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## MEMBER ANNOUNCEMENTS

*Please note that the law firm of Karp, Frosh, Lapidus, Wigodsky & Norwich, PA has changed its name to Karp, Wigodsky, Norwind & Gold, P.A. Brian Frosh was elected to serve as Attorney General of the State of Maryland (he is no longer practicing at their firm or permitted to have his name listed with them). The firm's new website is [www.karplawfirm.net](http://www.karplawfirm.net)*

*Congratulations to Paul Metzner of Mitrakas and Company for passing the Virginia Bar Exam!*

## PRESIDENT'S LETTER



Dear Colleagues,

Let me take this opportunity to thank each of you for your generous participation in the December bell-ringing and toy drive. We really appreciate the enthusiasm of the folks collecting money and toys, and we were able to collect over \$700 for Beat the Odds, and many toys for local children who otherwise might not have had such happy holidays. As always, the bench-bar dialogue was well attended, and very informative; a big thank you is in order to all of our judges, as well as the law clerks and courthouse staff who were able to attend!

The John M. Braswell Real Estate Committee presented an original indenture and survey plat to the Court on January 8. The indenture and plat were originally a gift from John Braswell's brother, Harry Braswell, to him, but he never had the opportunity to hang the pieces. The Real Estate Committee thought it a fitting tribute to John to hang them in the Grenadier Room in the courthouse. I invite you to stop by and admire them next time you are in the area. Several attendees had nice things to say about John, and members of his family were able to attend.

Thanks to ACE Federal Reporters for sponsoring our cocktail hour at the January dinner meeting. Our speaker, John Douglas Hall a/k/a James Madison was fascinating, and much different than our standard guests!

Now that we are through the holiday season, it's time to start ramping up for the Gridiron on February 19. Due to the relocation of the Carlyle Club, we have yet another new location: the United States Patent and Trademark Office. Thanks to our esteemed President-elect Nick Gehrig for suggesting the locale, and to he and Peggy for securing it. I have no doubt that Doug Steinberg and his crack team of writers will have us all in stitches again this year. Stay tuned for our March 19 Ethics Update from Seth Guggenheim, as well as Jazz4Justice, which is quickly approaching on April 7! Best wishes to all in this new year!

Sarah McElveen  
President



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**THE ALEXANDRIA  
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**DEDICATION TO JOHN BRASWELL (1/8/15)**



*Posing with the wonderful new additions to the Grenadier Room.*

On January 8, the Real Estate Committee of the Association, renamed the John M. Braswell Real Estate Committee of the Alexandria Bar Association, presented to the Bar a framed parchment document and plat of land lying outside London, England, along with a memorial plaque. The items are mounted on the wall of the Grenadier Room in the Courthouse.

Remarks by John's widow, Pauline Calande Braswell, and by John's brother, Harry, recalled memories of John, who devoted much of his practice to real estate matters. He also was the unofficial chair of the Committee and guided the very successful monthly luncheon meetings of the Committee prior to his untimely death on July 26, 2013. The parchment and plat had been given to John by Harry, who acquired them at auction in New York City. The



*Unveiling the indenture and plat.*

family facilitated the gift to the Bar Association, which was represented by President Sarah McElveen.

John will be missed and our condolences go out once again to his family and all those who were fortunate enough to have known him.

*By Gant Redmond  
Managing Partner  
Redmon, Peyton & Braswell, LLP*



*Gant Redmon of Redmon, Peyton and Braswell speaks fondly of John Braswell and talks about the items being dedicated while Pauline Braswell (John's widow) and Harry Braswell (John's brother) look on.*

## FIDUCIARIES TIPS—by Gordon Peyton, Esq., Commissioner of Accounts for the City of Alexandria

You have been appointed as a Fiduciary by the Circuit Court and been given an instruction package which you must read carefully. Below are some important rules you need to follow as you fulfill your duties; these aren't the only rules but are the more important ones. If you are a conservator or trustee of a trust, there are additional special rules on investing and spending the money you hold, and you should consult an experienced attorney for those.

**1. Keep Money Seperate**—DO NOT deposit any fiduciary money in your personal account or use fiduciary money to pay your personal bills—Criminal penalties could happen if you do. Open a special account at a bank for all fiduciary funds.

**2. Get Check Images (or cancelled checks) As Proof of Payment and Keep All Bank Records**—You must file an "Accounting" (a detailed statement of everything that you received and paid) with the Commissioner of Accounts assigned you by the Clerk. You have to prove that someone actually received the money you say you paid: check images are legal proof of payment. If your bank won't provide images, go to another bank.

**3. Carefully Detail All Money** that comes in or goes out. For EACH item, you need to write down WHEN - WHO - WHAT/WHY - HOW MUCH? Example: If you get a \$20.00 check from an insurance company, you need the WHEN (date you got it), WHO (name of insurance company), WHAT/WHY (payment on medical treatment or refund on premium) and HOW MUCH (the exact amount of the check). If you can, photocopy all checks before depositing them in the bank.

**4. Get Receipts**—If you give someone personal property, you have to prove to the Commissioner that they got it AND what it was worth. A receipt is the best way to do this.

**5. Don't Pay Bills and Debts Too Quickly**—If there's not enough money in the estate, you can be personally responsible if you overpaid creditors. ***This Includes the Funeral Bill.*** There are laws that say who is entitled to what payment, when, and if you think there may not be enough money to pay everything, consult with an attorney.

**6. Ask Questions**—There are strict and detailed rules for handling someone else's money; few people have experience doing it. Asking questions is a lot cheaper than making costly mistakes.

**7. File Timely and Use Proper Forms**—Your inventory is due at the Commissioner's office in 4 months; your accounting is due in 16 months (6 months if you are a guardian/conservator). You will have to pay a penalty personally if it's late. There are special forms and report formats the Court requires you to follow; use them. These forms can be found at [www.courts.state.va.us/circuitcourt/forms/fiduciary](http://www.courts.state.va.us/circuitcourt/forms/fiduciary).

**8. Take Care of Taxes**—You are responsible for making sure all tax returns are filed and taxes paid on time. If you're not sure what to do, get an accountant to help you.

**9. Get a Special Tax ID Number**—IRS laws require a Tax ID number be obtained for all estates and trusts; this is not the social security number used for individual tax returns. This number can be obtained on-line( Form SS4).

**10. Don't Distribute Too Fast**—Although beneficiaries may want their money immediately, Virginia law doesn't compel you to distribute for a year. Additionally, you should not distribute funds until you are confident that sufficient funds are available to pay all debts of the decedent. If you give money to someone too early, and something happens that you need it back, you are personally and legally responsible for it.



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**Colin Witcher**

2014 British Pegasus Scholar Report

With the greatest of respect to Frank Sinatra, if you can make it anywhere, it is not New York, New York, but rather Washington DC where one's ambition should be directed. The Capital is the political and legal heavyweight of the United States and perhaps therefore unsurprisingly it played host to the British Pegasus Scholars in 2014. However, not content with simply exposing both myself and my co-scholar to the Capital, the American Inns of Court insisted on flying us to Chicago, Wilmington, and Philadelphia. Whilst the hotel suites, the dinners and the private tours cannot go unacknowledged, they were but cherries upon a very large cake which had been carefully and thoughtfully prepared by our American hosts.

The experience of being a Pegasus Scholar is truly unparalleled. That expression is often over used. Here it fails to encapsulate the magnitude of the opportunity. As you sit engaging in conversations with Judges, legal academics and renowned trial advocates, you cannot quite believe the opportunity which is presenting itself to you. The insight they offer through their individual and collective experience directly enhances the aims of being a Pegasus Scholar, for it brings personality and truth to the process of learning about, and crucially learning from, the differences between our respective legal jurisdictions.

What was excellent about the American Scholarship was that the legal process from start to finish was fully explored over the course of six weeks, from investigative techniques being discussed with the FBI through to observing an appeal before the US Supreme Court. This led to a truly rounded experience.

The American Legal system was, in my view, more efficient and advanced in respect of the use of technology, especially in criminal matters. I observed a post-charge hearing Philadelphia where suspects appeared by video-link before a Magistrate who sat, on rotation, 24 hours a day. Similarly, during the trial process, exhibits commonly appeared on computer screens which could be viewed by the Bar, the Bench and the Jury. These screens were electronically highlighted or annotated by an advocate in real time as he seamlessly presented his case. Despite their quest for technologically advanced Courts, the American Inns have an entrenched respect for history and tradition. My wig and gown drew rapturous applause on the 70th floor of a Chicago law office as they were presented to an enthralled audience. I wish that moment could have been witnessed by Christopher Grayling; perhaps then even he would have appreciated the great respect our profession commands from our global contemporaries, the same profession that he is destroying with savage cuts in public funding.

As the Americans embraced and celebrated our traditions, all eager to know if their respective Inns were accurately replicating the ethos and teaching of those found in London, I have never felt more fortunate to be a barrister and a Pegasus Scholar. During my scholarship, I was privileged to experience criminal and employment law, which allowed for a direct comparison with my practice back home, but also to observe military law, clinical negligence and patent law, to name a few. I even attended the Marine Training School at Quantico, albeit I failed to successfully complete the first exercise of the assault course. The unique feature of the Pegasus Scholarship is that one is given access and exposure which simply cannot be gained in any other forum. A few highlights include personal tours of the White House, the Pentagon and Capitol Hill culminating in a black tie dinner at the Supreme Court.

The experience of being a Pegasus Scholar was enlightening. Upon my return to London I found myself actively discussing the Scholarship with fellow Members of the Bar and perhaps more importantly, applying what I had learned to my own practice. However, as I presented my first post Pegasus closing speech to the Jury, I realized that unlike my American counterparts I knew nothing about my jurors. In the States, I witnessed advocates interrogate the Jury pool before making their selection; they learned the potential jurors' religious ideals, their occupation and even their views on the burden and standard of proof. As the twelve faces stared at me, I found some comfort in knowing that my closing

*Witcher continued on page 7*

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**Thomas Hoskins**

2014 British Pegasus Scholar Report

### **Let US ask a question**

Against the colorful backdrop of the Senate changing from blue to red, the White House being invaded by fence jumpers, and rioting after the deaths of black men during police arrests, two green barristers entered the Nation's Capital as Pegasus Scholars to observe the workings of the silver-tongued advocates across the grey Atlantic.

The aim of the Pegasus Trust is to build bridges and share knowledge between the legal professions in countries sharing common law traditions. But how much commonality actually exists between countries (even those with a 'special relationship'), in the very fundamentals of legal practice, like simply asking questions?

Take, for example, the questioning of the Justices of the Supreme Court of the United States. We twice observed the arguments in a death row appeal from Texas centering on a point of appellate procedure. We first watched the appellant's advocate test the arguments before the Supreme Court Institute at Georgetown University; a moot court before subject matter experts that allows those appearing before the Supreme Court to rehearse before the case is heard for real. Who wouldn't appreciate the resource before making their arguments in court?

The second time, at the full argument, it was apparent that the nine Judges' questioning of the dueling advocates in fact fulfilled a dual purpose. Not only were the questions designed to test the case being presented, but also (because the Justices never discuss a case between themselves before it is argued in court) they were also designed to persuade other Justices to agree with the questioning Jurist's point of view. We had been told as much when observing a separate case at the Delaware Supreme Court and being hosted in fine fashion in the First State.

Questioning techniques foreign to us also occur in the US during voir dire. Although sharing the same name as our trial within a trial, voir dire in the United States denotes the stage in all civil and criminal trials where juries are selected. The parties and judge being permitted to ask jurors questions in a public forum and subsequently exercise their peremptory challenges to dismiss prospective jurors on the basis of their answers offers a fascinating foreign insight not available on our shores. "Sure", what does a juror understand it to mean? Do they harbour certain attitudes to law enforcement officers? Are the self confessedly unable to shake the spectre of suspicion or can they cast the net wider when deciding liability or guilt?

Cross-examination, a tradition so fundamental to both our adversarial systems, also played out in a decidedly different fashion stateside. While sampling a "piece-a" Chicago town trials, an employment discrimination trial in the DC District Court and a criminal trial in Virginia, we watched each delicate cross examination being executed without the constraint of defence counsel having to put their case to witnesses, a case which would be positively asserted in closing to a jury.

Without wanting to sound cheesy, in Philadelphia—st(e)aking as it does a claim to being the birthplace of America and within the peal of the Liberty Bell—we witnessed the extensive questioning process that Federal Judges embark upon first of the prosecution, next the defence advocate and finally the defendant in their own words, before determining whether to accept a guilty plea argument and, ultimately, removing that convict's liberty. All of this is a process vastly more judicially inquisitorial than our own.

During our weeks in the United States we not only travelled the country and met a colorful array of interested and engaging individuals, but we also gained a flavour of what practice is like in a system so historically related to our own but simultaneously so surprisingly different. By observing what each of us does in our role as an advocate

*Hoskins continued on page 7*



## BELL RINGING 2014



*The courthouse looking festive*

*The Office of the Commonwealth's Attorney makes a great showing!*

*Redmon, Peyton and Braswell looking sharp!*



*Roy Shannon, Douglas Coleman and Thomas Tousley hard at work*

*Bell ringing paraphernalia*



*How can you say "no" to these faces?  
(Kaitlin Moomau, Karen Day, Christina Brown, and Sarah McElveen)*



*Elizabeth Selmo, DC Drake and Monique Miles*



*Karla de Steuben, Michele Cumberland, and Bonnie Carlson*



*Witcher continued from page 4*

speech was not tailored to the idiosyncrasies of the jurors but was built solely upon interpretation of admitted evidence that had been given in open court and tested in cross-examination. That comfort was temporarily faltered when the jury convicted, but then regained when I dissected the matter further. Sometimes, what works for one jurisdiction will not work for another. However, crucially, it is about identifying and exploring what does work and if it does not, why not.

To those that are reading this and are eligible, do apply to become a Pegasus Scholar. To those that are reading this and are able, please do host the Pegasus Scholars. In either role you have the opportunity to become part of a tradition powered by enthusiasm, dedication and an inherent respect for understanding and learning. There is no greater accolade.

*Colin Witcher—is a barrister with Church Court in London and a member of the Honourable Society of Middle Temple.*

*Each year, the American Inns of Court participates in an exchange program with the English Inns of Court called the Pegasus Scholarship Trust. The program was established to provide young English barristers with an opportunity to spend six weeks abroad for the purpose of learning about a foreign legal system. The Pegasus Scholarship trust also provides young lawyers from other countries with an opportunity to spend six weeks in London learning about the English legal system.*

*Hoskins continued from page 5*

daily basis being turned on its head and cast in a new light we gained new perspectives even on the most basic things like asking a question. Who wouldn't want the opportunity to question themselves in this way now and then?

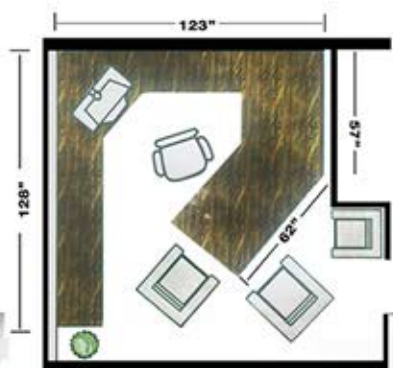
*Thomas Hoskins—is a barrister with 9-12 Bell Yard Chambers in London and a member of the Honourable Society of Lincoln's Inn.*

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## BRINCEFIELD PROFILE—Interview by Brent J. Schultheis



As a lawyer, actor, and real estate lecturer, James "Beau" Brincefield, Jr. has charted a career that defies easy categorization. In nearly fifty years of practice he has distinguished

himself as a loyal contributor to the Bar, a talented performer on film and television, and an enterprising author of publications such as *Brincefield's Guide to Buying a Home: How to Avoid the 21 Biggest Mistakes People Make When Buying a Home*.

Mr. Brincefield had these insights for his fellow Bar members in a recent Oyez interview:

### **You're someone known for his expertise in real estate law, so what made you choose that as your main outlet in practice?**

My mother's father—my maternal grandfather—was a lawyer in D.C. for over 50 years. So my mother's family thought I should be a lawyer. My father's family was all in real estate. My Dad was a builder but originally he was a plumber, then a general contractor, and then a builder-developer.

So on my father's side, they thought that I should be a workman in an honest trade, and that meant something in real estate. So between the proddings of my mother's family and my father's family, I ended up putting them together, practicing law in real estate.

### **What is the biggest change you've noticed in the legal profession over the years?**

I've noticed the commercialization of the profession of law. I think it's an insidious development because it has caused too many lawyers to forget that it's a profession, and not a business. The profession of law is something that is very special. It's a privilege, and that privilege can and should

be withdrawn if the people who are licensed forget about the difference between a competitive business versus a professional practice.

### **You've worked extensively in transactions and in litigation, but what has been the most satisfying part of your practice?**

I love litigation, because I love feeling that I have done something to level the playing field. The most rewarding part of my practice is to right a wrong; to right a big wrong that a big defendant or plaintiff is trying to visit on an average Joe. I love litigation where my client is going to be outspent and needs somebody who wants to help them as the first principle, and not 'How much can I get off this case?' So for me, the most satisfying wins are the wins that we've had over larger entities for less powerful people.

### **Some members of the Bar may not know about your experience as a professional actor. Are there any roles that were particularly memorable for you?**

Well, probably the largest role that I had in the movies was *Serial Mom*. That was with Kathleen Turner. She was an ordinary, average suburban housewife who was just a little bent. So, after the bodies pile up and they bring her to trial, the last third of the movie is the trial of *Serial Mom*. I was the prosecuting attorney in that film.

But I've done about a dozen movies. I've done movies with Eddie Murphy, Chris Rock, Kathleen Turner, and others. And on TV I've done probably 20 or 30 TV shows including *Homicide: Life on the Street*, *The Wire*, and *America's Most Wanted*.

### **Do you think that acting skills are a useful thing for attorneys to have?**

Some people say it's good for a lawyer to be an actor. That's wrong. If a jury suspects that a lawyer is being anything but honest and candid, if the

jury or the judge even gets the whiff of you acting or pretending, you're a dead duck. Because then you've undercut the veracity, the believability, of everything that you're trying to do in court. So what acting does is teach you where to stand, how to move, voice control. It teaches you different mechanical things, but it would be the kiss of death for any lawyer to stand up in court and say: "And by the way, I'm a professional actor on stage and TV and movies."

### **What has participating in organizations like the Northern Virginia Association of Realtors (NVAR) meant to your practice?**

I found that by participating in the NVAR, just like with some the CLEs that I did in the Virginia State Bar and other bars, I learn as much as I teach. I'm fond of the saying that I can teach you this subject matter, but I can't learn it for you. And that was true of myself also. People could teach me stuff, but I had to learn it, and the best way to learn something is to teach it. So in working with NVAR, I ended up doing many, many seminars for them on legal topics, which were good for me in that they gave me great exposure to the real estate agents and brokers, and good for them because they were getting free legal advice on general legal issues.

For me that's been the most successful way of marketing that I can think of: to write articles, prepare and present seminars, and rub elbows with the universe of people who are likely to need your services, or who have clients who need your services.

### **How would you describe the importance of lawyers' service to the Bar and the community?**

It's part of the obligation that you accept when you seek a law license. I think when you seek a license to practice law, part of what you're buying into is an obligation not simply to comply with the law and see that your clients are represented. You



also have to accept a responsibility to those who can't afford you. You have to accept a certain pro bono responsibility.

So I think that most lawyers who are conscientious have a sort of sliding rate from full rates, to partial rates if people need help, to no charge at all, and I think that's part of what you obligate yourself to do when you ask for the privilege of having a license to practice law.

**Are there any endeavors you look forward to pursuing as your practice winds down?**

The first thing I'd like to do is finish up my legacy seminar. I'm working on a legacy seminar to provide something similar to *Brincefield's Guide to Buying a Home*, but for lawyers, kind of like the top 25 things I've learned from fifty years of practicing law. And I will present that first to the members of my firm, a gift to them, because nobody's paying me for it.

And then, after I do that, I'd like to do a more formal version – a hardback copy, maybe – of *Brincefield's Guide*. An updated, revised, bigger and better *Brincefield's Guide to Buying a Home*.

**Do you have any advice for young lawyers starting out in practice?**

The most important asset that you have as a lawyer is your reputation; your reputation for skill and for honesty. Those are things that you can't buy, that you can only earn. And if you earn a reputation for high skills and good honesty, you've got a shot at almost any case that comes through the door.

Let me add something to that. Let me say: reputation, honesty and get the fee first!

*Brent J. Schultheis joined the firm of Land, Carroll & Blair PC in July 2014, after completing clerkships at the Alexandria Circuit Court and the Court of Appeals of Virginia. He represents individuals and businesses in a wide range of civil matters, focusing primarily on landlord-tenant, commercial and general litigation.*



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## ANNUAL BENCH-BAR DIALOGUE AND DINNER (12/18/14)

*Judge Moore treats us to the lighter side of her work, while the other judges and clerks look on.*

*Below, A packed house!*



*Association members enjoying the presentation*



*Timothy Creed and Ron Stern anxiously await insights from the judges*



*Peggy McCoy, David Damiani, and the Honorable Uley Damiani*



*The Honorable Nolan Dawkins, Nicholas Gehrig and Colleen Haddow*



*Richard Mendelson, The Honorable Becky Moore and Ron Stern*



*Heidi Meinzer, Foster Friedman, and Barbara Anderson*



*The Honorable Constance Frogale and Sean Schmergel*

*Steve Bergeron and Nathan Veldhuis*





## MONTHLY MEMBERSHIP DINNER (1/15/15)



In January we had yet another well attended dinner! Matt Fitzgerald of Ace Federal Reporters was there and was kind enough to sponsor our cocktail hour. He commented that everyone was very welcoming and Ace is looking forward to working with the association again soon. Then a special guest arrived to make all of us just a little bit smarter. James Madison treated us to his take on the Yazoo Land Scandal and the issue of states' rights during that time period. I think everyone will agree he was a unique and wonderful speaker who we would love to see again in the future!



*James Madison in action*



*James Madison greeting members and a guest after his talk*



*Another packed dinner!*



*Colleen Haddow, Christina Brown, Dennis Mersberger, and Brian Scotti*



# JAZZ 4 JUSTICE

**TUESDAY, APRIL 7, 2015 @ 7:30PM**

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[ALEXBAR@ALEXANDRIABARVA.ORG](mailto:ALEXBAR@ALEXANDRIABARVA.ORG) FOR TICKETS AND SPONSORSHIP INFORMATION.



## February, March, April 2015

### February

- Feb 5** Networking Lunch, 12:30 pm  
*Columbia Firehouse, 109 S. St. Asaph St*  
\$15 cash at door
- Feb 10** Board of Directors Meeting, 4:30 pm  
*Location TBD*
- Feb 17** T&E/Tax Section Meeting, 12 noon  
*Columbia Firehouse, 109 S. St. Asaph St*
- Feb 18** Family Law Section Meeting, 8:00 am  
*Bread & Chocolate, King St*
- Feb 18** LRS Committee Meeting, 4:30 pm  
*King Street Blues, 3rd Floor, N. St. Asaph St*
- Feb 19** GRIDIRON, 6:15 pm *Patent & Trademark*  
*Office Auditorium, 600 Dulany St*

### March

- Mar 2** CLE Committee Meeting, 4:30 pm  
*King Street Blues, 3rd Floor, N. St. Asaph St.*
- Mar 2** Personal Injury Practice Group, 5:30 pm  
*Location TBD*
- Mar 5** Networking Lunch, 12:30 pm  
*Columbia Firehouse, 109 S. St. Asaph St*  
\$15 cash at door
- Mar 10** Board of Directors Meeting, 8:00 am  
*Grenadier Rm, Alexandria Law Library*
- Mar 17** T&E/Tax Section Meeting, 12 noon  
*Columbia Firehouse, 109 S. St. Asaph St*
- Mar 18** Family Law Section Meeting, 8:00 am  
*Bread & Chocolate, King St*
- Mar 19** Monthly Membership Dinner, 6:00 pm  
*American Legion, 400 Cameron St*
- Mar 30** CLE Committee Meeting, 4:30 pm  
*King Street Blues, 3rd Floor, N. St. Asaph St.*

### April

- Apr 2** Networking Lunch, 12:30 pm  
*Columbia Firehouse, 109 S. St. Asaph St*  
\$15 cash at door
- Apr 6** Personal Injury Practice Group, 5:30 pm  
*Location TBD*
- Apr 7** Jazz for Justice, 7:30 pm  
*Schlesinger Concert Hall,*  
*3001 N. Beauregard St*
- Apr 14** Board of Directors Meeting, 8:00 am  
*Grenadier Rm, Alexandria Law Library*
- Apr 15** Family Law Section Meeting, 8:00 am  
*Bread & Chocolate, King St*
- Apr 15** LRS Committee Meeting, 4:30 pm  
*King Street Blues, 3rd Floor, N. St. Asaph St*
- Apr 16** Beat the Odds Awards & Dinner, 5:30 pm  
*City of Alexandria Courthouse (pending approval)*
- Apr 21** T&E/Tax Section Meeting, 12 noon  
*Columbia Firehouse, 109 S. St. Asaph St*
- Apr 27** CLE Committee Meeting, 4:30 pm  
*King Street Blues, 3rd Floor, N. St. Asaph St.*

### ALEXANDRIA BAR ASSOCIATION

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**We're on the Web!**  
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