

INSIDE THIS ISSUE:

<i>President's Corner</i>	2
<i>Robert Ballou Appointed U.S. Magistrate Judge</i>	2
<i>Introducing: The Roanoke Chapter of the Federal Bar Association</i>	3
<i>RVLSA's 46th Annual Bosses' Night</i>	3
<i>Professionalism Remarks by Hon. Charles N. Dorsey</i>	4
<i>Professionalism Remarks by Hon. William F. Stone, Jr.</i>	5
<i>RBA Members in the News</i>	6
<i>William M. Hackworth</i>	
<i>Roanoke Law Library News and Information</i>	6
<i>Rule of Law Project 2011</i>	7
<i>Santa in the Square</i>	8
<i>Barrister Books Buddies 12th Year</i>	9
<i>Announcements</i>	13

The views expressed in the Roanoke Bar Review do not represent the policy or carry the endorsement of the Association unless specifically noted.

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VIEWS FROM THE BENCH: PROFESSIONALISM IN THE PRACTICE OF LAW

The Roanoke Bar Association often uses this publication to feature the accomplishments of its members, to honor prominent local attorneys, to report on significant events on the Association's calendar, or to encourage members to participate in the host of community service activities in which our Association is involved. We do not as often focus on one aspect of the practice of law in the Roanoke Valley which is a source of pride for a tremendous number of the Association's members – the degree of professionalism illustrated by our attorneys. We have decided to devote a significant portion of this edition of the *Roanoke Bar Review* to that purpose.

If you have practiced law in Roanoke for any substantial amount of time, you have likely observed that practicing law here can be different from practicing in many other jurisdictions. Our courts are willing to trust the lawyers practicing before them to move cases through the litigation process diligently, without having to enforce rigid deadlines with "rocket docket" rules. Lawyers can accept the statements of opponents without serious question. Communications between counsel (and the courts) rarely degenerate to levels low enough to make headlines. There can be exceptions to these examples, to be sure, just as there are examples of exemplary professionalism in all other legal markets, too. For the most part, though, all of us agree that practicing law in this area is just a "little bit nicer" than practicing in just about any other jurisdiction.

There can be many explanations for this feature of being a lawyer in Roanoke. For one, while the Roanoke Valley is large enough that the skills of many of our judges and lawyers are on par with those of any other legal market in the nation, the Roanoke bar is small enough that members of the bar are going to encounter each other frequently in cases for as long as we practice in the Valley. This fact can take away the anonymity that can sometimes cause contact with a faceless name in another city to become less than exemplary.



Judge Dorsey
Comments on
Page 4

Additionally, it is clear that the prominent, experienced members of our bar place a premium on professionalism. There are countless stories over the years of highly-regarded members of the bar exercising a form of "self-policing" of members who have gotten carried away – not with a formal bar complaint or disciplinary proceeding, but with a simple, quiet visit or phone call to correct a course of conduct or suggest lightening of a tone. It is in this vein that the *Bar Review* is pleased to be able to republish in this month's newsletter the remarks offered by two of Roanoke's judges at the Virginia State Bar's Professionalism Course on August 18, 2011 in Roanoke. The Honorable William F. Stone of the U.S. Bankruptcy Court for the Western District of Virginia and the Honorable Charles N. Dorsey of the Roanoke City Circuit Court offered the following words of wisdom to newly-admitted members of the bar and provided stories and advice to remind all members of the bar about the value of professionalism in the practice of law. The *Bar Review* is indebted to Judge Stone and Judge Dorsey for permitting us to feature their speeches here.



Judge Stone
Comments on
Page 5

PRESIDENT'S CORNER

BY LORI D. THOMPSON, ESQ., PRESIDENT



MAKING THE WORLD A LITTLE BRIGHTER

We've all heard the joke about how many attorneys does it take to change a light bulb. Most creative answer I've heard – 54 – seven to argue, two to get a continuance, one to object, one to demur, two to research precedents, one to dictate a letter, one to stipulate, five to turn in their time cards, one to depose, one to write interrogatories, two to settle, one to order a secretary to change the light bulb, and twenty-eight to bill for professional services.

Now – a more important question - how many attorneys does it take to make the holidays brighter for families in desperate need? Answer – on December 5, it took 40. That's the number of attorneys who volunteered to bring magic and hope to those in our community who may need it the most.

For the sixth year, the Roanoke Bar Association Foundation hosted *Santa in the Square*. Children and their families currently served by The Transitional Living Center, Roanoke Valley Interfaith Hospitality Network, Trust House, The Rescue Mission and Head Start came to the Museum of Transportation for two hours of simply being a kid during the holidays. They enjoyed every kid's favorite treats, including pizza, chicken nuggets from Chick-fil-a and cakes and munchies. Clowns, carolers and face painters entertained, along with the Chick-fil-a Cow, who dropped by to share the fun. And the best of all – they got to see Santa and take a photo home to remember him by. The children were also invited to stop by "Santa's Workshop" where they created holiday arts and crafts, and "Santa's Sack," where they selected special holiday gifts to give to family members and care providers this Christmas. The event is as memorable for the volunteers as it is for the moms and dads who bring their children to the event.

Santa in the Square started in 2005. I served as Chair of the VBA Young Lawyers that year, and in September of 2005, I attended an ABA Young Lawyers Conference. The young lawyers from Maryland presented a program about their holiday party they hold for homeless children and their families at the National Aquarium in Baltimore, and it sounded wonderful. I returned to Roanoke and came to the October meeting of the RBA Board of Directors. I talked about the program and how the Science Museum Director was supportive of such an event. The instant response of RBA President Brett Marston and the Board was, "Let's do it!" The Board designated up to \$1,000 to fund the project, and *Santa in the Square* was off and running.

Thanks to the work of the many RBA members who have volunteered over the past 6 years to make this event possible, we have given special holiday memories to over 1,500 attendees of *Santa in the Square*. In years 2-6, the event has been entirely funded through donations made to the RBA Foundation. That is truly amazing, and something about which each of us should be very proud.

I, for one, am glad that RBA members spend a lot more of their time focused on changing their communities than changing light bulbs. Together, we have made the world a lot brighter for some very special children and families in need.

Happy holidays to you and your families. And thank you for all you do.

Lori D. Thompson is a Shareholder at LeClairRyan

Pictures from the 2011 Santa in the Square are featured on pages 8 and 9.

ROBERT BALLOU APPOINTED U. S. MAGISTRATE JUDGE

BY: KEVIN W. HOLT

On October 3, 2011, Robert S. Ballou officially became the new United States Magistrate Judge for the Western District of Virginia. The United States District Judges appointed Judge Ballou earlier this fall from a field of five nominees recommended by a selection committee made up of area lawyers and citizens. Judge Ballou was selected to fill the vacancy created when Judge Michael F. Urbanski became a United States District Judge.



Hon. Robert S. Ballou

As a United States Magistrate Judge, Judge Ballou will preside over trials of misdemeanor offenses, conduct initial criminal appearances, resolve civil litigation discovery disputes, and serve as a neutral mediator in settlement conferences in civil cases.

Judge Ballou comes to the bench after practicing law for nearly twenty years with Johnson, Ayers & Matthews. As a partner there, his practice focused on civil litigation and construction law. Judge Ballou is a graduate of the University of Virginia and the University of Virginia School of Law. Before joining Johnson, Ayers & Matthews, Judge Ballou practiced at Christian & Barton in Richmond and served as a law clerk for the Honorable Peter H. Beer, United States District Court Judge for the Eastern District of Louisiana.

At Judge Ballou's November 3, 2011 investiture ceremony, Judge Samuel G. Wilson spoke of his first appearance before Judge Ballou's late father, the Honorable Ernest Ballou, Circuit Court Judge for the 23rd Judicial Circuit. Robert Ballou's long-time friend, classmate and fraternity brother, and fellow Roanoke attorney, John Lichtenstein, regaled the audience with stories of their eventful 1980s road trip to Key West and of Judge Ballou's care for an elderly neighbor during his college years.

Judge Beer, for whom Judge Ballou clerked in New Orleans, administered the oath of office. In his own remarks, Judge Ballou credited Judge Beer with his decision to propose to his wife, Beth. Beth Ballou stood with Judge Ballou as he took the oath of office, and the Ballou children participated in the ceremony, leading the assembly in the Pledge of Allegiance.



The RBA congratulates Judge Ballou on his appointment.

Kevin W. Holt is a Partner at Gentry Locke Rakes & Moore



United States Magistrate Judge Robert S. Ballou at his November 3, 2011 Investiture, with his family: (from left to right in back) Jack, Beth, Judge Ballou; in front, Cole and Amelia. During the ceremony, RBA President Lori Thompson and SRCBA President Matt Pollard bestowed on Judge Ballou the judicial robe he is wearing, as a gift from the two bar associations.

INTRODUCING: THE ROANOKE CHAPTER OF THE FEDERAL BAR ASSOCIATION

BY JOSHUA C. JOHNSON, ESQ.



We are pleased to announce the incorporation of the Roanoke Chapter of the Federal Bar Association ("FBA"). The FBA was started in 1920 to focus on the issues and concerns of the federal courts and practice. The more than 15,000 FBA members include 1,200 federal judges, as well as attorneys practicing in federal agencies and in small and large law firms throughout the United

States.

The Roanoke Chapter of the FBA will hold four meetings annually – three lunch meetings and one dinner meeting. Each meeting will include a CLE program. The national FBA offers numerous benefits to its members:

Share and network - The FBA's mission is to educate members about current federal issues and offer them opportunities at the local, state, and national levels to network with federal judges and lawyers experienced in federal practice. Members will receive newsletters and e-communications to share ideas and practices.

Learn from the credits and earn credibility - The FBA offers more than 700 hours of CLE credits throughout the year at both the national and local chapter levels. The Roanoke Chapter plans to have at least three opportunities a year for CLE credit with a federal focus.

Enjoy leadership opportunities - Serving in a governance position, at the local, state, or national level of the FBA, allows members to play a part in shaping the future of the FBA and the growth of the federal legal community.

Have your voice heard - The FBA monitors and often advocates on federal issues that have an impact on federal practice. There are over 85 FBA chapters that work to change and improve the federal legal system.

For more information about the FBA, please contact Pat Hogeboom at (540) 857-2250 or Josh Johnson at (540) 983-9357 or johnson@gentrylocke.com. The FBA also has a national website: www.fedbar.org.

Josh Johnson practices construction litigation and criminal law at Gentry Locke Rakes & Moore LLP.



The Roanoke Chapter of the Federal Bar Association ("FBA") held its kick-off event on October 20, 2011 at the newly refurbished Patrick Henry Hotel.

Here, the steering committee displays the Roanoke chapter's Certificate of Incorporation.

RVLSA'S 46TH ANNUAL BOSSES' NIGHT

BY: KELLY E. HICKEY, PP, PLS



career in the legal field.

RVLSA held its 46th Annual Bosses' Night on Thursday, September 15, 2011, at The Maridior. What a wonderful venue for such a worthwhile event. The food was wonderful and the service outstanding. Bosses' Night is RVLSA's annual event held to not only honor our bosses, but to raise funds for a scholarship presented each year to a high school or college student pursuing a

RVLSA wishes to thank all members of the Roanoke Bar who continue to support our programs, especially Bosses' Night. Without your support we might not be able to sustain this program as we have been. For the past several years we have been able to give two \$1,000 scholarships.

What a fun night! **Elizabeth Guilbert Perrow** of Woods Rogers was named the 2011 Boss of the Year. Way to go Elizabeth! Elizabeth has been an avid supporter of RVLSA for years. **Nancy Stewart** of Woods Rogers was named 2011 Member of the Year. She also happens to be Elizabeth's

Legal Assistant. This was also well merited as Nancy is active in RVLSA and can always be counted on to assist wherever needed.



Nancy Stewart
2011 Member of the Year

Are you wondering how you too can be honored by your secretary and named Boss of the Year??? Well, encourage your secretary to join RVLSA and she can nominate you to become Boss of the Year. Just think of all the benefits you will reap by having a member of your staff, join RVLSA. RVLSA is a Tri-Level Association, with local, state, and national chapters. Some of the many benefits of being an RVLSA member include, but are not limited to: continuing legal education and resource materials, networking opportunities at the local, state, regional and national levels, commitment to a Code of Ethics and professional standards, professional certification programs and designations, and many more. Feel free to visit the NALS website (nals.org) for more information.

Members of RVLSA sincerely appreciate the continued support of the Roanoke Bar Association. We hope to see more members of the Bar, along with their legal staff, at Bosses' Night in the future. We would also like to see the attorneys encourage their staff to join RVLSA. If any RBA member would like membership information for his/her staff, please contact RVLSA Vice-President, Christine McMillan at cmcmillan@spilmanlaw.com or RVLSA President, Kelly Hickey, PP, PLS at hickey@gentrylocke.com. We will be having our annual Membership Drive on January 19, 2012. More information will be distributed closer to the date. We hope you will encourage your assistants to attend and to join RVLSA.

Kelly Hickey is a Paralegal at Gentry Locke Rakes & Moore, LLP, and President of the RVLSA . . . the association for legal professionals



Elizabeth G. Perrow
2011 Boss of the Year

PROFESSIONALISM REMARKS BY HON. CHARLES N. DORSEY ROANOKE CITY CIRCUIT COURT JUDGE



Congratulations and welcome. To those of you just beginning your practice, congratulations on becoming a lawyer and welcome to the Virginia State Bar. For those of you who are transferring membership, corporate counsel, or who are here for other reasons, congratulations on what you have already accomplished and, if you are new to the Virginia State Bar, welcome.

The practice of law is exciting, an incredible amount of fun, and you can earn at least a decent living at it. It is also frustrating, with moments of sheer terror, and there will certainly be times when you are not paid, or even lose money at it. Maintaining a balance between these two sides of the equation is why we are here, because it requires professionalism.

Why is it that the Virginia State Bar cares so much about professionalism? Assuming that we can agree on a definition of just what professionalism is, why do we care about it?

We often hear the term "professional" used in other contexts. We have all heard of professional golfers, professional football players, professional photographers, professional musicians, and others. Has anyone ever heard of a professional lawyer?

I suggest to you that speaking of a professional lawyer is redundant. All of the other examples I have used need the adjective "professional" to modify the noun. This is largely due to the fact that in all of these examples, they could also be amateurs, however defined. Lawyers, on the other hand, can never be amateurs and are always professionals. Professionalism is part and parcel of what makes up a lawyer. Consequently, neither this course, nor any other, is for you to "obtain" or "learn" professionalism. You are already a professional; you can only increase or improve your professionalism.

The practice of law, of course, is an ancient, learned, and noble calling, one of the three historic professions, along with medicine and the clergy. Lawyers continue that leadership today as part of the only profession in Virginia that is permitted to police its own members, and we all obviously wish to maintain that distinction. As stated in the preamble to the Virginia Rules of Professional Conduct,

The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement . . . [T]o the extent that lawyers meet the obligations of their professional calling, the occasion for government regulation is obviated . . . [A]n independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.

Judges, of course, are lawyers but cannot practice. Consequently, when speaking of lawyers, I say "we" as I am proud to be a member of the Virginia State Bar.

As quoted with approval by the Supreme Court of the United States, "Membership in the bar is a privilege burdened with conditions. [An attorney is] received into that ancient fellowship for something more than private gain. He [becomes] an officer of the court, and, like the court itself, an instrument or agency to advance the ends of justice." *In re: Snyder*, 472 U.S. 634, 644 (1985) (citation omitted).

The venerable Roscoe Pound, Dean of Harvard Law School during the '20's and '30's, wrote that "there is much more in a profession than a traditionally dignified calling. The term refers to a group. . . pursuing a learned art as a common calling in the spirit of public service – no less a public service because it may incidentally be a means of livelihood."

Professionalism differs from ethics. It includes adherence to the expectations of the Rules of Professional Conduct, but it is a great deal more. We may get a better sense of the difference by considering the defining elements of a profession itself.

Justice Sandra Day O'Connor, dissenting in *Shapero v. Kentucky Bar Association*, expressed her view when she wrote:

One distinguishing feature of any profession, unlike other occupations that may be equally respectable, is that membership entails an ethical obligation to temper one's selfish pursuit of economic success by adhering to standards of conduct that could not be enforced either by legal fiat or through the discipline of the market.

486 U.S. 466 (1988). Unfortunately, there is a frequent perception that members of the Bar have lost sight of the distinguishing feature emphasized by Justice O'Connor. As a result, the quest for financial success often appears to have eclipsed the responsibilities and values that make the law a profession rather than a trade.

The oath of office for an attorney in Virginia is as follows:

Do you solemnly swear or affirm that you will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia, and that you will faithfully, honestly, professionally, and courteously demean yourself in the practice of law and execute your office of attorney at law to the best of your ability, so help you God?

As good lawyers, let's consider this oath, what it means, and what each of us has sworn to do.

"Faithfully demean yourself in the practice of law" – what does that mean? Faithful to what? It means faithfulness to the client's cause above our own self-interest. And it means faithfulness to the system of justice itself and to our role as an officer of the court because respect for the law is the glue that holds our society together.

The oath makes reference to honesty in the practice of law. In public opinion polls, lawyers do not fare well on the honesty scale. To be fair to the Bar, part of the reason is a simple misunderstanding of the lawyer's role in an adversarial system. After all, we may be the only group of people who believe that it is virtuous to be able to argue, with passion, either side of the same issue. But there is more to it than misunderstanding.

Justice Lemons relates that early in his career, an older partner took him aside and said, "I understand that you are going to have a negotiation with Bob. You don't know Bob, but I do. Be very careful dealing with him. Now I'm not saying that I wouldn't leave him alone in my office with a one hundred dollar bill on my desk. But I am saying that I wouldn't leave him in there alone with a hundred ones." Is that the kind of reputation you want as a lawyer? Masquerading as a person with honor, yet known to be untrustworthy?

The oath of office as an attorney also includes the promise that you will demean yourself in a professional manner. Whatever

(Continued on page 10)

PROFESSIONALISM REMARKS BY HON. WILLIAM F. STONE, JR., CHIEF UNITED STATES BANKRUPTCY JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA



Good morning, and congratulations on becoming members of the Virginia bar. Ours is a group too large to call a club, but as you surely know by now, it has a pretty rigorous new member admission policy. If pride is indeed one of the seven mortal sins, let us sincerely hope that some of our most gifted colleagues might be able to persuade the Almighty to grant a waiver for Virginia bar members. I have been proud of having that distinction for forty-one years now. Indeed, my bar admission number has only four digits. That sense of pride probably has a lot to do with the heritage which you and I now share. Just think of some of those who have preceded us: Patrick Henry, George Wythe, George Mason, Chief Justice John Marshall, and Justice Lewis Powell, to name just a few. By common acknowledgment, John Marshall has come to be known not just as an outstanding Chief Justice, but as "the Great Chief Justice." You know when they call you "The Great" and everyone knows who they're referring to, it means something. In Canada, I understand that hockey star Wayne Gretsky is commonly known as "the Great One." When we hear someone refer to Alexander the Great, do we need ask, "Which Alexander do you have in mind?" Just so, we don't have to wonder which Chief Justice they're referring to when a mention is made of "the Great Chief Justice." Let us agree, then, that you are joining a group which has some illustrious antecedents, lawyers who will be honored as long as our country continues to exist. It's good to have you come on board.

It has been one of the great privileges of my life to serve for the last 12 years as one of the three judges of the United States Bankruptcy Court for the Western District of Virginia. Last year, the Bar Association of the City of Roanoke gave to the Court a framed copy of the Principles of Professionalism. If you ever have occasion to visit our Roanoke courtroom, you will see that gift prominently displayed in a well-lit location just below the courtroom clock. My chambers are in Roanoke, so that placement of those Principles is symbolic both of the respect which I personally have for them and my expectation that counsel practicing in the Court will conduct themselves in accordance with them.

So you know now that I believe that these Principles are worthwhile, but how and why have I formed that opinion? Why indeed should we spend much time considering them? After all, when the Supreme Court of Virginia endorsed them, the late Chief Justice Hassell expressly stated that they were not to serve as a basis for disciplinary action or civil liability. What does serve as a basis for disciplinary action, and potentially for civil liability as well, are the Virginia Rules of Professional Conduct, which set forth what actions are prohibited and what minimum standards are required of a Virginia lawyer. The general goals of the Rules and the Principles are somewhat different, but I believe it is accurate to observe that there is some area of overlap between them. For example, Rule of Professional Conduct 3:3 commands that "a lawyer shall not knowingly make a false statement of fact or law to a tribunal," and Rule 4:1 similarly prohibits false statements of fact or law to others in the course of representing a client. Compare them with the second Principle of Professionalism, which says that as a lawyer "I should act at all times with professional integrity, so that others will know that my word is my bond." The wording of the Principle is somewhat broader than the language of the Rules and sets forth the implicit premise that a lawyer ought to be able to rely upon what another lawyer tells him or agrees to do. That premise is one you must fulfill every day of your professional and personal life.

It is an unfortunate fact of life, however, that our popular culture seems to regard the idea of an honest lawyer as simply nice rhetoric disconnected from reality. This is not a recent development. Benjamin Franklin in Poor Richard's Almanac noted, "God works wonders now and then. Behold! A lawyer, an honest Man." Franklin published that jibe in 1733, and I like to think that maybe he modified his thinking some decades later after he came into close contact with lawyers who crafted the very foundational documents of our country and government. But we all know that lawyers are common targets of comedians and commentators of all stripes.

Last year I was in Abingdon during its Highlands Festival and happened to attend a performance by an actor in the guise of Samuel Clemens recreating a lecture in which he appeared as his alter-ego, Mark Twain. He recounted that a lawyer who never took his hands out of his pockets during his once introduced Twain as "a humorist who says some funny things." Twain quipped: "The most remarkable thing about the introduction was that the lawyer kept his hands in his own pockets."

Similarly, the great humorist, Will Rogers, said that he didn't think you could make "a lawyer honest by an act of the legislature. You've got to work on his conscience. And his lack of conscience is what makes him a lawyer."

On the other hand, Lincoln, who of course was a great lawyer himself, was sensible of this perception when he observed,

There is a vague popular belief that lawyers are necessarily dishonest. I say vague, because when we consider to what extent confidence and honors are reposed in and conferred upon lawyers by the people, it appears improbable that their impression of dishonesty is very distinct and vivid. Yet the impression is common, almost universal. Let no young man [and I will take the liberty of adding here to Lincoln's words "or woman"] choosing the law for a calling for a moment yield to the popular belief – resolve to be honest at all events; and if in your judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation, rather than one in the choosing of which you do, in advance, consent to be a knave.

So, let us understand that while the practice of law can furnish an opportunity to be a knave, to use Lincoln's term, or a scoundrel, to use my own, to demonstrate integrity in all of our professional dealings is not only required of us, but also is that critical quality, recognized by the best of those who have come before us, which separates the admired lawyer from the shyster. While we are bound to acknowledge the existence of the popular stereotype, in my personal experience, the right kind of clients expect their lawyers to be honest and trust them to be so. I do not recall ever encountering a client who gave me the idea of expecting anything other than honesty and integrity from me. I think that was what Lincoln was talking about when he said that the "impression of dishonesty is [not] very distinct and vivid." So, despite what popular culture seems to say, please know that people really do expect you as a lawyer to be honest and to demonstrate integrity.

Most of what is contained in the Principles of Professionalism, however, is endorsed and recommended but not absolutely required. Some of what appears there recognizes principles of living which we ought to have learned well before taking a bar exam, such as, treat others as you would wish to be treated, or if you wish to receive respect, give it, and try to be civil and courteous

(Continued on page 7)

RBA MEMBERS IN THE NEWS

BILL HACKWORTH ANNOUNCES RETIREMENT AS CITY ATTORNEY

BY: WILBURN C. DIBLING, JR., ESQ.



Bill Hackworth

Roanoke City Attorney **Bill Hackworth** has announced his retirement at the end of this year, after 23 years of cumulative service to the City of Roanoke.

Bill began his career in local government in 1978, when he joined the Roanoke City Attorney's Office as an Assistant City Attorney. After ten years of service to Roanoke, Bill accepted the position of County Attorney for York County and served in this position until 1999 when he returned to Roanoke, having accepted the position of City Attorney.

In serving the City, Bill was instrumental in the City's adoption of entirely new zoning and subdivision codes. He was also instrumental in the City's establishment of conservation easements in the areas of the Carvins Cove Reservoir and nearby Appalachian Trail, and on the site of Roanoke's landmark "Star" on Mill Mountain. He also worked to assemble a coalition of parties, including Hollins University and the Western Virginia Water Authority, that purchased the slopes of Tinker Mountain and placed conservation easements on the land, thus heading off the auction of the mountain. Recently, Bill also assisted with the City's renovation of its historic Market Building, a project involving complex contractual and financing issues.

Bill served as President of the Local Government Attorneys of Virginia, Inc. (LGA) from 1999 to 2000. He has also served on the Board of Directors of the Roanoke Bar Association and the boards of a number of non-profit groups, including the Western Virginia Land Trust, Friends of the Blue Ridge Parkway, and Western Virginia Community College.

At the recent conference of the LGA, Bill received the highest honor for a local government attorney, the Edward J. Finnegan Award for distinguished service. The award is presented to only one local government attorney each year and recognizes an individual who has made significant contributions to local government law or to the LGA. The LGA Awards Committee made the decision that Bill would receive this award prior to his retirement announcement.

Bill is a devoted outdoorsman, who intends to devote much of his retirement to hiking and bicycling. In the spring, he plans to commence a through-hike of the Appalachian Trail. He also has ideas for a couple of books he would like to write.



Members of the RBA will want to extend congratulations to Bill for his years of able service to the City and our community.

Will Dibling, a former City Attorney himself, now practices law at Gentry Locke Rakes & Moore LLP, primarily in municipal and local government, zoning, and land use issues.

ROANOKE LAW LIBRARY NEWS AND INFORMATION

BY JOSEPH KLEIN, LAW LIBRARIAN

The holiday season is fast approaching, and 2011 is coming to a close. What a whirlwind of a year it has been! I, for one, am truly looking forward, hopefully, to some much needed relaxation around the holidays and to my first Christmas with my new daughter, Harper, born February 13, 2011.



The Roanoke Law Library would like to send you all Seasons Greetings and to thank you and the Roanoke Bar Association for all of the support over the years. For budgetary reasons, we may have been forced to cut our hours, but our collection and services are as strong as ever. We still offer free access to Westlaw, circulation of all the latest Virginia CLE materials, updated versions of Virginia Statutes, Legal Encyclopedias, Digests, and case law. You can still use our conference room for all your meeting needs.

Our new Westlaw contract provides many new databases, including forms databases and topic specific databases regarding business, real property, municipal government, and law enforcement. Plus, I am glad to put my almost 15 years of legal research experience to work helping you answer your legal research questions. Additionally, we now circulate our West Nutshell books, so you can quickly bone up on most legal topics. It's the season of giving and all of these services are provided to you for free, so please take advantage. Give me a call at 853-2268 with any questions, or just stop by at your convenience.

New Overdrive Service to Download eBooks and Audiobooks:

Are you getting yourself a Kindle, iPad, or new smartphone for Christmas? The Roanoke Valley Libraries has recently entered into an agreement with *Overdrive* to offer eBooks and audiobooks. All Roanoke Valley Library card holders can use *Overdrive* to download thousands of eBooks and audiobooks to their computers, e-readers, and smartphones. Once set up, it is possible to borrow these materials without even leaving your home (or in the case of your smartphone, anywhere). To see what is available, please visit <http://elib.rvl.info/> and find a guided tour of these services, FAQs, and a list of compatible devices. Or feel free to give me a call at 853-2268 with any questions.

Mark Your 2012 Calendar!

February 17, 2012

**Roanoke Bar Association Foundation
Mardi Gras Casino Night Gala**

March 30, 2012

Bench/Bar Conference

May 1, 2012

Law Day Celebration

LOOKING BACK ON THE RULE OF LAW PROJECT 2011

More than 60 eighth-grade civics classes in the Roanoke Valley had special guest teachers on October 24, 2011, when nearly 50 volunteer attorneys from the Roanoke Bar Association and the Salem/Roanoke County Bar Association reported to 11 middle schools in the Roanoke and Salem school districts to participate in the Rule of Law Project. The impromptu teachers came from all areas of the profession, from judges and prosecutors to attorneys from large and small law firms. Their goal was to help student citizens understand how the rule of law works—citizens engage in making the laws that govern them, apply these laws fairly and equally to everyone, and agree to obey the laws. Two volunteers agreed to share their experiences.

Hon. David W. Garland, Magistrate, 23rd Judicial District, Region 2:

This was my first year participating in the Rule of Law Project, and it was a great experience. It was as much an educational experience for me as for the students. In preparing to teach students at Glenvar Middle School, I found myself contemplating again those basic notions of the rule of law that we learned in law school...generality, equality, certainty, and judicial review. I dusted off some old notes, glanced again at the writings of A.V. Dicey and F.A. Hayek on the subject, looked over *Marbury v. Madison*, and reviewed Robert Axelrod's work on cooperation and game theory. No, the eighth-graders didn't get all of that crammed into an hour! But in class, we focused on the basics, and a three-legged drummer's stool from the garage became an object lesson on the functional role played by the separation of three branches of government to provide a steady seat for Lady Liberty and the rule of law. The pre-advanced placement students participated heartily in the discussion, asked interesting questions, and were very well behaved. I'd happily participate in the future and hope other attorneys and judges will do the same.

Kevin Gick, Assistant Commonwealth's Attorney, Roanoke County:

Contrary to popular belief, our youngest generation firmly believes in tough, no-nonsense law and order. That was my impression after visiting Sarah Pearman's class of middle-schoolers at James Madison Middle School for the Rule of Law Project. My goal was to help young people think about what it means to live in a country governed by the "rule of law". This was the scenario I challenged the students with:

You're a prosecutor assigned to cover J&DR court. As you approach the courtroom to start your docket, you hear screams and a man yelling. You turn the corner and see a large man pounding a smaller man on the tile floor. It takes four deputies to get the violent aggressor off the victim, who suffered a chipped tooth and is bleeding from the nose. A police officer arrives and handcuffs the assailant. You look down at your docket for that afternoon and get a shock! The guy who just got beat up is a defendant who has a preliminary hearing scheduled in five minutes for felony aggravated sexual battery of a minor. And it gets worse! A sheriff's deputy pulls you aside and whispers that the man who just got arrested is the father of the little girl who was molested! What are you going to do when the assailant/father of alleged molestation victim comes to trial?

These young men and women fell over themselves to impose increasingly harsh consequences on the vigilante dad: "3 months in jail and a \$1000 fine! No, 6 months in jail and 100 hours community service! Wait - all 12 months in jail!!" At some point, a young lady asked how old the accused pedophile and his victim were. I said that this wasn't a Romeo and Juliet scenario. It was a 38 year-old messing around with a 14 year-old. At that, a young woman replied, "Oh. In that case, the dad should only have to do 3 months in jail."

The Rule of Law Project, sponsored by the Virginia Bar Association and funded by the Virginia Law Foundation, strives to help young citizens understand the rule of law, its importance to government and justice in America, and the key role they as citizens will play in keeping it alive and well. For more information, please visit www.ruleoflaw-vba.org. Thanks to all the 2011 Rule of Law participants!

PROFESSIONALISM REMARKS BY HON. WILLIAM F. STONE, JR.

(Continued from page 5)

to others even when that proves to be difficult.

I once attended a funeral where the eulogy was given by a minister who was a close friend of the deceased. The minister said, "Edwards had manners and decorum. You could go to the White House with Edwards." And he was right, I don't think that anyone there would have disagreed with that assessment. As is suggested by the minister's accolade, good manners and decorum are noticed.

APPEARING IN COURT

Let me offer here some specific thoughts about courtroom manners and decorum. Obviously, I can't speak for all judges, but I believe that all the judges I know, at any rate, do not expect or want attorneys appearing before them to address or treat them as a serf might approach an autocrat. Hmmm, "as a serf might approach an autocrat" – perhaps I spoke too hastily; actually that doesn't sound so bad. Truthfully, though, to treat the court with courtesy and respect does not mean to leave at the courtroom door one's own personal dignity and self-respect. It is a sign of good manners and decorum to greet the presiding judge when one appears before him or her with a "Good morning, your honor," or "Good morning, Judge Hand." Don't stop there, though. Follow that with an identification of yourself and the client for whom you are appearing. "I am Horace Rumpole, and I am appearing today on behalf of Mack the Knife." That serves to make the identity of yourself and client apparent to both the judge and the court reporter. If you are appearing before a judge and/or court reporter who may not be familiar with you, a nice touch is to provide to the court reporter and the courtroom deputy clerk your card identifying you and your law firm. Please remember that even if you have appeared previously in that court, your name may not instantly come to the judge's tongue, and your habit of introducing yourself to the court will help avoid embarrassment to the judge if he or she cannot immediately identify you or recall your name. There's no need for you to go heavy with "your honor this" and "your honor that" and "this honorable court," though. You should act with respect to the court and should expect to receive respect in return from the court; after all, you are a professional, there on important business. Be polite, but do not presume personal familiarity with the judge in the courtroom or be flippant. You are in a court, not encountering the judge at a supermarket or coffee house. Courts do have their own traditions of decorum.

I practiced law for almost exactly 28 years in Virginia before being appointed to the bankruptcy court. In that time, I developed a high regard for the ability, professionalism and conscientiousness of the state and federal judges with whom I came in contact at every level. I hope that your experience will be similar. Nevertheless, let us acknowledge a fact of life that judges are like lawyers, in that they are not all the same. They have different strengths and weaknesses. On occasion, you may appear before a judge who does not strike you as being particularly quick of mind or possessing great depth of understanding.

The story is told of an English judge, widely regarded as somewhat wooden-headed, who came to court one day with a heavily bandaged finger. One of his colleagues inquired about his trouble, and the judge replied that he had gotten a large splinter under his fingernail. One of the quick-witted barristers in attendance was overheard to say, "He probably got it scratching his head." So, not all of the judges before whom you may appear will call to mind Learned Hand or Oliver Wendell Holmes, Jr. The reason that respect is accorded to judges, however, in my view has nothing to do with any concept of their relative worth as human

(Continued on page 11)



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The 12th year of Barrister Book Buddies is underway with 35 judges and lawyers reading in four Roanoke City Public Schools. Once again, the RBA has honored every teacher request for a Buddy, who reads at least one hour per month throughout the school year.

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PROFESSIONALISM REMARKS BY HON. CHARLES N. DORSEY

(Continued from page 4)

this broad term includes, it surely means you maintain competence in your field and provide service and leadership to your community.

Finally, as each of you took the oath to become a member of the bar, you noted that the only thing that you swore or affirmed that you would support and defend was the Constitution of the United States and the Constitution of Virginia.

As you are already familiar with the Constitution of the United States, I note to you that much of the language in Article I of the Virginia Constitution is drawn directly from the Virginia Declaration of Rights enacted on the 12th of June 1776, almost a full month before the Declaration of Independence. By way of example and dealing directly with our obligation of professionalism, Article I, Section XV of the Virginia Constitution states "that no free government, nor the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue; by frequent recurrence to fundamental principles" I certainly suggest to you that one of those fundamental principles is the professionalism of the members of the Virginia State Bar.

What we do is important. As stated in the preamble to the Rules of Professional Conduct, "lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. The Rules of Professional Conduct, when properly applied, serve to define that relationship."

Given this profession that we belong to, what are some ways we can demonstrate our professionalism and improve it? My examples are certainly not intended to be exhaustive nor comprehensive, but I hope they will illustrate some aspects of professionalism.

Collaboration – while we all have different roles in the system, we have nonetheless a collaborative system to produce the best result for the parties and other users. In that regard, I think we can never underestimate the power of effective communication. I understand, of course, that there are rules prohibiting *ex parte* and other inappropriate communications. I am not referring to those, but I am referring to effective communication. If, without doing violence to your client's objectives, you can simplify the process, do so. Speak with opposing counsel, narrow the issues, the evidence, and anything else that can be stripped away without harming either client. Speak with the judge, as permitted by law, if you have unusual issues, personalities, or scenarios.

Preparation – there is absolutely no substitute for reading the statute. There is absolutely no substitute, after you have read the statute, and have the identical case two months later, for re-reading the statute. There is absolutely no substitute on or before July 1 of every year, to read at least a summary of statutory changes brought by the General Assembly. Similarly, there is no substitute for reading the Rules of Court.

Tradition – professional standards are contained in rules of ethics, Rules of Court, statutes, and case law, as well as what is referred to as the "lore of the profession." This has also been referred to as "institutionalized nostalgia." If you are not comfortable with the way you have been treated by an opponent, or you are not comfortable with the way you intend to treat an opponent, check with a more experienced lawyer in your firm or, if you are not in a firm, give a call to an older member of the bar, or a judge that could not be involved in hearing your case. The local practice in Roanoke has always been that lawyers seek out substantive advice, as well as ethical advice, from other lawyers. Usually the lawyer whose advice is sought is flattered to be asked, and the lawyer asking receives valuable help.

Leadership – community service is expected from members of a learned profession. The French writer, Alexis de Tocqueville, ob-

served the unique role that lawyers played in the shaping of American society. We still play that role. It is not simply that specialized learning and knowledge of a unique "legal language" make lawyers indispensable. It is much more than that. It is the leadership we demonstrate in our community and the world. De Tocqueville wrote,

The more we reflect upon all that occurs in the United States the more we shall be persuaded that the lawyers, as a body, form the most powerful, if not the only, counterpoise to the democratic element. In that country we easily perceive how the legal profession is qualified by its attributes, and even by its faults, to neutralize the vices inherent in popular government. When the American people are intoxicated by passion or carried away by the impetuosity of their ideas, they are checked and stopped by the almost invisible influence of their legal counselors.

When you took the oath of office as a lawyer, you took on a duty of leadership in your community. You may serve on the boards of non-profit organizations. You may coach young children in sports. One of the privileges and duties of being a lawyer is the call to leadership and service.

Practical suggestions - these are not technical, nor original, with me. Remember, you are the legal system to many people. Recognize that power, the power of public perception. Remember that you should always consent to reasonable requests. The Rules mandate it, but common sense emphasizes it. Don't hesitate to confirm understandings with other lawyers in writing. This is not due to a lack of trust but rather is only common sense and prevents legitimate unintended misunderstandings.

Don't exploit technical mistakes. I was given very good advice early on by an older lawyer, which was, if you want to be a jerk (there was a more colorful noun used, but I have chosen to edit), you had better be perfect.

Respect the schedules of others; not only other lawyers, but also witnesses, parties, and those who are drawn into the legal system.

Respect the professionalism of others within the system – sheriffs, law enforcement, clerks, marshals, and others. It is not only the right thing to do, but they can be an invaluable source of information and assistance.

Sanctions, in this part of the state, are typically inappropriate. Realizing there has been a recent flurry of appellate cases on this topic, I am not suggesting that you don't have a legal right to request sanctions. I am merely suggesting that there is a significant distinction between having a right and exercising it.

Justice Lemons relates that our Supreme Court had a matter before the Court where, at trial, a lawyer had suggested that it was unnecessary for a co-defendant to remain at the hearing because the remaining issues to be resolved by motion did not affect that party. Accepting the suggestion, the trial court excused the lawyer representing that party. The unexpected often happens, and the trial court thereafter made decisions that did affect the absent party. On appeal, the first lawyer maintained that the second lawyer had "voluntarily absented himself from the proceedings" and should be bound by the rulings. The entire Supreme Court of Virginia was dumbstruck. Justice Lemons asked the lawyer at the podium how he could maintain such a position when he had invited the lawyer to leave. The lawyer said, somewhat apologetically, "some decisions are made by clients, some are made by lawyers, and the decision to maintain this position was made by my client. This was the client's call."

(Continued on page 12)

PROFESSIONALISM REMARKS BY HON. WILLIAM F. STONE, JR.

(Continued from page 7)

beings or the level of their legal acumen, but because they have been elected or appointed to serve as guardians of the rule of law in the society, one of our nation's core values.

Before leaving this general area, let me add a word about argument before a court. There is nothing wrong with verbally disagreeing with a judge in court about his or her understanding of the law. After all, it may be your duty to try to persuade the court to see the merit of your position. Some lawyers, of course, are more adept at this than others. Let me make one specific cautionary suggestion on the subject, which is to stay away from using the phrase "with all due respect" when addressing the court to express some disagreement with its statement on some issue then before it. I, and probably most judges, I think, understand that phrase to suggest that, in the attorney's mind, not much respect is actually due; the phrase suggests to me something like, "Judge, respectfully, apparently you are too distracted this morning to be able to grasp a point which really is quite obvious." Here is a better way to handle it. If you see that the tide seems to be running against you, you may even frankly acknowledge that impression and say something like, "I sense that the Court sees the matter somewhat differently, but I would like to make one more attempt to persuade your honor that the sum of the interior angles in a triangle does indeed equal 180 degrees," or whatever. If briefs have not already been filed, or some questions have come up in oral argument which have not been sufficiently addressed in those briefs, you might ask the court to allow you to submit written argument on some key point in contention. I recall an instance when, as a practicing lawyer, I appealed a ruling from the bankruptcy court to the district court and was industriously proceeding through my arguments, when District Judge Kiser, a superb judge, asked me an excellent and basic premises-type of question. I realized immediately that it was an excellent question, one which I should have anticipated myself and prepared for, but had not. Most anyone who has practiced law for a time has likely had a similar experience, so judges understand that this can happen despite your preparation.

There can sometimes be a fine line between vigorously attempting to persuade a court to adopt your argument, on the one hand, and seeming to lecture the court as a very confident law professor might speak to his class. It's better if you don't cross that line. Finally, once the court has stated its decision, it is bad form to continue arguing the point. Call it a day. If you believe strongly that the judge has missed something important or has made a conclusion based on an inaccurate recollection of the evidence or a misunderstanding of controlling law, you can consider filing afterwards a motion accompanied by written argument, requesting some alteration of the court's findings of fact or conclusions of law. Don't make a habit of it, though. If you do that routinely, you will not have credibility with the court when you may most need it.

One last general comment on the subject of argument. Always remember that while you appear as an advocate, you are also an officer of the court. Don't engage in "spin" about what proposition your case cited stands for. You are not in a political arena, where one might combine 10% fact with 90% hyperbole and partisan interpretation and arrive at a result which bears little resemblance to the actual merits of the matter. If a practitioner mis-cites a holding, misquotes the provisions of a statute or a court rule, or misleadingly takes some phrase out of context, it affects the attorney's credibility with the court as well as with other counsel. If you cannot construct a true and substantial argument which you believe to be meritorious to present to the court as to why your client should prevail, you ought to be devoting your energies and efforts towards attempting to reach some agreed resolution between your client and the other side.

MAKING YOUR REPUTATION

Let's move now to the subject of making your reputation as an attorney. Haven't our mothers or fathers given us to understand, either explicitly or by inference, that how we act, what we do, and how we treat others reflects not only on ourselves and our parents most of all, but also on all those people and institutions which have played a part in making us who we are? Similarly, the very first Principle of Professionalism urges each of us as lawyers to "remember that I am part of a self-governing profession, and that my actions and demeanor reflect upon my profession." Aren't we relieved to know that Bernie Madoff is not a lawyer? If he is, please don't disturb my ignorance. Conversely, do you not feel personally offended when you think about high public officials who are lawyers who are caught in illegal or shameful activity, or of thieves who have been better enabled to cheat and steal because of the law licenses with which they were entrusted? I certainly do. I say to you that everything you do as a lawyer—whether it be something as exalted as signing a pleading or making an argument attempting to enforce or protect a constitutional right, or something as humble as drafting a letter to a client, a fellow attorney, an unrepresented adverse party, or a court—everything sends a message about your own personal standards as a lawyer. My law clerks sometimes have occasion to hear me vent in chambers about some pleading or other document or action of either commission or omission by some attorney, "That is just sloppy law practice." Somehow I have the feeling, or at least the hope, that they never want to be the cause of me or any other judge making a similar exclamation about any of their legal product. In summary, everything you do plays a part in creating the reputation which will identify you in others' minds. Do the best work you're capable of performing.

BEING A PROFESSIONAL

Please allow me to ask you to think about what makes the kind of professional you would like to be? In the strict sense, the term "professional" relates to the concept of an individual, such as a doctor, lawyer, architect or similar person, who has obtained a sufficient mastery of some field of specialized knowledge such that the Commonwealth is willing to license him or her to provide services utilizing that knowledge to others, for which the individual may lawfully charge and receive compensation. Nevertheless, I would like to invite you to think of the broader meaning of the term "professional" in our everyday life. Look at that part of our national life which most people find much more interesting and exciting, such as sports stars, actors and actresses, and musical entertainers. Do these celebrities need to obtain licenses from the state to sell their services? Of course not, as long as they are old enough not to violate child labor laws. What distinguishes these professionals? I suggest to you that it is a combination of talent, training and ever so much practice as to enable them to make what is ordinarily extraordinarily difficult seem to be done with ease. I suggest to you that the Principles of Professionalism, in their essence, inspire us to be truly mature persons who have developed our skills and are in control of ourselves to such a degree as to make the practice of law at a high and admirable level, which is by no means an easy thing to do, seem like the most natural thing in the world. That is the mark of the true professional.

We can each, I'm sure, come up with our own legal heroes, whether literary ones, such as Atticus Finch, or actual persons, such as John Adams, John Marshall, Abraham Lincoln, Benjamin Cardozo, or, more recently, Virginia's own Lewis Powell, or Oliver Hill, who grew up just a few blocks from where we are assembled today. We can be confident that each of them encountered many situations which sorely tested their control of their own emotions and their natural reactions.

(Continued on page 12)

PROFESSIONALISM REMARKS BY HON. WILLIAM F. STONE, JR.

(Continued from page 11)

Please think back with me to that painful scene at the post office in *To Kill a Mockingbird*, when Atticus Finch encounters Bob Ewell, the father of the young woman who had accused Finch's client, Tom Robinson, of trying to rape her. The father, an utterly contemptible man himself, who had inflicted the injuries on the daughter which at trial he and she attributed to Robinson, spits in Finch's face to demonstrate his contempt for a lawyer who would dare to question his veracity and that of his daughter in a contest with a black man. Finch's reaction is to pull out his handkerchief and clean his face. Ewell then curses him and challenges him, asking him if he is too proud to fight. Atticus calmly replies, "No, too old."

Finch's response demonstrated remarkable self-control. Such a response, admittedly, would not come naturally to most of us, and we can only wonder how we would react in a similar situation. Atticus Finch is, of course, a fictional creation, but some believe that he represents a tribute to, or perhaps an idealized version of, the author Harper Lee's own father, who was a small-town Southern lawyer. Lee herself studied law for a time and, according to a 2010 magazine article, her older sister, Alice, is a 98 year old lawyer who even now regularly goes to her office wearing a suit and tennis shoes.

I hope that you will indulge me a little further by listening to a vignette from the life of an actual person, a non-lawyer, but a Virginian and a great man, George Washington. The story can be found in David McCullough's marvelous book, *1776*, which I commend to you highly. It recounts Washington's experience during that fateful year with probably his closest military aide, Joseph Reed. A Philadelphia lawyer, and apparently an extremely able one at that, in his pre-war life, Reed had lost confidence in Washington's leadership and had expressed that opinion in a private letter to Washington's second-in-command. Washington had revealed his innermost thoughts of near despair to Reed as perhaps to none other. It was a time of terrible stress for Washington, the high tide for the British efforts to put down the rebellion, and the American cause was flickering like a candle in a gusty wind with the smart money betting that it was about to go out. When Washington learned of Reed's correspondence, he did not conceal that fact from Reed, but neither did he give in to his personal hurt and disappointment to lash out and remove Reed from his staff. He recognized Reed's ability and continued to use him. McCullough concludes that "[o]ut of adversity he seemed to draw greater energy and determination." General Nathaniel Greene, one of his immediate subordinates, later wrote that Washington "never appeared to such advantage as in the hour of distress." Despite the desperateness of their situation, which was truly dire, Washington was able to maintain an iron self-control of his own emotions, to project a critical measure of calmness and confidence, and to persevere. Our first president no doubt had many qualities which made him great, but I would like to suggest to you that his mastery of his own emotions, in other words, his self-control, coupled with absolute personal integrity, were perhaps the qualities most critical to that greatness.

What advice did the ancient Greek thinkers give to all wishing to seek their way in life? "Know Thyself." Excellent instruction to be sure. But, if you want to be a fine lawyer and an admirable and successful human being, I will add to that worthy two-word admonition another: "Master Thyself." While you are working on that, as I myself continue to do, keep the Virginia Principles of Professionalism in your consciousness and incorporate them into your own personal credo. Those Principles can guide the lawyer to make sound professional decisions in the same way that a lighthouse assists a sailor at sea to find his way to safe harbor. Never forget that you are a professional entrusted with a great privilege and that the wishes or needs of any client must never be permitted to set what your personal standards as a lawyer will be. You and you alone have that responsibility. Perhaps you might ask yourself, "When I reach the twilight of my career, what do I want my reputation to be?" and then a follow-up, "How should I act towards all those with whom I come into contact as a lawyer to achieve that goal?"

Thank you for listening to me, and please accept my best wishes to each of you for a meaningful and rewarding professional career and a personal life which brings joy to your soul.

PROFESSIONALISM REMARKS BY HON. CHARLES N. DORSEY

(Continued from page 10)

This is NOT the client's call. Your client does not decide whether you will keep your word. Your client does not decide whether you engage in sharp practices antithetical to the profession. Your client does not decide whether you engage in a scorched earth policy that unnecessarily increases the cost and the emotional toll of litigation. Your client does not decide whether to hide adverse authority from a court. Your client does not decide whether you treat people with courtesy and respect in your practice as a lawyer. As a lawyer, as a professional, as one who has promised to demean yourself with courtesy, you make these decisions.

It is important to understand that zealous representation of your client and civility are not mutually exclusive in practice. Justice Anthony Kennedy addressed this question in a public forum. He said,

Civility is the mark of an accomplished and superb professional, but it is even more than this. It is an end in itself. Civility has deep roots in the idea of respect for the individual. We are civil to each other because we respect one another's human aspirations and equal standing in a democratic society. We must restore civility to every part of our legal system and public discourse. Civility defines our common cause in advancing the rule of law. Freedom may be born in protest, but it survives in civility.

The Virginia Bar Association has enacted Principles of Professionalism that were endorsed by the Supreme Court of Virginia in 2008. The American Inns of Court also has a creed of professionalism. There are others. I commend them to you, to read, reflect upon, and apply in your practice.

We are all part of the process and, in order for the process to be legitimate, we must all do our part. Judge William W. Sweeney, retired from the Circuit Court of Bedford County, in an article he wrote for the Virginia State Bar Litigation News in the spring of 1996, listed twenty-three trial tips from an old judge to a young lawyer. While all had value, his first probably says all that needs to be said in this context:

Always practice ethically. Earn a reputation for integrity. Stand up straight, dress well in court, and try to be courteous without over-doing it. Establish a track record with the court, the bar, and the public, of being a good lawyer.

Kurt Vonnegut was speaking of artists, but had a quote that I think applies equally well to the legal system. We can do "very little about the chaos around [us], but at least [we] can reduce to perfect order this square of canvas, this piece of paper, this chunk of stone." As we all continue to strive for that perfect order, congratulations on becoming a member of this learned profession, good luck and God speed.

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ANNOUNCEMENTS

NEW MEMBERS

The Roanoke Bar Association welcomes the following new Active Members:

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CORRECTION

In the article "Breakfast of Champions" in the September 2011 issue of the *Roanoke Bar Review*, Angelica Lloyd's first name was incorrectly listed as Angela.

UPCOMING EVENTS

Roanoke Bar Association Meetings 2011 - 2012

December 13, 2011

January 10, 2012

February 14, 2012

March 13, 2012

April 10, 2012

June 12, 2012

Go to www.roanokebar.com for more information on these and other RBA events.

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