Melissa Martin Retires After 30 Years

by Edward J. Walinsky and Michael J. Holleran

Melissa Martin, a fixture in the Circuit Court Judge’s Chambers, is retiring after almost 30 years’ service in the Clerk’s Office. Melissa has lived in Northern Virginia for most of her life, attending Madison High School and graduating from West Springfield. She started her legal career working for the general practice law office of Dennis Duffy. One day she received a call from the Circuit Court. Forgetting that she had applied for a county job several months previously, she was certain that she had committed some sort of faux pas that would result in her getting fired. Instead, she received an interview from then Chief Judge Barnard Jennings and then Clerk William Hofnagle. They offered her the job a day later and Dennis graciously encouraged her to accept, as the county offered benefits he couldn’t afford. Now, almost 30 years later, retirement looms.

Melissa has many fond memories of the court, a far different institution than it was when she first joined in the late 1970s. Back then, a female attorney usually meant either Kaletah Carroll or Betty Thompson. Melissa’s office was in the front of the old courthouse, where she would interact with attorneys on a day to day basis. She recounts how handcuffed prisoners were paraded through the hallways on their way to court and how the FBA had its office in the basement.

A Legend Retires

by Valerie Hughes

As many of you have heard, Dick Byrd is retiring from the practice of law after 34 years of serving the Northern Virginia Community. There probably isn’t one domestic relations practitioner in the area that hasn’t called Dick over the years for help, advice, an obscure case, or more frequently, how to run the VADER program. Dick was always ready to assist, and, in fact, thrived on brainstorming with his colleagues on novel approaches to interesting dilemmas or sorting out the latest case law to be handed down from the Court of Appeals.

The idea of retiring had been in Dick’s mind for some time but it was the triple bypass surgery in February that convinced him the time had come. His bride of almost 50 years, Nancy, let him know that she would like to travel and spend time with him, including perhaps relocating to Lake Winnipesaukee in New Hampshire, a place they both love. Time for Dick has been difficult over the years, given his busy practice, all of his Bar-related activities, his legislative involvement, his gubernatorial appointments to various committees, and so on. None of us believed he would actually ever be able to drag himself away from domestic relations but the allure of a permanent vacation with Nancy was too good to pass up.

Law was not actually Dick’s first profession. He graduated from George Washington University in 1960 with a degree in electronic engineering and did graduate work in mathematics at the University of California. He worked as an engineer in the rocket ship department at General Dynamics Astronautics in California, and then with the Defense Communications Agency, designing satellite communication systems, while he and Nancy raised their three children, Bev, Brady, and Bonnie. He actually assisted in developing a satellite measuring system that was the design basis for the Global Positioning System (GPS) in use today. Yes, he really was a “rocket scientist!” As a side job, for a while he actually ran a laundromat in Tijuana, Mexico! To this day, he still feels that was one of his more interesting investments.

While working full time, Dick went to George Washington University Law School. He graduated in 1972, magna cum laude. As he always told aspiring law students, “You only have to do as well as I did in law school.” That meant graduating first in your class. Obviously, as in all other aspects of Dick’s career, it is impossible to fill his shoes.

continued on page 12
PRESIDENT’S COLUMN

What I Learned On My FBA Journey

by Richard John Ruddy, Jr.

My FBA journey is about done as my year as President nears completion. As I look back, there are some observations accumulated over the years which I thought worthwhile to pass along to the present and future leaders of the FBA. Whether you agree or disagree with what follows, please understand that these are my observations and opinions, not those of the FBA.

1. The FBA Staff Rocks! No FBA President can make it through a term as President without extraordinary support from the FBA Bar staff. Courtnie, Sandra, and Gert do great work, complain little about being overextended, and smile politely even if they think the President is a little bit wacky when articulating his or her latest great idea on goodness knows what, or demanding that they do this or that ASAP. Treat them with respect, compensate them well, and say “Thank you!” frequently.

2. She Who Must be Obeyed. It is clear to all in the association business, member, volunteers, and staff alike, that no bar association can prosper, grow, and serve its members without a person like our FBA Executive Director, Yvonne. Of course, it is not easy to find such a person who assumes leadership roles, has initiatives and ideas, mentors staff and FBA members alike, including FBA Presidents like me, and makes her significant contribution, quietly and without fanfare. Yvonne is a keeper, and I will forever be in her debt for making us look way more competent as FBA President than I could possibly be on my own on my best day.

3. No Room for Personal Agendas or Political Causes. All of us need to make a living, support and educate our families, and save for retirement. No one, however, should seek or use their position as an FBA leader or volunteer for financial gain, or to advance personal agendas or political causes that could be attributed to the FBA. I have heard complaints about this over the years, and witnessed some behavior that left me scratching my head, mumbling under my breath, and asking why.

4. Avoid Member Dues Increases if Possible. The FBA will prosper and grow if it takes care of its cash flow, spends it wisely, invests for the future, and always remembers to nurture the needs of its dues paying members. Raising member dues, however, is not something that should be done without exploring all other commercially reasonable and legal means to increase the FBA cash flow.

5. The FBA Must Always be Nonpartisan. Our FBA membership is diverse in practice areas, experience, ethnicity, religious affiliations, and political views. Consequently, the FBA is well advised to consider carefully any position it decides to take on an issue. The FBA must always be, in appearance and in fact, nonpartisan, with a reasoned and rational position that is above the fray or controversy of the day, in all that it communicates.

6. Be patient While Your Idea(s) Matures. Having a great idea for the FBA is exciting, so please share it with Yvonne, the FBA staff, or a Board member. But there are many issues confronting the FBA Board of Directors every year, and the priorities of the Board at the time may be such that your idea languishes. Making that idea a reality requires someone to champion it who has stamina, so be persistent, patient, and willing to take the time to spearhead that effort.

7. Learn to Delegate; Share the Spotlight. Learn to delegate as you assume more leadership in the FBA. That was my challenge this year, which I did as a matter of necessity in order to meet the myriad of time demands facing me. Moreover, be unselfish about giving other FBA members a chance to shine in connection with their FBA volunteer work.

continued on page 13
Dear Richard and Members of the Fairfax Bar,

Thank you so much for your participation in the celebrations of my retirement and of the many years of our work together. I so appreciate your kind remarks at the Bar Dinner Dance and the fun experience of sitting for the portrait, which will hang in the Courthouse along with the pictures of other retired judges before me.

Your being at the March 8th luncheon to help us celebrate meant so much to me and my family. Again, your most generous words of tribute and the presentation of the beautiful painting of the Colonial Courthouse in the snow, made the day very special. As I said that day, the Fairfax legal community and especially the Fairfax Bar Association makes Fairfax County a very rewarding place to practice law and be a judge. Thank you so much for your kind words and wishes for a fulfilling retirement and for the thoughtful gift of the painting.

I hope our paths will continue to cross often and that you will not hesitate to call on me if I can be of any assistance with the missions of the Fairfax Bar.

Sincerely,
Hon. Jane Delbridge

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2006-2007 Candidates

Candidate for Vice President

Julie H. Heiden
Koonz, McKenney, Johnson, DePaolis & Lightfoot

I have been an active member of the Fairfax Bar Association since 1993. I have served as a committee member of the Legislative Committee, the Law Related Education Committee, and the Investment Committee. I have co-chaired the Membership Committee and have chaired the Continuing Legal Education Committee and the Budget Committee. Through my service on these committees I have had the opportunity to participate in many of the diverse aspects of the Fairfax Bar Association. Since 2002, I have been a Board Member of the Fairfax Bar Association. I am currently Treasurer of the Fairfax Bar Association and through this experience have come to understand the financial structure of the FBA. I am committed to the mission and vision of the Fairfax Bar Association and would like to further serve the Fairfax Bar Association in the leadership role of Vice President.

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Candidates for Board of Directors

David Gogal  
*Blankingship & Keith, PC*

As a Member of the FBA Board of Directors for the last three years, I have worked to make the FBA more responsive to the needs of its members. I am pleased that we have made progress in streamlining FBA programs, improving financial viability, restructuring our connection with the Foundation, and enhancing our strong relationship with our Bench. In addition to serving on the Board, I have served as Chair of several FBA committees and as a member of other FBA committees and task forces. I also have been co-editor of the last two editions of the Fairfax Circuit Court Practice Manual. I would appreciate the opportunity to continue serving you. I hope to continue my efforts on the Board to foster a sense of community in our growing 2,000-member local bar and use such community spirit to promote professionalism among our members.


David A. Hirsch  
*Culin, Sharp, Autry & Day, P.L.C.*

My history of working hard for FBA members includes my current position as a Member of the Board of Directors where I have worked on the Budget Committee and on the Investment Committee. I have helped shape policies to make the FBA a more effective body, including sponsoring the policy to expand eligibility for regular membership. I am committed to continue being a watchdog for your interests, carefully reviewing and questioning proposals before voting. It would be a privilege to be re-elected. I pledge to continue my hard work and dedication to the FBA and its members and to continue my efforts to make the FBA an even more valuable asset to our legal community. My door remains open to you and your ideas as to how the FBA can best serve you. Thank you for your continued support.

Memberships and/or offices held: Member, Board of Directors, 2003-present; Alternate Member, Judicial Screening Committee, 2000-present (have sat on six screening panels); Co-Chair, Community Outreach Committee, 1997-2001; Vice-Chair, Public Relations Committee, 1996-1997; Chair, Lawyer Referral Service Committee, 1998-1990; Past member of the following committees: Circuit Court, General District Court, Elections, Public Service, and Membership.

Linda M. Jackson  
*Venable LLP*

The Fairfax Bar Association plays an important role in our community, both from a legal and community outreach perspective. I have enjoyed the opportunities I have had to serve the Association and the collegiality it offers and instills in all of us, and I would appreciate the opportunity to serve the Association and the community in a broader way.

As is often said, it is not over until it is over, and this is certainly true of my term as FBA President. With the approval of the FBA Board, I want to review with all of you how appointments are made to the 19th Judicial Circuit, and to statewide judicial offices, and thereby provide both a context and some parameters as to what to expect in the years ahead.

1. Judicial Screenings for the Appointments to the 19th Judicial Circuit and Statewide Courts:

Historically the selection of judges to sit on statewide and local courts throughout Virginia has been reserved to the delegation (Delegates and Senators) of the party in the majority in the Virginia General Assembly. Statewide judicial appointments are decided in a closed caucus vote of that majority party, and then brought to the Virginia General Assembly for approval.

On the other hand, the selection of judges for each judicial circuit is typically left in the hands of the local delegation of the same majority party. The lone exception to this practice for local courts is in the 19th Judicial Circuit and began at some point in time during the tenure of Senator Joseph Gartlan.

Under that exception, all selections for the 19th Judicial Circuit were made by the Delegates and Senators, regardless of party affiliation, representing at least one precinct in the 19th Judicial Circuit. Since the retirement of Senator Gartlan, Delegate Dave Albo has continued this process.

The Fairfax Bar Association has for many years conducted screenings of candidates for appointments to the three courts in the 19th Judicial Circuit. Any candidate for those appointments may (but is not required to) submit themselves to that process, and by and large most candidates do so, but not all. The underlying purpose of the FBA screening process is to provide an evaluation of each candidate that is then shared with the ultimate decision makers, the NOVA delegation serving the 19th Judicial Circuit. The FBA screening process has evolved over the years; and is widely considered the very best in the Commonwealth of Virginia because it provides useful information to our NOVA delegation, but does not attempt or seek to pick the judges, as that job is reserved to duly elected officials in the Virginia General Assembly.

The FBA does have a similar screening process for statewide judicial appointment, with some caveats. It has been a few years since the FBA statewide screening process has been used.

2. Report of Delegate Dave Albo to the FBA Board of Directors:

At the March FBA Board meeting, we were pleased to have Delegate Dave Albo, Chair of the House Courts of Justice Committee, visit with us at my request. Delegate Albo is a member of the FBA. Several of his comments and insights on the process of selecting judges to serve on the 19th Judicial Circuit are very relevant to the FBA, which I have summarized below:

a. The NOVA delegation will continue to select judges for the 19th Judicial Circuit in the bipartisan manner described above.

b. The FBA judicial screening results are considered critical to the deliberations of the NOVA delegation in those selections.

c. Anyone who does not go through the FBA screening process WILL NOT be interviewed by the NOVA delegation.

d. Candidates who go through the FBA screening process, but are found NOT QUALIFIED and wish to proceed, WILL BE allowed to be interviewed by the NOVA Delegation because they submitted themselves to the screening process.

It is interesting to hear from Delegate Dave Albo that the opinion of the FBA on statewide appointments would only really be considered by the NOVA delegation.
Getting a teenager out of bed on a school day is truly an accomplishment, but on Saturday morning, the 24th of February 2006, a group of Fairfax County High School students from the College Partnership Program braved cold temperatures and a desire to stay in bed to participate in the 2006 Color of Justice Program, held at the Fairfax County Circuit Court.

The program opened with remarks by Kathleen Holmes, President of the sponsor of the event, the Northern Virginia Chapter of the Virginia Women Attorneys’ Association, and Richard Ruddy, Jr., President of the Fairfax Bar Association. Event organizer Melina VanLowe, then moderated a panel discussion comprised of eight judges, including the Honorable Johanna Fitzpatrick and Rosemarie Annunziata of the Court of Appeals of Virginia, the Honorable Stanley Klein and Leslie Alden of the Fairfax County Circuit Court, the Honorable Rossie Alston of the Prince William County Circuit Court, the Honorable Gayl Carr of the Fairfax County Juvenile and Domestic Relations District Court, the Honorable Karen Henenberg of the Arlington County General District Court, and the Honorable Holly Stone of the United States Air Force Court of Criminal Appeals. The panel focused primarily on the paths taken by each judge to earn their position on the bench despite hardships encountered along the way.

Judge Johanna Fitzpatrick, who held the position of Chief Judge of the Court of Appeals of Virginia before retiring, spoke about the obstacles facing a woman in the legal field. “We were the first,” she said of fellow bench mate Annunziata. Judge Leslie Alden spoke of facing a different hurdle when applying for a judgeship. “In a way, it was more difficult because there were already women on the bench,” she said. The challenge of raising a family while practicing law was echoed by Judge Carr and Judge Henenberg.

Judge Rossie Alston and Judge Stanley Klein both spoke of insidious and blatant biases against African American and Jewish lawyers that they confronted in their journeys to take the Prince William and Fairfax Circuit Court benches, respectively. Judge Holly Stone of the United States Air Force, related her path to the bench within a military context.

After lunch, the larger panel discussions broke into small group sessions where students, judges, attorneys, and law students from the George Mason University School of Law answered questions by the high school students and provided more personalized advice for pursuing their quest for higher education.

Created by the National Association of Women Judges and brought to Fairfax by the Honorable Teena Grodner of the Fairfax County Juvenile and Domestic Relations District Court, the purpose of the Color of Justice program is to encourage minority high school students to consider careers in the law as attorneys and judges. The inaugural program won an Award of Merit from the Virginia State Bar. Subsequent Color of Justice programs followed one of the founding tenents of the program, that each minority bar association would take the lead in conducting the program and that the leadership of the program would pass year to year to the various bar associations. The 2007 Color of Justice Program will be sponsored by the Hispanic Bar Association. Judges and attorneys are encouraged to participate and continue the Color of Justice program into the next millennium.
The Fairfax Bar Association joined together with the Alexandria Bar, Arlington Bar Foundation, Asian American Bar, Hispanic Bar, George Mason University School of Law, GMU Moot Court Board, McLean Bar and Northern Virginia Black Attorneys Association on April 7 to celebrate the “Colors of Justice” a reception in the George Mason University School of Law (GMUSL) atrium. This version of the Colors of Justice was crafted by Judge Stanley P. Klein as a vehicle to observe and promote the growth of diversity in the practice of law. In keeping with the diversity theme, Judge Klein, working with the planning committee of the GMUSL Moot Court Board ensured the moot court competition had at least one minority or woman judge on each panel. The Moot Court finals, held at the U.S. District Court in Alexandria, concluded on Friday afternoon and the participants adjourned to join their colleagues at the Colors of Justice reception.

The event offered a fabulous networking opportunity for area lawyers, judges and law students. The 200+ attendees were treated to a short program emceed by Assistant Dean Darrell D. Jackson. Dean Daniel D. Polsby welcomed the attendees and Judge Klein also offered remarks on the occasion.

Regarding the reception, Judge Klein remarked:

“Today we join together once again in a Colors of Justice celebration. All three components of our legal community, the students and faculties of our law schools, the men and women of the various local bar associations and the women and men of the local judiciary are here at George Mason University School of Law to reaffirm our commitment to ensure that all of our legal institutions reflect the diversity of people and ideas that make our society great.

The Colors of Justice initiative reaches out to high school students, law students and lawyers alike to join with us as we strive to assure that the academicians, lawyers and judges who teach, uphold and preserve the rule of law in our country truly reflect all segments of our society. Tonight we acclaim the steps that have already been successfully taken and we rejoice in our dreams of what is yet to come.”

The program culminated in keynote speaker Judge Gerald Bruce Lee. Judge Lee also presented the award to the Moot Court Competition winners. At the conclusion of Judge Lee’s remarks, Judge Klein presented the GMUSL a check in the amount of $5,000.00 to fund a scholarship to a student committed to diversity. The scholarship was made possible by funding received from the Colors of Justice sponsors.

For making a difference in our community, we thank the following Colors of Justice sponsors:

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Smolen Plevy
Melissa Martin Retires
continued from page 1

In the early 1980s, a new courthouse opened. It was palatial: no way could they ever use all that space! One drawback was that the judicial chambers staff was now behind locked doors, so she had less contact with attorneys on a daily basis. She remembers the move from the old building to the new—it took place over a single weekend and the court never closed.

When asked her thoughts on the FBA, Melissa stated that she always defends the local Bar, since she knows as well as anyone the countless hours of volunteer activities performed. Mike Holleran of Walton & Adams, P.C., who has worked with Melissa in the Model Judiciary Program for over 17 years, said “Melissa Martin has done as much as anyone to help portray the Judiciary, the Fairfax Bar Association, and its attorneys in a positive light. Melissa has always graciously coordinated the high school mock trial program, and devoted her Saturdays to ensure that the literally thousands of students who have participated in the program went away with a positive impression of the Judiciary and the Fairfax Bar Association. She also has on countless occasions and at a moment’s notice, arranged for tours of visiting lawyers and judges from Japan, the Soviet Union, and other countries. She loves the Orioles and I like to call her the Cal Ripken of the Circuit Court—you could always count on her.”

For Melissa’s efforts with the FBA she was recognized with the President’s Award in 2004 and will receive it again at the June 2006 Annual Meeting. The President’s Award is given by the FBA President at the end of his/her term of office thanking those volunteers and members who have made the President’s year a success. Melissa Martin richly deserved these awards from the FBA for her gracious support of our programs throughout the years.

Melissa also opined as to bench-bar relations, stating that the FBA events are eagerly anticipated by most of the judges, as they represent an opportunity to see attorneys as people and to interact in a non-formal environment. Melissa indicated that it was particularly beneficial to involve judges in CLEs, small group settings with young lawyers, and other such activities, which leads to better bench-bar relations. Such events help attorneys understand the pressures on the judiciary and vice-versa.

When asked about the most interesting period in the court’s recent history, Melissa hesitatingly pointed to the Kasi trial, a time of increased security and complicated logistics. She pointed proudly to the cooperation among the court, the clerk’s office, the sheriffs, and other law enforcement entities, and how the court remained running smoothly, affording other litigants timely hearings (albeit with SWAT teams watching). Speaking of SWAT teams, she recounted how they entered judges’ chambers every morning, heading up to their posts on the roof prompting Judge Smith to comment on the “pitter patter of combat boots” to start the day.

The Kasi jury was the only sequestration she can remember. Jurors ended up in the Ritz-Carlton in Tysons and seems to have a proclivity towards ordering salmon for their meals! She also recalls the training the staff received (and continues to receive) concerning treatment of suspicious packages and notes that the court was able to continue the Model Judiciary Program without a hitch the day after the verdict was delivered.

She also reflected on the many changes over the past decades, focusing on the growth of the importance of law clerks, as particularly noteworthy. When she arrived, there were two of them in the law library, reading books (remember those)? Now there is one per Circuit Judge, reviewing pleadings for completeness, briefing motions and helping to draft letter opinions. Melissa credits this development as a necessary one to keep the docket moving as quickly as it does.

Melissa intends to take some time to relax and travel and then perhaps enter the work force again on a part-time basis, if she is so inclined. She will visit her sister in Florida, some friends and relatives out West, and follow her beloved Orioles, perhaps seeing them at Spring training next year, as well as making some excursions to Camden Yards.

As might be expected, Melissa has received glowing reports from her coworkers. John Frey, Clerk of the Circuit Court, has described her as “one of the finest persons I know, hard working, honest, and dedicated.” He went on to mention that Melissa wanted to do everything well (and succeeded in doing so), but that she did not seek publicity for her actions. She worked diligently behind the scenes, with every action “dedicated to the improvement of the court system.”

Melissa’s job was recently advertised and over 500 applications were received. Her job, as it now stands, will be divided among several people, as it appears that no one individual can do all the things she does, as well and as selflessly. Both Mr. Frey and Judge McWeeney were quick to point out that there are other employees of the clerk’s office who are very dedicated and competent and who will continue to serve the public at the same high level as does Melissa.

The FBA salutes Melissa in continuing the tradition of dedicated clerk’s office employees, a person who makes life easier for attorneys and clients alike and helps keep the court system functioning as smoothly as any in such a busy jurisdiction. Bon voyage and enjoy retirement!

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Supreme Court of Virginia & Court of Appeals of Virginia Filing Fee Increases

At this year’s session, the General Assembly enacted Code §17.1-132, which created the Courts Technology Fund (CTF), and amended Code §17.1-328 and §17.1-418 by raising filing fees to fund the CTF. Effective July 1, 2006, the fee for filing a petition in the Supreme Court will increase from $25 to $50. At the same time, the fee for filing a notice of appeal or an original jurisdiction petition in the Court of Appeals will increase from $25 to $50.
The Fairfax Bar Association's Law Practice Management Section strives to help lawyers in the pursuit of a satisfying, efficient, and profitable law practice. In this regard, the Law Practice Management Section asked Robert L. Fredericks, Jr., to speak with the group about getting and keeping good clients. This meeting was very informative and educational. Mr. Fredericks' tips were valuable to new lawyers and a good reminder to those who have been practicing for some time. A recap of Mr. Fredericks' "10 Tips for Getting & Keeping Good Clients" follows.

As background, Mr. Fredericks graduated from Georgetown Law School in 1976. He has been practicing law since 1977. His perspective is that of the "small mom and pop operation." He has always worked as a small firm. He has practiced in a variety of different areas, but is now primarily a real estate and family law practitioner. He works 4.5 days per week after finding a better quality of life by balancing his work and play.

Before discussing his tip 10 list, Mr. Fredericks opined that Northern Virginia is an ideal place for a small law practice. For the past 25 years the area has had a growing population, an expanding economy, a transient portion of the population (because of the military and government), and lots of prosperity. The people of Northern Virginia have money to pay for legal services.

Where are the clients? They are everywhere. Our neighbors, our places of worship, little league, the grocery store, etc. When first starting out, Mr. Fredericks thought his focus should be on getting as many clients as possible. Over the years, and after many painful lessons in the process, Mr. Fredericks learned that one does not necessarily want as many clients as possible.

10 Tips for Getting & Keeping Good Clients:

1. **Rely on other lawyers.** They will send you business, they will help you learn, they will share their blunders, and they are a great source of business. Cultivate your relationships with lawyers of different ages and practice areas. Mr. Fredericks has about a dozen lawyers that he talks to often. Some each week, others each month, half are in other practice areas, the other half are in the areas he practices.

2. **Face the money issues.** Early on lawyers take on everything and don't know how to deal with collecting their fees and it shows. Clients believe they are doing the lawyers a favor in order to give the lawyer experience and/or the lawyer takes on issues he or she does not know anything about. The result is unhappy clients and no fees. Mr. Fredericks explained that for approximately 20 years he had huge receivables, some of which he collected, but all of which created frustration. Now he has only a few. The difference is in attitude and approach. Mr. Fredericks now asks for his fees up front. His philosophy is that it would be better to take the day off rather than work and not get paid. When clients owe you money, it aggravates you; you don't want to continue doing work for them. The clients are afraid to call; when the case is over they do not refer business to you. All in all this is a difficult situation. Deal with the money issues head-on.

3. **Consultation fees, marketing, Internet.** Mr. Fredericks charges a consultation fee for the first meeting. He is always willing to give someone five minutes on the phone to screen them and discuss the matter; however, if they do not have the money or they balk at an initial fee, they will not be a good client. The best clients are the clients who expect you to be
good and they expect to pay for the service. At the initial meeting you can look each other over and set up the expectation about the relationship, i.e., fees, communications, results, the other side, etc. Sometimes it is a bad fit. Don’t be afraid to admit that.

Mr. Fredericks does no marketing (with the exception of giving seminars to realtors on 1031 exchanges and contract law). He has a website, but does not believe it is a good one. Mr. Fredericks is a great believer in Internet technology, but for him personally, it is not a good source of business. He believes the better clients come from personal referrals. Those clients came in already sold on using you, with a degree of trust and a mutual contact. The Internet is a comparison shopper’s dream. It can be a great tool to market, but if you are going to use it for that, you need some sort of screening device.

4. Business brings more business. Turnaround vs. delay. If you are responsive and help the client, you get more. Be timely, set and meet expectations.

5. Life is short—watch for red flags. A red flag client is the one who comes to the consultation with two boxes of stuff and wants to tell you too much. He or she has had four different lawyers already (and knows more lawyers than you do). Often times, the clients think they know it all. They are impossible to please. You will not be able to make them happy and they will make you miserable. This type of client is not really trying to fix his or her legal problems. Although many of these clients will pay your fees, it is not worth the aggravation. Don’t become a crusader unless it is your cause!

6. Can the law help and is this the right time? Mr. Fredericks spends most of his phone screens trying to get people not to come in and most of his consultations trying to talk people out of his services. He tries to get the potential client to focus on the money. Is it worth the money? Maybe the potential client can use the “lawyer money” to solve the problem. At first, Mr. Fredericks would take on unsolvable situations now he sees them and slows down. It took him years to learn this tip. “Warn the client, slow the client down. Some will really appreciate it (and send you business) and some may hire you, but not out of impulse.” For example, a potential client comes in to meet with you and tells you that he signed a contract with a builder for a new house, put down $50,000, and now does not want to go through with the purchase. In addition, he has found another house he would prefer to buy and needs the $50,000 right now for the deposit. In this example, the attorney could explain that it will take a long time to pursue and that he will not get all of his money back from the builder. Further, the attorney could recommend the potential client ask the builder about getting out of the contract and keeping a part of the deposit (the amount it would have cost to hire and pay the attorney).

7. Refrain from taking your friends and neighbors as clients. First, you tend to help your family and close friends because you care about them. Friends and neighbors are a bit more difficult. They come because they do not know any other lawyers. In Mr. Fredericks’ opinion, they do not respect your professional judgment and may not expect to have to pay your fees. He believes this is human nature. In addition, if friends are unhappy, they will not hesitate to spread the word to other friends and neighbors. Therefore, Mr. Fredericks does not take any friends or neighbors as clients.

8. Fee discounts. Mr. Fredericks’ view is that he will only give a fee discount if the result will be a smiling, satisfied client. Why do it if the client is going away unhappy?

9. Can I solve this outside of the courtroom? Mr. Fredericks always tries to explain to the client the problems with going to court. There is an emotional toll, a risk the judge will make a mistake or a bad ruling, and it is very hard to correct things that go wrong in litigation. It is a loss for Mr. Fredericks if he cannot settle the case. Although, sometimes the other

continued next page
REPORT TO THE MEMBERSHIP
continued from page 5

While I have recounted in this Report some of what was articulated during the course of a lively discussion at that March Board meeting, it is fair to say that all members of the FBA Board and other guests present were pleased to hear Delegate Albo confirm the importance of the FBA screening process to the bipartisan selection of judges for the 19th Judicial Circuit, and understood the realities he described associated with the selection of our statewide judges.

3. FBA Judicial Selection Task Force
The FBA Board established a Judicial Selection Task Force last year under the leadership of Past President Peter DePaolis. The Task Force is composed of retired State Senator Joseph Gartlan, the FBA members David Ralston (former Chair of the Metropolitan Washington Airports Authority), Sandy Havrilak (Substitute Judge), John Keith (VSB Past President), Thomas Sotelo (FBA Board member), and Bruce Titus (FBA Past President). The FBA Board refined the mission of the Task Force at the March Board meeting, and asked Peter DePaolis, and his task force, to: (1) investigate with our NOVA delegation whether there is anything the FBA can do or cease to do to make the judicial screening information we gather more useful to them in their decision making on appointments to the 19th Judicial Circuit; and (2) investigate what certain statewide Virginia bar associations are planning to do with respect to possible reform of the selection process of judges for statewide positions. We anticipate receiving a report back from this Task Force in the next couple of months.

4. Closing
The selection of statewide and local judges is a politically sensitive and potentially divisive topic for the FBA. The 19th Judicial Circuit has been blessed over recent years with a judicial selection process for our judges that is working extraordinarily well through a unique and valued relationship between the FBA and our NOVA delegation. No such process is perfect, there is always room for improvement and adjustments, and we look forward to working closely with and supporting our entire NOVA delegation in the years ahead as they deal with this important responsibility. Ultimately, prudent and even handed FBA leadership that speaks with a single voice will best serve our dues paying members who appear in courts throughout the Commonwealth of Virginia each day, and the judges who serve and the citizens who appear in the 19th Judicial Circuit.

10 Tips...
Continued from previous page
side will not be reasonable, but usually a bad settlement is better than going to court.

10. Be friendly. Don’t be pompous. We all know the type and clients don’t like them either. Make referrals and you will get referrals.

The Law Practice Management Section meets the third Monday of the month. If you would like to be added to the list of section members, please call/email: (1) Elizabeth Gray at 703.536.7778 elgray@covad.net; or (2) Robert Walker at 703.437.5128/rbw@rwallerlaw.com.

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A Legend Retires
continued from page 1

At first, Dick’s practice was varied. He did jury trials, practiced in property law, contracts, trust and estates, ran a title company—he did it all. However, after joining with Art Moshos and Michael McWeeny, he gravitated towards a more exclusive practice in domestic relations. This area of law suited his gregarious nature, and his natural empathy for others gave the clients a sense of comfort and dignity in a troublesome time.

Nancy and Dick created the software for VADER, the support workbook used by so much of the community, and Dick became the public face of Pangean Systems, their software development firm. A whole generation of lawyers has never had to sit in the hallway of the courthouse calculating shared support with a pencil, a calculator and the Code. VADER expanded to now include 58 different workbooks including the source of funds spreadsheets, the equitable distribution spreadsheets used by our court, and, more recently, a tracking tool for the Differential Case Tracking System. When they are not working on Pangean Systems together, they enjoy amateur astronomy and Nancy takes Dick along on geological escapades, her field of study in college.

It is appropriate that Dick invented support software, because through his legislative efforts, he has monitored and changed the face of support legislation in Virginia. He was recently appointed by Governor Warner and reappointed by Governor Kaine to the Quadrennial Child Support Review Committee. He was appointed by Governor Allen to the Technology Task Force of the State Bar. He oversaw many of the modifications to the Virginia support statutes over the years, and thinks nothing of jumping in his car at a moment’s notice to run to Richmond and speak on various bills that could radically alter domestic practice. In fact, he went to Richmond with Judge Smith and Judge Alden just a couple of weeks after open-heart surgery. His legislative input has been tremendous over the years; it will be hard to imagine anyone who will devote as much time and energy to working with the legislature than Dick.

One of Dick’s greatest contributions to the Fairfax Bar has been his long-tenured service as the Chair of the Family Law Section. It has also been one of his most beloved projects. Every lawyer could come once a month and learn new case law, statutory updates, changes in the local rules, etc. He always had written materials he prepared himself explaining each new topic, and never minded staying after the meetings to go over questions with anyone who needed assistance. He had a special meeting every year to introduce all the new law clerks to the domestic Bar, and another special meeting each year for Judge Schell to go over new case law for the past year. It was very difficult for him to walk away from the Family Law Section, but he knew it would be in competent hands when he asked Dan Gray to succeed him as Chair. Dick wanted a young, polished, professional who enjoyed committee work and had appropriate contacts with the Bench and Bar, and Dan fit every criteria. So, in April, Dick attended his last meeting as Chair and handed the reigns over to Dan. The applause at the meeting was a touching farewell.

For the next six months or so, Dick will remain as “Of Counsel” with Larry Bowen and myself in the new firm we formed. He does some work on a few cases, including ones with mathematical problems too complicated for mere mortals, and basically will be there to mentor and assist. At the end of the year, however, Dick and Nancy plan to make their move towards full retirement. VADER will be Dick’s only major project still running in the legal field, other than perhaps some CLE speaking engagements, some legislative work, and his frequent appearances as a guest professor at George Mason University School of Law.

Dick and I have been together for 21 years. He has been my boss, my mentor, and my best friend. He pushed me to law school, just like he helped Judy Bragan read for the Bar years ago, and stood by my side every step of the way. I think he was as nervous as me waiting for the Bar results to come out and jubilant when we found out I had passed. Never could any new lawyer ask for a better mentor than Dick Byrd, and I am just one of hundreds of new lawyers that have turned to him for assistance over the years. Rarely has there been a divorce lawyer more loved, more respected, and more revered than Dick. The Bench and the Bar will miss him beyond measure, but he can always be reached wherever he ends up to answer that one question no one else seems to know.

Best wishes in your retirement, Dick. We’ll all see you at your big party on July 13th to send you off on your next great adventure!

by Valerie E. Hughes, Attorney at Law, Partner, The Bowen Law Firm. Worked with Dick since 1985 as secretary, paralegal, law clerk, associate, and now partner.
PRESIDENT’S COLUMN
continued from page 2

8. Be a Mentor. Ask Others to Mentor You. Be a mentor to as many FBA members as you can. But also, ask others to mentor you. Your FBA colleagues (attorneys and judges, young and old, retired or not) will be incredibly generous with their time and advice.

9. Our Diversity of Opinions is Our Strength. The FBA is guided by its duly elected Board of Directors, and led by its President, all of whom are unpaid volunteers. Each member should feel free to communicate to the Board their opinion on issues of importance to them from time to time. Regardless of what the Board does, someone is always going to disagree with the decision. But, our diversity of opinions and ideas is, I believe, our real strength, and the confluence of these many opinions and ideas at the Board level inevitably allows the FBA to lead in a manner that is in the best interest of all our members.

The phone is ringing, the sun is out, and my golf clubs are way underused. Before I sign off, I want to put in a plug for my FBA buddy, Steve Ray. Every FBA President should be as fortunate as I have been over the years to have someone like Steve backing him up. Honest, plain speaking, unpretentious, smart, unselfish with his time, reliable, and very loyal to nothing but the best interests of the FBA, are but a few of my thoughts on describing Steve. The FBA is in good hands with his leadership, and I wish him a great year!

Have a safe and fun summer!

Steven W. Ray and Richard John Ruddy, Jr.
In Memorium

JEAN ROUAULT GALLOWAY—81, Fairfax Station, VA, died May 15, 2006. Beloved wife of Capt. James E. Galloway, (CEC USN Ret.); devoted mother of James E. Galloway, Jr., John C. Galloway, Thomas J. Galloway, Jean Galloway Ball, Cecilia Galloway-Sheil, Judith A. Galloway, Mary E. Galloway, and Anne G. Foster, sister of Robert Rouault and Elizabeth Potts. She was also survived by 18 grandchildren and two great-grandchildren. Services were held at St. Mary of Sorrows Historic Catholic Church on May 18. Interment at St. Mary’s Cemetery. Contributions may be made to Johns Hopkins Kimmel Cancer Center, Leukemia Service Center, One Charles Center, 100 North Charles Street, Suite 234, Baltimore, MD 21201.

QUINLIN H. HANCOCK—79, a retired Circuit Court Judge in Fairfax County, died of diabetes March 31 at Sleepy Hollow Manor, an Annandale treatment facility. A former resident of Alexandria, he had lived in Fairfax Station for the past 26 years.

Judge Hancock was born in Richmond and grew up in Northern Virginia. He was a graduate of George Washington High School in Alexandria and Duke University in Durham, N.C.

After serving in the Navy during World War II, he graduated from George Washington University Law School in 1950. He was an FBI agent for two years before he opened a criminal and domestic law practice in Alexandria.

He practiced law until he was appointed to the bench in 1982. He retired in 1995.

Judge Hancock was a member of the American Bar Association. He had a private pilot’s license and enjoyed hunting. He was a life member of the National Wildlife Federation, Izaak Walton League of America, and National Geographic Society.

Survivors include his wife of 61 years, Viola Rhine Hancock, of Fairfax Station; two daughters, Robyn Lee Hancock Snyder of Fairfax County, and Paula Sue Hancock Forrester of Center Valley, PA; a sister, Ruth Rollins of Alexandria; a brother H. Lee Hancock of Pinehurst, N.C.; and a grandson.

ERNEST STEPHEN HEISLEY, ESQ.—It is with great sadness that we announce the passing of Ernest Stephen Heisley, Esquire, on February 26, 2006, at Georgetown Hospital, after a brief illness. Mr. Heisley was a long-time resident of Fairfax and member of the Fairfax Bar Association. He was predeceased by his wife, Mary Barbara Heisley, in 1986, and is survived by a son, Stephen Andrew and his wife Maribel, who live in Fairfax. Mr. Heisley also leaves behind three young grandchildren, Marisol Maria, Andrew Joseph, and Anabel Noelle; a brother, Michael of the Chicago area; and a sister, Mary Finnegan of Alexandria, VA.

FRANCIS X. LILLIS, COL. USA (RET.)—73, of Vienna, VA, died on May 1, 2006. Husband of Joan Lillis; father of Margaret Bloom; brother of Mary and Cooper and Betty Anne Ciolek; and grandfather of Alexandria, Lian, and Rachel. Interment will be Thursday, July 6, 2006, at 3:00 p.m., at Arlington National Cemetery with full military honors. Family and friends are asked to gather at the Administration Building by 2:30 p.m. In lieu of flowers, contributions may be made to a charity of your choice.

CLARENCE R. SACCARDI—Chantilly, VA, a highly decorated World War II Veteran and also a retired attorney. Died March 23, 2006 at INOVA Fairfax Hospital. He is survived by his son, William Saccardi, and brother, Donald Saccardi. He was interred at Arlington National Cemetery.

Office Space Rent/Lease

ARLINGTON—Office in modern suite with other lawyers working in areas of labor, P.I., commercial, criminal and domestic relations. Facilities include library, conference room, reception, secretarial station, photocopier, fax, file room, work area, kitchen, and telephone answering, DSL available. Indoor parking. Convenient location, one block from Courthouse and Metro!!!! Available now!! Contact Sheldon I. Cohen 703.522.1200.

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VIENNA—Office space available. Call 703.938.1068 or 703.281.6621.

Position Wanted

ASSISTANT—Need an assistant and clerical support? I have over 15 years of Executive and Admin Assistant experience. Great WP, MS Word, Excel and typing skills. Current and practicing Notary. Interested in working PT 20-30 hours per week at your office or my home. Call Tina Kitts at 703.279.1869 or kritis4@aol.com.

For Sale—Office Furniture

Contemporary/Teak. Quality desks, chairs, bookcases, table, Package deal—$800 takes all. Call 703.938.1068 or 703.281.6621.

Announcements

Michele Bartoli Cain and Deborah G. Matthews are pleased to announce the formation of their law firm BARTOLI CAIN & MATTHEWS, PLLC, Firehouse Square, 908 King Street, Suite 350, Alexandria, VA 22314; 703.548.3577; Fax: 703.548.1991; www.BCMfirm.com.

Effective May 1, 2006, the LAW OFFICES OF KELLY S. HITE, PLLC, has relocated to 4010 University Drive, 2nd Floor, Fairfax, VA 22030; 703.277.9761; khitelaw.com.

DENNIS M. HOTTELL & ASSOCIATES is pleased to announce the firm’s new name of HOTTELL MALINOWSKI GROUP, The Inns of Court, 10486 Armstrong Street, Fairfax, VA 22030; 703.352.5666; www.hottell.com.

Kathleen J.L. Holmes is now a new partner with WILLIAMS MULLEN, A Professional Corporation, 8270 Greensboro Drive, #700, McLean, VA 22102; 703.760.5200; www.williamsmullen.com.

RAY & ISLER, P.C., is pleased to announce R. Mark Dare has joined the firm as a partner. 1919 Gallows Road, Suite 320, Vienna, VA 22182; 703.748.2690; Fax: 703.748.2695; www.islerdare.com.

Barbara S. Williams, is pleased to launch her new identity and announce the opening of her new law office: BARBARA S. WILLIAMS, PERSONAL INJURY LAW, 101 Loudoun Street, SW, Leesburg, VA 20175; 703.777.6535; F a x : 7 0 3 . 7 7 7 . 6 9 6 3 ; B Williams@BarbaraSWilliams.com.
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Dick Byrd Retirement Dinner

July 13, 2006

Marriott Fairfax at Fair Oaks
11787 Lee Jackson Memorial Highway, Fairfax, VA 22033

6:00 p.m.—Reception
7:00 p.m.—Dinner

Cost:
FBA Member—$80.00
FBA Young Lawyer Member—$70.00
Non-Member—$90.00

Speakers:
Hon. Michael P. McWeeny, Chief Judge, Fairfax County Circuit Court
Hon. Dennis J. Smith, Judge, Fairfax County Circuit Court
Glenn C. Lewis, The Lewis Law Firm, P.C.
Ann Wood Mische, Joseph & Mische, P.C.

To Register, contact the FBA at 703.246.2740; fba@fairfaxbar.org

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