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JOURNAL

Newsletter of the Fairfax Bar Association www.fairfaxbar.org February/March/April 2022

Bench Bar Dinner Dance Recap

By Genna R. Walnut, Communications Coordinator, Fairfax Bar Association

The FBA's annual Bench Bar Dinner Dance was held on Saturday, March 5, 2022, in our first large scale, in-person event since 2020. Members of the FBA, including attorneys, judges and other members of the legal community, gathered at the Fairview Park Marriot Hotel for dinner, dancing, and long-awaited in-person conversation. The venue was decorated with elements from Napa Valley Wine Country. It was a night any wine connoisseur would describe as "an artful blend of good food and fun."

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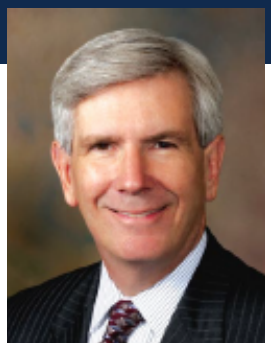
President's Column

By Richard F. Gibbons, Jr., President of the Fairfax Bar Association



"A Living Wage"

In 1973, my grandfather retired from the U.S. Post Office after a thirty-year career. My grandmother stayed home with the children so my grandfather was the primary breadwinner in the family. He was not a mail carrier; he was a clerk working in the McCormack Building in downtown Boston. He loved his job. My grandfather never went to college because his family could not afford to send him. My grandparents were not wealthy but they lived comfortably. They were always able to pay the rent on time, they were able to make my mother the first college graduate in the family, and when his grandchildren came up from Virginia for a visit, my grandfather was always able to take us to watch his beloved Boston Red Sox at Fenway Park. The pension he received at retirement maintained that lifestyle until he died just before his 80th birthday.

He and the other men and women he worked with were the backbone of the U.S. Post Office, which became the U.S. Postal Service in 1970. During a time when the Post Office was the primary organization that moved letters and packages all over the country, these people were the ones that made it work. They were properly compensated for their work, and they made careers out of those jobs.

Today, workers like them are not so fortunate. Specifically, I call your attention to the men and women who work in our court clerks' offices. In the Fairfax County General District Court (GDC), a Grade 8 Deputy Clerk will make a little over $45,000 a year. With a promotion to a Grade 9 position, that clerk will make a little under $47,000 a year. Of course, the government gets its cut, which will mean the Grade 9 clerk's net pay is roughly $39,200.

Now consider the cost of renting an apartment in Fairfax County. For a one-bedroom apartment, you will probably be paying $1600 to $2500 a month in rent depending on the location. That may or may not include utilities, parking fees, and other expenses. So off the top, at least half of your take-home pay has gone to rent. You better hope that apartment is near Fairfax City or else you have to factor in the cost of your commute.

With your $1600 a month apartment you are now left with $20,000 a year or $1666 a month to live on. We have clerks who are college graduates who are required to make monthly payments for student loans. Others are parents who need daycare or before - and after - school care for their children. Most of the clerks have to cover either a car payment or car repairs and make payments on credit cards, in addition to the basics like food and clothing. Many of those expenses are now under the pressure of an annual inflation rate of 7.9%.

Even before anyone had ever heard of COVID, our clerks have had financial problems. In 2018, the GDC lost 24% of its staff. Last year, the court lost 34 employees. Three of them retired and the other 31 quit. That equates to 42% of the total GDC staff in one year. As of right now, 70% of the deputy clerks in Fairfax GDC have less than 3 years of experience. Even 16% of the supervising deputy clerks have less than 3 years of experience.

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FAIRFAX BAR JOURNAL

Official Newsletter of the
Fairfax Bar Association

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Report of Richard A. Gray, Esq., Fairfax Bar Association Delegate to the American Bar Association (ABA) House of Delegates at the 2022 Mid-Year Convention:

The ABA has concluded the mid-year Convention and the House of Delegates meeting on February 14, 2022, which was scheduled to be held in Seattle, Washington. Anticipating a great convention, I booked hotel reservations and purchased airline tickets. I was also very much looking forward to seeing some of Seattle, including its iconic 650 ft. high Space Needle. My dinner reservations in the Space Needle Loupe Lounge (that slowly rotates, providing a 360-degree view of Seattle) will sadly go unused this year as the convention was converted to a virtual one just weeks before the start date. Nonetheless, I attended the virtual HOD meeting and voted on a variety of resolutions on behalf of the FBA.

As most readers may know, once the ABA approves a resolution it becomes official policy of the ABA. The ABA can then lobby on behalf of the Association as set forth in the resolution. Following is a summary of the actions taken by the House of Delegates on Monday, February 14, 2022.

Most notably, the HOD approved two new policies in resolution #800 and #801 to address the preservation of voting rights and changes in The Electoral Count Act of 1887, respectively.

Resolution #800 addressed areas of concern that the ABA Governmental Affairs Office and the Association's president may now speak on as to proposed election law changes. The Association may file amicus briefs in court to respond when state entities decertify or attempt to decertify election results without cause, remove independent election officials, and/or conduct "unwarranted voter purges."

"Now is the time for the ABA to speak out on behalf of lawyers across the country," said Lucy Thomson of Washington, D.C., who spoke on behalf of Resolution #800.

(Resolution approved 290 to 30)

Resolution #801 supports a bipartisan effort in Congress to clarify and modernize the language and structure of the Electoral College Act (ACT) of 1887. The ECA grew out of the disputed 1876 presidential election in which Republican candidate Rutherford B. Hayes faced Democratic candidate Samuel J. Tilden. Tilden emerged from the close election leading Hayes by just one vote shy of the 185 electoral votes needed at the time to win the Presidency. In the end, Congress, in a compromise, elected Hayes as President in exchange for the granting of home rule and withdrawal of all federal troops from the South (symbolizing the end of reconstruction after the Civil War). The ECA became relevant again in the 2020 presidential election when former President Trump urged Vice President Pence to overturn the election and seat Trump electors from five disputed states that went for Biden. The ABA policy position on the ECA reflects the view, recognized by many members of both parties of Congress, that the ECA is in need of a substantial rewrite. More specifically, ABA resolution #801 contains the following four principal points:

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Bench Bar Dinner Dance Recap

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As our first major event since March 2020, attendance reached our goal of approximately 270 attendees! The night included an open bar reception sponsored by Cameron McEvoy, PLLC. Delicious hors d'oeuvres and sparkling wine from Napa Valley were passed around for attendees to enjoy. Guests sat down to a delicious three-course meal that was perfectly balanced with wines from Napa (thanks to our wine sponsor, Mahdavi Bacon Halfhill & Young, PLLC), followed by a long night of dancing to music provided by Rhythm6. Photo in a Box provided a souvenir photo booth to commemorate the night

Thank you to all the sponsors who helped bring this event together, all those who attended, the band, and the Fairview Park Marriot for your wonderful environment and delicious food. Without everyone's contribution, this event would not have been the success that it was. ■

Bench Bar Dinner Dance
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Mediation – Litigation Through Civilized Negotiation

Stephen H. Moriarty, Esq., Co-Chair, ADR Section

Mediation is but one form of what is considered Alternative Dispute Resolution, the other alternative, of course, being litigation. Arbitration and Mediation are the most commonly known ADR methods, and a good overview of additional but lesser-known paths to problem solving were covered in Charlie Rowan's 2018 FBA Newsletter article, "Beyond Mediation and Arbitration." This article focuses on Mediation.

Daniele Vare, an Italian Diplomat - at least until he was chased out of government service by Mussolini in 1932 - was quoted as having said, "Diplomacy is the art of letting someone else have your way." That could describe a successful mediation session as well.

While a client's objective is to secure what he believes to be his just reward, litigation generally offers only monetary compensation or possibly some degree of equitable relief. A sitting judge is restricted to the scope of available remedies, which in turn are limited by the underlying causes of action and pleadings advanced by the parties. Mediation, on the other hand, is bounded only by the willingness of the parties to agree.

The late Judge Richard Jamborsky was known for opening his 10:00 trial dockets with a last-minute suggestion, if not plea, for the parties to step outside the courtroom and make a final attempt to resolve their differences. The point he tried to impress on them was that once they turned their cases over to him, they lost control. At least one side, and possibly both, would leave the courthouse that day disappointed.

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General District Court Committee Update

By Bryan T. Kennedy, Esq., and Collen O'Connor, Esq., Co-Chairs of the General District Court Committee

The 2021-2022 year has been another strange year for the General District Court (GDC) Committee. We started the Bar year with hope that we would be meeting in person again for at least some of our meetings. With the back and forth of the pandemic, we have continued to meet virtually, although the Committee continues to assess the public health situation and the comfort and convenience of meeting virtually or in-person each month. Currently, we meet on the second Tuesday of each month at 4:00 p.m. We made this change last year because, at least for the moment, the Court does not have preliminary hearing dockets on the second Tuesday afternoon of each month, which means more judges are available to participate in the Committee. If you are interested in joining the Committee, please sign up or reach out to us over the next few months to confirm whether the meetings are virtual or have switched to in-person.

The discussion around the pandemic has also run through all of the options. A year ago, we were discussing priorities for re-opening the court to "normal" operations. By the end of the year, the court was returning to segmented dockets and other safety measures. Just this week the court ended its mask mandate! We have been fortunate to have these committee meetings where we are updated on the situation, and the court has consulted Committee members about priorities as the public health situation developed.

Fortunately, this year has not been nearly as eventful as last year in terms of the pandemic, but the year did start with a great deal of changes in the law that impacted both civil and criminal practitioners. Attorneys and judges alike grappled with the statutory changes, which also lead to some interesting discussions among the members of the Committee at times.

At various times during the year, the court needed attorneys to serve as counsel in civil commitment proceedings and as guardian ad litem in infant settlement and military cases. The Committee discussed ways to get people to serve in these important cases and how to educate people who were interested and did not have the experience.

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President's Column

The Juvenile & Domestic Relations Court (JDR) is in the same boat. Almost three-quarters of the deputy clerks in that court have been there for less than a year. If the past numbers are any indication, very few of them will stay long. There are currently 8 openings in the JDR Clerk's office and the court is having difficulties in filling those positions.

What does this mean for the day-to-day work experience of a clerk? The remaining clerks have to fill in the gaps. The staff shortages mean more work for those who stay, which creates more stress. Supervisors are needed to fill in where needed, leaving them less time to train and supervise the new clerks. This all devastates morale. So people leave. They go to the federal government, the County, the private sector, and even to the clerks' offices in other jurisdictions where the cost of living is lower.

How does this impact the members of the FBA and the citizens of Fairfax County? Think about who actually processes a bench warrant, a garnishment on someone's wages, an order for eviction, an income deduction order for child support, and protective orders. These are not done by a judge or a lawyer. Think about what happens if they are not done properly. Consider who it is that gets your pleading, petition, or order in front of a judge so that your client can get the relief they seek.

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Report of Richard A. Gray, Esq., Fairfax Bar Association Delegate to the American Bar Association (ABA) House of Delegates at the 2022 Mid-Year Convention:

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- First, that the Vice President, or other presiding officer, shall have only a ministerial duty in counting of the electoral votes on January 6th.
- Second, objections to the electoral count may only be made where there is a one-third majority of the House of Representatives.
- Third, to sustain an objection, a simple majority of the House of Representatives must be achieved; and
- Fourth, the archaic language in the ECA must be updated.

(Resolution approved 305 to 19)

Dennis Archer, a former ABA president and retired Michigan Supreme Court justice, advocated passage of both resolutions: "You don't want to lose the opportunity to lobby in Congress," he said in urging action now. Some new policies adopted by HOD were aimed at helping everyday people, such as veterans, those facing evictions, children involved in child welfare cases, and seniors in nursing homes. These included:

Resolution #603 urged the federal government to review processes and procedures used when determining veterans' discharge upgrade petitions to ensure they are treated fairly. Discharge upgrade petitions occur when a veteran receives a less than honorable discharge that may result from PTSD, sexual assault, TBI and/or self-medication with drugs or alcohol. The current process and procedure is unwieldy and time consuming, where Veterans must apply for review by discharge review boards that can take years in some cases. (Resolution approved 347 to 9).

Resolution #612 adopted the ABA Ten Guidelines for Residential Eviction Laws. (Resolution approved 251 to 103)

Resolution #601 urged federal entities to enhance the transparency and accountability of nursing home ownership and management.

Resolution #613 asked that children involved in dependency or child welfare cases are actively engaged in any court case concerning them unless they have counsel and waive their right to be present for the hearing.

Other new policies adopted by the HOD include asking the Biden administration to do more in the areas of transparency and fairness in carrying out the nation's immigration laws.

Resolution #609 urged that the U.S. asylum system afford persons seeking protection from persecution or torture more transparency, due process, access to counsel and a full and fair adjudication. The resolution further advocates for the end of the use of Section 265 of Title 42 of the U.S. Code, first invoked by the Trump administration and continued by the Biden administration, to block and expel asylum-seekers at the U.S. border. Readers may recall that Haitian refugees were returned to Haiti under this Act even though Haiti is undergoing great civil unrest following the assassination of its President and extreme poverty and hunger. Many deported refugees had not lived in Haiti for many years. (Resolution approved 307 to 34)

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Mediation – Litigation Through Civilized Negotiation

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On the other hand, if they were able to reach an accord, both parties would be satisfied that the final result was of their own making. His experience was that those were the people least likely to perpetuate further consternation, not only in the courtroom but in their own lives.

The lawyer that guides his client through the mediation process needs to do more than understand the elements of the underlying claim and the supporting evidence. Of primary importance is the need to determine exactly what his client needs, not just wants, to be content. Only slightly less important for the lawyer to know is what will be of similar significance for the opposing party.

An example is warranted. Several years ago, we represented a high-end condominium that had contracted with an interior design firm to perform a substantial renovation and redecoration of the common areas, including the lobby and meeting rooms. A satisfactory plan within the prescribed budget was never achieved, and the condominium considered the agreement to have failed. The designers filed suit, seeking monetary damages based on their expected remuneration. Both parties had legitimate positions.

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Meet Our New FBA Staff

Our Fairfax Bar Association (FBA) team has expanded, and we would like to introduce you to our new staff!

Elina Gross is our new Membership Coordinator/Receptionist. She brings over 20 years of experience in membership and meetings management. As Member Services and Events Manager at the American Association of Poison Control Centers, she successfully implemented and maintained a new membership database and coordinated two annual conferences. She is an avid NFL and NCAA college basketball fan who enjoys baking and reading.

What were you doing before working for the FBA?
I was working as a realtor and property manager but decided that I wanted to return to the non-profit arena.
What do you do when you are not working?
I enjoy catching up with friends, swimming, and reading.
What makes you laugh?
I enjoy listening to small children tell "stories"
Old comedy shows: Everybody Loves Raymond, Frasier, and I Love Lucy
Hopes for 2022?
Good health, peace, and do some traveling

Felyse Carter is our new MCLE/ Special Events Coordinator. She attended Prairie View A&M in Prairie View, Texas, which is one of the nine Historically Black Colleges/Universities in Texas. She graduated in 2021, with a B.S. in Criminal Justice, minoring in Sociology. She is an active member of the NAACP and is currently applying to law school in the fall.

What were you doing before working for the FBA?
Before working for the FBA, I was working as a waitress while studying for my LSAT.
Where is the most interesting place you have been?
The most interesting place I have been is Gordman Falls, located in Colorado Bend state park. You must hike on one of the hard trails to find it, but it is worth the walk.
What do you do when you are not working?
When I am not working, I usually like to spend my time shopping (on and offline), freelance modeling, and volunteering at the foodbank. Now that I have relocated to Virginia, I hope to find time to explore the area.
Hopes for 2022?
My hopes for 2022 are to make this year even better than last! If possible, I hope to travel to New York in September for fashion week with the hopes of casting in shows.

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President's Column

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The FBA will step up to help solve this problem. Our clerks need more than a simple 3% raise. They need a substantial restructuring of their pay scale that has to be not only at the entry-level but all the way up the pay ladder. We need young workers to stay for the long haul, and older workers to stick around to train and supervise them. The primary source of funding comes from the General Assembly and that means the finance committees. I urge you to reach out to our Fairfax County Delegates and Senators who sit on those committees. In the House, those include Delegates Watts, Keam, Sullivan, Murphy, and Simon. In the Senate, those include Senators Howell, Saslaw, Barker, Petersen, Marsden, and Ebbin. The supplemental source of funding for the clerks' pay comes from the Fairfax County Board of Supervisors. Contact them. Highlight the issue. Demand a response, and then follow up on that response. As lawyers, we are trained advocates so you can probably figure out how to handle this.

Like my grandfather and his colleagues, today's clerks will tell you that they are motivated by the mission of their job and by a desire to give back to their communities. They will not tell you they took the job to get rich, but they should at least be allowed a living wage. ■

General District Court Committee Update

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If you are interested in serving in these roles, please reach out to the Committee co-chairs and we can put you in touch with the appropriate person in the court.

The next year will certainly be eventful for the GDC Committee. The Court will once again be opening up and changing its procedures. There also will be two new GDC judges this year. We hope to have members of the bar involved in our conversations about practice in the court to make the court process the best it can be.

If you have issues you would like to bring up to the GDC Committee, please feel free to contact our co-chairs, Colleen O'Conor (COConor@lsnv.org) and Bryan Kennedy (bkennedy@vadefenders.org), or join us for a meeting! ■

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Countdown to our 40th Birthday/ In Person 5K Race/ Number of Ways to Support the Law Foundation

By Natalia C. Wilson, President of the Fairfax Law Foundation

As I am hopeful you have heard, the Fairfax Law Foundation is celebrating its 40th birthday!

We are busy working on efforts to safely bring our annual Heroes vs. Villains 5K Race back to in-person. The race is currently scheduled to take place on Sunday, April 24th. At the event, we plan to celebrate our birthday, donors, sponsors, the volunteers who have helped us to expand the Law Foundation's reach in the community, our Board, and incredibly talented staff.

We are so grateful to our sponsors and their continued generosity and support.

We also plan to host an after-party immediately following the race. We plan to celebrate everyone's effort in making the race possible. The after-party will be hosted by Ain & Bank, P.C., and we hope it will be an amazing turnout.

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Volunteer Sign-Ups:
https://www.signupgenius.com/go/60b0444afaa2da1fe3-heroes

If you are unable to attend this year's 5K Race, there are other ways to send 40th birthday wishes to the Law Foundation. For example, we encourage you to consider becoming a Fellow. It is a 10-year pledge available to law firms/businesses and individual attorneys. These are the giving tiers:

Business Fellows:
Founder of Justice: $100,000 ($10,000/year)
Champion of Justice: $75,000 ($7,500/year)
Pillar of Justice: $50,000 ($5,000/year)
Leader of Justice: $25,000 ($2,500/year)
Advocate of Justice: $10,000 ($1,000/year)
Patron of Justice: $7,500 ($750/year)
Individual Fellows:
Founder of Justice: $10,000 ($1,000/year)
Champion of Justice: $7,500 ($750/year)
Pillar of Justice: $5,000 ($500/year)
Leader of Justice: $2,500 ($250/year)

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PLEDGE FOR JUSTICE AND LIMITED SCOPE REPRESENTATION

By Cory Goriup, Esq., and Lily A. Saffer, Esq., Co-Chairs of the Pro Bono Advisory Committee

To kick off and celebrate National Pro Bono Week this past fall, the FBA Pro Bono Committee in partnership with The Northern Virginia Pro Bono Law Center sought law firms and attorneys to join with them in a Pledge for Justice. By pledging, participating attorneys and law firms committed to taking at least two cases per year (the national recommendation is 50 hours per attorney per year) of pro bono work. The FBA Pro Bono Committee would like to honor and thank the following law firms and attorneys for responding to the call to help provide equal access to justice in our community: Curran Moher Weis; Law Office of Sara Leiner Schuler; Miorini Law PLLC; Thompson Wildhack PLC; Gene Robinson Law, PLC; Lily Saffer, Esq.; and Fayez Goriup McRae PLLC.

The need for law firms and attorneys in Fairfax County (and beyond) to do pro bono work far outpaces the number of committed volunteers to date. Attorneys experienced in family, housing, employment, wills and estates, and consumer law are in high demand. The 2020 Report by the Virginia Bar Association Pro Bono Council found that out of the top ten reported pro bono needs in the state, custody and visitation ranked the highest, followed by private landlord/tenant, divorce/separation/annulment, wills/estates, advance directives/POAs, bankruptcy/debtor relief, support, domestic abuse, subsidized housing, and public housing.

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The Fellows Program is our multi-year giving society. By becoming a Fellow of the Law Foundation, you will be instrumental in helping us to sustain the programs that so many -- like the students who benefit from our law education initiatives and program participants who receive free legal services from our volunteers through the Northern Virginia Pro Bono Law Center -- depend on in our community.

If you are not familiar with our Fellows Program, please consider visiting our website to learn how to become a Fellow: https://www.fairfaxlawfoundation.org/page/become_a_fellow. You can also reach out to anyone of our Board members with questions you may have.

Again, to make sure this is the biggest birthday celebration ever, I challenge members of the community to share their positive and rewarding Foundation stories. Here are a few questions you can answer and share on social media platforms:

• Name the first Foundation event you supported/attended?

• Name three past presidents?

• Share a photo of you at a Foundation event.

• Why did you become a Fellow and share the year you joined the multi-year giving society?

You can help us make this 40th celebration remarkable by sharing your stories. We would love for you to get involved. Please do not hesitate to reach out to me at nwilson@ainbanklaw.com or visit the Law Foundation website at www.fairfaxlawfoundation.org, if you have questions, ideas, or suggestions.

Please use our social media platforms: @FairfaxLawFoundation on Facebook and @FairfaxLawFndn on Twitter to stay connected and to share your 40th birthday celebration stories. ■

Upcoming Events/CLEs

Family Law Legislative Update CLE
Thursday, April 7, 2022
12:30 PM - 1:30 PM
1.0 MCLE Credit (*Pending*)
Cisco WebEx
Free for Family Law Section Member/$35 for Non-Section FBA Members
Speakers:
Carly M. Anderson Esq. & Kristen L. Kugel Esq. of *Cooper Ginsberg Gray PLLC*

Paralegal Section Seminar: Uncovering Hidden Data and Social Media Evidence in Family Law Cases CLE
Monday, April 18, 2022
6:00 PM - 7:00 PM
1.0 NPFA CLE Credit (*Pending*)
GoToWebinar
$5 for FBA Paralegal Section Members/$20 Non-Section Members

Michael Maschke from Sensei Enterprises, Inc. will provide updates on electronic evidence techniques and tips to law firms that specialize in family law matters.

What's Budding in Virginia: A Primer on Marijuana Law CLE
Wednesday, April 20, 2022
4:00 PM - 7:00 PM
3.0 MCLE Credits (*Approved*)
Fairfax County Courthouse (TBD)
$105 FBA Attorney Members/$150 Non-Members
$75.00 FBA Young Lawyers/$120 Non-Member Young Lawyers
Our Distinguished Panelists include:
Hon. Gary H. Moliken, *Judge, Fairfax County General District Court*
David B. Albo, Esq., *Williams Mullen*
Peter D. Greenspun, Esq., *Greenspun Shapiro PC*
Douglas R. Kay, Esq., *Offit Kurman P.C.*
Pia J. Miller, Esq., *Deputy Commonwealth's Attorney*, *Office of the Commonwealth's Attorney for Fairfax County*

Cocktails with the Fairfax Circuit Court Judges
presented by the Young Lawyers Section
Thursday, April 21, 2022
5:30 PM - 7:30 PM
Ornery Beer Company, Fairfax, VA 22030
$5 per registrant

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Upcoming Events/CLEs

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Heroes vs. Villains 5K & Kids' Fun Run
Sunday, April 24, 2022
8:30 AM - Kids' Fun Run
9:00 AM - 5K
Fairfax Corner Shopping Center
4100 Monument Corner Drive, Fairfax, VA 22030
Register online at https://potomac.enmotive.com/

COVID-19 and Remote Work:
Legal and Practical Considerations CLE
Thursday, April 27, 2022
12:00 PM - 2:00 PM
2.0 MCLE Credit (Pending)
Cisco WebEx
$70 FBA Members/ $100 Non-Members
$50 FBA Young Lawyers Section Members/$80 Non-Member Young Lawyers
Speakers:
Kathryn M. Lipp, Esq., *The Lipp Law Firm, PC*
Susan R. Salen, Esq., *Rees Broome, PC*

Annual Law Day Weiner Roast
Sunday, May 1, 2022
Weiner, Spivey & Miller, PLC
10605 Judicial Drive, Fairfax, VA 22030
1:30 PM - 5:30 PM
Rain or Shine!
To ensure an accurate headcount we ask that you RSVP by April 27, 2022 at https://bit.ly/3J1nCi1
Sponsorships Available!

Investiture of The Honorable Tania M.L. Saylor
Friday, May 6, 2022
4:00 PM - 7:00 PM
Fairfax County Courthouse, Courtroom 5J
A Reception will Immediately Follow
RSVP by April 22nd to Kim Callahan at kim.callahan@fairfaxcounty.gov or (703) 246-4166

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Meet Our New FBA Staff

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Genna Walnut is our new Communications and Marketing Coordinator. She graduated from George Mason University with a B.A. in Communications in 2021. She previously worked as an intern in communications with the American Frozen Food Institute (AFFI) and Truro Anglican Church.

What do you do when you are not working?
I love being creative in any way I can -- painting, drawing, general craftiness, basically whatever I can get my hands on.
Is there a story behind your name?
Genna (with a "G") is a derivative of the name Guinevere. It is a Welsh name in honor of my maternal grandfather, a very proud Welshman.
Where is the most interesting place you have been?
I went to Israel in 2015 with my church. It was a really incredible experience.
Hopes for 2022?
Hoping to travel to the UK to visit family!

Ravan Dawson is our new Pro Bono Assistant. She graduated from UNC Chapel Hill with a B.A. in Interpersonal and Organizational Communication and recently returned to complete their paralegal certification program.

What do you do when you are not working?
I am usually cuddling and catering to my very spoiled and temperamental Yorkie.
Is there a story behind your name?
My father's name is Lavan, and my mother's name starts with an R. My mom wanted to name me Raven because we would share the same initials, but decided to spell it like my dad's name so that it would be more unique.
What makes you laugh?
Most of the very random babblings that come out of my nephew's mouth.
Hopes for 2022?
To get some more professional experience and find a mentor. I would also like to start running again. ■

Report of Richard A. Gray, Esq., Fairfax Bar Association Delegate to the American Bar Association (ABA) House of Delegates at the 2022 Mid-Year Convention:

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Resolution #610 seeks governmental entities to eradicate real and perceived bias in the enforcement of immigration laws. (Approved 313 to 23)

Resolution #608 supports Afghans at home and abroad. The new policy advocates for legislation and other administrative remedies to facilitate continued departure of Afghans from their country and streamline processing of immigration benefits. Speakers said it would provide assistance to Afghan women, children and former judges, among others.

Resolution #611 urges all federal officials to adopt laws

and policies to ensure that all persons in each state, regardless of immigration status, are included in the apportionment count used to redistribute seats in the U.S. House following each decennial census. The policy addresses an issue raised most recently by federal litigation filed in 2018 that could arise again before the 2030 census.
(I anticipated that this resolution which addressed illegal immigration, would be more controversial, but it was approved 299 to 55)

Two other Resolutions of note amended the ABA Standards and Rules of Procedure for Approval of Law Schools. Specifically, Resolution #300 expands nondiscrimination and equality of opportunity to include military status, ethnicity, and gender identity, and expression. It adds a requirement that students receive education in bias, cross-cultural competency, and racism both at the beginning of their legal studies and later during their law school careers. It requires all admitted students receive information about financial aid and student loan debt resources, and it adds information on law student well-being resources to the range of student services that a law school is required to offer.

Finally, **Resolution #501** urges bar admissions authorities and other stakeholders in legal education and licensing of new attorneys to adopt clear and uniform policies allowing for accommodations for lactating individuals. Two years ago, the ABA adopted a similar policy regarding courthouses.

In other business, the ABA outside of the HOD meeting elected new officers of the Association:

- Frank "Fritz" Langrock of Vermont was elected Treasurer for 2023-2026 (and to serve as Treasurer-Elect for 2022-2023).
- Palmer G. Vance II of Kentucky was elected Chair of the House of Delegates (2022-2024 term).
- Mary Smith of Illinois, was elected as President-Elect for 2022-2023, and is the first Native American to hold that position.

It's a privilege and honor to be able to represent the FBA as its Delegate to the ABA House of Delegates. I thank the membership for the opportunity. ■

THE FOSTER BUILDING

At the Corner of University Drive and North Street

- Excellent Location: 3975 University Drive, Fairfax, VA 22030
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- Quality Office Space with Reasonable Rental/Lease

Suites Suitable for a Law Firm
3975 University Drive

Suite 310 - 2,035 SF
Suite 320 - 1,886 SF
(Contiguous Suite 310 & Suite 320 May Be Combined)
Combined Suites - 3,918 SF
Suite 420 - 1,980 SF
Suite 460 - 1,841 SF

3900 University Drive

Suite 360 - May Be Split (1,200 SF up to 3,769 SF)

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Dina Tuft - 703-385-8900 or 301-922-5117
fostermgt.dmt@gmail.com
(short notice showings acceptable)

Virtual Tour Link of Available Suites: https://www.loopnet.com/Listing/3975-University-Dr-Fairfax-VA/9311193/

OFFICES FOR SALE OR LEASE

LOOKING FOR A PRIVATE OFFICE OR SMALL SUITE? Several sizes of private offices & small suites close to FFX Courthouse. Parking is included plus shared amenities, full service leases, 1 - 5 yr. terms:

- **4015 Chain Bridge Rd.** - Windowed private offices **FOR LEASE:**
  - **Suite 32 - $675/mo, Full Service office on upper level**
  - **Suite K - $750/mo, Full Service office on main level w/ shared waiting area & conf. rm.**
- **4101 Chain Bridge Rd.** - Windowed prvt. offices w/shared common area conf. rm. & kitchen **FOR LEASE:**
  - **Suite 211 - $800/mo, full service, Main Floor**
  - **Suite 214/215 - $1,425/mo, full service, 2-room office on Main Floor corner**

4021 University Drive, 2nd Floor - 2,653 SF space entire 2nd floor of building with 5 offices, large workspace, 2 BAs, kitchenette, storage, plus handicap-accessible 1st floor conference room. Some existing furniture avail. to convey at tenant's option. Plenty unassigned surface parking. **LEASE - $4,642.75/mo ($21 psf) net of office cleaning only + phone & internet paid by tenant, 2 - 5 yr. lease term. Additional build-out negot.**

4103 Chain Bridge Road - Location! Flexible office suite sizes! Elevatored office building w/plenty parking across from Fairfax Courthouse! Office suites from 1,300 RSF - 4,400 RSF avail., 3-5 yr. term. LL will provide new paint & carpet w/3 year min lease.
LEASE - $23 PSF, full service. Additional build-out negot.

10640 Page Avenue - Located next to Post Office on corner of Judicial within walking distance of FFX Courthouse. ONLY 2 Suites left! 1,560 - 3,300 contig. RSF. **LEASE - $23 psf, full service. Owner will provide paint & carpet in tenant's choice w/3-yr. min. lease. Additional build-out negot.**

10513 Judicial Drive - Suite 102 - 4,000 SF on 1st floor **OR** Suite 301 - 1,526 SF on 3rd. flr. corner. Elevatored building directly across from Fairfax Courthouse. 1st floor space can be divided into two suites between approx. 1,700 rsf & 2,500 rsf. Great space in a convenient location! Covered parking for tenants! Building-standard turnkey build-out w/5-yr. min. lease.
LEASE - $25 psf, Full Service, 3 - 10 yr. lease, avail. immed. OR Lease entire 4,000 sf in Suite 102 - $24 psf, full service

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, and direct entrances from front and from rear parking deck. Layout includes recep. area, several prvt. offices, conf. rm, large kitchen breakroom, BA, and storage areas.
  LEASE - $6,037.50 ($23 psf), full service, 2 - 5 yr. lease term. Avail. immed.
- **Suite 402** - Efficient 738 rsf office suite w/good-sized waiting/admin area, 2 corner offices & storage closet. Windows on 3 sides of suite.
  LEASE - $1,425 ($23 psf), full service, 2 - 5 yr. lease term. Avail.

10521 Judicial Drive, Unit 305 - 1,540 SF across Judicial Drive from Fairfax Courthouse! Lovely corner suite w/4 windowed offices, large conference room, reception/admin area, eat-in kitchen, and storage/communication closet. **SALE - $345,000 ($224 psf) OR LEASE - $2,182/mo ($17 psf includes utilities) + cln, phone & internet, 2 - 5 yr. lease term. Already painted and owner will provide new flooring in tenant's choice of color w/3-yr. lease min. Avail. immed.**

10621 Jones Street, Unit 201-B - Nice Main Floor end unit at the corner of Judicial Dr. Great corner windowline for lots of natural light and nice layout - lrg. central admin/waiting area, conf. rm., 2 prvt. offices, kitchenette, BA & util. closet. Paint & carpet like new - move in ready! Plenty parking and exterior signage allowed.
LEASE - $1,450/mo ($18.32 psf) + elec. & cln. 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

PLEDGE FOR JUSTICE AND LIMITED SCOPE REPRESENTATION

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There are a variety of levels of need within each particular area of law, including matters involving short-term commitments and limited scope representation. Please ask yourself if you are able to join your fellow colleagues listed above in leading the way to provide equal access to justice in our community. If the answer is yes, please contact Arlene Beckerman at abeckerman@fairfaxbar.org to join the Pledge for Justice today!

Of course, we understand that law firms and attorneys do not always have the time or other resources to commit to undertaking full representation for the entire course of a pro bono case. The Virginia Supreme Court has recognized this as well, along with the need for more flexibility in permitting limited scope pro bono legal representation. Prior to 2019, there were some non-litigation opportunities to provide limited scope representation, including consulting with and advising clients without entering an appearance in their case (which attorneys have done routinely for many years) and drafting documents/"ghostwriting" without entering an appearance (since the promulgation of LEO 1874 in 2014).

Now, in addition to those options, there is a pilot program in place under the Rules of the Supreme Court of Virginia permitting limited scope appearances in litigation.

This pilot program, which currently extends through the end of 2023 and exists pursuant to an amendment to Rule 1:5, permits pro bono attorneys handling cases referred by a qualified legal aid program to automatically make a limited scope appearance for a specific matter, hearing, or issue in a case, upon meeting certain proof and notice requirements. Any other attorney may do the same by leave of court. This opens up even more possibilities for attorneys to provide pro bono assistance to community members in need without undertaking a substantial time commitment. If you are interested in exploring limited scope representation pro bono opportunities, please consider attending the Pro Bono Committee's virtual Limited Scope Representation CLE in early May (more information to come via the Fairfax Bar Association newsletter email), and/or contact abeckerman@fairfaxbar.org. Find the right way to use your skills to serve our community today! ■

STATE OF THE JUDICIARY LUNCHEON PHOTOS

Tate Bywater is pleased to announce that **Caitlin Higgins** has joined the firm as Partner. Higgins has practiced in the Northern Virginia area for seven years and focuses her practice on domestic and civil litigation. She is a graduate of UC Santa Barbara and received her JD from the Penn State University School of Law.

Upcoming Events/CLEs

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Evolving Technology in the Fairfax Courts CLE (Webinar)
Wednesday, May 4, 2022
4:00 PM - 5:30 PM
1.5 MCLE Credits (*Approved*)
This program will be presented both in-person and via Cisco WebEx. Please indicate on the registration form if you prefer to appear in person or virtually.
$52.50 FBA Members/$75 Non-Members
$37.50 FBA Young Lawyers/$60 Non-Member Young Lawyers
Our Distinguished Panelists include:
The Hon. Jonathan D. Frieden, *Fairfax County J&DR District Court*
The Hon. Michael J. Lindner, *Fairfax County General District Court*
The Hon. John M. Tran, *Fairfax County Circuit Court*
Sharon D. Nelson, Esq., *President, Sensei Enterprises, Inc.*
David W. Bartee, *Fairfax County Court Technology Office*
Andrew Kassick, *IT Manager, Fairfax County Circuit Court*
Kristopher "Kit" Terrell, *Fairfax County Court Technology Office*
Michael C. Maschke, *CEO, Sensei Enterprises, Inc.*
John W. Simek, *Vice-President, Sensei Enterprises, Inc.*

Fourth Annual Personal Injury Primer CLE: Admission of Social Media Evidence (Webinar)
Wednesday, May 11, 2022
5:00 PM - 7:00 PM
2.0 MCLE Credits (Approved)
Cisco WebEx
$70 FBA Attorneys/$100 Non-Members:
$50 Young Lawyer Members/$80 Non-Member Young Lawyers
Our Distinguished Panelists include:
The Hon. Tina L. Snee, *Judge, Fairfax County General District Court*
Dawn E. Boyce, Esq., *McGavin, Boyce, Bardot, Thorsen & Katz, P.C.*
Thomas J. Curcio, Esq., *Curcio Law*
Michael C. Maschke, *CEO, Sensei Enterprises, Inc.*
Moderator:
Jennifer R. Porter, Esq., *Jennifer Porter Law, PLLC.*

22nd Annual Spring Golf Tournament
Friday, May 13, 2022
Westfields Golf Club
13940 Balmoral Greens Avenue, Clifton, VA 20124
$175 Per Person, Includes: Greens Fee, Cart, Lunch, Dinner, and Prizes
Sponsorships Available!

Annual Meeting Luncheon
Tuesday, June 7, 2022
12:00 PM | Registration
12:15 PM | Luncheon & Program
Country Club of Fairfax
5110 Ox Road, Fairfax, VA 22030
$35 FBA Members/$40 Non-Members
Add $5 if registering after May 13th
Program Includes:
- Presentation of the Hon. Arnold B. Kassabian Memorial Award
- Presentation of the President's Awards
- Installation of Aaron J. Christoff, Esq. as the 2022-2023 FBA President
- Election of FBA Officers & Executive Board, 2022-2023
- Judicial Portrait Unveiling

Update From the Young Lawyers Section

By Carly Anderson, Esq., President, Young Lawyers Section

During the 2021-2022 term, the Young Lawyers Section, similar to other FBA organizations, continued to focus on ways to hold our networking, professional, and social events in the midst of the pandemic. While we have had to forego in-person events for a majority of the term, the Young Lawyers Section has been successful in garnering interest in our virtual opportunities to network with judges, fundraise for Toys for Tots, and socialize with our members.

This past fall, we hosted events with the judges of the Fairfax County Juvenile and Domestic Relations District Court, General District Court, and Circuit Court. For both events, hosted via Zoom, the judges rotated between breakout rooms of young lawyers. Young lawyers were given the opportunity to have casual and informative conversations with the judges to learn more about the judges' backgrounds, practice pointers, and other shared interests. In March and April 2022, the Young Lawyers Section will host similar events and plan to hold each in-person now that the CDC and Fairfax courts have relaxed mask restrictions. We always see a strong attendance at our judges' events and look forward to interacting with one another in-person again.

Our virtual Toys for Tots trivia night, held via WebEx, was another popular event during the holidays. We asked attendees and the rest of the FBA to donate toys to the Toys for Tots charity prior to the event via online donations and purchases or donations at drop-off locations. Attendees were asked to wear tacky and/or festive holiday sweaters and were quizzed on U.S. Supreme Court Justices, legal movies, Virginia history, and holiday trivia.

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The Family Law Section

By Lauren W. Smith and Mary C. Huff, Co-Chairs of the Family Law Section

The Family Law Section of the Fairfax Bar Association (FBA) is one of fourteen sections created by the FBA to enhance its members' knowledge of the law and court procedures. To that end, the Family Law Section holds meetings, that cover a variety of issues that impact the practice of family law, and, where appropriate, also tries to obtain CLE credit for our members for the meetings. In advance of our meetings, members are emailed a description of the topics to be covered at the next meeting, with information regarding the presenters who will share their wisdom with those in attendance. We generally meet on either the second Monday of the month at 6:00 PM or on a Thursday at 12:30 PM, but will sometimes schedule a meeting at another time to accommodate a presenter's schedule. Since the pandemic, our meetings have been virtual and we will work with the FBA to determine when it may be appropriate to begin meeting in person again.

The Family Law Section ensures that our members are as well-informed as possible about practicing before the Fairfax Courts. We try to provide our membership with the opportunity to meet new Circuit Court and Juvenile and Domestic Relations District Court Judges and ask to them about their experiences, beliefs, preferences, and insights about family law. This year our membership had the opportunity to meet with The Honorable Melinda L. VanLowe, whose investiture is scheduled for April 1, 2022, and The Honorable Melissa S. Cardoce, whose investiture occurred on February 11, 2022. Every year we also provide our membership with the most recent divorce checklists that are circulated to the new Circuit Court law clerks.

While keeping our membership abreast of what is happening within the Fairfax court system, the Family Law Section also ensures our members stay up-to-date on the law itself. Family law generally arises out of state law, so it is critically important that our members are apprised of the most recent developments in the Virginia legislature, the Court of Appeals of Virginia, and the Supreme Court of Virginia.

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Mediation – Litigation Through Civilized Negotiation

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An all-day session concluded in what appeared to be futility, with the parties deadlocked $50,000 apart. The condominium representatives departed, but the designers remained and talked among themselves for another half hour. The result of their further consideration was that they would be satisfied with a formal letter from the condominium making clear their services were not unsatisfactory, and only the inability of the parties to agree on a final product and corresponding budget caused the project to fail. What was truly at stake for the designers was their professional reputation. It was never really about the money.

The condominium agreed without hesitation because it acknowledged the premise: never had it found the designers' abilities, taste in décor, or efforts to be substandard. They just could not agree on a final product and cost. A judge never could have ordered such a result, however, even though it left both parties satisfied.

Mediation has become popular in several areas of practice for different reasons, but none more prevalent than the cost of litigation. The recent Covid-19 courthouse shutdown also postponed many cases, giving litigants the choice of waiting a year (or more) for a trial date or attempting a mediated result.

Some domestic relations practitioners engage in what is known as Collaborative Practice, in which the parties agree to pursue an agreed resolution rather than litigation, and legal counsel agrees to withdraw if the process fails and litigation ensues. The parties disclose all relevant information to each other and work toward a final disposition that promises to be less expensive than a disputed one. Practitioners in this field are required to undergo a specific training regimen.

Interested attorneys may seek information from the Collaborative Professionals of Northern Virginia, International Academy of Collaborative Professionals, and the Virginia Collaborative Professionals.

Further suggested reading includes: *Change Your Questions*, *Change Your Life*, by Marilee Adams; *Getting To Yes and Getting Past No*, both by William Ury. ■

Update From the Young Lawyers Section

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For a repeat prize (second year in a row), the winning trivia team was awarded a dinner with the Honorable Judge Tran.

The annual Newly Admitted Attorney Orientation CLE, held on November 18 via WebEx, was again well-attended by young lawyers from all over the state. The speakers included Thomas Pulver from the Fairfax Public Law Library, Arlene Beckerman from the Northern Virginia Pro Bono Law Center, Josh Peterson from Legal Services of Northern Virginia, the deputy clerk of the Fairfax County Circuit Court, clerks of court from the Fairfax County General District Court and Juvenile and Domestic Relations District Courts, and Colleen Cramer from the Juvenile and Domestic Relations District Court Mediation Program. Attendees were also introduced to CPAN, the Differentiated Case Tracking Program for the Friday Motions' Docket, and other local procedures for the Fairfax County Circuit Court. The CLE concluded with a judges panel featuring Honorable Chief Judge Penney Azcarate, Honorable Susan Stoney, and Honorable Thomas Sotelo. The judges enlightened attendees with practice pointers, what they wish they knew when first practicing as a young attorney, and other tips to be better advocates for our clients and better officers of the court.

A new event to the FBA this year, hosted by the Young Lawyers Section and the Northern Virginia Black Attorneys Association, was the 21-Day Racial Equity Habit Building Challenge in celebration of Black History Month. During the month of February, participants received short assignments, (including articles and/or videos to review) to explore and improve understandings of the intersections of race, power, privilege, supremacy, and oppression within and outside of the legal system. Participants were divided into small discussions groups paired with a moderator and a judge from the Fairfax County Circuit Court. This series of meetings was well-attended and we look forward to hosting the challenge again next year. Special thanks to the Fairfax Circuit Court judges who encouraged and participated in the challenge this year!

The Young Lawyers Section is excited to kick off our spring events with a breakfast with the Circuit Court Judges and a happy hour with the judges of the General District Court and Juvenile and Domestic Relations Court. Soon to follow will be our annual Spring CLE on May 17, 2022, that will address ethics and, more specifically, lawyers' duty of candor to the court and to opposing counsel in the civil and criminal fields of law. The Spring CLE will feature a judges panel and a presentation regarding the disciplinary process. We also look forward to the return of Lawyerpalooza in June so that we may have the opportunity to once again socialize with members of the FBA and their families in person. More details to come!

The Young Lawyers Section hopes to continue growing our network of young attorneys and attendance at our sponsored events. We would like to especially thank our colleagues, court personnel, and judges from the Fairfax courts who graciously spend their time to speak to our members and support our events – you are a substantial part of our section's success!

To join the Young Lawyers Section or learn more about its events, email Carly Anderson at canderson@cgglawyers.com. ■

The Family Law Section

continued from previous page

Therefore, every April, we provide a legislative update to keep our membership informed as to recently introduced bills that impact the domestic relations practice. We report on the progress of such bills and whether they are enacted into law and. The section discusses important family law decisions issued by the Court of Appeals of Virginia and the Supreme Court of Virginia, as well as changes to federal law that are likely to have a significant impact on the practice of family law.

In addition to covering these recurring topics, the Family Law Section hosts presentations on nuanced areas of the law and other specialty issues for our membership. This year, such topics have included imputation of income in support cases and family law appeals. All topics chosen are designed to help our members remain the most sophisticated domestic relations attorneys in Virginia and simultaneously to improve the methods of practice for those who directly impact families and children. ■

FAIRFAX BAR ASSOCIATION
Serving the Northern Virginia Legal Community

JOURNAL

4110 Chain Bridge Road, Suite 216
Fairfax, VA 22030-4009

TO: ALL FBA MEMBERS
LEGAL PROFESSIONALS
LEGAL ASSISTANTS
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