Washington Lawyer

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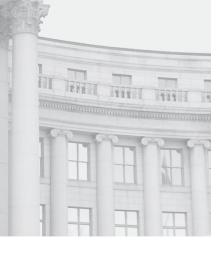
The Professional Development Imperative

By Sarah Kellogg





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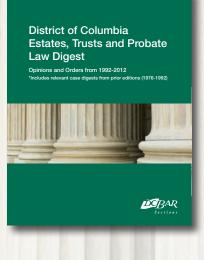
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letters



Sony Breach a Warning to All Businesses

Robert W. Walter's June feature "After Sony: The New Paradigm for Boards in Cybersecurity Risk, Response, and

Disclosure," which dealt with the fallout from the 2014 hacking of Sony Pictures Entertainment, was a wakeup call for all corporate entities.

Cybersecurity is a hot topic right now and for good reason. Security breaches at Sony and other large businesses demonstrate how vulnerable company data systems can be. Hackers have even proven that they can compromise systems at government agencies.

The Sony article drives home a critical point in dealing with a company response.

While a security breach is critical, the response can be equally important. Company leaders who quickly take action to reassure customers are demonstrating that they—not the hackers—are in control.

—Stacey Fredericks Boston, Massachusetts

Unfair Pits Humans v. Science

Ronald Goldfarb's review of Unfair: The New Science of Criminal Injustice addresses what has become an increasingly challenging part of the legal system: a heavy reliance on eyewitness testimony. Both Mr. Goldfarb and the author of Unfair, Adam Benforado, point out several flaws in this area. The human memory can be flawed, particularly when a person has been traumatized by a crime; cross-racial identification can be fallible; and faulty police lineups can compound the problem.

Mr. Benforado leaves readers with the mistaken impression that science solves all. In the past, courts have found issues with other investigatory methods such as finger printing, fiber analysis, and lie detector testing, all of which are based on science.

Ultimately, to have a fair and balanced justice system, we must continue to find value in both humans and science.

> —Scott Oliver Plantation, Florida

Let Us Hear From You

Washington Lawyer welcomes your letters. Submissions should be directed to Washington Lawyer, District of Columbia Bar, 1101 K Street NW, Suite 200, Washington, DC 20005-4210. Submissions are also accepted by fax at 1-877-508-2606 or by e-mail at communications@dcbar.org. Letters may be edited for clarity and space.

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from the president

By Tim Webster

ogi Berra famously said, "when you come to a fork in the road, take it." I believe the practice of law is at a crossroads, with significant social and economic pressures bearing down on the legal profession. The question is, What path should we take-as the Bar-to best serve our members in these tumultuous times?

Change is not new to the legal profession, but the present situation is unique. You need only look at the pipeline of junior lawyers, the engine that drives our profession, to see that. Last year applications for law school admission were down nearly 50 percent from the high just 10 years prior. In fact, the total first-year enrollment in U.S. law schools is at its lowest point since 1973, one year after the D.C. Bar was founded.

Enrollment is so low, at least in part, due to the economy over the past several years. The fact that only about 60 percent of the law school Class of 2014 had secured long-term, full-time jobs that require bar membership a year after graduation does not inspire confidence. And while the top tier firms continue to grow in size and pay salaries that place a first-year lawyer in the 90th percentile of all individual wage earners in the United States, many new graduates are working as contract lawyers, in the absence of other opportunities, or not working as lawyers at all.

And the economy is not solely to blame. The profession faces emerging pressures from a variety of fronts, including clients, outsourcing, nonlawyer professionals, and so-called legal expert software systems. The latter is advancing by leaps and bounds. Several systems are already established and can draft routine legal documents that used to require human counsel. Pushing the limits further, one company is offering a system that can analyze a contract against thousands of others in its database and generate both an explanation of the contractual terms and flag nonstandard conditions. Others have developed algorithms to

Carving Our Path Into the Future

sift through terabytes of data to identify responsive documents for production in litigation-to the point that courts have started to accept this positronic process in lieu of review by sentient lawyers.

How far will this evolution go? Could computers ever substitute for the most critical lawyering skill of them all-judgment? I do not know, but I do know that in the first year of a challenge to develop an autonomous vehicle in 2004, none of the entrants even covered 5 percent of the route. But a short eight years later, Nevada issued the country's first license to Google for a self-driving car. While such vehicles are not yet driving around the District of Columbia, they will be in our lifetimes, perhaps even in this decade. There's no denying the future, and that future includes the unceasing development of legal software.

Addressing these macro competitive and economic pressures is far beyond the narrow mandate of the D.C. Bar. So what can the Bar do for its members in these changing times? To find out, we started by asking you, our members. We asked about your practices, the pressures you face, and your goals and priorities as part of our strategic planning process this past year. Thousands of you responded or participated in some way, providing a wealth of information. Several of the members' top priorities for the Bar emerged, including providing substantive programming that helps lawyers maintain professional aptitude; helping recent law school graduates acquire core practice competencies; and assisting members to be better prepared for successful career transitions.

We concluded, on the whole, that our members are hungry for community and content. They desire to be part of an authentic professional organization where they can connect with others substantively. Our labor this year culminated on June 9 with the adoption of strategic priorities and objectives by the Bar's Board of Governors. This action sets the Bar's foundation for action at this crossroads



and through 2020.1 Our five strategic priorities are to:

- Lead within the legal profession;
- Empower individuals;
- Enhance member value;
- . Provide public service and professional excellence; and
- Foster community and connections.

I will focus my presidency on shepherding the Bar as it takes the necessary next steps in our strategic planning process. That will entail identifying the organization implications of those priorities and their 15 related objectives, and then delivering tactics and actions that will turn those high-minded concepts into reality-all within the confines of the Bar's authority from the Court of Appeals and its members. But strategic planning is not our only initiative to consider transformation in our profession. I will also work to help complete the work of the Global Legal Practice Task Force, which is exploring the globalization of the practice of law, including both foreign lawyers who wish to practice in the District and D.C. Bar members who practice abroad.

Finally, I plan to focus on one other area-the aspect of the Bar that I believe touches the greatest number of members: its sections. We are proud to have almost a quarter of the membership involved in one or more of our 20 sections. They choose us-in addition to and sometimes over other similar organizations-and we want to provide them the best community and content that we can.

The outcome of the plans that I have laid out is far from certain. We are at the fork in the road, and we are carving our own path forward. I will do everything I can to help the Bar address transformation in the profession and to meet the lofty ideals that the Bar was established to pursue on behalf of its members.

Reach Tim Webster at twebster@dcbar.org.

Note

1 See www.dcbar.org/about-the-bar/strategic-plan/ priorities-objectives.cfm.

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The Legal Clinic is grateful to the community of supporters who made Home Court 28 a great success. Together, we raised over \$700,000 to help our neighbors who struggle with homelessness and poverty. Together, we are building a more just and inclusive DC, where housing is a human right and all residents have access to the resources they need to thrive.

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The Legal Clinic is also deeply grateful to:

- The 340 individuals and families who personally supported Home Court 28
- Georgetown University Law Center students, faculty and administration for making Home Court possible
- The Public Welfare Foundation for giving the Legal Clinic our home

bar happenings

By Michael Smith



Series Teaches Core Concepts of Starting, Growing Small Firm

In August the D.C. Bar Practice Management Advisory Service (PMAS) will kick off its free 10-session "Successful Small Firm Practice" series for lawyers who are either considering launching their own solo or small firm practice or already managing one.

The series will provide attendees with the tools they need to create a detailed and functional business plan, as well as discuss the basics of setting up a firm;

ethics, small firm management, and employee relations; banking, money management, and billing; client relations; marketing; the disciplinary process; and maintaining productivity with technology.

Daniel Mills and

Rochelle D. Washington, assistant director and senior staff attorney, respectively, of PMAS will serve as faculty.

The program is available in day and evening sessions at 12 to 2 p.m. and at 6 to 8 p.m., respectively. The sessions will be offered on August 17, 24, and 31; on September 14, 21, and 28; on October 5, 19, and 26; and on November 2. Interested individuals can sign up for individual sessions or the full 10-session course.

All sessions take place at the D.C. Bar Conference Center, 1101 K Street NW, first floor.

For more information, contact PMAS at 202-626-1312 or PMAS@dcbar.org, or visit www.dcbar.org, keywords: Small Firm.

Employment Law Courses Cover Hiring Process, Thorny Ethics Issues

The D.C. Bar Continuing Legal Education (CLE) Program will offer two courses in August dealing with employment law, one focusing on the hiring process and the other addressing the ethics issues in litigation.

"The Hiring Process: Forms and Checklists to Help You and Your Client" on August 5 will teach attendees what employers can and cannot do when hiring employees. It will cover the legal guidelines on interviewing prospective employees, a general overview of classification of workers under the Fair Labor Standards Act, the implications and limitations of the employment at-will doctrine, and drafting effective employment agreements

and noncompetition covenants.

L e d b y Thomas Ρ. Murphy of Hunton & Williams LLP and R. Scott Oswald of The Employment Law Group, P.C., the course will

concentrate on D.C. law, but will also compare and contrast law and practice in Maryland and Virginia.

Course materials include sample agreements, and participants will receive a checklist of topics to consider, including applicable law, term and termination, reimbursement of expenses, bonuses, benefits, liability protection, confidentiality restrictions, contract termination, restrictive covenants, and dispute resolution.

The course takes place from 6 to 8:15 p.m. and is cosponsored by the D.C. Bar Corporation, Finance, and Securities Law

SAVE THE DATE

n September 10 the D.C. Bar Sections Office will hold its Sections Connect Reception where all are welcome to meet and network with Sections leaders and peers, enter raffles to win free Sections memberships, and learn about the benefits that Section membership provides. The reception is an opportunity for current Section members to introduce their friends and colleagues to the value of Section membership

The free reception takes place from 5 to 6:30 p.m. at the D.C. Bar, 1101 K Street NW, Reception Area. For more information, contact the D.C. Bar Sections Office at 202-626-3463 or SectionsEvents@dcbar.org.

Section; Courts, Lawyers and the Administration of Justice Section; Family Law Section; Health Law Section; International Law Section; Labor and Employment Law Section; and Litigation Section.

On August 19 the CLE Program will offer the course "Thorny Ethics Issues in Employment Law and Litigation" where top practitioners will offer advice from the plaintiff and defense perspective.

The course will look at some of the most difficult ethical dilemmas and how they can be avoided. Faculty will present real-world scenarios with a special emphasis on employment law and litigation, but the ethical topics and advice will be applicable across legal disciplines.

The course also will cover purloined documents, settlement negotiations, and withdrawing from representation.

Faculty includes Avi Kumin, a partner at Katz, Marshall & Banks, LLP; Manesh Rath, a partner at Keller and Heckman, LLP; and D.C. Bar Legal Ethics Counsel Saul Jay Singer.

The course takes place from 5 to 7:15 p.m. and is cosponsored by the D.C. Bar Administrative Law and Agency Practice Section; Courts, Lawyers and the Administration of Justice Section; Labor and Employment Law Section; Law Practice Management Section; and



R. Scott Oswald

Litigation Section.

Both courses will be held at the D.C. Bar Conference Center, 1101 K Street NW, first floor.

For more information, contact the CLE Program at 202-626-3488 or visit www.dcbar.org, keyword: CLE.

New CLE Course Looks at D.C.'s Unique Nonlawyer Partner Rule

On August 6 the D.C. Bar Continuing Legal Education (CLE) Program will offer the course "The District's Unique Rule 5.4: Can My Parents or Angel Investors Really Own a Piece of My Law Firm?"

The class explains the requirements of Rule 5.4 of the D.C. Rules of Pro-

fessional Conduct, which permits a narrowly defined class of nonlawyers to become partners in a law firm.

Nonlawyer ownership in law firms is gaining traction in other countries, but in the United States the District has taken a unique approach,

where it has allowed nonlawyer partners in certain situations for almost 25 years.

The course will explore apparent conflicts between the ethics rules and entity formation statutes, as well as discuss other ethics rules that may come into play following a firm's decision to add a nonlawyer partner. This new ethics class also will cover issues involving office location, ownership control, firm management, and supervision requirements.

Thomas B. Mason, a partner at Harris, Wiltshire & Grannis LLP, will discuss who can be a nonlawyer partner, the obligations of both the lawyer and nonlawyer partners under the Rules, and how

SAVE THE DATE

The Children's Law Center will hold its annual Helping Children Soar benefit on September 30, from 6 to 9 p.m., at The Kennedy Center Roof Terrace Restaurant, 2700 F Street NW. For more information, visit www.childrenslawcenter.org.

a D.C. law firm with a nonlawyer partner can handle matters in other jurisdictions.

The course, cosponsored by all sections of the D.C. Bar, takes place from 6 to 8:15 p.m. at the D.C. Bar Conference Center, 1101 K Street NW, first floor.

For more information, contact the

CLE Program at 202-626-3488 or visit www.dcbar.org, keyword: CLE.

Homeland Security Law Institute Considers Top Issues and Concerns

The American Bar Association (ABA) will hold its 10th Annual Homeland Security Law Institute on August 27 and 28, offering 21 panels taught by more than 100 experts in national security policy and the fight against terrorism.

The event will discuss the challenges and changes at the U.S. Department of Homeland Security (DHS), privacy versus data security, the U.S. immigration agenda, the role of lawyers in

> emergency preparedness and response, travel challenges and visa issues, and the Foreign Corrupt Practices Act, among other issues.

Joe D. Whitley, the first general counsel of DHS and now a shareholder at Baker, Donelson, Bearman, Coldwell & Berkowitz, PC, will serve as program chair.

Alison J. Brown

The event takes place at the Hyatt

Regency Washington, 400 New Jersey Avenue NW, and is sponsored by the ABA Section of Administrative Law and Regulatory Practice.

For more information, visit www. americanbar.org.

Law Practice Clinic Offers Detailed Guide to Family-Based Immigration

On August 13 the D.C. Bar Continuing Legal Education (CLE) Program will provide attorneys a detailed roadmap on how to prepare family-based visa petitions and assist clients applying for U.S. residency.

"Immigration Law Practice Clinic: Family-Based Immigration 2015" will track the life cycle of a family-based immigration case—from the filing of the I-130 petition to consular processing/adjustment of status to removing the condition on residency for marriage-based cases.

The course will cover critical issues such as determining which family members are eligible for permanent residency and how long the process takes, dealing with the National Visa Center and avoiding evidentiary checklists, addressing denials through speedy interventions with the consulate, preventing the most common filing errors from happening in the first place, navigating roadblocks with the U.S. Citizenship and Immigration Services (USCIS) and consulates overseas, and seeking assistance with the USCIS Ombudsman's Office to solve the unsolvable. Attendees will receive a copy of the CLE Program's *Family-Based Immigration Law: A Lawyer's Guide*, with 2015 updates, written and edited by local immigration attorneys.

Faculty includes Alison Brown of the Law Office of Alison J. Brown; Sandra A. Grossman of Grossman Law, LLC; Todd Pilcher of Dzubow & Pilcher, PLLC; Allison Posner of the USCIS Ombuds-

> man's Office; and Mark Shmueli of the Law Offices of Mark J. Shmueli. Meg Hobbins of Maggio & Kattar, P.C. will serve as faculty chair and moderator.

The course takes place from 9:30 a.m. to 5 p.m. at the D.C. Bar Conference Center, 1101 K Street NW, first

floor. It is cosponsored by the D.C. Bar Administrative Law and Agency Practice Section; Corporation, Finance and Securities Law Section; Courts, Lawyers and the Administration of Justice Section; Criminal Law and Individual Rights Section; Family Law Section; Government Contracts and Litigation Section; International Law Section; Labor and Employment Law Section; and Litigation Section.

For more information, contact the CLE Program at 202-626-3488 or visit www.dcbar.org, keyword: CLE.

Georgetown Holds 38th Annual State and Local Tax Institute

Georgetown University Law Center's annual Advanced State and Local Tax Institute returns on August 5 to 7, featuring a keynote address by Pennsylvania Gov. Tom Wolf. Prior to his election as governor, Wolf served as secretary of the Pennsylvania Department of Revenue.

Now on its 38th year, the Tax Institute will explore topics such as state approaches to base erosion and profit shifting, taxing foreign income, the principles of transfer pricing, voluntary disclosure agreements and tax amnesty, market-based sourcing, and passthrough entities.

The conference takes place at Georgetown Law's McDonough Hall, 600 New Jersey Avenue NW. It is cosponsored by the ABA State and Local Taxes Committee and Bloomberg BNA.

For more information visit www.law. georgetown.edu.

Reach D.C. Bar staff writer Michael Smith at msmith@dcbar.org.



bar counsel



Mick Wig

B ob Hawley, my colleague from California, has famously described a Bar Counsel Office as a fire station. We sit and wait for the bell to go off and then race out to deal with the ethical complaint. We may work with attorneys to improve their skill set after we undertake an investigation into their conduct, but we are a reactive system.

It is fair to start this discussion with the premise that no one goes to law school with the goal of losing his or her license. The second premise is that the discipline system is designed to protect the public from unethical attorneys. The question is, How can we keep the attorney who went to law school for all the right reasons from becoming involved in the discipline system in the first place?

Steve Mark, a former regulator in New South Wales, Australia, is a leader in the emerging area of proactive regulation. He decided to set a goal of reducing complaints. (Simple enough.) Stunningly, he did it. I will not burden you with the whole scheme, but here is the short version. He asked each firm (big, small, or solo) to file an objective self-assessment addressing how the firm intended to handle or prevent common types of client complaints. Failure to file the report could lead to suspension, but the obligation was presented with lots of encouragement and a soft-glove approach.

Lo and behold, everyone had to spend time thinking about how to handle the usual problems that occur between attorneys and their clients. The reports included who was responsible, and that attorney signed off on the plan for the firm. If complaints came in after the plan was reviewed, the attorney responsible

Proactive Regulation Is Key to Complaint Dip

was engaged in the conversation while the target of the investigation was handled by the discipline system. Complaints dropped like a rock, approximately by two-thirds! So the rest of the world said, "hmmmm."1

The Nova Scotia Barristers' Society and the Law Society of Upper Canada are now reviewing their systems with an eye toward adding proactive elements. The ABA Center for Professional Responsibility held a proactive summit with a number of jurisdictions, including the District of Columbia, at the end of May in Denver. We attended to listen and learn.

Now, the D.C. Bar already has a pretty good toolbox for dealing with attorneys. We have Regulation Counsel at the D.C. Bar who wear the white hats. They give free, confidential ethics guidance by phone and in writing. They offer free, confidential alcohol, drug, and mental health counseling. (I read a recent study that said attorneys are number one out of 104 professions for depression. It made me depressed.) The D.C. Bar Practice Management Advisory Service has an excellent free basic training program for new practitioners (or attorneys changing fields). The Bar's Continuing Legal Education Program (CLE) has wonderful courses in all fields. All these programs often apply to lawyers who may or may not have ethical problems.

The proactive question is, Are we doing enough to get in front of the conduct that causes complaints and discipline? For instance, I have long been an advocate for better law school skills and ethics training. I will never forget asking the local law schools to have one of our staff in each professional responsibility class for one hour. No one accepted. (Offer still stands.)

I don't know what a proactive regulatory system for the District of Columbia would look like. We have all the data, background, and skill of all the folks in law school education, CLE training, Regulation Counsel staff, prosecutors of discipline cases, and adjudicators of discipline cases. It strikes me that avoiding complaints and protecting the public go hand in hand.

Note

1 See also Schneyer, "The Case for Proactive Management-based Regulation to Improve Professional Self-Regulation for U.S. Lawyers," 42 Hofstra L. Rev. 233 (2013); Forney, "Promoting Public Protection Through an 'Attorney Integrity' System: Lessons From the Australian Experience With Proactive Regulation of Lawyers," 23 Professional Lawyer 1 (2015).

Disciplinary Actions Taken by the Board on Professional Responsibility

Original Matters

IN RE PAMELA A. CROCKETT. Bar No. 451219. April 28, 2015. The Board on Professional Responsibility recommends that the D.C. Court of Appeals disbar Crockett by consent.

IN RE ARCADIO J. REYES. Bar No. 430007. April 20, 2015. The Board on Professional Responsibility recommends that the D.C. Court of Appeals disbar Reyes by consent, effective July 16, 2015.

IN RE PETER IBE. Bar No. 481265. May 22, 2015. The Board on Professional Responsibility recommends that the D.C. Court of Appeals disbar Ibe by consent.

IN RE HENRI E. NORRIS. Bar No. 370646. May 12, 2015. The Board on Professional Responsibility recommends that the D.C. Court of Appeals disbar Norris by consent.

Disciplinary Actions Taken by the District of Columbia Court of Appeals

Original Matters

IN RE TAKISHA BROWN. Bar No. 472664. April 2, 2015. The D.C. Court of Appeals disbarred Brown. While representing a client in a personal injury matter, Brown violated Rules 1.4(a), 1.4(b), 1.5(c), 1.15(a), former 1.15(b) (now 1.15(c)), and 8.4(c) as well as D.C. Bar R. XI § 19(f), including the intentional misappropriation of settlement funds Brown was obliged to pay her client's two medical providers.

IN RE RICHARD A. JULIANO. Bar No. 465761. April 2, 2015. The D.C. Court of Appeals granted Juliano's petition for reinstatement.

IN RE ANDREW J. KLINE. Bar No. 441845. April 9, 2015. While serving as an assistant United States attorney, Kline intentionally failed to disclose information on request of the defense that as a prosecutor he knew or reasonably should have known tended to negate the guilt of the accused, in violation of Rule 3.8. The D.C. Court of Appeals found that "[g]iven the confusion regarding the correct interpretation of a prosecutor's obligations under the rule, sanctioning Kline would be unwarranted."

IN RE WILLIAM N. ROGERS. Bar No. 73221. April 2, 2015. The D.C. Court of Appeals suspended Rogers for 90 days with fitness. Rogers violated D.C. Rules of Professional Conduct 4.2(a) (contact with a represented party) and 8.4(c) (dishonesty) when he met with an elderly woman, without the consent of her counsel, and when he prepared testamentary documents for her that benefitted his client. Rules 4.2(a) and 8.4(c).

PAMELA A. CROCKETT. Bar No. 451219. May 21, 2015. The D.C. Court of Appeals disbarred Crockett by consent, effective immediately.

IN RE SEAN PATRICK GJERDE. Bar No. 479588. May 14, 2015. The D.C. Court of Appeals disbarred Gjerde based upon his guilty plea in the United States District Court for the Eastern District of California to conspiracy to commit mail fraud in violation of 18 U.S.C. §§ 371 and 1341, a crime involving moral turpitude *per se* for which disbarment is mandatory under D.C. Code § 11-2503(a)(2001).

IN RE OSCAR S. MAYERS JR. Bar No. 407619. May 21, 2015. The D.C. Court of Appeals disbarred Mayers and ordered that he pay restitution in the amount of \$1,500 with interest at the legal rate as a condition of reinstatement. While representing a client, Mayers violated Rules 1.15(a) and (d) and 1.16(d) by: (1) treating his client's property as his own; (2) failing to keep adequate records of such property; (3) misappropriating that property when his personal bank account balance fell below the amount held in trust for his client; and (4) failing to return client funds and file materials. Mayers violated Rules 3.3(a)(1) and 8.1(a) in connection with an affidavit he filed pursuant to D.C. Bar R. XI, § 14(g), in which he asserted that he had no clients or client property. Mayers violated D.C. Bar R. XI, § 2(b)(3) and Rules 3.4(c) and 5.5(a) when he failed to comply with an order of the court or the board issued pursuant to D.C. Bar R. XI and represented the client following the court's order of suspension. Mayers violated Rules 8.4(c) and (d) when he knowingly made a false statement of fact to the court when he filed his false affidavit pursuant to D.C. Bar R. XI, § 14(g). Additionally, during the course of the disciplinary proceeding, Mayers violated Rules 3.4(a) and (c), and 8.4(d) by permitting his computer, which was under subpoena by Bar Counsel, to be destroyed by Geeks on Call.

IN RE ANDREA MERRITT-BAGWELL. Bar No. 434943. May 14, 2015. The D.C. Court of Appeals disbarred Merritt-Bagwell for reckless misappropriation and misconduct in violation of other rules, and stayed execution of the disbarment pursuant to In re Kersey, 520 A.2d 321, 326-27 (D.C. 1987) with mitigation based upon respondent's depressive disorder, and placed respondent on three years of monitored probation subject to terms and conditions. This case arises out of respondent's appointment as the guardian of the estate of a minor. In that role, respondent missed deadlines for filing accounts, missed court appearances, and paid herself legal fees without prior authorization from the Probate Court. Merritt-Bagwell violated the following Rules: 1.15(a) (intentional or reckless misappropriation); 1.1(b) (failure to act with skill and care); 1.3(a) (failure to act zealously and diligently); 1.3(b) (2) (intentionally damaging or prejudicing a client); 1.3(c) (failure to act promptly); 8.4(c) (dishonesty); and 8.4(d) (serious interference with administration of justice).

IN RE HENRI E. NORRIS. Bar No. 370646. May 28, 2015. The D.C. Court of Appeals disbarred Norris by consent.

IN RE LATHAL PONDER JR. Bar No. 434951. May 21, 2015. The D.C. Court of Appeals disbarred Ponder, effective in 30 days. This matter consolidated five separate cases. The board found that despite the differences in the underlying claims, Ponder engaged in a similar pattern of misconduct in connection with his representation of all clients involved in this matter. Ponder failed to represent his clients' interests, lied to them about the status of their respective cases, falsely reported the supposed outcomes of court proceedings and settlement negotiations, fabricated court documents and settlement agreements, and continually led his clients to believe that settlement payments were forthcoming when, in fact, no settlements were ever reached. Ponder violated one or more of the following rules: Rules 1.1(a) and (b) (lacking competence, skill, and care); Rules 1.3(a) and (b)(1)-(2) (failing to provide diligent and zealous representation, intentionally failing to seek client's lawful objectives, intentionally prejudicing or damaging client); Rules 1.4(a) and (b) (failing to keep client reasonably informed and to explain matters reasonably necessary to permit the client to make informed decisions); Rules 1.5(b) and (c) (failing to provide a written basis of fees and failing to provide a method of calculating a contingent fee); Rule 1.16(d) (failing to surrender papers and property to which the client is entitled); Rules 8.1(a) and (b) (making false statements in a disciplinary matter and knowingly failing to respond to lawful demands for information from Bar Counsel); Rule 8.4(b) (committing criminal acts that reflect adversely on honesty, trustworthiness, or fitness as a lawyer, including fraud and forgery, in violation of D.C. Code §§ 22-3221 and 22-3241, respectively); Rule 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); Rule 8.4(d) (engaging in conduct that seriously interferes with the administration of justice); and D.C. Bar R. XI, § 2(b)(3) (failing to comply with orders of the board and court).

IN RE ARCADIO J. REYES. Bar No. 430007. May 14, 2015. The D.C. Court of Appeals disbarred Reyes by consent, effective July 16, 2015.

Reciprocal Matters

IN RE CHARLES J. BROIDA. Bar No. 178954. April 30, 2015. In a reciprocal matter from Maryland, the D.C. Court of Appeals imposed identical reciprocal discipline and disbarred Broida. In Maryland, Broida consented to disbarment and agreed that if a hearing had been held, sufficient evidence would have been presented to sustain charges that he misappropriated money from an estate and fabricated account statements to conceal his misconduct.

IN RE OSCAR J. ESTEVEZ. Bar No. 460593. April 30, 2015. In a reciprocal matter from Florida, the D.C. Court of Appeals imposed identical reciprocal discipline and suspended Estevez for 18 months with fitness and compliance with additional terms imposed in Florida, including full restitution to 234 former clients whose matters had been neglected.

IN RE THOMAS W. FELDER II. Bar No. 463009. April 30, 2015. In a reciprocal matter from Maryland, the D.C. Court of

Appeals imposed identical reciprocal discipline and disbarred Felder. In Maryland, Felder was found to have failed to perform any legal services for his clients after accepting a retainer, ignored his clients' repeated requests for updates and attempts to terminate his representation, failed to maintain his clients' funds in trust, abandoned representation of his clients without communication, failed to return unearned fees to one of his clients until after a disciplinary complaint was filed, and assisted the unauthorized practice of law.

IN RE LARRY J. FELDMAN. Bar No. 460824. April 30, 2015. In a reciprocal matter from the Court of Appeals of Maryland and the United States District Court of the District of Maryland, the D.C. Court of Appeals imposed identical reciprocal discipline and indefinitely suspended Feldman with fitness, nunc pro tunc to March 11, 2014, and the right to apply for reinstatement in five years or when reinstated by the Court of Appeals of Maryland or the United States District Court for the District of Maryland, whichever comes first. In Maryland, Feldman admitted that he disclosed secrets or confidences relating to his client in a criminal matter and that his client's murder was subsequently orchestrated by the third party to whom Feldman had made those disclosures. Feldman also admitted to engaging in criminal conduct in abetting, use, and solicitation of sexual services amounting to prostitution that were arranged by a client, sometimes in lieu of Feldman's legal fees.

IN RE MARK R. GALBRAITH. Bar No. 475507. April 30, 2015. In a reciprocal matter from Virginia, the D.C. Court of Appeals imposed functionally identical reciprocal discipline and disbarred Galbraith. In consenting to revocation in Virginia, Galbraith acknowledged that he had misappropriated entrusted client funds and that his actions had been dishonest.

IN RE MICHAEL A. GIACOMAZZA. Bar No. 462435. April 23, 2015. In a reciprocal matter from Maryland, the D.C. Court of Appeals imposed identical reciprocal discipline and indefinitely suspended Giacomazza with fitness and with the right to petition for reinstatement after being reinstated in Maryland, or after five years, whichever occurs first. For purposes of reinstatement, the period of suspension runs from August 8, 2014. In the Joint Petition for Indefinite Suspension by Consent in Maryland, Giacomazza agreed that sufficient evidence could be presented to sustain allegations that he owed \$22,654.56 in child support payments and that his conduct violated Maryland Rules of Professional Conduct 8.4(a) and 8.4(d).

IN RE JOHN M. GREEN. Bar No. 476592. April 30, 2015. In two consolidated reciprocal matters from Maryland, the D.C. Court of Appeals imposed identical reciprocal discipline and indefinitely suspended Green with fitness and the right to apply for reinstatement in five years or when reinstated by Maryland, whichever comes first. In the first matter in Maryland, Green was found to have failed to deposit unearned fees in trust, failed to communicate with a client, charged an unreasonable fee, and failed to respond to disciplinary inquiries. In the second matter, Green stipulated that he had again failed to respond to a disciplinary inquiry involving a different client.

IN RE DOUGLAS E. MATACONIS. Bar No. 449978. April 30, 2015. In a reciprocal matter from Virginia, the D.C. Court of Appeals imposed identical reciprocal discipline and suspended Mataconis for nine months. In agreeing to discipline in Virginia, Mataconis stipulated that he had neglected a client's matter, failed to provide a written fee agreement in a contingency matter, failed to communicate with a client, and failed to respond to a disciplinary inquiry.

IN RE CHESTER W. NOSAL. Bar No. 167668. April 2, 2015. In a reciprocal matter from Illinois, the D.C. Court of Appeals imposed identical reciprocal discipline and suspended Nosal for two years with fitness. Nosal's violations of the Illinois Rules of Professional Conduct stem from his involvement with Capacitive Deionization Technology Systems, Inc. (CDT), a Texas company. The Illinois Attorney Registration and Disciplinary Commission (Commission) found that an attorney-client relationship existed between Nosal and CDT from 1999 through 2007, and that during this time Nosal engaged in various acts of self-dealing without disclosing conflicts of interest or obtaining informed consent, including acting as a lender for multiple high-interest loans and converting notes given in lieu of outstanding attorney fees to stock in CDT. Additionally, the commission found that Nosal made false statements to the United States District Court for the Northern District of Texas and to the commission regarding the time period in which he represented CDT. Finally, the commission found that Nosal knowingly failed to cooperate with its investigation and ignored a subpoena requiring Nosal to appear before it.

IN RE THOMAS PLIMPTON. Bar No. 436571. April 30, 2015. In a reciprocal matter from New York and Maryland, the D.C. Court of Appeals imposed identical reciprocal discipline and disbarred Plimpton. In New York, Plimpton was found to have fraudulently converted funds received from clients. Plimpton was also reciprocally disbarred in Maryland.

IN RE KENRICK A. SMALL. Bar No. 502463. April 30, 2015. In a reciprocal matter from Massachusetts, the D.C. Court of Appeals imposed identical reciprocal discipline and suspended Small for six months, *nunc pro tunc* to February 27, 2015. In Massachusetts, Small stipulated that he had failed to disclose assets in a child support matter and that he had given misleading testimony to a tribunal in that child support proceeding.

IN RE SEAN ANTHONY VARNADO. Bar No. 982336. April 30, 2015. In a reciprocal matter from Maryland, the D.C. Court of Appeals imposed functionally identical reciprocal discipline and suspended Varnado for 90 days with fitness. In Maryland, Varnado stipulated that he improperly used his attorney trust account, which did not contain any entrusted funds, for the purpose of obtaining unauthorized bank funds.

IN RE MARK H. ALLENBAUGH. Bar No. 471455. May 7, 2015. In a reciprocal matter from the United States Court of Appeals for the Fourth Circuit, the D.C. Court of Appeals imposed functionally equivalent reciprocal discipline and suspended Allenbaugh for two years, with reinstatement contingent on a fitness requirement and the conditions imposed in the United States Court of Appeals for the Fourth Circuit. The Fourth Circuit found that after being appointed to represent a client in a criminal appeal, Allenbaugh repeatedly failed to file a brief or appendix, despite repeated orders directing such filing and Allenbaugh's repeated assurances to the tribunal that his filing was imminent.

IN RE MITCHELL A. GREENBERG. Bar No. 436526. May 7, 2015. In a reciprocal matter from Maryland, the D.C. Court of Appeals imposed identical reciprocal discipline and suspended Greenberg *continued on page 46*



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Sidley's Timothy K. Webster Begins Term as D.C. Bar's 44th President

On June 16 Tim Webster, a partner at Sidley Austin LLP, was sworn in as the 44th president of the D.C. Bar at the 2015 Celebration of Leadership, succeeding Brigida Benitez, a partner at Steptoe & Johnson LLP. Benitez will serve the Bar for another year as immediate past president.

Webster, in his opening remarks after taking the oath of office, spoke about his duty as Bar president. "Tll let [you] in on a little secret—being Bar president is not all [about] christening ships and kissing babies," he told the audience. "The fundamental work of the president is stewarding the unceasing process of change, both within the Bar... and the profession."

Webster will pick up where Benitez left off by working with the Bar's Board of Governors to take the next steps in the Bar's strategic planning process following the recent approval of five strategic priorities and 15 related objectives.

He also plans to oversee the completion of the work of the Global Legal Practice Task Force, which was initiated by Benitez. The task force was formed to explore the increasing globalization of the profession, including the regulation of foreign lawyers seeking admission to practice in the United States, or of Bar members engaging in cross-border practices.

Finally, Webster will focus on the D.C. Bar sections by forming two working groups. One group will explore how best to enhance the experience of sections members, and the other will examine the sections leadership structure to assess leadership as an indirect means to drive member value.

The Bar's annual Celebration of Leadership, held at the Mayflower Renaissance Hotel, also included the presentation of awards to outstanding individuals and programs in the District's legal community.

Daniel A. Koffsky, deputy assistant attorney general in the Office of Legal Counsel at the U.S. Department

News and Notes on the D.C. Bar Legal Community



Brigida Benitez, the 43rd president, passes the gavel to Tim Webster, the 44th president, on June 16 at the 2015 Celebration of Leadership: The D.C. Bar Awards Dinner and Annual Meeting at the Mayflower Renaissance Hotel.

of Justice, received the Bar's Beatrice Rosenberg Award for Excellence in Government Service for his dedication to public service and contributions to the legal profession.

Koffsky, whose brother received the Award in 2011, shared some of his experiences with Rosenberg, calling her "tough-minded, completely without egotism, and joyful about the law."

Koffsky said his work at the Office of Legal Counsel has afforded him two great privileges: "The first is to have worked in this office with men and women whose talents have been an inspiration and whose friendships have sustained me. The second . . . is to have been allowed some part in guiding the government that the people of the United States made more than 200 years ago."

The Bar presented its Justice William J. Brennan Jr. Award to James J. Sandman, president of Legal Services Corporation, for his commitment to the pursuit of equal justice and opportunity for all Americans.

The former Bar president called on the local legal community to do more to close the justice gap and to provide legal representation for those who need it. "I

don't understand why in this city-with the numbers we have, with the resources we have, with the culture and values that we have-why anyone should ever lose their home or have their children taken away from them, or have to pursue a protection order against an abuser without a lawyer simply because they can't afford to pay for one," Sandman said. "I ask all of you to work with the D.C. Bar Pro Bono Center . . . and all of the other wonderful legal services organizations in our city to change that." (To view videos and read transcripts of Koffsky's and Sandman's acceptance speeches, visit www.dcbar.org, keywords: Celebration of Leadership.)

Dennis Lane of Stinson Leonard Street LLP and Gary Thompson of Reed Smith LLP were honored as Laura N. Rinaldi Pro Bono Lawyers of the Year, while Covington & Burling LLP was recognized as Pro Bono Law Firm of the Year.

The D.C. Bar Administrative Law and Agency Practice Section was presented with the Section of the Year Award, and the 16th Annual Youth Law Fair, hosted by the D.C. Bar Litigation Section and the D.C. Superior Court, received the Frederick B. Abramson Award.—D.O.

Bar's Board of Governors Approves New Strategic Plan Priorities

On June 9 the D.C. Bar Board of Governors approved a set of priorities and objectives proposed by the Strategic Planning Committee charged with developing D.C. Bar 2020, the organization's new strategic plan for the next five years.

The five priorities focus on the Bar's vision of leading within the legal profession, empowering individuals, enhancing member value, providing public service and professional excellence, and fostering community and connections. The priorities were identified by the committee following a comprehensive environmental scan of the legal profession and extensive member engagement efforts.

To ensure that the priorities reflect the voices of all Bar members, the committee reached out to each of the Bar's diverse membership groups. During the process, more than 2,500 members responded to four polls that targeted their thoughts on globalization, the effects of economic forces on the industry, where the Bar should focus its training efforts, and whether the Bar should play a role in organizing groups to discuss issues affecting the profession. In addition, 2,453 members completed a comprehensive survey, with nearly 1,200 of them providing further comments.

A total of 346 members participated in 21 small focus groups hosted by the Bar to facilitate in-depth discussion on the current state of the organization and its strategic priorities looking forward. The committee heard from government

D.C. BAR 2015 ELECTION RESULTS

(Winners in bold) President-Elect: Annamaria Steward, 3,193; Laura Possessky, 3,158. Secretary: Shara Chang, 3,283; Lindsey R. Vaala, 2,668. Treasurer: Christopher P. Zubowicz, 3,907; Jeffrey D. Ahdoot, 1,891. Board of Governors: Susan Low Bloch, 3,641; Arian M. June, 3,524; Moses A. Cook, 3,008; Gregory S. Smith, 2,900; Leah M. Quadrino, 2,617; *Ann K. Ford, 2,455; Marina S. Barannik, 2,332; Matthew Kaiser, 2,314; Mark A. Salzberg, 2,307; G. Brian Busey, 1,910. ABA House of Delegates: Paul M. Smith, 3,474; D. Jean Veta, 3,115; Beth L. Law, 2,496; Lisa J. Savitt, 1,731. ABA House of Delegates, Under-36 Seat: Carter T. Coker, 3,680; Ross C. Paolino, 1,763.

*Will serve a two-year term.

attorneys, contract attorneys, solo practitioners, resigned members, in-house counsel, active and inactive members, lawyers working overseas, judicial members, and attorneys from various experience levels and age groups.

The Board's vote signals the end of the first two steps of Phase 1 of the D.C. Bar 2020 planning process. Moving forward, the Bar plans to complete Phase 1 by identifying the organizational implications of the priorities and objectives, as well as to identify its strategic goals, initiatives, and key performance indicators. Phases 2 through 4 will focus on executing, measuring, and evaluating the strategy.

To view the recommendations of the D.C. Bar Strategic Planning Committee, visit www.dcbar.org, keywords: Strategic Priorities.

UDC's Steward Garners D.C. Bar President-Elect Post

Annamaria Steward, associate dean of students at the University of the District of Columbia (UDC) David A. Clarke School of Law, has been elected president-elect of the D.C. Bar for the 2015–2016 term. Steward assumed office on June 16 and will serve in that post for one year before becoming president. She will continue in office a third year as immediate past president.

Steward is a member of the Bar's Board of Governors and also serves on its Executive, Budget, and Leadership Development committees. She formerly served a term as

D.C. Bar secretary and was a member of the Bar's Strategic Planning and Publications committees. Steward was elected president of the Bar Association of the District of Columbia for the 2010–2011 term. She has been active in various capacities in the National Bar Associa-



Annamaria Steward

tion, Washington Bar Association, and American Bar Association (ABA) Tort Trial and Insurance Practice Section.

At UDC, Steward leads, develops, and oversees all aspects of student affairs of the law school student body in accordance with ABA standards.

Also elected for one-year terms were, as secretary, Shara Chang of BuckleySandler LLP, and, as treasurer, Christopher P. Zubowicz of the U.S. Department of Justice. Elected to the Bar's Board of Governors were Susan Low Bloch of Georgetown University Law Center, Moses A. Cook of D.C. Law Students in Court, Ann K. Ford of DLA Piper LLP (twoyear term), Arian M. June of Wilmer-Hale LLP, Leah M. Quadrino of Steptoe & Johnson LLP, and Gregory S. Smith of the Law Offices of Gregory S. Smith.

Elected for two-year terms on the ABA House of Delegates were Paul M. Smith of Jenner & Block LLP and D. Jean Veta of Covington & Burling LLP. Carter T. Coker of Hunton & Williams LLP was elected for the under-36 seat.

All newly elected officers, board members, and delegates took office during the 2015 Celebration of Leadership: The D.C. Bar Awards Dinner and Annual Meeting on June 16.

Bar Seeks Dues Ceiling Increase Authorization From Court

The D.C. Court of Appeals is calling for comments on a petition filed by the D.C. Bar Board of Governors recommending an increase in its dues ceiling to \$380 to fund its projected operating expenses for at least the next five fiscal years. The deadline for comments is September 8.

The petition, filed on June 30, 2015, seeks only to set the new ceiling for dues, which currently is \$285. The current ceiling was set by the court in 2008 and enabled the Bar to operate for seven fiscal years—two more than originally projected. Actual Bar dues amounts—

> currently \$280 for active members, \$145 for inactive members, and \$142 for judicial members—are set annually by the Board after an extensive budgeting process and in keeping with the established ceiling.

> "The D.C. Bar has demonstrated strong fiscal integrity in the past that should provide confidence in the future," according to a memorandum in support of the Board's recommendation. "The Bar, acting through its

elected leadership and professional staff, has a history of conservative budgeting.

"We believe that the additional dues authority that would be available through the requested dues ceiling increase is critical if the Bar is to continue to maintain its disciplinary and regulatory functions and to provide the levels of other services that are required by Court rules and that our members have come to expect," the memorandum stated.

In reaching its recommendation, the

Board relied on the work of its special Dues Ceiling Rate Authorization Committee, chaired by former D.C. Bar president Thomas S. Williamson Jr., which examined the Bar's current and projected finances and used conservative financial modeling to project the funding needed to allow continued operations through 2021. It also noted that the current request represents a smaller percentage increase than the previous request-34 percent versus 40 percent-and that D.C. Bar dues are consistently among the lowest in the country for a bar of its size. The Bar's operations include comprehensive programs to support professional competence, professionalism, and ethical conduct, an attorney discipline system, and a Clients' Security Fund.

The memorandum also noted the Board's recent adoption of a series of strategic priorities and objectives to guide the Bar's operations for the next five years.

Under Rule II, Section 5, of the D.C. Court of Appeals Rules Governing the D.C. Bar, the Board's recommendation will be published by the court for a comment period of at least 60 days and is not subject to member referendum.

Interested parties should submit 10 copies of any written comment to the Clerk, D.C. Court of Appeals, 430 E Street NW, Washington, DC 20001. Comments will be available to the public.

To view the full petition, visit http:// tinyurl.com/p3pvo6f.

Court of Appeals Seeks Comments on Proposed Name Change of Bar Counsel

The D.C. Court of Appeals is seeking comments on a proposal by the D.C. Bar to amend Rule XI of the D.C. Court of Appeals Rules Governing the Bar to change the title of Bar Counsel to Disciplinary Counsel and, in effect, to make conforming changes to other rules.

In its proposal, the Bar's Board of Governors said the new title would more accurately reflect the activities of the prosecutorial office of the D.C. attorney disciplinary system. If adopted, the Office of Bar Counsel would also be renamed the Office of Disciplinary Counsel.

The proposed amendment was first submitted to the Bar by the Board on Professional Responsibility in February 2014. In May of that year, the Board of Governors voted to support the proposal and to submit it to the court for its consideration.

In addition to the title change, the proposal seeks to amend relevant D.C.



Monika Kalra Varma, executive director of the recently rebranded D.C. Bar Pro Bono Center, thanks attorney volunteers and other supporters for their contributions during the Presidents' Reception on June 16.

Rules of Professional Conduct and Comments; Rule II, Section 7, of the Rules Governing the Bar; and the Commentary to D.C. Court of Appeals Rule 49(e) to conform to the proposed new name of the disciplinary office.

Interested parties must submit their written comments by August 10. Ten copies of any comments should be addressed to Clerk, D.C. Court of Appeals, 430 E Street NW, Washington, DC 20001.

To view the full court notice or for additional information, visit the D.C. Courts' Web site at www.dccourts.gov.

Don't Lose Your License! Pay Bar Dues by September 30

D.C. Bar members whose Bar dues and/ or late fee, if applicable, are not received or postmarked by September 30 automatically will be suspended administratively for nonpayment and subject to additional reinstatement fees.

Dues are \$280 for active members, \$145 for inactive members, and \$142 for judicial members. When paying dues, members also may join a section or renew their section memberships and make contributions to the recently renamed D.C. Bar Pro Bono Center.

The deadline for paying dues was July 1. Dues not received or postmarked by July 15 were assessed a late fee of \$30.

Payments may be remitted to the Bar's Member Service Center by calling 202-626-3475 or toll free outside the Metro area at 1-877-333-2227, ext. 3475; by e-mailing memberservices@dcbar. org; by mail at 1101 K Street NW, Suite 200, Washington, DC 20005; or online at www.dcbar.org/login. For online payments, members will need their username and password, which automatically can be retrieved if their e-mail address matches what the Bar has on file.

Members are encouraged to confirm all of their personal information on the dues statement, including e-mail addresses.

Presidents' Reception Raises \$848K to Support D.C. Bar Pro Bono Center

An estimated 300 people gathered on June 16 at a reception to honor Tim Webster, a partner at Sidley Austin LLP, as the new president of the D.C. Bar and to celebrate the work and achievements of the newly renamed D.C. Bar Pro Bono Center.

The D.C. Bar Presidents' Reception, held at the Mayflower Renaissance Hotel, preceded the 2015 Celebration of Leadership: The D.C. Bar Awards Dinner and Annual Meeting where Webster was formally installed as the 44th president of the Bar.

Webster said he is proud to lead the Bar, in large part because of the "catalytic power" of the Pro Bono Center's activities.

"With a staff of only 18, the [Pro Bono Center] rouses lawyers of all stripes, from baby boomers to millennials, across an arc of practices, from small to large firms, [and from] government agencies to in-house counsel," Webster said.

"Those lawyers—1,400-strong—many of whom are in this room tonight, participate in a range of innovative clinics, resources, resource centers, and programs that serve thousands of D.C. residents, nonprofits, and businesses each year," Webster added.

The annual reception also serves as a fundraiser for the Pro Bono Center's programs, which are supported entirely by voluntary contributions. This year's reception raised \$848,000, or roughly one-third of the center's annual budget.

Brigida Benitez, immediate past president of the Bar and a partner at Steptoe & Johnson LLP, talked about how the Pro Bono Center was renamed following an in-depth strategic planning effort. "We believe that D.C. Bar Pro Bono Center better reflects the remarkable breadth and depth of programs and services this organization provides to individuals and families in the community each year with the help of so many of you in this room," Benitez said.

D.C. Bar Pro Bono Committee Chair Ann K. Ford said the Pro Bono Center "is one of the best in the country because we have some of the most dedicated lawyers in the nation."

"In addition to the thousands of people we serve every year in times of crisis, the Pro Bono Center supports hundreds of safety net nonprofits that serve lowincome residents every day and small businesses that create jobs in this struggling economy," added Ford, a partner at DLA Piper LLP.

Monika Kalra Varma, executive director of the D.C. Bar Pro Bono Center, said that when people face some of the most difficult moments in their lives, they can turn to the Pro Bono Center, which reaches individuals in need of legal help in their neighborhoods, through clinics, and at the court.

"The Pro Bono Center serves 20,000 of our Washington neighbors each year who need legal assistance," Varma said. "Often a one-hour meeting with an attorney can provide an enormous amount of relief for a couple considering bankruptcy, or a mother trying to protect her home or preserve her family," she said.—*M.S.*

Bar Seeks Candidates for Various Committee, Board Vacancies

The D.C. Bar Board of Governors is seeking candidates for appointment in the fall to the following standing committees: Continuing Legal Education, Election Board, Lawyer Assistance, Leadership Development, Practice Management Advisory Service, Regulations/ Rules/Board Procedures, Rules of Professional Conduct Review, and Technology. (Committees with nonlawyer designees: Lawyer Assistance, Member Value, Practice Management Advisory Service, and Technology.) The deadline to apply for these vacancies is September 4.

Additionally, the Bar is seeking candidates to fill vacancies on the board of the Clients' Security Fund, Neighborhood Legal Services Program (NLSP), and on the Committee on Nominations. The deadline to apply for these vacancies is October 2.

NLSP: The Board of Governors is accepting applications from D.C. Bar members who are interested in serving on the NLSP board of directors. Candidates must be licensed attorneys who are supportive of the Legal Services Corporation Act and have an interest in, and knowledge of, the delivery of quality legal services to the poor.

Committee on Nominations: The Bar is accepting applications for the seven-member Committee on Nominations. This body is appointed each year in accordance with the Bar's bylaws and is responsible for nominating candidates for officer and member positions on the Board of Governors as well as delegates to the House of Delegates of the American Bar Association. Any active Bar member who is not a Board of Governors officer or member and who has not served on the Committee on Nominations during the past three years is eligible to apply.

To apply for any of these openings, please submit a résumé and a cover letter stating the committee(s) or board on which you would like to serve and a description of relevant work or volunteer experience. Applications that do not include the requisite cover letter with a description of relevant experience will not be considered. Leadership experience with other D.C. Bar committees, voluntary bar associations, or the Bar's sections is highly desirable. Descriptions of the committees can be found online at www.dcbar.org, keywords: Standing Committees. Submit materials via e-mail to executive.office@dcbar.org or by mail to D.C. Bar Executive Office, 1101 K Street NW, Suite 200, Washington, DC 20005-4210.

48 Firms Raise \$5M in Campaign to Fund Legal Services Providers

As part of the D.C. Access to Justice Commission's Raising the Bar in D.C. Campaign, 48 law firms in the District of Columbia were recognized for donating more than \$5 million to local legal services providers.

The campaign encourages law firms to tie a percentage of their D.C. office revenue to donations to organizations that serve low-income D.C. residents with urgent legal needs. The commission honored the participating firms on May 27 at a reception at the offices of Covington & Burling LLP.

"The leadership group that's here . . . is comprised of firms of every size, from global entities to small and mid-size firms to solo practitioners," said Peter Edelman, chair of the commission and a professor at Georgetown University Law Center. "That's such a great statement of the commitment across the private bar to ensuring that every individual, regardless

continued on page 19





First-of-a-Kind Nonprofit Law Firm Ready to Fill Access to Justice Gap What may be the first low bono law firm

in the United States is about to hang out its shingle in Washington, D.C.

The D.C. Affordable Law Firm (DCALF), a partnership between Georgetown University Law Center and the law firms Arent Fox LLP and DLA Piper LLP, will provide legal services to D.C. residents whose incomes are too high to qualify for pro bono legal aid, but not enough to afford private attorneys.

Georgetown Law first announced in April that it was teaming up with the two law firms to open a nonprofit firm that will offer affordable legal services to clients of modest means. DCALF is targeting individuals whose incomes are between 200 percent and 400 percent of the federal poverty line.

"We've selected six graduates . . . from our law school to be the first six lawyers [at DCALF]," said Peter Edelman, the Carmack Waterhouse Professor of Law and Public Policy at Georgetown Law who helped spearhead the project. "We are ready to go."

Changing the System

DCALF's launch had been in the works for almost four years. Edelman said the idea for the low bono law firm was hatched in a "chance conversation" at a social occasion in November 2011 with Judith Sandalow, executive director of the Children's Law Center, and Georgetown Law Dean William Treanor.

"Judith raised the idea," Edelman said. "The dean and I both responded instantaneously that that was of interest to us. That's when the seed was planted."

At Treanor's request, Edelman began the process of looking into the practicality of starting a nonprofit law firm. In the summer of 2012, thinking that gaining a partnership with a local law firm made sense, Edelman met with the chairs or managing partners of five firms to pitch the project. Arent Fox took a complete and immediate interest, according to Edelman.

Marc Fleischaker, chair emeritus at Arent Fox who will serve as DCALF's board chair, said the idea is "to change the system a little bit to give access to legal services to middle-class and working-class people [who cannot] afford the very high legal fees that are charged by Washington firms."

Fleischaker served as his firm's point person on the project, working with Edelman. In 2013 the two attended a meeting hosted by the D.C. Bar at the behest of then Bar president Andrea Ferster on how to make affordable legal services available to D.C. residents of modest incomes.

"Certainly what Andrea Ferster did during her year as D.C. Bar president was helpful to create a climate of interest here in the city," Edelman said.

To staff the firm, Georgetown will provide 15-month paid fellowships to six of its graduating students each year. Six new lawyers were recently selected from a pool of 40 applicants. The law school will provide \$40,000 stipends to the lawyers and will award them LL.M degrees at no cost at the end of their fellowship.

DCALF will be located at the Farragut Square offices of Arent Fox, which also will be providing physical and technological support. DLA Piper will train the new lawyers and establish DCALF's policies and procedures. Together, Georgetown Law and the two law firms will provide more than \$1 million in financial and pro bono support annually to DCALF over the next three years, the university said in a statement.

DCALF is anticipated to open its doors this October.

Targeting Low Bono Clients

For individuals trying to navigate the legal system without a lawyer, "it's like going into a hospital and operating on yourself," according to Edelman. And in the District of Columbia, there is a significant number of people who do not qualify for pro bono legal help, such as a family of four with an annual income of \$50,000 or an individual who earns \$25,000, yet could not afford the services of an attorney.

"There is a huge population in the District of Columbia . . . [that does not] qualify for free legal aid, but is just above the qualifying line and cannot afford rates lawyers normally charge," said Sheldon Krantz, a senior fellow at the Georgetown Center for the Study of the Legal Profession and a retired partner in residence at DLA Piper. Krantz will serve as DCALF's first executive director on a pro bono basis.

Jane Aiken, associate dean for experiential education and law professor at Georgetown, worked with Edelman to devise the firm. DCALF's caseload will focus on "housing, elder law, and domestic relations," Aiken said, and the firm may be adding immigration and consumer debt to its practice.

DCALF's principals hope to partner with the D.C. public interest law community "that has a deep knowledge about the needs of the population that we hope to serve," Aiken said. "Many have offered us access to their expertise in training effective lawyers and how best to serve our clients."

One of the first lawyers at DCALF will be 2015 Georgetown graduate Christopher Griesedieck, who said public interest law "is the whole reason I went to law school."

"I've had pretty much every opportunity afforded to me... to have a good education, to always have time to study, and to do well, and I just feel like I have a responsibility to work for other people who don't have those opportunities," Griesedieck said.

Tabitha King, another DCALF hire, said she is looking forward to gaining practical experience, training, and supervision during her fellowship. "We are going to get a lot of intensive interaction with some top lawyers in the field—very one-on-one feedback on our work—whether it is advocacy, whether it's writing, a lot of training," King said.

"What we have here is a model that I don't think exists anywhere else, which is the combination of major law firms with the Georgetown Law Center," Edelman said. "We hope this will be a model for other programs around the country."—*M.S.* of income, has equal access to justice."

At the reception, U.S. Solicitor General Donald Verrilli Jr. thanked the firms for their contributions and called for more work to be done in addressing the access to justice gap. He also encouraged lawyers to get involved in the growing public debate about income inequality in the country, and to increase the provision of legal services for the middle class and those living in poverty.

"For all people in our society to live with dignity and with both the hope and the real prospect that they can better themselves, justice is the main ingredient: justice in the courts, justice in their dealings with government, justice in the workplace, justice in their efforts to secure decent and affordable housing, health care, and the rest of life's necessities," Verrilli said.

The Raising the Bar campaign recognizes law firms at three different levels of giving based on a percentage of their annual revenue. A total of 30 firms were recognized at the platinum level for donating .11 percent of their office revenue; 7 firms at the gold level, or .09 percent of their revenue; and 11 firms at the silver level, or .075 percent of their revenue.—*D.O.*

PMAS' 'Small Firm Course' Wins ABA Professionalism Award

The American Bar Association (ABA) Standing Committee on Professionalism has recognized the D.C. Bar Practice Management Advisory Service (PMAS) with the E. Smythe Gambrell Professionalism Award for its "Successful Small Firm Practice Course."

The award was presented on July 31 at the joint luncheon of the National Conference of Bar Presidents, National Association of Bar Executives, and National Conference of Bar Foundations.

The course was recognized for supporting, fortifying, and training attorneys, with little or no experience in managing a law practice, who have moved into a solo or small firm practice. The committee specifically highlighted the course's emphasis on processes ensuring compliance with the essential duties of a lawyer.

PMAS Senior Staff Attorney "Rochelle Washington and I are truly pleased that the ABA has recognized the D.C. Bar's commitment to serving its members," said Daniel M. Mills, assistant director of PMAS. "As presenters of the course, we know how important it is to lawyers who are starting, managing, or growing a law firm and how difficult those tasks are in today's market. Our bar is unique in its commitment to members who benefit from the course."

Developed and presented by Mills and Washington, the free 10-week course provides attorneys with the information they need to compete and thrive while adhering to ethics in the modern-day legal profession.

The next "Successful Small Firm Practice Course" series runs from August 17 to November 2. Daytime brown bag luncheon sessions take place from 12 to 2 p.m., and evening sessions take place from 6 to 8 p.m. at the D.C. Bar Conference Center, 1101 K Street NW, first floor. Participants may register for any or all of the sessions.

For more information, visit www. dcbar.org, keywords: Small Firm.—D.O.

D.C. Bar Sections Elect New Steering Committee Members

The D.C. Bar's 20 sections have elected new members to serve on their respective steering committees. In their roles, committee members will develop and organize substantive and social programs in their specific practice areas throughout the year. Unless otherwise noted, all terms are for three years, running from

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Administrative Law and Agency Practice: Matthew R. Oakes, U.S. Department of Justice; Judith R. Starr, Pension Benefit Guaranty Corporation; and Matthew L. Wiener, Administrative Conference of the United States.

Antitrust and Consumer Law: Daniel P. Ducore, Federal Trade Commission; Richard V. Rodriguez, Office of the Attorney General of the District of Columbia; and George P. Slover, Consumers Union.

Arts, Entertainment, Media and Sports Law: Thomas Curley, Levine Sullivan Koch & Schulz LLP; Deneen Howell, Williams & Connolly LLP; and Micah J. Ratner, Davis Wright Tremaine LLP.

Corporation, Finance and Securities Law: Tony Y. Chan, Dechert LLP; Joan E. McKown, Jones Day; and Michael L. Post, Municipal Securities Rulemaking Board.

Courts, Lawyers and the Administration of Justice: H. Faith Mullen, Columbus Community Legal Services; Valerie J. Schneider, Fair Housing Clinic, Howard University School of Law; and David G. Steib, Ayuda.

Criminal Law and Individual Rights: Stephanie L. Johnson, Hunter & Johnson, PLLC; Kira A. West, Law Office of Kira Anne West; and Elizabeth B. Wydra, Constitutional Accountability Center.

District of Columbia Affairs: Janene D. Jackson, Holland & Knight LLP; Sally B. Kram, Consortium of Universities; and Smruti V. Radkar, University of the District of Columbia.

Environment, Energy and Natural Resources: Lisa B. Goldman, Environmental Law Institute; Adam M. Kushner, Hogan Lovells LLP; and Linda Tsang, American Forest & Paper Association.

*Estates, Trusts and Probate Law: Christopher M. Guest, Law Office of Christopher Guest, PLLC; Stephanie Perry, Pasternak & Fidis PC; Karla E. Saguil, Office of the Register of Wills; and *Eli J. Guiterman, Li Latsey & Guiterman PLLC (assuming remainder of two-year term of a steering committee member who resigned).

Family Law: Matthew B. Andelman, Delaney McKinney LLP; Sarah E. Mancinelli, Ain and Bank P.C.; and Stephanie N. Troyer, Legal Aid Society of the District of Columbia.

Government Contracts and Litigation: Joseph P. Hornyak, Holland & Knight LLP; Tracye W. Howard, Wiley Rein LLP; and Elizabeth P. Martin,



R. W. "Bob" Christensen Jr., chief executive officer of TheFormTool.com, leads a session titled "How to Prosper From the Legal Services Revolution" on May 15 at the inaugural Practice 360° | A Day for Lawyers and Law Firms that was presented by the D.C. Bar Practice Management Advisory Service.

U.S. Postal Service, Office of Inspector General.

Health Law: Marie-Claire Brown, D.C. Department of Health; Elizabeth K. Isbey, U.S. Department of Health and Human Services, Office of Inspector General; and Julia K. Tamulis, Bass Berry & Sims PLC.

Intellectual Property Law: Kenie Ho, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP; and Benjamin H. Huh, Ropes & Gray LLP.

International Law: Stephen J. Claeys, U.S. House Ways and Means Committee, Trade Subcommittee; Cortney O. Morgan, Husch Blackwell LLP; and Jessica E. Tannenbaum, American Bar Association Rule of Law Initiative.

*Labor and Employment Law: Wynter P. Allen, Alden Law Group PLLC; Carla D. Brown, Charlson Bredehoft Cohen Brown & Sakata; Tammy R. Daub, U.S. Department of Labor, Office of the Solicitor; and *Keith D. Greenberg, Keith D. Greenberg, Esq., Arbitrator and Mediator (assuming remainder of one-year term of a steering committee member who became council chair-elect).

Law Practice Management: Heather A. D. Batzel, Batzel Law PLLC; Margaret M. Cassidy, Cassidy Law PLLC; and J. Thomas Spiggle, The Spiggle Law Firm.

Litigation: Kevin M. Clark, Attorneyat-Law; Shirley Horng, Legal Aid Society of the District of Columbia; and Amy L. Neuhardt, Boies, Schiller & Flexner LLP.

Real Estate, Housing and Land Use: Lyle M. Blanchard, Greenstein Delorme & Luchs PC; Livya L. Heithaus, The JBG Companies; and Brian W. Thompson, Jackson & Campbell, P.C.

Taxation: Michael J. Caballero, Cov-

ington & Burling LLP; Kimberly M. Eney, Morgan, Lewis & Bockius LLP; and Scott M. Levine, Jones Day.

Tort Law: Jonathan B. Nace, Paulson & Nace, PLLC; and Daniel S. Singer, Schultz & Trombly, PLLC.

Inaugural Practice 360° Serves Up Legal Expertise to Bar Members

The D.C. Bar Practice Management Advisory Service (PMAS) hosted its inaugural Practice 360° on May 15. The free, all-day event, dubbed "A Day for Lawyers & Law Firms," included a variety of programming for Bar members covering essential and practical information to enhance their law practice and improve client services.

Drawing nearly 200 attendees, Practice 360° consisted of 20 separate sessions on a wide range of topics such as the latest tech trends in the legal industry, the basics of tax preparation and malpractice insurance, and defining and maintaining professional boundaries.

D.C. Bar senior staff attorney "Rochelle Washington did a terrific job selecting the content and working with the presenters to create 20 sessions that our members were eager to attend," said Dan Mills, assistant director of PMAS. "A majority of our presenters were lawyers intimately involved with their subject matter as opposed to more commercial presenters that one often sees at events like this . . . We called this event 'A Day for Lawyers and Law Firms,' and from the response we have received, we were successful in serving our members."

Social media and how lawyers can use these online tools in their practice were the topics of two sessions led by Tasha Cooper, president of UpwardAction, LLC. Cooper's first hour-long session highlighted the benefits of the professional networking site LinkedIn. In her second session, Cooper talked about how lawyers should manage their online reputation in a way that builds their brand.

Linda Priebe, a partner at Culhane Meadows, PLLC, led a discussion on the ethical pitfalls of social media use by attorneys. In light of what she termed an "explosion of attorney social media use," Priebe outlined the ethical duties—such as advertising, competence, confidentiality, investigations, and the gathering of evidence—of attorneys in Maryland, Virginia, and Washington, D.C. "I don't think I've yet met a lawyer that knew before I told them that their law firm's social media was subject to jurisdiction of the National Labor Relations Board [NLRB]," Priebe said. "Social media compliance and the relationships between employers and employees is a huge issue for the NLRB."

Sharon Nelson and John Simek, cofounders of Sensei Enterprises, Inc., led a discussion on cybersecurity for lawyers. Nelson said that lawyers need to be convinced of the need for cybersecurity, and that they either have to become competent with technology or hire someone who is. "People hire experts all the time when they don't know [something], and that's what you should do," Nelson said. "You have to make reasonable efforts to secure your data."

In addition to the informative seminars, representatives from more than 20 vendors were available to speak with Bar members on topics such as using smartphones to their fullest potential in a law practice, or which malpractice insurance plan best suited their firm.

For more information about the event's presentation and to view handouts, visit www.dcbar.org, keywords: Practice 360.—D.O. and M.S.

D.C. Court of Appeals Withdraws Order on Pleading Procedures

On June 10 the D.C. Court of Appeals vacated Administrative Order 2-15, which required counsel to provide an e-mail address and cell phone number in all pleadings. When notice of the

SECTIONS' *PROBATE LAW DIGEST* AVAILABLE FOR DOWNLOAD

A fter five years in the making, the District of Columbia Estates, Trusts and Probate Law Digest is available for download. This one-of-a-kind resource contains 35 years of significant published and unpublished probate and fiduciary decisions of the D.C. Superior Court and the D.C. Court of Appeals, all in one comprehensive publication. Readers will have access to 896 digests and 537 previously unpublished cases between 1976 and 2012.

The price is \$300 for D.C. Bar members and \$500 for nonmembers. Members of the Estates, Trusts and Probate Law Section or contributors to the *Digest* can receive a discount code by e-mailing your full name and Bar number to sections@dcbar.org.

For more information or to download the *Digest*, visit the D.C. Bar Marketplace at www.dcbar.org/marketplace (See ad on page 4). change was publicized on May 28, the court received complaints about including lawyers' personal contact information in *public* documents.

"DCCA Administrative Order 2-15 was issued to ensure that the Clerk's Office had updated contact information for all counsel who practice before the Court of Appeals. However, because court pleadings are public records, attorneys expressed concern about having to provide the Court with their personal contact information in such a manner," said D.C. Courts spokesperson Leah Gurowitz in a written statement. "The Court agreed with their concerns and rescinded the Order in favor of an alternative approach that better protects the privacy of the lawyers while providing the Clerk's Office with the information it needs to ensure the accuracy of its communications with counsel."

While attorneys are still being asked to provide their contact information to the court, that information will be kept confidential.

To see a copy of both the original order, Administrative Order 2-15, and the vacated order, visit the D.C. Courts' Web site at www.dccourts.gov.

D.C. Superior Court Names New Clerk of Court

The Superior Court of the District of Columbia has appointed James D. McGinley, an experienced litigator and career military officer, as clerk of the Superior Court. McGinley's appointment became effective on June 8.

As court clerk, McGinley will oversee all Superior Court operations, including the Civil, Criminal, Domestic Violence, Family Court, Multi-Door Dispute Resolution (Mediation), Probate, Special Operations (including Interpreter Services and the Jurors' Office), and Tax divisions, as well as the Crime Victims Compensation Program, according to a statement from the Superior Court.

McGinley is a former partner at Hiepler & Hiepler, an Oxnard, California, civil litigation firm. He also served as a pro tem judge for the Superior Court of the State of California, County of Ventura.

After a 30-year career as a naval aviator in the U.S. Marine Corps., McGinley retired in 2013 with the rank of colonel. He completed three combat tours, and his decorations include the Legion of Merit and the Bronze Star.

McGinley graduated from California State University, Long Beach; Pepperdine University School of Law; and Georgetown University Law Center.—*M.S.*

Honor Roll Recognizes 4,257 Attorneys for Pro Bono Service

D.C. Court of Appeals Chief Judge Eric T. Washington and D.C. Superior Court Chief Judge Lee F. Satterfield published the annual Capital Pro Bono Honor Roll in May, commending D.C. Bar members and others in the legal community for their pro bono service.

The Honor Roll was created by the court and is supported by the Access to Justice Commission and the D.C. Bar Pro Bono Center.

A total of 4,257 attorneys who contributed 50 hours or more to providing pro bono legal services are recognized on the honor roll. Attorneys from more than 150 law firms and solo practices, as well as from a variety of corporations, government agencies, and nonprofit organizations, qualified for the recognition, representing a broad range of the legal community.

"The D.C. Bar Pro Bono [Center] is thrilled to see the Capital Pro Bono Honor Roll numbers once again increase to the highest number ever, demonstrating that the pro bono spirit is strong in the District of Columbia," said Ann K. Ford, chair of the D.C. Bar Pro Bono Committee.

More than 2,500 of the listed attorneys

contributed more than 100 hours of service and were included in the High Honor Roll. "The presence on

"The presence on the Honor Roll of lawyers from such a broad range of legal settings is a powerful statement about the commitment to access to justice across the legal com-

munity," said Peter Edelman, chair of the D.C. Access to Justice Commission.

To view the full honor roll, visit the D.C. Courts' Web site at www. dccourts.gov, keywords: Pro Bono Honor Roll.—*D.O*.

Reach David O'Boyle and Michael Smith at doboyle@dcbar.org and msmith@dcbar.org, respectively. Also, follow David on Twitter at @d_oboyle.





The Professional Development. MDEPALIVE

By Sarah Kellogg

THE SECRET OF LAW SCHOOL IS THAT NO ONE REALLY COMES OUT PREPARED TO PRACTICE LAW. The justice system is far too arcane and complex to be learned in a lecture, and the administrative intricacies of jurisprudence are best taught by watching and doing rather than by reading and discussing.

Certainly, legal analysis, research, and writing—law school's meatand-potatoes subjects—are essential in a legal career, but so are filing depositions, knowing brief page limits, and figuring out court procedures by asking the clerk's office—with a telephone call. Administrative minutia has always accounted for so much of the daily practice of law, and most of it is only learned in the trenches.

For today's lawyers, the challenge is even greater. New lawyers need to manage the legal bureaucracy but also be well versed in social media, Google Scholar, and the Cloud as law firms, large and small, and government agencies shift increasingly to the Internet. It is surely a brave new world.

"We all learn on the job," says Rebecca Gray, who was an associate at Gibson, Dunn & Crutcher LLP before going off on her own at GrayLegal PLLC. "I learned so much more by doing than anything else. The most valuable training I got at Gibson Dunn was working closely with extremely talented, experienced litigators and watching how they did things."

Then how best to transition from law school to lifelong learning? Experts say the answer is simple: A robust personal learning and training strategy, no matter if you're a solo practitioner, in-house counsel, big-law associate, or government attorney. Such an investment improves productivity, fosters business expertise, and fortifies the hourly value of lawyers in the eyes of both their senior colleagues and clients.

In the past, the legal industry's professional development model centered on the associate apprenticeship and mentorship system. A critical component has always been the mentor who was equal parts confidante, Ongoing Training Keeps New Lawyers Invested career counselor, and case whisperer. New lawyers were given time to grow into their roles through on-the-job training, nurtured under the watchful eye of a senior attorney.

Things changed after 2008, especially in big law firms. Clients were no longer interested in paying full freight for associates who were learning on the job. Law firms found themselves second-guessing the conventional route associates took to partnership, a path that had been forged decades before. Post-recession, the mentorship was too deliberate and slow. It devoured the time of both mentor and student. And, most disturbingly, the time wasn't billable.

"The recession shifted the power to clients in the big-firm world where firms had always been in the driver's seat," says Daniel M. Mills, assistant director of the D.C. Bar Practice Management Advisory Service. "They were clear that they couldn't staff their cases with associates and train them at the same time on their dollar. Partners weren't delegators anymore, they had to practice law again. There wasn't as much time for mentorship."

A new professional development model was needed for this new era. The majority of lawyers and law firms understood that professional development adds value in building a broader knowledge base for the firm as well as an internal and external "brand" for lawyers. The challenge was in redesigning internal programs for this new age of thrift, productivity, and prosperity.

"As the industry moved past the recession, we continued to focus on continuing legal education (CLE), but we've increasingly directed our attention to leadership and business development skills for associates and newer partners," says Joseph M. Maguire, professional development and continuing legal education manager at Reed Smith LLP. "Out in the marketplace, they have to have a level of credibility with clients, who expect them to be well versed in the practice subject matter but also in the other key elements of client management. Can you effectively budget and run my matter? Do you have good client service skills? Can you be a trusted advisor?"

Given the significant pressure to prove to clients that associates and junior partners are worthy of their hourly rates, most new lawyers have embraced in-house training programs with gusto. Acquiring new skills, tactics, and knowledge to advance client interests is the surest way for these lawyers to convince clients of the value of their abilities. It's also a strong risk management strategy for firms still ironing out the kinks from the economic downturn.

Yet, not every firm has embraced the accommodation in professional development. Smaller firms face financial pressures, and solo practitioners are on their own. Some doubt that investing in business development and leadership training for associates and junior partners will pay off over the long term, especially if it comes at the cost of billable hours. Instead, many firms still rely on a combination of mentoring, CLE courses, and periodic professional development seminars to flesh out their professional development practices.

"The amount of time and energy that people have in firms to devote to skills training has just gone down," says Michelle Richards, a Washington, D.C.-based executive coach and former lawyer who has been coaching lawyers and other high-achieving professionals since 2007. "[You're] lucky if you're able to find somebody who has the time inside the law firm for that kind of mentoring. People feel so pressured by their billable hours that if you're going to ask someone to give you time, it's going to have to be essential to the firm."

Determining what's essential has become a critical test for most professional development programs in large and small firms, as well as in government offices, and it often presents some problems for the talent experts who have to justify hours and days attorneys spend away from the office. Learning remains one of those endeavors where only the most concrete instructional programs can be easily quantified—and billed to a client.

Even so, there is a recognition that the lifelong learning movement is here to stay, which may account for why so many new lawyers are taking command of their own professional development, shouldering the cost of acquiring new skills and tools. This is especially true with Millennials who bring a 21st-century understanding to the urgency of staying relevant through marketing and social media.

Ultimately, law firms, government agencies, and in-house offices that look to the long term are more likely to invest in professional development programs that nurture culture and build leadership, while still remaining focused on the competing pressures of client development and budget cutting. Talent development is harder to sell if the firm's goals emphasize short-term gains or budget balancing. Like so many factors inside firms, professional development is becoming a clear differentiator for both associates and partners as they weigh whether to join or stay with firms.

A Wealth of Options

The stated purpose of most professional development programs is to provide new lawyers in any size firm or government office with the skills they need to both be ready and able to begin their work. These programs help associates integrate into the firm, absorb its culture, and get to know its people, including those in other offices and other countries. Most importantly, these programs are designed to turn novices into contributing members of the organization.



[T]here is a recognition that the lifelong learning movement is here to stay, which may account for why so many young lawyers are taking command of their own professional development.... Despite the recent push for more variety in professional development offerings, mentoring has been and continues to be the gold standard for training associates and junior partners for many law firms.



There is no one-size-fits-all development program that can be equally as effective for a sole practitioner as for an associate in the largest of firms. Rather, talent development programs must be tailored to the firms and individuals they serve, reflecting the culture and priorities of each firm.

While associate mentoring and associate development programs are often used interchangeably, they are not the same. Associate development programs are an extensive package of programs that educate new lawyers to be a part of the firm and participate in its work. Mentorship is based on building a relationship between a senior partner and an associate to share resources and answer questions.

Despite the recent push for more variety in professional development offerings, mentoring has been and continues to be the gold standard for training associates and junior partners for many law firms. Around as long as lawyers have been practicing law, mentoring remains a key ingredient of the learning process for associates because it emphasizes on developing personal relationships between associates and partners.

At Feldesman Tucker Leifer Fidell LLP, a mid-size firm that specializes in family law and health care law, mentoring is a crucial part of the culture—and an essential element to the successful development of its corps of associates and junior partners. Each partner is assigned an associate, and provides the kind of soup-to-nuts guidance that encompasses everything from how to fill out time sheets to how to deal with abusive clients.

"From the management perspective, your lawyers are your most valuable asset," says Jonathan Dana, co-managing partner at Feldesman Tucker. "You want to grow them and help them succeed. At this firm, it's important that everybody succeed. Family law can be kind of tough because you end up absorbing a lot of emotional stuff, and you need to be prepared for whatever comes. The mentoring helps."

For Elizabeth Selmo, a family law associate at Feldesman Tucker, the firm's culture of collegiality is a potent force in growing her career. "It's so helpful to be able to get off the phone and just go and revisit what made [the case] challenging," Selmo says. "It's important to be able to understand what's the legal piece of the problem and what has to do with the client. I appreciate getting advice on how to help the client through it."

An advantage of mentoring over heavily scheduled development programs is its ability to manage matters and how lawyers should act in theory and practice. "I think there's always going to be a major seasoning process," Dana says. "You can learn the law, but a lot of it is discretionary and based on broad statutory provisions. What really is important in our business is experience, seeing something 5, 6, 10, or 300 times."

One of the rare drawbacks of mentoring, however, is the fact that new attorneys can become sequestered in a specific practice group, with a mentor from that same group as well. That means new lawyers end up having less access to more diverse experiences and learning opportunities. In such cases, talent development leaders say it's important to work harder to ensure associates are able to round out their knowledge and experience.

That's why many learning officers inside firms have pushed for a two-track approach to associate development—establishing a mentorship where possible as well as a vigorous professional development program centered on classroom training and workshops.

Professional development as practiced by the nation's largest law firms can look more like an institution of higher education than a subsection of the human resources or recruitment office. A number of large law firms have opened "universities" that oversee their talent management programs. They are as varied as their owners, but they all share a common goal: preparing their attorneys for the future.

A prominent example is Reed Smith University (RSU), which launched in 2004 as a partnership with The Wharton School of the University of Pennsylvania. Comprised of five "schools," RSU was the first of its kind to offer hundreds of classes to support lawyers, clients, and staff. Its schools include Law, Leadership, Business Development, Technology, and Professional Support, which serves support staff.

Meanwhile, the Kirkland Institute at Kirkland & Ellis LLP provides year-round training opportunities for its associates, partners, and clients. New attorneys are encouraged to participate early at the firm, defending depositions, drafting transaction documents or security filings, and arguing motions in court. The Kirkland talent team provides the firm lawyers with the kind of training that could change their futures.

What distinguishes some of the larger firms is their requirement that associates, junior partners, and partners participate in talent development programs. There is no free pass out of them. The firms make it clear that learning is a priority for the organization, and it should be for the individual as well.

"By having mandatory programs, it tells people that in addition to the expectations on associates for work and office commitments, training is important, too," says Gregg LoCascio, P.C., a partner at Kirkland & Ellis. "It's not just something that is available, it's required."

For Arnold & Porter LLP, professional development became a natural extension of the firm's pro bono work in the District, providing a win-win for the firm and its attorneys. Its Criminal Practice Institute's annual training program is devoted to the issues of criminal procedure and criminal law in the Superior Court of the District of Columbia. The six-session program prepares associates and partners to work on everything from simple assault cases to homicides. The in-house training continues with monthly lunches and moot court for whenever cases go to trial.

"I think our associates are coming out of law school fully capable of doing the work. The lawyers go through the training, and if they are members of the D.C. Bar, they become eligible to work on cases with me representing people in Superior Court," says Mary C. Kennedy, counsel at the firm. "The orientation program and class training is to get them acclimated to Superior Court. As they progress at the law firm, they are exposed to client representation... through the pro bono commitment."

More Responsibility, Less Experience

With law firm metrics changing so dramatically after the recession, firm leaders have become exceedingly cost conscious, looking for efficiencies and employing associates in a more cost-effective manner, filling gaps and expecting more of new lawyers.

Most senior associates and junior partners today have much more difficult assignments than they did before the recession. Many of them have enormous responsibilities and those duties come to them much sooner than they did in the past. Some are supervising matters that would have been the purview of partners, often running large teams, presiding over budgets, and managing client relationships.

"Twenty years ago, today's senior associates would look like partners," Reed Smith's Maguire says. "That's why they need help developing skills around delegation, feedback, and assembling teams, as well as interacting with clients and generating additional work from clients."

Strikingly, though, the focus of most professional development programs in the past was not on best practices in project management. Certainly, if a mentor had a great track record at project management, associates could learn from him or her, but it wasn't until recently that professional development staffers began looking at ways to provide these basic skills.

No surprise, of course, that associates are eager to take on more responsibility and for a chance to develop proficiency, if only to increase their value to the organization. After all, they have borne the majority of the downsizing in the last seven years, and they face intense pressure to find and keep jobs at law firms. If the law firm is less interested in meeting every need, it's no wonder these lawyers have become, in effect, free agents.

As free agents they understand that their knowledge and skills are portable, and that the only security they have these days is their ability to manage those talents and take them from one firm to the next. In that sense, they are more entrepreneurial and less willing than their more experienced peers to be compartmentalized into practice niches with narrow futures.

"The challenge for young associates coming up to the partnership stages is they haven't all had access to the professional development that they need," says Richards, the executive coach and lawyer. "Firms have been in such survival mode that these kinds of best practices are seen as additional and desirable, but we need to work on the fundamentals first."



Recognizing the shifting dynamics, a number of larger firms have begun to arm associates with the tools they need to succeed, even if they risk the associate or junior partner leaving for another law firm.

Recognizing the shifting dynamics, a number of larger firms have begun to arm associates with the tools they need to succeed, even if they risk the associate or junior partner leaving for another law firm. Firm executives say the risk is calculated, and worth it. More often than not, associates appreciate the effort and are more willing to stay at organizations that invest in their employees.

"You look at the current people we recruit," LoCascio says. "They don't want to be a cog in a big machine. We're at a point where people are much more vocal about their expectations and what they want from a firm. They want to know their voice and their contribution to the team is valued."

It not only makes good business sense, it's a good human resources move. Associates who have expressed satisfaction with their work are more likely to stay, especially if they receive regular feedback on their work, have access to ongoing training, and are given a mentor. In this sense, professional development becomes a route to job security.

The financial vulnerability of law firms even calls into question the notion of "paying your dues" in order to earn a place among the partners. No wonder many new attorneys want to speed up the learning process and vetting phase of their "apprenticeship" to accept a promotion to partnership.

Resilient CLE

One of the many steps on that path to partnership has always been CLE programs. They have been the core of professional development for attorneys at every level of the profession and in every position. CLE is especially valuable for solo practitioners, in-house counsel, and some government attorneys who have fewer chances to participate in well-orchestrated learning programs. The distilled information found in CLE courses on issues ranging from drafting contracts to medical malpractice to personal injury litigation is the essence of knowledge transfer.

CLE also is a bridge between what new lawyers learned in law school and the realities of practicing in law firms, government agencies, or corporations. CLE programs can put new lawyers on a firm footing that prepares them for the next phase of their legal education, or they can be helpful for veteran lawyers making career transitions, such as switching from a government post to a smaller firm. CLE also happens to be an efficient way to stay up to date with case law.

Often lawyers are mandated to take a certain number of CLE courses annually by state bars. In the District of Columbia, attorneys are not required to, although newly admitted lawyers must complete the Mandatory Course on the D.C. Rules of Professional Conduct and District of Columbia Practice within 12 months of their Bar admission.

CLE programs also serve as a vetting opportunity for different practice areas. If new attorneys are uncertain about their career choices, they can delve deeper into the subject matter. They can also use the sessions to build their network.

Post-recession, CLE has become a harder sell in some firms, although it remains especially popular with government attorneys and in-house counsel for acquiring knowledge in an organized and accessible fashion. In mid-size and large law firms, associates may ignore entreaties from professional development staffers to attend workshops, staying hunkered down over their work. Even for inhouse and government attorneys, attendance at CLE sessions can be difficult given the pressures to produce, but CLE remains one of the best ways for lawyers to network among their peers.

Of late, the competition for professional development dollars has gotten fiercer. The traditional CLE approach of delving deeply into a point of law or revealing new tools for attorneys has been supplanted, in part, by practically focused sessions. The nuts and bolts of the law are more important than ever.

"I think it's an indication of how things have shifted," Mills

ture has prompted new interest in leadership and business development programs that serve both partners and associates.

Beyond mentoring, Feldesman Tucker has adopted some of the new professional development practices that might be part of the portfolio of a larger operation. The firm invited a public relations person to meet with associates to review their personal business plans. The idea is to build a meaningful biography for each associate and create a social media face to promote services. "Everybody is involved in getting the word out," Dana says. "We have a firm image, not necessarily a focus on individual lawyers."

While communications and marketing courses have been elevated to must-haves, many of the training programs that operate away from CLE are focused on growing individual knowledge about the business community, leading teams, and managing massive projects. Law firms still seek out leadership as one of those qualifications in people, but aren't always satisfied with the results of that leadership.

"This investment in professional development is an enormous commitment by the firm, but it's part of the culture," LoCascio says. "It's seen as a differentiator for the brand. It's about everybody here working to keep our clients happy, and what clients want are people who are partners in the work and who have the skills to work effectively with them."

Many firms are lagging behind their corporate counterparts when it comes to their business acumen. Leadership courses emphasize building the governance and supervisory skills that will serve attorneys not only in the courtroom but also in the



says. "A lot of lawyers are looking for a more entrepreneurial approach. There's a recognition that the skills you need to be a great problem-solver for your clients are not the skills you need to grow your firm."

Beyond CLE

Most senior associates and junior partners today have much more difficult assignments than they did before the recession. Many of them have enormous

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> Most firms have recognized the urgency of responding to an evolving legal industry and the price sensitivity of clients by adopting a more business-oriented mindset. That business cul

boardroom. Additionally, talent development courses focus on creating and managing teams, project management, and time management, "soft skills" that sit outside the law.

"I've started offering my time management seminars to law firms, and it's been surprising how many lawyers have welcomed the advice and tactics," says Dan Simons, a professional development coach and co-owner of the Founding Farmers Restaurant Group. "They are swamped with work. They have very little time in their days to cope, and they don't have the tools they need to manage



As free agents, they understand their knowledge and skills are portable, and that the only security they have these days is their ability to manage those talents and take them from one firm to the next.

the deluge. I help them think through their priorities and give them effective tactics to make sound choices."

Where Apprenticeship Still Matters

For some attorneys in Washington, D.C., a long legal apprenticeship is not only helpful, it's required. The Office of the Legislative Counsel of the U.S. House of Representatives is home to a fairly unique brand of the law and 46 well-trained attorneys who specialize in it: legislative drafting for members of Congress.

"Lawyers spend about one year in the tutorial program where you're really not a contributor to the workload during that time. It's nothing like a law firm. It really is an apprenticeship," says Warren Burke, the office's assistant counsel and a past president of the Federal Bar Association (FBA). "We want them to learn first.

"After you graduate from tutorial, you receive your subject areas. During the tutorial you have an attorney supervising everything you're doing. Once you graduate, you have your own clients. It can be a thrilling but perhaps a scary moment for you," he adds.

The work is eclectic enough that it's nearly impossible for even an experienced attorney to hit the ground running in the Counsel's office. Few of the legion of lawyers who populate the Hill are trained in the intricacies of legislative drafting and procedure. The Counsel's office becomes a resource, and House staffers come to the office with ideas for drafting and drafts for vetting. (A similar office exists in the U.S. Senate.)

Burke says Counsel attorneys can usually tell whether there's an enforcement mechanism included or not, and they are able to determine whether the new law would work with existing laws on the books.

"You go to law school and you're taught cases," Burke says. "You get the impression that the law starts with judges and their opinions and not with the legislative branch and members of Congress. A lot of times that gets lost in the shuffle at law school. Legislative lawyering is not really focused on in legal training in law school."

For congressional and government attorneys like Burke, general professional development is a hit-or-miss proposition. Most of their talent development options come through the FBA and the Women's Bar Association. Both groups present a suite of CLE offerings. Additionally, Burke and his colleagues are able to access subject-matter training from the Congressional Research Service. These more esoteric courses focus on topics such as public policy, foreign affairs, trade, and domestic social issues.

One program that has received a great deal of attention is the National Advocacy Center (NAC), which is operated by the U.S. Department of Justice's Executive Office for United States Attorneys. Located at the University of South Carolina, more than 20,000 people in U.S. Attorneys offices are trained in advocacy skills and management operations annually.

On Your Own

For sole practitioners and in-house counsel, there's a recognition that professional development may hold the key to greater success, but the opportunities for learning will be homegrown and discrete. Tracking legal developments, learning about new technologies, or figuring out how to best use social media applications all constitute important elements of the practice for an ambitious attorney.

An in-house attorney or solo practitioner with no major infrastructure to back up professional development needs to be creative in looking for programming that serves his or her needs but also happens to be affordable and timely.

"I'm a trial-focused litigator," says Gray of GrayLegal. "Before a trial, I pick an aspect of it and then bill time to myself for working on that. I've been focused on voir dire lately because I think I could learn more about that. I spent a lot of time over a weekend or two reading everything I could get my hands on about best practices and different techniques. Obviously there's a benefit to my client, but it's something that I'm doing for myself, too."

Small law firms and solo practitioners are the prime targets of CLE courses offered by local bar associations, specialized online courses and workshops, and CLE retreats and conferences. In fact, legal conferences are a valuable way to make connections and to find knowledgeable experts in a field that could be of later use. A number of organizations offer specialized training programs to address specific practice areas. A fine example is The National Institute for Trial Advocacy program, which provides comprehensive trial advocacy training for attorneys.

The Internet also presents a new and relatively deep opportunity to cull information about the law practice and legal issues. An illustration of this is Larry Kaye, a litigator and founder of Litigation Strategy and Training, who posts brief articles on his LinkedIn page that attorneys can access and read. And the Environmental Law Institute invites lawyers to participate in Webinars of their presentations on key environmental issues.

For individual attorneys, mentors can be found in a variety of ways. They can seek out someone at a conference, a workshop, or a former firm where they worked, engaging them in a mentoring relationship that could prove quite beneficial. Or they could reach out to a coach and pay a few for their services as both mentor and educator.

"People coming to me for help want to be happier and more successful in their law firms or in their own practice," Richards says. "For them, they're looking for a way to believe that things can be better. They're setting a goal. They're engaging their strengths and values."

A more unconventional way to access professional development for solo attorneys can be through altruism, of sorts. By volunteering for an organization or serving on a bar committee, many attorneys build up expert networks, develop mentoring relationships, and learn handy tips and tricks about the legal profession.

A Competitive Advantage

If law school is a strong footing for the law, then professional development—whether self-initiated or mandated by the boss becomes the building blocks for a long and varied career. It provides opportunities and networks, mentors, and coaches, and it opens up new areas of the law for pleasure and for work. But its value is also more tactical and specific. It creates a competitive advantage for the learner, as well as for the agency, company, or firm.

For that reason, the legal profession needs comprehensive talent development now more than ever, experts say. "A lot of what I hear about business development is really code words for marketing," Mills says. "We told ourselves we're above marketing. We don't have to do it because we bought into the notion that as long as we're brilliant problem solvers, the business will come to us. We've come to grips with the fact that that doesn't necessarily work. The phone just doesn't ring. We have to do something for ourselves to make it happen."

As the profession has morphed, midsize and large law firms are having to settle in with the discouraging thought that the golden years of near-limitless budgets may be gone for good. What's left is a more sobering and scrappy environment, one that reflects the tough decisions made over the last seven years and the consequences of those choices.

And individual lawyers, on their own or inside organizations, have discovered that professional development is no panacea, but it is the best way forward to preserve the profession and to greet this new era with the agility and presence it demands.

"I think today is more challenging than before the recession," Maguire says. "Even though the recession has passed, everything has changed. It's not going to change back. There's a whole lot more that is going to be required of individual lawyers, practice groups, and firms. We need to be prepared for that reality."

Sarah Kellogg wrote about legal policy challenges in fighting infectious diseases in the April issue of Washington Lawyer.



Congratulations!

The American Bar Association (ABA) Standing Committee on Professionalism has recognized the D.C. Bar Practice Management Advisory Service with the E. Smythe Gambrell Professionalism Award for it's "Successful Small Firm Practice Course."

The course was recognized for supporting, fortifying, and training attorneys, with little or no experience in managing a law practice, who have moved into a small firm practice. The committee specifically highlighted the course's emphasis on processes ensuring compliance with the essential duties of a lawyer.

The Practice Management Advisory Service:

Helps lawyers with business issues in their law firms

Guides law firm startups in launching and growing in D.C.

- Helps firms grow in a positive direction
- Shows lawyers how to handle money in the proper manner
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- Helps with development of an entrepreneurial skill set in lawyers
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Learn more at www.dcbar.org/bar-resources



MEET THE PRESIDENT: A Conversation With Tim Webster

Tim Webster began his term as the 44th president of the D.C. Bar on June 16 when he was sworn in at the Celebration of Leadership: The D.C. Bar Awards Dinner and Annual Meeting.

Webster is a partner at Sidley Austin LLP where his practice involves civil and criminal environmental matters, including challenges to government action and defense of enforcement matters, as well as regulatory advocacy and related compliance counseling. Before joining the firm, Webster worked as a trial attorney in the Environmental Enforcement Section of the U.S. Department of Justice, a position he held for seven years.

Webster originally was hired at the Justice Department by then-Section Chief John Cruden, who later served as Bar president himself. Years later, Cruden suggested Webster seek the position of the Bar's pro bono general counsel. In 2004 Webster was appointed by the D.C. Bar Board of Governors for what was traditionally a two-year term. He was asked to serve two additional terms, providing legal advice on a variety of issues related to the Bar's core mission and representing the Bar and its employees and affiliates in a wide range of litigation until 2010.

Webster is a graduate of Carleton College and received his law degree from the University of Virginia School of Law. Following law school, Webster clerked for Judge John P. Wiese of the U.S. Court of Federal Claims.

Tell me about your upbringing and your background.

I was born in New York City, but my parents moved to the District of Columbia when I was one year old, so I have limited New York credentials. I can say I lived in Greenwich Village in the 1960s, though.

We moved here so my father could take a job as an assistant U.S. attorney in the District. My wife says that I don't technically meet the definition of a "native" because I wasn't born here, but I lived here from year one on through my entire adolescence.

Do you have any siblings?

Yes. I have a younger sister. She lives in Chicago and works for a research group affiliated with Northwestern University Hospital.

What was it like growing up in the District of Columbia?

I had a great experience. D.C. has a lot to offer to a kid. It was a little too warm in the summers, perhaps, and back then central air conditioning was not as common as it is now, but it bothered us less.

D.C. has gone through an amazing transformation in the last 40 years. It really was more of a sleepy government town back then. And downtown used to be dead at night and on weekends, but now there are many vibrant areas that are bustling at all hours. But above all, it was then and is still now a majestic city, filled

with so many museums and monuments and other attractions.

When did you first become interested in the law?

After college I took two years to work before deciding to go to law school. During that time, I had a very interesting job at the Justice Department as a nonlawyer.

I had been interested in environmental issues in college, and I knew I wanted to do something in that area, but I didn't know exactly what. Back then, in the mid-1980s, the environmental arena was still relatively new. The first Earth Day had only been a decade earlier, and a lot of environmental statutes had only been enacted during the previous 15 years.

I recognized more broadly that a majority of the most influential players in the field were lawyers. They weren't all practicing as lawyers, but they were lawyers. I realized that becoming a lawyer would be the ideal way to form an environmental career.

What kind of work were you doing at the time?

I worked for Roger Marzulla who was then the assistant attorney general for what was called the Land and Natural Resources Division (now called the Environment and Natural Resources Division). I would accompany him to speeches and other events, and I was in a position to see almost everything that came through his



office and to learn about all of the major issues of the day. He was very influential in my career path, and I thank him and his wife, Nancie, for their support. I'm proud to have them as constituent D.C. Bar members now.

I also worked with the division's policy shop on various projects under another influential lawyer, Anne Shields, who was herself the recipient of the Bar's Beatrice Rosenberg Award for Excellence in Government Service.

On the whole, the job gave me a great perspective from a high level on the leading environmental policy and legal issues, at least at the federal level.

So you went into law school knowing definitively that you wanted to practice environmental law?

I knew both what and where I wanted to practice, which was back at the Justice Department.

During law school I was a summer associate at Sidley, which I enjoyed. If you take the long-term view of recruiting, it was a success story. It just took from 1990, when I was a summer associate, until 1999, when I finally left my job at the Justice Department, to come back to Sidley.

Why did you choose to attend the University of Virginia School of Law?

When I came back from college to work, I didn't yet know that I wanted to go to law school, but I was encouraged to live in Arlington, Virginia, to obtain state residency just in case. UVA is a great school, and it's also where my father went to law school.

Qualifying as a resident makes such a huge difference. I was looking at American Bar Association statistics on the cost of law school recently. One of the biggest problems for young professionals is the huge debt burden they face upon graduation. What families can afford to pay for not only four years of college, but also three years of law school at \$40,000 or \$50,000 per year? Attending in-state provides a tremendous advantage.

Do you think that there is anything the Bar can do to help address the rising costs of law school tuition and the debt burden for young lawyers?

The short answer is no. We don't have any authority in that area.

What we can do is try to provide the community of lawyers with opportunities through the Bar to bring members together, to help facilitate connections, and to help members build the skills that they will need to be successful.

Were you intently focused on environmental law throughout your law school career or were there other subjects that interested you?

I mostly focused on administrative law and litigation, which are critical to the practice of environmental law and many other areas.

Courses like federal courts were very interesting to me because they helped me to understand the big picture. When you're practicing in the District, and your practice ranges from administrative agencies to district courts to appellate courts, you need to know how all the pieces of the puzzle fit together. I figured that I would learn the subject matter later when I actually began practicing law—and I was right.

You then went on to become a trial attorney for the Environmental Enforcement Section at the Justice Department. What kind of work did that entail?

That was civil enforcement that primarily related to what you would think of as the major pollution control statutes—the Clean Water Act, the Clean Air Act, and the Superfund law. It was often big litigation involving many parties.

Do you have a favorite case from your time there?

One highlight was *United States v. Allied Signal Corp., et al.* It involved a stereotypical hazardous waste dump in southern New Jersey with a 50-acre pond full of used oil and other material.

Back in those days, they collected used oil from various sources like garages and just dumped it into a holding pond. They would recycle it if it was cost-effective to



You then clerked for Judge John Wiese at the U.S. Court of Federal Claims. Tell me about your experience there.

That was a terrific job. Although it might have been interesting to see some of the guns and drugs criminal cases that the U.S. District Court handles, the reality is that I was not going into that kind of practice.

The Court of Federal Claims handles most civil claims against the government for money damages, so you have two elements that aligned very well with what I wanted to do next. One is government-related litigation, and the second is civil litigation.

Every case involved the Justice Department. Every case involved issues of federal statutes and the construction of federal law. From that perspective, it was an extremely useful building block for what I wanted to do next. do so, but it wasn't always cost-effective.

Imagine 50 football fields full of nothing but used oil, with hundreds of parties that had sent material there over a long period of time, and a lot of different people who had operated the facility.

Piecing together what happened historically, and who was potentially liable for cleanup costs, was a real challenge. For a young lawyer, it provided a great cross-sectional overview of a mega-case. I was involved in virtually all stages of the case from just after it was filed all the way through to the end. It took five or six years until it was finally resolved in a large settlement. I'm told the cleanup still continues, almost two decades later.

How did your move to Sidley Austin come about?



People talk about work-life balance as if it's a right. I think it's more of a myth. It is extremely difficult and there is no one solution.

I knew that I wanted to go back to private practice at some point. I was originally going to stay at the Department of Justice for three or four years. At the three- or four-year mark, I was having a lot of fun, so I thought I'd stay another year. Then another year became another year.

Finally, as I was getting into my seventh year, I realized it was time to move on. Coincidentally, one of the senior associates in the environmental group at Sidley was leaving for the government. I knew I wanted to return to Sidley, and it was perfect timing.

How did you cope with that transition and the differences between working at the Justice Department and at Sidley Austin?

The transition was very interesting. Private practice is quite different from government practice. Clients expect that you know everything about everything for the rate that you're charging. But even in the environmental area, it's impossible to know everything.

You have to adapt. Keep in mind that my wife and I had a one-year-old daughter at the time, and within another year we had another daughter. So I was both learning and juggling.

In terms of amusing stories, there were a couple of clients who thought I was a spy for the government during the first couple of months I was at Sidley. They would say, "Hey, you talk too much like you're a Justice Department lawyer."

I rapidly learned the right lingo, and I came to do quite well.

How do you manage work-life balance?

People talk about work-life balance as if it's a right. I think it's more of a myth. It is extremely difficult and there is no one solution. Making it all work involves priorities and resiliency.

I have three priorities now: family, the D.C. Bar, and Sidley. It's partly a matter of being willing to go without all the sleep that you would want to have. Otherwise, it's just arranging priorities. Family has to come first, the D.C. Bar has to come first, too, sometimes, and clients come first (or think they come first) all the time, but they're willing to work with you when they know you have something else that's pressing.

Did you ever consider going into solo practice or a small firm setting?

I did not. My father is a solo practitioner. I think there's something to be said for truly being your own boss. That sounds great.

But being a partner at a large law firm brings with it an aspect of being your own boss, because fundamentally, you work for clients. There is firm bureaucracy, of course, but I don't report to someone else on an organizational chart, I report to the clients.

The great thing about the large law firm setting is the breadth of high-level work, meaning precedent-setting, highprofile cases in a wide array of areas.

Who has served as a mentor to you during your career?

A number of people have. I already mentioned a few early influences, Roger Marzulla and Anne Shields. Another is former D.C. Bar president John Cruden. John hired me into the Justice Department out of my clerkship. I worked for him for several years there.

He was also the one who got me interested in seeking the position of general counsel of the D.C. Bar. He has been instrumental at various points of my career and was also very supportive of my candidacy for president.

Here at Sidley, I have worked closely over the years with David Buente. David formerly held John Cruden's job at the Justice Department. He used to be the chief of the Environmental Enforcement Section in the 1980s. It's been great to work with him and so many others at Sidley for the past 16 years.

How important do you think mentors are to lawyers at all stages of their career?

I think they are very important because it's hard to have a sense of perspective without talking to somebody else. If you sit locked up in your office all the time, you don't really see the broader picture or have a forum to discuss issues and concerns. But you can't force a mentorship. You can assign mentors, and sometimes those relationships work, but the best mentorship relationships develop organically.

How did you first become involved with the D.C. Bar?

It was through my role as the Bar's pro bono general counsel. I had been a member for a long time, but I had never formally participated in any Bar committees or activities before 2004.

Tell me about your experience as the Bar's general counsel.

It was an interesting job. When I ran for president, a lot of people would say, "You were general counsel. You must know where all the skeletons are hidden." That's partly true: I developed an understanding of how the Bar functions at a level that's very different than even Board of Governors members understand, because I had to defend various Bar programs or individuals in court.

The role involves litigation and general advice on a wide variety of Bar businessrelated issues, not only for the headquarters office, but for both the Office of Bar Counsel and the Board on Professional Responsibility as well.

The most intense part was the litigation. Like all litigation, it can be allconsuming for certain periods of time.

What benefits do you get out of your service to the Bar?

You get a great opportunity to participate in the Bar community. It's also neat to have the experience of doing something different that expands your horizons through Bar service.

You have been working closely with Immediate Past President Brigida Benitez on D.C. Bar 2020, the new strategic plan. Tell me about your experience with that process.

It has been fascinating. While the Bar had engaged in strategic planning before, this time we went to extraordinary lengths to reach out for feedback from the membership. We sent out a survey to all members



Working harder to provide that sense of community for our members will go a long way in terms of helping and strengthening the legal community.

and received, from what I understand from survey professionals, a high response rate. We had responses from approximately 2,500 individuals.

We then hosted 21 focus groups with judges, Board of Governors members, sections members, government lawyers, private practice lawyers, large firm lawyers, and small firm lawyers, among others, to try to get a handle on what our membership wants. We asked them about their opinions of the Bar, their needs, and what we could do to better serve them over the long run.

The results have been very interesting. The most poignant result for me is that there are many people who are looking for a broader sense of professional community. People are looking to try to connect, and they can best do that by getting out of their offices and becoming involved, whether it's pro bono work through the D.C. Bar Pro Bono Center, participation in a Bar section, through a Bar committee, or through many of the opportunities that exist with other community organizations and voluntary bars in the District of Columbia. That's in part what people seem to be looking for.

Working harder to provide that sense of community for our members will go a long way in terms of helping and strengthening the legal community.

What are your key initiatives for your term as president?

They fall into three categories. The Bar's strategic planning process was an intensive process. It took virtually all year, but that's not even half of the work. The rest of the story will include implementing the lofty concepts from the strategic plan into programs and changes within the Bar.

My first focus will be the implementation of the strategic plan for the Bar and a parallel one for the Pro Bono Center, both of which were adopted in June.

Second, I will assist with the ongoing Global Legal Practice Task Force, which was started last year by President Benitez and is chaired by former president Darrell G. Mottley. I will help to bring this project to fruition. Finally, I have set in motion two related projects to assess the D.C. Bar's sections. We have a lot of people who attend our Continuing Legal Education Program courses, many people who participate in Pro Bono Center activities, and a large group who volunteer their time for our committees and our Board, but the single most significant touch point for members is our sections.

We have 20 sections with 24,000 memberships. In terms of fostering a sense of community, the sections are going to be our greatest opportunity.

I would like to do an inward- and outward-looking review of sections. I have asked Michelle Bercovici, the chair of the Sections Council, to form a working group to collect data from the sections related to how the overall experience could be improved.

I also have asked Philip Lacovara, the chair of the Leadership Development Committee, to assess the current sections leadership structure to determine whether there are any changes that his group would recommend as an indirect way to further enhance the value of the sections.

What experiences from your career can you draw from during your term?

First and foremost, having been general counsel of the Bar for six years gives me a tremendous amount of insight into how the Bar actually operates and what goes on behind the scenes. Also, my experience from private practice has provided me a lot of opportunity to develop management and leadership skills. My experience leading large projects and managing the people who are involved in them, while juggling the competing demands involved in litigation, will serve me well as Bar president.

What are the biggest challenges you expect to face during your term?

The Bar and the profession as a whole are at a unique period. The legal profession is changing. That sounds trite because it has always been changing, but we appear to be at a crossroads of waning interest in the profession from young adults and substantial pressure from outside forces. Last year the enrollment of first-year law students was at the lowest level since 1973. That year, the population of the United States was 110 million less than it is today, not to mention the fact that a candy bar cost 10 cents.

Furthermore, according to the ABA, only about 60 percent of the class of 2014 law school graduates had full-time, longterm legal jobs that require a law license a year later. That leaves a lot of graduates without the legal jobs they worked so hard toward.

There are great pressures on the profession from internal and external forces, including client pressure to adopt alternative fee models and globalization. There are a whole lot of technological solutions that are coming into play, too.

The big law firms keep getting bigger, the rates keep getting higher, yet there are a lot of unemployed lawyers out there. There's a lot of pressure to develop other ways of practicing law and providing low cost services.

Frankly, we don't meet the needs of those who cannot afford lawyers. There's also a huge gap in the so-called "low -bono" arena, which former Bar president Andrea Ferster focused on.

Considering all of the different challenges facing the legal profession, the biggest is determining where the profession will go from here.

What are your hobbies and what do you do when you need to unwind?

I enjoy photography and woodworking. I'm relatively handy. I have an entire basement full of power tools. They beckon me, but they are rarely visited these days.

I love travelling. I'm truly proud to have been to every one of our 50 states as well as Puerto Rico and the U.S. Virgin Islands, although I have not been to Guam and the other Pacific territories.

I think we have an incredible country with a great diversity of natural resources and other interesting places to visit.

Reach David O'Boyle at doboyle@dcbar.org or follow me on Twitter at @d_oboyle.

D.C. Bar Sections Connect Reception

If you're a member of one of the participating D.C. Bar Sections, you're invited to join us for a **FREE** networking reception.

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_____ *The* _____

NEW HORIZON

D.C. BAR ANNUAL REPORT 2014-2015

The D.C. Bar took major steps in fiscal year 2014–15 to set the groundwork for the future of the organization and its more than 100,000 members. A 17-member Strategic Planning Committee representing a wide range of practice settings, along with the Bar's dedicated staff, engaged thousands of members and encouraged Bar-wide participation in developing a new strategic plan. That plan, D.C. Bar 2020: A New Five-Year Horizon, is the culmination of an indepth examination and assessment of the current legal environment.

Looking back over the past five years since the Bar's first strategic plan, the committee examined trends in the legal marketplace and profession, focusing on specific issues that have made an impact on Bar members. Spearheaded by Bar President Brigida Benitez, D.C. Bar 2020 truly reflects the voice of the Bar's membership, guided by input from thousands of members who participated in focus groups, took part in surveys and polls, and expressed what they wanted and needed from the Bar.

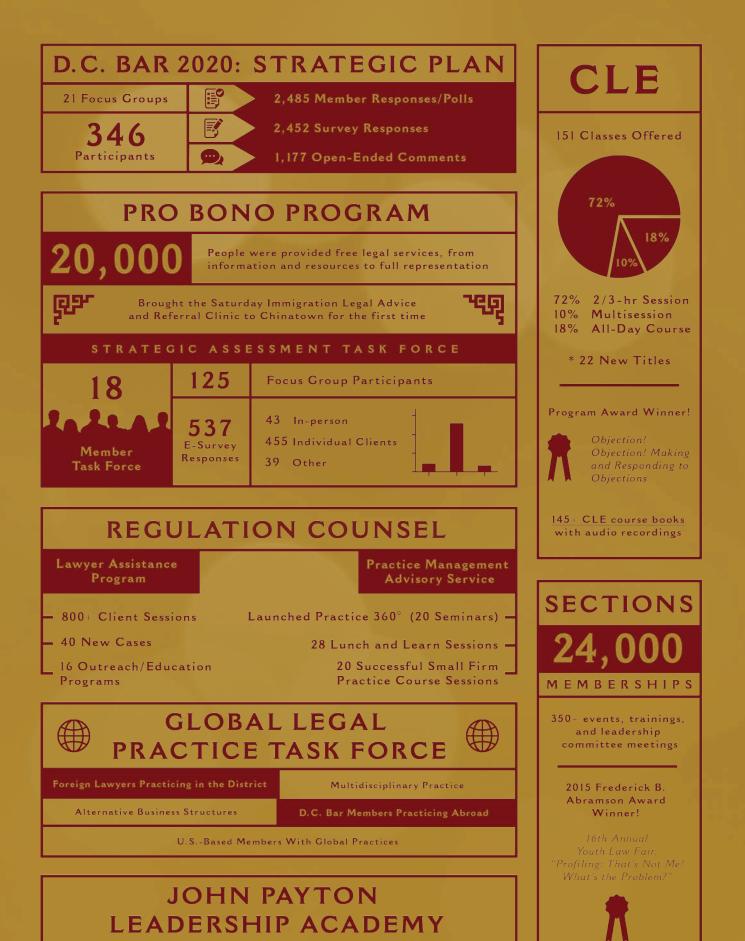
In a parallel effort, the D.C. Bar Pro Bono Program developed its own strategic plan, relying upon an 18-member Strategic Assessment Task Force to gather information from Pro Bono Program stakeholders through focus groups with pro bono attorneys, interviews with clients, outreach to local legal services providers, and extensive surveys.

Benitez also appointed a Global Legal Practice Task Force, one of her key initiatives as president, to study and make recommendations about the globalization of the legal profession. One study group and two subgroups are researching key areas such as inbound foreign lawyers practicing in the District; outbound Bar members living and practicing abroad, and members living in the United States who have international practices and clients; and alternative business structures and multidisciplinary practice.

With its third class of graduates from the John Payton Leadership Academy, the Bar continued to attract and cultivate potential future leaders. The most recent academy graduated 19 Bar members, bringing the total number of graduates to 51 since the academy's inception in 2013.

The Bar's sections, Continuing Legal Education Program, Practice Management Advisory Service, and Pro Bono Program, along with events like the Judicial and Bar Conference and the Celebration of Leadership, have provided members with a broad range of substantive resources to help them to succeed in their careers. Let's take a look at some of the highlights from fiscal year 2014–15.





3rd Time Offered

19 New Graduates

-> 5

Graduates since 2013

200+ Students and Lawyer Volunteers

THE DISTRICT OF COLUMBIA BAR AND AFFILIATE

Consolidated Statements of Activities and Financial Position • Years Ended June 30, 2014 and 2013

REVENUE	2014	2013
Members Dues	\$24,410,409	\$23,266,907
Investment Income	3,883,331	2,267,477
In-Kind Contributions	2,811,859	2,954,878
Admission and Registration	1,895,060	1,931,762
Contributions	2,288,513	2,303,017
Advertising	307,418	297,948
Royalties	215,220	183,109
Books and Publication Sales	208,686	227,910
, Miscellaneous Fees and Services	55,048	42,166
Mailing List	15,933	27,246
Rental Income	2,396	8,765
Total Revenue	\$36,093,873	\$33,511,185
EXPENSES		
Program Services:		
Board on Professional Responsibility	\$8,003,651	\$7,353,933
Continuing Legal Education	3,154,333	3,411,061
Regulation Counsel	2,806,985	2,563,354
Communications	2,732,692	2,393,557
Pro Bono Program	2,127,543	2,029,247
Sections	1,412,211	1,310,912
Clients' Security Trust Fund	310,293	294,413
Bar Conference and Annual Meeting	134,077	360,457
Total Program Services	\$20,681,785	\$19,716,934
Supporting Services:		
Operations Division	\$7,379,163	\$6,792,788
Executive Division	2,154,692	1,975,618
Fundraising	287,487	255,328
Total Supporting Services	9,821,342	9,023,734
Total Expenses	30,503,127	28,740,668
Changes in Net Assets	5,590,746	4,770,517
Net Assets-Beginning of Year	20,357,934	15,587,417
Net Assets-End of Year	\$25,948,680	\$20,357,934

ASSETS	2014	2013
Cash and Cash Equivalents	\$12,957,166	\$10,432,897
Investments: Clients' Security Trust Fur	nd 750,000	750,000
Investments	28,600,383	24,169,618
Receivables, Net of Allowance for Doubtful Accounts	228,781	196,745
Other Assets	707,983	834,182
Property and Leasehold Improvements, Net	5,407,982	5,395,231
Total Assets	\$48,652,295	\$41,778,673
LIABILITIES AND NET ASSETS		
Liabilities:		
Accounts Payable and Accrued Liabilit	ies \$4,259,740	\$3,892,087
Deferred Revenue	14,375,992	13,220,464
Landlord Improvement Allowance	2,488,414	2,848,185
Deferred Rent Liability	1,445,928	1,362,441
Other Liabilities	133,541	97,562
Total Liabilities	\$22,703,615	\$21,420,739
Net Assets:		
Unrestricted		
Undesignated	\$1,469,754	\$1,342,335
Board Designated		
Mandatory Dues Purposes	17,451,186	12,747,005
Pro Bono Program	2,443,739	2,297,779
Sections	2,112,115	1,692,738
Continuing Legal Education	1,038,318	858,854
Clients' Security Trust Fund	750,000	750,000
Total Board Designated	23,795,358	18,346,376
Total Unrestricted	25,265,112	19,688,711
Temporarily Restricted	683,568	669,223
Total Net Assets	25,948,680	20,357,934
Total Liabilities and Net Assets	\$48,652,295	\$41,778,673

The above financial reports represent the District of Columbia Bar's Consolidated Statements of Activities and the Consolidated Statements of Financial Position for the Years ended June 30, 2014 and 2013. Any member who wishes to receive a full copy of the Bar's Consolidated Financial Statements and Schedules may request one by calling 202-737-4700, ext. 3343.

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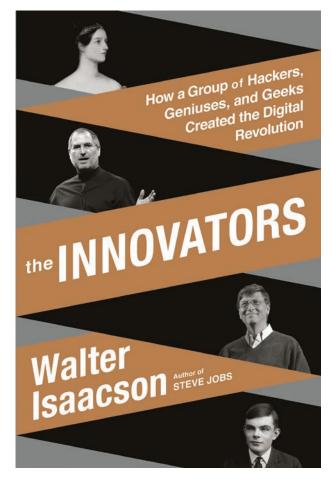
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Washington books in the law



The Innovators: How a Group of Hackers, Geniuses, and Geeks Created the Digital Revolution By Walter Isaacson Simon & Schuster, 2014

REVIEW BY DON ALLEN RESNIKOFF

Can government effectively promote innovation by funding and encouraging information sharing and collaboration? Can government protect innovating companies from blocking conduct by rivals while reducing obstacles to the use of intellectual property? These are some of the questions raised by a reading of Walter Isaacson's book *The Innovators*.

Isaacson skillfully explains how a series of innovations by extraordinary people led to modern-day computers and the Internet. The book traces a history of innovation culminating in a remarkable pace of U.S. innovation during the post-World War II decades.

Circumstances in the United States immediately following World War II were unusual, permitting a rapid blossoming of the Internet, personal computers, and other innovative technologies. Isaacson's book identifies the unusual circumstances that facilitated these innovations, but the question remains whether such innovationfriendly circumstances can be replicated today.

To some extent the story Isaacson tells is about the serendipity of genius that appeared at the right place at the right time. Alan Turing is an example of such genius, famously leading the British effort to use computers to decipher Nazi codes during World War II.

Isaacson argues that individual genius is seldom enough. Information sharing and collaboration among able people also is needed. Fortunately, information sharing and collaboration can be facilitated by government or private entities, and Isaacson presents examples of both in his book.

Since 1940 government money and bureaucracy have played a crucial role in innovations relating to computers and the Internet, particularly in the United States. Isaacson describes, with approval, the government support plan developed by Raytheon company founder Vannevar Bush in 1945. President Franklin D. Roosevelt requested the plan, which advocated government funding of basic research in partnership with universities and industry. The result was a triangular relationship among government, industry, and academia, and it led to the establishment of the National Science Foundation. Isaacson views this as a significant collaboration that helped produce the technological revolution of the late 20th century.

The U.S. Department of Defense and the National Science Foundation were the prime funders of much of America's basic research, even spending as much as private industry between the 1950s and the 1980s. The return on that investment was huge, leading not only to the Internet, but to many pillars of America's postwar economic boom.

The development of the Internet in the 1980s had a significant relationship to the U.S. military's development of a precursor in the 1970s. Military bureaucrats demonstrated great skill in getting brilliant people to coordinate their work, leading to impressive innovations that eventually led to the Internet. The forerunner of the Internet was a project funded by the U.S. military called ARPANET, which may not have had as direct a military mission as the British computer's breaking of Nazi war codes, but it facilitated military communications that would withstand nuclear attack.

Post-World War II government initiatives were accompanied by private company initiatives and sometimes aided by government financial support. The research and development money and team-building efforts of large companies such as Bell Labs, Rand, and Xerox were important in facilitating innovation relevant to computers.

Several large corporations developed brilliant technologies, sometimes with government financial support, but then declined to develop and market them as commercial products. Bell Labs was a large private company that developed transistors and sophisticated semiconductor chips, but then virtually gave the technology away to other companies for commercial development.

By about 1950, "Bell Labs was a cauldron of innovation. In addition to the transistor, it pioneered computer circuitry, laser technology, and cellular telephony," Isaacson writes. But as part of a wealthy regulated telephone monopoly, Bell had little incentive to develop products for market. Instead, Bell licensed its innovative ideas, including the semiconductor chip. That was a positive development for many American companies (such as Texas Instruments) that put Bell's technologies to productive commercial use.

While Bell Labs was the source for semiconductor technology that is crucial to the small computers we know today, Xerox, a big company somewhat like Bell Labs, supported work on computer graphic interfaces and the computer "mouse." Graphic interface technology was important to the success of Apple computers and Microsoft software-based personal computers. Because Xerox executives were not interested in diverting their attention from their main copy-machine business, they let their computer-related technology go to Apple and Microsoft.

Companies that started small, like Apple and Microsoft, were also hotbeds of innovation. Other initially small yet innovative companies were Atari, Google, Intel, Oracle, and Texas Instruments. It is fascinating how brilliant entrepreneurs like Apple's Steve Jobs and Microsoft's Bill Gates were able to take their companies from shoestring-funded, garage-type beginnings to great accomplishment and achievement.

Gates may be the most dramatically successful modern-day entrepreneur described in Isaacson's book, so it is ironic that Isaacson tends to present him as a clumsy nerd in comparison to his artistic "bad-boy" rival Jobs. Yet both men realized that a moment had arrived when the stars had aligned to provide highly unusual opportunities. Computer technology based on small semiconductor components permitted the production of small computers that innovators would eventually attach to video screens and typewriter keyboards.

Gates and his colleague and cofounder Paul Allen entered the computer software business by writing and marketing an interpreter for the programming language BASIC that would run on the small computer Altair Intel 8080 microprocessor. That was a time when the visual display of the computer was minimal, not yet including a video screen. Isaacson explains that "it would become the first commercial native high-level programming language for a microprocessor. And it would launch the personal computer software industry." During the late 1970s software from fledgling Microsoft became the most commonly used program for running the Altair. Then, in 1980, Microsoft made a great leap forward when Gates and Allen reached a deal to supply the operating system for the IBM personal computer.

Microsoft gave IBM a non-xclusive license to the software, yet Microsoft retained ownership of the operating system. The arrangement allowed Microsoft to license the operating system to many companies while retaining ownership control. That quickly gave Microsoft a dominant position in an increasingly important industry—software for personal computers. As Isaacson puts it, the arrangement would allow Microsoft "to dominate the software industry for more than three decades."

The lack of effective hostile blocking conduct from potential large rivals such as IBM and Xerox was crucial to the success of both Apple and Microsoft. They were able to grow rapidly because companies that might have been powerful rivals stepped aside. IBM's personal computer unit might have developed an independent software capability to rival Microsoft's, but it did not.

With regard to Xerox and its graphics interface and mouse innovations, Jobs may have been ahead of Gates in seeing the importance of graphics interface technology, and Apple's use of Xerox technology may have been more artistic, but Gates and Microsoft followed Apple's example and took great advantage of graphics technology in introducing Windows. It is ironic that as Microsoft grew, it did its best to block potential rivals, trying to close the door to entry that had been wide open to it.

Isaacson's insider stories bring to mind several policy points for debate. He advocates a strong government role supporting innovation, but even those who generally favor government assistance may quibble with the style of support Isaacson endorses. For example, government support for the development of computer technology and the Internet involved at least some military motives. The idea of military money and bureaucracy as a basis for technological advancement may seem fine to some, but not others.

There is also room for debate about who should benefit from commercialization *continued on page 43*

REVIEW BY JAMES SRODES

E xcept for the *Bible* and the *Koran*, the Constitution of the United States probably is the most often cited and also most misinterpreted document of our time.

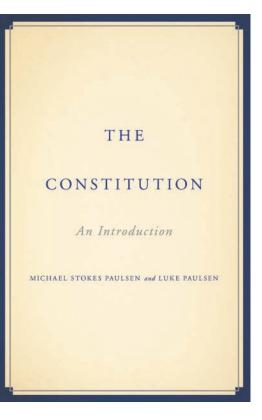
That we find ourselves in yet another cycle of constitutional crises is apparent. This crisis, as it always has in the past, has its roots in another recurring problem: A periodic inability of our elected leaders to agree on how to perform their specifically mandated functions set out by the Constitution. But then, the mandates of the U.S. Constitution, like the nature of beauty, lie in the eye of the beholder.

For some, we have a Congress that is unable to legislate, a succession of presidents who are strangers to the other end of Pennsylvania Avenue, and a court system—both national and local—that dispenses justice shaped by the political realities of their particular regions of the country. Small wonder then that state legislatures and even city councils feel impelled to nullify or surgically alter any attempt to advance national consensus. Small wonder that those who seek to apply that national consensus in new areas of social justice take to the streets in frustration at the pace of change.

So whose Constitution is it?

The virtue of this newly released primer on the Constitution is that the authors do not make an effort to answer that question. Rather, authors Michael Stokes Paulsen and his son, Luke, take the reader on a tour of the Constitutional horizon, recounting the chaotic history of its creation, the process of almost immediate alteration and shaping of the Founders' intentions, and how the U.S. Supreme Court, the U.S. Congress, and the president have each weighed in over a 228-year history.

The Paulsens—the elder of whom holds the chair of law at the University of St. Thomas in Minneapolis, and the younger, a Princeton University graduate and a lay student of the Constitution and



its history—have some valuable conclusions to offer. But they appear content to allow those who want to reconsider the Constitution-versus-the-courts issue to come to new conclusions.

They start with an acknowledgement that in 1787, the Founding Framers were, "a group of distinguished Americans gathered in Philadelphia to plot the overthrow of their government." The Convention, then, the Paulsens admit, was "an act of revolution."

Even its proponents were forced to concede at the end that the final draft was flawed. Benjamin Franklin, whom presiding officer George Washington wisely tasked with giving the final speech in favor of the document, is quoted here urging adoption, "... because I expect no better, and because I am not sure, that it is not the best. The opinions I have had of its errors, I sacrifice to the public good." Less than two years later, the Constitution's main author, James Madison, introduced no fewer than 39 amendments, of which 10 became the Bill of Rights. We have been amending and reinterpreting ever since.

While *The Constitution, An Introduction* is easily accessible and remarkably free of polemic, the authors are not without some pointed conclusions, which they save for the end as a means to send readers out the door to make up their own minds about what they think. Some of these conclusions are sure to arouse controversy, especially those concerning U.S. Supreme Court decisions.

For example, they list High Court decisions that they consider good ones— West Virginia v. Barnette, Youngstown Sheet & Tube v. Sawyer, and Brown v. Board of Education. And the bad ones— Dred Scott, Plessy v. Ferguson, Lochner, Korematsu, and Roe v. Wade.

In explaining those conclusions, the Paulsens make five basic judgements about the Constitution, its purpose, and its application.

"First, though the point has become nearly a cliché by overuse . . . it nonetheless remains true that the Constitution of the United States has succeeded spectacularly in creating an enduring outstanding framework for government for America.

"Second, it must be recognized, at the same time, that in certain vital aspects both the Constitution itself and the history of its interpretation have been far from perfect." The authors cite the Court's initial treatment of slavery, the rights of women, Native Americans, the disabled, and the unborn as examples of its failure to follow "a straight path or progression toward justice."

On their third conclusion, the Paulsens are more cheerful, conceding that the interaction between the document and its interpreters has led to a system "gradually, if unevenly, working itself pure." That progress, they conclude, lies in the fact that the Constitution can be amended but those improving policy choices are best when it is the people, "through their elected representatives," who do the choosing.

It is where judicial review has failed in the named bad decisions—that the Paulsens argue the Supreme Court has ". . . stood in the way of improvement, often substituting its own policy judgments for those of the Constitution and the people."

Which leads to the fourth lesson. It is that "... interpreting the Constitution is a game best not played alone." The authors refute the first-year law school dictum that *Marbury v. Madison* established judicial supremacy, rather it enshrined "constitutional supremacy." Our system of federalism empowers ... "presidents, legislatures, juries and voters, as well as judges—each has a legitimate role to play in giving the Constitution practical effect and in checking the errors of the others. .." The Supreme Court did not write the Constitution and, "... does not own the Constitution."

The final conclusion is that not only the Supreme Court, but also the inhabitants of the executive and legislative branches of government have succeeded in devising important public policy changes when they adhere most closely to the original intentions of the constitutional language. In contrast, they argue that in the instances of those "truly awful"... "those that remain bitterly controversial today"... come when the lawgivers act out on their own political agendas. So whose Constitution is it? It is ours, if we can keep it.

For law professional or lay reader alike, the Paulsens' book may not change any previously held opinions about the Constitution or its interpretation, but it will help clarify the mind in a most pleasant exercise.

Washington, D.C., author James Srodes's latest book is On Dupont Circle: Franklin and Eleanor Roosevelt and the Progressives Who Shaped Our World.

The Innovators

continued from page 41

of government-funded innovation: The private companies that do the commercialization or the taxpayers who underwrite government funding of the underlying innovation. Complaints have been made about excessive private profits based on taxpayer research investments. One example is the controversy surrounding profitable private commercialization of computerized DNA gene sequencing technology.

On the question of applying government policy toward intellectual property, Isaacson is unhappy that limitations associated with patents and other IP rights may block companies from building on the innovations of others. However, his comments about IP restrictions are not prescriptive; he does not offer specific advice on legal reform. Rather, his comments tend to be general observations about the benefits of information sharing. Isaacson quotes one Internet innovator as saying, "It probably helped that in those days [when the Internet was developed], we avoided patents and other restrictions; without any financial incentive to control the protocols, it was much easier to reach agreement."

We can take from Isaacson's observations on intellectual property that innovation requires the development of IP rules that do not unduly burden information sharing and cooperation. It is important, for example, that U.S. competition regulators force technical standard-setting organizations to establish stronger policies to avoid "holdups" of patents. The goal, as the American Antitrust Institute has explained, is to avoid intentional misuse of and excessive charges for "standardsessential" patents required for companies to accommodate agreed upon product technical standards.

Turning from government promotion of innovation to the role of private corporations, Isaacson's anecdotes are springboards for discussion. Bell Labs and Xerox were vital sources of important innovation post-World War II, but their reluctance to commercialize the innovative technologies developed by their scientists suggests some caution concerning large companies as innovators. Large companies may often be responsible for great innovations (although even that can be a matter for debate), but sometimes they may have mixed motives that make them reluctant to commercialize their innovations.

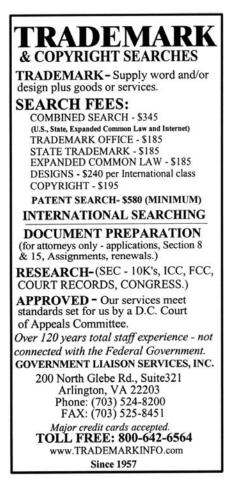
Turning to small companies as innovators, Isaacson has presented us with a particularly compelling story about Microsoft's beginnings. The government policy most associated with Microsoft deals with antitrust enforcement directed at the company's behavior after its rise in market power and status. Antitrust enforcement was directed at barriers to entry and growth perceived to be caused by Microsoft's conduct. As mentioned before, there is great irony in Microsoft's efforts to close the doors to entry and growth, which had been open to it just a few years earlier.

The U.S. government's response to Microsoft was part of a generally applicable policy that discourages unnecessary barriers to entry and growth, and deals with anticompetitive behavior that blocks innovative companies from moving forward. Where there is purposefully anticompetitive activity that blocks innovative entry and growth, at least some punishment is required from the government to achieve the deterrent effect. That is true even if the passage of time means that the company blocked by anticompetitive conduct has expired. An early victim of Microsoft's blocking, browser rival Netscape, was defunct before any judicial remedy was available.

So, have we found answers to the questions posed by Isaacson? Can government promote innovation and protect innovative companies? Perhaps. An important point is that the government cannot completely control the circumstances that promote innovation. Yet providing companies with incentives for innovation and reducing barriers to entry and growth of small companies are important policy goals for government and its regulators. Isaacson's stories of the clear sailing days of Apple and Microsoft reinforce the idea that government can and should use antitrust laws to protect innovating companies from blocking conduct by large rivals. With regard to public policy that facilitates the sharing of intellectual property in support of innovation, U.S. competition regulators may, for example, force technical standard-setting organizations to establish stronger policies to avoid holdups of standard-essential patents.

Isaacson leaves the reader to ponder whether the United States can replicate circumstances that will lead to an exciting and productive period of innovation, like the decades following World War II, and what public policies will make that happen. His industry stories suggest that government has important tools for supporting and encouraging innovation.

Don Allen Resnikoff is a principal at the Law Offices of Don Resnikoff, which provides counsel on antitrust and consumer issues. He formerly was an attorney with the Antitrust Division of the U.S. Department of Justice, and later the principal antitrust attorney with the District of Columbia Office of the Attorney General.





Honors and Appointments

MercerTrigiani attorney Jeremy R. Moss has been elected to the College of Community Association Lawyers... Georgetown University Law Center professor Jeffrey Shulman has received the Frank Flegal Excellence in Teaching Award... Jennifer A. Manner has been appointed cochair of the State University of New York at Albany, Rockefeller College of Public Affairs Advisory Board... Judge Susan G. Braden of the U.S. Court of Federal Claims has been appointed as judicial advisor to the American Law Institute's Restatement of the Law, Copyright... Chérie R. Kiser, managing partner of the Washington, D.C., office of Cahill Gordon & Reindel LLP, was named one of the nation's Outstanding Women Lawyers by the National Law Journal... Tony Dutra, law editor for Bloomberg BNA's Patent, Trademark & Copyright Journal, and Donald R. Dunner, a partner at Finnegan, Henderson, Farabow, Garrett & Dunner LLP, have received the American Bar Association Section of Intellectual Property Law Mark T. Banner Award... Legal Counsel for the Elderly has appointed 17 attorneys to its Young Lawyers Alliance: Nowell D. Bamberger of Cleary Gottlieb Steen & Hamilton LLP; Morey Barnes Yost of Alston & Bird LLP; Christina E. Buschmann of Perkins Coie LLP; Tessa Capeloto of Wiley Rein LLP; Laura J. Capotosto of McDermott Will & Emery LLP; Alex Kwan-Ho Chung of Sterne, Kessler, Goldstein & Fox, P.L.L.C.; Anjali Garg of K&L Gates LLP; Alexander S. Holtan of Sutherland Asbill & Brennan LLP; Aiysha S. Hussain of Miller & Chevalier, Chartered; Elizabeth J. Karan of Feldesman Tucker Leifer Fidell LLP; Benjamin D. Klein of Morgan, Lewis & Bockius LLP; Sasha Leonhardt of BuckleySandler LLP; Suzanne M. Logan of Latham & Watkins LLP; Kaihli M. Ross of Morrison & Foerster LLP; Jason S. Rubinstein of Gilbert

LLP; La Toya Sutton of Manatt, Phelps & Phillips, LLP; and Reid W. Swanson of Hunton & Williams LLP... Raul R. Herrera has been appointed to the board of directors of Counterpart International.

On the Move

Davis Wright Tremaine LLP partners Danielle M. Frappier and Andrew J. Lorentz have been elected to the firm's executive committee... Lauren R. Rexroat has been promoted to executive vice president of Capital Lending and Mortgage Group, LLC... Ellen McElroy has joined Sutherland Asbill & Brennan LLP as partner... Kevin P. McCart has joined Squire Patton Boggs as partner... Jesse E. Weisshaar has joined Shook, Hardy & Bacon L.L.P. as of counsel on the firm's data and discovery strategies team... Michael T. Wyatt has joined Hewitt, Waicker & Keelty, LLC as partner... Mark Mansour, Mark W. Ryan, and Andrew B. Young have joined Mayer Brown as partner... Seema S. Gajwani has joined the D.C. Office of the Attorney General as special counsel on juvenile justice reform... Denise E. Hanna has been elected partner at Locke Lord LLP... David H. Evans has joined Kelley Drye & Warren LLP as partner on the firm's antitrust and competition team... Matthew H. **Solomson** has joined Anthem, Inc. as chief legal officer, federal government solutions... Raymond B. Biagini, Jason A. Carey, Daniel E. Johnson, Frederic M. Levy, and Michael G. Scheininger have joined Covington & Burling LLP as partner. Herbert L. Fenster, E. Sanderson Hoe, and Robert A. Matthews have joined the firm as senior of counsel. Kurt J. Hamrock, Mark L. Perlis, Daniel L. Russell, and Jason N. Workmaster have joined the firm as of counsel. J. Hunter Bennett has joined the firm as special counsel... Alice Valder Curran has been named regional managing partner of the Washington, D.C., Baltimore, Northern Virginia,



Richard D. Milone has joined Jones Day as partner.

Trisha J. Cacciola has joined Hudson Cook, LLP as partner.

Stephen F. Donahoe has been elevated to counsel at Kilpatrick Townsend & Stockton LLP.

Philadelphia, and Minneapolis offices of Hogan Lovells... Jeffrey R. Keitelman and Kim Pagotto have joined Stroock & Stroock & Lavan LLP as partner. Richard A. Cohn, Joseph F. Miller, Hala M. Sibay, and Daniel R. Simon have joined the firm as special counsel... Heather J. Broadwater, Galia Messika, Jeniffer M. Roberts, and Kevin P. Stogner have joined Potomac Law Group, PLLC as partner. Teresa A. Alutto-Schmidt and Erica J. Mueller have joined the firm as counsel... Lori E. Kalani and Bernie Nash have joined Cozen O'Connor as cochairs of the firm's state attorneys general practice. Christopher J. Allen, Maria Colsey Heard, Ann-Maria Luciano, and Milton A. Marquis have joined the firm as member. Bryan L. Mosca has joined the firm as associate... G. Derek Andreson has joined Winston & Strawn LLP as partner... Jennifer R. Netburn has joined the D.C. Tenants' Rights Center as staff attorney... Gary M. Hoffman has joined Pillsbury Winthrop Shaw Pittman LLP as senior continued on page 46

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Note: Unless otherwise indicated, the D.C. Bar events are held in the D.C. Bar Conference Center at 1101 K Street NW, first floor. For information, visit www.dcbar.org or call the Sections Office at 202-626-3463 or the CLE Office at 202-626-3488. Sections Events are sponsored by the D.C. Bar Sections. CLE courses are sponsored by the D.C. Bar Continuing Legal Education Program.

AUGUST 5

The Hiring Process: Forms and Checklists to Help You and Your Client

6-8:15 p.m. CLE course cosponsored by the Corporation, Finance and Securities Law Section; Courts, Lawyers and the Administration of Justice Section; Family Law Section; Health Law Section; International Law Section; Labor and Employment Law Section; and Litigation Section.

AUGUST 6

Lunch and Learn: Using Analytics to Give Your Firm a **Strategic Advantage**

12-2 p.m. Sponsored by the D.C. Bar Practice Management Service Committee. Contact Daniel M. Mills or Rochelle D. Washington, assistant director and senior staff attorney, respectively, of the Practice Management Advisory Service, at dmills@ dcbar.org and rwashington@dcbar.org, or call 202-626-1312.

The District's Unique Rule 5.4: Can My Parents or Angel Investors Really Own a Piece of My Law Firm?

6-8:15 p.m. CLE course cosponsored by all sections of the D.C. Bar.

AUGUST 7

Advanced Effective Writing for Lawyers Workshop

9:30 a.m.-4:45 p.m. CLE course cosponsored by all sections of the D.C. Bar.

AUGUST 10

Digging in: Real Estate Litigation in the District of Columbia From the Ground Up, Part 1

6–9:15 p.m. CLE course cosponsored by the Courts, Lawyers and the Administration of Justice Section; Environment,

Energy and Natural Resources Section; Litigation Section; and Real Estate, Housing and Land Use Section.

AUGUST 13

Immigration Law Practice Clinic: Family-Based Immigration

9:30 a.m.-5 p.m. CLE course cosponsored by the Administrative Law and Agency Practice Section; Corporation, Finance and Securities Law Section; Courts, Lawyers and the Administration of Justice Section; Criminal Law and Individual Rights Section; Family Law Section; Government Contracts and Litigation Section; International Law Section; Labor and Employment Law Section; and Litigation Section.

AUGUST 17

Successful Small Firm Practice, Day 1

12-2 p.m. (Afternoon Session); 6-8 p.m. (Evening Session). Sponsored by the D.C. Bar Practice Management Service Committee. Contact Daniel M. Mills, assistant director of the Practice Management Advisory Service, at 202-626-1312 or dmills@dcbar.org.

Digging in: Real Estate Litigation in the District of Columbia From the Ground Up. Part 2

6–9:15 p.m. See entry for August 10.

AUGUST 19

Thorny Ethics Issues in Employment Law and Litigation 5-7:15 p.m. CLE course cosponsored by the Administrative Law and Agency Practice Section; Courts, Lawyers and the Administration of Justice Section; Labor and Employment Law Section; Law Practice Management Section; and Litigation Section.

AUGUST 20

Lunch and Learn: What Small Firm Lawyers Need to Know About Malpractice Insurance

12-2 p.m. Sponsored by the D.C. Bar Practice Management Service Committee. Contact Daniel M. Mills or Rochelle D. Washington, assistant director and senior

staff attorney, respectively, of the Practice Management Advisory Service, at dmills@ dcbar.org and rwashington@dcbar.org, or call 202-626-1312.

AUGUST 21

Effective Writing for Lawyers Workshop

9:30 a.m.-4:45 p.m. CLE course cosponsored by all sections of the D.C. Bar.

AUGUST 24

Successful Small Firm Practice, Day 2

12-2 p.m. (Afternoon); 6-8 p.m. (Evening). See listing for August 17.

Financial Accounting Basics for Lawyers

6-8:45 p.m. CLE course cosponsored by the Corporation, Finance and Securities Law Section; Courts, Lawyers and the Administration of Justice Section; Criminal Law and Individual Rights Section; Estates, Trusts and Probate Law Section; Family Law Section; Government Contracts and Litigation Section; Health Law Section; Labor and Employment Law Section; Law Practice Management Section; Litigation Section; and Taxation Section.

AUGUST 25

Avoiding and Litigating Wage and Hour Claims Under the FLSA 2015

1-4:15 p.m. CLE course cosponsored by the Corporation, Finance and Securities Law Section; Government Contracts and Litigation Section; Labor and Employment Law Section; and Litigation Section.

AUGUST 26

Selecting and Working With Expert Witnesses

9 a.m.-12:15 p.m. CLE course cosponsored by the Antitrust and Consumer Law Section; Corporation, Finance and Securities Law Section; Environment, Energy and Natural Resources Section; Family Law Section; Government Contracts and Litigation Section; Health Law Section; Labor and Employment Law Section; Law Practice Management Section; Litigation Section; and Tort Law Section.

Bar Counsel

continued from page 12

for 30 days, *nunc pro tunc* to February 2, 2015. In Maryland, Greenberg was found to have improperly divided fees with lawyers not in the same firm, failed to obtain client consent for a joint representation, and engaged in a potential conflict of interest by making unwanted romantic overtures to his client at a time when the client's husband had agreed to provide testimony favorable to Greenberg's client.

IN RE JAMES MEANEY III. Bar No. 352872. May 7, 2015. In a reciprocal matter from Tennessee, the D.C. Court of Appeals imposed identical reciprocal discipline and suspended Meaney for 11 months and 29 days, with all but 3 months stayed in favor of probation subject to the conditions imposed by the state of Tennessee, and his reinstatement conditioned upon a showing of fitness. In Tennessee, Meaney was found to have repeatedly and knowingly continued to practice law for a number of years after being suspended for his failure to respond to disciplinary complaints, as well as practicing while administratively suspended for failure to pay professional taxes or comply with CLE requirements.

IN RE MICHAEL C. WORSHAM. Bar No. 462830. May 7, 2015. In a reciprocal matter from the Court of Appeals of Maryland, the D.C. Court of Appeals imposed reciprocal discipline and disbarred Worsham, *nunc pro tunc* to May 3, 2014. In Maryland, Worsham was found to have willfully and fraudulently failed to file tax returns or pay income tax over an eight-year period.

Interim Suspensions Issued by the District of Columbia Court of Appeals

IN RE M. ADRIANA KOECK (AKA ADRI-ANA SANFORD). Bar No. 439928. April 23, 2015. Koeck was suspended by consent, based on her assertion of disability, from the practice of law in the District of Columbia, effective immediately, pursuant to D.C. Bar R. XI § 13 (e).

IN RE RANDY MCRAE. Bar No. 430494. April 27, 2015. The D.C. Court of Appeals vacated McRae's September 29, 2014, interim suspension that was based upon his conviction of a serious crime in the Circuit Court for Prince George's County, Maryland, and remanded the matter to Bar Counsel to investigate this matter and proceed as appropriate under D.C. Bar Rule XI § 8.

IN RE LAYN M. SAINT-LOUIS. Bar No. 457001. April 21, 2015. Saint-Louis was suspended on an interim basis pursuant to D.C. Bar R. XI, § 9(g), pending final action on the Board on Professional Responsibility's January 30, 2015, recommendation of disbarment.

IN RE ANDREW J. BRAUER. Bar No. 497812. May 27, 2015. Brauer was suspended on an interim basis based upon an order from the Grievance Committee chair of the North Carolina State Bar for disability inactive status by consent.

IN RE HAROLD J. PICKERSTEIN. Bar No. 435206. May 27, 2015. Pickerstein was suspended on an interim basis based upon discipline imposed in Connecticut.

IN RE ROBERT SEGUIN. Bar No. 938449. May 27, 2015. Seguin was suspended on an interim basis based upon discipline imposed in New Jersey.

IN RE MARK A. SGARLATA. Bar No. 418557. May 18, 2015. Sgarlata was suspended on an interim basis based upon discipline imposed in Virginia.

IN RE HERBERT J. TAN. Bar No. 496860. May 18, 2015. Tan was suspended on an interim basis based upon discipline imposed in New Jersey.

Informal Admonitions Issued by the Office of Bar Counsel

IN RE DENISE J. BAKER. Bar No. 493414. March 26, 2015. Bar Counsel issued Baker an informal admonition. While serving as counsel for the District of Columbia in a civil litigation matter before the United States District Court for the District of Columbia, Baker filed a sworn declaration with the court asserting that the signature of a declarant verified the facts contained in an affidavit. After a subsequent investigation, it was discovered that the actual content of the filing, although factually correct and verified by the declarant later, was never reviewed or signed by the declarant prior to Baker filing it with the court. Rule 8.4(d).

The Office of Bar Counsel compiled the foregoing summaries of disciplinary actions. Informal Admonitions issued by Bar Counsel and Reports and Recommendations issued by the Board on Professional Responsibility are posted at www.dcattorneydiscipline.org. Most board recommendations as to discipline are not final until considered by the court. Court opinions are printed in the Atlantic Reporter and also are available online for decisions issued since August 1998. To obtain a copy of a recent slip opinion, visit www.dccourts.gov/internet/opinionlocator.jsf.

Attorney Briefs

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counsel... Sarah E. Hunt has joined the Niskanen Center as general counsel... Jarrod F. Reich has joined the faculty at Georgetown University Law Center... Jeannie Pittillo Kauffman has joined Gavett, Datt & Barish, P.C. as associate.

Company Changes

Williams Mullen has opened an office in Columbia, South Carolina... Stefan L. Jouret has founded a new firm, Jouret LLC, located in Boston... Erik J. Williams has launched The Law Offices of Erik J. Williams, P.L.L.C., located at 1629 K Street NW, suite 300.

Author! Author!

New York State Supreme Court Acting Justice Diane Kiesel has written She Can Bring Us Home: Dr. Dorothy Boulding Ferebee, Civil Rights Pioneer, published in August by Potomac Books, an imprint of the University of Nebraska Press... Appleton Luff partner Edmund W. Sim has coauthored The Foundation of the ASEAN Economic Community and Rules of Origin in ASEAN, both published by Cambridge University Press... Ira P. Robbins, professor of law at American University Washington College of Law, has authored "The Price is Wrong: Reimbursement of Expenses for Acquitted Criminal Defendants," published in the Michigan State Law Review, volume 2014, number 5... Deming PLLC principal Stuart H. Deming has authored Anti-Bribery in Common Law Jurisdictions, published by Oxford University Press... Donald C. Johnson has published Down the River to a Fight, a historical fiction novel, published by Sarah Book Publishing.

D.C. Bar members in good standing are welcome to submit announcements for this column. When making a submission, please include name, position, organization, and address. Please e-mail submissions to D.C. Bar staff writer David O'Boyle at doboyle@ dcbar.org. Follow on Twitter at @d_oboyle.

classifieds

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hen a few members of the old criminal bar get together, the conversation inevitably ends by condemning the 1987 so-called sentencing guidelines.

Two of the prominent judges, William Bryant and Harold Greene, who others looked up to, decided to reject a criminal case because of the guidelines.

Judge Bryant had more experience on sentencing probably than any of the other judges. In his career, he was a defense counsel and a prosecutor.

Occasionally in the guidelines conversations, the name Judge Burnita Shelton Matthews came up. Judge Matthews served before there were any guidelines. She dealt with the facts, the law, and the future of the defendant. Judge Matthews (1894–1988) was, in 1950, the first woman to serve as a federal judge.

Judge Matthews commenced her career as a music teacher. After completing the program at the Cincinnati Conservatory of Music, she enrolled in law school, graduated, and then passed the bar in 1920. When she wished to join the local legal associaton, her application and dues check were rejected. She, along with other women lawyers, then formed their own bar associations.

As an attorney, she served as counsel to the National Woman's Party, representing it in a high-profile case where she obtained the largest condemnation settlement awarded by the government at the time, \$299,200. Judge Matthews heard many other high-profile cases.

In criminal cases, when a defendant was convicted, she invited into her chambers the prosecutor, the defense counsel, and the parole officer. Judge Matthews believed sentencing was one of the most important elements in the criminal justice system. If there were to be prison confinement, consideration must be given to suggest ways after the sentence for the defendant to be a productive member of society.

Now let me recall a case in Judge Matthews' court. It was a criminal case

Judge Matthews and the Young Prosecutor

with a young prosecutor who wanted to make a name for himself.

The case involved a 65-year-old woman who said she was raped. There were records of her confinement in St. Elizabeths Hospital because of her strange behavior.

As the trial went on, the ambitious prosecutor put the woman on the witness stand. It turned out that she was enjoying being the most important person in the court. As she testified, she had a difficult time describing how, when, and where the rape took place.

After completing the program at the Cincinnati Conservatory of Music, she enrolled in law school, graduated, and then passed the bar in 1920.

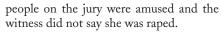
Judge Matthews decided that she herself must ask the complainant the questions concerning how the rape occurred.

The witness was unable to clarify any facts, but with a little prodding from Judge Matthews, the witness looked around the courtroom and at the 12 people on the jury and said, "That man [pointing to defense counsel] rushed at me with his subpoena."

As that was said, two jurors had big grins. The deputy marshal, who was sitting behind the defendant, joined in and said, rather loudly in the courtroom, "So you see we deputy marshals really know how to serve a subpoena."

Judge Matthews called a recess. She wished to talk to the lawyers. In her chambers she said to the prosecutor, "Did you see that Jurors 4 and 5 were smiling?" She then said to the young prosecutor to call his boss to see if the case should go on. She took a recess and resumed at 2 o'clock.

At 2 o'clock, Judge Matthews brought together in her chambers the young prosecutor, the defense counsel, and the senior prosecutor. She suggested that the case should not go on, considering that



The senior prosecutor advised the young prosecutor that the judge's recommendation is a reasonable resolution of the case, and she is going to dismiss the case.

The senior prosecutor said to the young prosecutor that he will get a better case, win it, and be on his way like other prosecutors, to get into politics.

Judge Matthews liked to hire the best and brightest women law clerks. The first clerk, Claire Whitaker, now with the U.S. Attorney's Office, was an example for the clerks who followed. Two of those clerks deserve mention here, Ellen Lee Park, who was hired in about 1956, and A. Patricia (Pat) Frohman, who came a few years later, in 1964.

Both Ms. Park and Ms. Frohman were trailblazers for women, like Judge Matthews was. They both became assistant U.S. attorneys in the Civil Division of the U.S. Attorney's Office for the District of Columbia. In those days, it was considered unseemly to work in the Criminal Division.

Ms. Park became deputy chief of the Civil Division and served in that capacity for two decades, leaving her mark and her sharp eye for typographical errors and proper grammar on every federal civil litigator who passed through that office. Ms. Frohman served three decades in the Civil Division and was instrumental in creating the Financial Litigation Unit in the division, which oversaw the collections of debts owed the federal government. In 1974, Ms. Frohman was named Woman of the Year by the Women's Bar Association. When she retired, in about 1993, Ms. Frohman hung out her shingle and practiced law-something she always wanted to do.

Both Ms. Park and Ms. Frohman emulated Judge Matthews' intelligence, grace, and insight.

Reach Jacob A. Stein at jstein@steinmitchell. com.



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