

JOURNAL

Newsletter of the Fairfax Bar Association www.fairfaxbar.org August/September 2014

2014-2015

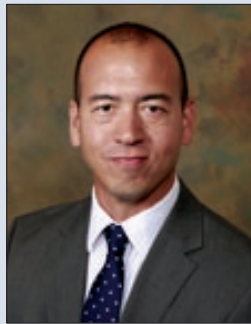
Fairfax Bar Association Leadership

2014 FBA ANNUAL MEETING LUNCHEON



The 2014 FBA Annual Meeting Luncheon was held on June 10, 2014 at Maggiano's Little Italy in Tysons Corner. The luncheon opened with a welcome from Edward L. Weiner, 2013-2014 FBA President, followed by a presentation of the Hon. Arnold B. Kassabian Memorial Award given to Mehagen D. McRae. Recipients of the President's Awards were then presented to: Guylaine Saint Juste, Thomas B. Pulver, Elizabeth Honig, Lisa Banks, James H. Stallings, Professor James Carroll, Barbara and Charles Jenkins, and Dana Gaetano. We congratulate each of them on their dedication and efforts to make the Bar a success. The luncheon concluded with the passing of the gavel to the 2014-2015 FBA President David L. Marks. ■

OFFICERS & NEWLY-ELECTED BOARD MEMBERS



David L. Marks
President



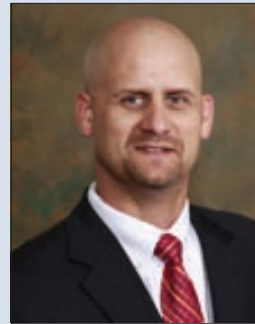
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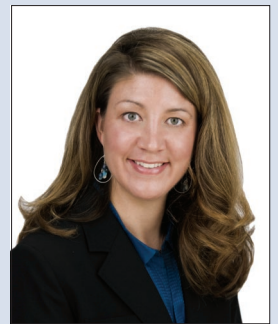
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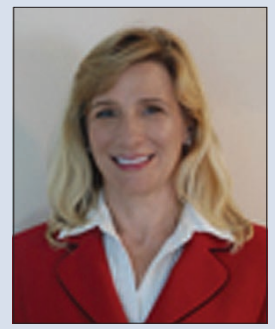
Christie A. Leary
Secretary



Valerie E. Hughes
General Counsel



Christopher Costa
Director



Lauren Waller Smith
Director

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President's Column

By David L. Marks, Esq.

STATE OF THE ASSOCIATION

It is my great honor to serve you as President of the Fairfax Bar Association, the largest voluntary Bar association in the Commonwealth. I am a Fairfax County native, born in Fairfax Hospital and an Annandale High School graduate, so I take great pride in all things Fairfax but especially our Bar Association. I was fortunate to begin my legal career with Brandt Jennings, a local insurance defense law firm that encouraged service to the Bar and *pro bono* work. Soon after my hiring, I recall fondly being escorted by Craig Jennings to my first FBA luncheon where new members were introduced and asked to stand. Fellow members came up to me at the conclusion to welcome me to the Fairfax Bar. It was a nice feeling for a brand new lawyer to become part of a noble profession.

That feeling only continued as I became more active with the Young Lawyers. Many of my closest friendships that continue to this day have been produced from my participation with the Young Lawyers. It was great to get together at events to discuss our different experiences in court, prickly partners, and even wedding plans. Eventually, I was elected President of the Young Lawyers and that is where I got my first real look behind the curtain of the Fairfax Bar.

As President of the Young Lawyers, you are also elected to the Board of Directors of the Fairfax Bar. Can you imagine being a fairly new lawyer and going to your first Board meeting where all the Directors are the peers of your bosses? It was daunting, as I had no idea of the issues involving the membership, the intricacies of the budget, and the programs of the various committees and sections. Before I could even begin to catch up, my year on the Board was quickly over.

What was apparent to me though, from the outset, was the caliber of attorneys that were on the Board. I was so impressed that all these lawyers had outstanding reputations, thriving practices, and an active family life, yet still found the time to give back to their profession. As I transitioned from Young Lawyer to "Middle-Aged Lawyer," my dilemma was whether I had that same discipline to organize my time to get everything done and done well. My wife and I, at that time, just had our first child and I had made the decision to start my own plaintiff's personal injury firm. I spoke to Sharon Nelson, who was the FBA President when I was first on the Board, and she strongly encouraged/demanded that I stay involved—she didn't see it as a choice. Obviously Sharon has followed her own advice to stay involved as she just completed her term as Virginia State Bar President and is now President of the Fairfax Law Foundation.

I ran and was elected to the FBA Board of Directors. Seven years later, after climbing the leadership ladder that requires holding every officer position on the Board, I have humbly emerged as your President. I now have a much deeper knowledge and admiration of all the Fairfax Bar Association has to offer and the amount of work it takes from the staff, the board, and the membership to keep us at such high levels.

I am very pleased to report that as I enter office, the State of the Association is fantastic. My predecessor, Ed Weiner, has left the FBA in great shape. Financially, we are doing better than we ever have. Our membership numbers are holding strong. Our committees and sections continue to support and educate our members. We just recently issued an update to the *Circuit Court Manual* and will be completing the update to the *Juvenile and Domestic Relations District Court Manual* in



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FAIRFAX BAR JOURNAL

Official Newsletter of the
Fairfax Bar Association

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

FBA *Staff Updates Announcement*

Many changes have taken place at the Bar Association over the last few months. We are pleased to announce that **Erin Iacangelo** has joined us as the new Membership Coordinator, **Trista Boyd** was promoted to the position of MCLE/Special Events Coordinator, and **Melissa Scheeren** has accepted a position as the *Pro Bono* Assistant for the Northern Virginia *Pro Bono* Law Center.

Erin Iacangelo started as the Membership Coordinator for the FBA in May 2014. Prior to her employment at the Bar she worked as an Artist Services/Special Events Assistant for George Mason University Center of the Arts and Hylton Performing Arts. She graduated in May 2012 from George Mason University with a Bachelor of Science degree in Tourism & Events Management. During her time there she interned as a Special Events Coordinator for University Life at the Prince William Campus. She coordinated three major events each year and a number of smaller social events. At the Bar, her major responsibilities include maintaining member files, processing membership applications, and ensuring the smooth and responsive operation with the members and general public, among other duties.

Trista Boyd was employed as the Membership Coordinator for the Fairfax Bar Association beginning in August 2012. Prior to her employment at the Bar she worked as a Special Events Intern for the National Wildlife Federation in Reston, VA. She graduated in May 2012 from George Mason University with a Bachelor of Science degree in Tourism and Event Management. As the FBA's MCLE/Special Events Coordinator, she plans about 20 educational seminars annually. She also provides support for events such as the Run for Justice 5K, Newly Admitted Attorneys' Orientation, Support Staff Orientation, Young Lawyers Section events, and FBA Conventions.

Melissa Scheeren is a graduate of The George Washington University Law School. She has worked for the Bar since March 2008, previously serving as an Associate Law Librarian in the Fairfax Public Law Library. Before attending law school, Melissa was the Sign Language Interpreting Program Coordinator and Consumer Specialist at the Center for Independent Living of North Central Florida, a nonprofit organization serving individuals with disabilities. She received her Bachelor of Health Science degree from the University of Florida. As the *Pro Bono* Assistant, Melissa supports the maintenance and administration of the Northern Virginia *Pro Bono* Law Center.

She conducts case assessments and provides recommendations for *pro bono* case placement through the Family Legal Assistance Project. She also assists in the development of *pro bono* initiatives including the Family Law Summit and the administration of Continuing Legal Education seminars aimed at recruiting lawyers for consumer, housing and employment *pro bono* law programs.

If you have an opportunity, please stop by the office to meet and congratulate each of them. ■



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2014-2015

Fairfax Bar Association Leadership

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OFFICERS

David L. Marks, President — Law Offices of David L. Marks

David received his B.A. from Washington College in Fredericksburg, VA, and his J.D. from the T.C. Williams School of Law at the University of Richmond in Richmond, VA. David has been an active member of the FBA, having served on the Board of the Young Lawyers Section and as its Secretary and President. He served on the *Pro Bono* Advisory Board and as Co-Chair of the Committee from 2003-2006. David has been on the Board of Directors since 2007.

Douglas R. Kay, President-Elect — Offit Kurman, P.C.

Doug received his B.A. from Virginia Tech and his J.D. from California Western School of Law in San Diego, CA. He has been an active member of the Bar, having served as a member of the Judicial Screening Committee, Law Library Committee, and served as Chair of the Legislative Committee. Doug has been a member of the FBA's Board of Directors since 2008.

Richard A. Gray, Vice-President — Feldesman Tucker Leifer Fidell LLP

Richard received his B.A. from Old Dominion University, his M.A. at George Mason University, and later his J.D. from the New England School of Law. His FBA involvement includes being a member of the Family Law Section and Liaison to the Fairfax County Juvenile and Domestic Relations District Court. Richard has been a member of the FBA's Board of Directors since 2009.

Edward L. Weiner, Immediate Past President — Weiner, Spivey & Miller, PLC

A graduate of the State University of New York at Binghamton, Ed received his J.D. from the University of Richmond and his LL.M. in International Law from Georgetown University Law Center. He has been an active member of the Fairfax Bar Association since 1980. He was a member of the Board of Directors of the Fairfax Law Foundation from 2002-2010, and has served as its President.

Thomas W. Repczynski, Treasurer — Offit Kurman, P.C.

Tom completed his undergraduate work at Dartmouth College and later received his J.D. from George Mason University School of Law. His FBA involvement includes serving as Chair of the Law Library Committee, and participation in the Budget and General District Court Committees. Tom has been a member of the FBA's Board of Directors since 2009.

Christie A. Leary, Secretary — Law Offices of Christie A. Leary, P.C.

Christie received her B.A. from the College of William and Mary and later went on to receive her J.D. from the George Mason University School of Law. She has been a very active member of the Bar, and has served as the President of the Young Lawyers Section, as Director of the Run for Justice 5k, and currently serves as Vice-President of the Fairfax Law Foundation. Christie has been a member of the FBA's Board of Directors since 2009.

Valerie E. Hughes, General Counsel — The Bowen Law Firm

Valerie received both her B.A. and Law Degree from George Mason University. She has been an active member of the Bar as a member of the Circuit Court Committee and the Domestic Relations Sub-Committee. She served as Chair of the Circuit Court Committee and served on the Judicial Screening Committee. Valerie has been a member of the Board since 2011.

NEWLY-ELECTED BOARD MEMBERS

Christopher Costa, Director — Office of the County Attorney, Fairfax, Virginia

Christopher received his B.A. from the University of Rhode Island with a double-major of French and Political Science and later received his J.D. from George Mason University. Chris' FBA involvement includes serving on and chairing the Legislative Committee, and serving on the General District Court Committee, Circuit Court Committee, and Judicial Funding Task Force.

Lauren Waller Smith, Director — Law Office of Lauren Waller Smith, PLLC

Lauren received her B.A. from Dartmouth College and later her law degree from Columbia University. Her previous Bar involvement includes serving on the Juvenile and Domestic Relations Court Committee, Circuit Court Committee, Legislative Committee, and *Pro Bono* Committee. She also has been an active member as a Court Tour Volunteer, Conciliator for the J&DR and Circuit Courts, and Neighborhood Outreach Volunteer for the Northern Virginia *Pro Bono* Law Center. ■

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The Young Lawyers Section Kicks Off Summer With an Afternoon of Fun and Games

By Patrick K. Burns, Esq., an Associate of Bancroft, McGavin, Horvath & Judkins, P.C.

The Young Lawyers Section of the Fairfax Bar Association hosted its annual event “Lawyerpalooza” (formerly known as Stitt Cup), on June 7, 2014. The event was held at Hunter House, located at Nottoway Park in Vienna, Virginia and offered a day of socializing and networking with fellow lawyers in an outdoor setting to raise funds to benefit the Fairfax Law Foundation’s Hon. David T. Stitt Scholarship for the George Mason University School of Law. The event was renamed this year to increase participation among young lawyers. Stitt Cup was organized as a social and networking event for young lawyers, which centered on a volleyball tournament in honor of Judge Stitt, whose enthusiasm and competitive spirit became one of the hallmarks of the volleyball tournament each year. Lawyerpalooza expanded the event from a volleyball tournament to a tournament of a wider variety of backyard games.

This year, over 100 members of the Bar community and family and friends enjoyed a full day of beautiful weather, catered barbeque from Red, Hot and Blue, door prizes, and backyard games such as ladder ball and corn hole.

Lawyerpalooza provides an excellent opportunity for young lawyers to converse with fellow attorneys in a relaxed, informal setting outside of the courthouse. It offers great fellowship, friendly rivalry and an opportunity to participate in an event that strengthens the Bar. Over 20 door prizes were raffled off throughout the day, and these included gift cards to Amazon, iTunes, and local eateries. The law office of Jonathan Phillips, P.C. donated the biggest prize of the day: two tickets to a Washington Nationals game.

A special thanks to Derek Richmond, of Richmond | Schy, PLLC, who garnered laughs from the crowd emceeing the raffle for the fourth year in a row. Additionally, his firm also provided a variety of beverages for attendees to enjoy.

On behalf of the Fairfax Bar Association Young Lawyers Section, we would like to express our sincerest gratitude to all of the generous sponsors, attendees, and everyone else whose efforts helped make Lawyerpalooza a huge success. Special recognition and appreciation go out to Courtne Norris and Trista Boyd of the Fairfax Bar Association, who worked tirelessly to ensure a festive, fun day for all. Finally, this article would not be complete without recognizing the efforts of Laurie Proctor, President of the FBA Young Lawyers Section, and all of the YLS Board Members who contributed to the event. ■

FBA Young Lawyers Section

2014-2015

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Patrick K. Burns, President-Elect
Laurie L. Proctor, Past President

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FAIRFAX BAR ASSOCIATION YOUNG LAWYERS SECTION
PRESENTS



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UPCOMING CLEs/EVENTS

AUGUST 24, 2014

FBA DAY WITH THE NATIONALS

12:05 PM - PRE-GAME PICNIC

1:35 PM - BASEBALL GAME

Nationals Park, 1500 S. Capitol Street, SE

Washington, DC 20003

\$50 Per Person (includes ticket and pre-game picnic)

SEPTEMBER 3, 2014

TECHNOLOGY IN FAIRFAX COURTROOMS:

COME KICK OUR TIRES! CLE

5:00 - 7:00 PM

Fairfax County Courthouse, Courtroom 5J

2.0 MCLE Credits *Approved*

\$100 FBA Attorney Members

\$130 Attorney Non-Members

SEPTEMBER 4, 2014

HOT TOPICS IN JUVENILE LAW CLE -

**ETHICS, SPECIAL IMMIGRANT JUVENILE STATUS,
ADOPTION, CHANGING TIMELINES FOR ABUSE, AND
NEGLECT CASES**

4:00-7:00 PM

Fairfax County Courthouse, 4th Floor Jury Assembly Room

3.0 MCLE (1.0 Ethics) Credits *Approved*

3.0 GAL Credits *Pending*

\$105 FBA Attorney Members

\$150 FBA Attorney Non-Members

\$75 FBA Young Lawyers Section Members

\$120 Young Lawyers Non-Members

SEPTEMBER 14-17, 2014

2014 GREENBRIER CONVENTION

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10 MCLE (2.0 Ethics) Credits *Pending*

\$1,350 FBA Members

\$1,150 FBA Young Lawyers

\$1,500 Non-FBA Members

\$900 Two Attorneys Rooming Together

\$125 Per Guest

OCTOBER 1, 2014

GOLDEN GAVEL AWARDS DINNER

5:30 PM Networking Reception

6:30 PM Dinner

Country Club of Fairfax

5110 Ox Road, Fairfax, VA 2230

\$125 Per Person

Hosted by the Fairfax Law Foundation's Society of Fellows

Sponsorships are available.

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NOVEMBER 22, 2014

14TH ANNUAL JAZZ 4 JUSTICE CONCERT

George Mason University Center for the Arts

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Q&A

Question & Answers With The Hon. Richard E. Gardiner, Fairfax General District Court Judge

By Amy Bradley, Esq.

Where did you grow up?

Several places. I was born in Pennsylvania, outside Philadelphia, and lived there until I was 10. My father was involved in the space program, so we moved to New Jersey for a year, and then we moved to Massachusetts. I went to a boarding school in Massachusetts, Brooks School, for high school.

What was it like moving around as you were growing up?

The first move I didn't like because I was 10 years old and I'd only lived in one house. I was very upset about having to move. I didn't like New Jersey at all, so when my father said we were moving again, I was very pleased.

Tell me about your family.

I have a younger sister and a brother. My father was part of the Apollo space program and was in charge of designing and building the electronics in the lunar module as head of the RCA team.

Your father was very scientific minded. What led you to law?

My undergraduate major was electrical engineering, but I never really liked it. I think two things drew me to the law. First, I liked the history of it. It was history coming alive. Second is the argument and intellectual analysis that the practice of law requires. I really thought about what I could do to blend those two interests. Law was the obvious choice.

Did you ever work as an engineer?

I never worked as an engineer. I graduated from Union College in 1973 and joined the Navy then went to flight school in Pensacola, Florida. After about a year, because the Navy was cutting back on the number of pilots as the Vietnam War was winding down, I was honorably discharged and used the GI benefits to go to law school.

Do you still fly?

I did for a while, but I gave it up when my son was born.

What was your first job out of law school?

I went to work for the National Rifle Association. I began working there while I was in law school as a part-time law clerk. When I graduated, they offered me a position as an assistant general counsel.

Were you pro-Second Amendment?

I never really thought about it much. It was not an issue that came up in my house one way or another. I went there because I thought it would be interesting to work there. I kind of developed my interest by working there. My first few years, I did a lot of legislative drafting. In fact, much of what is now the federal Gun Control Act was my drafting as part of a major overhaul of the law in 1986. I spent most of my time on that, including testifying in Congress.

Testifying in Congress must have been interesting.

One time I thought I was going to be held in contempt of Congress. There was a congressman from New Jersey who was chair of the subcommittee holding hearings on the bill I had drafted. I was testifying in support of the bill—to which the congressman was opposed—and when he made a comment about some language in the bill, several people in the audience started laughing at him because his comment was so inane. I couldn't help chuckling in response and when he picked up the gavel to quiet everyone and to chastise me, he knocked over a glass of water. It apparently fell into his lap, and he was very upset.

Is there one case that will always be the one that stands out in your memory?

The Printz case. Printz v. United States, 521 U.S. 898 (1997). The case resulted from federal legislation against which I had testified. I had testified that the law was unconstitutional and, if it passed, it would end up in being struck down by the Supreme Court. The sponsor of the bill disagreed and told me that the bill was clearly constitutional and it passed. When the case challenging it did end up in the Supreme Court (I didn't get to argue the case unfortunately; my co-counsel did), the Supreme Court declared it unconstitutional. So I sent the sponsor a short letter saying "I told you so." He never responded.

When did you go into private practice?

I went into private practice in 1994. My practice was about half criminal defense, both state and federal, and half civil, primarily business related, mainly contract matters and federal and state administrative law. My background in the Gun Control Act helped me represent a lot of people around the country whose firearm licenses had been suspended or revoked. I got to argue appeals in 10 of the 13 federal circuit courts.

What has been surprising to you since joining the bench?

The unpredictability of the docket. For example, one day I had 17 civil trials on the 2B docket and they all settled or were continued or were non-suited. Another day, the morning traffic docket lasted until almost 5:30 p.m. I am also in awe of the job that the clerks do. With the hundreds of thousands of cases in this court, it's amazing how they always have the right file in the right courtroom on the right day. They are a pleasure to work with.

What do you enjoy doing in your spare time?

When the weather is good, I work outside. My wife is an avid gardener. She loves doing that on the weekends, and I enjoy helping her.

When did you get married?

I was married in 1986. My wife is from Poland and came to the United States as a nanny. Shortly after she arrived in the United States, martial law had been declared in Poland, so she was afraid to go back. Fortunately, because of martial law, the United States was not deporting Polish nationals, but allowing them to stay and work, if they appeared at the immigration service. As she couldn't afford to hire an immigration attorney, I represented her when she appeared at the immigration office so that she could get a work permit. A year or so later, we got married.

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Volunteer Fairfax: Strengthens the Community Through Alternative Service

By Jennifer Goldstein, Esq.

Volunteer Fairfax has, for almost 40 years, served the DC Metro Region by connecting volunteers with local nonprofits to build a better community. Through Volunteer Fairfax's commitment to promoting and supporting volunteerism, the Alternative Community Service (ACS) program places a broad range of court-ordered and pre-trial clients with agencies, government, and faith-based organizations throughout the region. Through service and community involvement, the ACS program seeks to reduce recidivism rates and help offenders overcome past indiscretions by giving back, a transformative process both for the community and for the individual. By employing the ACS program, attorneys can feel confident that their client's case will be given special attention and monitored from start to successful finish.

Through our close relationship with the local courts, Volunteer Fairfax adheres to requirements set forth by the Fairfax County Judicial System. Not only does the ACS program serve Fairfax County courts, we can also abide by the requirements of other jurisdictions.

To best serve our clientele and to find the optimal service placement, we factor in the individual's availability, geographic location, and transportation options. Volunteer Fairfax partners with nonprofits all over the Washington, DC Metropolitan area, and can assist individuals who reside inside and outside Fairfax County, alleviating the challenge of finding and verifying placement. Volunteer Fairfax services the needs of our clients, whatever their individual circumstances, which may include a tight turn-around time, a specific volunteer mission, or a particular region.

While much of our client base is local, Volunteer Fairfax can also accept out-of-state clients. Matching a client to a service location is not limited to those agencies in our data base. Upon the removal of the ACS manager, clients are permitted to find their own placement at any nonprofit, government, or faith-based agency. This aspect of our services is often utilized to accommodate out-of-the-area individuals.

Community service is a great way for offenders to turn a negative into a positive. When individuals engage in service, they are not only enriching their own lives, but also helping fulfill a community need—which may go unmet without volunteers. At Volunteer Fairfax, staff work with clients to find placement that match their interests in hopes of discovering a hidden passion that encourages the individual to stay involved in the community and continue to make a positive impact.

The ACS program accepts clients who are over the age of 18 with a wide variety of charges. Specific charges include, but are not limited to, criminal misdemeanors, drug possession, and traffic offenses. For more information about Volunteer Fairfax and the ACS program, please refer to our website at www.volunteerfairfax.org, or contact the ACS program staff at acs@volunteerfairfax.org. ■

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GOLF

Spring Golf Tournament

By Robert S. Letnick, Esq.

The Fairfax Bar Association's 14th Annual Spring Golf Tournament was held on Monday, May 12, 2014 at the Westfields Golf Club. As in past years, this tournament was on the first Monday after Mother's Day. Eighty-four golfers were treated to a beautiful spring day with temperatures in the low 70's.

Our yearly tradition continued with a silent auction at the golf tournament. The proceeds benefited the Fairfax Law Foundation. The Law Foundation supports valuable programs in the community including *pro bono* legal services to indigent clients, maintaining the Fairfax Public Law Library, and offering law-related education programs to area students including the court tours that many of us see taking place at the Courthouse. During the silent auction, many rounds of golf were auctioned off from area courses, including the Westfields Golf Club, Stonewall Golf Club, Creighton Farms Golf Club, Old Hickory Golf Club, and Bull Run Golf Club.

The format for our yearly golf tournament is a scramble, also known as a captain's choice. For those who are not aware, at each hole every member of the team hits a tee shot and the team then selects which of the tee shots is the best ball to play. The players then play their next shot from that spot. This process continues for each shot thereafter including putts until the ball is in the hole. Therefore, if one or more members of the team hits a bad shot, they can also rely on their partners, which makes for a variety of emotions out on the golf course including both stress and humor.

This year's event was highly competitive with numerous teams shooting in the 50's. The 1st place team shot a score of 56, or 15 under par, and was the team of Bob Letnick, Jeremy Letnick, Bob Farrell, and Mike Annessa. There were two teams one stroke back with a score of 57. In a match of score cards, the 2nd place team was the team of Steve Cochran, Bill Musto, Rich LaFleur, and Scott Heon. Finishing in 3rd place was the team of David Marks, Chris Williams, Erik Jurgensen, and Ron Decesare.

As has been the custom in past years, the names of those players on the team who shot the worst score and came in last place have been redacted from this article. It is clear that these players have been spending far too much time in the office and should on occasion locate a driving range. Notwithstanding this, one of the players in this last place group who just happens to be a past President of the Fairfax Bar Association, reported that his golf game is actually improving. Having observed his golf swing, it is clear improvement is the only option available to him.

While warming up in preparation for the golf tournament, the annual putting contest was held. To get into the finals in the putting contest, each participant is required to sink a putt which, this year, consisted of a 15-foot putt with a significant break. Approximately 15 golfers qualified, and then all who qualified hit 1 putt from approximately 90 feet away with a large left-to-right break in excess of 5 feet. The putting contest was won by Bob Farrell who hit his putt to 10".

The women's longest drive on the 10th hole was won by The Honorable Lisa M. Baird of the Prince William County Juvenile and Domestic Relations District Court. The men's longest drive on hole #6 was won by Rob Fredericks, who repeated as the winner of the men's longest drive competition for a second year.

There were four closest-to-the-pin competitions on each of the par 3 holes. Ted Britt Ford again sponsored the hole-in-one competition on the 3rd hole, which is considered by many to be the signature hole at The Westfields Golf Club. This year, which just happens to be the 50th year anniversary of the Ford Mustang, Ted Britt Ford provided a beautiful red Ford Mustang. Unfortunately, none of the golfers were able to drive home the motor vehicle. As has been the custom in the past, the flag location for this hole was in the back left corner of the green, requiring a tee shot over a water hazard to a pin that was approximately 6 inches onto the green. The closest-to-the-pin on this hole, at a distance of 18'9", was won by Mike Turner. The women's closest-to-the-pin competition on hole 7 was won by Shirley Keisler, while the men's closest-to-the-pin competition on hole 17 was won by Brian Colbus. The closest-to-the-pin competition on hole 12, which was for both men and women, was won by Erik Jurgensen.

The Merrill Corporation once again provided videotape coverage of each participant's tee shot on the 1st hole, which video was played continuously throughout the dinner buffet and the awards ceremony after. The video showed a number of

participants hitting driver off the tee for their team and, once a good drive was hit, the other players competed in the closest-to-the-keg competition, which required a shot at a beer keg in the middle of the fairway about 170 yards from the men's tee box. This year's winner of the closest-to-the-keg competition was the scrivener of this article who now possesses a matched set of 4 glass beer mugs bearing the logo of the Fairfax Bar Association. The 170-yard tee shot ended up 31 inches from the keg.

There were many sponsors and donors who helped make this tournament a success this year, as in all of the past years. Special recognition goes out to one of the premium sponsors, Ted Britt Ford, who sponsored the hole-in-one competition on the 3rd hole. Special recognition also goes to Fairfax Memorial Park/Funeral Home who sponsored lunch at The Grill. Special recognition goes out to our Birdie Sponsors DiPietro, PLLC and Weiner, Spivey & Miller, PLLC.

Our Par Sponsors and donors to this year's tournament included Wayne Berthelsen, Esq.; Carroll & Carroll, P.C.; Charlson Bredehoff, Cohen & Brown, P.C.; The Fitting Studio at Westfields Golf Club; Frederick & Stephens, P.C.; Kirby-Hunter Investigations, Inc.; Merrill Corporation; Jerry Phillips, Esq.; Rudiger, Green & Kerns Reporting Service; ShounBach; Scope Real Estate Services, Inc.; and United Bank. As in past years, Herb Hunter of Kirby-Hunter Investigations, Inc. assisted the Bar Association by providing each participant with photographs of their foursome that were taken on the 3rd tee box.

For the second year in a row, each of the golfers had an opportunity to take a second tee shot on the 14th hole, which is a short par 4. However, the second tee shot was with a baseball bat at a location approximately 100 yards off the 14th green. In 2013 when Jay B. Myerson was the President of the Fairfax Bar Association, the 14th hole was specially designated for that event as the "Jay B. Myerson Memorial Golf Hole." This year other potential honorees were considered for this golf hole. However, due to Jay's prowess on the golf course, the hole was redesignated as the "Jay B. Myerson Memorial Golf Hole Part Deux."

The President of the Fairfax Bar Association at the time of this golf tournament, Edward L. Weiner, Esq., was present at the golf course but was not able to participate. For those who know Ed, he is not only a rabid ice hockey fan, he actually plays ice hockey. A decision was made that since baseball was made part of the 14th hole competition, hockey would be made part of the 12th hole competition. A very limited number of golfers had the opportunity to participate. They were able to hit a second tee shot with a hockey stick at a location approximately 75 yards from the green on the 12th hole. Unfortunately the joy of this event was brought to a sudden halt when one of our participants, who shall not be identified but who is a past President of the Fairfax Bar Association [Hint: for those who were on the cruise to Bermuda—he was observed on occasion wearing a captain's hat], decided that he was going to do his best Happy Gilmore imitation. In doing so he showed how coordinated he really is by missing the golf ball, hitting the ground, and breaking the hockey stick. Do not worry Dan, your identity remains a secret.

Prior to the commencement of the golf tournament, all of the golfers enjoyed a grilled lunch adjacent to the practice putting green. After the tournament, Westfields served the yearly buffet along with some memorable desserts. After the dinner, prizes were awarded and numerous golf items were raffled off, including 17 golf clubs, golf bags, golf shoes, sunglasses, and dozens of boxes of golf balls. As in all of the past years, this was truly a memorable golf outing and the entire staff from Westfields Golf Club did a fabulous job in putting on this event. As we have done in prior years, two of the assistant golf professionals from the Westfields Golf Club actually participated in our event by assisting our golfers with tee shots on the 3rd and 15th holes. Needless to say, their golf swings were substantially better looking than the vast majority of our golf swings.

The Fairfax Bar Association has scheduled a fall golf tournament during the convention at the **Greenbriar** and the golf tournament is scheduled for **Monday, September 15, 2014 at 1:30 PM**. On the following day at approximately 2:30 PM., we shall be having a less formal golf outing at Oakhurst Links. For those who are not aware, Oakhurst Links is a 9-hole golf course that was built in 1884, and is a few miles away from the Greenbriar. The golf course was closed in 1912 when it reverted back to pasture, but, in 1995, the golf course was restored to its original specifications. To play the golf course, a player must use hickory-shafted golf clubs and gutta-percha golf balls. For each tee shot, players fashion a tee from sand and water. This is a truly unique opportunity to golf as it was played over 100 years ago. The hickory-shafted golf clubs are available to rent from the golf course. This outing is scheduled to be a casual 9 holes of golf amongst friends, fellow Bar Association members, and their guests, and not as a golf tournament. All who participate shall be stepping back in time and enjoying a round of golf as it was played in the 19th century. All are welcome to sign up for this outing and, if you have a preference who you wish to play with, you can contact Trista Boyd at the Fairfax Bar Association, 703-246-2735, or you can always contact me at 703-273-4100. ■

golf tournament photos follow on next page

GOLF Photos



New Virginia Laws Effective July 1, 2014

According to the Constitution of Virginia, Article IV, Section 13, "All laws enacted at a regular session,...excluding a general appropriation law, shall take effect on the first day of July following the adjournment of the session of the General Assembly at which it has been enacted." Here are just a few laws to note.

Standard of Learning Reform: Lawmakers have reduced the number of Standard of Learning tests (SOLs) required for elementary and middle school students from 22 to 17. Ultimately, this means third graders will no longer take SOLs for science and social studies and students will not need to take a writing SOL and two history tests, which are typically given to fifth and sixth graders.

Hybrid Tax Law: In 2013, the General Assembly levied a \$64 annual tax on hybrid vehicles as part of a transportation overall. Lawmakers heard the outcry from hybrid owners and repealed the tax. Those who already paid the tax will or will soon receive a refund.

Sunday Hunting: A 1930 law that banned hunting on Sundays has been repealed. This law was considered a "blue law" that prohibited commerce and other activities on the Christian Sabbath. Still against the law: hunting within 200 yards of a house of worship and hunting deer or bear with a gun, firearm, or other weapon with the assistance of dogs on Sundays.

Ethics Reform: Coming on the heels of the scandal of former Gov. Bob McDonnell and his wife, the General Assembly passed several measures aimed at tightening the ethic rules on gifts taken by governing officials. Under the law, gifts from lobbyists or government contractors will be capped at \$250 per year, and gifts to an official's immediate family member must be disclosed. The law increases transparency of financial disclosure forms by putting them online. It also lowers the threshold for reporting of stock holdings and investments on financial disclosure forms from \$10,000 to \$5,000. The cap does not apply to gifts deemed "intangible"—meals, trips, sporting events, etc.

Voter ID Law: The new law requires Virginia voters to show a photo ID before being able to cast a vote in any upcoming election. Identification forms that are acceptable may include a Virginia driver's license; U.S. passport or a photo ID issued by the United States, Virginia, or one of its political subdivisions; a student ID issued by any institute of higher learning in Virginia; or any employee ID card. Virginia residents who do not already possess an acceptable ID may receive one free of charge from their local registrar.

Mental Health Changes: Last November, State Senator Creigh Deeds was attacked by his 24 year old son, who later committed suicide. The Senator's son was released from a hospital from an expired emergency custody order when a psychiatric care placement could not be found. The reform increases the duration of emergency custody orders from six to eight hours and requires the state to find a bed for further temporary detention at one of its mental hospitals. The state will then have four hours to locate a hospital bed closer to the person's home. Lastly, the length of temporary detention orders increased from 48-72 hours and a mandated web-based psychiatric bed registry will be created.

Reckless Handling of Firearms ("Brendon's Law"): Brendon Mackey, 7 years old, was killed by a falling bullet while he and his father were walking to a July 4th fireworks show in Chesterfield County. This tragedy inspired the passing of "Brendon's Law" which makes celebratory gunfire in which a person is wounded a Class 6 felony, punishable up to five years in prison.

These are just a small portion of laws that went into effect July 1, 2014. Some other laws that were passed include topics on bad faith assertion of patent infringement; record keeping requirements for check cashers; prohibiting the sale of e-cigarettes to minors; Fraud and Abuse Whistle Blower Act applicable to all Virginia citizens; and an update to child support guidelines. For more information about the new changes, visit <http://dls.virginia.gov/pubs/idc/idc14.pdf> or <http://leg1.state.va.us/>. ■

President's Column

continued from page 2

the near future. We offer 20 live CLE courses annually and over 150 online programs. Our Lawyer Referral Service is thriving as it provides the public with referrals to our members. The *Pro Bono* program is a source of pride and a model for others in the Commonwealth, as our members assist those most in need of legal services. Thank you so much to Ed Weiner for all his hard work in continually improving the FBA. We wish him well as he transitions from the Fairfax Bar Board to serving as President of the Virginia State Bar next year.

We are so fortunate to have a bench where many of the Judges are former members of the FBA Board of Directors and continue to stay involved. The FBA's efforts in Richmond, in regard to Judicial Funding, have been as successful as we might have hoped given the political parameters that we have been working under. In an atmosphere that seemed to change every hour, we have retained authorization for the 15 Circuit Court and 11 General District Court judgeships, but it currently appears we will only have funding for 14 in Circuit Court and 10 in GDC. What is still up in the air is when we will actually receive funding for the vacant seats—as Grace Burke Carroll waits patiently to see when she can assume her place on the Circuit Court. This funding issue will remain ongoing as it is anticipated that there will be two more vacancies on the Circuit Court this year, which will also necessitate the FBA's judicial screening process.

We were not as fortunate with the Juvenile and Domestic Relations District Court. The eight J&DR judgeships will be reduced to seven following a resignation or retirement of one of the current sitting J&DR judges. We did succeed in having the General Assembly require the Supreme Court to conduct a further study of the impact of translators on the docket by November 2015, which we hope will lead to the re-authorization of the eighth J&DR Judge. It will also reinforce the need for funding for all the judges authorized for Fairfax. I will continue to keep you updated throughout the year on the Bar's efforts to maintain our current seats and to receive funding.

I welcome the opportunity to speak with you about judicial funding or other FBA issues at any time (dmrks@davidmarkslaw.com) but especially from September 14-17, 2014, at our annual convention being held this year at The Greenbrier. I am very excited about the programs we have planned for you, and The Greenbrier in the fall is always beautiful. Please sign up today and come out to earn your CLE credits, to renew old friendships, and to simply relax.

As I attend different FBA committee and section meetings, I am so very proud of the dedication of our membership as they generously contribute their time to their community while running successful practices and still making it to their kids' soccer games. I hope that you feel that same pride for your Bar Association and I encourage you to stop by the Bar Office to pick up your FBA member lapel pin. As I begin my year, I am hoping my last President's State of the Association column will be as sunny as my first. Thank you again for the honor of serving as your President and I look forward to working with you! ■

Question and Answers With The Hon. Richard E. Gardiner, Fairfax General District Court Judge *continued from page 9*

Tell me about your kids.

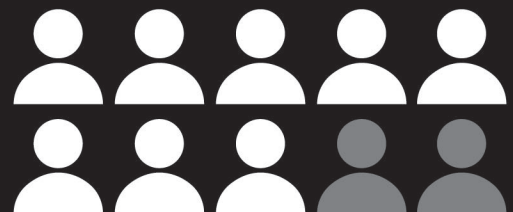
My son is an Army Reserve first lieutenant. He recently returned from Afghanistan where he was assigned to SEAL Teams for six and a half months. He now works in the Pentagon in a civilian position. My daughter graduated from JMU last year and is now working for a veterinarian. She just got accepted to veterinary school at the University of Pennsylvania not very far from where I grew up. She's most interested in small animals and specialized surgery and possibly research.

If you won the lottery and didn't have to work, what would you do?

I have not the slightest idea. I've worked since I got out of college. I've never spent much time thinking about it, and I never buy lottery tickets.

Looking many years down the road, what do you hope people will say about you?

I hope they will say that I was patient; I listened; and I knew what the law was and I followed it without regard to what I might have wanted the outcome to be. I think it's really important that people come out of the courtroom believing they were heard and got treated fairly. To me, one of the most important roles of government is to provide a forum for citizens to resolve issues peacefully. ■



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ANNOUNCEMENT

YATES CAMPBELL & HOEG LLP is pleased to announce that **ALVI AGGARWAL** has joined the firm as Associate Attorney.

Alvi comes to the firm after two years of solo practice in the area of wills, trusts and estates. She holds an LL.M. in Estate Planning from the University of Miami School of Law and a J.D. from the George Washington University Law School. Alvi is licensed to practice in Virginia and Florida. ■

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BEAN, KINNEY & KORMAN announced that **JENNIFER O. SCHIFFER** has joined the firm as an attorney. Jennifer represents local businesses in their corporate structuring, civil litigation, and commercial leasing. She also represents creditors and debtors in bankruptcy and insolvency matters ranging from simple Chapter 7 bankruptcy cases to complex Chapter 11 reorganizations.

In addition to her business representation and bankruptcy work, Jennifer has significant litigation experience in general civil litigation matters, business and real estate disputes, and cases commenced under the Bankruptcy Code. She also has significant experience preparing wills and trusts and administering estates.

Jennifer earned her J.D. from Vanderbilt School of Law with a certificate in Law and Business, and her B.A. from Vanderbilt University, *cum laude*. ■

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3927 Old Lee Hwy, Unit 102-C - Fairfax Commons near intersection at Main Street and across from Courthouse Shopping Plaza. 1,150 SF upper lvl office suite has high ceilings, open flr plan, 2 pvt offices, kit, BA, util, extra lighting & 5-ton HVAC. Suitable for many uses!
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3843 Plaza Drive - Located at Old Lee Hwy & Plaza Dr. 2,542 SF on 2 flrs: Main lvl (1,308 SF) w/recp area, conf rm, 2 pvt offices lg workspace, kitchenette, work rm, util rm & 2 entrances. Lower lvl (1,234 SF) w/2 pvt offices, lg exec office or conf rm, full kit, work/stor rm, BA & util rm. Plenty free, unassigned surface parking. Uniform ext. signage avail.
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3921 Old Lee Hwy, Unit 71-A - Across fm Courthouse Shopping Plaza & new library. Great 1st flr, handicap-accessible end unit features: recep/waiting rm, admin area, 3 pvt offices, lg conf rm/exec office, BA, storage closet, & kitchenette w/sink. Nice neutral decor. Move-in ready! 2-5 yr lease term. Avail immed.
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10379-B Democracy Lane - Located in heart of Old Town FFX off Univ Dr. Lovely suite w/6 pvt offices w/bay windows, 2 conf rms, open workspace, recep area, 2 BA, 2 storage/file rms, and 2 zoned HVAC systems. Move-in ready!
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