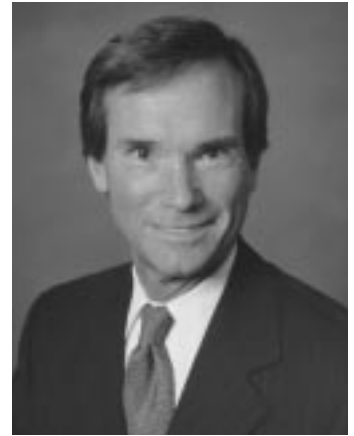


Fairfax County Attorney Is New VSB President

by Dawn Chase

The date was Monday, June 21. David P. Bobzien had had a long weekend. As the Virginia State Bar's new president, he had put in several breakfast-to-late-night stretches at the VSB Annual Meeting in Virginia Beach—shaking hands, posing for pictures, making speeches.



The weekend marked the start of a year that will be packed solid with presidential obligations. The following Monday afternoon, though, Bobzien was back at his real job, as county attorney for Fairfax. He sat with the Board of Supervisors as they marched through an agenda of governance issues—zoning, traffic control, committee appointments, hiring, grant applications, contracts and fiscal housekeeping.

As the board began its fourth hour, Chair Gerry Connolly took time to congratulate Bobzien on his presidency. "I'm glad the rest of the state sees in you what we have known all these years," he said.

That is high praise for a lawyer who, like all county attorneys, is employed by a board of bosses with contrasting political goals. Since he was hired for the job in 1993, Bobzien has seen the board majority swing from Republican to Democratic, and he weathered the change just fine.

"The secret is, you just ignore the politics," Bobzien said in an interview at his office in the Fairfax County Government Center. With the county supervisors, "You just treat each one as an individual. And you give your all to whatever project or whatever problem they're trying to solve."

That skill, Bobzien's global knowledge of government, and his understanding of regulatory agencies—gleaned from years working for the U.S. Department of Justice—likely will be tapped as the VSB faces the challenges of the coming year.

"The more I've been thinking about it, the single most important thing to happen to us was Chief Justice Hassell's election," he said.

Leroy R. Hassell Sr. is in his second year as the Chief Justice of the Supreme Court of Virginia, elected by his peers under a new statute after his predecessor, Harry L. Carrico, took senior status. Last month, Hassell told the VSB Council that, under his leadership, the Court intends "to be more active in terms of our oversight responsibilities to the Bar, more involved in the Bar's budgetary process.

"The State Bar statutorily is an agency of the Supreme Court . . . The Court and the Bar will not be, and will not function as, two separate entities." The two share a common goal: "To provide justice to all persons . . . in the commonwealth," Hassell said.

What that has meant in day-to-day terms, so far, is that this year for the

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Bobzien on running:
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first time the Court directed the VSB to budget funds to support Court-originated projects [see “Council Highlights,” page 14]. And Hassell has asked for VSB staff and volunteer support of his initiatives.

Bobzien and his co-officers, President-elect Phillip V. Anderson of Roanoke and Immediate Past President Jeannie P. Dahnk of Fredericksburg, will serve as the agency’s elected representatives in meetings with the Court. “I’m happy to support the Chief Justice in his desire to have the State Bar function truly as an administrative arm of the Court,” Bobzien said.

Bobzien (pronounced “bob-ZEEN,” an Alsatian name) is the product of a Jesuit education. He earned a bachelor’s degree in political science from Holy Cross in 1968, and his law degree from the University of Virginia in 1971.

From the Jesuits, he said, he absorbed a commitment to volunteerism that speared him toward leadership positions with the bar and in his community. One of his projects as county attorney was to convince the Fairfax Board of Supervisors to allow his attorney staff to participate in limited pro bono activities. Such outside work had been proscribed in the past because of potential conflicts and difficulties with malpractice insurance.

For his personal pro bono work, he does intake four times a year at the Franconia Neighborhood Resources Center, to help low-income people obtain legal help.

Bobzien also was shaped by the military—his father retired from the U.S. Army, and Bobzien attended the Air Force’s Reserve Officer Training Corps, followed by service in the Army’s Judge Advocate General Corps. While in the service, he earned a master of laws degree in taxation.

He finished out his JAG tour of duty as chief of military justice at Fort Meade, Maryland—a rough post, where seasoned Vietnam War veterans made up the Army’s first-response squadron during the early 1970s. Three murders occurred on the post during Bobzien’s tenure, and he prosecuted one of them.

He always went to the autopsies, so he could observe the pathologist identifying entry and exit wounds and other details that would bear on the case. “There’s nothing that replaces face-to-face contact with people,” Bobzien said.

There is another constant in Bobzien’s life: running. He has participated in perhaps thirty marathons, with his best time clocked at two hours, fifty-seven minutes in 1981. At VSB Executive Committee and Council meetings, he’s often seen returning to the hotel in his running togs while everyone else is stretching and heading for breakfast.

“That’s where I do all my planning. That’s why I run in the morning,” he said. “When I’m out there by my lonesome, it’s great therapy. It gets me centered. The endorphins kick in. I’ve prepared lots of speeches while I’m running.”

Bobzien and his wife, Cathy, were married in 1969. She has a master’s degree in mathematics and teaches calculus at Herndon High School. They have two sons—David Jr. of Nevada and Brendan of Philadelphia.

The family has a refuge they retreat to on a regular basis—a three-bedroom log home surrounded by cedar trees, on five acres near the Big Meadows Lodge in Shenandoah National Park, less than two hours from home. As Bobzien passes the last of the traffic lights leaving Fairfax, he feels himself decompress. “It’s a like a different world,” he said.

After his Army service, Bobzien went to work for Fitzgerald & Smith, a Fairfax law firm headed by a Byrd Democrat who had served in the state Senate and as Fairfax’s commonwealth’s attorney, in the days when the chief prosecutor also served as county attorney.

Bobzien and his family settled in Reston, where he served as president of his neigh-

borhood cluster association and became familiar with what he calls “small-p politics in Reston.” One thing led to another, and Bobzien served as chair of the Fairfax County Goals Commission, which formulated a comprehensive long-range plan for growth and services in the county. In 1989, he was appointed to represent the Centreville District on the county planning commission. Every Wednesday and Thursday for four years, he attended hearings that started at 8 p.m. and often ended after midnight—good training for his current job.

Meanwhile, Bobzien moved from private practice to the U.S. Department of Justice, where he worked in the Office of Professional Responsibility. Among his tasks there was to investigate President Jimmy Carter’s brother, Billy, who was suspected of pedaling influence to the Libyans.

Bobzien interviewed key figures of the Carter administration: former Attorney General Griffin Bell, Central Intelligence Agency Director Stansfield Turner, then-Deputy Secretary of State Warren Christopher, National Security Agency Director Bobby Inman and “the guys at the gas station in Plains, Georgia.” The investigation took Bobzien to Paris, Rome, Sicily, Plains and the White House Rose Garden, where he questioned the President under oath. “I essentially had to give him the administrative equivalent of his Miranda warnings,” Bobzien said. “The President couldn’t have been nicer.”

The experience impressed him with “how good Carter really could have been, had he not surrounded himself exclusively with a palace guard that was from Plains, Georgia. It is really quite disturbing to this day,” he said. Ultimately, no criminal misconduct was found against the Carters.

Bobzien was hired as county attorney in 1993, after his predecessor, now-Fairfax Circuit Judge David Stitt, went into private practice. Now Bobzien supervises forty lawyers, who meet most of the county’s legal needs. “On any day, I’ll probably have as many as twenty inquiries,” he said. “On a rare occasion I’ll get into court to argue a motion if it’s a high profile thing,” but most of his job involves serving as

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husband Steve, and they are both certified public accountants and practice together. My brother, John, lives in Old Town Alexandria and owns his own computer repair business.

You are an accomplished guitar player, and you serve as our office minstrel. Tell us about your musical life, and why music is important to you.

I have been involved with music since I was seven years old, singing in a Catholic boys' choir. I learned to sing and read music there and continued singing in choirs and musicals throughout high school. I picked up the guitar when I was thirteen and had a band throughout high school. In college, I played in clubs, bars and coffeehouses. About a year ago, my friend Dave Cox and I started a blues band—the Silverback Blues Burners. This is a seven-piece band that plays a lot of the classic blues songs and some of the classic rock tunes that I love to play. I love to play and perform and share my music with others. It is important enough to me that I converted the two-car garage at my house into a band room so the guys could have a place to practice every Wednesday night.

With the increasing globalization of law practice, and issues such as MJP looming on the horizon, do you think there will be a role for state regulatory bars in the future? Or will regulation eventually be taken over by the federal government?

I don't think the states will be compelled to give up their historical and constitutional right to regulate and license professions, trades or occupations. The globalization issue is not unique to the legal profession. A global economy is rapidly developing, but I do not see a need for federalizing the regulation of lawyers. The same holds true for doctors, accountants, teachers and others who travel and provide services outside the United States. I think the states can continue to regulate trades, occupations and professions and do a better job than the federal government. Moreover, if the feds

take over professional regulation it will be at taxpayers' expense, whereas most regulatory bars are funded exclusively by their dues-paying members and receive nothing from a state's general revenue. The regulatory bars must, of course, continue to develop rules that make sense in this ever-changing world and do away with archaic rules that restrict the practice of law without providing any meaningful public protection.

If you could wave a magic wand and solve one of major problem that your office deals with, what would that problem be?

Our bar (and my office) must come to grips with the fact that many of our aging "baby boomer" lawyers will die or become disabled in the very near future. Many of our bar members are solo practitioners who have not made the necessary contingency plans for winding up their practice and transferring active client cases to a successor lawyer in the event they suffer death or disability. The number of calls we receive concerning this issue is on the rise and my guess is that we are just at the beginning of the "bubble" not the end. All too often we are attempting to guide surviving family members through the process of closing a law office. Lawyers have an ethical duty to see that the interests of their clients remain protected in the event that the professional relationship is suddenly terminated by disability or death. The Virginia State Bar cannot continue to appoint receivers and pay for the winding up of a law practice every time a solo practitioner dies or becomes disabled. Our Receivership Task Force is studying this problem and working on procedures to improve the bar's response to these crises.

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counsel to the board of supervisors and managing the office.

As the first county attorney to serve as State Bar president, Bobzien views the volunteer job through an administrator's eyes. He has inherited a task force, appointed by Immediate Past President Dahnk, to explore leadership issues, including how to select a successor to VSB Executive Director Thomas A. Edmonds when he retires.

The task force also will address issues that weigh on Bobzien's mind, as he takes on the presidency while maintaining his other duties. He suggests that "the president needs someone who is on the staff dedicated to the care and feeding of the president. I can't use my county secretary," as attorneys in private practice can use their staff.

He also worries that he and others who serve in the job do not have adequate preparation. "Maybe one year in waiting as president-elect is really not enough time," and one more level of officer status, such as a vice presidency, should be established, he suggested.

Phil Anderson, who will become president in June 2005, said he has been impressed with the care Bobzien takes with decisions.

"His job is dealing with a political entity, and I think he is sensitive to those issues," Anderson said. "He's very thoughtful. He thinks about things very carefully and listens to all views and sides before he stakes out a position. I think he's going to be a great leader."