

JOURNAL

Newsletter of the Fairfax Bar Association

www.fairfaxbar.org

December 2008/January 2009



FAIRFAX LAW FOUNDATION

Leaders for 2008-2009



David J. Gogal, President

David J. Gogal is a principal in the law firm of Blankingship & Keith, P.C., in the City of Fairfax. He is a commercial litigator with 20 years of trial practice, primarily before the United States District Court for the Eastern District of Virginia, as well as the Virginia State Circuit Courts in Northern Virginia. He has had considerable appellate experience arguing before the Supreme Court of Virginia, as well as experience with the United States Court of Appeals for the Fourth Circuit. David served for six years on the Fifth District Disciplinary Committee for the Virginia State Bar, including terms as Chairman and Vice Chairman, and is currently a member of the Standing Committee on Professionalism. He has been an active member of the Fairfax Bar Association, serving as Vice-President, Treasurer, Secretary, Member of the Board of Directors, Chair of the Circuit Court Committee, Chair of the Legislative Committee, Chair of the Law Library Committee, and a member of the Judicial Screening Committee. He is also a Co-Editor of the *Fairfax Circuit Court Practice Manual* (2002, 2004, and 2007 Editions). *continued on page 12*



Timothy J. McEvoy, President-Elect

Timothy J. McEvoy is a principal at Odin, Feldman & Pittleman, P.C., and a native of Fairfax County. A former state and federal prosecutor, Mr. McEvoy regularly handles matters related to inter- and intra-corporate disputes, trust and estate matters, officer/director/fiduciary litigation, federal criminal issues, and a variety of other commercial and employment matters. Mr. McEvoy has been named to *Virginia Business* magazine's "Legal Elite" three times since 2005 and has received the Fairfax Bar Association's "President's Award" for Outstanding Service in both 2007 and 2008.



Gerard M. Stegmaier, Secretary

Gerard M. Stegmaier is an attorney in the Washington, D.C. office of Wilson Sonsini Goodrich & Rosati, where he is a member of the litigation practice and leads the firm's Washington, D.C. privacy and information governance practice. His experience includes corporate governance, intellectual property, and Internet cases and matters, especially as they relate to privacy, information security, and consumer protection—successfully defended Google in a case of first impression in which the Supreme Court of Virginia affirmed statutory immunity for an interactive computer service provider under Virginia's equivalent of the Communications Decency Act. He has served as an adjunct member of the law faculty at George Mason University School of Law since 2001, where he has taught courses in privacy, information governance, consumer protection, and securities regulation, and also has lectured at George Washington University. The International Association of Privacy Professions has designated Gerry as a Certified Information Privacy Professional. For many years he served on the Virginia Legislature's Joint Commission on Technology & Science Privacy Advisory Committee, and he remains active in the Northern Virginia Technology Council.

President's Column

by Julie H. Heiden

PEACEFUL PASSAGE

On January 20, 2009, the United States of America will observe the peaceful passage of power to our first African-American President, Barack Obama. Democrats and Republicans alike should all celebrate this historic event which represents a powerful statement of our nation's progress through the civil rights struggles we have endured.



As John McCain so eloquently stated in his concession speech:

"A century ago, President Theodore Roosevelt's invitation of Booker T. Washington to dine at the White House was taken as an outrage in many quarters.

America today is a world away from the cruel and frightful bigotry of that time. There is no better evidence of this than the election of an African-American to the presidency of the United States."

Barack Obama has taken the media by storm and excitement is filling the air as we anticipate this inaugural event. The inauguration, themed "A New Birth of Freedom" is an important reminder for us to reflect on those significant legal milestones of our country's past which set the stage for this ultimate triumph of civil rights to occur.

We should not forget the significant role United States Attorney General Thomas Campbell Clark played in 1948 when he signed an *amicus curiae* brief in Shelly v. Kraemer, which signaled the federal government's symbolic support for the NAACP strategy.

Nor should we forget the 1950 case McLaurin v. Oklahoma State Board of Regents which invalidated segregation in graduate school, and Sweatt v. Painter which invalidated segregation in law schools. These opinions demonstrated and disapproved the genuine harms of racial segregation.

When the great legal minds of Charles H. Houston, Thurgood Marshall, William T. Colman and many others on the formidable legal team strategized the Oliver Brown, et al. cases, I wonder if they were able to fully anticipate the great effect the ultimate decision of the Supreme Court of the United States would have as the foundation for shaping our nation's policies regarding human rights. Brown v. Board of Education was a critical catalyst for initiating social and educational reform throughout the United States.

A reflection of these milestones attest to the fact that the evolution of civil rights in the United States was spearheaded by members of our noble profession through the legal processes which we all participate in on a daily basis.

Great minds effected change in the United States so that ultimately an African-American, a fellow lawyer, Barack Obama, could find his way to the White House. ■

FAIRFAX BAR JOURNAL

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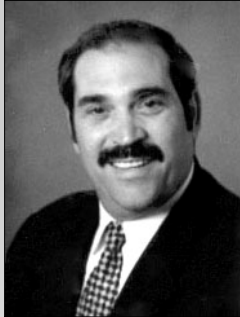
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FAIRFAX LAW FOUNDATION

Leaders for 2008-2009

continued from page 1



Luis A. Perez, Treasurer

Luis A. Perez is a solo practitioner at the law firm of Luis A. Perez, P.C., in Falls Church, VA. Mr. Perez received his J.D. with honors from the University of Puerto Rico and an LL.M. in Tax Law from Georgetown University. Since 1993, he maintains a litigation practice focused on domestic relations, juvenile, and criminal law. He is active with the Fairfax Bar, the community, and the J&DR District Court. He is Chairman of the J&DR District Court Committee, Treasurer of the Fairfax Bar Law Foundation, and Past-President of the Hispanic Bar Association. He serves on numerous boards and foundations focusing on *pro bono* services, juvenile education, and violence prevention. For his outstanding contributions, Mr. Perez received the 2007 James Keith Public Service Award from the Fairfax Bar Association.

Peter D. Greenspun, Immediate Past-President



Peter D. Greenspun practices with the firm of Greenspun, Shapiro, Davis & Leary, P.C., in Fairfax, VA. A native of Philadelphia, PA, Peter graduated from LaSalle College with a Bachelor of Science Degree in 1975 and obtained his *Juris Doctor* from George Mason University School of Law in 1978.

Widely considered by his peers as an expert litigator, Peter has advocated for the rights of his clients in criminal and civil matters ranging from the simplest to the most complex. With 30 years of experience trying countless cases, Peter has obtained exceptional results in local, state, and federal trial and appellate courts.

Since 1997 Peter has repeatedly been recognized by the *Washingtonian* magazine as being among the best lawyers in the Washington, D.C. Metropolitan area. In December 2007, he was the highest ranked Virginia lawyer at number 14. Peter also has been listed in the *Best Lawyers in America* since 1999, and has been listed by *Virginia Business* for five years in a row as a member of "The Legal Elite." In recognition of his commitment to high ethical and professional standards, Peter has been awarded the prestigious AV rating from Martindale-Hubbell.

continued on page 12

New Board Member (Three-Year Term)

Michael A. Minter



Michael A. Minter is an associate counsel in the firm of Miles & Stockbridge, P.C., McLean, VA. Mr. Minter represents domestic and foreign companies in matters involving patent acquisitions, trademarks, copyrights, licensing, and other business matters that arise in the electro-mechanical, computer, Internet, information technology, goinformatics, telecommunications, and biometrics fields. He also counsels clients in a broad range of matters involving government contracts and holds a TS/SCI security clearance.

Before joining Miles & Stockbridge, Mr. Minter served as General Counsel to Shiloh Communications, Inc. Mr. Minter also worked for more than 16 years as an engineer for Lockheed Martin Corporation and Hughes Information Technology Corporation, where he developed extensive experience in the following technologies: satellite design and communications; telecommunications and computer networking; systems architecture; client/server fundamentals; web development; relational database design and management; and systems engineering and integration.

Mr. Minter also serves as a member of the FBA's Technology Committee. ■



Q&A with John T. Frey, Fairfax County Clerk of the Circuit Court

One entering the courthouse probably has seen him walking in the halls, but may not know the enormous responsibilities he manages on a day-to-day basis. This prompted the question-and-answer session with Fairfax County's Clerk of the Circuit Court, John T. Frey.

Q. The Clerk of the Circuit Court position has been described as the "most important job in the courthouse that no one has ever heard of." Can you describe your day-to-day job responsibilities?

A. *The Clerk has over 800 statutory duties, which grow every time the General Assembly is in session. As you probably know, our Circuit Court is the largest in Virginia and one of the largest in the country. The Circuit Court Clerk's Office has 185 employees, a budget of over \$11 million, and we handle up to \$220 million in filing fees, recordation taxes, criminal fines, costs and restitution, as well as money paid into court and held in our trust accounts.*

Even with all of my mandated duties, I see my main day-to-day responsibility as trying to make sure that everyone dealing with the Clerk's Office receives administrative justice. That is, everyone dealing with the Clerk's Office is treated fairly and with respect, and that we handle their business quickly and efficiently.

Q. Since first being elected, one of your goals has been to make your office more accessible to the public. How so? Any updates on being more accessible in the future?

A. *Most people forget that lawyers are part of the public. Not only are they citizens but so are their clients. In fact, many times the average citizen's contact with the court is through their lawyer. My vision for public access has been, and continues to be, what I call fingertip access. Attorneys and other members of the public should be able to conduct business with the court on their schedule, not just 8:00 - 4:30, Monday through Friday. Every time we can save you a trip to the courthouse, we have saved you and your clients time and money.*

Our Internet website has information about filing fees, general information, procedural information for pro se divorces, name changes, restoration of drivers' licenses, even how to become a one-time civil marriage celebrant. The website also has links to the Supreme Court of Virginia and other state agencies, where people can obtain information and download approved forms.

The Court Public Access Network (CPAN) is a subscriber-based system which has over 38,000 records available for viewing and copying. While most of the information is land records-related, you can also get general case information. CPAN is available 24/7.

Citizens receiving a juror questionnaire can now complete the

questionnaire online. They can also check their status, change dates of service, and get a letter for their employer online. We also provide the jurors with wi-fi, fax machines, and even a refrigerator, in case they have special dietary needs or medication that needs to be refrigerated.

I have worked for years to get the Notary Public application changed. It was a waste of the public's time and money to have to get the form (before the Internet, they had to come to the courthouse to pick up the application), complete the form, and have their signature attested by two witnesses and a notary. Then they had to come to the courthouse and have a deputy clerk certify the application. The application was then sent to Richmond, and, if approved, the applicant had to come back to the courthouse and take an oath. Now you can go online and get the form. You still have to have your signature notarized, but you no longer need two witnesses or the certification of the Clerk. You can send the application directly to the Secretary of the Commonwealth. Only when approved would you come to the Clerk's Office and take your oath.

Q. What is the most urgent issue that the Clerk's Office has to address today?

A. *The most urgent issue facing the Clerk's Office is the budget. The County is forecasting a \$350 million shortfall in Fiscal Year 2010. The County Executive has directed every agency to draft plans to cut their budgets by 15%. If we are cut 15%, it will mean drastic cuts in court services and hours when our centers are open to the public. I will be making a presentation to the Board of Supervisors later this year and requesting that they do not implement such a drastic cut to the Clerk's Office.*

Q. Have there been any changes since starting your latest term? What are they, or what will they be?

A. *Since my new term just started in January of this year, we have moved our entire operation from the Jennings Building to the new courthouse; we have implemented a new electronic filing system in land records that is capable of accepting 37 different document types including Deeds, Deeds of Trusts, and Certificates of Satisfaction. We are still waiting on direction and leadership from the Supreme Court of Virginia on electronic filing of court cases. I have been hesitant to implement an electronic filing system for court cases because I think it would be unfair to the Bar if there were a federal e-filing system, a state e-filing system, and a Fairfax e-filing system; however, we cannot afford to wait on Richmond forever.*

continued on page 12

TIRED OF PAYING BIG MONEY FOR E-DISCOVERY?

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Fairfax County Courts Blast into the Millenium

Five New High-Tech Courtrooms Launched

by David Bartee, Director, Courtroom Technology



What can you do with an elderly witness too feeble and frail to travel to court and provide testimony?

How about if a child witness is afraid to confront his/her accuser in the courtroom?

What if a plaintiff is about to lose her divorce case because her resident country is unwilling to issue her a visa to return to the United States for a court appearance?

*What would a judge do who is out of town but needs to conduct prisoner arraignments within the time constraints required by the Code of Virginia?
What if a judge from another locality needs to arraign a prisoner held by the Fairfax County Detention Center?*

What if an overcrowded courtroom in a high profile case does not have enough seating capacity to handle the amount of spectators?

Can technology be utilized to support these types of courtroom and legal situations? Not only is the answer YES, but it is happening now at the Fairfax Courts and the technology continues to evolve! In all of the situations above, technology proved to be an appropriate and efficient tool to resolve the problem.

During June 2008, five new high-tech courtrooms (Circuit Court Criminal Courtrooms 5J and 4J, General District Court Criminal Courtrooms 2J and 2K, and General District Court Traffic Courtroom 1E) were launched. While the pilot Courtroom 5E prototype was a stand-alone effort, the new courtrooms all share a common, centralized infrastructure distributed to a Main Control Room (MCR). The distributed equipment provides consistency and standardization between the three courts and offers additional functionality along with the capabilities mentioned above. During 2009, the Juvenile and Domestic Relations District Court will relocate to the new facility and nine new technology-enhanced courtrooms (3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, and 3K) are planned to become available to the public. This will, however, depend on the availability of fiscal resources in an uncertain economic climate.

The new high-tech courtrooms provide the capabilities for: integrated and electronic evidence presentation; video conferencing for arraignments, remote witness and secluded witness; real-time court reporting; integrated assisted listening and interpretive systems; judges' control of the technologies from the bench; and overflow capacity to observe courtroom activity from another courtroom.

In addition to the functionality described above, all new high-tech courtrooms include multiple flat-screen displays that allow the judge, jury and gallery to view unobstructed presentations of evidence. Specialized access floors and customized courtroom furniture/fixtures are designed to accommodate modern technologies in the courtroom. A Courtroom Technology Office was also created between the Fairfax Courts and the Fairfax County Department of Information Technology in order to maximize resources, standardize and to support the courtroom technology requirements for all three courts.

The new courtrooms were based on a very successful courtroom prototype project completed in 2006. The prototype project advanced and refined the presentation and conferencing capabilities that were designed and engineered to improve citizens' access, internally and externally, to the courts, facilitate trials and hearings in the most effective and efficient means possible, and allow all three courts to share common resources. In addition, the design incorporates the flexibility and adaptability needed to adjust to future changes in technology and court proceedings.

Several trials and courtroom proceedings have been conducted using the technology capabilities. Highlighted cases include the following:

- Using evidence presentation capabilities, attorneys in a medical malpractice case were able to display digital 3D medical graphics and images.
- Courtrooms have been designed to accommodate various audio and video input sources that allow attorneys to display analog or digital evidence and provide the ability to highlight or annotate and print specific text and/or paused video images while simultaneously displaying to the judge, jury, and gallery.
- Closed-circuit technology provides the capability to conduct daily prisoner arraignments and advisements without having to transport detainees from the Adult Detention Center to the courthouse, thus reducing the number of Sheriff's staff required for arraignments and increasing the overall safety and security in and around the courthouse complex.
- Use of closed-circuit technology has allowed child abuse victims to testify from a secluded area of the courthouse in lieu of having to be in the courtroom with the accused.
- Due to a plaintiff's inability to obtain a visa to return to the United States, the remote testimony video-conference technology allowed for testimony from Izmir, Turkey.
- Due to scheduling and transportation issues, video-conferencing technology allowed the defendant in a civil case to provide testimony from Cairo, Egypt.

continued on page 15

STAYING CONNECTED WITH NEW MEDIA TOOLS

Only four years ago, three college students developed a website where fellow students could connect. This site caught on and eventually swept campuses across the nation. Since then, Facebook has evolved into one of the biggest social networking tools of its kind. It claimed to have 90 million users across the globe in July 2008, and hopes to hit 100 million users by year's end. Mark Zuckerberg, one of the founders and CEO of Facebook, said in a *Time* magazine interview, "What we're trying to do is just make it really efficient for people to communicate, get information and share information."

Today, it's not just the dot com generation logging in; Facebook is quickly becoming a viable marketing tool for organizations looking to get their word out. It is not a surprise then, that two of the FBA's Sections, the Young Lawyers Section (YLS) and the Paralegal Section, have jumped on board. Christie Leary, President of the YLS said, "We all felt that Facebook provided us a medium to keep our membership updated on YLS events, while at the same time providing a low-key networking opportunity for section members to get to know others who were interested and active in YLS activities."

Both sections acknowledge that this is a new and easy way for sections to stay connected, and for section leaders to send news information without bombarding a member with email. Kelly Cook, the Paralegal Section Chair said, "[Facebook] is a user-friendly forum in which members could voice their ideas, comments, or suggestions at any time...and a way for section members to get to know one another and a means to stay in touch between meetings."

The YLS and the Paralegal Section are currently using one of the most popular features on the website—Facebook Groups. Here, communities of like-minded people with similar interests can promote, share, and stimulate discussion all in one spot. "Friends" of both sections can look forward to frequent updates, discussion threads, pictures of old events, and more interactivity. By using this tool, the sections have the ability to be powerful and far reaching.

So far, feedback from members of both sections has been positive. Cook added, "Even though our page is still pretty new and evolving every day, the members that have joined the group seem excited about the potential this forum provides."

To join the groups, go to www.facebook.com. Simply log in or sign up for a new account; request to join the Fairfax Bar Association Young Lawyers Section or the FBA Paralegal Section.

Just before the latest *Journal* went to print, the FBA decided to venture into another media tool—LinkedIn. According to the website, LinkedIn strives to be more effective in a professional's daily work and hopes to open new doors for him or her. As stated on linkedin.com, "This isn't networking—it's what networking should be." Kristin Derlunas, Communications Coordinator for the Fairfax Bar Association said, "All of these new tools mean a more efficient way for members to communicate and stay in touch with events, news, and much more. We hope our members take full advantage of these sites." To join the LinkedIn FBA group, go to <http://www.linkedin.com/e/vg/1213227/>. For more information on all the of the social media tools that the FBA is implementing, go to www.fairfaxbar.org. ■

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Also, a huge round of applause for **Michelle Hess** who organized the event, and to **Dylan Gallagher** and **Kathleen Waldy** who assisted.

Newly-Admitted Attorney Orientation

On November 20, 2008 the Young Lawyers sponsored its Annual Newly-Admitted Attorney Orientation at the Courthouse. Newly-admitted attorneys heard from judges and staff members from Juvenile and Domestic Relations District Court, General District, and Circuit Court. The attendees also were given an insider's court tour of the Clerk's Office and the recently renovated facilities. Following the orientation, the newly-admitted attorneys were greeted by other Young Lawyers at a Happy Hour at Hard Times Café. ■

Stitt Cup, formerly known as Lawyerpalooza, was a huge success! Over 100 people attended the event, which included a hotly contested volleyball tournament, catered BBQ by **Red Hot & Blue**, and live music from **Monk Chang Unit**. Friends, families, attorneys, and judges all came out to Great Falls Grange to enjoy the fall afternoon. At the end of the day, **Team Cooper Ginsberg Gray** led by **Nate Olson** won the tournament.

Thanks to all of the generous sponsors who helped the Young Lawyers Section raise a record amount of money for the event. All of the sponsorship money left over after costs will be donated to the Fairfax Law Foundation per the request of the Stitt family. Also, a big thanks to everyone who came out for the event! Be sure to look out for this annual event next fall.

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HOW WELL DO YOU KNOW YOUR LAW FOUNDATION?

The Fairfax Law Foundation (FLF) is the premier charitable law-related Foundation in Fairfax County. As the charitable arm of the Fairfax Bar Association, the FLF is an organization that provides volunteer and community outreach programs to our membership. Learn how the FLF provides opportunities for you to give back using your unique professional skills.

The FLF is a tax exempt organization pursuant to Internal Revenue Code Section 501(c)(3). The FLF is also registered as a charitable organization within the Commonwealth of Virginia. Tax exempt status allows our members and donors to make donations which qualify for charitable deductions, something we would be unable to do through the Fairfax Bar Association.

The Board of the FLF is not limited to FBA members and we are fortunate to have business and community leaders serve side-by-side with FBA members.

Funding from the FLF supports the following state-of-the-art initiatives, many of them blue-ribbon programs, commanding awards and attention from across the Commonwealth and the nation. Examples of the programs funded include:

EDUCATING CHILDREN AND YOUTH THROUGH LAW RELATED EDUCATION:

- **Court Tour Program:** Each year, this program offers more than 2,400 area middle school students the unique opportunity to observe trials and meet judges, clerks, and other members of the public service community. Since 1986, the Foundation has coordinated volunteer attorneys and paralegals who lead court tours to every eighth grade class in the county, teaching our children about the legal system and helping them become more informed and responsible citizens.
- **Devonshire Program:** Volunteer attorneys give presentations at a three-day seminar. The program intervenes with students, ages 13 to 18, who have been identified as at-risk, to improve their decision-making skills. Last year alone, approximately 250 at-risk youth participated in 30 separate sessions facilitated by our volunteer lawyers.
- **Mock Trials at Schools:** Our attorney volunteers love their work with children. They dress up in silly costumes to teach the very young about the principles of the justice system, putting on such plays as "Jack and the Beanstalk." Did Jack steal the golden goose? The kids are the jury and they decide! They love the entertaining interactive format and learn a great deal about our justice system in the process.
- **Mock Trials at the Chocolate Lovers' Festival:** Last year, approximately 250 people attended mock trials regarding drug and alcohol use, and about 300 attended the fairy tale mock trials for elementary school children that outlined the judicial system by placing Goldilocks on the stand.

IMPROVING THE ADMINISTRATION OF JUSTICE:

Conciliation Program: Almost 20% of the cases filed in Virginia are filed in Fairfax County. In 2005, more than 400 cases were conciliated with a 79% settlement rate—a great boon to the litigating parties and to the courts.

IMPROVING ACCESS TO JUSTICE:

Pro Bono Program: While thousands of citizens in Northern Virginia are poor enough to qualify for legal aid, Legal Services of Northern Virginia is able to assist fewer than 5% of those who have serious needs. Attorneys, paralegals, and support staff volunteer their time for the *Pro Bono* Program, which is dedicated to those who most need help, including the homeless, severely indigent, and immigrants. In 2005, volunteer attorneys contributed more than \$275,000 worth of legal services, donating 260 hours to consumer protection cases, 840 hours to uncontested divorce clients, 47 hours to employment discrimination issues, and 230 hours to housing problems.

continued on page 12



With today's uncertain economy, is your phone quieter than usual?

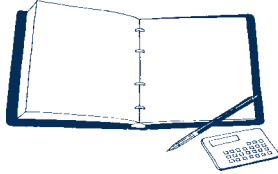
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MAKING SCHEDULING EASIER IN THE CIRCUIT COURT

by the Circuit Court Committee, Valerie Hughes, Chair



As America sees a new change sweeping in with the historical election, many are hopeful for a profound difference in their lives. In the same sense, change is coming to the Fairfax County Circuit Court in the not too distant future and it is an exciting prospect.

For many years now, lawyers in civil and domestic cases have had to appear in court on Tuesday and Thursday mornings at 8:30 AM to attend scheduling conferences to set trial dates. It is way too early in the morning for some of us, and sometimes you may have to wait for quite awhile for your chance to set your trial. There is also a cost to your client in the requirement that you appear and wait.

In the near future, scheduling conferences are going to change. They are going to go online! Chief Judge Smith and the IT department have made a request to DIT, a Fairfax County government agency, to develop a prototype online scheduling system. A partial prototype has been delivered, and Drew Kassick, go-to guy for IT, is now working with DIT to improve the functionality of the system. Very soon, a pilot version for civil cases will be released using local attorneys who volunteer to test the system. The protocol will be as follows: you log in using your VSB number, and the cases that qualify for online scheduling will appear. You must request a trial with a date of a year or less from the filing date, as the current business rule stands. The determination of whether a settlement conference will be required is still pending, but the business rule would likely be that such a conference must be scheduled 30 days prior to trial. Once this pilot program has full functionality, it will be accessed via the Internet. The Circuit Court Committee has a subcommittee devoted to working on this project. Both domestic and civil attorneys spearheaded this effort.

The next step after the civil system is up and running will be to make modifications to work with domestic relations cases. In domestic cases, you must have attorneys on both sides to access the system, as in civil cases. If you have a *pro se* party on the other side you will still have to attend scheduling conferences. The system will require a statement to be checked by the attorney that they have contacted opposing counsel and verified that the date selected was agreed upon. This requirement is similar to the current fax-in request for scheduling conferences when the distance to travel is more than 50 miles. It has been suggested that you must request a Neutral Case Evaluator in order to use the system. The scheduling orders will be available on the site to print out after you have selected your dates. These modifications should be able to be made shortly after the civil system is in place. The subcommittee will be meeting with Drew very soon to review the prototype civil pilot system.

This program is going to save attorneys so much time in setting cases. It is an exciting advance in our court system as we move closer and closer to online accessibility. It also highlights one of the many active projects in which the Circuit Court Committee is involved. If you have a suggestion for future projects you would like the Committee to review, please email me at: hughes@bowenlawva.com. There are many ways to participate with the Fairfax County Bar Association; get involved and make a difference, for real change that we need! ■

TWO NEW PROGRAMS ARE IMPLEMENTED IN THE J&DR DISTRICT COURT

by Luis A. Perez, Chair,
J&DR District Court Committee



Visitation is often a very difficult issue for judges and family practitioners when dealing with children who may have been exposed or subjected to domestic abuse. While there is a compelling interest in promoting and encouraging children to have a strong bond and relationship with both parents, this interest needs to be balanced with the necessity of protecting children from potentially abusive situations and shielding them from confrontational and controlling animosity from their parents, which can have a detrimental emotional impact in the child's life. Supervised visitation is often the most effective way of safeguarding this balance, however, it is often impractical due to high costs, limited options and unavailability of providers.

To address this need, last year the Fairfax County Board of Supervisors and the Domestic Violence Coordinating Council approved a supervised visitation/supervised exchange program known as Stronger Together. The program facilitates supervised visitation and visitation exchanges in a safe, neutral, affordable, and appropriate setting. The program is unique in the area and is available only through court order referral by the Fairfax County Juvenile and Domestic Relations District Court. Strong Together is located at the courthouse. The program operates for visitation on Mondays, Thursdays, and Saturdays for supervised visitation periods of up to 90 minutes. Also, supervised exchanges are available Monday to Saturday during business hours and every other Sunday. This is particularly useful in cases when parents do not get along or where there is a protective order in place. The supervised exchanges require a 15-minute drop-off slot and 15-minute non-overlapping pickup time slot to prevent parental contact. Between the exchanges the children are monitored and prepared to smooth out the stress related to custodial exchanges.

The fee for the program is minimal when compared with other for-profit supervised visitation/exchange programs, which charge between \$75-\$100 per hour. Cost is determined by a sliding scale based on income. At present, Stronger Together can provide monitored visitation and monitored exchange services to 60 families per month.

The staff is bilingual in Spanish. The program has grown steadily and has served many families with a history of domestic violence, substance abuse, mental health problems, or violent arguments during pickup and return. For more information regarding referrals and appointments, and volunteer opportunities, please call Lori Wymore-Kirkland, Program Coordinator, at 703-246-3030 at Domestic Relations Services. Please note the program always accepts donations of toys and reading materials, especially materials that are culturally sensitive.

Another exciting program currently being implemented by the J&DR District Court is the Fairfax County Attorney of the Day *pro bono* project. The program provides competent legal representation to domestic violence victims who are seeking protection. The *pro bono* project is managed and coordinated by the court's Domestic Relations Services and Legal Services of Northern Virginia (LSNV).

continued on page 12

Updates From the Legislative Committee

by Richard Gibbons, Jr., Chair

The Legislative Committee meets monthly to discuss, monitor, and promote legislation that may be of interest to FBA members. Most of these issues arise out of the Virginia General Assembly. The FBA no longer employs a lobbyist in Richmond, so a key function of the Legislative Committee is to monitor and report to the Board of Directors on important legislation. The Board then determines whether the FBA should advocate for or against a particular bill. If the FBA wants to advocate for or against a particular piece of legislation, the Committee members begin to contact other FBA members, delegates and senators to express our organization's view. As attorneys, we are able to present unique arguments to elected officials on the possible consequences of a bill.

At this time of year, with the General Assembly going back into session on January 14, 2009, we are busy. The FBA focuses on legislation that affects the administration of justice, not on more partisan issues such as taxes, transportation or health care. By way of example, the following are bills that have carried over from the 2008 session to the 2009 session:

HB 280—allows for unsupervised probate of a will if the will requests such probate or if all the beneficiaries of the will agree;

HB 315—expungement of marijuana charges for a §18.2-251 charge after ten years;

HB 553—allows a court to defer disposition in and discharge any criminal case;

HB 587—court may not order restitution over \$2,500 from a juvenile under the age of 16, and in any case, the court may order the parents of the juvenile to pay;

HB 700—court shall recalculate the child support obligation of an obligator who is incarcerated during the support period retroactive to the date of incarceration;

HB 750—makes the J&DR Court a court of record for termination of parental rights with direct appeal to the Court of Appeals;

HB 796—presumption of no bond upon conviction of a violent felony;

HB 1074—persons on active duty military may move the court for an expedited hearing on custody and visitation matters;

HB 1426—allows for recording of proceedings in J&DR District Court by a court reporter or by mechanical or electronic devices;

HB 1559—exempts IRAs from all creditor process including civil judgements;

SB 519—allows petitioner to be awarded reasonable attorney's fees and court costs in a successful action against the board of zoning appeals;

SB 725—provides that a married couple who have minor children may not obtain a divorce based on separation if the other party files a written objection with the court.

These are only a sampling of bills pending in Richmond. You can access all the bills at legl.state.va.us and click on the 2009 Session. If there are any bills that you believe merit attention, please contact the FBA or me at rfg@rfgvalaw.com. ■

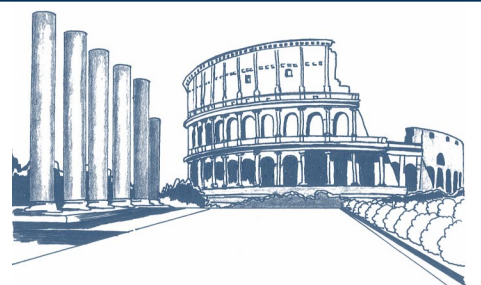
Membership Luncheon • January 14, 2009

12:00 PM Registration and Social Reception • 12:30 PM Lunch and Program

Maggiano's Little Italy, Tysons Corner

\$25.00 FBA Members; \$30.00 Non-Members

Keynote address by **Anthony S. Pitch**, award-winning author, former Associated Press Broadcast Editor, and senior writer in the books division of U.S. News and World Report.



David J. Gogal Bio

continued from page 1

David received both his undergraduate and law degrees from the University of Virginia, where he received the Algernon Sydney Sullivan Award, the Raven Society Award, and the UVA Alumni Association Distinguished Student Award. From 1993 through 2006 he returned to Charlottesville each year to serve as a faculty member of the National Trial Advocacy College at the University of Virginia School of Law. David and his wife, Laura, reside in the City of Falls Church with their three boys, Austin, Tyler, and James. In addition to Bar activities, David served for four years as President of the Fairfax Police Youth Club, and more recently as a soccer coach, basketball coach, Little League manager, religious education teacher, and scout leader.

Peter D. Greenspun Bio

continued from page 3

Peter has tried numerous high-profile, unusual and complex cases throughout his career. He is also a regular speaker and lecturer on trial technique and strategy at continuing legal education seminars throughout Virginia and is a past President of the Association of Criminal Defense Lawyers, the Fairfax Bar Association, and the Fairfax Law Foundation. ■

NEW PROGRAMS ARE IMPLEMENTED...

continued from page 10

Attorneys interested in performing *pro bono* work would volunteer two days a year to assist victims of domestic violence obtain a protective order from the court. LSNV will review the initial petition and will refer the case to the attorney 14 days in advance of their assigned day. Also, they provide guidance and assistance in the case preparation to the participants. Every year LSNV, with the help of the community, puts together a comprehensive seminar to train interested *pro bono* lawyers on how to handle, prepare, and defend protective order cases. In exchange for the training, the *pro bono* attorney commits to represent low income victims two days within a year. Since the project's inception, in May 2007, over 275 low-income victims of domestic violence have received assistance through the program. This is a great and rewarding experience for attorneys and a wonderful tool to assist and protect victims of domestic violence. Anyone interested in participating in this program should contact Lauren Smith at: lsmith@lsnv.com or 703-246-4081. ■

John Frey Interview

continued from page 4



Q. What is the most frequent question you get about your position/office?

A. *There are actually two questions that I get asked all the time. First, what is a Clerk of Court? Second, why is it elected? The first question I answered earlier. The legal answer to the second question is that the Constitution of Virginia mandates that the office of Circuit Court Clerk be elected. I personally think it is in the Constitution because the General Assembly wanted the administrative arm of the Court to be directly accountable to the people.*

Q. Why is it important for your office and the bar to work together?

A. *Our court is viewed around Virginia and the country as an innovative court. We were one of the first to have a case management system, a financial management system, a remote access system, an electronic filing system for land records, differentiated case tracking, Neutral Case Evaluation, and the list goes on. It was the Fairfax Bar Association that sat at the table and helped us develop these systems and programs. The Bar's input and perspective has made our court better and more efficient.*

We are blessed in Fairfax to have such a great working relationship between the Bench, the Bar, and the Clerk's Office. Clerks around Virginia and the country are amazed when I tell them about our Neutral Case Evaluation and Conciliator Programs. They cannot believe that lawyers would donate their time to help the court. Most courts would never dream about having something like a Circuit Court Committee, where the Bar could have a say in court procedures and policy.

It is truly an honor to be associated with this court and the Fairfax Bar Association. ■



HOW WELL DO YOU KNOW YOUR FAIRFAX LAW FOUNDATION?

continued from page 9

Fairfax Public Law Library: Dedicated to promoting justice through access to legal information, the library serves approximately 60,000 patrons annually, the majority of whom are non-lawyers.

Juvenile & Domestic Relations District Court Pamphlets: To reach diverse populations, the Fairfax Bar Association, in cooperation with the staff of the Fairfax County Juvenile & Domestic Relations District Court and funded by the Foundation, has developed a booklet that describes the court process and services in English, Spanish, and Vietnamese. With additional funds, we would be able to offer the booklet in more languages. ■

PARALEGAL SECTION MEMBERS CONGRATULATED

by Tina M. Fewell, Paralegal



Joanne Randa



Janice L. Day and Mary I. Wilkins

The FBA Paralegal Section is pleased to announce that our very own **Joanne Randa** has recently received two distinguished accolades, both of which center around her tireless dedication to the Fairfax County *pro bono* community. In June 2008, Joanne received the prestigious Chief Justice Harry L. Carrico *Pro Bono* Award from Legal Services of Northern Virginia (LSNV). In October 2008, at the National Federation of Paralegal Associations (NFPA) convention, Joanne was named as the organization's *Pro Bono* Paralegal of the Year. Joanne is employed with the law firm of Cooper Ginsberg Gray PLLC as its Senior Paralegal.

Joanne has volunteered for the past five years with LSNV. She volunteers a great deal of her personal time to its monthly Uncontested Divorce Clinics and assists in the drafting of pleadings and letters related to several *pro bono* divorce cases referred by LSNV to local supervising volunteer attorneys.

Joanne's community service does not stop there. She assists with the administration of our Section's annual Valentine Project for benefit of the Fairfax Girls' and Boys' Probation Houses, and currently serves as *Pro Bono* Co-Chair of the Paralegal Association of Northern Virginia (PANV). It is the latter organization that nominated Joanne for this year's NFPA *Pro Bono* Paralegal of the Year Award.

Our Section, and indeed the Bar as a whole, is fortunate to have a fellow member in Joanne Randa. She demonstrates a level of selflessness that each of us should aspire to emulate. Congratulations, Joanne!

For information regarding *pro bono* opportunities available through the FBA, please contact Arlene Beckerman, Esquire, Northern Virginia *Pro Bono* Law Center (NVPBLC), at abeckerman@fairfaxbar.org. For information about volunteer opportunities through Legal Services of Northern Virginia (LSNV), contact Russ Hatchl at rhatchl@lsnv.org.

Information regarding the National Federation of Paralegal Associations (NFPA) may be found at www.paralegals.org, and information regarding the Paralegal Association of Northern Virginia (PANV) may be found at www.panv.org.

The Paralegal Section is exceptionally pleased to announce that both of our 2007-2008 scholarship recipients, **Janice L. Day** and **Mary I. Wilkins**, have attained their respective paralegal certification goals. Janice was the recipient of our Paralegal Education Scholarship and Mary was the recipient of our Paralegal Certification Scholarship. The scholarships were funded with the Section's residual budget and supplemented by an anonymous personal donation from one of our Section members.

Janice has successfully completed the National Association of Legal Assistant's (NALA) two-day CLA/CP examination, and is now among 336 paralegals in the Commonwealth of Virginia, and 4,965 paralegals nationwide, entitled to use the Certified Legal Assistant (CLA) or Certified Paralegal (CP) professional credential. Janice has served on the Section's Executive Committee for two years, having formerly held the position of Continuing Paralegal Education Coordinator, and currently serves as our Activities Coordinator. She is employed with the law firm of Shoun, Bach, Walinsky & Curran, P.C.

Mary has successfully completed the National Federation of Paralegal Association's (NFPA) Paralegal Advanced Competency Exam (PACE), and is now among 14 paralegals in the Commonwealth of Virginia, and more than 700 paralegals nationwide, entitled to use the professional designation of Registered Paralegal. Mary is a longtime committed member of the Section, and is employed with the Office of the County Attorney.

Congratulations Janice and Mary! Thank you for helping blaze the trail for your fellow Section members. ■

UPCOMING EVENTS/CLEs

MEMBERSHIP LUNCHEON

January 14, 2009

12:00 PM Registration and Social Reception

12:30 PM Lunch and Program

Location: Maggiano's Little Italy, Tysons Corner

\$25.00 FBA Members

\$30.00 Non-Members

Keynote address by **Anthony S. Pitch**, award-winning author, former Associated Press Broadcast Editor, and senior writer in the books division of U.S. News and World Report.

ANNUAL DUI CLE

January 28, 2009

4:30-8:30 PM

Location: TBD

CIVIL PRACTICE AND PROCEDURE IN NORTHERN VIRGINIA J&DR DISTRICT COURTS CLE

February 24, 2009

4:00-4:30 PM Registration

4:30-8:00 PM Program

3 MCLE Credits pending

Location: TBD

Food will be served

BENCH BAR DINNER DANCE & SILENT AUCTION

"An Evening in Paris"

March 7, 2009

6:00 PM Silent Auction

8:00 PM Dinner & Dancing

McLean Hilton, 7920 Jones Branch Drive, McLean, VA

\$125 Per Person [Black Tie Optional]

\$100 YLS Members/Spouses/Guests

Music and Dancing by "Too Much Fun," featuring Grammy

nominated guitarist, singer, and songwriter, Bill Kirchen.

Contact Courtnie Norris at cnorris@fairfaxbar.org or

703-246-2084 for available sponsorships

SHOW ME THE MONEY: HOW TO GET WHAT'S COMING TO YOU (A Primer on Collections) CLE

March 18, 2009

4:30-6:30 PM

Location TBD

HOW TO CREATE A VIRGINIA SELF-SETTLED ASSET PROTECTION TRUST CLE

April 28, 2009

5:00-7:00 PM

Location: Law Library

Speaker: Evan Farr, Esq.

COMPARATIVE JURISDICTION CLE

May 8, 2009

2:00-5:00 PM CLE

5:00-7:00 PM Reception

Fairfax County Government Center

In conjunction with the Alexandria, Arlington County, and

Prince William County Bar Associations

FBA ANNUAL SPRING GOLF TOURNAMENT

May 11, 2009

THE 40 GREATEST PITFALLS FOR ATTORNEYS IN GENERAL DISTRICT COURT CLE

May 14, 2009

3-4 Hour Program

YOUR FIRST TIME IN COURT CLE

June 3, 2009

ANNUAL SUPPORT STAFF ORIENTATION (Paralegal Section)

June 12, 2009

CRIMINAL LAW HOT TOPICS CLE

June 23, 2009

4:30-7:30 PM

Location: TBD

SAVE THE DATE

"VEGAS—NOT BUSINESS AS USUAL"

FBA CONVENTION

October 4-7, 2009

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FAIRFAX CITY—Fully furnished office in elegant new office space, shared by two solo attorneys, and located within five minutes walking distance of the Fairfax County courts. Access to, and use of, main reception area, bathroom, kitchen, copy room, and

conference room. Contact: Richard E. Gardiner, 703-352-7276, 3925 Chain Bridge Road, Suite 403, Fairfax, VA 22030.

FAIRFAX CITY—Convenient, professional office space now available for lease on Main Street in Fairfax City near Courthouse area. Ground floor townhouse style unit with ample parking lot space and handicap accessible. 5 separate rooms, large lobby and reception area complete with a lab/kitchen area and 2 bathrooms. Available: ASAP! \$2200 month. Contact: Mari Rafi, R&J Realty LLC, 703-608-5801 or email: MariRafi@RandJRealty.com.

FAIRFAX CITY—Office space one block from courthouse - free parking. Available for solo practitioner; or use of conference rooms and facilities; or mail drop. Month-to-month. 703-691-4810.

SPRINGFIELD—FOR RENT. Window office 12.5'x13.5', hardwood, reception area, parking. Copier and postage meter available. Springfield. Convenient to I-495 and I-395. Available immediately. Call Bill Hicks 703-354-4000 office or 703-298-2616 cell.

TYSONS CORNER SUBLET—Excellent Opportunity to sublet professional office space. Two offices available (furnished or unfurnished) in suite with an attorney and investment advisor. Access to conference room and kitchen; fax and copier available. Ideal for any professional needing space in a prime location. Contact Rita at 703-442-3802.

TYSONS/GREENSBORO DRIVE—Attorney office available in suite of attorneys, full service and use of all common areas. \$1300/mo., Bud Roeder 703-749-6006; email: budr@roederlaw.com.

Save the Date!

*FBA Convention in Vegas!
"Vegas—Not Business as Usual"*

October 4-7, 2009

MGM Grand Hotel & Casino

ATTORNEY OFFICE SPACE FOR RENT

Perfect Location on Duke Street--Alexandria Medical and Professional Plaza

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PARALEGAL—Paralegal studies graduate seeks entry level employment. Call Eric at 703-477-6199.

ANNOUNCEMENTS

BALL LAW OFFICES, P.C. has expanded and relocated to: BECO Building West, 5410 Edson Lane, Suite 315, Rockville, MD 20852; 301-770-3050; Fax: 301-770-3017. Email addresses remain the same: DBall@dablaw.com and SBaratt@dablaw.com.

WILLIAM L. SCHMIDT & ASSOCIATES, PC takes pleasure in announcing that the principal of the firm, **WILLIAM L. SCHMIDT**, has recently been elected to the Board of Directors of the City of Fairfax Band, one of the premiere community bands in the nation.

Fairfax County Courts...

continued from page 6

- Due to physical inability to travel, an 85-year-old witness in a murder trial was able to provide testimony remotely from Berkeley, California.

- While attending a judicial conference in Williamsburg, VA, a Circuit Court Judge conducted arraignments from a remote location to the Fairfax Courthouse.

- A judge from Richmond City was able to arraign a prisoner held in the Fairfax Adult Detention Center, thus eliminating the need to dispatch deputies from Richmond to Fairfax for a single arraignment (approximately 400 miles of highway driving) to pick up a single prisoner, from the Fairfax facility, escort to Richmond, check into and out of Richmond facility, return prisoner to Fairfax and go back to Richmond.

These cases represent the successful launch and continuing evolution of technology throughout the adjudication process in Fairfax County and the Commonwealth of Virginia. Other courts throughout the Commonwealth, USA, and other countries across the globe have visited Fairfax County to research and emulate the successes achieved by the Fairfax courts.

Additional requests continue to be received from judges and attorneys to utilize the technologies and expand the capabilities presently available.

For additional information, contact the Fairfax County Courtroom Technology Office at CrTO@fairfaxcounty.gov. ■

NEW FBA MEMBERS

August

Nicola E. Castel
Robin Knight Cellini
Phillip Chang
Gordon A. Coffee
Theresa M. Connolly
Alaina Dartt
Jerri Fuller
Darcy Geissler
Mark B. Gore
Victoria Houry
Ronald Junho Hur
Carole Collier Krogmann
Nicolas Lawrence
Jeremy S. Letnick
Michael William Smith Lockaby
David Ludwig
Paul McGlone
Katie Anne Mucklow
Kurt Mueller
Sean D. O'Malie
Jay R. Pelkofer
Marc Sarata
Jonathan Simms
Michael Jason Smith
Kiah D. Spinks
Gretchen Lynch Taylor
Mark Wise
George J. Wooditch, Jr.

September

Joseph A. Hankins
Lisa Marie Hughes
Jaclyn Anne Kennard
William James Kovatch, Jr.
Kevin Michael Leach
Kelly A. McLaughlin
Juan E. Milanes
James L. Scruggs
Holly Cinnamon Taylor
Nancy Ruoff Tubbs
Lacey Ullman
Robert Benson Walker, Jr.
Parastoo Zahedi

October

Grace Ahn
Camille N. Allan
Wesley David Allen
Patricia Claire Amberly
Justin Michael Beall
Emily Berg
Jennifer A. Bradley
Kellie Budd
Julie A. Chase
Alexander J. Conn
Amar S. Dhillon
Steven Lloyd Frazier
Stephen P. Gangemi, III
Jason Scott Greenwood
Jennifer Ann Haberlin
May Hyun Han
Lou Kelaher
Karen A. Kelly-Fetter
Pia Janine Luiller
Deborah E. Mayer
Winta Mengisteab
Katelin Moomau
Tanya Camille Nesbitt
Joseph T. Patton
Jonathan Phillips
Nathan D. Rozsa
Lisandra Santiago
Daniel Benjamin Schy
Candice Rae Snell
Julie M. Strandlie
Eileen Swicker
Patrick M. Via

November

Alfredo Acin
Timothy Patrick Aiken
April A. Alongi
Stephanie Jean Arnold
Gennady Babankov
Anne H. Barrar
John R. Bednarz
David R. Broderdorf, III
Ofelia L. Calderon
P.K. Chatha
Justin Todd Daniel
Benjamin Danisek
Marla Jordan Diaz
John E. Driscoll, III
Amy Foster Elliott
Catherine D. Evan
Todd Richmond Farnsworth
Wesley P. Gelb
Kent A. Gibson
Brent Evans Glenn
Mark William Graybeal
Andrew Harman
Stephanie Holmes
Emily Halm Jenkins
Elizabeth Kohut
Caroline LaForge
Jilma Mercedes Lasso
Luke Anthony Lenzi
Stephen David Lofaso
Steven L. Lunsford
Damien R. Lyster
Reid Allen MacHarg
Barbara Marie Marrin
Andrew R. Miller
Jasmin Mize
William Douglas Moore, III
Kevin Mulvaney
Brian Murray
Kelly Finley Nebiolini
Amy Carreon Oberst
Julia J.W. Ovando
Grace Jean Park
Marc E. Pasekoff
Sara J. Payne
Pamela A. Popwell
Syed Wali Raheen
Abbe L. Reis
Fred M. Rejali
Derek Preston Richmond
Jenny Rebecca Wilkes Robertson
Benjamin Herschel Rosen
Michelle Lyn Rowling
Melissa Maria Sanchez
Victoria A. Schall
Kate E. Schroll
Stephen Burns Scibetta
Pengcheng Si
Ashley Skotarczak
Rebecca Eunjung Song
Aubrey Stuempfle
Hillary Tabor
Mary O'Brien Torretta
Justin Ford Trent
Thomas F. Urban, II
Joanna Madison Valencia
Troy Christopher Ware
Elanna Diane Weinstein
Jaime Jansen Welch
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Byron DeAndre Wratee

Mark Your Calendars for...

The Fairfax Bar Association's

“AN EVENING IN PARIS”

BENCH-BAR DINNER DANCE & SILENT AUCTION

Saturday, March 7, 2009

6:00 PM Silent Auction

8:00 PM Dinner & Dancing by “Too Much Fun”
featuring Grammy nominated guitarist, singer, and
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\$125.00 Per Person [Black Tie Optional]

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