

## President's Letter



*John K. Zwerling, President*

This is my last President's column. While the year has gone by rapidly, we no longer live in the same world as when I began my term as President. Actually, the world has not changed as much as our perception of it. The threat to our way of life, our values and our safety has been there for a while, but 9-11 brought it into sharp focus. Many of us find it difficult to understand how a group of people can be willing to indiscriminately kill people they have never met. Some of us do understand it. Any combat veteran can tell you. In combat it is easy to understand the "us verses them" reality of the battlefield. It is harder to understand the "we must kill them" mentality when the "they" are not trying to kill us. Anger, hatred and the will to live are emotions that are so strong that we become capable of doing things that would otherwise be unthinkable.

How can the Protestant Irish kill innocent Catholic Irish? How can the Catholic Irish kill innocent Protestant Irish? Most don't, so why do others feel the need to kill? Revenge? Power? Fundamentalist zealotry? When the motivation is political or religious

differences, it is harder to understand. But there can be no denying that the results are quite similar.

These are interesting and important questions but there is little that we, as individuals, can do to reach across the oceans and change the mind set that brought down the twin towers. There are things within our society that individual lawyers and our associations can do to minimize the chances that any Americans feel that angry, helpless or hopeless.

One thing we can do is to reconsider the so-called "war on drugs." Two decades ago, our Federal Government abandoned the "war on poverty" and declared its war on drugs. The major battlegrounds have been on our borders and in our inner cities. We have vastly increased the number of people we are incarcerating for drug offenses and the length of their sentences. Rehabilitation and treatment have been de-emphasized and salvation is only possible by informing on one's co-conspirators who are often one's friends and family. In determining the mandatory guideline range, a life of achievement and good deeds is less important than the amount of drugs involved. We have taken sentencing discretion away from neutral and independent judges and given it to prosecuting attorneys. No matter how decent a person a prosecutor is, a prosecutor is an advocate in an adversarial system. They have an obligation to represent their client – the United States – zealously. No matter how hard they try, they cannot be as fair or even-handed as an Article III judge. It would be no different than

placing that much power in the hands of the defense attorney, no advocate can be counted upon to be as fair or even-handed as a judge.

Despite the expenditure of billions of dollars on this war on drugs, there are more people using more drugs. The drugs are more powerful and plentiful. The drug market is unregulated, very profitable and has brought added violence into our society. The time has come to rethink our approach to drugs.

Our "zero tolerance" approach is doomed to fail, at least in a society that respects a certain amount of privacy. After all, we cannot even keep drugs out of our prisons. Treatment on demand is much cheaper and more effective than mandatory minimum sentences.

The war against terrorism is going to strain our ability to protect our constitutional rights. I question whether our democratic ideals can withstand the added pressure that fighting terrorism will place on top of the strain that the war on drugs has already created.

On a more pleasant note, I wish to thank Carolyn Grimes for putting together last month's "Honor the Arts" reception at the Gallery One on King Street. It was a great success. I also want to thank you – the members of the Bar – for allowing me the opportunity to serve as President of our Bar Association. It has been both an honor and a pleasure. I encourage everyone to attend our membership meeting on May 16<sup>th</sup> at the Legion Hall. We will announce and install next year's officers and board members.

***ALEXANDRIA BAR ASSOCIATION***  
***BOARD OF DIRECTORS***  
***2001-2002***

**President**

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## Announcement of Nominations for Office

The Nominations Committee is pleased to announce that the following members have announced their candidacy for office, and have been approved by the Nominations Committee:

President-Elect:	Thomas K. Cullen, Esq.
Treasurer:	Carolyn M. Grimes, Esq.
Secretary:	Jean K. Niebauer, Esq.
Directors at Large:	Sylvia M. Brennann, Esq.
(Three positions open)	Foster S. B. Friedman, Esq.
	Elizabeth P. Pirsch, Esq.

As of April 25, there have been no further nominations.

The election will be held on Thursday, May 16, 2002. On May 16, a ballot box will be placed in the Bar Association office at the Courthouse, 520 King Street. Alexandria Bar Association members may cast their ballots from 9:00 a.m. through 4:00 p.m. on that day in the office. As prescribed by the Bylaws, a Proctor will be present during voting hours. Members may also vote in person at the Annual meeting, to be held Thursday May 16 at the American Legion Hall, 400 S. Cameron St., Alexandria, VA., beginning at 6:15 p.m. Any person qualified to participate in the voting process may tender an Absentee Ballot provided the member cannot attend the meeting because:

1. Court appearance: member cannot leave Court to vote prior to the meeting.
2. The member is out of town and unable to appear at the meeting.
3. The member is ill, sick or otherwise unable to attend.
4. Other personal emergency.

The by laws also permit nominations from the floor. The results of the election will be announced at the membership dinner.

### **Absentee Ballots**

The member tendering an Absentee Ballot must arrange for the ballot to be at the Annual Meeting at the time of polling and must attach a separate statement/certificate. The wording of the statement shall be as follows: "I, \_\_\_\_\_, hereby certify that this absentee Ballot is not employed merely to avoid attending the meeting and is not offered for personal convenience. I cannot attend the meeting because \_\_\_\_\_."

\_\_\_\_\_  
Signature

Gregory M. Wade, Chairman  
Nominations Committee  
(703) 836-9030 / (703) 684-1543 fax  
gwade@verizon.net

## Reduced Memberships at Alexandria YMCA

The Alexandria Bar Association is pleased to offer reduced memberships in the Alexandria YMCA. Barbara Beach and Dale Dover are coordinating this member benefit. Up to 10 members will pay a total of \$1,000 for a group annual membership dues; so if 10 sign up, each pays only \$100 per year.

Please contact  
Barbara Beach at (703) 683-3434 or  
Dale Dover at (703) 519-0000  
for more details.

*Do you have time to fiddle with your computer system?*

- ◆ **Looking to upgrade your current system or software?**
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<b>Criminal Law</b>	Jonathan Shapiro Michael W. Lieberman Robert Jenkins	(703) 684-1700 (703) 684-1700 (703) 549-7211
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<b>Judicial Administration &amp; Courts</b>	Thomas Cullen	(703) 519-3318
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<b>Lawyer Referral Service</b> Board Liaison: Carolyn Grimes	Robert M. Gants	(703) 684-2000
<b>Law Day</b> Board Liaison: Ron Ray	Donald R. Allen Doug Steinberg	(703) 549-5546 (703) 683-5328
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<b>Tax Law</b> Board Liaison: Ron Ray	Elizabeth Pirsch	(703) 548-5182
<b>Young Lawyers</b> Board Liaison: Michael W. Lieberman	Joni Ruff Jim Lay	(703) 838-4477 (703) 838-4100
<b>Intellectual Property &amp; Technology Law</b> Board Liaison: Greg Wade	Andrew Burcher	(703) 684-2000
<b>Bar History Committee</b>	Bernie Cohen	(703) 836-9000
<b>Law Library Committee</b>	Ronald A. Ray	(703) 549-7510

## Children's Court Classroom Program to Begin in April

The Alexandria Commonwealth's Attorney's Office's Victim Witness Assistance Program, through a grant by the Foundation of the Alexandria Bar Association is pleased to offer **Court Classroom: An Educational Program helping Children Who Testify in Court.** The program is based on The King County Washington Kids' Court Model. The goal of the program is to help reduce the anxiety associated with a court appearance by allowing children to experience the courtroom in a non-threatening way.

During the program, children receive kid-friendly explanations of courtroom procedures. They are oriented to the courtroom and the roles of the personnel they may encounter when they come to court. Each child will have the opportunity to sit on the witness stand and "testify" about their favorite flavor of ice cream or television show. At the same time, children are offered the chance to don a child-sized judge's robe and sit on the judge's bench.

Children are also provided with practical suggestions for taking care of themselves before and after their day in court. We mention such basics as getting a good night's sleep and bringing a snack to the courthouse.

Finally, attention is given to addressing general fears children have about coming to court. While parents

tend to worry about the larger issues being decided in the courtroom, children often focus on practical concerns such as "what do I do if I have to go to the bathroom when I am testifying?" or "will there be cameras in the courtroom like on Judge Judy?"

One important point, however, is that the program was not developed as a medium to prep children on their testimony. In fact one of the "Rules of Court Classroom" read to the children at the beginning of the program is that we will not discuss our "case" during the class. The other very important rule is that in court "we always tell the truth."

Children leave the program with a "diploma," information packet, a photograph of them in the judge's robe, and hopefully with a little less anxiety about their court case.

The Court Classroom program will be offered the last Tuesday of the month, beginning in April in the Alexandria Juvenile and Domestic Relations Court. This is a free program, but pre-registration is required. To register or for further information, contact Judy Holl at the Alexandria Commonwealth's Attorney's Office's Victim Witness Assistance Program (703) 838-4100.

## ARMSTRONG MEMORIAL LECTURE AND DINNER JUNE 10, 2002

Last year, on June 23<sup>rd</sup>, we lost Torrey Armstrong, a respected lawyer and a good friend to the Bar. Throughout Virginia, but especially here, his sudden and unexpected death was a tragic loss.

Torrey touched many people and organizations during his life. He was President of the Alexandria Bar Association in 1983. He was a member of the Board of Directors of Federal Bar Association-Northern Virginia (FBA-NOVA) since 1995 and the Chapter's President in 1999-2000. He was also a member of the Virginia State Bar Council from 1985 to 1991 and President of the Council's Antitrust Section in 1988. He was a frequent lecturer for the Virginia Law Foundation, and a teacher and mentor of scores of younger lawyers. He was involved with the Episcopal High School in Alexandria and an active member of the Alexandria Community Rowing Association. He joined Boothe Prichard and Dudley in 1973, where he became a Partner in 1978. The firm merged with and became McGuire Woods, LLP.

In honor of his life, FBA-NOVA, the Alexandria Bar Foundation and McGuire Woods LLP are combining efforts to establish the *Torrey Armstrong Memorial*. We envision this annual event to be built around a speaker, panel or presentation on a topic of interest to the Bar, such as Constitutional Law, the Federal Rules of Civil Procedure, Complex Litigation, a noteworthy trial or Ethics and Professionalism. This year, the lecture will be followed by a dinner, the proceeds from which will be used to fund the Annual Lecture and possibly for other charitable endeavors in Torrey's honor.

The Lecture this year will be on June 10, 2002 from 3:00 to 5:00 P.M. Thomas E. Spahn, of McGuire Woods, Torrey's good friend and partner, and a leading expert on legal ethics, will present a two-hour ethics CLE on "Lawyer Marketing: An Ethics Guide." This interactive program will use hypotheticals to cover various topics involved in lawyer marketing including Constitutional issues; the risks of law firms "associating" with other firms; engaging in referral arrangements or creating law-related subsidiaries; permissible law firm names; advertising with new technology; the use in law firm advertisements of fictional depictions, testimonials and comparisons with other firms; individual lawyer marketing issues (including the use of honorary titles, descriptions of past successes and areas of practice); different state rules governing direct mail marketing and solicitation; the applicability of solicitation rules to on-line marketing; and other topics. We are grateful to Chief Judge Claude M. Hilton for allowing us to have this special CLE in the Jury Assembly Room of the Federal Courthouse in Alexandria. The cost will be \$35 for FBA-NOVA members and \$45 for non-members.

The dinner to honor Torrey and to help launch this annual Lecture series will be at the Taverna Cretekou Restaurant, 818 King Street, Alexandria. The Taverna will be closed on June 10<sup>th</sup> so that the entire restaurant will be available for the Armstrong Memorial Dinner. Cocktails and appetizers will be served beginning at 6:00 P.M. with dinner at 7:00 P.M. followed by stories, commentaries, and memories from Torrey's many friends. Tickets will be \$125 per person (including wine and beer before and during dinner). All proceeds above the cost of the event will be donated to the Torrey Armstrong Memorial Fund and \$75 of the ticket price will be tax deductible.

The FBA-NOVA, the Alexandria Bar Foundation and McGuire Woods will send out formal invitations and flyers for the Ethics CLE and the dinner shortly. Seating for both will be limited by space available. Anyone who wants to reserve their seats early should send their name and check made payable to FBA-NOVA to Michael Nachmanoff, Treasurer, FBA-NOVA, Office of the Federal Public Defender, 1650 King Street, Suite 500, Alexandria, VA 22314.

## May Meeting Notice

The May Monthly Membership Meeting will be held on Thursday, May 16 at:

The American Legion Hall  
400 Cameron Street  
Alexandria, VA

Social Hour begins at 6:30 PM and we will sit down to dinner about 7:00 PM.

RSVPs are not required. Please join us and bring a potential member.  
Hope to see you there.

## Tax Committee Calendar

The Tax Committee of the Alexandria Bar Association meets the first Wednesday of each month at Bullfeathers, 112 King Street, from 12:00 noon through 1:30 PM. The charge for attending, including lunch and course materials, is \$15.

- June 5, 2002 – How to Obtain and Use Personal Property Appraisals  
Robin Ward, Appraiser
- July 3, 2002 – Valuations of Closely-Held Businesses  
Rod Garrett, ACR International, Saranac Lakes, NY
- August 7, 2002 – Business Continuation Planning with Leveraged ESOPs  
Adron Krekler, ChFC, Morgan Stanley Dean Witter

RSVP to P. Elizabeth Pirsch, Chair, Tax Committee, Suite 424, 510 King Street, Alexandria, VA 22314  
Fax (703) 548-5659. Questions? Call Elizabeth at (703) 549-5182 or e-mail [pepirsch@erols.com](mailto:pepirsch@erols.com).

ETHICS CLE

***PROFESSIONALISM AND CIVILITY  
IN THE PRACTICE OF LAW***

Presented by:  
The Honorable John E. Kloch  
of the  
Alexandria Circuit Court

The Alexandria Bar Association Extends its Thanks to the Virginia Bar Association and Thomas E. Spahn, Esquire, of McGuire Woods, LLP for the Preparation of the Materials for this Seminar

This CLE features realistic hypothetical scenarios that have occurred or might occur in the practice of law. Interactions with other lawyers, the tribunal, and clients will all be addressed, discussed, and analyzed with participation from attendees. This program has proven to be interesting, enjoyable, and informative in the past, and a large audience and active participation from that audience will guarantee another success. Please come help make it one, and earn two ethics credits as well!

DATE: **May 29, 2002**  
TIME: **4:00 p.m to 6:00 p.m.**  
LOCATION (subject to change): American Legion Hall, Cameron Street, Alexandria  
CREDITS: **2.00 ETHICS CREDITS**  
COST (if preregistered): \$50.00 Alexandria Bar members; \$75.00 non-members

To preregister, please fill out the form below and send it, with payment if via mail, or via facsimile or e-mail with payment at the door, to the address specified on the form.

Submit to: Alexandria Bar Association  
520 King Street, Room 202  
Alexandria, Virginia 22314  
Facsimile (703) 548-4292, Phone (703) 548-1106, email: AlexBar@erols.com

Name: \_\_\_\_\_ Member: \_\_\_\_\_ Non-Member: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
CLE name and date: \_\_\_\_\_

ALEXANDRIA CLE

***MEDICAID FOR DUMMIES:  
A BEGINNER'S GUIDE TO UNDERSTANDING  
MEDICAID***

Presented by:  
Robert S. Bullock, Esquire

*Sponsored by the Alexandria Bar Association*

Over the last two years, Mr. Bullock has identified Elder Law as his area of specialty. He is the Past Chairperson of the Alexandria Special Education Advisory Committee to the Alexandria School Board and recipient of the ARC-Riggs Bank Educational Leadership Award. Mr. Bullock has a long record of community service on behalf of disabled individuals, including organizing the Youth Challenge Baseball and Soccer Program. He is a member of the District of Columbia Coalition for Long-Term Care and the Academy of Elder Law Attorneys.

**AMONG THE SPECIFIC TOPICS TO BE COVERED:**

- ◆ Virginia Medicaid: What you need to know, what you need to have, and how to get started.
- ◆ Medicaid Planning
- ◆ Resources, Assets, Spenddowns, and the Community Spouse: What does it all mean?
- ◆ The Virginia Medicaid Manual: Some helpful hints
- ◆ Starting a Medicaid Practice
- ◆ Case Studies and Analysis

DATE: **June 11, 2002**  
 TIME: **4:00 p.m. to 6:00 p.m.**  
 LOCATION (subject to change): American Legion Hall, Cameron Street, Alexandria  
 CREDITS: 2.00  
 COST (if preregistered): \$50.00 Alexandria Bar members; \$75.00 non-members

To preregister, please fill out the form below and send it, with payment if via mail, or via facsimile or e-mail with payment at the door, to the address specified on the form.

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 Alexandria, Virginia 22314  
 Facsimile (703) 548-4292, Phone (703) 548-1106, email: AlexBar@erols.com

Name: \_\_\_\_\_ Member: \_\_\_\_\_ Non-Member: \_\_\_\_\_  
 Firm: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 CLE name and date: \_\_\_\_\_

THE ALEXANDRIA BAR ASSOCIATION PRESENTS

***ADOPTION LAW AND  
THE TERMINATION OF PARENTAL RIGHTS***

Featured Speakers

**JENNIFER BRUST, ESQUIRE**  
Bean Kinney & Korman

**JILL APPLEBAUM, ESQUIRE**  
Assistant City Attorney

**LYNN FOUNTAIN**  
Department of Social Services

**AMONG THE TOPICS TO BE COVERED:**

Adoption Law  
Termination of Parental Rights  
Statutory Regulations  
Processing Steps

DATE: **May 30, 2002**  
 TIME: **12:00 p.m. to 2:00 p.m.**  
 LOCATION (subject to change): Bullfeathers Restaurant, 112 King Street, Alexandria  
 \*\* Lunch Included \*\*  
 CREDITS: 2.00 CLE credits  
 COST (if preregistered): \$55.00 Alexandria Bar members; \$80.00 non-members

To preregister, please fill out the form below and send it, with payment if via mail, or via facsimile or e-mail with payment at the door, to the address specified on the form.

Submit to: Alexandria Bar Association  
 520 King Street, Room 202  
 Alexandria, Virginia 22314  
 Facsimile (703) 548-4292, Phone (703) 548-1106, email: AlexBar@erols.com

Name: \_\_\_\_\_ Member: \_\_\_\_\_ Non-Member: \_\_\_\_\_  
 Firm: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 CLE name and date: \_\_\_\_\_

**Alexandria Bar Association  
CLE Registration Form**

*(Please print)*

Name: \_\_\_\_\_ Member  Nonmember

Law Firm: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

CLE Name: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Check # \_\_\_\_\_ Amount enclosed \$ \_\_\_\_\_ Multiple CLEs, see back

(Make check payable to the Alexandria Bar Association)

***Registration deadline is FOUR (4) days prior to the scheduled date of the CLE. Registrations received after that date will be subject to a \$10.00 late registration fee.***

**CLE fee schedule:**    Members: 1.5 credits \$40 / 2.0 credits \$50 / 3.0 credits \$75  
                                 Nonmembers: 1.5 credits \$65 / 2.0 credits \$75 / 3.0 credits \$100

The CLEs are held at the American Legion Hall at 400 Cameron Street, Alexandria, VA. The location of the CLEs is subject to change; if so, you will be notified two (2) to three (3) days prior to the CLE. If there any questions, please call the bar office.

Tel: (703) 548-1106    Fax: (703) 548-4292 or  
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