



ANDRES ALONSO

“I love the challenge
of fast-paced, seemingly
impossible litigation where
the outcome can often be
affected by thinking on
one’s feet and exploiting an
unexpected opportunity.”

— David Bernhard

David Bernhard Champions Diversity and Professionalism

FIRM: BERNHARD & GARDNER
Falls Church, Virginia
www.bernhardandgardner.com

ATTORNEYS: David Bernhard, JD '85, with
Cheryl E. Gardner

AREAS OF PRACTICE: Divorce, Criminal,
Traffic, Major Injury cases, and Appeals

BRIEF BACKGROUND: David Bernhard started his law practice in Northern Virginia in 1989, after first practicing in Washington, D.C. He formed his current firm with Cheryl Gardner in 1991. Bernhard is licensed to practice in Virginia, Maryland, Washington, D.C., and Missouri. Born in El Salvador and fluent in Spanish and German, he is committed to the advancement of diversity and professionalism among lawyers. Bernhard is co-chair of the Fairfax Bar Criminal Law Practice Section, is a member of the Hispanic Bar Association, and is a co-founder of a listserv for Virginia criminal defense attorneys. Among his accolades, he was named a “2012 Leader in the Law” by Virginia Lawyers Media.

Q: WHY DID YOU CHOOSE TO PRACTICE IN A SMALL FIRM?

A: Small firm practice allows for the nimble freedom to practice in those areas of most interest without the bureaucratic strictures of a larger organization. It allowed me to create the job that I could not so easily find in another organization as an inexperienced lawyer. A liberating aspect of overcoming the trepidation about starting one's own practice is the realization that one can truly be entrepreneurial and entirely in control of one's own professional future.

Q: DOES YOUR MULTICULTURAL AND MULTILINGUAL BACKGROUND PLAY A ROLE IN YOUR PRACTICE?

A: Absolutely. A large proportion of our clientele is Spanish-speaking. Understanding the culture as well as being able to communicate with our clients in their native language has been invaluable in making the law understandable and accessible to our clientele.

Q: WHY DID YOU CHOOSE YOUR PARTICULAR AREA OF PRACTICE?

A: No matter how difficult the case, there is usually something one can do for a client—through a combination of attention to basics, embracing rather than fleeing the facts, and shoot-for-the-moon, out-of-the-box thinking. Overall, playing a role in making the adversarial legal system work as intended is very fulfilling.

Q: WHAT ADVICE WOULD YOU HAVE FOR SOMEONE INTERESTED IN PURSUING THIS AREA OF LAW?

A: In law school, one should take advantage of the opportunities I was privileged to enjoy at Washington University, such as obtaining clinical practical experience working as a prosecutor at the County Attorney's Office. One should focus on developing excellent research and writing skills, and master critical analysis of fact-patterns and case law. As I was taught at Washington University, one need not only know why a position is correct, but also why all other positions should be discarded. In establishing a practice, I suggest a collection of concepts: establish a professional support network; imitate the successful; always take the right path along the road of life because the choices become easy when you reach each fork in the road; never lose your temper; and always maintain a professional demeanor, for it is harder for your opponents to win when they and others can point to nothing about you they can dislike.

Q: WHAT ARE THE ADVANTAGES AND DISADVANTAGES OF BEING ABLE TO CONNECT WITH YOUR CLIENTS ONLINE AND THROUGH SOCIAL MEDIA?

A: The ubiquitous availability of technology has revolutionized the practice of law from research, networking, and communications standpoints. It also makes it possible for small firms to reach a broad target of prospective clients at relatively low cost. Social media plays an increasing role in our divorce practice, primarily as a marketing tool and for professional networking. Together with my partner, Cheryl Gardner, we have pioneered the creation of legal apps in Virginia. We have a divorce app which Cheryl uses to market our practice and make divorce information accessible on mobile devices. We also created the free "Easy Virginia Legal Resources" app primarily as a service to the Bar, but also as a marketing tool, which is popular among a growing number of lawyers in Virginia. A disadvantage of all these technologies is that lawyers need to discipline themselves to not take on more than they can handle and to "tune out" their practices during personal time, which is easier said than done.

Q: WHAT HAS BEEN THE MOST REWARDING ASPECT OF YOUR PRACTICE OR CASE YOU HAVE HANDLED?

A: One of the most rewarding aspects of my practice is living the adage that "a rising tide raises all ships." I have attempted to improve the performance of legal counsel through various activities, such as the VADefenses Listserv Group I co-founded and have co-moderated since 2005, mentoring and advising law students and attorneys, and organizing CLE programs. I also have reorganized the Fairfax Bar Association Criminal Law Practice Section; volunteered for pro bono work, including Virginia's first Civil Gideon case in the Supreme Court; and promoted greater adherence to professionalism, such as through handling cases like the seminal *Benitez v. Ford*, which now polices abusive litigation practices in Virginia. I have tried hundreds of jury trials and thousands of misdemeanors and am rewarded daily, be it in the latest high-profile case or the smallest misdemeanor. There are few professions where one knows the day will bring the interesting, the unexpected, the challenging, the exhilarating, all often before lunch time.