



Hear Ye! Hear Ye!

News from the Prince William County Bar Association

Volume XV Issue XII

January 2011

Inside This Issue

December Bar Luncheon Photo
Re-cap, pg. 2

Revised Requirements
Concerning Depositions in
Uncontested Divorce Cases, pg. 2

Reminder from the Circuit Court
Concerning Divorce Matters,
pg. 3

Inclement Weather Policy, pg. 3

Circuit Court Conciliators
Schedule Jan.-March, 2011, pg. 4

J&DR District Court Conciliators
Schedule, Jan.-June 2011, pg. 4

December 10, 2010, PWC Bar
BOD Meeting Highlights, pg. 4

Treasurer's Report, pg. 4

Letter from VSB Bar President,
Irving M. Blank concerning
proposed transfer of VSB Funds
to the Commonwealth's General
Fund, pg. 5

Legislative Affairs Information,
pg. 6

National Center for State Courts'
Gavel to Gavel e-newsletter, pg. 6

Going Green! Newsletter
Reminder, pg. 7

Professionalism & Pro bono
Nominations, pg. 7

Insert

2011 Bar Dinner Dance
Registration and Sponsorship
Flyer

President's Message

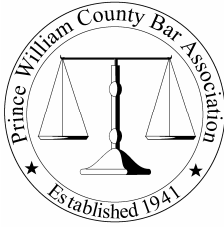
By Amy M. Ashworth

Well, my year as President is coming to an end and Megan Kelly is gearing up for her year as your President. I am very thankful for all of you that volunteered and helped out with our many projects and committees. I am thankful for the great leadership of our Bar Association including the other Officers and the Board of Directors for their strong support and guidance. I am especially thankful for all of Alissa's hard work and enthusiasm that she brings as the Executive Director.

I am proud of all of the accomplishments that we made this year including our biggest which was reinstating our Judicial Evaluation Program. Thanks to the hard work of Paul Walla and the other members of his Judicial Evaluation Committee, we were able to get the by-laws amended, reconstitute the Committee, update the evaluation form and get it to the membership by the end of the year. This was a remarkable and important task which will hopefully benefit our sitting judges and our membership for years to come.

In addition to the Judicial Evaluation Program, we also implemented a brand new CLE and reception focused on welcoming and encouraging new and prospective members to the 31st Judicial Circuit. Organized by Jessica Gurzo and with the help of the judges, the clerks, our members, the sheriff's department and the ADC, we helped educate those who are unfamiliar with the who, what, where, and how of practicing law in this jurisdiction. We then had a fantastic reception where new members got to meet and talk to not only our current membership, but the Judges as well. We also managed to get the Juvenile and Domestic Relations Court Guidelines completed in time for the CLE and will be bringing those to you online in the near future. Look for a repeat of this program in years to come.

Finally, I got Steve Woodside to stop with the listserv jokes (*I hear he is starting a separate blog for those of you that miss them*), didn't let Barry and Megan kill each other during meetings (*it's an old feud, really, they've put all their differences aside*), and even managed to get Rusty von Keller to yield the floor at Board meetings in less than two minutes. It was my pleasure to serve as President. It has been a wonderful experience that I've learned a lot from including the fact that if we work together, we can do great things. Have a wonderful New Year!



Prince William County
Bar Association, Inc.
P.O. Box 31
Manassas, Virginia 20108

Offices 3rd Floor, PWC Judicial Center
9311 Lee Avenue
Manassas, Virginia 20110

TEL (703) 393-8865
LRS (703) 393-2306
FAX (703) 331-5683
Email: pwcba1@verizon.net
Web site: www.pwcba.org

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Amy M. Ashworth
President
(703) 792-6050

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President-Elect
(703) 792-6620

Barry A. Zweig
Immediate Past President
(703) 257-3500

Laurie J. Sholtis
Secretary
(703) 963-6325

Joseph W. Thelin
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(703) 385-2880

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Bar Council Rep. 2010-13
(703) 365-9945



Irving Blank, President of the Virginia State Bar and Amy Ashworth, President of the PWC Bar, following Mr. Blank's remarks to the membership at the December luncheon meeting.



Former PWC Circuit Court Administrator Robert L. Marsh, (left), and PWC Bar Association President-Elect, Megan Kelly, (right), congratulate Joan Hughes, J & DR District Court Chief Deputy Clerk, (center) on receiving the 2010 Robert L. Marsh Public Service Award. The award was established by the PWC Bar in 2007 to recognize outstanding public service.

Revised Requirements Concerning Depositions in Uncontested Divorce Cases

By The Honorable Lon E. Farris, Chief Judge PWC Circuit Court

The Honorable Lon E. Farris, Chief Judge of PWC Circuit Court has provided the following update. Questions concerning this update should be directed to Cassandra Chin, Chair of the Family Law Committee, who will contact Judge Farris.

The Circuit Court has decided to allow depositions to be submitted in uncontested divorce cases to prove grounds for divorce in limited situations in place of physically attending an *ore tenus* hearing. The court will allow the depositions with the following qualifications:

1. The complaint must have already been filed.
2. The parties must be proceeding only on the grounds of having lived separate and apart for six months or twelve months.

Continued, page 3

Depositions, continued

3. A property settlement agreement must have been signed (unless proceeding on Order of Publication where only grounds of divorce are at issue).
4. Unless both sides are represented by an attorney, a waiver of notice must be signed by the other party and submitted to the court.
5. **No part of the separation period can include living separately in the same residence.**
6. A court reporter will be required. No depositions will be allowed on written questions.
7. A final decree and all necessary documents, including the VS4, must be submitted with the deposition.
8. Counsel must represent at least one of the parties. No deposition will be allowed in a *pro se* case.

The Court has also provided sample *ore tenus* questions, which follow:

Sample Deposition Divorce Questions to Plaintiff

1. Please state your name and current address.
2. Are you the Plaintiff in this divorce action?
3. Do you know the Defendant in this divorce action?
4. How do you know the defendant in this divorce action?
5. When were you and the Defendant married?
6. Are you both over 18 years of age?
7. Are either you or the Defendant a member of the armed forces of the United States?
8. Do you and the Defendant have any children born or adopted of the marriage?
 - a. (If yes) Are their names and dates of birth as follows.....?
9. How long have you been a resident of Virginia? OR How long has the Defendant been a resident of Virginia?
 - a. Is that more than 6 months before you filed this action for divorce?
10. When did you and the Defendant separate from each other?
11. Was it your Defendant's intention that the separation to be permanent on the day you separated from the Defendant?
12. Have you lived separate and apart from the Defendant continuously without any cohabitation and without interruption since the day you separated from the Defendant?
13. Is there any hope or probability that the Defendant and you will reconcile?
14. Is it your request that the Court to grant you a final decree of divorce on the grounds of having lived separate and apart without any cohabitation and without interruption for a period in excess of one year / six months?
15. [If applicable:] Is it your request that the Court restore your maiden name?
16. [If applicable:] Is this the agreement the Defendant and you entered into on (*date on which it was last signed*)?
17. Is this your signature?
18. Is this Defendant's signature?
19. Does this agreement resolve all the issues pending before this Court?
20. Is it your request that the Court affirm, ratify, and incorporate but not merge this Agreement into the Final Decree of Divorce?

Reminder from the Circuit Court Concerning Divorce Matters

By the Honorable Lon E. Farris, Chief Judge PWC Circuit Court

Attorneys are reminded not to schedule a divorce on the *ore tenus* docket or by use of deposition if part of the proof involves the parties living separately in the same home. It requires too much proof to handle by either of those methods. If part of the proof involves living separately in the same house, then the matter needs to be placed on the regular trial docket.

Prince William County Bar Association, Inc.

Office Hours

9:00 AM to 1:00 PM, Mon.—Fri.
The PWCBA Office is located on third floor of the Prince William County Judicial Center, next to the elevators.

**Guidelines for Submissions to
Hear Ye! Hear Ye!**

Submissions should be directed to the attention of Alissa N. Hudson, Executive Director, PWCBA preferably via email to pwcbal@verizon.net, or fax to (703) 331-5683, or mail to Prince William County Bar Association, Inc., P.O. Box 31, Manassas, VA 20108.

All submissions must be paid in advance, and are due by 5:00 PM on the 10th of the month preceding publication and must include a contact name and phone number.

For inquiries regarding classified or display advertising, contact the PWCBA office at (703) 393-8865, to request a copy of the most recent rate card, or visit the bar on line at www.pwcba.org under "About the Bar", "Advertising and Sponsorships".

Inclement Weather Policy

In the event of inclement weather, the PWC Bar has formulated a policy for informing the membership, in as timely a fashion as possible, about court closings for Prince William County. As soon as the decision to close all three courts is made, by the Chief Judge of the Circuit Court, The Honorable Lon E. Farris, the Clerk of Court, Michele McQuigg will be notified. Ms. McQuigg will, in turn, notify Alissa Hudson, (along with the myriad of others she notifies.) Alissa will then post an announcement on the PWC Bar Listserv, and update the voice mail message for the main number at the PWC Bar office, (703) 393-8865, to reflect court closings for the day. **If there is no posting and no voice mail update, courts are open.**

Circuit Court Conciliators Schedule January – March 2011

By J. Scott Krein

January 7, 2011 Helen Marmoll
 January 21, 2011 Scott Krein
 January 28, 2011 Petula Metzler
 Feb. 4, 2011 Alice Rowan
 Feb. 11, 2011 Bob Cooper
 Feb. 18, 2011 Cassandra Chin
 Feb. 25, 2011 Sharon Pandak
 March 4, 2011 John Whittington
 March 22, 2011 John Rinaldi
 March 8, 2011 Cathy Croft
 March 25, 2011 Dennis Carluzzo

J& DR District Court Conciliators Schedule January – June 2011

By Barb Stough

Sarah Arent 1/3, 2/4, 3/9, 4/8, 5/10, 6/10
 Chester Banks 1/4, 2/7, 3/10, 4/11, 5/11, 6/13
 Ray Benzinger 1/5, 2/8, 3/11, 4/12, 5/12, 6/14
 Dick Boatwright 1/6, 2/9, 3/14, 4/13, 5/13, 6/15
 Dennis Carluzzo 1/7, 2/10, 3/15, 4/14, 5/16, 6/16
 Robert Coleman 1/10, 2/11, 3/16, 4/15, 5/17, 6/17
 Robert Cooper 1/11, 2/14, 3/17, 4/18, 5/18, 6/20
 Cathy Croft 1/13, 2/15, 3/18, 4/19, 5/20, 6/21
 Robert Faust 1/12, 2/16, 3/21, 4/20, 5/19, 6/22
 Carlos Flores 1/18, 2/17, 3/22, 4/21, 5/23, 6/23
 Mark Henshaw 1/19, 2/18, 3/23, 4/22, 5/24, 6/24
 Tracy Hudson 1/20, 2/22, 3/24, 4/25, 5/25, 6/27
 Kimberly Irving 1/21, 2/23, 3/25, 4/26, 5/26, 6/28
 Megan Kelly 1/24, 2/24, 3/28, 4/27, 5/27, 6/29
 Ray Morley 1/25, 2/25, 3/29, 4/28, 5/31, 6/30
 Elizabeth Reiter 1/26, 2/28, 3/30, 5/2, 6/1
 Jane Smith 1/27, 3/1, 3/31, 4/29, 6/2
 David Silek 1/28, 3/2, 4/1, 5/3, 6/3
 Barb Stough 1/31, 3/3, 4/4, 5/4, 6/6
 Michele Rydell 2/1, 3/4, 4/5, 5/5, 6/7
 Rusty von Keller 2/2, 3/7, 4/6, 5/6, 6/8
 Paul Walla 2/3, 3/8, 4/7, 5/9, 6/9

December 10, 2010 PWC Bar Board Meeting Highlights

Taken from minutes provided by Lori J. Sholtis, Secretary


- The BOD appointed Tracey Lenox to serve as the PWC Bar Historian
- Bar Leadership elections will be held at the Annual Meeting, January 7, 2011
- Jan Roltsch-Anoll will draft a letter to the attention of the local legislative delegation concerning the lack of funding to fill judicial vacancies. The letter will be offered for signature by area attorneys.
- PWC Bar Past Presidents will be invited to come together to form a Past Presidents Council.
- The Bar Dinner Dance will be held February 19th, 2011. Issues concerning ticket price and sponsorship are under consideration.
- Progress report on the Rule of Law project
- Hanging Out a Shingle program to be organized in April or May 2011.
- Introduction to Practicing Law in the PWC Courthouse recap
- Books for Troubled Teens, discussed program funding.
- The date for the January BOD meeting will be January 21, 2011, 4:00 pm, Mackey's American Pub.

Treasurer's Report

From Joseph W. Thelin

Just a reminder that 2011 Dues Notices were mailed on January 7th, 2011. Prompt payment of dues ensures continued funding for vital Bar Association projects and endeavors. Checks should be made payable to the Prince William County Bar Association, and sent, along with your updated member profile, to the attention of Alissa Hudson at the Bar's post office box by February 4, 2011. Payments made after February 4, 2011 must include the appropriate late fee. Any questions regarding payment history may be directed to the treasurer. Thank you in advance for your cooperation and payment!

Annual renewal notices for the Lawyer Referral Service and Modest Means Panel will also be included with your 2011 Dues Notice. These renewals are also due by February 4, 2011.



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Dear PWC Bar Association Members

Irving M. Blank, President VSB

The following letter was sent to Megan Kelly and Gifford Hampshire in response to their inquiry concerning the proposed transfer of funds from the VSB to the Commonwealth's General Fund.

The Virginia State Bar's management and elected leaders learned on December 16 that the Governor has proposed transferring \$5 million of the VSB's dedicated special revenue to the Commonwealth's General Fund.

We recognize that the Virginia General Assembly has difficult decisions to make as it allocates taxpayer's money to the many services the state requires. As an agency that receives no general tax revenue, the VSB hopes the Assembly recognizes the challenges we face as well.

The transfer would have the immediate effect of emptying the bar's unspent cash reserve, leaving the VSB with only its annual operating budget and no money for unexpected expenses or capital expenditures.

We are informing legislators that:

- The VSB transfer would be an unprecedented appropriation of dues and fees paid by Virginia's lawyers for the protection of Virginia's citizens and the regulation of the legal profession.
- Longstanding language in the Appropriation Act and Va. Code § 54.1-3913 evidence an intent to protect the State Bar Fund from being used for purposes other than administration of the Virginia State Bar.
- The VSB is entirely funded by its regulated attorneys. It receives no money from the state's General Fund.
- The VSB has streamlined operations, cut expenses by approximately \$600,000 per year, and shared in the salary freeze imposed on state agencies since 2007.
- Mandatory bar dues in Virginia are among the lowest in the United States. Among the 33 states with mandatory bars, Virginia ties for 30th place.
- Without adequate financial support, the VSB will be impaired in its mission to protect the public from unethical and dishonest behavior by attorneys.

The unspent cash balance is the bar's only source of funding for unpredictable costs incurred by court-ordered receiverships of lawyers' practices, employee benefits, unemployment compensation, and attorney's fees and litigation in pursuit of the bar's regulatory mission. In addition, the VSB needs the funds for staff salary increases when they are permitted; technology improvements to better serve members and the public; and additional staff in the discipline department.

The bar is aware of the financial stresses facing lawyers in today's economy, and is committed to keeping bar dues low while providing the public protection Virginia's citizens deserve.

Editors Note: Members of the PWC Bar Association are encouraged to contact their legislators, should they so desire, to share their comments or concerns about this matter.

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References and Vita on request - Visit at:



www.economic-analysis.com

Legislative Affairs Information

The 2011 Session of the Virginia General Assembly will begin on January 12th, 2011. The website for the Virginia General Assembly is <http://legis.state.va.us/#> From this website, members of the Bar may access contact information for the legislators who represent the Thirty-First Judicial circuit. A listing of the names and district numbers for the local legislators follows for your convenience:

- 28th District-R, Senator Richard H. Stewart
- 29th District-D, Senator Charles J. Colgan
- 36th District-D, Senator Linda Puller (Toddy)
- 39th District-D, Senator George L. Barker
- 13th District-R, Delegate Robert G. Marshall (Bob)
- 31st District-R, Delegate L. Scott Lingamfelter
- 50th District-R, Delegate Jackson H. Miller
- 51st District-R, Delegate Richard L. Anderson
- 52nd District-D, Delegate Luke E. Torian



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National Center for State Courts' *Gavel to Gavel*

Our nation's state courts are more and more the focus of legislative attention. Whether it is budget cuts, changes to court structure, or alterations to the terms of the judges who serve, there is a growing need for a reliable, national overview. For over five years, the National Center for State Courts' *Gavel to Gavel* has helped identify trends in legislative activity as it relates to the courts in seven broad areas:

1. Judicial selection (e.g. merit selection, partisan elections)
2. Judicial qualifications and terms (e.g. mandatory retirement age)
3. Judicial rule making authority
4. Structural court changes (e.g. merger of courts, division of existing courts)
5. Jurisdiction (e.g. court stripping or court expanding)
6. Salary and budget
7. Other areas that affect the courts

Gavel to Gavel is produced as a free, weekly (during legislative sessions) e-newsletter. To subscribe, just send a request to gaveltogavel@ncsc.org. Back issues, along with a searchable database of all the legislation being tracked, is available at http://www.ncsconline.org/D_Research/gaveltogavel/. Additionally, *Gavel to Gavel's* blog (www.gaveltogavel.us) and Twitter feed (@GaveltoGavel) provide in-depth analysis and additional detail beyond that found in the weekly newsletter.

Any questions and feedback can be sent to the editor of *Gavel to Gavel* Bill Raftery at wraftery@ncsc.org.

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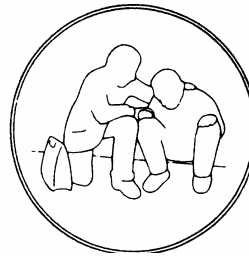
Upcoming Dates:

January 14, 2011, nominations due for Arthur W. Sinclair Professionalism Award and PWC Bar Pro bono Attorney of the Year Award

January 14, all three courts closed for Lee-Jackson Day

January 17, all three courts closed for Martin Luther King Day

January 21, 4:00 pm, PWC Bar Board Meeting, Mackey's American Pub



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2011 PWC Bar Dinner Dance
February 19, 2011
Westfield's Marriott
Celebrating the 70th Anniversary
of the PWC Bar
See enclosed flyer for details
and sponsorship opportunities



Hear Ye! Hear Ye!
P.O. Box 31
Manassas, VA 20108



*The Prince William County Bar Association
cordially invites you to attend the*


2011 Bar Dinner Dance

*Celebrating the
70th Anniversary of the
Prince William County Bar Association.*

*Saturday, February 19, 2011
Westfield's Marriott, Chantilly, Virginia*

*6:30 p.m. - Reception and Silent Auction
7:30 p.m. - Dinner and Awards*

Tickets: *\$125.00 per person for Regular/Associate
members and guests of the PWCBA
\$100.00 per person for Regular/Associate member and guest
with three years or less in practice
\$100.00 per person for Senior and Student member and guest*



Tickets are available through 4 p.m. on Friday, February 12, 2011 by returning the reservation form with your check payable to PWCBA by February 12th to:

Amy Ashworth
Office of Commonwealth's Attorney
9311 Lee Avenue, #200
Manassas, VA 20110

Staying the night? A block of guest rooms are available at the resort for \$109.00 per night and includes breakfast (separate reservations required for the Brunch) for two at Westfield's Palm Court. Please call 703-818-0300 and specify you are with the Prince William County Bar Association to make a reservation. **Reservations must be made by January 21, 2011.**

Please make my reservations for the 2011 Prince William County Bar Dinner Dance:

Name: _____

Firm Name: _____

Email: _____ Telephone: _____

My check **payable to PWCBA** is enclosed for: \$_____ for _____ tickets

Sponsorship money allows us to improve the quality of the event. Please consider becoming a sponsor and contribute: (____) \$100 (____) \$200 (____) \$500

The Program should list: _____ as a sponsor.

[] Please arrange for dinner seating with: _____

Tables will be set with eight (8) guests per table.

[] Please seat me at any available table.

Return to Amy Ashworth, Office of Commonwealth's Attorney
9311 Lee Avenue, Suite 200, Manassas, VA 20110

Questions? Please contact Bob Cooper at
coop@manassaslaw.com or 703-361-8246 or

Amy Ashworth at 703-792-5405 or aashworth@pwcgov.org