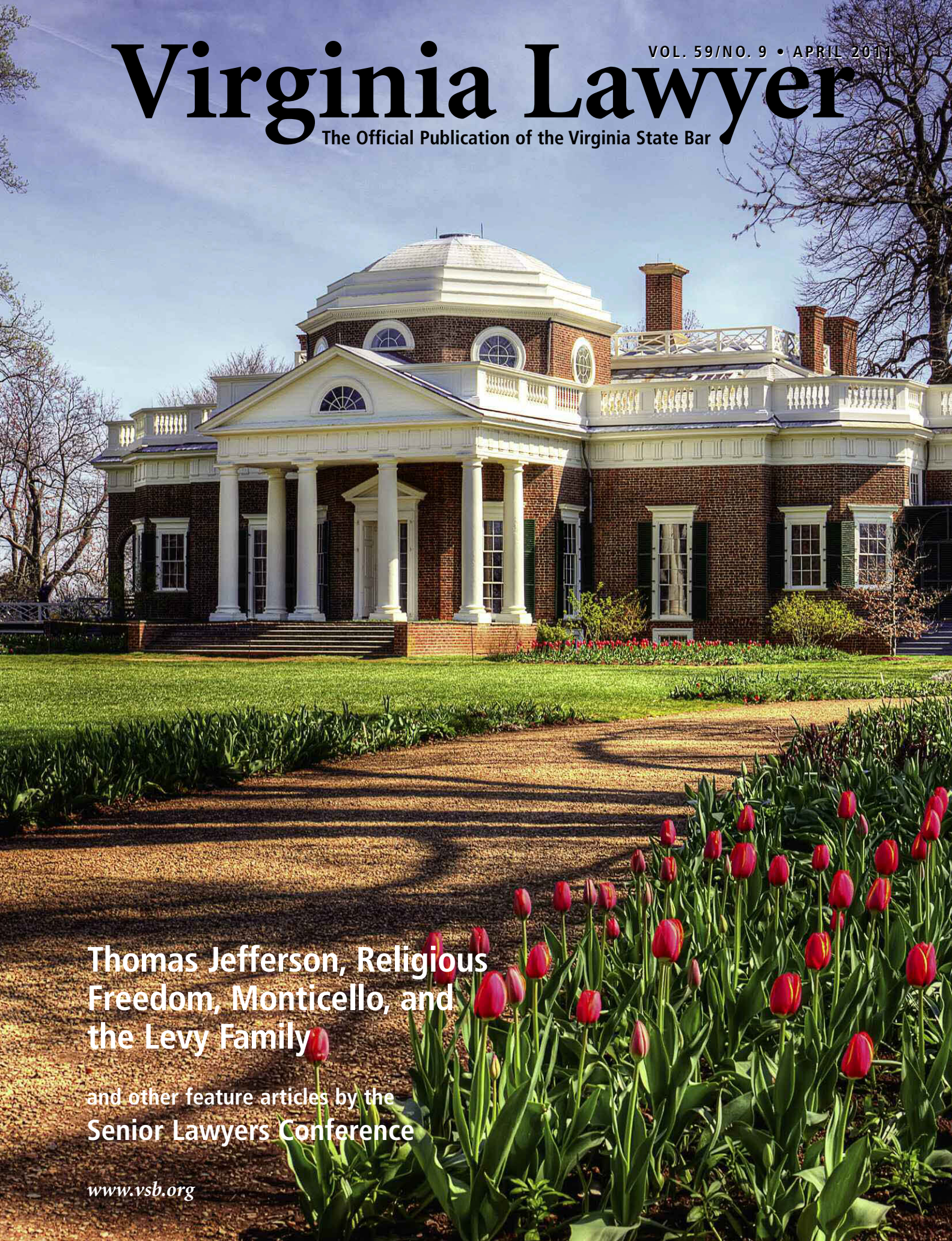


# Virginia Lawyer

VOL. 59/NO. 9 • APRIL 2011

The Official Publication of the Virginia State Bar



## Thomas Jefferson, Religious Freedom, Monticello, and the Levy Family

and other feature articles by the Senior Lawyers Conference

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A close-up portrait of Susan M. Cleary, a woman with reddish-brown hair pulled back, smiling warmly. She is wearing a dark blazer over a purple top. The background is a soft, out-of-focus brown.

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#### Cover:

Monticello, home to Thomas Jefferson, on the morning of April 3, 2011. Photographer Bill Dickinson of Sky Noir Photography caught the building in a rare moment of solitude, in between tour groups. See more of his work at <http://www.skynoirphotography.com>.

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### Corrections

Bill Dickinson of Sky Noir Photography photographed the Spottswood W. Robinson III and Robert R. Merhige Jr. Federal Courthouse in Richmond, which appeared on the cover of the February 2011 issue of *Virginia Lawyer*. His photo credit was omitted from the photo description on page 3.

The name of Virginia Governor Robert F. McDonnell was misspelled in the President's Message of the February 2011 issue. *Virginia Lawyer* regrets the error.

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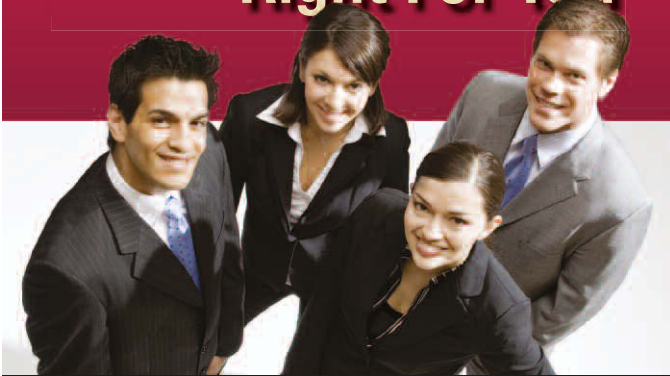
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Regarding Robert Wagstaff’s article, “In the Wake of *Boumediene*,” in the December 2010 issue: This very fine summary of U.S. Supreme Court decisions on the long and continuing struggle between expansive and narrow interpretations of executive power in the United States is a beautiful piece of work, although very sad to read. A salute to an obviously first-class lawyer, from a retired lawyer formerly in government practice and presently inactive.

Pierre M. Hartman  
Tehachapi, California

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Send your letter to the editor to:  
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**VTLA May Tort Seminar:** “Medical Aspects of Tort Cases” — Six-hour seminar at four locations May 3–25. Sponsored by the Virginia Trial Lawyers Association. Details: Allison Love at (804) 343-1143, ext. 310, or [alove@vtla.com](mailto:alove@vtla.com).

**VTLA May Family Law Seminar:** “Equitable Distribution” — Six-hour seminar at four locations May 3–25. Sponsored by the Virginia Trial Lawyers Association. Details: Allison Love at (804) 343-1143, ext. 310, or [alove@vtla.com](mailto:alove@vtla.com).

**Voir Dire: Jury Selection Techniques** — May 20–21 at the College of William and Mary Law School. Sponsored by the Virginia College of Trial Advocacy. Information will be posted at <http://www.vtla.com>. Questions: Allison Love at (804) 343-1143, ext. 310, or [alove@vtla.com](mailto:alove@vtla.com).

**VTLA Advanced Auto Retreat** — July 22 and 23 at the Board’s Head Inn in Charlottesville. Details: Allison Love at (804) 343-1143, ext. 310, or [alove@vtla.com](mailto:alove@vtla.com).

**Introduction to Sentencing Guidelines** — Six-hour seminar, 9:30 AM–5 PM from May 24 through December 13 at locations throughout Virginia.

Sponsored by the Virginia Criminal Sentencing Commission. Details: <http://www.vcsc.virginia.gov/training/2011%20Seminars.pdf>

**Advanced Sentencing Guidelines Topics & Ethical Hypotheticals** — Six-hour seminar, 9:30 AM–5 PM from May 25 through October 26 at locations throughout Virginia. Sponsored by the Virginia Criminal Sentencing Commission. Details: <http://www.vcsc.virginia.gov/training/2011%20Seminars.pdf>

*Virginia Lawyer publishes at no charge notices of continuing legal education programs sponsored by nonprofit bar associations and government agencies. The next issue will cover July 20–October 14, 2011. Send information by June 1 to [chase@vsb.org](mailto:chase@vsb.org). For other CLE opportunities, see “Current Virginia Approved Courses” at <http://www.vsb.org/site/members/mcle-courses/> or the websites of commercial providers.*

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The “Attorneys Not in Good Standing” search function was designed in conjunction with the VSB’s new permanent bar cards.

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# President's Message

by Irving M. Blank



## A Thank You—And a Last Wish

I WRITE THIS LAST PRESIDENT'S MESSAGE with regret that my term is quickly coming to a close. When I was installed at the annual meeting at Virginia Beach last June, I promised to have no program and to just focus on keeping your mandatory bar on the tracks and to support the funding of frozen judicial vacancies, which I saw as a crisis.

I am happy to report to you that the General Assembly agreed to fund twenty-one judicial vacancies and continue funding for the drug courts.

I can also report that the General Assembly did not amend the budget by transferring \$5 million from the Virginia State Bar cash balance to the general fund of the Commonwealth, as proposed by the governor.

You should know that your VSB staff and members conducted our appeal to the legislature in the most appropriate manner. We are grateful to the General Assembly for restoring our funds.

This transfer would have set a disturbing precedent that would have hampered the operation of the bar to regulate the legal profession and protect the public for years to come.

In his 1989 inaugural address President George H.W. Bush spoke of "a thousand points of light" in calling on Americans to volunteer their talents for the good of the country. No one has ever had to ask for volunteers from the Virginia State Bar to so contribute.

Missed in the debate over our funds was the fact that more than one thousand lawyers in Virginia volunteer annually to accomplish the work of the Virginia State Bar. This does not include the many thousands of hours that lawyers devote to legal aid, community service, education projects, and coaching youth. We have more than ten members volunteer for every committee to which we make appointments annually. More than 250,000 miles were driven by our members in serving the commonwealth in the past year. Costs to provide these essential services elsewhere would be enormous, and the quality of the services would be less.

During the debate over our funds, lawyers communicated with members of the General Assembly, and there is no question that this had a significant impact on the outcome of the debate. From individuals to voluntary bar associations, to friends and classmates of legislators, you answered the call to action, and I thank you.

It strikes me that we simply do not get credit for what we do. We need to publicize the amount of time and effort contributed by lawyers and the value of those contributions. This was the message of the nationally acclaimed Virginia Is for Good Lawyers Campaign by VSB Immediate Past President Jon D. Huddleston.

The issues of our funding and the judicial vacancies brought the volun-

tary bar associations much closer to our mandatory bar. The efforts of the Virginia Bar Association, the Virginia Trial Lawyers Association, the Virginia Association of Defense Attorneys, and others in coming to the defense of the judiciary and the entire legal community demonstrate how well the voluntary bars can and should work with the Virginia State Bar. Their lay and professional leaders could not have been more supportive, and I will always be in their debt for their effort and advice. I sincerely hope that the cooperation brought on by crisis will continue to grow and mature for the betterment of all Virginia lawyers.

Let me close by thanking you for the great honor of being your president. At my installation and throughout the year, I said that I love being a lawyer and I love being with lawyers. Those feelings certainly intensified during the year. Rhona and I will cherish the memories of spending this year representing the Virginia State Bar and being so warmly received throughout the commonwealth. I trust that I have maintained the high level of performance of my predecessors and performed to your satisfaction.

My last wish as your president is to see you at the beach for the annual meeting and personally thank you for allowing me to serve as your president.



# VIRGINIA STATE BAR MEMBERS' INSURANCE CENTER

*An affiliate of Dominion Benefits and endorsed by the Virginia State Bar*

## We're proud to be endorsed by the Virginia State Bar

The Virginia State Bar Members' Insurance Center is committed to serving law firms throughout Virginia and assisting them with their insurance needs

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**Disability Income Insurance**

**Life Insurance**

**Health Insurance**

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*For more information please contact*

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[vsbmic.com](http://vsbmic.com)

# Executive Director's Message

by Karen A. Gould



## Good News in Tough Times

THE VIRGINIA STATE BAR'S Budget and Finance Committee and Executive Committee are proposing a reduction in your annual mandatory bar dues.

Under the proposal, active members would pay \$225 for 2011–12; associate members would pay \$112.50. That's a \$25 reduction for active members and a \$12.50 reduction for associate members.

The proposed bar dues reduction is made possible by the VSB's unspent cash reserve, which grew in part because of economies instituted by staff in the last several years and in part because we were unable to give salary increases we have budgeted for since 2007.

The proposal will be reviewed by the VSB Council and the Supreme Court of Virginia.

ALSO, THIS YEAR for the first time, VSB members will have the option of renewing their membership and paying their dues online.

The online option will be available to lawyers in good standing with active, active/Virginia corporate counsel, and associate memberships.

We hope that the convenience of online access will result in fewer attorneys incurring penalties for late renewal.

The new service will work this way: Access will be provided through the secure "Member Login" area of VSB.org. Members who choose "Online Membership Renewal" will certify whether they are in private practice and are covered by a professional liability insurance policy, select what voluntary sections they wish to join, and pay their mandatory annual dues (including the mandatory \$25 Clients' Protection Fund fee), plus any section dues, by credit card.

Online membership renewal is available only to individual attorneys, because of the certification requirement.

The site will accept MasterCard and Visa only. The membership renewal, insurance certification, and dues payment will be processed immediately and a receipt will be issued.

The site also will accept payment for late fees that accrue after the membership compliance deadline of July 31.

Online membership renewal will be available to members in early June, when the annual dues statements are mailed, until early October, when administrative suspensions are issued for membership noncompliance.

When the access is available, the VSB will alert members through the monthly E-News and the "Latest News" on the VSB.org home page

Online membership renewal is the first of several improvements planned to give members more flexibility and convenience through the VSB website.

### Permanent Bar Cards

While we're on the subject of dues renewal—remember, VSB members now have permanent bar cards. Do not discard your card during the dues renewal season!

### Legal Services Needs Your Help

Lawyers again will have an opportunity on the printed membership renewal statements to contribute to Legal Services Corporation of Virginia, a 501(c)(3) organization that supports Virginia's legal aid programs. LSCV has been hard hit this year by reductions in government support and low interest rates.

### IN OTHER VSB MATTERS:

#### Proposed Amendment to Corporate Counsel Pro Bono Rule

On February 26, 2011, the VSB Council voted without dissent to recommend approval of proposed changes to the Rules of the Virginia Supreme Court 1A:5, Part I, ¶¶ (g), (h), Virginia Corporate Counsel. The changes would lift limitations and expand opportunities for corporate counsel to do pro bono work, while subjecting them to VSB regulatory authority while they do that work. The proposal was recommended by a Virginia State Bar-Virginia Bar Association task force and has been presented to the Supreme Court for approval.

#### Proposal to Waive In Law Professors Is Supported

By a vote of 46 to 16, the council supported a proposal by Professor A. Benjamin Spencer of Washington and Lee University School of Law to allow full-time law school professors to practice in Virginia without taking the bar exam if they have been engaged in full-time active practice in another jurisdiction for five of the previous seven years. Professor Spencer said the waiver will allow faculty to more effectively assist students in applied law clinics and to describe recent practical examples in traditional classes. The waiver would end when the teacher no longer is employed full time by the law school. The council's vote will be reported to the Supreme Court.

#### Proposed Rules 7.1–7.5 Pulled by Ethics Committee

The council was told that the VSB Standing Committee on Legal Ethics on February 24, 2011, decided to pull

News continued on page 15



News continued from page 14

the proposed changes to Rules of Professional Conduct 7.1–7.5, Lawyer Advertising and Solicitation.

**UPL Legislation Adopted by General Assembly**

The General Assembly passed Senate Bill 1067, which extends the statute of limitations (Va. Code § 19.2-8) for

prosecuting unauthorized practice of law to two years from the date of discovery. The governor approved the bill, which takes effect July 1, 2011.

**Irving Blank**

It has been my privilege to work with President Irving M. Blank this year. Irving is as fine a lawyer and gentleman as I have ever had the pleasure to know. He has been everything we want a presi-

dent to be: supportive, helpful, willing to say what needs to be said, and willing to do what needs to be done. The job of being president of the Virginia State Bar entails many hours on the road, countless days away from home and legal practice, and speech after speech. Irving never flagged in his enthusiasm for the job. The staff of the Virginia State Bar thanks him for a job well done.

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## Nominations Sought for 2011–12 Board and Committee Vacancies

Volunteers are needed to serve the Virginia State Bar's boards and committees. The Nominating Committee will refer nominees to the VSB Council for consideration at its June meeting.

Vacancies in 2011 are listed below. All appointments or elections will be for the terms specified, beginning on July 1, 2011.

### EXECUTIVE COMMITTEE

6 vacancies (of which 4 current members are eligible for reelection and 2 current members are not eligible for reelection). Filled from ranks of the council for 1-year terms, by council election.

### CLIENTS' PROTECTION FUND BOARD

3 lawyer vacancies (2 current lawyer members from the Third and Eighth disciplinary districts are not eligible for reelection, and 1 current lawyer member is eligible for reelection). May serve 2 consecutive 3-year terms. Elected by council.

### JUDICIAL NOMINATIONS COMMITTEE

4 vacancies and 2 member-at-large vacancies (of which 1 vacancy is to be filled by a member from the 6th, 11th, 12th, 13th or 14th judicial circuits; the 2nd vacancy is to be filled by a member from the 17th or 18th judicial circuits, the 3rd vacancy is to be filled by a member from the 10th, 21st, 22nd or 24th judicial circuits, the 4th vacancy must be filled by a member from the 27th, 28th, 29th or 30th judicial circuits; and 2 member-at-large members are not eligible for reelection). May serve 1 full 3-year term. Elected by council.

### VIRGINIA LAW FOUNDATION BOARD

2 lawyer vacancies and 1 lay member vacancy (of which 2 current lawyer members are not eligible for reelection; and 1 lay member is eligible for reelection). May serve 2 consecutive 3-year terms. Elected by VLF Board on recommendation of council.

### VIRGINIA CLE COMMITTEE

6 lawyer vacancies (of which 4 lawyer members are eligible for reelection to 1-year terms and 2 lawyer members are not eligible for reelection to 1-year terms). Elected by VLF Board on recommendation of council.

### AMERICAN BAR ASSOCIATION DELEGATES

4 vacancies (of which 2 present delegates are eligible for reelection, 1 present delegate is not eligible for reelection; and 1 present Young Lawyers Conference delegate is not eligible for reelection). May serve 3 consecutive 2-year terms. Elected by council.

Nominations, along with a brief résumé, should be sent by April 29, 2011, to  
VSB Nominating Committee,  
c/o Valerie Breeden, Virginia State Bar  
707 East Main Street, Suite 1500  
Richmond, VA 23219-2800

# Highlights of the Virginia State Bar Council Meeting

February 26, 2011

At its meeting on February 26, 2011, in Richmond, the Virginia State Bar Council heard the following significant reports and took the following actions:

## **Corporate Council Pro Bono Proposal Endorsed**

The council voted without dissent to recommend approval of proposed changes to the Rules of the Virginia Supreme Court 1A:5, Part I, ¶¶ (g), (h), Virginia Corporate Counsel. The changes would lift limitations and expand opportunities for corporate counsel to do pro bono work, while subjecting them to VSB regulatory authority while they do that work. The proposal was recommended by a Virginia State Bar-Virginia Bar Association task force.

## **Proposal to Waive In Law Professors Is Supported**

By a vote of 46 to 16, the council supported a proposal by Professor A.

Benjamin Spencer of Washington and Lee University School of Law to allow full-time law school professors to practice in Virginia without taking the bar exam if they have been engaged in full-time, active practice in another jurisdiction for five of the previous seven years. Professor Spencer said the waiver will allow faculty to more effectively assist students in applied law clinics and to describe recent practical examples in traditional classes. The waiver would end when the teacher no longer is employed full-time. The council's vote will be reported to the Supreme Court at the Court's request.

## **Proposed Rules 7.1–7.5 Pulled by Ethics Committee**

The council was told that the VSB Standing Committee on Legal Ethics on February 24, 2011, decided to withdraw the proposed changes to Rules of

Professional Conduct 7.1–7.5, Lawyer Advertising and Solicitation.

## **UPL Legislation Adopted by General Assembly**

Ethics Counsel James M. McCauley reported that legislation was adopted by the General Assembly that extends the statute of limitations for prosecuting unauthorized practice of law to two years from the date of discovery.

## **Justice Hassell Remembered**

The council observed a moment of silence in memory of former Chief Justice Leroy Rountree Hassell Sr., who died February 9, 2011. VSB Executive Director Karen A. Gould referred members to Richard Cullen's reflections at <http://www2.timesdispatch.com/news/2011/feb/13/tdopin02-chief-justice-fought-the-good-fight-kept--ar-837657/>.

## Call for Volunteers

The Special Committee on the Resolution of Fee Disputes is seeking volunteers (lawyers and nonlawyers) to serve on its Circuit Committees on the Resolution of Fee Disputes.

There are currently eleven active committees in Virginia. They serve the 2nd, 10th, 16th, 17th, 18th, 23rd, 24th, 28th, and 31st circuits, as well as the Richmond metro and Norfolk-Portsmouth areas.

The committee also wants to establish committees in the 9th-15th (combined), 20th, 25th, 26th, and 27th circuits.

Lawyer volunteers must have been a member of the Virginia State Bar for at least five years and be in good standing. To volunteer to serve on one of these panels, please send in the registration form on page 45.

For more information on the Fee Dispute Resolution Program, see <http://www.vsb.org/public/fee-dispute-resolution-program/>.

## Solo & Small-Firm Practitioner Forum Set for May 10

The VSB Conference of Local Bar Associations will sponsor a Solo & Small-Firm Practitioner Forum on May 10, 2011, at the University of Virginia Darden School of Business. Six hours of continuing legal education credits (1 ethics) are pending approval.

The featured speaker will be legal technologist Barron Henley. Topics include:

- Intermediate Microsoft Word — Word and Legal Drafting Don't Mix ... and Other Urban Legends about Microsoft Word
- Advanced Microsoft Word — Don't Get Mad, Get Even: Advanced Techniques for Making Word a Legal Word Processor
- Law Office Paper Reduction and Document Management Strategies That Work

- Trust Accounting for the Solo or Small Firm

The Solo & Small-Firm Practitioner Forum was originally developed by the Supreme Court of Virginia in conjunction with the Conference of Local Bar Associations. It focuses on issues that confront attorneys who practice alone or in small firms. Law office management and ethics are among several topics covered at these CLE programs.

Registration form at <http://www.vsb.org/site/conferences/clba>.

### The VSB E-News

Have you been receiving the Virginia State Bar E-News? The E-News is a brief monthly summary of deadlines, programs, rule changes, and news about your regulatory bar. The E-News is e-mailed to all VSB members except those who opt out. If your Virginia State Bar E-News is being blocked by your spam filter, contact your e-mail administrator and ask to have the VSB.org domain added to your permissions list.

## Past Presidents Honored

The Virginia State Bar hosted a dinner for former presidents on March 10, 2011, at the University of Richmond's Jepson Alumni Center. Virginia Justice William C. Mims provided remarks.

Attendees were (left-right, seated): Immediate Past President Jon D. Huddleston; current President Irving M. Blank; Kathleen O'Brien; Howard W. Dobbins; Senior U.S. Magistrate Judge William T. Prince; (standing): W. Scott Street III; John A.C. Keith; VSB Executive Director and former president Karen A. Gould; Howard W. Martin Jr.; Phillip V. Anderson; Waller H. Horsley; Joseph E. Spruill Jr., a retired Virginia circuit judge; Bernard J. DiMuro; James C. Roberts; and William D. Dolan III.





# Internet Scams Target Lawyers

by James M. McCauley, Ethics Counsel, Virginia State Bar

The Federal Bureau of Investigation continues to receive reports of counterfeit check schemes targeting U.S. law firms.

In the most recent series of schemes, scammers send e-mails to lawyers in which the scammers claim to be overseas and seeking legal representation to collect delinquent payments from parties in the United States. Often, the scammer will cite a connection with a legitimate company. The law firm is asked for its retainer agreement. The “client” returns the signed agreement along with invoices reflecting the alleged amount owed and, shortly thereafter, a check payable to the law firm. The firm is instructed to deduct its legal fee, including any other expenses associated with the transaction, and wire the remaining funds to banks in Korea, China, Ireland, Canada, or another country. By the time the check is determined to be counterfeit, funds have already been wired overseas.

In one version of the scheme, the scammer identifies himself or herself as a corporate officer of a legitimate overseas company. The con artist sends a legitimate-looking e-mail to the law firm seeking legal assistance in the collection of a debt from a business or other debtor in the lawyer’s geographical area. A proactive call to the “debtor” will generally reveal that the “debtor” has not done business with the overseas company and that the alleged debt is fictitious. But if the law firm agrees to assist the “client,” it will receive the signed engagement letter, and falsified documentation.

Typically, the scammer will shortly thereafter send the law firm an e-mail stating that the debtor has agreed to settle the debt to avoid litigation and that the debtor has agreed to pay a specified amount, usually a six-figure payment, out of which the law firm is to take its fee for the collection. A cashier’s check is sent to the law firm payable to the law firm, with the remitter’s name being that of the “debtor” company. The law firm then deposits the check, keeps the agreed upon legal fee, and, after confirming

with the law firm’s bank that the subject funds are available, wires the remaining money to an overseas account designated by the scammer. The cashier’s check mailed to the law firm turns out to be counterfeit; no funds were ever paid for it. By the time the law firm is informed the check is not legitimate, the wired amount has been collected, and usually the foreign account into which the funds were wired is closed and cannot be traced to the actual scammer.

In another version of the scheme, the fraudulent client seeking legal “representation” describes herself as an ex-wife “on assignment” in an Asian country, and she claims to be pursuing collection of divorce settlement monies from her ex-husband in the United States. The law firm agrees to represent the ex-wife, sends an e-mail to the ex-husband, and receives a “certified” check for the settlement via delivery service. The ex-wife instructs the firm to wire the funds, less the retainer fee, to an overseas bank account. When the scam is executed successfully, the law firm wires the money before discovering the check is counterfeit.

What should lawyers do to avoid falling prey to these scams? First, be mindful that you have received an unsolicited e-mail from a company or person about whom you will probably know nothing and with whom you will not have any prior contact or introduction. Second, beware of statements in the e-mail that say that you were recommended by the bar association, as bar associations do not usually make referrals except through a bona fide lawyer referral service—in which case you should have received a communication from that lawyer referral service. Third, the purported client will want you to act quickly and will ask nearly every day when the funds have been delivered to you and when you will deliver the funds to the “client.” Fourth, a “cashier’s check” drawn on a reputable bank will arrive very quickly with little or no effort on your part. Have an experienced banker

look at this instrument, as there are signs he or she may recognize and specific inquiries that can be made that will reveal the check as fraudulent. Do not deposit the cashier’s check into your trust account unless you can obtain verification that the check is legitimate; or, alternatively, advise the “client” that you will not wire any funds unless and until the check has cleared. Consider depositing the cashier’s check into an escrow account separate from your Interest on Lawyers’ Trust Accounts or general trust accounts until the check’s status can be determined. Your bank may tell you that there are funds available for you to disburse, but this does not mean that the check has cleared. If you disburse and the check proves to be counterfeit, the bank will charge back against your account for the loss. Finally, if you suspect you have been scammed or are being targeted for a scam, you should file a complaint with the Internet Crime Complaint Center at <http://www.ic3.gov>. You may also call the Virginia State Bar’s Legal Ethics Hotline at (804) 775-0564.

Some lawyers ask if it is ethical to report the scam after they have agreed to undertake representation, citing the duty to keep client information confidential. Although a formal opinion from the Standing Committee on Legal Ethics has not addressed this issue, the communications by and between the Internet scammer and lawyer are not protected as confidential. The initial uninvited e-mail communication from the scammer and the communications that follow are not for the purpose of obtaining any legal advice or legal representation. The scammer does not have any “reasonable expectation of confidentiality” in the communications used to obtain the lawyer’s money under false pretenses. Therefore, reporting such information to the appropriate law enforcement authorities is not a breach of the lawyer’s duty of confidentiality.

## Judge Dohnal Honored by Criminal Law Section

U.S. Magistrate Judge Dennis W. “Denny” Dohnal (center) has been recognized for more than twelve years of presenting ethics training at the Virginia State Bar’s annual Criminal Law Seminar. Dohnal sits in the U.S. District Court for the Eastern District of Virginia, Richmond division.

Dohnal’s technique for engaging his audience was to wear silly costumes while he drew from his years as a criminal defense attorney and prosecutor to enliven the ethical quagmires of criminal law. Shown here with section Chair Carolyn V. Grady and former chair John E. Lichtenstein, Dohnal holds a plaque that commends “twelve years of time, talent, experience, and sage advice.”

The plaque was presented in February in Williamsburg, during the forty-first annual seminar.

Dohnal will serve one more year on the section’s board of governors. After twelve years on the bench, he plans to retire next year and reenter the private sector.

Dohnal’s copresenter, Rodney G. Leffler, will continue teaching the ethics panels.



## Fairfax Pro Bono Work Recognized



(Left–right) Robert M. Worster III, Jennifer S. Varughese, Christina A. Osmeloski, Joanne Randa, Daniel L. Gray, Heather A. Cooper, and Lori Jones. Worster, Osmeloski, Randa, Gray, and Cooper are with Cooper Ginsberg Gray PLLC.

Fairfax lawyers who have donated significant legal services were honored by the Northern Virginia Pro Bono Law Center during a Fairfax Bar Association luncheon on February 14, 2011.

Awards presented were:

**Pro Bono Lawyer of the Year** — Jennifer S. Varughese, who for four years has

worked with immigrants through the law center’s Neighborhood Outreach Program. She also has worked with the center’s Family Legal Assistance Program. Example cases: She helped obtain a permanent marriage-based green card for a young Bolivian woman who was the victim of abuse during her marriage, and she obtained asylum for an Egyptian woman and her two children on the basis of domestic violence during a marriage. Varughese also has mentored young

persons who are interested in attending law school and pursuing immigration law, and she has assisted with naturalization workshops.

**Pro Bono Paralegal of the Year** — Lori Jones, who specializes in guardianships for the Fairfax County Department of Family Services’ adult protective services program. She has served as the depart-

ment’s volunteer liaison for the Wills on Wheels program, which helps low-income seniors with estate planning. She also has led food drives and projects to help the Girls and Boys Probation Houses — programs sponsored by the Fairfax Bar Association Paralegal Section.

**Pro Bono Law Firm of the Year** — Cooper Ginsberg Gray PLLC has donated more than \$25,000 in legal services to help low-income people with family legal matters. Lawyers and paralegals at the firm helped a woman with custody, visitation, and support issues after she left an abusive marriage. They represented an appeal of a parental rights case, organized a pro bono law clinic at the Northern Virginia Mental Health Institute, represented a woman with mental health problems in a divorce, and participated in other area pro bono projects.

## In Memoriam

**Darius Arbabi**

Framingham, Massachusetts  
April 1958–January 2011

**William J. Batrus**

Delray Beach, Florida  
November 1916–September 2010

**Hon. George M. Cochran**

Staunton  
April 1912–January 2011

**Robert Henry Cooley Jr.**

Petersburg  
February 1908–February 2011

**John Lee Darst**

Williamsburg  
March 1927–November 2010

**Arthur B. Davies III**

Millboro  
June 1924–January 2011

**Claire Orlando Ducker**

Locust Grove  
September 1913–November 2010

**Richard Charles Ferris II**

Chesterfield  
August 1966–January 2011

**John J. Geraghty**

Arlington  
January 1934–February 2011

**Garth Ellis Griffith**

Richmond  
July 1928–February 2011

**Hon. Leroy Rountree Hassell Sr.**

Richmond  
August 1955–February 2011

**Thomas G. Hodges**

Wytheville  
July 1944–February 2011

**Peter James Hunter Jr.**

Pinehurst, North Carolina  
May 1941–September 2010

**Robert David Jacobs**

Midlothian  
January 1960–February 2011

**Richard G. Joynt**

Richmond  
July 1936–February 2011

**Hon. C. Edward Knight III**

Hampton  
March 1943–January 2011

**David Vance Marshall**

Bellevue, Washington  
June 1950–February 2011

**Thomas A. Mason Jr.**

Alexandria  
December 1930–February 2010

**Hon. Thomas J. Middleton Jr.**

Tucson, Arizona  
October 1928–February 2011

**Elmer T. Miller**

Falls Church  
August 1916–May 2005

**Kathy Gear Owens**

Hampton  
May 1958–February 2011

**Melissa Carrie Ploger**

Newport News  
April 1973–December 2010

**Samuel Shepard Price**

Lancaster  
August 1949–December 2010

**Jerold H. Rosenblum**

Hilton Head Island, South Carolina  
July 1934–May 2009

**Hon. Douglas M. Smith**

Newport News  
August 1929–December 2010

**Benjamin F. Sutherland**

Clintwood  
February 1918–February 2011

**John Edward Tyler Jr.**

King George  
July 1969–January 2011

**Samuel I. White**

Virginia Beach  
December 1921–February 2011

**Hon. Richard L. Williams**

Richmond  
April 1923–February 2011

**Hon. Thomas H. Wood**

Staunton  
March 1942–January 2011

## Local Bar Elections

**Page County Bar Association**

Nancy Marie Reed, President  
Charles Allen Butler Jr.,  
President-elect  
Robert S. Janney, Secretary-  
Treasurer

**Rockbridge-Buena Vista  
Bar Association**

Donald Morris Burks, President  
Nathan Patrick Bowden,  
Vice President  
Prof. Carllys Elizabeth Belmont,  
Secretary-Treasurer

**The Virginia Bar Association**

Lucia Anna Trigiani, President  
Hugh McCoy Fain III,  
President-elect

## Harrisonburg Family Law Practitioner Is Recognized for Lifetime Achievement

Franklin R. Blatt, a family law attorney who has mentored a generation of Virginia family lawyers, has been named the 2011 recipient of the Lifetime Achievement Award by the Virginia State Bar's Family Law Section.

The award recognizes persons who have demonstrated excellence and integrity and have made a substantial contribution to the practice of family law in Virginia.

Blatt has practiced for more than thirty years. In addition to earning a reputation as a skillful litigator, he was one of the first lawyers in his region to train in collaborative law.

He is a former president of the Harrisonburg/Rockingham County Bar Association, and he founded its family law section. "His contributions to the arena of family law are unparalleled by anyone in our local area," according to the nomination letter from ten area lawyers.

"In his zealous and thorough representation of his client, he never overlooked a detail or statute or nuance in the law that would work to benefit his client. Frank Blatt has been one of our best teachers."

As much as he enjoys his time in the courtroom, Blatt "has seen, for a long time, the benefits of settling a case after both sides have exchanged discovery. ... He is respectful of all sides in settlement conferences, ... and then can 'sting like a bee' in the courtroom, if settlement is not possible."

While Blatt was on the Family Law Section's board of governors, he developed a group that grew into the VSB's Special Committee on Technology and the Practice of Law, which he served as chair.

He participates in the Virginia Family Law Coalition, which advises the General Assembly. He is a member of the American Academy of Matrimonial Lawyers; the Virginia Trial Lawyers

Association, for which he served on the board of governors from 1994 until 2009; and the Virginia Bar Association. He has taught for the Virginia State Bar's Professionalism Course.

After doing most of his undergraduate work at Emory and Henry College, Blatt graduated from East Tennessee State University and then earned a law degree from the University of Memphis. He practices at the Law Offices of Franklin R. Blatt in Harrisonburg.



### Awards Presentation

The Family Law Section's awards will be presented during its Advanced Family Law Seminar on April 28, 2011, in Richmond. See <http://www.vsb.org/site/sections/family-calendar/seminar4282011/> for details.

## Supreme Court's Lelia Hopper Will Receive 2011 Family Law Service Award

Lelia Baum Hopper, director of the Court Improvement Program of the Supreme Court of Virginia's Office of the Executive Secretary, will be recognized with the Family Law Service Award by the Virginia State Bar's Family Law Section.

The award is given to people and organizations that have improved family, domestic relations, or juvenile law in Virginia.

Hopper oversees best practices for addressing cases of child abuse, child neglect, and foster care.

"[W]e have come to know Lelia Hopper as probably the most knowledgeable and influential person in the Commonwealth in the field of child dependency law," Judge William W. Sharp

wrote in a nomination letter on behalf of the Virginia Council of Juvenile and Domestic Relations District Court Judges.

Hopper educates judges and attorneys about dependency law and other juvenile and family law matters. Her educational outreach also includes social services, law enforcement, medicine, mental health, and education. She also works with the General Assembly on child-related legislation, and she oversees the court's training and certification of guardians ad litem for children and incapacitated adults.

The Best Practice Court Program, through which thirty-seven Virginia courts receive training and develop community teams to deal more effectively with child dependency issues, "has had

an enormous impact in improving the process, for care and services, of dependent children," Sharp wrote.

Before joining the Court staff in 1989 to direct its Family Court project, Hopper was a deputy secretary of human resources under Governor Charles S. Robb and an attorney for the Virginia Division of Legislative Services.

Hopper has an undergraduate degree from Westhampton College at the University of Richmond and a law degree from the College of William and Mary, where she served on the adjunct faculty for the juvenile law clinic.





# Kinser Is Virginia's New Chief Justice

Cynthia Dinah Fannon Kinser of Pennington Gap is sworn in as Virginia's chief justice on February 16, 2011, as her husband, H. Allen Kinser Jr., holds a Bible. (Photo 1)

Beneath a portrait of former longtime chief justice Harry L. Carrico, Virginia State Bar President Irving M. Blank presents a resolution from Virginia's statewide bars, recognizing Kinser's achievements, including becoming the first woman to serve in the Supreme Court of Virginia's top administrative role. (Photo 2)

The seven-member court was awaiting election of two justices by the General Assembly, to replace Lawrence L. Koontz Jr., who retired, and Leroy Rountree Hassell Sr., who died February 9. Hassell was Kinser's immediate predecessor as chief justice. During the investiture, Kinser paid tribute to Hassell's vision and accomplishments.

Members of the Court are (Photo 3, left-right) LeRoy F. Millette Jr.; Chief Justice Kinser; Donald W. Lemons, who presided over the swearing-in; S. Bernard Goodwyn; and William C. Mims.

*Photo credit: Bob Brown/Richmond Times-Dispatch.*





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# From Law School to Practice to the Bench, Chesterfield Judges Travel the Path Together

by Dawn Chase

The photograph shows two middle-aged men in judicial robes, holding between them a worn but sturdy law-office shingle with their names on it.

That's part of the story: Michael C. Allen and Frederick G. Rockwell III once were law partners, and now both are Chesterfield County Circuit Court judges.

But the snapshot doesn't go back far enough, and it doesn't fill in the details of a sturdy friendship that isn't worn at all.

"Mike" Allen and "Rocky" Rockwell met in law school at the University of Richmond, where they were study partners. Eventually, they shared an apartment in Richmond's Fan District.

They worked at similar jobs through school. Allen was the first headwaiter at the Tobacco Company restaurant, and Rockwell waited tables at Sam Miller's.

After graduation in 1979, they went separate ways for a few years—Allen to clerk at the Supreme Court of Virginia and Rockwell on a three-year tour of duty in Alaska with the U.S. Army Judge Advocate General's Corps.

When Rockwell returned to Virginia, Allen was practicing privately. Rockwell took a job in the county prosecutor's office.

At school, "We would fantasize about starting a law firm someday," Rockwell said. But they both had young families, and Rockwell liked a steady paycheck.

It wasn't until 1987, Allen said, that "I finally persuaded him to leave the per diem for the perhaps," and Allen & Rockwell PC was born.

They funded the enterprise with a signature loan from a local bank. "We didn't have a pencil between us," Allen said. "It's what you make of it," Rockwell said.

Those days were "a lot of fun," both recall. They shared a suite across from the courthouse with two offices and a small reception area. When they had to host depositions, they shoved furniture against the walls and used an upended refrigerator box, covered by a tablecloth and surrounded by Allen's wife's dining room chairs, as a conference table.

As the practice developed, Allen & Rockwell moved to offices with a conference room, above a restaurant and tavern—"which was also convenient," Allen said.

Meanwhile, Chesterfield was changing. "When we started practicing here, a meeting of the Chesterfield Bar Association was twelve guys over a bottle of bourbon in Lee Gordon's office," Allen said, referring to longtime attorney who died in 1987. "We knew every police officer."

In 1989, Rockwell and Allen moved fifteen miles from the courthouse and merged with a firm in the Bon Air neighborhood on the edge of Richmond. "There were some who told

us we were crazy to leave the courthouse," Rockwell said, but the county was transforming from predominantly rural into a bedroom community, and the new location helped them develop a metro area practice.

The Chesterfield bar also grew. When a juvenile and domestic relations judgeship opened in 1994, the county turned not to an attorney with deep Chesterfield roots, as in the past, but to a "come-here"—Rockwell, who describes himself as an Army brat who'd lived all over.

Allen, who grew up in Raleigh, North Carolina, became a circuit judge in 2000 and joined Rockwell in the courthouse community.

The two resumed their old habit of discussing cases and courtroom issues over lunch. "It's nice to have somebody you trust absolutely," Rockwell said. "It's isolating to become a judge."

Allen was at Rockwell's wedding. Rockwell is godfather to one of Allen's children. They know each others' parents. Allen's wife, Jody Allen, has a doctorate in pharmacy and works for Medco Health Solutions Inc., and Lisa Rockwell is an elementary school principal in Chesterfield. Both families have children who are going into law.

In 1999, Rockwell was diagnosed with multiple sclerosis. "I was afraid to tell people I had it," he said, but Allen was an exception.



Judges Allen (left) and Rockwell with a memento of their history.

“It’s inspiring the way he handles it,” Allen said. “Not an ounce of self-pity.”

Rockwell recalled the post-Alaska days, when he developed a brain tumor. Allen visited him and brought him a six-pack with a card that said, “I’m sorry you’re sick. I hope you don’t die.”

That sort of humor has always punctuated their relationship, and they’re not letting up now.

Rockwell uses a Segway to negotiate the long halls of the judges’ chambers at the courthouse. “I’m waiting for him to take somebody out,” Allen said. He has threatened to install speed bumps along the corridor.

Indeed, Rockwell said, when he first brought the Segway in, Judge Harold W. Burgess Jr.—whose father was a Virginia police superintendent—prepared for it by lining the halls with speed limit signs and posting a statue of a state trooper.

Allen and Rockwell are aware of the rarity of their relationship and aren’t afraid to sound sentimental when they describe it. Rockwell said, “I would cut my arm off for Michael,” and Allen said, “I know him better than anybody except his wife.”

“One of the worst things I could ever contemplate doing is letting him down,” Allen said.

In 2002, the General Assembly elected Rockwell to the Circuit Court, and Allen, the chief judge at the time, swore him in. Allen calls it “one of the greatest days in my entire legal career.”

That’s when the shingle from their law practice resurfaced. Allen presented it to Rockwell, who now displays it in his office. It is a rugged symbol of years of shared work and a friendship that still brings a spark to their eyes.



## Gail Starling Marshall Is 2011 Powell Pro Bono Award Designee

Gail Starling Marshall, a former Virginia deputy attorney general who has provided pro bono legal services to the poor and disenfranchised throughout her career, has been named the 2011 recipient of the Lewis F. Powell Jr. Pro Bono Award by the Virginia State Bar.

The award was bestowed April 12 by the VSB's Committee on Access to Legal Services to recognize dedication to development and delivery of uncompensated legal services that benefit poor and underserved persons in Virginia. The award is named for a U.S. Supreme Court justice.

Marshall "literally has represented paupers and governors," Robert Lee wrote in a nomination letter submitted on behalf of numerous colleagues.

As a teacher at the University of Virginia School of Law, as a big-firm lawyer in Washington, D.C., as deputy attorney general under Mary Sue Terry, as town attorney for the Town of

Orange, and as a solo practitioner in Rapidan, she has represented paying clients at the highest levels of the private and public sectors, and she has "provided those unable to afford an attorney with the kinds of everyday representation that can change lives," Lee wrote.

As a volunteer for the Legal Aid Justice Center in Charlottesville, Marshall has helped challenge Virginia's parole system as it applies to offenders who have been convicted of violent crimes, and has helped address treatment of inmates in Virginia prisons. Her contributions include interviewing inmates to helping develop and refine trial strategies.

In addition to direct pro bono representations, she has served on civic and nonprofit boards and helped develop state policy and legislation on justice issues.

As deputy attorney general, her review of death penalty cases led her to



Marshall

question the guilt of Earl Washington Jr. Her flagging of the case for further investigation led to commutation nine days before his scheduled execution, and eventually to a pardon. Washington is now a free man.

Lee wrote that Marshall "assumed legal responsibility for the concerns of her neighbors and hometown."

## Washington & Lee Law Student Wins Virginia State Bar Pro Bono Award

Daniel H. Goldman, a third-year student at the Washington and Lee University School of Law, has been named the 2011 recipient of the Oliver White Hill Law Student Pro Bono Award for his commitment to pro bono and public service projects while in law school.

The award, named for a Virginia litigator who was instrumental in dismantling racial segregation laws, recognizes a law student's commitment to uncompensated or minimally compensated pro bono work and other public service. It was bestowed April 12 by the VSB Committee on Access to Legal Services.

Goldman, thirty-five, has amassed over one hundred hours of volunteer service during each of his three years of law school. His work includes:

- helping to revive the Southwest Virginia Innocence Project;
- teaching in Roanoke's Street Law Program;
- cofounding the W&L chapters of the National Lawyers Guild and the Middle East and North Africa Law Society;
- preparing tax returns for low-income persons through the university's Volunteer Income Tax Assistance program;
- researching and writing about solitary confinement for the American Constitution Society for Law and Policy and the American Civil Liberties Union;
- serving as a student attorney in W&L's Virginia Capital Case Clearinghouse; and

- compiling important legal decisions for the clearinghouse's Solitary Watch program, a collaborative effort with journalists.

He also worked for a summer in a clerkship with the Public Defender Service in the District of Columbia.

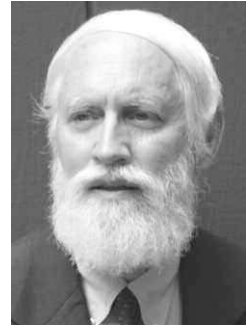
Goldman was raised in Washington, D.C. He earned an undergraduate degree from American University.

After graduation, Goldman hopes to practice indigent criminal defense in Northern Virginia.



Goldman

# Retiring Legal Aid Director Gives \$100,000, Launches Fundraising Campaign



Botts

As William L. Botts III, executive director of Rappahannock Legal Services, prepared last year to retire after thirty-one years with the agency, he faced a discouraging bottom line:

In the previous three years, the number of cases rose by 53.5 percent. Funding was down by 20 percent. RLS likely would have to lay off two of its six attorneys by June 30, 2011.

Behind those numbers were the impoverished clients who needed the lawyers' help to have access to local hospitals when they were in labor, to work out disputes with landlords, to get child support and food stamps for their children, to qualify for disability benefits.

Over the years of shepherding a nonprofit that depends on forty-four sources of funding — all of them vulnerable to the economy and political shifts — Botts often dug into his own pocket to provide when the agency's budget fell short. He worked many uncompensated hours. He cut his own pay to keep staff. In December, he dug in again. He decided to donate \$100,000 to the agency.

"It was somewhat of an impulse," he said. But it was an impulse that came of a lifelong practice of giving, inculcated by his parents. And the donation was an expression of gratitude for a personally satisfying career. "I have so much to be thankful for," he said. "It's my gift back to what has been a gift to me.

"Legal aid has always been at a competitive disadvantage in salary and prestige. But, in terms of job satisfaction, we are competitive," Botts said.

Along with serving clients, Botts has taught the bar about legal services for the poor, one intern at a time. "Dozens and dozens" of undergraduate and law students have passed through RLS during his tenure.

"Some go into legal services. Some go into private practice and become contributing pro bono lawyers. And if they're adverse counsel in a case, they know us and they know our clients, and that can be an interesting dynamic." Many have told him, "This was a life-affecting experience."

Lawyers trained by Botts know his representational philosophy:

First, help clients with their short-term legal needs, and, where appropriate, help them develop a long-term plan to avoid getting in trouble again. Second, show the client that you care about them. "A lot of our clients, for whatever reason, feel that they're second-class citizens. If you believe in them, that can be very powerful," Botts said.

These are practices that all lawyers can use, with paying and nonpaying clients alike, said Botts, who was recognized with the Virginia State Bar's Legal Aid Award in 2005.

At a retirement party in December, the Fredericksburg legal community gave Bill and Sue Botts a vacation to Zion National Park, which they'll take this fall. Hiking is a favorite pastime of the couple. Many other vacations, however, were spent working — in Guatemala and South Dakota, on mission trips. They have two children: Joel, a chef in Virginia Beach, and Rita, a librarian in Pittsburgh.

Botts's official date of departure was April 15. He stayed on to acclimate his successor, Ann Kloeckner, who worked in legal services in Pennsylvania and New Jersey, practiced privately in Texas, and most recently directed a women's advocacy project in Austin and worked for the Texas State Bar.

After a brief break, Botts will be back, doing pro bono representations for RLS two days a week.

One hundred thousand dollars can be a big chunk of an individual's bank account, but it doesn't last long in legal services. In 2012, Rappahannock will face the same shortfall again. So the program has embarked on a campaign to raise another \$100,000 from the private bar and other individual donors.

Botts's talking points for fundraising begin with history: Rappahannock Legal Services was established and staffed by Fredericksburg lawyer volunteers when they saw a number of "deserving clients with deserving cases who couldn't afford legal services."

He reminds lawyers that the Virginia Rules of Professional Conduct Rule 6.1 suggests that lawyers have an obligation to contribute 2 percent of their time or the financial equivalent annually to free or nominally compensated legal services for people without the financial resources to pay a lawyer.

And he describes the need for legal services and rewards of supporting pro bono work.

Lawyers who have worked with RLS clients are already aware of this. "It's hardest to persuade attorneys who have never had sustained contact with the poor, and whose opinions and biases are formed without such contact," he said.

So Botts talks lawyer-to-lawyer, conveying what he sees as common ground, based on what he has learned through practicing, on his mission trips, in his life. "At bottom, we're both representing human beings, with all their pluses and minuses, and all their frailties."

What Botts learned from his parents he has passed to his children. Rita Botts is getting married soon. She requests on her wedding webpage that, in lieu of gifts, donations be made to two charities: the Carnegie Library and Rappahannock Legal Services.

## Donations

To contribute to the Rappahannock Legal Services campaign, send checks with "matching campaign" on the memo line to:

Rappahannock Legal Services Inc.  
618 Kenmore Avenue, Suite 1-A  
Fredericksburg, VA 22401

Information: (540) 371-1115

# Stay Tuned

by Jack W. Burtch Jr.



**Jack W. Burtch Jr.** was admitted to the Virginia State Bar in 1973. He received his undergraduate degree in 1969 from Wesleyan University in Middletown, Connecticut, and his law degree in 1972 from Vanderbilt University, where he served as an editor of the *Vanderbilt Journal of Transnational Law*. After serving as an associate in the labor law section of Hunton & Williams from 1973 to 1980, Burtch became a principal of the firm that became McSweeney, Burtch & Crump. In January 2001, he joined the firm that became Macaulay & Burtch PC, where he represents businesses, executives, and professionals in employment law and labor relations. Burtch is an adjunct professor of law at the University of Richmond, where he teaches negotiations, interviewing, and counseling.

As a young boy of five, the only thing that made bath time tolerable was listening to the radio when I was supposed to be scrubbing myself. At 6:30 on weeknights, the familiar strains of what I now know to be the “William Tell Overture” would announce my favorite program, *The Lone Ranger*. At some point in the show — just when the Lone Ranger and his faithful sidekick Tonto were facing heart-gripping danger — the narrator would interrupt the action, telling us to “stay tuned” for the conclusion, following an important message from the show’s sponsor.

Flash forward many years. I was a young lawyer, walking down a long office hallway. My boss was filling me in on the latest news from a client who was facing a wildcat strike from newly unionized employees. I was full of questions, but as my employer turned the corner into his office, he waded me away with the admonition, “stay tuned.”

It’s been nearly sixty years since the Lone Ranger and almost forty since the wildcat strike, but I have finally come to understand the meaning of “staying tuned.” It seems to me the perfect phrase to describe the continuing challenge for a senior lawyer with an active law practice. As I see it, we senior lawyers dedicated to “staying tuned” must master more than patience.

## Sharpen Skills

The fundamental task is to keep our legal skills sharp. Of course, in order to maintain our licenses, we complete our continuing legal education credits each year. All lawyers have to do this, but for senior lawyers CLEs are even more important. Several years ago, I concluded that attending the annual reviews of labor and employment law were important because they reminded me of some things I had forgotten. While that attitude may seem somewhat arrogant, it wasn’t wholly inaccurate. Of course, several years ago, I was doing more of my own legal research and had to keep totally current on the latest shifting National Labor Relations Board rulings. Now sometimes other lawyers write my first drafts, and I’m more often concerned with the big picture. But the fact

remains, I still need to know the information — whether I am recalling it or learning it for the first time.

The senior lawyer needs to avoid a couple of dangers here. First, we can easily assume we know rules and procedures that have, in fact, changed. Yes, with experience we have become better at understanding the situation in its totality, but this is no excuse for ignoring the latest law and current approaches to problems. Whether you are a generalist or you practice in a specialty area, the law changes constantly. One of the things I like about my job is that I get paid to learn things. Staying actively engaged in learning the latest legal developments is at least as important now as it ever was.

Second, experience can actually be dangerous when a new client comes to call. When I started out in practice, I had to listen very closely to understand what the problem really was and what the prospective client wanted me to do about it. Today, having heard similar stories countless times, it’s natural for me to assume I know what the problem is and what the correct legal advice should be. I can have the problem solved within the first minute I hear the client’s story. This is the curse of the experienced lawyer. Making such assumptions is always a mistake. Part of sharpening our skills means listening to a problem as if we are hearing it for the first time.

Applying what we assume to be the law to what we assume to be the problem is a formula for disaster. The antidote is staying on top of the

law and reminding ourselves that every situation is unique. When we add the wisdom of experience to newly sharpened skills, we offer our clients something truly valuable.

### Learn Something New

I have been a labor and employment lawyer my entire career. To me, it's the perfect field of law. It combines the intellectual challenge of the law with the mystery of human motivation. Most employment disputes are about misunderstandings between individuals. Problems tend to arise from a divergence of values, experiences, or perspectives; there are few purely legal problems. More commonly, there are divergent desires that need to be sorted out within the context of particular legal rules. That's why a client comes to a lawyer instead of a therapist.

But being engaged in employment issues for a long time has introduced me to complementary disciplines. Several times I've been hired to observe and analyze organizational dysfunctions within a company or an agency. So I've had to learn a good bit about the theory of organizational development. Likewise, representing executives and professionals means I have to be familiar with compensation and tax rules—at least to the extent that I know the limit of my own competence. So if new disciplines can help us develop our practices by adding a broader range of knowledge, we can undertake to learn at least the basics.

The annual CLE requirement provides a ready incentive to expand the comfort zone of our practices. It's axiomatic that in a learned profession, if we're not growing in our learning, we're falling behind. Entering new legal territory expands our skills. We may gain new perspectives on familiar problems and enhance the usefulness of our advice. So the next time your mailbox fills up with those CLE announcements, it might be a good idea to actually look at some of them and see if there is an opportunity to expand the scope of the practice you ideally want to have.

### Keep Up With Technology

As professionals who enjoy learning, mastering new technologies is not as scary as it sometimes seems. We watched, sometimes with bewilderment, as our children took naturally to computers, cell phones, and video games. These children have become the most technologically proficient

in history. The generation of new lawyers now entering practice has a different attitude toward technology. While we may make fun of Facebook, Twitter, and the other social networking sites young lawyers use to stay in touch with their friends, they see this networking as both normal and necessary. We may well ask, "How can young people who walk with their heads down, eyes fixated on tiny screens, and thumbs moving vigorously across a miniature keypad know where they are heading?" Well, they are heading into the future. If Facebook were a country, it would be the third largest in the world—yet it was founded by twentysomethings just a few years ago.

So maybe we don't all need Twitter accounts to stay current, but we do need to be familiar with at least three technological tools to practice law. The first and most obvious is an e-mail account, and the ability to use it. Today, documents move by e-mail; originals are sent by a courier such as Federal Express. There are, of course, stories about lawyers who have assistants to handle all this for them, including printing out important e-mails. This is an extraordinarily expensive way to practice. The truth is, today's lawyers don't want to deal with those who don't use e-mail. It's just too much of an extra burden.

*Problems tend to arise from a divergence of values, experiences, or perspectives; there are few purely legal problems.*

The second important technological tool is a scanner, used to turn paper documents into PDFs. Digital filing systems are faster, cheaper, and more accurate than paper. A scanner allows us to keep paper to a minimum. Obviously, some documents have to be kept in their original form, but most ordinary correspondence can be scanned and then shredded. Ultimately, e-mailing PDFs will eliminate the need for fax machines.

The third tool is a professional website. Even solos need a website. That's how people find lawyers and how lawyers tell prospective clients



what we can do for them. I can't remember the last time I looked up a lawyer's phone number in a phone book. The last time a phone book was delivered to my office, I just threw it away. Even for simple contact information, websites are so much faster and easier.

We don't have to become technological gurus, but if we add these three tools to our repertoire, we'll be more effective and more in demand. There are also other benefits. Recently, Auburn was playing Oregon. While watching the game on TV, my niece (an Auburn graduate living in Atlanta) and I texted each other. The subject was whether her mother — my sister-in-law and an Oregon graduate — was bearing up under the pressure. Miles apart, we enjoyed simple family fun, connected through our thumbs and a new, generation-spanning mode of communication.

#### **Nurture the Self**

There is something you gave up on your way to becoming a successful lawyer. It may have been a musical instrument, an artistic endeavor, a hobby, or a sport. Whatever it was, it was important at the time, but it got left behind when family and career commitments took precedence. For me, it was photography. In high school I took and devel-

*Whatever moves you, your activities can make a real difference if they reflect what you really care about.*

oped my own photographs, encouraged by an art teacher who taught me that the way you compose a photograph defines what you see. Although this turned out to be a useful lesson for advocacy in law practice, I neglected my artistic urge for many years. Now I'm embracing photography again, and I find that paying attention to the part of me that wants to be an artist makes me a more fulfilled person — and that, in turn, makes me a more perceptive lawyer.

No one looking at me would confuse me with a gym rat. But, needless to say, one part of staying tuned is purely physical. A dozen clichés say there is no substitute for good health. So if

staying healthy is within our control, we need to do so. We can't stay active in our professions or our lives if our bodies won't support the activity. Many of us have a long way to go. If we set realistic goals in terms of weight, strength, or endurance (as opposed to impossible goals, which always fail), we might even achieve them.

#### **Pass It On**

Many years ago, one of my law partners gave me an audiotape of a talk by Peter Drucker, the noted management theorist. All I now remember is he said that one of the keys to a successful life is setting goals that cannot be achieved in your own lifetime. I agree. The ultimate satisfaction is being a part of something that will outlast us.

Each of us will have a different goal. At this point in our careers, we should have the good sense to concentrate on those things we think are important. The cases we accept, the committees and boards on which we serve, and also our leisure activities can become the expression of who we really are and the legacy we wish to leave. Some of us want to make our mark in the law: to work on cases that make a difference, or advise clients how to build their future. Some of us now have more time to help those with real legal needs who cannot pay today's real legal fees. I love teaching law school classes and encouraging new lawyers. That's important to me. Whatever moves you, your activities can make a real difference if they reflect what you really care about.

It may be too late to thank all those important people in our lives who helped us get where we are. All we can do is pass it on.

#### **Conclusion**

The process of becoming reasonably effective senior lawyers has taken us a lot of places we didn't think we were going to go. We learned skills we never even heard about in law school. We made choices, both for the better and for the worse. Wherever our paths took us, here we are now. Those of us who are continuing on in law practice know that we will have to learn a few new tricks. But there is also the opportunity to go back and pick up those interests and skills we might have neglected while we were busy pursuing other goals.

One childhood image sticks in my head. My grandmother had an old player piano. You put in

a paper roll, pumped the pedals, and through the magic of a pneumatic system, the piano played music. I could play that piano for hours at a time, although it was horribly out of tune. Finally, my grandmother decided it could sound a lot better than it did, and she called a piano tuner. That was the first time I'd ever seen a tuning fork. It was a heavy metal fork, which, when plucked or struck, sounded a note at its exact pitch. From that one dead-on note, the rest of the strings could be tuned so the piano played beautifully. That 1920s player piano stands in my living room today, and every few years, I hire a professional piano tuner to come to our house and make the necessary adjustments so it continues to play beautifully.

I think, for the senior lawyer today, part of "staying tuned" means finding our true note, reconnecting with our professional and personal center. When we stay in touch with what we really want at this point in our careers, everything else

will play off that solid note, and our practices have a better chance of staying in tune. Sharpening our skills, learning new things, staying up on necessary technology and nurturing ourselves are good goals for any lawyer, but for the senior lawyer, they can raise the power of our hard-won experience to a new level.

When we were kids, at the end of the radio show, some authoritative voice would warn us, "Don't touch that dial!" Today the opposite is true. Like those old TV antennas, we need to make constant readjustments to keep the picture clear and stay connected with our ever-changing profession. ☺

## It's Monday, the First Day of the Rest of Your Life.



### Too bad last Friday was the last day to file the Bergstrom motion.

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\* American Bar Association Standing Committee on Lawyers' Professional Liability. (2008). *Profile of Legal Malpractice Claims, 2004-2007*. Chicago, IL: Haskins, Paul and Ewins, Kathleen Marie.

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# Thomas Jefferson, Religious Freedom, Monticello, and the Levy Family

by Frank Overton Brown Jr.



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In fall 2010, my wife Susan and I took three of our young grandchildren to visit Thomas Jefferson's home, Monticello, near Charlottesville. We anticipated that it would be a special day for us and our grandchildren, if for no other reason than that we would enjoy a wonderful day together, but we had little idea of all the reasons that would make it a great day of discovery for us. It had been some years since Susan and I had been to Monticello, and we were pleasantly surprised by the improvements that have been made to Monticello and the grounds by the Thomas Jefferson Foundation Inc., a private nonprofit 501(c)(3) corporation, that has owned Monticello since 1923. Monticello is the only historic house in the United States that is on the United Nations World Heritage List.

Before our tour, we watched a fifteen-minute film, *Thomas Jefferson's World*, in a 125-seat theater in the Smith Education Center, part of the Thomas Jefferson Visitor Center. The forty-two-thousand-square-foot facility, which opened in 2008, is a pleasure to visit, and the film prepared us for our tour of Jefferson's home and for thought-provoking discussions afterwards.

After we had toured the house, our engaging and knowledgeable volunteer guide described what had happened to Monticello after Thomas Jefferson's death on July 4, 1826. That brief conversation initiated a journey of discovery for us, which led to the title of this article. Because much has been written in detail about the

"saving" of Monticello — about the convoluted and drawn-out events involved, the various political machinations, and how Monticello went to wrack and ruin and then was restored — I will focus instead on some of the interesting and interrelated legal aspects.

Thomas Jefferson acquired the land on which Monticello was built at the death of his father, Peter Jefferson, on August 17, 1757, when Thomas Jefferson was thirteen years old. (Jefferson came into his inheritance in 1764, at age twenty-one.) Thomas Jefferson chose the name Monticello, "little mountain." He began construction at Monticello in 1770, first occupying the South Pavilion with his bride, Martha. The brickwork on the main house was completed eight years later. Construction, reconstruction, remodeling, enlargement, and improvements on Monticello were for Jefferson a lifetime project.

Even with his greatness and his many intellectual gifts and talents, at the time of his death Thomas Jefferson was deeply in debt and had been for many years. In 1815, to benefit Jefferson and the United States, Congress purchased almost all of Jefferson's library at Monticello, to help replace the Library of Congress, which had been destroyed by the British in 1814 when they burned the U.S. Capitol. Jefferson sold more than 6,400 volumes for \$23,950. Most of the proceeds paid two of Jefferson's creditors. In an ironic twist, a Christmas Eve fire at the Library of Congress in 1851 destroyed nearly two-thirds of the volumes that had been purchased from Jefferson. What remains of the Thomas Jefferson Library, including additions of volumes from the Library of Congress's own holdings and gifts from generous donors (whose philanthropic intent was encouraged by the charitable deductions permitted in the U.S. tax laws) is now part of the Rare Book and Special Collections Division of the Library of Congress in the Thomas Jefferson Building. My wife and I saw the Jefferson Library Exhibition at the Library of Congress. It is hard to







imagine the entire Jefferson library housed at Monticello, and Jefferson handily choosing and reading these volumes written in many different languages and on many different subjects.

If Jefferson had lived only a little longer, he would not have owned Monticello at his death, and I would not be writing this article. Jefferson realized that indebtedness was a way of life for farmers or planters, and that the only way out was to sell the land. To pay his debts, he devised a lot-

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tery of his property to raise funds to pay his creditors. At Jefferson's behest, but not at his direct request, the Virginia General Assembly in 1826 authorized the lottery. The legislation named the managers and appraisers of Jefferson's property. Jefferson entrusted the details of the lottery to his grandson, Thomas Jefferson Randolph, his valued helper for many years. The elements of the plan were that his holdings would be appraised and that tickets would be sold up to the total appraised value of Jefferson's holdings, including Monticello. Jefferson would have a life estate in Monticello, and his daughter Martha would have the use of Monticello for two years after Jefferson's death. There would be 11,480 lottery tickets sold at \$10 each, for a total of \$114,800. When Thomas Jefferson died, the public announcement had been made and the tickets had been printed but not sold. Among those who had expressed an interest in buying tickets was Chief Justice John Marshall. The appraisers for the lottery had valued Monticello and 409 acres surrounding it at \$71,000.

In 1787, Jefferson wrote to a friend, Dr. George Gilmer, "I am as happy no where else and in no other society, and all my wishes end, where I hope my days will end, at Monticello." Jefferson died at Monticello on July 4, 1826, the same day John Adams died. Jefferson is buried in the family cemetery at Monticello. He designed his own tombstone and wrote the wording for the inscription, which notably does not mention that he was President of the United States between 1801 and 1809. It states simply:

HERE WAS BURIED  
THOMAS JEFFERSON  
AUTHOR OF THE  
DECLARATION  
OF  
AMERICAN INDEPENDENCE  
OF THE  
STATUTE OF VIRGINIA  
FOR  
RELIGIOUS FREEDOM  
AND FATHER OF THE  
UNIVERSITY OF VIRGINIA

BORN APRIL 2, 1743, O.S.

DIED JULY 4, 1826.

"O.S." after Jefferson's birthdate refers to "Old Style." In 1752, when Jefferson was nine, England and its colonies had changed from the Julian calendar to the Gregorian calendar, necessitating the skipping of eleven days in order to conform the calendar year to the astronomical year; therefore, in most modern histories, Jefferson's date of birth is given as April 13, 1743. The Thomas Jefferson Memorial Foundation Inc. was established on April 13, 1923, the 180th anniversary of Jefferson's birth. It is now the Thomas Jefferson Foundation.

Jefferson's last will and testament was a two-page holographic document, written by him on March 16, 1826, to which he added a two-page holographic codicil on March 17, 1826. Jefferson stated in his will: "In consequence of the variety and indescribability of the articles of property within the house at Monticello, and the difficulty of inventorying and appraising them separately and specifically, and its inutility, I dispense with having them inventoried and appraised." He made a devise of part of his lands at Poplar Forest to his grandson, Francis Eppes (the son of his deceased daughter Mary Eppes), and made bequests by his codicil (including the granting of freedom to five of his slaves — referred to as "servants" — Burwell, John Hemings, Joe Fosset, Madison Hemings, and Eston Hemings). Before disposing of the residue of his estate in what could be best described as a form of protective trust for the benefit of his daughter Martha Randolph and her heirs (to be held in trust until the death of Martha Randolph's husband), Jefferson declared: "I subject all my other property to the payment of my debts in the first place." Because of Jefferson's considerable remaining indebtedness, this direction became a formidable task for his executor, grandson Thomas Jefferson Randolph. The task would continue for many



years after Thomas Jefferson's death in 1826; in fact, Jefferson's debts were not all paid until 1878. As I read the accounts of the sales of Jefferson's assets, including the more than two hundred slaves whom he owned at Monticello and elsewhere, the slaves — many of whom produced bricks, nails and other raw materials of which Monticello was built, and many of whom did much of the work itself — I asked myself that recurring question: Even considering Jefferson's enormous intellectual powers, skills, interests, and gifts, could he have lived the life that he lived at Monticello (indeed, would there have been a Monticello at all) had it not been for the work of the human chattels whom he owned? The process of raising the funds to pay Jefferson's debts would eventually result in the sale of Monticello and 522 acres of land to James Turner Barclay of Charlottesville, for \$7,000. The deed, called an "indenture," from Thomas J. Randolph and Martha Randolph was dated November 1, 1831, and was not recorded in the clerk's office until November 2, 1833.

Barclay owned Monticello until 1836. Two years of proceedings had ensued prior to that, in part because of a dispute over how many acres of land were to be included in the transfer, Barclay having sold off some of the land during his brief time of ownership. The dispute resulted in litigation in the Albemarle County Circuit Superior Court of Law and Chancery in a suit, *Levy v. Barclay*, out of which came an order of survey by the court. Barclay then conveyed Monticello and 218 acres of land to Uriah Phillips Levy, a New Yorker and a lieutenant in the U.S. Navy. The deed, dated May 20, 1836, and recorded on May 31, 1836, referred to a "plat made by A. Broadhead in pursuance of an order of survey of the Circuit Superior Court of Law and Chancery of Albemarle County in the case of *Levy v. Barclay* in that Court." The purchase price was \$2,700. Thus began the Levy family's ownership and stewardship of Monticello for almost ninety years. That period was briefly interrupted by the Sequestration Act of 1861, when the Confederate States of America took possession of Monticello as the property of an alien enemy and sold it at auction in 1864 to Confederate Colonel Benjamin Franklin Ficklin — a graduate of the Virginia Military Institute class of 1849, a former superintendent for the Pony Express, a participant in the Battle of Malvern Hill east of Richmond, and a blockade runner for the Confederacy. After the Civil War, Monticello returned to the ownership of the Levy family. (Some would say that it had

never rightfully left their ownership). The Levy family's ownership and stewardship was further hobbled by litigation that followed the death of Uriah P. Levy, which interrupted the possession of Monticello.

Levy was an ardent admirer of Jefferson. He often spoke and wrote about him. Levy wrote that Jefferson was "one of the greatest men in history, who did much to mold the Republic in a form in which man's religion does not make him ineligible for political or governmental life." Levy, not one to shrink from a challenge, had frequently suffered anti-Semitic discrimination and barbs. He was especially appreciative of Jefferson's role in defending religious freedom, and he wished to honor Jefferson. Levy is remembered today not only for his role in helping to save Monticello, but also as a naval officer who helped to abolish flogging as a punishment of seamen in the U.S. Navy; a prisoner of war of the British for sixteen months during the War of 1812, when the ship on which he was a crew member was captured; the man who commissioned a statue of Jefferson by the great French sculptor Pierre Jean David d'Angers, which was presented to Congress by Levy in 1834 and is the only privately funded statue in the rotunda of the United States Capitol; the namesake of the USS *Levy*, a destroyer escort (DE-162) that served in World War II; the officer for whom the Commodore Uriah P. Levy Center and Jewish Chapel at the U.S. Naval Academy in Annapolis, Maryland, is named; and the officer

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for whom the Jewish Chapel at the U.S. Naval Station in Norfolk is named.

After Levy died on March 22, 1862, a resident of and domiciled in the State of New York, his last will and testament, dated May 13, 1858, was probated in the New York Surrogate Court on June 9, 1862. Levy appointed eight executors, but only two of them qualified as executors. Levy was not survived by issue, but was survived by his widow, Virginia Lopez (Lopes) Levy. In addition to being his widow, Virginia Levy was also his niece — the daughter of Uriah Levy's widowed, deceased sis-

ter, Fanny. This dual relationship would provide an interesting twist in the subsequent settlement of Uriah Levy's intestate estate in Virginia.

In his will, Uriah Levy made the following provisions regarding Monticello:

After paying the above legacies and bequests, or investing for the same, and subject to my wife's dower and use of furniture, I give, devise and bequeath my farm and estate at Monticello in Virginia, formerly belonging to President Thomas Jefferson, together with all the rest and residue of my estate, real and personal, or mixed, not hereby disposed of, wherever or however situated, to the People of the United States, or such persons as Congress shall appoint to receive it, and especially all my real estate in the city of New York, in trust, for the sole and only purpose of establishing and maintaining at said farm of Monticello, Virginia, an agricultural school for the purpose of educating, as practical farmers, children of the warrant officers of the United States navy whose fathers are dead. ... Should the Congress of the United States refuse to accept of this bequest, or refuse to take the necessary steps to carry out this intention, I then devise and bequeath all the property hereby devised to the people of the State of Virginia, instead of the people of the United States; provided they, by acts of their Legislature, accept it and carry it out as herein directed. And should the people of Virginia by the neglect of their Legislature decline to accept this bequest, I then devise and bequeath all of my said property to the Portugese Hebrew congregation of the city of

and to establish an agricultural school at said Monticello for the children of said societies, who are between the ages of twelve and sixteen years, and whose fathers are dead; and also similar of any other denomination of Hebrew or Christian. ... Should the fund arising from said estate be more than sufficient to support and educate the Children of warrant officers of the United States navy, the directors of the said school are then next to select the children of sergeant majors of the United States army as the beneficiaries, and if a surplus is still remaining they are then to select from the children of seamen of the United States navy whose fathers are dead. (*Commonwealth of Virginia v. Levy, et al.*, 23 Grattan (64 Virginia) 21 (1873))

On October 31, 1862, Asahel S. Levy and David S. Coddington, the acting executors and acting trustees of the last will and testament of Uriah P. Levy, deceased, commenced a suit for judicial construction (a suit for aid and guidance) of the will's provisions. *Levy v. Levy* was tried in the Special Term of the New York Supreme Court on February 18, 1863. In their complaint, after reciting the provisions of Levy's duly probated will, the executors stated: "And these plaintiffs show to this Honorable Court, that grave doubts have arisen as to the validity of the said devises and bequests to the People of the United States and to the People of the State of Virginia, and to the several Hebrew Societies mentioned in said will. ... And, inasmuch as the plaintiffs are unable to decide or act upon the grave legal questions involved in the construction of said will, and are fearful of acting erroneously as trustees of said property, they, therefore, pray this Honorable Court to settle and decide as to the validity of said devises and bequests." The court reported that "all of the defendants appeared, excepting the 'Portugese Hebrew Congregation of Richmond, Virginia' and the People of the State of Virginia." On April 21, 1863, the trial court decided that the gift in trust of the rest and residue of the estate and of Monticello was void, and that therefore those assets estate passed in intestacy to Levy's widow, heirs at law, and next of kin. The case was appealed to New York's intermediate appellate court, the General Term of the Superior Court, which reversed the decision of the trial court and upheld the trust provisions of the will. For a reason whose importance will be noted later, it is significant that in these proceedings in New York, the people of the United States were repre-

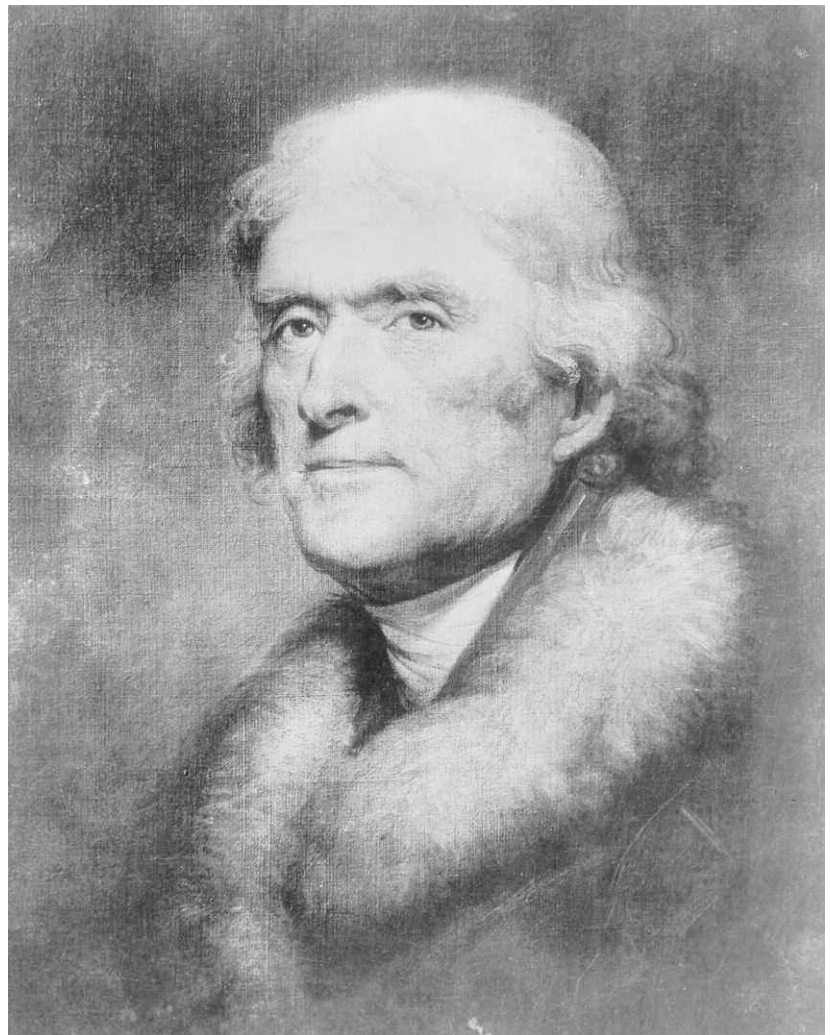
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New York whose synagogue is in Crosby street, New York, the old Portugese Hebrew congregation, whose synagogue is in Cherry street, Philadelphia, and the Portugese [Hebrew] congregation in Richmond, Virginia: Provided they procure the necessary legislation to entitle them to hold said estate,

sented by able legal counsel, but, because of the Civil War, the people of Virginia were not represented by counsel. The matter was appealed to New York's highest court, the Court of Appeals, which in June 1865 reversed the Superior Court, and declared that the will's trust provisions regarding Monticello and the rest and residue of the estate were void, and that Monticello and the rest and residue were to be disposed of in intestacy. *Levy, et al. v. Levy, et al.*, 33 New York Reports, VI Tiffany, 97-138 (1865). The Court of Appeals found that the trust's provisions were void because of indefiniteness; of being in contravention of the New York rule against perpetuities; of no competent trustee being named; of being in violation of New York's statute of uses and trusts; and of the dependence upon the combination of the real estate in Virginia and the real and personal estate in New York, and therefore, since the testator's plan embraced and required all of the property, and the law of either Virginia or New York was hostile to the limitation (the trust), the limitation was wholly void. Justice Wright, the author of the court's opinion, wrote in conclusion:

I cannot say that I regret this result. The purpose may be, in a general sense, charitable, but the plan for carrying it out is manifestly impracticable, not to say impossible. Aside from incapacity, there is manifest unfitness in the government of the United States, or the state of Virginia, becoming the trustee or the administrator of a fund donated by an individual for the furtherance of an object in no way pertaining to the administration of those governments. With regard to the Hebrew societies, it is so utterly vague and indefinite that it could not be executed in the English chancery without invoking its *cy pres* power: a power in case of charity, as has been held by this court, having no existence in the jurisprudence of this State.

It is important to note that, in intestacy, Uriah P. Levy's real estate in Virginia passed not under the intestate laws of New York, but under the laws of the real estate's situs, Virginia. Under Virginia's laws of descent that were in effect when Levy died, his widow Virginia, in her own right as a widow, was not an heir; she was entitled only to a widow's dower interest of one-third for her lifetime. Therefore, Uriah Levy's heirs as to Monticello were his siblings and the surviving issue of his siblings who had predeceased him.



Thomas Jefferson — 1805 Rembrandt Peale portrait  
courtesy of The Library of Virginia

Under Virginia law, then, his widow was entitled to her dower interest in the real estate, and she was also an heir — not as a widow, but because she was Levy's niece; therefore, she took a fractional part of the share of her predeceased mother, Uriah Levy's sister Fanny. In July 1868, a suit in equity seeking partition of Monticello and its 218 acres was filed in the old Circuit Court of the City of Richmond. The style of the case was *Jonas P. Levy, et ux v. Commonwealth of Virginia, et al.* In that suit, process to answer the bill in equity was served on the defendants, "the people of the State of Virginia," Thomas R. Bowden, attorney general, and "because they having failed to appear and answer the bill, it was taken as confessed as to them." On November 30, 1868, the Richmond Circuit Court entered a decree holding that the devise by Uriah P. Levy of Monticello and its 218 acres was "invalid and that the same ought

to be sold for partition among his next of kin” and appointing Albemarle lawyer George Carr as commissioner for that purpose. The court ordered the commissioner to sell the

said two hundred and eighteen acres of land, being the Monticello tract proper, as distinguished from the disconnected tracts of which Uriah P. Levy died seised, at public auction on the premises, after advertising the sale for thirty days in a newspaper published [sic] in the City of Richmond and another published in the County of Albemarle, if there be one, or elsewhere, if in his discretion it be important, on the terms of one third being paid in cash, another third on twelve months credit, from the day of sale and the remainder on two years credit from the day of sale, taking the purchaser’s bonds for the deferred instalments. ... And the said George Carr, in the event of his failure to obtain a price for the said land, deemed reasonable by him, is authorized to let the same out to rent. And he is ordered to report his proceedings to Court.

The Commonwealth appealed the decree. The Court of Appeals of Virginia (as the Supreme Court of Virginia was then called), under Section 5, et seq., of Chapter 181 of the Code of Virginia, would have dismissed the decree as improvidently granted, since the appeal was applied for by the attorney general without his first having moved the circuit court to rehear the decree — a requirement when the decree was obtained by default as to the Commonwealth. However, because the appellees had wisely expressly waived the objection to the appeal, the appeal was granted by the Court of Appeals, which “deemed it best for all parties to proceed to hear and decide the case without regard to that preliminary question.” In 1873, the Court of Appeals affirmed the decision of the Richmond Circuit Court. On appeal, the Commonwealth had argued that it was not bound by the New York decision, since it had not been represented in those New York proceedings in which the will’s provisions were found to be void. The Virginia Court of Appeals held that the trust had been represented in the New York proceedings by legal counsel for the defendants, “the people of the United States,” and that, even though “the people of the State of Virginia ... could not be personally served with process, in consequence of the pendency of the then existing civil war ... there was a perfect representation of

the trust in the litigation in New York. ... The government of the United States was a competent and sufficient, as it was an actual, party to that litigation; and Virginia, in that state of the case at least was a wholly unnecessary party.” Although the Court did not explicitly state this, it sounds very much like the doctrine of virtual representation. The Virginia Court of Appeals held that the decision of the Court of Appeals of New York regarding the invalidity of the devise was *res adjudicata*. In part, the Virginia Court of Appeals of Virginia stated: “By the Constitution of the United States, article 4, section 7, and the Act of Congress passed in pursuance thereof on the 24<sup>th</sup> of May, 1790, the records and judicial proceedings of the courts of each state have the same faith and credit given them in every court, as they have by law or usage in the courts of the State, whence the said records are or shall be taken.” *Commonwealth of Virginia v. Levy, et al.*, 23 Grattan (64 Virginia) 21 (1873).

It is often said that we are a nation of laws, and I was reminded of that as I read the opinion of the highest court of Virginia extending full faith and credit to the decision of the highest court of New York. Just eight years earlier, these two states had been at war with each other, and, here, the Constitution that had brought them together in 1789 was working.

After the decision of the Virginia Court of Appeals affirming the decree, the case continued in the Richmond Circuit Court for eight more years. (As an aside, when I read about what transpired in and out of court between the death of Uriah P. Levy and the date about two decades later when title to Monticello was confirmed in Jefferson Levy, I thought, admittedly hyperbolically, of the case of *Jarndyce and Jarndyce* in Charles Dickens’s *Bleak House*.) Jefferson M. Levy was the high bidder for Monticello at the court-ordered sale on March 20, 1879, as part of the partition suit. His bid was \$10,050, payable one-third down and the other two-thirds within two years. On July 2, 1879, the circuit court confirmed the sale of Monticello by Special Commissioner George Carr to Jefferson M. Levy as being “judicious and proper,” and, in consideration of the fact that Jefferson Levy had already paid “much of the purchase money,” the court, after referring the matter to a special commissioner to determine the amounts and proportions of the heirs, decreed that Jefferson Levy “be at once let into the same [Monticello], and the Special Commissioner George Carr and his tenants are ordered to surrender to him [Jefferson Levy] the possession

thereof. But the title to the said estate is retained, and possession is to be held, subject to surrender on the order of this court.” On July 7, 1881, the circuit court entered its decree, extending until September 16, 1881, the time for Jefferson Levy to pay the unpaid balance of \$2,947.44, plus interest from July 2, 1879, and the court appointed T.J. Evans as special commissioner and ordered him to convey Monticello to Jefferson M. Levy with special warranty, upon Jefferson M. Levy producing a certificate from the State Bank of Virginia for the money. The special warranty deed from Evans to Levy was dated May 1, 1882, and was recorded in the Circuit Court of Albemarle County on May 15, 1882. Considering Thomas Jefferson’s love of nature, there is a certain beautiful congruity in the deed, in that the legal description, in reciting the metes and bounds and courses and distances made reference to the following trees: a red oak and chestnut, a forked chestnut, a chestnut oak, a hickory and chestnut oak, a dogwood and hickory, four chestnut saplings, a poplar, a chestnut oak, a dead oak, a white pine, two small walnuts, and a cherry. The deed made reference to the A. Broadhead court-ordered survey that had been done when Uriah Levy acquired Monticello from Barclay. Jefferson Monroe Levy was Uriah Levy’s nephew; he was the son of Uriah Levy’s brother, Jonas. Jefferson Levy had already bought out the interests of Uriah Levy’s widow and the interests of some of the heirs. The other heirs received their shares of the net proceeds as determined by the special commissioner.

At the time of Jefferson’s death, the physical condition of Monticello was already deteriorating. As is often the case, the service on Jefferson’s debt was almost as onerous as the debt itself, creating a shortage of funds with which to do upkeep and maintenance. From Jefferson’s death until Jefferson Levy acquired Monticello, the condition of the property had suffered under the misfeasance or malfeasance of various caretakers or overseers, had suffered vandalism by souvenir hunters and others, had generally been neglected, and had gone from worse, to somewhat better during the lifetime of Uriah Levy, to worse in the years following Uriah Levy’s death. Jefferson Levy, who later became a three-term Congressman from New York, set out to improve and to restore Monticello’s condition; the task took almost all of the rest of his life and a substantial amount of his money. In the process, he preserved but somewhat altered Monticello. It was, after all, a home of his, in which he resided for part of each year. In

1899, writer Edward C. Mead, after visiting Monticello, wrote: “It is doubtful whether the government of the United States or the State of Virginia could have done more for the preservation of Monticello than Mr. Levy; being a man of wealth, with an inherited love and admiration for the memory of Mr. Jefferson, he has spared no expense in preserving it in all its pristine beauty, and he has expressed his intention of making it one of the great attractive spots in America and worthy of the memory of the great apostle of freedom.”

From time to time, there were unsuccessful discussions, campaigns, proposals, and resolutions made in Congress to take (using powers of eminent domain) Monticello from Jefferson Levy against his express wishes not to sell Monticello. One effort was led by the wife of another New York congressman. In 1912, Levy, said, “It will be useless to pass resolutions, since I do not intend, and under no consideration will part with the estate.” After suffering financial adversities, Levy finally agreed to sell Monticello to the United States, but with the economic conditions then prevailing and the turmoil of World War I, no action was taken by the government. Finally, in

*We have come to realize that Monticello is as much a symbol of the United States and its ideals and principles, which we are still trying to fulfill, as it is a physical entity.*

1923, Jefferson Monroe Levy sold Monticello, certain tangible personal property therein, and additional lands that he had acquired around Monticello to the Thomas Jefferson Memorial Foundation Inc. for \$500,000. The deed, dated June 30, 1923, and recorded in the circuit court on December 4, 1923, recited that the sale was in consideration \$100,000 in cash to Levy, “paid at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, and of the further consideration of three hundred six (6%) per cent Gold Bonds of One thousand (1,000.00) Dollars each, totaling the sum of Three hundred thousand (300,000) dollars, bearing date the Thirtieth day of June, Nineteen hundred and twenty-three by the Thomas Jefferson Foundation, Inc. and secured



by the Deed of Trust dated the same day, made by the Thomas Jefferson Memorial Foundation, Inc.” The deed further recited that the conveyance was subject “to a deed of trust of the above described premises, or some part or parcels thereof, made by Jefferson M. Levy to H.B. Bourne and John P. Leary as Trustees, to secure the payment of \$100,000 and interest at six per centum per annum, dated December 23, 1916, and recorded in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 164, page 103, due and payable on December 23, 1924.”

The Thomas Jefferson Memorial Foundation Inc. was established in 1923 to raise the funds to purchase Monticello from Jefferson Levy, and to preserve and continue the restoration of Monticello. Apparently, it was difficult to raise the necessary funds, and as a result the fund raising was a combination of borrowing and contributions of all sizes and stripes, ranging from large donations by philanthropists to pennies collected from schoolchildren. The above-referenced \$300,000 purchase money deed of trust by the Thomas Jefferson Memorial Foundation Inc. was recorded in the circuit court clerk’s office immediately after the deed of conveyance from Jefferson M. Levy, and it was not released of record until October 15, 1930. Jefferson Levy died in 1924, within several months after the sale of Monticello. At the time of his death, Levy’s financial situation was somewhat similar to Thomas Jefferson’s situation at Jefferson’s death.

From 1923 to 1955, in addition to the funds raised by the foundation, contributions and in-kind work on the landscaping and drives were provided by supporters, including the Albemarle Garden Club, the Garden Club of Virginia, the Garden Club of America, the Civilian Conservation Corps, the botany department of the University of Virginia, and many other organizations and individuals. In the early 1950s, there was major renovation and reconstruction of Monticello. Monticello continued to be open to the public, but on a grander scale. During this time and through the present, the foundation slowly restored Monticello and acquired original or authentic furnishings for its interior. Donors with philanthropic intent, encouraged by charitable deductions in the tax laws, have generously supported the cause of preservation and education at Monticello. According to its Internal Revenue Service Form 990 (Return of Organization Exempt from Income Tax), for its fiscal year ending December 31, 2008, the Thomas Jefferson Foundation Inc. had contributions and grants of \$11,456,170 (of this amount, \$5,355,130 came from admission fees), total revenues of \$19,547,248, total assets of \$200,137,282, total liabilities of \$41,660,524, and net assets of \$158,476,758. About five hundred thousand people from all parts of the world visit Monticello each year.

When my wife, our grandchildren, and I visited Monticello in November 2010, we were reminded of a new nation founded on the ideas and ideals of young men such as Thomas Jefferson, who had studied systems of government that had not worked as well as the one which they would eventually devise. The story of Monticello incorporates the real-life issues with which Jefferson

and those who followed had to deal, within the framework of laws extant in those early years. The twists, turns, and resolution that led to Monticello’s preservation demonstrate the importance of its builder’s vision to us and to the world. We have come to realize that Monticello is as much a symbol of the United States and its ideals and principles, which we are still trying to fulfill, as it is a physical entity. It is also a multifaceted symbol that represents many things to different people. It is a symbol of constancy, of change, and of progress. It is the paradox of promises fulfilled and unfulfilled. It is a place of inspiration and imagination. It is a reminder of the importance of generosity and of stewardship. It is a symbol of the freedoms offered by our United States and of the motivational power of those freedoms. It is a lesson about human greatness and about human frailty. It is Monticello. I need not say more. ☪

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## References

- Bernstein, R.B., *Thomas Jefferson*, Oxford University Press, New York, 2003.
- Chancery Order Books of the Circuit Court of the City of Richmond, Virginia.
- Commonwealth of Virginia v. Levy, et al.*, 23 Grattan (64 Virginia) 21 (1873).
- Crawford, Alan Pell, *Twilight at Monticello: The Final Years of Thomas Jefferson*, Random House, New York, 2008.
- GuideStar, report on Thomas Jefferson Foundation Inc., <http://www2.guidestar.org/organizations/54-0505959/thomas-jefferson-foundation.aspx>, accessed March 9, 2011.
- Hatch, Peter J., “Restoring the Monticello Landscape, 1923-1955,” *MAGNOLIA*, Vol. XXIII, No. 1, Fall 2009–Winter 2010.

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# Norvell A. Lapsley (1934–2010)

## A Remembrance

by Lawrence D. Bowers Jr. and the Honorable H. David O'Donnell

NORVELL A. LAPSLEY, a beloved and respected member of the Harrisonburg-Rockingham Bar Association for thirty-two years, died October 9, 2010. While Norvell retired from the active practice of law in 1993 to indulge his passion for farming, his colleagues remember him as the consummate southern gentleman and a deliberate practitioner of the law. He was temperate and kindly.

Jack F. DePoy, Norvell's law and business partner for more than thirty years, said, "He was always interested, kind, considerate, caring and respectful of others, having the time and willingness to help them, if he could. All that being said, I think his most endearing quality may have been the fact that he never learned the pronoun 'I.' Norvell would talk with you about his family, his wife and children, his friends and associates, his religion, politics, Ruritan Club, farming, and, of course, hunting and fishing. But it was never 'I' did this or 'I' did that. 'I' was not in his vocabulary." These sentiments are echoed by Judge H. David O'Donnell of the Rockingham Juvenile and Domestic Relations Court. As a newly licensed solo lawyer with an office next door to Norvell's, he found Norvell to have a willing ear and to be a solid example of civility, legal acumen, and professional deportment.

Norvell was born in Marlinton, West Virginia, the son of a minister, in 1934. After

attending King College in Bristol, Tennessee, he served on the USS *Vulcan*. Following his naval service he enrolled at the Washington and Lee School of Law and received his degree there in 1961. He married Sara Virginia Hotinger in 1962.

Norvell began his law practice in Harrisonburg in 1961, practicing with Julian Hickman. In 1965 he and Jack DePoy founded Lapsley & Depoy where he remained until Norvell's retirement.

He served as Harrisonburg city attorney from 1973 until 1986 and served with distinction as a judge for the police justice court until the lower court system was reorganized in 1973.

After his retirement from active practice in Harrisonburg, Norvell and Sara moved to Rockbridge County. He thoroughly enjoyed their life there on Pioneer Farm. They were members of the New Monmouth Presbyterian Church, where he served as an elder and trustee and sang tenor in the choir.

Norvell Lapsley recognized what was important in his life: his family, his church, his community, and his profession. He balanced them well and gave to all the benefit of his intelligence and character. Those of us who bore witness to his life have all been enriched by the experience.

He is survived by his wife and two children, Sara Elizabeth Lapsley Houff and Samuel Baxter Lapsley II.

# The Honorable Elliott D. Marshall (1905–1997)

## A Rememberance

by Bonnie L. Paul

“The legal profession is an honorable one.”

THIS PHRASE WAS FEATURED IN THE WINCHESTER STAR obituary of the Honorable Elliott D. Marshall, retired judge of the Twenty-Sixth Judicial Circuit. Attorney J. Sloan Kuykendall Jr. of Winchester, now deceased, said: “Judge Marshall exemplified the view that the legal profession is an honorable one.”

Judge Marshall, the great-grandnephew of U.S. Chief Justice John Marshall, began his tenure as a Virginia circuit court judge in 1946. Following graduation from the George Washington University School of Law in 1930, he began practice in Warren County. After sixteen years in practice, at age forty-one, he was the choice of the bar for appointment to the bench. After his retirement in 1974 after twenty-eight years of service, he continued to hear cases as a substitute for another decade.

Described by Judge John E. Wetsel Jr. as “a tall silver-haired gentlemen, the picture of a judge, with a sharp mind and clear blue eyes,” Marshall was known for his stern visage. Retired Judge William Shore Robertson describes him as “tall, erect, and distinguished in his mannerism.” His demeanor demanded such respect that the dignity and decorum of his courtroom set the standard. As retired Judge Joshua L. Robinson said, “When he graced the bench, the courtroom exuded an aura that justice would be done.”

“Of all the many judges I was honored to serve, Judge Marshall commanded the most respect, admiration, and affection — not just by me, but from almost every lawyer and judge who knew him,” said Michael M. Foreman, who served as Winchester’s clerk of circuit court for twenty-eight years.

Judge Marshall was strict in the courtroom. He was known as a no-nonsense judge. His rulings from the bench were direct, straightforward, and sometimes terse. His hallmark was brevity. He expedited the cases so that the “interminable” term day during the 1960s and 1970s was often finished before noon.

Judge Marshall had a genius for immediately recognizing the issue, cutting to the chase, ridding the matter of extraneous nonsense — even silencing a long-winded attorney — and delivering his opinion. This dynamic and intimidating judge once reduced a case involving forty-five parties and ten lawyers to a mere three-hour trial.

Judge Marshall had a sense of fairness and compassion. No matter what a person was charged with — murder, rape, or robbery — Marshall always respected a person’s dignity. Even after an adverse decision, litigants felt that Judge Marshall gave them a fair hearing.

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Despite his stern countenance, Judge Marshall is remembered for his sense of humor. He mentored neophyte lawyers. “When it was my privilege to preside in the courts that had been his, it was easy to discern the lawyers trained by him,” said Robinson. “He did not tolerate sloppy lawyering so that the disapproving scowl was all a lawyer needed to see to know that he was approaching the line.”

Retired Justice Henry H. Whiting served for seven years in the circuit with Judge Marshall and held great admiration for him. He recalled that Judge Marshall had “an instinctive good judgment and almost always ruled promptly and correctly on the many and sometimes complex matters arising before him.”

Judge Marshall is famous for the “bubblegum” case in Winchester that was affirmed on appeal in *Shenandoah Valley National Bank v. Taylor*, 192 Va. 135 (1951). Judge Marshall boldly held that a testator demonstrated no charitable intent in directing that the income from a trust be divided every Christmas and Easter between the children at a local school (not based upon need). Because the trust was not a charity, the *cy pres* statute could not save it from the rule against perpetuities. Apparently, once the money had been divided between 435 students, the gift would only have purchased “a penny’s worth of sweets.” The decision is cited in subsequent authorities and treatises on the *cy pres* doctrine, but the ruling is cited locally for taking candy from the kids.

Judge Marshall said, “I just announce my ruling and let them try and figure out how I got there. You put it in writing and it just gives them another hook to note an appeal.” Nevertheless, a few published opinions do exist that demonstrate his directness and brevity as well as his patience. *See, e.g., Lee Jackson Motel, Inc. v. Taylor*, 2 Va. Cir. 390 (1974) (retail sales tax on televisions and soap used by motel guests but not maids’ carts). A bar resolution honoring his retirement stated: “His written opinions were infrequent, generally sparse without pretension to literary embellishments but incisive, trenchant.”

Contributions to the legal profession include his strong support of the reorganization of the Virginia court system while a member of the Judicial Council of Virginia for twenty years beginning in 1954. A 1971 report called for a unified court system, one result of which was the new Twenty Sixth Circuit. Judge Marshall’s proposals often concerned the workings, procedures, and workloads of the judicial system. Chief Justice Harold F. Snead took note of “the inestimable assistance” that Marshall gave to the Judicial Council: “Thoughtful, extremely skilled in the law, much concerned with personal demeanor, fair to the fullest extent of his ability, and diligent, Judge Marshall

has devoted himself to the improvement of judicial standards in the Commonwealth of Virginia.”

Judge Marshall lived in Warren County. He was involved in many church and civic affairs. He was a trustee of Randolph-Macon Academy and he helped establish Warren Memorial Hospital.

In 1987, as grand marshal of the Festival of Leaves Parade, Marshall’s remarks given at the Warren County Courthouse quoted scripture: “This is a day that the Lord hath made. Let us be glad and rejoice in it.” Then, recalling his memories of important events, he told of the political gatherings in that courtyard when he was a boy: “The bellows of the speakers could be heard for great distances. ... No candidate worthy of the name spoke for less than an hour. ... The candidates were the heroes of the hour.”

The humility of this man of great stature is shown in the remarks that followed: “The people of Warren County have been kind to me. I owe about everything I have to their loyalty and support during my entire career. Their understanding of my weaknesses and failings has been a source of deep satisfaction in time of my most trying and critical considerations.”

At the unveiling of his portrait, he spoke of his loyal friends, judges, lawyers, and court staff: “Their unfailing support and patience and understanding of my shortcomings have sustained me in times of trial and tribulation. Many onerous burdens have been lightened in the full knowledge of their sympathy and understanding.”

A \$10,000 scholarship in memory of Judge Marshall for a year of law school was awarded by the Marshall family to residents of the Twenty-Sixth Circuit on the condition that the graduate return to practice law in the circuit for at least three years.

“Judge Marshall was a man of honor who personified the scholarship, the sense of ethics, the skill in the law, the insistence on the highest quality of advocacy and devotion to the pursuit of justice,” said Robinson, “His influence on the quality of the bar is felt today.

Judge Marshall began practice with \$50 in gold (an award from George Washington University Law School Alumni) and a one-room office shared with a colleague with second-hand books. He was a natural in the legal profession, a scholar and a man of honor and wisdom. He had the confidence to make decisions and to conduct the people’s business in the halls of justice expeditiously, thus engendering public respect for the judicial process.

# Conference of Local Bar Associations

by Nancy M. Reed, Chair



## Call for Entries Awards to be Presented at Annual Meeting

EACH YEAR THE Conference of Local Bar Associations sponsors two award competitions —the Awards of Merit for projects and programs of local and specialty bar associations and the Local Bar Leader of the Year Award. This is the twenty-sixth year for the Awards of Merit Competition and the sixteenth year for the Local Bar Leader of the Year Award.

The CLBA invites your bar to submit entries for both of these awards, which will be presented during the CLBA's Bar Leaders Breakfast on Friday, June 17, 2011, at the VSB Annual Meeting in Virginia Beach.

The Awards of Merit Competition for projects of local and specialty bar associations is designed to:

- recognize outstanding projects and programs of local and specialty bar associations;
- share successful programming ideas and resources with all bar associations;
- encourage greater service to the bench, bar, and public; and
- inform the public about some of the excellent work of local and specialty bars and the legal profession in general.

The criteria for the Awards of Merit are:

- degree of innovation and originality;
- level of difficulty in implementing or sustaining the project;
- success of the project, including scope, importance, and duration of benefits derived by the public or profession;

- adaptability of the project to other local or specialty bar associations; and
- extent of membership participation.

For the first time this year, the CLBA executive committee will recognize projects that local and specialty bar associations have sustained for at least five years. Many associations have outstanding projects that have become fixtures in their bars and communities. These projects often began with a few attorneys and have grown to involve many members of local and specialty bar associations. They sometimes are community projects that reach hundreds of people and receive press coverage.

The projects submitted for the Awards of Merit Competition are categorized by the size of the bar association, with additional categories for multibar projects and sustained projects. The projects are judged by a panel selected by the CLBA executive committee.

The Local Bar Leader of the Year Award will be awarded to a current or

past local bar leader in good standing with the Virginia State Bar who has remained active in local bar work through continuing contributions to the local bar, the bench, and the community. When judging nominees, emphasis is placed on service within the last ten years. This recognition is not awarded solely because the recipient has served in one or more offices in the individual's local bar association; instead, it honors continuing outstanding dedication and achievement. The CLBA executive committee will judge the competition. Local bar associations and individual attorneys are invited to nominate a local bar leader for the award.

All of the criteria for the Awards of Merit and the Local Bar Leader of the Year Award can be found on the Virginia State Bar website at <http://www.vsb.org/site/conferences/clba/view/awards/>.

Entries must be postmarked no later than Friday, April 29, 2011, or they can be submitted by facsimile (804) 775-0501 by 4:45 pm on April 29.

### Annual Meeting and Breakfast for Local Bar Leaders and Conference Reps

**Friday, June 17, 7:30 a.m.  
Cavalier Oceanfront Hotel**

Local and statewide bar leaders and conference representatives are invited to the Conference of Local Bar Associations annual meeting and breakfast, which will feature the presentation of special awards and the election of the executive committee for the coming bar year.



# VSb RESOLUTION OF FEE DISPUTES MEDIATION & ARBITRATION TRAINING SESSIONS

Fairfax • May 3, 2011

Roanoke • May 17, 2011

Richmond • May 24, 2011

Norfolk • May 26, 2011

The Special Committee on the Resolution of Fee Disputes is looking for volunteers (lawyers and nonlawyers) to serve on its Circuit Committees on the Resolution of Fee Disputes. There are currently 11 active CCRFDs in Virginia; they serve the 2nd, 10th, 16th, 17th, 18th, 19th, 23rd, 24th, 28th and 31st circuits, as well as the Richmond metro and Norfolk/Portsmouth areas.

The Special Committee would also like to establish CCRFDs in the 9th/15th (combined), 20th, 25th, 26th, and 27th circuits. Lawyer volunteers must have been a member of the Virginia State Bar for at least five years and be in good standing. If you or someone you know would like to volunteer to serve on one of these panels, please send in the registration form on this page. Thank you!

The Virginia State Bar is pleased to announce that it is offering free Resolution of Fee Disputes training in four locations. If you are currently serving on a fee dispute circuit committee, or have an interest in serving, please register using the form at the bottom of this page. Your registration will serve as a request to be appointed to a local committee if you are not already serving on one.

Court-certified mediators who have expressed an interest in participating will also be involved in these training sessions. If you would like more information about the Fee Dispute Program, please contact Paulette Davidson at (804) 775-0521 or davidson@vsb.org.

## LOCATIONS:

- Fairfax • May 3, 2011 – George Mason Regional Library, 7001 Little River Turnpike, Annandale
- Roanoke • May 17, 2011 – Roanoke Higher Education Center, 108 North Jefferson Street
- Richmond • May 24, 2011 – Eighth & Main Building, 707 E. Main St., 2nd Floor Conference Room
- Norfolk • May 26, 2011 – Dominion Tower Building, 999 Waterside Drive, 4th Floor Conference Center

## SCHEDULE:

10:00 - 10:20 a.m.	Program Background and Development; Case Handling Procedures
10:20 - 10:45 a.m.	Program Rules and Guidelines for Mediators, Arbitrators and Participants
10:45 - 11:35 a.m.	Ethics
11:35 - 11:50 a.m.	Break *
11:50 - 12:10 a.m.	Mediation and Arbitration Processes
12:30 a.m. - 2:00 p.m.	Mediation and Arbitration Simulation

\* Pick up your free box lunch during the break for a working lunch during the next portion of the program.  
**3 hours CLE (1 Ethics) – Pending**

I plan to attend the fee dispute training session in \_\_\_\_\_ on \_\_\_\_\_, 2011.  
(location) (date)

*By submitting this registration form, I agree to be appointed as a panel member to participate in arbitrations in my area.*

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

Please complete and return this form, on or before **April 27**, to Paulette Davidson:

Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, Virginia 23219-2800; or by fax to (804) 775-0501; or e-mail clba@vsb.org.  
Confirmations, as well as directions, will be forwarded upon receipt of your response.

# Young Lawyers Conference

by Carson H. Sullivan, President



## YLC All-Stars – Part 2

IN MY DECEMBER *Virginia Lawyer* column, I highlighted some of the Young Lawyers Conference's successes this year and the contributions made by our dedicated volunteers. I provided a list of our "YLC all-stars," all of whom greatly deserve the recognition. I also ran out of room! YLC members are doing so many great things for the bar and for their communities that I could have written pages and pages. I knew then I would write a second installment, so here it is — part two of my list.

**Mental Health Law Committee.** This committee has been busy organizing a wonderful new continuing legal education program, "Why Mental Health Law Matters to You." The free CLE provides an overview of notable recent developments in mental health law in Virginia and includes other important topics, such as involuntary inpatient treatment, employment of people with mental health impairments, privacy of mental health information, issues related to criminal defendants found incompetent to stand trial, the right of institutions of higher learning to access students' mental health records, and mental health records used in the context of custody and visitation disputes. It also features an hour of ethics credit, with discussion of hypotheticals and an opportunity to ask questions of Virginia State Bar Assistant Ethics Counsel Barbara Balogh Saunders. The first CLE, which took place on October 6, 2010, in Richmond, was filled to capacity. Based on overwhelmingly positive feedback, the committee is planning a second program, which will take place on Friday, May 27, 2011, at

the George Mason University School of Law. The CLE is the brainchild of YLC board member Nathan J.D. Veldhuis of Fredericksburg, who has spent many hours planning the program. **Lara K. Jacobs** and **Ronald A. Page Jr.** are the YLC all-stars who helped implement the program.

**Minority Prelaw Conferences.** Our prelaw conferences introduce college students — especially minority students — to many elements of a legal career, including the law school admission process. Our Southern and Eastern Virginia prelaw conferences took place this fall and were featured in my December article. Since then, our Northern Virginia Prelaw Conference took place on February 25 and 26 at the George Mason University School of Law. The event, which featured a new law school admission test preparation segment, was extremely successful. YLC all-star **Brian T. Wesley** did an excellent job making sure the conference went off without a hitch.

**Annual Meeting Programs.** I am already thinking ahead to the VSB Annual Meeting in Virginia Beach, and I want to thank YLC all-star **Andrew R. Tank**, who is busy planning the Thirtieth Annual Run in the Sun and the David T. Stitt Memorial Volleyball Tournament. The YLC is also sponsoring the Annual Meeting Showcase CLE this year. The topic is evidence, but the theme is "Judiciary Squares" — a spin on the classic television game show *Hollywood Squares*. Come watch nine judges, including Supreme Court of Virginia Chief Justice Cynthia D. Kinser, act as the "squares" while attor-

neys face off against each other to try to form a tic-tac-toe to win the game. Our annual meeting CLE committee is chaired by YLC all-star **Jennifer A. Haberlin** and includes dedicated committee members **Patricia C. Amberly**, **Martha E. Hulley**, **Joanna L. Faust**, **Patricia M. McCay**, and **Laurie L. Proctor**. These all-stars thought of this clever idea and are hard at work planning the CLE. We hope you will join us in June.

Last, but certainly not least, I want to say a special word of thanks to YLC all-star **Joanna Faust**, who is also the editor of the YLC's *Docket Call* newsletter. She has worked tirelessly this year to make sure every edition is timely and perfect.

As I asked in December, if you know any of the all-stars featured in my columns, please congratulate them on work well done. Additionally, if you would like more information about any of our programs, please visit the YLC website, <http://www.vsb.org/site/conferences/ylc/>. You can find past issues of the *Docket Call* on our website, and we are on Facebook — find us at "Young Lawyers Conference of the Virginia State Bar" and keep up with our programs and events.

If you want to get involved with the YLC, please contact me at (202) 551-1809 or [carsonsullivan@paulhastings.com](mailto:carsonsullivan@paulhastings.com), or contact our membership chair, Nathan J. Olson, at (703) 934-1480 or [nolson@cgglawyers.com](mailto:nolson@cgglawyers.com).

THIRTY-EIGHTH ANNUAL  
**Midyear Legal Seminar**  
**Athens, Greece**  
**November 2–9, 2011**  
(1 overnight flight + 6 hotel nights)



The Midyear Legal Seminar planning committee and our travel professionals are hard at work to create a memorable and fascinating experience for the 2011 Midyear Legal Seminar in **Athens, Greece** — long considered the cradle of Western Civilization, and a renowned center of learning. The **Hotel Grande Bretagne**, part of the Starwood Luxury Collection, has been selected for accommodations and seminars. The hotel is located in the very heart of the Athens historic center on Constitution Square, within short walking distance of exclusive shopping, restaurants, open-air cafes, museums, and the business district. Our seminar presenters will once again provide exceptional legal education and our travel staff will organize a program of optional tours that will unveil Athens's best.

**REGISTRATION DEADLINE APRIL 2011**  
(deposits from 40 attorneys required this month)

**Response has been great.** If you plan to participate in this year's seminar, we need to hear from you right away so that hotel and air contracts may be confirmed.

**There will be no general mailing to the entire membership for this seminar.** Registration information is available on the Virginia State Bar website at <http://www.vsb.org/special-events/midyear-legal-seminar/>

Package cost details and airline info available at: <http://www.vsb.org/docs/athens-brochure.pdf>

Air and land services will be handled by Tour Plan International of Richmond, Virginia. Please contact Stephany Pishko to make your reservation: (804) 359-3217 (ext. 318); e-mail: [stephanytrvl@msn.com](mailto:stephanytrvl@msn.com)

**Don't Delay — Limite Space Still Available!**

# Senior Lawyers Conference

by John H. Tate Jr., Chair



## Losses Remembered, Promises to Keep

AS YOU MAY RECALL from recent reports from the Senior Lawyers Conference, this is the time of the year for our tree-planting initiative to be in the forefront. However, there are issues that directly affected our conference, and I want to mention the sad losses of two of our members.

You all know of the death of former Chief Justice Leroy Rountree Hassell Sr. in February. The Chief Justice was an active proponent of the Senior Lawyers Conference and served as honorary board member. We will remember his concern for our conference and his unwavering support of the role of senior lawyers in the bar.

Our conference also lost another valuable member: Thomas G. Hodges of Wytheville, who served on the conference's board for a term that ended in June 2010. He died February 6 after a short but hard-fought battle with cancer. Tom was active in both the Virginia State Bar and the Virginia Bar Association. He was a hardworking country lawyer who was always courteous and friendly. His death is a loss to the senior lawyers of Virginia, his family, his friends, and all who knew him.

At our conference board meeting in February, there was a suggestion to plant a tree in memory of Chief Justice Hassell. I raised this issue at the meeting of the Virginia State Bar Council in February and also discussed it with VSB President Irving M. Blank and Executive Director Karen A. Gould. Neither the State Bar nor the Supreme Court has a green area in Richmond to plant a tree.

We discussed the Virginia Capitol grounds. The Capitol Square

Preservation Council oversees the planting of trees and shrubs on the Capitol grounds. The Preservation Council has rules for the planting "honor" trees. If approved, the cost is \$10,000. The tree is selected and planted by the grounds staff, nurtured, watered, and trimmed, and if it dies, it will be replaced.

A commitment has been made for a matching gift of up to \$5,000 for this project. The conference will discuss this issue at our April meeting. If you have an opinion about this subject or can contribute to the project, please contact me at [annieshults@gwyntate.com](mailto:annieshults@gwyntate.com).

Spring is coming. Having lived in the mountains almost all of my life, this snowy winter in Southwest Virginia reminds me of the days of my youth when this was normal, not unusual weather, as it has become in the last ten or fifteen years. But there is good news for the winter-weary: Punxsutawney Phil did not see his shadow on February 2, which means we should have an early spring this year. This is the time to think of spring and the senior lawyers' project to plant trees across Virginia. The project has been called "Trees for Virginia" and "Lawyers for a Green Virginia," to encourage others to join the conference in this project.

At our meeting in February, the conference officially adopted this project and called on our members to solicit other lawyers and groups to plant hardwoods where they live in other parts of the state. This request has received a great response, and many of our members have secured

commitments to plant trees, or have them planted, in their home areas.

In my last column, I reported our contacts with the Virginia Department of Forestry and mentioned Dean Cumbia, who is director of forest resource management. Dean has been invaluable to the conference in selecting trees from the department's nursery near Waynesboro. With Dean's assistance, tree seedlings were selected for different climates in the commonwealth, and this selective plan for planting increased the number of species being distributed to eleven — almost all hardwoods.

Since my report in the February *Virginia Lawyer*, our plan to secure seedlings and have them planted in many locations in the state has been successful.

On March 9 and 10 we delivered more than 2,400 seedlings from the Department of Forestry nursery. Deliveries began in Harrisonburg, Luray, Manassas, Leesburg, and Alexandria. We have commitments from the City of Norfolk and the Garden Club of Virginia, and help from the Arbor Day Foundation and its Tree City Program, scout troops, bar staff, conference members and other lawyers to plant these seedlings.

The next column in *Virginia Lawyer* will be my last as chair of the conference. I promise to report fully on the delivery and planting of these trees across Virginia.

In addition to this new endeavor, the conference continues one of our signature projects, to encourage the

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sponsorship of Senior Law Days by local bar associations. As a reminder to the members of the Virginia State Bar, the *Senior Citizens Handbook* is available for Senior Law Day programs and to any bar group that wishes to distribute them locally. Each of these programs has been successful and very well received by the participants and the citizens who have attended. Joseph W. “Rick” Richmond participated in a Senior Law Day in Charlottesville. It was filmed by the local public access television channel and the video may be available for viewing in other parts of the commonwealth.

For use of this video or copies of the handbook, contact with VSB liaison Paulette J. Davidson at davidson@vsb.org. She also has available an outline of one of the successful Senior Law Day programs for advice on the programs.

This year is passing rapidly and the conference will be cosponsoring a program with the General Practice Section on June 17, 2011, during the Annual Meeting of the Virginia State Bar. The continuing legal education programs will include “Making Sense of the Numbers: an Accounting and Finance Primer for Attorneys” and “The Devil Wore Green: Basics of Attorney Trust Accounts.” Join us for the CLE programs on June 17 and at the June 18 program to honor our fifty-year members in the bar.

Library of Congress, “Jefferson’s Legacy: A Brief History of the Library of Congress,” <http://www.loc.gov/loc/legacy/loc.html>, March 30, 2006; accessed March 9, 2011.

Leepson, Marc, *Saving Monticello: The Levy Family’s Epic Quest to Rescue the House That Jefferson Built*, University of Virginia Press, Charlottesville, 2003.

Levy, et al. v. Levy, et al., 33 New York Reports, VI Tiffany, 97-38 (1865).

Malone, Dumas, *Jefferson and His Time: The Sage of Monticello*, Little, Brown and Company, Boston, 1981.

Mead, Edward C., *Historic Homes of the South-West Mountains, Virginia*, J.B. Lippincott Company, Philadelphia & London, 1899.

Thomas Jefferson’s Monticello, “Jefferson Monroe Levy,” <http://www.monticello.org/site/house-and-gardens/jefferson-monroe-levy>, accessed March 9, 2011.

New York Times, “Won’t Sell Monticello: Jefferson M. Levy Positively Determined to Keep the Jefferson Home,” July 11, 1912.

Thomas Jefferson’s Monticello, <http://www.monticello.org/>, accessed March 9, 2011.

Urofsky, Melvin I., “The Levy Family and Monticello,” VIRGINIA QUARTERLY REVIEW, Vol. 78, No. 3, Summer 2002

Urofsky, Melvin I., *The Levy Family and Monticello, 1834 – 1923: Saving Thomas Jefferson’s House*, Thomas Jefferson Foundation, Monticello Monograph Series, Charlottesville, 2001.

Naval Historical Center, “USS Levy, (DE-162) 1943-1974,” <http://www.history.navy.mil/photos/sh-usn/usnsh-l/de162.htm>, March 10, 1999; accessed March 9, 2011.

To assist the reader in understanding the relative current dollar value of various dollar amounts quoted in this article, the following table is provided:

**Relative Value of a U.S. Dollar Using the Gross Domestic Product (GDP) Deflator\***

Relative Value of a United States Dollar, Then And Now, Using the Gross Domestic Product (GDP) Deflator\*:

Dollar Amount Then	Year	=	Dollar Amount In 2009
\$ 23,950	1815		\$ 368,000
\$114,800	1826		\$2,740,000
\$ 71,000	1826		\$1,700,000
\$ 7,000	1831		\$ 177,000
\$ 2,700	1836		\$ 58,800
\$ 10,050	1879		\$ 208,000
\$500,000	1923		\$5,150,000

\*The GDP deflator is an index number that represents the average price of all the goods and services produced in the economy. Changes in the deflator are a broad measure of inflation.

(Source: Samuel H. Williamson, “Seven Ways to Compute the Relative Value of a U.S. Dollar Amount, 1774 to Present,” *MeasuringWorth.com*, 2010, <http://www.measuringworth.com/uscompare/>, accessed March 9, 2011.)



# VALL Names Grant Fund for Barbara Cumming

by Donna Bausch

Watt, Tieder, Hoffar & Fitzgerald LLP has donated \$1,000 to the Virginia Association of Law Libraries (VALL) to establish the VALL Barbara Cumming Grant fund in memory of the firm's longtime law firm librarian, Barbara Cumming, who died last year.

At a February 18, 2011, VALL meeting, in Richmond at the offices of Hunton & Williams LLP, Barbara's daughter, Kristin Cumming Murdock, and her sister Jennifer Blandford, joined Watt Tieder senior partner Robert K. "Bob" Cox to accept VALL's thanks as honored guests.

Cox recounted pleasant memories of working closely with Barbara for twenty-five years. During that time, the Watt Tieder firm expanded from one office to five offices nationwide, and legal research went from the "dark ages" to a more complex and enlightened age. Through it all, Barbara was a teacher and mentor to generations of attorneys and a dedicated, consummate professional on whom the firm came to rely.

Murdock explained that her mother was tremendously proud of being a law firm librarian. After a brief career as a teacher, Barbara found her true calling in law firm librarianship.

VALL members who were privileged to work with Barbara over many years were struck by her professionalism, generosity of spirit, and depth of knowledge, particularly in construction and government contract law research. Always willing to assist her colleagues, Barbara exemplified the finest qualities to which a law librarian can aspire. Although she had a challenging position with a prestigious law firm, Barbara always graciously took the time to teach, to share, and to assist other law librarians. No one could have asked for a finer colleague.

The VALL Barbara Cumming Continuing Education Grant is intended to support the professional development of Virginia's law firm librarians. In this era of economic uncertainty, law firm librarians find it difficult to secure funding for professional activities essential to their effec-



Barbara Cumming



Members of Barbara Cumming's family and law firm gathered to honor her memory at the Virginia Association of Law Librarians meeting in February. They are (left-right) Joe Murdock, son-in-law; Kristin Cumming Murdock, daughter; Robert K. Cox of Watt, Tieder, Hoffar & Fitzgerald LLP; Jennifer Blandford, sister; Michele M. Gernhardt, president-elect of the association; and VALL President Anthony Ikuweme.

tiveness on the job and of value to their firms. In this most collaborative of professions, law firm librarians need regular opportunities for networking and fellowship, in equal parts with continuing education. Barbara's faithful participation in professional associations clearly demonstrated the value she placed on her professional affiliations.

VALL Vice President Michele M.F. Gernhardt conveyed the VALL membership's sincere gratitude for Watt Tieder's generosity. VALL members have added their personal memorial gifts to the seed money contributed by Watt Tieder.

The fund is open to accept additional gifts. If you have received direction, advice, or assistance from a law

librarian over the course of your career, this is perfect opportunity to "pay it forward" and help train and develop a new generation of legal information professionals for the challenges of twenty-first century legal research.

Donations to the VALL Barbara Cumming Grant fund can be made by check payable to VALL, and sent to Suzanne Corriell, VALL Treasurer, University of Richmond School of Law Library, 28 Westhampton Way, Richmond, VA 23173-0002.

*Donna Bausch is executive director and law librarian for the Norfolk & Portsmouth Bar Association.*

# Lawyer Websites and Blogs

## Navigating Through Ethical Turbulence in Cyberspace

by James M. McCauley

An Internet website is the most common and affordable means for a lawyer or law firm to market its legal services to the public. Lawyer websites often provide biographical information about the lawyers in the firm, including their names, educational background, experience, area of practice, and contact information. Such information must be kept current and accurate. For example, a law firm has an ethical duty to remove a lawyer's name from the website after the lawyer has left the firm.<sup>1</sup> A website also may publish information about the law firm, such as its name, history, experience, and areas of practice, including general descriptions about a lawyer's prior engagements. Some law firm websites provide specific information about a lawyer or law firm's former or current clients, including their identities and matters handled. Results obtained also might be included, provided appropriate disclaimers are used or other information is disclosed.<sup>2</sup> Law firm websites sometimes also provide legal information about specific areas of practice or recent developments in particular areas of the law.

Rule 7.1 of the Rules of Professional Conduct applies to "any form of public communication" and prohibits the communication if it contains a "false, fraudulent, misleading or deceptive statement or claim."<sup>3</sup> A facially truthful statement or claim may be deceptive or misleading if it omits a material fact.<sup>4</sup> I recently argued with a lawyer about whether lawyer websites are subject to the lawyer advertising rules. He argued that not all lawyer websites are "advertising" or "marketing" the lawyer's professional services. I contend that most lawyer websites are subject to the requirements of Rule 7.1 because they are public com-

munications about the lawyer and the lawyer's professional services. They are intended to advertise or market the lawyer's professional services and are therefore subject to all the advertising rules (Rules 7.1-7.5). Every jurisdiction that has addressed this issue has concluded that lawyer websites may be subject to the lawyer advertising rules if their purpose is to market or advertise the lawyer's services.<sup>5</sup> If the content of the lawyer's blog or website is strictly personal and contains no information regarding the lawyer's professional services, then such noncommercial speech is not subject to regulation under any of the lawyer advertising rules.<sup>6</sup>

To protect client confidentiality, lawyers should obtain the consent of past and current clients to publish information about their matters. Even the fact that the lawyer represents or represented the client may be information protected under Rule 1.6's duty of confidentiality.<sup>7</sup>

Lawyers often use web pages and blogs to provide helpful information and describe recent developments in particular areas of the law. Such information may be presented in narrative, question-and-answer, or frequently-asked-questions formats. With the rapid growth of pro se representation, consumers might rely on legal information published on lawyers' blogs or websites. While not necessarily an ethical mandate, as a best practice legal information should be kept accurate and current.<sup>8</sup>

While providing useful information to the public about the law and legal services is an important objective, lawyers must cautiously consider whether they want to answer legal questions posted by users using the website or blog.<sup>9</sup> A lawyer who builds and places on the Internet a web page that provides useful

legal information invites consumers to ask legal questions. As the mystery voice in the movie *Field of Dreams* told Kevin Costner (as Ray Kinsella), "If you build it, they will come."

The difference between legal information and legal advice may not always be clear. The context and content of the communication are helpful factors in distinguishing between the two. For example, lawyers who speak to groups at lectures and seminars are viewed as giving legal information, not legal advice. Similarly, authors who write books with titles such as *How to Avoid Probate* are providing legal information, not legal advice. Lawyers who answer a person's specific legal questions and recommend a course of action, such as what the inquirer should or should not do, are likely giving legal advice, not legal information. A lawyer can address a legal problem in the hypothetical and will likely be regarded as giving legal information, not legal advice.

Legal Ethics Opinion 1842, issued by the Virginia State Bar Standing Committee on Legal Ethics in 2008, states that depending upon the circumstances and precautions taken, a lawyer or a law firm may create unintended consequences when interacting and communicating with a user of the lawyer's website or blog. In this opinion, the committee addressed this hypothetical:

Law Firm B maintains a passive website, which does not specifically invite consumers to submit confidential information for evaluation or to contact members of the firm by e-mail but the website does, however, provide contact information for every lawyer in the firm,

including e-mail addresses in the biographies of each lawyer in the firm. One of the domestic lawyers in the firm receives an e-mail from a woman seeking a divorce from her husband detailing the circumstances surrounding the demise of the marriage, including her affair with another man. The lawyer reads the e-mail before he discovers that he is already representing the woman's husband. The information supplied by the woman was insufficient to reveal a conflict through the lawyer's initial conflicts check.

The issues raised are whether the law firm owes any duty to keep confidential the information received by the woman seeking the divorce, and whether the law firm must withdraw from the representation if it is representing the husband.

In addressing these concerns, the committee raised two more questions: whether the law firm, by merely publishing contact information on its website that includes an e-mail address, creates a reasonable belief that the firm is specifically inviting or soliciting the communication of confidential information, and whether it is reasonable for the person providing the information to expect that it will be maintained as confidential. Whether the woman's e-mail was invited or solicited by the law firm will depend on whether, under the totality of circumstances, the law firm did anything to invite the communication. The committee concluded:

The Committee is of the opinion that including an e-mail address on a law firm's website or publishing a telephone number in a yellow-page advertisement, without more, is not the solicitation of confidential information from a prospective client. In these circumstances, the publication of such information is more appropriately viewed simply as an invitation to contact the firm and not an invitation for a prospective client to submit confidential information. The mere inclusion of an e-mail

address on a web-page is not an agreement to consider the formation of an attorney-client relationship; rather, the lawyer is simply advertising his or her general availability and how he/she may be reached.

The committee hastened to warn, however, that other factors, statements, or information contained on the law firm's website could create a reasonable expectation by the user that the information submitted to the law firm would be kept confidential. The committee posed this hypothetical to illustrate the point:

Law Firm C maintains a website where prospective clients are invited to fill out an on-line form giving outlining the factual details of their accidents and injuries. In exchange for this information, Law Firm C's website offers to provide prospective clients a free evaluation of their claim. Mrs. X, an accident victim, fills out the form and provides information about her accident involving a two-car collision, including the fact that she consumed three glasses of wine in about one hour before getting behind the wheel. One of Law Firm C's lawyers, after reviewing Mrs. X's online information, asks his legal assistant to run a conflicts check. The legal assistant does so and advises the lawyer that Law Firm C is currently representing a client who was the guest passenger in Mrs. X's vehicle at the time of the accident. The lawyer tells the legal assistant, "That's not a problem — I'll just tell Mrs. X we can't take her case."

In response to this hypothetical, the committee concluded that Law Firm C invited the user to submit confidential information for the purpose of giving her an evaluation of her claim. In so doing, a limited lawyer-client relationship was created. Although the legal representation was limited, the duty of

confidentiality attached to the information the firm had invited. Because the firm was representing another passenger in the car, it could not use or disclose the information provided by Mrs. X and the firm's representation of the passenger was "materially limited" by the duty of confidentiality owed to Mrs. X. Rule 1.7(a)(2). The firm was required to withdraw from representing the passenger.

Lawyers have an ability to control the features and information content of a website to invite, encourage, limit, or discourage the flow of information to and from website visitors. LEO 1842 suggests that the use of disclaimers may help to avoid ethical problems created by the receipt of communications via the web site or blog. Unintended relationships may be avoided by the use of "click wrap" or "click through" disclaimers that require the visitor to agree, before accessing further information, that information given by the visitor will not be kept confidential and may be accessed by others; the information contained on the blog is not legal advice but only legal information; the blog is not a substitute for hiring a lawyer, and the visitor should consult with a lawyer if they have a legal problem; and no lawyer-client relationship, express or implied, is created by the use of the communication.

#### Endnotes:

- 1 See, e.g., Missouri Opinion 2006-0005 (a firm must remove a lawyer's biographical information within a reasonable time after the lawyer leaves the firm).
- 2 Va. S Ct. R, Pt. 6, § II, Rule 7.2(a)(3) requires a disclaimer that (i) puts the case results in a context that is not misleading; (ii) states that case results depend upon a variety of factors unique to each case; and (iii) further states that case results do not guarantee or predict a similar result in any future case undertaken by the lawyer. The disclaimer shall precede the communication of the case results. See, e.g., North Carolina Opinion 2009-6 (a firm may provide case summaries on a website, including accurate information about verdicts and settlements, as long as it adds specific information about the factual and legal

circumstances of the cases (such as their complexity, whether liability or damages were contested, whether the opposing party was represented by a lawyer and the firm's success in collecting the judgment) in conjunction with an appropriate disclaimer to preclude misleading prospective clients).

3 Rule 7.1(a).  
 4 Cmt. [2], Rule 7.1.  
 5 West Virginia Legal Ethics Opinion 98-03 (10/16/98) (law firm web sites must satisfy the advertising rules); Virginia Advertising Op. A-0110 (4/14/98) ("It is the Committee's opinion that a Virginia lawyer advertising on the Internet is subject to applicable disciplinary rules in the Virginia Code of Professional Responsibility. Thus, for example, DR 2-101(A)'s prohibition of advertising which is false, fraudulent, deceptive or misleading applies to all 'public communications' including communications over the Internet."); Missouri Bar Office of Chief Disciplinary Counsel, Informal Op. 970161 (1997) ("In the course of internet communications regarding Attorney's services, Attorney is required to comply with the Supreme Court Rule 4, including Rules 7.1 through 7.5, relating to advertising."); Illinois LEO 96-10 (05/16/97) ("For example, the Committee views an Internet home page as the electronic equivalent of a telephone directory 'yellow pages' entry and other material included in the web site to be the functional equivalent of the firm brochures and similar materials that lawyers commonly prepare for clients and prospective clients. An Internet user who has gained access to a lawyer's home page, like a yellow pages user, has chosen to view the lawyer's message from all the messages available in that medium. Under these circumstances, such materials are not a 'communication directed to a specific recipient' that would implicate Rule 7.3 and its provisions governing direct contact with prospective clients. Thus, with respect to a web site, Rule 7.1, prohibiting false or misleading statements concerning a lawyer's services, and Rule 7.2, regulating advertising in the public media, are sufficient to guide lawyers and to protect the public."); Arizona LEO 97-04 (04/07/97) ("A lawyer's web site is a 'communication' about the

lawyer or the lawyer's services that is subject to the ethics rules."); Vermont LEO 97-5 (1998) ("As long as the Web Page is equivalent to a 'yellow page' advertisement or a magazine article, the general rules of truth in advertising and limitations on indirect solution [sic] should apply to a lawyer's use of Web Pages."); Maryland LEO 97-26 ("The Committee's opinion is that a web page constitutes advertising under Rule 7.2(a) as it is plainly a communication 'not involving in person contact.' Therefore, the Rules allow such advertising. . . . Such advertising creates another potential problem under the Rules. Rule 5.5(a) prohibits you from practicing law in a jurisdiction where you are not licensed to practice. Rule 7.1 prohibits the making of misleading communications about one's services. Because your web page may be accessed by persons outside Maryland, you need to be very careful to make sure that your web page makes clear the states in which you are licensed to practice."); North Carolina LEO RPC 241, 1996 WL 875832, at \*1 (01/24/97) ("[A] lawyer may participate in a directory of lawyers on the Internet if the information about the lawyer in the directory is truthful"); North Carolina LEO RPC 239, 1996 WL 875828, at \*1 (10/18/96) ("[A] lawyer may display truthful information about the lawyer's legal services on a World Wide Web site on the Internet"); Iowa LEO 96-1 (08/29/96) ("The Board is of the opinion that such law firms' (and lawyers') home page or web sites are generally designed to promote the firm and to sell legal services of the firm and constitute advertising. Therefore it is the opinion of the Board that they must conform to the Iowa Code of Professional Responsibility for Lawyers provisions governing advertising."); Pennsylvania LEO 96-17, 1996 WL 928126, at \*1 (05/03/96) ("Thus, if the web site contains communications about the lawyer or the lawyer's services, it is my opinion that it is lawyer advertising subject to the Rules of Professional Conduct."); Michigan LEO RI-276, 1996 WL 909975, at \*1 (07/11/96) ("A lawyer may post information about available legal services on the Internet which [may] be accessed by users of the technology as long as ethics

rules governing the content of the posted information are observed.").

6 Lawyer advertising rules may regulate commercial speech but not noncommercial speech. A lawyer's blog devoted exclusively to the lawyer's politics or religious views is not commercial speech. Commercial speech is speech that proposes a commercial transaction. *Virginia Pharmacy Bd. v. Virginia Citizens Consumer Council*, 425 U.S. 748, 761 (1976).

7 See e.g., Ohio Opinion 2000-6 (a law firm may list a client's name on a firm website with the client's informed consent). See also, New York Rule 7.1(b) (2) (lawyer may advertise name of regularly represented client, provided that the client has given prior written consent).

8 American Bar Association Law Practice Management eLawyering Task Force, "Best Practice Guidelines for Legal Information," available at [http://meetings.abanet.org/webupload/commupload/EP024500/relatedresources/best\\_practice\\_guidelines.pdf](http://meetings.abanet.org/webupload/commupload/EP024500/relatedresources/best_practice_guidelines.pdf) (a website providing legal information should provide full and accurate information about the identity and contact details of the provider on each page of the site, as well as the dates on which the substantive content was last reviewed).

9 See, e.g., Arizona Opinion 97-04 (because of the inability to screen for conflicts of interest and the possibility of disclosing confidential information, lawyers should not answer specific legal questions posed by lay persons in Internet chat rooms unless the question presented is of a general nature and the advice given is not fact specific); California Op. 2003-164 (legal advice includes making recommendations about a specific course of action to follow. However, the public context of a radio call-in show that includes warnings about the information not being a substitute for individualized legal advice makes it unlikely lawyers have agreed to act as caller's attorney); South Carolina Opinion 94-27 (lawyer may maintain an electronic presence for the purpose of discussing legal topics, but must obtain sufficient information to make a conflicts check before offering legal advice); Utah Opinion 95-01 (how-to booklet on a legal subject matter does not constitute the practice of law).

# Professional Notices

**Thomas J. Ball Jr.** has been appointed senior vice president, general counsel and secretary of Online Resources Corporation in Chantilly.

**Scott C. Clarkson**, a 1982 graduate of the George Mason University School of Law, was appointed as a United States Bankruptcy Judge for the Central District of California, Santa Ana Division, by the Ninth Circuit Court of Appeals on January 18, 2011. Judge Clarkson was an associate member of the Virginia State Bar at the time of his appointment.

**George C. Howell III**, a partner in the Richmond office of Hunton & Williams LLP, has been named chair of the American College of Tax Counsel. Howell is head of the firm's tax and Employee Retirement Security Income Act group.

**Michelle M. Kaminsky** has joined Kelly S. Hite PLLC. Kaminsky is a 2009 graduate of the Catholic University Columbus School of Law and was a law clerk for Fairfax Circuit Judge David S. Schell. Contact information: 10555 Main Street, Suite 600, Fairfax, VA 22030; (703) 766-0732; fax (703) 766-0734; www.khitelaw.com.

**Megan E. Kaufmann** has been named Pro Bono Attorney of the Year by the Tahirih Justice Center, which provides legal assistance to women who come to the United States seeking protection from human rights abuses in their homelands. Kaufmann practices in the Richmond office of Hunton & Williams LLP. She was recognized for her efforts on behalf of a Guatemalan mother and her children.

**Lamont D. Maddox** has opened **Guidance Law Firm PC** in Norfolk. He previously practiced with Williams Mullen and is former owner of a computer consulting company, Maddox Technology Inc. Contact information: Suite 1834, Wells Fargo Center, 440 Monticello Avenue, Norfolk, VA 23510;

(757) 454-2045; lmaddox@guidancelaw.com; www.guidancelaw.com

**Matthew J. Malinowski** has been elected a partner of Hollingsworth LLP. He has been an associate with the firm since 2003. He practices in its Washington, D.C., offices.

**Laura K. Marston** has joined the labor and employment practice group at ReedSmith LLP, in the Richmond office. She holds degrees from the College of William and Mary and the University of Richmond School of Law.

**Christopher P. Saady** has returned to Richmond after serving as a tort claims attorney for the U.S. Marine Corps and Navy. He is senior staff counsel for the Law Office of Jonathan Jester, for which he defends the Hartford Insurance Companies and their insureds.

**Thomas S. Schaufelberger**, vice chair of Saul Ewing LLP's litigation department and its insurance practice group, has been elected to the firm's executive committee, which manages the firm. He has a litigation practice in the firm's Washington, D.C., office.

**Robert D. Seabolt** has been named chief operating officer of Troutman Sanders LLP, a newly created position. He now supervises most administrative functions for the firm and reports to the firm's managing partner. Seabolt was managing partner of Richmond-based Mays & Valentine LLP before it merged with Troutman in 2001. He previously was a litigator who concentrated on antitrust enforcement and white-collar criminal defense. Seabolt will work at Troutman's offices in Richmond and Atlanta.

**Benjamin J. Trichilo** has joined the firm McCandlish & Lillard PC as counsel in its litigation and health care groups. His practice focuses on civil litigation, insurance defense, personal injury, professional malpractice, and workers'

compensation. He will work in the Fairfax office.

**Sara N. Tussey, Christopher S. Chipman, and Michael A. Sottolano** have joined Chadwick, Washington, Moriarty, Elmore & Bunn PC as associates. Tussey and Chipman will practice in Fairfax and Sottolano in Richmond.

**Melissa S. VanZile** has been named a partner at the Midlothian firm Hall & Hall PLC, where she practices domestic relations law. Also, **Tracy N. Retchin** has joined the firm as an associate. Her practice focuses on estate planning.

E-mail your news to [chase@vsb.org](mailto:chase@vsb.org) for publication in *Virginia Lawyer*. All professional notices are free to VSB members and may be edited for length and clarity.

## VSB Staff Directory

Frequently requested bar contact information is available online at [www.vsb.org/site/about/bar-staff](http://www.vsb.org/site/about/bar-staff).

Crossword answers.

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U	X	O	R		D	N	A	M	A	T	C	H	E	S
D	I	S	S		E	E	L		R	E	H	A	S	H
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M	A	U	L	S		D	O	N	T		B	O	N	E
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M	I	S	C	O	N	D	U	C	T		R	I	D	S
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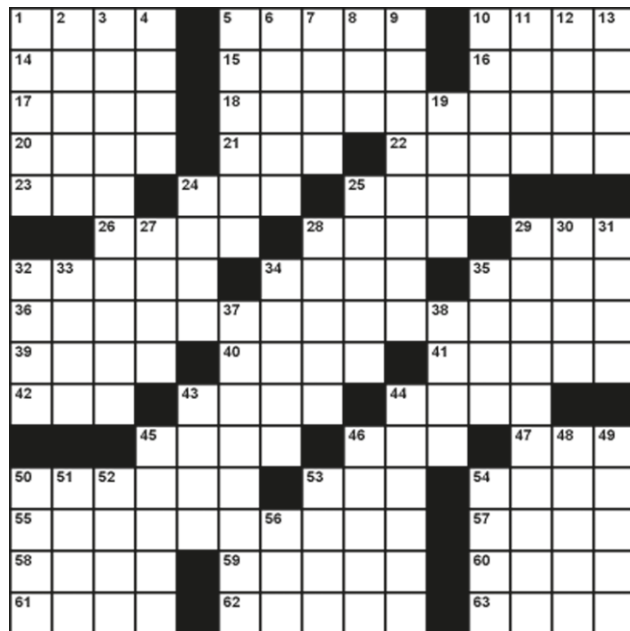
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# Springing

by Brett A. Spain



Crossword answers on page 54

## Across

1. World's Fair, e.g.
5. Weed on the street
10. Popular breakfast chain
14. Zhivago's love
15. Floor support
16. Asian tuber
17. Legal wife
18. Evidence that often proves 36A
20. Street slight
21. It can be electric
22. Open old wounds
23. Compass dir.
24. Neither's partner
25. Reject
26. Sonny Corleone actor
28. Camp sights
29. Male swan
32. Manhandles
34. Toddler warning
35. Prepare a fish
36. Theme of this puzzle
39. Place to see blue cumberbunds
40. Geometry measure
41. Conclude from circumstantial evidence
42. Sun. talk
43. They're often scrambled
44. Florida county
45. Chaste
46. Word for Casper
47. Anatomical pouch
50. 1998 Masters Champion
53. Criss cross direction
54. Food org.
55. With 3D, evidence of 36A
57. Sheds
58. Tons
59. Italian port
60. Chimney sight
61. Agts.
62. Ogling
63. James' Oscar co-host

## Down

1. Dodge
2. Place to find supply or demand in Econ 101 class
3. With 55A, evidence of 36A
4. Crew propellers
5. Bible found by Rocky Raccoon
6. Baseball's Doubleday
7. *Hud* actress Patricia
8. Preserves alternative
9. Liqueur variety
10. *The Simpsons* cartoon mouse
11. Mocking sound
12. Gold and silver, e.g.
13. Victoria Beckham's stage name
19. Hamiltons
24. Discovery org.
25. Disco's Summer
27. Grad
28. Traffic dividers
29. Evidence usually thrown out to prove 36A
30. Fairy tale opening
31. "Foster's" synonym (in Perth)
32. Plots (out)
33. Land measure
34. Requiem
35. Bow
37. ZZ Top hit
38. Italian farewell
43. Continental currency
44. MP's ID
45. Concords
46. "Six Degrees" movie game destination
48. Extend or extension
49. Brahmins, e.g.
50. Actor Epps
51. Highway marker
52. Employee LBO?
53. Pueblo tribe
54. Heavenly bear
56. L.A. Law Actress Susan

This legal crossword was created by Brett A. Spain, a partner in the commercial litigation section of Willcox & Savage PC in Norfolk. He can be reached at (757) 628-5500 or at [bspain@wilsav.com](mailto:bspain@wilsav.com).



# VIRGINIA STATE BAR

## 73<sup>rd</sup> Annual Meeting

The following pages contain a preliminary schedule of events for the Virginia State Bar 73rd Annual Meeting June 16–19, 2011, in Virginia Beach.

Annual Meeting brochures were mailed in early April. Complete Annual Meeting information, including online registration, forms, and hotel information and links, is available on the Virginia State Bar website at <http://www.vsb.org>. If you have not received a brochure and/or need more specific information, please contact the Virginia State Bar, Bar Services Department at (804) 775-9400 or [annualmeeting@vsb.org](mailto:annualmeeting@vsb.org). All information on the following pages is tentative and subject to change. Please refer to VSB.org for updates.

### Schedule of Events

#### WEDNESDAY, JUNE 15

- Noon Executive Committee Meeting
- 6:30 p.m. Council Reception & Dinner  
**Sponsor: Cavalier Hotels**

#### THURSDAY, JUNE 16

- 8:00 a.m. VSB Registration
- 8:30 a.m. Council Meeting
- 9 a.m.–5:00 p.m. 37th Recent Developments Seminar (separate registration with Virginia CLE)
- Noon Golf Tournament  
*Fundraiser for the Diversity Conference*
- 3:00 p.m. VADA Executive Committee
- 4–6:00 p.m. Lawyers Expo Opening & Reception  
**Sponsors: Pearl Insurance and Cavalier Hotels**
- 5:30 p.m. Bill W. Meeting
- 6:30 p.m. Reception on the Hill  
**Sponsor: VSB Members Insurance Center**

#### FRIDAY, JUNE 17

- 7:00 a.m. Beach Yoga
- 7:30 a.m. "Run in the Sun"  
**Sponsors: Virginia Lawyers Media; Young Lawyers Conference**
- 7:30 a.m. Conference of Local Bar Associations  
*Annual Meeting & Breakfast*
- 7:45 a.m. Registration
- 8:30 a.m. VADA Board of Directors Meeting
- 8:30–10:30 a.m. VSB Section CLE Workshops and Business Meetings  
*Intellectual Property and Business Law Sections*
- 8:45 a.m. VSB Indigent Defense Task Force Meeting

#### FRIDAY, JUNE 17

8:45–10:45 a.m. **Showcase CLE**  
*Judiciary Squares – Interactive Review of Evidentiary Matters*  
**Sponsor: Young Lawyers Conference**

- 9:00 a.m. Lawyers Helping Lawyers Board of Directors Meeting
- 9:30 a.m.–5:00 p.m. Lawyers Expo
- 10:00 a.m. Virginia Legal Aid Project Directors Meeting
- 11:00 a.m.–12:30 p.m. VSB Section CLE Workshops & Meetings
  - Bankruptcy Law/Real Property Sections
  - Construction Law/Local Government Law Sections
  - Corporate Counsel Section
  - Criminal Law/Family Law Sections
  - Health Law Section/Access to Legal Services Committee
  - Litigation Section
  - Senior Lawyers Conference/General Practice
- 11:00 a.m. Virginia Law Foundation Finance Committee
- Noon Virginia Law Foundation Board Meeting & Lunch
- 12:15 p.m. Beach Break Reception  
**Sponsor: The McCammon Group**
- 12:30 p.m. Young Lawyers Conference Reception & Meeting  
**Sponsor: Hunton & Williams**
- 12:30 p.m. Virginia Legal Aid Award Luncheon (ticketed event)  
**Sponsor: ALPS**

## Schedule of Events

### FRIDAY, JUNE 17

- 1:00 p.m. American Academy of Matrimonial Lawyers Luncheon Meeting
- 1:00 p.m. Military Law Section Business Meeting & Luncheon
- 2–3:30 p.m. VSB Section CLE Workshops & Meetings
- Administrative/Environmental Law Sections
  - Trusts & Estates Section
  - Virginia ADR Joint Committee/Family Law/General Practice/Litigation
  - Lawyers Helping Lawyers
- 2:30 p.m. Virginia Women Attorneys Association Annual Meeting & Program
- 3–4:00 p.m. **Bingo in the Expo Hall**  
*Sponsor: Glover & Dahnk*
- 4:15–5:00 p.m. Reception  
*Sponsor: VWAA*

5:30 p.m. YLC Pool-Side Reception  
*Sponsors: Young Lawyers Conference; Hunton & Williams*

- 5:30 p.m. Bill W. Meeting
- 6:00 p.m. President's Reception
- 6:00 p.m. Children's Dinner (ticketed event)
- 7:00 p.m. Banquet & Installation of President (ticketed event)  
*Sponsor: Cavalier Hotels*
- 9:00 p.m. Dance Under the Stars  
*Sponsor: Senior Lawyers Conference*

### SATURDAY, JUNE 18

- 7:00 a.m. Beach Yoga
- 7:45 a.m. Registration
- 8:00 a.m. Law School Alumni Breakfasts (ticketed event)
- 8:30 a.m. Lawyers Expo
- 9:00 a.m. General Session & Awards/Continental Breakfast Buffet
- 9:30 a.m. Sand Castle Contest  
*Sponsor: Minnesota Mutual Lawyers Insurance Company*
- 9:45 a.m. Senior Lawyers Conference Brunch for 50-Year Award Recipients

### SATURDAY, JUNE 18

9:45–11:00 a.m. **Special Program**  
*Through the Rabbit Hole—When Your Law Partner is the Mad Hatter*  
*Alzheimer's and the Practicing Lawyer*

- 10:00 a.m. 2011–2012 VWAA Board Meeting
- Noon Expo Reception/Raffle Drawing  
Cash Bar Reception
- 1:00 p.m. Tennis Tournament  
*Sponsor: MichieHamlett*
- 1:00 p.m. David T. Stitt Memorial Volleyball Tournament  
*Sponsors: Fidelity National Title Group; Young Lawyers Conference*

## Special Events

### 2011 Boardwalk Art Show & Festival

This year our meeting coincides with the 56th Annual Boardwalk Art Show! For more information, visit <http://www.cacv.org/events/boardwalk.asp>. Virginia Beach offers so much to explore that it's hard to fit it all into one visit. Go to [www.vbfun.com](http://www.vbfun.com) to discover all the things to do in the area!

### Athletic Events

**Golf Tournament Fundraiser for the Diversity Conference** — Thursday, June 16, Virginia Beach National — to participate contact Ed Weiner at (703) 273-9500; [EWEINER@WSATTORNEYS.net](mailto:EWEINER@WSATTORNEYS.net)

**30th Annual Run in the Sun** — Friday, June 17, 7:30 a.m. on the Virginia Beach Boardwalk — *Sponsors: Virginia Lawyers Media and Young Lawyers Conference*

**9th Annual Tennis Tournament** — Saturday, June 18, 1:00 p.m. at the Original Cavalier — *Sponsor: MichieHamlett*

**27th Annual David T. Stitt Memorial Volleyball Tournament** — Saturday, June 18, 1:00 p.m. on the Beachfront, Cavalier Oceanfront Hotel — *Sponsors: Fidelity National Title Group; Young Lawyers Conference*

### BACK BY POULAR DEMAND!

#### Morning Beach Yoga

Friday, June 17, and Saturday, June 18, 7:00 a.m.

Visit the [Virginia State Bar website](http://www.vsb.org) for more details and registration at <http://www.vsb.org>

**Maximum Available MCLE CREDIT 5.0 Hours • Maximum Available ETHICS CREDIT 3.5 Hours (pending)**

According to their bylaws, sections are also required to conduct annual business meetings which will be scheduled either immediately preceding or following the corresponding section workshop. The annual business meetings are open to all members of the section.

JUNE 16–19, 2011 • VIRGINIA BEACH, VIRGINIA



## 24th Annual Lawyers Expo

The General Practice Section will sponsor the 24th Annual Lawyers Expo Thursday–Saturday. The Expo will feature vendors offering the latest in law office technology as well as a variety of specialty exhibitors. Daily refreshments will be provided for attendees, in addition to several sponsored events and raffles during the course of the meeting. The Expo will be open during the following hours:

- Thursday, June 16 4:00 p.m.–6:00 p.m.
- Friday, June 17 9:30 a.m.–5:00 p.m.
- Saturday, June 18 8:30 a.m.–11:30 a.m.

An Opening Wine & Cheese Reception will be sponsored by **Pearl & Associates** and the **Cavalier Hotels** in the Expo Hall on Thursday afternoon, June 16.

On Friday afternoon, June 17, the **Cavalier Hotels** will sponsor a Wine & Cheese Reception in the Expo Hall from 4:00 to 5:00 p.m. Be sure to register on site for the raffle drawing for an LCD TV which will be awarded during this reception.

## Grand Prize Raffle

ONE PACKAGE TRIP\*

VIRGINIA STATE BAR

## 38th Midyear Legal Seminar

Athens, Greece

November 2–9, 2011

(\*Based on Double occupancy;  
does not include cost of spouse or guest)

DRAWING:

**Saturday, June 18 • 12:15 p.m. • Cavalier Beach Club**

*You must be present at the Raffle drawing to win the trip. Winning package is non-transferable, non-refundable and may not be used for a future seminar.*

## Preregistered Exhibitors

- ALPS
- Aon Attorney's Advantage
- Cannon's Estate Consignments, Inc.
- Heartfull Designs
- Lawyers Staffing
- Lawyers Helping Lawyers
- LexisNexis
- Minnesota Lawyers Mutual Insurance Company
- Pearl Insurance
- Sensei Enterprises, Inc.
- Thomson Reuters (ONERESOURCE Trust & Estate Administration)
- VADER
- Virginia CLE
- Virginia Law Foundation
- Virginia Lawyers Media
- Virginia State Bar
- Virginia State Bar Members' Insurance Center

## Annual Meeting Sponsors

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William A. Bassler	Glover & Dahnk	Midkiff, Muncie & Ross PC	Virginia State Bar Members' Insurance Center
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John Castro	David J. Hatmaker	ParisBlank LLP	William T. Wilson
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DiMuro Ginsberg PC	Lenhart Obenshain PC	Senior Lawyers Conference	
Fidelity National Title Group			

*We gratefully acknowledge these sponsors of the 2011 Annual Meeting for their contributions in hosting a variety of activities and special events for our members and their guests.*

## NOTICE FOR REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current term of office of United States Magistrate Judge Tommy E. Miller at Norfolk and Newport News, Virginia, is due to expire on September 7, 2011. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of the magistrate judge to a new eight-year term.

The duties of the magistrate judge position include the following: (1) trial and disposition of civil cases upon consent of the litigants; (2) conducting various pretrial matters and evidentiary proceedings in civil cases, on delegation from the judges of the district court; (3) conducting most preliminary proceedings in criminal cases; and (4) trial and disposition of criminal misdemeanor cases.

Comments from members of the bar and the public are invited as to whether the incumbent magistrate judge should be recommended by the panel for reappointment by the court and should be directed to:

Fernando Galindo  
Clerk of Court  
United States District Court for the  
Eastern District of Virginia  
600 Granby Street  
Norfolk, Virginia 23510

Comments must be in writing, originally signed, and received in a sealed envelope, appropriately identified as "Reappointment Comments," to be reviewed by the reappointment committee and the Court.

**All comments must be received by June 1, 2011.**

### Have You Moved?

*Keep in Touch with the VSB*

To check or change your address of record with the Virginia State Bar, take the following steps:

Go to the VSB Member Login at <https://member.vsb.org/vsbportal/>. Go to "Membership Information," where your current address of record is listed. To change, go to "Edit Official Address of Record," click the appropriate box, then click "next." You can type your new address, phone numbers, and e-mail address on the form.

Contact the VSB Membership Department ([membership@vsb.org](mailto:membership@vsb.org) or (804) 775-0530) with questions.

### Got an Ethics Question?

The VSB Ethics Hotline is a confidential consultation service for members of the Virginia State Bar. Nonlawyers may submit only unauthorized practice of law questions. Questions can be submitted to the hotline by calling (804) 775-0564 or by clicking on the blue "E-mail Your Ethics Question" box on the Ethics Questions and Opinions web page (<http://www.vsb.org/site/regulation/ethics/>).

### For confidential toll-free consultation

available to all Virginia attorneys on questions related to legal malpractice avoidance, claims repair, professional liability insurance issues, and law office management, call the VSB's risk manager, McLean lawyer John J. Brandt, at

**1-800-215-7854.**

Reflections continued from page 62

at spending it wisely. Our profession is known for burnout. Lawyers get ulcers and abuse drugs and alcohol. We spend lots of time at the office because we have clients who depend on us and judges to persuade and opposing counsel who want to keep us from succeeding.

Being a trial lawyer isn't easy, but it ought not take over our lives. (Our lack of balance is responsible for spawning an entire industry. I Googled "life coach lawyers" and got pages and pages of results.) Some of the best lawyers I know regularly take time to pursue other interests. We are marathon runners, bikers, hikers, mountain climbers, surfers, teachers, artists, singers, high school girls' basketball coaches, sheepherders, writers, and boatbuilders.

When I was young and impertinent and would make some outlandish remark to my father about my intentions, he'd say, "Think again, young lady." Well, I'm saying it to myself now. If I think I don't have time to take a day for thinking, then I need to think again, because the truth is, I really need that day. It's simple, really. Just do it.

It's what Yoda said in *The Empire Strikes Back*: "Try not. Do or do not. There is no try."

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*This essay is part of Reflections, a collection by and about Virginia lawyers that was solicited by Virginia State Bar Immediate Past President Jon D. Huddleston as part of his Virginia Is for Good Lawyers initiative.*  
<http://www.vsb.org/site/about/va-good-lawyers/#reflections>

# Clay Feet

by Sandra M. Rohrstaff

I love to cook. Whenever I get the chance to be at home for a day, I naturally drift into the kitchen, grab pots and pans, and start cooking. (I also love *chopping*, especially after particularly difficult days in my practice, but that's probably a different story.) I also read cookbooks and enjoy learning about the cooks who wrote them. You may not have heard of Ina Garten, the "Barefoot Contessa." Ina has owned a successful restaurant, has a TV show, and has written several cookbooks. When she decided as a young adult to design her own life, she had, by her own account, what sounded like impossible criteria:

- She insisted on doing only something she was passionate about.
- She wanted to "make some money."
- She wanted no employees.
- She wanted to be able to drop it all and go to Paris at a moment's notice.

Some might say—and I imagine many did—that such a life doesn't exist. But Ina proved them wrong. She checked off all four items within ten years.

Her definition of success is to "do what you really love and do it in a way you want to do it." Her definition may not be my definition, but the fact that she made it happen was impressive to me.

I grew up in a little (or as we say in Texas, "little bitty") country town in south Texas. My father was the high school football coach (that means, he and God were running neck-and-neck in the "what's most important in your life" contest). I have three brothers, all of whom played football. I played flute in the band and took home-ec courses, where I learned to love cooking. I was determined to be a girl.

But, being a girl in Somerset, Texas, was not the easiest circumstance in which to find oneself. We lived right next

to the school, and our backyard was really the entire school yard, most of which was hard caliche clay. Caliche is a lot like cement, except it's not mixed and poured out of the back of a cement mixer. It's just there, all over the place. Making anything grow in caliche, including grass, is a challenge. It was hard to dig holes for playing marbles, and I was not a pretty sight after crawling around on the ground for hours. I have no idea how my mother ever got our clothes clean.

I knew at an early age that I was not destined to stay in Somerset. I didn't know what lay ahead, but I practiced twirling my baton in my back yard on the caliche and dreamed. I spent a lot of time in Somerset getting ready for life. After I graduated from high school, my family moved to San Antonio. I went off to college and then on to other things—coming to Virginia, for instance—and have returned to Somerset only once or twice, although my father has stayed in touch with folks there and returned several times over the years. When I was in San Antonio last November, I took my father to Somerset for the annual November 11th parade and football game and reunion. Even though he is slower and stooped and eighty-nine years old, my father is still "Coach." He was honored by townspeople (I don't think Somerset has had a winning football season since he left) and, especially, by my high school classmates. I enjoyed getting to catch up on people's lives, hear their stories and eat good barbecue.

But what really struck me was the caliche. It's still as hard as cement, and the town isn't any greener than when I lived there. But what I had not noticed growing up is that people set down roots and make good lives there. We may not have the same definition of success as people who live in Somerset, but what I saw in my classmates was that they had

done things the way they wanted. They had farms and friends and families. They had businesses where they had worked hard. Many had traveled to faraway places and some had achieved some degree of wealth. I admired them in ways I did not expect.

Many of us live our lives getting ready to do something—to take that great vacation, to win that big case, to become partner in a prestigious law firm, to retire. What's the one excuse most people use for not getting done what they claim they want to get done?

I'll do it right after this next trial.  
I'm trying to get away next April  
during the kids' spring break.  
*I don't have time right now.*

The truth is, now is the only time we have, but lawyers seem especially bad

Reflections continued on page 61



**Sandra M. Rohrstaff** is owner of the Rohrstaff Law Firm PC in Alexandria. She is immediate past president of the Virginia Trial Lawyers Association, on whose board of governors she has served since 1996. She is a past president of the Foundation of the Alexandria Bar Association and the Northern Virginia chapter of the Virginia Women Attorneys Association. She also is a member of the American Association for Justice, which is devoted to protecting individual rights and preserving the civil jury system in the United States.

# PRO BONO ATTORNEYS

# Thank you!

**Blue Ridge Legal Services**, the non-profit legal aid society serving the Shenandoah and Roanoke Valleys, proudly and gratefully acknowledges the outstanding pro bono contributions of attorneys throughout our service area who have actively participated in our Pro Bono Referral Program and Pro Bono Hotline over the last two years.

In addition to the nationally recognized pro bono programs operated in conjunction with the Harrisonburg-Rockingham Bar and the Virginia Bar Association's Roanoke Pro Bono Hotline, other, smaller bar associations down the Valley have displayed similar professionalism in their commitment to the ideal of Equal Justice Under Law, making Shenandoah Valley and Roanoke Valley attorneys the clear leaders in pro bono participation across the Commonwealth of Virginia. Thank you!

**Dana J. Cornett,**  
*BRLS President*

**John E. Whitfield,**  
*BRLS Executive Director*

*This listing includes all attorneys who have handled one or more pro bono cases under BRLS' pro bono programs since January 2009.*

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*Twenty  
Years!*

*Thank you, Virginia.*

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