



# THE ROCKET DOCKET NEWS

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

NOVEMBER 2005

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## News from the President

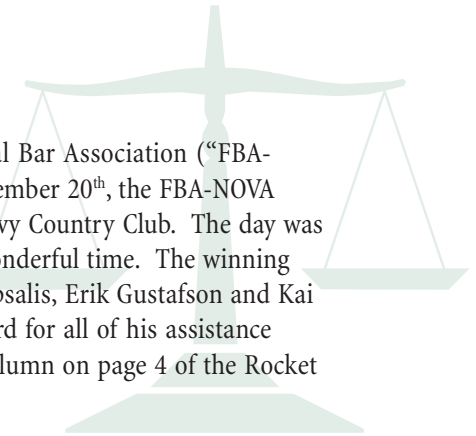
The Northern Virginia Chapter of the Federal Bar Association ("FBA-NOVA") has had a busy Fall season. On September 20<sup>th</sup>, the FBA-NOVA sponsored a golf tournament at the Army-Navy Country Club. The day was beautiful, and all of the participants had a wonderful time. The winning foursome included Marni Byrum, Manny Capsalis, Erik Gustafson and Kai Memmer. Special thanks to Jonathan Lienhard for all of his assistance organizing the tournament. (See the Member Spotlight column on page 4 of the Rocket Docket News regarding Jonathan and his practice.)

On September 27<sup>th</sup>, the FBA-NOVA sponsored the fourth annual Torrey Armstrong Memorial Lecture and ninth annual Judicial Law Clerk Reception at the George Washington Masonic Temple. We had a large turn out for the featured speaker, Robert Grey, Past President of the American Bar Association. He gave an inspiring talk about his experiences as President of the ABA and the opportunities it provided him to promote the American Jury Project. Following his lecture, the judges of the Alexandria Division of the United States Court for the Eastern District of Virginia introduced their new judicial law clerks, and everyone enjoyed drinks and hors d'oeuvres.

Finally, on October 11<sup>th</sup>, Judge Stephen S. Mitchell of the United States Bankruptcy Court generously took the time to speak to the FBA-NOVA regarding the new changes to the Bankruptcy Code occasioned by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. Judge Mitchell provided an overview of the new law, which even a non-bankruptcy lawyer such as myself could understand. We deeply appreciate his willingness to speak to our organization.

The Board of Directors has big plans for the upcoming year. In addition to CLEs in the Winter and Spring, the FBA-NOVA will once again sponsor its annual Introduction to the Courthouse Program, which provides a terrific opportunity for young lawyers to gain admission to the bar of the United States Court for the Eastern District of Virginia, to meet some of the judges and other members of the court family, and to obtain CLE credit all at the same time.

As President this year, I look forward to continuing in a long tradition set by my predecessors in helping to provide unique legal educational opportunities as well as opportunities to spend time together socially with fellow lawyers, whether adversaries or colleagues, and other members of the court family through the FBA-NOVA. I hope that many of you who are already members will attend our programs this year and that you will urge your friends and colleagues to join our organization. Please feel free to contact me or any of the members of the Board of Directors if you would like to become more involved in the FBA-NOVA. I can be reached at [michael\\_nachmanoff@fd.org](mailto:michael_nachmanoff@fd.org). I look forward to seeing all of you in the near future.





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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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## National Delegate's Report: 2005 FBA Annual Meeting

Suzanne Little, National Delegate for the FBA-NOVA, attended the FBA annual meeting and convention in Fort Lauderdale in late September. She reports that the convention was well attended and offered an interesting array of civil and criminal CLE programs. The hot ethics topic, namely the ethical dilemmas for bankruptcy petitioners under the new bankruptcy laws, earned Suzanne's deep respect and sympathy for bankruptcy practitioners. The Circuit breakout meetings were held on Friday afternoon, and the Fourth Circuit meeting involved good networking opportunities among the local FBA chapters. The final session was devoted to discussing upcoming FBA events and issues. Of particular interest to the FBA-NOVA is the possibility of the National FBA advocating for the construction of a regional federal detention center that could be utilized by EDVA, the District of Columbia, Greenbelt and Baltimore.



## New Cell Phone Policy At Alexandria Courthouse:

In September 2005, the U.S. Marshals Service eliminated the ability of attorneys and other visitors to the Alexandria courthouse to store temporarily their cell phones and other electronic devices in lockers immediately inside the entrance to the courthouse. As reported on the Court's website: "On September 15, 2005, the U.S. Marshals Service ended its practice of storing cell phones and other electronic devices that visitors bring to the U.S. District Courthouse in Alexandria. You will be unable to enter the building if you bring these devices. Cell phones, pagers, personal digital assistants, cameras, tape recorders, laptop computers and other electronic devices have been prohibited in the courthouse for almost a decade. Visitors who mistakenly brought them had been able to store them in small lockers near the front door. The lockers were discontinued for logistical and security reasons. All visitors to the courthouse are covered by this policy. However, as was previously the case, attorneys who require laptops for their courtroom presentations can bring them provided they have prior written approval from a judge." The practice of allowing temporary storage of cell phones and other electronic devices continues at certain other courthouses in the Eastern District.

On November 7, 2005, Michael S. Nachmanoff, Chapter President, sent a letter to the Honorable Claude M. Hilton expressing the Chapter's concerns regarding

the decision to ban temporary storage of cell phones and other electronic devices and requesting reconsideration of that decision. In his letter, President Nachmanoff expressed the Chapter's sensitivity to the concerns of the U.S. Marshals Service regarding security, but recounted the difficulties the recent decision has created for the substantial number of out-of-town attorneys and others traveling to the courthouse by Metro or taxis. The recent decision has also precluded communication between attorneys and clients (particularly defendants in criminal cases) traveling to the courthouse for hearings or trials who have been delayed by traffic or other causes. In many instances, visitors to the courthouse have been forced to leave their cell phones and electronic devices outside the courthouse, raising new and unintended security concerns. President Nachmanoff offered the Chapter's assistance to the U.S. Marshals Service in encouraging attorneys and visitors to avoid bringing cell phones or other electronic devices to the court, whenever possible. The *Rocket Docket News* will report any developments on this issue in the next issue. Members are encouraged to inform President Nachmanoff or other Chapter board members of any problems or issues members are encountering as a result of the U.S. Marshals Service's September 15, 2005 decision. Members are also encouraged to provide such feedback to Mr. Edward Adams, the Public Information Officer for the Court, at [edward\\_adams@vaed.uscourts.gov](mailto:edward_adams@vaed.uscourts.gov)."



## *Transitions: Former Chief Judge Hilton To Take Senior Status and U.S. Attorney Paul S. McNulty Nominated for Deputy AG Position.*

It was recently announced that former Chief Judge **Claude M. Hilton** will take senior status, effective December 31, 2005. Always supportive of the Chapter's activities, Judge Hilton was nominated to the federal district court by President Ronald Reagan in May 1985 and confirmed that same year. He served as Chief Judge of the Eastern District from 1997 to 2004. During his tenure on the bench, Judge Hilton has presided over several high-profile criminal cases, including the spy cases of Aldrich H. Ames in 1994 and Phillip Hanssen in 2002 and the United Way corruption case of William Aramony in 1995. Judge Hilton also issued many frequently-cited decisions in a broad range of civil cases, including several recent decisions in the areas of intellectual property, anti-cybersquatting and domain name disputes.

Prior to joining the bench, Judge Hilton had an active private practice based in Arlington County and served twice in the Commonwealth Attorney's office in Arlington County. He has also been very active in various bar and community activities. It is expected that Judge Hilton will maintain a very active caseload while in senior status.

Virginia's two U.S. Senators have asked bar organizations in the Commonwealth to submit recommendations to fill Judge Hilton's seat by December 31, 2005. In a recent joint letter, Senators Warner and Allen stated that, in early 2006, they "will be meeting with Virginians interested in this very important position in preparation for sending our recommendation to the president." Various bar organizations have set deadlines for submission of applications and interviews of candidates.

Meanwhile, on October 21, 2005, President Bush announced his nomination of the Eastern District's U.S. Attorney, **Paul J. McNulty**, to serve as Deputy

*continued*

## Clerk's Corner

### "Turning Back Time"

**New (Old) Hours:** The district court judges recently decided to return to the regular Clerk's Office hours that had existed prior to a November 2004 change. As recently reported by the Clerk's Office: "At the annual judges' meeting held [in October 2005], the district judges agreed that it was time to go back to the regular Clerk's Office hours. The decision was based primarily on two factors: (1) the Court's caseload has decreased dramatically over the past 12 months and (2) the Clerk's Office was able to fill most of its vacancies over the past year. Because the reasons the public hours were reduced in November 2004 are no longer valid, the Clerk's Office is once again in a position to offer services during regular office hours."

"Effective Monday, October 17, the regular Clerk's Office hours will go back into effect. The Clerk's Office in each division (Alexandria, Newport News, Norfolk, and Richmond) will be open to the public from 8:30 a.m. to 5:00 p.m., Monday through Friday (except government holidays, when the courthouse is closed).

"The judges acknowledged that a number of Clerk's Office customers use the drop boxes and many actually prefer filing pleadings in the drop boxes. Therefore, the drop boxes will remain in place and will continue to be available to our customers."

"The Court's web site, posted signs, and any informational materials noting our office hours will be updated within the next few days to show the public hours to be 8:30 a.m. to 5:00 p.m."

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:

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M E M B E R

## SPOTLIGHT

### Jonathan Leinhard



Jonathan is a long time resident of northern Virginia. He grew up in Alexandria and later graduated from Gonzaga College High School in Washington, D.C. After graduating from the University of Notre Dame with a B.A. in history and philosophy, Jonathan

attended Notre Dame Law School and received his Juris Doctor in 1997.

Following law school, Jonathan was stationed in Norfolk, Virginia as a Navy JAG Corps Lieutenant. He served as a naval prosecutor, an assistant staff judge advocate on board an aircraft carrier, and as a Special Assistant U.S. Attorney in the Eastern District of Virginia. After leaving the Navy in January 2001, Jonathan practiced commercial litigation and white collar criminal defense at McKenna & Cuneo, LLP in Washington, and then at Richards McGettigan Reilly & West, P.C. in Alexandria. Today, Jonathan is an associate at Troutman Sanders, LLP in McLean, Virginia, where he practices in the firm's complex litigation and special investigations practice groups. He is admitted to practice before the state and federal courts in Virginia, Maryland and the District of Columbia.

Jonathan joined the Federal Bar Association in 2002 and served on the committee responsible for organizing the 2002 national convention in Northern Virginia. More recently, in September, he organized and sponsored the northern Virginia Federal Bar Association Golf Tournament at Army Navy Country Club in Arlington. Jonathan is a participant in Leadership Alexandria. He and his wife, Colette, live in Alexandria.

### *Transitions....continued*

Attorney General in the U.S. Department of Justice, which is the No. 2 position responsible for, among other things, managing the Justice Department's day-to-day operations and representing the Justice Department in its interactions with Congress. No stranger to Capitol Hill, McNulty became counsel to the House ethics committee in 1983 shortly after graduating from law school. After four years in that position and subsequent jobs in the Justice Department and private practice, McNulty became chief counsel and director of communications for the House Judiciary Committee during the time of Whitewater investigation and the impeachment of President Clinton. Following the announcement of McNulty's nomination, U.S. Senator Charles Schumer (D-N.Y.), who served on the House Judiciary Committee during the Clinton impeachment proceedings, issued a statement regarding the nomination: "I know Paul McNulty, and he's got the experience and temperament to be very successful at the Justice Department."

McNulty became U.S. Attorney for the Eastern District on September 14, 2001, just days after the 9-11 terrorist attacks. During his tenure, the staff of attorneys in his office grew from approximately 93 to more than 120 full-time lawyers, and his office's budget increased significantly as well. His office has handled various high-profile prosecutions, including the terrorist case of Zacarias Moussaoui and the case of John Walker Lindh. On February 18, 2005, McNulty also announced "a procurement fraud initiative to promote the early detection and prevention of procurement fraud associated with the increase in contracting activity for national security and other government programs." The initiative included the formation of an inter-agency Procurement Fraud Working Group to investigate and prosecute procurement fraud.

Pending confirmation, McNulty will serve as acting Deputy AG. As of this article, Senate confirmation hearings have not been scheduled.

The Chapter takes this opportunity to thank both Judge Hilton and U.S. Attorney McNulty for their dedication and contributions to the federal judicial system in the Eastern District.

### ***Chapter Supports FBA Foundation's Hurricane Katrina Disaster Relief Efforts:***

The Foundation of the Federal Bar Association recently established a Hurricane Katrina Disaster Relief Fund to support legal assistance and/or professional support for those affected by the disaster. According to the Foundation, "one hundred percent of the money donated to this fund will go directly to the relief effort – no administrative overhead or fees will be charged." To support the victims of the disaster and the efforts of the FBA, the Chapter, which has funds available from activities such as hosting the FBA Annual Convention, will make a contribution to the FBA's Katrina Disaster Relief Fund. Any members interested in making individual contributions should contact the Foundation directly at [foundation@fedbar.org](mailto:foundation@fedbar.org) or 202-785-1614.