliation program.

It has been a very successful and rewarding year for the Conciliation Task Force, and we are looking forward to continually improving and streamlining the conciliation process for everyone involved. Thanks again to all!

Jay Myerson and Sam Jackson
Co-Chairmen,
Conciliation Task Force

Sonya Duchak, Coordinator

Suzanne Hruby
Liaison to the J&DR Court



2006 Fairfax Bar Association 5th Annual Spring Memorial Golf Tournament

by Robert S. Letnick, Esq.

The Fairfax Bar Association held its 5th Annual Spring Memorial Golf Tournament at Westfields Golf Club on Monday, May 15, 2006. This year the golf tournament was held in memory of Kenneth R. Weiner. Many of Ken's family and friends were present including his brothers, Ed and George, their wives, Maura and Meryl, Ken's son, Adam, and Ken's mother, Thelma.

The weather for this event was extremely threatening, but notwithstanding a 90% chance of rain, the tournament took place without any interruption by rain. Ken loved playing golf and maybe he still has a little influence.

The turnout for this golf tournament was so incredible that it was the first golf tournament when the Fairfax Bar Association was forced to close registration with a total of 140 golfers participating in the event. A silent auction was included in this golf tournament for the first time with the proceeds benefiting the Fairfax Law Foundation. The funds raised help support valuable programs such as providing *pro bono* legal services to indigent clients, maintaining the public law library, and offering law-related education programs to area students. Those items purchased included framed photographs autographed by Arnold Palmer, Phil Mickelson, and Gene Sarazen, a Westfields flag autographed by Fred Couples, autographed footballs by Darrell Green, Joe Jacoby, and Brian Mitchell, a gift certificate at L'Auberge Chez Francois and rounds of golf at Westfields Golf Club, Heritage Hunt Golf & Country Club, Raspberry Falls Golf & Hunt Club, and Old Hickory Golf Club.

The format of this golf tournament remains a scramble (captain's choice). The first place team in a match of score cards was the team of Stephen G. Cochran, Michael Cochran, Dave Talley, and Scott Heon with a score of 58. The second place team on a match of cards with a 58 was the team of Linda Wood, Charlie Wood, Mike Juliano, and Randy Tucker. The third place team which also shot a 58 was the team of Gary Mims, Bruce D. White, Steve Frei, and John Whittington.

Prior to the start of the golf tournament, there was the annual putting contest, which was won by Chris Williams. The Women's Closest to the Pin competition was won by Linda Wood while the Women's Longest Drive competition was won by Anne Luxford. The Men's Closest to the Pin competition was won by Jim Bitner and the Men's Longest Drive competition was won by John Rosenbaum. Once again, this tournament had a special feature which was the Closest to the Keg competition. The beer keg was placed on the first fairway approximately 220 yards off the tee and the winner of this competition, who also took home a special beer can trophy, was Mike Smith.

The golf tournament had a large list of sponsors and donors who all helped make this tournament a great success. Of the many sponsors and donors, special recognition goes to the premier sponsors of this tournament which includes the Grimes Insurance Agency, Ken's brothers—Ed Weiner and George Weiner, and Peed Plumbing, Inc. The general sponsors and donors to this golf tournament include Kirby-Hunter Investigation, Inc., Attorneys Arbitration Services, Bank of America, United Bank, Don Beyer Dulles Volvo, Washington Golf Centers, Virginia Heritage Bank, SunTrust Bank, The Honorable George D. Varoutsos, The Mattis Family, Thomson West, L'Auberge Chez Francois, Heritage Hunt Golf & Country Club, Westfields Golf Club, Raspberry Falls Golf & Hunt Club, Old Hickory Golf Club, Joe Jacoby Chrysler Jeep, and Brian Mitchell.

Of these many sponsors and donors, special recognition also goes to Don Beyer Dulles Volvo for sponsoring the Hole-in-One Contest on the third hole featuring a new Volvo for a hole-in-one. While no one won the Volvo with a hole-in-one, the Closest to the Pin in the event was won by David LaPierre. The third hole at Westfields is considered by many as the signature hole and the pin was tucked on the front portion of the back left section of the green approximately 175 yards from the tee which required a precise shot over a water hazard with very little green to work with. While there was some grumbling about the difficult flag placement, it appears that this hole placement was apparently too easy this year for two groups that birdied this hole and there has been discussion about placing the pin next year closer to where Courtnie was sitting about 30 yards left of the green. Apparently this did not stop a number of golfers from invading Courtnie's space with errant tee shots and maybe she will be safer closer to the flag placement.

Special recognition should also go to Thomson West who provided all of the golf balls and to Herb Hunter of Kirby-Hunter Investigation, Inc., who once again photographed the participants both on the golf course and subsequently in the pavilion during the dinner and the awards presentation. Lunch was provided by Westfields at the grill adjacent to the practice putting green prior to the commencement of the golf tournament while after the golf tournament the participants were provided a steak and chicken buffet dinner in the pavilion at Westfields.

The Fairfax Bar Association has scheduled the Fall Tournament on **Monday, October 16, 2006, at 1:00 p.m., at the Heritage Hunt Golf and Country Club**, which is located right off of Exit 43B of Route 66 in Gainesville, VA. The date is significant in that it is Bosses' Day and what better way to celebrate than to play golf either with or against your fellow attorneys. All are encouraged to

participate in this next golf outing of the Fairfax Bar Association. For those who maintain their calendars far in advance, please note that the Fairfax Bar Association has already scheduled the **2007 6th Annual Spring Memorial Golf Tournament at the Westfields Golf Club on Monday, May 14, 2007!**



Pro Bono Reception Photo Gallery



Volunteers Feted and Celebrated at Pro Bono Reception

This year's Northern Virginia Pro Bono Reception, hosted by the Fairfax Law Foundation and Legal Services of Northern Virginia, was a well attended and notable event featuring the remarks of the Honorable Barbara M. Keenan, Justice of the Supreme Court of Virginia. She was introduced by the Honorable Michael P. McWeeny, Chief Judge of the Fairfax County Circuit Court.

Lawyers who dedicated their time to representing the underserved with their *pro bono* service were recognized. There were hundreds of attorneys throughout Northern Virginia who had participated in a variety of opportunities to help clients most in need. Many contributed their time and efforts through the Fairfax Bar Pro Bono Program. John McGranahan, President of the Fairfax Law Foundation, welcomed the large crowd and recognized the many dignitaries who had come to pay tribute to the efforts of the volunteers. Legal Services of Northern Virginia presented awards to outstanding volunteers in each jurisdiction. Wine was generously sponsored by Leiblich & Grimes.

The work of the Fairfax Bar Pro Bono Program volunteers included serving the indigent through the Neighborhood Outreach Program, the Family Legal Assistance Project, the Non-profit Legal Support Program and Wills on Wheels. Joint projects with Legal Services of Northern Virginia include work in areas such as housing, consumer, and employment law as well as handling uncontested divorces. For further information about participating, contact **Arlene Beckerman, Director of Pro Bono Activities**, at 703.246.3779 or abeckerman@fairfaxbar.org. ■



CARRIAGE LANDING, FAIRFAX CITY FROM \$1,195,000



Cul-de-sac of 5 custom luxury homes built by SEKAS HOMES. Immediate Delivery! 4-levels, 6000+sqft on 3 levels, 9ft ceilings, 5 bedrooms, 4.5 baths, elegant mouldings, granite gourmet kitchen, half acre lot. **FC6038691**

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

Announcements

DANIEL A. BALL is pleased to announce that his law practice has moved to BALL & ASSOCIATES, P.C., 4416 East West Highway, Bethesda, MD 20814; 301.634.3147; Fax: 301.215.9297; dball@dablaw.com.

FAMILY LAW & MEDIATION CENTER, PLC, LESLIE WEBER HOFFMAN, AND CATHERINE C. PRICE, relocated to 10560 Main Street, Suite 310, Fairfax, VA 22030; 703.691.3066; Fax: 703.691.0411.

RAY & ISLER, P.C., is pleased to announce R. MARK DARE, formerly of Reed Smith, LLP, has joined the firm as a Partner. The firm will practice under the name Isler Dare Ray & Radcliffe, P.C., 1919 Gallows Road, Suite 320, Tysons Corner, Vienna, VA 22182; 703.748.2690; Fax: 703.748.2695; www.islerdare.com.

MARK T. McDERMOTT, 910 17th Street, N.W., Suite 800; 202.331.1440; Fax: 202.331.1442; mcdermott@mtm-law.com, has been appointed as this year's legislative chairman for the American Academy of Adoption Attorneys.

ODIN, FELDMAN & PITTLEMAN is pleased to announce that DARLENE LESSER has been elevated to principal. 9302 Lee Highway, Suite 1100, Fairfax, VA 22031; 703.218.2340; Fax: 703.218.2160; www.ofplaw.com.

CATHERINE M. REESE is pleased to announce the relocation of THE LAW OFFICE OF CATHERINE M. REESE, PLC. 10560 Main Street, Suite 310, Fairfax, VA 22030; 703.279.5140; Fax: 703.279.5141; www.reeselawoffice.com.

THE RUDDY LAW FIRM is pleased to announce CARY Z. CUCINELLI has joined the firm as an associate. 10555 Main Street, Suite 450, Fairfax, VA 22030; 703.383.9000; Fax: 703.383.9530; ccucinelli@ruddylawfirm.com.

SHOUN, BACH, WALINSKY & CURRAN, P.C., is pleased to announce that ROBERTA K. HENAULT has become associated with the firm. 12700 Fair Lakes Circle, Suite 300, Fairfax, VA 22033; 703.222.3333; Fax: 703.222.3340; www.shoun.com.

HOWARD M. ZARITSKY has joined the PITCAIRN FINANCIAL GROUP as Vice President. For more information on Pitcairn Financial Group, call 800.211.1745 or visit www.pitcairn.com.

Positions Available

CAREER OPPORTUNITY: LITIGATION/ TRANSACTIONAL/COMMERCIAL LEASING ATTORNEY. Bregman, Berbert, Schwartz & Gilday, LLC, an AV-rated law firm located in Bethesda, MD, seeks an attorney with 3-5 years experience in real estate litigation, commercial leasing and transactional work. VA Bar a must. Great work environment with competitive salary and benefits. Fax resumé to: 301.961.6525; E-mail resume to: ahatchett@bregmanlaw.com; or mail resumé to: Anthony Hatchett, Bregman, Berbert, Schwartz & Gilday, LLC, 7315 Wisconsin Avenue, Suite 800-W, Bethesda, Maryland 20814.

SPRINGFIELD—Our Springfield law firm is seeking a domestic relations attorney to join its team. Applicants must be licensed in Virginia, and have a minimum of two years of experience in domestic relations. Please fax resumé to us. Robert A. Ades & Associates, P.C., 5419-B Backlick Road, Springfield, VA 22151; 703.642.9500; Fax: 703.750.0963.

Real Estate

FAIRFAX CITY—8,150 sq. ft. available for rent at 10513 Judicial Drive in Fairfax City. Most convenient location to Fairfax County Courthouse. Underground parking included. Inquiries, call Leigh Ann Bishop at 703.591.0200.

REAL ESTATE APPRAISER

General Real Estate Appraiser with 45 years experience in eminent domain, divorce and estate appraisals. More than 40 years of experience in court testimony, including state, local and federal bankruptcy courts. Reasonably fast turnaround. Call 703.849.8500; Fax 703.849.8163 or e-mail: jackcooper@erols.com

In Memorium

Raymond Lee Brownell, age 62, died on June 28, 2006, at Fair Oaks Hospital. He is survived by son Christopher and his wife Lena Esposito, daughter Caryn Brownell Hanna and her husband Bob and their two children Danielle and Bryce Hanna. Mr. Brownell served as a Senior Assistant Commonwealth's Attorney for Fairfax County for over 26 years.

Robert Roy "Bob" Dively, age 70, of N. Springfield, VA, departed this life on July 14, 2006. Bob practiced law in Northern Virginia for four decades, was elected Justice of the Peace, and served as a Commissioner in Chancery to the Fairfax County Circuit Court. An active member in his community, he served as PTA President, Boy Scout leader, and 1st Vice Chairman of the FCRC.

Murray W. Seagears, 74, former president of the Northern Virginia Trial Lawyers Association, died of complications from heart bypass surgery June 16, 2006, at INOVA Fairfax Hospital. He lived in Fairfax Station.

Mr. Seagears, a Fairfax County trial lawyer for more than 20 years, was born in Middletown, NY, and later moved to Delmar, NY. He graduated from the University of Vermont, then served in the Army in Germany in the mid 1950s. He moved to Washington and became an insurance claims adjuster until entering law school at American University, from which he graduated in 1966. He also attended medical classes at Georgetown University.

A sole practitioner, he retired in 1987.

Mr. Seagears was an avid outdoorsman and devoted many of his post-retirement years to landscaping and maintaining his property in Fairfax Station. At his summer home in the Adirondack Mountains, he enjoyed canoeing, camping, picnicking, hunting, and hosting family gatherings.

His first marriage to Margaret Seagears, ended in divorce.

Survivors include his wife of 37 years, Marilyn "Mimi" Seagears of Fairfax Station; two stepchildren, Julie Dreebin of Riverwoods, IL, and Jeff Jorgensen of Denver; a twin brother; and two grandchildren.

Stephen K. Simpson, partner at Grenadier, Anderson, Simpson, Starace & Duffett, P.C., passed away at Georgetown University Hospital on Wednesday, July 26, 2006. He is survived by daughters Christina and Stephanie Simpson, parents Kenneth and Nina Simpson; and girlfriend Diana Dawson. Also survived by one brother; three sisters and several nieces and nephews.

EXCHANGE, FOR THE BETTER.



OUR 1031 EXCHANGE SOLUTIONS
save you time, money and stress with a secure,
nationwide service that structures and delivers
your tax-deferred exchanges.

On schedule. On target. On every 1031 transaction.



The LandAmerica Exchange Advantage

- Security of Funds
- Sound Documentation
- Superb Professionals

When you choose LandAmerica 1031 Exchange Services, you are choosing security for your funds, superb professionals and sound documentation from the nation's premier Qualified Intermediary, operating in all 50 states and the District of Columbia.

Let's Get Settled—For more information about LandAmerica Exchange Company, a service of LandAmerica Commercial Services, Washington, DC, contact: Christopher Naughten at cnaughten@landam.com, or call Christopher directly at 1-800-933-4067.

“From standard, deferred exchanges to the largest, most complex reverse exchange transactions, LandAmerica 1031 Exchange Services unfailingly deliver the superior service, meticulous documentation and professional support we and our clients demand.”

—Grossberg, Yochelson, Fox & Beyda, LLP

 **LandAmerica**
1031 Exchange Services
We only settle for success

MARK YOUR CALENDARS— Exciting Upcoming FBA Fall Events!

- September 13—** Nuts & Bolts of General District Court Civil Practice CLE—
Courthouse Cafeteria, 4:30-8:30 p.m.
- September 20—** FBA Membership Luncheon—1 Hour Ethics CLE with Tom Spahn—
Country Club of Fairfax, Noon to 2:00 p.m.
- September 27—** FBA Paralegal Section Happy Hour—Hyatt Fair Lakes, 6:00 p.m.
- September 30—** Young Lawyers Section Lawyerpalooza, 2:00 p.m.
- October 3—** Annual Law & Technology CLE—Courthouse Cafeteria, 4:30-7:30 p.m.
- October 11—** FBA Membership Luncheon Honoring Commissioner of Accounts—
Jesse Wilson, Peter Arntson and Henry Mackall, Maggiano's, Noon-2:00 p.m.
- October 16—** FBA Fall Golf Tournament—Heritage Hunt Golf & Country Club
- November 10—** Jazz for Justice, GMU Center for Performing Arts, 8:00 p.m.
- November 27—** “Giants of Justice” Dinner Honoring Chief Justice Johanna Fitzpatrick,
Fairview Park Marriott

For more info, visit our web site at www.fairfaxbar.org



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*