

Senior Lawyer NEWS

Volume 32, Issue 1, Summer 2024

Frank O. Brown Jr., Editor

ANNUAL MEETING EDITION

Remembering Virginia Lawyers



Ernest H. Dervishian 1916-1984

World War II Recipient of the Medal of Honor

A Remembrance by The Rev. Laura Dervishian Inscoe

My father was born in Richmond, Virginia on August 10, 1916, and he lived his entire life in Richmond. He was a graduate of Richmond Public Schools, serving as an ROTC cadet at John Marshall High School. When he went to the University of Richmond, it was located in the old Columbia building at Grace and

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The Honorable Irvin Douglas "Doug" Sugg, Sr.

A Remembrance by Bruce E. Robinson, Esquire

When the red Mustang pulled up to the Mecklenburg County district court building and the youthful looking dapper Judge Sugg stepped out, folks scrambled to get in position before he took the bench because once he was seated, he did not stop until the docket was concluded. Between dockets he usually relaxed in chambers grabbing a quick smoke before

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George James Kostel

A Remembrance by William T. Wilson, Esquire

George James Kostel, died on Wednesday, June 21, 2023 at his home. He was 95 years old. The first son of the late James George Kostel and Mary Julius Kostel, George was born in Clifton Forge, Virginia, on October 30, 1927. He was preceded in death by his parents

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William L. Schmidt

A Remembrance by Jon D. Huddleston, Esquire

This coming November, as in so many areas across the country, the shopping center in Clifton, Virginia that includes the Giant Grocery store, will adorn itself with lights and other holiday festoons befitting the season. Somehow for me, the lights at this location won't shine as

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David Bowen Kinney

A Remembrance by James W. Korman, Esquire

Integrity. Humanity. These are two words that best describe David Bowen Kinney. He believed in both, and he followed both in his personal and professional life. Dave was born in 1921 in Belfast, New York. He

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From the Chair of the Senior Lawyers Conference

By W. Carter Younger, Esquire

It has been an honor and privilege to serve as Chair of the Senior Lawyers Conference Governing Board since July 1, 2023. The Governing Board comprises 24 outstanding lawyers and judges representing a full range of practices and geographic areas in the Commonwealth. Both active and retired practitioners and judges are involved in the Board's activities. The Board is committed to serving the interests of senior lawyers and senior Virginians.

SLC Membership and Involvement.

All Virginia State Bar members in good standing automatically become members of the Senior Lawyers Conference when they reach 55 years of age. No additional fees or dues are required. Our Conference currently has 24,647 members, the largest membership of any VSB Conference or Section. We encourage active participation by interested members. Lawyers interested in membership on the Governing Board or participating in the activities of its committees may contact the Governing Board Chair or the Nominating Committee Chair. Thomas G. Bell (tbell@timberlakesmith.com) is the current Nominating Committee Chair.

In my experience, many lawyers are not even aware that they are members of the Conference. I was unaware of my Conference membership and its opportunities until I was recruited to join the Governing Board by John Oakey. To increase awareness, the Conference has developed a letter from the Chair to go to all new members of the Conference, welcoming them to membership and outlining the programs and services we have on offer.

"Civility and Professionalism" Film Project and MCLE Ethics Credit

On October 1, 2023, the Virginia State Bar released the film *Civility and Professionalism in a Successful Litigation Practice* on YouTube. This one-hour film may be accessed and used for educational purposes at no cost: <https://youtu.be/6os5bMt22Gs?si=OFiDfICjKSYS0Wc3>. The film is the result of a multi-year effort by the Senior Lawyers Conference, under the leadership of the Conference's Mentorship Committee. The

annual budgets of the Senior Lawyers Conference, the VSB's Litigation Section, and generous grants from the Virginia Law Foundation, provided the significant financial support necessary to fund the film project.

The film was initiated by the Mentorship Committee as a response to reports and complaints from judges and practicing lawyers about a decline in the way lawyers interact with the courts, with litigants and with each other. Incivility and unprofessionalism, both in and out of the courtroom, were becoming more frequent, interfering with the sound administration of justice, and reflecting badly on the legal profession. All new Virginia lawyers are required to take the Harry L. Carrico Professionalism Course within the first 24 months of admission to practice, but the message seems to have been missed or forgotten by some lawyers. The Mentorship Committee proposed creating a film as a reminder mentoring session by distinguished judges and trial lawyers on the practical benefits, as well as the ethical requirements, of civility and professional conduct. The goal was a film that would engage today's audience, have high production values, and provide respected practical guidance about civility, professionalism, and ethical conduct in the context of a successful litigation practice. Much of the advice would be equally applicable in other legal practice areas as well.

In preparing the film, the Conference obtained the services of an outstanding film producer, Kevin Kertscher of Big Ocean Studios, and an experienced moderator, TV legal commentator and former federal prosecutor Glenn Kirschner of Justice Matters. Distinguished judges and trial lawyers were interviewed on the interaction of civility, professionalism, and legal ethics in all aspects of litigation. We thank Chief Justice Bernard Goodwyn of the Supreme Court of Virginia, Chief Judge Douglas Flemming of the 20th Judicial Circuit, Judge Mary Jane Hall of the 4th Judicial Circuit, and Judge David Carson of the 23rd Judicial Circuit Court for their insights from their perspectives on the bench. We also sincerely appreciate the civility, ethics and professionalism perspectives provided by respected trial lawyers Jonathan Harmon, Chidi James, Eva Junker,

Professionalism and the Symbiotic Relationship Between Civility and Well-Being

By Leonard C. Heath, Jr., Esquire

It was the 1980s and I was a newly minted lawyer practicing in Norfolk with a prestigious firm. The partners in this firm were highly regarded, and rightfully so. I recall feeling that though I had completed three years of law school, I did not really know anything. I knew legal theories and concepts but I did not know how to employ them. So, I did what every young lawyer has done for centuries; I watched the senior partners in my firm. I distinctly remember one of those partners handling a procedurally complicated motion. Once the “other side” had presented their argument before a judge, I just knew that we were going to lose. But then my colleague presented his argument. He professionally and methodically weaved various legal concepts in a cohesive and persuasive fashion, engaging the judge and answering the judge’s questions. The partner did not avoid the questions, but instead answered them with confidence that only comes with preparation. I thought to myself, “wait this is procedural stuff, but he’s making it interesting.” He never raised his voice, was always calm and respectful, and was complimentary of the fine argument made by opposing counsel. In the end, “we” prevailed on this important motion... and I was hooked.

That was well over three decades ago, and I still have the image emblazoned in my memory. Why is this story important? Well, if you are reading this article, then you are standing in the shoes of the senior lawyer described above. And younger lawyers are watching and learning and, depending on their impression of you, may one day want to emulate you. While senior lawyers may be my target audience for this article today, my hope is that through this article younger attorneys will also benefit.



So, let’s turn to the topic: the relationship between civility and lawyer well-being. Former Chief Justice Warren Burger observed that law schools should teach “that good manners, disciplined behavior, and civility—by whatever name—are the lubricants that prevent lawsuits from turning into combat.”¹ He added that “lawyers who know how to

think but have not learned how to behave are [a] menace and a liability, not an asset, to the administration of justice.”² We know from our own observations that lawyers who exhibit civility garner a reputation for professionalism and integrity.³ They also earn the trust of judges, colleagues, and clients. So, maintaining civility is vital to us and our profession.

Since about 2017, we have also become aware of the importance of lawyer well-being. That year the National Task Force on Lawyer Well-Being published its landmark report. One of the co-authors of the report was our own former Chief Justice Donald W. Lemons. One of the great quotes from that report is, “To be a good lawyer, one has to be a healthy lawyer.” Simply stated, if we do not take care of ourselves, how can we take care of others? As part of the Virginia Lawyer Well-Being Initiative, we acknowledged there are distinct occupational risks associated with the practice of law. One of these is the adversarial nature of the work. Emotions created and sometimes expressed by the exposure to incessant conflict—anger, frustration, guilt, and fear—cause stress that can have physical ramifications. And we learned that through “emotional contagion” the emotions of one person can spread to another similar to a disease process.⁴

So how do these two distinct qualities... civility and lawyer wellness... go together? The answer is

DARS: Who We Are, What We Do and How We Help Virginia's Senior Citizens and Senior Lawyers

By Frank J. DeGaetani, Jr., Esquire

When I retired after 35 years in the private practice of law, I found that I missed my interactions in helping others, and, as I pursued a good fit for my skill set, I soon became the Legal Assistance Developer at the Virginia Department for Aging and Rehabilitative Services (DARS). Although I am a lifelong Virginian, I was not aware that DARS, and its myriad of resources for seniors, even existed; and based on my conversations with family, friends, and fellow Virginia lawyers, it appears to be a well-kept secret. It is my hope that this article will provide a concise reference source for our Senior Virginians and for their lawyers.

First a little background: In 1965 the federal government enacted the Older Americans Act (OAA) which established the Administration on Aging (AoA), State Units on Aging (SUAs) and Area Agencies on Aging (AAAs). The Administration for Community Living (ACL), through the AoA, administers most of the provisions of the OAA. A brief description of the OAA eligibility for services criteria is:

- Age 60 and over, except Title III-E (National Family Caregiver Support Program) and Title V (Community Service Senior Opportunities Act) which are Age 55 and over.
- Not an entitlement like Social Security, Medicare, or Medicaid.
- Services can be curtailed due to lack of funding.
- Self-declaration of income – not means tested so there is no verification of ability to pay, but programs target poverty.
- Income may be asked to determine fee-for-service/cost sharing.

<http://acl.gov/about-acl/authorizing-statutes/older-americans-act>

[EDITOR'S NOTE: To assist readers in accessing additional information regarding each subsection of this article, the Author has placed a blue link at the end of each subsection. While holding down the control key, place the cursor over the blue link and press the mouse button.]

Pursuant to that legislation, DARS and the AAAs are required to advocate for older Americans. The following are some of the agencies and programs that are available for Virginia's senior citizens under the DARS umbrella:

- **Area Agencies on Aging (AAAs)** – There are 25 of these local agencies spread throughout Virginia, each of which is required to have an advisory council. Funding comes from the OAA, the state General Fund, local governments, private grants, voluntary contributions, and fees (cost sharing). Each AAA prepares an Area Plan for Aging Services which becomes the basis for its contract with DARS. All of the AAAs are mandated to provide certain of the same services (e.g. Elder Abuse Prevention, Care Coordination, Home Delivered Nutrition, Congregate Nutrition, Information & Referral Assistance, Legal Assistance). Some AAAs provide additional services (e.g. Adult Day Care, Personal Care, Homemaker, Residential Repair & Renovation). <https://www.vda.virginia.gov/aaamap.htm>
- **Senior Community Service and Employment Program (SCSEP)** – A community service and work-based job training program authorized by the OAA which provides training for low-income, unemployed seniors. Participants also have access to employment assistance through American Job Centers. <https://www.dars.virginia.gov/olderadults.htm#gsc.tab=0>

Key Divorce Issues In The Golden Years

by Maryse C. Allen, Esquire

When a potential client approaching retirement age or who has been a homemaker married for forty years or more first meets with their lawyer for a divorce consultation, that consultation tends to be more fraught than usual. Leaving or being left by a partner of many years at a time in life when it is not easy to make up ground financially before retirement presents a legal challenge. Will there be enough for this person in their old age? Will counsel be able to negotiate a settlement or obtain rulings that will take care of them in the future? Does your potential client have the will to stand up to his/her spouse and the ability to fund litigation? Is the marital estate substantial enough to warrant the cost of litigation?

If a married couple has planned well, they will have a financial and estate plan in place well before they retire; however, it is not uncommon for couples, close to their golden years, to have no such plans. A divorce in those years can be financially devastating for those couples, but for even those who have wisely worked to put such plans in place, divorce can make the best of financial and estate plans go sideways. Retirement income sufficient for two people residing together may be insufficient to maintain two separate households at the standard of living established during the marriage. Many tend to enrich their standard of living as their income grows; therefore, even among the affluent, both parties may struggle to maintain their standard of living.¹ Consequently, the client will likely have to confront the idea of downsizing their lifestyle.

The Limitations of Spousal Support, the Importance of Pension Division, and the Relative Merits of Survivor Benefits vis -a-vis Life Insurance.

Spousal support has limitations that must be considered in planning for this client's future. The payor may predecease the payee or simply not pay as required and be judgment proof. But even when such hurdles to collection do not arise, at some point in the "grey divorce" the payor is likely to

retire and agreed upon, or court-ordered, support may terminate or decrease. The recent Virginia Court of Appeals case of *Baker v. Baker*, Rec. No. 1476-22-1, 2024 Va. App. LEXIS 126 (Mar. 12, 2024) provides an example of that limitation in play. The parties married in 1970 and separated forty-six years later. Their May 2018 property settlement agreement, provided in relevant part that the husband would pay the wife \$1,700 per month in modifiable spousal support. Husband remarried in 2019, and his disabled sister came to live with them. In February 2022, the husband, then aged seventy, cited difficulty in meeting the physical requirements of his job, retired and moved to reduce or terminate his spousal support obligation. His only source of income was his social security benefits of \$3,722 per month. His monthly expenses, including his spousal support obligation, totaled \$8,272. Wife's total monthly income was \$3,089 from her part-time job, social security and spousal support.

The trial court found that the husband's voluntary retirement was a material change in circumstances but that the husband had done "absolutely no planning for retirement and left his job with no way to provide for his living expenses, pay his creditors or satisfy his support obligation." *Id.* at 5. Denying the husband's motion to modify, the trial court imputed the husband's pre-retirement income to him. The Virginia Court of Appeals reversed and remanded the decision noting that "retirement planning is a shared marital responsibility...." *Id.* at 13.

Given the inherent uncertainties of continued spousal support payments, counsel must look for all possible ways to ensure a stream of income. If there is a pension, make sure that your client gets their share of the marital portion and also that any survivor benefit is secured so that in the event the pensioner predeceases the non-member spouse, the benefits continue to be paid to the maximum extent allowed by the pension. Life insurance may appear to perform the same function; however, a survivor benefit has advantages that a life insurance policy

Scammers are More Sophisticated Than Ever: Be Vigilant About the New AI Voice Scam

By Evan H. Farr, Esquire, CELA, CAP

Q. I heard about a new type of “emergency scam,” where scammers are using artificial intelligence to mimic voices and scam loved ones into sending money. How do these scams work, and what can I do to stop something like this from happening to me or my elderly parents?

Thanks for your help!

A. “Emergency scams” have been around for years, but artificial intelligence (AI) has made them more sophisticated and convincing. In the past, emergency phone scams that mimicked loved ones used to blame a poor connection or bad accident to explain why a “loved one’s voice” sounded different. Today, with AI technology, it is almost impossible for the human ear to be able to tell that the voice on the other end of the phone is not the person it purports to be. Let’s look at an example about a grandmother who was nearly the victim of a sophisticated AI emergency scam:

Mary’s 18-year-old granddaughter, Katie, visited her for her 82nd birthday. After the surprise visit, Mary sent Katie off with some of her favorite homemade sweets and wished her safe travels. As a film student who wanted to practice her craft, Katie posted a video tribute to her grandmother with some memories from their visit on social media.

Mary relaxed on her porch that evening, smiling as she watched the beautiful tribute. Later that evening, she answered a phone call from an unknown number and was horrified to hear what sounded exactly like the panicked voice of her granddaughter, who was begging to be saved from kidnappers who said they picked her up along the road.

In reality, Mary’s granddaughter was safe and sound. Scammers had used artificial intelligence to mimic Katie’s voice (captured from the social media video she posted) to try and extort money out of her grandmother in exchange for Katie’s safety.

The scammer demanded a hefty sum from Mary to let her granddaughter go.

Mary was so panicked that she nearly had a heart attack. She opened the door, put the phone on mute, and started screaming for help! A neighbor overheard the commotion and called 911. The dispatcher told her it sounded like Mary

was being targeted by a popular scam and asked if she had spoken to her granddaughter directly.

Mary was finally able to get through to her daughter, who confirmed that her granddaughter was okay and had arrived home a few hours ago!

A New Alarming Trend Emerge

The situation described above is an example of an alarming trend, where scammers are becoming more cunning and ruthless with the use of AI. One of the largest cybersecurity firms in the country, Check Point Technologies, says they’ve seen a substantial increase in AI-based scams and attacks from just the past year. Phone and cyber scams, in total, took approximately \$10 billion from Americans in 2022, according to the FBI Internet Crime Complaint Center. Emergency scams similar to the one described robbed \$2.6 billion from Americans in the past year, according to the Federal Trade Commission.



Great Law Firm Cybersecurity Without Breaking the Bank

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

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Has Your New Year's Resolution to Up Your Cybersecurity Game Turned to Dust?

Don't let that happen! There's plenty of time in 2024 to address your cybersecurity posture and meet your ethical duty to protect the confidentiality of client data. That means preventing unauthorized access. The number of law firm data breaches rose significantly in 2023, therefore requiring particular vigilance when addressing cybersecurity. It didn't help that the class action law firms began going after breached law firms last year. That has intensified the resolve of law firms to up their cybersecurity game.

However, enhancing cybersecurity is particularly challenging if you are not a large firm because funds available for cybersecurity are often limited. So where should you invest your hard-earned dollars? Our expertise is in providing budget friendly solutions for those firms who don't have the luxury of spending vast amounts of money on cybersecurity. We'll give you a few suggestions for the best cybersecurity bang for your buck.

Use MFA Everywhere!

Going once. Going twice. Going three times. The winner is MFA (Multi-factor authentication). MFA is by far the **top choice** among all our recommendations. According to Microsoft's analysis of real-world attack data, implementing MFA reduces risk of compromise by 99.2%. Considering that MFA is generally a no cost solution, implementing it is a no-brainer.

Put simply, MFA is another factor used to log on to an account or access a service. The default MFA for most systems is delivery of a code via SMS



text message. In other words, you log on (step one) and a code is sent via text to your phone. You then enter the code to the system (step two) to complete the logon process.

Of all the MFA delivery mechanisms, SMS text is the least secure. Even though it is not as secure as other delivery methods, it is FAR better than not having any MFA at all. So if text is your

only choice, use it. A more secure method is to use an authentication app (e.g. Google Authenticator, Microsoft Authenticator, Authy, Duo, etc.) that generates a code every 30 seconds. Instead of entering the code received in a text message, you enter the code that displays in the authentication app. If you have a choice between text messages and an authentication app, choose the app. An even more secure method is to use push notifications to the authentication app. Finally, the most secure MFA method is to use a physical token such as a YubiKey.

We know some of the language about MFA is foreign, especially to solo/small firm attorneys, but a little research online will quickly help you understand MFA and how to implement it. Guidance from whomever provides your cybersecurity support is recommended.

Recovering from the Nemesis That is Ransomware

In addition to death and taxes, one more thing you can count on is the continuation and escalation of ransomware attacks. According to the Verizon 2023 Data Breach Investigations Report, ransomware was involved in 24% of data breaches. The attacks may not specifically target your law firm but may be introduced via a supply chain

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The Opioid Tsunami

By The Honorable Joel C. Cunningham, Sr.

The University of Michigan has the largest football stadium in the country, holding more than 107,000 people. This is the number of people dying annually from illegal drugs, two thirds of those deaths attributable to fentanyl. Every 7 minutes a person dies from fentanyl overdose; that is the equivalent of a Jumbo jet crashing daily. Forty-eight million people in the United States are abusing substances but only 5% are treated for their substance use disorders (SUD).

On top of the harm to those who have severe SUDs, there are the skyrocketing societal costs for lack of productivity and the increasing burdens on the criminal justice system along with the increasing pressures on the healthcare delivery system. We must find a way to confront the plague of illicit drugs on our communities. But the challenge of abating addiction is made more difficult by the ease with which drugs flow into our communities. Drugs like methamphetamine and fentanyl are flooding our communities. It is easier to get drugs than it is to get treatment.

One of the saddest parts of this bleak story is that the individuals who are using these synthetic drugs have little to no understanding of the ways in which they are damaging their minds and their bodies. They are playing Russian roulette with their lives.

Because synthetics are produced in unregulated and unhygienic conditions there are no quality control departments assessing the quality and consistency of these drugs. The people who are using them do not know whether they are snorting, swallowing or shooting up carfentanil, a fentanyl related drug used as an animal tranquilizer, which is approximately 10,000 times more potent than morphine and 100 times more potent than fentanyl. The users of these

There Is a Tidal Wave of
Opioid and Other Drugs
Being Used in Our Nation.

It Is Engulfing
the Young, the Old,
the Rich and the Poor.

illicit drugs do not know whether they are taking drugs laced with other drugs or even with household cleaning products.

In 2012 when I was serving as Circuit Court Judge, I started noticing a significant increase of defendants appearing before me on drug related crimes. Most were young, in the early '20s and '30s. And typically, they had no violent crimes in their criminal history. And the numbers of those cases continued to increase from one court session to the next.

At trial, they would usually plead guilty and be sentenced in accord with the sentencing guidelines. Invariably, a condition of their suspended sentences was that they do not use illegal drugs. Even as I imposed these sentences, I knew that they would not stop using them. I knew from experience that it was just a matter of time before they were back before me on a probation violation alleging that they had used drugs. Our entire judicial system was on this merry-go-round because we did not have a clear appreciation of the severe impact of the long-term use of drugs on the human brain.

The good news is that now in the third decade of the 21st Century our judiciary is learning that we cannot jail and punish people out of their addictions. I am proud to say that the Virginia Judiciary is leading the way in criminal justice reform by ordering treatment for nonviolent defendants with SUDs rather than just putting them in jail.

When I returned to Halifax County after law school, I served as Assistant Commonwealth's Attorney. The illicit drugs of that day were moonshine and a few marijuana cases. The landscape of illicit drugs today is much more terrifying.

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Fentanyl Crisis in the Commonwealth of Virginia

In the Senior Lawyer News: Volume 31, Issue 1, Summer 2023, Senior Lawyer William T. Wilson described how, as a community service, on April 21, 2023, the Alleghany, Bath, Highland Bar Association sponsored a program titled “So You’re 18” for junior and senior high school students from Alleghany High School and Covington High School. The program was held in Hodnett Hall at Alleghany High School, and it informed the students of their rights and responsibilities upon their attaining 18 years of age. In addition, it also warned the students about the life-threatening aspects of opioid and fentanyl abuse.

“The Drug Crisis,” Wilson said, “has always been a serious issue but when you add the fentanyl problem, which can and does frequently result in instant death, we have a problem of huge proportions, especially for young people. Drug dealers are mixing fentanyl with other drugs because it gives their customers more ‘bang for the buck’ and makes them

more money. It only takes a tiny bit of fentanyl to cause death. We lawyers are in an especially good position to get the word out to young people and the VSB ‘So You’re 18’ vehicle is a good way to do it.”

Senior lawyers are in a position to encourage their local and specialty bar associations to include in their “So You’re 18” programs for junior and senior high school students warnings about the life-threatening aspects of opioid and fentanyl use.

Members of the Virginia General Assembly have heard from their constituents about their concerns regarding the fentanyl crisis, and on April 4, 2024, the Governor signed into law, effective July 1, 2024, Senate Bill 469 as part of increased bipartisan efforts to combat the fentanyl crisis in Virginia. Shown below are a photo of the bill signing ceremony and a copy of the enacted bill, Chapter 371, 2024 Acts of the Assembly.

Governor Glenn Youngkin Signs Bipartisan Legislation to Fight the Fentanyl Crisis



Governor Glenn Youngkin participates in a bill signing ceremony at the Barbara Johns Building, April 4, 2024. Official Photo by Austin Stevens, Office of Governor Glenn Youngkin.

RICHMOND, VA – Today, Governor Glenn Youngkin signed SB 469 to combat the Fentanyl crisis in Virginia. This bill strengthens the fight against the alarming and devastating crisis that has inflicted profound harm in the Commonwealth.

“By signing this legislation, we are more resolved, more emboldened, more unified and more focused than ever before to ensure no more Virginians die as a result of this fentanyl epidemic,” **said Governor Glenn Youngkin.** “We are sending a powerful message that Virginia will take critical action against the production and distribution of this horrible poison and we will not tolerate the devastation wrought by this deadly substance.”

“We lose an average of five Virginians every day to fentanyl overdoses. The rise of counterfeit drugs and synthetic opioids, like fentanyl, continue to fuel the drug epidemic gripping the nation right now, but Virginia is fighting back. By enhancing penalties and criminalizing the possession and use of machines to produce counterfeit drugs, we are supplying law enforcement personnel with the tools they need to hold drug dealers accountable for poisoning our communities,” **said Attorney General Jason Miyares.**

“There is nothing more important than keeping our families and communities safe,” **said First Lady Suzanne S. Youngkin.** “I applaud all persons working hard to fight the spread of this illicit drug taking the lives of far too many Virginians.”

Legislators issued the following statements on the bill signing:

“Tragically, virtually every person in the Commonwealth has a family or other close connection to someone who has died of a drug overdose, fentanyl in particular. The Virginia Department of Health reports that almost 79% of drug overdose deaths in our Commonwealth are due to fentanyl. This is unacceptable,” **said Senator Mark Obenshain.** “This new law provides three avenues to get at those who are manufacturing and altering these drugs for sale. It’s going to help protect our children and save their lives. I am grateful to my colleagues in the General Assembly, both Democrat and Republican who voted in favor of this bill and I thank the Governor for signing it into law today.”

“Fentanyl overdoses continue to claim an average of five lives a day in Virginia. Near-fatal overdoses from fake pills have even been reported in our schools,” **said House Republican Leader Todd Gilbert.** “This legislation will give law enforcement another tool to protect our children and families from this scourge.”

VIRGINIA ACTS OF ASSEMBLY – CHAPTER

An Act to amend and reenact §§ 18.2-248.02 and 54.1-3458 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-248.05, relating to controlled substances; manufacturing, selling, giving, distributing, etc.; adulterated or misbranded drugs; penalties.

[S 469]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-248.02 and 54.1-3458 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-248.05 as follows:

§ 18.2-248.02. Allowing a minor or incapacitated person to be present during manufacture or attempted manufacture of methamphetamine or fentanyl prohibited; penalties.

Any person 18 years of age or older who knowingly allows (i) a minor under the age of 15, (ii) a minor 15 years of age or older with whom he maintains a custodial relationship, including but not limited to as a parent, step-parent, grandparent, step-grandparent, or who stands in loco parentis with respect to such minor, or (iii) a mentally incapacitated or physically helpless person of any age, to be present in the same dwelling, apartment as defined by § 55.1-2000, unit of a hotel as defined in § 35.1-1, garage, shed, or vehicle during the

manufacture or attempted manufacture of methamphetamine as prohibited by subsection C1 of § 18.2-248 or any substance containing a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, is guilty of a felony punishable by imprisonment for not less than 10 nor more than 40 years. This penalty shall be in addition to and served consecutively with any other sentence.

§ 18.2-248.05. *Prohibited equipment related to manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance; penalties.*

A. *For the purposes of this section:*

“Encapsulating machine” means manual, semiautomatic, or fully automatic equipment that can be used to fill shells or capsules with powdered or granular solids or semisolid material to produce coherent solid contents.

“Tableting machine” means manual, semiautomatic, or fully automatic equipment that can be used to compact, compress, or mold powdered or granular solids or semisolid material to produce fused coherent solid tablets.

B. *Except for manufacturers permitted pursuant to the Drug Control Act (§ 54.1-3400 et seq.), it is unlawful for any person to possess, purchase, sell, give, distribute, or possess with intent to sell, give, or distribute an encapsulating machine or a tableting machine that manufactures, compounds, converts, produces, processes, prepares, or otherwise introduces into the human body a controlled substance. Any person who violates this section is guilty of a Class 6 felony. However, any person who violates this section knowing, intending, or having reasonable cause to believe that such action will result in the unlawful manufacture of a controlled substance or counterfeit controlled substance that contains (i) a controlled substance classified in Schedule I or Schedule II of the Drug Control Act or (ii) a controlled substance analog as defined in § 54.1-3456 is guilty of a Class 5 felony.*

§ 54.1-3458. *Violations.*

A. Any person who violates any of the provisions of § 54.1-3457 shall be guilty of a Class 2 ~~misdemeanor~~ 6 felony.

B. No person shall be subject to the penalties of this section for having violated subdivisions 1 and 3 of § 54.1-3457 if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in this Commonwealth from whom he received in good faith the article, to the effect that such article is not adulterated or misbranded within the meaning of this chapter.

C. No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section for the dissemination of such false advertisement, unless he has refused, on the request of the Board, to furnish the Board the name and post-office address of the manufacturer, packer, distributor, seller, or advertising agency, residing in this Commonwealth who caused him to disseminate such advertisement.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

Anatomy of an Imposter Scam



As we continue our deep dive into imposter scams, we're taking a look at a new twist on tech support scams. Ever deal with a tech support scam? A warning pops up on your computer. It says your computer has a virus and gives you a number to call for help. You often end up paying hundreds of dollars to a scammer who pretends to deal with the fake virus. Now scammers are upping the stakes — instead of hundreds of dollars, people are unknowingly handing over tens or even hundreds of thousands of dollars to tech support scammers. Here's how.

Tech scammers still use fake security pop-ups to get you to call a number. But instead of telling you there's a virus, they now say someone hacked your bank, investment, or retirement account and is using it for fraud. To "help," they transfer you to another scammer who pretends to be with a government agency (like the Federal Trade Commission or the FBI) or the fraud department at your bank. The scammer says the only way to protect your money is to transfer it to a new account. The problem is the scammer controls that new account and quickly cleans it out.

Other scammers take the same approach but tell you to "protect" your money by buying gift cards and sharing the numbers on the back, buying bitcoin and sharing the account information, or withdrawing cash or buying gold and dropping it off to someone in person.

Here's what to know:

- **Never call a number on a security pop-up warning.** Pop-ups that tell you to call tech support are always scams.
- **Never move or transfer your money to "protect it."** Only a scammer will tell you to do that.
- **Never give someone a verification code to log in to your account.** Scammers want it to get into your account.
- **Call your real bank, broker, or investment advisor if you're worried.** And use a number you know is real.

Learn more about tech support scams. And tell the FTC about tech support scams at [ReportFraud.ftc.gov](https://www.ftc.gov/ReportFraud).

YOUR RIGHTS TO FREE ANNUAL CREDIT REPORTS

Federal law requires each of the three nationwide consumer credit reporting companies - Equifax, Experian and TransUnion - to give you a free credit report every 12 months if you ask for it. They also make it easy to accomplish many credit-related tasks right from your computer.

For more information, please go to: www.annualcreditreport.com. Be careful when selecting the site, because there are sites which make themselves look like the authentic site.

Don't be fooled by look-alikes. On the authentic site, you can learn about: how to protect yourself against identity theft; security freezes; fraud alerts; how to obtain your free credit reports; and access to the websites for the Federal Trade Commission, and for the Consumer Financial Protection Bureau.

Some Thoughts on the Future of Lawyers in Virginia

by Barbara S. Anderson, Esquire

Articles about the future of our profession over the last decade discussed various important workplace issues like diversity and inclusion, competency in technology, availability of quality continuing education courses, managing clients and staff, and providing free and low-cost legal services. Until the recent wellness programs for lawyers (and judges), there has been little focus on the lawyers themselves, and why they choose to practice in Virginia.

Recent trends show that fewer young people are attending law school and choosing to sit for the Virginia Bar exam. Only 582 law school graduates took the July exam in 2023, down from 2,196 in 2013, and only 436 passed. At the same time, the number of lawyers serving more than 50 years and those who are admitted through reciprocity has increased significantly. Even though many lawyers practice long past the traditional retirement age, they cannot offset the declining number of young lawyers to keep Bar member population stable.

Virginia State Bar (“VSB”) leaders on Bar Council are looking at these issues and formed a new study committee to examine some of the reasons why lawyers are discouraged from joining the VSB. The Committee is expected to involve stakeholders throughout the profession and report findings and recommendations in June 2025. While we await those recommendations, the Senior Lawyers Conference (“SLC”) is moving forward with programs and expertise to help all practicing lawyers. It is time to start the conversation among the SLC members to ensure the ongoing ability of the VSB to serve the public with high standards of professionalism, ethics, and civility.

Among the ways *your* Conference is working to support and improve the profession:

- Frank O. Brown, Jr., Esq. developed materials and taught CLE programs for years entitled *Protecting Your and Your Clients’ Interests in the Event of Your Disability, Death or other Disaster*.

Nicknamed the “3Ds”, the programs have been presented for free through local Bar associations, the Solo and Small Practitioner Forums, and elsewhere throughout Virginia from Abingdon to Winchester to Virginia Beach. With sincere thanks to Frank for all his work, Carole H. Capsalis, Esq., on behalf of the SLC, is continuing this effort. It is critical that all attorneys (not only senior lawyers) understand the ethical requirements and importance of having a plan in place in the event of the lawyer’s disability, death, or other disaster. The materials include sample documents and practice tips.

- The SLC created the film *Civility and Professionalism in a Successful Litigation Practice* to provide mentoring by distinguished judges and lawyers on the expectations and benefits of civility, professionalism, and ethical practice. The two-hour film has been approved for a full two hours of MCLE Ethics credit and is available on the VSB’s website. In addition to improving the lawyer’s reputation, success for clients, the public’s perception of the legal profession, and the administration of justice, the SLC believes improved civility and professionalism can have an important role in supporting a lawyer’s emotional health and continued satisfaction with law practice.
- In addition to continuing the tradition of Frank Brown’s 3Ds presentations, the Board of Governors plans to form a committee to review the multifaceted needs of lawyers as they move, retire, or close their practices. This is often a difficult transition for lawyers who closely identify their sense of self with their profession and there are many ethical and practical requirements to be met. New lawyers are an important part of this effort and share the same ethical obligations as seasoned attorneys who may be ready for change. In many cases the new lawyers ARE

Ethics: Protecting Your and Your Clients' Interests in the Event of Your Disability, Death or Other Disaster

By Frank O. Brown, Jr., Esquire and Carole H. Capsalis, Esquire

Since the establishment of the Senior Lawyers Conference (SLC) in 2001, as one of the SLC's core programs, the SLC has worked to encourage and to help Virginia lawyers to plan to protect their and their clients' interests in the event of the lawyer's disability, death, or other disaster (and thereby to avoid receiverships). As part of that effort and as a service to the Bar, we have presented Ethics CLE programs throughout the Commonwealth to local bar associations on this topic. This program has been presented as a one hour, one and one-half hour, or two hour program, with full ethics credit. This program has been presented at least once in Abingdon, Alexandria, Arlington, Big Stone Gap, Boydton, Covington, Charlottesville, Danville, Fairfax, Farmville, Fredericksburg, Gloucester, Harrisonburg, Hanover County, Henrico, Irvington, Keysville, Leesburg, Luray, Manassas, Mclean, Melfa, Norfolk, Richmond, Roanoke, Salem, Smyth County, Stratford Hall, Virginia Beach, Warsaw, Williamsburg, Winchester, and several additional times in many of these locations. More about those CLE programs and about how to schedule them appears at the end of this article.

In November of 2003, the Virginia State Bar Receivership Task Force was established to study the costs and procedures involved when receivers are appointed to terminate the law practices of deceased or impaired attorneys, or of attorneys whose licenses to practice law have been suspended or revoked under circumstances that would preclude their further involvement in client matters, or with client funds in possession of the law practice. The Task Force focused on the issues of costs of receiverships, qualifications and responsibilities of receivers, insurance for receivers, and the relevant Virginia Code Sections. The Task Force examined the Virginia statutes dealing with receivers for law practices and drafted amended Code Sections 54.1-3900.01 and 54.1-3936, and 2.2-1839, all of which were passed by the General Assembly and signed by the Governor in 2005. The Task Force prepared a Handbook for Receivers to assist receivers for law practices throughout the Commonwealth

in performing their duties, and to lend uniformity to procedures statewide. When an attorney is appointed as a Receiver, then the Receiver will receive a copy of the Handbook from the VSB. In support of the VSB's and the Senior Lawyers Conferences's efforts to encourage lawyers to plan for their own disability or death (and thereby to reduce the need for the appointment of receivers), the Receivership Task Force, in conjunction with the Standing Committee on Legal Ethics, proposed a new Comment [5] to Rule 1.3 of the Rules of Professional Conduct, which was debated by VSB Council at its meeting on October 20-21, 2005, amended, and recommended to the Virginia Supreme Court. The Virginia Supreme Court modified the proposed new Comment [5] and adopted the amendment, effective February 28, 2006, as follows:

“[5] A lawyer should plan for client protection in the event of the lawyer's death, disability, impairment, or incapacity. The plan should be in writing and should designate a responsible attorney capable of making, and who has agreed to make, arrangements for the protection of client interests in the event of the lawyer's death, impairment, or incapacity.”

In support of members of the Bar in planning in compliance with the new Comment [5] and in furtherance of the SLC's goal of encouraging and assisting lawyers in doing such planning, local and specialty bar associations can arrange to have the Ethics CLE program presented to their members. The program may be presented as a one, one and one half, or two hour program, and the program qualifies for full MCLE Ethics credit. The program is presented at no charge, and is titled, “Ethics: Protecting Your And Your Clients' Interests In The Event Of Your Disability, Death, Or Other Disaster”; it provides practical advice and forms for the lawyer's use in doing the planning. To arrange for this program for your bar association, please call VSB Senior Lawyers Conference Board of Governors Member Carole H. Capsalis, at (703) 526-4713. Please call her after June 15, 2024.

Senior Lawyers Conference Recognizes 50 Year Award Honorees

At Virginia State Bar 2024 Annual Meeting in Virginia Beach

On Saturday, June 1, 2024, at 10:00 a.m. at the Hilton Oceanfront, 3001 Atlantic Avenue, the Senior Lawyers Conference hosts an invitation only brunch for lawyers being honored with their 50 Year Awards from the Virginia State Bar. Shown are the names of the recipients for 2024:

Fifty Year Award Recipients – 2024

Admitted July 1, 1973 - June 30, 1974

Charles Clarence Adams Jr.	Haney Hardy Bell	Lawrence M. Cardon
William Bland Allen III	Michael Kennedy Bell	Roy D. Carlton
Charles Robison Allen Jr.	Paul Aaron Belvin	Hon. Edward Knight Carpenter
Hon. James Frederick Almand	Lauren Belvin	William Scott Carson
John F. Ames	Edwin Allen Bischoff	Hon. Robert R. Carter
Hon. Richard V. Anderson	Joseph E. Blackburn Jr.	Timothy C. Carwile
Russell Dale Anderson	Steven M. Blatt	Larry D. Catlett
Stanley E. Anderson Jr.	Paul Sebastian Bliley Jr.	William R. Cawthorn
Hon. Howard P. Anderson Jr.	James Harrison Blondell	Bruce J. Chasan
William Albert Anderson II	Robert Colmant Bode	Jim Lai Chin
Hon. William C. Andrews III	Theodore John Borgna	James Nelson Christman
Sally James Andrews	George M. Boshier	Bruce Taylor Clark
Briggs W. Andrews	Robert E. Bradenham II	Hon. Virginia L. Cochran
Hon. R. Morgan Armstrong	Michael T. Bradley	Linda Meryl Cohen
Lee Robert Arzt	William E. Bradshaw	David Stephen Cohn
George Alfred Aspatore	John Judson Breiling	Harvey D. Coleman
Jose Eduardo Aunon	David J. Brewer	Jonathan Collom
David Rudolph Axelson	William Ashton Bridenstine Jr.	Stephen L. Comfort
Leslie Wilmer Bailey Jr.	Donald Lee Brooks	Joseph A. Condo
Hon. William G. Barkley	Ronald C. Brown	George Lee Consolvo
Allen Andrew Barna	Harvey Lee Bryant III	Hon. H. Vincent Conway Jr.
Collin P. Baron	James Thomas Buck	Peter Leo Conway III
Charles D. Barrell	C. L. Buechler	Fletcher A. Cooke
Learned Davis Barry	Hon. James Stephen Buis	James Edward Cornwell Jr.
Hon. Nancy Battaglia	Charles R. Burke	Curtis McFall Coward
Philip M. Battles III	Daniel Joseph Burke	Jerome A. Coyle III
William D. Bayliss	Mason Lawrence Burnette	Robert M. Craig III
Richard C. Beale	Jack W. Burtch Jr.	Page Deronde Cranford
Hon. David H. Beck	James Alfred Butts III	Donald B. Craven
Edward Adam Beck III	James Mark Caplan	Hon. Jesse C. Crumbley III
Hon. William Alan Becker	Lee Evan Caplin	Kenneth Walter Curtis
Thomas Paul Beckmann	Joseph Rocco Caprio	Thomas James Czelusta

Continued on page 16 >

Fifty Year Award Recipients – 2024

James Harvey Czerwonky
William E. Dakin Jr.
Darrold Allyn Dandy
William Etzler Daner Jr.
Philip Norton Davey
William S. Davidson
John Jenkyn Davies III
Charles William Davis
James Bruce Davis
David Thomas Deal
Frederick Hunt Degnan
Sheila K. Delaney
William L. Dempsey
William R. Derry Jr.
Raymond Julio Diaz
Cyrus Abda Dolph IV
Thomas E. Doughty
Bruce Emmitt Dozier
John Webb Drescher
William Drinkwater
John Patrick Driscoll
James Wesley Dudley
Bruce C. Dungan
Philip F. Eckert Jr.
Gregory Carl Edwards
William Davis Elliot
Hon. Archie Elliott Jr.
Augustus Charles Epps Jr.
M. Richard Epps
Robert Howard Epstein
Jay Neal Eskovitz
Michael Francis Esposito
A. Kevin Fahey
Hon. Kenneth Wayne Farrar
Mark E. Feldmann
Dennis Tay Fenwick
Carl Phillips Ferguson
John William Feuchtenberger
Jerry Richard Fisher
Morris E. Flater
David Patrick Fleming
Gilmer Franklin Flippin
Paul Gabor Foldes
Paul Joseph Forch
Richard Bradley Ford
Gregory Dale Foreman
J. Darrell Foster
Lawrence Henry Framme III
Frederick R. Franke Jr.
Kenneth M. Frankel
John Franklin III
Thomas Richard Frantz
David J. Frantz
Douglas Fredericks
Robert L. Freed
Hon. Isaac St Clair Freeman
Susan Lynn French
Alan Maurice Frieden
Hon. James Michael Gamble
Claire Guthrie Gastanaga
Richard Ordway Gates
C. John Gekas
James Edward Ghee
Hon. Eugene Robert Giammittorio
Larry Robert Gilbertson
John Paul Holt Giles
Richard S. Gill
Gardner F. Gillespie
Alan Dale Gillis
Gail C. Ginsberg
K. Wayne Glass
Hon. Paul F. Gluchowski
Anthony E. Goldin
Dennis Welty Good Jr.
Robert Brandt Goodall
Virgil H. Goode Jr.
James Michael Goodman
H. Glenn Goodpasture
Richard Scott Gordon
John Robert Graff
Gerald Lee Gray
David D. Green
John E. Greenbacker Jr.
William Greenberg
Douglas Anderson Greenlee
John L. Gregory III
Paul Akers Gregory Jr.
Charles Linwood Gregory
William C. Gribble
Bruce Allan Gross
George E. Grosser
John Pendleton Grove
Philip Edwin Groves
Harry James Gwinnell
William H. Haboush
William Michael Hackworth
Robert B. Halkowich
Stephen David Halliday
Hon. William Delano Hamblen
John E. Hamilton Jr.
James M. Hanley
Vincent Dever Hardy
Richard Oliver Harrell III
William H. Harris
Bayard Easter Harris
Stephen Reber Hart
Eric Alan Hauser
Hon. James Carney Hawks
David Sanford Hay
Stuart N. Hecker
Bruce Allen Heitz
Michael Lee Hendershot
Don Berwell Henderson
Stanley Dale Henderson
Hon. Jerry Hendrick Jr.
Clyde Moffett Henkel
Anita K. Henry
Walter Lee Hickok III
James Franklin Hicks Jr.
Frederick James Hinton
Harry O. Hinz
Frederick A. Hodnett Jr.
Fredric Alan Hoffman
Leslie Ada Hoffmann
Gay McGuire Holmes
John Dillard Hooker Jr.
Hon. David Brock Hornby
Philip Martin Horowitz
Guy W. Horsley Jr.
Carl Phillip Horton
Hon. Edward Lewis Hubbard
Benjamin A. Hubbard III
Curtis Gilbert Hudson Jr.
Hon. Henry Edward Hudson
Gary Edward Hughes
Willis Franklin Hutchens
Mary Ross Schmiedel Hutton
Paul Scott Hutton
Michael Allen Inman
Stephen Allen Isaacs
Greer Palmer Jackson Jr.

Fifty Year Award Recipients – 2024

Hon. Raymond Alvin Jackson	David Waller Kudravetz	Michael Charles Mayo
Hon. Jerome James	Hon. Bruce Howard Kushner	William Rogers McCall
Robert S. Janney	James Phillip Lacasse	Hon. Robert Anthony McCann
Robert William Jaspén	Charles Jacob Ladenheim	Michael J. McCarthy
Jerry Kenneth Jebo	Michael John Ladino	William G. McClure III
John Calvin Jeffries Jr.	Herbert W. Laine	Daniel Michael McCormack
Donald Raymond Johnson	Hon. James Vernon Lane	John Carroll McDougal
Richard Martin Johnson	Richard G. Larsen	Randall Hugh McFarlane
Hugh Nolan Johnston Jr.	Claude Marshall Lauck	Michael McGettigan
Hon. Craig D. Johnston	Glen Michael Lennon	Donald A. McGlothlin Jr.
Bruce O. Jolly Jr.	Hon. Louis Robert Lerner	Peter McIntosh
Hon. George Anthony Jones Jr.	Jonathan Laurence Levin	Douglas E. McKinley
James A. Jones III	David Morris Levy	George Alfred McLean Jr.
Hon. Thomas Rawles Jones Jr.	J. Dean Lewis	Roger Thomas McNamara
Edward Wilson Jones	Hon. Richard Larry Lewis	Robert W. Meadows
Dennis Eugene Jones	Elizabeth Land Lewis	Kenneth Everett Melson
Robert Paul Kaase	James Meriwether Lewis	Peter Donald Menk
Michael J. Karlson	Elliott D. Light	David Storey Mercer
Richard Crosswell Kast	Thomson Lipscomb	Hon. Cabell C. Mercer
Alan Katz	Francis McCoy Little	Hon. Courtney Eason Mercer
William R. Kay Jr.	Don William Llewellyn	Joel Jay Metter
Hon. Barbara Milano Keenan	Robert H. J. Loftus	Steven Latham Micas
Karl Gregory Keever	Hon. William H. Logan Jr.	Allan Michael Migdall
John A. C. Keith	Gary William Lonergan	John J. Miles
John Joseph Kelleher Jr.	Hon. Raymond Bruce Long	Brian Knox Miller
Hon. Mary Frances Kelley	George Thomas Long	Esson McKenzie Miller Jr.
George Maralan Kelley III	Robert Elliott Long	Hon. Tommy Eugene Miller
James Joseph Kelley II	Hon. Royce Glennwood Lookabill	Charles David Miller
William Ebbin Kelly III	Matthew Alan Low	William Frederick Miller
Monroe Kelly III	George Minter Lowrey	Hon. LeRoy Francis Millette Jr.
Paul B. Kerr III	Joseph Severino Luchini	James Ronald Millner
James Joseph Kerr	Karyl Smith Luck	John Howard Milne
Neil Stanton Kessler	Hon. Victor Von Ludwig	John Nicholas Miri
Hon. Marion Frederick King	Gerald Gregory Lutkenhaus	Alvin B. Mirmelstein Jr.
Malcolm Frazier King Jr.	Jonathan Belknap Macdonald	Edward George Modell
Larry David King	John David Maddox	Kenneth B. E. Montero
Robert Oliver King	Ralph Eugene Main Jr.	John Charles Moore
Peter James Klarfeld	Gary Louis Manuse	John Norman Moore
John L. Knight	Steven H. Markowitz	Hon. William Smithy Moore Jr.
Alton L. Knighton Jr.	Cecil William Marr	David Michael Moore
Robert James Koch	John Conrad Martin	John Charles Morrison
James C. Kohn	Lawrence Arthur Martin	Hon. Norman DeVere Morrison
William John Kopcsak	Dolores Helene Mason	Frederic Lysle Moschel
Raymond Alan Kowalski	Michael Alan Mass	David Hunter Moyes
Charlotte Marie Kraebel	Carol Williams Matthews	William Gordon Murray
Theodore G. Kronmiller	John Raymond Maus	Donald John Musch

Fifty Year Award Recipients – 2024

William W. Muse
Randell Hunt Norton
Michael Douglas Nossaman
William Henry Oast III
Hon. William Ryland O'Brien
Brian Michael O'Connor
William Ernest Offutt III
Robert Edward O'Neill
James T. O'Reilly
James William Osborne
James Lawrence Oyster
Michael Ray Packer
Fred Wharton Palmore III
Robert F. Pannell
Stuart Michael Pape
Richard Wilson Parker
Graham Martin Parks
E. Michael Paturis
Hon. Horace Dudley Payne Jr.
Fred Fuller Peet
Joseph A. Pennington
David A. Penrod
William L. Perkins III
Edgar J. T. Perrow
Daniel Joseph Perry
Hon. William Glenn Petty
Stephen Howard Pitler
Grayson M. Poats
Elon Abram Pollack
John Daniel Pond II
Rodney M. Poole
Anita Owings Poston
Hon. Charles Evans Poston
Hon. Samuel Taylor Powell III
Henry Peter Pramov Jr.
Brian Robert Price
Hon. David Freeman Pugh
William R. Pumphrey
Cary Atwood Ralston
Linda Jane Ravdin
Hugh Douglas Reams Jr.
Bruce William Reynolds
Robert Keith Richardson
George Michael Richwine
Robert Bruce Rider
Robert William Riordan
Charles Spittal Robb
Michael Francis Robilotto
Stephen Philip Robin
James Thomas Roche
Allan Dewald Roeser
William L. S. Rowe
George Wells Rowe
Paul Michael Ruden
David Alan Rudlin
Joseph Faust Ruggiero
Robert E. Ruloff
Eric William Ruschky
Marilyn Louise Preble Rust
Louis Farthing Ryan
Stuart Ragland Sadler
Bryan Leslie Saunders
Alexander Irvine Saunders
Robert A. Saville
Boyd Scarborough
William Lee Schwenn
Robert C. Scott
Rolf John Seibert
Byron Ross Shankman
Paul Elliot Shapiro
Jonathan Shapiro
Jane E. Sharp
David M. Shaw
Robert L. Sherrard
Barry Louis Shillito
Ronald Jack Shore
Charles William Sickels
Lawrence Ross Siegel
Hon. Charles F. Sievers
Kenneth H. Silverberg
William Anthony Simon
Richard Stewart Simpson
Donald Ray Skinker
Howard Gary Slavit
Larry Benjamin Slipow
Richard Michael Smith
Charles Henry Smith III
Hon. James Harrell Smith
William Overton Payne Snead III
John Robert Snoddy III
Franklin Arthur Snyder
Michael Sofocleous
Christopher K. Speed
Troy R. Spencer
Mary Yancey Spencer
Richard Emerson Spies
Marvin Jay Spivak
Malcolm Hart Squires Jr.
Philip O. Stafford
Jamie A. Stalnaker
Richard Charles Stearns
Eugene H. Steele
Daniel Richard Stegall
Edward Saul Stein
Hon. John Randolph Stevens
Hon. Linwood Neil Steverson
Hon. Charles Marshall Stone
James Stephen Street
Arthur Patrick Strickland
Hon. Diane McQuade Strickland
Michael O. Sturm
Randolph A. Sutliff
David Gordon Sutton
Hon. Harry T. Taliaferro III
Hon. Lawrence Daniel Tarr
John Michael Taylor
Patrick M. P. Taylor
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Joseph Michael Thesz Jr.
Frank A. Thomas III
Larry Wayne Thomas
David R. Thompson
Earl Quigley Thumma Jr.
Gerald Miles Tierney Jr.
Hon. John Hampton Tisdale
Gerald Paul Tolin
James Edward Treakle Jr.
James Winston Tredway III
William M. Trencher
Hon. Anthony John Trenga
Benjamin James Trichilo
Charles E. Troland Jr.
Robert Powel Trout
Robert Shaw Tupper
Woodrow Wilson Turner Jr.
Patrick Ryan Tyson
Ronald Harvey Uscher
William J. Vakos Jr.
Robert Arthur Vanderhye
Hon. George Douglas Varoutsos
Patricia Magee Vaughan

Fifty Year Award Recipients – 2024

Ann VonPham	Jeffrey Harris Weitzman	Lester Arnould Wilson III
Robert James Wade	Peter F. Welch	Hon. Sherman David Winters
Ferris Bleight Waffle Jr.	Kenneth J. Wernick	Edward Jay Wise
Kennon C. Walden Jr.	Roger G. West	John Stephen Wisiackas
David Ian Walsh	Gerald M. West	Elizabeth H. Woodard
Daniel Reid Warman	Donald L. Wetherington	Henry Lavinder Woodward
James Root Warner Jr.	Hon. David Shaw Whitacre	Hon. Timothy Stephen Wright
Hon. Charles Hillsman Warren	Jaxon Andrew White Jr.	Hon. James Stephen Yoffy
Benjamin P. A. Warthen	Richard M. Whiting	James Dudley Young
Christopher M. Was	Hon. F. Case Whittemore	John Hardin Young
George William Watkins	J. Kemper Will	Lawrence Vesalius Young
Leslie Ray Watson	Jerry Lee Williams Jr.	Ronald Clay Zabel
Martha Jones Watson	Hon. William Paul Williams	Michael Andrew Zamperini
James Robert Watson	Hon. Ian R. D. Williams	
Harvey Joel Weintraub	John Edward Williams	

Senior Lawyers Receive Prestigious Law Awards in 2024

The Senior Lawyers Conference congratulates the following senior lawyers who have received prestigious law awards in 2024.

**TRADITION OF
EXCELLENCE AWARD
BY THE VSB GENERAL
PRACTICE SECTION**

Irving M. Blank

**HARRY L. CARRICO
PROFESSIONALISM AWARD
BY THE VIRGINIA STATE BAR
CRIMINAL LAW SECTION**

Howard E. Gwynn

**TRAVER AWARD BY THE VSB
REAL PROPERTY SECTION
AND VIRGINIA CLE**

James L. Windsor

**BETTY ANN THOMPSON
LIFETIME ACHIEVEMENT
AWARD BY THE FAMILY
LAW SECTION**

James Ray Cottrell

**FAMILY LAW SERVICE AWARD
BY THE FAMILY LAW SECTION**

Charles E. Powers

**WILLIAM R. RAKES
LEADERSHIP IN EDUCATION
AWARD BY THE VSB SECTION
ON THE EDUCATION OF
LAWYERS IN VIRGINIA**

B. Keith Faulkner

**VIRGINIA STATE BAR
EDWARD L. CHAMBERS, JR.
LIFETIME BAR SERVICE
AWARD CO-RECIPIENT**

Eugene M. Elliott, Jr.

**VIRGINIA STATE BAR
EDWARD L. CHAMBERS, JR.
LIFETIME BAR SERVICE
AWARD CO-RECIPIENT**

Lisa A. Wilson

**INDUCTED AS FELLOWS
BY THE VIRGINIA LAW
FOUNDATION:**

Peter William Buchbauer

Carole H. Capsalis

N. Thomas Connally Iii

Leah A. Darron

John Dickens Eure

Daniel P. Frankl

Philip L. Hatchett

Peter M. Mellette

Wendy C. Perdue

Victor S. Skaff Iii

Stuart D. Spirn

John D. Whittington

W. Clark Williams, Jr.

Thomas W. Winn Iii

W. Carter Younger

Lombardy. Dad received his law degree from U of R in 1938, and practiced law with his brother until he joined the Army in 1941. In letters he wrote home, he made it clear that he did not consider himself a hero but simply an ordinary infantryman. It turned out that he was an ordinary soldier who, when the moment required it, showed extraordinary valor for which he was awarded our nation's highest military award, the Medal of Honor.

After receiving the Medal in Italy in January of 1945, my father returned to Richmond.. His train pulled into Richmond's Broad Street Station (now, the Science Museum of Virginia) and he was startled by a big commotion. A crowd of people had gathered on bleachers set up near the tracks and a band struck up. People were clapping and cheering. When Dad told my sisters and me about that day, he said, "I looked all around me and thought, 'Oh, my gosh, the governor or someone important is on this train!'" Then, he saw his mother and siblings and above them, a banner emblazoned with: "Welcome Home, 1st Lieutenant Ernest Dervishian!" He never imagined that *he was the important person. It was the beginning of a hero's welcome in Richmond, Virginia. The governor was there, not to be honored, but to honor Ernest, their hometown hero.*

Here is an account written by others summarizing the action for which my father received the Medal: "Ernest Dervishian enlisted in the United States Army on September 12, 1941, and was assigned to the

135th Infantry Regiment, part of the 34th Infantry "Red Bull" Division. Technical Sergeant Dervishian's exploit took place in Italy on May 23, 1944, as part of the Anzio offensive. It was near the Cisterna railroad embankment held by the Germans where his platoon had advanced far ahead of the balance of the company. Sergeant Dervishian and four other men captured 25 Germans by the railroad embankment. After sending the German prisoners to the rear where the rest of the platoon was, Dervishian went ahead to capture six Germans. Moving through a vineyard, they encountered machine gun fire. Dervishian ordered his men to make their way to the rear while he worked his way forward in the vineyard. With the machine gun firing directly at him, he played dead for ten minutes, even willing himself not to tremble. When the gun was moved to another direction, he used a grenade and his carbine to take the four-man machine gun crew prisoner, sent them to his platoon, and started after a second machine gun nest and a dugout. Simultaneously firing with both hands in different directions, he forced five Germans in each position to surrender. Advancing alone, he captured a third machine gun nest and took six more prisoners. In all, Dervishian captured 39 prisoners and knocked out three machine gun nests.

"Dervishian received the Medal of Honor from General Mark Clark in a ceremony in Northern Italy on January 12, 1945. He returned

to Richmond late in January to a hero's welcome. The city honored him with a Dervishian Day celebration on February 1st that included early closing of city government, schools, and many businesses, a ceremony attended by the governor and other leaders, and a parade that drew a reported 30,000 spectators. In addition to the Medal of Honor, he received the Bronze Star, the Polish Silver Cross, and Italy's Military Valor Cross. Formally discharged in November 1945, he rejoined his legal practice with his brother. Dervishian often spoke to civic groups about his experiences during the war. Dervishian served as an assistant commonwealth's attorney in Richmond from 1947 to 1959, when he left public service and returned to private practice." He served in the army reserves, acting as a staff advocate general, before retiring as a colonel in 1968. He was one of thirty-five Virginians honored by the governor in 1972 for outstanding national achievement in their fields."¹

At the homecoming celebration, my father spoke about his actions in his characteristically humble way: "God's hand had been on my shoulder — I was lucky," he said. "My thoughts and your thoughts go out to those who have been killed, those who have been wounded, those who are missing, those who are prisoners of war. They are all due equal credit, if credit is to be bestowed for doing one's duty. Countless others performed acts equal to mine. They were not so lucky."

And that's how he always was. He wouldn't brag—oh, maybe he bragged a little if he outsmarted another lawyer or crushed a game of backgammon, but he was never prideful about his action during the war.

My father was honored by the City of Richmond and the Commonwealth, as well as by the University of Richmond and various other organizations. When General Eisenhower and Admiral Nimitz visited Richmond in the 1940s, Dad was given the honor of escorting General Eisenhower. Despite his renown, Dad cautioned us not to brag about him. He said that other people had done things that were just as heroic, but perhaps there was no one around to see their bravery. He was careful not to bring his war service up in conversation, and he never did anything to capitalize on the Medal of Honor or on his gallantry.

Here's an indication of his humility: Dad wrote a letter to his brother a couple of days after he saw that action in Italy. First, he asked about how things were going for his brother, and about his work as senior air raid warden. This was two days after the most dramatic day of his life! He asked about the family, then he commented about events in Richmond, and, halfway down the *third* page he started describing his platoon's actions on that day.

"My platoon formed the assault-force of the company, which formed the spearhead of the

battalion attack. We came through with flying colors. Supported by medium and light tanks, we cut an enemy regiment to pieces." In parentheses, he wrote: "As you may have guessed, I am proud of the part we played." Notice something? He was proud of his



platoon, and the part *they* played.

It was not until page *six* of a *ten*-page letter, that he referred to his own actions. He described what he did, and then gleefully listed all the weapons they confiscated from the Germans. He added, "We captured an 88mm anti-tank gun, but couldn't carry the monster along. Heh, heh." I can hear that chuckle.

At the end of his account, he wrote: "Frankly, our tanks scared them in the first place and deserve a major share of credit. However, I did my part, too." That kind of sums up the attitude Dad had about himself: Simply: "I did my part, too."

In 1950, he married our mother Anne and they had my two sisters and me. He was a loving, giving

father who gave us values we have tried to carry forward. He taught us to be responsible and to do what we say we're going to do, even when it turns out to be inconvenient or difficult. He taught us to have fun and to enjoy life while we have it, to be generous and compassionate, and to respect ourselves and others, taking care not to think too highly of ourselves. He used to say that in law as in many things, it's best to presume that the *other* person is smarter than *you* are and to be well prepared. Above all, he taught us to be honest and to always try to do the right thing. Sometimes the right thing isn't obvious or easy to do, and that's when it helps to have had a role model.

My father was passionate about our country and its freedoms. His parents were Armenian immigrants who left their homeland to escape oppression under the Ottoman regime in Turkey. Beginning at the turn of the century and culminating in 1915, the Armenians were the victims of systemic annihilation by the Turkish government. My father's face became serious as he told us how his mother reminded him: "Ernest, you should get down on your knees every day and kiss the ground, because America is a *free* land."

It is because of our freedom that I am able to write these words, and you are able to read them. My father said he worried that too few people realize how precious freedom is. Our parents

impressed upon us the importance of democracy, and that it was our privilege and duty to vote in every election—no exceptions.

When I graduated from U of R Law in 1980, my father invited me into partnership with him. He joked about calling our firm Dervishian & Daughter, so I suggested Dervishian & Father; we settled on Dervishian & Associate. He was a lawyer who was both professional and down-to-earth. He was a kind and patient advisor, as well as a zealous advocate, and if a client could not pay, he found a way to serve without causing anyone to feel indebted. He was active in various professional and community organizations, including the Rotary Club, the American Legion, in which he held a national post, and service groups within the Armenian community. He was the author of the chapter on criminal practice and procedure in the book Virginia Practice and was an instructor on

the rules of evidence for 15 years at the Richmond Police Academy. My father and I enjoyed being in the Senior Lawyers’ Section of the Virginia State Bar. Dad was a member of Centenary United Methodist Church, and his values reflected his quiet Christian faith. I had the privilege and blessing of practicing law with my father for four years.

My father died following a stroke on May 20, 1984. After his death, the 80th Division Army Reserve Headquarters was renamed the Col. Ernest H. Dervishian Army Reserve Center. In 2023, a street in Fort Gregg-Adams (formerly Fort Lee) was renamed Dervishian Road. Recently, a mural sponsored by the non-profit Monumental Honor in partnership with the Richmond Mural Project has been painted by Richmond artist Hamilton Glass on the side of a building at 1903 W. Main Street. The mural bears my father’s image, along with others, and

honors Richmond Medal of Honor recipients. Monumental Honor holds an annual “Laps to Honor” walk/run in March at Byrd Park in Richmond to draw attention to the values exemplified by those awarded the Medal, and it plans to erect a monument to remember Richmond’s Medal of Honor recipients. Monumental Honor has announced that on Veterans’ Day, 2024, a student at the University of Richmond will receive the inaugural scholarship in memory of Ernest Dervishian as part of a new Dervishian Day. Our family is very grateful to those who remember my father, his service, and the service of so many in our nation’s military.

Endnote:

- 1. G. W. Poindexter and John G. Deal, “Ernest Herbert Dervishian (1916–1984),” Dictionary of Virginia Biography, Library of Virginia (1998–), pub. 2016. (www.lva.virginia.gov/public/dvb/bio.asp?b=Dervishian_Ernest_Herbert)



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the next docket. I wondered how he maintained his youthful looks.

As the part time Assistant Commonwealth Attorney for Mecklenburg County from 1989 to 1997, I represented the Commonwealth during part of Judge Sugg's tenure. And as a defense attorney I appeared before him in neighboring Halifax County General District Court. He was quite thorough in evaluating evidence and closely scrutinizing proposed negotiated plea agreements and the facts of each case for fairness and the best interest of the community. I recall one occasion having a plea agreement rejected based on concern for the community. It was concerning the sale of moonshine, with the felony charge being reduced to a misdemeanor with substantial punishment. He rejected the plea bargain citing moonshine to be poisonous.

Judge Sugg overcame racial and age discrimination to serve two full six-year terms as General District Court Judge for the 10th Judicial District, sitting in the southernmost counties of Halifax and Mecklenburg in the expansive eight county judicial district. On the bench he was gentle, mild mannered, attentive, and patient, allowing parties to present their cases without interruption as he assessed the evidence and rendered his verdict. There was an exception. When it was brought to his attention that an individual was uncooperative, unmannerly, unruly, or disrespectful to law enforcement officers, he would launch into a lecture on how difficult their jobs were and the need for civility when interfacing with public servants. Judge Sugg's reprimand often

resulted in a public apology from the individual. Some claimed he was too tough and biased toward law enforcement. But he was the right choice, with his 12 years on the bench attesting to his fairness and compassion for everyone. At age 69, and after practicing law for 32 years, he was a late arrival to the bench and close to mandatory retirement age. He successfully challenged the unequal enforcement of mandatory retirement and the age limitation, which eventually resulted in a new mandatory retirement policy benefitting all future judges.

The World War II veteran with his impressive academic credentials and practical knowledge from his life's experiences brought much to the bench, sometimes sharing his homespun wisdom. His undergraduate studies at Virginia Union University were interrupted by World War II when he was drafted into the United States Army in 1940 and served 4 years and rose to senior noncommissioned officer rank, before returning to his native South Boston, Virginia to work in the family grocery business, raise his family, and conduct various businesses, including real estate investment and professional photography. He earned a Bachelor of Science Degree in History from Virginia Union University and Bachelor of Laws from the former North Carolina College School of Law, now North Carolina Central University Law School, Durham, North Carolina.

He made history in 1985 when he was appointed by Governor Charles Robb as General District Court Judge for Virginia's 10th Judicial District, becoming the first black judge in the district. Prior to that

appointment he had served as the Substitute City Court Judge for South Boston since 1975 and Substitute Judge for the General District Court since 1978. His legal career started in 1953 when he opened his law practice in South Boston where he practiced for 32 years and was the first black lawyer to practice continuously in Halifax County, Virginia. His courage and example attracted young lawyers to rural communities, and he was an available mentor. Of note is the Halifax former legal aid lawyer and former public defenders who matured under the influence of Judge Sugg and ascended to the bench, two at the district court level and three at the circuit court level.

Judge Sugg was an avid reader with a photographic memory, a skilled equestrian, and community leader, having served on the planning commission and school board. This humble man dispensed much wisdom and justice and cherished his family, church, and community. He is the patriarch of three generations of lawyers and judges. Three of his five children, Irvin Jr., Judy and Bryant and several grandchildren, including David Whitted, his oldest grandson, followed his path in pursuing careers in law and consideration for judgeships. His son, Bryant Sugg, is a Circuit Court Judge for the City of Newport News and his grandson David Whitted is a Circuit Court Judge for the City of Chesapeake. After his retirement in 1998 Doug and his bride Bernice relocated to Hampton Roads enjoying their retirement years close to family. He died in his home in Hampton on July 9, 2010, at age 93 years, in the loving company of his family. 🍀

and by his beloved brothers, Pete Kostel and Harry Kostel.

George was survived by his wife of 60 years, Helen Elite Kostel; and by his daughter, Mary Kostel, son-in-law Gregory DiMeglio, grandsons Alexander and Philip DiMeglio; daughter Elizabeth Kostel, granddaughter Natalie Barnette; son David Kostel, daughter-in-law Sandra Santos Kostel, grandchildren Marcus, Mila, and Lucas Kostel. He was also survived by sisters-in-law Margaret Kostel and Laura Kostel, by a brother-in-law Anthony Elite and by cousins, nephews and nieces living in the United States and Athens, Greece.

When I came to Covington in 1963, one of the first lawyers I was pleased to meet was George J. Kostel. He looked like a movie star and was a darn good lawyer. Up until his retirement from the practice of law, we practiced in the same community, rarely on opposite sides of a case. He was in the Virginia House of Delegates for ten years (1963 - 1973), during which time, he was a steady, thoughtful, and effective member of that body. He was one of those rare people who never lost his cool. In all of his trials which I observed, I never saw George lose his temper, and his demeanor was gentlemanly, civil and professional. He was always well prepared and usually won his case.

Although he has never gotten all the credit which he deserves, in 1966, George teamed up with my former partner, Senator Hale Collins, along with others, and created our Virginia Community College System. Today, in

Alleghany County, we have Mountain Gateway Community College (formerly Dabney S. Lancaster Community College), which would not be here if it were not for George. If I have anything to do with it, we will name a building for him at the Community College or do something else as worthy recognition of George's efforts. Dr. John J. Rainone, current President of Mountain Gateway Community College, said of George: "George Kostel was a community leader and a friend to Mountain Gateway Community College. As one of the founders of the Virginia Community Colleges he saw the need for education and workforce development for the state's citizens and local businesses. I was honored to know him even for a little while, but his impact on this college, our community, and the Commonwealth will be long-lasting."

Over the years, George, and his wife, Helen, have made many contributions to our community. It has been my pleasure to serve with Helen on the Community College Foundation Board for many years. As I was preparing this Remembrance, I called Helen and asked for some personal thoughts about her late husband. She graciously agreed and offered the following:

"I can tell you that our lives were filled with love and laughter. When he was in his nineties, and would hear the sounds of Jazz, he would tap the floor with his feet and hum the tune – way off key – and wish that one day he would carry the tune, on

key! George could tell hilarious jokes and later relish the laughter they evoked. He loved Alleghany County and its people and loved serving in the House of Delegates. He curtailed his political aspirations because he had a bank to run and a hospital to build. He was the love of my life."

George was a true native of Alleghany County and Clifton Forge. His early education began by attending Moody Elementary School, Clifton Forge High School, and Fork Union Military Academy, followed by four years at Hampden-Sydney College, where upon graduation, he received the coveted Gammon Cup for Character, Scholarship, and Athletic Ability. In 1951, he received a Juris Doctor Degree from the Washington and Lee University School of Law, followed by two years of active duty as a Lieutenant in the United States Marine Corps, serving in the JAG Corps. Discharged in 1953, he returned to Clifton Forge and began as a sole practitioner of the law. On January 1, 1964, he formed a law partnership with Roscoe B. Stephenson, Jr., of Covington, Virginia, who later became a member of the Supreme Court of Virginia. One year later, they joined with the firm of Watson and Carson. They were joined later by James D. Snyder in 1965 and Roscoe B. Stephenson III in 1981. Dabney Pasco also became a partner. In addition to his legal career, George was active in state politics and in November 1963 was elected to the Virginia House of Delegates. He served until 1973. There, he

was co-sponsor of the bill establishing the Community College System in Virginia. He was appointed to the State Board of Community Colleges by Governor Charles Robb in 1983 and was elected by the State Board as its chairman in 1985.

In 1976, George was selected as chairman of a joint committee of directors from two area hospitals, Alleghany Memorial and Emmett Memorial, to study health care needs in the Alleghany Highlands, resulting in the creation of Alleghany Regional Hospital. He served as the first President of the Board of Directors and held that position through the financing and construction phases, and during its early years of operation. When the hospital was later sold to Columbia/HCA, George was instrumental in the formation of the Alleghany Foundation, which was funded by the sale proceeds and which serves the

needs of the greater Alleghany area to this day. The Foundation's focus areas are: Economic Transformation, Community Capacity, Health and Wellness, Leadership and Civic Vitality, and Educational Attainment.

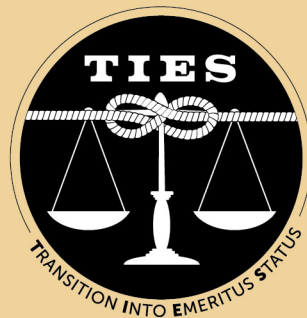
George also had a long association with the First National Bank of Clifton Forge. In 1968, George began serving as Board Chair of the bank and, upon retiring from the practice of law in 1997, he also became President. As Chairman and President, of the bank, George oversaw the sale of the bank.

George was a lifelong member of St. Andrews's Episcopal Church in Clifton Forge, enrolling as a choirboy in 1937 and retiring as a vestryman in 2019. He was among a small group of church leaders who together with the Episcopal Diocese of

Southwestern Virginia won a court battle over local church property.

Throughout his life, George was an astute observer of American Politics; was an avid University of Virginia sports fan; and loved to exercise outdoors. However, George's greatest pleasure was to spend time with his beloved wife, Helen, and to follow the academic and athletic activities of his children, grandchildren, nieces, and nephews. In his lifetime, George understood and demonstrated the importance of ethical behavior, wellness and resilience in the profession of law, in family and community life and service, in looking out for others, and in sound business principles.

I have known many fine lawyers in my time, and George Kostel was one of the finest. He helped many people, and I am thankful for his wisdom and foresight.



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brightly and the other decorations won't shimmer with quite the same magic that they once did. And the ubiquitous red kettles that chaperone the entrances to the Giant, for damn sure, won't teem with the overflowing abundance of various denominations of bills that they did when Bill Schmidt mightily rang the bell for the Salvation Army in support of their quest of "doing the most good!"

You see, sometime in the early nineties and continuing until his death in 2017, Bill began spending his weekends manning the kettle and ringing the bell outside the Clifton Giant. By weekends, I mean every weekend starting after Thanksgiving right up until Christmas. By weekends, I mean Saturday and Sunday from roughly 9-5 each day. Bill's support and endearing love for the works of the Salvation Army was his way of giving thanks to the organization which supported his father on the battlefields in Italy in World War II. Free coffee meant a lot to his father and this was a debt of gratitude that Bill repaid to the organization over and over again. No one rang the bell better!

My theme for my term as State Bar President in 2009-2010 was "Virginia is for good lawyers!" One aspect of this project included showcasing lawyers across the state doing amazing things in their community and chronicling by video on YouTube! I had heard about Bill's good work with ringing the bell and he was kind enough to let us interview him and video his efforts in our series (you can find them on Huddleston The Big Picture, episode 8 on YouTube). It was something to behold. "Merry Christmas" and "God Bless You" boomed Bill's

baritone voice as he greeted and thanked virtually every patron who entered the store. And they donated. My goodness, how they donated. Of course, he was a Pro. At that time, he had been doing this every weekend for seventeen years. At that point, he was considering cutting back to maybe one day every weekend. Among all of the videos that we did, among all the great lawyers giving to their community, hanging outside the Giant Grocery store in Clifton, watching Bill work was by far, the most fun. To witness Bill's energy and charm was something I will never forget. A bona fide tour de force.

William L. "Bill" Schmidt practiced in Fairfax for over 45 years. A fine lawyer to be sure, but more importantly, an exemplar of the citizen lawyer in the finest tradition of honoring the responsibility of one who has been given so much. Bill lived his life that way. His motto might as well have been "it's not the destination but the journey, so long as you do as much good as you can at each stop."

If Bill had your attention, school was in session. During our visit, Bill regaled us with other examples of his amazing community largesse. For years, Bill sponsored a food drive in his office complex challenging the other businesses to donate food products for the hungry and awarded and paid for a pizza party to the winning business. He spoke of his other passions as well- "Jon, the Fairfax Band is the best damn Community band in the country!" Then, he'd tell you why. I was so persuaded that I promised Bill that I would get tickets to their holiday concert. I was mortified when I learned that their concert

was sold out (no doubt due in part to Bill's promotion of it being the best damn community band in the country). How could I let Bill down?

My own charitable giving was informed by the lessons instilled by Bill. "You've got to support your historical institutions," Bill would bellow and of course, I would send a check to Mt. Vernon or Jamestown or Colonial Williamsburg or all of them because Bill was correct. You have to. During the holidays, I almost never pass a red kettle without making a deposit and thinking of Bill.

Bill was no stranger to me when I was searching for lawyers doing great things. I had known Bill casually for years, serving on the State Bar Council together. Bill was a champion of the VSB's International Mid-year Seminar trip- "the best thing the State Bar does" and attended annually. Bill loved the camaraderie of his fellow lawyers and their families and encouraged many others to attend - and of course, they did. And if he thought that you needed a little friendly shot of Sambuca or some other aperitif on your way to Spain's AlHambra Palace or some other site, well he provided that too. God, how I miss him.

I originally knew Bill as earnest, passionate and so much fun to be around. I came to know him as one of the most generous community minded individuals I have ever known. I began my year as Bar President with a quote from the great baseball player and humanitarian Roberto Clemente who once said "anytime you have an opportunity to make a difference in this world and you don't, then you are wasting your time on this earth!" I don't think Bill wasted a minute. 🐾

graduated from tiny Alma College in Michigan with a degree in economics. His later accomplishments in life proved just how appropriate that degree was. During World War II, he was ineligible for military service due to a medical condition, so he worked as a civilian for the U.S. Army as a code breaker. After the war he continued in the intelligence field working for the Defense Intelligence Agency while attending law school. He received his law degree from George Washington University in 1952. After law school, he began the private practice of law in Arlington County, Virginia. In 1959, he founded the law firm now known as Bean, Kinney & Korman.

He focused his practice on plaintiff's personal injury trial work and was universally regarded as a leader in that field. He was elected president of the Virginia Trial Lawyers Association and was appointed as a substitute judge. The honors and recognition he earned do not fully describe who Dave was. He was a true gentleman. That word is nowadays a little old-fashioned, but if it defines a person of honesty, courtesy, and affability, it fits Dave perfectly. He was a lawyer's lawyer, respected by all – judges, clients, and attorneys. Opposing counsel knew Dave was scary smart. As a negotiator, Dave had no equal, but you could always rely on his word. You never want to be one of those lawyers about whom your adversaries say, "get it in writing." With Dave, his word and his handshake were enough.

Quite a few years ago, a particular liability insurance company

(which shall remain nameless) was unreasonably difficult to deal with and would often deny valid claims. Everyone knew it, but Dave actually did something about it. He contacted all of the Northern Virginia plaintiffs' personal injury lawyers and urged them in any cases they had against this carrier to just file suit. Do not bother to engage in settlement discussions. It worked. The company capitulated and agreed to thereafter "play nice". As a result, affected personal injury plaintiffs were better off.

Dave believed in being prepared. Dave had a dog bite case. His client was a postal carrier who had been attacked and seriously injured by a German Shepherd named "Guard." For the jury trial, Dave cleverly subpoenaed the dog into court. At the appropriate time, the defendant owner walked the dog on a leash into the courtroom. As they walked by the jury box, the dog reared up on its hind legs, bared its teeth, and viciously snarled at the jurors, all of whom leaned back in terror. After a recess, the case settled.

To say that Dave was active in the community would be an understatement. He was a generous contributor of his time and his money to libraries, rural churches, and college scholarships. Among them were the Arlington County Free Clinic and the Arlington Community Foundation. He established the Kinney First Amendment Scholarship Fund at Alma College, and the Virginia State Office for the Cancer Research Institute. He always impressed upon all of us how

important it was to participate with and support your community. Don't just join up, show up.

Another thing, Dave was kind to our law firm staff. All lawyers should be, but not all lawyers are. Dave really cared about our staff.

He was also very active in politics. In 1968, he challenged long-time incumbent Joel T. Broyhill for his seat in Virginia's 10th Congressional District. Dave lost the race, but he remained a strong political voice. He was an early and vocal supporter of Senator Eugene McCarthy's run for President in 1968. That landed Dave on President Nixon's notorious White House "enemies list." (Of that, Dave was proud.) Consequently, all the lawyers in Dave's firm had their Federal taxes audited, including me. I was practically a kid then. I didn't have anything. Oh well.

Dave had another uncanny talent. He was enormously successful in what you could call real life Monopoly. He may not have built hotels on Park Place, but he did practically everything else. It would be impossible to list them all, but some are worth mentioning. While Dave was still in law school at George Washington University and working at the Defense Intelligence Agency (DIA), he leased some land close to his workplace and rented out parking spaces to DIA employees.

In 1960, Dave built for his law firm, a 3-story office building on North 15th Street near the Arlington courthouse. We stayed there for years until we finally outgrew it.

Before ground had even been broken to begin Metro construction in Arlington, Dave went and looked at the County Master Plan (which was a matter of public record) to see where the stations were going to be. He then bought all the real estate he could around each of the planned Metro stops. Dave said, “Anybody could have done it.” But “anybody” didn’t do it. Dave did.

I remember some years ago when I filed suit for a bank client to recover what was owed by several young lawyers who owned a failed townhouse project. Their attorney knew me. He called me to ask me to lighten up on them. After all, he said, lawyers don’t know anything about real estate investing. I replied, “What about Dave Kinney?” He said, “That’s different. Dave Kinney invented money.”

Dave’s law firm became as far as we know, the first majority law firm in Virginia to have

an African American partner, when Dave invited Thomas R. Monroe to join our firm in the early 1970’s. Tom later ascended to the Circuit Court Bench.

From the time I passed the Virginia Bar, Dave was a patient and profoundly wise mentor. I was privileged – and I mean that – privileged to practice law with Dave. He didn’t just teach you about the practice of law, he gave you guidance about how to practice law – what it meant to be a lawyer– respect for the law and the courts, of course, but also respect for opposing counsel, which always seems to invite their respect for you.

He didn’t always volunteer his wisdom. You had to ask. But when you asked, he was more than generous with his brilliance and his experience.

Most of all, Dave Kinney’s ethics were of the highest

order, above and beyond. And he imparted that to all of us.

Dave was an infinitely patient and attentive parent. His elegant wife Jean lost her battle with cancer on her 55th birthday. The loss was crushing to Dave and to his children, Jon, Andrea, and David. But Dave proved, through his resilience and love, to be even more attentive to his three children. He taught them respect for the law and the legal profession, and the importance of being good citizens, and respectful and kind to family, friends, and strangers alike. His now grown and successful children are unanimous that Dave was a wonderful father.

Integrity, humanity, and add to that wisdom. In your lifetime, you have an opportunity to know very few, if any, great people. I was privileged to know one: David Bowen Kinney, who died on July 13, 2004, at age 83, and whose legacy lives on today. 🕊

the succession plan for those transitioning attorneys! Senior lawyers must work to create relationships to train and enable newer lawyers to succeed and to fully appreciate the responsibility and obligation of succession planning.

The Board plans to create a multi-disciplinary succession planning committee during the coming year to provide ongoing services to Virginia lawyers and law firms to ease transitions. Working with lawyers in various practice models, insurers, VSB Ethics staff, other conferences and committees, both within and outside the VSB, the goal is to create

comprehensive CLE programs, checklists, and guidance for attorneys and firms of all sizes and practice areas as they create and work through their individual succession plans.

More information on these programs is available on the VSB website. If you are interested in participating in the Senior Lawyers Conference efforts, please contact Nancy Donner, Staff Liaison, VSB (804) 775-0519. She can direct you to the appropriate member of the Board of Governors.

Malcolm McConnell III, Juli Porto, and Virginia State Bar Ethics Counsel (retired) Jim McCauley.

The one-hour film is made available by the VSB at no cost with the intent that it be shown to interested lawyers, law students and other groups for educational purposes. For example, the film can serve as a basis for a local Bar program or a presentation by a judge or experienced litigator regarding the benefits of combining civility and professionalism with zealous advocacy. To encourage viewership, the VSB also released a “trailer” of the film, which provides a three-minute preview of the one-hour film. The Virginia Law Foundation provided a generous grant to fund creating the trailer.

The one-hour film does not provide stand-alone MCLE credit. The Senior Lawyers Conference created a second hour for the film in early 2024 to enable viewers to earn full MCLE credit. In the second hour, our moderator, Glenn Kirschner, interviews Cynthia Eppes Hudson and Thomas E. Spahn. Glenn follows up on the advice and comments by the judges and litigators in the first hour and poses a series of related practical hypotheticals. Glenn also provides insights on ethics from his experience as a federal prosecutor supervising homicide cases. The hypotheticals explore the challenges of dealing with the intersection, and sometimes conflict, of the Rules of Ethics with the non-mandatory Principles of Professionalism and aspirations of civility. Cynthia Hudson brings special perspectives to the discussion based on her varied experience with all aspects of litigation, which includes private practice litigation, local public service as City Attorney of Hampton, Virginia, state-wide service as Chief Deputy Attorney General of Virginia, and a neutral's perspective as a mediator with the McCammon Group. Tom Spahn has over 45 years of experience as a litigator with a large law firm and has written and spoken extensively on ethics and privilege topics. Tom chaired the Virginia Bar Association Professionalism Task Force that suggested including the word “courteously” in the Virginia lawyers' oath, and chaired the VBA Commission on Professionalism, serving as principal drafter of the Principles of Professionalism. We are very grateful to Kevin, Glenn, Cynthia, and Tom for their outstanding contributions to the second hour of the film. This session was combined with the first hour to create a

two-hour version of the film, which is supported by 85 pages of written materials authored by Tom Spahn.

The two-hour film and written materials have been approved for a full two hours of MCLE Ethics credit.

The film is now available on the VSB's website under the “Calendar” heading, “Free and Low Cost Webinars” tab. Or click on this link: <https://attendeegotowebinar.com/register/9061625518650572119>.

The film and supporting materials are available on the website for MCLE Ethics credit at no cost. Local bars, law firms, law schools, and public service groups may also use the film and materials for non-profit educational purposes. If interactive or other MCLE credit is sought for viewing the film at presentations rather than on the VSB website, however, separate credit approval must be obtained from the MCLE authorities.

Special thanks for successfully ramrodding the film project go to the Mentorship Committee, especially to Peter Burnett, who stuck with it during his terms and Board Chair, Immediate Past Chair, and then Special Projects Coordinator after completing his Board membership terms. More information about the film can be obtained from project co-chairs Peter Burnett (peterb@burnettwilliams.com) and Carter Younger (wcarteryounger@gmail.com).

Senior Lawyer News

Frank O. Brown, Jr. (lawinorder@aol.com) continues his outstanding service to the Bar as organizer, author, and editor-in-chief of the “Senior Lawyer News” newsletter. The Newsletter is published online annually and includes articles of interest to Conference members, updates on conference activities and upcoming events, and remembrances of deceased distinguished lawyers and judges. The Newsletter reaches approximately 25,000 lawyers and judges. Frank welcomes conference members who wish to contribute articles and remembrances.

Senior Virginians Handbook

The Conference produces the “Senior Virginians Handbook” to provide plain language information about legal topics of particular interest to seniors. The Handbook also includes contact information for organizations and other resources that

are available to assist seniors. English and Spanish language versions are distributed to pro bono providers, senior citizen centers, libraries, local bar associations, and law firms that request them. Barbara Anderson did an outstanding job as editor in chief in creating the current edition of the Handbook, for which the Conference is very grateful. Board member Veronica Williams (veronica@virginalifecareplanning.com) assumed the vital editor in chief position in 2023. Veronica is currently overseeing the 2024 updating of the Handbook, with assistance from Board member Andrea Bridgeman. The printed English language Handbook has been in very high demand, and our supply is currently exhausted. We will not incur the expense of printing more copies of the English language Handbook until it has been updated, but the text is available on-line at the Conference's page on the VSB website. The Spanish language edition is available in print as well as on-line, and it will be updated along with the English language edition. Lawyers interested in contributing content for the revised editions of the Handbook are encouraged to contact Veronica.

Senior Law Day Programs

Senior Virginians Law Day Programs are held throughout Virginia under the auspices of local bar associations and Bar leaders. Their purpose is "to educate Virginia Seniors, care givers, community servants, and stakeholders concerning the planning and preparation for the uncertainties and challenges of aging, particularly the legal and business aspects of the aging process." Bruce Robinson (bruce.robinson@gmail.com) chairs this effort on behalf of the Senior Lawyers Conference and assists with planning and identifying content for these programs. Copies of the Senior Virginians Handbook, as available, are distributed at the programs and are very popular with participants. Bruce has created a step-by-step guide to presenting a Senior Law Program, and a list of curriculum modules on topics such as Life and Estate Planning; Safety; Property Matters; Third Party Assistance; Federal, State and Local Benefits; Care Facilities; and Final Arrangements. A sample agenda from a Prince Edward County Bar Senior Law Day program is also available from Bruce. Bruce offers these documents, as well as his

personal advice, to lawyers and Bar organizations interested in presenting these popular programs.

Pro Bono Initiatives

The Supreme Court of Virginia strongly encourages all Virginia lawyers to contribute to the administration of justice through pro bono work. Senior lawyers, especially those who are retiring from active practice, are a great potential resource for sorely needed pro bono services. However, many senior lawyers may feel that their practice experience does not prepare them for the types of legal issues and litigation settings most frequently encountered in pro bono representation. Pro Bono Committee Chair Andrea Bridgeman (bridgemanesq@gmail.com) has created a study group within the Board to explore how the Conference can best address this situation. Andrea is available to assist senior lawyers who are looking to become involved in pro bono work. She is knowledgeable about the Emeritus Membership program of the Virginia State Bar for senior lawyers who are interested in transitioning from active practice to pro bono representation.

"Protecting Your and Your Client's Interests"

Carole Capsalis (ccapsalis@beankinney.com) has assumed leadership of the "Protecting Your and Your Clients' Interests in the Event of Your Disability, Death, or Other Disaster" programs from Frank O. Brown Jr. For more than two decades, Frank has organized and developed these important successorship programs as CLE Ethics presentations to local bar associations. The program has been presented as a one hour, one and one-half hour, or two-hour program, with full ethics credit. Over the years, this program has been presented at least once in most locales across Virginia, from Abingdon to Alexandria, and Big Stone Gap to Virginia Beach, and several additional times in many locations. The Senior Lawyers Conference sincerely thanks Frank for his outstanding leadership of this program, and we sincerely appreciate Carole's taking on this important role. Carole welcomes the opportunity to help lawyers and Bar organizations in planning and presenting these programs.

Revised SLC Bylaws

The Conference revised its Bylaws in 2023 to make it easier for Board members from throughout the

Commonwealth to participate in meetings. Board meetings may be in-person, fully virtual (completely by video conference), or hybrid (part in-person and part virtual). Virtual meetings must be followed in the next consecutive session by a hybrid or in-person meeting. The quorum requirements in the previous Bylaws were difficult to meet with Board members whose attendance requires significant travel. With the Bar Council's approval, the quorum for in-person Board member attendance at hybrid meetings was reduced from nine to three. In the process of this review and revision, the Bylaws Committee, ably chaired by Gary Hancock (Immediate Past Chair of the SLC Board), identified other Bylaws that were obsolete, impractical, or required technical amendments. With the expert help of VSB Deputy Executive Director Janet Van Cuyk, the Bylaws Committee drafted and recommended, and the Board passed, several additional revisions that will be submitted for approval by Bar Council in 2024.

VSB SLC 2024 Annual Meeting and Fifty-Year Awards

The VSB Annual Meeting was moved from its traditional mid-June dates to May 29–June 1, 2024, due to scheduling conflicts at the Virginia Beach hotels. The Senior Lawyers Conference Annual Meeting is scheduled for 9:30 AM, June 1, 2024, when we will elect officers for the 2024–2025 term. Officer nominees are expected to be Thomas G. Bell, Jr. (Staunton) for Chair, Barbara S. Anderson (Alexandria) for Vice-Chair, Richard A. Gray (Oakton) for Secretary, and Veronica Williams (Newport News) for Treasurer. This year we look forward to saluting 560 lawyers who will receive their 50-year awards on Saturday, June 1, 2024. At the 2023 Annual Meeting, 375 lawyers were recognized for achieving 50 years in the practice of law. Congratulations to all for this career achievement!

An extra attraction for attendees at the Annual Meeting may be the sighting of extreme athletic activities during the Jackalope Festival, which will take place in Virginia Beach this year at the same time as final days of the VSB's Annual Meeting. Why the name of the mythical jackalope (half jackrabbit and half antelope) is attached to this peripatetic extreme athletic competition is unknown to me, however.

VSB Annual Meeting CLE Program on Elder Abuse

The Senior Lawyers Conference and the VSB Criminal Law Section are co-sponsoring an important CLE seminar at the VSB Annual Meeting, "*Combating Elder Abuse and Vulnerable Adult Exploitation in Virginia.*" The seminar will discuss the growing threats to senior citizens and vulnerable adults from financial scams, physical injury and other forms of abuse and mistreatment. The program will include presentations by elder law experts, prosecutors and estate planning experts, including SLC Governing Board member Veronica Williams.

Special Thanks to the VSB Staff and SLC Supporters

In June 2023, our Staff Liaison, Sylvia Daniel, moved up to a new position with the VSB after several years of excellent service to the Senior Lawyers Conference. Nancy Donner (ndonner@vsb.org) assumed Sylvia's role as our Staff Liaison. Nancy hit the ground running on day one in her new position and has been an enthusiastic supporter and outstanding resource for the Board. Nancy is extremely responsive and knowledgeable in every aspect of the Conference's activities. If there is anything she does not know, Nancy will find and provide the answer quickly and correctly. Nancy is available to answer questions about the Conference's activities and resources. We also sincerely appreciate the support we have received from Director of Bar Services Maureen Stengel. Maureen has provided crucial support for the film project, Board meetings and many other issues.

In closing, I want to thank VSB President Chidi James and Executive Director Cameron Rountree for their leadership and support for the film and other Conference projects. I personally appreciate their warm welcomes and collegiality at VSB meetings and events this year. My thanks to Nancy, Maureen, Janet, and the rest of the VSB staff for their encouragement and assistance during my term in office. Thanks also to the members of the Governing Board, who are working hard to serve the senior lawyers of Virginia, as I have tried to summarize. Special thanks go to Past Chair Gary Hancock and Vice-Chair Tom Bell for their assistance and expertise, without which I could not have functioned as Chair this year. 🍷

that, in many ways, they are inextricably related and connected. As one commentator put it:

[I]ncivility amongst attorneys increases the stress lawyers must deal with, when the legal profession already suffers from the inherent stress created by client expectations and the numerous deadlines present in any case. Obstreperous opposing counsel simply increases the stress encountered by lawyers in practice. When opposing counsel is civil, on the other hand, and the attorneys maintain a good working relationship, then lawyers can more easily enjoy and focus on their jobs rather than dealing with a screaming, obnoxious, or rude attorney.⁵


The choice between practicing with civility or animosity can have consequences that go beyond the immediate matter. Civility reduces stress while, at the same time, enhancing professional relationships and standing in the community, both legal and otherwise. Lawyers who exhibit civility are more likely to be happy and find their careers fulfilling. In comparison, animosity leads to increased stress (for both the attorney and those around the attorney), damaged reputations, ineffective advocacy, and ethical perils.⁶ As former Justice Sandra Day O'Connor observed, attorneys who are civil are more effective advocates before judges, because judges "are more likely to be impressed by an advocate who is courteous and respectful to the decision-maker, opposing counsel, the litigants, and the legal process."⁷

But here is the flip side of the relationship. While civility promotes a lawyer's well-being, a lawyer's well-being can also promote civility. Stressed, sleep-deprived, and overworked attorneys are less resilient to the rigors of the practice of law. As a result, they may be more dilatory, cantankerous, and "obstreperous." But a lawyer who is aware of the importance of wellness—and who takes measures to promote and improve it—is better equipped to practice law. As an example, events that may seem critical or overwhelming before a vacation may be manageable after the vacation when the attorney has had time to enjoy family or go on an adventure, and as a result the attorney is better grounded in the real world.

Bree Buchanan is a founding co-chair of the National Task Force on Lawyer Well-Being. While I have spoken on Lawyer Well-Being from the perspective of a practicing lawyer, I consider her a real expert. I have had the pleasure of sharing the stage with her at a national event. Bree summarizes the inter-relationship of civility and well-being as follows:

Well-being is intrinsically connected to collegiality, civility and professionalism. When one is diminished or improved, so follows the other. The current systemic efforts to enhance the well-being of lawyers will, I believe, have a positive impact on improving the civility of the profession. In turn—what goes around, comes around—that improved civility will foster enhanced well-being.⁸

So, back to my opening story. Younger lawyers are watching you and one day you may be the subject of their iconic stories. Be the example. Be *their* example. Take care of yourself. And be the epitome of civility they can emulate.

Be well. Do good. Len 

(Endnotes)

1. David A. Grenardo, *A Lesson in Civility*, 32 GEO. J. LEGAL ETHICS, 135, 137–38 (2019) (quoting Excerpts from the Chief Justice's Speech on the Need for Civility, N.Y. TIMES, MAY 19, 1971, AT 28).
2. *Id.* at 138.
3. News Post, September 11, 2023, ALA. STATE BAR.
4. REPORT OF VIRGINIA STATE BAR PRESIDENT'S SPECIAL COMMITTEE ON LAWYER WELLBEING: THE OCCUPATIONAL RISKS OF THE PRACTICE OF LAW, 23–26 (MAY 2019).
5. Grenardo, at 145–46.
6. News Post, September 11, 2023, ALA. STATE BAR.
7. Grenardo, at 138.
8. BREE BUCHANAN, ASS'N OF BUS. TRIAL LAWS., ABTL REPORT: BREAKING THE CYCLE OF INCIVILITY THROUGH WELLBEING (SUMMER 2019).

- Falls Prevention Grant: Matter of Balance (MOB) and Bingocize – Evidence-based programs with goal to reduce the fear of falling and increase activity levels (MOB: 8 sessions taught by volunteer lay leaders/coaches trained by Master Trainers; Bingocize: 10-week program that combines a bingo-like game with exercise and health education).

<https://seniornavigator.org/program/71008/matter-balance-managing-concerns-about-falls>

- **Chronic Disease Self-Management** – Series of 6 weekly workshops conducted by trained leaders in senior centers, meal sites and other community locations to teach self-management skills.

<https://www.vda.virginia.gov/cdsmp.htm>

- **Virginia Lifespan Respite Voucher Program** – A Virginia caregiver of a child or children, or an adult or adults, who reside at least part-time in the caregiver’s household, may receive up to \$595 in vouchers per family. The primary caregiver for the person receiving care must apply for the funds; however, funds are limited and not everyone who applies will be approved. Special emphasis on caregivers of individuals with dementia, grandparents raising grandchildren, male caregivers, rural caregivers, and LGBTQ+ caregivers. <https://www.vda.virginia.gov/vlrv.htm>

- **Virginia Insurance Counseling and Assistance Program (VICAP)** – Certified staff and volunteers, at no charge, assist Medicare Beneficiaries in understanding Medicare Parts A, B, and D, Low Income Subsidy for Part D, Medicare Advantage Plans, Medigap Policies, Medicaid (Commonwealth Coordinated Care), as well as Long-Term Care Insurance and medical bills. <https://www.vda.virginia.gov/vicap.htm>

- **Virginia GrandDriver** – An education and awareness campaign on the effects of aging on driving ability and to encourage drivers to make appropriate decisions. The website (www.granddriver.net) has information regarding:

*Recognizing the signs of senior driving difficulty.

*Staying safe tips for drivers.

*Self-assessment tools.

*Publications for senior drivers and their caregivers.

*Carfit events.

*Driver assessment/testing centers.

- **Senior Cool Care** – Is sponsored by Dominion Energy and administered by DARS through local AAAs. The program provides portable and room air-conditioners or fans to seniors 60 and older, at or below poverty level, and needing additional cooling at home. <https://www.vda.virginia.gov/seniorcoolcare.htm>

- **Public Guardian and Conservator Program** – Persons who qualify:

*Cannot care for themselves physically and emotionally.

*Do not have any financial resources.

*Have no willing and responsible relative.

<https://www.vda.virginia.gov/publicguardianship.htm>

- **Dementia Services** - DARS is also the lead agency on Alzheimer’s disease and other dementias in Virginia. It supports the Alzheimer’s Disease and Related Disorders Commission that creates and drives Virginia’s [Dementia State Plan](#). The most recent update published in January includes Objective 3.3 that calls for implementing dementia-specific training for legal professionals. The goal of that training is to be able to recognize when someone might be experiencing cognitive changes that may impact their decision-making abilities, and to provide appropriate services and advice in that context. Often legal and financial services professionals may be among the first to notice such changes, and they can be a valuable support to individuals while safeguarding their interests.

Through the [Dementia Capable Virginia initiative](#), DARS and the Dementia Services Coordinator provide information and resources for individuals, families, professionals, and researchers. As the neurodegenerative diseases that cause the symptoms of dementia inevitably lead to declines in capacity, it is important to get checked by a healthcare professional as soon as symptoms appear. Advance planning for healthcare, legal and financial decision-making and end of life care is also important, and the advance planning guides available on Dementia Capable Virginia can help frame the special considerations relevant to people experiencing cognitive impairment. The Virginia Dementia Road Map: A Guide for People Impacted by Dementia, also available on this webpage, is a useful stage-by-stage guide for families and those helping support them through their journey with dementia. Further information is available by contacting the Dementia Services Coordinator directly on dementia@dars.virginia.gov.

- **Farm Market Fresh program, also known as the Senior & WIC (Women, Infants & Children) Farmers' Market Nutrition Program (S/FMNP)** – This is a federal and state nutrition program administered by DARS' Division for Aging Services that authorizes farmers to accept Virginia's Farm Market Fresh vouchers at authorized farmers' markets throughout the Commonwealth of Virginia.

The purpose of the program is to provide access to, and encourage the consumption of, locally grown fresh fruits, vegetables or cut herbs to low-income adults age 60+ and WIC

families through community engagement, social connection, and nutrition education, thereby increasing positive health outcomes for low-income Virginians. The program provides each eligible senior with \$50 in vouchers and each WIC recipient with \$30 in vouchers (for example, a WIC family consisting of a mother and two children would collect \$90 in vouchers, and a household of two eligible seniors would collect \$100). This provides participants with access to high quality, fresh produce straight from the farms where it was grown; thus, also supporting farmers and local agriculture. It is worth noting that the highest quality, freshest produce is often more expensive and not within the budget of those who are struggling on a low monthly income; therefore, this program serves as an equalizer to those who may otherwise be unable to afford it. Individuals or families interested in accessing this program should contact their local Area Agency on Aging or visit <http://farmmarketfresh.org/>. WIC recipients can access this program through their regional Health Department.

I sincerely hope that the information provided in this article will be useful and helpful to all attorneys who read it, and that they will pass it along to clients, families, friends, and neighbors who may also benefit from it. For a complete picture of DARS and its programs, I invite you to visit its website at <https://www.dars.virginia.gov/>. Meanwhile, please feel free to contact me at frank.degaetani@dars.virginia.gov if you have any questions or comments. I thank DARS staff members Kathy Miller, George Worthington, Madeline Burnham, and Cassidy Morton for their assistance with this article. 🙏

does not. Once a survivor benefit is in place, there is typically little the member spouse can do to thwart the payment of those benefits. The premium for the survivor benefit is usually taken out of the monthly pension payment automatically by the pension authority and the member spouse will not have the power to terminate or change the survivor benefit beneficiary. In contrast, the spouse ordered to maintain life insurance may stop paying premiums resulting in the cancellation of the policy or name a subsequent spouse as beneficiary. As a non-owner of the policy, the spouse entitled to the benefit will be unaware of the change in status, leaving them with only a claim against the estate of the former spouse when expected benefits are not paid.

Considerations in the Division of Assets.

Legal counsel will need to carefully consider how to divide assets. I recall a case in which one spouse was a real estate broker who had acquired many rental properties and offered to sign over many of the properties which he had acquired relatively early in his career to the other. Although these properties enjoyed a positive stream of income, they would have required the non-broker spouse, or a management company, to manage them to keep them doing so. Also of significance was the fact that these properties had a low tax basis and upon sale would require a large payment in capital gains taxes. These considerations, as well as the knowledge that the non-broker spouse was frail and had no experience in real estate, led counsel to seek to simplify the settlement and insist on a cash payment in equitable distribution – not subject to taxes – for her interest in this real estate that could be invested and constitute an asset from which that spouse could draw income for the rest of her life.

In situations like the above example, counsel would do well to associate a certified financial planner when funds invested in the stock and bond markets will be providing a client with a stream of income sufficient, or partly sufficient, to maintain them in their golden years. A traditional rule of thumb is that 4%² of such accounts can be withdrawn

safely annually with a high probability of having their money last for thirty years.

The Hot Topic of Medical Insurance Coverage.

Medical insurance coverage tends to be a big issue in late-in-life divorce scenarios. Medical insurance plans and policies permit a party to cover family members. Upon divorce, medical insurance coverage is lost. In the case of a military spouse, if a service member served for twenty years, the marriage lasted at least 20 years, and the service and marriage overlapped for twenty years, then Tricare for Life will be available under the so called “20-20-20 rule”. When one of the parties is a federal government employee, “Temporary Continuation of Coverage” of the federal health insurance plans is available for up to three years, or, if the federal pension (either CSRS or FERS) is divided the federal health plan, can continue indefinitely if the non-employee spouse received a survivor annuity or portion of the pension, was covered as a family member at some time during the 18 months before the divorce and has not remarried before age 55. For those who will be relying on Medicare, which is not available until a party reaches the age of sixty-five, the issue will be how to secure coverage until then. But it is not as simple as ensuring that medical insurance coverage is provided or paid for until a party is sixty-five. Counsel should examine the cost of Medicare and the coverage available. Your client may be used to superior coverage and want to supplement their coverage with a private medical insurance policy.

One approach is to negotiate an agreement in which the parties delay their divorce in order to maintain existing health insurance coverage. In the case of *Allen v. Allen*, 66 Va. App. 586, 789 S.E.2d 787 (2016) the parties’ post-nuptial agreement provided that they would not divorce before the expiration of twenty years for this purpose. The remedy in the event the husband breached this contract was that he would be personally liable for the wife’s medical expenses during those twenty years she would have been covered under his insurance. The wife’s plea in bar based on the contract was denied and the husband’s request for divorce granted, but in the process the trial and appellate court recognized her contractual remedy at law.

Additional Practice Tips -- Social Security, Estate Planning and More.

Your clients may have set aside enough to take care of themselves to the end of their days, but if not, here are a few more practice tips particularly important for counsel to keep in mind when representing a client divorcing late in life:

- Make sure your client is aware that the divorce does not impact their entitlement to obtain social security under higher earning spouse's employment record.
- Talk to that client about revoking any durable powers of attorney naming their spouse and updating their will and advance medical directives as soon as feasible.
- Determine whether there is urgency in dealing with joint accounts in order to preserve assets (or at least half of the value of those assets) by getting them in your client's control.

- Inform them of Section 20-111.1 of the Virginia Code entitled "Revocation of death benefits by divorce or annulment" which provides that revocable beneficiary designations in an existing written contract are automatically revoked upon divorce. This applies to life insurance policies but also to annuities, retirement arrangements, compensation agreements, or other contracts designating a beneficiary of any right, property or money, in the form of a death benefit. 📌

Endnotes

1. The behavioral economics research of Nobel Prize winner Daniel Kahneman and his longtime friend and collaborator Amos Tversky provides insight into the often-irrational economic decisions we make. Kahneman's book, "Thinking Fast and Slow" presents an accessible discussion of this topic.
2. Research firm Morningstar affirmed this percentage in late 2023. In 2022 it pegged the safe withdrawal rate at 3.8% and in 2021 stated it was 3.3%. Bill Bengen, the financial planner who developed this rule in 1994 after researching historical market conditions, believes current market conditions allow a safe withdrawal rate of 4.7%.



24/7 Help Line: 1-877-545-4682

The Virginia Judges and Lawyers Assistance Program provides confidential, non-disciplinary help to lawyers, judges, law students, bar applicants, and other members of the legal community who are struggling as a result of substance abuse or mental health issues.

Specifically, VJLAP provides the following services, without fee:

- Substance abuse and mental health education for the profession through bar associations, firms and law schools.
- Assessment and treatment referral
- Intervention
- Compliance monitoring for courts and firms
- Support services for family and staff
- Assessments as requested by the Board of Bar Examiners, Character and Fitness Committee
- Assessments, treatment referral and monitoring as requested by the Virginia State Bar, Disciplinary Committee and the involved lawyer, as disposition or diversion
- Support for those in treatment and recovery

Eva Velasquez, president and CEO of the Identity Theft Resource Center, says that the center receives reports of AI scam calls that convince victims their relative needs money to pay for damages from a car accident or other incident or to send money for bail. Other scams include using a manager or executive's voice in a voice-mail instructing someone to pay a fake invoice.

How Do These New AI Scams Work?

As AI technology has become readily accessible over the past year or so, criminals are more and more frequently using it to impersonate the voices of our friends and loved ones to trick us into sending them money. A clever scammer with a good AI program doesn't need much more than a few-second recording of a loved one's voice to be able to clone the person's voice and apply their own script. From there, they can play the audio over the phone to convince their victims that someone they love is in a desperate situation and needs money immediately.

Here are the typical steps a scammer would take in an AI phone scam:

- **Collect the recording:** To carry out an AI scam call, criminals first must find a three-to ten-second audio recording of your loved one's voice, such as a clip from YouTube or a post on Facebook or Instagram.
- **Feed it to an artificial intelligence tool:** Scammers use an AI tool that learns the person's voice patterns, pitch, and tone—and simulates their voice.
 - **Generative AI models** such as ChatGPT or Microsoft's VALL-E need to listen to only three seconds of an audio "training" clip of someone speaking to create a replica of their voice.
 - **These tools are widely available** and cheap or even free to use, which makes them even more dangerous, according to experts.
- **Put together a script:** Once the AI software learns the person's voice, con artists can tell it to create an audio file of that cloned voice saying anything they want.

- **Call the potential victim and play the AI-generated clip:** The calls might use a spoofed local area code to convince you to answer the phone, but don't be fooled. Many phone-based fraud scams originate from countries with large call-center operations, such as India, the Philippines, or Russia, according to Velasquez.
- **Set the trap:** The scammer, using your loved one's AI-generated voice, will claim to be in urgent danger (such as having been kidnapped and needing ransom money, or being in jail and needing bail money) and try to convince you that you must send money immediately in an untraceable way, such as with cash, via a wire transfer, or using gift cards.

Sadly, many victims panic and send the money without independently confirming the truth of what the AI-generated voice told them. "The nature of these scams plays off of fear, so in the moment of panic these scams create for their victims, it is also emotional and challenging to take the extra moment to consider that it might not be real," says Nico Dekens, director of intelligence and collection innovation at ShadowDragon (a software company).

How Can You Avoid AI Scams?

Unfortunately, AI scams will continue to increase as the technology improves, making it easier to locate targets and clone voices. And, because these capabilities are so new to our society, many people don't even know they exist and can therefore easily be targeted. That's why it's important to take proper precautions to boost your online security to avoid being targeted in the first place, and to spread the word about these scams, for instance by forwarding this newsletter to friends and loved ones to alert them about this dangerous trend. Here are a few suggestions from the experts to avoid being scammed:

Make Your Social Media Accounts Private

Before sharing audio and video clips of yourself on Facebook, Instagram, YouTube, or any other social media accounts, limit your privacy settings (including who can see your posts) to people you know and trust. Users who keep their posts open to everyone should review and remove

audio and video recordings of themselves and loved ones from social media platforms to thwart scammers who may seek to capture their voices.

Assign a Secret Phrase

Determine a secret phrase or code word that you can exchange with your loved one ahead of time. That way, if you receive a call alleging that they have been kidnapped or need money right away, you can authenticate that you are indeed speaking to the real person.

Erase Your Digital Footprint

Scammers often rely on the trail of bread crumbs you leave about yourself online, from your pet's name to your high school mascot, to learn about your life and build a scam around it. Limit the amount of information you share about yourself publicly to lower the risk of these types of scams. Online tools such as [DeleteMe](#) can automatically remove your name, address, and other personal details from data brokers, which will make it more difficult for scammers to target you.

Google is working on an updated version of the Results About You tool that'll alert you when your personal info appears in its search results and will make it easy to request their removal. Read more about this privacy tool in today's Critter Corner!

What Should You Do if You Receive an AI Scam Call?

If you are on the phone with a purported loved one who is insisting they need you to send money, don't panic, and don't believe it without verifying it first through a third party. Experts recommend taking these steps before agreeing to send money to anyone based on an "emergency" phone call:

- Call your loved one directly using a trusted phone number. If you can't reach them, try to contact them or find out about them through a family member, friend, or colleague.

- Ask the caller to verify a detail that only they would know, such as the secret phrase mentioned above.
- Listen for any audio abnormalities, such as unusual voice modulation or synthetic-sounding voices, to possibly identify a scammer.
- Write down or screenshot the phone number that called you, so that if you determine that the call is a scam, you can report it to government authorities.
- Block the number on your phone to avoid receiving a call from them again, but understand that they can always spoof calling you from a different phone number; never let down your guard.
- Alert law enforcement. They can help you verify whether the call you received is legitimate or a scam.
- Report the call to your mobile phone carrier so the company can take appropriate action.

Scams, such as AI phone scams, are specially designed to catch you off guard, and they can happen to anyone. There's nothing to be ashamed of if you think you're a victim. Keep handy the phone numbers of resources that can help, including the local police, your bank (if money has been taken from your accounts), and [Adult Protective Services](#). You can also report scams online to the FTC. Sharing your experience can help prevent it from happening to another older adult.

Planning to Protect Loved Ones

Protecting seniors from scams is very important, which is why we [continually share information about new scams](#) and how you can protect yourself. It is also very important to plan for your future and to help plan for the future of your loved ones. 🙋

attack. In other words, you may be compromised because of some product or service you use in your practice. Bottom line...maximizing your ability to recover from a ransomware attack should be at the very top of your cybersecurity budget.

Making sure you can restore your data following an attack is key. The whole point of ransomware is to encrypt your data so that you pay a ransom to get the decryption key in order to make your data accessible again. If you have a good backup to restore from, then you won't have to pay a ransom for a decryption key. Just restore the data and you're back in business.

Today's problem is that current ransomware attacks look to destroy your backups so you can't restore the data. This means you need to engineer your backups to be resistant to ransomware. There are many ways to accomplish this, but we'll concentrate on lower cost alternatives for smaller firms.

A lot of solo/small firm lawyers use external USB drives to backup data. External USB drives are a cost-effective way to have good backups. However, you should have at least two drives and make sure you disconnect them from your computer once the backup is completed. If the drive is connected, it may get encrypted by ransomware.

In addition, sending backup data to the cloud (e.g. Carbonite, Mozy, Backblaze, etc.) should also be considered. Even in the cloud, you need two backups, one of which is not connected to your network – it's a piece of cake for attackers to destroy backups that are connected to your network.

One last item to consider when designing backups to be ransomware resistant is immutable storage. Basically, immutable data can't be changed or deleted for any reason for some designated time. The ability to have immutable data is most commonly found in cloud backups. You can set an expiration date after which the immutability is removed.

EDR, XDR and MDR – If They Don't Ring a Bell, Read Carefully

Cybersecurity is often an incomprehensible alphabet soup. We fully understand that the header above is headache-inducing. Read this portion of our

article slowly because it is invaluable in protecting your data. One best bang for the buck is the new breed of security software known as Endpoint Detection and Response (EDR). You may also see the software marketed as Extended Detection and Response (XDR) or Managed Detection and Response (MDR). EDR is the next generation of endpoint protection and uses advanced technology such as artificial intelligence, machine learning, heuristics, etc. to analyze activity and take the appropriate action when suspicious activity is discovered. For example, transferring a file from the internet without any human interaction might be suspicious causing the EDR software to stop the transfer and/or quarantine the downloaded data.

EDR software is particularly effective in combating ransomware. When files begin to be encrypted in a systematic way, the process can be terminated, and the offending programs quarantined to prevent further activity. EDR can go even further and automatically disconnect the computer from the network to prevent spreading malware to other systems. Some EDR software can also roll back the computer to a known good state (e.g. 10 minutes before the ransomware attack).

There are many affordable EDR solutions that fit the budgets of small and midsize firms. You should be able to implement quality EDR software for around \$10-\$15 per endpoint per month. We highly recommend implementing EDR software for all your endpoints. Cyberinsurance companies are increasingly asking about EDR in your environment. EDR may even be considered an ethical requirement, especially since it is so affordable and a very reasonable solution to protect your data from ransomware attacks.

Zero Trust: A Future You Cannot Avoid

Finally, what other cybersecurity measures should you be taking in 2024? The short answer is *Zero Trust*. Firms should be budgeting for and implementing a Zero Trust Architecture (ZTA). Zero Trust means just that. Trust nothing and verify everything. ZTA is an architecture and not a "thing" you purchase off the shelf. The focus of ZTA is to verify the identity and access of every device and every person.

Perimeter security no longer works. We can't put a "wall" around all our devices and data anymore. We are much more mobile (e.g. a hybrid workforce) and increasingly use more cloud services. This means we must authenticate every access whether it is internal or external. In addition, we need to periodically re-authenticate access since there may be a compromise after initial access. In other words, assume the network or endpoint is compromised.

Implementing ZTA will take some time and it needs to be planned. The best approach will be to

implement portions of ZTA over time. MFA is a good starting point to begin your ZTA journey. The key is to implement changes that enable your workforce to be secure without a lot of pain points – and as you might expect, they will moan and groan anyway.

Final Words

If you can't afford to take reasonable steps to secure your data, you sure as heck can't afford to be the victim of a data breach! 🙄

While all addictive drugs used for an extended period are harmful and rewire the brain, fentanyl is in a class by itself because of its sheer dangerousness even in the smallest of amounts. It can maim and kill a user the first time that he or she takes the drug.

Because of the escalating deaths in the community and because the same people were returning to court charged with the same drug related crimes, my conscience began to bother me. I mused: "what a waste of human talent and potential. I am sending these young men and women off to prison where there would be no drug treatment or counseling and where they would mix in and be influenced by dangerous criminals."

For these offenders, it became clear that incarceration was not the answer. Treatment was. The destruction of lives by substance use and the impact it had on the court's docket figured prominently in my decision to start a recovery court docket in Halifax County. I met with the Commonwealth's Attorney, Public Defender, Sheriff, Probation Office and Community Services representative to discuss the possibility of implementing a recovery court program.

We met with representatives of the National Association of Drug Court Professionals in Radford, Virginia. After basic training and approval of the Drug Treatment Court Advisory Committee, we set up our recovery court in 2017 and we have not looked back!

I can say with immense confidence and pride that running a recovery court docket is the most impactful and professionally rewarding program in which I have ever participated. My wonderful and committed drug court team and I are resolute in our mission to reduce recidivism, save lives, restore families and save taxpayer dollars.

Recovery court dockets are allowed and governed by Va. Code §18.2-254.1. They are evidence-based and guided by best practice standards. The program is voluntary. The incentive for the participant is that if successful in the docket he can avoid having to serve an active jail sentence or he can have his charge dismissed. Only "high risk and high need" individuals - based upon criminogenic testing- are considered for the program. The length of the program can be anywhere from 12 months to 24 months. This depends upon how quickly the participant adapts and follows the rules and policies of the program.

Our participants have usually been traumatized from childhood experiences and have low self-esteem. Because of the stigma associated with addiction, they feel worthless. A major effort of the recovery court is to lift self-esteem and convince participants that they are no different from anyone else who is suffering from a medical disorder. We tell them that they need not be ashamed, and that they have value and are worthy of a life without drugs.

It is not easy to comply with the strict requirements of recovery court. Deception and lying are

symptoms of a substance use disorder, which prevent recovery. So, we demand absolute honesty or else we will remove the individual from the docket.

Random urine screens are used to check for prohibited substances. Participants attend group and community meetings during the week. Home visits are made to ensure compliance with recovery court policies. Employment is required once they have been stabilized.

Rewards and sanctions are essential to change behavior. The recovery court team praises lavishly when participants have reached milestones. On special occasions, they are provided small gifts such as a \$10 gas card. They are given certificates of achievement. But accolades, like applause or a handshake from the judge, tend to be just as or more powerful motivators in changing behavior.

The docket participants are sanctioned for non-compliance. They might be required to prepare and present a paper to the court concerning a rule they have violated. They might be required to perform community service. In some situations, we might resort to flash jail time for no more than 5 days to remind them that they would rather be in the community than in a jail. We use jail not for punishment but to change behavior.

Most participants really want to change their lives. They want better relationships with their families. They are tired of being addicted. And they are tired of lying, begging and stealing to get high. But an addicted brain makes it difficult for them to change.

A person suffering from a SUD has a severe and complex brain disease. Long-term use of drugs like meth and fentanyl causes the brain to change. Thus, the brain does not function like a healthy brain should. P2P meth users develop severe psychological problems including psychosis. The brain chemicals produced to satisfy regular and normal pleasures (like going to a family outing, enjoying a healthy meal, etc.) are insufficient to satisfy the cravings for illicit drugs.

After long term use, the users no longer achieve euphoria from illicit drugs, but they continue to use them to avoid the gut-wrenching sickness associated with withdrawal. An addiction specialist once told me that the feeling of withdrawal is akin to the worst flu one has ever had, multiplied by 10.

Medically assisted treatment (MAT) is often prescribed to treat opioid disorders. At the start, I was not a fan of MAT. It did not make sense to me to treat opioid addictions by giving users opioid medications. But, over the years, I have come to understand how MAT reduces cravings, and how MAT is necessary to treat addiction.

The MAT medications used to treat opioid addiction are methadone, buprenorphine and naltrexone. Opioid medications do not affect one's mental ability or intelligence. Rather, they enable an individual to work so that he/she can take care of himself/herself and his or her family.

Despite the difficulty and the complexity of SUDs, recovery courts are successful in shepherding people to recovery. In our Halifax Recovery Court, more than 60% of the participants graduate. Graduates are likely to remain sober and avoid future criminal behavior. They reengage with their families and communities. And they relieve their loved ones from the almost unbearable daily stress and worry caused by not knowing where they are, how they are doing or whether they are living or dead.

Graduates work and become taxpayers and contribute back to their communities. Indeed, some graduates become peers and serve as role models for others desperately trying to recover from their addictions. Most importantly, they provide hope that they can live wholesome, productive and drug-free lives.

An ancient African proverb says that it takes a village to raise a child. In a similar vein, it will take the nation, criminal justice system, treatment professionals in each community working together to arrest the deadly spread of addiction.

WE MUST DO THIS! 🙏

Contributing Authors

Thanks to the following who have contributed to the writing of articles included in this newsletter:



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Frank Overton Brown, Jr. is engaged in the private practice of law in the Richmond, Virginia metropolitan area and he concentrates his practice in the areas of wills, trusts, estate planning, estate and trust administration, and related tax matters. He is a Fellow of the Virginia Law Foundation and

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The Honorable Joel C. Cunningham is a native of Halifax County, Virginia. He is married to Evelyn Cunningham, and they are parents of four children and six grandchildren. He graduated from Virginia State University and the University

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Evan H. Farr, Certified Elder Law Attorney, Shareholder (Licensed in VA, MD, and DC) In addition to being one of approximately 500 Elder Law Attorneys in the Country, Evan is also a Charter Member of the Academy of Special Needs Planners and one

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Leonard C. Heath, Jr. is a partner in the firm of Heath & Verser, P.L.C., located in Newport News, Virginia. He served as the 80th President of the Virginia State Bar, the state agency that regulates and governs the approximately 32,000 lawyers who

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Jon Huddleston is a Past President of the Virginia State Bar. During his term, his "Virginia is for Good Lawyers" video series (The Big Picture) helped the VSB receive a Luminary award from the National Association of Bar Executives

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Laura Inscoe and her two sisters were born and raised in Richmond. Laura attended the University of Virginia where she received a bachelor's degree in English. She then entered the University of Richmond School of Law and received a Juris Doctor degree in 1980. She practiced

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After practicing law for 17 years, mostly in the area of corporate law, Laura discerned a call to ministry as a priest in the Episcopal Church. She attended seminary at Union Theological Seminary, here in Richmond, and after being ordained, served as associate rector at St. Mary's Episcopal Church, Goochland. She was later called as the first woman rector of historic St. John's Church in Richmond, where she served until retiring in 2017. She served as a priest associate at St. James' Episcopal Church for three years, and now attends St. Peter's Episcopal Church in Church Hill.

Laura's husband, Ray, is a Presbyterian minister who served as director of pastoral care at Westminster Canterbury, Richmond for 25 years. Laura has two stepsons and enjoys spending time with her husband and their three lively grandchildren.



In 1967, James W. Korman came as a law clerk to the law firm now known as Bean, Kinney & Korman. After over 50 years in the practice of law with the same firm, he retired on January 1, 2023. He is a member of the inaugural class of the Virginia

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Bruce Robinson was admitted to the Virginia State Bar in 1978 after graduating from the T.C. Williams (University of Richmond) School of Law. He has been a solo practitioner since being admitted to the bar and resides in South Hill, Virginia. He

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He served as the part time Assistant Commonwealth Attorney for Mecklenburg County Virginia. He serves as a substitute judge for the Tenth Judicial District. In addition, he served as a Chapter 7 panel trustee United States Bankruptcy Court Eastern District of Virginia, at Richmond until his recent retirement.

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William T. (Bill) Wilson has been practicing law in Covington since 1963, when he joined Senator Hale Collins. He is now senior lawyer (and only lawyer) in the Law Office of William T. Wilson. He was formerly senior partner in the Law

Firm of Wilson, Updike & Nicely. For five years in a row Wilson was named to the Super Lawyers list. He served in the Virginia House of Delegates for 16 years (1974-89); and is currently a member of the Virginia Bar Association (VBA) and the Virginia State Bar (VSB). He is a past chair of the Conference of Local Bar Association (CLBA) and a past chair of the Senior Lawyers Conference (SLC). His tenure with the SLC was distinguished by the development of a Senior Citizens Law Day Program which has been a statewide program of the VSB.



W. Carter Younger, current Chair of the VSB Senior Lawyers Conference and the Conference's Liaison to the VSB Litigation Section, has been a member of the Virginia State Bar for 53 years. He is a retired partner of McGuireWoods LLP in

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