

MAY 2016

Washington Lawyer

THE OFFICIAL MAGAZINE OF THE DISTRICT OF COLUMBIA BAR

No Access, No Justice

A Pressing Challenge
in the District of Columbia

By Jeffery Leon

D.C. Bar Elections
Coverage Begins
on Page 30.



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No Access, No Justice

A Pressing Challenge in the District of Columbia

For the past 10 years, the D.C. Access to Justice Commission has worked to break down barriers in access to the civil justice system. Now it has trained its sights on the District's growing housing and homelessness problem threatening vulnerable populations.

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Ensuring Justice for All: The White House Plan

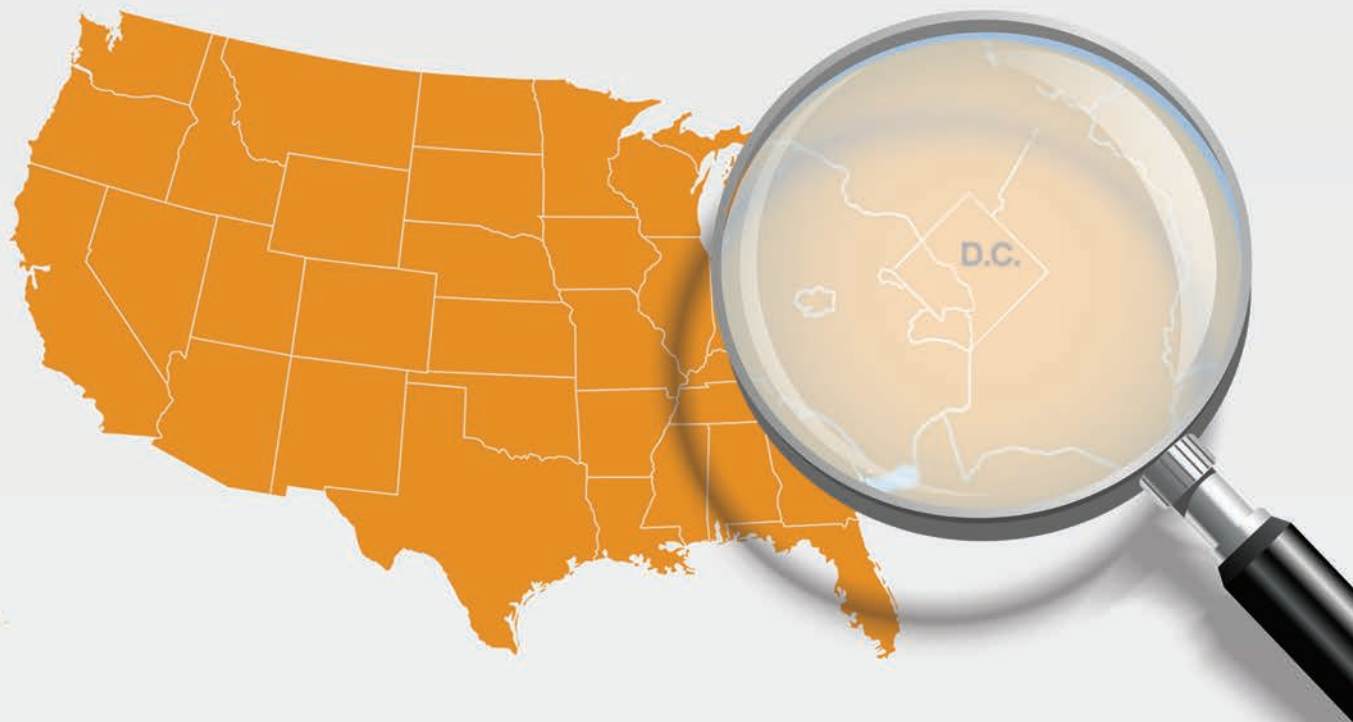
The federal government has stepped up its involvement in access to justice efforts by pulling together 21 federal agencies to collaborate and expand access to civil legal aid and criminal indigent defense.

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D.C. Bar 2016 Election Coverage

Washington Lawyer presents the candidates for Bar office and section steering committees.

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Washington Lawyer (ISSN 0890-8761) is published monthly except July/August, which is a combined issue, by the District of Columbia Bar, 1101 K Street NW, Suite 200, Washington, DC 20005-4210. Periodicals postage paid at Washington, DC, and additional offices. POSTMASTER: Send address changes to *Washington Lawyer*, D.C. Bar Member Service Center, 1101 K Street NW, Suite 200, Washington, DC 20005-4210.



letters



In Garland Nod, High Court Gets More of the Same

The article on the U.S. Supreme Court by Anna Stolley Persky appearing in the March 2016 issue of *Washington*

Lawyer does not mention the astonishing lack of diversity among the present Supreme Court justices. There is no justice who did not receive his or her degree from either Harvard or Yale. There is no Protestant justice. There is no justice with any significant state court experience.

The nomination of Merrick Garland, yet another Harvard-educated Jewish potential justice, almost all of whose experience is inside the Beltway, does nothing to further the Court's diversity.

If the U.S. Constitution is a living document, the interpretation of which must evolve according to changes in society, then the Supreme Court that interprets it must better reflect the American population governed by that Constitution.

—Dennis B. Wilson
London, England

Oppose the Christian Right? Better Get Started

The March issue contains Joseph Goulden's review of David Cole's book, *Engines of Liberty: The Power of Citizen Activists to Make Constitutional Law*, which describes case studies of legal changes obtained by long campaigns in courts, legislatures, and public opinion. I want to read this book, it punches some of my favorite buttons.

The Christian Right is in the middle of a long campaign whose ultimate goal is to abrogate the Establishment Clause and make the United States and every state explicitly Christian, with Christian law as the law. They are no better than the Sharia law crowd. If you do not want the Christian Right to win, better start fighting the long game now.


—David McCabe
Lowell, Massachusetts

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 e-mail at editorial@dcbar.org. Letters may be edited for clarity and space.

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from the president

By Tim Webster

'Us Versus Them.' The Balkanization of Lawyers



Patrice Gilbert Photography

“Us versus them” is a phrase that describes a lot of geopolitical situations, but I mean it here as a reference to a mentality that has galvanized certain practice types and areas of lawyers into mutually exclusive and sometimes antagonistic groups, like prosecutors versus public defenders, plaintiff’s lawyers versus defense lawyers. This phenomenon works as a disservice to the profession and, more importantly, our clients. This is not a column about civility; rather, it’s about recognizing attitudes and views that Balkanize the profession.

There’s a good case for lawyers forming groups (the “us”). Law has become one of the most specialized professions, perhaps even more so than medicine, with dozens of practice areas. The D.C. Bar, for example, has 20 sections, and each is merely an umbrella for many subspecialties. In government agencies, some lawyers work in silos as narrow as one statute or even a single title of one statute. With the millions of existing pages of laws, regulations, guidance, case laws, and other interpretive materials, it’s no wonder that the age of “reading the law” as a means of gaining admission to the bar is long past. No one person could master even a small fraction of the whole body of law.

In fact, over 40 years ago researchers identified a natural bifurcation of most lawyers into two “hemispheres,” one in which the clients are primarily business entities and the other in which the clients are primarily individuals. Further subdivision seems logical.

Thus, lawyers of different practice types and areas coalesce into groups for professional and sometimes social purposes, to share knowledge and trends, develop business, and even just commiserate. We identify with others who work in the same area we do. This type of behavior benefits our clients, too, by enhancing our knowledge and skills. So far, so good—there’s nothing wrong with lawyer groupings by practice type or area.

But in some cases groups have devel-

oped rivalries with other groups (“them”). Having a nemesis is a fine tradition in literature and cinema. The opponent is both a foe and a foil, helping the main character to shine in comparison to his or her rival. But in the law it can lead to unnecessary divisiveness and acrimony, neither of which is beneficial to clients or lawyers more broadly.

Unfortunately, some laws and rules that are designed to compel ethical behavior in public officials have unintentionally contributed to the “us versus them” phenomenon.

Over the last 50 years we’ve learned a lot about bias and prejudice, both conscious and unconscious, in the practice of law. Biases and prejudices are unlawful when directed toward certain protected classes of individuals, but lawyer practice types and areas are not protected classes. It is perfectly legal to believe and espouse that plaintiffs’ lawyers are motivated solely by greed, defense lawyers hide the ball and stall whenever possible, prosecutors value victory over individual rights, and public defenders thrive on using technicalities to keep criminals on the streets. But these biases and prejudices can become motivators that influence our legal strategy and tactics and potentially even the outcomes of our matters. They shouldn’t be.

As lawyers, we have many duties, including the twin duties of zeal and diligence, but those duties are moderated by our duty of loyalty to our clients and to act in a manner that is in the best interests of those clients. *See, e.g.*, Rule 1.3 of the D.C. Rules of Professional Conduct. The concept of “us versus them” does

not align well with our core duties. Our clients often benefit the most when we work cooperatively with opposing counsel toward a consensual resolution. Prejudices and biases toward that counsel can get in the way of the best interest of our clients. Even when adversarial proceedings are necessary, we need to remember that our opponent is not opposing counsel, although we often fall into the habit of speaking as if that were so.

We live in an increasingly binary society when it comes to groups of individuals. You are either in one group or the other, and the two do not necessarily mix. Unfortunately, some laws and rules that are designed to compel ethical behavior in public officials have unintentionally contributed to the “us versus them” phenomenon by mandating the separateness of certain groups that represent different interests, such as regulators and the regulated. The general need for such rules and laws is beyond dispute, but as they become more prescriptive, it likewise becomes more difficult for the groups to interact in meaningful ways that promote other goals, such as civility, understanding, and cooperation.

The same is true with lawyers. I hope I never see the day when two opposing lawyers cannot have dinner together without it constituting an appearance of conflict or some other impropriety. Litigators know that it’s often wise to use an expert witness who has a history of representing both plaintiffs and defendants, because that expert is more likely to be, and to be perceived as, balanced. Yet we don’t necessarily think that way about ourselves.

I said this was not a column about civility, but it’s hard not to think of Ben Franklin’s words here: “Be civil to all; sociable to many; familiar with few; friend to one; enemy to none.” Let’s take advantage of all the good things that groupings by practice type and area have to offer, but without the attitude.

Reach Tim Webster at twebster@dcbar.org.

Please Join Us for the

CELEBRATION of LEADERSHIP

The D.C. Bar Awards Dinner and Annual Meeting

We invite you to attend this gala dinner to salute outstanding D.C. Bar leaders and projects.

The evening will feature the installation of

Annamaria Steward

as incoming president of the D.C. Bar.

Other newly elected officers will also be welcomed.

We are proud to announce these 2016 D.C. Bar Awards Recipients

Avis E. Buchanan

Thurgood Marshall Award
For Excellence, Achievement and Commitment
To Civil Rights and Individual Liberties

Mary E. McLeod

Beatrice Rosenberg Award
For Excellence in Government Service

Information about other 2016

D.C. Bar award recipients can be found online at
www.dcbar.org, Go to "Annual Events" under
the "About the Bar" tab.

Join the Celebration of Leadership Host Committee by purchasing a table or half table for your firm or organization. Groups listed with the host committee will be recognized on the D.C. Bar dinner web page and in the commemorative dinner program.

To reserve your place on the host committee, email annualmeeting@dcbar.org **before June 1.**

June 15, 2016

7:00 PM – Reception

7:30 PM – Dinner & Program

Mayflower Hotel

The Grand Ballroom

1127 Connecticut Avenue NW

Washington, DC

\$1120 for full table (10 guests)

\$560 for half table (5 guests)

\$112 per person

Register online at www.dcbar.org.
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the pro bono effect

By Patrick Malone



Ronald Flemmings

Every second Saturday of the month, they pour into the legal clinic: dozens of D.C. residents who have no lawyer but who face big legal consequences. Someone wants a big money judgment against them, or to take custody of their children, or kick them out of their home. Usually their adversaries in court have a lawyer. Our job, as volunteers at the D.C. Bar Pro Bono Center's Advice & Referral Clinic, is to make it a fair fight. And we do, much of the time.

Despite being a local bar whose membership long ago swelled past the 100,000 mark, there have never been enough lawyers to guarantee that everyone has one with them when they need to go to court. But here in the District of Columbia, we have the next best thing that works surprisingly well: a monthly volunteer clinic where lawyers with expertise in a broad range of real-people legal problems can dispense effective advice that empowers our clients to represent themselves with a fair shot at whatever justice their merits deserve.

I have been attending the Pro Bono Center's Advice & Referral Clinic at Bread for the City on 7th Street NW since the Pro Bono Center started it in 1997. You'll find me there, not every second Saturday, but most of them.

Because I'm the clinic's torts specialist, I see anyone who has suffered some physical or emotional injury, or loss of property, or who stands accused of inflicting harm on someone else. I also work with clients who have consumer claims or who

Every Second Saturday: Making 30 Minutes Count

find themselves in court on just about any other noncriminal issue.

Lots of friends who are used to legal issues that require tens or hundreds of hours to figure out are skeptical when I tell them how 30 minutes can untie many knotty legal problems. Then I tell them some stories:

- An elderly immigrant couple has just been sued for what they thought was a fender-bender accident 2 years, 11 months, and 29 days ago, and now they are panicked because they no longer have the auto insurance policy that they had when the collision occurred. They are astonished and happy when I tell them their old insurer still owes them coverage, plus a free lawyer, as long as the company was notified about the accident when it happened. I draft a letter for them to mail to the insurer demanding coverage and representation.
- A bicyclist was knocked down by a turning car on his morning commute to his job, a few months before he turns up at our clinic. He is on the road to a full recovery from his cuts and bruises, so his case wouldn't attract a contingency fee lawyer. But he wants something for what he underwent. So I help him draft a claim letter to the driver's insurer, and then, over subsequent Saturday sessions, coach him through the negotiation process, including how to keep any funds the auto insurer eventually pays.
- A young couple's possessions in their former landlord's storage unit disappeared when the building owner leaves the access unsecured. I send them to small claims court with a draft complaint and tips on how to document their losses and present them to the court.

None of these cases might look terribly consequential to lawyers who charge in the high hundreds or low four figures for an hour of their time. But to clients who live on minimum-wage jobs or government disability benefits, a loss of \$10,000 can be catastrophic, and a check in a like amount seems heaven-sent.

A big part of our job is extricating low-income clients from debt owed to credit cards, utilities, or hospitals. They bring in piles of envelopes with their names in glassine windows, and a quick review shows a downward financial spiral that started with a serious illness, loss of job, or death of a bread-winning family member.

These clients always stress that they want to pay what they owe, but just can't. A few simple questions often sort out the recommended course of action. Do they have a job with wages that could be garnished? Do they own a home or other significant property that could be seized by a judgment creditor? If the answers are no, as they usually are, we pull out our standard, "I'm collection proof so leave me alone" letter, customize it quickly for their creditors and their individual stories, and send them home with a stack of letters to mail that should at least quiet the monthly dunning.

Almost every month, I see a client whose real problem is not legal but likely instead a mental health issue, yet who wants to go to court. In my experience, their stories can seem tragically comical, but we gently steer them toward the right path, which usually does not involve the court system.

A young man wanted our help in drafting a lawsuit to demand that his doctor perform an imaging scan of his head, where he was convinced a dentist had implanted a listening device. Other volunteers at the clinic, who weren't familiar with schizophrenia, had earnestly tried to explain to him how legal precedent would make it hard to win. I tried a different approach. What if the scan was done and it showed nothing, I asked him. Would he conclude that the radiologists were in on the plot to spy on him? Of course, he said, absolutely. Well then, I said, maybe a head scan isn't the answer. Then I pointed out that if he brought a lawsuit like that, someone would say he was mentally ill, and so perhaps his better strategy would be first to get a doctor to examine him and if the doctor said he was mentally fit, he could come back to our clinic and we would have something to work with.

continued on page 46

The *Presidents'* Reception

Honoring incoming D.C. Bar President

Annamaria Steward

The D.C. Bar Pro Bono Center provides legal information, advice and representation to 20,000 individuals, nonprofit organizations and small businesses in our community. The Pro Bono Center is supported entirely by generous donors like you. Please donate today.

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The D.C. Bar Pro Bono Center is a tax-exempt charitable organization. The estimated fair market value of this event is \$50 per person.

For more information please contact
Kathy Downey at 202-588-1857 or
kmdowney@erols.com

bar happenings

By Jeffery Leon



Mick Wiggins

From Taxes to Social Media, Learn the Essentials From Practice 360°

Join the D.C. Bar Practice Management Advisory Service (PMAS) on May 6 for its second annual Practice 360° | A Day for Lawyers & Law Firms, featuring 16 programs and a Continuing Legal Education course on essential and practical techniques to increase efficiency and improve client service.

Practice 360° is a unique opportunity for attorneys to explore new technology tools, personal and business development techniques, ethical marketing strategies, and a host of other skills needed to run a successful law firm in Washington, D.C. Last year's event drew nearly 200 attendees.

This year Practice 360° once again offers a wide range of programming, including "Choosing the Right Business Entity for Your Law Firm," "iPad for Lawyers: Technology in the Courtroom," "Legal Research for the Rest of Us," and "The Perils & Pitfalls of Law Firm Accounting." Attorneys can attend any of the 16 programs for free. The CLE course "Data Security for the Small Firms and Solo Practitioners" is offered for a fee.

William R. (Billy) Martin, a principal at Miles & Stockbridge, PC, will deliver the keynote speech. Other highlights include morning and afternoon networking opportunities for attendees and an



William R. "Billy" Martin

DuPont Photographers

exhibit hall featuring many of the seminar speakers, companies that offer services through the D.C. Bar member benefits programs, representatives from Bar departments, and other companies serving the local legal community.

Practice 360° takes place from 9 a.m. to 4:30 p.m. at the D.C. Bar Conference Center, 1101 K Street NW, first floor.

To register and for more information, contact PMAS' Dan Mills or Rochelle Washington at 202-626-1317, or visit www.dcbar.org, keywords: Practice 360°.

New Webinar Guides Non-Tech Lawyers on E-Discovery Issues

Beginning on May 9 the D.C. Bar Continuing Legal Education (CLE) Program will offer an eight-part Webinar series on electronic data and e-discovery designed for non-technical lawyers.

"E-Discovery Prime Time With Craig Ball" is a new course that focuses on the practical relationship of technology issues to a lawyer's day-to-day client responsibilities.

Ball, a trial lawyer and computer forensics expert, will provide a technical foundation for attorneys to help them deal with e-discovery issues, including the application of the new Federal Rules of Civil Procedure that went into effect last December.

The series will cover digital computers, servers, and storage; data mapping; encoding; metadata; and e-mail anatomy, among other topics. Succeeding sessions will be offered on May 23, June 13 and 27, July 11 and 25, and August 8 and 22. All sessions take place from 8 to 9 p.m.

For more information and to register, contact the CLE Program at 202-626-3488 or visit www.dcbar.org/cle.

Bar to Welcome New President, Present Awards at Celebration

Annamaria Steward, associate dean of stu-



Annamaria Steward

Courtesy of Jack Olender

dents at the University of the District of Columbia David A. Clarke School of Law, will be sworn in as the 45th president of the D.C. Bar on June 15 at the 2016 Celebration of Leadership: The D.C. Bar Awards Dinner and Annual Meeting at the Mayflower Hotel's Grand Ballroom, 1127 Connecticut Avenue NW.

The celebration will open at 6 p.m. with the D.C. Bar Pro Bono Center's Presidents' Reception in the East Ballroom honoring Steward. Proceeds from the reception will benefit the D.C. Bar Pro Bono Center. Dinner and the awards presentation will follow at 7:30.

The Bar will present its 2016 Beatrice Rosenberg Award for Excellence in Government Service to Mary E. McLeod, who served nearly 40 years at the U.S. Department of State and has recently joined the Consumer Financial Protection Bureau as general counsel.

Avis E. Buchanan, director of the Public Defender Service for the District of Columbia, will be presented with the Bar's 2016 Thurgood Marshall Award for her exceptional commitment to pursuing equal justice for all Americans. (See page 18 for full stories on award winners.)

Other highlights of the evening include the announcement of the 2016 Bar election results and the presentation of awards to Bar sections, committees, projects, and individuals who served the Bar and its community.

To learn more about the Presidents' Reception or to make a donation, contact Kathy Downey at 202-588-1857 or kmdowney@erols.com. For more information on the Celebration of Leadership, contact Verniesa R. Allen at 202-737-4700, ext. 3239, or annualdinner@dcbar.org, or visit www.dcbar.org, keywords: Celebration of Leadership.

Washington Bar to Wrap Up Bar Year With Law Day Dinner

On May 7 the Washington Bar Association (WBA) will hold its 2016 Law Day Dinner to mark the conclusion of its bar year, to celebrate its membership, and to honor those who have made significant contributions to the bar and the community at large.

The WBA also will present its Charles Hamilton Houston 2016 Medallion of Merit to Benjamin F. Wilson, managing principal at Beveridge & Diamond, P.C. and a member of the D.C. Bar Board of Governors. The award, named after one of the founders of the WBA, recognizes commitment to leadership and service, social justice, and dedication to the law.

The event will begin with a reception at 6:30 p.m., followed by dinner and program, at the JW Marriott, 1331 Pennsylvania Avenue NW.

For more information and to purchase tickets, visit www.washingtonbar.org.

WBADC to Honor First Female Army JAG at Annual Dinner

At its annual dinner on May 25, the Women's Bar Association of the District of Columbia (WBADC) will honor women leaders who have furthered the advancement of women in the legal profession.

Celebrating under its bar year theme "Advancing Together," the WBADC will present its 2016 Woman Lawyer of the Year Award to Lieutenant General Flora D. Darpino, judge advocate general of the United States Army. Darpino is the first woman to hold the position since the first judge advocate general was appointed by George Washington in 1775.

Proceeds from the event will help support the WBA Foundation, a nonprofit charitable organization that serves the legal and related needs of women and girls in the D.C. area.

An invitation-only Presidents' Reception will take place at 6 p.m., followed by dinner and program, at the National Building Museum, 401 F Street NW.

For more information and to register, visit www.wbadc.org.

Cruden to Open ABA's Annual Update on EPA, DOJ Initiatives

Assistant Attorney General John C. Cruden, a former D.C. Bar president, will deliver the opening remarks at the Ameri-

can Bar Association's "Annual Update on Recent EPA and DOJ Initiatives and Litigation Activities" on May 12.

The program features speakers from the U.S. Environmental Protection Agency and the U.S. Department of Justice who will discuss the latest initiatives in environmental compliance and regulatory enforcement, as well as recent rulemaking litigation. Attendees also will learn about environmental cases pending before the U.S. Supreme Court, and the implications of Justice Antonin Scalia's passing on environmental jurisprudence.

The event, sponsored by the ABA Environmental Litigation Committee and Section of Litigation, takes place from 12:30 to 6:30 p.m. at Morgan Lewis & Bockius LLP, 2020 K Street NW, 11th floor.

For more information, visit, www.americanbar.org.

Former Bar President Williamson Among Potter Stewart Awardees

On May 11 the Council for Court Excellence will hold its 20th Annual Justice Potter Stewart Award Dinner, honoring individuals and organizations that have made significant and sustained contributions to justice in Washington, D.C.

This year's Justice Potter Stewart Award, named for the late U.S. Supreme Court justice, will be presented to Thomas S. Williamson Jr., of counsel at Covington & Burling LLP and former president of the D.C. Bar; Tammy Seltzer, director of the D.C. Jail & Prison Advocacy Project at University Legal Services; and Sheldon Krantz, executive director of the D.C. Affordable Law Firm.

Williamson is being honored for his contributions to pro bono and access to justice issues throughout his career. Seltzer has devoted 20 years of her career defending the civil rights of people with mental illness in various areas. Krantz, a retired partner at DLA Piper, founded the firm's global pro bono nonprofit affiliate New Perimeter.

The event takes place at the Organization of American States, 200 17th Street NW, starting with a cocktail reception at 6 p.m., followed by dinner and the awards ceremony.

For more information, visit www.courtexcellence.org.

BADC Now Seeking Nominations for Belfiore Quality of Life Award

The Bar Association of the District of

Columbia (BADC) is seeking nominations for its 19th Annual Constance L. Belfiore Quality of Life Award, which recognizes legal employers that help increase lawyer satisfaction in their personal and professional lives.

Open to law firms, corporate and general counsel offices, government, and other legal offices, the Belfiore Award honors recipients for their commitment to maximizing the quality of life for their lawyers through policies and programs such as alternative work schedules, mentoring and career development, and retirement or transition options.

Nomination materials are available on the BADC Web site at www.badc.org. The deadline for nominations is May 6.

The award winner will be honored at the BADC Annual Meeting and Luncheon on June 8 at the Mayflower Hotel, 1127 Connecticut Avenue NW.

Free Training Prepares Pro Bono Attorneys to Represent Veterans

On May 20 the D.C. Bar Pro Bono Center is hosting the Veterans Consortium Pro Bono Center training "Providing Pro Bono Representation Before the U.S. Court of Appeals for Veterans' Claims" for attorney volunteers interested in assisting veterans claiming VA benefits.

Attendees will receive a copy of the Veterans Benefits Manual, ongoing access to an attorney mentor, and sample documents and materials from the Veterans Consortium. No prior experience is needed.

The training takes place from 9 a.m. to 5 p.m. at the D.C. Bar Conference Center, 1101 K Street NW, first floor. For more information and to register, call 202-265-8305, ext. 155, or visit www.vetsprobono.org.

CLE Course Tackles Complexities in Federal, State Marijuana Laws

Across the United States marijuana remains a hot-button issue, and while it is still illegal under federal law, several states have made the move toward legaliza-

tion of use in some form.

These developments have created uncertainties for employers in trying to implement workplace policies: they must consider federal laws, such as the Americans with Disabilities Act, as well as state laws, some of which require an accommodation for medical marijuana use or



Benjamin F. Wilson



R. Scott Oswald

Courtesy of The Employment Law Group, P.C.

require compliance with certain drug testing procedures.

On May 18 join the D.C. Bar Continuing Legal Education (CLE) Program for the live presentation and Webinar “Impact of Marijuana Legalization in the Workplace” to learn about the interplay between these laws and how to apply them consistently to avoid litigation.

Attendees will learn about recent court decisions regarding marijuana and the workplace, the instances where an employer must accommodate an employee’s use of medical marijuana, and best practices for implementing drug policies. R. Scott Oswald of The Employment Law Group, P.C. will serve as faculty.

The course takes place from 12 to 1 p.m. at the D.C. Bar Conference Center, 1101 K Street NW, first floor. It is cosponsored by the D.C. Bar Corporation, Finance and Securities Law Section, Health Law Section, and Labor and Employment Law Section.

For more information and to register, contact the CLE Program at 202-626-3488 or visit www.dcbar.org/cle.

Washington Council of Lawyers Offers Litigation Skills Training

On May 5 and 6 the Washington Council of Lawyers will offer its “Intensive Litigation Skills Training” at Arnold & Porter LLP, 601 Massachusetts Avenue NW, from 9 a.m. to 5 p.m. on both days.

The training use lectures, demonstrations, and small-group sessions to teach the basics of litigation, including opening statements, closing arguments, direct and cross-examinations, introduction of documents, and more.

Scholarships generously provided by the D.C. Bar Foundation are available for this training. To apply for scholarships, contact Nancy Lopez at nlopez@wclawyers.org.

For more information about the training and to register, visit <http://wclawyers.org>.

CLE’s New Monthly In Focus Class Examines Supreme Court Cases

Join the D.C. Bar Continuing Legal Education (CLE) Program on May 5 for its new monthly class “U.S. Supreme Court: In Focus,” a panel discussion of some of the most interesting cases before the Court.

Moderated by Amy Howe of SCOTUSblog, the first class will focus on *United States v. Texas*, which challenges President Obama’s executive action on immigration.

Among the issues the Court will be

looking at is whether the Obama administration has the authority to issue its deferred-action policy for undocumented immigrants, whether states have standing to challenge the policy at all, and whether the policy violates the Constitution’s “Take Care Clause.”

The panelists will explain the case, the issues, and the possible impact of the Court’s decision, as well as address the significance of having only eight sitting justices for this case.

The class takes place from 12 to 1 p.m. at the D.C. Bar Conference Center, 1101 K Street NW, first floor. The next sessions will be on June 2, July 7, August 4, September 1, and October 6.

For more information and to register, contact the CLE Program at 202-626-3488 or visit www.dcbar.org/cle.

SAVE THE DATE BOCCE FOR CHARITY

On May 5 join the Women’s Bar Association of the District of Columbia for some “legal deboccery” at Pinstripes, 1064 Wisconsin Avenue NW, from 5:30 to 8 p.m., to kick off the Food From the Bar campaign benefitting the Capital Area Food Bank. Tickets will include a game of bocce, appetizers, one drink ticket, and a door prize ticket. There also will be great giveaway prizes, including tickets to a Washington Nationals game. To register, visit www.wbadc.org.

WBADC Holds Photo Tagging Day to Kick Off Centennial Celebration

Next year will mark the 100th year of the Women’s Bar Association of the District of Columbia, and this spring the WBADC is launching a history preservation project starting with “Oral History/Photo Tagging Day” on May 4.

On this day the WBADC is inviting volunteers to help the organization review its collection of photos spanning decades and identify the subjects. A brief training will be provided. The event runs from 9 a.m. to 6 p.m. at Bryan Cave, 1155 F Street NW.

To celebrate its centennial year, the WBADC is aiming to capture the voices and perspectives of its members, with the goal of recording 150 oral histories to be included in a centennial video, with excerpts to be shared online.

To sign up for a time slot for the oral history recordings and for more information on the project, visit www.wbadc.org.

The WBADC will hold its centennial celebration at its annual dinner on May 17, 2017.

ABA Forum on Affordable Housing Holds 25th Annual Meeting in May

On May 25 to 27 the American Bar Association’s Forum on Affordable Housing and Community Development Law will host its 25th Annual Meeting to discuss the latest developments in the field.

Attendees will explore policies, rules, and strategies related to tax credit equity, ethics and technology, high development costs, fair housing, and innovations in community development law.

Two special sessions will be held on May 25, one at the U.S. Department of Housing and Urban Development and the other at the Internal Revenue Service. In the evening, there will be a First Timers and Young Lawyers Reception, one of the networking opportunities available for attendees.

Other highlights include a mentoring breakfast for law students and young lawyers on May 26 and a plenary session on combatting homelessness on May 27.

The meeting takes place at the Mandarin Oriental, 1330 Maryland Avenue SW. For more information, visit www.americanbar.org.

Course Breaks Down Complexities in EU Lawmaking and Legal Process

At some point in their career, attorneys in the Washington, D.C., area will almost certainly encounter a client who does business in the European Union or one of its member states. On May 23 the D.C. Bar Continuing Legal Education (CLE) Program will offer the course “European Union In Perspective” to explain the role and function of EU regulations, directives, decisions, recommendations, and special legislative procedure.

Led by Nicholas G. Karambelas of Sfikas & Karambelas LLP, this live presentation and Webinar will focus on the complexities of the EU legislative and legal processes and compare them to U.S. processes. Karambelas will discuss *acquis communautaire*, EU institutions, lawmaking processes, and the EU judicial system.

The course takes place from 1 to 3:10 p.m. at the D.C. Bar Conference Center, 1101 K Street NW, first floor. It is cosponsored by the D.C. Bar Corporation, Finance and Securities Law Section and International Law Section.

For more information and to register, contact the CLE Program at 202-626-3488 or visit www.dcbar.org/cle.

Reach Jeffery Leon at JLeon@dcbar.org. Follow him on Twitter at [@JLeonDCBar](https://twitter.com/JLeonDCBar).

Neutrals Like No Others



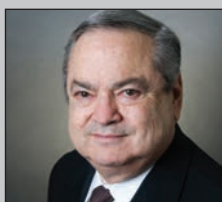
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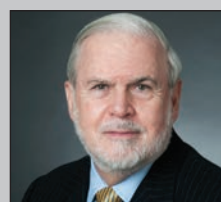
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speaking of ethics

By Hope C. Todd

Viviola Viviatta, the famous mezzo-soprano, has retained attorney Macko Deal to negotiate a one-year contract with the Seville Opera House, to include a much-acclaimed reprisal of her lead role in Carmelo, scheduled to open within the next two months. She tells Macko that she wants \$300,000, even though her contract for the same role overseas paid her the equivalent, after currency conversion, of a mere \$75,000, and she has specifically directed him to accept no less than \$175,000.

Barbara, the owner of the Seville Opera House, has instructed her lawyer, Larry Lawyer, not to offer Viviola more than \$50,000 over “whatever she got paid for the same role last year.” Two days before the negotiation, Larry receives a call from his friend Ricardo in the mayor’s office, who advises that a developer has expressed an interest in purchasing the city-owned building, which leases to the Opera House, with plans to bulldoze the structure and to replace it with “tiny houses.” (Barbara had once confided in Larry that were the building ever sold, she would close the Opera, file immediately for bankruptcy, and return to Italy to live off the vast fortune of her uncle, Bartolo.)

On the morning of the negotiation, a distraught Viviola tells Macko that she has been diagnosed with a progressive disease of the larynx and that while she may be able to continue singing for several months, it is almost certain that she will be unable to sing beyond six months. She insists that no one can know of her condition at this time and that nothing must stand in the way of her performing a final swan song. She directs Macko to go forward with the negotiation, explaining that, “When I am ready to share the news of this tragedy and my fans learn of my horrible fate, they will fill the seats at the highest prices—a boon for the Opera House.”

At some point during the negotiations, having said nothing about Viviola’s health, Macko announces, “Look, my client needs \$200,000 to close this deal, and she will not accept one penny

D.C. Rule 4.1: Is It Up for Negotiation?

less.” When Larry, who is careful to say nothing about the potential sale of the Opera House, pointedly asks Macko what his client was paid for her last gig as Carmelo, Macko responds that while he cannot remember exactly, “It was close to 150,000”—which is technically true before the foreign exchange conversion. The two lawyers come to a preliminary agreement pursuant to which the Opera will pay Viviola \$200,000 (and also set her up in the dressing room with the outdoor balcony), and Barbara and Viviola, who are both pleased with the results of the negotiations, sign the contract.

* * *

Negotiating on behalf of clients is often, by its very nature, an exercise in posturing and positioning that involves some level of deception. Although lawyers are generally held to a high standard of truthfulness and honesty, as reflected in D.C. Rules 8.4(c)¹ and 3.3(a),² Rule 4.1 permits a degree of guile:

In the course of representing a client, a lawyer shall not knowingly:

- (a) Make a false statement of material fact or law to a third person; or
- (b) Fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

However, as Comment [2] to Rule 4.1 explains,

... [u]nder generally accepted conventions in negotiation, certain types of statements ordinarily are not taken as statements of material fact. Estimates of price or value placed on the subject of a transaction and a party’s intentions as to an acceptable settlement of a claim are ordinarily in this category, and so is the existence of an undisclosed prin-

cipal except where nondisclosure of the principal would constitute fraud.

Thus, Rule 4.1 and its comments explicitly “legitimize[] some deceitful negotiation techniques.”³ Often characterized as exaggeration, posturing or “puffing,” such statements are, at best, less than forthright and, at worst, simply false. Moreover, by prohibiting only misrepresentation of *material* matters, the Rule permits some misrepresentations or omissions of relevant facts or statements of opinion.

Lawyers’ understanding of their ethical duties of truthfulness and honesty in negotiations under Rule 4.1 has proven to be challenging in practice. For example, in 2011, Arizona State University Professors Art Hinshaw and Jess K. Alberts conducted a study that involved surveying over 700 practicing lawyers to assess what they would do when a client asked them to participate in a fraudulent prelitigation settlement scheme. Pursuant to the scheme, the client first insisted that the lawyer not reveal a specific material fact under any circumstances, but in the alternative, the lawyer would only be permitted to disclose the fact if the opposing lawyer asked directly about it. Although half of the respondents indicated that they would refuse both the client’s proposed overtures, nearly one-third indicated that they would agree to at least one of the client’s restrictions, while the remaining 20 percent indicated that they were unsure how they would respond to one or both requests.⁴

Not surprisingly, one of the study’s four conclusions was that “considerable confusion surrounds the elements of Rule 4.1.”⁵ Specifically, the data showed that many study respondents failed to properly identify “a material fact in a negotiation” and failed to recognize “an omission as a misrepresentation.”⁶

Material Facts

Neither Rule 4.1 nor its comments define “statements of material fact.” Comment [2] offers only that “[w]hether a particu-



Nick Wiggins

lar statement should be regarded as material, and as one of fact, can depend on the circumstances,” and then proceeds to give examples of what is *not* ordinarily taken as a statement of material fact.

The D.C. Bar Legal Ethics Committee also has not answered this question; in Formal Opinion 06-439, however, the American Bar Association (ABA) Standing Committee on Ethics and Professional Responsibility defines permissive “puffing” under Model Rule 4.1 as, “statements by which parties to a negotiation ordinarily would not be expected to justifiably rely”⁷ and also concludes that statements regarding a party’s negotiating goals or willingness to compromise are “ordinarily not statements of material fact.”⁸

At least one court in interpreting Rule 4.1 has found that, “a fact *is material to a negotiation* if it reasonably may be viewed as important to a fair understanding of what is being given up and in return, gained by the agreement or settlement.”⁹ In other words, if the fact is a basic assumption of the bargain, it is material to the negotiation.

Moreover, misrepresentations or false statements about verifiable facts that are material to a negotiation have been found to violate Rule 4.1. Examples include knowingly understating the limits of

defendant’s insurance coverage;¹⁰ stating that there is an eyewitness to an accident when, in fact, no such witness exists;¹¹ and falsely stating that a charging officer in a client’s traffic case has agreed to terms of a plea bargain;¹² as these are all false statements of material fact under Rule 4.1.

Misrepresentation by Omission

Lawyers can also violate Rules 4.1(a) and (b) through their failure to affirmatively provide or disclose material facts to an opposing party in a negotiation. Indeed, Comment [1] clarifies that “[m]isrepresentations can also occur by partially true but misleading statements or *omissions that are the equivalent of affirmative false statements.*” (Emphasis added).

For example, the death of a client is a material fact to a negotiation, and a lawyer’s failure to notify an opposing party of a client’s death has repeatedly been determined to violate Rule 4.1 as a “misrepresentation by omission.”¹³

A recent California State Bar opinion discussed a hypothetical in which, prior to negotiating a claim for future lost earnings, a plaintiff’s lawyer was asked by her client not to disclose that the client had recently secured a job earning \$25,000 more than she had earned in her former employment.¹⁴ The opinion

concluded that were the lawyer to follow the client’s confidentiality instruction, she would “be making an implicit misrepresentation that the Plaintiff had not yet found a job” (a fact material to the negotiation) and that, in the absence of convincing the client to disclose the job,¹⁵ the lawyer could neither participate in such a scheme nor disclose the client’s employment, and would thus be required to withdraw from the representation.¹⁶

Fraud

Over and above the requirements of Rule 4.1, negotiating lawyers are also cautioned to “avoid criminal and tortious misrepresentation.”¹⁷ Although the mandates of the ethics rule and substantive law are not perfectly aligned, lawyers should remain cognizant of their personal liability for fraud.¹⁸

Back to Carmelo

Viviola’s progressive disease of the larynx (i.e., the fact that she will be unable to sing beyond six months) is a material fact in the negotiation of the opera singer’s employment contract, and Macko’s failure to disclose this material fact is a *misrepresentation by omission* in violation of Rule 4.1(a). Though Rule 1.6 prevents Macko’s disclosure of his client’s secret, he also

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may not assist Viviola in concealing this information in the negotiation. As such, pursuant to Rule 4.1(b) and 1.2(e), Macko would either need to convince his client to permit the disclosure, or withdraw from the representation pursuant to Rule 1.16. Similarly, Macko's statement that Viviola "received 150,000" for her role overseas when, in fact, she received \$75,000, is a misrepresentation of a material fact.¹⁹

Indeed, the only ethically permissible statement Macko made, though not absolutely true, was that his "client needs \$200,000 to close this deal, and not one penny less." This is precisely the type of dissemblance acceptable under Rule 4.1.

On the facts presented, Larry's failure to advise Macko about the mere possibility of the Opera House being sold to a developer is not a violation of the Rule. Lawyers generally have no affirmative duty to inform an opposing party of all relevant facts, and perhaps more importantly, a violation of the Rule would require Larry's *actual knowledge*, which is lacking here.²⁰ Indeed, it is unclear what effect, if any, such a possibility would have on the basic understanding of this particular negotiation. While the Opera House building conceivably could be sold and bulldozed within a year, nothing about the information Larry was told indicates that this is a likely or even reasonably likely outcome.

Legal Ethics counsel Hope C. Todd, Saul Jay Singer, and Erika Stillabower are available for telephone inquiries at 202-737-4700, ext. 3231, 3232, and 3198, respectively, or by e-mail at ethics@dcbar.org.

Notes

1 "It is professional misconduct for a lawyer to . . . engage in conduct involving dishonesty, fraud, deceit, or misrepresentation." D.C. Rule 8.4(c).

2 "A lawyer shall not knowingly . . . [m]ake a false statement of fact or law to a tribunal. . . ." D.C. Rule 3.3(a).

3 Art Hinshaw & Jess K. Alberts, *Doing the Right Thing: An Empirical Study of Attorney Negotiation Ethics*, 16 Harv. Negot. L. Review 95 (Spring 2011).

4 *Id.* at 99.

5 The other three conclusions of the study: (1) an unacceptably high number of lawyers indicate a willingness to engage in a fraudulent scheme in violation of Rule 4.1 if asked by their clients to do so; (2) lawyers may believe other legal principles take precedence over Rule 4.1 and have difficulty reconciling competing values; and (3) lawyers believe violations of Rule 4.1 are widespread. *Id.* at 148–150.

6 *Id.* at 148–149.

7 ABA Standing Comm. on Ethics and Prof. Responsibility Formal Op. 06-439 (2006). Although not controlling, ABA opinions interpreting the Model Rules of Professional Conduct can constitute persuasive authority when a jurisdiction's rule at issue is substantially the same as the Model Rule and the jurisdiction has not issued a contrary opinion. Model Rule 4.1 is identical to D.C. Rule 4.1, with the exception that the Model Rule omits the "to a third person" language in Rule 4.1 (b).

8 The ABA Litigation Section's Ethics in Negotiations

Guidelines (2002) take an approach which initially seeks to determine whether a lawyer's statement is one of fact rather than opinion or merely reflects the speaker's state of mind. "The test is whether it is reasonably apparent that the hearer would regard the statement as one of fact." See Section 4.1.1. Presumably, a statement "not of fact" or law would not violate Rule 4.1.

9 *Ausherman v. Bank of Am. Corp.*, 212 F. Supp. 2d 435, 449 (D. Md. 2002), *aff'd* 352 F. 3d 896 (2003).

10 ABA Formal Legal Ethics Op. 06-439 *citing In re McGrath*, 468 NY S. 2d 349, 351 (NY App. Div. 1983);

11 See generally Cal. State Bar Standing Comm. on Prof'l Responsibility & Conduct, Formal Op. 2015-194, agreeing with conclusions of ABA Formal Op. 06-439, *supra*, using similar examples. See also *In re Kennelly* (Conn. Super Ct. Feb. 2005)(unpublished) ("While a great deal of leeway is allowed during settlement discussions in enhancing a party's claim and denigrating an opponent's claim, misrepresentation by an attorney of an indisputable fact, especially a fact uniquely in his knowledge, is never countenanced.");

12 *Office of Disciplinary Counsel v. DiAngelus*, 907 A.2d 452 (Pa 2006).

13 See *Toledo Bar Association V. Fell*, 51 Ohio St. 2d 33, 364, 364 N.E.2d 872, 873 (1977); *Virzi v. Grnd Trunk Warehouse & Cold Storage Co.*, 571 F. Supp. 507 (E.D. Michigan 1983); *Kentucky Bar Association v. Geisler*, 938 S.W. 2d 578 (Ky. 1997) (lawyer's failure to disclose her client's death to opposing counsel amounted to affirmative misrepresentation); *In re Warner*, 851 So. 2d 1029 (La. 2003).

14 See Cal. State Bar Op. 2015-194, *supra*.

15 Space limitations prevent a discussion of the tension inherent in Rules 4.1 and 1.6. As one commentator astutely notes: "It is apparent that a lawyer's duty of confidentiality may be critically important in negotiations and in the right situation that the revelation of confidential information might impair a client's ability to negotiate favorable terms in a deal or to advantageously settle a contested matter . . . But Rule 1.6 does not exist in a vacuum and . . . [a] lawyer's duty of confidentiality does not immunize her against claims of dishonesty, deceit, fraud or the like. . . ." Douglas R. Richmond, *Lawyers' Professional Responsibilities and Liabilities in Negotiations*, 22 Geo. J. Legal Ethics 249, 262 (Winter 2009); see also D.C. Rule 4.1(b) and Comment [3]; Rule 1.2(e); and Rule 3.3(d).

16 See State Bar of Cal. Op. 2015-194, *supra*. See also D.C. Rule 1.16(a)(1).

17 See Comment [2], Rule 4.1.

18 See Richmond, *Supra*, at 290–296. See also Hinshaw & Alberts, *Supra*, at 123. ("The basic elements of a fraudulent misrepresentation claim are: (1) intentional misrepresentation to induce an action or inaction; (2) reasonable reliance on the misrepresentation; and (3) resulting damages," *quoting*, Restatement of Torts sections 525, 526, 531 (1977)). A misrepresentation can include an omission. To be clear, a violation of Rule 4.1(a) does not require either reliance or damages; it is sufficient that the material misrepresentation be knowing.

19 Literal truths when spoken with the intention to mislead violate Rule 4.1. See *Florida Bar v. Joy*, 679 So. 2d 1165 (Fla. 1996).

20 See Comment [1], D.C. Rule 4.1. See also D.C. Rule 4.1 ("A lawyer shall not knowingly . . .").

Disciplinary Actions Taken by the District of Columbia Court of Appeals

Original Matters

IN RE IDUS J. DANIEL JR. Bar No. 405077. February 22, 2016. The D.C. Court of Appeals denied Daniel's petition for reinstatement.

IN RE CHARLES P. MURDTER. Bar No. 375905. February 4, 2016. The D.C.

Court of Appeals suspended Murdter for a period of six months, with all but 60 days of the suspension stayed, and that he be placed on probation for a period of one year, subject to conditions. Murdter failed to file briefs in five separate appeals, following his appointment by the D.C. Court of Appeals to represent defendants under the Criminal Justice Act, and pleaded guilty to criminal contempt for failing to obey the court's orders in two of those five matters. Murdter violated Rules 1.1(a) (competent representation), 1.1(b) (skill and care), 1.3(a) (diligence and zeal), 1.3(b)(1) (intentional failure to seek client's lawful objectives), 1.3(c) (reasonable promptness), 3.4(c) (knowingly disobeying the obligations under the rules of a tribunal), and 8.4(d) (serious interference with the administration of justice).

Informal Admonitions Issued by the Office of Disciplinary Counsel

IN RE WILLIAM B. HASELTINE. Bar No. 472906. January 29, 2016. Disciplinary Counsel issued Haseltine an informal admonition. While retained to represent a client in a breach of contract matter, Haseltine left voice messages, sent an e-mail, and wrote a letter in which he threatened to contact a government organization if the opposing party (a corporation) did not respond to his and his client's demands. Rules 8.4(e) and 8.4(g).

IN RE DAJONA ROBINSON. Bar No. 980734. January 8, 2016. Disciplinary Counsel issued Robinson an informal admonition. While retained to represent a client with the filing of her chapter 13 bankruptcy petition, Robinson failed to provide competent representation, failed to serve the client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters, and engaged in conduct that seriously interfered with the administration of justice. Rules 1.1(a), 1.1(b), and 8.4(d).

The Office of Disciplinary Counsel compiled the foregoing summaries of disciplinary actions. Informal Admonitions issued by Disciplinary Counsel and Reports and Recommendations issued by the Board on Professional Responsibility are posted at www.dccourtneydiscipline.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.

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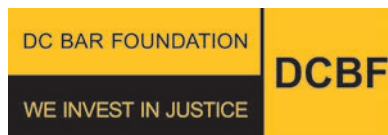
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News and Notes on the D.C. Bar Legal Community

Buchanan's 'Kind Heart,' Brilliance Net Thurgood Marshall Award

Avis E. Buchanan, director of the Public Defender Service (PDS) for the District of Columbia, has been honored with the D.C. Bar's 2016 Thurgood Marshall Award for her exceptional commitment to pursuing equal justice for all Americans. Buchanan will take home the award on June 15 at the Bar's Celebration of Leadership.

Buchanan joined PDS in 1982 as a staff attorney, working criminal defense cases during the peak of the District's crack epidemic. After nearly seven years at PDS, she left for the Washington Lawyers' Committee for Civil Rights and Urban Affairs, most recently serving as its director of litigation until she returned to PDS in 2002.

In describing why Buchanan is deserving of the award, Julia Leighton, general counsel for PDS, wrote, "Avis is an extraordinary human being, who possesses a brilliant mind, kind heart, and regal presence, and who has dedicated her life and career to defending the civil rights of the disadvantaged and championing equal justice for all."

Buchanan has helped PDS remain the model for other public defender organizations, increasing its programming to improve the quality of legal representation, better address client needs, and institute exoneration and system reforms. Her commitment to equal justice was clear when she accepted the Washington Council of Lawyers' Presidents' Award for Public Service. "We give people a fighting chance, just as rich people have . . . We are helping people at a very crucial time in their lives," Buchanan said.

In addition to the Presidents' Award, Buchanan has been honored with the Wiley A. Branton Award presented by the Washington Lawyers' Committee for Civil Rights and Urban Affairs and

the Edwin D. Wolf Award presented by the Lawyers' Committee for Civil Rights Under Law. She also has been recognized as one of Washington's most powerful women by the *Washingtonian*.

Added Leighton, "She embodies every aspect of [the Marshall Award's] purpose—she has made exceptional achievements in the pursuit of equal justice in the areas of civil rights, individual liberties, and the public interest and has made a significant, positive impact on the quality and administration of justice."

The D.C. Bar established the Marshall Award in 1993 to recognize individuals who embody the ideals of legal legend Justice Thurgood Marshall, relentlessly pursuing equal justice and opportunity for all

Americans. It is presented biennially and alternates with the presentation of the William J. Brennan Jr. Award.—J.L.

D.C. Bar General, Sections Elections Run Through May 20

The D.C. Bar annual elections opened on April 25 for positions on the Board of Governors for the 2016–2017 term, including three seats in the House of Delegates of the American Bar Association. Additionally, elections for steering committees of the Bar's 20 sections began.

The names of the candidates appear in the election coverage article of this issue of *Washington Lawyer*, starting on page 36. Candidate ballots and biographies can be viewed by eligible voters by logging in to vote online at www.dcbar.org/vote. Only active Bar members in good standing as of April 15 are eligible to vote in the Bar's general elections. Active, inactive, and judicial members in good standing who also belong to one or more of the Bar's sections as of April 15 are eligible to vote in sections elections.

Ballots and instructions for voting, by mail or online, have been distributed to all eligible voters. Members have until

May 20 to vote.

Results of the election will be announced on the Bar's Web site and at the 2016 Celebration of Leadership, which includes the Bar's Awards Dinner and Annual Meeting, on Wednesday, June 15, at the Mayflower Hotel, 1127 Connecticut Avenue NW.

McLeod Earns Rosenberg Award, Touts Career Spanning 40 Years

The D.C. Bar has named Mary E. McLeod as the 2016 recipient of its Beatrice Rosenberg Award for Excellence in Government Service for her commitment to public service throughout her nearly 40-year career at the U.S. Department of State. McLeod will be presented the award on June 15 at the Bar's Celebration of Leadership.

McLeod first joined the State Department in 1977, working as an attorney adviser in various capacities over the next several decades. Her portfolio is extensive, spanning many areas of law, including Near Eastern, East Asian and Pacific, East and Southeast Asia, and American regional affairs; political and military

affairs; human rights and refugees; and employment law. She was legal adviser to the U.S. Mission at the United Nations from 2009 to 2010. She most recently served as acting legal adviser in the Office of the Legal Adviser.

In February of this year, McLeod became general counsel of the Consumer Financial Protection Bureau.

Katherine D. McManus, deputy legal adviser at the Office of the Legal Adviser, said McLeod's "entire career exemplifies public service," making her an ideal recipient of the Rosenberg Award.

"[S]he has helped advance international law's lofty ambitions of promoting international security, advancing fundamental human rights, and fostering



Avis E. Buchanan

Courtesy of D.C. Public Defender Service



Mary E. McLeod

Courtesy of the CFPB



Superior Court Associate Judge Melvin R. Wright welcomes the over 100 area high school students who attended the 17th Youth Law Fair at the H. Carl Moultrie Courthouse on March 19.

social progress across the globe,” said McManus in her nomination letter. “Her intelligence, integrity, and devotion to public service made her one of the most influential and respected members of the national security lawyers group” that advises on issues such as the use of force and compliance with human rights obligations.

Throughout her public service, McLeod has received many other honors, including two Presidential Rank Awards (for meritorious performance in 1985, and for distinguished performance in 2012) and numerous annual Executive Service Performance awards. In 2015, McLeod received the American Bar Association Section of International Law Award for Outstanding Performance by an International Lawyer in Government or an International Organization.

During her career McLeod was tapped by the Secretary of State and other leaders to provide counsel and legal advice on many of the national security issues facing our country, including international terrorism, global threats to the environment, and negotiating sensitive international agreements.

“I have seen how Mary’s wisdom, insight, and poise have advanced our country’s interests,” said Bruce Swartz, deputy assistant attorney general and counselor for international affairs at the U.S. Department of Justice, in his letter recommending McLeod for the Rosenberg Award. “I can testify from first-hand experience that Mary’s legal acumen is universally admired, not only within the U.S. Government, but by our foreign counterparts as well.”

The D.C. Bar established the Rosenberg Award in honor of Rosenberg’s tremendous accomplishments during her 35 years of service at the Department of

Justice and the U.S. Equal Employment Opportunity Commission. The annual award is presented to a Bar member who has demonstrated outstanding professional judgment throughout a long-term government career, worked intentionally to share his or her expertise as a mentor to younger government lawyers, and devoted significant personal energies to public or community service.—*J.L.*

At 2016 Youth Law Fair, Blunt Talk With Teens on D.C. Marijuana Laws

On March 19 over 100 area high school students gathered at the D.C. Superior Court for the 2016 Youth Law Fair, a free educational event that focused on the District of Columbia’s marijuana laws.

Hosted by the D.C. Superior Court and the D.C. Bar Litigation Section, the fair featured presentations, mock trials, and speak-out sessions reflecting on the theme “Blunt Talk: Clearing the Haze Around D.C.’s Marijuana Laws.” Courtroom and holding cell tours led by Superior Court judges also offered attendees an inside look at the judicial system.

The event began with an open house with vendors such as the Metropolitan Police Department, Drug Free Youth DC, and the U.S. Attorney’s Office for the District of Columbia presenting resources and discussing drug prevention, civil rights laws, and other topics with guests.

Among those who welcomed the participants were Superior Court Associate Judge Melvin R. Wright, American University Washington College of Law professor Angela J. Davis, and D.C. Bar President Tim Webster, a partner at Sidley Austin LLP.

“What makes the Youth Law Fair so special to me is that well over a hundred District students voluntarily elect to spend their Saturday morning learning

about the judicial system,” Webster said. “This group represents potential future District of Columbia lawyers, judges, and police officers.”

After an engaging question-and-answer session with Davis on D.C.’s marijuana laws, the students broke out into groups for mock trials on a fictional case of a youth found in possession of marijuana. The teens took on the roles of judges, prosecutors, and defense attorneys, assisted by real attorneys and judges in the process.

Following the mock trials, speakers from Drug Free Youth DC talked about the dangers of synthetic drugs, revealing that chemicals such as acetone nail polish remover can be found in synthetic marijuana like Scooby Snax.

At the end of the fair, participants shared what they learned about the legality of marijuana and where it can be legally smoked in the District, the role of the D.C. Bar, the court process, and much more, with several students expressing their interest in the law.

Judge Wright, who has hosted the Youth Law Fair on behalf of the District of Columbia Courts for 17 years, also announced that he was stepping down from his role. For his enormous contributions to the fair over the years, Judge

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Wright was presented with the Alvin Milton Award by Judge José M. López, associate judge of the Superior Court.

"I have been proud to serve for the last 17 years and hope the Youth Law Fair will continue to grow in future years," Judge Wright said. "My thanks to all who have participated, and I hope you will continue to support us."—J.L.

D.C. Bar Members Can Renew Their License Online Starting May 2

On May 2, D.C. Bar members will be

able to renew their license online at www.dcbar.org/login. Members also will be able to select their Section memberships and make a donation to the D.C. Bar Pro Bono Center. All members will receive renewal notifications to their e-mail address on file. For the member's convenience, the notification to renew will include the username associated with the account. Forgotten passwords will be retrievable using the "forgot password" option on the site.

For those who do not renew online,

a physical renewal form will be mailed at the end of May. Payment is due for all members on July 1. Any payments not received by July 15 will be assessed a \$30 late fee.

2016 Leadership Academy Opens With Lessons on Skills, Character

The D.C. Bar kicked off the 2016 John Payton Leadership Academy on March 18 with a session on communication skills and character in leadership. This year's class features 15 participants.



ON LEADERSHIP...

Peak Performance: Conditions for Optimal Functioning

By Stan Proffitt

How clear are you regarding the conditions under which you perform at your best? Regardless of the arena—be it a legal firm, an operating room, in construction, engineering, sports, a graphic design company, or any other setting—I think it is possible to identify the conditions that promote peak performance. I have been on a quest to discover these conditions for myself and to take steps toward managing as many of the variables as possible. Here are some guiding thoughts that have been helpful to me in making progress toward optimal functioning.

Personal Self-Care. Personal self-care involves three primary domains: physical, mental, and spiritual.

- **Physical**—Taking care of self physically involves managing three aspects of self-care. These include exercise or movement, nutrition (including use of substances such as caffeine and alcohol), and restoration/recovery. Staying on a routine of physical exercise, good nutrition, and proper rest are essential for me to be at my best.

- **Mental**—Engaging in mentally stimulating activity across a broad range of interests promotes an integration of creative and analytical thinking. Integrating these seemingly opposed processes allows me to better see connections and promotes perspective. Daily meditation also helps declutter my mind and promotes clearer thinking and the ability to focus.

- **Spiritual**—Staying connected to and focused on a larger sense of meaning and purpose beyond the immediate situation enables me to rise above the fray and operate out of a more thoughtful, less reactive position. Knowing my purpose anchors my actions.

Relationship Management. There are relationships that are important to me. When these relationships are out of balance or there is tension, it is impossible to not be affected. Attending to and cleaning up any relationship conflicts and misunderstandings is essential to performing at my best in every other interaction. This involves looking at and taking responsibility for my own part in any relationship challenges.

Physical Environment. Simplicity in my physical environment reduces complexity and promotes clear thinking. I can't function well when my physical environment is unorganized. This includes clothes and shoes, business files and paperwork, electronic files, vehicle, and, to the extent possible, the work environment I am in.

Preparation. There is no substitute for preparation. If I have a presentation to give, by the time I am in the live interaction, I have worked through the presentation many times in my head, making connections and clarifying my message. This means being self-disciplined enough to forego a popular or fun activity for the sake of being prepared. But this involves more than just the day or night before

an engagement. Everything I do is in preparation for everything else I do. I view all activities as connected and influential.

Regulation of Contact With Negative Influencers. While it may not be possible, or wise, to eliminate all variables that could have a negative influence on me, I pay a lot of attention to what happens to my motivation and energy level when in contact with people, places, events, and other types of stimulation. How much time will I spend watching news programs that seem to be designed to feed social anxiety? News and information are important and useful, but how much exposure is helpful? There are people whom I experience as a drain on my energy. It is a lot of work to try to stay engaged with another who is self-absorbed or negative. I choose to spend most of my interaction time with people with whom I have a reciprocal, energizing relationship. I try to make conscious choices about all of my engagements. For example, when will I go along with a family dinner and when does taking time for solitude make more sense in the bigger picture? The primary anchor for these decisions is what is in the interest of my ability to be at my best for clients and others. What will most help me move toward my most important goals and purposes?

I work to stay focused on the process of managing as many variables as possible while observing impact on my functioning, knowing that as I get clearer on the conditions that promote my optimal functioning, and better at managing those conditions, the performance will take care of itself.

Stan Proffitt is president of Shoshin Leadership, Inc.

Named in honor of the late John Payton, past president of the D.C. Bar and former president and director-counsel of the NAACP Legal Defense Fund, Inc., the Leadership Academy is an intensive three-day training program for legal professionals to develop their skills to become successful leaders of the Bar and throughout their careers. Its curriculum includes lessons and interactive exercises on leadership, communication, teamwork, problem solving, professionalism, and more.

The first day opened with an introduction from D.C. Bar President Tim Webster, after which attendees broke out into groups for informative training sessions. The class also took part in rigorous group work, Q&As, and brainstorming sessions on communication skills and influence and persuasion presented by Jill McCrory and Steve Swafford of Leadership Outfitters, a

NEW BAR MEMBERS MUST COMPLETE PRACTICE COURSE

New members of the District of Columbia Bar are reminded that they have 12 months from the date of admission to complete the required course on the D.C. Rules of Professional Conduct and District of Columbia practice offered by the D.C. Bar Continuing Legal Education Program.

D.C. Bar members who have been inactive, retired, or voluntarily resigned for five years or more also are required to complete the course if they are seeking to switch or be reinstated to active member status. In addition, members who have been suspended for five years or more for non-payment of dues or late fees are required to take the course to be reinstated.

New members who do not complete the mandatory course requirement within 12 months of admission receive a noncompliance notice and a final 60-day window in which to comply. After that date, the Bar administratively suspends individuals who have not completed the course and forwards their names to the clerks of the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, and to the Office of Disciplinary Counsel.

Suspensions become a permanent part of members' records. To be reinstated, one must complete the course and pay a \$60 fee.

The preregistration fee is \$229; the onsite fee is \$289. Courses will be held May 14, June 7, July 9, August 9, and September 10. Advanced registration is encouraged.

For more information or to register online, visit www.dcbar.org, keywords: Mandatory Course.



In a panel discussion, the Women's Bar Association of the District of Columbia tackled the issue of underrepresentation of women in lead counsel roles, featuring (from left) Dori Hines of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP; Suzanne M. Barnett, chief copyright royalty judge of the Copyright Royalty Board; Administrative Law Judge Sandra (Dee) Lord of the U.S. International Trade Commission; and Judge Kara Stoll of the U.S. Court of Appeals for the Federal Circuit. Hines served as moderator.

career development firm.

James Sandman, president of the Legal Services Corporation and former president of the D.C. Bar, held a lunchtime presentation on the merits of personal character in leadership, speaking on his experiences as a law clerk for the late Judge Max Rosenn of the U.S. Court of Appeals for the Third Circuit.

"Good people finish first," Sandman said, adding that strong personal character means being friendly and polite to those one interacts with, and treating all as equals. "There is no inconsistency

between kindness and professionalism."

The second and third sessions of the Leadership Academy took place on April 8 and 29.—J.L.

WBADC Panel Spotlights ABA Report on Gender Gap in Lead Counsel Roles

When women began attending law school in substantial numbers over 30 years ago, there was an assumption that as more women enter the legal profession, more of them will get into leadership roles, as well. A 2015 report of the

continued on page 46

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In February 2015, the D.C. Access to Justice Commission celebrated 10 years of service in the District of Columbia. Born out of a need to eliminate gaps in the delivery of civil legal services to the District's most vulnerable populations, the Commission has over the years worked to break down barriers to access to justice and allow for a unified, coordinated effort in bringing those services to underserved communities.

As it enters its second decade of service, the Commission is embarking on a major effort to act on a "truly unconscionable" problem plaguing the nation's capital: rising homelessness, escalating rents, and a rapidly declining supply of affordable housing. Vulnerable people are falling through the cracks, and for many, access to the civil justice system seems out of reach.

The District has experienced massive redevelopment and rapid population growth over the past decade, but on the other side of that change is a widening economic divide. A 2015 report from the D.C. Fiscal Policy Institute found that the wage gap between the city's richest and poorest residents was growing—in fact in 2013 income disparity in the District was at its highest in 35 years. The city's unemployment rate has increased to levels higher than before the 2008 recession.

The housing crisis is another facet of this disparity, and the numbers are staggering. Over 34,000 eviction cases were filed in D.C. Superior Court in 2015, and only about 5 percent to 10 percent of tenants had lawyers. More than 40,000 households are on the District's central waiting list for public and subsidized housing, which has been closed to new applicants for nearly three years. It takes 10 years or more for homeless families to receive a housing subsidy.

In the past year, the Commission has partnered with the private bar, the legal services community, and the courts to

launch a two-fold approach to address this crisis: dramatically increase pro bono representation for tenants in landlord and tenant court and advocate for systemic reforms to fix the District's broken shelter and emergency housing system, enforce fair housing laws, and maintain affordable housing for low-income residents.

The D.C. Access to Justice Commission believes that securing safe, affordable, and accessible housing for every District resident "requires a multi-faceted and coordinated strategy with a diverse group of stakeholders" and "demands resources far greater than what any single organization can provide."

For the past 10 years the Commission has worked to bring together local legal services organizations, law firms, the D.C. government, and the D.C. Courts to shine a light on the "appalling disparity" between the need for legal services for indigent residents in the District and the available resources to meet those needs. Since its formation by the D.C. Court of Appeals in 2005, the Commission has successfully delivered on its goals, but today its mission is more important than ever.

Calls for Cohesion

The movement for an access to justice commission in the District picked up steam in the early 2000s, but the idea had been growing for a while. Beginning with the state of Washington in 1994, commissions were being formed in several states across the nation, partly in response to cutbacks in legal services funding at the federal and state level during the 1980s.

For many jurisdictions, an access to justice commission promised a unified system and a concentrated effort of providing legal services to local communities. Additionally, many of these commissions were able to secure aid from their states. In the District, there was a wealth of legal services organizations, pro bono programs, and attorneys, but little coordina-

No

tion in their access to justice efforts.

Patricia Mullahy Fugere, executive director of the Washington Legal Clinic for the Homeless and member of the Commission from 2005 to 2014, recalls the lack of cohesion between the legal services organizations, law firms, and the courts, with real-world consequences. "While now we have more of a woven tapestry [in providing legal services], pre-Commission we had a patchwork quilt," Fugere says.

Jonathan M. Smith, former executive director of the Legal Aid Society of the District of Columbia and a member of the Commission, says the legal services community recognized that the vast majority of people who need a lawyer don't get one. "In a study by the Legal Services Corporation (LSC), 80 percent of people who have a legal problem and go to legal services organizations because of the lack of resources don't get a lawyer," Smith says.

How would these issues be addressed? Conversations were held, and the idea of an access to justice commission arose.

"There were a lot of conversations among the legal services providers in D.C. about the need for a mechanism to knit together the community and organize around access to justice issues," says Smith. "D.C. not only has a vibrant and effective legal services community, it also has an effective Bar. This was an opportunity to think more expansively than any single provider could think."

No Just

Access,

There have been previous attempts to bring the legal community together, with some success. In 1989 Shelley Broderick, a member of the Commission since 2008 and current dean of the University of the District of Columbia David A. Clarke School of Law; Lynn Cunningham, former managing attorney at the Neighborhood Legal Services Program; Jan May, executive director of the Legal Counsel for the Elderly; and others launched the D.C. Consortium of Legal Services Providers, a coalition of 30 member organizations with a mission to improve the quality, increase the quantity, and coordinate the delivery of legal services to low- and moderate-income individuals in the District.

In April 1999, the Consortium held a symposium attended by the stakeholders in the legal services community, including representatives from the D.C. Bar and the chief judges of the D.C. Courts, to discuss how best to address the significant gaps in the delivery of legal services to underserved communities. Ada Shen-Jaffe, then the director of Columbia Legal Services in Washington state, was among the featured speakers. A lot of questions were asked, including: Who would get a seat at

the table? How would everyone be heard?

"A commission would have to push to address the greatest needs and concerns of all," says Broderick. "It has to be longer lasting and more effective, not a small boutique."

The big push for the creation of the D.C. Access to Justice Commission came in 2003, when the D.C. Bar Foundation commissioned Julia Gordon, then a senior staff attorney at the Center for Law and Social Policy, to write a report outlining the poverty problem in the District and the state of its legal aid services.

"There was pro bono work being done in the city, and a lot of people cared about working on behalf of the underserved in the District," says Emily Spitzer, then the executive director of the Bar Foundation. "But we weren't doing enough, and we weren't providing services in an organized fashion."

Spitzer attended monthly meetings with the Consortium and spoke with Smith and Gordon about how best to present the case for creating an access to justice commission. They agreed that a report would demonstrate the urgent need for a more comprehensive approach to bringing access to justice to the needi-



Eric T. Washington



Patricia Mullahy Fugere



Peter B. Edelman

JOIN OUR EFFORTS

Keep up to date with the D.C. Access to Justice Commission's activities by visiting www.dcccesstojustice.org. Wish to provide pro bono services? Enroll in training through the D.C. Bar Pro Bono Center or contact legal aid organizations directly by visiting www.dccbar.org/pro-bono, keywords: Legal Services.

PHOTOGRAPHS BY PATRICE GILBERT

ice

A Pressing Challenge in the District of Columbia

By Jeffery Leon

est residents of the District.

The 2003 report, "Civil Legal Services Delivery in the District of Columbia," provided a sobering look at the issues of poverty, housing, health care, and legal aid services delivery in the District. It also revealed some shocking facts: only less than 10 percent of civil legal assistance needs were being met; poverty rates were

creation of an access to justice commission, urging "the courts, the bar, the legal services providers, legal services funders, and members of the community being served [to] work together to develop a sustained and comprehensive approach" to bring the city closer to achieving the goal of justice for all. The study recommended exploring funding, organization,

2007 strategic plan, in which the courts committed to promote the availability of legal services to individuals regardless of their economic status, develop a plan for improving services to unrepresented litigants, and examine court-related costs to minimize economic disparities. To help achieve these goals, the D.C. Courts sought collaborations with the D.C. Bar,

"The court, as an independent body, didn't tell the Commission what problems to address. We said to them, 'You help us figure out where the problems are.'"

—Chief Judge Eric T. Washington



increasing and becoming more concentrated in certain areas of the District, such as east of the Anacostia River; and affordable housing was disappearing, with wait lists for public housing and family shelters stretching from months to several years. Health care coverage was inadequate, and over 55,000 people living at or below the poverty line in the city were uninsured.

Legal services providers were facing a myriad of issues, as well, such as lack of resources that stymied assistance to clients and the organizations' effectiveness. There was not enough money for adequate staffing, leading to longstanding vacancies, employee retention issues, and resources being diverted from helping clients to maintaining the organization's workforce. Legal services providers needed more training, and there was a disconnect between the providers, the courts, and the D.C. government.

The most striking part of the report, however, was that despite the substantial number of legal services organizations and pro bono assistance programs serving indigent residents, many people did not know where to turn for help, or which provider could best assist them.

The report ultimately called for the

and staffing requirements to take action.

The report generated a lot of interest, with substantial positive feedback from many corners. The D.C. Bar Foundation then began soliciting support, bringing on board law firms Steptoe & Johnson LLP and Akin Gump Strauss Hauer & Feld LLP to assist in the fundraising efforts.

At the Courts, a Limited Reach

Instrumental to the formation of the D.C. Access to Justice Commission was the D.C. Courts. In 1996 it established the Standing Committee on Fairness and Access to the District of Columbia Courts, chaired by then Court of Appeals Associate Judge Inez Smith Reid, to address racial, ethnic, and gender discrimination in the courts. In 2002 it formed the Strategic Planning Leadership Council, headed by then Associate Judge (now Chief Judge) Eric Washington of the Court of Appeals and Associate Judge (now senior judge) Ann O'Regan Keary of the Superior Court, to reach out to the community and identify barriers to justice.

The Leadership Council's work over a period of nine months served as the foundation of the D.C. Courts' 2003–

the D.C. Bar Foundation, and local legal services providers.

"Everyone seemed passionate in the belief that fairness and access to civil justice could not be achieved without a mechanism for assuring high-quality legal representation to those who could not afford it because of economic barriers or the unavailability of legal services," says Judge Annice M. Wagner, who was chief judge of the D.C. Court of Appeals during the strategic planning process.

While the D.C. Courts was making strides in community outreach, addressing language barriers and providing resource centers, it could only do so much without running into ethical constraints. Their reach was limited.

"We soon realized that the job was too big for the D.C. Courts alone to handle," Judge Reid, now a senior judge at the Court of Appeals, would write in her 2015 retrospective of the Commission. "And tasks needed to be accomplished that judges could not do."

When representatives of the D.C. Bar, the D.C. Bar Foundation, and the legal services provider community brought up the idea of creating an access to justice commission in the District, the courts

welcomed it. Soon, in a series of meetings, the parties explored the issues related to forming the commission, including its objectives, structure, funding, and potential barriers. They also considered the approaches used in other jurisdictions to create similar commissions.

“We needed to establish a group that had credibility beyond the borders of this court. A diverse group of leaders who could help us identify gaps in service and advise us on ways to encourage lawyers to help us address our concerns. We recognized that community leadership was critical to helping us solve the problems,” Chief Judge Washington recalls.

Looking at examples from around the country, they noticed that the access to justice commissions with the greatest successes were those with guidance coming from their jurisdiction’s highest court. The Court of Appeals decided that it would establish the Commission, but that the entity would be independent and represent the interests of everyone.

This move would allow for close collaboration among the various stakeholders, and would also show that the District was committed to improving access to justice.

An access to justice commission also would advance Resolution 23 of the Conference of Chief Justices, passed in 2001, which concluded that the judicial branch “shoulders primary leadership responsibility to preserve and protect equal justice and take action necessary to ensure access to the justice system for those who face impediments they are unable to surmount on their own.”

After close consideration of any potential legal, ethical, or practical constraints, the Court of Appeals issued Order M-220-04 on December 29, 2004, establishing the D.C. Access to Justice Commission for an initial three-year term, with extensions possible depending on the group’s progress toward achieving its goals. The Commission is required by the court to file an annual report outlining its work.

On February 28, 2005, the court appointed the Commission’s first 17 commissioners, which included two Court of Appeals and two Superior Court judges, three former presidents of the D.C. Bar, the executive directors of three leading legal services providers in the District, and community leaders. Georgetown University Law Center Professor Peter B. Edelman was appointed (and continues as) chair of the Commission.

“The court, as an independent body, didn’t tell the Commission what problems to address,” says Chief Judge Washington. “We said to them, ‘You help *us* figure out where the problems are.’”

The Hard Work Begins

The D.C. Access to Justice Commission has four stipulated goals: significantly increase resources for legal services providers, reduce barriers that prevent equal access to justice by low- and moderate-income District residents, advocate for increased pro bono work by local attorneys, and improve planning and coordination efforts in the delivery of civil legal

services to the community.

When it came to managing funding, the Commission took two key actions. First, it created a 501(c)(3) nonprofit with an independent board of directors tasked with raising and receiving the modest funds needed for the Commission’s day-to-day operations. The Commission receives no public funds, relying entirely on private donations, primarily from area law firms.

Second, the Commission successfully persuaded the D.C. Council to establish an annual appropriation of public funds—known as the Access to Justice Program—for the delivery of civil legal services to underserved populations in the District. The funds are administered by the D.C. Bar Foundation, the leading private funder of civil legal aid in the District. The Bar Foundation disperses these funds to local legal services providers through an annual competitive grant process. Each year the Commission and other leaders in the legal community lobby the mayor and the D.C. Council to sustain the access to justice funding.

Leading all these efforts was Edelman, who, having worked with policy makers at all levels, had a vast knowledge of the legal aid landscape, and was very much attuned to the need for civil legal services. Edelman has worked on issues relating to poverty for close to five decades, getting involved while serving as a legislative assistant to Senator Robert F. Kennedy. He had extensive experience managing organizations, such as serving as director of the New York State Division of Youth. He also worked on Edward Kennedy’s 1980 presidential campaign as issues director, and in the 1990s served in the Clinton administration, arguing successfully for additional funding for the LSC.

At the time the creation of the Commission was being proposed, Edelman was highly recommended by many, including those in the legal services provider community and the judiciary. When he was offered the position of Commission chair, he accepted with no hesitation.

“Getting launched was the Commission’s first great achievement. The second was selecting Peter Edelman to lead it as chairman. His vision, his acuity, and his ability to connect with the decision makers in the D.C. Council, the courts, and the stakeholders have been wonderful,” says Andrew Marks, a member of the Commission and vice president and trea-



“While now we have more of a woven tapestry [in providing legal services],

pre-Commission we had a patchwork quilt.” —Patricia Mullahy Fugere

surer of the Access to Justice Foundation.

With Edelman at the helm, and with the full support of the D.C. Court of Appeals, the Commission hit the ground running, starting with a legal needs report in 2008 that would provide the most comprehensive survey of the landscape of legal access in the District, including the availability of legal resources, the number of unrepresented litigants, and other issues.

Sunil Mansukhani, executive director of the Commission from 2005 to 2009, recalls the early days: "It was a new entity, it didn't have much of a track record, but the commissioners had good stature, and the charge of the D.C. Court of Appeals in creating the Commission was clear, which allowed the key stakeholders to collectively and collaboratively move the work forward."

The benefits of having an entity with pooled resources and legal abilities were seen quickly, and the Commission was able to enact meaningful changes in its first few years. One of the first issues the Commission worked on was funding. Unlike many states with access to justice commissions, the District of Columbia did not provide funding for civil legal services and this presented a challenge for the fledgling entity.

"The legal services organizations are the backbone for the access to justice movement," says Judith Sandalow, executive director of the Children's Law Center. "We combine on-the-ground knowledge of what residents' needs are with the capacity to translate that into law . . . the funding really makes a difference."

It was clear that obtaining support from the D.C. government would be a crucial step in decreasing gaps in the delivery of legal services. The Commission began lobbying then D.C. Mayor Anthony Williams and bringing their case before the D.C. Council, educating city officials about the need for funding and the benefits of providing civil legal services to the city's most vulnerable people.

"In the long run, providing legal services not only creates a very pivotal intervention in the lives of truly fragile District residents, but over time it also saves the government money," says Jessica Rosenbaum, the Commission's current executive director. "It is much more cost effective and humane to provide an intervention before someone loses their home than to try to care for them and their family in the multiple public systems that then have to come

to bear if that person becomes homeless."

In addition to support from local legal services organizations, all former presidents of the D.C. Bar at the time also signed a letter endorsing the Commission's recommendation for District funding for civil legal services. The Commission also was supported by Councilmembers Kathy Patterson and Phil Mendelson, with Mendelson championing the Commission's work and becoming one of its biggest supporters.

In 2006 the D.C. Council agreed to the Commission's request, allocating

vider community quickly went to work, putting every penny toward new access to justice initiatives. In the first year, organizations like the Neighborhood Legal Services Program, the Legal Aid Society of the District of Columbia, and Bread for the City were able to put over 20 new lawyers to work in underserved neighborhoods east of the Anacostia River. In 2007 Ayuda launched its Community Legal Interpreter Bank, which assists clients with language barriers. Today it has over 150 interpreters covering 39 different languages, including American Sign Language.

"We sought to be as
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the right to
housing."

—Peter B. Edelman



\$3.2 million for access to justice projects through the D.C. Bar Foundation.

Securing Funding, Encouraging Giving

Securing public funding was an unprecedented success for the Commission, and a victory for legal services providers and the residents of the District of Columbia. It also was a great indication of the city's commitment to work toward reducing poverty and promoting access to justice for all.

"Even if the Commission accomplished nothing else, persuading the Council to provide this critical funding for legal services providers would have been a massive achievement," says Marks.

With money from the District, the Commission and the legal services pro-

Over time the Commission also worked on reducing access to justice barriers at the D.C. Courts, identifying challenges and making recommendations about streamlining the process for self-represented litigants, providing interpreters, and examining innovations at courts in other jurisdictions to see where the D.C. Courts could improve. One major success was working with the D.C. Superior Court on developing a new housing conditions calendar, allowing tenants living in housing with code violations to have their cases reviewed more quickly.

"[The Commission] looked at us with an eye toward helping us better serve the community," says Chief Judge Washington.

Over the years the reputation of and support for the D.C. Access to Justice

Commission grew, along with funding from the D.C. Council. In March the D.C. Bar Foundation awarded more than \$4.5 million in public grants for 33 projects by legal aid organizations in the District.

On the private funding side, the Commission launched in 2010 the Raising the Bar in D.C. Campaign, one of its huge successes. The campaign came in the aftermath of the 2008 economic downturn, when funding for legal services providers dropped nearly 25 percent while requests for legal aid rose 20 percent.

Recognizing the power of law firms, the campaign encourages firms to contribute money to legal services organizations using a three-tier benchmark for giving: Platinum, Gold, and Silver, for setting aside .11 percent, .09 percent, and .075 percent, respectively, of their D.C. office annual revenue.

Eight firms—Akin Gump Strauss Hauer & Feld LLP, DLA Piper LLP, Steptoe & Johnson LLP, Covington & Burling LLP, Jenner & Block LLP, Crowell & Moring LLP, Sidley & Austin LLP, and Sutherland Asbill & Brennan LLP—formed the Leadership Circle at the campaign's launch, rallying others to participate. The number of participating firms has grown over the years, from 23 firms contributing over \$3 million in 2011 to 48 firms donating more than \$5 million in 2014. All firms are recognized for their contributions at an annual reception.

“Over the years we’ve gotten a consistent, sustained, and positive response from those who have participated in the campaign,” says James Roca, a partner at Steptoe & Johnson and one of the Commission’s earliest supporters.

Collective Push for Housing

The D.C. Access to Justice Commission has decided to act on the District’s housing crisis. Starting in 2014 it collaborated with the D.C. Bar Pro Bono Center and several legal services providers and law firms to launch the D.C. Right to Housing Initiative, which they believe could serve as model for the rest of the country.

The Initiative was the result of conversations between Edelman; James Sandman, president of LSC and former president of the D.C. Bar; and Rosenbaum following a report published by LSC on the need for greater pro bono efforts across the country. The report recognized that pro bono work was effective at enhancing the level of representation for

low-income people, and although much was already being done in the District, there was a need for more. The Commission decided to approach law firms with a renewed call for pro bono service.

“We sought to be as focused as we could be when approaching the law firms. We needed to stay on one issue,” says Edelman. “The issue that everyone agreed on was the right to housing.”

Part of the Initiative is the Right to Counsel Project, an effort to reduce evictions and increase access to legal counsel for tenants in subsidized housing. The Commission estimates that over 90 percent of landlords in the Landlord and Tenant Branch of the D.C. Superior Court have attorneys, while only 5 percent to 10 percent of tenants are represented. The Right to Counsel Project aims to provide more pro bono resources to increase representation for tenants, with the ultimate goal of serving several thousand cases each year.

The Initiative will push for enforcement of fair housing laws and challenge housing discrimination. It has identified other systemic reforms such as reducing barriers to the housing application process, ensuring that tenants with disabilities receive reasonable accommodations in a timely manner, addressing and challenging discriminatory practices in shelters and emergency housing, and securing supportive services for tenants.

Another focus is advocating for improvements to local homeless services to ensure homeless families and individuals have a safe place to sleep year round, that individuals know their legal rights under federal and local shelter and disability rights laws, and that homelessness-related programs are well funded and efficiently operated.

One of the most prominent aspects of the D.C. Right to Housing Initiative is the preservation and creation of affordable housing in the District, which over the past decade has lost more than half of its low-cost housing stock. The Initiative seeks to reverse this trend by advocating for the District to preserve threatened properties; helping tenants to purchase their properties as co-ops; working with landlords to keep their Section 8 housing; and working with residents by providing representation, information, and assistance.

Preserving affordable housing and ensuring that the city’s most vulnerable residents are not forced out of their homes

is becoming one of the bigger challenges facing the Commission and its stakeholders today. The stakes remain high, and for the Commission, now is not the time to rest. So far, 14 firms have pledged support for the Initiative, with 7 firms committing to accept eviction cases. Over 70 attorneys have already completed training to provide pro bono representation through the Initiative.

More Challenges Ahead

The D.C. Access to Justice Commission was formed out of an urgent need to fill gaps in access to justice and to establish a unified way to help all residents of the District of Columbia. Despite some challenges and initial apprehension over its creation 10 years ago, the Commission has made major strides in rallying the legal services community, the law firms, local government, and others toward working to increase access to justice in the District.

“The Commission is an example of smart people coming together and really working to do the right thing,” says Commission member Broderick.

Sheldon Krantz, executive director of the D.C. Affordable Law Firm and a member of the Commission, credits the Commission’s leadership and staff for “[doing] amazing things with the limited resources they have.”

“I’m familiar with access to justice commissions around the country, and I think the D.C. Access to Justice Commission is among the very best,” Krantz says.

The Commission is not resting on its laurels, however; it is well aware that there are many challenges ahead to make access to justice a reality for all.

“As wonderful as the Commission is, the District still continues to face a crisis,” says Sandalow. “It continues to be a tale of two cities: A child born in Ward 8 has a much harder road than a child born in Ward 3. There’s a long road ahead of us . . . There is much more to do.”

The District will continue to transform, and the need will always be there. “The challenge remains in front of us to continue to do that transformative work,” says Smith. “Ten years have been a critical and remarkable milestone, particularly if we think back on the individuals whose lives we’ve made different in a positive way. We feel immensely proud, but it should also be a call to us for that work to continue.”

Reach Jeffery Leon at JLeon@dcbar.org. Follow him on Twitter at [@JLeonDCBar](https://twitter.com/JLeonDCBar).

Ensuring Justice for All

The White House Plan

By Kathryn Alfisi

A White House announcement on September 24, 2015, may signal a change in the federal government's involvement in access to justice efforts. On that day President Obama formally established the White House Legal Aid Interagency Roundtable (LAIR), which brings together 21 federal agencies to work on expanding access to legal services for the most vulnerable and underserved people in our communities.

President Obama signed the memorandum on the eve of the United Nations' adoption of its 2030 Sustainable Development Goals, one of which involves making justice accessible to all. "By encouraging Federal departments and agencies to collaborate, share best practices, and consider the impact of legal services on the success of their programs, the Federal Government can enhance access to justice in our communities," the memorandum states.

This "holistic approach" of incorporating legal help into the services that people receive from a wide range of government agencies is a significant development, according to James Sandman, president of the Legal Services Corporation (LSC), the single largest funder of civil legal aid for low-income Americans.

"It pulls together federal agencies serving constituencies that have legal aid needs [that] otherwise might go unaddressed," Sandman says.

There have been numerous efforts by the legal community in the last few decades to address the nationwide access to justice crisis in the civil justice system, whether through self-help centers, user-friendly documents, legal clinics, or unbundled legal services. However, federal involvement has been somewhat limited. Or as Karen Lash, deputy director of the Office for Access to Justice at the U.S. Department of Justice and executive director of LAIR, put it in 2013, access to justice initiatives by government agencies and others too often "operate in separate siloes."

The bottom line, according to Richard

Zorza, coordinator of the Self-Represented Litigation Network, is that federal government involvement in civil access to justice issues for the last 40 years "has basically been seen as 'We fund or don't fund [the] Legal Services Corporation and go home.'"

"However, the reality is that in many ways the federal government has a huge impact on access to justice in the civil justice system," says Zorza, who has worked on advancing access to justice for the past 15 years.

That changed somewhat in 2010 when the Department of Justice launched the Office for Access to Justice to spearhead national efforts to expand access to civil legal aid and criminal indigent defense.

The Office's director, Lisa Foster, says approximately 20 percent of Americans are eligible for free civil legal aid, and by age 60 nearly four in five people will experience some kind of economic hardship, such as relying on a government program that provides assistance for the poor or living at least one year in poverty or very close to it. An estimated 70 percent of litigants have to represent themselves in court.

"These Americans cannot afford to hire a lawyer even when faced with life-altering events such as the potential loss of a home, health care, a job, or an education. They cannot afford to hire a lawyer even when they are the victims of domestic violence or elder abuse and desperately need the courts for protection," says Foster.

Civil legal aid—from direct legal representation to advice and counseling, community education, and self-help and technology tools—can help the poor and middle class understand their legal options and, in the end, obtain better outcomes in the justice system, according to Foster.

"For many people, increased legal resources in their community means problems get resolved without going to court. When litigation is unavoidable, legal aid also means courts process cases more effectively and more efficiently, saving everyone time and money," Foster says.

Maximizing Help Through Collaboration

LAIR was originally launched in 2012 by the White House Domestic Policy Council and the Department of Justice "to raise federal agencies' awareness of how civil legal aid can help advance a wide range of federal objectives." The work of LAIR will ensure, for example, that veterans get the services they need, says Foster.

"When the Department of Veterans Affairs surveyed homeless veterans, it found that four of their top 10 unmet needs had legal solutions. If the VA's programs to help homeless veterans don't include legal aid, it will be much harder to meet their needs and for the program to be successful. The same is true of many federal programs that seek to end poverty or protect vulnerable populations," adds Foster.

To address these issues, LAIR has the following tasks:

- Improve coordination among federal programs that assist vulnerable and underserved populations to increase efficiency and produce better outcomes;
- Increase access to justice for individuals and families regardless of wealth or status;
- Develop policy recommendations for improving access to justice at all levels of government;
- Work toward the implementation of Goal 16 of the UN Sustainable Development Goals, which pushes for "the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels;" and
- Conduct research and hand down



best practices for civil legal aid and indigent defense.

In September, the UN adopted 17 goals for transforming the world following three years of negotiations. While not legally binding, they were unanimously adopted by the 193 UN member states during a three-day summit in New York.

Foster says Goal 16 recognizes “the fact that giving all people the power to understand and use the law to secure justice and meet their basic needs is essential to sustainable development and necessary to end extreme poverty.”

Ambassador Samantha Power, U.S. Permanent Representative to the United Nations, spoke about Goal 16 at a reception on the eve of the UN summit to adopt the 2030 agenda. “Access to legal services matter, and it is what can make the difference, again, for tangible individuals with faces and with families; in a victim of domestic violence obtaining a restraining order; a homeless veteran getting housing assistance—10 more of whom become homeless in America every day; and a working mom receiving child support,” Power said in her speech, citing the presidential memorandum establishing LAIR as an important step among others to address the chronic problem of unequal access to justice.

U.S. Attorney General Loretta E. Lynch and Domestic Policy Council Director Cecilia Muñoz currently serve as cochairs of LAIR.

Making a Collective Impact

In its four years of existence, LAIR has made some headway in its work to promote equality and ensure justice for all by

bringing together executive departments, agencies, and offices “to inspire new collaborations” on how best to serve the country’s poor and middle class populations and engage civil legal aid providers.

Apart from the Justice Department and LSC, LAIR includes the Administrative Conference of the United States, the U.S. Agency for International Development, Consumer Financial Protection Bureau, Corporation for National and Community Service, Department of Agriculture, Department of Education, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Labor, Department of State, Department of the Treasury, Department of Veterans Affairs, Equal Employment Opportunity Commission, Federal Trade Commission, National Science Foundation, Office of Management and Budget, and Social Security Administration.

“Just think of the huge collective impact that these agencies have on access to justice, how much money flows through them, how many adjudicatory procedures they manage or fund, and what a difference as they start to converge behind an access to justice vision and mission,” wrote Zorza in a post on his *Access to Justice* blog.

Zorza also used his blog to praise the launch of the LAIR Toolkit in April 2014 (www.justice.gov/lair/toolkit). The Toolkit is an online resource guide containing information about civil legal aid and how those services can help advance federal priorities. It also identifies the federal program areas where legal aid providers can add the most value.

“I would like to think that the release of this wonderful Toolkit will be seen as a tipping point in the relationship between civil legal aid, broadly defined, and the federal government. Access to justice is not just a controversial stepchild, rather it has to be a core element of the federal role,” he wrote.

The Toolkit is just one example of the progress LAIR has made since its inception. Also in 2014, LAIR’s cochairs received the 2014 Government Service Award from the National Legal Aid & Defender Association.

According to the Justice Department’s Office for Access to Justice, LAIR’s accomplishments to date and ongoing activities include:

- Clarifying more than two dozen grants involving reentry, access to health care, citizenship, homeless

veterans, and other federal priorities to allow legal services that further program goals;

- Hosting more than two dozen Webinars and other presentations to federal grantees, the civil legal aid community, and federal agency staff about how legal aid advances federal priorities;
- Offering new training and technical assistance opportunities; and
- Conducting new research about civil legal aid.

For Sandman, LAIR is already impacting LSC’s work in two ways: increasing sources of federal funding for civil legal aid and raising awareness among those involved in running government programs on how legal help can be a valuable tool for serving low-income people.

Making more sources of federal funding available for access to justice efforts makes it “easier for government agencies to make grants that include the possibility of their use for funding legal aid,” Sandman says.

While it remains to be seen whether LAIR’s continued efforts will result in meaningful and sustainable changes in access to justice, some are just happy that the White House has finally turned its attention to the issue.

“Absolutely, I think it’s a wonderful development. I commend the Office of Access to Justice for creating the Roundtable, and I think it’s wonderful that the president has given it official status as a White House undertaking,” says Sandman.

One long overdue area of improvement, for instance, is making administrative proceedings across all government agencies accessible to people who do not have counsel. LAIR is working with the Administrative Conference of the United States to make this happen.

“There’s been very little attention paid to processes before government administrative agencies that have hearings and other proceedings where very important issues affecting low-income people” are being decided,” according to Sandman.

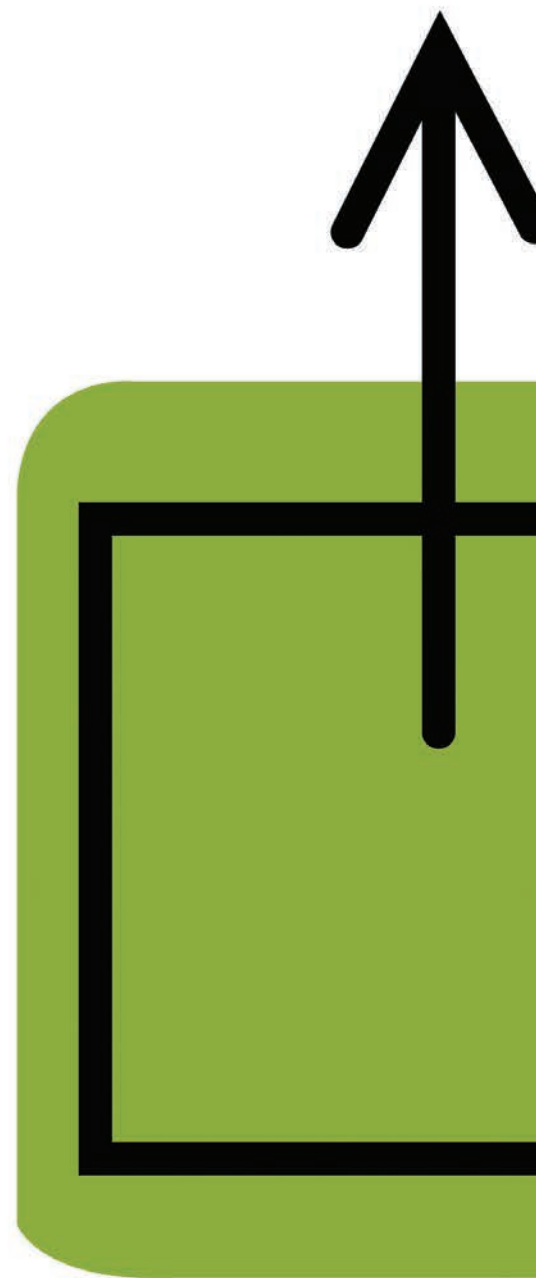
“The federal government is already involved in all of these systems, so let’s try to have them involved in as helpful a way as possible,” says Zorza. “I’m not suggesting that they were deliberately doing the wrong thing, but they were not focused on these issues. They’re either a partner or the enemy, and you’re much better off having them as a partner.”

Reach Kathryn Alfisi at kalfisi@mac.com.

“Access to legal services matter, and it is what can make the difference, again, for tangible individuals with faces and with families; in a victim of domestic violence obtaining a restraining order; a homeless veteran getting housing assistance—10 more of whom become homeless in America every day; and a working mom receiving child support.”

— Ambassador Samantha Power

D.C. Bar ELECTION COVERAGE 2016

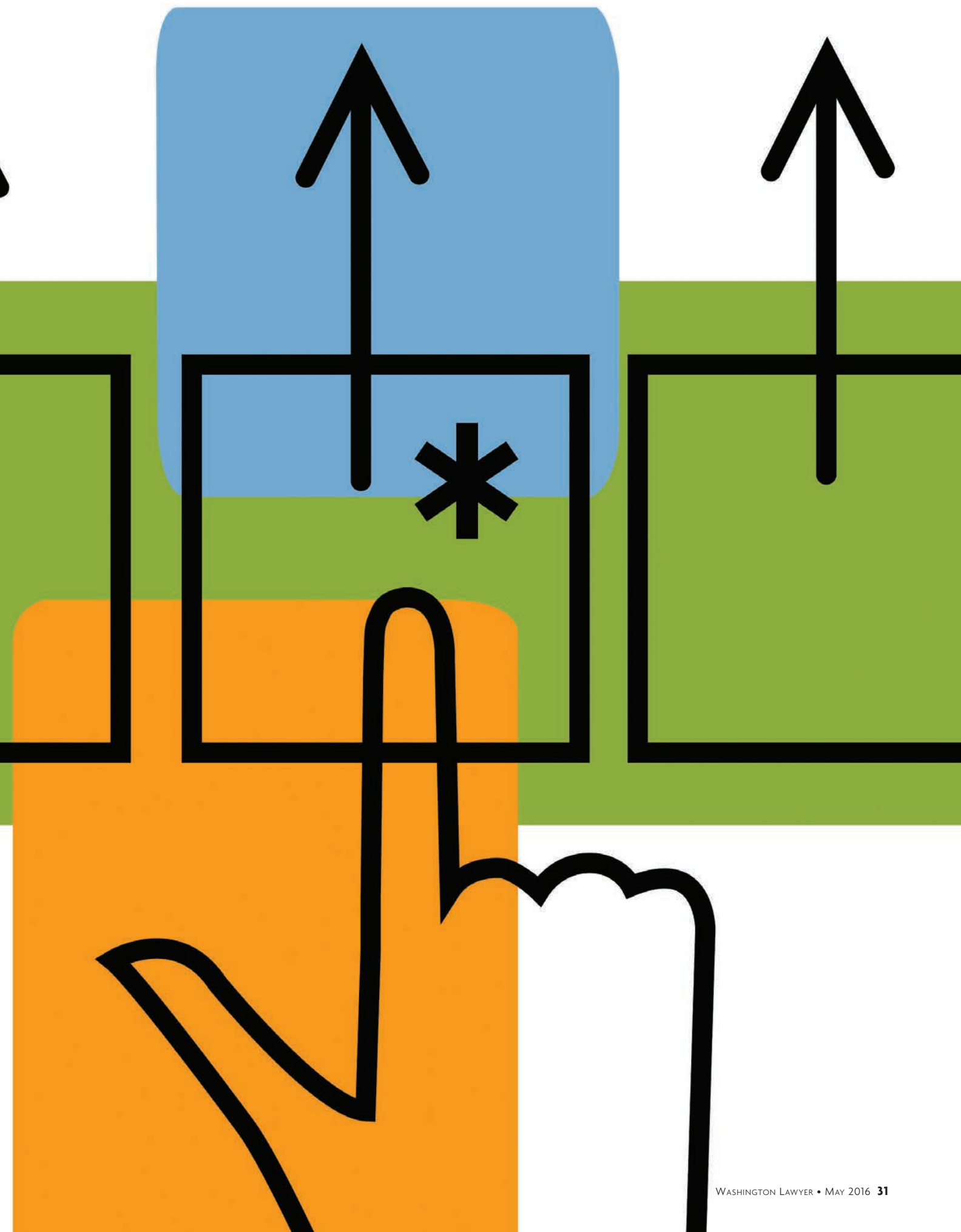


The D.C. Bar Nominations Committee has announced candidates for office on the Bar's Board of Governors for the 2016–2017 term. Nominees are running for the positions of president-elect, secretary, and treasurer. There are five vacancies on the Bar's Board of Governors, each for three-year terms. Finally, there are three seats available in the American Bar Association House of Delegates.

Ballots were mailed and online voting at <https://www.dcbar.org/vote> opened on April 25. The deadline to vote is May 20. Results of the election will be announced on the Bar's Web site and during the 2016

Celebration of Leadership, which includes the Bar's Awards Dinner and Annual Meeting, on June 15 at the Mayflower Hotel, 1127 Connecticut Avenue NW.

Concurrently, the D.C. Bar Sections Office has announced nominees for vacancies on the steering committees of the Bar's 20 sections. The section steering committee elections will be conducted primarily online. The deadline for requesting a paper ballot for this year's election was April 15. Voting began April 25 and will close online at midnight on May 20. For a paper ballot to be counted, it must arrive by May 20 in the return envelope provided. Section candidate lists begin on page 34.



MEET *the* CANDIDATES *for*

Guy Collier

Guy Collier is a partner at McDermott Will & Emery LLP where he focuses his practice on transactional and related regulatory issues for health industry clients. Previously, he served in the Office of General Counsel at the U.S. Department of Health and Human Services, as well as at the Institute of Medicine of the National Academy of Sciences. Collier is a past chair of the D.C. Bar Pro Bono Committee and a former member of the Bar's Board of Governors. He also has served on the Health Law Section's first steering committee.

If elected, Collier would work to strengthen the D.C. Bar Pro Bono Center, drawing on his experience in pro bono leadership roles both with the Bar and McDermott, where he chaired the firm's Pro Bono and Community Service Committee for several years. He believes a continued push for more pro bono services would help to address the access to justice gap in the District of Columbia. "We have a large group of underserved people in D.C., and we meet only 10 percent of the legal needs of the low-income population," he says. "I would like to do everything possible to reach more of the population who needs legal services but simply lack resources."

Collier also wants to explore options to increase member engagement with the Bar, including finding methods to connect with members in innovative ways. He believes, for example, that the Bar should strive to address attorney interests and backgrounds that don't fit neatly into one of the Bar's 20 sections. "Maybe you're doing life sciences transactional work and you'd like to interact with people in the biotech and Food and Drug Administration-related fields—that interest may not sync up perfectly with our current Health Law Section," Collier says.

If elected, technology also would be a focus of improvement. Collier would look at options to make more of the Bar's offerings available online, particularly Continuing Legal Education (CLE)



Courtesy of McDermott Will & Emery LLP

"We have a large group of underserved people in D.C., and we meet only 10 percent of the legal needs of the low-income population. I would like to do everything possible to reach more of the population who needs legal services but simply lack resources."

—Guy Collier

Program courses. Collier says he would work with the Bar's Enterprise Solutions Department to determine possibilities for enhanced online content.

Collier points to his background in nonprofits, government, and both small and large private firms as a strength for serving as president-elect. "I've had a number of different practice settings that have given me a good perspective on what it is [like] to practice law in D.C.," he says. He reflects on his time with the Department of Health and Human Services as being particularly rewarding. "I would not

trade my years of government service for anything in the world," he says.

Collier considers the current changes happening in the legal profession as the "new normal," and that it will be critical for the Bar to determine how to respond to issues such as the shrinking pool of law school applicants and smaller firms. He adds that the Bar has to pay particular attention to younger and incoming attorneys. "We need to hear from them. What is it that they need from the Bar? Is it CLE, pro bono opportunities, or both? Do they need an avenue to network with their peers around substantive areas, whether in other firms or other government agencies? We need to listen carefully to figure out what they need from the Bar [and what] they feel like they may not be getting right now."

Collier serves as cochair of the emeritus board of the Children's Law Center and is on the board of trustees of the Washington Lawyers' Committee for Civil Rights and Urban Affairs. He received his law degree from the University of Richmond School of Law.

Patrick McGlone

Patrick McGlone is the senior vice president, general counsel, and chief compliance officer of Ullico Inc., a private insurance and investment company, and is responsible for all legal and compliance matters for the organization. Before joining Ullico, he served in senior counsel roles at U.S.

Office Products Company, Mobil Corporation, and the Federal Deposit Insurance Corporation. He has served as secretary for the Bar's Board of Governors, and has sat on several Bar committees, including the Regulations/Rules/Board Procedures, Nominations, Publications, and Screening committees.

If elected, McGlone says his primary goals would be assisting in executing the Bar's new strategic planning process, "D.C. Bar 2020: A New Five-Year Horizon," and overseeing the Bar's move to its new headquarters, scheduled to take place

PRESIDENT-ELECT

by early 2018. He also is interested in fostering collaborations between the Bar, D.C. Bar Pro Bono Center, D.C. Bar Foundation, D.C. Access to Justice Commission, and other legal services organizations to continue to improve the delivery of legal services to the community and offer more pro bono opportunities for Bar members.

A new initiative McGlone would like to pursue is the creation of civic education engagements between lawyers and D.C. youth. "By working within the groups the Bar has and collaborating with other organizations that are doing civic work, we can provide Bar members with opportunities to contribute to civic education," he says. "I think lawyers have the unique ability to provide instruction to young people on civics, the basics of government, and the importance of the rule of law."

McGlone says having served as a general counsel with corporate experience would make him an ideal president-elect candidate, especially at this pivotal moment in the Bar's history. "The incoming Bar president in summer 2017 would preside at the halfway point of the Bar's [strategic planning process]," he says. "It will be an important time to assess how the Bar is doing."

McGlone believes Ullico's investments in commercial real estate projects provide him with a unique perspective on commercial real estate matters, which could be an asset to the Bar as it builds its new headquarters. His experience as trea-



Courtesy of Ullico Inc.

"By working within the groups the Bar has and collaborating with other organizations that are doing civic work, we can provide Bar members with opportunities to contribute to civic education."

—Patrick McGlone

surer for the D.C. Bar Foundation; Us Helping Us/People Into Living, Inc.; and the American Bar Association's (ABA) Civil

Rights and Social Justice Section would help him to better understand and assist with the Bar's fiscal matters, he says.

Looking at the changing nature of the legal profession, McGlone says the Bar needs to embrace technology and reach out to younger attorneys. Newer methods of communication such as social media will be key for engagement. "It will be critical for the Bar to stay ahead of how people will be communicating with each other and how they're developing communities among themselves," McGlone says.

McGlone believes the Bar must continue to develop innovative approaches to assist people who cannot afford an attorney. He cites as examples the Bar's recent efforts to persuade senior lawyers to assist in pro bono and community work as they wind down their careers, as well as efforts to promote low bono and limited representation services to address the access to justice gap. McGlone also would encourage the Pro Bono Center and the Bar Foundation to work with legal services providers to develop more multiyear endeavors for providing legal assistance to low-income communities.

McGlone is vice president of the Council for Court Excellence, an ABA Fellow, and a member of the Subcommittee on the Federal Courts of the ABA's Standing Committee on the American Justice System. He is a graduate of The George Washington University Law School.

NOMINATIONS COMMITTEE ANNOUNCES CANDIDATES *for* OTHER BAR OFFICES

The Nominations Committee also announced the selection of candidates for other Bar positions. Nominated for secretary are David W. Arrojo of the U.S. House of Representatives' Committee on Ethics and Adam M. Chud of Goodwin Procter LLP, and for treasurer are Shu-

chi Batra of the U.S. General Services Administration and Megan Lacchini of the Legal Services Corporation.

The following are candidates for five vacancies on the Bar's Board of Governors for three-year terms: Jessica E. Adler, Law Office of Jessica E. Adler; Arturo

Caraballo, Arnold & Porter LLP; Erica J. Dominitz, Kilpatrick Townsend & Stockton LLP; Karen E. Evans, The Cochran Firm; Theodore A. Howard, Wiley Rein LLP; Annette K. Kwok, Venable LLP; Richard J. Marks, DLA Piper LLP; Anne M. Scott, Littler Mendelson, P.C.; Lind-

sey R. Vaala, Vinson & Elkins LLP; and Christopher P. Zubowicz, U.S. Department of Justice.

The Nominations Committee also announced the following candidates for three open seats in the ABA House of Delegates: Wynter P. Allen, Alden Law Group PLLC; John (Jack) C. Keeney Jr., Association of Zoos and Aquariums; Laura A. Possessky, Gura & Possessky PLLC; and Lucy L. Thomson, Livingston PLLC.

Ballots and instructions for voting, by mail or online, were distributed to all active Bar members on April 25. The deadline to vote is May 20.

SECTIONS OFFICE SELECTS CANDIDATES FOR 2016-17 STEERING COMMITTEES

The following nominees are running for vacancies on the steering committees of the Bar's 20 sections. For questions about the sections elections, contact the Sections Office at 202-626-3463.

Administrative Law and Agency Practice (Three Vacancies): Nelson S. Bond,

U.S. House of Representatives, Committee on the Judiciary; Gisselle S. Bourns, Administrative Conference of the United States; Susan M. Cook, Hogan Lovells; Adam R. Gustafson, Boyden Gray & Associates; Vytas V. Vergeer, D.C. Office of Administrative Hearings; Daniel W. Wolff, Crowell & Moring LLP.

Antitrust and Consumer Law (Three Vacancies): Craig L. Briskin, Mehri & Skalet, PLLC; Adrian Fontecilla, Proskauer Rose LLP; John L. Goheen, Simpson Thacher & Bartlett LLP; John R. Ingrassia, Proskauer Rose LLP; Brianne L. Kucerik, Weil, Gotshal & Manges LLP; Jay L. Levine, Porter Wright Morris & Arthur LLP; Michael G. McLellan, Finkelstein Thompson LLP; Joanne M. Savage, AARP Legal Counsel for the Elderly.

Arts, Entertainment, Media and Sports Law (Three Vacancies): Danielle M. Aguirre, National Music Publishers Association; Daniel P. Kaufman, Ballengee Group; Gregg P. Leslie, Reporters Com-

mittee for Freedom of the Press; Robert D. Litowitz, Kelly IP, LLP; Amy F. Minniti, Washington Nationals; Rand E. Sacks, The Sacks Group, PLLC; Kelly M. Skoloda, Monumental Sports & Entertainment; Craig A. Sperling, PBS.

Corporation, Finance and Securities Law (Three Vacancies): Martha V. Clarke, Office of the Comptroller of the Currency; Walter T. Conner, Reed Smith LLP; Stephen J. Crimmins, Murphy & McGonigle PC; Larry Ellsworth, Jenner & Block LLP; Ford C. Ladd, Law Offices of Ford C. Ladd; Diana L. Preston, Preston Financial Law & Consulting PLLC.

Courts, Lawyers and the Administration of Justice (Three Vacancies): Marc A. Borbely, D.C. Tenants' Rights Center; Norrinda V. Brown, University of the District of Columbia David A. Clarke School of Law; Edwin E. Huddleson, Attorney-at-Law; Barbara K. Kagan, Steptoe & Johnson LLP; Reginald B. McKnight, BP America, Inc.; Daria J. Zane, Whitman-Walker Health.

Criminal Law and Individual Rights (Three Vacancies): Noah A. Clements, The Clements Firm; Jia M. Cobb, Relman, Dane, and Colfax PLLC; Andrew M. Friedman, Butzel Long PC; Ariel S. Glasner, Blank Rome LLP; Quo S. Judkins, The Judkins Firm; Ravi Regunathan, Law Office of Ravi Regunathan; Mark M. Rollins, The Rollins Law Firm; Joseph A. Scrofano, Scrofano Law PC; Ian A. Williams, Attorney-at-Law.

District of Columbia Affairs (Three Vacancies): Amy M. Bellanca, Office of the District of Columbia Auditor; James S. Bubar, Attorney-at-Law; Esther S. Bushman, D.C. Office of Zoning; Traci L. Hughes, D.C. Board of Ethics and Government Accountability; Thomas B. Martin, Goldblatt Martin Pozen LLP; Emily K. Morris, EKM Law, PLLC; Angela C. Parsons, Office of the Secretary of the District of Columbia; Kevin P. Stogner, Potomac Law Group.

Environment, Energy and Natural Resources (Three Vacancies): Mary S. Clemmenssen, CSC Government Solutions LLP; Neil E. Gormley, Earthjustice; Ya-Wei Li, Defenders of Wildlife; Ben-

continued on page 41

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WASHINGTON DC 2016 ANNUAL LIST

The attorneys included in the Top 100 and Top 50 Women lists in the following pages ranked highest in the 2016 Washington DC Super Lawyers nomination, research and blue ribbon panel review process. To search all attorneys selected to the full 2016 Washington DC Super Lawyers list, and to learn more about our patented selection process, please visit SuperLawyers.com.

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SELECTION PROCESS

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The Super Lawyers selection process involves the steps outlined in the graphic (at right).

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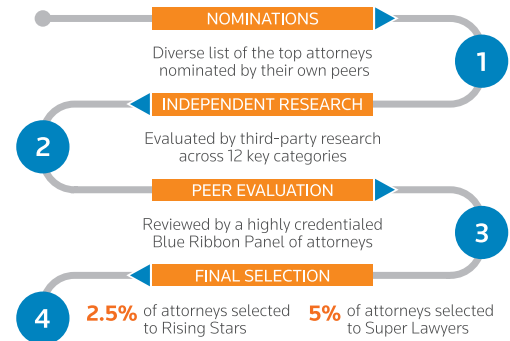
QUESTIONS?

SL-Research@thomsonreuters.com

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Search for an attorney by practice area and location, and read features on attorneys selected to our lists.

OUR PATENTED SELECTION PROCESS



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www.bernabeipllc.com



BACK ROW (L-R): Patricia Branch, Alicia Maslar, Christopher Sousa, Sarah Nason, Linda Eby
FRONT ROW: Alan Kabat*, Lynne Bernabei* *Top 50 Women*, Peter Whelan

*CHOSEN TO 2016 SUPER LAWYERS



Bernabei & Kabat helps individual clients with serious employment issues that affect their jobs, careers and families. The firm understands that every case is unique and tailors its strategies to the requirements and goals of each client.

"We are deeply committed to working for social justice by providing individualized, high-quality legal representation," says partner Lynne Bernabei. "By working closely with our clients we can challenge institutions to operate fairly and without discrimination."

The firm is nationally recognized for its expertise in employment law, whistleblower law, sexual and racial harassment law, Sarbanes-Oxley whistleblower claims and civil rights matters. Lynne Bernabei and Alan Kabat have been recognized to the Super Lawyers list, *The Best Lawyers in America*, *The Washingtonian* and *The National Law Journal*.

With decades of employment experience, attorneys at the firm handle all types of employment law claims. These include discrimination cases based on race, gender, disability, age, national origin, religious and sexual orientation, and retaliation and whistleblower cases. The firm is currently representing whistleblowers in the financial services, defense, health, pharmaceutical and nuclear industries, and at universities. "We also represent many doctors, lawyers and senior executives in cases against their employers, and in negotiating severance agreements," says Ms. Bernabei. The firm has worked with the American Civil Liberties Union and other public interest groups in challenging excesses of government authority.



TOP 100

AN ALPHABETICAL LISTING OF THE LAWYERS WHO RANKED TOP OF THE LIST IN THE
2016 WASHINGTON DC SUPER LAWYERS NOMINATION, RESEARCH AND BLUE RIBBON REVIEW PROCESS

Asbill, Henry W., Jones Day, Washington DC
Barshefsky, Charlene, Wilmer Cutler Pickering Hale and Dorr, Washington DC
Baskin, Stephen E., Mayer Brown, Washington DC
Beisner, John, Skadden Arps Slate Meagher & Flom, Washington DC
Boss, Barry, Cozen O'Connor, Washington DC
Bowman, Denise M., Alexander & Cleaver, Fort Washington MD
Boyle, Peter M., Kilpatrick Townsend & Stockton, Washington DC
Braden, Gregory C., Morgan Lewis & Bockius, Washington DC
Bredehoft, Elaine Charlson, Charlson Bredehoft Cohen & Brown, Reston VA
Breuer, Lanny A., Covington & Burling, Washington DC
Brown, Barbara B., Paul Hastings, Washington DC
Cammarata, Joseph, Chaikin Sherman Cammarata & Siegel, Washington DC
Cannon, Jr., James R., Cassidy Levy Kent, Washington DC
Cannon, Kathleen W., Kelley Drye & Warren, Washington DC
Cashdan, David R., Cashdan & Kane, Washington DC
Clarke, David R., Blankingship & Keith, Fairfax VA
Cleaver, James A., Alexander & Cleaver, Fort Washington MD
Cobb, Ty, Hogan Lovells, Washington DC
Connolly, Thomas G., Harris Wiltshire & Grannis, Washington DC
Cooper, Glenn M., Paley Rothman, Bethesda MD
Craig, Gregory B., Skadden Arps Slate Meagher & Flom, Washington DC
Cullen, Stephen J., Miles & Stockbridge, Washington DC
De Jong, David S., Stein Sperling Bennett De Jong Driscoll, Rockville MD
Deloach, Jason A., Alexander & Cleaver, Fort Washington MD
Dominitz, Erica J., Kilpatrick Townsend & Stockton, Washington DC
Dori, Yaron, Covington & Burling, Washington DC
Dowdell, Thomas E., Norton Rose Fulbright US, Washington DC
Dragga, Patrick W., Dragga Hannon Hessler & Wills, Rockville MD
Dunner, Donald R., Finnegan Henderson Farabow Garrett & Dunner, Washington DC
Estrada, Miguel A., Gibson Dunn & Crutcher, Washington DC
Fleishman, Barry J., Kilpatrick Townsend & Stockton, Washington DC
Foggan, Laura A., Wiley Rein, Washington DC
Garre, Gregory G., Latham & Watkins, Washington DC
Genderson, Bruce R., Williams & Connolly, Washington DC
Glackin, Maureen, Reinstein Glackin Patterson & Herriott, Bowie MD
Gray, Daniel L., Cooper Ginsberg Gray, Fairfax VA
Hausfeld, Michael D., Hausfeld, Washington DC
Heintz, John E., Blank Rome, Washington DC
Henry, Roxann E., Morrison & Foerster, Washington DC
Hepfer, Cheryl L., Offit Kurman, Bethesda MD
Hoffinger, Adam S., Schulte Roth & Zabel, Washington DC
Hostetter, Heather Q., Hostetter Strent, Bethesda MD

Isler, Edward Lee, Isler Dare, Vienna VA
Jeffress, Jr., William H., Baker Botts, Washington DC
Karp, Ronald A., Karp Wigodsky Norwind & Gold, Rockville MD
Katz, Debra S., Katz Marshall & Banks, Washington DC
Keith, John A.C., Blankingship & Keith, Fairfax VA
Kropf, Sara, Law Office of Sara Kropf, Washington DC
Long, Robert A., Covington & Burling, Washington DC
Lowell, Abbe D., Chadbourne & Parke, Washington DC
MacDougall, Mark J., Akin Gump Strauss Hauer & Feld, Washington DC
Masters, Lorelie S., Perkins Coie, Washington DC
Mayberry, J. David, Kilpatrick Townsend & Stockton, Washington DC
McCool, Steven J., Mallon & McCool, Washington DC
McKeon, Michael J., Fish & Richardson, Washington DC
Mead, Christopher B., London & Mead, Washington DC
Mendelsohn, Mark F., Paul Weiss Rifkind Wharton & Garrison, Washington DC
Metzger, Jr., A. Richard, Lawler Metzger Keeney & Logan, Washington DC
Michael, Helen K., Kilpatrick Townsend & Stockton, Washington DC
Mitchell, Gerard E., Stein Mitchell Cipollone Beato & Missner, Washington DC
Nicely, Matthew R., Hughes Hubbard & Reed, Washington DC
Noble, John, Noble & Crow, Rockville MD
Ogrosky, Kirk, Arnold & Porter, Washington DC
Olender, Jack H., Jack H. Olender & Associates, Washington DC
Olson, Theodore B., Gibson Dunn & Crutcher, Washington DC
Ondrasik, Jr., Paul J., Steptoe & Johnson, Washington DC
Oswald, R. Scott, The Employment Law Group, Washington DC
Pappas, George F., Covington & Burling, Washington DC
Patterson, George P., Reinstein Glackin Patterson & Herriott, Bowie MD
Phillips, Carter G., Sidley Austin, Washington DC
Piper, Sarah A., Powell Piper Radomsky, Fairfax VA
Popp, Karen A., Sidley Austin, Washington DC
Pounds, Todd K., Alexander & Cleaver, Fort Washington MD
Powell, Sonya L., Powell Piper Radomsky, Fairfax VA
Regan, Patrick M., Regan Zambri Long, Washington DC
Reinstein, Paul J., Reinstein Glackin Patterson & Herriott, Bowie MD
Reiser, Deborah E., Lerch Early & Brewer, Bethesda MD
Robinson, Frederick, Norton Rose Fulbright US, Washington DC
Rosenthal, Paul C., Kelley Drye & Warren, Washington DC
Schamel, Mark E., Womble Carlyle Sandridge & Rice, Washington DC
Schertler, David, Schertler & Onorato, Washington DC
Schwaber, Jeffrey M., Stein Sperling Bennett De Jong Driscoll, Rockville MD
Seymour, Richard T., Law Offices of Richard T. Seymour, Washington DC

Shoop, Darcy A., Darcy A. Shoop, Rockville MD
Speights, Grace E., Morgan Lewis & Bockius, Washington DC
Standish, Daniel J., Wiley Rein, Washington DC
Stein, Paul T., Stein Sperling Bennett De Jong Driscoll, Rockville MD
Stewart, Terence P., Stewart and Stewart, Washington DC
Sweet, Jr., William J., Skadden Arps Slate Meagher & Flom, Washington DC
Townsend, John M., Hughes Hubbard & Reed, Washington DC
Tramont, Bryan N., Wilkinson Barker Knauer, Washington DC
Victory, Nancy J., Wiley Rein, Washington DC
Walther, Hank Bond, Jones Day, Washington DC
Waxman, Seth P., Wilmer Cutler Pickering Hale and Dorr, Washington DC
Webb, Deborah L., Lerch Early & Brewer, Bethesda MD
Weingarten, Reid H., Steptoe & Johnson, Washington DC
West, Joseph D., Gibson Dunn & Crutcher, Washington DC
Widdes, Steven A., Stein Sperling Bennett De Jong Driscoll, Rockville MD
Zambri, Salvatore J., Regan Zambri Long, Washington DC
Zuckerman, Roger E., Zuckerman Spaeder, Washington DC

TOP 10

BOSS, BARRY
Cozen O'Connor, Washington DC

ISLER, EDWARD LEE
Isler Dare, Vienna VA

OLSON, THEODORE B.
• Ranked Number One •
Gibson Dunn & Crutcher, Washington DC

ONDRASIK, JR., PAUL J.
Steptoe & Johnson, Washington DC

PHILLIPS, CARTER G.
• Ranked Number Three •
Sidley Austin, Washington DC

REINSTEIN, PAUL J.
Reinstein Glackin Patterson & Herriott, Bowie MD

REISER, DEBORAH E.
Lerch Early & Brewer, Bethesda MD

STEWART, TERENCE P.
Stewart and Stewart, Washington DC

TRAMONT, BRYAN N.
Wilkinson Barker Knauer, Washington DC

WAXMAN, SETH P.
• Ranked Number Two •
Wilmer Cutler Pickering Hale and Dorr, Washington DC

The lawyers featured in this special section have been chosen pursuant to the Super Lawyers rigorous patented selection process. The entire list of attorneys on the Super Lawyers lists nationwide can be found at superlawyers.com.

TOP 50 WOMEN

AN ALPHABETICAL LISTING OF THE WOMEN LAWYERS WHO RANKED TOP OF THE LIST IN THE 2016 WASHINGTON DC SUPER LAWYERS NOMINATION, RESEARCH AND BLUE RIBBON REVIEW PROCESS

Barshefsky, Charlene, Wilmer Cutler Pickering Hale and Dorr, Washington DC

Bernabei, Lynne, Bernabei & Kabat, Washington DC

Bertram, Catherine D., Bertram & Amell, Washington DC

Blatt, Lisa S., Arnold & Porter, Washington DC

Bowman, Denise M., Alexander & Cleaver, Fort Washington MD

Bredehoft, Elaine Charlson, Charlson Bredehoft Cohen & Brown, Reston VA

Brown, Barbara B., Paul Hastings, Washington DC

Cannon, Kathleen W., Kelley Drye & Warren, Washington DC

Correia, Linda M., Correia & Puth, Washington DC

Creighton, Susan A., Wilson Sonsini Goodrich & Rosati, Washington DC

Davis, Alison N., Littler Mendelson, Washington DC

Domike, Julie R., Haynes and Boone, Washington DC

Dominitz, Erica J., Kilpatrick Townsend & Stockton, Washington DC

Farquhar, Michele C., Hogan Lovells, Washington DC

Flannery, Ellen J., Covington & Burling, Washington DC

Foggan, Laura A., Wiley Rein, Washington DC

Friedman, Susan M., Kuder Smollar Friedman & Mihalik, Washington DC

Gallozzi, Marialuisa S., Covington & Burling, Washington DC

Garza, Deborah A., Covington & Burling, Washington DC

Glackin, Maureen, Reinstein Glackin Patterson & Herriott, Bowie MD

Henry, Roxann E., Morrison & Foerster, Washington DC

Hepfer, Cheryl L., Offit Kurman, Bethesda MD

Hostetter, Heather Q., Hostetter Strent, Bethesda MD

Jackson, Anne Marie, Ain & Bank, Washington DC

Junghans, Paula M., Zuckerman Spaeder, Washington DC

Katz, Debra S., Katz Marshall & Banks, Washington DC

Kropf, Sara, Law Office of Sara Kropf, Washington DC

Lamm, Carolyn B., White & Case, Washington DC

Mahoney, Maureen, Latham & Watkins, Washington DC

Manos, Karen L., Gibson Dunn & Crutcher, Washington DC

Masters, Lorelie S., Perkins Coie, Washington DC

McDavid, Janet L., Hogan Lovells, Washington DC

McGrath, Rhian, Lerch Early & Brewer, Bethesda MD

Michael, Helen K., Kilpatrick Townsend & Stockton, Washington DC

Patterson, Maria K., Reinstein Glackin Patterson & Herriott, Bowie MD

Pence, Mary S., Feldesman Tucker Leifer Fidell, Washington DC

Piper, Sarah A., Powell Piper Radomsky, Fairfax VA

Popp, Karen A., Sidley Austin, Washington DC

Powell, Sonya L., Powell Piper Radomsky, Fairfax VA

Reiser, Deborah E., Lerch Early & Brewer, Bethesda MD

Rhea, Melissa, Jack H. Olender & Associates, Washington DC

Shoop, Darcy A., Darcy A. Shoop, Rockville MD

Singer, Toby G., Jones Day, Washington DC

Speights, Grace E., Morgan Lewis & Bockius, Washington DC

Veta, D. Jean, Covington & Burling, Washington DC

Victory, Nancy J., Wiley Rein, Washington DC

Webb, Deborah L., Lerch Early & Brewer, Bethesda MD

Weller, Susan Neuberger, Mintz Levin Cohn Ferris Glovsky and Popeo, Washington DC

White, Anne (Jan) W., Pasternak & Fidis, Bethesda MD

Wilkinson, Beth A., Wilkinson Walsh + Eskovitz, Washington DC



SHANLON WU
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Defending College Students On Campus & In Court

Shanlon Wu defends college students in campus disciplinary proceedings and criminal cases. Wu leads his law firm's college student defense practice, which encompasses student conduct code violations including campus sexual assault, plagiarism, alcohol and drug violations, and hazing. A former federal prosecutor who specialized in prosecuting sexual assaults, Wu secured the first life-without-parole sentence for a serial rapist and pioneered the use of expert testimony in domestic violence cases in Washington, D.C. A growing record of victories in the most difficult of college student cases such as campus sexual assault cases has made Wu the go-to lawyer for the families of college students facing academic and professional jeopardy. A frequent contributor to the *Huffington Post* on college student issues, Wu also teaches a course on college students and the law at George Washington University. A founding member of Wu, Grohovsky & Whipple, PLLC in Washington, D.C., Wu's other areas of practice include criminal and white-collar defense.



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"Ultimately, our non-legal qualities and skills are what set us apart and make us so effective," says Christopher Locey. "Not only are we committed to doing the job the right way, but we bring empathy, diligence and creativity to the process of guiding clients toward positive resolutions."

Given the emotional complexity of family law cases, our attorneys use alternative strategies such as negotiation, mediation and Collaborative Law to resolve disputes

**10 YEARS
SELECTED TO
Super Lawyers**

 Armin U. Kuder
 Paul R. Smollar


SEATED (L TO R): Theresa M. Mihalik*, Paul R. Smollar*, Susan M. Friedman* (Top 50 Women); STANDING: Marcia B.F. Kuntz, Michelle L. Locey*, Armin U. Kuder*, Christopher M. Locey, Marc A. Isaacs, Rebekah J.H. Sullivan

*CHOSEN TO 2016 SUPER LAWYERS

through private agreements that align with their clients' needs. Still, as experienced litigators, we are prepared to go to court when necessary.

"Every divorce has legal, financial and emotional aspects that occur simultaneously," says Marcia Kuntz, "and whether we are fashioning a negotiated resolution or representing a client in trial, we make sure to account for all these elements."

Armin Kuder and Paul Smollar have

been named to their 10th consecutive year on the Super Lawyers list, a hallmark not achieved by many lawyers. Susan Friedman is recognized on the Top 50 Women list. Theresa Mihalik and Michelle Locey have also earned the honor of being on the 2016 Super Lawyers list.

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Robert S. Chabon, M.D., J.D., pediatrician and lawyer, of Counsel. Lesley Zork, R.N., J.D., former labor and delivery nurse, in-house attorney-nurse consultant.

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CRIMINAL DEFENSE: DUI/DWI
CRIMINAL DEFENSE

Prior to opening my law office in April 2010, I enjoyed a diverse career litigating in the office of the Attorney General for the District of Columbia (OAG) for over eleven years. I have successfully completed a variety of intensive trainings that have uniquely prepared me to attack the prosecution of every type of DUI case. I am admitted to the Bars of the District of Columbia, Maryland, and the United States District Courts for the District of Columbia and Maryland. I am a member of the National College of DUI Defense, the Maryland Criminal Defense Attorneys Association, the District of Columbia Superior Court Trial Lawyers Association, and the National Association of Criminal Defense Lawyers.

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THE EATON LAW FIRM, PLLC

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CRIMINAL DEFENSE: WHITE COLLAR
CRIMINAL DEFENSE
BUSINESS LITIGATION

Terry Eaton is the Founder and Principal at The Eaton Law Firm, PLLC. Mr. Eaton focuses his practice defending individuals, corporate executives, board members, and government officials who have been charged or are under investigation for white collar criminal offenses in federal and state courts. Mr. Eaton's white collar practice includes campaign finance violations, health care and securities fraud, cyber/Internet crimes, bribery, money laundering, Foreign Corrupt Practices Act cases, and congressional and executive branch agency investigations. Mr. Eaton also passionately defends clients in a variety of criminal cases in state and federal court throughout the country. Mr. Eaton is a former federal prosecutor in Washington, DC.

JO B. FOGEL
JO BENSON FOGEL, P.A.

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 Fax: 301-881-9074
 law@jobensonfogellaw.com
 www.jobensonfogellaw.com


FAMILY LAW
ESTATE PLANNING & PROBATE
ALTERNATIVE DISPUTE RESOLUTION

For over 35 years, Jo Fogel has represented individuals in complex divorce and family-related controversies. Ms. Fogel advocates for effective mediation and ADR. Clients have been successful in preserving their marital, professional, and family assets. Ms. Fogel and her firm concentrate on assisting those individuals who are entitled to receive income from retirement benefits, bonuses, estates, property, and partnership holdings or other assets and income sources. Ms. Fogel's years of experience have created a strong and respected reputation throughout the State of Maryland and Washington, D.C. AV preeminent rated. *The Best Lawyers in America* 2015; *WSJ* Top Rated Lawyer 2015; *Washingtonian* Top Lawyer; Maryland Super Lawyers Top 50; and Washington DC Super Lawyers.

YAIDA FORD
THE FORD LAW FIRM

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REAL ESTATE
EMPLOYMENT LITIGATION: PLAINTIFF
ESTATE PLANNING & PROBATE

Yaida Ford is the managing principal at The Ford Law Firm PLLC located in Washington, D.C. Yaida practices in the areas of condominium law, employment law and estate planning. She has successfully defended condominium associations and unit owners in disputes over contracts, nuisance complaints, foreclosure actions, landlord-tenant disputes and debt collection matters. As an employment lawyer, Yaida represents both employers and employees in the federal and private sectors on matters involving discrimination, wage-and-hour claims, contractual disputes and whistleblower issues. Yaida's estate planning practice focuses on the unique needs of a wide range of clients.

JAMES N. PAPIRMEISTER
LAW OFFICES OF
JAMES N. PAPIRMEISTER

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 criminalfirm@yahoo.com
 www.criminalfirm.com


CRIMINAL DEFENSE
DUI/DWI
SERIOUS MOTOR VEHICLE OFFENSES

AV rated for 20 straight years, James Papirmeister has handled thousands of criminal cases in the state and federal courts of Maryland and D.C. for over 29 years. His clients include ordinary people from diverse backgrounds but also doctors, lawyers, Ph.D.s, government officials, athletes, and musicians. *Washingtonian* magazine just named him one of the Top Attorneys for Criminal Defense, December 2015. *The Washington Post* declared him to be "among criminal defense lawyers who are widely respected for their work." As a prosecutor, a news article dubbed him "The Minute Man" when three separate juries returned guilty verdicts to first degree murder after twelve minutes, six minutes, and two minutes of deliberation. He has earned his reputation as one of the area's best criminal lawyers.

STEVEN C. ROHAN
ROHAN LAW FIRM, LLC.

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 Silver Spring, MD 20903
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 www.rohanlawfirm.com


WORKERS' COMPENSATION

Steven Rohan is passionate about protecting the rights of injured workers and making sure they obtain maximum benefits that the law allows. He has represented thousands of injured workers for over 15 years, arguing their cases before the area courts and administrative agencies. He has also successfully presented cases in the highest courts of both Maryland and the District of Columbia. His efforts have resulted in the recovery of millions of dollars in benefits for his clients. Steve is an honors graduate of both the University of South Carolina and American University's Washington College of Law. He regularly speaks about worker rights to groups and organizations throughout the national capital area and has published articles about the practice of workers' compensation law in local periodicals.

GERALD A. SCHWARTZ
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Carmine Zarlenga is a seasoned advocate who has handled a wide variety of complex antitrust, commercial litigation, and intellectual property matters. During his 20-plus-year career, he has appeared in over 50 different state and federal courts across the U.S. on behalf of some of the world's largest national and international companies. Mr. Zarlenga's litigation experience ranges from large, complex class actions with claimed damages in excess of \$1 billion and attendant publicity to smaller, private disputes. He has handled matters involving antitrust, contracts, fraud, RICO, business torts, trade secrets, intellectual property, unfair trade practices, and false advertising. In addition, he regularly counsels leading companies on marketing, distribution, pricing, and other trade practice matters.

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Elections

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jamin S. Lippard, Vinson & Elkins LLP; Allison O. Mallick, Baker Botts LLP; Lauren W. Maxwell, D.C. Department of the Environment; Benjamin Norris, American Petroleum Institute; Cheryl T. Rose, U.S. Environmental Protection Agency; Rufus J. Smith, U.S. Department of Justice.

Estates, Trusts and Probate Law (Three Vacancies): Izu I. Ahaghotu, Law Offices of Izu I. Ahaghotu, Esquire, PLLC; Jennifer C. Concino, Tobin, O'Connor & Ewing; Sat Nam S. Khalsa, Khalsa Law LLC; Kathy Mancusi, Kathy Anne Mancusi LLC; Andrew T. Richardson, Law Office of Andrew Richardson; M. Cecilia Steiner-Smith, Office of the Attorney General for the District of Columbia; Molly B. Walls, McArthur Franklin PLLC.

***Family Law (Three Vacancies):** Tianna N. Gibbs, Legal Aid Society of the District of Columbia; Allison E. Green, Children's Law Center; Kim Y. Jones, Hiligh-Thomas & Jones; Virginia A. Kling, D.C. Volunteer Lawyers Project; Philip A. Medley, Office of the Attorney General for the District of Columbia; Emily A. Petrino, Bread for the City; Mia F. Olsen, Office of the Attorney General for the District of Columbia; Keeshea Turner Roberts, Neighborhood Legal Services Program.

Government Contracts and Litigation (Two Vacancies):

Thomas A. Coulter, LeClairRyan; Erica J. Geibel, Smith Pachter McWhorter, PLC; Elizabeth M. Gill, CACI International Inc.; David B. Robbins, Crowell & Moring LLP; Jayna M. Rust, Thompson Coburn LLP; Angela J. Varner, Transportation Security Administration.

Health Law (Three Vacancies): Jennifer M. Haney, Sidley Austin LLP; Phillip L. Husband, D.C. Department of Health; Lauren S. Jones, D.C. Department of Healthcare Finance; Rogelyn D. McLean, U.S. Department of Health and Human Services, Office of General Counsel; Jason B. Reddish, Powers Pyles Sutter & Verville PC; Claudia E. Schlosberg, D.C. Department of Healthcare Finance; JoHannah K. Torkelson, President's Council on Fitness, Sports, and Nutrition; Scott A. Weinstein,

McDermott Will & Emery LLP; Paul H. Westfall, U.S. Department of Health and Human Services, Office of Counsel to the Inspector General.

Intellectual Property Law (Three Vacancies): Darren R. Crew, Kratz, Quintos & Hanson, LLP; Sharmili H. Edwards, Attorney-at-Law; Jesse A. Fenty, Kramer Amado, P.C.; Robert J. Kimmer, Mei & Mark, LLP; John E. Nappi, Fitzpatrick Cella Harper & Scinto; Bryan C. Nese, Mayer Brown LLP; Shawn N. Sullivan, Sullivan Law & Consulting.

International Law (Two Vacancies): Melissa Stear Gorsline, Jones Day; Jill C. Morrison, Georgetown University Law Center; Elena V. Ryzhkova, Wilson International Law LLC; Pauline M. Schwartz, The Schwartz Law Firm, LLP.

Labor and Employment Law (Three Vacancies): Amy L. Beckett, U.S. Office of Special Counsel; Valerie A. Chastain, Kalijarvi, Chuzi, Newman & Fitch, P.C.; Keith D. Greenberg, Keith D. Greenberg, Esq., Arbitrator and Mediator; Alexis H. Ronickher, Katz Marshall & Banks LLP; Alyssa T. Senzel, Blackboard Inc.; Janice A. Simons-Kullman, Federal Housing Finance Agency; Alexis P. Taylor, D.C. Office of Disability Rights.

Law Practice Management (Three Vacancies): Sonya N. Armfield, The Armfield Law Firm; Benjamin L. Grosz, Ivins Phillips & Barker, Chartered; Garylene Ana Joji D. Javier, BuckleySandler LLP; Linda A. Rahal, Trow & Rahal, P.C.; Shahrazad Rezvani-Bidgoli, The Law Offices of Rezvani & Bahrami; Benjamin Takis, Tax-Exempt Solutions, PLLC.

Litigation (Three Vacancies): Esther A. Adetunji, Bread for the City; Ahuva Z. Battams, Attorney-at-Law; Tracy D. Drynan, Drinker Biddle & Reath LLP; Claire M. Maddox, Dentons US LLP; Denis C. Mitchell, Stein Mitchell Muse Cipollone & Beato LLP; Sheldon A. Noel, Kroll Ontrack; Sharmian L. White, McLeod, Watkinson & Miller.

Real Estate, Housing and Land Use (Two Vacancies): Patrick R. Jules, Hessler Bianco; June L. Marshall, Eisen & Rome, PC; Samantha L. Mazo, Griffin,

Murphy, Moldenhauer & Wiggins; Scott T. Sweitzer, Prime Settlement.

Taxation (Three Vacancies): Jon B. Davis, Ivins, Phillips and Barker, Chartered; Amy S. Elliott, Tax Analysts; Andrew L. Grossman, Joint Committee on Taxation; Jessica A. Hough, Skadden, Arps, Slate, Meagher & Flom LLP; Rachel D. Levy, Groom Law Group; Brian C. McManus, Latham & Watkins LLP.

****Tort Law (Three Vacancies):** Peter T. Anderson, Grenier Law Group PLLC; Jeremy B. Glen, Steptoe & Johnson LLP; Drew B. Laframboise, Ashcraft & Gerel LLP; Zachary M. Lipp, Wingfield & Ginsburg P.C.; Daniel C. Scialpi, Patrick Malone & Associates, P.C.

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**Due to a resignation, the candidate who obtains the fourth-highest number of votes will be elected to a two-year term.

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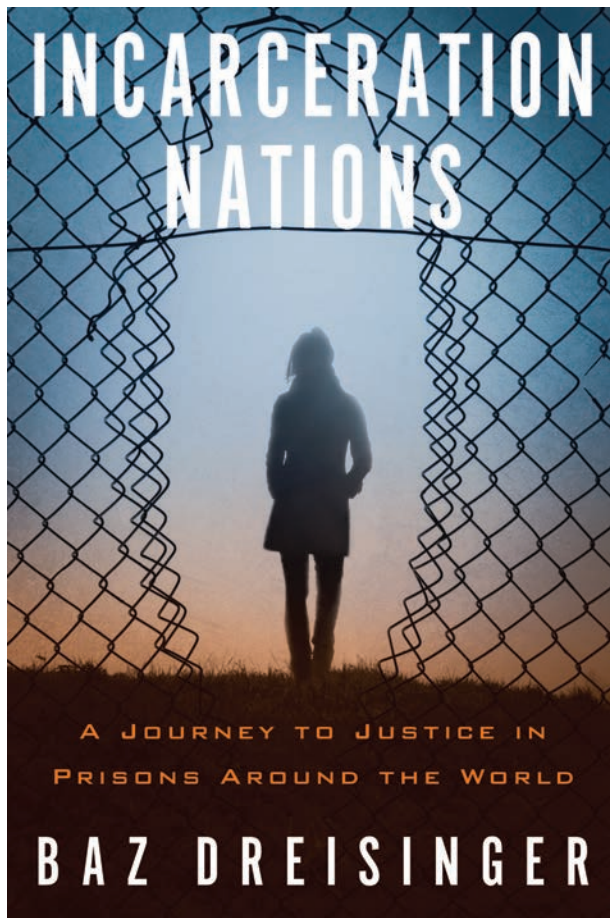
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**Incarceration Nations:
A Journey to Justice in
Prisons Around the World**
By Baz Dreisinger
Other Press, 2016

REVIEW BY RONALD GOLDFARB

In the late 1960s, the Ford Foundation gave me a generous grant to examine prisons around the world in search of innovative correctional techniques and programmatic and architectural ideas, which could be applicable to reform elsewhere, particularly in the United States. I travelled to the United Kingdom, Finland, Denmark, Holland, and Italy, visiting institutions that were reportedly attempting reforms. My travels and other research resulted in a book published by Simon & Schuster in 1973, *After Conviction: A Review of the American Correction System*. Sadly, there was little to bring home for transplanting; in fact, there was little to admire in the places I visited after researching correctional literature for what was supposedly innovations in criminal justice.

The borstals in England were as dreary as those portrayed in the movie *The Loneliness of the Long Distance Runner*. The urban prisons in London were nothing to replicate, having

many of the same problems we had, and still have, in the United States. We visited a newly constructed prison in Italy with the architect who designed it, a professor who thought he had devised something innovative. The cells were small (as they all are), but the small windows in each cell were so high in the space that the inmates couldn't see out. I asked the professor why he had designed them that way. He replied, "This way, they cannot see outside and know what they are missing."

In a reform prison in the Netherlands, the director proudly took me to see their new library. The room was locked and he searched through his collection of keys to let us into their clean, stocked room of books. "Why," I asked, "was the room locked?" He replied, "So the inmates don't steal any books," as if they could go anywhere with them except to their cells to read, the very idea of any library. The open prison in Finland had a sauna on the bank of an icy cold lake where inmates and staff might refresh, but I couldn't imagine such a fa-

cility in, say, Sing Sing or Leavenworth, or any of our huge prisons housing violent inmates.

With these travels in mind, I looked with special interest at Baz Dreisinger's new book *Incarceration Nations* hoping to find better news. Dreisinger is a professor at John Jay College of Criminal Justice at the City University of New York (CUNY) who runs interesting educational programs in prisons. Dreisinger traveled to Africa, Thailand, Jamaica, Australia, Brazil, and Norway to witness innovative programs for inmates in those countries, particularly model arts programs and writing and music courses.

Wherever Dreisinger travelled she met prisoners who were disproportionately black and poor, from broken homes, poorly educated, rarely represented by attorneys, and housed in overcrowded bleak, medieval facilities that warehoused convicts, many in prolonged isolation. The war on drugs added to the overflowing prison populations for which the public pays excessive costs with little return (if deterrence or rehabilitation is the goal).

In a poignant chapter about prisoners in Rwanda where many (80 percent) inmates were guilty of genocidal massacres of Tutsis, Dreisinger reflects about her family's coping with the Holocaust. How does one feel compassion for such perpetrators? How does reconciliation happen in such extreme cases? How can one compare the agony of perpetrators with that of their victims? Is—*should*—revenge be a triumph, imprisonment forever the correct substitute for capital punishment? Dreisinger asks the unanswerable question: "Is retribution ever a justifiable aim?" It takes saints in cases like these to have a compassionate response. Or to conclude that the people who committed monstrosities are not monsters, unworthy of victims' or the public's forgiveness.

Dreisinger found comparable conditions and intellectual conundrums in South Africa. Horrible conditions resulting from historic colonialism and apartheid resulted in unacceptable levels of crimes of violence, leading Dreisinger to ask if, therefore, "offenders are also victims," whether "rituals of punishment" are an "awful form of human sacrifice." Does society "first make thieves and then punish them?" she asks. Dreisinger suggests that "Forgiveness is a miracle," and surely it may be. But the profound question remains: How do we inculcate that notion into a state system where so many of the offenders' acts violate the social contract and defy ordinary capacity for forgiveness?

Dreisinger and the scholars she quotes

suggest that society's collective response in its prison system is as bad as the individual violence of the inmates—at least those there for acts of violence or genocide. Her and their philosophy is that victims and their spokesperson should seek "the serenity that comes from letting go . . . bitterly holding on."

In Brazil's remote super-max prisons, prolonged solitary confinement, gangs' brutal control over the prison population, and rare release from cells daily lead inmates to proclaim: "I am suffocating. I am dead." Sexual abuse is rampant. Employment is rare, as are programs.

We see the same conditions in the United States, and experts have confirmed that these conditions cause deep physical and psychological problems. I tried a class action case in the District of Columbia years ago, and eminent experts testified that the awful conditions of isolation and overcrowding of inmates (pretrial, not convicts) at the D.C. jail were likely to cause violence, insanity, sexual abuse, self-mutilation, and suicide. Compare that to experiences in the United Kingdom where Dreisinger reports that in some prisons, treatment, exercise, educational programs, and visitation eased the systemic problems found in most penal institutions in the world.

Dreisinger's stories about the positive effect of reading and other art programs she observed in Uganda and Jamaica demonstrate how useful programs with inmates can generate good results. In women's prisons in Thailand, comparable results derived from drama programs. Dreisinger works on comparable programs from her post at CUNY, as do others at Bard College and elsewhere in the United States. These programs generate rehabilitative results in prisons and ought to be replicated widely. Keep in mind that along with the offenders of extremely violent crimes are prisoners who are—and shouldn't be—in prison for reasons of poverty, those who are unable to afford bail or pay fines, or the nonviolent drug users.

Dreisinger offers touching testimonies of inmates, like the African inmate who said the writing program has "taken us out of this place, if for a moment. With words, we are winged." Still Dreisinger reminds readers that, "what good is a week of transcendence if it can't be sustained." And when inmates are released and return to the same crime-breeding conditions, "something [is] likely to die with my departure." While "arts are cathartic," Dreisinger asks us, if the inmates return to their cells, or former lives, "Isn't it all a cruel tease?"

Dreisinger saves for a final chapter one

break in the cloudy picture she draws of prison systems. In Norway she found a system that reflected the character of the country—short sentences in small prisons with humane programs, including visitation with families, home leave, release without criminal records to follow convicts, sensitive trained staffs and creative programs, use of restitution, focus on restorative justice, and search for alternatives to prison wherever possible.

In Norway, Dreisinger found the alternative to the "global hellholes" she visited: "Treat people like they are humans and they will be human." In an optimistic conclusion by an optimistic author facing a daunting system, Dreisinger writes, "Justice is a journey."

* * *

Dreisinger is a caring person; one senses that in every page and observation in her empathetic though depressing book. Yet, readers can't avoid feeling frustrated at the international failure of our "correction" system. Dreisinger's experiences in Brazil, Africa, and Singapore were no different from mine half a century ago in the countries whose prison systems I visited. Those countries suffer the same tragic conditions as we do in the United States, and from similar causes. Worldwide, convicts are generally poor, uneducated products of broken families, harrowing lives, and circumstances. This is not news, and it is unlikely to change even when our consciences are plucked by the Dreisingers of the world.

Even she writes touchingly about her feelings of guilt when she left horrible prisons and returned to her hotels on her travels or her job in New York City. But at least she provided some moments of encouragement to the few people she met who had so little in their lives besides pain. "I'm interested in learning how cracks let in light," she comments. Alas, the best that comes from attempts to reform the prison systems of the world, ours included, is when heartfelt people like Dreisinger take the trouble to provide a crack that lets in some light. Oh, that we would do something good about what this light portrays. Dreisinger fears that "progress is a mirage." If the testimonies of reformers are not heeded, her worst fears will come true.

Ronald Goldfarb is a Washington, D.C., (and Miami-based) attorney, author, and literary agent whose reviews appear regularly in *Washington Lawyer*. Visit www.ronald-goldfarb.com or e-mail riglawlit@gmail.com.

attorney briefs

By David O'Boyle

Honors and Appointments

Shumaker, Loop & Kendrick, LLP partner **Gregory C. Yadley** has been reappointed to the U.S. Securities and Exchange Commission's Advisory Committee on Small and Emerging Companies... **Philip J. Fornaci** has been appointed executive director of the Employment Justice Center... **Brigida Benitez**, Steptoe & Johnson LLP partner and D.C. Bar past president, has been named one of the 25 Most Influential Hispanic Lawyers in the United States by *Latino Leaders* magazine... **Jesse A. Witten**, a partner at Drinker Biddle & Reath LLP, has received the National Congress of American Indians' Special Recognition Award for his work in *Blackhorse v. Pro-Football, Inc.*... **Maria Foscarnis**, founder and executive director of the National Law Center on Homelessness and Poverty, has received the 2016 Katharine and George Alexander Law Prize from Santa Clara University School of Law... **Rawle Andrews Jr.**, regional vice president of AARP, has received the 2016 National Humanitarian Award from the National Association of Black Veterans, Inc.... Dykema Gossett PLLC office managing member **Paul M. Laurenza** has been elected chair of the Connected Vehicle Trade Association.

On the Move

Karishma S. Page, **Sandra E. Safro**, and **Nicole Trudeau** have been elected partner at K&L Gates LLP... **Stefan J. Marculewicz** has been named cochair of the business and human rights practice group at Littler Mendelson P.C.... **Alicia J. Batts** has joined Squire Patton Boggs as partner... **Roel C. Campos** and **Terence M. Healy** have joined Hughes Hubbard & Reed LLP as partner... **Kelly T. Currie** has joined Crowell & Moring LLP as partner... **Roxanne E. Maywalt** has joined Michael Best & Friedrich LLP as attorney on the firm's transactional practice team... **John L. Beard** has joined Butzel Long as

shareholder. **Ira E. Hoffman** has joined the firm as of counsel... **Jason Northcutt** and **Michael C. Gibson** have joined Bass, Berry & Sims PLC as member... **Costas A. Avrakotos**, **David L. Beam**, **Melanie H. Brody**, **Holly Spencer Bunting**, **Krista Cooley**, **Eric J. Edwardson**, **Steven M. Kaplan**, **Kristie D. Kully**, **Ori Lev**, **Laurence E. Platt**, **Lauren Bergen Pryor**, **Stephanie C. Robinson**, **Phillip L. Schulman**, and **David A. Tallman** have joined Mayer Brown LLP as partner... **Kevin Andrew Chambers** has been promoted to partner at Latham & Watkins LLP... **Kathleen A. Peterson** has joined Hogan Lovells as counsel... **Earl Adams Jr.** has joined Saul Ewing LLP as partner in the firm's litigation and public law practices... **Jennifer M. Kashatus** has been promoted to partner at DLA Piper. **Timothy J. Moran** and **Vanessa Richelle Wilson** have joined the firm as partner... **Alexander W. Koff** has joined Venable LLP as partner... **Adam S. Tope** has joined Greenberg Traurig, LLP as shareholder. **Christopher P. McHugh** has joined the firm as of counsel... **Meredith Fuchs** has joined Capital One as senior vice president and chief counsel on regulatory issues... **Ariel I. Rayman** has joined Alderson Court Reporting as executive director... **Jonathan E. Nuechterlein** has joined Sidley Austin LLP as partner... **Kip Schwartz** has joined Kaufman & Company LLC as member... **Daniel J. Michaels** has joined Jones Day as partner on the firm's private equity team... **Uma N. Everett**, **Ross G. Hicks**, **Joseph E. Mutschelknaus**, and **Bonnie W. Nannenga-Combs** have been promoted to partner at Sterne, Kessler, Goldstein & Fox P.L.L.C.... **Richard P. Bonnifield** has joined Stoel Rives LLP as partner in the firm's energy practice group... **Bryan Walker** has joined Dinsmore & Shohl LLP as associate.

Company Changes

Michael Bruckheim and Sweta B. Patel have launched the firm **Bruckheim &**



Sally P. Teng has been promoted to partner at Lee & Hayes, PLLC.



Ashley A. Glime has joined Butzel Long as associate.



David B. Robbins has joined Crowell & Moring LLP as partner.

Patel, LLC... **Kaufman & Company, LLC** has opened an office at 1010 Wisconsin Avenue NW, suite 540, in Washington, D.C.

Author! Author!

Greenberg Traurig, LLP shareholders **Robert P. Charrow** and **Laura Metcoff Klaus** have authored the book *The Short Book on Standing: A Practical Primer for the Practitioner*, published by Aspatore Books... **Robert N. Falk**, general counsel for the Human Rights Campaign, and **Gregory O. Olaniran**, partner at Mitchell Silberberg & Knupp LLP, have coauthored the article "Want More From Your Outside Counsel?" published in the March 2016 issue of *ACC Docket*.

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 attorneybriefs@dcbar.org.

I Am The D.C. Bar

Elina Hum

Hum Law Firm, PLLC

Tax Law, 33 years

'Fortunate to Be Unfortunate'

"I was fortunate to be unfortunate in having difficulty finding a job after law school in 1982, when there were very few opportunities for public interest work, which is my passion. I had to pound the pavement, knock on doors, and steel myself against rejection to work my way to my first full-time job as a lawyer. It is not very different for me today when I have to seize every opportunity to gain a client's trust and compete for interesting work."

No Time to Rest on Laurels

"The proudest moment of my legal career is the very last good thing I did for a client. When I was a novice lawyer, a seasoned lawyer told me that to us lawyers, a client's case may just be one among many, but to that client, that is his or her only sale of a business, that is his or her only will, or that is his or her only lawsuit. From the client's perspective, that case is everything. Clients are focused on their own needs, and lawyers should approach their work with that focus in mind."

Job Security Is a Valuable Skill Set

"Job security today is what you know and what your skills are. You have to make sure your skills are relevant and that your work is a consistently valuable product. After several major clients went under during the financial crisis in 2008, I looked at the market for opportunities and saw a need for sophisticated tax work serving Chinese clients. I started to watch a lot of Chinese TV and learned to speak Mandarin in addition to Cantonese, my native dialect. Now the bulk of my practice is tax work for international clients."

DCBAR

#IamtheDCBar

The Pro Bono Effect

continued from page 8

Fortunately, in addition to Pro Bono Center staff and lawyer volunteers, there is a social worker on-site at the Shaw location to assist clients with problems that are best addressed by social services agencies. In the case of this customer, we sent him home with a list of mental health agencies with which to make an appointment, should he desire.

Many of our clients have real legal problems that are too involved or too high-stakes for a single 30-minute fix. We try to customize an answer that ensures we're not throwing them into shark-infested waters. One woman showed me photos of how her basement had developed a serious groundwater leak after a contractor had worked on a retaining wall just outside the basement. I took her case back to my office, wrote a series of letters to the builder that he never responded to, then persuaded some colleagues at another firm to sue the builder on her behalf without fee.

Homeowner issues are a constant source of work for our clinic. Some fact patterns come up again and again. I see so many disappearing contractor cases that the first words out of my mouth are often, "Please tell me you didn't pay the entire contract up front." We see fewer of those now, but still plenty with a 50 percent down payment and a contractor who never answers the phone.

Another frequent homeowner issue: An elderly widow has died. The home is modest but thanks to years of frugal living, the mortgage is paid off. A son, who lived with her for years, helped care for her and the house. Or maybe he did a terrible job. That's what the other siblings say, and they are now at the legal clinic asking how they can kick him out and get the house sold. Did their mom leave a will? Has anyone been appointed as the personal representative of the estate? No, and no. I explain that they're in for a battle, but since they have a valuable financial stake, they should be able to attract a lawyer to represent them for a fee to be paid out of the eventual proceeds. I coach them in how to find a trust and estates lawyer and what to expect to pay.

I have just enough experience with probate, trusts and estates to assist clients with the basics at the Advice & Referral Clinic. However, Pro Bono Center attorneys can guide any volunteer to the information they need to help most clients understand their problem and get them to the next step toward solving it. In addition, subject matter expert mentors are almost

always available for other volunteers to consult with in probate, employment, family, housing, and other areas commonly encountered at the clinic, such as I am for personal injury matters. The Pro Bono Center ensures that volunteers have the resources they need to be successful in this brief advice and referral setting.

What keeps me coming back? I like hearing people's stories and helping them sort through and solve a problem that has kept them up at night. I like their smiles when they leave, and I like reading their survey forms when they say nice things about being treated with respect and understanding. I even don't mind when I have to deliver bad news, like it's too late to sue, or I think their position is wrong, because most people appreciate straight talk. It's the human connection that counts, the realization that all of us are on a journey, and when we can give a hand to a stranger who has stumbled, it feels good.

Patrick Malone represents plaintiffs in complex personal injury and consumer litigation. He is principal of Patrick Malone & Associates P.C.

Legal Beat

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American Bar Association (ABA), however, shows women are still underrepresented in lead counsel roles in almost all types of cases.

This issue was the focus of the panel discussion "Getting a Seat at the Table: Women as First Chairs at Trial" hosted by the Women's Bar Association of the District of Columbia on March 2 at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP.

Attendees heard from Judge Kara Stoll of the U.S. Court of Appeals for the Federal Circuit; Administrative Law Judge Sandra (Dee) Lord of the U.S. International Trade Commission; and Suzanne M. Barnett, chief copyright royalty judge of the Copyright Royalty Board. Dori Hines, a partner at Finnegan, hosted the discussion.

The panelists spoke about their experiences as litigators and the challenges they faced in their careers as they discussed the ABA report "First Chairs at Trial: More Women Need Seats at the Table," which provides a snapshot of the participation of women as lead counsel and trial counsel in litigation.

Using a random sample of all cases

filed in the U.S. District Court for the Northern District of Illinois in 2013, the report reveals that only 32 percent of lawyers who appeared in civil cases—whether as lead counsel or trial attorney—were women. Of the number of attorneys who appeared in criminal cases, 67 percent were men. Women lawyers currently make up 36 percent of the legal profession, according to the report.

During the question-and-answer period, the panelists offered advice to young attorneys in the audience, as well as on how women lawyers can close the gender gap and secure opportunities that could become lead counsel roles. Among the tips they shared: ask questions, pursue every opportunity, take on pro bono work to build experience, be assertive, and represent your firms confidently.

"The firm was excited to host the esteemed panel of judges who provided interesting insights into their varying and exciting careers," said Hines. "I was impressed by the expertise and humor of the panelists, as well as the practical questions posed by members of the audience. It was a productive and enjoyable event."—J.L.

Bar Members, Judges Mingle at 30th Annual Judicial Reception

On March 10 the D.C. Bar sections hosted the 30th Annual Judicial Reception at the E. Barrett Prettyman U.S. Courthouse, bringing together members of the Bar and judges of the U.S. District Court for the District of Columbia and D.C. Superior Court.

Among those in attendance were D.C. Bar President Tim Webster, members of the Bar's Board of Governors, and area attorneys from both the public and private sectors.

"This event exemplifies the unique value that the D.C. Bar can provide to its membership," said Michelle F. Bercovici of Alden Law Group, PLLC, who participated in the reception. "The sections went above and beyond to deliver a successful, standout event for their members and the judiciary."

The reception was sponsored by the D.C. Bar Courts, Lawyers and the Administration of Justice Section; Criminal Law and Individual Rights Section; Litigation Section; and Tort Law Section, and cosponsored by the Federal Bar Association.—J.L.

Reach Jeffery Leon at jleon@dcbar.org. You can also follow Jeffery on Twitter at @JLeonDCBar.

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