

JOURNAL

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Fairfax Bar Association Fall Convention

CHARLESTON

October 13-16, 2021

2021 PRO BONO AWARDS

By Arlene K. Beckerman, Esq., Director of Pro Bono Activities



*Thomas C.
Mugavero, Esq.*

Local lawyers were honored for their *pro bono* service at the Fairfax Bar Association's State of the Judiciary event on January 26th.

This year, there were two lawyers honored by the Northern Virginia Pro Bono Law Center as Pro Bono Lawyer of the Year for their donations, and whose efforts were especially impressive and appreciated in these challenging times.

The first recipient, Thomas Mugavero, is Counsel at Whiteford, Taylor & Preston, LLP. He is admitted to the Bars of Maryland, Virginia, and DC, as well as the federal district and circuit courts for those jurisdictions. Mr. Mugavero has volunteered for many community and legal organizations including SOME (So Others Might Eat) Advice and Referral Clinic through the DC Bar Pro Bono Program, the Employment Law Clinic at Legal Services of Northern Virginia, the Fairfax Circuit Court conciliation program since 1999, the FBA's Pro Bono Advisory Committee (serving as Chair), the Fairfax County Public Schools as an adult tutor, and more.



*Elanna D.
Weinstein, Esq.*

Mr. Mugavero has been a consistent volunteer with the Northern Virginia Pro Bono Law Center's Neighborhood Outreach Program since 2005, and with the employment law panel since 2010. In these capacities, he has assisted numerous low-income and poverty clients with employment issues over many years. Mr. Mugavero has been a loyal and dependable volunteer, often agreeing to provide additional time to substitute when other lawyers were forced to miss their scheduled dates.

As the financial effects of the pandemic became evident, there were many workers who lost their jobs and incomes, devastating blows to those families. The unemployment compensation system became overwhelmed with many applicants left stranded without assistance to deal with the often unresponsive system. Mr. Mugavero became the primary resource to help the Law Center clients facing problems with unemployment issues such as claiming their rightful benefits and dealing with unwarranted charges for overpayments. Many of these clients would not have been able to access legal counsel otherwise and would have faced serious economic harm.

For his efforts over many years, and for his dedication to helping others during this time of crisis, Mr. Mugavero was awarded Pro Bono Lawyer of the Year.

The second pro bono award winner is Elanna Weinstein, a partner with The Myerson Law Group, P.C. of Reston. She joined the firm in 2008 and has a practice focused on family law. She is a Virginia Supreme Court-certified mediator for family law cases.

continued on page 14

President's Column

By Donna R. Banks, Esq., President, Fairfax Bar Association

I know I've said it before, but it is really hard to believe what a year that we have had. Despite rearranging lives, schedules, procedures, for things that we could have done with our eyes closed, we have persevered once we have adjusted.

I have to admit that my last article was not very inspired...it had been a difficult few months since I had written my first article spawning from Harriet Tubman's "Every dream begins with a dreamer." In all candor and fairness, with my father being hospitalized, family being sick, and just the uncertainty in general, the weight of trying to change the world, or at least make a change in the Bar Association as the first African American president, kind of got to me. Everyone that knows me—really knows me, knows that my family means everything and that I talk about my dad, his influence on me, and what I want to become all the time. His illness caused me to realize that in addition to worrying about him, I also worried about my other "families" including the Bar. I worried that the "dreams" that I had for the Bar wouldn't come to fruition, specifically, Access to Justice, acknowledgment and "rectification" of diversity in our courts and practices, and most importantly, how we treat each other.

You have heard so much about "cancel culture" and how so many believe that it's a cruel stance to cancel an individual because of their statements or behavior. But what about "consideration culture?" Why is it abhorrent to "cancel" someone but we've lost the very idea of exalting someone for their generosity or kindness?

These past few months we have been meeting with the Access to Justice and Diversity Task Force Committee. I was immediately struck by the discussions that developed. The committee opened up about their naivety that certain groups in our practice in Fairfax felt excluded or unwelcome. People discussed their experience, albeit carefully, about the treatment disparity of their clients, and how attorneys of color have been, and still are, treated differently, a dismissal of argument, or dismissal of their very appearance in the court. To be honest, it's been an eye-opening experience, one which has expounded the thought as to what Access to Justice looks like. Is it just the treatment of the people that come before the court as plaintiffs and defendants, or is it greater? Isn't it also the treatment of people who represent those without a strong enough voice? Isn't it also the treatment of those who hear those voices and make sure that their messages are being heard fairly? It's been difficult to get to that...because the discussions have been raw, honest, and illuminating.

As representation has become the rallying cry after we move through Black History Month and then enter into Women's History Month, it is even more important to take a good hard look at our businesses, our firms, and our representations and beliefs. To affect change, we need to take action, not lip service. When I was in high school, growing up in Fairfax County, I would go blissfully along not thinking that I was different, or that I was the only African American in the class, but once every so often, I would look up and see...I was the only one and I knew that I had a responsibility to open that door for the next "only." It's not a fast process and a lot of things that are perceived as commonplace, i.e., being mistaken for a court reporter, a litigant, or a witness in a case, instead of a litigator happens more than you know. It's still happening. We have seen the disparity of treatment of individuals in our laws, in our practice, in our everyday life, but the question remains, "What do we do about it?" The first step is to look internally and to determine what type of commitment we are willing to make to fix the situation.

If you look at firms and think that there may not be enough diversity, then you probably don't have enough diversity...plain and simple. I can be that dreamer that I spoke about in my first article, but I realize that dreams are not going to cut it, there has to be action. Throughout my tenure, I want to dedicate a focus to Access to Justice to everyone, but also Diversity and Inclusion in our practices and, most importantly, in the Fairfax Bar.

As our Courts have already pledged to do, I believe that it's imperative to adopt, promote, and publicize a commitment to access for justice in our courts as well as diversity and inclusion within



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continued on page 13

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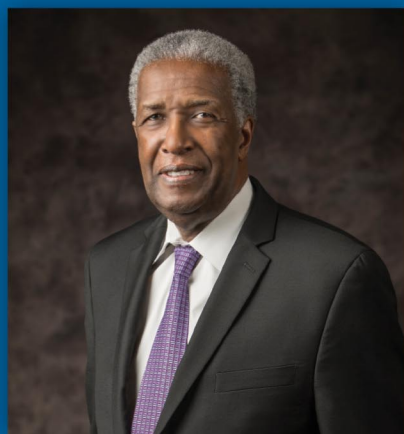
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STATE OF THE JUDICIARY VIRTUAL LUNCHEON

By Jana Sehrer, Assistant Executive Director, Fairfax Bar Association



Hon. Todd G. Petit
Chief Judge, Fairfax J&DR District Court



Hon. Lisa A. Mayne
Chief Judge, Fairfax General District Court



Hon. Bruce D. White
Chief Judge, Fairfax Circuit Court

On Tuesday, January 26, 2021, the Fairfax Bar Association held its first-ever Virtual State of the Judiciary Luncheon over Cisco WebEx. As the continuing COVID-19 crisis prevents us from holding in-person events, we are glad we were able to adapt this important program to a socially distanced format so that our members could hear from the Chief Judges of the 19th Judicial Circuit. As FBA President Donna R. Banks, Esq. noted, this was especially beneficial since so much has changed in each court due to the pandemic.

The first keynote speaker was Hon. Todd G. Petit, Chief Judge, Fairfax County Juvenile & Domestic Relations District Court. Chief Judge Petit stated that the theme of this year's address was that "What is old is new again," as the J&DR District Court is back down to six judges trying to handle a docket of eight judges, after the retirements of Hon. Kimberly J. Daniel on December 31, 2020, and Hon. Janine M. Saxe on February 1, 2021. He stressed that the Court is in a good position, however, thanks to Judges-Elect Melissa Sanchez Cardoce, Esq. and Melinda L. VanLowe, Esq., both of whom he hopes will be seated prior to July 1, 2021. Judge Petit also highlighted the new J&DR District Court Clerk of Court, Kristi Smith, who was hired in October 2020. Ms. Smith was Head Clerk of the Jackson, Mississippi Court for 10 years prior to starting her new position.

Regarding the Fairfax J&DR District Court's response to the COVID-19 pandemic, Chief Judge Petit stressed that the Bench has been extremely cautious, and has made an effort to operate at a slowed down pace rather than jumping in and doing everything live, as they believe that's what is safer for the community. Other than criminal trials, everything is being conducted virtually through WebEx; however, exceptions are being made for special circumstances, like for those who don't have access to the Internet. As we all know by now, WebEx presents challenges and occasional technological frustrations, so Judge Petit asked that attorneys have patience because all parties involved are doing their best under the current circumstances. He also asked for patience when dealing with the clerk's office, as they are frontline workers who are working hard to overcome reductions in staff resulting from absences related to the pandemic.

In closing, Chief Judge Petit highlighted the J&DR District Court's remote-only calendar control system, which was modeled after the Circuit Court calendar. There have been upwards of 25 calendar control cases on a given day, and this will hopefully have the beneficial result of expediting the process of getting cases on the docket. Chief Judge Petit will be stepping down as Chief Judge of the Fairfax County J&DR District Court effective July 1, 2021, so this was his final State of the Judiciary address in this capacity. The next Chief Judge shall be selected by May 2021.

Next, attendees heard from Hon. Lisa A. Mayne, Chief Judge, Fairfax County General District Court. Chief Judge Mayne started off her presentation by celebrating the good news that the 2020 General Assembly has authorized and funded a 12th judicial position, and by thanking the Bar collectively and profusely for its help in getting this important goal achieved, especially the Judicial Funding Task Force. Judge-Elect Gary Moliken, Esq. has been selected to fill this seat, and she hopes that he will be joining the Bench in March or April.

As to the theme of her address, she noted that in regard to the Fairfax General District Court, the state of the judiciary is "challenged," and the Bench is doing the best they can during very trying times when the balance between public safety and maintaining current dockets is particularly difficult. In response to the crisis, while re-opening, the GDC has staggered different dockets back into the mix over time and has segmented the dockets to ensure social distancing. The judges understand that the capped and segmented dockets have made it more difficult for attorneys to handle simultaneous cases across multiple courtrooms, and they appreciate the efforts made by attorneys to make this work smoothly. While people can appear remotely for all of the dockets, most are opting to appear in person for General District Court cases throughout the state. Because of the winter surge in COVID-19 cases, the GDC has stepped back some cases again in an effort to keep people safe by prioritizing more serious cases and is continuing minor offenses out to a time when hopefully the virus is in decline and more members of the community have been vaccinated.

continued on page 16



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FAIRFAX LAW FOUNDATION NORTHERN VIRGINIA PRO BONO LAW CENTER

By Heather Cooper, Esq., President, Fairfax Law Foundation

It has now been a full year since our lives were changed by the pandemic. We have endured 12 months of quarantines, facemasks, hand sanitizer, Zoom mediations, virtual trials, and social distancing. I continue to be amazed at how quickly we all “pivoted” (to coin a phrase from one of my favorite episodes of *Friends*). I am especially proud of how the programs supported by the Fairfax Law Foundation pushed forward to address the needs of our community and wanted to share a few stories with you in that regard.

One of the Foundation's most important endeavors is the support of the Northern Virginia Pro Bono Law Center. The NVPBLC strives to provide much-needed legal assistance to low-income and poverty clients, relying on the skills and expertise of volunteer lawyers. The program was challenged by many changes in the law this past year, especially those affecting housing. Arlene Beckerman, Director of Pro Bono Activities for the NVPBLC, said it best when she shared that “without a stable home, individuals face almost insurmountable problems dealing with all the other aspects of their lives including employment, health, education for children, and more.”

Consider the plight of John (not his real name). John had a 12-month lease for a basement room in a single-family residence from July 2019 to July 2020. He was paying \$600/month. Unfortunately, John experienced pandemic-related employment challenges and was unable to pay any rent for May, and was only able to pay one-half of June's rent. John was hospitalized in June, during which time the basement flooded. The landlord put John's belongings in plastic bags, which were then left out in the backyard. Some of his property was damaged due to water damage or exposure to the elements. The landlord then filed an unlawful detainer action in the Fairfax General District Court for nonpayment of rent. While awaiting resolution of the issue, John was living in terrible conditions—a filthy, bare room with a tiled floor and no bed. A volunteer lawyer got involved on John's behalf and ultimately negotiated an agreement with the landlord that helped John avoid a significant judgment for money damages and an eviction history, and which restored John's security deposit and compensation for damage to his personal property. This volunteer lawyer also helped John pack, clean his room and move his things to a safe, clean apartment. John later reported that he was getting back to work and was in a good position to maintain timely housing payments.

Another volunteer attorney took on an employer on behalf of “Jane” who was misled to believe that she had to resign her position (after 17 years of service) in order to care for her mother. She was not counseled on the availability of leave under the Family Medical Leave Act (FMLA). Her mother fortunately recovered quickly, but when Jane returned to her employer to be re-hired, she was told that she was under a three-year re-hire ban because she gave insufficient notice when she resigned. Jane went one year without a job or health insurance during the height of the pandemic. She was initially awarded unemployment benefits, but VEC later informed Jane that she had actually been ineligible for benefits in light of her resignation and sought to collect \$7,200 in benefits already paid to Jane. A union declined support because Jane had “resigned.” The volunteer attorney presented a claim on Jane's behalf to the employer and helped Jane reach a confidential settlement. Based on the favorable settlement, the lawyer is now helping Jane appeal to the Virginia Employment Commission (VEC) in an effort to keep the \$7,200 in unemployment benefits.

The Fairfax Law Foundation also supports the FBA's Paralegal Section's annual Valentine's Day Book Project. Every January, the Paralegal Section begins a drive to collect funds to purchase books, toiletries, and journals to distribute to the young men and women in residential correctional programs in the County. The pandemic did not slow the Paralegal Section at all. After collecting names and wish lists, and buying books and toiletries with the generous donations from the legal community, the Paralegal Section assembled large tote bags, which were distributed on Valentine's Day. Because of the pandemic, the residents of these residential programs were not permitted to go home for Valentine's Day, and so the bags were especially comforting this year. One resident exclaimed that he “could not believe they got us so much.” Another young man literally jumped up and down with happiness. The Paralegal Section had such wonderful participation from the Bar that they were able to assemble a few extra bags that were given to children in Shelter Care.

These are just a few examples of how programs supported by the Fairfax Law Foundation have forged ahead with their missions over the last 12 months and had a real and meaningful impact on individuals in our community.

When you are considering whether to make a donation to the First Hour Campaign, or become a Fellow of the Fairfax Law Foundation, or contribute to any of the Foundation's other fundraisers, please know that your donation truly matters. Your contributions to the Fairfax Law Foundation enable the NVPBLC to help people like John secure safe housing and Jane maintain gainful employment. They help bring joy to the young men and women in the County's correctional programs and give them hope.

There are many opportunities for members of Fairfax's legal community to contribute time or resources to the Foundation's many endeavors. Please visit the Fairfax Law Foundation's website at www.Fairfaxlawfoundation.org, or reach out to me directly. I would love to talk to you about these opportunities. ■

BUSINESS LAW SECTION UPDATE

By Arthur Weiss, Esq., Vice-Chair

Caution: War Story

My client wanted to purchase a company holding 12 very popular burger franchises throughout southern Arizona, with an asking price of \$27 million. He questioned whether this was reasonable or not. The 200-page valuation report came to \$29.8 million but the seller was “motivated” and dropped the asking price by 10%. As a certified valuation analyst, I was familiar with these reports and had created them myself, so I went directly to the assumptions in the report that I knew would be subject to pushback and negotiation.

A valuation rests on three pillars, each of which is ripe for argument, negotiation, and compromise. Those three areas are: (1) free cash flow to equity (FCFE), (2) cost of capital (also known as the required rate of return), and (3) growth.

Free Cash Flow to Equity

What you need to know about FCFE is that it is not net income. It is often less than that. A valuation formula that uses net income rather than FCFE as the basis for the value is likely going to be overvalued. For example, a company has \$1,000,000 Net Income, straight off the income statement. That \$1,000,000 is capitalized at 9.5% for a total value of \$10,526,315. However, the buyer's attorney insisted on capitalizing FCFE (\$972,000) rather than net income, resulting in a value of \$10,231,578, a difference of almost \$300,000.

The question of taxes on the free cash flow has been a much argued and unresolved issue in the valuation community. Let's say in a simplified example, this particular investor is in the 25% tax bracket. This means that the \$972,000 is subject to that tax bracket leaving the investor with an after-tax cash flow of \$729,000. Can the attorney suggest capitalizing the \$729,000 instead of the \$972,000? This would yield a valuation of \$7.67 million.

Since the purchase price is being paid with after-tax dollars, wouldn't it make sense to value the company in after-tax free cash flow? Now I seriously doubt the seller would agree to sell for \$7.67 million, but it could be a valuable bargaining chip in the final price negotiations.

Cost of Capital

This is another concept that can be (and has been) argued by scholars and practitioners for years and remains an open question. But it is a very important question. The tea leaves are inconclusive. Going back to the deal above, we have an FCFE of \$972,000 and a proposed cost of capital of 12% with growth assumed to be 2.5%. Ergo we capitalized at 9.5% (12% - 2.5%). But what if the cost of capital was actually 13.2% instead of 12%?

We then capitalize at 10.7% (13.2% - 2.5%) resulting in a valuation of \$9,084,112. There are many things that would account for the difference in cost of capital, far too many to discuss here. But a reasonable argument could be made to support the higher cost of capital resulting in a million-dollar savings. Cost of capital is a reflection of risk, and who better to uncover risk than an attorney? The higher the risk, the higher the cost of capital, the lower the valuation. If you are interested in this topic, I refer you to *Cost of Capital* 5th ed. by Shannon Pratt and Roger Grabowski, Wiley and Sons (2014).

Growth

Last year the company had an FCFE of \$972,000. But we are not buying last year's free cash flow; we are buying next year's, and the next and the next, etc. Unfortunately, we do not know what those free cash flows will be. As Yogi Berra said, “It is hard to predict things, especially about the future.” So we estimate, we assume, we guess. In the above example, we used a growth projection of 2.5%.

We guessed 2.5%. But what if a quick analysis showed that was a half percent too high and that 2% is actually a more accurate assumption? Well, now we have \$972,000 FCFE, a cost of capital at 13.2%, and a growth projection of 2%. Valuation is now \$8.7 million. Growth is not free. If the valuation assumes, let's say, 5% growth—the attorney needs to ask where that growth will come from and how will it be funded.

Valuation analysts have an ethical responsibility to provide a completely neutral report—one based on best evidence and unbiased statistical analysis. However, a valuation still involves examining and estimating future cash flows and is laden with assumptions, best guesses, and a measure of Kentucky windage. The attorney representing the buyer should closely examine each assumption to determine whether additional analysis will benefit her client. Can we challenge net income calculations, cost of capital assumptions, and growth projections? Yes, and if we represent the buyer, we should. ■

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ABA MID-YEAR MEETING RESULTS

By Richard A. Gray, Esq., ABA Delegate

As the FBA Delegate to the ABA, I attended the ABA (virtual) House of Delegates Meeting held on February 23, 2021. There were 34 resolutions presented to the House for its consideration over the day, out of which 31 resolutions were adopted. The resolutions presented are covered by a wide range of bar association and section interests. For example, one of four resolutions presented to the House for consideration by the Virgin Island Bar Association that was adopted, which should interest our members, is Resolution 10A urging the bar admission authority of each jurisdiction that has adopted the Uniform Bar Exam (UBE) to amend its bar admissions rules to provide that the minimum number of years an applicant must have been primarily engaged in the active practice of law to be eligible for admission by motion equal the maximum age that a UBE score may be transferred for purposes of admission by UBE score transfer. There are currently 36 jurisdictions that have adopted the UBE, including The District of Columbia, Maryland, and West Virginia (unfortunately not yet by the Commonwealth of Virginia.)

Other new policies approved by the House included a resolution that urges the federal government to implement programs to assist law graduates and law students experiencing financial hardship due to their student loans.

These and other resolutions that were typically approved by overwhelming margins included a resolution to enable the ABA to lobby legislators and file *amicus* briefs to advocate for new student loan policy by the federal government (Resolution 106C). If the ABA policy recommendation were to be enacted into law, it would extend student loan repayment terms, allow either refinancing or transferring of obligations to federal programs from commercial programs, and authorize suspension or forgiveness of student loans in certain situations (fn[1]). An interesting related statistic that was presented was a synopsis of various studies documenting that recent law school graduates carry an average of \$145,000 in student loan debt on graduation.

Two Covid-19 pandemic-inspired policies presented to the House that were adopted were designed to help lawyers and law students better manage their well-being and family life. There is Resolution 300A sponsored by the ABA Coordinating Group on Practice Forward, which encourages stakeholders in the legal profession to increase the availability of resources that advance lawyer well-being. The second resolution, Resolution 300B, encourages the government and other entities to provide adequate funding to ensure access to fair, affordable, and high-quality childcare and family care as well as other resources for school-age children. Resolution 300B had probably the narrowest approval because there was no mechanism included for how to pay for these new services.

The House also approved a change to Resolution 111 in its Rules of Procedure to add the requirement that future resolutions must advance one or more of the ABA's four goals: To serve the membership, to improve the profession, to eliminate bias and enhance diversity, and to advance the rule of law. Resolution 111 arose out of past concerns raised by various unified state bar associations and others that past HOD resolutions presented were unrelated to the practice of law.

OTHER NOTEWORTHY ACTIONS OF THE ABA MID-YEAR MEETING:

The Board of Governors approved a Presidential Citation presented by President Patricia Lee Refo to Kevin J. Curtin of Woburn, Massachusetts, posthumously, as a former member of the ABA Board of Governors, in honor of his many years of service to the ABA and the practice of law.

The Board elected James Bikoff of Washington, DC, as the ABA representative to the Intellectual Property Constituency for a three-year term beginning July 1, 2021, and expiring on June 30, 2024.

The Board elected Michael G. Lewis of Washington, DC, as the ABA representative to the Board of Trustees of the Foundation for Advancement of Diversity in Intellectual Property Law for a three-year term beginning July 1, 2021, and expiring on June 30, 2024.

The Board elected Keith A. Matthews of Washington, DC as the ABA representative to the Board of Directors of the Council for Agricultural Science and Technology (CAST) for a three-year term which began October 1, 2020, and expires on October 1, 2023.

The Board approved the request to establish the Diversity Fellows Program to operate from March 2021 through August 2022, with an understanding that the International Law Section is required to submit a request in the future should the program be extended beyond the approved term.

continued on page 16

THE COLLABORATIVE PROCESS & THE LAW BEHIND THE PRACTICE

By Christine Hisson, Esq., Alternative Dispute Resolution Section

It is an exciting time in Virginia for the Collaborative Law Process, a voluntary form of alternative dispute resolution. The Collaborative Law Process began in the early 1990's, its creation coming from the desire to better serve divorcing families. In 2010, the Uniform Law Commission unanimously approved the Uniform Collaborative Law Act (UCLA)/Uniform Collaborative Law Rules (UCLR), and the UCLA/UCLR became available for introduction in state legislatures. Collaborative Law is presently practiced in all 50 states and in 25 countries around the world, and as of mid-2020, 19 states and the District of Columbia had enacted the UCLA. The District of Columbia enacted the UCLA in 2012 and Maryland in 2014.

Long overdue, Virginia House Bill No. 1852 was introduced in the House on January 13, 2021; it passed the Senate 34-2. The Bill creates the Uniform Collaborative Law Act (UCLA).

"Which provides a framework for the practice of collaborate law, a process entered into voluntarily by clients for the express purpose of reaching a settlement in family or domestic relations law matter, including (i) marriage, divorce, dissolution, annulment, and property distribution; (ii) child custody, visitation, and parenting time; (iii) alimony, spousal support, maintenance, and child support; (iv) adoption; (v) parentage; and (vi) negotiation or enforcement of premarital, marital, and separation agreements. The Act governs disclosure of information, privilege against disclosure of communications, and scope of representation by attorneys in the proceedings."

The Code of Virginia is amended by adding to Title 20, Chapter 11 §20-163 through §20-187, Uniform Collaborative Law Act (UCLA). The UCLA brings clarity and stability to the practice of Collaborative Law by including:

- The Collaborative Law Process is a procedure intended to resolve a collaborative matter without intervention by a tribunal in which persons sign a collaborative law participation agreement and are represented by collaborative lawyers. A collaborative matter is a dispute, transaction, claim, problem, or issue for resolution that is between family or household members or arises under the family or domestic relations law of the Commonwealth. **§20-168**
- A Collaborative Law Participation Agreement, which is an agreement by persons to participate in a collaborative law process, shall be in writing; signed by the parties, state the intention of the parties to resolve their collaborative matter through the Collaborative Law Process, describe the nature and scope of the matter, identify each party's collaborative attorney, and contain a statement by each collaborative attorney confirming the lawyers' representation of the party in the Collaborative Law Process, and any other agreed to provisions may be added. **§20-170**
- Parties may change course and use the Collaborative Law Process despite their matter pending in court. And, in that event, the parties shall promptly file a notice of the collaborative law participation agreement after it is signed. The filing acts as an application for a stay of proceeding. If the stay is not granted, the proceeding shall be nonsuited before the collaborative law process may continue. In the event the stay is granted, the parties must file a notice with the tribunal advising that the collaborative law process is concluded. **§20-172**
- With some exceptions, a collaborative lawyer and lawyers associated in a firm are disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter. **§20-175**
- After a collaborative law process concludes, another lawyer in a law firm with a collaborative lawyer disqualified under §20-175, may represent a party for no fee when the party's annual income qualifies the party; the collaborative law participation agreement provides for the representation; and the law firm has in place, procedures that are reasonably calculated to isolate the collaborative lawyer. **§20-176**
- There must be timely, full, candid, and informal disclosure of information related to the collaborative matter without formal discovery. **§20-177**
- A collaborative lawyer has a duty, before a party signs a collaborative law participation agreement, to assess the factors the lawyer reasonably believes relate to whether the collaborative process is appropriate and to provide information the lawyer reasonably believes is sufficient for the party to make an informed decision about the material benefits and risks of the process as compared to other processes. **§20-179**
- Prior to a party signing a collaborative participation agreement, the collaborative attorney shall make reasonable inquiry whether there is a history of family abuse, and such assessment shall continue throughout the collaborative process. If the collaborative attorney reasonably believes that there is a history of family abuse, the lawyer shall not begin or continue the process unless the party requests to begin or continue and the collaborative attorney reasonably believes the safety of the party can be adequately protected during the process. **§20-180**

continued on page 12

YOUNG LAWYERS SECTION UPDATE

By Benjamin C. Charlton, Esq., President

Like any other organization, the Young Lawyers Section faces unprecedented challenges in its 2020–2021 term. As the COVID-19 pandemic continues to challenge our members, we have been advancing interest in our section and providing avenues for young lawyers to socialize, network, and develop their skills as members of the bar through several virtual opportunities. Here are a few highlights.

This past fall, we hosted events with judges of the Fairfax County Juvenile and Domestic Relations and General District Courts, as well as the Circuit Court. For both events, judges spoke with small rotating groups of young lawyers, which provided them with a nearly one-on-one opportunity to discuss the judges' backgrounds, practice pointers, and recommendations for practicing in a virtual world. In the spring, the Young Lawyers Section hosted a similar event for the District Court judges on March 4 and will host another virtual roundtable with the Circuit Court judges on April 14. We saw strong attendance at these informal events and are encouraged by our peers' continued dedication to building bench-bar relationships.

Just because we couldn't be in person this year doesn't mean we didn't host our annual Toys for Tots Charity Drive. We asked merrymakers to donate toys to the eponymous charity before the event, where attendees donned their ugliest sweaters and tested their memory of Fairfax history, Virginia law, and the occasional law-themed flick. Attendees and toy-donors were rewarded with a chance at winning one of many raffle prizes, and the winning trivia team earned the surprise opportunity to attend a private happy hour with Hon. John Tran.

The annual New Attorney Orientation saw not only a new look this year, but because of the delayed bar exam dates, a new date too. On January 28, 2021, more than 50 new lawyers from around the Commonwealth joined us for the annual CLE. They were treated to talks by local bar leaders, Fairfax County Clerks, judges from each of the three courts, and more. Even those of us who have previously attended this event picked up new insights about better ways to represent our clients.

One opportunity sorely lacking during this pandemic has been the chance for young lawyers to observe their more experienced colleagues in court. On March 12, we began offering a temporary solution thanks to the generosity of our Circuit Court judges and their law clerks: virtual viewing rooms. As interest continues (and so does the pandemic), so will this opportunity.

The Young Lawyers Section isn't done yet. As we head into the second quarter of 2021, we continue to plan events for our members and the bar at large.

On May 4, we will host our Spring CLE. This year, the topic is marketing. We've gathered speakers from around Virginia to present this CLE, so don't miss it! Marketing your law practice is always a worthwhile skill to improve, and during the pandemic, it took a backseat to many other pressing needs. This CLE will allow our young lawyers to hit the ground running with new skills as we gradually return to normalcy.

Finally, we once again are unsure about whether it will be safe to host Lawyerpalooza. This annual picnic event is usually accompanied by families, lawn games, raffle prizes, and incredible food. Pandemic-permitting, we look forward to spending a few hours on a lazy Saturday chatting with friends. Keep an eye out for more details about this event and more events to come, including rescheduling our event at Bad Axe Throwing (once it's safe) and a possible virtual wine tasting.

The Young Lawyers Section has grown stronger under the weight of the pandemic. Although this is not the year we planned, it is the year we were dealt. Our past and future successes would not be possible without tremendous support from our friends, our families, and our colleagues around the bar. Thank you to all who have made this a year to remember for all the right reasons. We hope to see you in person again soon.

To join the Young Lawyers Section or learn more about its events, email Ben Charlton at ben.charlton@freimims.com. ■

GENERAL DISTRICT COURT COMMITTEE

By Crystal Kramer, Esq., and Bryan Kennedy, Esq., Co-Chairs

Over the past unprecedented year, the General District Court Committee has been working diligently to keep up with all of the changes in both public health and policy that have impacted the way we practice in our court. First, we want to inform everyone that we have changed our meeting time and day. Traditionally we met on the second Thursday afternoon of the month, but, due to segmented dockets to facilitate social distancing, we now meet on the second Tuesday of each month at 4:00 p.m. This change coincides with the new policy of the court to not have a preliminary hearing docket on the second Tuesday afternoon of each month to permit for the judges to have meetings, given the longer and more frequent dockets that the court now schedules. The Committee meetings will continue to occur virtually until further notice.

As has been the case with other committees of the bar, a large focus of the past year has been on the new use of technology in the courtroom. On the civil side, phone appearances have worked well for many of the judges. The criminal side has been more difficult. For much of the shutdown, the Court was prioritizing incarcerated individuals on the docket, which required coordination from the Sheriff, the Court, the Clerks, and counsel. Balancing public health concerns and the rights of individuals charged with crimes has proven to be a tricky process, but these issues were the subject of productive conversations during our Committee meetings. The Committee continues to discuss improvements in technology and the ways that technology can help improve access to the courts as the pandemic continues.

Federal and state legislators continue to alter the requirements that must be satisfied to file nonpayment of rent, unlawful detainers, and other civil cases during the pandemic. These new laws have also added new court-mandated forms in these cases. The bench and the bar have worked together to continue ensuring that our court is compliant with these new laws and to inform the bar of the changes the court makes as a result of the new laws. LSNV has also kept our committee updated on new resources available to litigants as resources become available, for example, the Fairfax County Rental Program.

Another frequent conversation over the past year in our Committee has been the new way cases need to be litigated depending on whether the Commonwealth's Attorney is involved in traffic and misdemeanor cases. This has created changes in the court and many lively conversations amongst the Bar at our meetings as we work through this new landscape.

Finally, through the diligent work of David Hirsch and many others, the Committee recently completed a comprehensive revision of the *Manual of Pre-trial and Sentencing Programs*. This resource will, for the first time, be available on the FBA website. This manual explains many court-operated programs, including all of the Court's specialty dockets. The manual also provides ideas for programs outside the Court that may be helpful to individuals accused of crimes in either the pre-trial period or during the sentencing period. The Committee hopes that defense attorneys will use this to find creative ways to help their clients. The Committee thanks the many people who updated the manual for their hard work.

Finally, the Committee was very excited for the addition of our 12th judge on the General District Court bench and looks forward to the improvements the Court can make for litigants and counsel with a more manageable caseload. Thank you to all in the FBA and the Court who fought for many years to make this a possibility.

If you have issues you would like to bring up to the GDC Committee, please feel free to contact our co-chairs, Crystal Kramer ckramer@offitkurman.com and Bryan Kennedy bkennedy@vadefenders.org, or join us for a meeting! ■

FAMILY LAW SECTION UPDATE

By Mary C. Huff and Lauren W. Smith, Co-Chairs

The Family Law Section of the Fairfax Bar Association (FBA) is one of the largest of the fifteen sections, with four hundred (400) members. While facing challenges presented by the novel coronavirus pandemic, the Family Law Section successfully prioritizes its foundational concept of enhancing its members' knowledge of the law and court procedures. With the help of the FBA office, the Family Law Section continues to hold virtual monthly meetings and CLEs. These webinar events address a variety of issues that impact the practice of family law. We meet on the second Monday of every month at 6:00 PM, on Thursday at 12:00 (Noon), or consistent with the schedules of our featured speakers. Each month, in advance of the meeting, members are e-mailed a description of the topics to be covered at the next meeting and information regarding the presenters.

The Family Law Section has historically ensured that our members are as well-informed as possible about practicing before the Courts of Fairfax County. This became essential in 2020 when the court system frequently adapted operations, policies, and procedures to navigate the pandemic. The Hon. John T. Frey, Clerk of the Circuit Court of Fairfax County, addressed the Section to provide updates regarding the Circuit Court plan for operations. We were also pleased to host the Hon. Maha-Rebekah Ramos Abejuela, the Hon. Jonathan D. Frieden, and the Hon. Todd G. Petit of the Juvenile and Domestic Relations District Court, who graciously pivoted from our traditional "Meet and Greet" to provide court policy and practice updates.

In addition to keeping our membership abreast of occurrences within the Courts of Fairfax County, the Family Law Section ensures our members stay up-to-date on the law. Family law generally arises out of state law, so it is critically important that our members are apprised of the most recent developments in the Virginia Legislature, the Court of Appeals of Virginia, and the Supreme Court of Virginia. We update our membership annually regarding recently introduced bills that impact the domestic relations practice, the progress of the bills, and whether they are enacted into law. We periodically update our membership on important family law decisions issued by the Virginia Court of Appeals and the Virginia Supreme Court.

In addition to those regularly recurring topics, the Family Law Section hosts presentations on nuanced areas of the law and other specialty issues for our membership. In 2020, such topics included preparing and litigating international child custody cases; developmentally appropriate ways to discuss divorce with minor children; how to ascertain and prove children's reasonable preferences; a "master class" on oral argument and persuasion; and pursuing civil and criminal enforcement of custody orders. All topics are planned and honed to help our members remain the most sophisticated domestic relations attorneys in Virginia and simultaneously improve the methods of practice for those who directly impact families and children. ■

THE COLLABORATIVE PROCESS *continued from page 9*

- Collaborative law communications, which are statements, oral or in a record, or verbal or nonverbal made to conduct, participate in, continue, or reconvene a collaborative law process and occur between the signing of the collaborative law participation agreement and the conclusion of the process, are confidential pursuant to the extent agreed upon by the parties in a signed record or as provided by another law of the Commonwealth. **§20-181**
- Subject to waiver, preclusion, and some limits, there is a privilege against disclosure, admissibility, and discovery of a collaborative law communication. **§20-182—§20-184**

The benefits of using the Collaborative Process to resolve family disputes are many. It is a private, respectful process in which the parties are called upon to participate with integrity and without threats of litigation. This allows the parties the time and space to gather and process the information they need to make important decisions. During this process, neither party has to worry about abrupt changes in finances or living arrangements, and both can take comfort in the fact that there will be no unilateral decisions or changes regarding their children.

The parties have the option in the Collaborative Process of assembling, in addition to their collaborative attorneys, a team of supportive Collaboratively trained professionals to assist the parties in resolving their dispute. These professionals include mental health professionals who serve as coaches and child specialists and financial neutrals.

Interest-based negotiations, Collaboratively trained professionals committed to helping the parties resolve their dispute outside of court, and the preservation of self-determination allow the parties to craft durable, lasting agreements. ■

Christine Hissong is a family law attorney, certified mediator, and Collaboratively trained attorney. She is the current Co-Chair of the Fairfax Bar Association Alternative Dispute Resolution Section; Membership-Chair of the Collaborative Professionals of Northern Virginia; and a roster mediator for the Fairfax County Juvenile and Domestic Relations District Court. Christine may be reached at Chissong@Reese.Law or 703-279-5240.

President's Column

continued from page 2

our local law firms and offices. As I stated previously, if you “think” there’s a gap in your office, there most probably is. It is also imperative to make active and working connections with diverse and specialty bars, and to establish greater representation and involvement within our Bar committees, continuing legal education programs, and Bar events.

With that being said, I am asking the esteemed members of the Fairfax Bar Association to provide their input, to get involved, to make themselves not the “only” in any group. I would like to hear more suggestions, see more faces as the different Bar committees develop. I want to see Bar Association continuing legal education classes that speak to and represent current topics within our legal community.

In October, at the Unconventional Convention, insightful, informative, and necessary discussion was coordinated with topics on the access to justice of our legal community; understanding the criminal law changes; disparities in the foster care system; and implicit bias and how it affects the lawyers and the clients that come before our court. We also frankly addressed the importance of giving back in the representation of the Innocence Project. We spoke about new technologies and how to represent clients in this difficult technological age. The reason that I believe that the convention was such a success is that, for perhaps the first time, people from different groups came together, albeit virtually, to address these topical issues.

Every one of the topics presented is intertwined and needs continual input from our members. This has been a stressful year and it’s hard to believe that a year ago this month, our lives changed dramatically. Perhaps one of the effects—you could call it a positive effect or an ill effect—is that we were confronted with a lot of issues. Good, bad, or indifferent, we were forced to address ourselves in ways that we haven’t had to do previously. I know has been hard (believe me, I do) but I also believe that we will come out on the other side if we just keep digging.

While the Access to Justice and Diversity Task Force is only one of the many committees within the Bar that are committed in their various forms to access to justice and diversity and inclusion in the law, we must work together to reach a wider forum. It continues to be my pleasure and honor to work on this project, along with the other committees from the Circuit Court, the General District Court, and the Juvenile & Domestic Relations District Court. My thanks go out to the members of the Access to Justice and Diversity Committee Task Force, comprised of the court committee chairs and specialty bars, such as the Northern Virginia Black Attorneys Association (NOVABAA), the Hispanic Bar Association of Virginia (HBA-VA), and the Asian Pacific American Bar Association of Virginia (APABA-VA). I appreciate and acknowledge the time commitments of the judges, the lawyers, and the FBA staff in working together to address these issues.

I would like to ask if anyone has input on suggestions that they believe would be of assistance in achieving these goals of the task force, or has a contribution or comment to make relating to their experiences, please feel to contact me at 703-324-2674/ via email at donna.banks@fairfaxcounty.gov, or contact the most wonderful staff a bar association could ask for at the FBA’s main number, 703-246-2740.

As always, thank you members of the Fairfax Bar! ■

NEW MEMBERS

DECEMBER

Harrison J. Clinton
Olivia R. Malm
Kiana Ragland
Melissa E. Sevier
Zachary J. Stafford
Timothy A. Swarr
Jennifer Zary

JANUARY

Zahra R. Abrams (Syed)
Babak Alavi
Jessica Arena
Stephanie Ayala
Kelly N. Ayers
Erica M. Bilkis
Julie M. Borzage
Robert E. Brosh
Charles C. Cain
Spencer Cantrell
Noah J. Cherry
Evelyn A. Clark
Renee M. Cobb
Ashley Coleman
Angell N. Darvalics
Amanda C. DeLaPerriere
Michael C. Dingman
Jennifer M. Don
Suh Dongyeon
Richard El-Rassy
Christian R. Fernandez
Christopher G. Forsgren
William B. Gibson
Erin E. Gill
Eric Gilliland
John W. Goodman
Mary L. Graham
Brittany K. Hacker
Alexander R. Hamilton
Kayleen Hansen
Anastasia Hautanen
Dylan T. Haversack
Veronica A. Holmes
Jessiah S. Hulle
Jordan A. Hutcheson
Alexis M. Jones
Daniel M. Jordan
Mackenzie L. Kelly
Iman K. Kholdebarin
Minji Kim
Taylor N. Klauza
Callie R. Kyhl
Christopher J. Laudenschach
Alyssa R. Leader
Edward Y. Lee
James E. Lego
Grace K. Lempp
Hannah M. Littlefield
Jackson Littlejohn
Emily C. Lopynski
Erik N. Lund
David C. Maley
Robert C. Marshall II
Hannah E. Mateer
Estefania E. McCarroll
Patrick R. McGovern
James C. Meek

JANUARY CONT'D

T. Bryce Miller
Dana L. Molinari
Ashlend B. Moss
Joseph C. Oschri
Chelsea A. Padgett
Andrew B. Pardue
Kelsey E. Parker
Mackenzie A. Payne
Thomas Pennington
Marisa E. Poncia
JouyaRastegar
Reginald Ratliff
Clare E. Reardon
Ian D. Robertson
Rachel M. Rogers
Matthew E. Saliman
Janet Sanchez
Lauren E. Sayers
Joanna Steele
Daniel M. Thaler
Abbey M. Thornhill
Andrew L. Todd
Sravan K. Tumuluri
David E. Walko
Cara M. Wallace
Lara A. Weipert
Melissa J. Wiles
Liza G. Yang
Jinming Zhang
Andrea K. Zizzi

FEBRUARY

Ozra O. Ajizadeh
Elsie N. Atswei Daniels
Christopher M. Battista
Erica N. Baum
Benedict S. Bernstein
Nicholas G. Carey
Giovanni Carillo
Mika Carlin (Bray)
Mengkun Chen
Wendy Cousler
Matthew C. Dalton
Brian E. Doll Jr.
Crystal R. Fialkowski
Abigail C. Frye
Pierre D. Greene
Olivia M. Griffin
Evelyn A. Hildebrand
Tara Hosseini-Sabet
Brandon W. Howell
Wesley D. Kerr
Spiros Komis
Christopher Leighton
ShirineLoghmanian
Madeline G. Meckes
Junior J. Ndlovu
Jordan Nye
Elissa L. Oblon
Patrick J. Roche
Nickera S. Rodriguez
Zackary J. Rogers
Alec M. Royka
Jennifer Schlumpf
Richard Southern
Catherine A. Thompson
Alexander von Fricken

PRO BONO AWARDS

continued from page 1

Ms. Weinstein has been very actively involved with the Fairfax Bar Association since she started practicing law. She is currently on the Board of Directors and has been a member of the Circuit Court Committee for many years, where she serves on the Domestic Relations Subcommittee. She also served on the Board of the Young Lawyers Section from 2010 through 2014.

Ms. Weinstein volunteers with the Legal Services of Northern Virginia's "Attorney of the Day" program, representing low income civil protective order petitioners in family abuse matters in Fairfax County. She also volunteers with the Northern Virginia Pro Bono Law Center, assisting with family law matters, as well as Wills on Wheels, drafting important life-planning documents for low-income seniors.

During this past year, Ms. Weinstein volunteered to help a client with the appeal of her protective order, devoting about 85 hours to provide representation. The client had been training as a doctor in her home country of Sudan but left with her children to join her husband in the United States in 2011. After arriving in the U.S., the husband cut off the client from others, treated her very poorly, and would not allow her to work. The stress of the family situation also prevented the client from sitting for her medical exams. In January 2020, the husband agreed to the entry of a two-year protective order based on the domestic violence, but then changed his mind and appealed. All of the financial assets were in the husband's name.

Ms. Weinstein agreed to the *pro bono* representation and handled the protective order appeal. After many hours devoted to preparing the matter with the client, Ms. Weinstein was able to successfully obtain a two-year protective order against the husband, ensuring freedom and safety for the client and the children. These results were accomplished despite the inherent difficulties of communicating and preparing for litigation amid a pandemic. Her efforts resulted in a huge and long-lasting benefit in the lives of the client and the children. In these unusual times, these two lawyers stepped forward to offer their time and skills in very different ways to make a difference in the lives of their clients.

Their efforts deserve to be recognized and rewarded as Pro Bono Lawyers of the Year. Hopefully, the example of these selfless efforts will serve as a model and inspire others to donate their time and skills to assist those in need. ■

UPCOMING EVENTS/CLEs

Due to the uncertainty surrounding COVID-19, FBA and Fairfax Law Foundation events may be cancelled, postponed, or transitioned to virtual programs.

Wednesday, March 24, 2021

Law Firms and the Scourge of Ransomware:

How to Prevent, Detect, Respond and Recover CLE (Webinar)

1:00 PM – 2:00 PM

1.0 MCLE Credit (*Pending*)

Cisco Webex

\$35 FBA Attorney Members/\$50 Attorney Non-Members

\$25 FBA YLS Members/\$40 YLS Non-Members

Tuesday, April 6, 2021

Nuts and Bolts of Practice in the EDVA "Rocket Docket" CLE (Webinar)

11:00 AM – 2:00 PM

3.0 MCLE Credits (*Pending*)

Cisco Webex

\$105 FBA Attorney Members/\$150 Attorney Non-Members

\$75 FBA YLS/\$120 YLS Non-Members

Monday, April 12, 2021

Life Insurance in PSA's and Divorce Decrees CLE (Webinar)

4:00 PM – 5:00 PM

1.0 MCLE Credit (*Pending*)

Cisco Webex

\$35 FBA Attorney Members/\$50 Attorney Non-Members

\$25 FBA YLS Members/\$40 YLS Non-Members

Wednesday, April 14, 2021

YLS Cocktails with the Circuit Court Judges

5:30 PM – 6:30 PM

Cisco Webex

Register online by April 9, 2021 to be entered for a chance to win a raffle prize.

FREE for all attendees.

Special thanks to our raffle prize sponsor the law firm of Kearney, Freeman, Fogarty & Joshi, PLLC.

Thursday, April 22, 2021

Combating Toxicity in the Practice of Law CLE (Webinar)

12:00 PM – 1:30 PM

1.5 MCLE Credits (*Pending*)

Cisco Webex

\$52.50 FBA Attorney Members/\$75 Attorney Non-Members

\$37.50 FBA YLS Members/\$60 YLS Non-Members

Wednesday, April 28, 2021

A Lawyer's Guide to Assisting Consumers Webinar

1:30 PM - 4:30 PM

3 MCLE Credits (*Pending*)

Live Webinar

FREE (in exchange for *pro bono* work).

Thursday, April 29, 2021

Family Law Section Meeting CLE

12:00 PM

Tuesday, May 4, 2021

Self-Marketing for New Attorneys CLE

Presented by the Fairfax Bar Association Young Lawyers Section

4:00 PM - 6:00 PM

1.0 MCLE (0.5) Ethics Credits (*Pending*)

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ANNOUNCEMENT

David A. Hirsch of The Myerson Law Group, P.C. was elected to the Dulles Regional Chamber of Commerce's Board of Directors as its General Counsel. David's practice includes representation of businesses and individuals in litigation, arbitration, mediation, and state and local administrative agency hearings. His areas of law include Business, Contracts, Construction, and Criminal and Traffic Defense. David also sits as an Arbitrator with the American Arbitration Association.



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STATE OF THE JUDICIARY *continued from page 4*

In other GDC news, Chief Judge Mayne pointed out that the decision by the Fairfax Commonwealth Attorney's Office to not handle misdemeanor cases in GDC has resulted in an uptick of trials, particularly in the morning dockets. In response, the Court plans to experiment with a criminal trial docket similar to the long trial docket that now exists for civil trials. She also discussed the on-again-off-again eviction moratorium and the GDC's newly-required detailed cover sheet for each unlawful detainer case filed, as well as the General Assembly's plan to raise the jurisdictional limit for personal injury cases for GDC to \$50,000; for all of these topics, Chief Judge Mayne urged attendees to watch for e-mail updates from the Bar Association.

Lastly, those attending the virtual luncheon heard from Hon. Bruce D. White, Chief Judge, Fairfax Circuit Court, who delivered his sixth and final State of the Judiciary report. Chief Judge White's last day as a sitting judge will be June 30, 2021, and Judge-Elect Tania M.L. Saylor, Esq. will be seated no later than July 1st. Chief Judge White also noted that Hon. David Bernhard, Hon. Richard E. Gardiner, and Hon. Daniel E. Ortiz have all submitted applications to be considered for the Court of Appeals; as a result of these changes, the Circuit Court will likely look very different in the coming years. Because many of the recently-elected judges were serving as substitute judges, multiple positions have opened up; therefore, the district courts will have many changes as well.

Speaking of things looking different, Chief Judge White gave an overview of how the Circuit Court has adapted during the COVID-19 pandemic. While he looks forward to the courthouse returning to normal operations, he has no idea when that might be possible. The Fairfax County Circuit Court used to conduct more jury trials than any other court in the Commonwealth, and Judge White thinks that we still do; since the Virginia Supreme Court approved of our jury plan, seven jury trials have been completed and at the time of the luncheon, Judge Gardiner was in the middle of a multi-week jury trial. Considering that some jurisdictions haven't yet been approved for the resumption of jury trials, and some that have been approved have only completed one or two of them, Fairfax is doing well in that regard even if the numbers are much lower than usual. Chief Judge White discussed the Court's plan to resume civil trials, which has since been approved by the Supreme Court, and thanked Hon. Penney S. Azcarate and Hon. David A. Oblon for their help with this project.

Chief Judge White highlighted the many safety measures that have been put into place in the courthouse in response to the pandemic: upon arrival to the courthouse, every person entering must have their temperature taken, must not have any symptoms, must wear a mask at all times, and must socially distance. While the Circuit Court wasn't sure if and how the response from jurors would be impacted by current events, luckily jurors have been responding in greater numbers than expected. The precautions that have been taken seem to comfort them, and exit interviews have indicated that the measures succeeded in making them feel safe. Because this was Chief Judge White's final State of the Judiciary address, he stressed that he has loved being a judge and being part of the legal community in Fairfax, and loved serving as a sub-judge prior to his ascension to the Bench. While he will be handling mediation, he also plans to continue to come back as a sub-judge for the Circuit Court. While the Bench has changed quite a bit since he started, Chief Judge White thinks it remains one of the strongest, if not the strongest, in the Commonwealth.

All three of the Chief Judges noted that they appreciate the professionalism of members of the Bar, which has allowed them to weather the pandemic. Like many of us, they look forward to a day when we can safely resume in-person events; however, since that day isn't yet possible, we truly appreciate that the Chief Judges of the 19th Judicial Circuit took the time to provide our members with these important updates in this adapted format. We are all still adjusting to our new reality, and we appreciate everyone's understanding as well as their continued support of the Fairfax Bar Association. ■

ABA REPORT *continued from page 8*

The Board approved the request of the Commission on Sexual Orientation and Gender Identity to amend the SOGI LGBT Public Interest Scholarship Program criteria to provide that one or more scholarships may be awarded up to \$5,000 per award per individual selected; that the scholarships may be awarded to individuals that identify as part of the LGBTQ+ community and/or individual allies of the LGBTQ+ community, and that the scholarship does not have to be awarded based on financial need alone but may be granted as a stipend for current law students and/or recent law school graduates from an ABA-accredited law school that has committed to work in (or seek to undertake work in) public interest organizations that help to promote the Rule of Law and/or civil and human rights, or individuals that identify as LGBTQ+.

Finally, it was announced that the August 4-10, 2021 ABA convention to Toronto, Canada has been canceled due to difficulties in planning and scheduling the event internationally during the ongoing pandemic. The August 2021 convention will be either a live or virtual meeting in a U.S. domestic location yet to be determined. The 2022 ABA Midyear Meeting on February 9-14 in Seattle, Washington remains on track as does the 2022 ABA Annual Meeting to be held on August 3-9, in Chicago, Illinois.

Thank you for the privilege of being able to be your ABA House of Delegates Representative for the 2021-2022 two-year term. Please feel free to contact me if you have any questions regarding any of the actions of the just concluded ABA House of Delegates convention.

[1] A companion resolution sponsored by the Young Lawyers Division urging Congress to amend the U.S. Bankruptcy Code to ease restrictions on how student loans can be discharged was withdrawn because of objections from other ABA entities. ■



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- **4101 Chain Bridge Rd.** - Windowed prvt. offices w/shared common area conf. rm. & kitchen avail. now. **FOR LEASE:**
 - Suite 302 - \$750/mo, full service, upper level end unit
 - Suite 102 - \$700/mo, full service, 1st flr/walk-in level
 - Suite 108 - \$800/mo, full service, large office on 1st flr/walk-in level

4103 Chain Bridge Road - Location! Flexible office suite sizes! Elevatored office building w/plenty parking across from Fairfax Courthouse! Office suites from 1,750 RSF - 3,500 RSF avail., 3-10 yr. term. LL will provide new paint, carpet, and turnkey building standard build-out w/4 year min lease. **LEASE - \$21 - \$23 PSF, full service.**

4101 Chain Bridge Road - 1,250 SF - 2,500 SF custom office space ready to be built-out for your use, currently in warm, lit shell condition. LL will provide building standard office build-out w/tenant's choice of paint & carpet, 4-yr min. term. **LEASE - \$25 psf, full service.**

10615 Judicial Drive, Unit 403 - Move-in ready! Lovely like-new upper level end unit w/great windowline & high ceilings for lots of natural light. Floor plan: lrg. central admin/conf. area, 3 prvt. offices, recently renovated BA & eat-in kit. Perfect for most professional uses. **LEASE - \$1,625/mo + elec, cln, phone & internet. 2 - 5 yr. lease term. Avail. immed.**

10513 Judicial Drive - Suite 102 - 1,700 SF - 4,000 SF on 1st floor **OR Suite 301** - 1,526 SF on 3rd. flr. corner suite of elevatored building directly across from Fairfax Courthouse. 1st floor space can be divided into two suites: approx. 1,700 rsf & 2,300 rsf. Great space in a convenient location! Covered parking for tenants! Building-standard turnkey build-out w/5-yr. min. lease. **LEASE - \$25 psf, Full Service, 3 - 5 yr. lease, avail. immed.**

10640 Page Avenue - Located next to Post Office on corner of Judicial with-in walking distance of FFX Courthouse. Suites from 1,560 - 2,520 contig. RSF. 3rd floor move-in ready spec suite 2,200 SF avail. for immed. delivery. **LEASE - \$23 psf, full service. Owner will provide paint & carpet in tenant's choice w/3-yr. lease (except spec suite). Additional build-out negot.**

10373-B Democracy Lane - Great location between University Dr. and Old Lee Highway by Courthouse Shopping Plaza & next to new Capstone Collegiate Project. Upper level unit w/efficient layout: large reception/admin area, 2 large windowed private offices, kitchenette, BA, utility & storage closet. Plenty parking & exterior signage allowed. Renovated & move-in ready w/new paint, carpet & kitchenette! **SALE - \$225,000 (\$223 psf) OR LEASE - \$1,425 + elec, cln, phone & internet.**

4085 Chain Bridge Road - Great location & visibility! - 1,150 OR 3,150 RSF. **Suite 401** - 1,150 rsf corner office on 4th floor has: recep/waiting rm w/hospitality bar, 2 prvt. offices, conf. rm, file or break room & closet. Owner will provide new paint & carpet w/3-yr. min. lease term. **Lobby Level** - 3,150 rsf avail. for office/medical/limited retail use, signage facing street, and direct entrances from Chain Bridge Road from rear parking deck. **LEASE - \$23 psf, full service, 2 - 5 yr. lease term.**

10521 Judicial Drive, Unit 305 - Across Judicial Drive from Fairfax Courthouse! Lovely corner suite w/4 offices, large conference room, reception/admin area, eat-in kitchen, and storage/communication closet. **LEASE - \$2,310/mo (\$18 PSF include utilities) + cln, phone & internet, 2 - 5 yr. lease term. Landlord will provide new flooring in tenant's choice of color w/3-yr. lease min. Avail. immed.**

Call for more details, more listings,
or to schedule a showing:

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