FAIRFAX BAR

JOURNAL

Newsletter of the Fairfax Bar Association www.fairfaxbar.org Spring/Summer 2005

State of the FBA Budget

by Dan Ruttenberg, Esq.

For those of you who are not in interested in reading about the details of the FBA's budget, let me start with some good news—the FBA has not raised dues since 1999 and we hope, with your support, to continue that policy this year and for years to come. Now for some of the details—I am pleased to report that the FBA is having another fiscally sound year. The FBA's fiscal year runs from July 1 until June 30. When this article was written we were nine months into the current fiscal year as of March 2005 and, overall, we are doing better than projected.

In recent years, the FBA has made great strides in reducing costs to address serious budget concerns, but costs have already been cut as much as reasonably possible. While these measures helped significantly over the last few years, the FBA still faces budgetary challenges in funding increases in the basic operation costs of running the FBA. In anticipation of this economic reality, the FBA has also focused over the last few years on developing and fostering programs that raise revenues, and we are starting to see some results. *(continued on page 10)*

GENERAL DISTRICT COURT

ELECTRONIC DOCKET DISPLAY INTRODUCED

By Charles E. Collins, Jr.

The traditional "leap frog" approach to locating cases on the traffic docket of the Fairfax County General District Court has come to an abrupt end. For many years, traffic defendants found themselves maneuvering around, and in some cases climbing over, three and four rows of shoulders to find their names on the paper dockets attached to the bulletin boards. If they happened to forget their glasses that morning, they were left to languish until a dedicated volunteer (or perhaps an undercover judge), would graciously step forward and assist them in locating their case.

Several years ago our alert Clerk of Court Nancy Lake was attending a management conference when she observed a vendor demonstration of an electronic docket display system. Realizing its potential benefits, she noted the information and brought it back for further review. Thanks to her efforts and those of Paula Ohland, Afsaneh Tibbs, and Dave Bartee, our new electronic docket display system is now fully operational as part of a high tech pilot project involving three courtrooms.

A total of six large panels displaying the case docket in rotating alphabetical order now loom over the crowd of morning visitors to the General District Court. As a result, a much calmer—though equally worried—group of traffic defendants can now be found glancing up to find their case with relative ease. The new system seems efficient and has reduced the confusion and congestion in the court lobby. It has also eased the tension on the clerks to ensure a docket is posted early enough to assist those arriving first.

Suzy Swain, the Deputy Clerk of Court, praised the new system. "We feel the docket display system has already been beneficial by helping people find their courtrooms more quickly, thus assisting them to get to court on time, which reduces anxiety on the morning of court. The system has also reduced the number of inquiries to the information desk and the security officers' desk, both of which used to have long lines of people in search of their court case."

Future plans include having the system available on the Internet so people can ascertain their assigned courtrooms before leaving for court. If the program is a success, it is anticipated the same system will be expanded to all Fairfax Courts as part of the courthouse expansion. ■

PRESIDENT'S COLUMN

By Sharon D. Nelson, Esq.

After my somewhat controversial column on the web last month, I promised that my final President's Column would be dry as the Sahara dust. I lied, but only slightly. Though "state of the union" remarks are rarely marked by moments of high drama, we have a lot to celebrate and I decided to have a little fun while I was writing. At least by the end of the column, you'll know what movies your soon to be ex-President enjoys!

Show me the money! It has been a very good year. Though the dust hasn't settled yet, it is clear that we will be soundly in the black. Many thanks to **Dan Ruttenberg**, our invaluable Treasurer, and to **Richard Ruddy**, who has spearheaded an Investment Committee which is ensuring that we have reserves for the future. Though we really can't pare back our expenses any further, we are instead turning our attention to enhancing revenues. Our new affinity program, under the leadership of **Tom Folk** and **Kathryn Dickerson**, is beginning to bring in new funds and serve our membership at the same time with valuable discounts. Our on-line CLEs are growing in number and profit while providing our members with access to CLEs around the clock. Our regular CLEs did splendidly this year, proving that rumors of the demise of in-person CLEs were greatly exaggerated!

Make my day. Actually the Lawyer Referral and Information Service made my whole year. Pass the naysayers who fretted over the percentage fee program some salt, pepper, and a hat. In a remarkably short period of time, LRIS went from bleeding red ink to making a healthy profit—and the numbers continue to climb. We are investing some of those revenues in marketing, which promises to enhance revenues even more. The Internet now accounts for roughly 20% of all referrals and that number will undoubtedly continue to grow as well. Kudos to LRIS Director **Donna McBride** and her wonderful staff (**Emily Blatch**, **Joan Simons**, and **Richard Teeple**) as well as to all past and present LRIS committee members who helped bring this program to successful fruition.

Murray, lend me twenty dollars or I'll call your wife and tell her you're in Central Parking wearing a dress. Fortunately, it didn't take any threats to bring our membership numbers up, but up they went this year to nearly 2,100. There were three primary reasons: (1) the Young Lawyers (and the FBA officers) worked hard to get GMU law students enlisted in the FBA; (2) we did a mailing to about 3,500 nonmembers of the FBA and got a reasonably good response back (thank you to my assistant Brooke for the labor); and (3) Brooke called everyone who hadn't renewed and vastly improved our renewal numbers. And no, you may not hire Brooke away from me! What we learned is most people we called had simply forgotten to renew, filed the notice away, etc. There is a certain small percentage that simply stopped practicing law or moved away, but for the most part, a phone call or two was all it took to bring lost lambs to the fold.

Why doesn't he hear me? I know I'm talking, I recognize my voice. For some reason, it took a LONG time to get the ABA to recognize the validity of our increased membership numbers. Executive Director **Yvonne McGhee** deserves our thanks for stubbornly hanging in there with the ABA until we (finally!) received in April our certification of eligibility to have a delegate in the House of Delegates. For all those who have expressed an interest, the Board will select a delegate on May 24th. ABA President **Robert Grey** challenged us least year to achieve this goal and pronounces himself "absolutely delighted" that we made it.

If you build it, they will come. Not much doubt about that when it comes to the expanded courthouse. Thanks to **Tom Folk** and **Penny Welke** for continuing to monitor progress on this front. Thus far, the project is on

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*All articles or advertising submitted to the Fairfax Bar **Journal** are subject to the editor's approval. The editor reserves the right to reject any submissions that, in the opinion of the editor, are inappropriate for the **Journal**.*

Disclaimer:
All opinions expressed in the President's column are those of the FBA President and are not to be taken as the opinions or official positions of the Fairfax Bar Association. Please direct any comments to Sharon Nelson, FBA President, at 703.359.0700, or snelson@senseient.com.

MOTIONS CONCILIATION INTEREST SPREADING

By Jay Myerson, Esq., and Sam Jackson, Esq.

Motions conciliation, an innovative ADR program started by the Fairfax Bar, is being considered in another jurisdiction. The Prince William County Bar Association is contemplating a pilot motions conciliation program for that county's Juvenile and Domestic Relations District Court.

At a meeting in Manassas on April 20, 2005, Judge Teena Grodner of the Fairfax County J&DR Court and attorneys Joyce Schargordski, Jay Myerson, and Sam Jackson discussed the practical and ethical aspects of motions conciliation with members of the Prince William bench and bar.

Since 1997, the Fairfax Bar Association's Motions Conciliation Program has provided *pro bono* conciliators—trained and experienced litigators—to help parties resolve motions disputes pending on the Friday motions docket of the Circuit Court.

In October 1999, the program began to offer "early conciliation," in which conciliators tried to resolve motions by telephone prior to the Friday hearing. In early conciliation, a judge's law clerk identifies motions (typically discovery disputes) and refers cases to the conciliation coordinator, who then arranges for a conciliator to contact counsel. This process often expedites resolution of the matter and spares the court from having to review time-consuming discovery motions.

The idea for offering conciliation services in J&DR Court came from Fairfax attorney Joyce Schargorodski after a long day she had in that court. "The motion in my case was number 39 on a docket of 39 cases—and the judge did not take lunch, yet I was not heard until 3:30 p.m.," said Schargorodski. "I said to myself, 'Wouldn't it be great if there were motions conciliators in this court?' " She took the idea to the Fairfax Bar Conciliation Subcommittee, on which she had served for many years (and later chaired). The Subcommittee encouraged her to explore the possibility of offering its services to the J&DR Court.

Schargorodski met with Judge Teena Grodner, who was enthusiastic about the idea and agreed to discuss it with her fellow judges at the Fairfax J&DR Court's next conference. With the Court's approval, members of the Conciliation Subcommitte and the Fairfax Bar Association's J&DR Court Committee collaborated to study how this ADR process might be employed in J&DR Court.

Conciliation services were first offered in Fairfax J&DR Court in February 2002. Every Wednesday, at least one conciliator is available at the courthouse to help attorneys and *pro se* parties resolve or narrow motions scheduled to be heard that day. As in Circuit Court, the J&DR conciliation effort has helped to reduce dockets and resolve disputes more quickly and more amicably.

For example, during the nine-month period from July 2004 through March 2005, conciliators handled 260 cases in both Circuit and J&DR Courts. Over 47% of these motions disputes were completely resolved by conciliators; in another 27% of the cases, the conciliators helped the parties significantly narrow the issues.

In 2003, the Conciliation Program received a Community & Educational Outreach Award from the National Association of Bar Executives. For more information about the Fairfax Bar Association Conciliation Program, contact Jay Myerson at 703.715.9600. ■

JUDGE CARR HOLDS "COURT" FOR FAIRFAX SCHOOL SENIORS

The Honorable Gayl B. Carr of Fairfax County Juvenile & Domestic Relations District Court recently met with over 480 Langley High School seniors in her "courtroom" located in a conference room at the USA Today complex in McLean. Judge Carr led a program utilized by Langley High School on ethical decision making. The students heard the case of Commonwealth v. Sky which was presided over by Judge Carr and tried by attorneys Mike Holleran and Jerry Tankel. The trial is part of the Ethics Day program for senior high school students at Langley High School which was described by one parent as the "most positive event" her child has attended at high school.

For over 10 years Judge Carr has been devoting substantial time and actively working with Fairfax County High Schools in presenting ethical dilemma workshops. Judge Carr has worked with numerous schools in addition to Langley, including McLean, South Lakes, Madison, Marshall, Westfields, Herndon, Annandale, Lee, and Mountain View.

The fictional Commonwealth v. Sky scenario was written by Mike Holleran and involves a student who is not a licensed driver who accompanies her friend to a party after both students tell their parents they will be at the library. The driver becomes inebriated at the party and the unlicensed student attempts to drive the vehicle home so their parents will not find out where they have been. The unlicensed driver ends up crashing the vehicle resulting in her friend's death and is charged with involuntary manslaughter.

After the students deliberate and return their verdict is when the real ethical

(continued next page)

decision making learning occurs. Judge Carr has a unique gift for drawing reactions out of the students and engaging them on discussing ethical decisions. At the recent Langley seminar, Judge Carr completed four trials and quizzed, cajoled, and challenged the 480 students on other decisions and ethical assumptions. After the seminar, many parents commented that they were very appreciative over how Judge Carr so effectively made the students confront ethical decisions and were impressed by the case in which she drew out responses from them. Through this process, the students came to realize the need to think about ethical scenarios and dilemmas prior to their being actually placed in them. The enthusiastic reaction to Judge Carr's presentation indicates the message is getting through.

Judge Carr noted the Ethics Day seminars are supported by local business and community leaders, and groups such as state delegates, school board members, district supervisors, Rotarians, chamber of commerce members, business leaders, and parents. The adults act as facilitators to help the students as they discuss the ethical dilemmas. Judge Carr noted their participation in the program signals to the students the importance of ethical decision making.

In the Langley High School program, the police officer assigned to the school acted the part of the police officer in the mock trial. Many members of the Fairfax Bar Association have participated (as either the prosecuting attorney or defense counsel), in the various Ethics Day programs including Matt Brennan, Steve Briglia, Karen McWilliams, Uzair Siddique, Edward Duffy, Roy Baldwin, Richard Gray, Matt Clary, Denise Zack, Bob Ross, Scott Townsend, Jerry Tankel, and Mike Holleran, among others.

Judge Carr noted she continues to participate in the program because it helps "instill in youth good decision making." Based on the positive response from the Langley High School students, parents, business leaders, and teachers, Judge Carr's program is a major success and will hopefully show our students to be ready to appropriately handle the numerous ethical decisions they are certain to confront, and lessen the number of students who will need to appear before her in her other courtroom on Chain Bridge Road! ■

YOUNG LAWYERS SPRING FLING

by David L. Marks, YLS Chair

Amid a notable week where temperatures soared into the 70s; the cherry blossoms closed in on their peak bloom; opening day of baseball; the NCAA Basketball final; and the opening rounds of the Masters, yet another anticipated rite of Spring took place. On Wednesday, April 6, 2005, the Young Lawyers Section of the Fairfax Bar Association hosted the 8th Annual Spring Fling. The Spring Fling is the Young Lawyers' greeting to warm weather and to a new year full of events. It is also an instrument attempting to encourage more participation and recruitment of members from the many attorneys practicing in the Tysons Corner area. This year the event was held at the elegant E-Cities Restaurant on Tyco Lane. E-Cities' excellent organization, service, and generosity leaves little doubt that we will be holding many more events at their establishment.

As many know, money is not as plentiful for the young attorney and we have found if there is a price associated with an event, there is a sharp decrease in attendance. The Young Lawyers Section must rely upon the generosity of sponsors to host its events. This year's Spring Fling was made possible by longtime sponsors of the Young Lawyers Section: Blankingship & Keith, P.C.; Condo, Roop, Kelly & Byrnes, P.C.; Culin, Sharp, Autry & Day, PLC; The Law Office of David L. Marks; Maddox, Cole & Miller, P.C.; Ours & Ward, P.C.; and Reed Smith, LLP. Although they certainly do not make their contributions for recognition, we cannot thank them enough for their support.

There has always been a desire of the Young Lawyers Section to have the many attorneys practicing in the Tysons Corner corridor join as members. In previous attempts to gain more participation in bar events from the Tysons' attorneys, the complaint has always been it is so difficult to get to locations near the Courthouse during the evening rush hour. There is, arguably, an unstated bias to have most of the events closer to the Courthouse, where, coincidentally, the majority of the Young Lawyer board members work. One solution was to have the Spring Fling held annually in the Tysons area. We were rewarded for our efforts by the great turnout at E-Cities. On a beautiful day, we had many new faces from Tysons' firms that came out to network and socialize with their young attorney colleagues. Door prizes of E-Cities gift certificates and highly valued Fairfax Bar Association memorabilia were given out to lucky winners.

In other news, the Young Lawyers hosted a dinner with Judge Robert Wooldridge in late March that was hailed by all attendees as a massive success. The dinner was held at Dolcé Vita in Fairfax and the party was seated in the private dining room. The intimate surroundings allowed the small group of 13 young attorneys greater access to Judge Wooldridge. The attendees were impressed with the time the Judge took to roam the room to speak with each individual and their ability to ask questions of the Judge in an informal setting. Many, many thanks to Judge Wooldridge for taking time to meet with the young attorneys for doing such a superb job as the dinner celebrant.

Upcoming YLS Event:
May 25, 2005, Breakfast with the Judges, Judges' Dining Room
See Spring Fling photos on the back cover of this Journal.

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Announcement

RACHEL L. VIRK is pleased to announce the opening of RACHEL L. VIRK, L.C., located in the Cascades Office Center, 21135 Whitfield Place, Suite 207, Potomac Falls, VA 20165; 703.444.3355; Fax: 703.444.0393; www.virk-law.com; Rachel@virk-law.com.

BRETT KASSABIAN TO FACILITATE JUDICIAL FEEDBACK PROGRAM

Fairfax Bar Association President Sharon D. Nelson has announced the appointment of Brett A. Kassabian to serve as the facilitator for the new Judicial Feedback Program, recently implemented in the Fairfax County General District Court. The procedures for participation in the Judicial Feedback Program are available in the FBA office or in the member's section of the Fairfax Bar Association's website at: *http://www.fairfaxbar.org*. In a nutshell, the Judicial Feedback Program provides a unique mechanism for attorneys to provide feedback to General District Court judges on matters of general policies, procedures or demeanor. All comments must be professional in nature and cannot address specific decisions or rulings issued by a particular judge.

Brett is widely respected throughout the legal community for his skill and dedication, his warm personality and constant adherence to the highest of ethical standards. Brett is a native Washingtonian and a graduate of Wake Forest University School of Law. He has a wide range of experience, serving previously as a Senior Assistant Commonwealth's Attorney for Fairfax County and currently as the Fairfax City Prosecutor. In 1998 he was appointed as a Substitute Judge for the General District Court and the Juvenile and Domestic Relations District Court of the 19th Judicial Circuit. He was recently reappointed for a second term. He has been active member of the Fairfax Bar Association serving in a multitude of leadership roles over the years. ■

CIRCUIT COURT

CASE SUMMARIES AVAILABLE ON COURT PUBLIC ACCESS NETWORK (CPAN)

I am pleased to announce that effective immediately, Circuit Court Case Summaries are again available on the Court Public Access Network (CPAN).

To access civil and criminal case summaries, choose Circuit Court Civil/Criminal Case Information from the main CPAN menu. Then choose Full Court Information or Mainframe Information. You can look up cases by name or case number. Full Court Information contains all new cases filed since October 18, 2004. Cases filed prior to October 18, 2004, are being added to Full Court when there is some activity in the case; i.e.., hearing, new pleadings, payment of fines, and costs in criminal cases. The mainframe option will remain available for research purposes for those cases filed prior to October 18, 2004, but it will not be updated.

CPAN is a secure remote access system. The cost is $25.00 per month per individual user. Users must complete an application and execute a User Agreement. The application and agreement are available on our website at:

www.co.fairfax.va.us/courts/circuit/cpan.htm

This is Phase I of Full Court on CPAN. I would appreciate any comments or suggestions you may have concerning improvements to the system.

John T. Frey
Clerk, Fairfax Circuit Court

GENERAL DISTRICT COURT

CONTINUANCES AND WAIVER OF CLIENT'S APPEARANCE

The Court would like to remind attorneys that Rule 7A:14, Rules of Virginia Supreme Court, states continuances should not be granted except by, and at the discretion of, a judge for good cause shown or unless otherwise provided by law. Attorneys should be aware the GDC Court does not favor second or subsequent continuance requests that are a result of scheduling conflicts that were known at the time the attorney accepted the case and that cause the trial to be continued for more than a brief period of time from the original arrest date. While the Court is aware of the need for attorneys to efficiently schedule their cases to minimize their time in court, the attorneys must be aware of the effect each continuance has on the Court's limited and over extended staff.

The Court would also like to remind attorneys that clients charged with class 1 or class 2 misdemeanors must appear at trial unless the Court, prior to the trial date, has entered an order granting the attorney authority to appear on behalf of the defendant.

Announcement

The Law Firm of HARTEL, KANE, DeSANTIS, MacDONALD & HOWIE, LLP, is pleased to announce that EDWARD J. LEYDEN, ESQ., has become Of Counsel to the firm. Mr. Leyden's practice encompasses issues in the areas of tax, partnerships, trusts & estates, wills, probates, and employment law.

Office Space––Rent/Lease

Fairfax City—Newly renovated offices in walking distance from Fairfax Courthouse. Competitive rent. Nice office complex with ample free parking for you and your clients. 10525 West Drive (corner of Chain Bridge Road & West Dr.), Fairfax, VA 22030. Call 703.359.9229 or 571.214.1806.

Position Wanted

Of Counsel—AV rated attorney with established practice and associate/support staffing seeks affiliation as "of counsel." Extensive practice experience in zoning, land use, real estate development, municipal law, construction law, condemnation, and complex commercial litigation. Reply to tysonsofcounsel@yahoo.com.

ELECTION NOTICE

FBA LEADERSHIP CANDIDATES 2005-2006

NOTICE OF ELECTION

FAIRFAX BAR ASSOCIATION RULES OF ELECTION

FBA INTERNET VOTING PROCESS FOR BOARD OF DIRECTORS AND VICE-PRESIDENT

A. Ballot Design and Instructions.
The ballot shall be placed on the Association's website, www.fairfaxbar.org in the Member's Only site. The ballot shall list alphabetically the names of the candidates for each position, by position, and provide instructions for online voting. Instructions appearing on the website shall instruct the voter that he/she MUST vote for as many candidates for each position as there are vacancies to be filled.

B. Polling Places.
Members may vote from any location providing Internet access. A computer will be made available at the Association office for voting, should any member need to vote at that location.

C. Voting Period. *Voting shall begin at Noon at the Association's* ***Annual Meeting*** *on* ***June 7, 2005****, and continue until* ***4:00 p.m.*** *the following* ***Friday****,* ***June 10, 2005****.*

Candidate for Vice-President

Daniel H. Ruttenberg
Smolen Plevy

I am honored to be a candidate for Vice President. This year as FBA Treasurer, Board Member, and Chairman of the Budget Committee has been very rewarding. Many challenges still lie ahead. We must meet the needs of a new generation of lawyers while continuing to improve our service to existing members and the public. I will continue to use my experience as a CPA and serving on the Executive Committee, Circuit Court Committee, Technology Committee (Chairman), Membership Task Force, Strategic Planning Task Force, and Revenue Development Committee to meet these objectives while remaining fiscally responsible. For example, electronic communications is an efficient means of keeping our membership up-to-date. However, many members have expressed to me that they would like to receive a hard copy of the FBA Journal more than twice a year. I have contacted a company that can print a less expensive Journal, which could be mailed to members four times a year for less than it costs to send out the current FBA Journal twice. Please show your commitment to the FBA and vote in the upcoming election—together we can enhance the Bar.

Candidates for Board of Directors

Julie Heiden
Koonz, McKenney, Johnson, DePaolis & Lightfoot

For the past 12 years I have been actively involved with the Bar Association. In the past I have served as a member of the Legislative Committee, Budget Committee, Law Related Education Committee, Revenue Development Committee, Membership Committee, and Circuit Court Committee. In addition, I have chaired the Continuing Legal Education Committee and co-chaired the CLE portion of the out of town Bench Bar Convention in Williamsburg. As a current Fairfax Bar Association Board Member, I am currently a liaison to the Continuing Legal Eduction Committee and have coordinated the topics and speakers for the 2005 Trial Practice Luncheon Series. I am also a member of the Investment Committee. I have enjoyed serving on the Board of Directors for the past three years and would look forward to having the opportunity to continue to serve for the next three years.

Brett A. Kassabian

Kassabian & Kassabian, PLC

Graduated from Wake Forest University School of Law in 1985; member, Wake Forest University Law Review. Admitted to the Virginia State Bar 1985. Served as a Senior Assistant Commonwealth's Attorney for the Fairfax County Commonwealth's Attorney's Office; since 1994, a principal in the law firm of Kassabian & Kassabian, P.L.C., engaged in the general practice of law, emphasis on criminal law. Since 1995 served as the Fairfax City Prosecutor, and a Legal Instructor at the Northern Virginia Criminal Justice Academy from 1996-1998. In 1998, was appointed as Substitute Judge for the General District Court and the Juvenile and Domestic Relations District Court of the 19th Judicial District.

Current member of the Fairfax Bar Association and Virginia Trial Lawyers' Association. Served on the FBA's Judicial Selection Committee and the Criminal Justice Advisory Board, and currently serve on the FBA Board of Directors.

Corrine N. Lockett

Office of the
Fairfax County Attorney

During my first three years on the Board, I actively sought your feedback and lobbied for issues you considered important. Many of you expressed concerns about the FBA's apparent diminishing input with the Virginia legislature regarding the appointment of judges, the quality of CLEs, social events sponsored by the FBA, and the costs of those events. Many are concerned the FBA is losing touch with its members.

My goal is to ensure that does not happen. I plan to work with the Virginia legislature to assure your voice is heard, increase the quality of services and entertaining events offered to our members at a reasonable cost, and keep an open line of communication between members and the Board to ensure your viewpoint continues to be considered. I am asking you to re-elect me to the Board so I can continue to work for what's important to you.

David L. Marks

The Law Offices of
David L. Marks

For the past year, I have had the privilege to sit as a non-voting member on the FBA Board due to my position as President of the Young Lawyers Section. My time on the Board has provided me with the opportunity to learn a tremendous amount about how the FBA is run and I developed a greater appreciation of the services that are performed by our Bar. During the past year, I coordinated events at George Mason and American Law Schools which produced 80 new FBA members. I hope to continue to bring a great, already developed, access to a large portion of the FBA current membership, the young lawyers. My experience with the Young Lawyers Section and as Chair of the Pro Bono Advisory Committee have given me the background and desire to request consideration for the next challenge of serving on the FBA Board of Directors.

Edward L. Weiner

Weiner & Associates

I have spent countless hours in committee meetings and working on Bar programs including the Bench Bar Dinner Dance, Jazz for Justice, Law Day Weiner Roast, Chocolate Festival, and First Hour Campaign. My reason for participating in these activities and wanting to do more is simple: I am dedicated to the Fairfax Bar. It has been part of my life for 25 years. My active involvement in the Fairfax and Virginia State Bar Executive Committee of Local Bar Leaders has prepared me to become a member of the Fairfax Bar Association Board of Directors.

As Board Member (now Treasurer) of the Law Foundation, I initiated the Jazz for Justice Benefit Concert and the Annual Law Day Weiner Roast, both proving financially beneficial to the Association and its Foundation.

I will strive to further the Bar's stature in the community, our working relationship with the Virginia State Bar, and service to our members.

budget and on schedule, with an estimated completion date of **March 14, 2008**.

Louis, I think this is the beginning of a beautiful friendship. This year, the FBA and the Fairfax Law Foundation signed an agreement under which the FBA will administer all of the programs, including *Pro Bono*, formerly managed by the Foundation. This will allow the Foundation to focus on its mission of fund-raising for philanthropic activities. The structure of the FBA allows it to more naturally administer programs while the Foundation focuses on funding them.

You called down the thunder, well now you've got it! Not everything goes the way you plan it. No one sues the FBA for years and years, but in my term there's a lawsuit. A frivolous lawsuit challenging the FBA for honoring an IRS garnishment notice, it was ultimately dismissed, but still represented money out the door along with a ton of time. Thank heavens we had a good year financially. Many thanks to our "thunder," **Steve Ray** and **Bob Nath**, for "showing us the way to go home."

So let it be written. So let it be done. If only it were that easy. The Circuit Court Committee is struggling with a new law, effective July 1st, that provides for both public and private records in divorce cases. The intent is to protect privacy and prevent identify theft while still allowing a substantial measure of public access. How the new procedure will work is still under debate. The Circuit Court deals with many complex issues over the year, but this has been one of the thorniest. Thanks to **Peyton Whiteley** and his committee for their dedication in overseeing all Circuit Court related issues.

What happens on the green mile, stays on the green mile. When a lawyer has a problem with a judge, it can be a sticky wicket. With the hard work of **Chief Judge Donald McDonough** and the General District Court Committee (special thanks to **Chuck Collins** for his dedication to this effort), we now have a General District Court Ombudsman, **Brett Kassabian**. The Judicial Feedback Program is designed to facilitate comments and suggestions to General District Court judges from attorneys who appear before them. Attorneys have the option of submitting comments anonymously if they wish. Thanks to the court and the committee for making sure we don't ever need the Hollywood line, "What we've got here is a failure to communicate."

We don't need no stinking badges! Well, maybe we do after all. Thanks to the efforts of the General District Court Committee and the receptive cooperation of the Sheriff's office, we now have attorney badges to avoid those hideous lines at the courthouse. To all who had a hand in this effort, kudos!

Are you crying? There's no crying in baseball! Maybe not in baseball, but the Juvenile and Domestic Relations Court Committee wasn't exactly enthralled when they discovered they had no electronic copy of the J&DR District Court Manual. The whole thing had to be retyped (this is why our friendly neighborhood technologist is always harping on redundancy!), but at least it's over and this hard working committee hopes to unveil the new manual this Fall as part of a CLE. Though they've worked on many things this year, that's the big kahuna, so keep your eyes peeled for that CLE come Fall. Thanks to **Kelly Hite** and **Karen Leiser** for doing such a great job with this committee.

Toga, toga! Every year, we have a most excellent adventure at the Bench Bar Dinner Dance and raise money for the Fairfax Law Foundation at the same time. Thanks go to all those who solicited and those who bought our wonderful Silent Auction prizes. I personally want to thank those who dared to dance with a President who has two left feet. There are indeed men of courage in the FBA. Look for next year's BBDD and come prepared to party! Togas optional.

I'm as mad as hell and I'm not going to take this anymore! Apparently, it was quite evident in my last President's column that I wasn't happy with the process of judicial selection in Virginia. From the scores of replies that poured into my inbox and voice mail, it appears most of the FBA members are equally unhappy with the current judicial selection process. At the April meeting of the Board, we established a Judicial Selection Task Force to examine this issue and to report its findings and recommendations to the Board, which will then decide what it wishes to do. Stay tuned and stay involved. There are a number of legislators on both sides of the aisle anxious to make the process more open and more merit based. Both the VBA and the VWAA have indicated a desire to work with the FBA as time goes by. If enough people shine enough light on this issue, Richmond may decide to clean house and lay claim to well deserved pride by doing so. Thanks to our past presidents for their sage advice and to our members for expressing their ardent support for tackling this important subject.

It's only an island if you look at from the water. Perspective is everything. For years, the law students at George Mason University remained a nearly untapped resource. The FBA is very grateful to the Young Lawyers' Section for engaging these students in a number of ways, tempting them with beer and food (hard to resist on a law student's budget—and a great motivator) and enlisting them as members of the FBA. We now have a healthy number of law student members and hope to attract still more during Spring exams. The Young Lawyers Section continues to be a vital part of the FBA and critical to its future. I personally wish to thank them for their involvement in the FBA when there are so many other demands on their time and pocketbooks. You have been one of my favorite parts of being president—keep up the great parties and the noble work!

You're going to need a bigger boat. Planning is important in any organization, but especially so with bar associations who now face the sharks of competing organizations and law firms which clutch their purse strings more tightly than in days of old. We are continuing to plan for an emphasis on member services, so that it would seem foolish NOT to be a member of the FBA. I won't recite the current list of benefits––it's on the website––but we are growing our services year by year. We

have a Strategic Planning Task Force, which is constantly striving to make sure we are heading in the right direction and, so far, it has charted our course well even without a sextant. Next year's President-Elect, **Steve Ray**, will be at the helm come July, so we are once again assured of smooth sailing.

Why don't they just mix the mayonnaise with the tuna in the can...HOLD THE PHONE! Why don't they just FEED the tuna fish mayonnaise! Call Starkist! Not all ideas are great, but having ideas—all kinds of ideas—means forward movement in a time when many bar associations are static in both membership numbers and functions. No bar association can survive these days without innovative ideas. The Strategic Planning Task Force has been great, but we need you too. All ideas are welcome. When you're brainstorming, you can't have too many ideas. The wheat and the chaff can be separated later. If you have ideas, for heaven's sake communicate them to a member of the Board!

Never send a human to do a machine's job. I have been accused of being Borg rather than human (though I don't *really* suffer withdrawal symptoms when away from my keyboard), but electronic efficiencies are imperative for all organizations today. I am happy to say that all of the FBA minutes (1999 forward) have now been digitized and are searchable. Thanks go to my faithful assistant Brooke for performing this less than fascinating task. The best news is that the FBA has now signed a contract with a website content management company and will shortly have the ability to control the content on the website itself, without requiring outside help. Some of you may know that Sensei has donated this service since 1997—so this was a big "Yippee!" for us. The new site will also allow Sections and Committees to have their own portions of the site, which they can update themselves. If you don't already know it, the FBA site gets more than 12,000 visitors a month!

Let's try it again...without the oops. I set a number of goals for myself at the beginning of my Presidency and I reached most of them. There's still one that, as of this writing, remains unmet. Though the Conciliation Program is running beautifully, we have not yet secured future funding for it. **Jay Myerson** has done an extraordinary job of coordinating this program and chasing down funds, but we've had (through no fault of Jay's) some false starts. We have some promising leads, but the fact is that we will run out of money on July 1st. So if you are involved with a friendly foundation that wants to do some good, call Jay!

Proximo, are you in danger of becoming a good man? We're fortunate in the FBA—you don't have to go looking far to find good men and women who devote their time to *pro bono* activities. Continuing thanks to **Arlene Beckerman**, our Director of *Pro Bono* Activities, who just celebrated her 6th anniversary with us, and to the *Pro Bono* Advisory Committee, ably chaired by **David Marks**. Our Neighborhood Outreach Program now serves 15 sites throughout Fairfax County. The "Wills on Wheels" project continues to serve many low-income elderly clients in senior centers and residences. The program maintains panels in the areas of consumer, employment, and housing law, as well as uncontested divorces. The Family Legal Assistance Project works toward placing contested family law cases with practicing domestic relations attorneys. The Nonprofit Legal Assistance Program, a joint project with the Young Lawyers Division of the Virginia Bar Association, continues to thrive by matching transactional attorneys with local nonprofits seeking corporate legal assistance. If your appetite to help others has been whetted, contact Arlene Beckerman at abeckerman@fairfaxbar.org.

Years ago my mother used to say to me..."In this world, Elwood, you must be oh-so-smart, or oh-so-pleasant." Well for years I was smart. I recommend pleasant. Some of the most pleasant people you could ever hope to meet work on the Law Related Education Committee, starting with its longtime chair, **Sonya Duchak**. A thousand thank yous Sonya, for staying on one more year for the sake of our friendship. For as long as I can remember, Sonya has been one of my heroes—she quietly works up a storm behind the scenes making sure kids are educated about the law. She and her hard working committee provided 62 court tours for 2,500 middle school students this year. They participated in 26 presentations at the three day county drug and alcohol prevention program for students charged with possession of drugs and/or alcohol on school property. They have done five plays for elementary school children. And they are the heart and soul of the FBA's participation in the Chocolate Lovers' Festival at the J&DR Courthouse, putting on mock trials and displays, as well as, for the first time, holding a teen driver's license ceremony and program. Bully for LRE, a shining star of the FBA!

Greed is good. I have news for Gordon Gekko—service is better. If the members of the Community Outreach Committee were motivated by greed, they wouldn't be there. These wonderful folks take at-risk kids to sporting and cultural events. They work with the families at Shelter House. They oversee the Rebuilding Together event each April. They run Focus Groups for the community, this year on the topic of Employment Law. They too work at the Chocolate Festival, as well as helping to select the winner of the Dennis Duffy Award. Gordon Gekko would never appreciate their labors—but these community service lawyers demonstrate the truth of another movie line—you've got to have heart.

Sell crazy some place else, we're all stocked up here. Some days, this feels like my personal motto. There is so much going on in the FBA that no part-time President can keep a handle on all of it. Whomever I have forgotten to thank, I apologize. There are just too many individuals, committees, and sections that all make wonderful contributions to the FBA. If you haven't yet become involved in the workings of the FBA, rectify that situation next year—there's something for everyone to do!

Just give me a comfortable couch, a dog, a good book, and a woman. Then if you can get the dog to go somewhere and read the book, I might have a little fun! Somehow, Groucho Marx never did seem like the library type! In case you haven't kept up with the status of our remarkable library, yes, we still have books. However, you will find more and more technology as well. The Fairfax County Public Law Library now serves more members of the public than attorneys though there are

plenty of attorneys there as well!

The library will have great space in the new courthouse and may possibly add weekend hours. Most notably, our law library has the best collection of legal resources outside of area law schools. Our collection is ably overseen by **Bobbie Denny** and her staff. We have been fortunate to have Bobbie with us for more than nine years now. She has supervised our very successful transition from all books to a more modern book and technology mix, often operating under severe budget constraints. Thanks for helping us morph, Bobbie!

Scotty, I need warp speed in three minutes or we're all dead. The FBA staff hears the equivalent of his line virtually every day. They cheerfully change directions, tolerate sometimes ill-mannered attorneys, and pick up the slack wherever they are needed. They have come together as a splendid team this year. **Yvonne**, who captains our crew, is known throughout the country for her skill as a bar leader. First mate **Courtnie** has evolved into a splendid officer. **Sandra** has proven a wizard at all sorts of functions and excels at every task she is given. And what would we do without the always reliable smile of **Gert** at the front desk? If you haven't thought to thank the staff lately for all they do, wander in sometime when you're in the courthouse. In the hurly burly of our lives, we sometimes forget to say thanks—and these are a remarkable group of women who run a fast-paced office with humor and grace.

Leave the gun. Take the cannoli. Some people are just full of good advice. I want to thank all the members of the Board for making themselves available to me throughout the year whenever advice was needed. Likewise, many, many past presidents reached out to assist me in understanding historical matters and helping me deal with the constant "crisis du jour." Thanks to all. If I ever have to "go to the mattresses," I'm going with you guys.

She is not perfect. You are not perfect. The question is whether or not you are perfect for each other. Having thanked so many people, I would be remiss if I did not thank **John Simek**, my husband and business partner. I'm not sure he knew marrying me meant marrying the FBA, but he has good-naturedly taken all manner of burdens on his slender shoulders so I could attend to my duties as president. Thank you my love. I rejoice every day that, as imperfect as we are, we are nonetheless "perfect for each other."

Just hand me "The Hitchhiker's Guide to the Universe." Ah, if only it existed. I can barely make it home with GPS. I can, however, tell you with pleasure that I leave the FBA in wonderful hands. President-Elect **Richard Ruddy** and Vice President **Steve Ray** have long been devoted FBA members who put in long hours on behalf of the bar association they love. They are great with numbers and helped the FBA survive the presidency of a woman who still struggles to reconcile her checkbook. Richard and Steve have been invaluable to the Board for many years and, under their stewardship, there is no doubt the FBA will continue to grow, prosper, and serve both its members and the public.

If Mama ain't happy, ain't nobody happy. A very true statement, as someone who has long been called "Mama Nelson" can attest. When I first took office, my friend and colleague, Paul Terpak, advised me to just have fun. I did exactly that, and this year has been an exceedingly happy one. More than a tad busy, but very happy. I have had a wonderful year and thank all of the members of the Fairfax Bar Association for their support and for the honor of serving as their President.

Now I'm going to do something I preached about in an earlier column. I am going to *"fac ut vivas."* If your Latin is rusty, that means "get a life!". ■

State of the FBA Budget

(continued from page 1)

One such revenue generating program is the Lawyers Referral and Information Service (LRIS). The LRIS instituted a percentage fee program in 2003-2004 and revenues are exceeding our projections. The LRIS has gone from a program the FBA subsidized to one that supports itself. We are also planning an aggressive advertising campaign that should increase public awareness of the service and, hopefully, increase LRIS revenues so it can help support some of the FBA's public service activities.

Our CLE programs are having a great year as well. We have had several successful programs this year including Motions Practice CLE, DWI CLE, and the Technology Committee Annual CLE. Additionally, the FBA now offers CLE programs on-line. You can view an array of CLEs, including our own FBA CLEs, via the Internet. It is projected that on-line CLEs will become a profitable venture as awareness of this program grows. I encourage everyone to support the FBA (and take advantage of your membership discount) by earning your CLE credits through the FBA's on-line and live CLEs.

This year, the FBA began a new affinity program. In an effort to serve our members better, we have teamed up with local merchants and service providers that have agreed to offer our members discounts on goods and services. This program provides revenues to the FBA in addition to discounts to our members. The number of affinity partners is increasing rapidly. You can visit the FBA's website (*www.fairfaxbar.org*) to view the list of membership discounts available. Please take advantage of the savings and, at the same time, support your local bar.

We have maintained and will hopefully increase our reserves this year. With guidance from ASC Advisory Group, Inc., and the FBA Investment Committee, the FBA has initiated and will continue to invest part of our reserves based on a carefully constructed asset allocation model that should provide resources to support the FBA in the future.

The Budget Committee has streamlined the budget process. It has already submitted a preliminary budget for the upcoming fiscal year to the Board of Directors, along with recommendations on how the FBA's financial outlook can be improved. I welcome your suggestions too. ■

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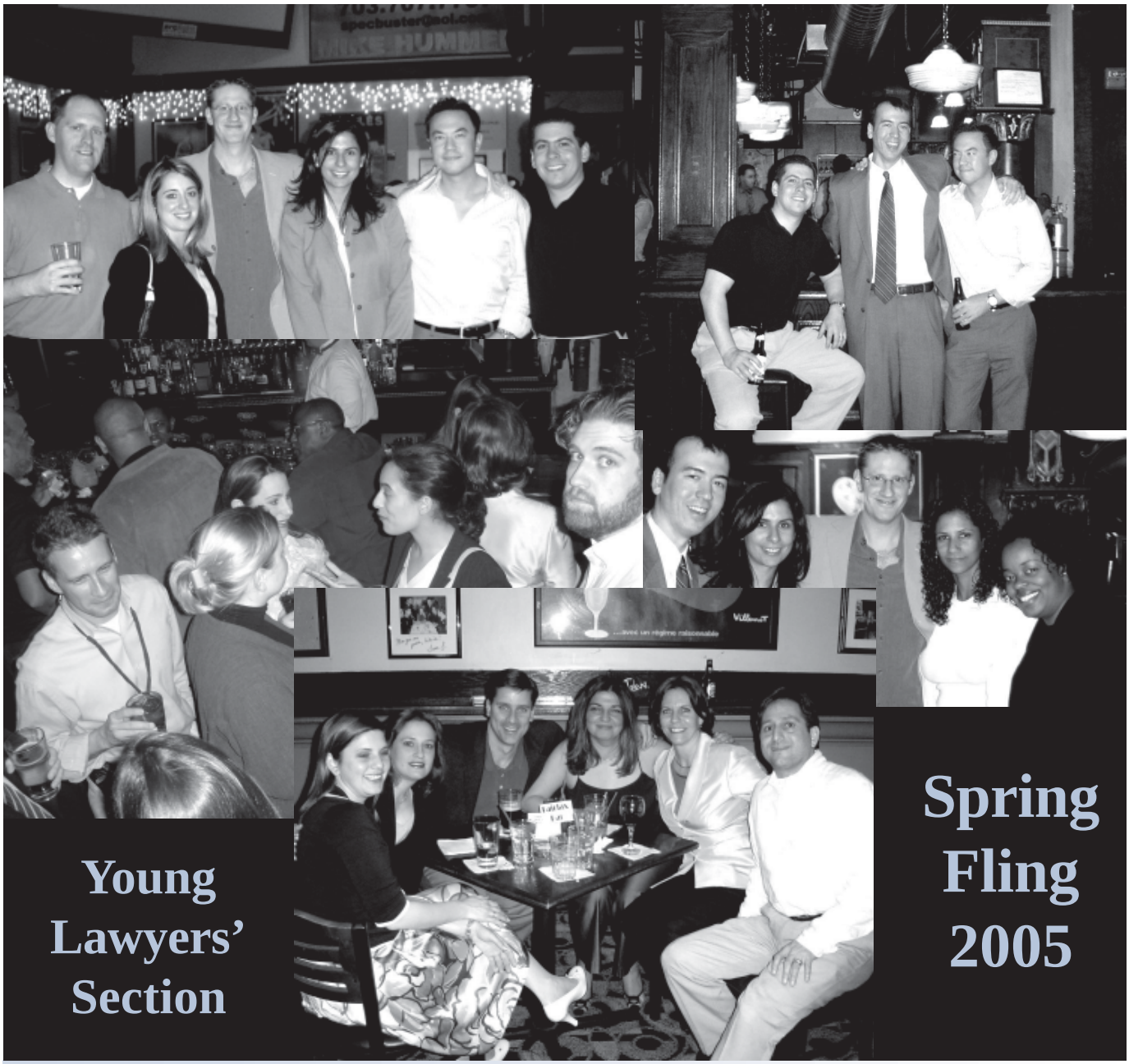

Young Lawyers' Section

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