

Hear Ye! Hear Ye!

News from the Prince William County Bar Association

Volume XIII Issue VII

August 2008

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Modest Means Panel Application

“Constitutional Issues in GDC”
CLE registration flyer

“All You Need to Know to Stay
Out of Trouble—Law Office
Management and The Basics of
Trust Accounting” CLE
registration flyer

President’s Message

By William E. Jarvis

“So we finish the eighteenth and he’s gonna stiff me. And I say, “Hey, Lama, hey, how about a little something, you know, for the effort, you know.” And he says, “Oh, uh, there won’t be any money, but when you die, on your deathbed, you will receive total consciousness.” So I got that goin’ for me, which is nice”.

- Carl Spackler- Caddyshack

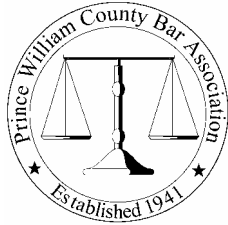
After receiving much abuse for quoting Aristotle last month, I felt it appropriate to bring the quotes down to my normal level. I hope all take it in the spirit intended.

The Bar is beginning a new program, the Modest Means Panel, which will provide reduced rate legal aid to those clients who do not qualify for Legal Aid assistance but also cannot afford the going rate for private legal assistance. The panel will initially apply to civil representation but we anticipate eventually adding criminal representation as well. Be on the lookout for information in the newsletter as well as the listserv on how attorneys can join the panel. Once sufficient numbers of attorneys have joined, clients will be referred by entities such as the Legal Services of Northern Virginia and the Potomac Legal Aid Society. Participating attorneys will then consult with the client with an eye toward eventually providing representation based upon a capped rate of compensation. This will provide representation to the working poor as well as an opportunity for newer attorneys to get modestly compensated experience.

For a number of years, the Bar has invited new attorneys to the local Bar to participate in a “Mentor” program. The program is intended to help newer attorneys to learn the ropes of local practice as well as to provide those attorneys with access to the experience and competence of more experienced members of the Bar. Recently there seems to be an increase in young attorneys starting practice on their own without availing themselves of the benefits of the Mentor program. Through consultation with the Bench, the Bar membership and the Bar Board of Directors, I can say with confidence that the consensus among all is that young lawyers need to associate with experienced attorneys, either through the Mentor program or otherwise to ensure the efficient rise to legal competence. I welcome input from the membership on how to best link new attorneys to mentors.

The 31st District Court Services Unit has also instituted a new pilot program which provides for a “Court Liaison” position in Juvenile and Domestic Relations Court. This 90 day pilot program will provide a liaison who will help facilitate resolution of cases by working closely with the Clerk’s office, the Commonwealth’s Attorney Office, the local Bar and victims/witnesses. This position will essentially be of a troubleshooting nature, identifying areas where liaison assistance can increase the efficiency of case outcomes.

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2008

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General District Court Update—Guidelines on Completion of Court Appointed Attorney Timesheets

By Elaine Wyatt, Supervisor of Courtroom Clerks

The following information is provided to help attorneys process the paperwork associated with getting paid, when representing clients as a result of an appointment by the General District Court for Prince William County.

The List of Allowances form for the Commonwealth of Virginia went through a major redesign in July of 2007. Attorneys using forms older than the July 2007 version will find their paperwork returned by the Supreme Court, with a request that information be supplied on the newer form(s).

The List of Allowances form is to be completed for all appointments. When the Warrant of Arrest indicates that the case is a Felony or a Misdemeanor (State), the List of Allowances form can be filed with the courtroom clerk without the Voucher Form, because payment comes from the state. When the Warrant of Arrest indicates that the case is a Misdemeanor (Local), the List of Allowances must be filed with the courtroom clerk along with the Voucher Form, because payment comes from the county, city or town. Completion of the correct forms helps insure timely payment.

The newer List of Allowances form requests significantly more information than prior forms. The request for additional information has unfortunately resulted in a variety of mistakes, which also result in forms being returned by the Supreme Court for correction, which delays payment. The following list highlights some of the most common mistakes:

- 1) Vender number incorrect
- 2) Each number of the case number is not in the right slot
- 3) No case number filled out
- 4) Wrong case number put in slot and it belongs to another Attorney
- 5) Hours not listed on time sheet
- 6) Time Sheet not signed
- 7) If defendant has been appointed an attorney, and a second appointed attorney is substituted in on the case; we need a substitution order to go with the time sheet.

The General District Court Clerks were told by the Supreme Court, that it is not their responsibility to correct attorney's forms. Returned forms will simply be given back to the attorney for correction, which causes delays in payment. Attorneys are asked to please have their List of Allowances and Voucher Forms ready the day of court, and to submit them to the courtroom clerk, who will use the forms to assess court costs on the defendant's case.

If the Clerk's Office happens to notice something wrong with your List of Allowances Form or your Voucher Form prior to forwarding them to the Supreme Court, the clerk will put the paperwork back in your box, and ask that you correct it and return it as soon as possible, so it may be forwarded for processing. We want you to get paid in a timely fashion.

Note: Cases that are Certified to the Grand Jury: Attorneys are not eligible for fee cap waivers. The fee cap waiver can only be awarded, in the Circuit Court, at the conclusion of the case, per the Supreme Court.

Any attorney having a question or concern about proper completion of the List of Allowances or Voucher Forms, may contact Elaine Wyatt, Supervisor of the Courtroom Clerks, at 703-792-4039, or email her at pw Wyatt@courts.state.va.us, or email Deane Gallagher at d Gallagher@courts.state.va.us

Court Services Unit MEMORANDUM

TO: 31st District Juvenile Court Judges
William Jarvis, President Prince William Bar Association
Paul Ebert, Prince William County Commonwealth Attorney
Frances Hedrick, Clerk 31st District J&DR Court

FROM: James D. Rankin Jr., Director 31st CSU

RE: Court Liaison Pilot Program

DATE: July 18, 2008

This memo serves to introduce a 90- day Court Liaison pilot program, beginning August 1, 2008. As the result of our own observations and preliminary discussions with the Juvenile Court Judges and Clerks, and the Office of the Commonwealth Attorney for the 31st Judicial District, the pilot Court Liaison initiative is seen as an opportunity to increase efficiencies in terms of outcomes for the court, the court service unit, victims and citizens. Court Liaison positions across the Commonwealth have mixed reviews as to their effectiveness. Nonetheless; we are prepared to conduct our own fact finding initiative and evaluation at the end of the 90 day period. We recognize 90 days is not as long as desired for such a pilot to generate trend and outcome data but we are restricted by internal forces to include the fact we have no additional staff appropriation to support this initiative.

Specifically, what is being proposed for the 90 day pilot program is the use of a court liaison officer from the Court Service Unit. This individual will become involved in cases where a probation officer is not assigned and work closely with the Commonwealth Attorneys, Bar, and all phases of court cases to include the arraignment, adjudication and disposition dockets. The liaison would appear in court daily to be available to the judges of the juvenile court and review dockets with the Commonwealth Attorney, an action perceived as best being done the day prior to scheduled court proceedings. It is anticipated that there will be significant benefit to the justice system as a whole for the Liaison Officer to be available to members of the bar and Attorney for the Commonwealth in negotiating and crafting appropriate plea bargaining.

For example, the Liaison would have quick access to the juvenile offense history (statewide) for any juvenile. The intent is not to interfere with the relationship of the court, Commonwealth Attorney, or Bar Association, but to assist to the extent possible for greater efficiency and effectiveness in managing cases before the court.

The individual identified from the Court Service Unit is Danielle McCauley, an experienced, Senior Probation Officer who has demonstrated the ability to build relationships and command the respect of her colleagues across the Juvenile Justice System. We ask your indulgence and support of this 90 day pilot and if you have any questions that should be considered prior to us launching this initiative that you contact me immediately. Thank you for anticipated cooperation, I look forward to sharing results of the Court Liaison initiative with you and any decision that we may make regarding its continuance.

Classified Ad

Virtual/Regular Office Space for lease (Woodbridge, VA). Featuring a dedicated phone line extension with voice mail; use of the address and phone number on your business cards and marketing materials; receive mail; hold meetings and meet clients in an impressive environment. Limited number of vacancies. For more info, call 703-910-7467 or send email message to reynolds@lakeridgelawcenter.com.

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".

PWCBA Listserv Guidelines

You are encouraged to sign up for the PWCBA listserv, which is available to all members in good standing of the bar.

To subscribe, send an email to admin@pwcba.org and you will be added to the list.

To post a message, send an e-mail to list@pwcba.org. Your message will be sent to everyone on the list.

To reply to a message, you can reply to the person who posted the message by simply hitting <reply>. This is the preferred method of replying unless the reply will truly benefit the entire list.

To unsubscribe, simply send a message to list@pwcba.org with the word "unsubscribe" typed in the subject line. You will automatically be removed.

Highlights of the Virginia State Bar Council Meeting June 19, 2008

Submitted by John D. Whittington

At its meeting on June 19, 2008, in Virginia Beach, the Virginia State Bar Council heard the following significant reports and took the following actions:

Mandatory Malpractice Insurance Proposal

The council voted to publish for comment a proposed rule that would require certain lawyers to carry malpractice insurance and set minimal limits for that insurance. The requirement would be imposed on lawyers “engaged in the private practice of law *regularly* representing clients (individuals or entities) drawn from the public.” The word “regularly” was added to prevent a chilling effect on pro bono work by corporate attorneys and others who do not draw their paying clients from the public. The council instructed that the publication include a disclaimer that the proposal has not been endorsed by the council.

New Bar Counsel

Edward L. “Ned” Davis, a fifteen-year assistant bar counsel, was endorsed without opposition for the position of bar counsel. He succeeds George W. Chabalewski.

VSF Website More Interactive

Virginia State Bar members now can use the VSB website to change their addresses of record and certify attendance at VSB-approved continuing legal education courses. VSB Executive Director Karen A. Gould demonstrated the new services, accessible through the members-only section of the website, <http://www.vsb.org>.

VSF Budget Approved

Budget & Finance Committee member Jan Brodie outlined measures the VSB has taken to decrease its expenses, as the agency is spending deeply out of its reserves and facing the likelihood of requesting authority to increase dues in the near future. Economies include the Supreme Court of Virginia’s decision to cut the VSB staff’s cost-of-living raise to 2 percent and eliminate exceptional performance raises proposed for this year.

ALPS Financial Rating Improves

President Howard W. Martin Jr. reported that insurance evaluator A.M. Best has replaced the “negative outlook” with a “stable outlook” designation in its rating of ALPS, the bar’s endorsed legal malpractice insurance carrier. Best also affirmed ALPS’s A-minus (Excellent) rating. Company officials hope that the “minus” designation will be lifted in the near future.

Emergency Legal Services Rule

The council unanimously endorsed a proposed rule that would allow flexibility in providing legal services in the case of a declared disaster. Under the proposal, the Supreme Court of Virginia may allow out-of-state lawyers to provide pro bono legal services to Virginians. The Court also may allow out-of-state lawyers displaced by disaster to practice temporarily in

Virginia to continue to serve clients in the lawyers’ home jurisdictions.

The proposal grew out of the experience after Hurricanes Katrina and Rita, when unauthorized practice of law rules limited out-of-state lawyers’ ability to help residents of the affected Gulf Coast states. The Virginia proposal (http://www.vsb.org/docs/ELS-Rule_022808.pdf) will now go to the Supreme Court of Virginia for its consideration.

UPL Opinions Endorsed

The council endorsed:

- UPL Opinion 213 – Attorney on Associate Status Representing Multiple Ownership Interest in Negotiation and Drafting of Easement (see http://www.vsb.org/docs/UPL_213_draft_040808.pdf), by a vote of 45-1.
- UPL Opinion 214 – Nonlawyer Representation, for Compensation, of a Party to Arbitration (see http://www.vsb.org/docs/UPL_214_draft_040808.pdf), by a unanimous vote.

Memorials and Resolutions

The council endorsed a resolution in memory of Fairfax Circuit Judge David R. Stitt, an active volunteer with the VSB. On the bench, Stitt “served with toughness, compassion, fairness, and humor,” the resolution stated.

Mark D. Braley, director of Legal Services Corporation of Virginia, was recognized for his successful efforts in the 2008 General Assembly to increase money available for legal aid through court filing fees. The increase “will ensure that fewer low-income Virginians will be turned away due to staff vacancies in legal aid offices, that legal aid attorneys earn a living wage and no longer need to work second jobs to make ends meet, and that a greater number of dedicated legal aid staff will be able to work and retire with dignity,” according to the resolution.

VSF Assistant Executive Director Susan C. Busch was commended for her work since 1979 with the Clients’ Protection Fund. “Mrs. Busch has dealt with poise and fairness with all participants in the claims process before the Clients’ Protection Fund, including petitioners, attorneys, third-party claimants, and all others she has encountered,” stated the resolution, presented by the CPF Board. Busch no longer serves as staff liaison to the board.

NEW BAR LEADERSHIP

On June 20, Manuel A. “Manny” Capsalis of Arlington was sworn in as the seventieth president of the Virginia State Bar, succeeding Martin. On June 21, Jon D. Huddleston of Leesburg succeeded Capsalis as president-elect. Huddleston will serve as president during the 2009-2010 bar year.

Prince William County Bar Association Launches Modest Means Program

By Tracy C. Hudson

After considerable study, the Pro Bono Committee of the PWC Bar is pleased to announce the launch of its new Modest Means Program (MMP), a quasi-pro bono effort through which clients with lower incomes pay attorneys for legal services at a reduced rate. MMP hourly rates are intended to be comparable to, or above, the fees paid to court appointed counsel. An advance fee deposit (a/k/a retainer) provides an assurance of payment to the attorney, while a lower hourly rate facilitates the provision of legal services to clients who would otherwise be left to act *pro se*.

Many residents of our community cannot afford to hire an attorney due to income limitations. Legal Services of Northern Virginia (LSNV) and Potomac Legal Aid Society (PLAS) provide free legal services to individuals with incomes under 187.5% of the federal poverty guidelines (e.g. \$38,719 per year for a family of four). These programs are prohibited from providing aid to residents with income in excess of 187.5% of the federal poverty guidelines. Market-driven rates for legal services are beyond the means of many moderate income residents leaving a gap in the provision of services for what could be termed the "working poor". The Modest Means Program is established to meet this need.

The following guidelines have been approved by the PWC Bar Board of Directors:

Financial Eligibility: Residents with incomes above 187.5%, but below 225% of the federal poverty guidelines (e.g. between \$38,720.00 and \$46,462 per year for a family of four) and having not over \$4,000.00 of liquid assets or \$9,000.00 of non-liquid assets shall be eligible for referral to a participating attorney. A prospective client's first vehicle and current residence shall be excluded from the foregoing assets criteria.

Screening: Financial eligibility shall be determined by LSNV and/or PLAS staff. If an applicant is determined to be eligible for modest means services, LSNV and/or PLAS staff shall inform the client of the eligibility determination and the financial requirements of the program, including the referral fee. LSNV and/or PLAS staff shall thereafter notify the PWC Bar Lawyer Referral Service by e-mail.

Client Referral: The PWC Bar Lawyer Referral Service shall create and maintain a list of attorneys participating in the Modest Means Program. When contacted by an eligible client, the PWC LRS shall make a referral to a participating attorney within the attorney's designated practice area on a rotating basis. The client shall be charged a fee of \$35.00 for the referral, which shall be retained by the PWC LRS to help offset the cost of managing and running the Modest Means and Referral Service programs. As with LRS referrals, no fee shall be paid to the attorney for the client's initial thirty-minute consultation. PWC LRS will provide a confirmation to the client and the receiving attorney concerning the referral and advise the client that it is the client's responsibility to contact the attorney to schedule the initial consultation. Attorney notifications will be sent via fax.

Attorney Qualification: Any regular member in good standing of the PWC Bar Association shall be eligible to receive modest means referrals provided the attorney (1) has a *bona fide* office for the private practice of law in the Thirty-First Judicial Circuit; (2) has completed a minimum of one year of active practice (3) certifies that he or she possess the skills to handle cases in the field for which referrals are accepted; (4) carries malpractice insurance of at least \$100,000.00 per claim / \$300,000.00 aggregate; (5) is in good standing with the Virginia State Bar; and (5) agrees to abide by the fee and deposit requirements of the PWC Bar Modest Means Program.

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Modest Means, continued

Participating attorneys agree to accept referrals in the areas they have indicated, excluding clients where there exists a conflict of interest, and to promptly meet with the client either in person or via telephone conference for up to 30 minutes. Participating attorneys shall not be required to accept a case for services beyond the initial 30-minute consultation, but if accepted, the case shall be handled on the fee and deposit terms stated herein.

Attorneys may choose to participate in the PWC LRS and/or the Modest Mean Program (either or both). *Attorneys shall be charged no fee to participate in the Modest Means Program. PWC LRS membership fees shall be waived for any attorney participating in the Modest Means Program.*

Members of the PWCBA MMP will be grouped alphabetically and will receive referrals on a rotating basis.

Fee and Deposit Limits: Participating attorneys shall charge eligible clients a rate not greater than \$75.00 per hour, plus court and other out-of-pocket costs for services provided beyond the initial consultation. The attorney shall charge the client no fee for the initial half-hour consultation. The attorney may require the payment of a deposit not to exceed \$750.00 as a condition of employment. The attorney may require additional deposits, not to exceed \$750.00 each, upon depletion of the initial or any subsequent deposit. All deposits shall be treated in accordance with the trust account regulations of the Virginia State Bar.

Retainer Agreements: Participating attorneys shall memorialize the terms of their engagement by a written retainer agreement, a general form for which shall be available through the Bar Office.

The Board of Directors would like to have a minimum of ten attorneys on board to begin the Modest Means Program in order to handle the anticipated volume of referrals from LSNV and PLAS. MMP referrals will begin on or about October 1, 2008. An MMP application is included as an insert in this newsletter. Members interested in receiving MMP referrals starting from the commencement of the program should complete an application and return it to the Bar Office by September 23.

There are no limitations on the types of civil cases for which referrals will be made. We are continuing to evaluate our ability to make referrals in criminal cases. Participating attorneys have an opportunity to help the less fortunate, speed up our dockets *and get paid.*

If anyone has any questions about the program, please feel free to call me at (703) 361-0776, or send me an e-mail to tch@ShacLaw.com

Circuit Court Announces New Civil Legislative Changes

By Tamara Woods, Deputy Clerk Supervisor

Effective July 1, 2008, a number of civil legislative changes have been implemented in Circuit Court. Some of these include:

Legal Aid Services fee increased from \$5.00 to \$10.00. This affects the basic filing fees for many types of civil cases. Please refer to our website www.pwcgov.org/ccourt for current fee information. Virginia Code § 17.1-278.

Concealed Handgun Permit Applications have changed and are available on our website. The new form includes a renewal box to check and revisions to certain questions. The Proof of Competency will not expire. A new permit becomes effective upon the expiration date of the existing permit as long as the application is received by the court at least 90 days, but no more than 180 days, prior to the expiration date of the existing permit. Changes to addresses can now be processed with a \$10.00 fee. Address change requests must be made to the issuing jurisdiction. There is a Request for Change of Address form available on our website. Virginia Code § 18.2-308.

A **new restricted license category** authorizes a six month restricted license in which a person petitions each court in which there is a suspension for failure to pay fines and costs. Written verification of employment is necessary. The Clerk provides an authorization form to the DMV which must be authorized by the court before the DMV will issue the permit. Virginia Code § 46.2-395.

Petition for Rights to Possess or Purchase Firearms will now be filed in General District Court. Virginia Code § 37.2-817.

The **Order of Publication** for divorce cases only, can be mailed and posted in lieu of publication. Virginia Code § 20-104.

The filing and recording of actions has now been distinguished between the electronic *recording* of land records and the electronic *filing* of civil and criminal actions. Virginia Code § 17.1-258.3.

The **Notary Requirements** for court documents have changed. The requirement that a **notary** signature appear on same page is eliminated if the notarial certificate includes the name of each person whose signature is being notarized. Virginia Code § 47.1-15.

The **Appointment of Special Conservators of Peace** is not required to be appointed by the judge. Evidence of valid registration issued by DCJS is required. The denial for good cause will be stated in the court order. Virginia Code § 19.2-13A

PWC Bar Executive Board Meeting Highlights, 7/17/08

From minutes provided by Jeanice B. Wiethop

- ◆ Modest Means Program presented by Tracy C. Hudson, and approved for implementation
- ◆ New member application for Nima Rowhani approved
- ◆ Bar has received IRS penalty for late filing of 2006 return. Accountants and Jon Rochkind to investigate and report
- ◆ Bar has been invited to participate in joint legislative reception/forum sponsored by area Bar Associations and Medical Societies scheduled for September 17, 2008. Board approved participation
- ◆ Board approved implementation of Senior Citizen project in fall
- ◆ Board approved implementation of Character Counts! Essay Contest in the fall
- ◆ Legislative Delegation to be contacted regarding loss of Digest of the Acts with request to resurrect this resource
- ◆ Proposed by laws amendment to come before membership in September via vote at Bar Office.
- ◆ J&DR Timesavers slated for fall completion with accompanying CLE
- ◆ Bar office and LRS to close August 1-11 for vacations. LRS clients to be referred to VSB LRS during that time
- ◆ Discussed court appointed attorney lists and criteria used for qualifying participation.
- ◆ Next round of bench/board meetings to be scheduled, Casey R. Stevens to coordinate
- ◆ Pro bono Committee to launch Wills for Hero's program in fall
- ◆ Board completed annual performance and pay review of executive director

Circuit Court Legislative Changes, continued

A **Notice of Withdrawal** for lower court appeals can now be filed in Circuit Court if the appeal has been perfected in Circuit Court. The notice must be served in person or by first-class mail to all parties or their counsel. Virginia Code § 16.1-106.1, -107, -298.

The **Preservation of court documents** was clarified. The Clerk must preserve all papers *even if reproduced electronically* until destruction in accordance with The Library of Virginia. Virginia Code § 17.1-209

Statute of Limitations on the computation of time for holidays or court closings has been clarified. Virginia Code § 1-210.

Civil cases under advisement – The court shall report in writing to parties or counsel the expected time of decision for a case held under advisement for more than 90 days. Virginia Code § 17.1-107.

Preliminary Protective Orders may be extended by the court for up to six months if respondent fails to appear because of not personally being served. Virginia Code § 16.1-253

Other forms with changes: Acceptance of Service and Waiver, Addendum for Protected Identifying Information – Confidential, Name Change Petitions, Restricted/Restoration of License Orders, Notice of Appeal, Order of Publication and Affidavit.

Selective Legislative Changes

Effective July 1, 2008

31st Judicial District J&DR District Court

Submitted by Frances Hedrick, Chief Clerk

§ 16.1-107 and §16.1-298 amended and addition of § 16.1-106.1 - WITHDRAWAL OF CIVIL APPEALS IN DISTRICT COURT – Appellant may withdraw an appeal of a civil case in JDR within 10 days if appeal has not been perfected by posting of a bond. If perfected, or if 10 days has elapsed, appeal must be withdrawn in circuit court.

§ 18.2-266.1 – PUNISHMENT FOR UNDERAGE DRINKING AND DRIVING; PENALTY – Provides that “zero tolerance” (0.02% BAC) underage drinking and driving is punishable as a Class 1 misdemeanor. Currently, the punishment is loss of license for six months and a fine of no more than \$500. Change provides for forfeiture of person's license to operate a motor vehicle for a period of one year from the date of conviction and either a mandatory minimum fine of \$500 or 50 hours of community service.

§ 46.2-300 – RELATING TO DRIVING WITHOUT A LICENSE; ENHANCED PENALTY – Provides that a court may suspend the driving privileges of a person convicted of driving without a license for a period not to exceed 90 days.

§ 46.2-606.1 – REPEALED effective March 27, 2008 – Required civil remedial fees against VA drivers

§ 19.2-130 – RESETTING OF BAIL, AMENDING BAIL SET UPON ARREST – Court may impose additional bail requirements, such as alcohol and drug monitoring

§§ 16.1-69.55 and 17.1-213 – RETENTION OF RECORDS IN DOMESTIC VIOLENCE CASES – Criminal Cases in which defendant is charged with § 16.1-253.2 or 18.2-57.2, all documents must be retained for 20 years. A third conviction for these crimes within 20 years is a felony.

§§ 16.1-241 and 20.49.2 – JURISDICTION OVER PROCEEDINGS TO DETERMINE PARENTAGE – Concurrent original jurisdiction over proceedings to determine parentage exists between the circuit and district court only when the parentage of a child is at issue in any matter otherwise before the circuit court.

SB248 CHAPTER 692 – INCREASED CIVIL FEES – Increases the civil action filing fee in circuit court and district court – write tax fees collected in JDR District court on civil appeal cases will increase \$5. The additional fee will be deposited into the Legal Aid Services Fund.

PWC Bar Welcomes Newest Member

Nima Rowhani, Esq.
Olmstead & Olmstead, P.C.
8920 Quarry Road
Manassas, VA 20110
(703) 361-1555

Virginia State Bar Public Protection Conclave Report Part I

Submitted by John D. Whittington

Please be advised that I recently attended the Virginia State Bar Public Protection Conclave in Portsmouth, Virginia on July 10, 2008. Please accept the following as my Report on the Conclave:

Report:

Manuel A. Capsalis, president of the Virginia State Bar made introductory remarks, explaining that the purpose of the Conclave was to stimulate discussion regarding how the bar carries out its public protection mission, what else the bar should be doing and how to improve results and public perception of the mission. He then invited the assemblage to introduce themselves and describe how they participated in the bar's public protection mission.

During the discussion that followed, the following ideas were generated as possible improvements to the VSB's system of public protection:

1. The VSB should be more sensitive to lawyers' illnesses, such as alcoholism, substance abuse and mental illness, which may put them at risk for disciplinary problems. Law firms need to be educated on how to recognize problems early on and how to deal with those problems. Frequently, lawyers call the Legal Ethics hotline and ask general questions about how to deal with the difficulties of law practice. These callers currently are encouraged to call their local bars for support. The VSB could formalize a support group through the Conference of Local Bar Associations to route these callers for more assistance. Another suggestion was to adopt the North Carolina model and require one hour of mandatory CLE periodically on avoiding stress and on life and balance issues.

2. Payee notification may stop lawyers from embezzling clients' settlements. The PPTF will re-address this issue in light of the defalcations allegedly committed in Prince William County. The receiver in the Prince William County defalcation case suggested that payee notification would have lessened the losses there. While random trust account audits (or "reviews") primarily serve to educate lawyers on how to properly handle their trust accounts, they likely also have a deterrent effect, and may occasionally result in the discovery of wrongful activity. The COLD subcommittee studying random trust account audits hopes to have a recommendation in the near future.

3. The discipline system needs to resolve cases more quickly. The new bar counsel, Ned Davis, has undertaken to resolve the backlog of older cases and to move new cases more quickly through the system. The bar already has an abbreviated investigation system that resolved 444 cases last year through a proactive process. There are currently remedies available under Va. Code Section 54.1-3936, as well

as *ex parte* injunctive relief under other statutes, to prevent further loss of client property, for instance, freezing of bank accounts, in dire circumstances. Forensic accountants may be hired to prepare audits in cases involving complicated misappropriations of client property. These are tools that the bar utilizes.

4. Where appropriate in the course of disciplinary matters, the office of bar counsel should strive to more consistently provide timely notification to victims and complainants.

5. Embezzlement receiverships need to be put on a fast track by receivers to be resolved expeditiously and economically. The Receivership Task Force needs to be reinstated to help the VSB formulate a better system for the selection, retention and training of receivers, to provide quality services at a reasonable cost. The Task Force should also look at possible statutory authority for a less formal type of receivership in death and disability situations.

Editor's note: Part II of the VSB Public Protection Conclave Report will appear in the September newsletter.

President's Message, continued

At the end of this pilot period, the Bar will be soliciting comment from the membership to assess whether a more permanent position is recommended.

On September 17, the Northern Virginia legal and medical communities will join together to host a Legislative Reception and Forum for the members of the Northern Virginia Delegation, and other candidates of political races impacting our respective members. The event will begin with a networking reception, followed by a forum offering insights from a panel of Virginia's top Democratic and Republican legislators into the 2009 Session of the Virginia General Assembly. Mark R. Warner and James S. Gilmore, III, the candidates for the US Senate seat, are also invited to attend and participate in the Forum. Details about location and participation will be forthcoming. This will be a wonderful opportunity to demonstrate to our legislative leaders the importance of taking seriously the perspectives of the legal and medical communities. As such, I cannot emphasize enough how important it is to have significant Bar attendance at this event. It is free to the membership and is open bar. What more can I say????

The Bench/Bar meetings will begin in the coming months so it is imperative that I receive comment from the membership regarding issues to raise with the respective judges. Finally, keep an eye out for information regarding the November Bar lunch. There will be a special dramatic presentation related to the law that I am sure the membership will not want to miss.

That's all I have for this month... go forth, keep the peace...obey all laws of the Commonwealth....



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Upcoming Dates:

August 29, 4:00 pm, PWC Bar Board Meeting, Mackey's

September 1, All three courts closed in observation of Labor Day

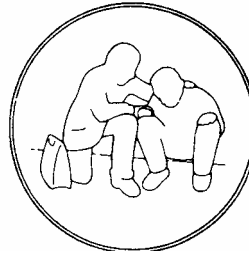
September 1, NO LIBRARY COMMITTEE MEETING, Next meeting, October 6, 12:00 noon in the PWC Public Law Library

September 5, 12:15 pm, PWC Bar Luncheon Meeting at Mackey's American Pub. Program: CLE presented by William E. Jarvis, Esq., titled Constitutional Issues in General District Court.

September 17, 6:00 pm, Fairview Park Marriott, Legislative Forum & Reception

September 22-23, Circuit Court Fall Judicial Conference, set no cases.

September 26, 4:00 pm, PWC Bar Board Meeting, Mackey's



Lawyers
Helping
Lawyers

Assistance for lawyers with substance abuse problems.
Confidentiality assured.
703/548-0765 or 800/838-8358

Friday, September 5, 2008 – 12:15 pm
PWC Bar General Membership
Luncheon Meeting
Program: CLE by William E. Jarvis, Esq.,
Constitutional Issues in General District Court
1.0 MCLE pending

Lunch prices \$15.00 for members and \$20.00 for guests,
includes CLE handouts and may not be waived.



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



Prince William County Bar Association
MODEST MEANS PANEL
Application for 2008
(Effective dates: 10-1-08 through 2-6-09)

DUE SEPTEMBER 23, 2008

Attorney Name _____ Firm Name _____
Street Address (REQUIRED) _____
City, State, Zip _____
Office Telephone _____ Office Fax (REQUIRED) _____
Foreign Language(s) Spoken _____

Referral Categories: Please check which categories in which you would like to receive referrals. Legal Services of Northern Virginia or Potomac Legal Aid Society will provide client intake screening for the PWCBA Modest Means Panel, and will refer clients to the PWCBA MMP whose income falls between 187.5 % and 225% of the federal poverty guidelines. Practice areas of law are limited to the following, please check all that apply:

Wills/Estates Family Law Landlord Tenant Consumer Employment Other(Please Specify) _____

In applying for participation in the Prince William County Bar Association Modest Means Panel, (PWCBA MMP), I certify the following:

1. I am a regular member in good standing of the Prince William County Bar Association and of the Virginia State Bar, with a *bona fide* office for the private practice of law in the Thirty-First Judicial Circuit, and I have completed a minimum of one year of active practice. I understand that members of the PWCBA MMP will be grouped alphabetically and will receive referrals on a rotating basis.
2. I agree to abide by the Rules of the PWCBA MMP including:
 - A. Completion of the annual registration form by the deadline specified. New members may be added at any time, but their name is added to the end of the rotation.
 - B. Acceptance of referrals made to me in the areas I have indicated, excluding clients where there exists a conflict of interest, and assurance that I will promptly meet with a client referred to me through the MMP either in person, or via telephone conference, for up to 30 minutes, at no charge to the client. I will receive notice of client referrals via facsimile from the MMP. The MMP will be responsible for collecting the \$35.00 referral fee prior to making the referral. The client will be responsible for contacting the lawyer to make the appointment. The lawyer assures the MMP that they or a staff member will be available to schedule client meetings.
 - C. Participating attorneys shall not be required to accept a case, however, if a case is accepted, the case shall be handled on the following fee and deposit terms: Participating attorneys shall charge MMP clients a rate not greater than \$75.00 per hour, plus court costs, for services provided beyond the initial consultation. The attorney may require the payment of a deposit not to exceed \$750.00 as a condition of employment. The attorney may require additional deposits, not to exceed \$750.00 each, upon depletion of the initial or any subsequent deposit. All deposits shall be treated in accordance with the trust account regulations of the Virginia State Bar. Participating attorneys shall memorialize the terms of their engagement by a written retainer agreement. A sample agreement is available from the PWC Bar.
 - C. Maintenance of professional errors and omissions insurance in an amount not less than \$100,000.00/\$300,000.00 as long as I am a member of the PWCBA MMP. I further agree to indemnify and hold harmless the Prince William County Bar Association and its members from any claim or liability that might arise as a result of my acts or omissions regarding any client referred to me through the PWCBA MMP. Enclosed is a copy of the declarations page of my insurance policy which shows the amount of coverage, the effective date of the policy and names me as an insured.
 - D. Assurance that I am competent and experienced in each of the categories I have selected for receiving referrals through the PWCBA MMP; and that I will not represent or advise any client in contravention of the Virginia Code of Professional Responsibility (including Canons & Disciplinary Rules.)

APPLICATION CONTINUES ON THE BACK

3. I understand that I may be removed from the PWCBA MMP if I do not comply with any of the stated provisions. The Executive Board of the PWCBA provides oversight of the PWCBA MMP. If a member is removed from the PWCBA MMP, they will be notified in writing of such action by the President of the Bar.

Date

Signature

**PLEASE COMPLETE AND ENCLOSE THIS FORM
ALONG WITH YOUR INSURANCE POLICY DECLARATIONS PAGE.**

ELIGIBILITY CONFIRMED

PWCBA

VSB

INSURANCE FACE SHEET INCLUDED

The Prince William County Bar Association



Presents

Constitutional Issues In General District Court

A Continuing Legal Education Seminar

Friday, September 5, 2008

Lunch starts at 12:15,

CLE runs from 12:30 to 1:30 PM

During our regularly scheduled September luncheon meeting

Mackey's American Pub

(Formerly Jake's Seafood Restaurant)

9412 Main Street

Manassas, VA 20110

Lunch Costs \$15.00 for members and \$20.00 for guests.

Fees include CLE materials and may not be waived.

Please RSVP to ensure we have enough food and CLE materials on hand.

Presented by:

**Will Jarvis, Assistant Commonwealth's Attorney
Prince William County**

MCLE approval is pending for 1.0 Credits for this presentation

Please use the form below to pre-register for the Constitutional Issues in GDC

9/5/08

ATTORNEY'S NAME: _____

FIRM NAME: _____

ADDRESS: _____

PHONE: _____ FAX: _____ EMAIL: _____

Please return this registration form, along with the appropriate fees, to the Prince William County Bar Association, P.O. Box 31, Manassas, VA 20108. If you are making a late decision to attend, you may fax your reservation form to the attention of Alissa Hudson at (703) 331-5683 by 5:00 PM 9-3-08. Of course, we always plan for a few walk-in registrants, (faxed reservations received after 5:00 PM on 9-3-08 will be considered walk-in registrations), but we can not guarantee the availability of materials. This form may be photocopied.

All You Need to Know to Stay Out of Trouble – Law Office Management and The Basics of Trust Accounting

A Continuing Legal Education Seminar

Sponsored by the Prince William Chapter of the Virginia Women Attorneys Association

Thursday, September 11, 2008

8:30 to 10:30 a.m.

Continental Breakfast Served

KC's Restaurant

9550 Center Street

Manassas, VA 20110

Advance Registration:

\$35.00 VWAA-PWC Members;

\$45.00 Non-members

Walk in Registration:

\$45.00 VWAA-PWC Members;

\$55.00 Non-members

Presentation by Janean Johnston, Esq. Virginia State Bar Risk Management Team

This two-hour seminar will address preventive practices relating to the management of law offices and trust accounts, including the latest State Bar advice on the issue of depositing client monies in multiple banking institutions to ensure adequate FDIC coverage.

To register for the seminar, please email Faye Krans at Kris Spitler's Office,
fkran@vfnlaw.com or call 703-369-4738

MCLE approved for 2.0 Credits (1.0 Ethics)

Please use the form below to pre-register for the All You Need to Know CLE

9/11/2008

ATTENDEE'S NAME: _____

FIRM: _____

ADDRESS: _____

PHONE: _____ EMAIL: _____

Please return this registration form to **Vanderpool Frostick & Nishanian P.C., Attn: Faye Krans, 9200 Church Street, Suite 400, Manassas, VA 20110**, with your check made payable to the VWAA Prince William Chapter. If you are making a late decision to attend, you may fax your reservation form to (703) 369-3653 by 5:00 PM 9/9/2008 and bring payment to the seminar. Of course, we always plan for a few walk-in registrants (any reservation received after 5:00 PM on 9/9/2008 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.