

Hear Ye! Hear Ye!

News from the Prince William County Bar Association

Volume IX Issue IV

May 2009

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President's Message

By Barry A. Zweig

Upon reviewing my first few messages I noticed a trend of issuing congratulations in my first paragraph. Recognizing this streak will not last my entire tenure, I choose not to diverge at this point. With that, I offer my congratulations to both Steve Smith and Scott Bailey on their appointments to the General District Court and Juvenile and Domestic Relations benches, respectively. This community will be well served by both. Please set aside May 29, 2009 at 3:00 p.m. to attend the investiture of Judges Johnston and Smith at the Prince William County Courthouse.

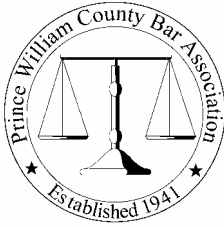
With equal pride, I am pleased to inform you that April 18, 2009 marked Alissa Hudson's 10th Anniversary as Executive Director with our organization. In my short tenure in a leadership position I have observed firsthand her dedication to our organization and attorneys. She is an absolute asset and it continues to be our privilege to have her working with us. I encourage any of you who have the opportunity to visit with Alissa in her office to congratulate her on her time with our bar.

More achievements of note: Kris Spittler and Jan Roltsch-Anoll have been named as two of the most Influential Women of Virginia by Virginia Lawyers Weekly. They will be awarded the honor and inducted into the inaugural class on May 14th. Jim Willett has been made a fellow of the American College of Trial Lawyers, an organization widely considered to be the premier professional trial organization in America dedicated to maintaining and improving the standards of trial practice, the administration of justice and the ethics of the profession.

On May 28, 2009, please consider attending the annual Beat the Odds Banquet at the Heritage Hunt Golf Club. This extremely worthy cause is the door to the future for youth who are in the process of "Beat[ing] the Odds" by exceeding statistical expectations for survival, moral stability and intellectual accomplishment. Every member of this Bar has been graced with intelligence and the ability to advance utilizing that asset. Some have endured hard roads to success and others have had relatively unencumbered paths of achievement. Regardless of the manner in which we have each arrived where we have, we must recognize the need to empower the youth of our community to elevate themselves beyond their circumstance. Thankfully, we have. Our donations fund the scholarships each candidate is slated to receive. Our efforts in providing and raising this financial support is immeasurable, and I thank each and every individual and firm for their past, present and future support of this worthy cause. I urge everyone to continue giving in whatever form possible to foster the continued growth of the wonderful adults our community is producing.

Unfortunately, as of the writing of this message, the Bar Foundation is \$9,000.00 short of the money needed to fund Beat the Odds scholarships being awarded this year. Everyone

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2008

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Circuit Court Clerk's Office

By Michèle B. McQuigg

Change Coming

Have you noticed that the Prince William Circuit Court Clerk's Office Jury Assembly Room has been invaded by 10 scanning stations? This is in preparation for switching in July to the Supreme Court of Virginia's (SCV) Case Management System, which is used by 117 of the 120 Clerk's Offices. Currently, Prince William has its own Case Management System.

The reasons for the change were financial as well as improved productivity and efficiency. Once documents are scanned more than 1 person will be able to view the same file at the same time. You will not have to wait in the Clerk's Office for a file to be pulled. If you have any questions, please feel free to contact me at 703-792-7560, mmcquigg@pwcgov.org or just stop by and visit.

I greatly appreciate your patience as we improve our systems to better serve you.

New Requirements

All Initial Civil Filings must be accompanied by a completed [Cover Sheet](#) available on the Clerk's website at www.pwcgov.org/ccourt under Civil Information.

The Civil Service of Process form or a cover letter must be filed indicating what method of service will be used and the name and address of the person to be served. It is the responsibility of the parties or their counsel to advise the Clerk's Office about the method of service to be used. The form is also available on the website www.pwcgov.org/ccourt under Civil Information and Service of Process Information.

The Criminal Witness Request Service [form](#) is available on www.pwcgov.org/ccourt under Criminal Information under Forms.

Going to Court?

To assist the judge in scheduling the cases, my staff spends countless hours contacting you and your offices to determine if your case scheduled on the docket is a go and approximately how much time it will take for the case to be heard. Also, we call to find out if a jury trial will occur. It costs the taxpayers money every time we bring in potential jurors – even if the trial does not occur.

Please surprise Maria McCaleb, Jury Clerk and docket caller, by sending her an e-mail at mmccaleb@pwcgov.org or calling her at 703-792-6047 with your information before she calls you. If the docket is very crowded, those who do not let us know how long their cases will take could be put on the wait docket. It takes an exorbitant amount of time for Maria to contact all of the parties on the docket. A few minutes on the phone or a quick e-mail would make a tremendous difference for this office. Thank you.

President's Message, continued

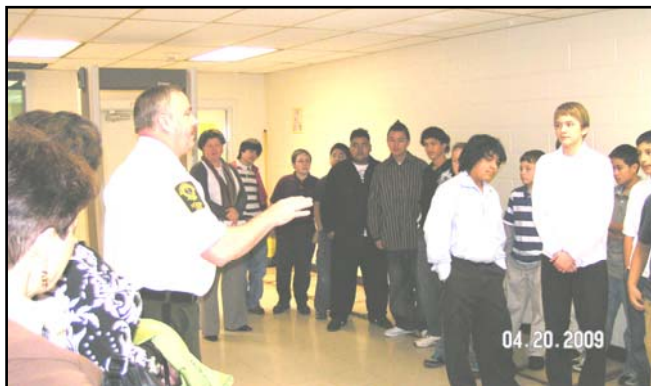
has seen the requests for items to be sold at the silent auction on the evening of the Banquet. If you cannot attend the Banquet, but have an item you wish to donate to the Bar Foundation or Virginia Women's Attorney's Association for this purpose please contact either Sharon Pandak at spandak@gtpslaw.com or by phone at 703-680-5543 or Mary McGowan at (703) 365-9945. Items donated may be left at either of their addresses, which are on file with the Bar and which were included in a posting on the bar listserv. Monetary donations for the Beat the Odds program (and many other community service programs) may be made through the Bar Foundation. Please visit the site at <http://www.bto-pwc.com> for Beat the Odds donor, ticket or silent auction information.

Finally, in the words of a bitterly humiliated New York Rangers fan, "Just wait 'til next year."

Middle School Court Tours Program

By Turkessa Rollins

Pictured here, middle school students from Rippon Middle School hear from Captain Wynkoop about intake procedures at the PWC ADC. The students asked questions about communicating with friends and family outside the ADC, about attending religious services, and about facilities for the handicapped.



Fellow Bar Members: This year marked the 2nd (hopefully Annual) Middle School Court Tours Program to the Judicial Center. We were able to increase the number of schools from three (3) last year during our pilot program, to five (5) this year. Similar to last year, approximately 50 kids from each of the participating schools came to the Judicial Center on a field trip and visited the Adult Detention Center and the Courthouse. The tours took place on April 1, 14, 15, 20 and 21 and the five (5) participating Middle Schools were: Rippon MS, Bull Run MS, Godwin MS, Stonewall MS and Mary G. Porter Traditional School.

During the tours, the students had the opportunity to speak to and hear from court and jail officers, inmates, court personnel, attorneys and judges. The students observed court proceedings in the Circuit and General District Courts, as well as participated in a mock trial in the Juvenile & Domestic Relations District Court. Again, the students, teachers and volunteers all thoroughly enjoyed this experience and are looking forward to a repeat performance next year. We have received nothing but positive feedback on the program and hope to be able to continue expanding this program to other schools in the near future. I encourage you all to participate next year!!!

There were so many people who made this program successful and effective and I could not possibly name them all. But I would be remiss if I did not take a moment to thank and mention the following persons for making this possible and assisting in the planning, preparation and execution of the tours: Michelle Jones, Sgt. Werner Brewer, Sgt. Eric Goode, Sgt. Bruce McCauley, 1st Sgt. Kellie Ferguson, Captain R. Wynkoop, Major R. Hendricks, Joy Dawson, Kirk Wilder, Tracey Lennox, Bobbi Jo Alexis, Jacqueline Lucas, Jane Reynolds, Alissa Hudson, Barry Zweig, Frances Hedrick, Judge Janice J. Wellington, Judge William Alan Becker, Judge Paul F. Gluchowski, Judge George M. DePolo, Judge Charles F. Sievers, Judge Peter W. Steketee, Judge William D. Hamblen, Judge Craig D. Johnston, Judge J. Howe Brown (ret.), Judge Rosemarie P. Annunziata (ret.) and Judge William H. Ledbetter (ret.).

Pictured here, students are volunteering to participate in the Mock Trial which is the final component of the Court Tours day. Tracey Lennox is describing the various roles to the students. The Mock Trial scenario depicts a scene where a youth is at a friend's home, the parents are not home, and several friends arrive with alcohol.



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 pwcbal@verizon.net 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.

So You're 18, Class of 2009 Review

Although this was the 10th year in a row for the PWC Bar's *So You're 18* program, this year's program, for the first time ever, reached the entire intended audience. We not only distributed the student handbooks to every senior enrolled in public schools in the Thirty-First Judicial Circuit, (thanks to the generous financial support of the PWC Bar Foundation), but also gave presentations in every high school in the tri-school district area, enlightening students in Prince William County, Manassas and Manassas Park on the ways in which legal rights, restrictions and responsibilities change upon turning 18.

The comprehensive nature of this year's program would not have been possible without the partnership forged between the local Bar and the PWC Public School Board. With the help of Ken Bassett, who heads the History and Social Sciences Office of Student Learning and Professional Development for PWC Public Schools, each of the 10 public high schools in Prince William County were automatically slated to receive *So You're 18* presentations over the course of the school year, given by volunteers by the PWC Bar. Osbourn High School in Manassas and Manassas Park High School rounded out the presentation schedule for the class of 2009.

This year's program required a tremendous time commitment on the part of the Bar, scheduling presentations, and locating volunteers. THANK YOU!! To every member of the Bar who visited a school during the 2008-09 school. There was some concern, that the level of volunteerism required to implement this year's *So You're 18* program would be greater than we could meet, but Bar members were generous with their time, sometimes covering multiple presentation slots, and always reporting back that they had a great time talking with the students.

In the course of scheduling all the presentation times and volunteers, we routinely receive accolades from the teachers and school administrators we work with, reflecting their appreciation to the Bar for implementing this program every year. In particular, we received thank you notes from Gar-Field High School and Manassas Park High School:

The presentations were great! We appreciate all the work you do, and the time these attorneys volunteered to talk to our students. The information was good, and many students had lots of questions to keep the speakers on their toes.

I have contact information for most of the attorneys, but I was wondering if you had addresses for John Primeau and Tracey Lenox; I would like to send them thank you letters.

This is one of my favorite things we do for the seniors and we look forward to doing it again next year!

Thanks again,
Linda Barton
Gar-Field High School

Thank you and thanks to the presenters on Friday. Mr. Primeau presented in my class and did a very good job of making the information relevant to the student lives in a down-to-earth way. The students could easily follow what he said and by incorporating his own personal experiences, he was able to keep their attention throughout the presentation. By moving around the room and calling on them individually, he was also able to keep them on their toes throughout. Mr. Nicely, the other government teacher, also expresses his thanks and said the other presentations went well.

The books are great for review after the presentation. Nothing too wordy, but effective enough to back-up what is being said by the presenter. And, if the students know they do not need to take notes, even better.

Thanks again for all your work and look forward to next year.

Respectfully,
Mike Kelly
Manassas Park High School

And saving the best for last....

Here are our wonderful volunteers for February, March, April and May:

Forest Park High School – Jan Roltsch-Anoll, Joe McQuire, Johnda Scott, Jane Reynolds, & John Primeau.

Freedom High School – Scott Krein, Phil Gross, Denis Carluzzo, Cheryl Walton, Tasneem Ahmed, Turkessa Rollins, Johnda Scott & Jane Reynolds.

Gar-Field High School – Jamie Johnson, Tracey Lenox, Denise Tasse, John Primeau, & David Daugherty

Hylton High School – Tracey Lenox, Jeff Notz, Steve Bamberger, Krik Wilder, Adrian Showells, & John Gullette

Manassas Park High School – John Primeau, Scott Newton, & Michael Driscoll

Potomac High School – Steve Bamberger, Amy McCullough, Steve Woodside, Scott Swajger and Ronald Robinson

Osbourn Park High School – Michael Coughlin, John Primeau, David Daugherty, Phil Gross, Jennifer Zary & James Anderson

Woodbridge Senior High School – Tracey Lenox, Jeff Notz, Stephen Farmer, Olaun Simmons, Melissa Chase and Tim Ward

New RESPA Rules... Help for Borrowers Shopping for Loans

By Cathy Christiansen

On or before January 1, 2010, the residential real estate financing industry will be making some huge changes. The Federal Government has adopted new rules for the implementation of the Real Estate Settlement Procedures Act ("RESPA"). RESPA is a HUD consumer protection statute designed to help homebuyers be better shoppers in the home buying process. The changes, some of which are already in effect, are the biggest reforms to RESPA in more than 30 years.

The "Final Rule" was adopted on November 17, 2008, and parts of it went into effect on January 16, 2009. However, the most noticeable changes for the consumer will not be required until January 1, 2010, when all residential lenders and mortgage brokers will be required to use a new Good Faith Estimate ("GFE") that clearly discloses loan terms and closing costs. Settlement agents will be using a new settlement statement for all residential loan closings. The statement will mirror the GFE and disclose any variances from the original figures. Lenders may start using the new GFE prior to the January 1 deadline. If the new GFE is used by the lender, the new settlement statement must also be used by the settlement agent.

While GFEs have been around for years, the new GFE is a whole new ballgame. Will it help the consumer? HUD projects that the new rules will save consumers an average of \$700 at the closing table!

The main differences between the new and old GFEs are (1) standardization of the form, (2) grouping of fees, and (3) tolerance for variations from the GFE amounts at settlement. The following is an overview of these differences:

1. **THE FORM:** The new GFE has been formatted by HUD. It is a three page standardized document that gives loan terms and an estimate of settlement charges. The consumer should easily be able to compare GFEs from various lenders when shopping for loans.

2. **THE FEES:** On the new GFE, certain fees have been grouped together. This allows the consumer to see a total cost for each category, rather than a random list of fees.

A. The "Origination Charge" is the total of all fees incurred for originating the loan. This would include old cost breakdowns, such as "underwriting fees" "loan handling fees" "commitment fees" and "document preparation fees" which were payable to the Lender or Broker.


B. "Required Services Selected by the Lender", such as appraisals, credit reports, and flood certifications and tax service fees are grouped, but each charge is listed separately.

C. "Title Services" includes the settlement agent's charges for lender's title insurance, the settlement fee, title searches, title examinations, commitments, and ALL other charges payable to the settlement agent. There is a separate line item for Owner's title insurance, since this is an optional purchase.

D. "Required Services that You Can Shop For", which includes surveys, home warranties, pest reports, etc. (For "Title Services" and "Required Services that You Can Shop For", the borrower can shop for and choose his own providers but the fees will not be controlled by the RESPA tolerances from the GFE as described below.)

In addition to these groupings, there are separate line items for "Government Recording Charges", "Transfer Taxes", "Initial Escrow Deposit", "Daily Interest" and "Homeowner's Insurance".

Continued, page 6



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References and Vita on request - Visit at:


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RESPA Rules, Continued

3. **THE TOLERANCES:** The new rules mandate that the final charges on the settlement statement can vary from those on the GFE only as follows:

- A. For the Origination Charge and Transfer Taxes: Zero Tolerance. The GFE and settlement statement must match exactly.
- B. For Required Services selected by the Lender, Title Services, Owner Title Insurance, Required Services That You Can Shop For (if you use companies identified by the lender) and Government recording charges: There is a tolerance for a 10% increase for the total of these charges.
- C. For the Initial Escrow Deposit, Daily Interest and Homeowner's Insurance: There is an unlimited tolerance for increases from the GFE.

Other items with unlimited tolerances for increases from the GFE include any Service provider selected by the Borrower rather than the Lender. There is no restriction on decreases.

The new settlement statement mirrors the GFE, with similar line items and groupings. On a new third page, there is a comparison of the original GFE figures and the settlement statement figures, with an explanation of the tolerances. There

is also a summary of the loan, including amount, term, rates, initial monthly payment, prepayment penalties and other loan terms.

With these changes, the consumer can be a better shopper. He can truly compare the cost of loan products offered by various lenders, and he is protected from any unexpected additions at closing. There will also be more straightforward disclosures of prices by settlement companies, since most charges will be grouped into one amount. The consumer can easily compare the total "Title Services" charges for his loan from several title companies.

There are still many questions about the implementation and enforcement of the New Rules. Hopefully the consumer benefits will meet HUD's expectations.

Cathy Christiansen is the lead attorney for the real estate and estate planning sections of Szabo, Zelnick, & Erickson, P.C., in Woodbridge, Virginia (www.szelow.com). She has practiced law for 15 years and represents clients in residential and commercial real estate matters and wills, trusts, and estate planning. For ten years before becoming an attorney, Cathy worked as a settlement agent and title examiner in Northern Virginia. She can be reached at cchristiansen@szelow.com or (703) 494-7171.



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Prince William County Bar Welcomes Newest Members

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The Prince William County Bar Association

Invites you to attend the Investitures of

The Honorable Craig D. Johnston
to the Circuit Court in the
Thirty-First Judicial Circuit
of Virginia

&

The Honorable Steven S. Smith
to the General District Court in the
Thirty-First Judicial District
of Virginia

Friday, May 29, 2009
3:30 p.m.
PWC Judicial Center
Circuit Courtroom #4
9311 Lee Avenue
Manassas, Virginia

Reception Following
Lower Level Atrium
PWC Judicial Center
Please R.S.V.P. to
Ms. Alissa Hudson
pwcbal@verizon.net

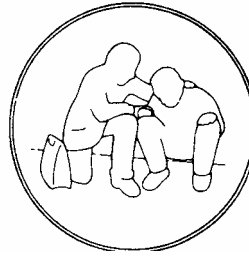


Upcoming Dates:

May 28, Beat the Odds® Banquet, 5:30 pm, Heritage Hunt Country Club, contact Joan Hughes for tickets at jhughes@courts.state.va.us

May 29, Investitures of The Honorable Craig D. Johnston to the Circuit Court and The Honorable Steven S. Smith to the General District Court, 3:30 pm, PWC Circuit Courtroom #4. Please RSVP to Alissa Hudson at pwcba1@verizon.net

June 5, 12:30 pm, Mackey's American Pub, PWC Bar Membership Luncheon. Program, Obtaining Fee Cap Waivers for Court Appointed Work.



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Friday, June 5, 2009, 12:30 pm,

Mackey's American Pub

PWC Bar General Membership Luncheon

Program: Fee Cap Waivers for Court Appointed Work
Presented by Amy Hermansen and Kelly Sprissler

*Please RSVP to the Bar Office by 5:00 pm on 6/3/09.
Lunch prices are \$8.00 per member and \$15.00 per guest.*



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Manassas, VA 20108