



A Monthly Publication of Ben Glass Law
This newsletter is for informational purposes only and no legal advice is intended.

SPECIAL FEATURE:



THANK YOU AND CONGRATULATIONS TO AMBER DENGLER, WHO HAS CHANGED OUR FIRM FOREVER

We knew this day would come, but it doesn't make it any easier. This month, our immensely talented paralegal and client care specialist Amber Dengler will graduate from the Catholic University of America Columbus School of Law and leave to start her new life in Phoenix, Arizona. Amber has had an enormous impact on our clients' lives and the way we operate as a firm, and we'd like to take a moment to tell you a little bit about the young woman who has permanently shaped the way we operate as a law firm.

When Amber joined the firm over five years ago, she was just a part-time administrative assistant. As her knowledge and responsibilities grew, it became clear that we had a real winner: someone with a sharp legal mind, a big heart for clients, and a fearlessness only matched by her work ethic. When clients came in to share their stories, she wouldn't just wait for her turn to speak, she actively listened with great interest, and months later when she would recall a detail about

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OUR MISSION STATEMENT

"WE HELP PEOPLE MAKE GREAT DECISIONS ABOUT THEIR LEGAL ISSUES."

It may sound simple, but the truth is that not everyone operates like we do. Even when we can't help someone directly, we consider it important to make sure that they are matched up with a potential answer to their question or problem. We never "send people on their way." We are committed to being a positive, useful resource for anyone who has a legal issue.



If you know of someone who might need an attorney or has a legal question, hand them this newsletter. Let them know that there is a law firm that wants to guide them to a great decision. We're just a call or contact form away.



BGL's Best Bites:

CUTTING CALORIES? REPLACE RANCH DRESSING WITH THIS QUICK AND EASY AVOCADO DRESSING

Ingredients:

1 large avocado	1/4 cup extra virgin olive oil
2 teaspoons fresh lemon juice	2 garlic cloves
1/2 cup Greek yogurt	3/4 teaspoon salt
1 teaspoon hot sauce	

Puree in a blender and enjoy! ■

YOU CAN GET A DUI IN VIRGINIA WHILE SLEEPING IN YOUR CAR

By James Abrenio

In Sarafin v. Commonwealth, 288 Va. 320 (2014), the Virginia Supreme Court upheld a DUI conviction that will be surprising for most. Responding to a noise complaint, the police found a driver parked in his own driveway, asleep, with his key in the ignition. Though the key was in the auxiliary position, the car was not running.

Upon waking him up, law enforcement recalled the defendant smelled of alcohol, had bloodshot eyes, admitted to drinking beer at a pub, getting dinner at a different location, driving home and drinking more, then returning to his car to listen to the radio. The defendant explicitly stated that he never intended to leave his driveway.

So how is this DUI? He wasn't even driving!

You can be convicted simply by "operating" a car. The Court has defined operating as "engaging the machinery of the vehicle which alone, or in sequence, will activate the motive power of the vehicle." The Court has further stated that, "when an intoxicated person is seated behind the steering wheel...and the key is in the ignition switch, he is in physical control of the vehicle and, therefore, is guilty of operating the vehicle while under the influence of alcohol..."

But he was in his driveway!

Yes, folks, you heard that right. The defendant wasn't driving on the street. He was parked in his driveway with the stated intention of simply listening to the radio. While not driving may affect whether certain evidence comes in at trial (including a BAC), you don't have to be driving on the street to be convicted of DUI.

Conclusion - Sarafin makes clear that Virginia DUI Law is pretty broad. Therefore, when in doubt, call a cab.

For more questions, call us at BenGlassLaw. ■

Should have called Uber.



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Special Feature: Thank You and Congratulations to Amber Dengler, Who Has Changed Our Firm Forever

a client's daily life, everyone in the room could feel the strong empathy she has for the people we help.

In our line of work, we are often helping people who have had a bad accident, are in chronic pain, or are being harassed by insurance companies. Since day one, Amber has embodied our #1 purpose at BenGlassLaw: We help people make great decisions about their legal situations. More than that, Amber has an uncanny ability to multitask big things in her life, and still find the time and the resources to help our clients while juggling night school in D.C., which is no easy task.



When asked to give one word to describe Amber, Ben Glass chose the word “heroic.” “She’s absolutely fearless,” says Ben. “In an age where most law school students are graduating with mountains of debt, Amber worked her socks off and picked up real job skills at our firm. She sets a heroic ideal in a world where so many young people waste time and money trying to figure themselves out. To somehow give yourself 100% to academics and 100% at your employment for as long as Amber has is simply incredible.”

Amber has been a source of invaluable input in case after case. She’s not afraid to give timely analysis and criticism when cases need it the most. In an industry where people’s well-being and access to good medical care are at stake, Amber has been the voice of the client and a champion for countless Virginians.

James Abrenio is the resident criminal defense attorney at BenGlassLaw, and has worked closely with Amber for years. “I run everything by her. She helps with everything

from expert designations to pleadings to settlement offers,” says James. “She’s a hustler, man, really. She’s a woman of her word. She has an amazing memory, and she’s good at calling me out. We’re both strong-willed people, but we grew to see the great value in each other’s’ work, and we both care strongly about getting it right.”

To reference a famous work by entrepreneur Seth Godin, Amber has been a true Linchpin of the office (Ben says: “It’s a book, go read it!”) We tried bribe after bribe to get Amber to stay, but her heart is truly set on Arizona. The good news is that Amber has been a wonderful mentor to her sister, Alicia Dengler, who will step into Amber’s role as she recently graduated from paralegal school.

There’s even more good news: Amber has agreed to work part time for us from Arizona on certain client and procedural matters, so if you never got the chance to experience Amber’s customer service first hand, you still have a window.

Amber, from all of us in the BenGlassLaw family, we thank you from the bottom of our hearts for everything you’ve done for us for the better half of the last decade. You are patient, kind, and a hell of a paralegal. There is no doubt in our minds that you will accomplish amazing things as an attorney and continue to help people who deserve and need a legal mind like yours on their side. Phoenix is lucky to have you. As you enter this new chapter in your life, we leave you with the immortal words of Kurt Vonnegut, in his famous MIT commencement address in 1997:

“Wear sunscreen.” ■

Reminder About Our Firm's Communication Policy

Our promise to you is that while we are working on your case, we don't take inbound phone calls, faxes or emails. Ben Glass takes no inbound unscheduled phone calls whatsoever. It makes him much more productive and helps get your case resolved faster. You can always call the office at 703-544-7876, and schedule an in-person or phone appointment, usually within 24-48 hours. This is a lot better than the endless game of “phone tag” played by most businesses today. Remember, too, that email is “quick,” but is checked no more than twice a day. Replies are then scheduled into the calendar. So if it's really important, don't email—call the office instead.

This publication is intended to educate the general public about personal injury, medical malpractice, and small business issues. It is not intended to be legal advice. Every case is different. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

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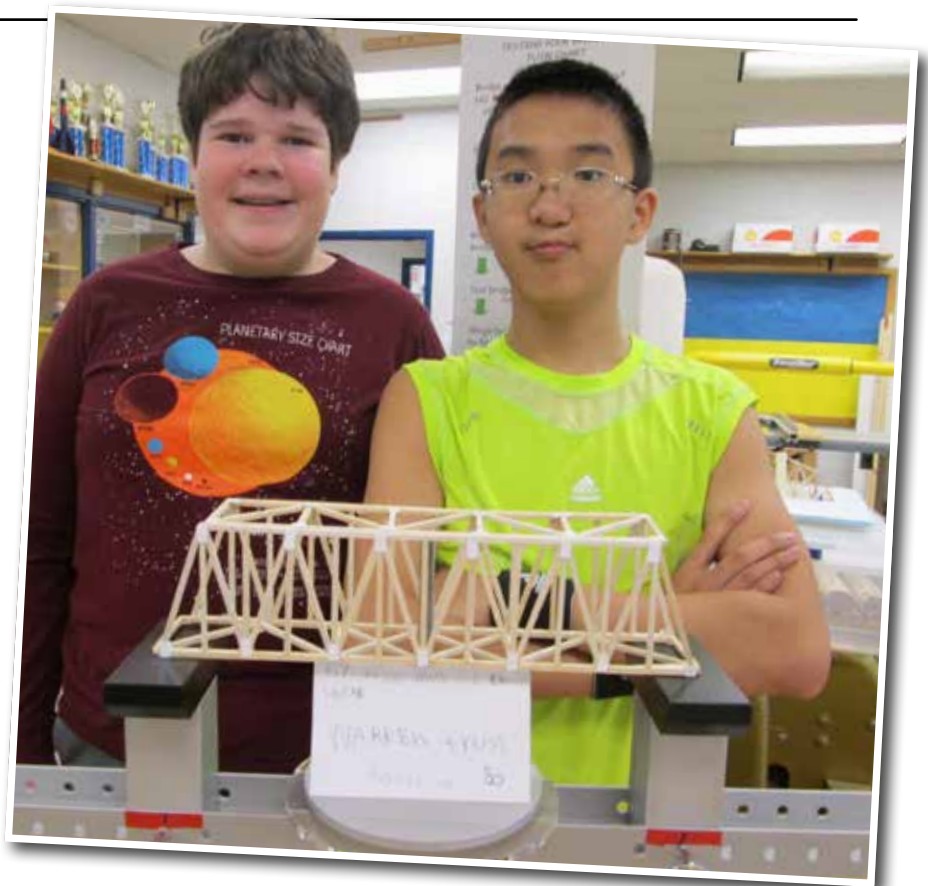
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Kevin Glass Wins Bridge-Building Competition

As many of you know, Ben is a father to nine wonderful children, four of whom are adopted from China. From time to time, we like to share their accomplishments with our readers and show off what the Glass family is doing. This month, we congratulate Kevin Glass on winning his class's bridge construction competition. Believe it or not, this bridge held 80 pounds! ■





TOO MUCH REGULATION ALLOWS THE GOVERNMENT TO DO YOUR THINKING FOR YOU

Ours is a vastly overregulated society. There are way too many rules that slow down or prevent an individual or a company with a good idea from putting their idea into the market to be judged by the only judges who matter: consumers.

Take, for example, the story of a small electronic device called “The Bean.” It’s a device that helps you hear better. It’s sold over the counter. Problem is that it cannot be marketed to people who are hard of hearing. Turns out that in order to get a “hearing aid,” you have to have testing from a specialist and a prescription. In order to sell a “hearing aid,” you have to get Food and Drug Administration (FDA) approval. Thus, “The Bean” can only be advertised as “helping people with normal to moderate hearing loss as a ‘sound amplifier.’” It is marketed, for example, to hunters for “recreational use.” Think about being able to hear that deer from miles away!

Who holds back the way it can be marketed? Well, the FDA, for sure, but the real culprits

are the established manufacturers of the expensive hearing aids that can only be sold by prescription. Their leader, Carole Rogin, president of the Hearing Industries Association, warned that “you run the risk of serious medical conditions going untreated.”

Heaven forbid we allow the consumer to make a choice as to how to live his or her own life!

I see this in the legal industry. There’s lots of places you can get forms for individual and small business use. There are even websites where you can talk to a lawyer about your problem for \$40 or so.

Know what? The established legal industry hates this and they are trying to regulate it. The current Virginia State Bar president called “Do It Yourself Legal” to be “the

threat” to the legal profession.

This is crazy thinking because he (and others) thinks that they are better positioned to think for you than you are. He and others are afraid of the competition, even if competition in the legal marketplace would actually be good for consumers.

On the other side of this insert is my letter to the editor of our weekly Virginia legal publication calling the Virginia State Bar president, and those who think like him, to task for his anti-consumer ranting. I got some push-back from lawyers, of course. Like the entrenched hearing aid manufacturers, these lawyers want to protect their turf. Understandable, but wrong.

Agree or disagree, let me know. ■

CRAZY SOCCER PARENTS AND COACHES BEWARE



After last month’s talk to local youth soccer referees, I witnessed some pretty bad incidents involving adults and referees around town. Nothing new, sadly, but it struck me that it’s time to end the culture of disrespect that we show referees, umpires and other sports officials.

Everyone I talk to about this says, “Well, good luck with THAT” as though there is nothing we can do about the problem. (Imagine where we’d be if the early American Revolutionists had listened when others heard their idea about kicking the King of England and his henchmen out of America!)

My first step is the launch of the ICanRef.com

website. Check it out. It’s built to support young referees and shame adults who abuse them. Don’t be surprised to see me walking the soccer fields with my video camera, and if you are an idiot, I can make you “Internet famous” at my website.

Check it out and let me know what you think.

Thanks. ■

Are you a referee? Get two of these official BenGlassLaw REFEREE equipment bag tags. Just email info@BenGlassLaw.com with the Re: Line “Referee Tag” and we’ll send them right out to you.



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LETTER TO THE EDITOR

Lawyer: Here's how to answer DIY legal

Dear Editor:

In reference to your article, "Bar confronts do-it-yourself legal products," in the March 7 issue:

The only lawyers who should feel that the massive rise of the Do-it-Yourself legal (DIYLegal) industry is a true threat to the profession are those who feel entitled, just because they have a law license, to a consumer's purchase of legal services.

Over \$731 million of venture capital money has flowed to DIYLegal since 2010. The DIYLegal services market is estimated to be a \$4.1 billion dollar market. (Source: IBIS-World Industry Report OD5638). Smart lawyers see these figures as evidence for, if not proof of, a huge opportunity for the established legal community.

Lawyers who are unwilling to discover for themselves what DIYLegal knows about attracting the interest, attention and money of consumers will find themselves in the same position that horse whip makers were in once Henry Ford introduced the automobile and made it easy and affordable for the public to buy. Simply put, if we lawyers are not smart enough to convince consumers that we are the "right choice" then we don't deserve their business.

Virginia State Bar President Edward Weiner has asked for "bold recommendations" from the "future of the practice of law" committee.

No one asked, but here are mine:
For The State Bar:

Don't spend another minute trying to figure out how to regulate Avvo, LegalZoom, et. al. It's a game of whack-a-mole and you can't afford to spend mandatory bar dues defending the inevitable lawsuits that will follow. Moreover, bar efforts to deprive consumers of *their* choice as to how to buy legal services will be seen as monopolistic protectionism and will further diminish our standing in the community.

Quickly eliminate the prohibition on non-lawyers owning law firms. If law firms, particularly the small law firms that make up the bulk of firms here in Virginia, are to survive, they need to be able to bring on, as shareholders, experts in business systems, marketing, sales, technology, human resources, culture leadership and finance. This is what DIYLegal has that we don't.

Reverse course and approve for CLE credit courses that *do* primarily focus on marketing, client development and other business topics that apply to any business. Lawyers need to be encouraged to look outside of our industry for ideas.

For Lawyers:

Don't look to any bar organization to "save the profession." It's your life. Take responsibility for it. You don't have to wait for reports from committees. The answers are all around you.

Educate yourself about what makes great businesses great.

You should be studying Avvo, LegalZoom, Amazon, Uber and any industry or business to which consumers give their attention and money and be asking yourselves: how can I import that idea into my law practice?

The "unique selling proposition" (USP) of DIYLegal is generally some version of "Lawyers are a pain in the butt to deal with, and they are expensive, aren't they? We make it easy." Right or wrong, this is what much of the public perceives or they would not be trying to write a will online or handle their own property settlement agreement. Those lawyers who have figured out how to deliver legal services coupled with Amazon® like customer service are thriving.

If you think that consumers are truly making the wrong choice when choosing DIYLegal for their needs, then it is up to you to convince them otherwise. Most lawyers do a poor job of differentiating themselves in the marketplace.

DIYLegal is filling a huge gap that we lawyers have allowed to widen by refusing to even be interested in, and at times openly hostile to, the success strategies of great and enduring businesses.

Over 10 million consumers go to Avvo.com each year to either get their questions answered or to find a lawyer. The massive legal services market is there for the taking.

Who will take it?

Benjamin W. Glass III
Fairfax

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