



THE ROCKET DOCKET NEWS

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

AUGUST 2008

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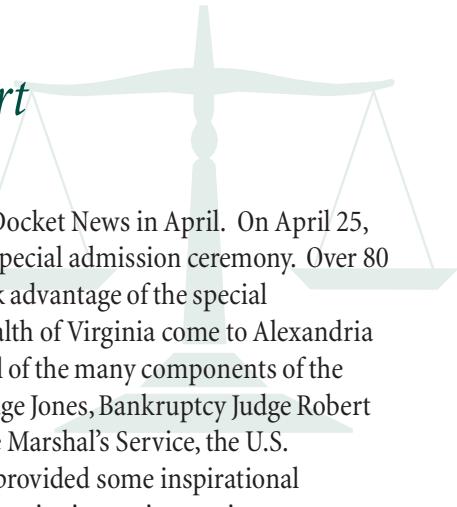
Craig C. Reilly
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National Delegate

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The President's Report

by Hon. John F. Anderson



Our chapter has been very active since the last edition of The Rocket Docket News in April. On April 25, 2008, we presented the Introduction to the Courthouse program and special admission ceremony. Over 80 people attended the CLE program and reception and 70 attendees took advantage of the special admissions ceremony. We had attendees from across the Commonwealth of Virginia come to Alexandria to participate. The two-hour program included presentations from all of the many components of the courthouse, including comments from Judge Brinkema, Magistrate Judge Jones, Bankruptcy Judge Robert Mayer, representatives from the Clerk's Office, the Probation Office, the Marshal's Service, the U.S. Attorney's Office and the Federal Public Defender's Office. Bill Dolan provided some inspirational comments at the reception following the program. Judge Brinkema's continuing assistance in coordinating this event and the hard work of Caitlin Lhommedieu, Sean Murphy and others from McGuireWoods, made this year's program one of the biggest and best.

On May 8, 2008, we had our annual Bench-Bar program in the jury assembly room at the courthouse. This afternoon program included all four of the Magistrate Judges and presentations from Craig Reilly, Anne Devens and Damon Wright. The written materials prepared by Craig, Anne and Damon provided a detailed analysis of practice in the Alexandria Division and informative material on electronic discovery. This program allowed members of the bar to share with the Magistrate Judges some of their concerns and ideas and, as always, there was some "lively" discussion on various issues. Thanks to Jack Coffey for coordinating the event and to all those involved in preparing the materials and the presentation.

Our annual meeting to vote on officers and directors for the 2008-2009 year was held on June 9, 2008, immediately preceding a program on patent infringement litigation in the Alexandria Division. For those who were unable to attend this meeting, I am pleased to announce that beginning on October 1, 2008, Jack Coffey will be our president, Attison Barnes will be president-elect, Chas McAleer will be vice president, Sean Murphy will be secretary, Scott Caulkins will be treasurer, Damon Wright will be our national delegate and Craig Reilly, Ivan Davis and Anne Devens will serve as directors.

Following the annual meeting, we had a very interesting CLE on patent infringement litigation in the Alexandria Division. Judge Lee, Judge O'Grady and Magistrate Judge Jones were joined by patent litigators Chip Molster and Caitlin Lhommedieu in a discussion on how to handle a patent infringement action from pre-suit investigation through trial. The materials prepared by Chip and Caitlin were thorough and should be a "must read" by anyone involved in a patent case in this Division. Scott Caulkins did a terrific job in putting this program together.

Our chapter graciously hosted a reception in the courthouse following my investiture ceremony on May 2, 2008. The reception provided me, my family and my friends an opportunity to visit with many of our members and the courthouse family and to celebrate this wonderful opportunity. We appreciate it very much.



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

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The President's Report (cont'd)

We have several other events scheduled for the remainder of my term that we hope you will be able to attend. First, on **August 14, 2008**, we will be hosting a reception from 3:00 p.m. to 5:00 p.m. to honor Magistrate Judge Poretz. As many of you know, Judge Poretz is retiring after many faithful years of service as a Magistrate Judge in the Alexandria Division. Judge Poretz has been a good friend of our chapter, not only in attending our events but in agreeing to participate in many of our CLE programs. While we will miss him on the bench, we look forward to his continued participation in our chapter's activities. Please join us on August 14 to wish him well on his future endeavors.

The annual Torrey Armstrong Lecture and Law Clerk Reception will be held on Tuesday, **September 23, 2008**. We have reserved the Masonic Temple for this gala event. There will be a brief lecture in honor of Torrey Armstrong beginning at 5:30 p.m. immediately followed by the District Judges, Magistrate Judges and Bankruptcy Judges introducing their new law clerks. After the introductions, there will be a reception where we can meet and talk with all the new law clerks. This is one of the highlights of the year, so mark it in your calendar now. More information concerning this event will be sent as it draws closer.

As I reported in the last edition, during the past year our chapter has joined other bar associations and groups to assist in the planning for the bi-annual meeting of the Just The Beginning Foundation ("JTBF") that will be held from September 25-28 in Washington, D.C., with activities throughout the metropolitan area. Under the leadership of Judge Lee, an amazing schedule of events has been developed for this gathering. Please take a few minutes and review the information located at www.jtbf.org describing the wide-ranging programs that have been organized for this very worthy organization. Our chapter has invited the JTBF attendees to join us in a golf and tennis outing at the Army Navy Country Club in Arlington on Wednesday, **September 24, 2008**. This kick-off event for the JTBF meeting has been combined with our annual golf outing and we hope that many of our members will join JTBF members in playing golf or tennis. Michael Nachmanoff is coordinating the golf tournament and Chas McAleer is coordinating the tennis tournament. A registration form for this event accompanies this newsletter. We hope you will attend not only this golf and tennis outing but that you will participate in the many activities surrounding the JTBF meeting later that week.

In addition to the golf and tennis outing, several other members of our chapter have been very instrumental in the planning of this event including Bill Dolan and O'Kelly McWilliams heading the development committee, Damon Wright chairing the Robes in the Law School program, John Trocki on the development and executive committees and Jack Coffey serving on several committees and coordinating the monthly planning meetings with Judge Lee.

We look forward to seeing you at these upcoming events and we appreciate your continuing support of our chapter. If you are interested in becoming more involved in our activities, please let us know. We are always looking for help in planning our CLE programs, preparing our newsletter and increasing our membership.



Judicial Profile: *The Honorable Gerald Bruce Lee*



This profile of the Honorable Gerald Bruce Lee, written by Jarid Smith, Esq. of Wiley Rein, LLP, will appear in the September 2008 issue of The Federal Lawyer, the national magazine of the Federal Bar Association. Mr. Smith clerked for Judge Lee during the 2006-2007 judicial term.

Gerald Bruce Lee's path to the federal bench began in the working-class streets of Southeast Washington, D.C. during the heart of the civil rights movement. The son of a government clerk and an auto mechanic, Judge Lee came of age in the turbulent social climate of the 1960s. The deep injustices of segregated America, laid bare in the raw violence of the 16th Street Baptist Church bombing in Birmingham, Alabama, profoundly affected him, and established the groundwork for his lifelong commitment to diversity, equality, and public service.

The Early Years

As a teen, Judge Lee participated in Pride Youth Incorporated, a community organization that provided jobs to inner-city youth. Though still in high school, Judge Lee had the good fortune to attend college level classes through Pride's American University Project. The experience empowered Judge Lee as he discovered that he could not only keep pace, but excel in college-level classes, despite his high school guidance counselor's insistence that he "wasn't college material." Judge Lee continued on to American University as a full-time student upon his high school graduation. When he received his undergraduate degree in communications in 1973, he became the first person in his family to graduate from college.

Judge Lee remained at American University to attend law school, and earned his juris doctor from the Washington College of Law in 1976. After law school, he spent fifteen years as a trial lawyer, eventually joining the partnership of Cohen, Dunn & Sinclair, P.C., a firm based in Alexandria, Virginia. Over the course of his career as a practicing attorney, he represented a wide range of individual and business clients in both civil and criminal matters, primarily in the Northern Virginia area.

Throughout his career, Judge Lee pursued excellence in his legal work while also investing time and energy into his community. While practicing as a trial lawyer, Judge Lee was an active member of a group of attorneys in the Northern Virginia area involved in community-based activities and local government. Together these attorneys campaigned for lieutenant gubernatorial candidate L. Douglas Wilder, who succeeded in becoming the first African-American to hold statewide office in the Commonwealth of Virginia. Five years later, then-Governor Wilder recognized Judge Lee's ongoing commitment to the Commonwealth by appointing him to serve on the Board of Directors of the Metropolitan Washington Airports Authority, the body charged with management of Dulles International Airport and Reagan National Airport.

The Federal Bar Association's Mission Statement:

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

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

The Federal Bar Association,
1220 North Fillmore Street
Suite 444
Arlington, VA 22201
(571) 481-9100 (phone)
(571) 481-9090 (fax)



Judicial Profile (*cont'd*)

Judge Lee's initial ascent to the bench took place in May 1992 when the Virginia General Assembly elected him to the 19th Judicial Circuit Court in Fairfax County, Virginia. Six years later, Virginia Senators Chuck Robb (D) and John Warner (R) recommended Judge Lee for appointment to the United States District Court for the Eastern District of Virginia. Twelve statewide bar associations evaluated Judge Lee's credentials along with eight other candidates, and he was the only candidate to receive the highest rating from each. President Clinton nominated Judge Lee on May 22, 1998, and on September 28th of that year, the Senate confirmed him as a United States District Judge.

The Rocket Docket

Judge Lee is in his tenth year on the bench in the Eastern District of Virginia, colloquially known as the "Rocket Docket" for the speed at which cases are processed through the court. The Eastern District of Virginia has the fastest federal trial docket in the nation for civil cases. The judges strictly enforce a 90-120 day discovery period, and almost never grant continuances. The Eastern District's reputation for speed and efficiency has made it a highly sought-after forum for corporate litigants seeking swift resolution to complex commercial disputes. The courthouse's proximity to the Pentagon has also made it the host of many of the nation's highest-profile terrorism prosecutions. Judge Lee has presided over a number of noteworthy cases during his tenure, including the trials of Brian Patrick Reagan, the former Air Force master sergeant convicted of espionage; convicted terrorist Ahmed Omar Abu-Ali; former Naval Intelligence officer Jay E. Lentz, charged in the of kidnapping and murder of his ex-wife; and the trial of four MS-13 gang members accused of killing a witness in protective custody. Judge Lee has earned a reputation for treating all those who appear before him with cordiality and dignity, which has garnered the praise and appreciation of practitioners and parties alike.

Judge Lee continues to couple his courtroom work with a deep engagement in the greater legal community. He is well-known as an inspiring and accomplished lecturer, who speaks regularly to groups of judges, lawyers, and bar associations around the country. He has lectured and conducted mock trials at numerous Virginia and Washington, D.C. law schools. He is also a mainstay in the Virginia State Bar CLE circuit, offering his thoughts on pairing a thriving practice with a thriving family life. As a state court judge, Judge Lee served as Chairman of the Judicial Conference of Virginia Judicial Education Committee, the body charged with meeting the continuing education needs of Virginia's trial judges. He has also authored or co-authored more than fifty continuing legal education outlines and legal publications on trial advocacy.

In order to meet the seemingly super-human demands on his time and attention from his docket and his work in the community, Judge Lee relies heavily on the love and support of his family. His wife, Edna Ruth Vincent, is a prominent family law attorney based in Northern Virginia, and is coincidentally a former clerk of Judge Lee's colleague in the Eastern District, the Honorable Leonie Brinkema. His son, daughter-in-law, and grandson also live close by and manage to wrest the Judge away from his commitments every so often for an adventure on the links.



Judicial Profile (*cont'd*)

Reaching Back

Judge Lee lives by the mantra that “to whom much is given, much is expected.” The great strides he has made in his career have been matched by his deepening commitment to reach back and provide opportunities for those who have come behind him. The lessons he learned as a youth during the civil rights movement of the 1960s have inspired him to continue the fight for inclusion throughout his career. Judge Lee has been a powerful advocate for increasing minority representation in law schools, law firms, and on the bench at all levels. His advocacy begins in his chambers, where he mentors interns and clerks from diverse backgrounds, and extends out through lectures to law schools and bar associations across the nation. Each year, Judge Lee also mentors several minority students from the American University, Washington College of Law, sharing his thoughts on habits for success and encouraging them to become active participants in the greater legal community.

Judge Lee imagines a future without barriers to participation in the legal system. But increasing the ranks of minority judges requires reaching out beyond the bench, to the school children who are just beginning to form their own self-identities. Judge Lee works hard to counter the damaging limitations imposed on children from poor neighborhoods, like the negative guidance counselor who insisted he “wasn’t college material.” Every year, Judge Lee attends Camp Kappa, a weeklong sleep-away camp run by the Kappa Alpha Psi fraternity, and conducts a mock trial exercise for the campers. The camp provides the opportunity for fifty boys ages ten to fifteen, primarily from inner-city D.C. and Virginia, to spend a week in Hemlock Overlook Park in Clifton, Virginia. Over the course of the week, Judge Lee, his present and past clerks, and other lawyers from the Northern Virginia area, teach the campers about the process of conducting a criminal trial including opening and closing statements, testimony, and direct and cross examination. The week culminates in a mock trial put on by the campers that takes place at the Fairfax County Circuit Courthouse. Coming from a similar background as the campers, Judge Lee is able to connect with them on a level that few other professionals of his stature can and convey that the successes that he has enjoyed are possibilities for each of them..

Judge Lee’s passion for making the legal community more inclusive has also inspired him to co-chair the Just the Beginning Foundation’s (JTBF) biennial conference. The event, titled “Reaching Back, Lifting Up,” will take place in Washington, D.C. on September 25-28, 2008. JTBF is a nonprofit organization supporting students of color and other underrepresented groups by providing free educational and mentoring programs in an effort to increase diversity in the judiciary and legal profession. The conference will bring together African-American federal judges from across the country in the nation’s capital to fellowship with each other and interact with practitioners, professors, and students from the Washington, D.C., Baltimore, and Richmond regions.

While attending the past seven biannual conferences, the judges generally have communed with the bar groups in the host cities, but Judge Lee and the JTBF executive committee have made reaching out to local schools a primary goal of this year’s conference. On Thursday, September 25, the conference will hold a “Robes in the Schools” event, where approximately forty federal and state judges will visit



Judicial Profile (*cont'd*)

fourteen high schools, colleges, and law schools in the Washington D.C. and Baltimore, MD areas. The judges will discuss pathways to the bench, strategies for success in the profession, and the value of judicial internships and clerkships. On Friday September 26, the American University, Washington College of Law will host the Pathfinder Judges Panel, where the Honorable Reggie Walton of the United States District Court for the District of Columbia and the Honorable Judge Marcia Cooke of the United States District Court for the Southern District of Florida will share their personal stories with students and talk about their paths to the bench. On Saturday, September 27, the conference will feature "So You Want to Be a Lawyer," a panel discussion for local high school students. Panelists will include the Honorable Ricardo M. Urbina of the United States District Court for the District of Columbia, John Truong of the United States Department of Justice, and Savalle Sims, former law clerk to Judge Lee and current partner at Arent Fox, LLP.

Judge Lee's childhood was shaped by the activists he saw changing the world around him and like them, he has taken a proactive role in creating a more inclusive society. Judge Lee does more than serve as a passive role model for aspiring future attorneys. Through his work behind the scenes and on the bench, Judge Lee is actively engaged in supporting, mentoring, challenging, and motivating tomorrow's legal leaders.

Watch Out For the Work Product Doctrine

By Damon W.D. Wright, Esq., Shirley M. Steinbach, Esq., Venable LLP

An attorney is preparing a privilege log. She comes across several year-old documents that contain legal advice from the client's in-house counsel. She correctly determines that the documents are protected from discovery under the attorney-client privilege. After making this claim on the privilege log, she starts to brainstorm. For extra protection, she begins to type the words "Protected By The Attorney Work-Product Doctrine."

Why not, she thinks. This is "belt and suspenders." The two doctrines overlap. The client could have been anticipating litigation way back then. Labeling the documents "work product" will only go further to protect the attorney-client communication from discovery. The more theories, the better. Right? Not so fast. Unless the client implemented a "litigation hold" and preserved all relevant documents since the date the attorney-client privileged documents were created, the attorney has just invited a claim of spoliation.

Invocation of the work product doctrine on a privilege log may be deemed an admission. *See Rambus, Inc. v. Infineon Technologies AG*, 220 F.R.D. 264, 273 (E.D. Va. 2004) ("a claim of privilege carries with it an implicit assertion that the claim is factually warranted"). The work product doctrine protects documents and tangible things prepared "in anticipation of litigation" from discovery. *See Fed.R.Civ.P. 26(b)(3); In re Grand Jury Proceedings*, 102 F.3d 748, 750 (4th Cir. 1996).

So, when a party asserts that a document is protected from disclosure under the work product doctrine, the party has represented that it was "in anticipation of litigation" at the time the document was prepared. Whether



Work Product Doctrine (cont'd)

intended or not, the party has also announced that it probably had a duty to preserve evidence from the time the document was prepared.

This is because, when a party anticipates litigation, it is required to suspend its routine document destruction policies and implement a “litigation hold” to prevent spoliation. *See Fed.R.Civ.P. 37, 2006 Adv. Comm. Notes* (“When a party is under a duty to preserve information because of pending or reasonably anticipated litigation, intervention in the routine operation of an information system is one aspect of what is often called a ‘litigation hold’”); *Silvestri v. General Motors Corp.*, 271 F.3d 583, 590 (4th Cir. 2001) (“Spoliation refers to the destruction or material alteration of evidence or to the failure to preserve property for another’s use as evidence in pending or reasonably foreseeable litigation”).

A failure to preserve relevant documents, even if not willful, may result in a charge of spoliation of evidence and sanctions including an adverse inference, exclusion of evidence, or dismissal. *See Fed.R.Civ.P. 37(b)(2)(A)(i)-(vi); Silvestri*, 271 F.3d at 590. A failure to preserve may also be an ethical violation, *see ABA Model Rules of Professional Conduct § 3.4(a)*, or a criminal violation when a future government investigation was contemplated, *see 18 U.S.C. § 1519*. So, if a party did not have a “litigation hold” in place when a document was created, counsel should think twice before asserting work product protection. If a document is already protected by the attorney-client privilege, counsel should examine whether asserting work product protection adds any benefit.

More than the attorney-client privilege, the work product doctrine conveys information about a party’s knowledge and state of mind. Thus, invocation of the work product doctrine may also provide evidence to the other side -- especially in professional malpractice, fraud or breach of fiduciary cases. For example, in recent cases against a national accounting firm, a key issue was whether the firm concealed and failed to disclose material risks when presenting tax advice to clients. In its privilege log, the firm identified old internal memoranda by in-house counsel to partners, invoked the attorney-client privilege, and also invoked the work product doctrine on the ground that the firm had long ago anticipated litigation with the IRS over the firm’s tax advice. By itself, the log’s reference to the work product doctrine said a lot and helped support that an important fact -- anticipation of litigation with the IRS -- was well known by the firm’s partners and was not disclosed to the firm’s clients.

Another risk with the work product doctrine arises in the area of bankruptcy law, where a debtor has a duty to disclose all potential causes of action in a bankruptcy proceeding. *See 11 U.S.C. § 1125(b)*. If a party has recently been a debtor in bankruptcy, counsel should be sure that invocation of the work product doctrine is not inconsistent with the party’s past sworn statements in the bankruptcy proceeding. By the same token, a plaintiff’s poorly-considered assertion of the work product doctrine could be the last piece of evidence needed by a civil defendant to prevail on its statute of limitations defense.



Work Product Doctrine (cont'd)

Before claiming the benefit of work product protection, the best approach is to (i) confirm that a document was actually prepared in anticipation of litigation and (ii) confirm that you want the burden that comes along with claiming the protection. The alternative approach (*i.e.*, asserting the work product doctrine based primarily on the analysis that you want as many arguments as possible for withholding a document) can invite severe and unintended consequences. To paraphrase the words and wisdom of a U.S. Magistrate Judge in this Court, “what you do over here, can have an effect over there.”

The Office of the Public Defender Establishes Pro Bono Counsel Program

The Office of the Federal Public Defender is pleased to announce the recent implementation of the Pro Bono Counsel Program in the Alexandria Division of the United States District Court for the Eastern District of Virginia. The Pro Bono Counsel Program has established a partnership between the Federal Public Defender’s Office (“FPDO”) and private law firms through which firm attorneys act as *pro bono* co-counsel under the supervision of assistant federal public defenders (“AFPDs”) in pending FPDO cases. This program is open to all private law firms regardless of size or specialty, from solo practitioners to large law firms. The FPDO encourages law firms to identify attorneys who are interested in committing the time and energy necessary to act as *pro bono* counsel (“PBC”) on a case assigned to the FPDO and to register to participate in this exciting new program.

The Pro Bono Counsel Program serves the mission of the FPDO by providing AFPDs, and by extension, the FPDO’s clients, with high-quality assistance from the private bar, especially in complex cases or cases that result in a jury trial. In addition, firm attorneys benefit from the experience and training they receive by working with and under the supervision of the AFPDs. Finally, the Court benefits from having more experienced attorneys practice before it while encouraging *pro bono* contributions by law firms to the defense of the indigent in federal court.

The Pro Bono Counsel Program is open to any law firm, including a solo practitioner, that wishes to participate. For more information, please check the FPDO website at www.vaefpd.org or contact the PBC Coordinator Assistant Federal Public Defender Kenneth P. Troccoli ([703-600-0870](tel:703-600-0870); kenneth_troccoli@fd.org).



Member Spotlight: Caitlin Lhommedieu, McGuire Woods LLP



Caitlin is an associate in the McLean office of McGuireWoods LLP. She was born in Alexandria, and lives in Clifton, Virginia. She attended Johns Hopkins University, where she received a Bachelor of Arts in Physics in 1989. After college, Mrs. Lhommedieu worked for several years in computer networking and telecommunications, and has particular experience with packet-switched networks.

Mrs. Lhommedieu attended the George Mason University School of Law. She was a member of the Moot Court Board, and was a regional semifinalist in the Giles S. Rich Moot Court Competition, at which she won awards for Best Oral Arguments and Best Appellee's Brief. Additionally, at GMUSL she was a Writing Fellow, and a member of the Federal Circuit Bar Journal.

Mrs. Lhommedieu was law clerk to the Honorable T. Rawles Jones, Jr., Eastern District of Virginia. She was admitted to practice in Virginia in 2002 and admitted to practice in the U.S. Patent & Trademark Office in 2006. After her clerkship, Mrs. Lhommedieu joined the law firm of Greenblum and Bernstein. She is currently practicing at McGuireWoods.

Her practice includes patent litigation, client counseling, and prosecution. She has significant experience in all phases of pre-trial and discovery practice, including infringement and validity analysis, drafting complaints and answers, fact and expert discovery, discovery motions, Markman hearings, and motions for summary judgment. She has litigated cases in the VoIP, optical lens, mobile data communications, and computer software industries.

Through her work on the *Verizon v. Vonage* trial team, Caitlin was instrumental in securing for the patentee an injunction and \$58 million in damages, which *Virginia Lawyers Weekly* ranked as the largest verdict in Virginia in 2007, and the *National Law Journal* ranked 25th nationwide in 2007.

Ms. Lhommedieu volunteers on the Parent Association of the New School of Northern Virginia, and at a legal aid clinic in Reston, Virginia. She has also contributed her time and expertise to this Chapter, including working with Chapter Board Member Sean Murphy on the 2008 "Introduction to Courthouse" program and serving as a panelist for the June 2008 Patent Litigation CLE.



MARK YOUR CALENDARS FOR UPCOMING EVENTS!

Please put the following upcoming events on your calendar. We hope to see as many Chapter members as possible at these events:

- August 14, 2008, 3:00-5:00 p.m., Jury Assembly Room, U.S. Courthouse in Alexandria, Reception for Magistrate Judge Poretz.
- September 23, 2008, Masonic Temple in Alexandria, Virginia, The Annual Torrey Armstrong Lecture and Law Clerk Reception.
- September 24, 2008, Army-Navy Country Club, Arlington, Virginia, The Golf and Tennis Tournament jointly sponsored by the Just The Beginning Foundation and this Chapter. See the attached flyer and registration form.
- September 25-28, 2008, various sites in the Washington metropolitan area, The Bi-Annual Meeting of the Just The Beginning Foundation. Please check the JTBF website, www.jtbf.org, or contact a Chapter Board member for details regarding the many activities associated with this important meeting.

Courthouse News

There have been several recent developments at the Court, including the following:

Magistrate Judge Poretz recently announced his retirement from the Court, and his last day on the Court will be August 15, 2008. As noted in the President's Report, the Chapter will be hosting a reception to honor Judge Poretz from 3:00 p.m. to 5:00 p.m. on Thursday, August 14, 2008. This will be an important opportunity for all Court personnel, Chapter members and others to thank Judge Poretz for his dedicated service over the years. An invitation to the reception for Judge Poretz is included in this issue of the *Rocket Docket News*.

Ivan D. Davis, the First Assistant Federal Public Defender in the Eastern District and a Board member of the Chapter, was recently selected by the District Court judges to serve as a U.S. Magistrate Judge in the Alexandria Division of the Court, filling the seat being vacated by Judge Poretz. The Chapter extends its heartfelt congratulations to Judge Davis on his selection and its appreciation for his service to the Chapter.

On June 10, 2008, the Honorable Mark S. Davis was confirmed by the U.S. Senate for the seat vacated by Judge T.S. Ellis, III who has taken senior status. Judge Davis has been assigned to the Norfolk Division. The Chapter congratulates Judge Davis on his confirmation.

On July 17, 2008, President Bush nominated Alexandrian and Chapter member, Anthony J. Trenga, to fill the recently vacated seat of Walter D. Kelley, Jr. The same day, U.S. Senators John Warner and James Webb made a joint statement regarding the nomination. "I was pleased to join Senator Webb in strongly recommending several exemplary individuals for the U.S. District Court for the Eastern District of Virginia, including Anthony J. Trenga," said Senator Warner. "I commend the president for his nomination of this distinguished Virginian." Senator Webb stated that he and Senator Warner had "jointly recommended Anthony Trenga for the Eastern District because of his impressive and solid qualifications. I am pleased that the president has nominated Mr. Trenga, whom Senator Warner and I selected as part of a collaborative effort to ensure appropriate judicial leadership for Virginia." Mr. Trenga is currently a member of Miller & Chevalier Chartered, and he previously practiced for many years with Hazel & Thomas, P.C. in its Alexandria office. The American Bar Association is reviewing the nomination and is expected to issue its assessment shortly. If confirmed by the U.S. Senate, it is anticipated that Mr. Trenga will sit in the Alexandria Division, since Judge Davis has been assigned to the Norfolk Division.

The Federal Bar Association
Northern Virginia Chapter
and
Winston & Strawn LLP



Cordially invite you to participate in
**Just the Beginning Foundation
2008 Conference
Golf & Tennis Outing**

**18-Hole Scramble Golf Tournament
Round Robin Tennis Tournament**

Where: Army Navy Country Club
1700 Army Navy Drive
Arlington, Virginia 22202

When: Wednesday, September 24, 2008
Tee times begin at 1:00 pm
Tennis begins at 3:00 pm
Reception and Awards Ceremony 6:00 pm

Cost: \$100.00 per golfer
\$350.00 per foursome (golf)
\$ 30.00 per tennis player
\$100.00 per foursome (tennis)

Please be sure to sign up now as **SPACE IS LIMITED.**

Please send check made payable to
Federal Bar Association, Northern Virginia Chapter
by September 12, 2008 to:

Michael S. Nachmanoff
Attn: Gloria Lambert
Office of the Federal Public Defender
1650 King Street, Suite 500
Alexandria, Virginia 22314

Name: _____

Mailing Address: _____

Facsimile: _____ **Telephone:** _____

E-Mail: _____

I will participate in the golf outing: _____

Handicap: _____

Special request for golfing partners, if any: _____

I will participate in the tennis outing: _____

Rating or Skill Level: _____

Singles: _____

Doubles: _____

If you have any questions, please contact Gloria Lambert at Gloria_lambert@fd.org or (703) 600-0858.



**The Federal Bar Association
Northern Virginia Chapter**

***CORDIALLY INVITES YOU TO A
RECEPTION IN HONOR OF RETIRING
U.S. MAGISTRATE JUDGE BARRY R. PORETZ***

**Thursday, August 14, 2008, 3:00 – 5:00 p.m.
Jury Assembly Room
Albert V. Bryan Courthouse**

**Members, Non-Members, and
All Courthouse Personnel are Invited**