



THE ROCKET DOCKET NEWS

The Newsletter of the Northern Virginia Chapter of the Federal Bar Association

JANUARY 2008

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News from the Immediate Past President

There have been many changes in the United States District Court for the Eastern District of Virginia since the last issue of the *Rocket Docket News*. Judge Ellis took senior status on April 1, 2007, Judge Brinkema became the new Chief Judge of the Alexandria Division and Judge

O'Grady was recently sworn-in as the Eastern District's newest District Court Judge. The Chapter's past president before me, Michael Nachmanoff, was sworn-in as the Federal Public Defender for the Eastern District of Virginia at a Courthouse ceremony on May 2, 2007. It was a wonderful celebration of Michael's past contributions and hard work for this District.

Thanks to a dedicated and talented Clerk's Office, the Eastern District made a smooth transition to the world of electronic case filing ("ECF" to the *cognoscenti*) on March 26, 2007. The Clerk's Office is offering excellent classes on how to use this mandatory service (I took my class on May 22.) The classes offer CLE credit, so please consider attending an upcoming class and make these new procedures easier for yourself, your clients, and the Clerk's Office.

There have also been changes in the Chapter. At its June 26, 2007 Annual Meeting, members of the Chapter unanimously elected a new Board, which took office on October 1, 2007. The new leadership, which will serve for the 2007-2008 term, consists of the following hard-working volunteers: John Anderson (President), Jack Coffey (President-Elect), Attison Barnes (Vice-President), Chas McAleer (Secretary), Sean Murphy (Treasurer), Suzanne Little (FBA National Delegate) and Directors Laurie Hand, Scott Caulkins and Damon Wright. I know that President Anderson will lead the new Board through an exciting and productive year.

In addition to hosting two of its annual events -- the "Introduction to the Courthouse" Program on March 30, 2007, the Annual Membership Meeting on June 26, 2007 and the Torrey Armstrong Memorial Lecture and Law Clerk's Reception on October 2, 2007, the Chapter also held Continuing Legal Education programs on electronic discovery and ethics, as well as the ever-popular "Bench-Bar Dialogue" with the Magistrate Judges from the Alexandria Division. The Chapter's Board appreciates the time and effort of the Judges, panelists and program organizers who made these events so successful. Read more details below regarding these events, and please take a moment to share your ideas for future programs with the Chapter Board. We welcome the contributions of ideas and expertise from our members.

This issue of the *Rocket Docket News* marks the end of my term as Chapter president. I have been honored to serve this Chapter, and I look forward to helping President Anderson and the rest of the Board in my new capacity as Immediate Past President.



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Members of the Northern Virginia Chapter are encouraged to submit articles or news information of interest to other members of the Northern Virginia Chapter for possible publication in the Rocket Docket News. Please submit any proposed articles or news information to the Editors at the telephone numbers and e-mail addresses listed above. The Editors reserve the right to decide on publication, and any articles accepted for publication are subject to editing.

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10th Annual "Introduction to the Courthouse" Program

On March 30, 2007, the Northern Virginia Chapter of the FBA sponsored the 10th Annual Introduction to the Federal Courthouse program. More than seventy, new and not so new, attorneys were in attendance to hear presentations by various members of the Courthouse. Forty-six attorneys were admitted to practice before the Court.

Judge Brinkema welcomed everyone in attendance and provided many useful tips and information about the Court's operations. Judge Brinkema also discussed the new electronic filing and provided several practical reminders. Because of privacy concerns, all social security numbers, financial account information, names of minors and home addresses should be redacted from electronically filed pleadings, electronic evidence which requires computers in the courtrooms should be limited to cases with large numbers of exhibits, and paper copies of all electronically filed pleadings must be provided to chambers within 24 hours of the electronic filing. Magistrate Judge Jones reviewed Rule 16 and settlement conference protocol and discussed the duty judge system. Bankruptcy Judges Mayer and Mitchell provided several practice tips. Lance Bachman, the Court Technology Administrator, reminded all that permission must be granted by the trial Judge to present electronic evidence. Judy Henry, from the Fourth Circuit Court of Appeals, reviewed several areas of noted noncompliance with the rules and reminded all attorneys to read the rules carefully and make sure to notify opposing counsel of Rule 27(a) and 12(c) motions and adhere to the new rules governing sealed hearings and documents. Closing comments were made by William Dolan who provided funny and useful tips about the Court.

The "Introduction to the Courthouse" program would not be possible without the Judges, court officials and volunteers who assist in the planning and presentation. The Northern Virginia Chapter owes its gratitude to everyone who, year after year, makes this event so special. In particular, the Chapter recognizes the hard work of Board member Sean Murphy in organizing this year's program.

The Chapter Sponsors a Reception for Judge O'Grady

The public swearing-in ceremony for the Court's newest District Judge, the Hon. Liam O'Grady, occurred on September 21, 2007. Following the ceremony, the Chapter sponsored a reception for all attendees. The Chapter appreciated the opportunity to participate in such an important event for Judge O'Grady and the entire Court community.



Torrey Armstrong Memorial Lecture/Law Clerks' Reception

On October 2, 2007, in the ceremonial hall of the Masonic Temple, the Chapter hosted the annual Torrey Armstrong Memorial Lecture in honor of a former Chapter president and one of its most beloved members. The event, which is held in conjunction with the introduction of the Court's new law clerks, was very well attended. This year's guest lecturer was Dean Rodney Smolla, Esq. of the Dean of the Washington & Lee University Law School. Following Dean Smolla's speech, the various Judges who attended the event introduced their respective law clerks to the attendees, who had an opportunity to meet and speak with the law clerks during the reception. At the conclusion of the program, the Board presented outgoing president John Trocki with a token of its deep appreciation for his decade of hard work and service on the Board and his exceptional leadership as president during 2006-2007. The Chapter extends its thanks to the Judges, Dean Smolla and everyone who contributed their time and effort to ensure another successful lecture and reception.

Save The Date: The Eighth Biennial Just The Beginning Foundation Conference in Washington, D.C. on September 25-28, 2008

Under the leadership of Judge Gerald Bruce Lee, plans are continuing for the 2008 conference of the Just The Beginning Foundation entitled "Lifting As We Climb." The JTBF is a multi-racial, non-profit organization composed of lawyers, judges, and other citizens dedicated to developing and nurturing interest in the law among young people from racial and other groups under-represented in the legal profession and supporting their continued advancement. JTBF's long-term goal is to increase racial diversity in the legal profession and on the bench. At Judge Lee's request, the Chapter and its Board are assisting in the planning and preparation for the convention, which will occur on September 25-28, 2008. The convention will include many programs and events, such as program at the Howard University Law School, a Gala dinner dance on Saturday evening and a golf and tennis tournament. Please periodically check the Foundation's website at www.jtbf.org and make sure to attend as much of the JTBF conference as possible.

Third Annual Chapter Golf Tournament

On September 21, 2007, the Chapter joined other FBA Chapters in support of the Federal Judiciary Salary Restoration Act (S. 1638). The Chapter sent letters to Senators Warner and Webb emphasizing that "[t]he independence and quality of our nation's judiciary depends critically upon its ability to recruit and retain high-caliber judges, ones with strong intellect, personal independence and high professional standards" and noting that "[o]ver the past 18 years, the national average for all wages rose by 18.5 percent, while a judge's pay declined by nearly 25 percent, when adjusted for inflation." Chapter members are invited to review the letters sent to Senators Warner and Webb that are attached to this issue of the *Rocket Docket News*.

The Federal Bar Association's Mission Statement:

"The mission of the Association is to advance the science of jurisprudence and to promote the welfare, interests, education, and professional growth and development of the members of the Federal legal profession."

For more information regarding the Federal Bar Association and its activities, please contact the Federal Bar Association at its national offices:

The Federal Bar Association,
2215 M Street, N.W.
Washington, D.C. 20037

Telephone: 202-785-1614
Facsimile: 202-785-1568
E-mail: fbaf@fedbar.org



President Bush Sends Nominations to the U.S. Senate

On November 15, 2007, President Bush sent the nominations of Mark S. Davis and David J. Novak to the U.S. Senate to fill the two open District Court positions in the Eastern District. Mr. Davis, who is a Circuit Court Judge in Portsmouth, Virginia, has been nominated to fill the position in the Alexandria Division created by Judge Ellis' transition to senior status. Mr. Novak, who is an Assistant U.S. Attorney in the Eastern District, has been nominated to fill the position in the Richmond Division created by Judge Payne's transition to senior status. As of this publication, neither nominee had received Senate confirmation.

A New Bankruptcy Judge for the Eastern District

It was announced on October 30, 2007 that Frank J. Santoro has been named a Judge in the Norfolk Division of the U.S. Bankruptcy Court for the Eastern District of Virginia to fill the vacancy created by the retirement of the Honorable David H. Adams. Judge Adams was appointed to the Court in 1993 and will complete his term of appointment on January 2, 2008. Mr. Santoro is expected to take the bench in March 2008. He is currently the managing partner of Marcus, Santoro & Kozak, P.C., a law firm located in Chesapeake, Virginia, which focuses on bankruptcy, corporate reorganizations, and corporate finance. He represents unsecured and secured creditors, as well as individual and business debtors. As Standing Chapter 13 Trustee since October 1987 for filings in Norfolk and Newport News Divisions of the Eastern District of Virginia, Mr. Santoro supervises the administration of approximately three thousand bankruptcy cases. Mr. Santoro also served as a Chapter 7 Trustee from December 1981 through May 1990. As a frequent lecturer on bankruptcy, Mr. Santoro participated in the 2005 National Conference of Bankruptcy Judges, the Mid-Atlantic Institute of Bankruptcy and Reorganization Practice (since 1987), the Southeastern Bankruptcy Law Institute in 2000, 2003, 2005, 2006, and 2007, and numerous other seminars and presentations. Mr. Santoro is recognized on the East Coast and particularly in the Commonwealth of Virginia as one of the region's premier bankruptcy practitioners. He was named the top bankruptcy attorney in Virginia by his peers in an article published in Virginia Business Magazine (December 2003).

Help With Our 2008 Membership Drive

The Chapter invites all members to assist in a new membership drive commencing in January 2008. If you know of any attorneys who practice or would like to practice in the Eastern District but who are not members of the Chapter, please let them know about the Chapter, the many programs we sponsor and the opportunities to meet other practitioners in the Eastern District. Even if they cannot join immediately, encourage them to attend one of the programs and meet some of our members. Also, if you know of any former members who have not renewed their membership, please get them to come back. Above all else, we



Help With Our 2008 Membership Drive (cont'd)

welcome any suggestions that you may have for improving and expanding the work of the Chapter so that it serves the needs and interests of the members of the Eastern District Bar. We are always looking for experienced attorneys to serve on our CLE panels.

Chapter Holds Four Interesting CLE Programs

With the help of many volunteers, the Chapter sponsored the following recent CLE programs:

- ***E-Discovery Program with Magistrate Judges Jones and Facciola:*** On March 29, 2007, Magistrate Judge Jones from the Eastern District and Magistrate Judge Facciola from the United States District for the District of Columbia led an entertaining and insightful discussion of the recent amendments to the Federal Rules of Civil Procedure relating to electronic discovery. Steve Gordon and Chapter Board member Chas McAleer of Miller & Chevalier Chartered worked hard organizing the program and preparing the materials.
- ***Bench-Bar Dialogue with Magistrate Judges:*** On May 17, 2007, the Chapter sponsored a Bench-Bar Dialogue on discovery issues. There was lively debate and exchange regarding our responsibilities to both the Court and our clients. Judges Poretz, Buchanan and O'Grady offered insight on practice in their courtrooms, and Laurie Hand, Sean Murphy and Scott Caulkins led the practitioner's panel. Once again, Chapter Board member Jack Coffey of Reed Smith did a masterful job organizing this CLE.
- ***Spahn On Ethics:*** On June 26, 2007, our Chapter was once again fortunate to have Tom Spahn present an ethics CLE on discovery and investigatory abuses. As in years past, everyone who attended learned something new through Tom Spahn's informative, interactive and often humorous presentation of ethical issues. Mr. Spahn is always generous with his time, and he represents a tremendous resource for our Chapter and the Virginia State Bar as a whole.
- ***Employment Law Program:*** On December 4, 2007, the Chapter hosted a program at the Army-Navy Country Club entitled "Employment Litigation in the Federal Courts." The Chapter was honored to have Magistrate Judge Jones on the panel to share his insights from the bench regarding discovery and other issues that arise in employment cases. We also were fortunate to have two of the most experienced employment litigation attorneys in Virginia speak to the crowd: R. Mark Dare of Isler, Dare, Ray & Radcliffe, P.C. and Bernard J. DiMuro of DiMuro, Ginsberg & Mook, P.C. The Chapter extends its appreciation to Magistrate Judge Jones, Mark Dare and Ben DiMuro for contributing their time and expertise to the event.



Newsletter Wins FBA National Award

On August 13, 2007, the Chapter was notified by FBA-National that the Chapter had been selected to receive a 2007 Meritorious Newsletter Recognition Award for its publication of the *Rocket Docket News*. The award was presented at the Awards Luncheon on September 8, 2007 at the FBA's Annual Meeting & Convention in Atlanta, Georgia. Many thanks to Chas McAleer for his efforts in preparing "the award winning" *Rocket Docket News*.

The 2007-2008 Year

The upcoming year should be an exciting one for our Chapter and the Board looks forward to your active involvement in the programs and events that we are planning. Your Board has been working hard to develop a schedule of events that will include many of our usual programs and some new items that we hope the Chapter will find interesting. As a sponsoring organization of the Just The Beginning Foundation's biennial conference to be held this area in September 2008, we will have the opportunity to work with many other bar associations and organizations in planning this extraordinary event. As discussed above, we will be undertaking a membership drive in 2008 that Attison Barnes has agreed to oversee. Through this membership drive we hope to not only increase our membership numbers, but to increase the involvement of our members in the Chapter's activities. In addition, the Board has approved amendments to the By-Laws that will be presented to the membership for a vote early next year. These amendments are intended to bring the By-Laws in conformance with the National Chapter's Constitution and to adopt some of the practices that our Chapter has adopted informally over the years. We also hope to have more regular (quarterly) publications of the *Rocket Docket News* in the year ahead.

Activities for the upcoming year include:

- On February 5, 2008, Tom Spahn will be presenting a program at the Army-Navy Country Club that will provide one hour of Virginia Ethics CLE. The lunch will begin at 12:00 noon. A registration form for this program is attached. Plan ahead and get half of your required ethics CLE credits early in 2008.
- Planning for the Introduction to the Courthouse program is underway. The program will be held on April 25, 2008 and Sean Murphy is coordinating this popular and very informative event.



M E M B E R

SPOTLIGHT

Joanna Faust
LeClair Ryan



Joanna is an associate in the Alexandria office of LeClair Ryan. She was born and raised in Fairfax County, Virginia. After graduating from Chantilly High School, she attended the College of William and Mary, where she received a Bachelor of Arts in English in 1997. After college, Ms. Faust worked for several

years as a technical trainer and database administrator for the Department of Defense. As a contractor, she traveled to U.S. Naval and Marine Corp bases in the United States and abroad, installing computer systems and training military personnel on their use. She conducted installations in Okinawa, Korea, Japan, Germany, Italy, and Puerto Rico as well as at bases in 10 states, including both Alaska and Hawaii.

Ms. Faust attended law school at the George Mason University School of Law. She was active in the Trial Advocacy Association at GMUSL, placing third in the region at the National Trial Competition her second year of law school. She was President of the Trial Advocacy Association her third year and worked to build the program for GMUSL students.

After graduating from GMUSL in 2006, Ms. Faust was the law clerk to the Honorable Robert W. Wooldridge, Jr. of the Fairfax County Circuit Court in Fairfax, Virginia. She was admitted to the Virginia Bar in October 2006. When her clerkship ended, Ms. Faust joined the law firm of LeClair Ryan. Her practice includes the defense of lender liability actions, including claims brought under the Fair Credit Reporting Act and other state and federal consumer protection statutes. She also represents clients in litigation of banking disputes, professional liability cases, and defense of various tort claims in both federal and state courts.

The 2007-2008 Year (cont'd)

- The Board is considering a program in May 2008 concerning patent infringement litigation in the Eastern District of Virginia that would include attorneys with recent experience in trying patent infringement cases in this Court and views from the Bench on the discovery issues and trial issues raised in those cases. In June 2008, we hope to have a Bench/Bar program in the Courthouse with the Magistrate Judges providing advice and guidance on practice in the Alexandria Division.
- With the official Just The Beginning Foundation activities beginning on September 25, 2008, the Torrey Armstrong Lecture and Law Clerks' Reception on September 23, 2008 at the Masonic Temple in Alexandria with the hope we can invite the JTBF attendees to join us in this enjoyable event.

The Federal Bar Association Northern Virginia Chapter



Presents:

Tom Spahn on:

Litigation Ethics (Communications)

This interactive program will use hypotheticals to address topics of interest to litigators (and transactional lawyers whose clients might face litigation), focusing on lawyers' communications with others in the litigation context. The topics include: lawyers' public communications about their cases, and about judges; the complex and subtle rules governing ex parte communications with represented adversaries (such as employees of corporate adversaries, and government officials); defensive measures that corporations can take if plaintiffs' lawyers try to contact their employees; threatening adversaries with criminal or disciplinary charges during civil litigation; and dealing with unrepresented adversaries and allies (including ghost-written pleadings).

1 Hour Virginia Ethics CLE Credit pending

Tuesday, February 5, 2008

12:00 pm - 2:00 pm

Lunch will be served

Army Navy Country Club

1700 Army Navy Drive

Arlington, Virginia 22202

Cost: \$45 FBA members/\$50 non-members

REGISTRATION FORM “Litigation Ethics (Communications),” Tuesday, February 5, 2008 Army-Navy Country Club, 1700 Army Navy Drive, Arlington, Virginia 22202
Name:
Business Address: <hr/> <hr/> <hr/> <hr/>
Phone:
Fax:
E-mail:
Lunch Preference: ____ Chicken or ____ Vegetarian
____ member (\$45) ____ non-member (\$50)

**Make check payable to "Federal Bar Association, Northern Virginia Chapter"
and mail, fax or e-mail Registration Form to:**

Sean F. Murphy, Treasurer, FBA NOVA
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102-4215
(Fax) (703) 712-5243
E-mail sfmurphy@mcguirewoods.com

REGISTRATIONS MUST BE RECEIVED BY FEBRUARY 1, 2008

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National School Board Association

Larry F. Wheatley
Law Offices of Larry F. Wheatley

September 21, 2007

The Honorable John William Warner, Jr.
United States Senate
Washington, DC 20510

Re: Support for Federal Judicial Salary Restoration Act (S. 1638)

Dear Senator Warner:

I write on behalf of your constituents as members of the Northern Virginia Chapter of the Federal Bar Association. The Federal Bar Association is the foremost professional organization of attorneys engaged in the practice of law before federal courts and administrative agencies. Sixteen thousand members of the legal profession belong to the Federal Bar Association, belonging to over one-hundred chapters throughout the nation.

Because of our Chapter's deep interest in the health and vitality of the federal courts and our legal system, we urge your support for the Federal Judicial Salary Restoration Act (S. 1638). This bipartisan legislation honors the intent of the framers of the Constitution and responds to the erosion in pay suffered by the Federal Judiciary by providing a substantial pay increase to all federal judges.

The independence and quality of our nation's judiciary depends critically upon its ability to recruit and retain high-caliber judges, ones with strong intellect, personal independence and high professional standards. The signers of the Constitution sought to protect these qualities by providing lifetime appointment for federal judges and forbidding a reduction in their compensation.

Since 1969, the salaries of federal judges have fallen well behind those of the American labor force in keeping up with inflation. Over the past 18 years, the national average for all wages rose by 18.5 percent, while a judge's pay declined by nearly 25 percent, when adjusted for inflation. It is not coincidental that federal judges are leaving the bench at an unprecedented and alarming rate. In the past six years, 38 judges have left the federal bench, including 17 in the last two years. Many of them have acknowledged publicly that their departures stemmed from financial needs that have been compounded by the erosion of their salaries.

The Honorable John William Warner, Jr.

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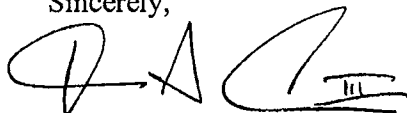
September 21, 2007

By statute, the salary of a federal judge is \$165,200 a year. While we recognize that figure may seem high to some Americans, the fact remains that the last time that federal judges received a substantial pay raise was nearly twenty years ago in 1989. Eight years ago, in 1999, the President's salary was doubled to \$400,000 a year. The Federal Judicial Salary Restoration Act (S. 1638) does not propose to increase judges' salaries by 100 percent, but by half that, by 50 percent.

An increase in the salary of federal judges is an important step in preserving the independence of the judiciary. Judicial independence is critical for recruiting and retaining the best and the brightest, as well as ensuring our system of government and protecting the rights of all Americans. Federal judges play a critical constitutional role in administering justice, interpreting our laws, and providing the ultimate check and balance in our system of government.

Please join the bipartisan group of Senators who already are cosponsors of S. 1638. President Bush and the leaders of both parties in Congress support a significant pay raise for judges, as do a number of business, legal, environmental and consumer groups. Thank you for consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "John Alexander Trocki III". The signature is stylized and includes a horizontal line at the end.

John Alexander Trocki III

President

Northern Virginia Chapter of the Federal Bar Association

The Federal Bar Association Northern Virginia Chapter

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John Alexander Trocki III
President
Northern Virginia Chapter of the Federal Bar Association