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- ◆ "DUI: Consult Through Sentencing, Advanced Litigation Issues", CLE registration flyer.
- ◆ General District Court 2004 court closings calendar
- ◆ Juvenile and Domestic Relations District Court 2004 court closings calendar.

Hear Ye! Hear Ye!

News from the Prince William County Bar Association

Volume VIII Issue VIII

September 2003

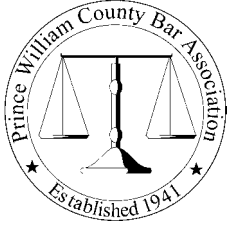
Presidents Message

By Gail Prentiss

Happy Labor Day! Somehow while I was waiting for a sunny weekend to go to the pool, the pool closed and the lifeguards left on the school bus! Impossible as it seems, a brand new school year is upon us. This is traditionally the time of year when our kids make their new year's resolutions: they will be cooler, make a fresh start, do the homework, and cover all the bases!

Not a bad game plan..... which brings us to the September luncheon program. Many of you, especially those who practice solo or in small firms, have expressed concern about the cost and availability of benefits, ranging from health and disability coverage to malpractice insurance. Some report that they have not had the time to explore or familiarize themselves with the options, while others have not pursued the matter because they believe that the cost of individual coverage without a large group sponsor is prohibitive. In response to these concerns, the PWCBA has invited a panel of experts to present detailed information about the various affordable benefit programs available through the Virginia State Bar. Many people do not realize that the VSB is a "large group" to which significantly discounted group rates are available. So bring your specific questions to this informative and money-saving program.

Looking forward to October, the monthly membership meeting will feature an Ethics CLE by the VSB just in time to meet the deadline for ethics credits. The PWCBA will also be sponsoring a Candidates forum on October 9th showcasing the various political candidates in local contested races. Virtually all of the candidates have accepted, so this event promises to be the most interesting gathering of viewpoints this side of California. Mark your calendars now!



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Res Gestae

By Gail R. Prentiss
President

Kim Peele, Director of Bull Run A.S.A. P., and General District Court Chief Judge Peter Steketee, for developing and presenting the August luncheon CLE on the recent legislative changes affecting the A.S.A. P. program, Alcohol/Drugs, DMV and other driving related laws.

John Whittington, for his hard work in developing a pilot conciliation program for the Juvenile and Domestic Court.

Cathy Croft, for coordinating and obtaining credit for our CLE programs all year.

Scott H. Donovan, Thomas D. Duling, Daniel J. Morissette, Paul F. Nichols, Ronald A. Robinson, Jack A. Robbins, Jr., Robert B. Dickerson, and Bryan H. Guidash. In the August and September issues of *Hear Ye! Hear Ye!*, these individuals, serving as local liaisons to various practice sections of the VSB, provided updates on new legislation enacted during the 2003 session of the Virginia General Assembly. These legislative updates provide a valuable service to our membership and we gratefully acknowledge the time that each liaison spent providing our members with the latest developments in their respective areas of law.

J & DR Clerk's Office Notice

From Frances Hedrick

The Juvenile and Domestic Relations District Court is seeking attorneys and GAL's to appoint to represent minors for juvenile involuntary commitment and judicial approval proceedings. Please contact Frances Hedrick, Clerk of Court, (703) 792-6160, if you are interested in being placed on the list.

District Court Closings for 2004

The General District Court and Juvenile and Domestic Relations District Court have provided their 2004 court closing calendars. Each is included as an insert in this month's newsletter.

Judicial Center Expansion

From Lou Ann Purkins, AIA

County Architect

Public Works - Facilities Construction Management

The expansion of the Judicial Center is approximately 60% complete as of August 1, 2003. The contractor is currently working on constructing the interior walls, connecting the electrical and heating/air conditioning systems and finishing the exterior walls. Selection of the furnishings is underway. The site work was substantially completed this past winter. The new parking lots are open for use at this time.

The anticipated move-in date is Winter 2004 (Feb/March). The move into the new space will be phased to minimize impact to the occupants and citizens. The project is on time and within budget.

Some Things to Consider When Purchasing Lawyers Professional Liability Insurance

By John Nicoll, Easter Region Marketing for ALPS

Purchasing a lawyers professional liability policy involves more than finding the policy with the lowest premium. Quite often there is a reason that premium is so much lower than other premiums may be. You may want to compare the features and benefits of the policies you are considering. Some of the features and benefits you may want to look for include, but may not be limited to, the following things:

1. Having defense costs outside the limit of liability, not included in the limit of liability.
2. Having an annual aggregate deductible.
3. First Dollar Defense - pays defense costs without involving your deductible unless there is a judgment found against you.
4. Availability of full prior acts coverage.
5. Read the policy's definition of "Coverages" to find out what professional services are covered and thus how broad your coverage will be.
6. Read the policy's "Exclusions" to be sure that none of the activities your firm does are excluded.
7. If you are a Title Agent, be sure that coverage for your acts as a Title Agent is available.
8. Availability of an Extended Reporting Period endorsement or "Tail" policy for coverage when you retire.
9. Participation in the choice of your defense counsel.
10. Consent to Settle language giving the insured an option to appeal the company's proposed settlement if the insured disagrees with it.
11. Availability of a claims toll free hotline number to call 24/7.
12. Company risk management department available to all policy holders.
13. The financial strength and stability of the insurance company (ie: A.M. Best rating).

Please feel free to call ALPS, 1 (800) 367-2577, to discuss these points or any other questions that you may have about your professional liability insurance. *Editors' note: John Nicoll will be speaking in greater detail about these points at the upcoming September 5th luncheon meeting, 12:30 p.m., at Jake's Seafood Restaurant. Make plans now to attend.*

2003

Standing Committee Chairs

Daniel G. Hayes
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Catherine S. Croft
CLE
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Kathleen Latham Farrell
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Office Hours Prince William County Bar Association, Inc.

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Monday through Friday
Afternoons by Appointment
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The PWCBA Office is located on the lower level of the Judicial Center in the Circuit Court Archives. Alissa N. Hudson, the Executive Director, is generally available at the Judicial Center on Friday mornings. At other times, you may contact her by telephone as noted.

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

Submissions can be faxed to the attention of Alissa N. Hudson, Executive Director, Prince William County Bar Association at (703) 331-5683, or may be mailed to her c/o Prince William County Bar Association, Inc., P.O. Box 31, Manassas, VA 20108. All submissions are due by 5:00 PM on the 10th of the month preceding publication. Be sure to include a contact name and phone number with all submittals in case there are questions.

“**Letters to the Editor**” may be submitted for publication by members in good standing of the PWC Bar, and must not exceed 500 words in length. “Letters” may be edited for clarity or space conformity. All submissions must have a contact name and phone number, and will include the author’s name in the newsletter.

For inquiries regarding classified or display advertising, contact the PWCBA office at (703) 393-2306, and request a copy of the most recent rate card.

This newsletter is printed by Battlefield Kwik Kopy

Insurance Center for Virginia State Bar Members

By Gary W. Lonergan, President

For nearly 50 years the Virginia State Bar has sponsored insurance plans with the sole purpose of doing what was in Bar members’ best interests. Recognizing the busy schedule of the typical attorney, the “insurance homework” has been done for you. The Virginia State Bar’s Personal Insurance For Members Committee has a long history of evaluating the insurance plans, and seeing that only the highest quality insurance plans are offered to VSB membership.

Last fall the Virginia State Bar selected the Insurance Center for Virginia State Bar Members as its endorsed agent/administrator for the Virginia State Bar health, life and disability insurance plans. We encourage you to contact them for these important insurance coverages.

Health Insurance – The popular Anthem/Trigon/VSB program protects nearly 4,000 lawyers, family members and staff. Traditional freedom-of-choice, PPO and HMO options are available. Insureds receive value-added benefits, or extra benefits at no extra cost thanks to the VSB endorsement. Higher deductible plans with Anthem will be introduced this summer because many lawyers requested such products from the Insurance Center for VSB Members last fall.

For attorneys outside of Anthem’s service area -- east of Route 123, coverage from Care First and other insurance companies is available.

Group Term Life Insurance – Any Bar member and spouse may apply for this competitive program. Rate reductions and premium holidays during the past decade exemplify how the Bar goes to great lengths to offer the best program possible.

Disability Income Insurance – Group rates, own occupation definition and no rate increases in recent years make this program exceptional. Other plans have watered down their provisions and dramatically raised rates, not ours.

For information about any of these insurance plans, please call Bob Spicknall, Wylesia Tiggett or Trish Eads at the Insurance Center for Virginia State Bar Members at 1-877-214-5239 or 353-7681 in Richmond. *Editors' note: Bob Spicknall will be speaking in greater detail about these points at the upcoming September 5th luncheon meeting, 12:30 p.m., at Jake's Seafood Restaurant. Make plans now to attend.*

CLE Update

By Catherine S. Croft

FREE CLE CREDITS ARE AVAILABLE TO INDIVIDUALS WHO WILL VOLUNTEER TO WORK THE REGISTRATION DESK FOR CLES SPONSORED BY THE PWCBA. THIS IS EASILY ACCOMPLISHED BY A PERSON WHO IS ALREADY PLANNING ON TAKING THE CLE. PLEASE CONTACT CATHY CROFT AT (703) 335-9390 TO INQUIRE.

Upcoming CLEs Sponsored by the PWCBA:

September 19, 2003, "DUI: Consult Through Sentencing, Advanced Litigation Issues", 3:00-5:00, Circuit Courtroom #4, presented by Casey R. Stevens. 2.0 MCLE credits pending. See registration flyer in this newsletter.

October 3, 2003, "Ethics CLE", 12:45 to 1:45 p.m., Jake's Seafood restaurant presented by Noel Sengel from the Virginia State Bar Ethics Council. 1.0 MCLE (Ethics) pending.

Criminal Law Update

By Casey R. Stevens

The criminal law committee met on July 18, 2003 at 4:00 at Jake's Restaurant in Manassas. Daniel Morissette, Tracey Lenox, Will Jarvis, Scott Bailey, Ann Godson and Casey Stevens were in attendance. The great majority of the discussion centered around the Language Line and the frequent and recurring problems with its translation for the court and the defendants and witnesses who are not competent in the English language. Various options to address the problems were raised and discussed. The Committee was in agreement that a problem exists and that it appears that the various courts are presently dealing with the issue as the need arises. The Committee encourages all counsel to address this issue whenever due process or other significant legal issues are implicated.

The Committee is still making an effort to implement the CLC e-mail newsletter. E-mail addresses of those interested in being involved are being collected. Anyone interested in receiving the CLC e-mail newsletter may register by sending said request to caseyrstevenspc@staffnet.com

**The last newsletter had the wrong e-mail address so if you already submitted please resubmit your request to be sure to be included.

The Next Criminal Law Committee meeting will be held at Jake's Restaurant on OCTOBER 10, 2003 at 4:00 p.m.

Judicial Evaluations

By Kevin Childers

The following judges will be evaluated in October of this year:

1. Judge Herman A. Whisenant, Jr.
2. Judge Leroy F. Millette, Jr.
3. Judge Rossie D. Alston, Jr.
4. Judge Wenda K. Travers
5. Judge Janice J. Brice
6. Judge Mary Grace O'Brien

Evaluation forms will be mailed in the beginning of October and must be returned to the accounting firm by October 30, 2003.

You are qualified to evaluate a judge if, in the past 12 months, you have either appeared before or observed the judge on at least (four) 4 or more Motions Days, or one or more trials/hearings.

The judges receive only the tabulated results from the evaluation forms, plus the originals of the comments sheet. Your evaluation forms remain anonymous.

EVERYONE who can, needs to participate in this important process.

REMINDER: *All comments go directly to the judges, candid, constructive comments are welcomed*

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Membership and Mentoring

Report from first Mentor and Mentee, Craig D. Johnston and Christopher Kachourroff

We (Craig Johnston and Chris Kachourroff) are the Bar's first Mentor and "Mentee," under the auspices of the Bar's Membership and Mentoring Committee, and are reporting upon how this experiment has worked for us.

As far as we are concerned, the result has been a great success. The Bar's formal mentoring guidelines call for the Mentor to help a new member of our association become acquainted with the association, as well as with the courts, and courts' staff, through the Mentor's experience as a member of the association. We have done a little of that, but the real use of the Mentor has been to provide a sounding board and feedback for the Mentee in helping solve a few of the many problems and answer a few of the procedural questions which a new practitioner runs into in learning the ropes. For example, Chris tried and won his first jury trial, and the judge told him to draft an appropriate order. What goes in the order? Chris also had a partition suit to file—what are the perils and pitfalls of partition suits? Answers to these kinds of questions can't be found in form books, and it is a real help to have a friendly source who can provide at least some guidance—or confess his own ignorance and so confirm that the Mentee is not worrying over a question to which he should know the answer.

The Bar's guidelines suggest that a Mentor and Mentee steer clear of discussing individual cases, out of concern for liability and conflicts. We have tried to avoid names or other case information, but a Mentee's real questions will often center around real pending cases, so we found no way to avoid some discussion of actual cases.

We encourage other new members of the bar to sign up for the Mentoring program—it can be as much or as little as you wish it to be, and at a minimum you will probably get an interesting discussion and a free lunch out of the experience. Call Kris Spitler, the Committee chairman, if you are interested, at 703-369-4738.

CLE Update, Prince William CLEs, Continued

October 15, 2003, tentatively planned for the annual Uncontested Divorce CLE. This will be a free three hour CLE for those who will take on two *pro bono*, uncontested divorces cases for legal services over the next twelve months. 3.0 MCLE credits pending. Look for details soon.

November 2003, a Personal Injury CLE is under development by John Whittington and Tracy Hudson to be presented in November. Look for details next month.

Upcoming CLEs sponsored by the Fairfax Bar Association

Call (703)-246-2735 for more information.

September 9, 2003, "Adult GAL Training Course ", 5:00-8:00 p.m., Fairfax Courthouse Cafeteria, presented by Kelly a. Thompson, Esq., Ann O'Neio, RN and The Honorable M. Langhorn Keith, with Richard Camaur, Esq. as moderator. 3.0 MCLE credits pending.

September 15, 2003, "Comparatively Speaking: Traffic & Criminal Practice in the Local GDC", 5:00-8:00 p.m., Fairfax Courthouse Cafeteria, presented by Thomas O. Carter, Esq., Michael F. Devine, Esq., Alexander Levay, Esq., **Casey R. Stevens, Esq.** and with Dale Rice, Esq. as moderator. 3.0 MCLE credits pending.

September 18, 2003, "Ethics Luncheon Seminar", 12:30-1:30 p.m., Il Lupo Restaurant, presented by The Honorable Michael J. Cassidy, 1.0 MCLE (Ethics) pending.

Classified Ads

Book Club: 1st meeting: October 14th, 4:00 p.m., Law Library. We'll be discussing: Bel Canto: A Novel by Ann Patchett. Bel Canto is a short, funny page-turner about a kidnapping in a mythical South American country. (Available at bookstores or Amazon.com for about \$10, National Book Award 2002.) We're a smart bunch, so come join us for some interesting talk about books. Nancy Croteau 703-730-1726.

Vacation Property For Rent: Florida Keys Vacation Home Waterfront with beach in your backyard; snorkeling, sunsets; 2BR/2Ba Call Garth Wainman for rental info 703-330-7400.

Office Space Available: Office space in Manassas. Beautifully decorated. One full service office with receptionist. One two room office with outside entrance. Call Carol Hill at 703-330-5288.

Office Space Available: Fair Lakes - Two attorney offices in first class office building. Includes use of conference room, reception area and kitchen. Secretarial space, copier and fax available. Ample free parking. Easy access to I-66 and Fairfax County Parkway. Available immediately. Ask for Ken or Elden at (703) 968-8000.

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EnCE, CNE, MCSE, MCP+I, NT Certified Independent
Professional and Certified Internetwork Professional,
Member - High Technology Crime Investigation Association

SPECIAL ISSUE-- LEGISLATIVE SUMMARIES

This is the second of a two part series devoted to presenting information about new legislation. The legislative updates reported in this section were provided by the PWCBA Liaisons to their respective VSB Practice Sections. The updates provided here do not represent all new legislation enacted during the 2003 Session of the Virginia General Assembly, nor are the summaries comprehensive as to the content of the new bills passed. This information is provided as a service to the membership of the Bar, to alert you to changes in the law that may impact your practice.

For a complete listing of new legislation, you may contact The Division of Legislative Services at (804) 786-6984 and request a copy of The Digest of the Acts of the General Assembly of Virginia at the 2002 Session, or you may access the General Assembly's web site at <http://leg1.state.va.us/lis.htm>.

Thank you to all the 2003-2004 PWCBA Section Liaisons for once again providing these updates!

Family Law

By Paul F. Nichols

§20-109.1 has been amended to fix the Riggins/Shoupe mess created by the creative view of our higher courts when it comes to self executing language concerning future changes in child support based upon events such as one child reaching the age of majority. The amendment makes it clear that the parties can effect a future modification within the PSA without the requirement of obtaining a new order at the time of the anticipated event.

§20-155 has been amended to fix the Flanary case, wherein the Supreme Court of Virginia held that an oral agreement recited into the record by the parties attorneys during deposition was not valid because it was not in writing and signed by the parties. This section specifically provides for such an event.

§20-124.2:1 added language that requires the circuit court to prepare a record of any in camera interviews with children in a custody case where the session is held outside the presence of the parents or their counsel.

Continued, Page 9

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Family Law, Continued

§16.1-244 was amended to clarify that JDR Court loses jurisdiction when issues of custody are raised in the circuit court including setting the hearing for motions day.

§16.1-266 was amended to respond the Attorney General's opinion that JDR Court could not appoint both a guardian and counsel. Now it is clear that the court has such authority.

§§16.1-278.15 and 20-103 have been amended to require the parties to a custody proceeding to attend parenting classes.

Local Government

By Robert B. Dickerson

Here is a summary of statutory changes that may be of interest to the local government section.

Freedom of Information Act (FOIA) -- § 2.2-3704 was amended to allow a public body to require a requester of records to pay any amounts owed to the public body for previous requests for records.

Exemption for Critical Infrastructure and Vulnerability Assessments – § 2.2-3705 was amended to clarify that records relating to critical infrastructure or structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunication equipment and systems, and other utility equipment and systems, as well as vulnerability assessments are exempt from FOIA requests where disclosure would jeopardize the safety or security of certain buildings in the event of terrorism or other threat to public safety.

The owner or lessee of such property must invoke these protections in writing and state the reasons why protection is necessary.

Exemption For Contract Negotiations– §§ 2.2-3705 and 2.2-3711 were amended to exempt from disclosure those records relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such records would adversely effect the bargaining position or negotiating strategy of the public body.

Penalties – § 2.2-3714 was amended to increase the civil penalty for willful and knowing violations of FOIA from \$100 to \$250 for the first violation and from \$500 to \$1,000 for any subsequent violation.

Conflict of Interest Act – §§ 2.2-3100, 2.2-3101, 2.2-3105, 2.2-3112, 2.2-3114, 2.2-3115, 2.2-3121, 2.2-3126, and 2.2-4369 were amended and § 2.2-3104.2 was added to effectuate several amendments to the State and Local Conflict of Interest Act including (i) providing that an option for ownership of a business or property and an employment contract with a governmental agency may also be a personal interest, (ii) requiring an officer to disclose that a party in a transaction is a client of his firm (iii) authorizing localities to require their officers, appointees, and employees to disclose all gifts that they receive and to set a dollar limit on gifts that may be accepted, (iv) clarifying that when an attorney for the Commonwealth provides a written opinion to a local government official under the Act, then such opinion is a public record.

Continued, Page 10

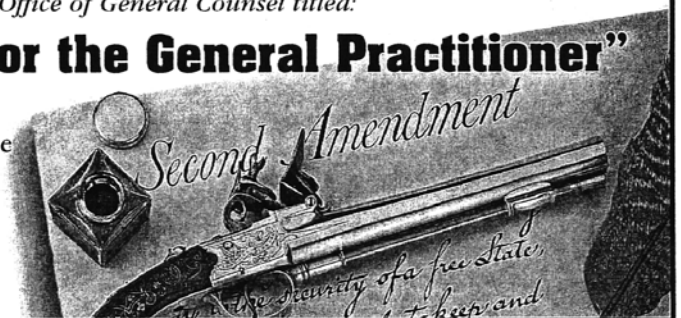
Free CLE Credits

The NRA Civil Rights Defense Fund is sponsoring a free Continuing Legal Education Seminar which will be taught by the NRA's Office of General Counsel titled:

“Nuts & Bolts Firearms Law for the General Practitioner”

- LECTURE TOPICS INCLUDE:**
- State & Federal Constitutional Law
 - Review of Federal Firearms laws
 - Review of Virginia Firearms Laws
 - Hidden Firearms issues in Probate and Charitable Planning
 - Ethics (*1 hr. Ethics*)

Tuesday, October 7, 2003



Registration begins at 8:00 a.m. • Course from 8:30-12:30 at NRA Headquarters Auditorium • 11250 Waples Mill Rd. • Fairfax, VA 22030
(Just past intersection of Rt. 50 & Rt. 66) • AMPLE FREE PARKING • Limited Seating for first 120 registrants
To Register Contact: Mary Wilkins, (703) 267-1269, or e-mail (mwilkins@nrahq.org)

Local Government, Continued

Civil Penalties for Zoning Violations - § 15.2-2209 was amended to raise the civil penalty for subsequent zoning violations from \$150 to \$250. In addition, the cumulative penalty ceiling from a series of specified violations arising from the same operative set of facts was raised from \$3,000 to \$5,000.

Plat Approval - § 15.2-2259 was amended to require the Planning Commission to act on any previously disapproved plat within 45 days of resubmittal.

Nonconforming Signs - § 15.2-2307 was amended to clarify that localities may order removal of nonconforming signs that have been abandoned.

Board of Zoning Appeals - § 15.2-2314 was amended to allow any party to overcome the presumption in favor of a BZA decision concerning a zoning administrator determination by a preponderance of the evidence that the BZA erred in its decision. To overcome a BZA decision concerning the denial or grant of a waiver or SUP, however, the appealing party must show that the BZA applied erroneous principles of law or was plainly wrong.

Cooperative Procurement - § 2.2-4304 was amended to clarify that public bodies may purchase from another public body's contract even if they do not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies.

Payment Bonds - § 2.2-4341 was amended to clarify that any claimant who has a direct contractual relationship with any subcontractor under a public procurement contract may bring an action on the contractor's payment bond.

Disposal of Trash or Cutting of Weeds - §§ 15.2-901 and 15.2-904 were amended to allow localities to prescribe civil and criminal penalties for violation of ordinances related to the disposal of trash and the cutting of grass and weeds.

Disposal of Trash - § 15.2-928 was amended to allow localities to regulate the times and placement of waste and waste containers set out for collection.

Repair of Deteriorating Buildings - § 15.2-906 was amended to allow localities to prescribe civil penalties for violations of ordinances related to the repair of deteriorating buildings.

CSA; FAPT Referral - §§ 2.2-2648, 2.2-5202, 2.2-5206, 2.2-5207, and 2.2-5209 were amended to clarify that referrals and reviews of children and families under the Comprehensive Services Act may be done by the family assessment and planning team or a collaborative, multidisciplinary team process approved by the State.

Locality Background Checks - §§ 15.2-709.1 and 27-6.2 were amended and § 15.2-1505.1 was added to allow localities to require job applicants to submit fingerprints and other information to be forwarded to the Central Criminal Records Exchange and the Federal Bureau of Investigation for purposes of obtaining criminal history record information.

Background Checks for Employees and Licensees - § 15.2-1503.1 was amended to provide that certain localities shall require any (i) applicant who is offered or accepts employment with a locality or (ii) prospective licensees for licenses designated by ordinance to submit to fingerprinting and other information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information.

Condemnations; Reimbursement of Property Taxes - § 15.2-1904 was amended to direct localities to reimburse owners of real property for the pro rata portion of real property taxes paid for the period of time subsequent to the date of title vesting in the locality.

Wireless Services - §§ 15.2-5431.1-15.2-5431.37 were added to allow localities to create a wireless service authority to provide certain telecommunication services.

Use of Accrued Annual Leave for Military Service - § 2.2-1201 was amended and § 2.2-2903.1 was added to permit full-time state employees greater flexibility on carrying leave forward for use for active military service.

Estimate of General Fund Revenues - § 2.2-1503.3 was added to require the Governor to submit a re-estimate of general fund revenues when the preliminary close of a given fiscal year indicates that total of specified taxes is 1 % or more below the estimated total.

Taxpayers Budget Bill of Rights - § 2.2-1508 was amended to provide that the Executive Budget and the Budget Bill be set forth in a format and use language that is easily understood by citizens.

Real Property

By Bryan Guidash

The following is a summary of some of the new legislation passed by the Virginia General Assembly during the 2003 Session. These summaries are brief and intended to highlight select bills which may be of particular interest to real estate practitioners in Prince William County. These summaries do not reflect all of the changes in the law affecting real estate or the various headings hereinafter set forth.

LAND RECORDS.

A number of changes have occurred with respect to access to and information in the land records. Remote access to land records requires a paid subscription service through circuit court clerk's offices or a designated provider.

Land Record, Continues--Beginning January 1, 2004, no court clerk shall post on a court-controlled web site any document that contains the following information: (i) an actual signature; (ii) a social security number; (iii) a date of birth identified with a particular person; (iv) the maiden name of a person's parent so as to be identified with a particular person; (v) any financial account numbers; or (vi) the name and age of any minor child. Exceptions exist for a remote access service. In addition, clerks may refuse to file any instrument that includes a grantor's, grantee's or trustee's social security number.

BANKING AND FINANCE.

In this area of practice, a couple of notable changes have occurred. First, the State Corporation Commission may suspend individual convicted of fraud or other crimes from working in the mortgage lending industry. In addition, registered lenders and brokers must file with the State Corporation Commission a notice of the filing of bankruptcy, denial or revocation of opportunity to engage in business in another state, or felony indictments.

CHURCHES.

The limitation on the amount of real property that a church may hold has been repealed.

MECHANICS' LIENS.

In this area of practice, two notable changes have occurred. First, as an alternative to the 120-day affidavit that the owner of residential property must provide to a purchaser stating that all persons with whom such person is in privity of contract performing labor or furnishing materials in connection with any improvements on such property within 120 days prior to the date of settlement has been paid in full, "a signed statement attested to by a witness" may be provided. Second, a claimant who is a general contractor is required to file along with the memorandum of lien a certification that such claimant has mailed a copy of the memorandum of lien to the affected owner's last known address.

DEEDS OF TRUST.

With respect to deeds of trust, a couple of notable changes have occurred. First, in order to assist many clerk's offices wrangling with staffing shortages and budget cuts, the civil penalty for not accomplishing the recordation of a certificate of satisfaction has been extended from 10 days to 30 days with a sunset on July 1, 2004. Second, neither a settlement agent nor an attorney may take an assignment of the \$500.00 statutory penalty provided to a lien obligor for the failure of the lien creditor to properly file a release of a deed of trust or other lien against property.

CONDOMINIUMS AND PROPERTY OWNERS ASSOCIATIONS.

A number of sections of the Code have been amended to deal with various changes affecting the operation and administration of condominiums and property owners' associations. A couple of the notable changes involve meetings. First, a unit owner or lot owner may record any portion of a meeting of the executive organ or board of directors. Second, the minimum requirement that condominium bylaws may specify for a quorum has been reduced from 25 percent to 10 percent. In addition, the \$150.00 threshold for determining whether an association is subject to the Property Owners' Association Act has been removed. Finally, the declaration of a property owners' association recorded prior to July 1, 1999 may be amended by a two-thirds vote of the lot owners if the declaration is silent on how it may be amended.

EASEMENTS.

Unless the terms of an easement specifically provide otherwise, the owner of a dominant estate shall not use an easement in any way that is not reasonably consistent with the uses contemplated by the grant of the easement and the owner of the servient estate shall not engage in any activity or cause to be present any objects upon the burdened land that interfere with the enjoyment of the easement by the owner of the dominant estate.

ZONING AND LAND USE.

In this area of practice, a number of notable changes have occurred. For example, the maximum civil penalty for second and subsequent violations of the zoning ordinance has been raised from \$150.00 to \$250.00 (\$100.00 for an initial summons remains unchanged), and the maximum amount for a series of specified violations arising from the same operative set of facts has been raised from \$3,000.00 to \$5,000.00. In addition, a planning commission is required to make a good faith effort to identify all deficiencies on a plat that cause disapproval and identify all modifications and corrections as will permit approval of the plat, and within 45 days of resubmittal, a local planning commission shall act on any disapproved plat. First priority on the civil docket is given to any petition to a circuit court arising therefrom.

Upcoming Dates:

September 1st, all three courts closed in observation of Labor Day.

September 5, 12:30 p.m., General Luncheon meeting at Jake's Seafood Restaurant, program: Insurance benefits through VSB endorsed providers, ALPS and The Insurance Center for Virginia State Bar Members.

September 10, deadline for submittals for October issue of *Hear Ye! Hear Ye!*

September 18th, PWCBF meeting, 12:30 p.m. in Grand Jury room.

September 19th, "DUI: Consult Through Sentencing, Advanced Litigation Issues" CLE, 3:00-5:00 p.m., Circuit Courtroom #4, see registration flyer in this newsletter for details.

September 26th, 7:30 a.m., PWCBA board meeting, Ambrosia's Café.



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Remember to RSVP for the Friday, September 5th General Luncheon Meeting. Program: Insurance benefits through VSB endorsed providers, ALPS and The Insurance Center for Virginia State Bar Members.

Call Cathie Beck at Gail's office at (703) 369-4738 or the bar office at (703) 393-2306 by 5:00 p.m., Wednesday, September 3rd, to RSVP.

Lunch prices are \$7.00 per member and \$13.00 per guest.



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

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A Publication of the Prince William County Bar Association

VIRGINIA

IN THE GENERAL DISTRICT COURT OF PRINCE WILLIAM COUNTY

TO: State, County, City and Town Police Departments, National Park Rangers, VA Dept of Game & Inland Fisheries, George Mason University Police Department, NVCC Office of Police & Public Safety, Area Bar Associations, Magistrates, Sheriff, Commonwealth's Attorney, Clerks of Juvenile and Domestic Relations and Circuit Court; Offices of Criminal Justice Services, Dispute Resolution, Bull Run ASAP Office; and Volunteer Action Committee.

FROM: Clerk's Office, Prince William County **General District Court**

RE: **Amended 2004 Court Calendar**

There will be **NO** General District Court held on the following days of 2004. Please be sure that all appropriate staff is advised of this schedule.

| | | |
|-----------------|------------------------|----------------------------|
| Thursday | January 1 | New Year's Day |
| Friday | January 16 | Lee Jackson Day |
| Monday | January 19 | Martin Luther King Day |
| Monday | February 16 | Washington's Birthday |
| Thursday/Friday | April 15 & 16*** | Spring Judicial Conference |
| Monday | May 31 | Memorial Day |
| Monday | July 5 | Independence Day |
| Mon/Tues/Wed | August 16, 17, & 18*** | Fall Judicial Conference |
| Monday | September 6 | Labor Day |
| Monday | October 11 | Columbus Day |
| Tuesday | November 2*** | Election Day |
| Thursday | November 11 | Veteran's Day |
| Thurs/Fri | November 25 & 26 | Thanksgiving |
| Fri/Mon | December 24 & 27* | Christmas |
| Friday | December 31 | New Year's Day |

*** Office open – DO NOT set cases.

VIRGINIA

***IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT
OF PRINCE WILLIAM COUNTY***

TO: State, County, City and Town Police Departments, PWC Bar Association,
Magistrate, Sheriff's Department, Commonwealth's Attorney, City Prosecutors,
Office of Criminal Justice Services, Dispute Resolution, Clerk, General District
and Circuit Court, Juvenile Court Services Unit, County Attorney's Office,
DCSE

FROM: Clerk's Office
Juvenile and Domestic Relations District Court

SUBJ: **Amended** 2004 Court Calendar

There will be NO Juvenile and Domestic Relations District Court held on the following days of 2004. Please notify appropriate staff of this schedule.

| | | |
|------------------------|-----------------------------|-----------------------------------|
| Thursday | January 1 | New Year's Day |
| Friday | January 16 | Lee Jackson Day |
| Monday | January 19 | Martin Luther King Day |
| Monday | February 16 | Washington's Birthday |
| Thursday/Friday | April 15 & 16** | Spring Judicial Conference |
| Monday | May 31 | Memorial Day |
| Monday | July 5 | Independence Day |
| Monday/Tuesday | August 16 & 17** | Fall Judicial Conference |
| Monday | September 6 | Labor Day |
| Monday | October 11 | Columbus Day |
| Tuesday | November 2** | Election Day |
| Thursday | November 11 | Veteran's Day |
| Thursday/Friday | November 25 & 26 | Thanksgiving |
| Friday/Monday | December 24 & 27 | Christmas |
| Friday | December 31 | New Year's Eve |

** Clerk's Office Open – DO NOT set cases

The Prince William County Bar Association, Inc.
Presents



**DUI:
Consult Through
Sentencing
advanced litigation issues**

A Continuing Legal Education Seminar

RESCHEDULED FOR OCTOBER
24, 2003
Same time and location, no need to re-
register, new registrations and
cancellations accepted.

Circuit Courtroom #4
3:00 to 5:00 pm
PWC Judicial Center
9311 Lee Avenue
Manassas, VA 20110

Advance Registration: \$35.00 PWCB Members; \$45.00 Non-members
Walk in Registration: \$45.00 PWCB Members; \$55.00 Non-members

**Presented by:
Casey R. Stevens, Esq.**

MCLE approval is granted for 2.0 Credits for this presentation

Please use the form below to pre-register for the DUI CLE

10-24-03

ATTORNEY'S NAME: _____

WILL YOU VOLUNTEER TO STAFF THE REGISTRATION DESK IN EXCHANGE FOR FREE CLE CREDIT?

YES _____ Cathy Croft at (703) 335-9390 For Details.

FIRM: _____

ADDRESS: _____

Please return this registration form to Alissa N. Hudson, Executive Director, Prince William County Bar Association, Inc., P.O. Box 31, Manassas, VA 20108 with your check made payable to the Prince William County Bar Association. If you are making a late decision to attend, you may fax your reservation form to (703) 331-5683 by 5:00 PM 10/23/03 and bring payment to the seminar. Of course, we always plan for a few walk-in registrants, (any reservations received after 5:00 PM on 10/23/03 will be considered walk-in), but cannot guarantee the availability of materials, and there will be a \$10.00 surcharge. This form may be photocopied.