

TOP LAWYERS 2013

THE CASE OF THE PREEMPTIVE
STRIKE AND THE

WRONGED WIDOW

By David Hodes

A sudden death takes a widow
and her attorney into the
battlefield of uncertainty.



Jackie Hillman will never forget the worst weekend in her life.

It was July 28, 2008. The then 61-year-old Clarendon mother of two watched her husband of six years, Bronx native and retired government worker 66-year-old Warren Hillman, suddenly die from acute myeloid leukemia at Inova Fairfax Hospital. “He went into the hospital on a Saturday and died on Monday,” she says. “It was really a nightmare situation. I was devastated.”

A few weeks later, Warren’s ex-wife, Judy Mareta, who Jackie had never met, contacted her. Mareta had heard about Warren’s death, though she didn’t attend the funeral. She suggested they meet for lunch, talk about Warren, maybe help her through this terrible experience. “I thought maybe we could become friendly,” Hillman says. At the lunch, Mareta asked her what had been the most difficult part of the tragedy besides the loss. “And

I said waiting for the life insurance.”

But Mareta had another agenda for that lunch. She was checking on what Jackie knew about her husband’s money. “She already knew that she was applying for that check,” Hillman says, even though the property agreement in the divorce settlement Mareta and Warren worked out in early 1998 included a clause that they would not touch each other’s federal benefits.

Back then, he sent the property settlement and the divorce decree to the Office of Personnel Management as they instructed, and asked them to take Mareta’s name off of everything, he told Hillman. “And the other thing that my husband told me was that if anything ever happened to him, that I should use the life insurance money to pay off the mortgage on the house,” she says. “Other than

that, I wasn’t going to receive any other federal benefits.”

Warren had been a government employee most of his life, first as an urban planner for Rockville when he moved to the area in 1973—he worked on the design and location of the Rockville metro station. Then he took a job with the Office of Management and Budget in 1979 before transferring to the General Services Administration, where he met and married Mareta in 1989. He retired in 1997. In 1998, he and Mareta divorced.

After his death, Hillman was waiting on the OPM to process her insurance check from her husband’s Federal Employees’ Group Life Insurance (FEGLI) plan. She was told that it would take five months. But her husband, a “pack rat who saved everything” apparently didn’t finalize one important detail after the divorce from Mareta that would come back and haunt his widow. He assumed that Mareta’s name would be removed as life insurance beneficiary per his correspondence with the OPM. It wasn’t. And he didn’t redesignate anyone else.

WHAT HAPPENED?

Warren Hillman, 66, a retired government employee who had worked for the General Services Administration, died suddenly in July, 2008. His wife, Jackie Hillman, filed a claim for \$124,558 in insurance benefits under his Federal Employees' Group Life Insurance (FEGLI) plan. But the money went to Hillman's ex-wife, Judy Maretta, in compliance with federal law, because she was still the named beneficiary. Under Virginia state law, a divorced spouse, even if named as the beneficiary, doesn't get the insurance money on the death of the ex-spouse. But in this case, federal law preempted state law.

WHY DID THIS CASE GO TO THE U.S. SUPREME COURT?

Two reasons: the courts found the case interesting because of the state law v. federal law preemption aspect that needed clarity for Virginia and other states; and the attorneys for both sides refused to accept defeat. Hillman's FEGLI plan specified that a designated beneficiary receives benefits. But under Virginia law, the named beneficiary is required to give the full amount of the benefits to the surviving spouse if the named beneficiary had divorced the insured. That meant that Maretta, who was already given the money by FEGLI, would have to give it over to Hillman. Hillman sued her in Fairfax County District Court and won. Maretta's lawyers appealed the circuit court decision and got the case moved to the Virginia Supreme Court, where Maretta won. Hillman's attorney then petitioned the U.S. Supreme Court to take up the case. The court agreed sided with Maretta.

A year after that lunch, plenty of time for Maretta to tell Hillman what was going on, and with Hillman still waiting for word from the OPM, she learned that her claim had been rejected. Maretta, the woman who stunned Warren Hillman one day with the bulletin that she was attracted to other men and then left him, got the money Hillman thought was hers—\$124,558.03—just three months after Warren Hillman died.

Hillman called her to confirm it. "And she said, 'Well it just didn't get done, so legally, it's all mine.' That's what she said. And I felt very betrayed."

Hillman had been struggling since her husband's death. She was still working the part-time student services job at Northern Virginia Community College that she had before her husband's death, had taken out her social security and got hit with an early withdrawal penalty and had to sell her house to make ends meet. She thought settlement money would be coming to the rescue.

She tried to get a full-time job at the college, but this was 2008 and there was a hiring freeze. And she quickly realized that she was not ready to work full time anyway. The feeling of grief was strong, she said, and she needed some downtime.

When she found out that Maretta was awarded

"A CIRCUIT COURT JUDGE GAVE ME SOME ADVICE THAT KEPT ME GOING," RUTTENBERG SAYS. "HE SAID 'LOOK, IF YOU GOTTA DIE, DIE A GLORIOUS DEATH.'"

the money she expected, Hillman sued Maretta. She needed the money. And she wanted answers. Why, if Maretta divorced her husband and had agreed to a property settlement about not touching federal benefits, did she get her husband's money?

That question would be one of many heard in oral arguments before the U.S. Supreme Court on a bright sunny morning in this past April.

Never in her wildest dreams did Jackie Hillman think she would be a litigant sitting in the U.S. Supreme Court. Her attorney, Dan Ruttenberg, a principal with SmolenPlevy law firm in Vienna, really didn't belong there ei-



DANIEL RUTTENBERG IN FRONT OF U.S. SUPREME COURT DURING THE TRIAL.

ther, arguing this case in the highest court in the land.

Ruttenberg isn't a trial lawyer. He's a transactional attorney, doing estate planning and tax law. Any litigation he's done has been small potatoes—landlord disputes and the like. In fact, the first case he litigated happened when he was in law school, in a dispute with Micro Center over a computer he purchased. The

company spent thousands on the case, hiring a large law firm and flying in witnesses to fight this uppity law student. He won.

Even before he passed the bar, he had faced long odds in the courtroom and won. Ruttenberg was a fighter.

So here they were, these two out-of-place people—a wronged widow and a determined attorney—presenting a case that had less than 1 in 100 chance of even getting to the Supreme Court, facing a team of trial lawyers working for Maretta who had appeared before the court and argued cases there many times before.

It had been a four-year odyssey getting here, where this dispute would now be argued in these hallowed halls. But it started out as, well, small potatoes.

This family law/divorce case originally seemed like a slam dunk to Ruttenberg because there was a Virginia state statute right on point. Divorced spouses don't get death benefits. When

TOP LAWYERS 2013

Family-Focused Law

Jean Galloway Ball

Jean Galloway Ball, PLLC
10306 Eaton Place, Suite 130, Fairfax; 703-359-9213
Elder Law, Guardianship and Conservatorship, Estate Litigation

Beth A. Bittel

Law Offices of Beth A. Bittel, P.C.
10680 Main St., Suite 250, Fairfax; 703-591-1320
Child Custody, Child Support, Divorce, Domestic Violence, Family Law, Premarital Agreements, Paternity, Spousal Support, Visitation Rights

Albert M. Bonin

ShounBach
4000 Legato Road, Suite 400, Fairfax; 703-222-3330
Child Custody, Child Support, Divorce, Family Law, Spousal Support, Visitation Rights

Lawrence H. Bowen

The Bowen Law Firm
10521 Judicial Drive, Suite 110, Fairfax; 703-273-0711
Child Support, Divorce, Family Law, Spousal Support, Visitation Rights

Catherine Bowers

Walker Jones, P.C.
31 Winchester St., Warren-ton; 540-347-9223
Adoption, Child Custody, Child Support, Divorce, Domestic Violence, Family Law, Premarital Agreements, Paternity, Spousal Support, Visitation Rights

Elaine C. Bredehoft

Charlson Bredehoft Cohen & Brown, P.C.
11260 Roger Bacon Drive, Suite 201, Reston; 703-318-6800
Family and Medical Leave Act

Jennifer A. Brust

Bean Kinney & Korman
2300 Wilson Blvd., 7th Floor, Arlington; 703-525-4000
Adoption, Guardianship & Conservatorship

Susan Butler

ShounBach
4000 Legato Road, Suite 400, Fairfax; 703-222-3333
Child Custody, Child Support, Divorce, Family Law, Spousal Support, Visitation Rights

Dana James Carlson

Hale Carlson Baumgartner, PLC
10511 Judicial Drive, Fairfax; 703-591-4900
Family Law, Premarital Agreements

A. Mark Christopher

Yates Campbell & Hoeg LLP
4165 Chain Bridge Road, Fairfax; 703-273-4230
Elder Law, Estate Planning, Guardianship and Conservatorship, Trusts & Estates, Wills & Probates

David R. Clarke

Blankingship & Keith, P.C.
4020 University Drive, Suite 300, Fairfax; 703-691-1235
Child Custody, Child Support, Divorce, Family Law, Premarital Agreements, Spousal Support, Visitation Rights

Teresa Cole

Cole Miller PLLC
1945 Old Gallows Road, Suite 205, Vienna; 703-883-3707
Family Law, Domestic Violence

Richard J. Colten

Colten Cummins Watson & Vincent P.C.
3959 Pender Drive, Suite 200, Fairfax; 703-277-9700
Divorce, Family Law

Joseph Condo

The Condo Law Group P.C.
8444 Westpark Drive, Suite 500, McLean; 703-442-0888
Child Custody, Child Support, Divorce, Domestic Violence, Family Law, Premarital Agreements, Spousal Support, Visitation Rights

Heather A. Cooper

Cooper Ginsberg Gray, PLLC
10201 Fairfax Blvd., Suite 520, Fairfax; 703-934-1480
Child Custody, Divorce, Spousal Support, Visitation Rights

James Ray Cottrell

Cottrell, Fletcher, Schinstock, Bartol & Cottrell, P.C.
801 N. Fairfax St., Suite 404, Alexandria; 703-836-2770
Child Custody, Divorce

Gerald R. Curran

Curran Moher
3554 Chain Bridge Road, Suite 100, Fairfax; 571-328-5020
Divorce, Domestic Violence, Family Law

Karen Davis

Law Office of Karen C. Davis
6182 Grovedale Court, Suite 200, Alexandria; 703-942-9974
Child Custody, Divorce, Family Law, Premarital Agreements, Spousal Support, Visitation Rights

Julie H. Day

Culin, Sharp, Autry & Day, P.L.C.
4124 Leonard Drive, Fairfax; 703-934-2940
Adoption, Child Custody, Child Support, Divorce, Family Law, Paternity, Spousal Support

Peter C. DePaolis

Koonz, McKenney, Johnson, DePaolis & Lightfoot, LLP
10300 Eaton Place, Suite 200, Fairfax; 703-218-4410
Birth Injuries, Family and Medical Leave Act

Kyung (Kathryn) Dickerson

SmolenPlevy
8045 Leesburg Pike, Suite 540, Vienna; 703-790-1900
Child Custody, Child Support, Divorce, Domestic Violence, Family Law, Premarital Agreements, Spousal Support, Visitation Rights

David Duff

The Duff Law Firm
11320 Random Hills Road, Suite 630, Fairfax; 703-591-7475
Child Custody, Child Support, Divorce, Domestic Violence, Family Law, Premarital Agreements, Paternity, Spousal Support, Visitation Rights

Charles C. Dunn

Dunn, McCormack, et al.
3925 University Drive, Fairfax; 703-591-6055
Adoption, Divorce

Evan H. Farr

Law Firm of Evan H. Farr, P.C.
10640 Main St., Suite 200,

Fairfax; 703-691-1888
Elder Law, Estate Planning, Estate and Gift Taxation, Trusts and Estates

Julie Gerock

The Maddox Law Firm
8221 Old Courthouse Road, Suite 101, Tysons Corner; 703-883-8035
Child Custody, Child Support, Divorce, Family Law, Premarital Agreements, Spousal Support, Visitation Rights

David L. Ginsberg

Cooper Ginsberg Gray, PLLC
10201 Fairfax Blvd., Suite 520, Fairfax; 703-934-1480
Child Custody, Child Support, Divorce, Domestic Violence, Family Law, Premarital Agreements, Spousal Support, Visitation Rights

Benjamin Glass

Ben Glass Law
3915 Old Lee Highway, Suite 22-B, Fairfax; 703-591-9829
Birth Injuries

Jack L. Gould

Jack L. Gould, Attorney at Law
10615 Judicial Drive, Suite 102, Fairfax; 703-273-6007
Family and Medical Leave Act

Cory Goriup

Surovell Isaacs Petersen & Levy
4010 University Drive, Second Floor, Fairfax; 703-277-9714
Adoption, Child Custody, Child Support, Divorce, Family Law, Premarital Agreements, Paternity, Spousal Support, Visitation Rights

Dan Gray

Cooper Ginsberg Gray
10201 Fairfax Blvd., Suite 520, Fairfax; 703-934-1480
Child Custody, Divorce, Family Law, Premarital Agreements, Spousal Support, Visitation Rights

Elizabeth L. Gray

Matsen, Miller, Cossa and Gray PLLC
4000 Legato Road, Suite 1100, Fairfax; 703-896-7696

Elder Law, Estate Planning, Guardianship and Conservatorship

Richard Gray

Odin Feldman Pittelman
1775 Wiehle Ave., Suite 400, Reston; 703-218-2338
Child Custody, Child Support, Divorce, Domestic Violence, Family Law, Premarital Agreements, Paternity, Spousal Support, Visitation Rights

Llona Grenadier

Grenadier Anderson Starace Duffet & Keisler PLLC
12359 Sunrise Valley Drive, Suite 230, Reston; 703-683-9000
Family Law, Spousal Support

Carolyn Grimes

Lieblich & Grimes, P.C.
3135 Mount Vernon Ave., Alexandria; 703-683-6300
Child Custody, Child Support, Divorce, Family Law, Premarital Agreements

Brendan D. Harold

Harold Law Firm
10555 Main St., Suite 300, Fairfax; 703-537-0000
Domestic Violence

Sandra L. Havrilak

The Havrilak Law Firm, P.C.
9900 Main St., Suite 500, Fairfax; 703-591-1515
Adoption, Child Custody, Child Support, Divorce, Domestic Violence, Family Law, Premarital Agreements, Paternity, Special Education, Spousal Support, Visitation Rights

Julie H. Heiden

Koonz, McKenney, Johnson, DePaolis & Lightfoot, LLP
10300 Eaton Place, Suite 200, Fairfax; 703-218-4410
Birth Injuries, Family and Medical Leave Act

Susan M. Hicks

The Susan Hicks Group, PC
3201 Jermantown Road, Suite 200, Fairfax; 703-691-4848
Child Custody, Child Support, Divorce, Family Law, Premarital Agreements, Paternity, Special Education, Spousal Support, Visitation Rights

Brian M. Hirsch

Hirsch & Ehlenberger, P.C.
12110 Sunset Hills Road,
Suite 401, Reston; 703-
481-6063

*Child Custody, Child Sup-
port, Divorce, Family Law,
Premarital Agreements,
Paternity, Spousal Sup-
port, Visitation Rights*

Kelly S. Hite

*Law Offices of Kelly S.
Hite, PLLC*

10555 Main St., Suite 600,
Fairfax; 703-766-0732
*Adoption, Child Custody,
Child Support, Divorce,
Family Law, Premari-
tal Agreements, Spousal
Support, Visitation Rights*

Dennis M. Hottell

Hottell Malinowski Group
10486 Armstrong St., Fair-
fax; 703-352-5666

*Child Custody, Divorce,
Domestic Violence, Fam-
ily Law, Visitation Rights*

Dorothy M. Isaacs

*Surovell Isaacs Petersen &
Levy PLC*

4010 University Drive,
Suite 200, Fairfax; 703-
251-5400

*Adoption, Child Custody,
Spousal Support*

P. Clark Kattenburg

P. Clark Kattenburg, P.C.
4118 Leonard Drive, Fair-
fax; 703-591-1833

Birth Injuries

Sean Kelly

*Kelly Byrnes & Danker,
PLLC*

3975 Fair Ridge Drive,
Suite 275N, Fairfax; 703-
224-0888

Premarital Agreements

Robert H. Klima

*Robert H. Klima, Attorney
at Law*

9300 Grant Ave., Suite
101, Manassas; 703-361-
5051

Adoption

James W. Korman

Bean Kinney & Korman
2300 Wilson Blvd., 7th
Floor, Arlington; 703-525-
4000

*Child Custody, Child Sup-
port, Divorce, Family Law,
Spousal Support*

Kenneth E. Labowitz

Dingman Labowitz, P.C.
526 King St., Suite 423, Al-
exandria; 703-519-0999
*Elder Law, Guardianship
and Conservatorship*

Christian M. Lapham

Bean Kinney & Korman
2300 Wilson Blvd., 7th

Floor, Arlington; 703-525-
4000

*Child Custody, Child Sup-
port, Divorce, Family Law,
Spousal Support, Visita-
tion Rights*

Sharon K. Lieblich

Lieblich & Grimes, P.C.
3135 Mount Vernon Ave.,
Alexandria; 703-683-6300

*Child Custody, Child Sup-
port, Divorce, Spousal
Support, Visitation Rights*

Katharine W. Maddox

*The Maddox Law Firm,
P.C.*

8221 Old Courthouse
Road, Suite 101, Vienna;
703-883-8035

*Child Custody, Child Sup-
port, Divorce, Family Law,
Spousal Support, Visita-
tion Rights*

Marcia M. Maddox

The Maddox Law Firm, P.C.

8221 Old Courthouse
Road, Suite 101, Vienna;
703-883-8035

*Child Custody, Child Sup-
port, Divorce, Family Law,
Premarital Agreements,
Spousal Support, Visita-
tion Rights*

Christopher Malinowski

Hottell Malinowski Group
10486 Armstrong St., Fair-
fax; 703-352-5666

*Child Custody, Child Sup-
port, Divorce, Family Law,
Premarital Agreements,
Spousal Support, Visita-
tion Rights*

Blanton Massey

*Blanton Massey & Asso-
ciates*

1119 Caroline St., Freder-
icksburg; 540-373-1818

Divorce

David Masterman

*Masterman Krogmann &
Diño PC*

1945 Old Gallows Road,
Suite 305, Vienna; 703-
827-5500

Divorce

J. Patrick McConnell

Odin Feldman Pittelman

1775 Wiehle Ave., Suite
400, Reston; 703-218-
2185

*Child Custody, Child Sup-
port, Divorce, Family Law,
Premarital Agreements,
Spousal Support*

Elizabeth McMaster

*The Law Offices of Eliza-
beth McMaster, P.L.C.*

910 Little Page St., Suite
B, Fredericksburg; 540-
371-1181

Elder Law

he learned about the case in 2009, he talked his partners into letting him take it on. "I was looking for a side project," he says.

But state laws vary on marriage and divorce issues like this one, so there were potential trap doors on both sides. Issues regarding federal law being higher order than state law in marriage and divorce had been heating up in the shadow of the Defense of Marriage Act. And state courts routinely decide issues of federal law. But there would be more confusing lawsuits to come in some states, more government employees getting divorced, and the courts were looking to get some certainty established on the issue now more than ever.

Ruttenberg's little "side project" was about to become a significant milestone achievement in his career, resulting in an important decision by the U.S. Supreme Court that had far-reaching implications in family law about who owned what and why.

The case went to Fairfax County Circuit Court on May 7, 2010, where Ruttenberg knew the judges. He had even been past president of the Fairfax Bar. This was good. He had discovered that federal courts would likely find for preemption and state courts would not.

He won. Judgment was granted to Hillman on July 25, 2010, high fives all around, but the case was far from over.

George Peterson, founding partner of the Peterson Saylor law firm in Fairfax, the opposing counsel, and an accomplished trial lawyer who specializes in appeals, was just

getting warmed up. "I don't take losing very well," he says. He appealed the case to the Virginia Supreme Court, a court that takes very few cases. They took it instantly, giving Ruttenberg his first insight into how big a deal this case was, and how much work he had ahead of him.

On January 13, 2012, that court reversed the Fairfax County Circuit Court's decision. Ruttenberg lost. He was down but not out.

"A circuit court judge gave me some advice that kept me going," Ruttenberg says. "He said 'Look, if you gotta die, die a glorious death.'" Ruttenberg appealed the case to the U.S. Supreme Court. The court decided to take it. "I am very stubborn, because I can't let go or back down from a fight," he says. "If I am going down, I am going down swinging as hard as I can."

He went into full attack mode preparing for the oral argument. He did two moot (or practice) courts during the week before—one through the nonprofit D.C.-based Public Citizen's Supreme Court Assistance Project, and one at Georgetown's moot court program. They are considered the top two moot courts in the country. "Those guys killed me, they just crushed me," he says. "It was emotionally draining."

He took the weekend to recover. By the time he got to the Supreme Court in front of the nine justices on the morning of April 22, 2013, he was relaxed, confident, ready.

Ruttenberg was up first. In seconds, Justice Antonin Scalia went on the attack. "I was not happy

A SUPREMELY CURIOUS MOMENT

In a response to Justice Kennedy, Ruttenberg, in front of the Supreme Court for the first and possibly only time in his career, put an index finger in each ear and said "La-la-la" to make a point about the states not listening to a detail of federal law. What was that all about? "When I was in college, an attorney friend of mine and I used to argue a lot," he says. "And during one of those arguments, I stuck my fingers in my ears and said 'La-la-la I can't hear you.' And when I graduated from law school he said 'Dan if you are ever in front of the U.S. Supreme Court, I will give you twenty bucks if you do that.' So I found a way to work it in."

Tracy Meyer**Bowden, Cooch & Meyer, PLLC**

1380 Central Park Blvd., Suite 204, Fredericksburg; 703-722-8692

*Divorce, Family Law, Premarital Agreements, Spousal Support***Grant Moher****Curran Moher**

3554 Chain Bridge Road, Suite 100, Fairfax; 571-328-5020

*Family Law, Spousal Support***Bill Murray****Manning & Murray**

6045 Wilson Blvd., Suite 300, Arlington; 703-532-5400

*Elder Law, Premarital Agreements, Estate Planning, Wills and Probates***Helen Cohn Needham****Needham Mitnick & Pollack, P.L.C.**

400 S. Maple Ave., Suite 210, Falls Church; 703-536-7778

*Elder Law, Estate Planning, Guardianship and Conservatorship, Trusts & Estates, Wills & Probates***Paul Nichols****Nichols Zaurzig & Sandler**
12660 Lake Ridge Drive, Woodbridge; 703-492-4200*Child Custody, Child Support, Divorce, Domestic Violence, Family Law, Premarital Agreements, Paternity, Spousal Support, Visitation Rights***Edward V. O'Connor Jr.**
Edward V. O'Connor, Jr., P.C.10650 Main St., Suite 201, Fairfax; 571-432-0555
*Child Support***Richard Orsino****Law Offices of Richard Orsino**

10555 Main St., Suite 300, Fairfax; 703-537-0000

*Child Custody, Child Support, Divorce, Family Law, Premarital Agreements, Paternity, Spousal Support, Visitation Rights***Susan M. Pesner****Pesner Kawamoto P.L.C.**
7926 Jones Branch Drive, Suite 930, McLean; 703-506-9440*Estate Planning, Homeowners Association Law, Landlord & Tenant Law, Mortgages, Premarital Agreements, Real Estate, Residential Real Estate,**Trusts and Estates, Wills and Probates***Stanton Phillips****Goldenberg & Phillips, P.C.**

1921 Gallows Road, Suite 110, Vienna; 703-891-2400

*Adoption***Alan B. Plevy****SmolenPlevy**

8045 Leesburg Pike, Suite 540, Vienna; 703-790-1900

*Child Custody, Child Support, Divorce, Domestic Violence, Family Law, Premarital Agreements, Paternity, Spousal Support, Visitation Rights***Susan Pollack****Needham Mitnick & Pollack, PLC**

400 S. Maple Ave., Suite 210, Falls Church; 703-536-7778

*Elder Law, Estate Planning, Guardianship and Conservatorship, Wills & Probates***Sonya Powell****ShounBach**

4000 Legato Road, Suite 400, Fairfax; 703-222-3333

*Child Custody, Child Support, Divorce, Family Law, Premarital Agreements, Spousal Support, Visitation Rights***Debra Powers****The Susan Hicks Group, PC**

3201 Jermantown Road, Suite 200, Fairfax; 703-691-4848

*Premarital Agreements, Visitation Rights***Cynthia Radomsky****The Maddox Law Firm, P.C.**

8221 Old Courthouse Road, Suite 101, Vienna; 703-883-8035

*Child Custody, Child Support, Divorce, Domestic Violence, Family Law, Premarital Agreements, Spousal Support, Visitation Rights***Catherine M. Reese****Reese Law Office**

10300 Eaton Place, Suite 150, Fairfax; 703-279-5140

*Child Custody, Divorce, Family Law, Premarital Agreements***William B. Reichhardt****William B. Reichhardt & Associates**

4020 University Drive, Suite 222, Fairfax; 703-

359-6060

*Special Education***Robin Robb****Robin L. Robb**

6045 Wilson Blvd., Suite 101, Arlington; 703-237-1877

*Adoption, Child Custody, Child Support, Divorce, Domestic Violence, Family Law, Spousal Support, Visitation***David Roop****The Roop Law Firm, PLLC**

1604 Spring Hill Road, Suite 460, Vienna; 703-442-0040

*Child Custody, Child Support, Divorce, Family Law, Spousal Support, Visitation Rights, Premarital Agreements***Douglas J. Sanderson****McCauldlish & Lillard**

11350 Random Hills Road, Suite 500, Fairfax; 703-273-2288

*Spousal Support***Betty Moore Sandler****Nichols, Zaurzig & Sandler**

12660 Lake Ridge Drive, Woodbridge; 703-492-4200

*Child Custody, Child Support, Divorce, Family Law, Spousal Support, Visitation Rights***Tania M.L. Saylor****Peterson Saylor, PLC**

10555 Main St., Suite 320, Fairfax; 703-225-3620

*Estate Litigation, Guardianship & Conservatorship***Christopher Schinstock****Cottrell, Fletcher, Schinstock, Bartoll & Schinstock**

801 N. Fairfax St., Suite 404, Alexandria; 703-836-2770

*Divorce, Spousal Support***Sara Leiner Schuler****Bean Kinney & Korman**

2300 Wilson Blvd., 7th Floor, Arlington; 703-525-4000

*Child Custody, Child Support, Divorce, Family Law, Premarital Agreements, Spousal Support, Visitation Rights***Mark Sharp****Culin, Sharp, Autry & Day, P.L.C.**

4124 Leonard Drive, Fairfax; 703-934-2940

*Domestic Violence, Estate Litigation***Robert E. Shoun****ShounBach**

4000 Legato Road, Suite

400, Fairfax; 703-222-3330

*Child Custody, Child Support***Charles W. Sickels****Sickels, Frei & Mims, P.C.**

12120 Sunset Hills Road, Suite 150, Reston; 703-925-0500

*Birth Injuries***Arlene Starace****Grenadier Anderson Starace Duffet & Keisler**

12359 Sunrise Valley Drive, Suite 230, Reston; 703-683-9000

*Child Custody, Child Support, Divorce, Family Law, Premarital Agreements, Spousal Support, Visitation Rights***Scott Surovell****Surovell Isaacs Petersen & Levy**

4010 University Drive, Second Floor, Fairfax; 703-277-9745

*Child Support***Robert Surovell****Surovell Isaacs Petersen & Levy**

4010 University Drive, 2nd Floor, Fairfax; 703-277-9745

*Family Law***Kelly A. Thompson****Kelly A. Thompspon, Attorney at Law**

6045 Wilson Blvd., Suite 101, Arlington; 703-237-0027

*Elder Law, Guardianship and Conservatorship, Estate Litigation, Estate Planning, Estate & Gift Taxation, Trusts and Estates, Wills & Probates***Edna Ruth Vincent****Colten, Cummins, Watson & Vincent**

3959 Pender Drive, Suite 200, Fairfax; 703-277-9700

*Child Custody, Child Support, Divorce, Family Law, Premarital Agreements, Paternity, Spousal Support, Visitation Rights***Elizabeth Munro Von Keller****Von Keller Law**

8567-D Sudley Road, Manassas; 703-361-2299

*Elder Law***James Watson****Colten Cummins Watson & Vincent**

3959 Pender Drive, Suite 200, Fairfax; 703-277-9749

*Adoption, Domestic Violence***Leslie Weber****Hoffman Family Law & Mediation Center PLC**

10300 Eaton Place, Suite 150, Fairfax; 703-691-3066

*Child Custody, Child Support, Divorce, Family Law, Premarital Agreements, Spousal Support, Visitation Rights***Jason Weis****Curran Moher**

3554 Chain Bridge Road, Suite 100, Fairfax; 571-328-5020

*Child Support, Divorce, Domestic Violence, Family Law, Premarital Agreements, Paternity, Spousal Support, Visitation Rights***Brian West****The West Law Group, P.C.**

8500 Leesburg Pike, Suite 407, Vienna; 703-564-4600

*Divorce***Richard Wexell****Wexell & Milman**

10480 Armstrong St., Fairfax; 703-539-5998

*Adoption, Child Support, Family Law***Loretta Morris Williams****Jean Galloway Ball, PLC**

10306 Eaton Place, Suite 130, Fairfax; 703-359-9213

*Elder Law, Estate Planning, Guardianship & Conservatorship, Trusts & Estates, Wills & Probates***Deborah A. Wilson****Law Offices of Deborah A. Wilson**

4161 Chain Bridge Road, Fairfax; 703-359-0070

*Child Custody, Child Support, Divorce, Family Law, Premarital Agreements, Spousal Support, Visitation Rights***Ryan Witkowski****Condo Law Group**

8444 Westpark Drive, Suite 500, McLean; 703-442-0888

*Child Custody, Child Support, Divorce, Family Law, Premarital Agreements, Spousal Support, Visitation Rights***Charles J. Zauzig****Nichols, Zauzig, Sandler, P.C.**

12660 Lake Ridge Drive, Woodbridge; 703-492-4200

Birth Injuries

Real Estate-Focused Law

James Autry

Culin, Sharp, Autry & Day P.L.C.

4124 Leonard Drive, Fairfax; 703-934-2940
Estate Litigation

Jean Galloway Ball

Jean Galloway Ball, PLC
10306 Eaton Place, Suite 130, Fairfax; 703-359-9213

Elder Law, Estate Litigation, Guardianship & Conservatorship

Jennifer B. Baumgartner

Surovell Isaacs Petersen & Levy

4010 University Drive, 2nd Floor, Fairfax; 703-277-9745

Estate Planning, Trusts & Estates, Wills & Probates

James E. Bitner

Bitner & Bitner Ltd.

P.O. Box 159, Oakton; 703-281-5055

Mortgages, Residential Real Estate

A. Hugo Blankingship

Blankingship & Keith, P.C.

4020 University Drive, Suite 300, Fairfax; 703-691-1235

Eminent Domain

John F. Boland

Rees Broome, P.C.

8133 Leesburg Pike, 9th Floor, Vienna; 703-790-1911

Estate Planning

Thomas H. Campbell

Yates Campbell & Hoeg LLP

4165 Chain Bridge Road, Fairfax; 703-273-4230

Estate & Gift Taxation, Wills & Probates

Juan Cardenas

Rees Broome, P.C.

8133 Leesburg Pike, 9th Floor, Vienna; 703-790-1911

Homeowners Association Law

William H. Casterline

Blankingship & Keith, P.C.

4020 University Drive, Suite 300, Fairfax; 703-691-1235

Foreclosure, Real Estate

A. Mark Christopher

Yates Campbell & Hoeg LLP

4165 Chain Bridge Road, Fairfax; 703-273-4230

Elder Law, Estate Planning, Guardianship & Conservatorship, Trusts & Estates, Wills & Probates

Deborah Donick

Cochran

Cochran & Owen

8000 Tower Crescent Drive, Suite 160, Vienna; 703-847-4480

Estate Planning, Trusts & Estates, Wills & Probates

Thomas Colucci

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.

2200 Clarendon Blvd., Suite 1300, Arlington; 703-528-4700

Real Estate

Evan H. Farr

Law Firm of Evan H. Farr, P.C.

10640 Main St., Suite 200, Fairfax; 703-691-1888

Elder Law, Estate Planning, Estate & Gift Taxation, Trusts & Estates

David E. Feldman

Odin Feldman Pittelman

1775 Wiehle Ave., Suite 400, Reston; 703-218-2108

Real Estate

Donna Fincher

Vaughan, Fincher & Sotelo, PC

602 S. King St., Suite 201, Leesburg; 571-209-5740

Estate Planning

John Foote

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.

4310 Prince William Parkway, Suite 300, Prince William; 703-680-4664

Zoning, Planning & Land Use

Elizabeth L. Gray

Matsen, Miller, Cossa and Gray PLLC

4000 Legato Road, Suite 1100, Fairfax; 703-896-7696

Elder Law, Estate Planning, Guardianship & Conservatorship

John C. Hale

Hale Carlson Baumgartner, PLC

10511 Judicial Drive, Fairfax; 703-591-4900

Estate Litigation, Trusts & Estates, Wills & Probates

Sarah Hall

Blankingship & Keith, P.C.

4020 University Drive, Suite 300, Fairfax; 703-691-1235

Zoning, Planning & Land Use

Gifford Hampshire

Blankingship & Keith, P.C.

9300 W. Courthouse Road, Suite 201, Manassas;

703-365-9945

Eminent Domain, Zoning, Planning & Land Use

Grayson Hanes

ReedSmith

3110 Fairview Park Drive, Suite 1400, Falls Church; 703-641-4292

Eminent Domain, Zoning, Planning & Land Use

James R. Hart

Hart & Horan P.C.

10505 Judicial Drive, Suite 101, Fairfax; 703-352-7330

Real Estate

A. Everett Hoeg

Yates Campbell & Hoeg LLP

4165 Chain Bridge Road, Fairfax; 703-273-4230

Estate Litigation, Estate Planning, Estate & Gift Taxation, Trusts & Estates, Wills & Probates

John Jackson

Baskin, Jackson & Duffett, P.C.

301 Park Ave., Falls Church; 703-534-3610

Estate Planning

John A. C. Keith

Blankingship & Keith, P.C.

4020 University Drive, Suite 300, Fairfax; 703-691-1235

Estate Litigation, Estate Planning, Estate & Gift Taxation, Foreclosure, Mortgages, Property Insurance, Property Tax, Real Estate, Residential Real Estate, Trusts & Estates, Wills & Probates, Zoning, Planning & Land Use

Jonathan C. Kinney

Bean Kinney & Korman

2300 Wilson Blvd., 7th Floor, Arlington; 703-525-4000

Estate Planning, Real Estate, Trusts & Estate, Wills & Probates, Zoning, Planning & Land Use

John Laster

Law Office of John Laster

103 Rowell Court, Falls Church; 703-538-3600

Estate Planning

Jim McNair

ReedSmith

3110 Fairview Park Drive, Suite 1400, Falls Church; 703-641-4201

Estate Planning

David S. Mercer

Mercer Trigiani

112 S. Alfred St.,

about that," Ruttenberg says. "I think of him as more of a state's rights guy and he clearly was not on board with that."

Peterson, who had never appeared before the Supreme Court either, brought Steffen Johnson, an appellate specialist and litigation partner in the D.C. office of the multinational 150-year-old Winston and Strawn, to do the oral argument. Johnson, a long-time friend of Peterson, has been involved in about 60 cases before the Supreme Court, argued a couple, and been at the counsel table several times, he says.

Johnson felt they had a good case for win-

"THE STATUTE WAS WRITTEN IN A KIND OF VERY BLUNT ONE-SIZE-FITS-ALL APPROACH. AND THAT IS, PRINCIPALLY, WHERE THE CONFLICT WITH FEDERAL LAW CAME INTO PLAY."

ning. This was a busy term for the U.S. Supreme Court in the area of federal preemption where the court demonstrated a common sense view to find federal preemption where state law will interfere with the practicalities of how federal law operates.

After the oral arguments were concluded, Ruttenberg felt at peace with the job he did. "Everyone plays this game listening to the questions about how the justices are going to respond," he says. "And based on the questioning people were asking, I thought I had a reasonable shot coming out of there."

He lost. The decision was unanimous: 9-0. Maretta kept the money. (She declined to comment for this article).

Justice Sonia Sotomayor delivered the court's opinion. This is an excerpt: "In short, where a beneficiary has been duly named, the insurance proceeds she is owed under FEGLI cannot be allocated to another person by operation of state law," she wrote.

But while it still seems wrong to the average Joe that an ex-wife gets her former husband's

life insurance payout while his widow gets nothing, Peterson said that is not all that unusual. “I think in a lot of circumstances there is the actual intent to do that,” he says. “Someone may have children from a prior marriage, and the federal employee is mandated in a property settlement or divorce decree to keep the ex-spouse as a beneficiary because the life insurance money can then be used to care for the children. It may be used as a substitute for child support or alimony obligations.”

The way that the Virginia statute was written it had nothing to do with the dead spouse’s intent, Peterson says. “A spouse could have written to the ex-spouse saying ‘Hey, I know we got divorced, but you are still the beneficiary of my life insurance and I want you to have it.’ And if the guy died the next day it wouldn’t matter under this state statute. It would still be automatically revoked no matter what,” he says. “The statute was written in a kind of very blunt one-size-fits-all approach. And that is, principally, where the conflict with federal law came into play.”

But, even after the court decision, there were still questions. Surely a guy like Warren Hillman—who was so sharp he was able to start college at age 15, got a master’s degree in urban planning, oversaw a multimillion dollar federal student loan program, worked in the OMB where he advised presidents—a guy like that would make sure important financial details of his personal life were in order. Right?

But the sad truth is that Warren Hillman may have just forgotten to update his policy after his divorce. No one will ever know for sure.

The experience of working on this little four-year project is one of the reasons that 44-year-old Ruttenberg says he doesn’t litigate much. It’s the only case he’s ever lost. “I don’t think I have the right personality for it,” he says. “This never should have gone as far as it did, but I just wouldn’t let it go. And I’m too old to work 17 hours a day for 45 days straight. That is not necessarily a pleasant way to live.”

Hillman said that she has come to terms with the decision. “I have to let it go because I think I would be a very bitter person to just dwell on what happened,” she says. “I felt betrayed by Miss Maretta, but we just have different values. I’m OK. I am planning on retiring at the end of this semester. And I have been able to manage. I just don’t have the same kind of life I had before.”

Alexandria; 703-837-5008
Homeowners Law

John A. Moffet Jr.
Greenleaf & Moffet, PLC
10680 Main St., Suite 205,
Fairfax; 703-383-0473
Mortgages, Real Estate

Elizabeth Chichester Morrogh
Blankingship & Keith, P.C.
4020 University Drive,
Suite 300, Fairfax; 703-691-1235
Estate Litigation, Estate Planning, Trusts & Estates, Wills & Probates

Bill Murray
Manning & Murray
6045 Wilson Blvd., Suite 300, Arlington; 703-532-5400
Elder Law, Premarital Agreements, Estate Planning, Wills & Probates

Helen Cohn Needham
Needham Mitnick & Pollock, P.L.C.
400 S. Maple Ave., Suite 210, Falls Church; 703-536-7778
Elder Law, Estate Planning, Guardianship & Conservatorship, Trusts & Estates, Wills & Probates

Susan M. Pesner
Pesner Kawamoto P.L.C.
7926 Jones Branch Drive, Suite 930, McLean; 703-506-9440
Estate Planning, Homeowners Association Law, Landlord & Tenant Law, Mortgages, Premarital Agreements, Real Estate, Residential Real Estate, Trusts & Estates, Wills & Probates

George O. Peterson
Peterson Saylor, PLC
10555 Main St., Suite 320, Fairfax; 703-225-3620
Estate Litigation

Karl W. Pilger
Boring & Pilger, P.C.
307 Maple Ave. W., Suite D, Vienna; 703-281-2161
Estate Litigation

James Pittelman
Odin Feldman Pittelman
1775 Wiehle Ave., Suite 400, Reston; 703-218-2185
Estate Planning

Susan Pollack
Needham Mitnick & Pollock, PLC
400 S. Maple Ave., Suite 210, Falls Church; 703-536-7778
Elder Law, Estate Planning, Guardianship &

Conservatorship, Wills & Probates

Daniel Ruttenberg
SmolenPlevy
8045 Leesburg Pike, 5th Floor, Vienna; 703-790-1900
Estate Litigation, Estate Planning, Estate & Gift Taxation, Real Estate, Trusts & Estates, Wills & Probates

Susan Richards Salen
Rees Broome, P.C.
8133 Leesburg Pike, 9th Floor, Vienna; 703-790-1911
Landlord & Tenant Law

Tania M.L. Saylor
Peterson Saylor, PLC
10555 Main St., Suite 320, Fairfax; 703-225-3620
Estate Litigation, Guardianship & Conservatorship

Daniel Shaner
Shaner & Helf
10306 Eaton Place, Suite 150, Fairfax; 703-385-1211
Real Estate, Residential Real Estate

Mark Sharp
Culin, Sharp, Autry & Day, P.L.C.
4124 Leonard Drive, Fairfax; 703-934-2940
Domestic Violence, Estate Litigation

Jason Smolen
SmolenPlevy
8045 Leesburg Pike, 5th Floor, Vienna; 703-790-1900
Estate Litigation, Estate Planning, Estate & Gift Taxation, Real Estate, Trusts & Estates, Wills & Probates

Martha L. Sotelo
Vaughan, Fincher & Sotelo, PC
8619 Westwood Center Drive, Suite 400, Vienna; 703-506-1810
Estate Planning

Lynne Strobel
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Blvd., 13th Floor, Arlington; 703-528-4700
Zoning, Planning & Land Use

Paul B. Terpak
Blankingship & Keith, P.C.
4020 University Drive, Suite 300, Fairfax; 703-691-1235
Eminent Domain, Property Tax

Kelly A. Thompson

Kelly A. Thompson, Attorney at Law
6045 Wilson Blvd., Suite 101, Arlington; 703-237-0027
Elder Law, Guardianship & Conservatorship, Estate Litigation, Estate Planning, Estate & Gift Taxation, Trusts & Estates, Wills & Probates

Lucia Anna Trigiiani
MercerTrigiiani
112 S. Alfred St., Alexandria; 703-837-5008
Homeowners Association Law

Michael Vanderpool
Vanderpool, Frostick & Nishanian, P.C.
9200 Church St., Suite 400, Manassas; 703-369-4738
Real Estate

Patrick J. Vaughan
Vaughan, Fincher & Sotelo, PC
8619 Westwood Center Drive, Suite 400, Vienna; 703-506-1810
Estate Planning

Martin Walsh
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Blvd., Courthouse Plaza, 13th Floor, Arlington; 703-528-4700
Real Estate

Wil Washington
Chadwich Washington
3201 Jermantown Road, Suite 600, Fairfax; 703-352-1900
Homeowners Association Law

Loretta Morris Williams
Jean Galloway Ball, PLC
10306 Eaton Place, Suite 130, Fairfax; 703-359-9213
Elder Law, Estate Planning, Guardianship & Conservatorship, Trusts & Estates, Wills & Probates

Thomas Yates
Yates Campbell & Hoeg LLP
4165 Chain Bridge Road, Fairfax; 703-273-4230
Estate Planning, Estate & Gift Taxation, Trusts & Estates, Wills & Probates

Munford R. Yates
Yates Campbell & Hoeg LLP
4165 Chain Bridge Road, Fairfax; 703-273-4230
Trusts & Estates, Wills & Probates

Top Lawyers were nominated by their peers.