



**ITINERARY FOR THE SEPTEMBER 21, 2011 MEETING OF THE  
GEORGE MASON AMERICAN INN OF COURT**

**Program Title:** "What Makes a Judge Have a Smiley Face?"

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**STUDENT PRESENTERS:**

Megan Marinos  
David Hartmann  
Cara Tucker  
Carly Humphrey

**BARRISTER OF THE INN:**

Raymond D. Battocchi, Esq.  
Gabeler Battocchi  
1320 Old Chain Bridge Road  
McLean, VA 22101

**GUEST SPEAKERS:**

Honorable Anthony J. Trenga  
United States District Court, Eastern District  
of Virginia

Honorable Thomas D. Horne, Chief Judge  
Loudoun County Circuit Court

Honorable Thomas P. Mann  
Fairfax County Juvenile & Domestic  
Relations District Court

Honorable Penney S. Azcarate  
Fairfax County General District Court

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- I. Introduction – Raymond D. Battocchi, Esquire  
(7:30 pm - 7:33 pm)
- II. What Makes Judge Trenga Smile? – The Honorable Anthony J. Trenga, U.S. District Court, Eastern District of Virginia  
(7:33 pm – 7:43 pm)
- III. Using Technology to Improve Efficiency – The Honorable Thomas D. Horne, Chief Judge, Circuit Court of Loudoun County  
(7:43 pm – 7:53 pm)
- IV. Secrets a Good Lawyer Already Knows – The Honorable Thomas P. Mann, Fairfax County JDR Court  
(7:53 pm – 8:03 pm)
- V. Judge Azcarate's Top Ten Dos and Don'ts – The Honorable Penney S. Azcarate, Fairfax County GDC  
(8:03 pm – 8:13 pm)
- VI. Panel Discussion and Questions from the Floor – Moderated by Raymond D. Battocchi, Esquire

JUDGE TRENGA

**Anthony John Trenga is currently a judge for the United States District Court for the Eastern District of Virginia, located in Alexandria, VA. Originally from Wilmerding, Pennsylvania in Western Pennsylvania, he was an undergraduate at Princeton University and its Woodrow Wilson School of Public and International Affairs and earned his law degree at the University of Virginia. He was a law clerk for federal district judge Ted Dalton and then entered private practice. From 1975-1998, he practiced law with the law firms of Sachs, Greenebaum & Tayler and Hazel & Thomas. In 1998, he joined the Washington, D.C. law firm of Miller & Chevalier, where he served as chair of the Litigation Department and remained until nominated to be a judge in the United States District Court for the Eastern District of Virginia. He was confirmed unanimously by the United States Senate on September 26, 2008 and sworn in on October 15, 2008. He is a fellow of the American College of Trial Lawyers and a Fellow of the International Society of Barristers.**

## WHAT MAKES JUDGE TRENGA SMILE

### GLOBAL ISSUES

1. **Local Rules** (<http://www.vaed.uscourts.gov/localrules/index.html>)

It is an attorney's responsibility to *study* and *understand* all local rules. It is critical that attorneys understand the differences between state and federal courts. Deadlines vary from court to court and a judge will not accept the excuse that it was the first time you tried a case in that particular court. Your goal should be to make a good first impression, not highlight your inexperience.

2. **Address the Court**

Attorneys often forget that when appearing in court you are expected to address the court, not opposing counsel.

*REMINDER: Beginning with, "May it please the court" is always appreciated, if not preferred.*

### PRE-TRIAL ISSUES

1. **Know the Facts**

It is critical that attorneys have a mastery of the facts. Too many lawyers appear in court only knowing the major facts and overlooking some minor facts that could be important to the judge hearing the case. In order to appear competent and prepared, attorneys should be sure to study the facts of the case prior to appearing in court. Lacking a mastery of the facts could result in loss of credibility with the court.

**Focus on the Tough Issues & Bad Facts**

Do not avoid the bad facts. It is necessary that attorney's take on the tough issues and be prepared with a thorough understanding of the opposition's strengths. Knowing the opposing argument and being able to counter it effectively will help persuade the judge. The judge will focus on the tough issues and the difficult facts that may work against your argument. Shying away from these issues will merely make you appear weak. You want to address what the judge is thinking about and include these points in your brief. Do not wait to address these weaknesses in oral argument.

**Do Not, Under Any Circumstances, Misrepresent The Facts, Or The Case Law.**

2. **Quality over Quantity**

A longer brief is not necessary a more persuasive brief. Attorneys should edit their work and tell the judge exactly what he/she needs to know. An attorney's goal should be making his/her message clear to the judge, not forcing the judge to sift through the many pages of an oversized brief.

### 3. Summary Judgment

Attorneys must know the rules for summary judgment in federal courts. Summary judgment must be filed at an appropriate time and should be filed *as soon as possible*. Attorneys should NOT wait to file for summary judgment until after the pre-trial conference. Judge Trenga prefers to have summary judgment hearings no later than 30 days before the trial date.

*REMINDER: Summary judgment does exist in federal courts!*

#### **Pro Se Litigants**

In *Roseboro v. Garrison*, the Fourth Circuit held that attorneys are required to provide pro se litigants with "fair notice of the requirements of the summary judgment rule." *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 1975) (quoting *Hudson v. Hardy*, 412 F.2d 1091, 1094 (D.C. Cir. 1968)). The "form of notice [needs to be] sufficiently understandable to one in appellant's circumstances fairly to apprise him of what is required." *Id.*

### 4. Know the Relief You Want

This recommendation particularly pertains to preliminary injunctions. Not knowing the particular relief you are requesting is completely unprofessional and results in a loss of credibility with the court.

**TRIAL ISSUES:** "Know the basic blocking and tackling!"

#### 1. Know the Rules of Evidence

A lack of understanding of the rules of evidence is exposed in nearly all stages of the litigation process. Mastering these rules earns you the respect of the court as well as the respect of a jury.

##### **The Hearsay Rule**

Know this rule! Specifically, know how to put expert reports into evidence. Stumbling through this process not only reveals your inexperience to the court, but also results in a jury who thinks you do not know what you are doing. An attorney's goal is to persuade. Someone who appears confused and unknowledgeable persuades no one.

#### 2. Choose your Exhibits Wisely

Rather than swamp the Court with witness and exhibit lists containing unnecessary witnesses or evidence, take the time to edit. As an attorney, you should only submit to the court those exhibits that are not merely going to help your case, but help the judge make an informed decision. Be sure to identify what you need to prove and the evidence needed to win.

#### 3. Witness Examination

Watching filler language and nonverbal behavior. Do not say "ok" after each answer. Also, do not provide editorial commentary on responses or interject personal commentary

as a preface to questions. The judge knows what you're trying to do and he/she will not be pleased that you are doing it.

### **Direct Examination**

Take care not to lead on direct examination. It is appropriate to lead in order to develop background for the testimony, but continuing to lead only reveals (1) inexperience, (2) lack of understanding of evidence rules, and/or (3) lack of respect for evidence rules. Stick to the "Who, What, When, Where, Why, and How" questions.

### **Cross Examination**

It is necessary that an attorney know how to properly impeach a witness. Know the difference between refreshing recollection, impeachment through prior inconsistent statement, and excluded statements that are prior consistent statements. Lack of understanding of these differences will draw objections, revealing inexperience.

### **Redirect Examination**

Be sure to use redirect appropriately. Attorneys often go beyond the scope of cross examination or simply ask the witness to repeat something they said earlier in direct examination without responding to something that was discussed in cross examination.

## **4. Jury Instructions**

Spend time on the case specific instructions. Focus on what instructions will need to be tailored to the evidence. Know recent case law on the issues of your case.

*REMINDER: Juries read and rely on these instructions!*

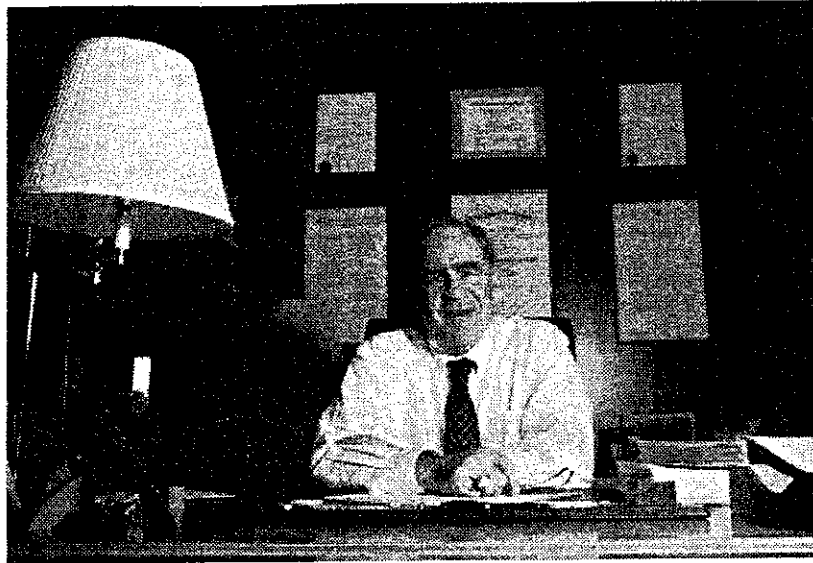
## **5. Deposition Testimony**

Carefully consider whether to use deposition testimony at all. If you decide to use deposition testimony:

- Identify the testimony that you actually plan to introduce at trial.
- Bring any unresolved objections to deposition testimony to the Court's attention *well in advance of trial*.
- Edit the transcript or recording to omit (1) irrelevant testimony; (2) any testimony to which an objection has been sustained; (3) objections; and (4) colloquies between counsel related to objections.
- Confirm that the transcript or recording has been properly edited before it is published.

JUDGE HORNE

## Citizen of the Year: Judge Thomas D. Horne



Judge Thomas D. Horne is the Loudoun Times-Mirror's Citizen of the Year for 2010, not only for his work from the bench but also for his decades of community service throughout the county. -Times-Mirror File Photo/Lisa Johnson

When looking over the list of Times-Mirror Citizens of the Year since 1963, there is one man whose name could have been listed for the honor any one of the last 25 to 30 years.

Not only is Leesburg resident Thomas D. Horne regarded as one of the most respected circuit court judges in the commonwealth of Virginia, but he has also dedicated countless hours to volunteering in Loudoun.

From youth sports leagues to civic organizations to special committees – you name it, and Horne has probably had something to do with it or in many cases, even founded it.

But the way he's gone about all these accomplishments with a quiet humbleness often can make Horne go unnoticed to Loudoun residents, and that's the way he would have it.

He once told the Times-Mirror that he likes to start projects, see them through until they become successful, then hand them off to other capable hands so that they continue.

That way, "it doesn't become your thing, but everybody's thing," Horne said.

His sense of community coupled with his stellar career in Virginia's judicial system makes Thomas D. Horne the perfect choice for the Loudoun Times-Mirror's Citizen of the Year for 2010.

### **A respected judge**

After growing up in Baltimore, Horne decided during his senior year at Muhlenberg College in Pennsylvania to pursue a career in the law. He graduated from the College of William & Mary's Marshall-Wythe School of Law in 1969.

From there, he served as a captain in the United States Marine Corps, where he worked as a criminal defense lawyer and a judge.

Horne has been a presence in the Loudoun legal community since 1972, practicing law as an assistant commonwealth's attorney and in private practice for eight years before becoming the county's first full-time elected commonwealth's attorney.

In 1982, Horne was appointed as a circuit court judge, where he has served ever since, building a reputation as one of Virginia's finest. In 2009, he received the Harry L. Carrico Outstanding Career Service Award, a statewide honor.





*Judge Thomas D. Horne*

"Judge Horne is one of the most respected circuit judges in the commonwealth of Virginia," said Justice Bill Mims, who represented Loudoun in Virginia's General Assembly before serving in the state attorney general's office and now sits on Virginia's Supreme Court.

Mims said one of Horne's biggest accomplishments statewide is preparing what's known as the bench book, a guide that judges around the state use.

"In that regard, he is a mentor for all new and continuing circuit judges," he said.

Before serving as a state delegate and senator, Mims practiced law before Horne in Loudoun. He said that if things he has learned from Horne are reflected in his Supreme Court service, then that service is definitely better than it would have been without Horne's influence.

"I never told him at the time that he was a mentor, but in many ways he was, by demonstrating to me the highest standards of judicial temperament and fairness," Mims said.

Judge Burke McCahill, Horne's colleague on the bench, who was once a defense attorney when Horne was a prosecutor, agreed with Mims' assessment.

"Judge Horne has always been known as courteous and respectful of all litigants, patient and dignified," McCahill said. "Most of all, I think he shows a tremendous work ethic here and throughout his career."

Alice Alkire, who is the office manager for the judges, said that Horne's work ethic and caring attitude toward everyone show in "the respect that he commands from everyone in the community."

Loudoun County Clerk of the Circuit Court Gary Clemens also noted Horne's work ethic, saying that often when he leaves the courthouse at 7:30 p.m. or later, Horne is still in his office working on opinions or reading court files.

Clemens said Horne is always willing to help him with historical-records projects and new technology measures. For example, Horne was the first judge to try out the digital docket, a system Clemens initiated in which all the cases for the day are posted on video monitors throughout the courthouse.

"I've been the clerk here for 11 years, and it's been a privilege to work with him," Clemens said, noting that that isn't always the case between circuit court clerks and judges in other jurisdictions. "He's certainly made my job easier."

Horne also makes time for the attorneys throughout Loudoun, said Jon Huddleston, a local lawyer who is past president of the Virginia State Bar.

"He must be the single most accommodating jurist in the commonwealth of Virginia," Huddleston said. "He works very hard to ensure that litigants get time before the court to have their matters heard, and this is often a very difficult thing to accomplish."

**George Mason Inn of Court  
September 21, 2011 Meeting  
What Makes a Judge Have a Smiley Face?**

**Judge:** Judge Thomas D. Horne, Chief Judge  
20th Judicial Circuit of Virginia

**Subject:** Thinking Outside the Box: Using Technology to Improve Efficiency

***Preliminary Questions for Every Practicing Attorney***

- What technology resources does my local courthouse provide?
- Am I taking full advantage of those technologies?
  - Example: Video conferencing for international or out-of-state depositions

***Thinking Outside the Box***

- Statutes and Rules
  - Read and understand the Code with an eye toward technology and efficiency.
  - For example, how can you incorporate the use of technology into the rules of evidence or the discovery process?
- Time Management
  - How can technology improve time management for you, for your client, and for the court?

***Efficiency and the Court***

Attorneys should strive to provide the presiding judge with the following:

- An honest estimate of the timing of a case.
- A clear and concise outline of the case in consideration of your audience (judge vs. jury).
- Electronic copies of filings
  - Format:
    - Word and PDF
  - How:
    - CD
    - USB Flash Drive
    - E-mail
  - What:
    - Memos and briefs with hyperlinks to cases
    - Privilege list
    - Jury instructions

JUDGE MANN

**Thomas P. Mann**  
Fairfax County Juvenile & Domestic  
Relations District Court  
4110 Chain Bridge Road  
Room 304  
Fairfax, Va. 22030  
(703) 246-3015  
Thomas.Mann@FairfaxCounty.gov

**EDUCATION:**

New York University (B.A. Political Science, 1987)  
American University, Washington College of Law (J.D., 1990)

**CURRENT POSITION**

**CHIEF JUDGE,** Fairfax County Juvenile & Domestic Relations Court. Sworn in: February 6, 2006.

**PREVIOUS POSITIONS**

**PARTNER,** Greenspun & Mann, P.C. 10605 Judicial Dr. Ste A5 Fairfax, Va. 22030-5167

I was a partner in an A.V. rated law firm in Fairfax City, Virginia. I practiced in all trial and appellate courts in Virginia. As well, I was admitted in Maryland and the District of Columbia and was specially admitted to practice in Federal Court in Oregon.

The majority of my practice dealt with the criminal and civil representation of children, adults and families in the Juvenile & Domestic Relations and Circuit Courts in the Commonwealth of Virginia. Additionally, my practice involved, personal injury, contract, construction and other areas of litigation as well. I also was involved in litigation in the General District and Federal Courts on a regular basis. I have been a member of the Virginia State Bar since 1990.

**SUBSTITUTE JUDGE**

**19<sup>th</sup> Judicial District**

Elected April 4, 2000 by the Judges of the Fairfax Circuit Court.

I presided in the Juvenile & Domestic Relations and General District Courts in Fairfax, Arlington, Loudoun and Alexandria. I typically sat as a Judge approximately one day each week. I heard every type of Juvenile & Domestic Relations matter: civil and criminal motions, criminal (misdemeanor and felonies) and traffic cases, termination of parental rights, foster care, abuse and neglect, consent for medical treatment, custody, visitation, child and spousal support. In the General District Courts, I routinely presided over traffic cases and preliminary hearings on felonies.

**CURRENT PROFESSIONAL ACTIVITIES:**

Member of the Judicial Conference of Virginia for District Courts: Law Revision Committee

Member: Joint Committee of School Superintendents and Judges Committee

**PAST PROFESSIONAL ORGANIZATIONS. HONORS AND AFFILIATIONS:**

Former VICE-CHAIR and Judicial Appointee: Fairfax County Citizens Advisory Committee on the Juvenile & Domestic Relations Court

Fairfax Bar Association

Virginia Trial Lawyers Association

Substitute Judge since April, 2000

AV<sup>©</sup> Rating; Martindale-Hubbell  
Legal Directory

Washingtonian Magazine; 12-2004 - "Who to call when you are under arrest."

The Association of Trial Lawyers of America

Virginia Association of Criminal Defense Attorneys

George Mason American Inns of Court

Past President, Manors at Wolftrap HOA

**BAR MEMBERSHIPS:**

Virginia State Bar

- Former Secretary, 5<sup>th</sup> District, §2 disciplinary committee

District of Columbia Bar

Maryland State Bar

United States District Court (E.D. Va.)

United States Bankruptcy Court (E.D. Va.)

United States District Court (D.C.)

United States District Court for Maryland

United States Court of Appeals; 4th Circuit

United States Supreme Court

**PAST BAR AND OTHER PROFESSIONAL ACTIVITIES:**

Fairfax Bar Association, Judicial Screening Committee

Lawyer-Doctor Program - Fairfax County Public Schools

Fairfax Bar Association Court Tour Program - Fairfax County Public Schools

Speaker to at risk youth - Devonshire Center - Fairfax County Public Schools

Judge, Fairfax County Public Schools Annual Mock Trial Competition

Speaker to DASA (Domestic Abuse and Sexual Assault) program on how to effectively represent victims in the court system

Moderator, VTLA Annual Criminal Law Seminar

Moot Court Judge; American University & George Mason University Law Schools

Sponsor; Fairfax County Juvenile & Domestic Relations Court Annual Charity Golf Tournament

Coach, George Mason University Law School Trial Competition - Champions - October, 2005

Internship Supervisor, George Mason University Law School Family Law Clinic

Participant, Fairfax County Young Drivers Summit

Circuit Court Committee (1995)

General District Court Committee (1994)

Editor, Fairfax Landlord/Tenant Manual

Professionalism Committee (1995) Fairfax

County Courthouse Open House

Participant - Juvenile Court Production - Fairfax Chocolate Lovers Festival

LSNV, *Pro Bono* Housing Law Project

Fairfax Bar Association Lawyer-Doctor Program

Former Sunday School Teacher

Former Court Appointed Special Advocate (CASA) for children in foster care while in college

Assistant Director of the New York Summer Youth Employment Program while in college

Panel Presentation  
Thomas P. Mann  
George Mason Inn of Court  
September 21, 2011

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Rule no. 1 – don't re-invent then wheel – “*A good lawyer*”

# A GOOD LAWYER™

Secrets Good Lawyers  
[and their best clients]  
Already Know

<http://patriot.net/~comiskey/book.html>

© 1996 Stephen W. Comiskey

Here I have tailored the wheel to my purposes, another good thing  
for a lawyer to know.

.....  
You are the messenger not the message.

After each prospective client has told you their story, but before you tell them what you think, ask them what they want and why. Their responses may surprise you. After you've found out what *they* really want, then tell them honestly and realistically whether or not you can help them get it.

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As a trial lawyer at trial you are a hired gun. If you try to be something more than that, you will be something less.

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Treat the judge as the first among equals.

but

Never assume the judge knows anything.

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Watch other trial lawyers perform. Study their successes and failures. Take as your own whatever you can wear comfortably and naturally. But remember everything takes practice and few things feel comfortable or natural the first time you try them on.

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In court, argue to the judge about your opponent's arguments, not about your opponent. Judges abhor bickering between counsel. (Not Mr. Jones says...)

therefore

When your opponent concentrates on the personalities involved (including yours) , rather than on the facts, the issues and the law, it usually means that they think you're holding the winning cards and that distracting you is their best strategy. Don't fall for it. Stay on your course and win.

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You don't learn any more about trying cases sitting in the *second chair*, than you learn about driving cars sitting in the passenger seat.



Don't be a litigator – (*a letter writing, motions arguing, finger pointer*) – be a trial lawyer. (emphasis mine)

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Be unique without being flamboyant or outrageous.

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Pick your fights.

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A *level playing field* doesn't exist. Don't expect one and don't bother arguing for one.

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Never underestimate your opponent.

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Don't make idle threats, it undermines your credibility.

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Don't embarrass your opponent.

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Never promise success to your client.

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Learn when to stop asking questions. Once you get your answer, move on.

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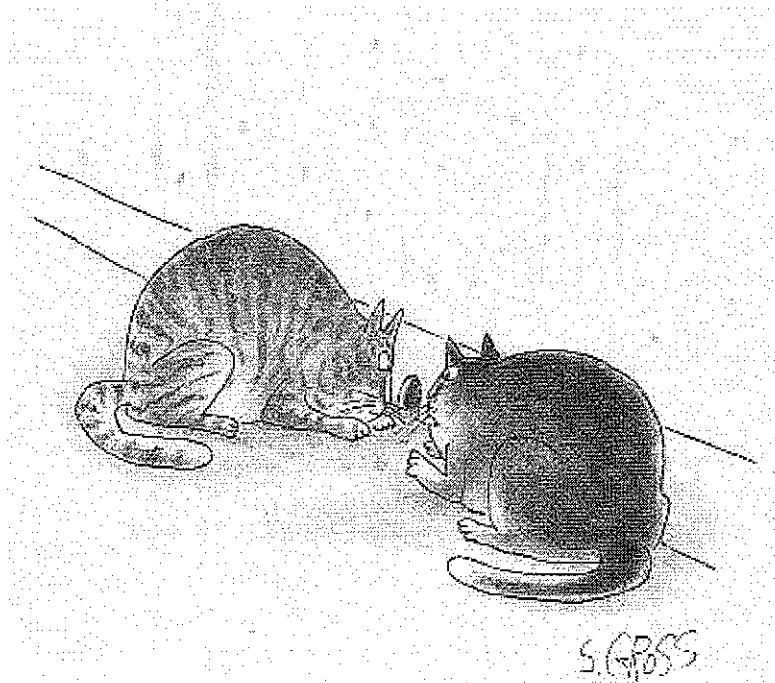
Know more about the case, including the smallest, seemingly most irrelevant details, than anyone. Not only know more about the case than your opponents, of course, but also know more about it than your own expert witnesses.

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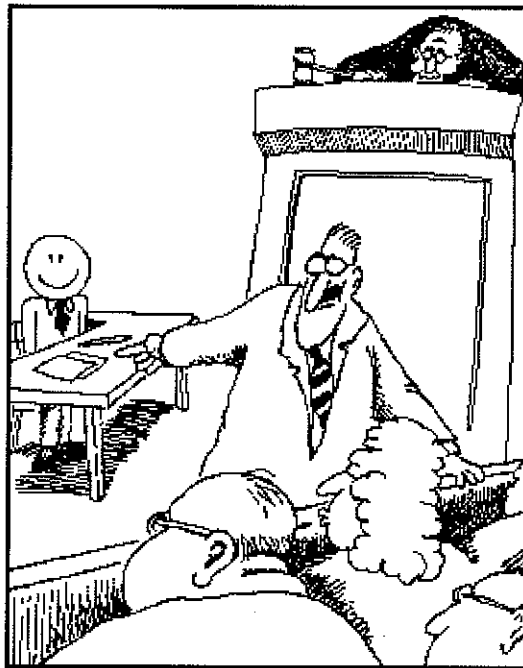
Unless you have something to say, don't say anything. Let your opponent, the witness, or the deponent fill the silence. It will pay off.

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The trial lawyer at trial is a one-armed paperhanger, a multi-instrumented street musician and singer, and a one person movie industry: producer, director, writer, set designer, stagehand, and star performer. Break a leg.

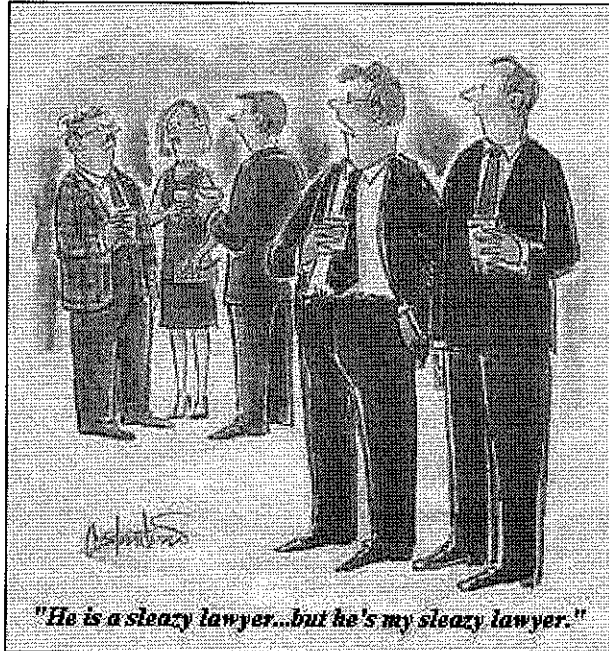


*"If we were lawyers, this would be billable time."*



*"And so I ask the jury...is that the face of a mass murderer?"*

*"...if you can learn a simple trick, you'll get along a lot better with all kinds of folks. You never really understand a person until you consider things from his point of view...until you climb into his skin and walk around in it" Atticus Finch*



I don't want to know what the law is, I want to know who the judge is.

**Roy Cohn**

**PAPE CHANDLER**  
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- We NEVER Represent Insurance Companies
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**J.P. Pape**  
 Attorney at Law

**Marc Chandler**  
 Attorney at Law

For more information visit us at [www.800PITBULL.com](http://www.800PITBULL.com)

Office located in Tallahassee, Florida.  
 Being a lawyer is an important business that should not be  
 taken over by insurance companies. Before you decide, ask us to send you  
 free written information about our qualifications and experience.

Man invented language to satisfy  
 his deep need to complain.

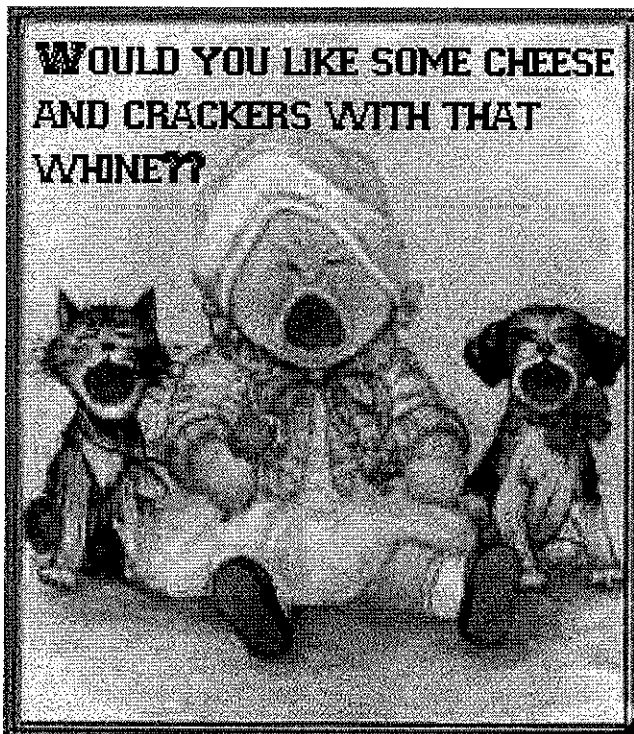
Lily Tomlin

"...but before I can live with other folks I've got to live with myself. The one thing that doesn't abide by majority rule is a person's conscience." -Atticus Finch



Whoever tells the best story wins.

**John Quincy Adams**



Specifically from Judge Mann:

1. Be on time. Don't be late.
2. Don't say the same thing 2 different ways; I probably got it the first time.
3. On the other hand, many times I think I know where you were going and then I find I was completely on a different course.
4. If the judge says, "Do you have anything to add" please don't say "no" and then talk for 20 minutes.
5. Understand a particular court's docket and how it works – and then use it to your advantage.
6. Be polite.
7. A courtroom IS a place for kindness. Seriously, it is.
8. Know the line between accessible, friendly, occasionally informal and overly familiar. Please don't cross it. We are not your grandfather's judges, we are definitely more accessible, but we are still judges.
9. **If you don't tell us what you want, you will get it... a lot of it.**
10. Treat us like a blank page. Fill us up with good stuff we can use to make a good decision. The best filler-upper usually wins.
11. Even if we had dinner together last night, introduce yourself. I'm terrible with names – a lot of us are.
12. Find a mentor if you need one. Say yes if asked.

13. Challenge me to think a different way, to see things differently than is typical, to read a case or statute from a different angle or to decide a case differently than what might otherwise be expected. Different is good. Silly, wildly crazy theories are kind of painful.
14. Some lawyers walk into a courtroom. You see them and say to yourself, "Oh, this is going to be good – everything will be put together, folks will be prepared, I can trust what she says, he will be efficient and try the case on the facts that exist and the drama will be non-existent.

Other lawyers walk in and the air escapes the courtroom like you've stepped out of a spaceship into the vacuum of space and you can't breathe.

I suggest being the first lawyer.

Some tips from the Fairfax County Sheriff's Office:

From a security viewpoint, attorneys can be helpful in the following ways in the courtroom:

- Do not enter the "security zone" in the courtroom (the open space between the defense table and the Judge's bench) without asking to approach first.
- When your incarcerated client enters the courtroom, do not attempt to speak to them until they have been completely seated, positioned, and instructed by Deputy.
- Do not expect or request to speak to an incarcerated client AFTER his/her court case while the client is still behind the courtroom in a cell. Post court visits need to be conducted in the jail.
- Do not give an incarcerated client anything without obtaining approval from the Deputy.
- Be mindful that Deputies want to get incarcerated individuals, particularly ones that were just remanded to custody, out of the courtroom ASAP after their court case. Discussions and instructions given between client and attorney need to be kept to an absolute minimum during this critical security stage.
- The only person who can direct an incarcerated person to stand up, sit down or move is the Deputy Sheriff.
- Female Deputies do not appreciate the following from male attorneys: inappropriate remarks or conversation, winking, or any other such unprofessional and personal attention.



**JUDGE AZCARATE**

## Biography of Judge Penney Azcarate

Judge Penney Azcarate has sat on the bench of the Fairfax General District Court since June of 2008. During that time, she has also judged many Moot Court competitions, served as a mentor for George Mason School of Law, and presented at a number of CLE classes and trainings.

Before her appointment to the bench, Judge Azcarate was a senior associate with Briglia & Hundley, P.C. Her practice focused on a wide range of litigation matters, with an emphasis on criminal defense and civil litigation, including personal injury cases, contract disputes, family law matters, and EEOC complaints. She was also a substitute judge presiding in Fairfax, Prince William, and Arlington Counties.

Judge Azcarate is a member of the Virginia and Fairfax Bar Associations and was admitted to practice before the Fourth Circuit Court of Appeals, Virginia Supreme Court, and the United States District Court of the Eastern District of Virginia.

Judge Azcarate received her degree in Criminal Justice from Old Dominion University in 1988, where she attended on a full military scholarship. Upon graduating, Judge Azcarate was commissioned in the United States Marine Corps, completing officer training in Quantico, afterwards serving on active duty stationed at Camp Pendleton and in Saudi Arabia during Operation Desert Storm. After obtaining the rank of captain, Judge Azcarate transferred to the Marine Corps Reserves and attended law school, earning her J.D. from George Mason School of Law, where she was a member of the Moot Court Board.

Upon completion of Law School, Judge Azcarate worked for the American Prosecutors Research Institute in Alexandria, during which time she trained prosecutors on various issues and published an article entitled, "Digital Imaging: The Technology and the Prosecutor" (The Persecutor Magazine, vol. 34/no.1 Jan/Feb 2000).

In 2000, Judge Azcarate accepted a position as an Assistant Commonwealth's Attorney in Fairfax County, where she tried hundreds of cases including rapes, robberies, and murders. In addition, she continued her work in the Reserves assisting Marines with various legal issues. Recently, Judge Azcarate was honorably discharged from the Marine Corps as a major.

# TOP TEN

I have put together my take on a top ten list of “dos and don’ts” for courtroom etiquette. This list is strictly my opinion and is to assist lawyers or law students on some basic rules of the road. If you adhere to this list, it does not mean I will like you more, but I may hate you less.

## 10. Dress Appropriately.

Moderate business attire shows the Court that you are respectful and prepared for your case. This includes insuring your client dresses appropriately. Things to specifically mention to your client: no flip flops, crocs, tube tops or marijuana leaf apparel.

## 9. Introduce Yourself.

Even if I have known you since birth, please introduce yourself when I call your case. I can typically see fifty different lawyers a day in quick succession. Although I know you, I may have a momentary loss of your actual name. Again, stating your name at the beginning of the proceedings along with which party you are representing shows deference to the Court and helps out some of us that are terrible with names.

## 8. Make Clear Legal Objections.

After stating the word objection, the next word should be a legal objection. This can be followed with an explanation but I need your grounds for objecting so I can properly rule. “Prejudicial” is not an objection – although I have heard it on numerous occasions.

## 7. Like a Boy Scout: Be Prepared

Trials are fluid and you cannot be prepared for every issue. However, you should look at the file and know what your main theories of your case will involve. Have three copies of cases that you intend to rely on in your argument. Know the pleadings or charges and please do not ask me to check the file for you for a particular document or subpoena.

## 6. Stay on Point

If I ask you a question, it usually means I am struggling with that issue. Please answer the question as best as you can. If you do not know the answer, see number 7. (Just kidding – it is alright not to know the answer – just do not avoid the question.)

5. If Possible, Narrow Issues, Exchange Exhibits, Agree on Stipulations

Our caseload is very high. Any effort to streamline your case will make this judge smile. Sometimes this cannot be done but if there is a point that can be conceded that does not affect your issue, it would be appreciated.

4. If You Are Winning, Stop Arguing

I understand one can not always tell if they are winning, however if all signs are pointing in your direction and I am agreeing with you – sit down. Explaining the same point four different times is not influential advocacy – it is just repetitive.

3. Speak Clearly and Watch Your Slang

Sometimes it is difficult to hear from the bench. Talking directly at me and not down at your notes helps a great deal. Avoid “yeahs” and “huhs” – it is just unprofessional.

2. Bring Your Common Sense With You Inside the Courtroom

Courtroom etiquette can be different in different jurisdictions. Know the judge and area. If new to the court, ask fellow attorneys or watch court a few days prior to your appearance. Common sense can help as well and can keep you out of tight spots. When in doubt – do not do it.

And last but not least...

1. DO NOT FRIEND REQUEST ME!!