

JOURNAL

Newsletter of the Fairfax Bar Association

www.fairfaxbar.org

May/June 2008

FAIRFAX LAW FOUNDATION'S SPRINGTIME SWELL TO \$500,000!



The Fairfax Law Foundation has been hurtling towards its goal of \$500,000 in donations by June 30 with a springtime swell in requests for donations. The response has been tremendous to the Foundation's Capital Campaign, and we thank all of the donors who are committed to the programs served by the Foundation, including the Fairfax Public Law Library, *Pro Bono* Services, the Conciliation Program, the Court Tour Program, the Model Judiciary and Speakers Bureau, Children's Plays, and the Juvenile and Domestic Relations District Court Pamphlets. Each and every one of these programs touches the lives of the vast diversity of people in our community: the students, the elderly, the indigent, the non-English speaking population. We need to continue to reach these people to the best of our abilities but we cannot do so without the help of those who can give to the Foundation with the knowledge that their donation may help their neighbors, the children at their local school, their co-workers, and their colleagues and friends. We are proud that we can offer these programs to our community and you will be proud that your contribution can make a difference.

The names of those individuals and/or firms who commit to a donation of \$5,000 or more will be placed on a plaque similar to the preliminary design pictured above. For more information, contact:

Sonya Duchak at sduchak@fairfaxbar.org or **Yvonne McGhee** at ymcghee@fairfaxbar.org or stop by the Fairfax Bar Association's new location in Room 215 of the new courthouse just above the library. ■

FBA LEADERSHIP CANDIDATES

CANDIDATE FOR VICE PRESIDENT (UNOPPOSED)

David J. Gogal

Blankingship & Keith, P.C.



As a member of the FBA Board of Directors for the last five years, I have worked to make the FBA more responsive to the needs of its membership. I am pleased that we have made progress in streamlining the FBA's programs, improving financial viability, restructuring our relationship with the Foundation, and maintaining our strong relationship with our Bench. In addition to my service on the Board, I have served as the Chair of several committees and as a member of many FBA committees and task forces. I would appreciate the opportunity to continue my service to our Association and continue my efforts as an officer and board member to foster a sense of community in our large 2,000+ member local bar and use such community spirit to promote professionalism among our members.

Professional activities include the **FBA**: Treasurer, 2007-2008; Secretary, 2006-2007; Member, Board of Directors, 2003-2008; Co-Editor Fairfax Circuit Court Practice Manual (2002, 2004, and 2007); Circuit Court Committee, Chair, 2000-2003, Vice Chair, 1998-2000; Law Library Committee, Chair 1995-1998, Vice Chair, 1994-1995; Legislative Committee, Chair 1999-2000; Convention Committee, Vice Chair 1998-1999; Judicial Screening Committee, Member 2002-2003; Law Related Education Committee, 1991-1995; Model Judiciary Program, 1991-1999; Courthouse Construction Task Force, 1997-1999; Law Day Committee, 1989-1991; **Fairfax Law Foundation**: Vice President, 2006-2007, Secretary, 2006-2007; **VSB**: Fifth District Disciplinary Committee, Chair 2005-2006, Vice Chair, 2003-2004; **Fairfax Police Youth Club**: 1997-2000.

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NOTICE OF ELECTION

Fairfax Bar Association Rules of Election

FBA INTERNET VOTING PROCESS FOR VICE PRESIDENT & BOARD OF DIRECTORS

A. Ballot Design & Instructions

The ballot shall be placed on the Association's website, www.fairfaxbar.org in the Member's Only site. The ballot shall list alphabetically the names of the candidates for each position, by position, and provide instructions for online voting. Instructions appearing on the website shall instruct the voter that he/she MUST vote for as many candidates for each position as there are vacancies to be filled.

B. Polling Places

Members may vote from any location providing Internet access. A computer will be made available at the Association office for voting, should any member need to vote at that location.

C. Voting Period

Voting shall begin at Noon at the Association's **Annual Meeting** on **June 3, 2008**, and continue until 4:00 PM. the following **Friday, June 6, 2008**.

**LAST COLUMN AND TESTAMENT
OF
DANIEL H. RUTTENBERG**



I, Daniel H. Ruttenberg, being of sound mind and under no constraint, duress (alright, maybe a little duress, but who wouldn't be after a year of this job), fraud or undue influence, make, publish and declare this to be my Last Column and Testament, revoking all columns at any time heretofore made by me. I am present President of the Fairfax Bar Association (FBA).

ARTICLE FIRST

Payment of Debts

I direct the FBA to pay the expenses incurred for any illnesses that may result from stress and lack of sleep experienced during my presidency.

ARTICLE SECOND

Bequests

Upon my departure as President, I make the following bequests:

(a) To the Board of Directors, I leave the duty to ensure that the FBA continues to be relevant and useful to its members and to lead the Commonwealth in ensuring better services and access to justice to the community.

(b) To the Membership Committee, I leave the following slogans to be used as they deem appropriate:

"The FBA is FAB!"

"I met my BFA (Best Friend Always) at the FBA"

(I had other slogans, but they were edited out by wiser people than I).

(c) To the more than 2,000 members of the FBA, I leave my best wishes for careers filled with fun, camaraderie, prosperity, health, happiness and other things you might find in a greeting card. I also hopefully leave them the FBA in better shape than when I began my service as President.

(d) To the Young Lawyers Section, I leave the future of the FBA and the following advice—with great responsibility should come great fun. I also leave the duty to continue to bring new attorneys into our organization, to encourage, support and produce leaders and judges to serve in the FBA and on our benches.

(e) To my law partners at Smolen Plevy, I leave my thanks for allowing me to spend so much of my time on non-billable bar activities and my promise to do much more billable estate planning and corporate law in the coming year.

(f) To John Tran, who told me that he liked Steve Ray's President's Columns better than mine because they had trivia questions, I leave the following question: How many times is the word "DAN" in the Word Find in my previous President's Column?

(g) To Corinne Lockett, our illustrious Vice-President, I leave my non-binding promise to go to Las Vegas for the out-of-town CLE she is planning during her year as President.

(h) To everyone who gave me advice that helped me survive my Presidency, I leave my heartfelt appreciation.

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FAIRFAX BAR JOURNAL

*Official Newsletter of the
Fairfax Bar Association*
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All articles or advertising submitted to the Fairfax Bar Journal are subject to the editor's approval. The editor reserves the right to reject any submissions that, in the opinion of the editor, are inappropriate for the Journal.

CANDIDATES FOR THE BOARD OF DIRECTORS

Kelly Sweeney Hite

Law Offices of Kelly S. Hite, PLLC



As an active member of the FBA, I currently serve on the Association's Board of Directors, and on the Juvenile & Domestic Relations Court Committee, as a court-appointed conciliator for the Fairfax County Juvenile & Domestic Relations District Court, and as a court-selected neutral case evaluator for the Fairfax County Circuit Court. I believe that the FBA's primary priority is to continue to provide services and benefits of interest and value to its members and to continue to foster the positive relationship between the Bench and the Bar that we enjoy in Fairfax. Maintaining membership offers the opportunity to enjoy collegial relationships and to network with attorneys in a non-adversarial setting, who participate in the varied activities and programs offered by the Association.

Professional activities include the **FBA**: Board of Directors, J&DR Court Committee, Co-Chair, 2004-2006, Vice-Chair, 2002-2004; Neutral Case Evaluator; Motions Day Conciliator in the FBA J&DR Court Committee; Convention Committee, 2005; **Virginia Women Attorneys--Northern Virginia Chapter**: President, 2002-2003, Treasurer, 2000-2002; **VA Trial Lawyers Association**: Chair, Family Law Section, 2002; **Legal Services of Northern Virginia**: Board of Directors, 1998-2000.

Brett A. Kassabian

Kassabian & Kassabian, P.L.C.



Graduated from Wake Forest University School of Law in 1985; member, Wake Forest University Law Review. Admitted to the Virginia State Bar 1985. Served as a Senior Assistant Commonwealth's Attorney for the Fairfax County Commonwealth's Attorney's Office; since 1994, a principal in the law firm of Kassabian & Kassabian, P.L.C., engaged in the general practice of law, emphasis on criminal law. Since 1995 served as the Fairfax City Prosecutor, and a Legal Instructor at the Northern Virginia Criminal Justice Academy from 1996-1998. In 1998, was appointed as Substitute Judge for the general District Court and the Juvenile and Domestic relations District Court of the 19th Judicial District.

Current member of the Fairfax Bar Association and Virginia Trial Lawyers' Association. Served and chaired on the FBA's Judicial Selection Committee, served on the new Criminal Justice Advisory Board, and currently serves on the FBA Board of Directors.

continued on next page

On February 8, 2008, the world of legal technology support spun on its axis and pointed in a wonderful new direction.

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Douglas R. Kay

Briglia, Hudley, Nuttall & Kay, P.C.



The FBA is the premier community organization for attorneys who live and work in Northern Virginia. If you are a trial attorney, the FBA offers the best conduit for communication between the Bar and the Courts. Even if you never go to the courthouse, the FBA provides significant opportunities to connect you with other lawyers, businesses, and organizations within the community.

I consider myself pragmatic, congenial, and diligent. I have worked in a variety of settings and have heard the perceived needs of each institution, and observed how each solves its problems. If elected, I believe my legal background will provide the board with a well-rounded perspective.

Professional activities include the **FBA**: Legislative Affairs Committee, 1998-present, Chair 2006-present; Judicial Screening Committee, 2003-present; Court Tour Volunteer, 2004-2007; Coached a team from Fairfax High School in the FBA-sponsored mock trial competition 2002.

Michael E. Ollen

Travelers Staff Counsel, Law Offices of Roger S. Mackey



I have enjoyed my eight years of FBA involvement as a member. I started with the Technology Committee working on Circuit Court technology initiatives. I also enjoyed the opportunity to present three technology CLEs to the Fairfax legal community as a Committee Chairperson. If elected, I will continue to integrate the goals and objectives of the FBA with my legal practice and business community.

My experience with the FBA has been enjoyable on a personal level and helpful on a professional level. The FBA offers committee membership in various areas that enhance my practice. I feel part of a greater legal community.

Other professional activities include: Managing Attorney, **St. Paul Staff Counsel**; Coach, 10 years for **CYA and RRYC**; Board of Directors, **Community Association**; Travelers Technology Committee, Medicare Committee, Worker's Compensation, **VADA**.

Thomas W. Repczynski

Bean, Kinney & Korman, P.C.



The practice of law is, by its very nature, participating in a community...if nothing else, membership is not without its own ready-made privileges. It is, after all, what you make of it that matters most. The FBA offers a breadth of activities and opportunities to showcase one's talents, to meet and build relationships with colleagues, to serve and give back to one's community. Through its members, the FBA must continue to provide legal expertise and resources to those for whom legal counsel might not otherwise be affordable and/or accessible. Through its leadership, the FBA should continue and always strive to improve its judicial evaluation process both for sitting and prospective members of the judiciary.

Professional activities include the **FBA**: General District Court Committee, Library Committee (Chaired the last two years), Budget Committee; **Walter T. McCarthy Law Library Board**: President, 2001-2004; **Northern Virginia Bankruptcy Bar Association**: Secretary, Treasurer, Vice President, President; **Dartmouth College**: Class Officer; **Alexandria Division of U.S. Bankruptcy Court for the Eastern District of VA**: Bar Liaison Committee for the Eastern District; Local Bankruptcy Rules Committee for the Eastern District.

Kathryn A. "Kate" Untiedt

Law Offices of Kate Untiedt



I have been a member of the FBA since 1991 and have served as Co-Chair (2004-2006) and Chair (2006-2007) of the J&DR District Court Committee. I have been an Editor of the J&DR Court Manual and moderator of the CLE on the J&DR Court (April 2006). I have also served as a Motions Conciliator for the J&DR and Circuit Courts Motions Day docket.

The FBA is among the largest regional bar associations—there is strength in numbers. The FBA offers an excellent opportunity to meet judges at formal and informal settings. There is an excellent opportunity to confer with attorneys in other practice areas as well. I feel I could add to the Board with my excellent organizational skills and I enjoy promoting educational programs, including CLEs and community outreach programs.

Robert B. Walker

Law Office of Robert Walker



I have been actively involved in various FBA committees and activities for a number of years. I was a member and then Chair of the Public Relations Committee; a member and then Co-Chair of the Law Practice Management Section; I am a member of the Family Law and Wills, Trusts and Estates, the Law Related Education and *Pro Bono* Committees; I am the Secretary of the J&DR Committee; and a Co-Chair of the Conciliation Task Force. I have also served on the Judicial Screening Committee.

I believe that membership in the FBA is not only an obligation of professionalism but also provides the members with opportunities to have input on issues of interest. Membership in the FBA promotes involvement in the legal community and helps further the goal of achieving justice in our society.

Other professional activities include the Board of Directors of the **Transportation Lawyers Association**; Board of Directors of the **DC Bar Association**; and **Lawyers Assistance Committee**.

Edward L. Weiner

Weiner, Rohrstaff & Spivey, PLC



I believe that the FBA should be a meaningful resource to its members by serving as a clearinghouse of information—make it a central point for a lawyers to serve the Fairfax public community. If elected, he would stay in touch with the “goings on” of the legal/courthouse community. A goal is to be part of, and play a role in, improving the legal profession and the practice of law.

I have served on the Board of Directors for the **FBA** and for the **Fairfax Law Foundation**, of which I am a Past President.



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Patricia Moody
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Wanda Robinson
Edward P. Trivette
George Wyatt

FAIRFAX STATE OF OUR BAR ASSOCIATION

by Julie H. Heiden, FBA President-Elect

The Fairfax Bar Association (FBA) has been in existence since the 1950s and was incorporated in 1976. As we are soon to enter the 32nd year of an incorporated bar, the Board of Directors presents the membership with a "State of Our Bar" 2008.

In the last 31 years, the FBA has taken great steps toward enhancing the member benefits available to our bar members. We have developed a resourceful website, and are in the process of producing a legal directory of attorneys in coordination with the efforts of other local bar associations.

In addition to the intangible benefits of the bar membership, including camaraderie among peers, opportunities for service to our community and our profession, and direct participating in advancing the rule of law in Northern Virginia, we offer comprehensive tangible member benefits. Following is a highlight of some of the benefits we offer our members:

MCLE PROGRAMS: We offer both live and online CLE courses for the 24-hour convenience of our members. The FBA is also the first bar in the Commonwealth of Virginia to offer CLE credits through Podcasts.

BENCH AND BAR: We are pleased the FBA offers dynamic interaction between members of the bench and bar. The bench and bar work together to offer forums for learning and have worked cooperatively to produce the Circuit Court Manual, General District Court Manual, and the Juvenile and Domestic Relations Court Manual. Each year our Annual Bench Bar Dinner Dance and Silent Auction highlight the successful partnership between the bench and bar.

FAIRFAX PUBLIC LAW LIBRARY: The FBA runs the Law Library, now located in the new section of the courthouse and is pleased to offer after-hours access to our FBA members.

LAWYER REFERRAL & INFORMATION SERVICE: The FBA operates the Lawyer Referral and Information Service which has steadily grown over the years and provides client referrals to our members.

AFFINITY PARTNERS: The FBA Affinity program is a collaborative partnership with vendors to provide FBA members with discounts on a variety of products and services, including insurance plans, copier equipment and supplies, home loans and newsletters. Additional benefits under the affinity program include discounts on apparel, books, electronics, and office supplies that are available in the Member Mall on our website.

In order to effectively run the diverse programs the FBA offers, we have also expanded the FBA staff. The FBA currently employs the following 16 people to provide enhanced services to our members:

Yvonne C. McGhee - Executive Director
Courtne L. Norris - Assistant Executive Director
Sandra Marchenko - MCLE/Special Events Coordinator
Christine S. Lee - Membership Coordinator
Kristin Derlunas - Communications Coordinator
Sonya M. Duchak - Development Coordinator
Arlene K. Beckerman - Director of Pro Bono Activities
Thomas Pulver - Law Library Director
W. Randolph Beckford - Library Information Assistant
M. Cathryn Butler - Associate Law Librarian
Melissa S. Scheeren - Associate Law Librarian
Donna J. McBride - LRIS Director
Emily Blatch - LRIS Program Administrator
Joan Simons - LRIS Senior Referral Counselor
Richard Teeple - LRIS Senior Referral Counselor
Joyce Resua - LRIS Referral Counselor

The FBA continues to remain in a growth phase and anticipates being able to provide even greater benefits for bar members. In order to be able to continue to provide the bar membership with the

opportunities it has become necessary to increase our dues. At our board meeting in April 2008, the Board of Directors voted to increase dues to \$210.00. We are excited to offer two free hours of an ethics CLE in connection with our membership.

In connection with the dues increase the Board of Directors considered the following facts. The last time the FBA increased dues was in 1998. If dues had been increased each year based upon an average of 3% cost of living adjustment our dues would have been raised to \$199 by this time. The FBA member benefits have dramatically increased in the last ten years. The cost per CLE credit hour for bar members is \$35.00. With the free two credit hours of ethics CLE we are offering a member benefit worth \$70.00 in connection with the new dues increase.

We are pleased to advise our members that the state of our bar is a financially sound organization which provides a comprehensive member benefits package that no Northern Virginia attorney should be without. ■



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When Clients Need Interpreters in Civil Cases

by Emilia Castillo, Hispanic Bar Association of Virginia

(THIS IS THE SECOND OF A TWO-PART SERIES. THE FIRST PART FOCUSED ON THE USE OF INTERPRETERS IN CRIMINAL CASES)

Unlike criminal cases, litigants in civil cases do not have a fundamental right to have an interpreter available for them. Virginia has recognized that some litigants have language issues that require assistance and grants courts the discretionary authority to appoint interpreters in any civil case in which the non-English speaking person is a party or witness.⁴ Additionally, while the compensation for interpreters "shall be fixed" by the court, it may be assessed against either party as part of the cost of the case and, if collected, "shall be paid to the Commonwealth."⁵

In Fairfax County's Juvenile and Domestic Relations Court and the General District Courts, interpreters are available to the litigants at no cost and at least one certified Spanish-speaking interpreter is available daily to assist these courts and litigants when necessary.⁶ Additionally, if courts become aware of a need for an interpreter at an initial or preliminary hearing, interpreters are routinely appointed in these courts, and may be appointed specifically for a lengthy hearing. Nevertheless, it still remains the attorney's responsibility to ensure that an interpreter will be available (or has been assigned) for their case—especially at any final evidentiary hearing. Normally, a praecipe to the file and a follow-up phone call to the clerk of court as soon as possible and as far in advance of the hearing date should be sufficient to make sure that interpreters are available.

Unlike criminal matters, however, interpreters are not routinely provided for conferences between the litigants and their counsel and these out-of-court meetings become the responsibility of the litigant and his counsel.

Unlike the lower courts, at this time, the Fairfax County Circuit Court does not routinely provide interpreters for civil cases and it is often the responsibility of the litigant to provide an interpreter to assist him or her at all preliminary and final hearings in their case. The two exceptions to this general rule are (1) where matters have arrived at the Circuit Court through an appeal from a lower court (either General District Court or J&DR) and an interpreter was provided to the litigant(s) in that court; and (2) where the litigant shows indigence (or financial inability to pay for private interpreter services).⁷

Fairfax County does allow for the waiver of fees and costs when necessary, including the

appointment of interpreters. The threshold question becomes the determination of whether an individual qualifies under the court's financial guidelines for court-appointed interpreter services.⁸

Fairfax County utilizes Form CC1414—Petition for Proceeding in Civil Case Without Payment of Fees or Costs to support a petition for court-appointed interpreters, as well as a form called the Request for Court Appointed Interpreter for Civil Proceedings in the Circuit Court that is submitted with the Affidavit to Wendy Hahn, Clerk of the Court, who is charged with the responsibility of coordinating interpreter services at the civil level.

Indigency forms (as well as any supporting documentation) should be submitted to Ms. Hahn at the earliest time. The form normally is submitted to a judge who will make the determination of whether the person qualifies for an interpreter provided through the court. If the litigant does so qualify, the court will then assign interpreters to the case.

It is the responsibility of the litigant or his counsel to follow-up with the court to find out if the litigant has qualified for an appointed interpreter. If the request is denied, the litigant then becomes responsible for providing an interpreter at all stages of his case. And if the petition for a court-appointed interpreter is denied, the litigant becomes responsible for providing an interpreter for his or her case at any hearing or preliminary matter where the litigant or a witness with limited or no English-speaking ability will be called upon to offer testimony. Arriving at court without a witness can result in your case not being heard that day and could result in the assessment of sanctions at the court's discretion. For that reason, it is extremely important for counsel to follow-up on any petition he or she has submitted for a court-appointed interpreter. If you are placed in the position of having to hire an interpreter for your client, and there is the possibility that you may recover attorney's fees and costs (such as in divorce cases), remember to include the costs of the interpreter in those fees. ▶



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Should the court approve a request for interpreter services, counsel is still charged with the responsibility of ensuring that an interpreter will be available for any particular hearing where the litigant will be involved and should also promptly notify the clerk that a matter has settled, been continued, or otherwise no longer requires the services of an interpreter.

It is important to remember that, in civil cases, it still remains within the discretion of the court to appoint an interpreter, regardless of the financial situation of the litigant; and the court may still assess part or all of the cost of the interpreter against the litigant(s) who uses the interpreter services.

In civil cases, as in criminal cases, by statute anything communicated between counsel and his client that otherwise would be privileged, remains privileged if communicated through an interpreter who cannot be compelled to testify as to any matter so communicated.⁹

As counsel, we should always remember that we are ethically bound to ensure that our clients can communicate effectively with us (not just our office staff) and that our clients can understand all court proceedings in which they—or their case—are involved. Our clients need to know what is happening in court and to leave any hearing or trial with the knowledge that (1) they have been heard by the judge; and (2) they understand what has happened and what may be expected of them in order to comply with the orders of the court. If you, as counsel, have any doubt whatsoever that your client fully understands you and the judge, it is well worth taking the extra step of getting an interpreter for your client. Your clients deserves that extra step.

A FINAL NOTE ON SPANISH-SPEAKING INTERPRETERS

Not surprisingly, Spanish language interpreters are the most often requested interpreters in the Commonwealth. Accordingly, the Judicial Council of Virginia has established a voluntary certification process for Spanish-speaking interpreters. To date, Spanish is the only language in which the Commonwealth has established a certification process with a purported purpose of ensuring that interpreters are competent in a court environment. The requirements for certification are:

1. Agreement to follow the Code of Professional Responsibility for Foreign Language Interpreters Servicing Virginia Courts (established by the Judicial Council of Virginia);
2. Complete the training requirements established by the council (a two-day orientation training session);

3. Successfully complete a written test on general English language vocabulary, court-related terms and usage, and ethics and professional conduct, and translating English sentences into Spanish;

4. Complete the Spanish language interpreters' certification oral examination. Current requirements are a minimum of 70% correct on each of the four sections and an overall average total score of no less than 70% to pass the oral examination.

Interpreters already certified by the U.S. Administrative Office (i.e., are federally certified) or are certified from another state that is a member of the State Interpreter Certification Consortium, are presumed eligible and do not need to pass the Virginia Certification Process to be listed as a "qualified" interpreter.

The list of qualified interpreters is periodically distributed to the Virginia Courts and may be accessed via the Internet at:

<http://www.courts.state.va.us/flilist.htm>.¹⁰

It is very clear that courts are routinely using Spanish-speaking interpreters who have passed the Judicial Council's voluntary certification process when appointing Spanish-speaking interpreters. What remains unclear is whether in cases where the individual litigant (or his counsel) bears the responsibility of providing their own interpreter, they must also need an interpreter who has passed the Judicial Council's process. Ultimately the litigant who bears the responsibility for paying for the interpreter services should be the one to make the final determination; however, the recommendation of the HBAVA is that, wherever possible, certified interpreters should be used. It is important to remember that the court (and the presiding judge specifically) has the discretionary right to discharge an interpreter that the judge believes is not providing an accurate translation of the proceedings and/or the testimony of the party or the witness. The use of certified interpreters serves to assure both counsel and the court that the interpreter has the qualifications necessary to perform this important function. ■

This article is prepared on behalf of the Hispanic Bar Association of Virginia (HBAVA) in an effort to provide continuing education to the Fairfax Bar on issues particularly relevant to the Hispanic Community of Virginia.

⁴ §8.01-384.1:1(A).

⁵ §8.01-384.1:1(B). Fees are set in accordance with the guidelines set by the Judicial Council of Virginia and are paid to the interpreter from the general fund of the state treasury as part of the expense of trial.

⁶ It is difficult at this time, with the addition of the interpreter/state employees, to determine if this practice will continue and, if so, to what extent.

⁷ In Fairfax, representation by the Legal Services of Northern Virginia or as part of the Fairfax Bar Pro Bono Project is *prima facie* evidence of indigency.

⁸ It should be noted that the code section allowing for interpreters in civil cases (§8.02-384.1:1) does not contain any such financial limitations to the court's discretionary powers.

⁹ §8.01-384.1:1(C), Virginia Code, 1950, as amended.

¹⁰ Personal experience with this list indicates that the information contained in it is not updated often; therefore, in response, the HBAVA is in the process of putting together a more accurate database for Spanish-speaking interpreters. The reader may also contact the HBAVA Interpreter Services Committee for contact information regarding qualified interpreters or a list of interpreters in the area.

FAIRFAX GIRLS' PROBATION HOUSE VALENTINE PROJECT



The FBA Paralegal Section thanks the members of the Fairfax Bar, Paralegal Section, and community members who contributed to the Fairfax Girls' Probation House Valentine Project. We not only collected monetary donations, but also new books, toiletries, and sundries to include in our 2008 Valentine gift bags, which were our best to date. The sturdy tote bags were donated by Compass Point Books of Mankato, MN, and each young woman received three nonfiction books donated by Capstone Press, also of Mankato, MN. Your donations helped provide each recipient with five leisure-time books and one classic novel. In addition, each tote bag was packed with book labels, a comb, shower gel, toothbrush, hair clip, journal, post-it notes, gel pen, and Valentine candy.

The director and teachers at the facility received tote bags packed with extra books and toiletries to use as gifts and/or incentives for the young women during their tenure at the residence. It was a pleasure to deliver the bags to the young women on behalf of the Fairfax Bar Paralegal Section and the Fairfax Bar Association. It was a greater pleasure to witness their genuine delight and interest in the books and other items.

Thank you for your support of this project. We hope you will continue to support us next year to make this an even bigger and better project. ■

President's Column

continued from page 2

(i) To everyone who supported me and/or the FBA this year, who I didn't specifically name due to lack of space or because I spaced, I leave my thanks for helping make this such a wonderful year for me and my apologies for not mentioning you by name.

ARTICLE THIRD

President's Awards

I bestow the coveted President's Award upon the following individuals in honor of their dedication and outstanding service to the Fairfax Bar Association (listed in alphabetical order):

(a) I bestow the President's Award upon **Charles "Chuck" Collins, Jr.** for his tireless efforts with the Devonshire Program which provides volunteer attorney speakers to reach out to at-risk teenagers as part of the Devonshire Youth Alcohol and other Drug Intervention seminars held throughout the school year;

(b) I bestow the President's Award upon **Kyung "Kathryn" Dickerson** for editing everything I have written for the FBA, including this column and without whose generous and ever present input and assistance, I would not enjoy my present reputation for creativity and eloquence (I'll let you guess whether she added to this paragraph);

(c) I bestow the President's Award upon the **FBA Staff** for their invaluable assistance this year. It is truly a team effort and each member of the Team FBA played a vital role in the success of our many programs and services. We have made great strides in our LRIS and *Pro Bono* Programs, and we have added a new communications person during my term. Special thanks to Executive Director, Yvonne McGhee, for her dedication to the FBA, and especially for not letting any of the FBA's proverbial balls drop during my year as President; and Sandra Marchenko and Courtnie Norris for efforts above and beyond the call of duty, specifically including, but not limited to, helping make the CLE at Sea—Cruise to Bermuda, Candidates Forum and Legislative Reception, and the record-breaking Bench Bar Dinner Dance so successful this year.

(d) I bestow the President's Award upon the **Honorable John T. Frey** for his participation in the Candidates Forum and Legislative Reception, for his help in trying to get speakers for luncheons, and for his support of the FBA during the move to the new courthouse;

(e) I bestow the President's Award upon **Shirley F. Keisler** for being one of the most active participants on the Cruise Task Force, for speaking on the cruise and for roping her husband and Judge Daniel into speaking with her;

(f) I bestow the President's Award upon the FBA team in the **Law Library**. The Library has a new staff that is brimming with professionalism and enthusiasm. I single them out due to the massive move they orchestrated in a seamless fashion to their new quarters in the expansion that is the showcase of the courthouse. Also, the Library staff rallied quickly to ensure that the after-hours access promised in the courthouse bond referendum was fulfilled and the Fairfax Community can now use the courthouse until 8:00 PM on Mondays and Thursdays. I invite you all to the Library Open House on June 11 from 5:00-7:00 PM. Look for more information about the event in this *Journal*.

(g) I bestow the President's Award upon **Bob Letnick** for organizing two FBA golf tournaments every year (including the FBA's John T. Frey Memorial Golf Tournament to be held on May 12. John is still alive, so clearly this award is not for Bob's grasp of the English language), and for his service on the Cruise Task Force and the Budget Committee;

(h) I bestow the President's Award upon **Timothy J. McEvoy** for helping secure the \$75,000 pledge to the Fairfax Law Foundation from Odin, Feldman & Pittleman, PC, which has started a landslide of giving;

(i) I bestow the President's Award upon **Sharon Nelson** in gratitude for her years of support including, but not limited to, recommending me for my first leadership position in the FBA as Chairman of the Technology Committee, encouraging me to run for the FBA's Board of Directors, appointing me as the only non-FBA officer to the Strategic Planning Task Force when she was President-Elect, appointing me as Treasurer when she was President, and presenting a CLE during the CLE at Sea—Cruise to Bermuda;

(j) I bestow the President's Award upon **Justine L. Nguyen** for the direction and leadership she has brought to the Paralegal Section this year as their Chair;

(k) I bestow the President's Award upon **Alan B. Plevy** in gratitude for his censoring those parts of my FBA writings which would have gotten me in trouble, for acting as my advisor and sounding board for ideas, for volunteering to speak at the CLE at Sea—Cruise to Bermuda (he has never given a CLE before and will probably never do it again), and for generally being supportive of all of my efforts during this difficult (but great) year;

(l) I bestow the President's Award upon **Debra L. Powers** for allowing us to use Susan Hick's offices to hold all of the Cruise Task Force meetings as a compromise between the Fairfax contingent and the Tysons Corner contingent and for writing the ethics CLE presented by Judge Mutnick on the cruise;

(m) I bestow the President's Award upon **Michael I. Rieger** for organizing the FBA's annual DWI CLE every year;

(n) I bestow the President's Award upon **K. Leigh Taylor** for being one of the most active members of the Cruise Task Force (possibly because almost all of the meetings were in her office) and for helping secure CLE speakers or any other task she was "voluntold" to do (she also served as Vice-Chair of the CLE Committee this year);

(o) I bestow the President's Award upon **Jason D. Smolen** in gratitude for his support as a mentor and advisor throughout my career and especially during this last year and because he would have been very upset with me if I gave awards to Kathryn and Alan, but not him;

(p) I bestow the President's Award upon the **Honorable Arthur B. Viereggs, Jr.** for his support of the FBA's Conciliation Program over the past several years. (Jay Meyerson, who spearheads this program, is particularly grateful for his backing);

(q) I bestow the President's Award upon **Ralph "Rivers" Wills** for being so supportive of the FBA during the move to the new courthouse; and

(r) I bestow the President's Award upon **Edward L. Weiner** for hosting the always popular Weiner Roast every year, for his incredible enthusiasm for philanthropy, including establishing Jazz for Justice, and for his willingness to always make the "ask" in the name of the Fairfax Law Foundation.

ARTICLE FOURTH

Guardians

I appoint **Julie Heiden, President-Elect**, as Guardian of the Board of Directors. If Julie Heiden shall fail or cease to act as Guardian, I appoint Corinne Lockett, Vice President, as Guardian. No Guardian shall be required to file or furnish any bond, surety, or other security in any jurisdiction.

IN WITNESS WHEREOF, I, **Daniel H. Ruttenberg**, sign, seal, publish and declare this instrument as my Last Column and testament this day of May 2008. ■

Fairfax Public Law Library Enjoys New Facilities

The Fairfax Public Law Library has finally moved into its new home in Room 115 on the first floor of the recently opened Courthouse Expansion. "The vision of the courthouse expansion planners, coupled with the financial support and commitment of the County supervisors and the public at large who voted to approve the bond funding for the project, are truly to be thanked for our new library facility," commented Fairfax Bar Association Law Library Committee Chair Thomas W. Repczynski. In addition to tripling the total square footage of its former location in the Jennings Building and allowing more natural light to flow in from the two-story front windows, all the furniture in the Library has been completely replaced.

The Library's décor is just one of many improvements. Although Bar Association members will still enjoy the privilege of after-hours access every evening of the week until 10:00 PM, the Law Library now offers extended hours to the public at large. It will be staffed Monday and Thursdays until 8:00 PM and will continue its traditional hours of 8:00 AM to 4:30 PM on Tuesdays, Wednesdays, and Fridays.

"We are pleased to invite the public to use our new facility," noted Clerk of the Fairfax Circuit Court John T. Frey. "The Bond Referendum passed by the Fairfax County citizens included after-hours access to the Courts, and we are pleased to fulfill our promise to better serve the residents of our community."

"Additional hours means that we will be able to serve the public in a wider capacity," added Thomas B. Pulver, Law Library Director. "We hope the public takes full advantage of all the wonderful resources we have which are not available at any other single location in Fairfax County."

The Library now has enhanced customer access to Westlaw, Lexis, Casefinder, HeinOnline, Virginia Continuing Legal Education (CLE) materials, and Legal Services of Northern Virginia (lsnv.org) printable forms and instructions. The mission of the Fairfax Public Law Library is to provide access to legal information and to assist judges, lawyers, law clerks, court employees, and the general public in their research efforts.

Moreover, the Library is currently undertaking to greatly expand its online card catalog by updating records to reflect the location and extent of both its electronic and print collection. Upcoming improvements also include installing more updated computers and related peripheral equipment, placing more direct lighting for customer workspaces, and providing a casual reading area for the comfortable perusal of magazines, newspapers, and law reviews.

In addition to the 100-seat main floor, the Library now offers a ten-person conference room that can be scheduled in advance for multipurposes. "This new facility is the premier legal educational resource in Fairfax County," stated Yvonne C. McGhee, Executive Director of the Fairfax Bar Association, which oversees the administration of the Law Library. "We plan to offer clinics for the public, as well as educational programs and CLEs for legal professionals in Northern Virginia." For more information about the library, call **703-246-2170** or email liblawlibrary@fairfaxcounty.gov.

FAIRFAX PUBLIC LAW LIBRARY OPEN HOUSE

On Wednesday, June 11, from 5:00 to 7:00 PM, members of the bench, bar, and community are invited to attend an Open House for the purpose of showcasing this new facility as well as providing guests with a chance to meet the Library staff. This catered event will feature hors d'oeuvres, beverages, and live music. RSVP to: Sandra Marchenko, 703-246-2735 or email smarchenko@fairfaxbar.org.

FBA Young Lawyers Lace Up for a Good Cause

The Young Lawyers Section of the Fairfax Bar Association is putting together a FBA team to participate in the **Lawyers Have a Heart XVII 10K Run and Fun Walk** which will benefit the American Heart Association. The race and fun walk will take place on **Saturday, June 14, 2008** at the **Washington Harbor in Georgetown, Washington, D.C.**

The run and fun walk is not only open to FBA members, but to all of the FBA's family and friends. "I personally ran this event before and have seen many familiar FBA faces, so we decided to put together a team," said Todd Davis, Young Lawyers Section's race coordinator. "We invite everyone to join us for a day of fun, camaraderie, and charity," he added.

To register, simply log onto www.runlhh.org. When prompted, select "Team Registration" - this should provide a dropdown list of participating teams in which one will choose Fairfax Bar Association. The entry fee for the race is \$30 until June 11 (online registration closes on June 11 at 1:00 PM); \$40 June 12-14 and \$10 for children under 12. Note that registration will only be available at the packet pickup and on the race day after online registration closes.

The Young Lawyers Section is also trying to get racing shirts for the team for the June 14 event. Pacers, a local store dedicated to everything running, has agreed to a discount in exchange for having their logo on the back of the shirt. The Section has also been in touch with local practitioners about donations; the minimum order is 25 and should cost \$25.00 per shirt. Email erin.sylvester@fairfaxcounty.gov if your law firm or organization is interested in helping to defray the costs.

In addition to the team shirts, the Section is planning two Saturday morning runs on May 17 and May 31. The team will meet at the Caboose in Vienna and will run on the W&OD trail with groups for all ability levels. These runs are completely voluntary and informal.

Since this is a new initiative, and if the enthusiasm stays high, the Young Lawyers Section intends to host a 5K race in Fairfax next spring. For information on any of the above or to join in the planning committee for next year's 5K race, email **Erin Sylvester** at erin.sylvester@fairfaxcounty.gov or **Todd Davis** at toddavis9@hotmail.com. ■

IN MEMORIAM

**Joe Duvall
Charlie Kramer
Hilary Jenkins**

*by The Honorable Michael J. Valentine (Retired)
Juvenile & Domestic Relations District Court*

The Fairfax Bar says good-bye to two wonderful trial lawyers this month—Joe Duvall and Charlie Kramer, both taken prematurely but in very different ways. Joe had retired after a great run as a larger-than-life lawyer on the Fairfax scene in the 70s, 80s and early 90s, and Charlie was snuffed out by cancer in the prime of his career. At Joe's funeral his wife described his last seven years suffering from Alzheimer's as the long good-bye. The Joe we all knew had left many years ago, his faculties ravaged by an insidious disease which took perhaps Joe's greatest gift, his mind. Both were lawyers I considered friends and colleagues. They were as different as night and day but they had the common thread of loving the practice of law. Charlie was as reserved as Joe was affable. Joe was a new face on the Fairfax legal scene and he shook up the staid and well-entrenched legal establishment when he mustered enough votes to become president of the Bar Association in true political fashion. He got out the vote and blind-sided a complacent slow moving current that resisted change. When I nominated the late Kaletah Carroll for consideration as a judge on the Circuit Court, lesser lawyers laughed, as this was an unprecedented move. Joe took me seriously and championed minority appointments on more than one occasion.

Charlie came to the assistance of a dear friend at my request, for which I will always be grateful. His appearances in my courtroom were always looked at happily (at least by me) because I knew he would have done his homework and his client would receive a full measure from his counsel.

Hilary Jenkins died at the age of 90 on April 3. The real old timers in our community will remember Hilary "Bill" Jenkins as a Fairfax County Police Officer for 29 years and a Fairfax Deputy Sheriff and Court Security Officer for 14. But few of us knew that Bill Jenkins was a member of the 29th Infantry Division who landed on a Normandy beach in the second wave of liberators. He came home, joined the police department in 1946, and became a fixture in the courthouse scene shortly thereafter.

I once again call on the Bar to take the time to begin to document its history. Too many wonderful memories will be lost to posterity as the repositories of our collective history are lost to the vagaries of time and disease. Joe and Charlie belong to a long line of historical figures in our profession. It takes more than portraits to immortalize them. Hilary Jenkins was the 19th person to become a Fairfax County Police Officer. Our Fairfax history is so rich, interesting, entertaining, sad, ironic, so much more than where George Washington stored his will. But how much will be remembered by the next generation? How much has been lost already? ■

UPCOMING EVENTS/CLEs

INVESTITURE FOR JANINE M. SAXE

Friday, May 16, 2008

4:00 PM

Fairfax County J&DR District Court, Courtroom 2

Reception Immediately Following

FAMILY LAW HOT TOPICS CLE

Tuesday, May 20, 2008

4:30 - 8:00 PM

Fairfax County Courthouse, Courtroom 1E

3.0 MCLE Credits *Pending*

\$105.00 FBA Members/\$135.00 Non-Members

MEDIATING ELDER ISSUES CLE

Presented by the FBA Elder Law Section & the Joint ADR Committee of the VBA & VSB

Thursday, May 29, 2008

5:00 - 7:30 PM

New Fairfax Public Law Library (Fairfax Courthouse)

2.5 MCLE (.5 Ethics) Credits *Pending*

\$87.50 FBA Members/\$107.50 Non-Members

YOUNG LAWYERS' SECTION HAPPY HOUR

June 2008 - Location TBD

The Young Lawyers' Section has a Happy Hour each month. Watch for e-blasts for dates and locations. The Young Lawyers' Section rotates locations between Fairfax City and Tysons Corner to ensure the Happy Hours are convenient for all.

FBA ANNUAL LUNCHEON MEETING

Tuesday, June 3, 2008

12:00 PM Registration & Social Reception/12:30 PM Lunch

Maggiano's Little Italy, 2001 International Drive, McLean, VA 22102

Installation of Julie Heiden as FBA President, Presentation of President's Award, and Kassabian Award

YOUR FIRST TIME IN COURT: WHAT TO EXPECT & WHAT THE BENCH EXPECTS OF YOU

Presented by the FBA Young Lawyers Section

Wednesday, June 4, 2008

5:00 - 7:30 PM

Fairfax County Courthouse, Courtroom 1E

2.0 MCLE Credits *Pending*

\$60.00 FBA YL & Members/\$75.00 Non-Members

LAW LIBRARY OPEN HOUSE

Wednesday, June 11, 2008

5:00 - 7:00 PM

Fairfax Public Law Library, 4110 Chain Bridge Road, Suite 115

Fairfax County Courthouse (1st Floor)

INVESTITURE FOR PENNEY S. AZCARATE

Date - TBD

INVESTITURE OF ROBERT J. SMITH

Friday, July 11, 2008

4:00 PM

Fairfax County Courthouse, Courtroom 5J

Reception Immediately Following

LAWYER'S HAVE A HEART 10K RACE AND FUN WALK

Saturday, June 14, 2008

8:00 AM

The Young Lawyers' Section will have a team at this annual DC race this year. The Young Lawyers' Section Board will coordinate training runs and have a team T-shirt. If you are interested, please email Todd Davis at toddavis9@hotmail.com or Erin Sylvester at erin.sylvester@fairfaxcounty.gov.

KEY WEST FESTIVAL AT BREAUX VINEYARDS

Saturday, July 19, 2008

The Young Lawyers' Section has a social event every spring/summer and this year we plan to spend a day on the lawn at Breaux Vineyard's Annual Key West Festival in Hillsboro, VA. Watch for future e-blasts regarding details.

FBA YOUNG LAWYERS' SECTION BOARD OF DIRECTORS ELECTIONS

Date - TBD

If you are interested in becoming more active in the FBA and you are less than 5 years out or under 36 years of age, please join for our annual elections for open positions on our Board of Directors. Watch future e-blasts for more information. ■

TAX TIPS AND TAX LAW CHANGES INVOLVING REAL ESTATE

Provided by the Tax Law Section

by Janee L. Schroader, Esquire, Law Office of Janee L. Schroader, PLLC

(1) Deductibility of Rental and Investment Property Expenses

To the extent that mortgage interest and other expenses paid by individuals for their rental properties exceed the rents received, they are generally not currently deductible. The excess constitutes a "passive activity loss," which may be carried forward to later tax years to offset any net income from passive activities, and any unused carry forward may be used to offset the gain (if any) when the properties are sold.

A special exception applies to individuals whose adjusted gross income is under \$150,000—they may generally deduct up to \$25,000 per tax year of passive activity losses from rental real estate, any unused losses may be carried forward.

The above passive activity loss rules generally do not apply to rental activities conducted by certain real estate professionals or by individuals who spent 750 hours during the tax year performing certain work related to each rental property. If spouses jointly own the rental property, then each spouse must meet the 750 hour requirements. Several rental properties may be combined to meet the 750 hour requirement if a particular election is filed with a federal income tax return.

Notably, it is fairly common for taxpayers to transfer ownership of their rental properties to a limited liability company (LLC). The above passive activity loss limitations generally apply to net losses incurred by an LLC conducting rental real estate activities. Moreover, the above \$25,000 rental passive activity loss deduction is generally not available if the loss flows through from an interest in an LLC (and reported to a taxpayer on a Schedule K-1).

Mortgage interest paid by individuals on investment properties that are not rentals is only deductible to the extent of "net investment income," which includes interest income, dividend income, and short-term capital gains. Any mortgage interest on an investment property that is not deductible in the year it was paid may be carried forward.

Real property taxes and minor repairs paid by individuals on investment properties may be itemized as an "investment expenses" in the year incurred, although investment expenses constitute a "miscellaneous itemized deduction" and are only deductible to the extent they exceed 2% of an individual's gross income. As for substantial repairs and improvements, they should be capitalized and added to the cost basis of the property.

(2) Capital Gain versus ordinary Income on Sale of Property

With regard to sales of rental and investment real estate, individuals may generally prefer to be characterized as mere investors in real estate for income tax purposes rather than dealers operating a real estate trade or business in order to (1) take advantage of the capital gains tax rates, and (2) escape self-employment taxes.

If an individual is treated as an investor and sells property at a loss, however, the taxpayer generally may only write off \$3,000

per year of net capital losses against other income, and any unused net capital loss may be carried forward. Thus, for example, if an individual sells a rental property at a \$30,000 loss, assuming he or she has no capital gains, it might take 10 years to write off the \$30,000 loss.

For individuals who are treated for income tax purposes as operating a real estate trade or business, however, the \$3,000 capital loss limitation does not apply. Nevertheless, in the case of real estate trades or businesses, particularly involving rental properties, losses on the disposition of properties may be subject to the passive activity loss limitations. Whether a taxpayer is considered to be operating a real estate trade or business depends on several factors.

(3) New Tip for Married Couples Operating a Real Estate Trade or Business

Married couples who jointly own real estate and who operate a real estate trade or business may wish to file a Section 761(f) "qualified joint venture" election with their federal income tax return. Without the election, the couple may be treated for tax purposes as operating a partnership, and partnerships have their own return filing requirements. Moreover, filing the election gives each spouse one-half the credit for any self-employment taxes paid. This election was made available under the Small Business Act of 2007. It only applies where the property is owned by the couple outright as opposed to being held in a separate legal entity such as an LLC.

(4) Taxation of Restructured or Discharged Mortgages

Generally, cancelled debt constitutes taxable "cancellation of indebtedness ("COD") income.

With regard to primary residences, however, the Mortgage Forgiveness Debt Relief Act of 2007 grants individuals relief through tax year 2009 by excluding from taxable income up to \$1 million (\$2 million if married filing jointly) of debt reduced through mortgage restructuring, as well as mortgage debt forgiven in connection with a foreclosure. These exclusions generally apply only to debt used to acquire, construct, or substantially improve a taxpayer's principal residence, including refinanced debt up to the amount of the original principal.

An already existing provision generally excludes from taxable income (1) debt on real property that is discharged in bankruptcy, (2) debt on real property that was owned by an insolvent taxpayer and forgiven outside of bankruptcy, and (3) debt on property used in a non-corporate trade or business. The exclusion is generally limited to the amount that the outstanding debt principal exceeds the fair market value of the property.

The caveat to the above rules is that the basis in the property is reduced by the amount of COD income excluded from tax, such that a taxpayer may ultimately end up paying tax on some or all of the amount of the debt forgiven or discharged indirectly anyway. ■

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ANNOUNCEMENTS

JOSEPH M. CATURANO, JR. has joined the Fairfax firm **COLTEN CUMMINS WATSON & VINCENT, P.C.** as an associate attorney, where he will focus his practice in the areas of general civil litigation and family law. He may be reached by telephone at: 703-277-9716 or 703-277-9700 or by email at jccaturano@coltenlaw.com.

SHOUN, BACH, WALINSKY & CURRAN, P.C. is pleased to announce that **EDWARD J. WALINSKY, GERALD R. CURRAN, SUSAN M. BUTLER**, and **ALBERT M. BONIN** have become principals of the firm. 12700 Fair Lakes Circle, Suite 300, Fairfax, VA 22033. Telephone: 703-222-3333; facsimile: 703-222-3340; www.shoun.com.

WILLIAMS MULLEN is pleased to announce that patent attorney **ERIC ADCOCK** has joined the firm as an associate. Two James Center, 1021 East Cary Street, Richmond, VA 23219; 804-783-6521; cmcmamus@williamsmullen.com.

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WHEN SHOULD YOU REFER TO AN ELDER LAW SPECIALIST?

By Evan H. Farr, Certified Elder Law Attorney

Author of *The Virginia Nursing Home Survival Guide*

When your clients are concerned about nursing home expenses and/or Medicaid eligibility, your first thought should be to consider a referral to an elder law specialist. Medicaid laws are extremely complex, and they change frequently. The U.S. Supreme Court has called Medicaid law "an aggravated assault on the English language, resistant to attempts to understand it." *Schweiker v. Gray Panthers*, 453 U.S. 34, 43 (1981). Our own Fourth Circuit has called the Medicaid

Act one of the "most completely impenetrable texts within human experience" and "dense reading of the most tortuous kind." *Rehab. Association of Virginia v. Kozlowski*, 42 F.3d 1444, 1450 (4th Cir. 1994). Yet despite this complexity and despite the fact that much of the Medicaid law was re-written in early 2006, numerous Medicaid planning options still exist. No one ever wants to end up in a nursing home; however, if a nursing home becomes the only option, my firm and I help clients get the best possible care by protecting assets from the forced liquidation often required by Medicaid. By obtaining Medicaid benefits for clients and then helping the clients use the protected assets to pay for better care, we help our clients preserve dignity and quality of life when it matters most. For example, protected assets can be used to hire a private caregiver to supplement the basic level of care provided by the nursing home, or to purchase services or items for a nursing home resident that are not covered by Medicaid, such as special medical devices, upgraded wheel chairs, transportation services, travel and entertainment, and other amenities that make life better and more enjoyable.

With 3 attorneys, 4 paralegals, and a geriatric care coordinator, my practice focuses on Life Care Planning & Medicaid Asset Protection. In addition to being the only attorney in Virginia who has earned the dual designations of Certified Elder Law Attorney* and Certified Estate Advisor,* I was also recently named as a **Virginia Super Lawyer**, an honor bestowed upon Virginia's top 5% of lawyers as chosen by other Virginia attorneys and through the independent research of *Law and Politics Magazine*.

With office locations in Fairfax, McLean, and Herndon, I welcome referrals from all over Northern Virginia, and I'm always delighted to discuss a potential case with another attorney to determine if a referral is appropriate. If you think your clients might need an Elder Law specialist for themselves or their parents, please call me at 703-691-1888, or contact me by email at EvanFarr@FarrLawFirm.com or via our Web site, www.VirginiaElderLaw.com.

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