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NEW MEMBERS *Please welcome:*

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703.683.9000

ANNOUNCEMENTS

U.S. District Judge Gerald Bruce Lee was recently honored as the recipient of the 2016 VSB Diversity Conference's Clarence M. Dunnaville Jr. Achievement Award. Lee received this distinguished award for encouraging and facilitating diversity and inclusion in the bar, judiciary, and legal profession.

Congratulations to Dipti Pidikiti-Smith for being selected by the Alexandria Chamber of Commerce as one of its 40 under 40 honorees. This award was given to 40 local individuals in a variety of fields who are less than 40 years of age and helping to shape Alexandria for the future.

PRESIDENT'S LETTER



In a speech in 1963 Robert F. Kennedy noted the importance of the legacy of a man named Clarence Earl Gideon. He said, "If an obscure Florida convict named Clarence Earl Gideon had not sat down in his prison cell with a pencil and paper to write a letter to the Supreme Court, and if the Court had not taken the trouble to look for merit in that one crude petition...the vast machinery of American law would have gone on functioning undisturbed. But Gideon did write that letter, the court did look into his case...and the whole course of American legal history has been changed." That petition

ultimately let the Supreme Court to hold in the landmark case of *Gideon v. Wainwright* that indigent defendants facing serious charges have the right to state-appointed counsel at the public expense. This case also became a touchstone for the broader access to justice movement, which seeks to remove educational, structural and financial barriers to the citizens' access of courts and legal services.

The Alexandria Bar Association has played a critical role in promoting access to justice in our community. For example, our advocacy over the last several years for continued funding of the law library was partially rooted in connecting the public with free legal resources. Over the years we have assisted in numerous public education programs such as Senior Law Day, which seeks to educate the public on legal issues that impact their daily lives. But one of the most critical access to justice initiatives that we facilitate is the Lawyer Referral Service (LRS).

LRS is a triple win – for the public, for participating attorneys, and for the Alexandria Bar Association

The Public: We help connect citizens with an attorney who specializes in the field in which they need assistance. For \$55, a citizen can get a 30 minute consultation with a practicing Alexandria attorney who can answer their legal questions and help them assess whether their problem is something they can handle on their own or if the lawyer should be retained for additional assistance. In this day and age of people feeling unconnected and under-informed about the legal system, the Alexandria LRS provides an unbiased bridge to justice. Trained staff assists clients inexperienced with the legal system to evaluate their legal circumstances and connect them with legal resources when appropriate. Clients can feel comforted that they are receiving quality legal services from the Alexandria LRS because the attorneys have to be members in good standing and have the requisite insurance and qualifications.

Participating Lawyers: The LRS is a great way to find new clients and expand the reach of your firm. While the initial fee consultation fee is retained by the Association to cover the costs of running the program, the attorney is free to set whatever fee they believe is appropriate if the client retains them for additional work. If you are interested in participating in the program and receiving referrals, the dues are only \$80 per year. Each participating attorney is also asked to annually take a single case from the John Grad program, where the attorney limits their fee to \$90 an hour for a client whose financial need and case has been screened by Legal Services of Northern Virginia. This too is a

President's Letter continued on page 2



Established 1928

**THE ALEXANDRIA
BAR ASSOCIATION**

520 King Street
Suite 202
Alexandria, VA 22314

703.548.1106 tel
703.548.1105 lrs
703.548.4292 fax

Alexbar@alexandriabarva.org
Alexandriabarva.org

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BAR OFFICE HOURS

9:00 am to 5:00 pm
Monday to Thursday

LRS OFFICE HOURS

9:00 am to 3:00 pm
Monday to Thursday

Alexandria Bar Association
520 King Street, Rm 202
Alexandria, VA 22314

Phone: 703-548-1106
Fax: 703-548-4292

President's Letter continued from page 1

component of how the Association works to promote the public's access to justice.

The Bar Association: In addition to helping defray costs and keep annual dues low, the Lawyer Referral Service offers a great way for our Association to provide a useful service to both the community and its membership. This program has a lot of room to grow and we are looking for Alexandria Bar members who are interested in participating. Some of the practice areas that we provide referrals through are: bankruptcy, civil rights, civil litigation, collection & garnishment, consumer law, commercial litigation, criminal/traffic, divorce/support, employment, estates/trusts/wills, immigration, insurance, juvenile/domestic, landlord/tenant, malpractice, military/veterans, patent/trademark, personal injury, real estate, and small business.

If you've participated in Lawyer Referral Service in the past and would like to renew or join again, please contact the Bar. If you haven't been part of the program and would like to learn more about it, please also reach out to the Bar Office at (703)548-1106.

David A. Lord
President

Financial Report

The Association's end of the year financial report was not finalized by our outside accounting firm until after the deadline for this Oyez. Accordingly, the financial report which typically appears in the August publication will instead run during next edition.

Office Next to Alexandria Courthouse Available:

Law office next to courthouse in Alexandria, Virginia available immediately.

Large office, sunny with windows overlooking King Street - includes two conference rooms, kitchen, receptionist and more.
Group of attorneys has been in this office for 15 years, one is retiring.

Call David
(301) 526-1475
or email:
david@kiyolaw.com

The office address is:

510 King Street, Suite 400, Alexandria, VA 22314

YOUNG LAWYERS' HAPPY HOUR—7/28 at Red Rocks



**HARRY P. HART,
MARY CATHERINE H. GIBBS and
HERBERT L. KARP**
are pleased to announce the addition of
CONSTANCE H. PIERCE
as a **PARTNER**

to the firm that is now
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Effective July 1, 2016,
our offices will be located at:

700 North Fairfax Street, Suite 600
Alexandria, Virginia 22314

as well as

170 Kibler Drive
Luray, Virginia 22835

www.HartLandUseLaw.com

Calendar continued from page 12

- Oct 6** Networking Lunch, 12:30 pm
Columbia Firehouse, 109 S. St. Asaph St
\$15 cash at door
- Oct 6** CLE/IRAs: Tax & Estate Planning, Time TBD
City of Alex Courthouse, Courtroom # TBD
- Oct 12** BTO Committee, 4:30 pm
Braswell
- Oct 13** CLE MARATHON (Day 1), 1-5 pm
Practice in Gen. District Ct. (w/ Judge Haddock, Jr.)
City of Alex Courthouse, Courtroom # TBD
- Oct 14** CLE MARATHON (Day 2), 1-5 pm
Circuit Court Practice (w/ Judge Clark)
City of Alex Courthouse, Courtroom # TBD
- Oct 15** CLE MARATHON (Day 3), 9:00 am to 1:00 pm
Subject Matter & Location TBD
- Oct 15** Senior Law Day, 8:30 am-12:30 pm
First Baptist Church of Alexandria (2932 King St.)
- Oct 19** Family Law Section Meeting, 8:00 am
Bread & Chocolate, King St.
- Oct 19** T&E/Tax Section Meeting, 12:00 pm
Grenadier Rm, City of Alexandria Courthouse
- Oct 19** LRS Committee Meeting, 12:30 pm
Conf Rm of Schmergel & Mersberger, 100 N. Pitt St.
- Oct 20** Monthly Membership Dinner, 6:00 pm
American Legion (400 Cameron St.)
- Oct 24** CLE Committee, 4:30 pm
Conf Room of Redmon, Peyton & Braswell
- Oct 27** CLE/Halloween Theme, Time TBD
Conf Rm of Coleman Law Group, 602 Cameron St.



SENIOR LAW DAY 2 0 1 6

Senior Services of Alexandria and the Alexandria Bar Association

Present
The Sixth Annual Senior Law Day

Determining Your Destiny: Understanding the Need to Plan

**Saturday, October 15, 2016
8:30 am-12:30 pm
First Baptist Church of Alexandria
2932 King Street, Alexandria, VA**

Local experts from the Alexandria Bar Association, estate and financial planners and geriatric care managers will discuss the importance of planning for the future, including knowing what legal instruments and documents everyone should have in place and the consequences of lack of preparation.

Sponsorships are available and include a table at the event. Find out more by calling SSA at (703) 836-4414 ext. 111

TRIBUTE TO GRADY CRAVEN FRANK, JR.

This tribute to Mr. Frank was circulated via email to members in late July, but we have printed it here as well in case it was missed by anyone.

Grady Craven Frank, Jr.

of Alexandria, Virginia, passed away at home, surrounded by family, on July 9th, of cancer. He was 69 years old. Grady was a respected lawyer, an avid golfer, a loving husband, a proud father, an adoring grandfather, a caring brother, and a good friend to many.

Grady grew up in Alexandria, where he was a lifelong resident. He excelled at football, basketball, and baseball at Groveton High School, before continuing his education at Duke University, graduating in 1969. Following graduation, Grady served his country in the U.S. Army, stationed at the Pentagon. After his service concluded, and upon receiving his law degree from Washington & Lee University in 1975, Grady began a 41 year career as an esteemed lawyer in Northern Virginia. He started practicing law with Boothe Prichard & Dudley in Fairfax, Virginia, and at the time of his death was named partner with Richmond based Kaplan, Voekler, Cunningham & Frank in their Alexandria office. Grady practiced civil litigation, including insurance defense and commercial disputes, in the state and federal courts of Virginia and the surrounding Washington region. His personable advocacy was admired and respected by clients, adversaries, and judges alike.

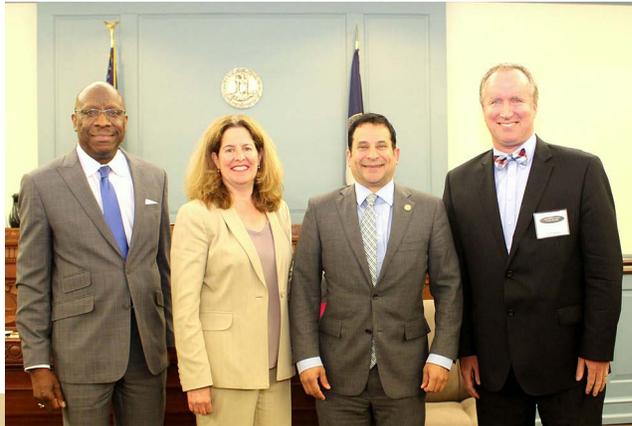


Grady loved music. He played the trumpet in high school, and sang vocals and played guitar in the Raggedy Grass Bluegrass band with three of his fellow attorneys. But his true passion was golf. He was a long time member of Belle Haven Country Club, where he served on its Board of Directors. Grady was a past President of both the Alexandria Bar Association and the Alexandria Symphony. Grady loved people. He was comfortable in any social situation and could always be happily found at the center of a foursome, a group of friends, or a conversation. Grady had a great sense of humor, a visible joy for life, and a genuine interest in others. He had a great talent for identifying and praising his friend's best traits. He saw people with an honesty, kindness, and positivity that made him easy to love and be around. Grady not only sought out camaraderie, he engendered that feeling in others.

Grady is survived by his wife of 28 years, Beth Jones Frank; his son, Grady C. Frank III, of New York City (Amanda); Beth's daughters, Lisa Meltz Gumpert of San Francisco, CA (George) and Bryan Meltz of Atlanta, GA (Clark Titus); his 6 grandchildren, Grady IV, Paige, Harper, Riley, Shippen, and Cyrus; and by his sister, Louisa Zimmer Frank of Billings, MT, and brother, Floyd G. Frank of Colorado Springs, CO. In celebration of Grady's spirit, please reach out to a friend, tell a story, and laugh.

Contributions may be made to Boys Home of Virginia, in Covington, VA 414 Boys Home Rd., Covington, VA 24426, founded in 1906 by Grady's grandfather, The Rev. George Floyd Rogers; The Ruesch Center for the Cure of GI Cancers, Georgetown University Hospital, Podium A, 3800 Reservoir Rd., NW, Washington, DC, 20007; or the charity of your choice.

ANNUAL NORTHERN VIRGINIA PRO BONO RECEPTION—6/9/16



Approximately 100 people gathered at the historic Alexandria Courthouse on June 9th for the Annual Northern Virginia Pro Bono Reception. It was the Alexandria Bar Foundation's turn to host the event this year with Legal Services of Northern Virginia. This event recognizes the pro bono volunteers who give generously of their time and talent and make it possible for legal aid to help hundreds of vulnerable Northern Virginians every year then it might otherwise have done.



Many individuals were specifically recognized for the large amount of time they give to help with pro bono legal services. This year the 2016 Chief Justice Harry L. Carrico Pro Bono Award winners were: Lindsay Velarde, Laura O'Brien, and Patricia Connally (Attorneys of the Year); Gary Tepper (Legal Mentor of the Year); Seth Guggenheim (Legal Trainer of the Year); AOL and McGuire Woods,



PRO BONO RECEPTION

LLP (Partnership of the Year); and Freda Coleman of Zwerling Citronberg (Administrator of the Year). The awards were presented to them by The Hon. Gerald Bruce Lee and James Ferguson (Executive Director, Legal Services of Northern Virginia).

During the ceremony, LSNV also honored the inaugural members of the Rule 6.1 Society. This new LSNV program is designed to recognize and thank attorneys who perform at least 40 hours of pro bono work annually; or those who give a personal financial contribution equivalent to 40 hours of work. Seventeen lawyers were recognized as "Bronze" members and one lawyer was recognized as a "Green" member. Information about the Rule 6.1 Society is listed at www.lsnv.org.

There were also outstanding guest speakers for the evening. Allison Silberberg (Mayor for the City of Alexandria), The Hon. Gerald Bruce Lee, and The Hon. Mark Levine each addressed the crowd. Delegate Levine spoke regarding the importance of representation to victims of domestic violence and reminded us of the heart breaking outcomes which can take place if immediate action is not taken to keep victims safe. Sadly, he wanted to be sure we also kept in mind that these outcomes can occur even for victims who seemingly have sufficient resources in place to stop their abuser.

In addition, appreciation goes to Thomas Spahn of McGuire Woods, LLP for presenting the CLE "Ethics in Litigation." Last, but not least, Tasteful Affairs catered the event and received rave reviews yet again. The Alexandria Bar Foundation and Association are fortunate to have Linda Harkness and her crew willing and able to cater this and other events (such as the Gridiron).

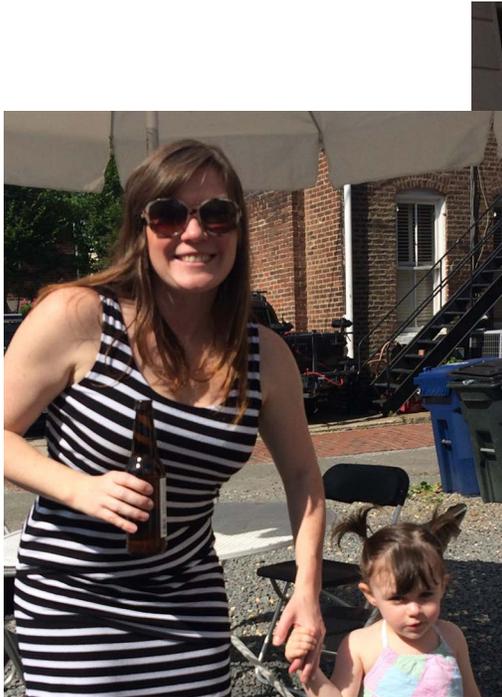


The Pro Bono Awards and Reception will return to Alexandria in June of 2019. For more information about the event, and a listing of the 2016 Chief Justice Harry L. Carrico Pro Bono Award winners, visit www.lsnv.org

PRO BONO RECEPTION



ALEXANDRIA BAR ASSOCIATION PICNIC—6/10/16



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IS YOUR FIRM CYBER SECURE?—PART I

The media reminds us that cybercrime poses a real and growing threat to the big box stores and online shopping sites like Target™, Neiman Marcus, eBay and Home Depot. It is tempting to think that these are the only targets and that we, small businesses including law firms, are safe. Well, in fact, small businesses of less than 100 employees are the target of hackers 71% of the time. Here are a few more statistics to put this all into perspective:

- 50% of small businesses have been the victim of cyberattacks with costs averaging \$21,000 per attack.
- One in five small businesses falls victim to cybercrime each year. 60% of victims go out of business within six months after an attack.
- 35% of the small businesses hurt by social-media malware suffered financial losses, with more than 1/3rd losing in excess of \$10,000.
- 90% of small business respondents said their organization's computers had been breached in the last 12 months.
- In 2012, the largest growth in targeted attacks involved small companies with less than 250 employees.
- Overall, cyberattacks on small business rose 300% in 2012 from the previous year.
- In 2013, one in five small businesses received a spear phishing email, and the overall number of spear phishing campaigns rose by 91% that year.

Why criminals target small businesses, such as law firms, is an important step towards crafting a strategy to prevent, or at least, minimize attacks. Most experts agree that what makes small businesses attractive to hackers is their data. Jody Westby, CEO of Global Cyber Risk put it this way: "it is the data that makes a business attractive, not the size – especially if it is delicious data, such as lots of customer contact info, credit card data, health data, or valuable intellectual property." And, it's not just attractive data, it's also

weak defenses. Small businesses, like law firms, are more attractive targets because they tend to have less secure systems.

Now that we know why criminals attack, let's explore how they attack. The list below is not comprehensive, but it covers the most common ways an attacker might try to infiltrate your network.

Denial of Service: Deliberate attacks seek to shut down access to services by overwhelming a website or server with a multitude of requests.

Internal Bad Actors: Disgruntled or mischievous employee or person with access to a system may corrupt a network or share sensitive data with unauthorized sources.

Malware: Malicious software that attacks a system in a variety of ways. The term encompasses all sorts of insidious attackers: a virus, worm, Trojan horse, spyware, adware, keylogger, botnet/bot, rootkit, and ransomware.

Pharming: Attack corrupting a server or a computer host file to redirect a user to a fake website without the victim realizing it and then steal valuable personal or private information.

Phishing: Seeks to gain personal or private information, often by sending an email request that appears to be from a legitimate source (spoofing refers to when the email address of the sender appears to be originated from a different source than it truly is) and obtaining sensitive information or directing a victim to a website where the information is collected. In spear phishing, the email appears to come from an individual in the company or in a position of authority.

Physical Asset Theft: Theft of devices that contain valuable information, such as laptops, thumb drives, mobile devices, etc.

Wi-Fi Eavesdropping: Hackers may hijack information over the airwaves when connecting to sites that don't use encryption. Of greatest concern

are unencrypted Wi-Fi hotspots. There are people called wardrivers who drive around searching for unsecured Wi-Fi networks to target.

To plan an effective cyberattack defense, your law firm should look at its operations to see where there may be weaknesses for thieves, making cyberattacks more likely. Understanding these vulnerabilities can help your firm develop the right internal policies to close off points of entry that a cybercriminal might exploit.

What your firm can do to address these issues.

Internally your firm must deal with untrained employees who open emails with malicious content, click on hijacked web links, create weak guessable passwords or otherwise leave your business open to attack. Do your employees have access to data that they shouldn't? The more people that have network access to sensitive information, the more likely it will be improperly handled and shared.

So, now that we know what criminals want and some of their methods, what can small businesses do to guard against these attacks?

Restrict Access to Your Network

Physically lock away your server and other technical equipment to eliminate unauthorized access. Modern computers systems, including servers and workstations/laptops all have USB ports for easy data exchange. Insure that these devices and their open USB ports are not easily accessible to unauthorized personnel.

Limit administrative access

to trusted staff and key personnel. Your employees should have access to information only on a need-to-know basis. Password protect computers and other network equipment using hard-to-guess passwords containing upper and lower case letters, numbers and punctuation. Change passwords routinely. When an employee moves on to another company make certain that their access to your network is disabled on all network resources including servers, third-party vendor sites and email.

Employ Network Defenses

Use proper networking equipment, such as firewalls, to prevent unwanted network access. Have qualified personnel monitor activity on your network using effective intrusion detection and prevention tools. Be sure to have up-to-date software, malware/antivirus and spam filtering services on all computers and servers. Ensure that software updates are adopted as they're issued and have a process in place to update and patch third-party software.

Establish Effective Security Protocols

Provide security awareness training to your staff and explain the security protocols while you enforce them.

Establish Internet use guidelines and email policies. Ensure that your staff don't open emails from unknown or suspect sources or click on links embedded in suspect messages. Enforce restrictions on personal device usage on your network. You can only control what you know and by allowing your staff to use their favorite tech gadget on your network you are compromising your own security.

Establish policies for what devices can enter and exit the workplace (e.g. laptops, thumb drives, CDs, digital cameras) and put restrictions on storage and use. Monitor non-employees like repairmen that have access to your offices, even if for seemingly legitimate purposes. Establish a protocol to address security vulnerability reports in a timely manner. Instruct your employees to follow this protocol even if you are not present at the time of the incident.

Test Your Defenses

Have qualified (and vetted) IT security personnel perform penetration tests on a regular basis to ensure that your network is as secure as it can be. During penetration tests your security advisor will attempt to get into your network and verify that your defenses are up and functioning. Plan for an independent security review at least once a year. And, most importantly to the continuity of your operations, have a verifiable backup and disaster recovery plan that is practiced routinely.

Preparing for and recovering from cyberattacks is not something that you can take lightly. And while the information written in this article may be daunting, there is help available. Find a reliable, honest, IT firm who is committed to cyber security and get them to assist you. A little money invested now on prevention and protection will go a long way to helping your firm prevent the devastating losses – financial and reputational – of cybercrime.

**About the Author**

Page W. Moon, CIO of Focus Data Solutions, is a technology professional with over 30 years of information technology experience, including computer networking, network security, operations, software design, disaster preparation, and mobile device management.

In 2001 Page co-founded Focus Data Solutions to provide exemplary IT service to all types of professional service firms, associations and non-profits. Today Focus Data Solutions is a boutique firm assisting more than 50 clients in Virginia, the District and Maryland. Focus Data Solutions and Page seek client relationships that include a commitment to communication, collaboration and trust.

Page is a frequent author and speaker on technology topics including cyber security and software solutions. Page routinely speaks at national conferences such as IT Nation (2013 & 2014) attended by 2400 technology professionals and Govsec 2014, the yearly event for Government, Homeland Security, and Law Enforcement professionals as well as at regional events and users groups.

Page W. Moon, CIO
Focus Data Solutions
1020 North Fairfax Street, Suite 400
Alexandria, VA 22314
Telephone 703-836-0080
Email page@focusdatasolutions.com
www.focusdatasolutions.com



Alexandria Bar Association
520 King Street, Suite 202
Alexandria, Virginia 22314
Phone: 703.548.1106 Fax: 703.548.4292
alexbar@alexandriabarva.org

Dues Statement
July 1, 2016-June 30, 2017

Name: _____

Areas of Practice: _____

Firm: _____

Address: _____

Zip Code: _____

Phone: _____ Fax: _____

E-Mail: _____

Membership rates are listed below. To renew your membership, please make any changes and return this form with your check made payable to the **ALEXANDRIA BAR ASSOCIATION**. Our fiscal year is July 1 through June 30.

ACTIVE MEMBER: Practicing attorney who maintains a bona fide office within the City of Alexandria or resides in Alexandria or certifies that a significant portion of his/her practice is before the Alexandria Courts.
\$250 (includes \$60 law library contribution) \$ _____

ACTIVE, COMMONWEALTH ATTORNEY/PUBLIC DEFENDER/LSNV:
\$175 (Includes \$45 law library contribution.) \$ _____

ASSOCIATE MEMBER: A member in good standing of any state or Federal bar (non-voting).
\$210 (includes \$55 law library contribution) \$ _____

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How would you like to receive the newsletter? Email only _____ Regular mail _____

Signature: _____ Date: _____

(Membership dues in the Alexandria Bar Association are not tax deductible as charitable contributions for Federal Income tax purposes. However, such dues may be deductible as a business expense. The bar association is a non-profit 501 (c) (6) entity.)

FOR OFFICE USE ONLY: Date Paid: _____ Member Dues _____ LRS Dues _____ Amount \$ _____

Excel _____ LRS email _____ ABA email _____ CC email _____ MIGs _____ Tags _____

August, September, October 2016

August 2016

- Aug 4** Networking Lunch, 12:30 pm
Columbia Firehouse, 109 S. St. Asaph St
\$15 cash at door
- Aug 10** BTO Committee, 4:30 pm
Conference Room of Redmon, Peyton & Braswell
- Aug 17** T&E/Tax Section Meeting, 12 noon
Grenadier Rm, City of Alexandria Courthouse
- Aug 17** LRS Committee Meeting, 12:30 pm
Conference Room of Schmergel & Mersberger, 100 N Pitt St
- Aug 18** CLE/Traffic Law Update
(Judge Moore), 2:30-4 pm
Alexandria District Courtroom #2 (2nd Floor)
- Aug 22** CLE Committee, 4:30 pm
Babcock & Jensen, 526 King St. #518

September 2016

- Sept 1** Networking Lunch, 12:30 pm
Columbia Firehouse, 109 S. St. Asaph St
\$15 cash at door
- Sept 8** CLE/State Habeus Petitions & Appeals
2-4 pm
City of Alex Courthouse, Courtroom # TBD
- Sept 12** Personal Injury Practice Group, 5:30 pm
Virtue Feed & Grain, 106 S. Union St.
- Sept 13** Board of Directors Meeting, 8 am
Conf Room-Office of the Commonwealth's Attny
- Sept 15** CLE/Guns, Drugs, Cell Phones & Latest
Developments in Criminal Law, 3-4:30 pm
City of Alex Courthouse, Courtroom # TBD
- Sept 21** Family Law Section Meeting, 8:00am
Bread & Chocolate, King St
- Sept 21** T&E/Tax Section Meeting, 12 noon
Grenadier Rm, City of Alexandria Courthouse

- Sept 21** LRS Committee Meeting, 12:30 pm
Conference Room of Schmergel & Mersberger, 100 N Pitt St
- Sept 22** Miss Mallory Cruise/ABA Kick-Off
Event, 5:45 pm
Boarding across from Blackwall Hitch & Chart House
- Sept 26** CLE Committee, 4:30 pm
Babcock & Jensen, 526 King St. #518
- Sept 27** CLE/Civil Case Law (Judge Moore), 2-3pm
Alexandria District Courtroom #2 (2nd Floor)
- Sept 29** CLE/Defending Individuals w/
Developmental Disabilities, Time TBD
City of Alex Courthouse, Courtroom # TBD
- October 2016**
- Oct 3** Personal Injury Practice Group, 5:30 pm
Virtue Feed & Grain, 106 S. Union St.

Calender continued on page 3

ALEXANDRIA BAR ASSOCIATION

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Alexandriabarva.org

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