

Convention, CLEs, Lawyerpalooza, Orientations, and All That Jazz...

A series of outstanding events was the hallmark of the FBA's Fall 2005 calendar. This edition of our Journal recaps the highlights of these exceptional programs. The FBA offers a special note of thanks to our members who supported us by planning, by participating, or by attending our events.



SAX APPEAL:

Why Jazz 4 Justice is the Hottest Ticket in Town

by Yvonne C. McGhee

All of the Hep Cats were in the house at George Mason University Center for Performing Arts on November 18, 2005, for Jazz 4 Justice 4. And, as in years past, the band was jumping and the house began to swing!

The award-winning "Jazz 4 Justice" is a dynamic partnership between the GMU Department of Music's Jazz ensemble and the Fairfax Law Foundation. This year's audience included judges, FBA members, GMU students and faculty, as well as members of the Northern Virginia community.

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High Jinks at the Homestead (and CLE Too)

by Edward J. Walinsky, Esq.

Luxury, fun, and practical CLEs: Who can ask for anything more? The FBA invaded the Homestead over Veterans Day weekend. The weather cooperated magnificently, and a good time was had by all.

Highlights of the weekend included the following:

CLE. A series of very practical CLEs, range from a "You be the Judge Challenge" to a session on computer evidence, in which everyone in the room outside of Sharon Nelson and John Simek realized how little they knew. Judges were frequent

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Annunziata Receives Jurisprudence Award

by Nicole M. Emard

On December 5, under a snow filled sky, the Fairfax Bar Association hosted a dinner at the Fairview Park Marriott to present the Honorable Rosemarie P. Annunziata, Senior Judge, Court of Appeals of Virginia, with their highest honor: The Jurisprudence Award.

The Jurisprudence Award recognizes exceptional contributions to our justice system. A singular honor, it is not presented annually, but only upon such occasions as the Board may find a fitting and appropriate candidate worthy to be awarded. Judge Annunziata joins ranks with a

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President's Column

by Richard John Ruddy, Jr.



Happy New Year!

As the clock rolls over to the New Year, people around the world commit themselves anew to personal, business, and spiritual goals for the coming year. As we begin the New Year, I want to shine a light on the direction, future, and commitment of your FBA.

Serving and Growing Our Membership. Serving our members is our single most important goal. Any new activity undertaken is viewed with that goal in mind, and all present programs must help us achieve that core goal in a meaningful way. If we successfully serve our members, our membership will grow.

Create and Foster Opportunities for Fellowship Among our Members. The downside to the FBA's growth over the last decade is a sense of disconnect among many members. From the Board, to the Committees, to the Sections, and to every FBA member who participates in any of the many FBA events, **we are committed to fostering fellowship among our members.** Luncheons, Committee meetings, Section activities, and special events all provide opportunities to connect with your FBA colleagues. You simply need to get involved at whatever level of commitment suits you and your schedule, show up, and participate.

Mentoring of Members. All of us need mentors, whether they be personal, career or spiritual, at every stage of our life. From top to bottom, the FBA is committed to helping you achieve your goals in both the FBA and your career. Let us know what interests you, and be persistent in asking for help. Moreover, **be a mentor to other FBA lawyers, young or old**, so they can enjoy similar good fortune.

Plan for Success, Expect Change, Learn from Failure. Change is inevitable as the years roll along, both in our careers and our personal lives. The FBA has experienced significant change from its inception over 50 years ago as a totally volunteer organization. Today we have a paid staff that includes 15 employees in the Bar Office, Law Library, *Pro Bono* Program, and Lawyer Referral Service, and an Executive Director who serves as our chief operating officer for day to day activities. We arrived at this point through thoughtful planning, **hard work by member volunteers**, and a bit of good fortune along the way. **We are planning for the decade to come**, and trust you will join us for the FBA's 75th anniversary.

Volunteer Your Leadership to the FBA. I started the year with a large white binder, a bunch of tabs, and an index on a single page. The index has expanded and the binder is bulging. By my count we now have 16 committees, 12 sections, several task forces, and successfully completed a Bench Bar convention and the Jurisprudence Award Dinner so far this year, and heck, we still have six months to go! None of the foregoing can happen without good leadership from **FBA** volunteers. **Make a resolution** this year, this month, **today and now, to get involved with your FBA** in some way meaningful to you. I pledge to you that you will be rewarded many times over, and in ways you cannot imagine.

God bless you and have a great 2006! ■

FAIRFAX BAR JOURNAL

*Official Newsletter of the
Fairfax Bar Association*

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SAX APPEAL

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Proceeds from this concert benefit the GMU Department of Music and the charitable, community programs sponsored by the Fairfax Law Foundation.

Thanks to the creative idea of Fairfax Law Foundation Vice President Edward L. Weiner, and the talented Jazz Ensemble of Dr. James Carroll, Jazz 4 Justice celebrated its fourth anniversary in the style and manner we have come to expect from the event. The event never fails to please the crowd, regardless of musical tastes.

The GMU Jazz ensemble is directed by Dr. James Carroll who has performed at such prestigious venues as Carnegie Hall, Hollywood Bowl, and The White House with such renowned performers as Woody Herman, Michael Jackson, and Nancy Wilson. Carroll is currently the leader and Artistic Director of the Metropolitan Jazz Orchestra.

This year featured a unique and eclectic assortment, ranging from perennial standards such as "Strike Up the Band" by George and Ira Gershwin, to more contemporary selections such as "West

Side Story" by Leonard Bernstein and "Fanfare for the Common Man" from Aaron Copeland. The audience was treated to an outstanding performance by Guest Soloist Harold F. Summey, Jr., and Alan Smith provided vocals on "That's Life."

And speaking of "Sax Appeal," Ed Weiner donned his white dinner jacket, took up the baton, and transformed into our own "Chairman of Jazz." Dazzling the crowd with his rendition of "In the Mood," Ed's performance was crowned with a bouquet of flowers at the end of his set from his lovely wife Maura and their two beautiful daughters, Maurissa and Brianna.

The Fairfax Law Foundation is the charitable arm of the Fairfax Bar Association, and it funds a *Pro Bono* Program that provides legal services for Fairfax County residents who cannot afford to pay for them. The Foundation also supports the Fairfax Public Law Library and various educational programs for Fairfax County students, including court tours and children's plays. In addition, the Foundation offers numerous scholarships and awards for area law students, including the prestigious Wilkins Scholarship.

16th Annual Newly Admitted Attorneys Orientation

by Jennifer Lattimore, Esq.

It's that time of year again—time to welcome our new members of the bar to the practice of law in Fairfax! In its continuing effort to welcome and educate the new members of the bar, the Young Lawyers Section of the Fairfax Bar hosted the 16th Annual Newly Admitted Attorneys Orientation Program on November 30, 2005, at the Fairfax County Circuit Court. The Young Lawyers host this event each year to introduce new attorneys to the bench, the Fairfax Bar Association, other new attorneys, and to the practice of law in Fairfax. In addition to receiving two CLE credits, every new attorney who attended received a packet of helpful practice materials, including the Administrative Procedures Manual of the Fairfax County General District Court, the Fairfax County Circuit Court's New Lawyer Orientation Information packet, the Fairfax County Circuit Court Policies and Procedures Manual, and an orientation packet from the Fairfax County Juvenile & Domestic Relations Court. In addition, Westlaw

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THREE STRIKES AND YOU'RE OUT:

Judges Talk About Technology in the Courtroom

By Sharon D. Nelson, Esq., and John W. Simek

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Recently, we had the pleasure of hearing the thoughts of three tech savvy judges about the use of technology in their courtrooms. Our thanks go to Judge Gerald Bruce Lee (EDVA), Judge Dennis Smith (Circuit Court, Fairfax, VA), and Judge Christina M. Habas (District Court, City and County of Denver) for their invaluable insights.

Three Strikes and You're Out!

We all know that technology is great when it works. But sometimes it doesn't. Here is Judge Lee's approach: "The first time you have trouble with your technology, I will amiably grant you a short recess. The second time, I will warn you sternly that it better be fixed, but I'll still grant you a short recess. The third time it fails, I am going to advise you that we are done with technology for the day and it's time to move on."

Crisis Management When Technology Blows Up

All judges offer the same advice: Be prepared to proceed without technology and don't let a jury see the extent of your discomfort. They will not have drawn any GOOD conclusions from your technical failures, but at least they can be impressed by how prepared you are to move forward. This means making sure you have paper handouts in case your carefully prepared technology goes up in flames.

What Do You Mean There's No Outlet?

You would think this would be obvious, but the judges say it happens all the time. In walk the attorneys with all their fancy equipment and they have no place to plug it in. Moreover, you have to **test** the outlet. The fact that it exists doesn't mean it has juice. This is especially a hazard for big city attorneys trying a case in rural court-houses. You need to get the lay of the land before the day of trial. Where do you have working outlets? How many extension cords do you need and how long should they be? Consider projector and screen placement. The microphone and audio connections. Don't forget your adapter cord so your battery doesn't run down. Carry surge protectors and a bootable operating system disk. Look for phone and ethernet jacks, if needed. Use wireless lavalier mikes so you can walk around easily. Make sure you have everything you need on your laptop, your case files, reference materials, and any software you may



need in court. Most well prepared attorneys sketch out any courtroom with which they are unfamiliar. Remember too that you will need setup time and may need to get into the courtroom early. Smaller courthouses can be interesting—in one case, a friend of ours was simply given the key to the courthouse so he could set up his equipment the night before. Don't count on that happening in a metropolitan area!

Did You Remember to Say "May I"?

Not all judges are enamored of technology in their courtrooms. Some are downright techno-phobic. We once lectured to a group of Circuit Court Judges from Southwestern Virginia about the use of computer reconstructions in court. Their collective response? "Not in our Courtrooms!" The times, they are a-changing, but not everywhere, and not as fast as legal tech warriors would like. Judges should be receptive to technology since most judges find that trial time is shaved by 25-33%. But in case they are not, make sure you have permission for the technology you intend to bring and that opposing counsel has been informed in writing of your specific plans to use technology. From the very beginning make sure the judge is alerted to your technology plans and signs off on them. File a Motion in Limine if needed to iron things out. If the plans change, advise the judge of the change. Judge Habas noted, "You don't become a trial judge because you're NOT a control freak." Make sure the judge feels fully informed and in control.

Judge Lee customarily sends counsel for both sides a letter asking them to come in for training on court technology. Remember, in some courts, you can bring in your own technology but in others you will have to work with the court's technology. Judge Lee notes wryly that he is the Chair of the Technology Committee for EDVA and doesn't even have a computer on his desk. He cautions that most judges, seeing technology in their courtroom, think "I never did this as a trial lawyer. I didn't need it." He further acknowledges good naturedly that "If they give me a disk and give me a flip chart telling me that's what is on the disk, I'm going to look at the flip chart and I'm never going to look at the disk."

The Power of Those in Uniform

Make sure you've dealt with any security issues. Sometimes you will need a court order to bring equipment in, or at least to notify security in advance so they can check with chambers. Given the current world climate, security officers are rather humorless and tend to see technology as potentially threatening. In the Eastern District of Virginia, your cell phones and palm pilots won't get past security, so you can imagine the difficulty of bringing in full scale presentation equipment. This is nothing you want to deal with on the morning of trial!

Things That Go *BOING!*

It is always wise to be prepared for the unexpected. One of our friends discovered to his dismay that IR ports (you'll have to have your tech department explain those) talk to each through line of sight—and when they make a connection they go “BOING!” Naturally, he discovered this at trial. Being a bright guy, he had along a roll of duct tape, which solves many perplexing technical problems (just ask McGuyver). He taped over the IR ports. However, the “BOINGS” continued unabated through the duct tape. Finally, he had to put inactive computers between the machines to stop the distracting noise. It was a long few minutes.

Practice, Practice, Practice!

There is nothing that looks worse to a judge or jury than a lawyer fumbling around with technology. As Judge Habas noted, the “Columbo” routine plays great on TV but it doesn't play well in court. If you can't manage it yourself, and the judges seem to agree that most lawyers can't, bring in an IT person with you. This will also keep you from being distracted by the very technology that is supposed to be helping you! Make sure your images are clear and sharp and that your text is large enough to be seen, even by those with poor eyesight. If you are going to use part of a video, make sure you can bring it up quickly without searching through it for the section you want.

MTV v. AARP Jurors

Technology presents an interesting dilemma when your jury, as is typical, consists of young people raised on MTV and fast-paced TV, and those who belong to the American Association of Retired People and happily eat discounted early bird dinners at 5:00 o'clock after scanning a large text menu through very thick lenses. Young jurors can keep up with fast moving presentations—slow presentations are likely to bore them and their attention drifts. They want a trial to move as quickly and slickly as “Entertainment Tonight.” On the other hand, the older jurors may not be able to read small text on a screen and moving too fast will lose them because they may

process information more slowly. Think of your trial as multimedia and play to both segments of your audience—use courtroom presentation technology but also provide exhibit notebooks with slightly oversized text for the jurors to pore over at their own speed.

What Can PowerPoint Presentations Do for Me?

Some attorneys love them for opening statements and closing arguments, believing their finest function is to tell a story. Others love them for exhibits. Judges Lee and Habas both agreed that the attorney with the best opening statement usually wins, so perhaps that's a good place to focus your efforts. PowerPoints are often over-used and badly used. A jumble of text on a screen doesn't help you. It's often more effective to hand photos to a jury than to flash them onscreen. Give each juror an exhibit notebook for added impact. Don't forget timelines, both onscreen and in a trial exhibit notebook—jurors absolutely love them. For many judges and jurors, timelines are what brings a case together in a cogent way. Use your PowerPoint to full capacity, with arrows, and color fill-ins to show, for example, what portion of an organ was destroyed. There are some great books on using PowerPoint in a courtroom—that's reading you can use.

Objections to Courtroom Technology

When a judge doesn't like something you're doing with technology, the all-purpose foundation objection works well. As Judge Habas noted, it is the catch-all objection and sustaining it is often the judge's way of saying, “I don't know what is wrong with it, but I don't like it.” Make sure, if you're using computer simulations, that there is a clear disclaimer explaining that it is a simulation and not real. State judges in particular seem concerned about jurors becoming confused. In Virginia, Judge Smith notes that there are very strict rules about reconstructions: “You've got to account for all variables—and that's very hard. In a judge trial, the judge will usually view the evidence, but a judge will also be a strict gatekeeper in determining whether such evidence will go to a jury—know your Daubert!” Judges also worry about parties with significant resources having access to compelling technology while the other side may not. Sometimes the court can offer its own technology to the other side, and this may ameliorate the problem, but the lawyer on the other side may still lack sufficient expertise to use the technology effectively.

Tips and Tricks

Some attorneys tend to look at their PowerPoints and not at the jury. Mistake, mistake, mistake. When you bring up the first slide, look at the jury and ask if everyone can see it. Wait for their assent before continuing—it makes

them feel included and they appreciate the consideration. If you need to glance at the PowerPoint, do so briefly and then return your attention to the jurors. Don't do anything that requires dimming the lights after lunch. You're sure to encourage siestas. Also, don't start using any technology at the point where jurors are antsy to go home for the day. They will be impatient and unreceptive.

If you are using video depositions, think about the staging. A doctor who is your witness should be in a white coat with diplomas hanging prominently in the background.

Courtroom technology should be seamless and not distracting. Use call-outs (this is like those bubbles of text you see in comic strips) of specific documents as well as highlighting—this has a great impact on juries and brings your point home. But don't overdo it and lose that impact.

Parting Advice

From the judges, who have seen it all when it comes to electronic evidence, some sage counsel for everyone: Never say anything in email you don't want to explain to a grand jury!

The authors are the President and Vice President of Sensei Enterprises, Inc., a legal technology and computer forensics firm based in Fairfax, VA. 703.359.0700; www.senseient.com.

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High Jinks at the Homestead...

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participants in all phases of the CLEs: both speaking on panels and asking questions from the audience. Attendees heard Judges time and again stress the fact that they do not know everything, and depend on the Bar to present not just the facts but the relevant case law as so many questions become more and more complicated to analyze. One of the most important benefits was the binder containing the expertly prepared outlines. Not only were the speakers entertaining and informative, but the outlines will serve as a future resource as well.

Fun. When participants weren't partaking at the CLE buffet, they were enjoying several activities planned for their benefit. The golf tournament, as always, was a huge success, and the Friday evening Casino Night was professionally run. Of course, the croupiers also let lawyers-amateurs take a shot at dealing. It is amazing how many lawyers can't count to 21.

Eating and Drinking. The Homestead is famed for its hospitality for the stomach. From the over the top breakfast buffet to the action on the dance floor and in the lounge, the resort outdid itself. Participants had well catered meals provided for them, although some explored on their own and ended up sampling some of the other fare available. All reports were positive, both in terms of quality and quantity.

The resort amenities also got used. Some people curled up with laptops; some sipped high tea. Some indulged in skeet shooting, and others traipsed around the property. Along with the traipsers were those who sought foliage and those who sought sales in the variety of shops.

Camaraderie. Perhaps the most

important result of the convention was the demonstration of the mutual respect of Bench and Bar. Lawyers and judges interacted fairly seamlessly. From Hon. Bruce Bach telling stories out of school about the Virginia court system, to Richard Ruddy's President's Party being shut down due to too much noise, the informal conviviality of the weekend demonstrated that attorneys could get along with each other and with judges as individuals. Let's hope this extends to future Fridays.

Special mention should be made of the sponsors of the convention.

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It should also be noted the convention attendees also heard from Hon. Bobby Turk, a Circuit Court judge from Montgomery County, and local delegate Brian Moran (D-Alex.) who exposed the participants to viewpoints we would not ordinarily receive in CLE. The Fairfax Bar Association is large and diverse. At its root, however, it is composed of folks who work hard, like to have fun, and can actually get along together. This convention proved that in spades, not to mention hearts, diamonds and clubs. ♦

Courts Expansion & Renovation Project Update

by Ellen von Hully Bronson

- Construction Project is on schedule and on budget. Construction is currently 30% complete. Total Project Estimate for construction is \$115 million. Funding for furniture and courtroom technology is currently under review by Department of Management & Budget.
- Phase I which includes the Expansion is scheduled for substantial completion in January 2007.
- Phase IB which includes finishing of some of the not public spaces in the Expansion as well as changing the main entrance, moves of staff from the Jennings into both temporary and permanent space in the Expansion is scheduled to be complete by May 2007.
- Phase 2 which is the renovation of the Jennings Building is scheduled for completion in March 2008. Renovation does not include the existing courtrooms.
- Monthly updates including photos of construction progress can be seen on our website. Website is updated monthly at the beginning of the month.

<http://www.co.fairfax.va.us/dpwes/construction/courtsexp/>



Photo by Rick Thornton ©2005

2005 FAIRFAX BAR ASSOCIATION FALL CONVENTION GOLF TOURNAMENT

by Robert S. Letnick

The 2005 Fairfax Bar Association Fall Convention Golf Tournament was held at The Old Course at The Homestead on Saturday, November 12, 2005. The format of our tournament was a Captain's Choice (scramble), with 37 golfers participating in this tournament. While the weather can be a factor in any golf tournament scheduled during the second week of November, the players were treated to a near perfect sunny Fall day in the sixties as requested by the Director of the Fairfax Bar Association Yvonne McGhee.

The first place team at 11 under par was the team of John Jacob, Christopher Malinowski, David L. Marks, and Robert S. Letnick. Second place at 8 under par was the team of Linda Wood, Charlie Wood, Mason Cauthorne, and Steven W. Ray. Two teams tied at 6 under par and in a match of cards, Donald E. Anderson, Phillip S. Gross, Christopher Mays, and Richard F. Dzubin received third place.

The women's long drive competition and the women's closest to the pin competition were both won by Beverly White. The men's long drive competition was won by Kevin F. DeTurris, and the men's closest to the pin competition was won by Paul Kleinhample.

After a great day on the golf course, the participants were treated to a series of raffle items, which included golf clubs, golf bags, golf shoes, and golf balls.

The next scheduled golf event to be sponsored by the Fairfax Bar Association shall be the 2006 Fifth Annual Memorial Golf Tournament at Westfields which is scheduled for Monday, May 15, 2006, at 1:00 p.m. Please mark your calendar and plan to participate in this yearly golf outing of the Fairfax Bar Association. ■

SAVE THE DATE—March 8, 2006 Retirement Luncheon in Honor of Judge Jane P. Delbridge

Judge Jane P. Delbridge of the Fairfax Juvenile Domestic Relations District Court has officially announced her intention to retire effective January 31, 2006, after 23 years of dedicated service to the citizens of Fairfax County. Please save the date of Wednesday, March 8, 2006 and plan to attend a luncheon celebration at the Country Club of Fairfax.
More details will be forthcoming.

REMEMBERING MY BROTHER KEN

by Edward L. Weiner, Esq.



Kenneth R. Weiner
1945-2005

My appreciation is very sincere to all members of the Bar Association who memorialized my brother Ken's life with heartfelt and generous contributions to the Law Foundation. I thank you for the tribute you afforded him in his passing and appreciate the friendship you extended to him in his life.

Ken's dedication to the law profession was constant. May his legacy live on for his willingness to guide young attorneys and for his compassion to help those less fortunate in our community.

I am proud of my brother for his character and good deeds. I am proud to be a member of the Fairfax Bar for its character and good deeds. The compassion and kind words to my family and me during the past year has softened the flow of our loss.

When a loved one passes away you don't "get over it" by forgetting; you "get over it" by remembering, and by remembering, you become aware that no person is ever truly gone once they have been in our life.

Thank you for your remembrance of Ken. ■

Newly Admitted Attorneys

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generously provided the attendees with a complimentary tote bag, which many found useful in carrying all of their newly acquired materials.

We were honored to have the Honorable Jonathan C. Thacher from the Fairfax County Circuit Court speak candidly about the role of an attorney as an officer of the Court. One of the many pieces of advice Judge Thacher offered was to avoid practicing law "like you're passing through town." He focused on the importance of treating one another with respect and civility, recognizing we are building relationships that will last a lifetime—relationships make the difference between a pleasurable experience and a difficult one down the line. The Honorable Charles J. Maxfield from the Fairfax County Juvenile & Domestic Relations District Court spoke about the importance of ethics and honesty in the practice of law. Judge Maxfield emphasized the importance of being honest even when no one else was looking. Finally, the Honorable Donald P. McDonough of the Fairfax County General District Court discussed preparation and professionalism, and reminded the young lawyers that reputations are built during each and every appearance in court. The Young Lawyers Section of the Fairfax Bar offers a special thanks to Judge Thacher, Judge Maxfield, and Judge McDonough for donating their time to speak with us despite the many demands on their schedules.

Following the judges, Richard Ruddy, Jr., President of the Fairfax Bar Association, emphasized the importance of getting involved in the Fairfax Bar Association. He was assisted by Daniel Ortiz, President-elect of the Young Lawyers Section,

who described many of the exciting annual events hosted by the Young Lawyers Section. Some of the events include "Lawyerpalooza," a volleyball event held in early Fall that brings lawyers, judges, and family together in a fun and relaxed environment to network and socialize, a "Breakfast with the Judges" event, which is designed to give young lawyers an opportunity to meet some of the Fairfax County judges outside of the courtroom; "Running from the Law," an upcoming 5K run through Fairfax City, and the Gold Cup event held in May, among others. Both Ortiz and Ruddy emphasized that young lawyers are automatically members of the Young Lawyers Section and invited them to get involved with the Fairfax Bar immediately. Ruddy also shared some information on the various committees and sections of the Fairfax Bar, and sign-up sheets were provided for the participants to select the committees and sections they are interested in joining.

Perhaps the most immediately useful portion of the program was the tour provided by the Fairfax County Circuit Court and General District Court employees. Ms. Terri Lumsden took the young attorneys on a tour of the Fairfax County Circuit Court to critical places such as civil filing, land records, the Fairfax Bar Association office, and the civil records office. The young lawyers were introduced to supervisors in each department so that they will know who to contact when questions arise. Ms. Suzy Swain guided the young lawyers through the Fairfax County General District Court, showing them where to find the docket (including how to read it and determine whether you have time for coffee before appearing—very crucial indeed), how to use the fancy new electronic docket boards, where to go with traffic matters and how to avoid the crowds, civil filing and records, as well as who to

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Jurisprudence Award

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select group of prior recipients: the late William G. Plummer (1991), former judge of the 19th Judicial Circuit; Justice Barbara Milano Keenan (1995) of the Supreme Court of Virginia; famed Richmond civil rights attorney Oliver White Hill (1996); Senator Joseph V. Gartlan, Jr. (2001), and most recently the Honorable Harry L. Carrico (2003), Senior Chief Justice, Supreme Court of Virginia.

Judge Annunziata has been a dominant figure on the Virginia legal landscape. She was honored for her work not just as a Circuit Court and Court of Appeals jurist, but also as a major contributor to community activities. Judge Annunziata began practicing law in 1978; she was appointed as a judge of the Fairfax County Circuit Court in 1989, and to the Court of Appeals bench in 1995. Prior to her appointment, she served on the Fairfax County Planning Commission and acted as counsel and hearing officer for the Fairfax County Civil Service Commission and the Commonwealth of Virginia.

The program commenced with a welcome by FBA President Richard John Ruddy, Jr., before turning the event over to Glenn C. Lewis as Master of Ceremonies for the evening. Mr. Lewis commented "It was a great evening for Judge Annunziata to be named to this award and she is befitting of it."

The Honorable Becky J. Moore of Alexandria General District Court presented Judge Annunziata with a Resolution on behalf of the National Association of Women Judges.

Throughout the program, the attendees were treated to personal and professional insights into Judge Annunziata's years on the bench. Special Guest Speakers included Hon. Michael P. McWeeny, Chief Judge, Fairfax County Circuit Court and Hon. Gerald Bruce Lee, U.S. District Court for the Eastern District of Virginia, who graciously stepped in for Virginia Supreme Court Chief Justice LeRoy R. Hassell, who was unable to attend due to the weather.

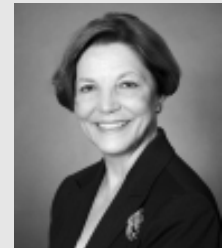
The Honorable Johanna Fitzpatrick, Chief Judge, Court of Appeals of Virginia, provided a unique perspective of Judge Annunziata as a fellow appellate court judge, a colleague, and friend, stating: "She is simply a spectacular person, both in her professional and personal life."

The keynote address of the evening was delivered by the Honorable Anthony M. Kennedy, Associate Justice, United States Supreme Court. Kennedy was brought to the podium by long time friend Jason D. Smolen. Kennedy's comments extolling the American Judicial System and our respect for the rule of law blended perfectly with the virtues embodied by

Judge Annunziata and her service the bench as described the earlier speakers. The 300+ attendees were captivated by Kennedy's address.

At the conclusion of Justice Kennedy's remarks, Glenn C. Lewis and Richard John Ruddy, Jr., presented the Jurisprudence Award to Judge Annunziata. Her personal message to the FBA follows below.

With so many luminaries, distinguished guests, colleagues from her career, and Annunziata family members in attendance, it truly was an unforgettable evening. ■



Judge Annunziata's personal message to the FBA:

Dear Members of the Fairfax Bar,

I, again, express my deepest appreciation to you for honoring me as the recipient of the Jurisprudence Award and for hosting an extraordinary award dinner with a roster of extraordinary speakers. I enjoyed every moment of it, as did my family. I was particularly delighted to have the opportunity to be with and talk to so many members of the Association and to celebrate with them!

I also want to thank you for giving me a beautiful Orrefors crystal bowl engraved with the date and name of the award to mark the occasion. I have been admiring Orrefors crystal for years; this is my first and only piece, so fitting in light of the unique and memorable event the evening proved to be! I am so happy to have the bowl in my home!

Let me state again some of the remarks about the Award that I made at the dinner. I meant them sincerely and they bear repeating.

[P]art of the honor [that this Award brings] surely belongs to you. The achievements of the Bar are legion. Its members have led the state in improving access to the court, in assuring that the rights of all people, particularly the disadvantaged and the marginalized, are respected, in underscoring the importance of an independent judiciary, in serving the public interest by offering a number of routes to resolving conflict peacefully, by regularly volunteering to assist the homeless and the helpless, by consistently standing up for what is right, and by taking the hard cases. In short, you have been engaged and valuable partners with the judiciary in assuring that justice is done. I want to share the honors this evening by mentioning these achievements because, over the years, the members of this Bar, by their example, have helped form me as the lawyer and judge I have become. This association set the standard; I simply tried to meet it. And because you have been my home professionally, this award is all the more meaningful.

That said, let me simply thank you again for honoring me in this way, and for your support, encouragement, good wishes, and friendship.

Rosemarie P. Annunziata

NEWLY ADMITTED ATTORNEYS

continued from page 8

go to with questions. The tours were extremely helpful, even to those of us who already know, or should know, the courthouse well (such as ahem, myself).

After the tour, young lawyers were guided through the administrative process of each Court by John Frey, Clerk of the Circuit Court, Nancy Lake, Clerk of the General District Court, and Jennifer Flanagan, Clerk of the Juvenile & Domestic Relations Court. Finally, Sergeant Dave Bell of the Fairfax County Sheriff's Department took the young lawyers through the service of process procedures for persons and corporations and explained the different types of service, such as in person service, substituted service, and service by posting.

The Honorable R. Terrence Ney of the Fairfax County Circuit Court closed the event with inspiring words and helpful hints aimed at preparing young lawyers for situations that they would face in the practice of law but had not been taught in law school. For instance, Judge Ney showed everyone which table to sit at when representing a defendant or plaintiff in any particular case, how to address a judge, how to cite a case, and where to look and where not to look when asking a witness questions. While these may seem to be rudimentary concepts, Judge Ney stressed these points because new and old attorneys forget these basics everyday.

The fun continued at the Auld Shabean, where members of the bar and bench gathered to raise a glass to the newest members of the Fairfax legal profession.

In a four-hour period of time, the new attorneys who attended were given a crash course in practicing law in Fairfax County. They heard from various angles of experience and received important practical, as well as philosophical advice. Perhaps most importantly, these new attorneys can now place several faces with three different courts, and when they run into the inevitable crises that face all new attorneys, they know who they can approach for help. Thank you to everyone who made this a successful event. As one of the new attorneys in attendance, I can say without reservation that the thirty dollars I spent to attend was money well spent.

Ms. Lattimore is Law Clerk to the Honorable Dennis J. Smith at the Fairfax County Circuit Court and a 2005 graduate of George Mason University School of Law. She was just admitted to the Virginia Bar in October 2005 and is a Board member of the Young Lawyers Section of the Fairfax Bar. ■

Fairfax Bar Young Lawyers Lawyerpalooza 2005

by Audra Hale-Maddox, Esq.

The 2005 Fairfax Young Lawyers' Lawyerpalooza was another rousing success. Lawyerpalooza, held on Saturday, September 24 at the home of the Fairfax lawyer Paul Terpak, provided a great opportunity for young lawyers, their families, judges, and other Fairfax attorneys to mingle, listen to music, and compete on the volleyball court. The Fairfax Bar Young Lawyers Section has hosted Lawyerpalooza annually since 1995. Approximately 50 people attended the event, despite occasional rain showers.

This year the Public Defender's Office team, led by Todd Petit and Jim Freeman, won the volleyball tournament, breaking the string of past victories by the Circuit Court clerks'

team. The Tournament trophy will be engraved with the new winner's name and then will remain on display at the Public Defender's office until next year's competition.

Party-goers were rewarded with a wide range of door prizes, donated by generous supporters of the Fairfax Young Lawyers. **Chipotle** donated certificates for 5 burritos, **Caribou Coffee** donated 3 bags of fresh ground coffee, **Vinnie's Restaurant** in Fairfax donated a \$25.00 gift certificate, and **Steve Makranczy**, licensed massage therapist, donated a 60-minute massage. Two tickets to the Orioles v. Yankees game were donated, **Coyote Grill** donated a \$30.00 gift certificate, and the **Essential Grill** in Tysons Corner donated a \$50.00 gift certificate.

The Fairfax Bar Young Lawyers greatly appreciate the sponsorship of the following firms (in alphabetical order): **Blankingship & Keith; Condo, Roop, Kelly & Byrnes; Culin, Sharp, Autry & Day, P.L.C.; Robert D. Dain, Esq.; Greenspun & Mann; Law Office of R. Craig Jennings; Law Office of David L. Marks; Reed Smith; Trichilo, Bancroft, McGavin, Horvath & Judkins; and Womble Carlyle, PLLC.** A special thank you also goes to **Paul Terpak**, who graciously provided his home for the event. ■

Announcements

Law Offices of George M. DePolo, P.C., is pleased to announce that **Mary Grace A. O'Malley, Esq.** has joined the firm. Ashton Professional Center, 9843 Business Way, Manassas, VA 20110; 703.369.1987; fax: 703.369.3930.

Hale, Hassan, Carlson & Penn, PLC is pleased to announce that **Kimberley Ann Murphy, Esq.**, has become a member of the firm. 10511 Judicial Drive, Fairfax, VA 20030; 703.591.4900, www.valawyers.com.

Mark T. McDermott has opened a new office in Washington, D.C. He will continue to practice in the areas of adoption law, aviation law, and litigation. 910 17th Street, NW, Washington, DC 20006; 202.331.1440; fax: 202.331.1442, mcdermott@mtw-law.com.

Fairfax Circuit Court Motions Procedures Update

In recent months, the judges of the Fairfax Circuit Court have noted a significant decrease in the bar's compliance with the long-standing motions procedures of the court, especially those relating to motions requiring briefs. This aspect of our motions procedures is premised upon three basic principles: (1) that judges make better informed decisions when substantive matters are appropriately briefed; (2) that when an attorney takes the time to write a brief, the attorney deserves to have it read by the judge; and, (3) that the briefs filed by the attorneys must be limited to the number of pages and filed by the deadlines set out in Supreme Court Rule 4:15 so that the judges will have the time to read all of the briefs filed by the attorneys in advance of each Friday motions dockets. The following practices have increased recently, thus causing difficulties for the judges:

- (1) Attorneys not filing responses to two-week motions or filing them on an untimely basis. Attorneys are required to file oppositions to all two-week motions no later than the Friday one week before the hearing. On an average Friday, each judge has 10-13 two-week motions on that judge's docket and the judges need the oppositions to be timely filed in order to have time to review them.
- (2) Incorporating legal authorities and arguments into multi-page motions that are not placed on the two-week docket. As the judges do not receive the files for motions that have not been placed on the two-week docket until the day before the hearing, this practice prevents the judges from giving these motions the careful consideration they deserve. When legal arguments with authorities are presented, the motion should be noticed for the two-week docket.
- (3) Movants filing reply briefs to two-week motions. Reply briefs can only be filed in cases where the motion has been placed on a long-briefing schedule by a calendar control judge. That way the judge will have more than the two to three days that the judges have to review all of the memos submitted in support of and in opposition to two-week motions.
- (4) Opponents filing memos in opposition to one-week motions. If an attorney wishes to file an opposition to a one-week motion, the attorney should contact opposing counsel and the two attorneys should either contact the law clerk of the judge who has the case on that Friday's docket so the case can be continued to the two-week docket on another Friday, or if the attorneys cannot agree, should contact the calendar control judge who will determine whether the case will be reset on another Friday.
- (5) Attorneys calling discovery disputes motions in limine or motions for sanctions in order to avoid placing motions on the two-week docket. All discovery disputes must be noticed for the two-week docket. If any sanction under Rule 4:12 of the Supreme Court Rules is requested, the motion pertains to a discovery dispute notwithstanding the title of the motion.
- (6) Noting on the praecipe/notice that a particular judge must hear the motion. The judges are committed to preventing judge shopping in our court. Just because a judge has heard a prior motion or rendered a ruling that touches on the subject matter of a pending motion does not provide a basis for representing that the judge must hear the then pending motion. You may designate a particular judge only when (1) the Chief Judge has assigned the judge to hear all matters in the case; (2) that judge has advised counsel that a particular motion should be noticed for that judge's docket; or (3) when the case is on the docket for the presentation of an order reflecting that judge's ruling at a trial or other hearing.
- (7) Contacting a law clerk of a judge to seek assignment of a judge to a particular motion. Obviously, no such *ex parte* communication from one side would ever be appropriate. Moreover, if both sides believe that a particular judge should hear a motion, a request should be forwarded in writing to the Chief Judge who will determine if the request will be honored.

The motions procedures of the Fairfax County Circuit Court have been so successful that they were incorporated into Supreme Court Rule 4:15. Adherence to the letter and spirit of the procedures by both the bench and the bar will assure that resolution of all motions in our court can be promptly and appropriately determined. The judges request the cooperation of all members of the bar in assuring compliance with our motions procedures.

The Judges of the Fairfax County Circuit Court

Upcoming Events

State of the Judiciary Luncheon

February 2, 2006

Country Club of Fairfax

Noon—Social Reception

12:30 p.m.—Lunch

featuring updates from the

Fairfax Chief Judges

Hon. Gayl B. Carr, J&DR Court

*Hon. Donald P. McDonough, General District Court
and*

Hon. Michael P. McWeeny, Circuit Court

The James Keith Award

will be presented to

William “Bill” L. Schmidt

\$27.50—FBA Members

\$32.50—Non-Members

\$5.00 late fee for registrations received after January 23, 2006

FBA “Snow Ball” Bench & Bar Gala

Saturday, March 4, 2006

6:00 p.m.—Reception & Silent Auction

8:00 p.m.—Dinner

McLean Hilton, 7920 Jones Branch Drive

McLean, Virginia

Portrait Presentation to Hon. Jane P. Delbridge,

Fairfax Juvenile and Domestic Relations

District Court

9:15 p.m.

Dancing to the band “Spectrum”

\$125.00 per person

\$100.00 per FBA Young Lawyer Member

**To register, contact the FBA at
fba@fairfaxbar.org**



Fairfax Bar Association

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