The Rocket Docket News

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

PRESIDENT'S COLUMN

By R. Scott Caulkins
Caulkins & Bruce, PC

About 25 years ago I tried my first case in the Alexandria Division of the Eastern District of Virginia. For a young lawyer it was a daunting experience and taught me many lessons that have remained with me. At the time the Court already had a national reputation as the "Rocket Docket" and it has maintained that reputation. Many counsel not familiar with practicing before the Court have asked me whether the Court sacrifices quality for efficiency. My response is an emphatic NO. Anyone who has ever tried a case before the Court realizes that efficiency promotes quality.

The Northern Virginia Chapter of the Federal Bar Association is one of the most active Chapters in the Country. We offer opportunities for members new to the bar to learn from the experience of long time members and we offer opportunities to long time members to stay current with developments that affect their practice before the Court. According to the Chapter's Bylaws, our mission is to enhance the professional growth and development of members of the federal bar, promote high standards of professionalism, and to provide meaningful services and educational programs to members of the bar who practice before the Court. This is an important mission that the Board takes seriously.

In furtherance of its mission, the Chapter holds several continuing legal education programs throughout the year on topics of interest to new lawyers and long time practitioners before the Court. The Judges support our activities by serving as speakers and participating in networking events throughout the year. We offer an opportunity for members to enhance their knowledge of practicing before the Court and afford members an opportunity to get to know the Judges, Judicial Clerks and the Court personnel in informal settings.

Each Board member devotes countless hours to making sure that the Chapter provides quality programs for our members, who are lawyers serving in private practice and in the public sector, and also programs of interest to the broader legal community. While all Board members deserve recognition for their contributions, I am particularly grateful for the service of Sean Murphy over the last year as the Chapter's President. Sean set an ambitious agenda and worked many hours to make sure the Board achieved it. Under Sean's leadership, at the recent annual meeting of the Federal Bar Association, the Chapter received a Chapter Activity Presidential Achievement Award and a Meritorious Newsletter Recognition Award. I look forward to Sean serving one more year on the Board as Immediate Past President.

Two CLE's were held in October. Unfortunately the Annual Chapter Golf Tournament was canceled due to Hurricane Sandy. we plan to reschedule the Golf Tournament and reception. The Board is also exploring ways that we can serve our members and the Court beyond providing quality CLE's and networking events. My vision over the next year is for the Chapter to identify an unfilled need in the Court or legal community that falls within the Chapter's mission and to develop a program which will give Chapter members an opportunity to address that need. As the Board formulates ideas we will share them with you. I welcome any suggestions you may have.

Board members are often asked how someone can become active in the Northern Virginia Chapter. The first step is to become a member of the Federal Bar Association (www.fedbar.org) and designate the Northern Virginia Chapter as your local Chapter. If you are interested in doing more than supporting the Chapter by attending Chapter events, which we hope you are, please contact one of the Board members (identified on the first page of this Newsletter). We welcome ideas for quality CLE programs and always appreciate contributions to the Chapter's newsletter. The continued success of our Chapter depends upon the active support we receive from our members.

Q&A

The Honorable Theresa C. Buchanan, United States Magistrate Judge, Eastern District of Virginia, Answers Our Questions

What advice would you give to a young lawyer starting a legal career?

No situation is perfect, but try to find a job that you enjoy and that enables you to have a reasonable amount of family or free time -- life is short!

What constructive comments would you provide to assist lawyers practicing before you?

Lawyers spend much more time arguing motions than trying cases nowadays. Be thoroughly prepared to discuss the case because you can be assured that the judges of the EDVA have already read your briefs and know the issues. Listen to the argument made by your opposing counsel or the questions posed by the Court and then be responsive to those issues raised. Try to anticipate concerns the Court might have and be proactive in making suggested solutions to discovery or logistics problems. Do not make the mistake of just reading a prepared statement at oral argument.

Are civility and professionalism as strong today as they were 10 years ago?

We are fortunate that the bar of the EDVA is of a high quality and, generally speaking, I think that civility and professionalism are about the same as 10 years ago. When I first started practicing law 30 years ago, however, it seemed like a much smaller bar and everyone knew everyone else. Civility may have been a little better then, but there were problem lawyers then, just as there are problem lawyers now.

What is the best part about being a judge?

I loved litigating, so the best part about being a judge is that I am in court all the time without as much stress.

You were a founder of the Northern Virginia Chapter of the Federal Bar Association. What prompted you to establish the chapter and what did you envision the chapter would achieve?

The Alexandria Bar Association had evolved into an association for primarily state court practitioners and there was really nothing for those attorneys whose practice was primarily in US District Court. Since I had been on the Virginia State Bar Council, was active in other bar committees, and knew a lot of lawyers, at the behest of the US Attorney, I enlisted a group of pals to start an association for lawyers who practiced in the EDVA. Our first few events were very successful cocktail parties that many of the judges graciously attended which seemed to generate a lot of enthusiasm for such a group. Then we were lucky enough to be able to resurrect the Northern Virginia chapter of the FBA. During my tenure as its first President, we were focused primarily on getting new members and starting to host events. Due to the hard work of my successors and others on the board, the chapter has become much more successful than we had ever hoped for. However, I am wondering whatever happened to the box of liquor left over from our initial cocktail parties that I passed on to the next President and which I heard was passed down through a few more Presidents until it somehow disappeared.

Would you tell us about one memory or event from your early years that motivated you to study law?

As the children of immigrants from Ireland and Italy, my parents put a high value on education. I am absolutely serious when I say that they told my brother and me that we could be doctors or lawyers – our choice. Neither of us thought we could stomach blood, so we both became lawyers. But I cannot think of any other profession which I would have enjoyed as much, so their pushiness turned out to be a good thing. Times have changed enough that I doubt this approach would have worked with my sons.

EDVA CLERK'S CORNER:

THERE WILL BE NO FRIDAY MOTION DOCKETS IN THE ALEXANDRIA DIVISION ON NOVEMBER 23 AND DECEMBER 28, 2012. ALSO, BEFORE NOTICING A HEARING ON FRIDAY, DECEMBER 21, 2012, PARTIES SHOULD CONTACT THE CHAMBERS OF THE JUDGE ASSIGNED TO THE CASE TO DETERMINE WHETHER THAT JUDGE IS HEARING MOTIONS ON DECEMBER 21, OR ANOTHER ALTERNATE DATE THAT WEEK.

THE FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011 UPDATES REMOVAL STATUTES AND ALLOWS JUDICIARY TO STOP "WAST[ING] TIME" DECIDING JURISDICTIONAL ISSUES

By Linda M Jackson & Emily H. Jenkins
Venable LLP Venable LLP

The Federal Courts Jurisdiction and Venue Clarification Act of 2011 (the "Act"), which became effective on January 6, 2012, brought much-needed change and transparency to the provisions of the United States Code that govern the removal of lawsuits from state to federal court, 28 U.S.C. §§ 1441 and 1446. As stated in the House Report from the Committee on the Judiciary, judges believed that the rules previously in effect "force[d] them to waste time determining jurisdictional issues at the expense of adjudicating underlying litigation." H.R. Rep. No. 112-10, at 2 (2011). The Act was thus implemented to "bring[] more clarity to the operation of Federal jurisdictional statutes and facilitate[] the identification of the appropriate State or Federal court where actions should be brought." Id. pg. 1.

The Act made four significant changes to the removal statutes. First, the Act clarified when removal may be effected in cases involving multiple defendants; second, it resolved how to treat claims that do not arise under federal law after removal; third, it established how and when a defendant may prove that the amount in controversy in a lawsuit satisfies the monetary threshold for diversity jurisdiction; and finally, the Act codified a "bad-faith" exception to the one-year bar on removal.

These issues are addressed in turn below.

Timing of Removal

The Act resolved a problematic circuit split regarding when removal can be effected in lawsuits involving multiple defendants. Under the old text, it was unclear when a notice of removal had to be filed if multiple defendants were served at different times; the text provided only that "notice of removal . . . shall be filed within thirty days after the receipt [of the lawsuit]." Some circuits, including the Fifth Circuit, adopted the "First-Served Defendant Rule," and interpreted this text to mean that the notice of removal had to be filed within thirty days of the date on which the first defendant was served. All other later-served defendants were required to join the notice of removal within the first-served defendant's 30-day window. A defendant served after the expiration of the thirty days essentially was foreclosed from removing the case. Other circuits adopted a more lenient approach, and permitted each defendant, including later-served defendants, thirty days to file a notice of removal.

The Act confirmed the "rule of unanimity" applied to multiple-defendant cases, and adopted the latter, more lenient approach as to the timing of removal when defendants are served at different times. The statute now states that "[e]ach defendant shall have thirty days after receipt by or service on that defendant [of the lawsuit] to file the notice of removal." 28 U.S.C. § 1446(b)(2)(B) (2012). This provides later-served defendants the opportunity to remove even if earlier-served defendants chose not to initially, and permits an earlier-served defendant to consent to removal if requested by a later-served defendant even if the earlier-served defendant did not previously consent to or seek removal. Id. at § 1446(b)(2)(C).

Deletion of "Separate and Independent" Clause

The Act also deleted the particularly confusing "separate and independent" clause of 28 U.S.C. § 1441(c). This clause allowed a federal court to exercise its discretion to hear separate and independent claims that were otherwise non-removable (commonly, state law claims) but were joined with a claim that could be removed on the basis of federal question jurisdiction. Courts struggled with how to interpret whether claims were

Continued on Page 4

Continued from Page 3

"separate and independent," and the clause also presented difficult constitutional issues. For instance, a separate and independent claim may not satisfy the requirements for supplemental jurisdiction under 28 U.S.C. § 1367, and a federal court exercising its discretion to hear this claim arguably expanded federal subject matter jurisdiction beyond its constitutional limits.

Now, 28 U.S.C. § 1441(c) provides that a defendant may remove the "entire" case to federal court if the lawsuit includes at least one claim that arises under federal law. Upon removal, however, any claim that does not have an independent basis for federal jurisdiction or that does not satisfy the requirements for supplemental jurisdiction must be remanded to the state court. 28 U.S.C. § 1441(c)(2). This "sever and remand" approach is intended to cure any constitutional problems while preserving the defendant's right to remove claims arising under federal law. H.R. Rep. No. 112-10, at 12.

Establishing Amount in Controversy

If seeking to remove based on diversity jurisdiction, a defendant must prove that the amount in controversy in the lawsuit exceeds $75,000. Under the changes implemented by the Act, the amount in controversy is established by the amount demanded "in good faith" in the complaint, unless non-monetary relief is sought, or it can be shown by a preponderance of the evidence that additional damages above the amount demanded in the complaint are sought, provided that state law permits the recovery of additional damages. 28 U.S.C. § 1446(c)(2). These revisions resolved a circuit split regarding the standard of proof needed to overcome a plaintiff's allegations of the amount in controversy.

Further, if the demand in the complaint does not meet the jurisdictional limit, defendants may now use information obtained during discovery in the state court proceeding to establish that the $75,000 threshold has been or will be met. Id. at § 1446(c)(3)(A). The defendant can file a timely notice of removal within thirty days after it receives this information. Id. at § 1446(b)(3).

Bad-Faith Exception to One-Year Bar for Removal Codified

Under the old text and the revisions implemented by the Act, a notice of removal must be filed no later than one year after the lawsuit is commenced. 28 U.S.C. § 1446(c)(1). The Act did, however, codify a judicially created exception to the one-year rule, under which bad-faith concealment by the plaintiff of a basis for federal jurisdiction constitutes an exception to the one-year bar. For instance, if a plaintiff deliberately conceals the actual amount in controversy, then the one-year bar will not preclude the defendant from removing the action. Id. at § 1446(c)(3)(b).

Conclusion

As the Act's name suggests, the changes to 28 U.S.C. §§ 1441 and 1446 should clarify removal procedures by "delet[ing] those provisions [regarding removal] considered controversial by prominent legal experts and advocacy groups." H.R. Rep. No. 112-10, at 2. As with any statutory changes, particularly those involving jurisdictional and procedural issues, however, the real impact of these revisions will not be seen until courts interpret and apply the new language.

INTRODUCTION TO THE COURTHOUSE PROGRAM WELCOMES NEW MEMBERS

By Caitlin Lhommedieu

At the fifteenth annual Introduction to the Court House Program and Special Admissions Ceremony on April 27, 2012, the Northern Virginia Chapter of the Federal Bar Association hosted a get-acquainted program for more than ninety people, and moved the admission of about sixty new members of the bar of the Eastern District of Virginia.

The Court welcomed the new admittees, and we particularly send our thanks to the Honorable Judges Brinkema, Lee, O'Grady, Trenga, Mayer, Kenney, Jones, Buchanan, and Davis for their participation. Many other members of the courthouse family gave an introduction to the Albert V. Bryan Court House, and some handy practice tips. We especially thank Richard Banke, Lorri Tunney, and Lance Bachman from the Clerk's Office; Dana Boente and Zach Terwilliger from the US Attorney's Office; Michael Nachmanoff from the Public Defender's Office; John Bolen from the US Marshals Service; Elissa Martins and Quentin Lowe from the Pre-Trial and Probation Office; Mark Zanchelli from the Clerk's Office of the Fourth Circuit; as well as everyone else who pitched in to handle the large number of attendees this year.

Mr. William Dolan, a Partner at Venable LLP, gave us all a little taste of his wisdom, grace, and experience; as always, we are grateful.

After the program, attendees had the opportunity to chat informally with all these folks at a reception in the jury assembly room.

The printed materials were kindly donated by CRG Legal. Please repay their generosity by calling Adam Robinette at (703) 448-3838 for all your printing and e-discovery needs.

At the Armstrong Memorial Lecture and Law Clerk Reception, the Honorable Johanna Fitzpatrick presented a picture of young Torrey Armstrong during her lecture; Reception attendees enjoyed the food, drinks and networking opportunities. (All photos by James Merritt, freelance photographer, jmerritt5287@gmail.com)

ARMSTRONG MEMORIAL LECTURE AND LAW CLERK RECEPTION HELD AT MASONIC TEMPLE

The Chapter's annual Torrey Armstrong Memorial Lecture and Judicial Law Clerk Reception was held on September 18, 2012 at the George Washington Masonic Memorial in Alexandria. This is an annual event named in honor of Torrey Armstrong, a past president of our Chapter and the Alexandria Bar Association. Torrey Armstrong was a highly regarded trial lawyer who was extremely active in the local legal community. Following his death in 2001, in recognition of the loss to our legal community his law partners, friends, the Alexandria Bar Association and our Chapter established and endowed the Torrey Armstrong Memorial Lecture as way to honor his service to the legal community. The Chapter combines the Torrey Armstrong Memorial Lecture with the annual introduction of, and reception for, the judicial law clerks for the United States District Court for the Eastern District of Virginia.

This was an action-packed event that, despite the severe thunderstorm in the afternoon, nearly 100 people attended. This year, the keynote speaker was the Honorable Johanna L. Fitzpatrick, former Chief Judge of the Virginia Court of Appeals. As noted by immediate past president Sean Murphy in his column in this edition, Judge Fitzpatrick spoke movingly of the need for all of us to find our heroes in the law. We are grateful for and inspired by her remarks.

The Chapter membership also had the opportunity to meet the newest law clerks of the Eastern District of Virginia, including clerks for the District Court Judges, Magistrate Judges and the Bankruptcy Court judges. We were delighted to have the opportunity to meet them and we welcome them to our Chapter.

Finally, for the second year in a row, we were honored to have special guests from the other side of the world. Visiting Judges from Russia accompanied Judge Trenga to the Lecture and Reception. The judges were visiting as part of the Rule of Law Program.

Many thanks to everyone who attended the program. If you were unable to attend this year, please be sure to join us next year!

Sean Murphy delivering remarks about Torrey Armstrong preceding the Armstrong Memorial Lecture

"It is customary every year for one of us to talk briefly about Torrey. For most of us, that really isn't necessary. We knew Torrey, we liked him, and had a high regard for him, both as a trial lawyer and as an individual; that's why we are here. You new law clerks, however, of course didn't know Torrey and probably knew very little, if anything, about him before your arrival here tonight. For that reason, I'd like to talk to just you tonight about Torrey.

Thirty years ago this month, I walked into this courthouse as a new law clerk for Judge Bryan. What I saw, what I heard, what I read that year, and my discussions with Judge Bryan, have been the single biggest influence in my legal career. To this day, my observations from that year still shape how I argue my cases and how I write briefs.

During that year, I had a chance to watch many lawyers appear before Judge Bryan. One of them was Torrey Armstrong, then a young partner at Boothe, Prichard & Dudley. I could tell from their interaction, and from Judge Bryan's comments to me, that Torrey was a trial lawyer for whom Judge Bryan had a high regard.

Last week, I called Judge Bryan and talked with him again about Torrey. The passage of time had made no difference; he still spoke about Torrey with the same warmth and admiration as he had 30 years ago. Judge Bryan immediately remarked how Torrey's untimely death at age 55 was a real loss to the Bar. He described Torrey as a very credible lawyer, a true gentleman and a real pleasure to have in his court.

For tonight's remarks, I talked not only to Judge Bryan but also to nearly every one of your judges. I asked them, what do you want your law clerks to know about Torrey? What should I tell them about our friend and colleague? I did this not only so you might understand why we honor Torrey each year in this manner, but also perhaps to provide for your consideration a benchmark of the qualities we believe make and mark a good trial lawyer as you begin your legal careers.

Let me begin with a wonderful description of Torrey from Judge Jones. He described Torrey as calm, courteous, considerate and competent – all elements of a good trial lawyer. Competency, of course, is the first and most crucial element – and all agreed Torrey was a highly competent lawyer. Nearly all of the judges remarked how Torrey always came to court thoroughly prepared. Judge O'Grady had a great description. He said if you weren't fully prepared - if you weren't ready – that Torrey in a very professional way would "eat you alive" in the courtroom.

The quality and the thoroughness of his work were first seen in the pleadings he submitted before he even came to court. In that regard, Judge Brinkema said that when she saw Torrey's name on a pleading or complaint, she knew before she read it that it would be a good piece of work. The consistent quality and accuracy of his work meant to Judge Buchanan and Judge Anderson you never had to double check Torrey's citations or verify what he said. If he said these were the elements of the cause of action, they were; if he said these are the facts, those were the facts. In other words, they trusted Torrey – they took him at his word, a quality that creates great credibility for a lawyer. And, like all the best lawyers do, he readily acknowledged and forthrightly discussed bad facts and contrary authority – and he didn't wait for a question from the bench to do so.

All the judges told me how pleasant and courteous Torrey was. Judge Brinkema spoke of how easy it was to work with Torrey and how kind he was in the courtroom, qualities she believes are distinguishing characteristics of truly good lawyers.

Judge Jones illustrated this point with a story involving himself and Torrey. They met for the first time in state court when Judge Jones was there as a young Assistant Commonwealth's Attorney seeking the forfeiture of a car used in some criminal act. Torrey was there representing a bank with a lien on the car. Though the older lawyer, Torrey was not condescending but was quite civil in his dealings with this younger lawyer. To this day, Judge Jones' strongest memory was how pleasant his encounter was with Torrey even though they were adversaries. Of course, what makes the story even more interesting is that at the end of the argument, it was Torrey's client, not the Commonwealth's Attorney, who got the car.

Torrey's courteous manner – what the Bar calls civility – is something too often missing in litigation. It is for that reason that the Virginia Bar asked Torrey to help teach its professionalism courses to young lawyers like yourselves. It's the Bar's attempt to insure from the outset of your legal careers that you know civil behavior is not incompatible with zealous representation of your client. It is in fact a key element of a professional representation.

Always willing to share his thoughts and experiences, Torrey did not limit his involvement to teaching professionalism courses. He also taught numerous CLE programs both locally and throughout the state. Torrey was also a leader in our legal community as he became both President of the Alexandria Bar Association and President of this Chapter. This memorial lecture results from the desire of both the Alexandria Bar and this Chapter to honor his leadership roles and his many contributions to our legal community.

Torrey worked in more informal ways to provide leadership and opportunity to young lawyers like you. Judge Lee talked about the efforts that he, Torrey, Bill Dolan, and others, undertook to help minority law students compete for employment as attorneys in Northern Virginia. Their joint efforts over several years proved quite successful. Out of the numerous placements they were able to arrange, two of those students are judges today, while another is a senior executive of ETrade.

Judge Buchanan and I are both in agreement that this evening is not an attempt to canonize Torrey - as neither he nor the rest of us are saints. You want saints? You go to a seminary – you don't go to law school. There was plenty of steel in Torrey's spine as anyone who had a case with Torrey can tell you, but he never personalized the dispute – he always was professional.

We lost Torrey too soon. You would have enjoyed meeting him and watching him in action. In fact, Torrey was one of the Chapter leaders instrumental in establishing this annual reception for the new law clerks. It was an important event to him, and he made sure that the rest of us attended. I can still remember Torrey every year going down the hall in our office making certain that all of us came to this reception. And during the reception, he would make his way though the crowd, glass in hand, making a special attempt to meet all of the new clerks, seeking to learn more about you, and what you planned to do with your legal career.

Judge Bryan was right – Torrey was a fine gentleman.

I hope tonight I have given you some insight into why this bench and this bar comes together each year to honor this superb lawyer and colleague. Thank you for joining us in doing so."

RECENT NOTEWORTHY CASES FROM THE EASTERN DISTRICT OF VIRGINIA

By Elizabeth Forbes Jones & Molly T. Cusson, Venable LLP

PERSONAL JURISDICTION

Bright Imperial Ltd. v. RT Media Solutions, S.R.O., No. 1:11cv935, 2012 U.S. Dist. LEXIS 70000 (E.D. Va. May 18, 2012).

Background: Defendants operated the adult content website <red-tube.com> and its parent websites. Defendants were issued a German registered trademark for the term "REDTUBE" and International Registration for the "REDTUBE" mark with designations in Australia, Japan, China, Korea, Russia, and Singapore. Plaintiff claimed to own the U.S. trademark rights in the REDTUBE mark, which plaintiff uses to provide adult content on the internet, including through its domain name <redtube.com>. Plaintiff claimed that defendants exploited its mark in the United States for profit. After the Court permitted jurisdictional discovery, defendants moved to dismiss for lack of personal jurisdiction.

Summary of Holding: United States District Judge Liam O'Grady held that the Court could exercise personal jurisdiction over the defendants. The Court's held that the corporate defendants manifestly intended to direct their business contacts into Virginia due to: (1) the quantity of the contacts with the forum; (2) the quality of the contacts with the forum; and (3) the overall focus of defendants' internet activity. The Court found the first two factors demonstrated manifest intent to direct business into Virginia.

First, the Court found that defendants had "numerous contacts within Virginia," and thus met the quantity of contacts threshold. Of defendants' 1.8 million registered users, 16 users provided a Virginia zip code at registration. The Court found that these contacts with Virginia were "certainly not insignificant," although less than 0.001% of defendants' total registered users, and approximately only 0.02% of defendants' total revenue. Further, the Court found that 577 of the 1.8 million registered users provided an address within the United States at the time of registration – 0.03% of all registered users – and that these United States users provided approximately 0.76% of the total revenue.

Second, the Court found that defendants maintained an ongoing relationship with registered users. Defendants' site contained largely German content; required visitors to become registered users by filling out online registration forms and agreeing to terms and conditions in German, without the benefit of translations; and required purchases via euros, without offering the conversion rate to dollars. Nevertheless, the Court noted that the website stores the purchased content for users, and thus continuous use of the purchase requires ongoing interaction between the user and defendants' website; moreover, defendants encouraged interaction with their website, including by sending some emails to registered users written in English.

The Court found nothing unique about defendants' website's focus that indicated a manifest intent to do business in Virginia. In light of the quantity and quality of defendants' contact with Virginia, however, the Court found sufficient evidence to establish personal jurisdiction – although the Court found it to be "a close call."

In an alternative holding, the Court found that it could exercise jurisdiction over defendants under Rule 4(k)(2). Specifically, the Court found that the aggregate number of United States contacts (rather than the proportion of those contacts to the total number of registered users), as well as the quality of defendants' contacts with those 577 users, sufficed to establish jurisdiction under Rule 4(k)(2). As with its analysis of defendants' manifest intent to conduct business in Virginia, the Court found this to be a close call. The Court noted, however, that "in a world where the economic significance of international borders is on the decline, [defendants'] use of the German language and denomination in Euros would likely not provide a substantial barrier to United States users," especially where, as here, "[l]anguage comprehension is not critical to entertainment value."

As this case demonstrates, in the "ever evolving personal jurisdiction analysis within the context of 'the modern reality of widespread Internet electronic communications,'" even very limited Internet activity can subject non-resident companies to jurisdiction in Virginia. Domestic defendants with limited ongoing internet relationships with customers in Virginia may find themselves subject to personal jurisdiction in Virginia. And, those foreign websites that interact with a United States citizen in at least one state may also be subject to jurisdiction under Rule 4(k)(2).

SUMMARY JUDGMENT STANDARD IN TRADEMARK CASES

Wag'N Enters., LLC v. United Animal Nations, No. 1:11cv955, 2012 WL 1633410 (E.D. Va. May 9, 2012).

Background: A Plaintiff Wag'N Enterprises, LLC has a registered service mark in the term, "Wag'N Rover Respond'R," which plaintiff markets in connection with emergency pet care services. Plaintiff alleged that defendant, a non-profit organization which provides emergency services for animals in crisis, infringed plaintiff's registered service mark by using the name "RedRover Responders" in connection with its volunteer program for the care of animals displaced by emergencies. The parties filed cross motions for summary judgment.

Continued on Page 8

CONTINUED FROM PAGE 7

Summary of Holding:

In the first trademark decision issued in this jurisdiction after the Fourth Circuit's decision in *Rosetta Stone Ltd. v. Google, Inc.*, 676 F.3d 144 (4th Cir. 2012), United States District Judge Leonie Brinkema denied plaintiff's motion for summary judgment and granted defendant's motion for summary judgment. The Court concluded that no genuine issues of disputed material fact existed as to the likelihood of confusion between plaintiff's and defendant's marks.

The Court's ruling turned on its consideration of the likelihood of confusion in light of the factors set forth in Fourth Circuit case law. First, the Court concluded that plaintiff's marks were "overall very weak." Specifically, plaintiff's marks were suggestive, fell "in the middle of the spectrum of distinctiveness," and bore little commercial strength. Second, the Court held that no dispute of fact existed as to the similarity of the marks because the marks shared no identical component words and had no confusingly similar meaning, nor did they appear similar in logo form. Third, plaintiff failed to demonstrate any actual confusion among consumers. Fourth, plaintiff made no showing of bad faith by defendant. Fifth, although the parties generally offered similar types of goods and services, the actual products and services at issue here "do not directly overlap." Finally, to the extent there exists any overlap in the advertising used by the parties, the Court concluded that such overlap did not preclude summary judgment.

In Rosetta Stone, the Fourth Circuit stated that, "[a]lthough summary judgment on the likelihood of confusion issues is certainly permissible," it is an inherently factual inquiry dependent on the facts and circumstances of the case. Here, Judge Brinkema recognized the inherently factual inquiry before the Court in the determination of likelihood of confusion; indeed, the Court cited Rosetta Stone. Nevertheless, the Court granted summary judgment in defendant's favor, noting that "summary judgment may still be appropriate where 'the evidence is so one-sided that there can be no doubt about how the question should be answered.'" The Court's willingness to grant summary judgment under these facts demonstrates that accused infringers may still win at summary judgment if, as here, the plaintiff fails to meet the likelihood of confusion factors identified by Fourth Circuit case law, e.g., if plaintiff fails to develop evidence of actual confusion.

CONTRACT INTERPRETATION

Lion Associates, LLC v. Swiftships Shipbuilders, LLC, No. 11-1078, 2012 WL 1237794 (4th Cir. Apr. 13, 2012)

Background: Lion Associates, a global consulting company that provides assistance with defense procurement, entered a contract with Swiftships Shipbuilders, a company that designs military boats. Under the contract, Lion Associates agreed to assist Swiftships by marketing and promoting the company. For its services, Swiftships agreed to pay Lion Associates a fee of $7,500 a month and "3% of each new contract brought to Swift[ships], which was obtained by Lion [Associates]." Lion Associates obtained for Swiftships a new government contract for the construction of patrol boats for supply to the Iraqi government, as well as a related training contract. When Swiftships refused to compensate Lion Associates the 3% fee it promised under the contract, Lion Associates brought suit in the Eastern District of Virginia for breach of contract and unjust enrichment. After discovery, Swiftships sought summary judgment on both claims. The district court granted Swiftships' motion, and Lion Associates appealed the ruling to the Fourth Circuit.

In the district court, as well as on appeal, Swiftships argued that the language of the contract only allowed Lion Associates compensation for contracts that Swiftships was not previously aware of. Because Swiftships knew about the existence of the Iraqi patrol boat contract from a government pre-solicitation notice, it contended the language of the contract was unambiguous, and therefore, it was not required to pay Lion Associates under the compensation clause of the agreement. In response, Lion Associates argued that the contractual language entitled it to compensation when its efforts provided Swiftships the opportunity to enter a contract it would not have been able to enter without Lion Associates' assistance.

Summary of Holding: The Fourth Circuit found the compensation clause patently ambiguous. Under a literal or plain meaning, "new contract" meant an enforceable agreement brought by Lion Associates to Swiftships. However, given the whole agreement, "new contract" must also mean a contract to which Swiftships is a party. The Court found accordingly that the clause meant that Lion Associates would have to obtain an enforceable agreement and bring it to Swiftships, but for such an agreement to exist, Swiftships must already be a party to it. Because this interpretation made little or no sense, and the Court could find no reasonable construction of the contract without ambiguity, the Court found the agreement ambiguous.

The Court noted the contractual language was unclear regarding what Lion Associates was required to do in order to be entitled to payment under the 3% clause. The language was ambiguous as to whether Lion Associates must identify the contracting opportunity for Swiftships, only give assistance that allows Swiftships to enter a contract that it would not have been able to enter into without the assistance of Lion Associates, or possibly both. Both parties' interpretations of the contractual language were reasonable. Given this ambiguity, the Court reversed summary judgment as to the breach of contract claim so that the district court could consider parol evidence to ascertain the intent of the parties. The Court affirmed dismissal of the unjust enrichment claim because an express contract governed.

Continued on Page 9

Continued from Page 8

FOURTH AMENDMENT

United States v. Jones, 678 F.3d 293 (4th Cir. 2012)

Background:

In August 2008, two police officers noticed Jones driving a car that contained three other male passengers. The officers claimed they noticed the car because they were in a high crime area, and the car had New York license plates, which indicated to them the passengers might be running drugs. The officers followed Jones' car into an apartment complex. Jones parked his car in one of the complex's diagonal parking spots; the officers proceeded to park their cruiser in the driveway of the complex, effectively blocking Jones in. Jones and the other passengers exited the vehicle, and the officers approached Jones, asking him if he lived there. He replied that he did, and the officers asked him to lift his shirt in order to check for guns. Jones complied. The detective then asked if he could pat him down for weapons. Lastly, the detective asked for identification, and Jones made up a name and birth date. When the detective recognized Jones' information was false, he cuffed Jones and patted him down. During this pat down a gun was discovered, and a small bag of marijuana was found during the search incident to arrest. Jones brought a motion to suppress the evidence of both the gun and the marijuana, but the motion was denied. Jones was convicted of one count of possession of a firearm by an unlawful user of controlled substances.

Summary of Holding:

On appeal, Jones argued that the motion to suppress should have been granted, because he did not think he was free to leave, nor would a reasonable person have thought they were free to leave under the circumstances. The government contended that there was no Fourth amendment violation because it was a consensual encounter, and Jones was free to leave at any time. In deciding the issue, the Fourth Circuit looked at the totality of the circumstances. The Court noted that before the encounter began the case "lacked the traditional hallmark of a police-citizen consensual encounter: the seemingly routine approach of the police officer." All of the cases the government relied on were distinguishable from the case at hand because those cases involved a citizen who was approached by officers seemingly at random. Instead, Jones knew the police officers were following him. Additionally, the officers were in a marked car, in uniform, and armed. The Court also noted that given where the officers parked the patrol car, they effectively blocked Jones from moving his vehicle. The Court agreed with other circuits in finding that when an officer blocks a defendant's car from leaving the scene, the officer exerts a greater show of authority than an officer merely coming upon a scene and engaging a defendant. Lastly, the Court noted that the officers did not ask to speak to Jones, which appeared to be the routine practice of police officers engaged in consensual encounters. The Court reversed the judgment of the district court and remanded the case.

FAMILY MEDICAL LEAVE ACT

Ainsworth v. Loudon County Sch. Bd., 851 F. Supp. 2d 963 (E.D. Va. 2012)

Background:

Ainsworth brought suit against the Loudon County School Board and several of defendant's employees in their individual capacities, alleging FMLA interference and FMLA retaliation, among other claims. Ainsworth's claims stemmed from her employer's treatment after periods of extended absence necessary for treatment of a brain tumor. The school board brought a motion to dismiss the complaint.

Summary of Holding:

One of defendants' primary arguments in the motion was that the FMLA does not permit liability against public employees in their individual capacities. Currently, there is a split of authority on this issue. The Fifth and Eighth Circuits have found that public employees can be sued in an individual capacity if they act directly or indirectly in the interest of their employer. However, the Sixth and Eleventh Circuits have found the opposite. The court in Ainsworth recognized that the Fourth Circuit has yet to rule on the issue, and several of the district courts within the Fourth Circuit have issued conflicting rulings. The Eastern District sided with the Fifth and Eight Circuits. The court based its reasoning on the plain language of the statute, which defines employer to include any person who acts in the interest of an employer to the employees of said employer. It remains to be seen whether the Fourth Circuit will address this issue on appeal in the near future.

TOP 12 TIPS FOR SAVING MONEY IN LITIGATION*

By Damon Wright
Venable LLP

* Reprinted from The National Law Journal, March 14, 2012

We want to tell our client's story, execute cutting cross-examinations and deliver a powerful closing argument when litigation and trial are in our client's best interest. The challenge is making this affordable so that it proves to be the right decision.

Too many cases settle because the client cannot afford litigation. No doubt, settlement should always be explored, but some disputes should be litigated and tried. This is why we have courts. This is also what we are trained to do. Our clients may have the stronger position, may want their day in court, and may need the court to uphold their rights. We also enjoy this. As advocates, we want to tell our client's story, execute cutting cross-examination, and deliver a powerful closing argument when litigation and trial are in our client's best interest. But litigation is not cheap and our clients cannot write a "blank check."

Not long ago, I handled a case for a friend's friend involving rare baseball cards and five-figure damages. Meanwhile, I was handling a case for an international energy company over a complex asset sale involving eight-figure damages. While the cases were completely different (one involved a few documents; the other a potential terabyte of data), the emphasis on focused, creative ways to control litigation costs remained the same. In all cases, our clients will be happier when their most important decisions are driven more by the merits than by the expense of litigation. So how do you make litigation a cost-effective and winning proposition? These tips and some discipline and creativity should help.

No. 1: Conduct targeted preservation and collection. When a party reasonably anticipates litigation, it must preserve potentially relevant documents and information. This is not supposed to cause business operations to grind to a halt. Rather than launch into overkill mode and broadly preserve every company back-up tape, hard drive and document, the focus should be on the specific subject matter, evidence and likely witnesses in the case. In most cases, you will satisfy your obligation by promptly investigating the case — finding out what is likely discoverable, where it is stored and who the likely witnesses are; ensuring with oral and written litigation hold instructions that the documents and information are preserved and not destroyed; and then collecting and copying the documents and information so they are preserved. If the litigation does not concern ongoing activities, the client may then be able to return to its regular retention practices. An informed preservation plan will save your clients money while protecting them from charges of spoliation.

No. 2: Calibrate the budget to the amount and importance of the case. There is no one-size-fits-all approach to handling a particular type of case. A $250,000 breach-of-contract case and a $2.5 million breach-of-contract case require different budgets. You must prepare to win, but must also be prepared to litigate on a shoe-string when the amount in controversy requires this. To be sure, there are times when the client is prepared to spend more to avoid damage to reputation, adverse precedent or other non-monetary concerns. Whether by limiting motions practice, the scope of discovery, the number and length of depositions, expert selection, trial preparation or trial time, however, the lawyer needs to develop and implement a case budget that takes into account the amount in controversy and the importance of the case.

No. 3: File in a fast-moving court. A quicker case is usually less expensive. For the plaintiff or defendant who can remove or pursue transfer, you should examine where you can proceed, what forum is most convenient and how quickly the case will likely proceed in each potential forum. A valuable resource is the federal court system's judicial caseload statistics web page, which provides the average time from filing to disposition for each of the federal district courts. You also should consider whether the court is familiar with the parties or issues in the case. For instance, with patent cases, the litigation can be less expensive if the court has local patent rules or a judge specially assigned to patent cases.

No. 4: Know the court. You should either know the court and its local rules and customs or retain local counsel with this experience. This will avoid unnecessary time, research and mistakes (e.g., idiosyncrasies in the local rules, how to comply with filing requirements, how pretrial conferences or jury trials are held). Knowing the judge's temperament, style and reaction to certain issues will also help you to focus and avoid unproductive effort.

No. 5: Have a key client liaison. The more the client can do and do well, the less expensive the case will be. By contrast, litigation is far more expensive when there is poor client communication, the lawyer has trouble getting information and no one at the client has responsibility for assisting with the case. For case updates and strategic decisions, a corporate client's officer or in-house counsel is usually the primary contact. Additionally, you should have a client liaison who can facilitate witness interviews, fact-gathering and document collection, deposition scheduling and other day-to-day matters. Given all the time and follow-up this entails, it is not always practical for this person to be the client's officer or in-house counsel. The ideal candidate will know the organization well and have the authority, perseverance and communication skill needed to get the attention of others.

No. 6: Select vendors and experts with care. With electronic discovery vendors, you should always obtain price estimates (comparing "apples to apples") for collecting, processing and producing electronically stored information. This includes examination of per gigabyte processing charges, hosting fees and consulting fees. With court reporters, you again should know the costs in advance. You can limit transcript costs by not ordering an original, hard-copy (a manuscript by e-mail should be fine) or copies of exhibits (provided you identify them on the transcript and can keep them organized). With experts, you should ensure that the testifying expert's team is lean. Because it is the testifying expert who ultimately will testify, it can be inefficient and expensive for the expert to be supported by several

Continued On Page 11

Continued from Page 10

subordinates. With Fed. R. Civ. P. 26(b)(4)(C), you may be able to avoid hiring a separate consulting expert because the attorney and testifying expert's communications are now generally protected from discovery.

No. 7: Try to get along with opposing counsel. If you can get along and reach reasonable compromises with opposing counsel,you will serve your client's interests and help to keep litigation costs under control. The Fed. R. Civ. P. 26(f) conference should be in-person, over lunch, and should thoroughly address discovery limits, form of production, privilege and other issues in a cooperative way. When your client will not be prejudiced and the favor may be returned, you should agree to reasonable requests for time extensions. Although you must be aggressive in advancing your client's position, being civil as well as personable will help limit unnecessary discovery disputes, extensive letter-writing campaigns and other time-wasting skirmishes.

No. 8: Allow opposing counsel to inspect and copy documents at their expense. The production of documents and electronically stored information is often the most expensive part of any litigation. Yet, in many cases, less than 1 percent of the production will ever be admitted at trial. When you anticipate this and there is asymmetry with the parties' resources or anticipated production, you should consider making voluminous hard-copy documents available for inspection and copying by the other side at their expense. This is most appropriate when the documents are covered by a strict protective order, are not controversial and are known to not contain privileged material. For example, in a patent infringement case involving years of research and development, this could be appropriate with lab notebooks or testing documents. In a case over a troubled merger or asset sale, this could be appropriate with due diligence documents shared with the other side before the transaction. Your client will save a small fortune if the other side pays for its own copying and you review just what the other side has selected.

No. 9: Limit e-mail production by custodians, search terms and date range. In all cases, you should limit the scope of e-mail discovery to certain custodians, by identified search terms and by date range. There is growing legal support for limiting the scope and costs of electronic discovery. Under Fed. R. Civ. P. 26(b)(2)(C), the court must limit the scope of proposed discovery if "the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues." The Model Order Regarding E-Discovery In Patent Cases, endorsed by Federal Circuit Chief Judge Randall Rader and now entered by many district courts, is also very helpful. Absent leave of court or party agreement, a requesting party may seek e-mail only from five custodians per producing party and is limited to five search terms per custodian,with the terms "narrowly tailored to particular issues" and "combined with narrowing search criteria that sufficiently reduces the risk of overproduction." This is the right approach in many cases.

No. 10: Seek agreement on a narrowed privilege log and a no-waiver order. Even with the best review tools, the creation of a privilege log can require countless hours in reviewing and describing all the documents being withheld for privilege. Most of the time, the log does not advance the litigation and merely reflects dozens of documents that actually are privileged. To reduce or eliminate this cost, you should ask the other side to agree that the log need not include privileged documents generated after the lawsuit was filed; need not include litigation counsel's correspondence with the client; or, with some cases, need not be created at all. For protection of all parties and again to reduce costs, it is also wise to enter into a no-waiver order,as contemplated by Fed.R.Civ.P. 26 (b)(5)(B) and Fed. R. Evid. 502. With a no-waiver order, the parties agree that, when a producing party notifies the receiving party that a document is privileged and was inadvertently produced, there has been no waiver and the document will be promptly returned or destroyed.

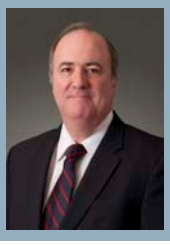
No. 11: Pursue cost-shifting for discovery. This is also appropriate when there is asymmetry between the parties' resources and anticipated production. When the requesting party expects the producing party to pay for the production, there is little incentive to serve targeted discovery requests. By contrast, when the requesting party is required to pay, the requests can suddenly become far more reasonable. To pursue cost-shifting, you should rely on Fed. R. Civ. P. 26(b)(2)(C) as well as Fed. R. Civ. P. 26(b)(2)(B), which provides that a party need not produce "electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost." Again, the Model Order Regarding E-Discovery In Patent Cases is helpful. Should a party seek e-mail from more than five custodians or the number agreed by the parties or the court, "the requesting party shall bear all reasonable costs caused by such additional discovery." When the requesting party refuses to pay the costs of far-reaching discovery, this can be a tell-tale sign to the court that the discovery is in fact overbroad and unduly burdensome,and should be restricted.

No. 12: Stipulate to facts not in dispute. It is never a bad idea to ask opposing counsel what they seek from a deposition or a broad discovery request and to then consider whether you can save money and short-circuit matters by stipulating to basic facts not in dispute. When the facts are clear, the early use of stipulations can avoid costly discovery and testimony about corporate hierarchy and organization issues, communications and conduct between the parties or other matters that otherwise would require discovery and trial testimony. For example, if representing the customer of an alleged patent infringer, you may be able to avoid exorbitant document and deposition discovery into years of sales and financial records by stipulating under oath that it sold the alleged infringing product and generated certain revenue over the relevant period. If presented with a motion to compel or your motion for a protective order, the court may limit broad discovery when it understands you have clearly offered to stipulate under oath to the very facts at issue.

When our clients have a dispute, we want them to have the opportunity to have a judge or jury decide the merits. Without creativity and discipline, however, it is very easy for a zealous, well-intended counsel to over-lawyer a case such that the client can no longer afford it. This can also happen simply because litigation can be very expensive. For the good of our justice system, our clients and our own professional fulfillment, we should push back and look for efficiencies to streamline every case. Settle where appropriate, and smartly litigate the rest.

Damon W.D. Wright, a partner in Venable's Washington office, is a first-chair trial attorney focusing on commercial, business tort, advertising,and intellectual property litigation for clients including government contractors, retailers, financial services firms, manufacturers, technology companies, investment groups and construction firms. He can be reached at dwdwright@ venable.com.

WORDS FROM OUR IMMEDIATE PAST PRESIDENT



By Sean F. Murphy
McGuireWoods LLP

It's hard to believe that as I write this column, I am entering the last few days of my Presidency of the Northern Virginia Chapter. It has been a very enjoyable year for me, and I thank you for the privilege of serving as your President.

I can end the year with good news that some of you already know. The Federal Bar Association formally gave our Chapter two awards at the FBA National's Annual Convention in San Diego last month. Once again, our Chapter won the Presidential Achievement Award, an award we have now won several times in recent years. This year, after a brief, one-year hiatus, we once again received the Meritorious Newsletter Recognition Award. George Kostel, our Membership Chair and National Delegate, received these awards on behalf of the Chapter in San Diego.

These awards are the result of the combined efforts this past year of all the other officers and directors of the Chapter. As a result of their efforts, we offered a series of Chapter programs and events that were well attended and drew consistent praise from both bench and Bar for their content. Their excellent led the National to once again recognize the achievements of our Chapter. Specifically, I wish to thank our President-Elect, Scott Caulkins, Vice-President Damon Wright, Treasurer, Caitlin Lhommedieu, Secretary, Anne Devens, Past President, Chas McAleer, and National Delegate Membership Chair, George Kostel and Directors Craig Reilly, Chip Molster and Magistrate Judge Ivan Davis. I also express great gratitude to our speakers and panelists of the Chapter programs as well to those who contributed articles and information for the Rocket Docket Newsletter.

This past year featured a mixture of both old and new in terms of programs and events. We began the year last October once again, with an Ethics program from Tom Spahn – through a new format – a luncheon at the Westin Hotel. Then in December, Chip Molster and Caitlin Lhommedieu once again joined forces, as in years past, to put on another outstanding Patent CLE focusing on the new Patent Act.

The New Year brought a new program on Qui Tam litigation that member Tom Connally organized as part of a luncheon program at the Westin Hotel. We then combined two programs in one week – one new and one old – in the last week of April.

Caitlin Lhommedieu, once again, organized our annual Introduction to the Courthouse Program. This year's program had, by far, the largest attendance this program has had in years – nearly 100 new Virginia Bar admittees attended this program to hear words of wisdom from the various judges, courthouse representatives and members of the Bar about how the courthouse in the Rocket Docket in the Alexandria Division works. That same week featured a CLE seminar on Internet Evidence that Chas McAleer worked on for over a year to bring to fruition.

May brought the Annual Bench/Bar Program that Craig Reilly led. Participating were all of the Magistrate Judges discussing the latest courthouse thoughts and issues on discovery disputes and other litigation matters. As always, the program featured a lively dialogue between the judges and our Chapter members.

In 2011, under the leadership of Chas McAleer, we revived our Annual Chapter Luncheon to great success. We continued this new tradition with a Chapter Luncheon this past June. The luncheon featured remarks from Judge Brinkema and a membership recognition award for Bill Cummings. We also gave awards of recognition and appreciation to Marie Hewitt and Lorri Tunney from the Clerk's Office for all of the support and efforts they have given over the years to make our Courthouse Program such a success.

July brought our newest and perhaps most successful program of the year – the review of key decisions from the 2011-2012 term of the United States Supreme Court. We had two superb speakers in Patty Millette and Don Ayers, with Timothy O'Toole as the moderator. The common consensus was that, even at 90 minutes, the program was too short and easily could have held the attention of the audience for considerably longer. The good news is that all of the panelists have committed to do it again next year, so it looks like we have a sterling new program that will become yet another annual Chapter standard.

Our Chapter year ended, as it always does, with the Torrey Armstrong Lecture and the Law Clerk Reception. Buoyed by the largest turnout in recent years, it featured wonderful remarks from Retired Judge Johanna Fitzpatrick. She spoke movingly of the need for all of us to find our heroes in the law. She encouraged all of us to emulate the courage, integrity, professionalism and outstanding career of her hero, the late United States District Judge Frank Johnson. The reception afterwards was a big success as members of the Chapter and the attending judges lingered into the evening to celebrate this event.

Another noteworthy feature of this year was the revival of our Chapter newsletter thanks to the combined efforts and hard work of Anne Devens and Laurie Hand. The success of their efforts is seen in the Newsletter Award from the National.

This year also marks the return of Laurie to the Chapter Board after her years abroad with her family. We are delighted to have her back and to benefit again from her excellent work.

As I step down, it is with pleasure that I pass the leadership baton to Scott Caulkins, my good friend and law school classmate. I know he will provide the Chapter with a year of excellent leadership and that the Board members will support him just as ably as they did me.

Thank you again for allowing me this year of service; it has been a very rewarding experience.

NOVA CHAPTER HOLDS ANNUAL MEETING

On June 20, 2012, the Chapter held its annual meeting at a luncheon at the Westin across the street from the courthouse. This was the second year that the annual meeting was held with this format and the program drew over 70 people, including many judges and their law clerks. At the meeting, the Honorable Leonie M. Brinkema was kind enough to deliver a "State of the Court" presentation in which she discussed various topics including changes in courthouse personnel, case statistics, requirements such as delivering hard copies of pleadings to Chambers within 24 hours of filing, and technology in the courthouse. Judge Brinkema also advised the Chapter membership that the Court was delighted to create scholarships at the law schools of George Mason University, William & Mary, Regent University and the University of Richmond with funds from pro hac vice admissions.

Bill Cummings receiving the Chapter's Excellence in Service Award from then-president Sean Murphy

Also during the Annual Meeting, the Board had the pleasure of bestowing the Chapter's Excellence in Service Award to member William B. Cummings. This award, instituted in 2011, was established to recognize a member of the Chapter, who through his or her integrity and professionalism, as well as his or her dedicated service to the Chapter, has set a standard to which all members of the Chapter should aspire. Bill was one of the initial founders of the Chapter when it was revived in the 1990's and one of its earliest officers and directors. His efforts along with those of the other early Board Members helped successfully launch and maintain our Chapter. Since serving as President, Bill has continued his active involvement in the Chapter and as a participant in our various programs. He also been an invaluable source of advice and information to those who have followed him as leaders of the Chapter.

We hope you will be able to join us for next year's annual meeting!

Upcoming National FBA Events

Upcoming events sponsored by the National Federal Bar Association can be found at www.fedbar.org

Here are some highlights:
February 1, 2013
Washington D.C./Baltimore Public Service Career Fair. Free. Location and time to be announced.

March 1, 2013 8 am - 7 pm
Federal Tax Law Conference at the Ronald Reagan Building

The Northern Virginia Chapter of the Federal Bar Association wishes to thank CRG Legal for providing printing services for the Introduction to the Courthouse Program. Please consider calling CRG's Adam Robinette at (703) 448-3838 for your printing and e-discovery needs.

The Northern VIrginia Chapter also thanks Intelligent Office for providing conference rooms for our Board Meetings. A description of their services appears on Page 9.

If you are interested in contributing to the Rocket Docket News, please contact Laurie Hand at Laurie_Hand@verizon.net or Anne Devens at adevens@fdic.gov