
Senior Lawyer NEWS

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Frank O. Brown Jr., Editor

James P. "Penny" Baber

A Remembrance by Vivian Seay Giles, Esquire

With the passing of James Pendleton "Penny" Baber on Monday, May 22, 2017, Cumberland County lost its only attorney, Central Virginia lost a true gentleman lawyer, and the Virginia State Bar lost its 2017 Tradition of Excellence award winner. Penny had practiced

law in Cumberland County since his graduation in 1961 from the University of Virginia School of Law, which he attended following his graduation from the University of Richmond in 1958. In an article about him published shortly before his death, Penny explained that when he

Continued on page 2 >



Homer C. Eliades

A Remembrance by Peter D. Eliades, Esquire

I was humbled when I was asked to write a remembrance of my father and law partner, Homer C. Eliades. That humility only grew as I went to the archives of the Senior Lawyer News and read previously published remembrances. Many of those lawyers had been Justices,



Judges, members of the General Assembly, and senior partners of prestigious law firms. I quickly realized that one of the reasons that I was requested to write this remembrance about Dad, who was a small-firm practitioner, was that he exemplified and stood for so many

Continued on page 2 >

Renae Reed Patrick

A Remembrance by Darrel Tillar Mason, Esquire



When asked to write this remembrance of Renae Reed Patrick because of my long association with her through the Virginia Women Attorneys Association (VWAA), I felt privileged, but knew that others in the VWAA would want to share their recollections. Thus I reached out to

Association members requesting reflections on Renae's personal qualities as well as her contributions to our profession. The respondents were uniform in describing Renae as a zealous and dedicated advocate who was passionate about providing access to justice to the legal aid clients

Continued on page 3 >


opened his law office in 1961, “I didn’t have a secretary. I just hung up a shingle and rented some space.... I rented it from the county, actually.” I personally overheard Penny many times say that he continued practicing law simply because he loved it, and that often throughout his career, he got paid only what a client could afford, or not at all.

A life-long resident of Cumberland County, Penny also served his community as Commonwealth’s Attorney, County Attorney, and Commissioner of Accounts. In addition to his legal service, he served on the board of directors of Deep Run Hunt Club, was a member of the Ruritan Club, was a member of the Cumberland Historical Society, and previously served as a Boy Scout Troop Leader. He was on the vestry of Saint James Episcopal Church and served as a delegate to the Council on the Diocese of Southern Virginia.

In nominating Penny for the 2017 Virginia State Bar Tradition of Excellence Award, I shared that whenever Penny’s name is mentioned among his colleagues, immediately they speak of his grace and his powerful intellect. He was meticulous, thorough, tough, deliberate, kind, unyielding, and smart. He embodied the characteristics of a true southern gentleman while at the same time proving to be a worthy adversary and truly tough, yet always ethical, opponent. I nominated

Penny, not because of any single monumental achievement or specific success of which I was aware, but for his fifty-six years of service, excellence and professionalism in the practice of law in Central Virginia. He served as an example of the highest professional ethics and legal skills. Those of us fortunate enough to have practiced with him were enriched and blessed by the experience. He was unassuming and quiet, yet never to be underestimated. In short, I suppose the fact that he served the citizens of Central Virginia for such an extended period of time and in such a gracious and professional manner is itself the monumental achievement for which I nominated him for the Tradition of Excellence Award.

He loved his family, and they describe him as a man of many interests, including reading, farming, opera, theatre, travel, the arts, dancing, cooking, and a good party. Penny was preceded in death by his wife, Carolyn S. Baber, and is survived by their children, Clayton Anderson Baber and his wife Kay, Catherine B. Fleischman and her husband Luke, and Courtenay J. Baber and her husband Charles Davis, as well as three grandchildren and six great-grandchildren.

Penny is remembered for his distinguished service as a citizen-lawyer, and we are inspired by his tradition of excellence. 



attorneys whose successes have come from loving the practice of law. He often quipped, “I don’t hunt, I don’t fish, I don’t like yard work, and I have a lousy golf game... fortunately, I love my profession” – and indeed he viewed the law as an honorable profession. Since Dad’s passing in July of 2016, I have been assured by so many that his love of the law manifested itself in his taking great care of thousands of clients over his 62-year career. Dad respected the law, members of the bench and the bar, and of course his clients. There is scarcely a day that goes by without someone stopping me somewhere to tell me a story about how Dad had helped them or a member of their family. Dad was, in his heart, a family man. He believed in and loved his family.

Dad was the son of Greek immigrants. His father, George Eliades, came to the United States, by himself and only 21 years old, in 1914. My grandfather answered a recruitment advertisement by E. I. DuPont seeking an interpreter at its Hopewell munitions factory. Because of his multilingual abilities, he was hired not only by DuPont, but also by the local hospital and the local Army base, Camp Lee. My grandfather never left Hopewell.

Born on February 22, 1929, Dad was a graduate of Hopewell High School (1946), the University of Virginia (1949) and the

University of Virginia School of Law (1954). He served in the U. S. Army Counterintelligence Corps from 1954 to 1956.

Dad began his private practice of law in 1956, by establishing the law firm of Eliades & Eliades with his brother, Plato (who would ever have guessed they were of Greek descent?). He continued in that same practice until his death. I had the privilege of joining him in 1984, serving as the firm's SOB (son of boss) until his death. He served as a member of the Virginia State Bar Council and as Chair of the Virginia State Bar Senior Lawyers Conference. He was also a member of the Virginia Trial Lawyers Association, the Virginia Bar Association and the Hopewell Bar Association. He served as Chairman of the Sixth Judicial Circuit Bench-Bar Committee from 1994 until his death. In 2011, Hopewell's City Council dedicated the city's courthouse library as "The Homer C. Eliades Law Library". I found this naming to be particularly fitting in that his routine response to an associate's question of law or procedure was, "Have you researched it yourself yet?". If the attorney had done his or her independent research, the discussion was on. If they had not, the discussion would have to wait for their return from the library. Dad believed in hard work and solid preparation, and he had a sense of fair play and justice.

Without a doubt, Dad immersed himself in all things Hopewell. He served as President of the Hopewell Kiwanis Club,

Chairman of the Hopewell Electoral Board, Member of the Hopewell Redevelopment and Housing Authority Board, and Member of the Hopewell Chamber of Commerce Board.

Those who knew Dad well understood his deep passion for providing educational opportunities to all who would seek them. He was a founding member of the John Tyler Community College Board of Directors in 1967, serving as Chairman for two of his 15 years on that Board. He then became a founding member of the John Tyler Community College Foundation Board in 1979, serving as President for two of his 37 years on that Board. In 2009, he received the Virginia Community College System Chancellor's Award for Leadership and Philanthropy, recognizing him for his 42 years of uninterrupted service to JTCC. In 2012, JTCC dedicated one of its academic buildings on the Midlothian campus as "Eliades Hall". At his death, Dad was a member emeritus of the JTCC Foundation Board, having given JTCC 50 years of uninterrupted service. Over 40 years ago, in honor of his father, Dad established The George H. Eliades Endowed Scholarship for students in need of financial assistance. And in 2009, the VCCS established The Homer C. Eliades Commonwealth Legacy Scholarship at JTCC, honoring his life's work at the college.

So, the son of Greek immigrants took on the challenge of coming back to Hopewell to establish

himself as a lawyer who could make a difference in people's lives. He claims to have been told by many of Hopewell's establishment that he probably would not be able to meet that challenge. He started by keeping Wednesday afternoon hours (unheard of in these parts at that time) and by keeping Saturday morning hours. He not only put in long office hours, but he routinely brought work home with him. He even had a designated file box that he would fill before he left to "get away" for the weekend. Dad was a fighter, and he was fiercely competitive. He set out to prove the naysayers wrong, and I think he accomplished that goal. One of his favorite quotes was from Mahatma Gandhi: "First they ignore you, then they ridicule you, then they fight you, then you win". My Dad won. We are all proud of him, and we cherish his memory.



Patrick continued from page 1

she represented so effectively throughout the Commonwealth.

Marni E. Byrum, with McQuade Byrum PLLC, a former President of the VWAA (1988-1989) commented, "One of the things I admired about Renae was that she had this innate sense of what needed protecting and always came to the assistance of those who could not protect themselves. To paraphrase Eleanor Roosevelt, nothing really matters but the satisfaction of knowing that you stood for the things in which you believe, and have done the very

best you could. That, to me, is the epitome of Renae.”

We suspect that while there may well be others whose length of service in legal aid matched Renae’s, there likely is not anyone who worked in as many different legal aid offices. Renae served as a staff attorney with the Legal Aid Society of the New River Valley in Christiansburg; a staff attorney for the Legal Aid Society of Roanoke Valley (twice); a staff attorney in the Manassas office of Legal Services of Northern Virginia; and Managing Attorney in the Lynchburg office of Virginia Legal Aid Society. At the time of her death on March 3, 2017, just a few days short of her 69th birthday, Renae was the Managing Attorney at Blue Ridge Legal Services in Winchester.

Sharon E. Pandak, with Greehan, Taves & Pandak remembers Renae from her days at the Manassas Legal Services of Northern Virginia office and described her as “a trooper for the disadvantaged! Renae was always gracious even as she was tenacious. A true champion has left us.”

A common descriptor applied to Renae was “leader.” Certainly, she was a leader in the legal aid community and was recognized by the Virginia State Bar as “Legal Aid Attorney of the Year in 2003.” In addition, Renae chaired the Board of the Virginia Poverty Law Center, chaired the Virginia State Bar’s Access to Legal Services Committee, and chaired the Virginia State Bar’s

Senior Lawyer Conference Board of Governors. In 2015, Renae was named as an “Influential Woman of Virginia” by the publisher of Virginia Lawyers Weekly.


Renae was a valued member of the Virginia Women Attorneys Association who served the organization in numerous official capacities including Secretary (1997-1998 and 1998-1999), President (2000-2001), Editor of the Lex Claudia (2009), Continuing Legal Education Chair for many years, and VWAA representative to the Conference of Local Bar Associations (CLBA) for many years.

Renae faithfully attended the CLBA Awards breakfasts held in conjunction with the Virginia State Bar’s annual meeting in Virginia Beach. At these meetings, Renae’s lighter side was in evidence as she arrived early, donned in the requisite Hawaiian shirt to decorate the VWAA table with palm trees, leis, and hula dancer figures, adding to the collection each year. One year, Renae passed out grass skirts and coconut bras to our members who proudly wore them (over their original outfits) to accept various recognitions at the breakfast. Liz Pendzich of the Law Office of Elizabeth Pendzich, PC recalls those breakfasts, and commented, “Renae was such a lovely woman – and she loved to have fun.”

Not surprisingly, Renae was a true believer in a lawyer’s ethical responsibility to provide pro bono legal services. Although

she was not feeling well in October 2016, Renae traveled to Charlottesville to be part of an ethics panel presentation on pro bono service which she championed. One of her fellow panelists, Christine Mougins-Boal with the Laurel Brigade Law Group (VWAA President 2010-2011), was impressed by Renae’s “get to the point and get on with it attitude” which she believes stemmed from Renae’s amazing background of public service and her accumulated wisdom.

The other panelist, Maryse Allen, a partner with Compton & Duling (VWAA President 2013-2014) reflects, “Renae and I worked together with Christine Mougins-Boal to present a CLE on pro bono service at the VWAA’s Fall Conference and 35th Anniversary last October. As a long time legal aid attorney and board member of the Virginia Poverty Law Center she could have just told anecdotes during her presentation and that would have been extremely educational. But she contributed so much more—guiding our efforts so that all three of us could effectively advance the discussion on the access to justice crisis. At the CLE she spoke eloquently of the plight of the poor and had the moral authority to encourage all present to take on pro bono work to ensure they had access to justice. “

Renae’s faith-based commitment to serving the poor will continue to be an inspiration to all of us. 

Cybersecurity for Senior Lawyers

by Sharon D. Nelson, Esq., John W. Simek and Michael C. Maschke

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When we were asked to do this article for senior lawyers, our first question was, “Are they still practicing law?” Considering that senior lawyers are those that are 55 years of age or older, the answer was that many senior lawyers are practicing law, and some are retired from the practice of law. We were therefore asked to do a general cybersecurity piece where the advice would apply to those still practicing law as well as those who have retired from the practice of law, all of whom want to ensure proper cybersecurity.

We thought the best way to do this might be through short, plain English tips. Technology makes the “plain English” goal a bit challenging, but . . . away we go!

1. Social engineering.

We can't tell you how many times senior lawyers have called us after getting a call from Microsoft Tech Support telling them that their machines were infected and sending reports of the infection to Microsoft. In any amazing number of cases, the lawyers (by the time they had called us) had allowed the folks on the phone access to their computers by following the instructions the callers gave. No reputable company will call you to tell you that you have an infection. It is a scam, pure and simple. Either they want you to pay



money for “fixing” the computer or they want access to your computer to get personal data that they can use themselves or sell for identify theft. If the caller says they are from YOUR IT company, but they are asking for your password and ID, they not from your IT company. Don't be duped by this form of social engineering.

2. Phishing.

These days, breaches are, 91% of the time, a result of a phishing e-mail. There are all kinds of phishing e-mails – those that go to anyone with a machine running operating systems or software with unpatched vulnerabilities or those that are targeted specifically to you (this is called spear phishing). Phishing e-mail can look diabolically real. However, most have something that should tip you off that there's something wrong. Perhaps the e-mail appears to come from a court or someone you know (it's very, very easy to spoof – or hack – someone's e-mail), but you weren't expecting it. There's nothing personal in the body of the text, but there is an attachment or a link to click on. Chances are, once

you click, you'll have downloaded malware that will allow access to your machine. Other clues? Poor English, the promise of a client or money, a sender's domain name that is just one letter (or sometimes a number replacing a letter) off from the real one – things like that. Most legitimate e mails are obviously legitimate. But look at any e-mail with an attachment or a link to click on with an extra level of suspicion.

3. Business e-mail compromises.

These are also known as CEO scams and the FBI reports that they have netted more than 3 billion dollars thus far. From January 2015-June 2016, there was an increase of 1500% in successful attacks. That's one heck of a statistic. Basically, someone who has authority to order money wired appears to be writing someone who actually does the wiring. Law firms have been hit hard by these scams, so it is critical that employees understand how they work and that they be conditioned to seek affirmation of any order to transfer significant monies. If you're lucky enough to be retired, this tip applies only to those still practicing.

4. Back-up.

We're pretty sure most of you have heard of ransomware which encrypts your data and requires the payment of a

ransom (normally in bitcoin) to give you the key to decrypt your data. The way you avoid this is to make sure that you always have one good backup that is not connected to your network. Many of you are backing up to an external hard drive, which is a fine solution, but unplug it when the backup is done. If you get hit with ransomware while that drive is connected, you're toast. Both your active data and your backup files will be encrypted. Have a third backup somewhere – the cloud is fine – to protect yourself. There are many fine choices but we particularly like Carbonite, which will allow you to hold the decryption key. And make sure you do periodic test restores from your backup just to make sure that everything is working as it is supposed to.

5. Change the defaults!

Every 12-year old knows how to get online and get the default ID and password for almost any device. Many of you will have routers for your wireless networks at home. Make sure you change that default ID and password. We can't tell you how many people have found themselves facing a search warrant because their network was being used to download child porn. Your neighbor can do that if you don't change the default ID and password.

6. Encryption is your friend.

Your smartphones should be encrypted. If you have a PIN on your iPhone, that encrypts the data. It is better to have more than four (or 6 with the latest version of iOS) characters in your PIN. Turn off 'Simple Passcode' in order to enter more than the 4 or 6 digits. Why? Because there is software available that can brute force an iOS 4-digit PIN in several minutes. If you are running the Marshmallow or Nougat operating software on your Android, your data is automatically encrypted when you configure a lock code or swipe. If you are running Lollipop or earlier versions of the Android operating system, you simply have to check a box. Very easy to Google the location by simply asking how to encrypt a particular Android operating system.

7. Your wireless network.

It must be encrypted with WPA2 encryption. WEP and WPA were cracked years ago. So, make sure

your home router is running WPA2. If it is too old to support WPA2, buy a new one – they are not very expensive. And if you are on the road and using a wireless network, make darn sure, when you look at available wireless networks, that the one you choose is protected by WPA2. Many smartphone users will connect to wireless networks in order to avoid the data charges associated with accessing the 3G/4G data network of the cellular provider. Using wireless networks is not a problem, but make sure you are connecting to a secure wireless network.

8. Security Suites.

Long gone are the days when an anti-virus program was enough. Now you need a security suite that protects you from all kinds of malware, spam and phishing e-mails. Any of the major products are fine. We are keen on Trend Micro and Kaspersky.

9. Install patches promptly.

Yes, patches can be annoyingly long, especially when you want to get out the door. But there is a reason that manufacturers release them – they fix vulnerabilities in software which can be exploited by hackers. Failure to patch promptly is one of the major reasons people get breached. For operating system and browser patches, in particular, you may want to automate the patching process so you take your human frailties out of the equation.

10. Passwords.

Don't use the same password over and over. If you're compromised in one place, you'll be compromised everywhere. The rules of passwords have changed recently. It is now widely agreed that length outweighs complexity, so make your passwords 14 characters or more, but make a passphrase that you can easily remember, something like "Ilovebeingaseniorlawyer!". If 2-factor authentication (2FA) is available, make sure you use it, especially for confidential data.

11. Password managers.

Can't remember all your passwords? Neither can anyone else, senior moments or no senior moments. Any of the major password managers are fine, but we'll recommend eWallet for Senior Lawyers for

three good reasons: it is cheap, it can be shared across multiple devices, and you can put in all sorts of things that aren't passwords, including all your medicines, your doctor contact info, your air and hotel rewards info, your passport number, your AARP number – and almost anything else you'd want to have with you on your smartphone. Darn handy.

12. Software that is out of support.

Just don't use it. Ever. Out of support means it isn't receiving security updates. There are still a lot of lawyers using Microsoft XP – and yes, it still works. But it is unsupported, with well-known vulnerabilities that bad guys exploit. Besides Microsoft XP, Server 2003 and Office 2003 are now out of support as well as Internet Explorer 10 and earlier. Office 2007 and Exchange 2007 both go out of support in 2017, meaning that you must plan an upgrade if you are using them. Many hacks occur through outdated Adobe software, including Adobe Acrobat and Reader. If you downloaded this product a long while ago and haven't updated them, you may well have versions 8, 9 and 10 (all out of support). For planning purposes, Adobe Acrobat and Reader XI will go out of support in 2017. Using unsupported software is another very preventable cause of data breaches.

13. Lost and Stolen Devices.

Make sure they are encrypted to protect the data. But also make sure you can remotely wipe the devices. A laptop is lost or stolen every 53 seconds in the U.S. and over two million cell phones are stolen each year as well. Assume the worst and protect yourself. On an iPhone, users would enable the 'Find My iPhone' feature through iCloud. The ability to locate your smartphone must be turned on before you lose your phone, something many lawyers seem unaware of. Android users can install the free Lookout application, which has device location capabilities. Location services are included in the latest version of the Android OS so no add-on product is required.

14. Cloud computing.

Most senior lawyers tend to use Gmail or another cloud-based e-mail system. We often find that lawyers are using cloud computing without

knowing it. If the data isn't stored on your system, you are using the cloud. Clouds are not fail proof, but any reputable provider will undoubtedly protect your data better than you will. As previously mentioned, make sure you enable two-factor authentication for your cloud services.

15. File synching software.

Many senior lawyers use Dropbox, which seems have laid claim to the beachhead. But realize that Dropbox holds the decryption key – not you. So, don't put anything sensitive in Dropbox unless you encrypt it first using a third party product such as Boxcryptor, Viivo, Sookasa, etc..

16. Public computers.

If you are in a hotel business center, a public library or an Internet café, it's fine to check last night's game score, but don't do any legal work or access any of your financial data online. Studies have shown that these public computers have an average of seven pieces of malware on them – at least a couple are sure to be keystroke loggers which can record everything you type. Don't print your airline boarding pass either since you'll have to logon to your account, meaning the bad guys can "steal" your miles.

17. Social Media.

Be careful out there. Don't post client information – or your own personal information. Social media posts tend to live forever so think before you post.

Our list of tips is endless, but if you follow the advice above, you'll go a long way toward keeping your data safe!

The authors are the President, Vice President and CEO of Sensei Enterprises, Inc., a legal technology, information security and digital forensics firm based in Fairfax, VA. 703-359-0700 (phone) www.senseient.com

CLE: “How to Close, Sell, or Buy a Law Practice”

Wednesday, November 8, 2017 or Tuesday, December 5, 2017

The Senior Lawyers Conference, in conjunction with Virginia CLE, will be presenting a 3 hour live/webcast/phone seminar, titled, “How to Close, Sell, or Buy a Law Practice” on Wednesday, November 8, from 10:00 a.m. – 1:15 p.m.. The seminar will be held live at the Virginia CLE studio in Charlottesville, and will be accessible anywhere via the webcast and phone options. James McCauley, Frank O. Brown, Jr., Robert E. Hawthorne, and Robert T. Vaughan, Jr. will be the speakers. The program will cover in detail the ethical and practical aspects of closing,

selling or buying a law practice. If you are unable to attend or listen in on November 8, the seminar will be replayed via webcast and phone (with live questions and answers) on Tuesday, December 5, from 10:00am – 1:15pm. Both seminars qualify for 3 hours of live-interactive MCLE credit.

We hope you will be able to attend this practical and informative seminar. Look for future announcements regarding registration for the seminar.

Senior Law Day Programs

The Senior Law Day program, under the format developed by senior lawyer Bill Wilson of Covington, and subsequently chaired by senior lawyer F. Warren Haynie, Jr. of Lottsburg, is a successful one conducted by local bar associations and individual lawyers as a public service in reaching out to senior citizens in our communities and providing them with education about their rights and responsibilities under the law. The programs have been presented all over the Commonwealth, and they represent win-win-win situations for the public, for the lawyers who are involved in planning and presenting the programs, and for the legal profession.



For more information, please call SLC Liaison Stephanie Blanton at (804) 775-0576, and she will assist you with more information about Senior Law Day programs.

Pro Bono Activities By Senior Lawyers

The SLC actively encourages individual pro bono activities by senior lawyers. To find out how you can become involved in providing pro bono services, please call John Oakey at (804) 775-4336.

Mentoring Activities by Senior Lawyers

The SLC actively encourages senior lawyers individually to mentor and to support collegially new and younger lawyers.

How to know it's really the IRS calling or knocking on your door

Many taxpayers have encountered individuals impersonating IRS officials – in person, over the telephone and via email. Don't get scammed. We want you to understand how and when the IRS contacts taxpayers and help you determine whether a contact you may have received is truly from an IRS employee.

The IRS initiates most contacts through regular mail delivered by the United States Postal Service.

However, there are special circumstances in which the IRS will call or come to a home or business, such as when a taxpayer has an overdue tax bill, to secure a delinquent tax return or a delinquent employment tax payment, or to tour a business as part of an audit or during criminal investigations.

Even then, taxpayers will generally first receive several letters (called "notices") from the IRS in the mail.

Note that the IRS does not:

- Call to demand immediate payment using a specific payment method such as a prepaid debit card, gift card or wire transfer. Generally, the IRS will first mail a bill to any taxpayer who owes taxes.
- Demand that you pay taxes without the opportunity to question or appeal the



amount they say you owe. You should also be advised of [your rights as a taxpayer](#).

- Threaten to bring in local police, immigration officers or other law-enforcement to have you arrested for not paying. The IRS also cannot revoke your driver's license, business licenses, or immigration status. Threats like these are common tactics scam artists use to trick victims into buying into their schemes.

If you owe taxes:

The IRS instructs taxpayers to make payments to the "United States Treasury." The IRS provides specific guidelines on how you can make a tax payment at [irs.gov/payments](https://www.irs.gov/payments).

Here is what the IRS will do:

If an IRS representative visits you, he or she will always provide two forms of official credentials called a pocket commission and a HSPD-12 card. HSPD-12 is a government-wide standard for secure and reliable forms of identification for Federal employees and contractors. You have the right to see these credentials.

Collection

IRS collection employees may call or come to a home or business unannounced to collect a tax debt. They will not demand that you make an immediate payment to a source other than the U.S. Treasury.

Learn more about the [IRS revenue officers' collection work](#).

The IRS can assign certain cases to private debt collectors but only after giving the taxpayer and his or her representative, if one is appointed, written notice. Private collection agencies will not ask for payment on a prepaid debit card or gift card. Taxpayers can learn about the IRS payment options on [IRS.gov/payments](https://www.irs.gov/payments). Payment by check should be payable to the U.S. Treasury and sent directly to the IRS, not the private collection agency.

Learn more about how to know if it's really an [IRS Private Debt Collector](#).

Audits

IRS employees conducting audits may call taxpayers to set up appointments or to discuss items with the taxpayers, but not without having first attempted to notify them by mail. After mailing an official notification of an audit, an auditor/tax examiner may call to discuss items pertaining to the audit.

Learn more about the [IRS audit process](#).

Criminal Investigations

IRS criminal investigators may visit a taxpayer's home or business unannounced while conducting an investigation. However, these are federal law enforcement agents and they will not demand any sort of payment.

Learn more about the [What Criminal Investigation Does and How Criminal Investigations are Initiated](#).

Beware of Impersonations

Scams take many shapes and forms, such as phone calls,

letters and emails. Many IRS impersonators use threats to intimidate and bully people into paying a fabricated tax bill. They may even threaten to arrest or deport their would-be victim if the victim doesn't comply.

For a comprehensive listing of recent tax scams and consumer alerts, visit [Tax Scams/Consumer Alerts](#).

Know Who to Contact

- Contact the Treasury Inspector General for Tax Administration to report a phone scam. Use their "[IRS Impersonation Scam Reporting](#)" web page. You can also call 800-366-4484.

- Report phone scams to the Federal Trade Commission. Use the "[FTC Complaint Assistant](#)" on [FTC.gov](#). Please add "IRS Telephone Scam" in the notes.
- Report an unsolicited email claiming to be from the IRS, or an IRS-related component like the Electronic Federal Tax Payment System, to the IRS at phishing@irs.gov.

credit: <https://www.irs.gov/uac/newsroom/how-to-know-it-s-really-the-irs-calling-or-knocking-on-your-door>



The Senior Lawyers Conference

The purpose of the Senior Lawyers Conference is to uphold the honor of the profession of law, to apply the knowledge and experience of the profession to the promotion of the public good, to encourage cordial discourse and interaction among the members of the Virginia State Bar (VSB), and to pursue its Mission and Goals as follows:

The SLC shall serve the particular interests of senior lawyers and promote the welfare of seniors generally. In serving the interests of senior lawyers the SLC will plan and present programs and activities and produce publications of interest to senior lawyers, and coordinate activities for senior lawyers by, for, and with state and local bar associations. To promote the welfare of seniors generally, the SLC will study issues of concern to seniors, prepare and present programs and publications designed to explore and develop such issues, advocate appropriately on behalf of such issues and cooperate with other entities interested in such matters.

As of May 1, 2017, the Senior Lawyers Conference has 18,827 members.

The upcoming meetings of the SLC Board will be held on a to-be-announced Tuesday, at locations to-be-announced, in Charlottesville or in Richmond in each of: September 2017; November 2017; February 2018; and April 2018.

The 2017 SLC annual business meeting will be on Saturday, June 17, 2017 at the VSB 79th Annual Meeting in Virginia Beach, in the Capes Ballroom in the Sheraton Oceanfront, 3501 Atlantic Avenue, Virginia Beach, VA, at 9:45 a.m.. The 2017-2018 slate of officers for the Board of Governors is:

Chair: Robert E. Hawthorne, of Kenbridge;

Chair-Elect: Carrollyn C. Cox, of Virginia Beach;

Secretary: John D. Eure, of Roanoke.

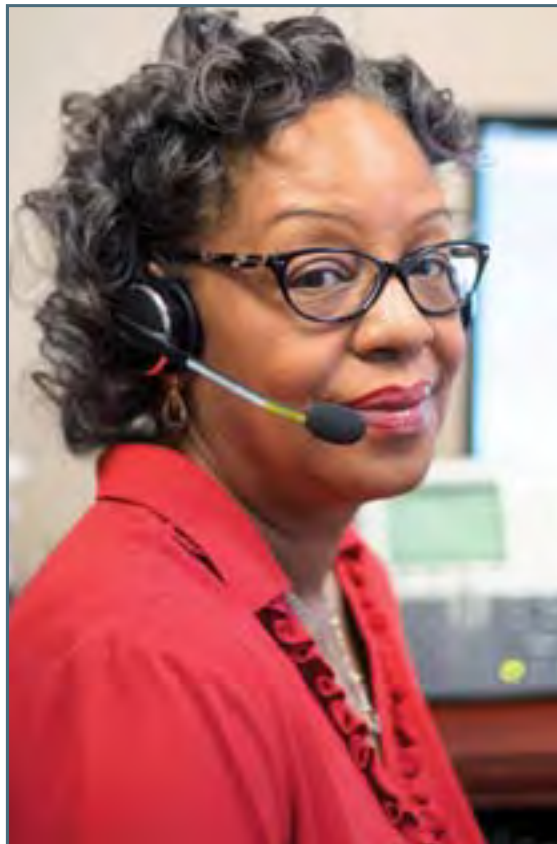
Treasurer: Margaret Nelson, of Lynchburg.

Senior Lawyer News Online Newsletters

The *Senior Lawyer News* is published as an online newsletter. Periodically, we publish Remembrances of deceased distinguished lawyers or judges whose personal and professional qualities are inspirational to members of the legal profession. Volunteers are needed to write articles for future issues of The Senior Lawyer News. <http://www.vsb.org/site/conferences/slc/newsletters>. Please call Frank O. Brown, Jr., Newsletter Editor, (804) 673-7545 if you are interested in writing an article for the newsletter.

Protecting Lawyers' And Clients Interests in the Event of the Lawyers' Disability, Death or Other Disaster

The SLC Website at <http://www.vsb.org/site/conferences/slc/attorney-resources-publications> contains the following documents to assist lawyers in their planning: Durable Special Power of Attorney Regarding Law Practice; Agreement Regarding Law Practice; Last Will and Testament provisions with appropriate powers to Executor. In addition, Frank O. Brown, Jr. presents a CLE Ethics program to local bar associations on this topic. This program is presented as a one hour, one and one-half hour, or two hour program, with full ethics credit. This program has been presented at least once in Abingdon, Alexandria, Arlington, Big Stone Gap, Boydton, Covington, Charlottesville, Danville, Fairfax, Farmville, Fredericksburg, Gloucester, Hanover County, Harrisonburg, Henrico, Irvington, Keysville, Leesburg, Luray, Manassas, Mclean, Melfa, Norfolk, Richmond, Roanoke, Salem, Smyth County, Stratford Hall, Virginia Beach, Warsaw, Williamsburg, Winchester, and several additional times in many of these locations. It has also been presented as part of the Virginia Supreme Court and Conference of Local Bar Association's Solo and Small Firm Conferences. If your local bar association is interested in having Frank Brown's ethics program presented, at no charge, please call SLC Liaison Stephanie Blanton at (804) 775-0576, or Frank O. Brown, Jr. at (804) 673-7545. The Checklist on Closing a Law Practice is also available on the [SLC website](#).



We get the calls.
You get the clients.

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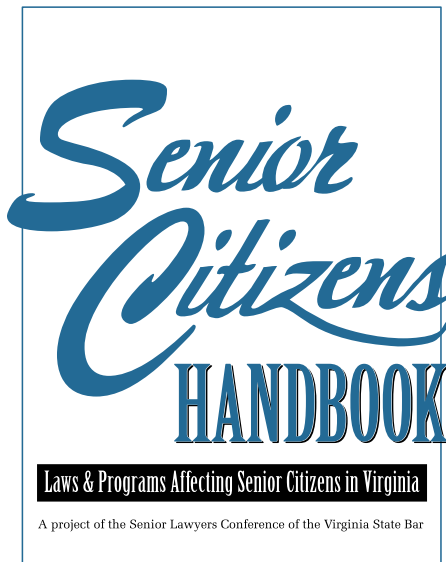
Celebrating 40 Years of Service



VA Lawyer Referral Service

Senior Citizens' Handbook

Produced by the SLC, this is the VSB's most requested publication. It is a resource for seniors, their families, and their caregivers to provide an overview of and contact information for opportunities and choices facing senior citizens today, with a summary of how specific laws affect Virginia's older citizens and practical advice on issues such as Medicaid, Alzheimer's Disease, landlord-tenant relations, and much more. There is also an extensive list of community-service organizations that details the various services available to senior citizens. This is available through the VSB Publications Office.



SLC Dedicated Issue of the Virginia Lawyer Magazine

The Senior Lawyers Conference is responsible for the Senior Lawyers Conference Dedicated Issue of the *Virginia Lawyer* magazine each year. The next Senior Lawyers Conference Dedicated Issue of the Virginia Lawyer magazine will be the April 2018 Issue. Please call Frank O. Brown, Jr. (804) 673-7545 if you are interested in writing an article for a future Senior Lawyers Conference Dedicated Issue.

Senior Lawyers Receive Prestigious 2017 Law Awards

The Senior Lawyers Conference congratulates the following Senior Lawyers who have received prestigious law awards in 2017:

[VSB Conference of Local Bar Associations Specialty Bar Leader of the Year Award:](#) **Andrew J. Reinhardt**, of Richmond;

[VSB Diversity Conference Clarence M. Dunnville Jr. Achievement Award:](#) **Joseph A. Condo**, of Fairfax;

[VSB Betty A. Thompson Family Law Section Lifetime Achievement Award:](#) **Joseph A. Condo**, of Fairfax;

[VSB Family Law Section Family Law Service Award:](#) **Cheshire I'Anson Eveleigh**, of Virginia Beach;

[VSB General Practice Section Tradition of Excellence Award:](#) **James P. "Penny" Baber**, of Cumberland;

[VSB Harry L. Carrico Professionalism Award:](#) **Philip J. Hirschkop**, of Lorton.

Induction as [Fellows of the Virginia Law Foundation:](#)

David Grant Altizer (Tazewell)
Barbara S. Anderson (Alexandria)
Honorable Sean T. Connaughton (Alexandria)

Patrick C. Devine, Jr. (Norfolk)
John Owen Gwathmey (Richmond)
Honorable Stanley P. Klein (Fairfax)
Thomas A. Lisk (Richmond)
Thomas H. Miller (Roanoke)
Sharon D. Nelson (Fairfax)
JoAnne L. Nolte (Richmond)
Honorable Nancy G. Parr (Chesapeake)
Lewis F. Powell III (Richmond)
Robert F. Redmond, Jr. (Richmond)
Honorable Jane Marum Roush (Arlington)
Daniel M. Siegel (Richmond)

Free Resource Guide

“Money Smart for Older Adults: Prevent Financial Exploitation” is a 100 page free resource guide for Older Adults and their families, available from the Consumer Financial Protection Bureau and the Federal Deposit Insurance Corporation (<https://publications.usa.gov/USAPubs.php?PubID=6141>). The resource guide (and many other helpful publications may be accessed at <https://publications.usa.gov>). The resource guide contains information about how to protect yourself against various forms of financial exploitation, including telephone scams, identity theft, medical identity theft, and other scams. It also provides a “self-test” about the materials presented in the resource guide.



Free Annual Credit Reports

Under Federal law, every twelve months, you are entitled to obtain a free copy of your credit report from each of the three major credit reporting companies: Experian; TransUnion; and Equifax. By staggering your timing and making your request in sequence every four months to one of the agencies, you can cover the entire year at no charge. Be careful not to be confused by “somewhat look-alike” web sites which will charge you fees, or worse. The correct address is <https://www.annualcreditreport.com/index.action>.



Do Not Call Registry

Operated by the Federal Trade Commission, the National Do Not Call Registry allows you to register your home telephone and your mobile telephone against telemarketing calls. The correct address is <https://www.donotcall.gov/>.

Senior Lawyers Conference Website Resources

The Senior Lawyers Conference website, at <http://www.vsb.org/site/conferences/slc>, contains a wealth of Public and Attorney Resources and Links of interest to Senior Lawyers and Senior Citizens.



You're going places.

Take us with you.

Check your contact information of record, certify courses, and access Fastcase from anywhere, using the same login and password you now use on your computer.

Get it for free in the iTunes store.

[Click here to download app now.](#)

Virginia 2017 Legislation Regarding Adult and Adult Financial Exploitation

House Bill No. 1945 (2017 Acts, ch. 195), and House Bill No. 1922 (2017 Acts, ch. 459) and Senate Bill No. 1462, 2017 Acts, ch. 473) expand the definition of “adult exploitation” and expand the reporting requirements for suspected cases of financial exploitation of adults.

House Bill No. 1945 expanded the definition of “adult exploitation” in Virginia Code Section 63.2-100, so that it now reads as follows:

“Adult exploitation” means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another’s profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. “Adult exploitation” includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the

acquisition, possession, or control of an adult’s financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another’s profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.”

According to Virginia Code Section 63.2-1603: “ ‘Adult’ means any person 60 years of age or older, or any person 18 years of age or older who is incapacitated and who resides in the Commonwealth; provided, however, “adult” may include qualifying nonresidents who are temporarily in the Commonwealth and who are in need of temporary or emergency protective services.”

House Bill No. 1922 and Senate Bill No. 1462 expanded the reporting requirements for suspected cases of financial exploitation of adults, by amending Virginia Code Section 63.2-1605, so that paragraph C. now reads as follows:

“C. The local department or the adult protective services hotline shall immediately refer the matter and all relevant documentation

to the local law-enforcement agency where the adult resides or where the alleged abuse, neglect, or exploitation took place or, if these places are unknown, where the alleged abuse, neglect, or exploitation was discovered for investigation, upon receipt of an initial report pursuant to § 63.2-1606 involving any of the following or upon determining, during the course of an investigation pursuant to this article, the occurrence of any of the following:

1. Sexual abuse as defined in § 18.2-67.10;
2. Death that is believed to be the result of abuse or neglect;
3. Serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or neglect;
4. Suspected financial exploitation of an adult; or
5. Any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm.

Local law-enforcement agencies shall provide local departments and the adult protective services hotline with a preferred point of contact for referrals.”

F.A.M.I.L.I.E.S. Program Expands Statewide: Opportunity to Enroll

The Virginia Department for Aging and Rehabilitative Services (DARS) is pleased to announce the expansion of its F.A.M.I.L.I.E.S. program. Thanks to a federally funded grant, F.A.M.I.L.I.E.S., short for Family Access to Memory Impairment and Loss Information, Engagement and Support, provides counseling and support for caregivers at no cost over several months. This program was originally offered in the Greater Williamsburg and Charlottesville areas and is now available statewide, with opportunities to participate in person and via telehealth opportunities. DARS has partnered with the Riverside Center for Excellence in Aging and Lifelong Health (CEALH-Williamsburg), the University of Virginia, and the Greater Richmond Chapter of the Alzheimer's Association to deliver this program statewide.

Enrollment continues through the end of 2017. "The goal is to help bring entire families together in big and small ways to help the primary caregiver in caring for a family member with dementia," said Dr. Christine Jensen, CEALH's Director of Health Services Research. "Compassionate, trained counselors assess the individual situation, help with understanding of memory loss and how it may progress, develop an individualized care program for the family, and discuss coping strategies for stress and changes in personality or behaviors." Developed by the New York University-Caregiver Intervention program, in F.A.M.I.L.I.E.S., caregivers of individuals with Alzheimer's Disease or other types of memory loss receive six free counseling sessions, and one follow up, with trained counselors to help reduce stress and depression, increase family support, enhance knowledge for managing memory disorders, and provide assistance

with finding local services and resources. According to the Alzheimer's Association, the number of people 65 and older living with Alzheimer's disease in Virginia in 2016 was 140,000. This number is expected to jump to 190,000 by 2025. There are more than 450,000 caregivers in the Commonwealth alone who provide unpaid care to these individuals, according to the Association. The impact of the program is so great that PBS recently visited CEALH in Williamsburg to film a portion of an upcoming documentary featuring the program and highlighting its impact on families.

To determine if you are eligible for this program or to learn more, call Jordan Oliva at the University of Virginia via phone at (434) 924-0453 or e-mail jo4u@virginia.edu.

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BRUNCH AND CEREMONY HONORING 50 YEAR VSB MEMBERS

At the VSB Annual Meeting, the SLC sponsors a brunch and awards ceremony at which the lawyers who are receiving their 50 year membership awards are honored. The honorees and their families are invited, and special certificates are given to commemorate this special milestone. The brunch will be held on Saturday, June 17, 2017, at 10:00 a.m. at the Sheraton Oceanfront.



Senior Lawyers Conference of the Virginia State Bar “Trees Across Virginia” Program Concludes

By Bruce Robinson, Esquire

“Trees for a Green Virginia”, was the brainchild of Attorney John Tate of Marion, Virginia in 2011, when he singlehandedly personally funded and delivered tree seedlings from the Virginia Department of Forestry free of charge to those interested in the preservation of Virginia’s native trees. Seedlings were selected based upon the recommendations of the Virginia Department of Forestry and their availability at the Augusta Forestry Center in Crimora, Virginia. The project was expanded in 2012 when it was adopted as a project of the Senior Lawyers Conference of the Virginia State Bar and became “Trees Across Virginia”. Individuals and community based organizations were invited to take advantage of the opportunity to plant seedlings for a Green Virginia. Tree seedlings were provided free of charge



A red mulberry tree, which was planted six years ago as a one foot bare root seedling tree, and which is now more than thirty feet tall.

by taking advantage of bulk purchases and were hand delivered to customers using volunteer help, which saved customers the cost of the seedlings, and shipping and handling. The Forestry Center boxed and labeled each individual order as a courtesy to the Senior Lawyers Conference.

From the time of the program’s inception until the time of its conclusion in 2017, 15,880 seedling trees were distributed free of charge to the recipients throughout the Commonwealth of Virginia, and no public funds or Virginia State Bar funds were used. Those trees are now at various stages of maturity and stand as a growing reminder of the contributions toward a green

Virginia by the late John Tate and by the Senior Lawyers Conference in John’s memory.

Fee Dispute Resolution Program



Now that your work is done, do you find yourself in a dispute with your client over fees and costs? The Virginia State Bar offers another way to settle those disputes, without resorting to costly litigation.

The Special Committee on the Resolution of Fee Disputes oversees the Fee Dispute Resolution Program to provide an avenue, other than litigation, for the expeditious and satisfactory resolution of fee disputes between attorneys and their clients through mediation and uniform arbitration proceedings and works to foster trust and communication among attorneys and clients.

For information on the program, go to our website at www.vsb.org/site/about/resolution-of-fee-disputes.