

JOURNAL

Newsletter of the Fairfax Bar Association www.fairfaxbar.org October/November 2015

STATE OF THE JUDICIARY – 19TH JUDICIAL CIRCUIT Fairfax, Virginia

EFFORTS CONTINUE IN SUPPORT OF FAIRFAX JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

By Aaron Christoff, Esq., Vice-Chair, FBA Judicial Funding Task Force

Members of the Bar may already know that the Virginia Judicial Workload Assessment Report, issued by the National Center for State Court in November 2013, recommended a reduction of the Fairfax J&DR bench from eight judges to seven. The FBA, its Judicial Funding Task Force, and the J&DR Bench continue efforts to retain the Court's eighth judgeship.

In January 2015, members of the Task Force addressed delegates on the Appropriations Subcommittee and later that same week another presentation was made to the Northern Virginia delegation, both to consolidate support for this crucial issue and share the details that reveal just how misguided this recommendation is when it comes to our J&DR Court. For those who practice in the J&DR Court, the idea of it operating with one less judge may already strike you as folly. But if left unchecked, our J&DR bench will be down to seven when the next sitting judge retires. Rest assured, neither the FBA nor the Court itself, has resigned itself to this fate. The critical role played by the J&DR Court to ensure Fairfax citizens efficient and prompt access to justice makes this an issue that merits the ongoing joint effort of the Bench and Bar.

In response to efforts by the FBA's Judicial Fundraising Committee and Delegate Dave Albo, the General Assembly ordered a second survey to address the deficiency identified in the November 2013 Report, to account for the impact of interpreters in the operations of courts around the Commonwealth. Not surprisingly, given the diversity and size of Fairfax, our J&DR Court and all those who practice and appear in it, are impacted by this more than any other District in the Commonwealth on a daily basis. While the results of this second survey are pending, our Court in conjunction with the Judicial Funding Task Force conducted its own studies that revealed the following:

- Fairfax County J&DR had 28,879 total new cases in 2014, 194.1% of the Commonwealth's average District and 184.1% of the other urban Districts.

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FAIRFAX INVESTITURES



Hon. Manuel A. Capsalis and family at his Investiture to the General District Court on July 16, 2015



Hon. Michael J. Lindner at his Investiture to the General District Court on August 6, 2015



Hon. Penney S. Azcarate and family at her Investiture to the Circuit Court on August 14, 2015

President's Column

By Douglas R. Kay, Esq.

The Fairfax Model

In August, I received a curious invitation to appear in Richmond to testify before the "Integrity Commission." The ominous title reminded me of the French Revolution, and caused me some trepidation at first. Ultimately, I accepted the invitation once assured that there would be no guillotines and that my testimony would be about the FBA's judicial selection process.



Governor McAuliffe formed the Commission on Integrity and Public Confidence to perform a "thorough review of Virginia's laws and submit recommendations for reforms that promote good governance in Virginia." The Integrity Commission is composed of ten commissioners including Sharon Bulova, Chairman of the Fairfax County Board of Supervisors, among others. The Integrity Commission is considering reforms to all branches of government. In the wake of the political scandal over Justice Roush, the Integrity Commission is taking a serious look at Virginia's judicial selection process.

Testimony from Joseph A. Condo and Edward L. Weiner in July sparked the Commission's interest in the FBA's judicial selection process. Joe and Ed were summoned to describe the VSB's judicial selection process for Virginia's appellate courts. Joe is presently in charge of the VSB's judicial selection process; Ed is the current VSB President—both happen to be former FBA presidents. Evidently, the discussion of the judicial selection process for appellate justices drifted to selection of judges for Virginia's Circuit and District courts. Once on that topic, Joe and Ed could not help but point to the FBA's judicial selection process as a shining example. One or both are, therefore, responsible for my summons before the Commission.

When the day for my testimony arrived in September, the agenda provided: "Presentation on the 'Fairfax Model' for Judicial Candidate Evaluations." The so-called Fairfax Model is a process that our membership can be proud of. It begins with careful selection of a pool of well-qualified FBA members who are willing and able to spend long days interviewing applicants for judicial office and carefully drafting a summary for each. When a vacancy arises, a judicial selection panel (JSP) is formed from this pool (the Judicial Selection Committee and alternates). The JSP reviews applications and interviews each would-be judge and, through secret ballot, provides a rating for each—not qualified, qualified, recommended, or highly recommended. The JSP also writes an executive summary for each applicant. The FBA's rules for judicial screening are too lengthy for further discussion here. Please take a look for yourself at:

https://governor.virginia.gov/media/4463/rules_september2013.pdf.

FBA members are afforded the opportunity to vote on the applicants. Prior to voting, the executive summary as well as each applicants' complete application is published to FBA members. Once the votes are tallied, the FBA provides results of the voting, together with the executive summaries, to the local delegation of the Virginia General Assembly which ultimately selects judges of the 19th Judicial Circuit.

The Integrity Commission is demonstrably impressed with the Fairfax Model. Its draft recommendations bear this out:

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FAIRFAX BAR JOURNAL

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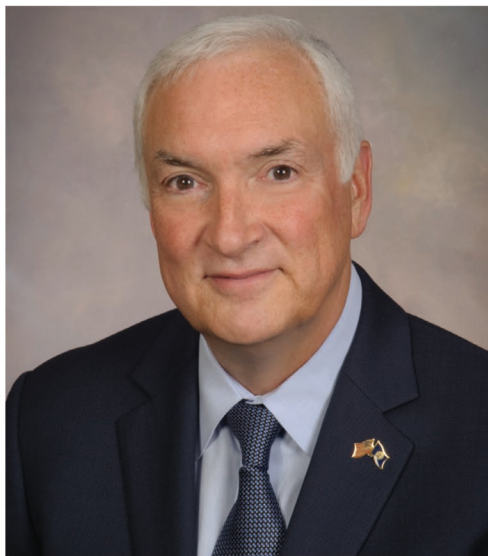
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Hon. Dennis J. Smith (Ret.)
Retired Chief Judge, Fairfax Circuit Court

The Honorable Dennis J. Smith recently retired after serving the Fairfax Circuit Court for twenty years, including four terms as Chief Judge. Prior to his tenure on the bench, he enjoyed a successful career in private practice with a focus on family law. A Past President of the National Conference of Metropolitan Courts, Judge Smith is also a Member of the Boyd-Graves Conference and the Virginia Civil and Criminal Benchbook Committee. He previously served as Chair of the Judicial Education Committee for the Judicial Conference of Virginia and of the Advisory Committee on the Establishment of a Family Court in Virginia. Judge Smith now brings this distinguished record of leadership and achievement to The McCammon Group to serve the mediation, arbitration, and special master needs of lawyers and litigants throughout the Commonwealth and beyond.

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Summary

ABA House of Delegates Annual Meeting in Chicago

By William P. Daly, Jr., FBA Delegate to the American Bar Association

At its 2015 Annual Meeting in Chicago that concluded August 3, 2015, the American Bar Association House of Delegates—made up of 559 members representing state and local bar associations, ABA entities, and ABA-affiliated organizations—adopted and expanded a broad range of policies including new policies related to the mental health inquiries for bar admissions and more transparency for law school financing. The following provides a summary of some of the actions taken.

The proposed change in mental health questions propounded to bar applicants expands the policy set in 1994 that sought to limit, but not eliminate, mental health inquiries. States typically employ a form similar to one provided by the National Conference of Bar Examiners that asks about a wide range of mental health history, including out-patient treatment, major depressive disorder, or other conditions that significantly impair behavior, judgment, or understanding. Rather than asking about a condition, the new policy urges these screening questions to address conduct. Under the policy, licensing agencies would still have the ability to explore past impairment if the questions are “reasonable and narrowly tailored” based on circumstances. This will encourage law students to seek professional treatment for mental health issues without having to worry about reporting that detail to the licensing agency during the admissions process.

The ABA House of Delegates also adopted the recommendations of a task force that called for enhanced debt counseling for law students, wider collection and publication of law school financial data, and innovation to lower costs for law students. The new policy encourages the ABA Council of the Section of Legal Education and Admissions to the Bar, an arm that serves independently as the ABA’s law school accrediting agency, to mandate enhanced financial counseling and more easily understood loan and repayment programs.

Other resolutions from the House of Delegates:

- Adopted a resolution that urges courts, probation officers, and law enforcement agencies to keep juvenile records in their custody confidential.
- Approved a resolution that called upon election officials and legislators at various levels to adopt and implement policies aimed to achieve a 30-minute maximum per voter wait time at the polls during elections.
- Voted to enact a policy that recognizes that lesbian, gay, bisexual, and transgender people have the right to be free from attempts to change their sexual orientation and gender identity, and urges governments to enact laws that prohibit state-licensed professionals from using conversion therapy on minors.
- Urged legislatures and government agencies to provide the funding necessary to develop, implement, and maintain appropriate cybersecurity programs for the courts. The resolution notes that cybersecurity threats could affect the judicial system and may pose a risk to the fair and efficient administration of justice.

Adopted separate policy resolutions that address domestic and sexual violence that:

- Urge the federal government to enact legislation and appropriate full funding to support the U.S. Department of Education Office for Civil Rights in support of its efforts to enforce Title IX and other activities designed to promote access to education free from gender-based violence.
- Ask governments to enact civil protection order statutes regarding domestic, intimate partner, sexual, dating, and stalking violence that extend protection to lesbian, gay, bisexual, and transgender individuals.
- Recognize freedom from domestic, dating, sexual violence, stalking, and all other forms of gender-based violence as a fundamental human right and urge governments to recognize, enact, and adopt resolutions affirming the right of all women, men, and children to live free from domestic, dating, and sexual violence, and stalking.

For information on all ABA policies considered at the House of Delegates meeting, please feel free to contact Bill Daly at wdaly@reesbroome.com. ■

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Is your e-mail being filtered to protect users from spam, viruses and phishing attempts?

ENCRYPT?

Is data on mobile devices encrypted? (smartphones, laptops, tablets)

Do you have a disaster recovery and incident response plan?

PLAN?

Is your backup engineered so that it cannot be encrypted by ransomware?

BACKUP?

SECURITY?

Do you have written security policies?

TRAINING?

Do your employees receive annual training on information security?

Are there industry standards with which your firm must be compliant?

HIPAA?

Do you have a Bring Your Own Device (BYOD) policy?

BYOD?

POLICIES?

Do you require strong passwords or two-factor authentication?

UPDATED?

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Tribute to Robert “Bob” E. Shoun, Esq., ShounBach

By Joseph A. Condo, Esq.



In the Wren Chapel on the William and Mary campus, there is a plaque in honor of George Wythe, founder of the law school and mentor to Thomas Jefferson. It says, “He was an exemplar of all things noble and elevating in the profession of the law.” And so it can be said of Robert E. Shoun. He was the kind of lawyer who made us all better. He was a man of dignity and class. He was the proverbial lawyer’s lawyer.

Coming into the Fairfax legal community in the early seventies with an interest in family law, it wasn’t long before I heard the name of Bob Shoun. He was one of a handful of prominent lawyers practicing in the field, but there was no confusing him with the others. He was one of a kind.

In many ways Bob was a throwback, the quintessential Southern gentleman, courtly to a fault, with his distinctive Southern Virginia accent, and a formality that might have been off-putting if it had not been so genuine; it was just who Bob was. This extended to his speaking and writing. I used to tease him that he was the only lawyer I ever knew who spoke in paragraphs, with justified margins. But his mastery of the language made him an extraordinarily effective communicator, as I soon learned the first few times I ended up in a courtroom with Bob on the opposite side.

And behind those communication skills was a formidable intellect, and an encyclopedic memory. It’s tough to win an argument with an adversary who has the details of the latest case, or the nuances of an arcane tax law, at his fingertips, and I can remember many times when I had to turn to my client and say, “He’s right.”

Bob’s integrity was beyond question; every lawyer and judge knew that his word was his bond. And never mind the technicalities and loopholes that allowed a client to wiggle out of an agreement if nothing had been signed. If Bob gave you his word that there was a deal, there was a deal.

He epitomized the word “professionalism” long before it gained currency. He avoided heated invective and personal attacks, relying on his cogent and elegantly-delivered arguments to carry the day—which they usually did. He rarely raised his voice, always maintained his dignity, and never lost his cool.

And yet for all of his civility, Bob was a fierce adversary and a tough negotiator, and his many successes and his extraordinary career serve as affirmation that aggressiveness doesn’t equate with effective lawyering—that, indeed, the opposite is true.

His prowess in the courtroom was widely known, and if you had a trial with Bob it was not uncommon to walk into the courtroom to find the jury box lined with law clerks who had been alerted by the judges to come and learn from the master.

I mark the beginning of my friendship with Bob to a Saturday night in the mid-seventies, Bob approached our table, introduced himself, and said to me, in so many words, “I’ve been hearing your name a lot lately; where the hell did you come from?”

What followed was one of the singular relationships of my lifetime. I quickly came to learn that, underneath the dignified bearing and businesslike demeanor Bob brought to his professional interactions, he was delightful company, exceptionally warm and engaging, with a sparkling sense of humor and a big heart—a very big heart.

Ours was a professional friendship; we didn’t pal around, we never socialized. But it was a rich friendship nonetheless, and over the years we were confidants and sounding boards for one another, picking each other’s brains about cases, grousing about difficult clients, getting the skinny on a new opponent, or commiserating about the challenges and the various comings and goings in our firms. We came to understand and trust one another implicitly—so well, for example, that a few years ago when I called Bob and told him it would take another several thousand dollars to resolve a case we had, he asked me, as few other adversaries could, “Are you just humoring your client and expecting me to say no, or do you really need the additional money?” When I told him it was the latter, he said, “I’ll recommend it,” and the case was settled.

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Bob used to say that of the hundreds of cases he and I had, we settled all but three, and that of those three, we each won one and the third was a tie. There was just a little hyperbole there: we tried a few more than three cases—but not a whole lot more. And make no mistake: when we did try cases our friendship never got in the way of Bob's fighting hard and pulling no punches in representing his clients. At the same time, the courtroom battles never affected the friendship; Bob saw to that. I will never forget a time in the eighties when we tried an especially tragic case—the most difficult one we ever had—involving a couple who each blamed the other for the suicide of their teenage son. It went on for days, with emotions raw and running high. At one point Bob could see that it was getting to me, and he took me aside and said, "If we're not careful this case could ruin our friendship. Don't let's let that happen." We obviously didn't let that happen.

As good a lawyer as Bob was, there was much more to him than lawyering; he had a full life away from the office. His love of sports, especially his Duke Blue Devils and (God help him) the Redskins, was legendary, as was his love of escaping with Debbie to Belaggio in Las Vegas. Above all he loved and cherished his family. He and Debbie were a match made in heaven; he could not have been more devoted to Kathryn, Michael, and Robert; and he was captivated by his 20-month-old granddaughter, Aria.

Bob was the closest thing there ever was to a Fairfax institution, and it is hard to believe that he is no longer among us. But what a legacy he leaves!

First and foremost is the living legacy of his thousands of clients whom he gently, but firmly shepherded through the hardest time of their lives.

There are countless lawyers on whom Bob had an indelible effect, either through his teaching and mentoring as their colleague, or by his example in the courtroom and at the negotiating table.

Along with other departed titans like Betty Thompson and Quinlan Hancock, Bob was responsible for elevating the practice of family law to the level of respect it enjoys today.

The list of his groundbreaking, law-making appellate cases may never be matched.

And the magnificent law firm he founded endures as a monument to his splendid career.

We have lost a giant, and the void that he leaves can never be filled. Yet, even in the pain of the moment, none of us would trade places with those whose lives were never touched by Bob Shoun. ■

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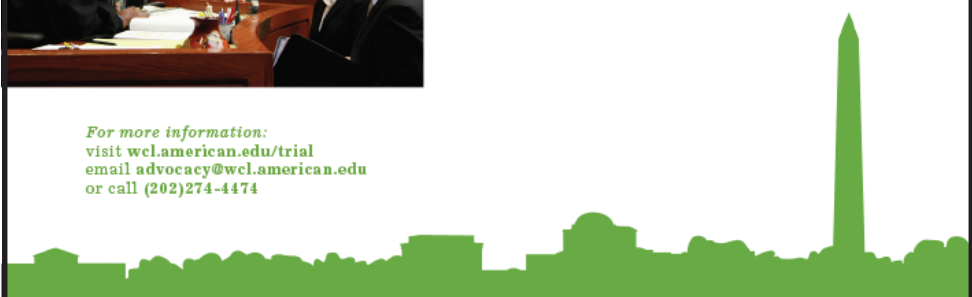
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Fairfax Veterans Treatment Docket

On February 12, 2015, after 18 months of planning, preparation, and training, the first session of the Fairfax County Veterans Treatment Docket was held in Courtroom 1E, with Judge Penney S. Azcarate presiding.

Veterans Treatment Dockets are making a large impact in more than 220 jurisdictions across the United States. In response to the growing number of veterans with substance and mental health problems involved in the criminal justice system, the Veterans Treatment Docket applies lessons learned from years of problem-solving dockets to address the issues of offending veterans who had problems related to their military service.

Military and combat service create stresses that reveal themselves in civilian life and have destructive impact. Although the vast majority of the 85,000 veterans living in Fairfax County are successfully integrated into family and community, some will find themselves in the criminal justice system. Traumatic Brain Injury, Post-Traumatic Stress Disorder, military sexual trauma, as well as alcohol and substance abuse, can result in unemployment, homelessness, and isolation from loved ones.

The Fairfax County Veterans Treatment Docket is a court-supervised, jail diversion, post-plea, comprehensive treatment program. All participants have been determined to have substance use issues and/or have a diagnosed mental health condition. Participants in this program will undergo “supervision” (i.e., frequent court appearances before the Veterans Treatment Docket judge and intensive local probation) and “treatment” (which includes drug testing, individual counseling, and group counseling provided by the Department of Veterans Affairs or Fairfax County facilities).

Participants are also expected to meet with a Veteran Mentor, obtain and maintain employment or involvement in vocational or educational programs, and actively participate in self-help meetings and/or counseling programs. The length of the Veterans Treatment Docket program is determined by each participant’s progress, will generally be 18-24 months in length, and will typically consist of three phases (Orientation/Stabilization, Ongoing Treatment, and Transition/Graduation).

The Veterans Mentor Program is a pivotal aspect of the Docket. A mentor coordinator assigns a peer-to-peer mentor to act as a support and encourager for the participating veteran. Mentors are themselves military veterans who have “walked in the same boots” and have the opportunity to create an honest relationship to help the participating veteran achieve success.

A veteran must meet eligibility requirements, which include:

- A discharge other than dishonorably from any branch of the United States Military, the Reserves, or the National Guard.
- A misdemeanor- or felony-level offense with prosecutorial consent. The Docket will not accept veterans charged with sex offenses, offenses involving weapons in the commission of the crime, violent offense as defined in §19.2-297.1, or persistent offending unrelated to mental health or other behavioral health illnesses.
- A diagnosis of Post-Traumatic Stress Disorder (PTSD) or other trauma, mental health, substance use, and/or related co-occurring disorders.
- Identified treatment needs that can be met by the program, and be willing to engage in the services provided.

After reviewing the information with a veteran client, an attorney needs to discuss the case with the Commonwealth Attorney’s Office. If the Commonwealth agrees the case is initially eligible for the Veterans Treatment Docket, the veteran will be assessed for any substance abuse and/or mental health issues. The VTD team will decide if the veteran is a candidate for the Docket. No veteran will be allowed into the Docket until they have a fully endorsed contract signed by the veteran, the defense attorney, and the commonwealth attorney. An application package and further information can be obtained online at www.fairfaxcounty.gov/courts/gdc/veterans-treatment-docket or from the Veterans Treatment Docket Coordinator’s office 703-915-4122. ■

Elder Law

Announces Plans for 2015-2016

By Craig Anderson, Vera Golenzer, and Sharon Henderson, Esqs., Co-Chairs, Elder Law Section

Welcome to all of the potential new members of the Elder Law Section and a hearty greeting to those returning members. The forthcoming year promises to be active and meaningful for your practice. We intend to help you enhance and expand the professional legal services you provide to the senior community of Northern Virginia. We have a tentative plan for the year, but need your assistance and involvement.

The Elder Law Section of the Fairfax Bar Association was established to help focus attention on the particular legal needs of seniors and those among us who are physically and/or intellectually disabled, regardless of age. We owe a special duty to these clients to ensure their equal access to legal services and facilities. We also endeavor to remove the barriers and institutional problems that limit or prevent seniors in our community from enjoying the quality of life we are blessed to enjoy in Northern Virginia.

As a practical matter, all legal practitioners in Northern Virginia who are trusted advisors to the individuals they represent will be faced with many issues that we, in the Elder Law Section, deal with every day. It is inevitable that as your clients and/or their family members age or encounter challenges posed by disability, new and unique legal subjects will confront them. Whether you specialize in corporate, divorce, personal injury, or other areas of law, wouldn't it be in your best interests to get involved with our group and to learn how to anticipate the most likely problems and issues that confront your clients as they age or face disabilities?

We have some answers and we constantly seek to identify more. Our programs focus on topics as "spending other people's money," Adult Day Care, "taking away the keys to the car," services for those with special needs, and ethical dangers in the delivery of services.

We meet on the third Tuesday of every month. Meetings are typically held at the Fairfax County Courthouse, either in the Fairfax Bar Association conference room or in the conference room on the first floor adjacent to the Law Library. We aim to have a sponsor for every monthly meeting, and hence—there is a free lunch! In addition to the program topic, we think you will learn and benefit from a ten-minute "infomercial" from some of the best providers of services to seniors and the special needs community. We have sponsors who provide in-home care, organizing services, appraising services, capture-the-memories services, and many others too numerous to list here. We always appreciate recommendations for other sponsors from you, our colleagues, as well.

If we have piqued your interest just a little, we ask you to join us. You'll get a chance to meet our members and become one if we can talk you into the annual fee of just \$25. Membership will give you a front row seat to our programs and first notice for upcoming CLE-rewarded substantive presentations. It will also be your opportunity to review our tentative schedule for the whole year and to offer input and ideas that could make the Section even more responsive in addressing the needs of the Bar and our clients. Join us—you won't regret it! ■

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Election Officers Needed!

The Office of Elections is currently recruiting voters to serve as Election Officers a few days a year, including the upcoming General Election on Tuesday, November 3, 2015. Election Officers are needed at each of the 240 precincts in Fairfax County to run the polls and assist the voters.

In order to be an Election Officer, you must:

- Be fluent in English
- Be a registered voter in the Commonwealth of Virginia
- Be able to fulfill the Federal I-9 employment eligibility requirements
- Attend a 3-hour training class
- Arrive at the polling place at 5:00 AM and remain until all work has been completed after the polls close at 7PM
- Have basic computer skills

The Election Officer's main priority is to ensure the accuracy and integrity of the election process. A typical Election Day consists of:

- Arriving one hour before polls open to set up voting equipment
- Hanging up pertinent signage
- Preparing the polling room for voting
- Processing voters throughout the day
- Assisting with operating voting equipment
- Securing voting equipment and closing down the polling place at the end of the day

We especially encourage bilingual citizens to serve as we need language assistance in many precincts. Residency in Fairfax County is not required. It is a wonderful opportunity for those interested in the election process or public service, and we need civic-minded individuals to help make Election Day a success!

To apply, call the office at 703-324-4735. You can also email elect@fairfaxcounty.gov for more information.

President's Column

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The current procedure employed in Fairfax County by the county bar and by the county's legislative delegation should be utilized in judicial circuits across the state as candidates for the Circuit, General District, and Juvenile and Domestic Relations District Courts are evaluated.

During my testimony, the Commission wrestled with two significant obstacles to a state-wide adoption of the Fairfax Model. First, in many (if not most) judicial circuits elsewhere in the Commonwealth, there is little or no infrastructure within the local bar associations to handle a judicial selection process on par with the Fairfax Model. The FBA is blessed with a full-time professional staff that is instrumental in completing the process. Very few local bar associations have any professional staff. Second, in other parts of the Commonwealth, there is no history of cooperation or collaboration between the legislative delegations and its local bar associations. The Integrity Commission discussed both obstacles at length. The Integrity Commission expressed considerable interest in recommending that the VSB assist local bar associations with the first problem in the hopes that screening applicants for judicial office would prove useful to legislative delegations throughout the Commonwealth.

It is the stated goal of the Integrity Commission "to ensure the selection of highly qualified candidates while increasing transparency and minimizing political considerations." I was surprised to learn during this process that political considerations in the judicial selection process are hardly minimal elsewhere in the Commonwealth—in some places they are the primary consideration. Surely such a "process" could lead to appointment of less qualified judges.

We are incredibly fortunate in Fairfax to have a local delegation dedicated to appointing highly qualified judicial candidates. Our bar process—held out as the "model" in the Commonwealth—would be largely irrelevant without a local delegation of legislators that are receptive to the FBA's input. The local delegation meets together and interviews candidates. It carefully considers the judicial applications, the executive summaries and the FBA vote. The delegation discusses each candidate and selects each judge through use of a secret ballot procedure. Throughout this process, political considerations take a back seat to selecting the most qualified candidate. Simply put, the Integrity Commission's aspirations for the rest of the Commonwealth is already a reality in Fairfax.

The combination of a sound screening process and a sensible local delegation that values quality more than politics explains why our bench is the finest in the Commonwealth. ■

Circuit Court Committee

What You Need to Know

By K. Leigh Taylor, Esq., Chair

There is much more to the FBA Circuit Court Committee than the official description publicized by the Bar: “[t]o facilitate communications and coordination between the Circuit Court Bench and Bar, and to study and provide feedback to the Bench and Clerk’s Office, and make recommendations regarding the procedures and operations of the Circuit Court.”

The Committee’s membership is composed of two judges of the Circuit Court, two representatives of the Circuit Court’s Clerk’s Office, the FBA Executive Director, various FBA Board Members, and approximately 40 members of the Bar from all practice areas. The Committee meets monthly to discuss the most important issues facing the Circuit Court Bench, the Clerk’s Office, and practitioners today. The results of these meetings are often changes to procedures and operations within the Circuit Court. The Committee has a goal of making practice in the Circuit Court the best it can be for lawyers, judges, and clerks.

The FBA Circuit Court Committee Basics:

1. **Members**—Approximately 40 practitioners of all subject areas.
2. **Chairs**—For the 2015-2016 year, there is one Chair (K. Leigh Taylor, Shareholder at The Susan Hicks Group PC practicing domestic relations law—ltaylor@susanhicksgroup.com) and there are two Vice-Chairs (Dawn Butorac, Deputy Public Defender for Fairfax County—dbutorac@fai.idc.virginia.gov and Katherine Stott, Deputy Commonwealth’s Attorney for Fairfax County—katherine.stott@fairfaxcounty.gov).
3. **Meetings**—The third Wednesday of every month at 1:00 PM in the 4th Floor Jury Assembly Room of the Circuit Court.
4. **Sub-Committees**—There are approximately four sub-committees upon which members of the Committee sit: Domestic Relations, *Pro Se* Program, Criminal, and General Civil Litigation. These sub-committees are very active in their own right. For example, the Domestic Relations Sub-Committee hosted a CLE last year regarding pet peeves of the Bench and family law attorneys, and a best practices lunch on *pendente lite* procedure. The *Pro Se* Program sub-committee is about to launch the *pro se* packet of information for divorces, as well as quarterly seminars for the public for divorce procedure this year.
5. **Examples of Programs Managed by the Committee**—The Ombudsman Program provides an opportunity for attorneys to anonymously communicate positive or negative comments to a particular judge about their on-the-bench demeanor through a feedback mechanism and an ombudsman. The *Circuit Court Practice Manual* provides recommended administrative procedures to those who practice in this Court, and a sub-committee for this task is established each year a manual is to be revised and reissued.

What You Can Do:

Sign up for the committee on the FBA committee list or send us a letter or an email to facilitate discussion of any issue you believe is important for the Committee to consider. For the 2015-2016 year, you can send a letter or an email to any one of the chairs listed above or an email to the following email address – FBAFFXCCC@gmail.com. The email address was especially created this year with the hope that the Circuit Court Committee will hear from you. Look for announcements in the FBA email blasts. Please send your thoughts for any new matters to be addressed or any issues you may be experiencing. The Circuit Court Committee looks forward to hearing from you! ■

NEW LAWS

Took Effect July 1, 2015

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:

Social Media: Employers cannot ask an employee or a prospective employee for username and passwords of social media accounts. It also bars the employer from requiring a worker to add an employee, supervisor, or administrator to their contact list.

Breastfeeding: Women can breastfeed anywhere the mother is lawfully present.

Campus Sexual Assault: Campus police must notify local prosecutors within 48 hours of starting any investigation into possible felony sexual assault. Additionally, school registrars are required to put a note on the transcripts of any student who is suspended, expelled, or withdraws from school for reasons related to an offense involving sexual violence.

Police Drones: The law requires law enforcement agencies to obtain a search warrant for use of unmanned aircraft systems. A search warrant is not required for certain uses, such as search and rescue operations and the use of such systems for private, commercial, or recreational use.

Marijuana Oil: Epilepsy patients with a doctor's note to use for treatment have an "affirmative defense" protecting them from prosecution.

Driving and Traffic Changers: Bicycles, mopeds, and other nonmotorized vehicles are now included in the list of vehicles for which a motorist can be cited for following too closely.

Drivers passing a stationary mail vehicle that displays a flashing, blinking, or alternating amber light must proceed with due caution and maintain a safe speed for the road conditions.

Motorists may cross double yellow lines to pass a pedestrian or a device moved by human power, including a bicycle, skateboard, or foot scooter, if such movement can be made safely.

Tax Refunds: A new law requires state officials to make it possible for Virginians to get their income tax refunds paid by check and mailed to their address. The law applies to individual income tax returns relating to taxable year 2015 and taxable years thereafter.

These are just a small portion of laws that went into effect July 1, 2015. Some other laws that were passed include topics on charter schools, the state song, the governing of ridesharing services, and child care laws. For more information about the new changes, visit <http://lip.virginia.gov/>. ■

EFFORTS CONTINUE IN SUPPORT OF FAIRFAX J&DR COURT

continued from page 1

- Our J&DR Court held the greatest number of hearings of any jurisdiction in Virginia during 2014, 163% of the statewide District average and 145% of the average urban Districts.
- During 2014, 45% of all interpreters used across the Commonwealth in J&DR Courts were in Fairfax J&DR proceedings.
- A case study done between January and March 2014 showed that hearings in Fairfax J&DR involving interpreters lasted 130.5% longer than those without an interpreter.
- A follow-up study conducted January through March 2015 identified that just over 20% of all hearings in Fairfax J&DR used interpreters and these lasted 130.9% longer than those without.

With this information in hand the Fairfax J&DR Court elected to formally file an application to request reinstatement of the eighth bench seat. Done part-in-parcel with the Bar's continued efforts with the General Assembly to correct and amend the recommendation of the November 2013 Report, all options are being exhausted to avoid the undeniable and severe problems that await the Fairfax community if our J&DR Court is forced to operate shorthanded. We proceed, in mind with the old adage "Justice delayed is justice denied," and ask all members of FBA to reach out to their delegates and contacts in support of our J&DR Court. This is one of those rare and vital issues where the interests of the Bar, the Bench, and the community as a whole all perfectly align.

An additional concern relates to the number of judges on the Fairfax Circuit Court. Based on the first study, the number of authorized judgeships for the Circuit Court was retained at 15. Unfortunately, only 14 Circuit judgeships were funded. The FBA Judicial Funding Committee will continue to work hard during the coming session to obtain funding for the 15th judgeship.

Those with questions or interest in volunteering to support these efforts are welcome to contact Jay Myerson at myerson@myersonlaw.net or (703) 715-9600 or Aaron Christoff at aaron@christofflawfirm.com. ■

UPCOMING CLEs/EVENTS

OCTOBER 20, 2015

4th ANNUAL GOLDEN GAVEL AWARDS

5:00 - 7:00 PM

Waterford at Fair Oaks

12025 Lee Jackson Memorial Highway

Fairfax, VA 22033

\$100 Per Person

Sponsorships are available!

Contact Jana Seherer at 703-246-2084 for more information.

OCTOBER 27, 2015

LAW PRACTICE SECTION'S ANNUAL TECHNOLOGY CLE

4:00 - 7:00 PM

Fairfax County Courthouse

4th Floor Jury Assembly Room

3.0 Credits (1.0 Ethics) *Pending*

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

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

OCTOBER 29, 2015

CIVIL PROCEDURE CLE: BEST PRACTICES IN CIVIL LITIGATION BEFORE THE GENERAL DISTRICT COURT

4:00 - 7:00 PM

Fairfax County Courthouse

4th Floor Jury Assembly Room

3.0 Credits (1.0 Ethics) *Pending*

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

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

NOVEMBER 4, 2015

TECHNOLOGY IN FAIRFAX COURTROOMS: COME KICK OUR TIRES! CLE

5:00 - 7:00 PM

Fairfax County Courthouse, Courtroom 5J

2.0 MCLE Credits *Pending*

\$100 FBA Attorney Members

\$130 Attorney Non-Members

NOVEMBER 20, 2015

15th ANNUAL JAZZ 4 JUSTICE CONCERT "THE GREAT AMERICAN SONGBOOK"

8:00 PM

George Mason University Center for the Arts

4400 University Drive, Fairfax, VA 22030

Tickets: \$20 Adults; \$15 Students & Seniors

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OFFICES FOR SALE OR LEASE

3927 Old Lee Hwy, Unit 102-C—Fairfax Commons near intersection at Main St and across from Courthouse Shopping Plz. 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! Plenty parking! **SALE—\$250,000 (217.39 PSF). *New Reduced Price and \$2,500 credit to purchaser at closing with ratified contract before 10/31/15!***

3843 Plaza Drive—Located at Old Lee Hwy and Plaza Dr. 2,542 SF on 2 flrs; Main lvl (1,308 SF) has recep area, conf rm, 2 pvt offices, lg workspace, kitchenette, bath, workspace, util rm & 2 entrances. Lower lvl (1,234 SF) has 2 pvt offices, lg exec office or conf rm, full kit, work/storage rm, BA & util rm. Plenty free, unassigned surface parking. Uniform ext signate avail. **SALE—\$535,000. (\$210.46 psf). *\$5,000 construction credit to purchaser at closing & 1% bonus to selling agent w/ratified contract by 10/31/15! Owner retirement & relocation requires 5% below market price for speedy sale!***

10379 & 10383 Democracy Lane—Office condo building located in the heart of Old Town Fairfax off of University Dr. Up to 6,000 SF contiguous space. **SALE—\$225 psf (4,000 - 6,000 SF) OR can be divided to 1,000 - 3,000 SF and sold separately at \$230 psf.**

3911 Old Lee Highway, Unit 43B—Office condo buildings located in the heart of FFX City near corner of Main St and across from Courthouse Shopping Plaza. Excellent visibility facing Old Lee Hwy. Lovely office has high ceilings, 4 pvt offices, recep area, conf rm, office/workroom, util closet, BA & kitchenette. Uniform ext signate allowed. Plenty parking. **SALE—\$258,750 (4225 psf) OR lease—\$1,800/mo + elec & cln.**

10627 Jones Street (at Judicial Dr) Suite 301-A—Red maple Ct - Bright 2nd flr corner unit 1,000 SF w/recep/waiting area, 2 offices, conf rm, BA util/storage & file rm. Avail immed 2-5 yr lease. Owner will replace carpet w/3 yr lease min. Existing furniture conveys (optional). **SALE—\$225,000 (\$225 PSF) or lease \$1,495/mo + elec & cln.**

3919 Old Lee Highway, Unit 81-C—Located in the heart of FFX City nr corner of Main St and across from Courthouse Shopping Plaza. Layout features reception/admin area. 4 pvt offices, conf rm, kitchenette, BA & storage closet. 1st flr unit is ADA accessible. Uniform ext signage allowed. Plenty parking. **LEASE—\$1,869/mo + elec & cln.**

4103 Chain Bridge Rd—Location! Office building w/plenty parking across from FFX Courthouse! Office suites from 570 SF - 4,500 SF. New paint, carpet, standard build-out w/4+ yr lease. **LEASE—\$23 psf, full service.**

Pvt Offices & Small Suites—Close to FFX Courthouse. Parking included & some shared amenities., full service leases, 1-5 yr terms:

- **3950 Chain Bridge Rd, Suite 4**—Pvt office on 2nd flr w/windows and entrance from common hallway. Shared use of the common waiting area & BAs. Plenty parking & ext signage available.
- **4015 Chain Bridge Rd**—Small suites avail. Some w/shared use of waiting area & conf rm. New paint, carpet, blinds & trim. **\$625 - \$1,250/mo, full service. *1st mo. rent-free w/2 yr min lease!***
- **4023 Chain Bridge Rd**—Large, elegant offices in historic building w/hardwood flr, decorative fireplace, shared amenities; waiting areas, porch & courtyard. **LEASE—\$950 - \$1,250/mo, full service.**
- **4101 Chain Bridge Rd**—Windowed pvt offices. Completely renovated w/shared use of conf rm, kit & copier. **LEASE—\$800/mo, full service.** *Larger suites available 1,000 - 4,000 SF. Call for details!*

Call for more details or to schedule a showing:
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NEW MEMBERS

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Gregory J. Nawn
Dayna L. Omary
Carly Ramey
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AUGUST 2015

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