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CLE Registration Flyer

Hear Ye! Hear Ye!

News from the Prince William County Bar Association

Volume XII Issue VII

August 2007

President's Message

By Casey R. Stevens

I would like to extend our appreciation to Kathleen Hedge, Senior Probation and Parole Office, for her informative presentation regarding the changes to the Circuit Court Sentencing Guidelines at our July luncheon meeting.

Kim Peele of Bull Run ASAP will be presenting legislative updates and changes involving ASAP to the membership at our August 3, 2007 luncheon. This program has been approved for one hour of CLE credit. This is always a very informative presentation, so mark your calendars.

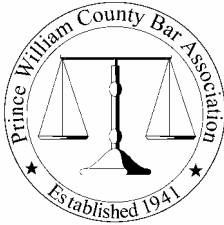
The first phase of the library computer project, collecting the donated hardware is complete. The second step, selecting the best hardware from what has been collected and professionally wiping the hard drives clean is being considered by the Board. The final step, hopefully to be completed by the fall, is purchasing word processing and legal research software and installing the units in the library.

John Whittington, Bar Counsel, is seeking input regarding the VSBA's proposal to require mandatory malpractice insurance. John has a detailed proposal of which he is seeking review and comment. The proposal was posted on the listserv on June 25, 2007, and may be obtained from John at jwhittington@candwlawfirm.com or from me at casey@caseystevens.com.

Again, please provide the Bar with your e-mail address as the Global Fax is no longer in use. You may communicate with all members of the bar by posting at LIST@PWCBA.ORG. The Board is presently in the process of drafting a set of rules for the use of the listserv which will be endorsed in the near future.

If you have not taken a vacation, we encourage each of you to do so. It is to the benefit of our clients that we take time to clear our minds, returning to our practices refreshed and excited once again about our profession. "A vacation is having nothing to do and all day to do it in." --Robert Orben

As always, I wish each of you great success in your practices and please contact me or any of the other members of the Board of Directors if the Bar can be of assistance to you or your practice.



Prince William County
Bar Association, Inc.
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Manassas, Virginia 20108

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9311 Lee Avenue
Manassas, Virginia 20110

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2007

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Supreme Court of Virginia

Notice from Karl R. Hade, Executive Secretary

Court-Appointed Counsel Representing Indigent Defendants May Seek Waivers of the Statutory Fee Caps

The General Assembly amended Virginia Code 19.2-163, effective July 1, 2007, to allow attorneys appointed to represent indigent defendants in criminal matters to seek waivers of the statutory fee caps. General information regarding the process for requesting a waiver, including the forms that must be submitted, guidelines the courts are to use in determining whether to grant a waiver, and answers to frequently asked questions have been posted on Virginia's Judicial System website. The direct link to the information is:

http://www.courts.state.va.us/news/2007_0626_waivers_of_statutory_fee_caps.html

I ask that this information be shared with the membership of your local bar association. For questions about the waiver process or the forms, please direct bar members to contact their local district or circuit court clerk's office.

General District Court Timesavers Updates for 2007 are Nearly Completed!!

The 2007 updates to the General District Court Timesavers are nearly complete. These updates include legislative changes from the 2007 Session of the Virginia General Assembly, plus local updates designed to facilitate the administration of justice in the Thirty-First Judicial Circuit. The updated timesavers will not be printed in hard copy, but will be posted on the Bar's web site at www.pwcbal.org under the <For Members> section for your convenience. Thank you to Judge Johnston for his assistance with the updates. The bar will notify the membership via listserv announcement the day these updates are posted.

Fredericksburg City Circuit Court: Temporary Changes

From Casey R. Stevens

Judge Scott's office has temporarily moved to the City Hall Building next to City Council Chambers. Their phone number & P.O. Box for mailing purposes are the same. Please use the Hanover Street Entrance and if the door is open, they are in chambers, but if the door is locked, no one is there. When City Circuit Court is being held in the City Council Chambers, please use the Hanover Street entrance also.

There are some changes to the Fredericksburg Circuit Court schedule:

The Tuesday docket will run: 9:00 a.m. CIVIL; 2:00 p.m. CRIMINAL
If you have criminal cases currently set on a Tuesday at 9:00 a.m., the case will be heard at 2:00 p.m.

The Thursday docket will run: 9:00 a.m. CIVIL
If you have criminal cases currently set on a Thursday, your case will be continued and moved to another date.

Also: Fredericksburg Circuit Court alternate locations for holding court on a temporary basis are:

Monday 9:00 a.m. docket/Fredericksburg JDR
Tuesday 9:00 a.m. docket/City Council Chambers; 2:00 p.m. docket/Fred. JDR
Wednesday 9:00 a.m./Fredericksburg GDC
Thursday 9:00 a.m. docket/City Council Chambers
Fridays 9:00 a.m. docket/Fredericksburg JDR

Bar Council Report

By John D. Whittington

At its regular summer meeting on June 14, 2007, in Virginia Beach, Virginia, the Council of the Virginia State Bar heard the following significant reports and took the following actions:

1. Heard the bar's Ethic Counsel, James M. McCauley, describe improved procedures for notifying bar members and the public about proposed rule changes and bar opinions. In addition to the usual press release and publication of the proposed rule changes and opinions in the bar's publications and on its website, they will also be referenced in electronic communications to bar members, and improved procedures for posting these matters on the website are being implemented.

2. Was informed about new procedures and further refinements in the bar's process for evaluating judicial candidates. The changes are designed to develop more complete information during the background investigation on each candidate for a judicial vacancy, as well as provide for more effective participation by the bar's Executive Committee in the process.

3. Elected Jan L. Brodie of Fairfax, Michael C. Guanzon of Danville and Theophani K. Stamos of Arlington as new members of the Executive Committee for the 2007-2008 bar year.

4. Approved and recommended to the Supreme Court of Virginia a change in Paragraph 15 of the *Rules of Court*, the Third Year Student Practice Rule, which would eliminate the 10 day prior approval requirement by the judge or administrative tribunal before whom a third year student expects to appear. Under the change, the court or the administrative tribunal can impose whatever advance approval requirement it feels is necessary or appropriate under the circumstances.

5. Heard discussion of a proposed amendment to Paragraph 18 of the Rules of Court from the Special Committee on Lawyer Malpractice Insurance which would have required those lawyers indicating on their annual dues statement that they are in private practice and covered by a malpractice insurance policy to provide proof that they do, in fact, have such insurance. Following discussion, the chair of the committee, Darrel Tillar Mason, withdrew the proposal.

In the alternative, it was agreed by Council that the time has come for the body to give direction to the committee on the fundamental question whether the bar should require malpractice insurance of all active members in private practice representing clients drawn from the general public. This philosophical question will be debated and a vote taken on it at the October 2007 Council meeting. Should Council indicate to the committee that it wishes to consider a proposal for requiring such insurance, the committee will develop a specific proposal for subsequent consideration by the Council.

6. Unanimously adopted a resolution commending Karen A. Gould of Richmond for her effective and diligent service as president during 2006-2007, and a resolution thanking her law firm for its support of her service.

Announcement

The Virginia Women Attorneys Association (VWAA) has established a Prince William County Chapter. Anyone interested in joining (it is open to all members of the bar association, male and female) please contact Cathy Croft 703-335-9390.

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".

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SPECIAL ISSUE--LEGISLATIVE SUMMARIES

The legislative updates reported in this section were provided by the PWC Bar Liaisons to their respective VSB Practice Sections, and by Kimball T. Peele, Directory of Bull Run ASAP. The updates provided here do not represent all new legislation enacted during the 2007 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 visit "The Division of Legislative Services" web site at <http://dls.state.va.us/> Go to <publications>, then <Digest of the Acts of Assembly>, then <2007>, then <Table of Contents by Title> and search for new legislation that may impact your practice.

VSB Annual Meeting

Scott Krein accepts an Award of Merit for the Circuit Court Conciliators Program, on behalf of the PWC Bar at the VSB Annual Meeting, held in Virginia Beach, VA. Pictured with Scott, on the left, is Karen Gould, 2006-07 President of the VSB and on his right, George Shanks, CLBA Chair 2006-07. Scott was largely responsible for the development of the C. Ct. Conciliators program and continues to administer this program for the benefit of the bench, the bar, and the public. Thank you Scott!! The bar also received a Certificate of Achievement at the VSB Annual Meeting, for the Sr. Citizen's Project.

Local Government Legislative Updates

By Curt G. Spear

Eminent Domain – Limited Definition of “Public Uses” – A new section, **1-237.1**, defines the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; or (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition or the acquisition is by agreement of all the owners. The new section also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The new section defines the terms "blighted property," "government utility corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use.

Eminent Domain – Right to Repurchase Upon Completion of Public Use – Section **25.1-108** has been amended to provide that a former property owner, or his successors, may request to repurchase taken property upon the completion or abandonment of the stated public use.

June 29 BOD Meeting Highlights

By Jeanice B. Wiethop

- ◆ New member applications for Akua Brempong, Katherine Reese and Ann Breville were approved
- ◆ Discussed instituting volunteer program in GDC to assist in completing paperwork useful in determining eligibility for Court Appointed Counsel.
- ◆ Discussed establishing a new annual professionalism award to honor a person who works in one of the clerk's offices.
- ◆ Discussed Court Tour Program for area 8th grade students .
- ◆ Discussed potential increase in bar luncheon program fees. No fee increase at this time.
- ◆ Approved minutes from prior BOD meeting.
- ◆ Treasurer reported on BTO income and expenses.
- ◆ Accountant filed extension on 2006 taxes pending completion of bar internal audit.
- ◆ Library computer equipment project progressing.
- ◆ Bar to proceed with development of new regional membership directory with Arlington/Fairfax and PWC. May also include Alexandria.
- ◆ Bar to proceed with development of new electronic membership directory to replace hard copy directory.
- ◆ Discussed the distribution of campaign literature at luncheon meeting. Such distribution is prohibited by the BOD.
- ◆ Discussed guidelines on use of listserv. M. Kelly and M. Phipps to develop.

Continued, Page 5

Local Government Updates, Continued

Torts – Notice to Localities of Tort Claims for Damages – Section 8.01-222, which formerly set forth mandatory notice provisions for tort claims against localities, has been repealed. A new section, 15.2-209, takes its place. Unlike the provisions of 8.01-222, the process established in the new section applies uniformly to counties, cities and towns.

Freedom of Information Act – New Response When Requested Records Cannot Be Found or Do Not Exist – Section 2.2-3704 has been amended to allow public bodies to respond by informing the requester that the requested records cannot be found or do not exist. A public body with knowledge that a different public body is in possession of such records must provide that body’s contact information to the requester.


Land Use – Transportation/House Bill 3202 – The most comprehensive transportation bill in two decades includes transportation funding packages available to the Northern Virginia Transportation Authority. The NVTAA is authorized to impose a grantor’s tax, a transient occupancy tax, a rental car tax, an auto repair tax, and new vehicle registration and inspection fees. The bill also authorizes localities in Northern Virginia to adopt additional commercial and industrial real estate taxes, vehicle registration fees, and expands the authority of local governments to impose road impact fees on new developments in certain service areas. At least one local jurisdiction (Loudoun County) has already declared its intent to challenge the constitutionality of the new funding mechanisms established in the bill.

Alcohol/Drugs/DMV/ and other Driving Related Legislative Updates

By Kimball T. Peele, Directory Bull Run ASAP

- (1) 15.2-968.1 RED LIGHT CAMERA ENFORCEMENT PROGRAM**
Allows localities to operate photo-monitoring traffic signal enforcement systems; allows for 1 device per intersection for every 10,000 residents; provides other parameters and limitations for use. [H1778] p.
- (2) 18.2-51.5, 19.2-187.02 MAIMING RESULTING FROM OPERATING A WATERCRAFT WHILE INTOXICATED; PENALTY**
Class 6 felony for causing serious bodily injury, resulting in permanent or significant physical impairment to another person, while operating a boat while intoxicated. Ban from boat operation for 2 years, may then petition to operate boat. Court may impose conditions such as safety or rehab program. Also other additions dealing with admission of blood alcohol tests. [H2978] p.
- (3) 18.2-147.2 OFFICERS MAY PUNCTURE MOTOR VEHICLE TIRES**
Provides that law enforcement officers lawfully engaged in their duties are not subject to Class 1 misdemeanor for possessing or utilizing devices designed to puncture motor vehicle tires. [H1785] p.
- (4) 18.2-270.1 IGNITION INTERLOCK PERIOD/ALCOHOL LEVEL**
Provides that a DUI ignition interlock installation shall be for a period of not less than 6 consecutive months without any alcohol-related violations of the interlock requirement. Also reduces the driver’s blood alcohol content from .025 to .02 for triggering the interlock device, to be consistent with previous changes to the Code. [H3098] p.

Continued, Page 6



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A.S.A.P. Updates, Continued

(5) 18.2-271.1 RESTRICTED DRIVER'S LICENSE; DRIVE FOR HEALTH CARE

Provides that a person on a restricted driver's license may drive any person residing in the person's household for medical care for a serious medical problem upon written verification of need by a licensed health professional. Previously could only drive for self, elderly parent or minor children. [H2266] p.

(6) 18.2-272 THIRD OFFENSE DRIVING ON A SUSPENDED LICENSE; PENALTY

Clarifies wording of three (3) violations of this section (offenses) committed within a 10-year period is a Class 6 felony. [H1890] p.

(7) 33.1-46.2 HOV LANE USE BY CLEAN SPECIAL FUEL VEHICLES

Extends HOV Lane use by vehicles bearing clean special fuel license plates to 7/1/08, from 7/1/07.

(8) 46.2-221.2 EXTENSION OF DRIVERS' LICENSE EXPIRATION FOR PERSONS SERVING U.S. GOV'T OUTSIDE OF COMMONWEALTH

Grants civilian and contract employees of the U.S. government extensions on the period of validity of their drivers' licenses while serving or providing services outside the Commonwealth. [H2518] p.

(9) 46.2-300 DRIVING WITHOUT LICENSE; PENALTY

A second or subsequent conviction for the offense of Driving Without a Driver's License is a Class 1 misdemeanor. [H3122] p.

(10) 46.2-316 INCREASED MOTOR VEHICLE LIABILITY INSURANCE AFTER DUI OR RELATED OFFENSE

Provides that DMV not reinstate or issue driver's license for 3 years following conviction for DUI or related offense unless driver provides proof of liability insurance with not less than double the minimum limits of coverage. Effective on/after 1/1/08. [H2518] p.

(11) 46.2-325, 46.2-328, 46.2-332, 46.2-337, and 46.2-1190.2 CHANGES TO MOTORCYCLE LICENSURE

Changes "endorsement" to "classification"; licensed driver can use motorcycle training course completion documentation for 30 day temporary license; must complete motorcycle training course if driver fails DMV road test twice; DMV may exempt drivers with training course completion from written/road test or both; requires DMV approved paved range area for road test at training course. [H2177] p.

(12) 46.2-334.01 CELL PHONE USE PROHIBITED BY DRIVERS UNDER AGE 18

Except in an emergency or when car is parked or stopped, drivers under age 18 shall not operate a motor vehicle while using a cell phone or wireless telecommunications device, even if not hand-held.

(13) 46.2-392 ALCOHOL-RELATED RECKLESS DRIVING

Driver must be enrolled in ASAP for DMV to issue driving privileges. [H1708] p.

(14) 46.2-819.4 SMOKING PROHIBITED AT GAS PUMP

Class 3 misdemeanor to smoke or have open flame within 20 feet of gas pump or a fueling tanker if prohibited by sign at the pump. Class 1 misdemeanor if fire or explosion occurs as a result of this violation. [H1653] p.

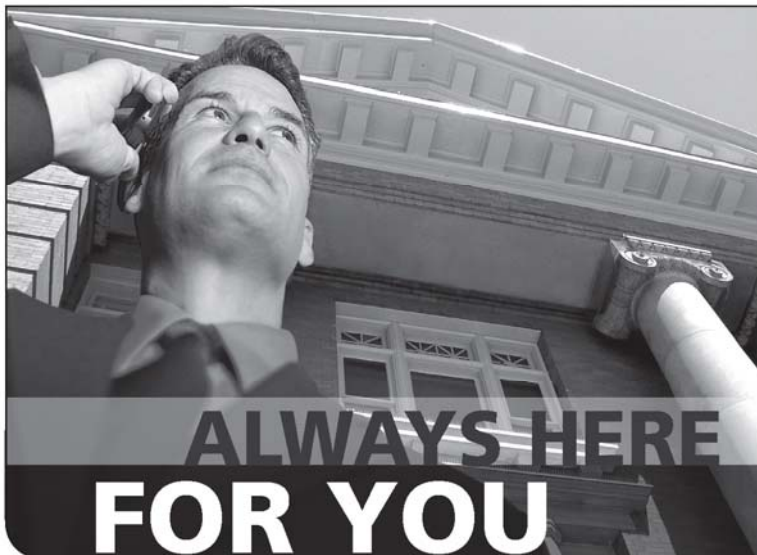
(15) 46.2-871 MAXIMUM SPEEDS FOR SCHOOL BUS

Allows school buses to travel at 60 miles per hour on interstates and other highways where speed limit is more than 55 mph. Was 55 mph for buses. [H1729] p.

(16) 46.2-882 SPEED DETERMINATION DEVICES; REPEAL LAW ENFORCEMENT MAY SHOW MOTORIST READINGS

Repeals provision that allowed officers using vehicle-based microcomputer devices for speed enforcement to show readings to motorists who requested to see reading on the device. There was no prior requirement, but officer could. [H2357] p.

Continued, Page 8



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A.S.A.P. Updates, Continued

(17) 46.2-915 CHANGE IN REQUIRED PERMANENT DECAL OR STICKER ON MOPEDS
Decal placed on moped by dealer must show that motor produces only ordinary speeds up to a maximum of 35 miles per hour. Was 30 mph on decal. [H2113] p.

(18) 46.2-1077 VISUAL DISPLAYS IN MOTOR VEHICLES
Allows visual display (or monitor) within view of driver if device is used for enhanced driver’s view forward, behind, or to the sides of the vehicle for purposes of maneuvering the vehicle. [H2108] p.

(19) 46.2-1090 SCHOOL BUS WARNING DEVICE
Any new school bus placed into service as of 7/1/07 shall be equipped with warning devices (red lights, warning sign, crossing control arm) that are automatically activated when the bus door is opened. [H3084] p.

(20) 46.2-1095, and 46.2-1100 CHILD RESTRAINT DEVICES; RAISES AGE LIMIT
Increases age from 5 to 8 years of age for a child to be secured in restraint device (or booster seat). Rear-facing child restraint devices (for infants to 1-year-olds) must be in the rear seat only, with some vehicle exceptions. Medical exemption changed to age 8. (Children 4’9”, 80 lbs. may be ready for adult belt use, or for other medical reasons. [H1908] p.

(21) 46.2-1219.2 VDOT COMMUTER PARKING LOTS
It shall be a traffic infraction not to conform to posted signs and pavement markings within VDOT commuter parking lots. [H1986] p.

(22) Specifically 46.2-206.1

TRANSPORTATION FUNDING AND REFORM LEGISLATION

New legislation imposes civil remedial fees to generate revenue from drivers whose dangerous driving behavior places significant financial burdens upon the commonwealth.

New fees for these offenses committed on/after 7/1/07:

- Driving on Suspended License \$250 per year for 3 years**
- Reckless Driving \$350 per year for 3 years**
- DUI & related offenses \$750 per year for 3 years**
- Other misdemeanors, 18.2/46.2 \$300 per year for 3 years**
- Felony convictions, 18.2/46.2 \$1,000 per year for 3 years**

The Court shall collect, in full, the first annual payment, and order the person assessed the fee to submit the second annual payment to DMV within 14 calendar months of the date of the conviction, and the third annual payment to DMV within 26 months of the date of the conviction. The Court shall order suspension of driving privileges for any person failing to pay the first annual payment.

DMV shall notify the person regarding the second and third annual payment. Driving privileges shall be suspended by DMV for failure to pay all fees assessed.

Funds collected through the imposition of these fees, minus DMV’s cost of imposing and collecting the fees, shall go to the Highway Maintenance and Operating Fund.

PWC Bar Welcomes New Members

Akua Gyimah-Brempong, Esq.
Legal Services of Northern Virginia
9240 Center Street
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Upcoming Dates:

July 30-Aug 3 Bar Office and LRS Closed.

August 3, 12:15 pm, PWC Bar Luncheon Meeting at Mackey's American Pub, (Formerly Jake's Seafood Restaurant). Program: Legislative Updates to A.S.A.P. related legislation, effective 7-1-07. See enclosed registration flyer for details.

August 10, Deadline for submittals for September issue of *Hear Ye! Hear Ye!*

August 13, 14 & 15, District Court Judicial Conference, Clerk's Offices Open, Set. No Cases.

August 31, 4:00 pm, PWC Bar Board Meeting at Mackey's

Law Library

By Robert Davis

The Prince William County Public Law Library has new hours of operation:

Monday-Thursday, 8:00 am to 5:00 pm

Friday, 8:30 am to 1:00 pm

Robert Davis will be available during these hours only, and generally takes a one hour break for lunch, beginning at 12:30 or 1:00.

Friday, August 3, 12:15 pm, General Luncheon Meeting.

Program: 1.0 hour CLE Presentation by Kimball T. Peele, Director Bull Run A.S.A.P. Concerning Legislative Updates to the A.S.A.P. Program, Effective July 1, 2007

Please RSVP by calling **Dawn Quigley** at
The Law Office of Casey R. Stevens, (703) 897-1777
by 5:00 pm, Wednesday, August 1, 2007.

**Lunch prices are \$13.00 per member, \$20.00 per guest.
Fee Includes CLE materials and may not be waived.**



Hear Ye! Hear Ye!

P.O. Box 31

Manassas, VA 20108

A Publication of the Prince William County Bar Association

The Prince William County Bar Association

Presents



Review of Legislative Changes, Effective 7-1-07, Regarding the A.S.A.P. Program, Alcohol/Drugs, DMV and other Driving Related Laws.

A Continuing Legal Education Seminar

Friday, August 3, 2007

Lunch starts at 12:15, CLE runs from 12:30 to 1:30 PM
During our regularly scheduled August luncheon meeting
Mackey's American Pub
(Formerly Jake's Seafood Restaurant)
9412 Main Street
Manassas, VA 20110

Lunch Costs \$13.00 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:
Kimball T. Peele, Director, Bull Run A.S.A.P.

MCLE approval is granted for 1.0 Credits for this presentation

Please use the form below to pre-register for the A.S.A.P. CLE

8/3/07

ATTORNEY'S NAME: _____

FIRM NAME: _____

ADDRESS: _____

PHONE: _____ FAX: _____ EMAIL: _____

Please return this registration form, along with the appropriate fees, to Dawn Quigley, C/O Casey R. Stevens, P.C., 4311-A Ridgewood Center Drive, Woodbridge, VA 22192. If you are making a late decision to attend, you may fax your reservation form to the attention of Dawn at (703) 897-0077 by 5:00 PM 8-1-07. Of course, we always plan for a few walk-in registrants, (faxed reservations received after 5:00 PM on 8-1-07 will be considered walk-in registrations), but we can not guarantee the availability of materials. This form may be photocopied.