

JOURNAL

Newsletter of the Fairfax Bar Association www.fairfaxbar.org Summer 2023

Portrait Presentation

*Senator Scott A. Surovell &
Hon. Bruce D. White (Ret.)*



Lacey U. Conn, Esq., and Aaron J. Christoff, Esq.



please see more photos on page 10

Lawyer Referral Service

*By Donna J. McBride, Director, FBA Lawyer Referral Service, and
William A. Musto, Esq., Roeder, Cochran, Phillips, PLLC; Chair, LRS Committee*

The view of the American Bar Association (ABA) Standing Committee on Lawyer Referral and Information Service has always been that the purpose of a Lawyer Referral Service is first and foremost to serve the public. For over 40 years, the Fairfax Bar Association Lawyer Referral Service (FBA LRS) has done just that by providing thousands of citizens each year with assistance in obtaining legal help. In any given year, over 2,000 referrals are processed by FBA LRS employees and, on average, four times that number of phone calls and Internet requests are fielded from those requesting general information and referrals to consumer, governmental, and other agencies.

The FBA LRS has been recognized by the ABA as being one of the country's premier referral services for meeting ABA standards for a referral service, something achieved by only a fraction of the referral services nationwide. At the time it was first certified, it was the only referral service in both the DC metropolitan area and the Commonwealth of Virginia to have received such an honor. In addition to having earned this ABA certification for over 20 years, the FBA LRS also has received the ABA's highest award given to referral services. Given once a year since 1997, the Cindy A. Raisch Award recognizes those public service-oriented referral services that demonstrate exceptional achievement or superior service. The FBA LRS is extremely proud to be a member of this group.

In addition to this national recognition, other local and state referral services have turned to the FBA LRS for advice when instituting new programs. The Virginia State Bar and Prince William County Bar Referral Services were the most recent to reach out to the FBA LRS when starting their Modest Means and/or percentage fee funding programs. The FBA LRS, in partnership with Legal Services of Northern Virginia (LSNV), began its Modest Means program in the year 2000. The purpose of the Modest Means program is to assist those clients who do not qualify for *pro bono* legal assistance through LSNV, but who are considered low-income and are not able to afford full-fee legal services. The FBA LRS also paved the way for other state and local referral services to institute percentage fee programs via its submission of a 2001 inquiry. LEO 1751 requested an informal advisory opinion from the Virginia State Bar Standing Committee on Legal Ethics regarding guidance on the ethics of percentage fee programs. The Virginia State Bar Committee, in a letter dated May 7, 2001, affirmed that "the lawyer referral program of the local bar association may properly impose a percentage fee upon the participating attorneys" and further stated that "to the limited extent that this opinion conflicts with LEO 1348, that opinion is, in pertinent part, superseded." The FBA Board granted permission for the FBA LRS to institute percentage fee funding beginning in July 2003 and it was the first in Virginia to do so.

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President's Column

By Aaron J. Christoff, Esq., 2022-2023 FBA President

Eyes Firmly Focused Forward



I guess this is when I'm supposed to reflect on my year as Fairfax Bar Association (FBA) President, point to a few highlights, describe what I view as objectives reached or progress made, and wrap up by noting how quickly it all went and how much I'm going to miss it. Because I do not really want to do that and I feel my last few columns took more page-space in the *Journal* than should reasonably have been allotted to me, I'll focus instead on what I believe lays ahead for the FBA and be brief in doing so.

Clerk funding is already an issue impacting each of our courts and will need the attention of FBA members at every level. This is a statewide and systemic issue for which there are no singular or easy solutions. It will take time, planning, and persistence, much like the judicial funding initiatives the FBA dedicated a great deal of time and attention to over the last decade. At its core, the problem is that our clerks are not paid a reasonable living wage, let alone competitive compensation that facilitates the retention of the clerks themselves and the institutional knowledge they possess. We all have a vested interest in identifying and pursuing solutions, and I am confident the FBA will be integral to that effort.

As with all membership-based organizations, much of what drives FBA member interest, enrollment, and participation involves opportunities to interact, typically in-person. I cannot wait until we're at the point where reading or writing about the re-acclimatization process is, itself, out of style. Here's hoping for ever-increasing attendance at committee meetings, dinner dances, investitures, and CLEs!

Leigh Taylor will be the next President of the FBA, and that in itself should be something that excites all of you. If you are an active FBA member and/or are routinely present in the courthouse, you already know what I mean. Leigh has been a driving force in the FBA for years already—leading committees, planning and speaking in numerous CLEs, and volunteering countless hours of her time to help make our courthouse community a better place. We all can be confident that the challenges our organization encounters over the next year will be capably handled by the FBA Board of Directors under Leigh's leadership. She's also just a really fun person to have a conversation with, so if you do not already know Leigh, use her year of likely attendance at virtually all FBA functions as the opportunity to get to know her.

I could conclude, accurately, that it's been my absolute pleasure serving as the FBA President and working with so many of you. But that message suggests some measure of "goodbye" and this very much is not that. I'll be around and I hope to see you soon. ■

FAIRFAX BAR JOURNAL

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Due to Fairfax County budget cuts, the Court Tour Program cannot be sustained without the help of sponsors. By pledging \$500, your sponsorship will enable eighth grade students to take part in the Court Tour Program which has been an element of the Standards of Learning for many years and is an integral part of the curriculum for eighth grade Civics classes.

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2023 FAIRFAX BAR ASSOCIATION 23rd Annual Spring Golf Tournament

By Robert S. Letnick, Esq.

On Friday, May 12, 2023, the Fairfax Bar Association held its 23rd Annual Spring Golf Tournament at the Westfields Golf Club. This event was held just two days prior to Mother's Day, and with a large turnout all of those who participated enjoyed a beautiful day with above average temperatures in the mid 80s, and excellent golf course conditions. The staff at the Westfields Golf Club did another outstanding job in assisting us with all facets of this event.

The format for this golf tournament, as in past years, was a scramble (Captain's Choice). For those who are not aware, this format provides for each participant in the foursome to hit a tee shot with the team, then selecting the best tee shot from which each member of the group plays their next shot. This process continues by selecting their best shot until the hole is completed. The foursome benefits by using the best shots while not being penalized by having to use shots that are something less than desirable and often comical.

As in our past events, this tournament was highly competitive at both ends of the spectrum with many low scores along with a significant number of high scores. The first place team—consisting of Ed Weiner, Mike Brown, Mike Eastmen, and Mike Gogoel shot a 19 under par 52. In second place at 17 under par with a score of 54 was the team of Raj Dua, Mark Nicewicz, Tom Walsh, and Justin Daniel. The third and fourth place teams both posted a score of 56 at 15 under par and with a match of score cards in third place was the team of Bob Letnick, Jeremy Letnick, Mike Annessa, and Bob Farrell. Fourth place also with a score of 15 under par was the team of Steve Cochran, Bill Musto, and Mort Fuller. History repeated itself this year with the last place team again winning the intense competition for last place by 1 stroke. They posted a score of 76 which is 5 over par with another team coming in next to last place posting a score of 75 or 4 over par. Both of these teams competed fearlessly to be recognized with the highest score and this year the last place team was also the recipient of a special trophy of a G.O.A.T. signifying that they are the team that is the Greatest Of All Time.

The annual putting contest was held prior to the start of the event and in order to qualify, each of the participants had to sink a very difficult 15' putt with only a few players qualifying for the finals in this event. The overall putting contest was won by Bob Farrell. This year's event also had a new chipping contest, and the overall winner of the chipping contest was Jeremy Letnick.

As in prior years at the Westfields Golf Club, this tournament had five closest-to-the-pin competitions which included each of the par three holes and the short par 4 14th hole. There was a very special competition at the par 3 3rd hole which was sponsored by **Ted Britt Ford Lincoln of Chantilly**, who provided all of the golfers with the opportunity to win a 2023 Lincoln Nautilus with a hole-in-one. In the competition this year—while no one won the motor vehicle—the closest-to-the-pin competition on that hole was won by Erik Jurgensen at 22'8". The closest -to-the-pin competition on the 12th hole was won by Brian Colbus at a distance of 10'8", and the closest-to-the pin competition on the par 4 14th hole was won by Brian Kelly at a distance of 4'0". The women's closest-to-the-pin competition on hole 7 was won by Dawn Butorac. The yearly closest-to-the-keg competition on hole 1 was won by Donald Anderson, Jr.; the women's longest drive competition on hole 11 was won by Gerarda Culipher; and the men's longest drive competition on hole 6 was won by Bobby Mayberry.

There was once again a silent auction that, as in the past, has 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, items that were purchased included rounds of golf from the Country Club of Fairfax, Heritage Hunt Golf & Country Club, Westfields Golf Club, Stonewall Golf Club, Raspberry Falls Golf & Hunt Club, and Old Hickory Golf Club.

A long list of sponsors and donors helped to make this golf tournament a great success this year as well as in many of the prior years. Special recognition again goes out to **Michael H. Doherty, PLLC**, who for many years has been the exclusive lunch sponsor for this event. **Ed Nuttall for Commonwealth's Attorney** was the exclusive Eagle Sponsor of this event. The Birdie sponsors for this event were **Ted Britt Ford Lincoln of Chantilly**; **United Bank**; **ICR Rudiger & Green**, **Tate Bywater**; and **Culipher for Clerk**. This event also had a significant number of par sponsors, including **Andrew J. Kersey, PLC**; **Draper's Steak & Seafood Restaurant**; **The Dua Law Firm, PLC**; **Kirby-Hunter Investigations, Inc.**; **Law Offices of Charles B. Molster, III, PLLC**; **Letnick Law Firm, PLC**; **Roeder, Cochran, Phillips, PLLC**; **ShounBach**; **Tom Tobin, a real estate appraiser with Scope Real Estate Services**; and **Weiner, Spivey & Miller, PLC**.

At the tee box on the 3rd hole, **Herb Hunter of Kirby-Hunter Investigations, Inc.**, again volunteered his time in order to provide each of the players quality photographs of their group. In addition, Mr. Hunter also photographed many of the golfers both prior to and after the golf tournament. The golfers were provided a grilled buffet lunch at the Pavilion at the Westfields Golf Club prior to the event and the tournament the participants were treated to a fabulous Italian buffet dinner, followed by both prizes and a significant amount of raffle items that were won by many of the competitors. The raffle items included a large amount of golf clubs provided by **The Fitting Studio at Westfields Golf Club**. All in all, those who participated in this event had a most enjoyable afternoon away from work by spending their day on the golf course with family, friends, and new acquaintances, all while enjoying the camaraderie of all of the participants.

continued on next page

The Fairfax Bar Association has scheduled a fall golf tournament at the Heritage Hunt Golf & Country Club on Friday, September 22, 2023 commencing at 1:00 PM. As in all golf tournaments of the Fairfax Bar Association, golfers of all skill levels are encouraged to participate and join all of us for a great day on the golf course. Court is in session on that date and all who wish to participate are encouraged to mark their calendars as soon as possible so they secure the date in order to enjoy a most memorable day on the golf course away from the stress and anxiety of either the office or the courthouse. ■

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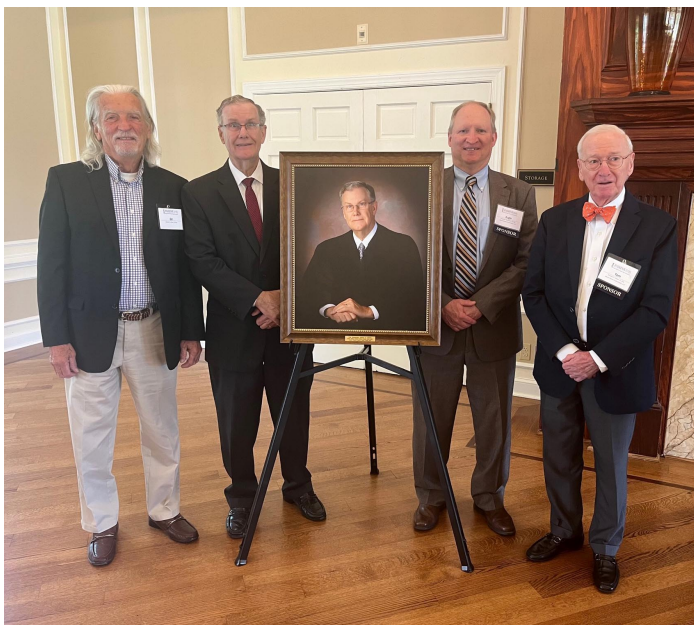
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*Portrait Presentation of The Hon. Bruce D. White (Ret.) at FBA Luncheon
May 24, 2023, Country Club of Fairfax*



*Edward H. Grove, III, Esq.; Hon. Bruce D. White (Ret.);
August W. Steinhilber, Esq.; and Thomas C. Palmer, Jr., Esq.*



*Scott White, Hon. Bruce D. White (Ret.),
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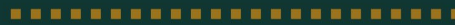
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Lawyer Referrral Service

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The FBA LRS started its percentage fee program with the belief that it has an obligation to operate in a fiscally responsible manner such that not only the public is served but panel members also benefit. While its primary purpose is to facilitate access to legal services for the general public by providing them with the ability to meet and speak with an attorney at a low initial cost, the FBA LRS serves the secondary purpose of providing our panel members with possible fee-generating clients who might never have found the particular attorney otherwise. In the first decade after instituting percentage fees, there were three years where aggregate attorney fees received by panel members as a result of FBA LRS referrals exceeded \$1 million. Since 2013, in nine of the ten years, such attorney fees greatly exceeded \$1 million, with the tenth year just missing that level due to the raging pandemic. The current fiscal year promises to be the referral service's most productive ever. Having received under \$11,000 in total FBA LRS member dues, we anticipate that referrals will generate aggregate attorney fees approaching \$1.75 million.

The referral service has consistently tripled its marketing budget each year from pre-percentage fee levels, and in recent years has focused on Internet-based referrals. In addition to a successful Google AdWords campaign, the Courts as well as other consumer and governmental organizations continue to provide strong sources of referrals. Over the past five years, the "no show" rate for referrals has averaged less than three percent while our level of retained referrals has exceeded sixteen percent.

As the FBA LRS continues to strive to provide this vital public service, we appreciate the support of our members as well as those attorneys not a part of our service who use the LRS as a resource to refer clients they are unable to assist. If you are contacted by a potential client and find that the matters outside your particular area of practice, we ask that you send that potential client to the FBA LRS. We can be reached at 703-246-3780 or direct them to the FBA website at www.fairfaxbar.org or our mobile website at www.fairfaxlawyerreferral.org. If you have any questions about the FBA LRS or would like to become a part of this service, please call us at 703-246-3784 or email our director, Donna McBride at dmcbride@fairfaxbar.org. The application for membership is located on the FBA website under Member Services—Lawyer Referral Service. ■

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The Juvenile and Domestic Relations District Court Committee

By Ann Thayer, Esq., and Stephanie Smith, Esq., Co-Chairs

The Fairfax J&DR District Court Committee meets the second Thursday of each month at 12:30 PM. We have been meeting virtually since early in 2020 when COVID first disrupted the courts. Starting in the fall of 2023, we are anticipating a hybrid meeting format where members have the option to attend virtually or in-person.

We currently have 104 members. Our committee is comprised of members of the Bar who appear regularly for criminal, civil, and family law matters heard in the J&DR Court. Committee members are committed to sharing feedback with the Bench about the Court's operations and procedures, with the goal of helping to improve the public services provided by the J&DR Court. Committee members provide valuable insights and recommendations to the Bench each month and also volunteer their time to serve on subcommittees tasked with updating the *J&DR Court Manual*, soliciting nominees for the Kassabian Award, and brainstorming ways to address the various challenges observed by both judges and practitioners.

Our monthly meetings are most often attended by current Chief Judge Sotelo, Judge Frieden, Judge Abejuela, Judge Petit, and Judge Cardoce. This committee would not be what it is without the dedicated participation of the judges who preside over cases in this court. The judges always welcome questions or concerns and are quick to get us answers and make changes needed to help maintain access to justice for all who have cases heard on the third floor of the courthouse.

Over the last year, our efforts as co-chairs of the J&DR District Court Committee have been largely devoted to helping the Bench continue to keep everyone informed about procedures and policies as the Court had to keep adapting to changes needed due to the COVID-19 pandemic. We also were able to co-moderate a CLE on Trial Advocacy in the J&DR Court on March 30, 2022. Judge Frieden and Judge Abejuela, as well as Amy Jordan from the Public Defender's Office, Jenna Sands from the Commonwealth's Attorney's Office, and Carly Anderson of Cooper Ginsberg Gray, PLLC, presented at this CLE and provided great information on how to effectively present both civil and criminal cases in J&DR Court.

In addition, the J&DR Court has continued to hire and train new clerks and implement new processes to help the clerk's office run smoother under the direction of our new head Clerk of Court, Kristi Smith. We are grateful to have her regularly attend our monthly committee meetings to field questions about the Clerk's office operations. We would like to give out a shout to the Clerk's office for being able to docket their 4,000+ backlog of cases due to COVID. We know it was no easy task. The Court now has same-day docketing, which means you can leave court with a date certain for your hearing. Chief Judge Sotelo has also developed a program to transition over to electronic files to ensure that files are complete and that everything will be accessible to the judges and clerks in the courtroom.

We would like to recognize Judge Carr and those that assisted her in their efforts to bring the Hope Card Program to Fairfax County J&DR Court. Victims of domestic violence who have been granted a Protective Order, can now have a laminated wallet-sized card made that contains all the necessary information found on their Order.

Our committee wanted to extend a welcome and congratulate our two new judges on the Fairfax J&DR Bench. Their investitures were delayed due to COVID, but finally took place in February and April of 2022. In addition to their experience and expertise, Judge Cardoce and Judge VanLowe bring even more diversity to the Fairfax J&DR Bench. We also would like to extend our congratulations to one of our Co-Chairs, Stephanie Smith, as well as Razan Fayeze, a long-standing member and former Chair of this Committee, on being selected to serve as Substitute Judges!

If you have questions, ideas, or suggestions to share, we urge all interested FBA members to join the J&DR Committee and attend monthly meetings. For more information, feel free to reach out to either of us (ssmith@cgglawyers.com / ann@thayernovalaw.com) or to Courtne Norris (cnorris@fairfaxbar.org). ■

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- 2nd Floor - 1,500 - 3,400 rsf

LEASE - \$20.23 psf, full service, 2 - 5 yr. lease term. Owner will provide paint & carpet 5-yr. min. lease at \$23 psf. Additional build-out negot.

4023 Chain Bridge Road, Suite 10 - \$1,150/mo - Large 2-rm. suite w/some furniture & full BA. Tenants have shared use of common waiting area, rear porch, and courtyard areas. Signage & parking avail. **LEASE - 1- 5 yr. lease term. Avail. 8/1**

4085 Chain Bridge Road - Great location & visibility! -

- **Lobby Level Suite 101** - 3,150 rsf avail. for office/medical/limited retail use, signage facing Rt.123, & direct entrances from front street-side and from rear parking deck. Layout includes recep. area, several prvt. offices, conf. rm, large kitchen breakroom, BA, and storage areas. **LEASE - \$23/psf, full service, 3 - 5 yr. lease term. Avail. immed.**

4103 Chain Bridge Road - Location! Flexible office suite sizes! Elevatored office building w/plenty parking across from Fairfax Courthouse! 3-5 yr. term. LL will provide new paint & carpet w/3 year min lease.

- Suite 102 - 1,779 rsf
- Suite 400 - 4,400 rsf

LEASE - \$23 PSF, full service. Additional build-out negot.

10615 Judicial Drive, Units 101 & 201 - 2,000 sf contiguous 1st flr. units, walk-in level office space w/recep/wait. area w/ built-in recep. desk, conf. rm. w/built-in bookcases, 4 prvt. offices, 2 BAs, kitchenette, workspace w/counter & cabinets, closets, 2 util. rms., & 2 separate entrances. Suite has been completely renovated/redecorated & will be move-in ready! Uniform exterior signage allowed facing Judicial Dr. Some existing furniture avail. to remain for tenant's use. **LEASE - \$3,250/mo (\$19.50 psf) + elec, cleaning, phone & internet paid by tenant, 2 - 5 yr. lease term.**

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

Jennifer Neel

Questor Realty, Inc.

Office: 703-750-9200 • Cell: 703-639-7758 • www.questorrealty.com

UPCOMING EVENTS/CLEs

Annual DUI CLE

Thursday, September 21, 2023
Fairfax County Courthouse

Jury Trials in Business Law - Fall 2023
Fairfax County Courthouse

VA vs DC Civil Procedure CLE - Fall 2023
Fairfax County Courthouse
1.5 MCLE Credits (*Pending*)

Faults, Factors & Fees CLE - Fall 2023
Fairfax County Courthouse
3.0 MCLE Credits (*Pending*)

Personal Injury CLE - Fall 2023
Fairfax County Courthouse

New Attorney's Fees Lien Statute - Fall 2023
Fairfax County Courthouse

Condo HOA CLE - Fall 2023
Fairfax County Courthouse
2.0 (1.0 Ethics) MCLE Credits (*Pending*)

Advocacy in Domestic Violence Cases - Fall 2023
Fairfax County Courthouse
2.0 (1.0 Ethics) MCLE Credits (*Pending*)

Navigating the Changing Landscape of Technology in Fairfax Court CLE - Fall 2023
Fairfax County Courthouse
1.5 MCLE Credits (*Pending*)

FBA Convention at the Hyatt Regency Chesapeake Bay:
Save-The-Date

Thursday, September 28, 2023 – Sunday, October 1, 2023

More details will be announced soon! For more information, or to discuss potential sponsorship opportunities, please contact Kerri Yates at kyates@fairfaxbar.org.

21st Annual Law & Technology CLE
Hosted by the Law Practice Management Section
Wednesday, October 11, 2023

Investiture of The Hon. Divani Nadaraja
Friday, October 20, 2023

Investiture of The Hon. John A. Kassabian
Friday, November 17, 2023 ■

Fairfax Law Foundation 13th Annual Heroes vs Villains Run for Justice 5K & Kids' Run - April 23, 2023





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SAVE-THE-DATE

Annual FBA Convention

September 28 – October 1, 2023



Hyatt Regency Chesapeake Bay
Golf Resort, Spa and Marina