

INSIDE THIS ISSUE:

<i>Kristin B. Johnson: 2013 Young Lawyer of the Year</i>	2
<i>Judicial Retirement Reception</i>	2
<i>You and the Law</i>	3
<i>President's Corner</i>	4
<i>Views from the Bench: Judge Broadhurst</i>	4
<i>Absence and Leave</i>	5
<i>Roanoke Law Library News and Information</i>	6
<i>Barrister Book Buddies: Thanks for Reading!</i>	6
<i>Heather Hale Inducted as VALS President</i>	6
<i>Investitures Planned for Two New Roanoke Judges</i>	8
<i>Day of Service Volunteers</i>	9
<i>Roanoke's "Influential Women of Virginia"</i>	9
<i>Volunteer Service Awards</i>	10
<i>Roanoke Law Foundation Awards Scholarships</i>	10
<i>Summer Social Invitation</i>	11
<i>Announcements</i>	12

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

## Editors

Linda L. Gustad - 857-5100, Ext. 5323  
LindaG@vawd.uscourts.gov

Richard D. Scott - 400-7997  
Richard@rscottlawoffice.com

Jonnie L. Speight - 767-2036  
jspeight@jamlaw.net

Kevin W. Holt - 983-9377  
holt@gentrylocke.com

## RICHARD C. RAKES, ESQ., RECIPIENT OF THE FRANK W. "BO" ROGERS, JR., LIFETIME ACHIEVEMENT AWARD

Monica Monday, managing partner at Gentry Locke Rakes and Moore, presented the Roanoke Bar Association's 2013 Frank W. "Bo" Rogers, Jr., Lifetime Achievement Award to Richard C. Rakes, at the RBA's Law Day celebration on May 2, 2013, with these remarks offering highlights from his life and career.

Richard C. Rakes was born in Roanoke. After moving with his family several times, he landed in Norfolk and graduated from Granby High School in 1944. He served in the U.S. Army Infantry from 1945 to 1947 and was commissioned a First Lieutenant, Judge Advocate General's Corps in 1951.



Dick earned his law degree at the University of Richmond Law School, where he served as Vice President of the Student Bar Association and was elected to the McNeil Law Society. After graduation from law school in 1951, Dick approached Fred Gentry in Roanoke, who at that time was practicing with an associate named John Locke. Dick thought his prospects with this small firm were promising, because he had been told that they had more work than they could handle. Mr. Gentry was not initially receptive to the idea of taking on another associate, but Dick persevered. Mr. Gentry offered \$150 a month. Dick convinced him that due to the fact that he would have to pay income taxes, he needed a larger salary, and the final figure was \$165. When he married his wife, Jean, two years later, she was making more money as a clerk typist than Dick was as a lawyer.

This perseverance and skilled advocacy in negotiating the terms of his initial employment served Dick well as a trial lawyer. In 1958, Dick was made a partner of the firm, and the firm's name changed to Gentry Locke & Rakes. Dick developed a thriving insurance defense practice and gained a reputation as an excellent litigator. Meticulous with both file handling and trial preparation, he tried many cases. A dedicated mentor to younger lawyers at the firm, he generously shared his experiences. Each fall, he and Jean opened their home for a party to welcome the firm's new associates. To this day, Dick learns the names of the new lawyers and their spouses.

Next to his talent as a mentor to young lawyers, Dick may be best remembered by his partners at GLRM as a tenacious political debater. Despite his best efforts, I understand that he was not able to sway the political views of some of his more liberal partners.

In 1997, Dick served as president of the Virginia Association of Defense Attorneys. He also received that organization's award for dedicated service—the Robert M. Furniss, Jr. Award.



Dick spent his entire legal career at Gentry Locke Rakes & Moore, retiring in 1991 after 40 years in the active practice of law. That year, he was honored as the Roanoke Valley Legal Secretaries Association Boss of the Year. He and Jean raised three sons, and this year celebrate 60 years of marriage.

Dick has not slowed down in retirement, and has sustained a level of community service that would leave your average senior breathless. Dick has

(Continued on page 5)

## KRISTEN B. JOHNSON: 2013 RBA YOUNG LAWYER OF THE YEAR



Lori Thompson, partner at LeClair Ryan, presented the Roanoke Bar Association's 2013 Young Lawyer of the Year Award to Kristin Johnson at the RBA's Law Day celebration on May 2, 2013, with these remarks.

Kristin is a native of Tampa, Florida. She demonstrated wisdom far beyond her years at only 18 when she decided to forego attending one of those second-rate Florida schools to attend the University of Virginia. She graduated from the McIntire School of Commerce at UVA in 2002 and entered UVA Law. She married fellow law student Josh

Johnson during law school, and she again demonstrated her good judgment by moving to Roanoke in 2005.

Kristin clerked for then-Magistrate Judge Michael F. Urbanski for one year, and then worked as an Associate at Woods Rogers LLC from 2006-2008. She returned to serve as a full-time law clerk to District Court Judge Urbanski in 2008.

Serving as a Law Clerk to a District Court Judge is an extremely challenging position. You have to be an excellent lawyer – capable of analyzing complex and broad-ranging issues that span every possible area of the law (no specialization allowed) along with all procedural intricacies of criminal and civil federal practice. You also must be able to communicate effectively with everyone who comes in contact with the justice system, have good judgment, be extremely organized and judicious with your time and the judge's time, and, most importantly, you have to be discrete and exhibit the utmost professionalism in all circumstances. Kristin is able to master all of these attributes and then some.

Judge Urbanski commented. "During Kristin's time at the Court, she has gone above and beyond the traditional notions of public service. She is smart and hard working (whether nights or weekends or whatever it takes). She is constantly striving to get the decisions right. Kristin is so focused - so diligent - and her judgment is excellent. She is exemplary – you couldn't ask for anything more."

Other colleagues at the Court noted that Kristin is very impressive, never drops the ball, is dedicated, enthusiastic, and devoted to her job. One coworker commented, "When [Kristin] takes on a project, she gives it 150%."

Kristin has played a vital role in two significant projects begun under Judge Urbanski's leadership.

The Federal Drug Awareness Program was developed to teach middle school students the pitfalls of drug dealing and the severe penalties associated with drug distribution in the federal system – focusing on how participation in such activity can restrict individuals' ability to control their destinies.

Taking materials originally prepared by the US Probation Office, Kristin rewrote the curriculum for the program, using video scenarios as teaching tools. She coordinated 30 volunteers and their orientation sessions, teachers and six school administrators and their IT personnel, to bring the Federal



(Continued on page 8)

## JUDICIAL RETIREMENT RECEPTION - MAY 21, 2013

The Roanoke Bar Association and the Salem/Roanoke County Bar Association jointly hosted a reception on May 21, 2013, to honor Judge Jonathan Apgar, Judge Robert Doherty, and Judge John Ferguson, upon their retirement this year. The Roanoke Bar Review is honored to reprise here the remarks offered in recognition and thanks for these judges' many years of exceptional service.

**Judge Jonathan M. Apgar**  
**Presentation by Thomas H. Miller**  
**President, Roanoke Bar Association**

The Honorable Jonathan M. Apgar has admirably served his profession, his bar, and the promotion of justice in his community for the past 37 years. He began his public service career in the Public Defender's office before moving on to become a prosecutor. Then, after a successful private practice, he was elected Judge of the Circuit Court of the Twenty-third Judicial Circuit and has served with distinction.

But Judge Apgar's judicial career is not defined so much by way he ruled or the precedents that were followed as it has been about his demeanor from the bench that has endeared him to his colleagues, court personnel, members of our Bar and the general public. Never one to take himself or his position as judge too seriously, Judge Apgar has attempted to treat those coming before him with respect and dignity. One of his favorite movie quotes – and trust me he knows them all – well almost all – is from an Al Pacino movie *And Justice For All* where a young lawyer Pacino replies to a jaded colleague's accusation that he only took on "nickel and dime" clients with: "They're people ya know, just people." At the end of the day, Judge Apgar's attitude in his courtroom was to treat all who came before him as "just people."

Dubbed by his judicial colleague, Judge Dorsey, as "Federico," (in reference to renowned film maker, Federico Fellini), Judge Apgar has received accolades for his role as producer of an award winning 27-minute film promoting awareness of Virginia's drug court. "The Arrest Is Only The Beginning: How Virginia Drug Courts Succeed," filmed on a shoestring, \$25,000.00 budget, won two gold Aurora Awards for documentary issue and social issue commentary; two Chicago film festival Hugo Awards for public access program and special achievement low budget; and a bronze Telly Award for outstanding television documentary. The success of this film helped continue funding for drug courts in Virginia, as it was used as a tangible tool in the General Assembly to demonstrate the difference drug court makes in the lives of those caught up in their dreaded addictions. Judge Apgar also used this film to educate the public to make it clear what these courts do. Drug Courts do not coddle criminals, but help those enrolled work their way back to fully productive lives that are addiction-free at a significant cost savings compared with incarceration. Judge Apgar, this legacy will live on after your retirement.

Don't think, however, that Judge Apgar is going to put his feet up on his ottoman and relax when he leaves the bench. He will be involved in private mediation of cases and in teaching. He has accepted a position at Washington and Lee University's School of Law as an adjunct professor and coordinator of the Judicial Externship Program. And, you can rest assured that he will still be involved in his favorite weekend gig, singing jazz standards at Montano's Restaurant each Saturday night. As a small token of appreciation for Judge Apgar's years of service to his community, the Bar presented him with a decorative chair for his new office at W&L.



(Continued on page 3)

## JUDICIAL RETIREMENT RECEPTION—MAY 21, 2013

Judge Robert P. Doherty, Jr.  
*Presentation by Ann McGee Green*  
*President, Salem/Roanoke County Bar Association*



I moved to the Roanoke Valley in March of 1996, so when I began practicing law here, Judge Doherty had only been on the bench for one year. So to me, he was always "Judge Doherty." However, many of you have known him in his prior positions of service in the Commonwealth before becoming a Judge in the 23rd Circuit. He served as an Assistant Attorney General, an Assistant Commonwealth's Attorney in Roanoke County, and practiced law in the Salem law firm of Philips, Swanson and Doherty. He also served as a substitute Judge, a

Special Justice, and as a Commissioner in Chancery. These many diverse positions gave him a broad knowledge base which served him well as Judge.

And although Judge Doherty graduated law school as a Spider, he was able to teach this Wahoo a number of important lessons, the first being that good judges, like good attorneys, are always learning and always teaching. Judge Doherty loved his teaching role and enjoyed sharing experiences and wisdom with those of us in the Roanoke Bar. He appointed me as a conservator and guardian for a particularly trying case very early in my tenure as an attorney in the Roanoke Valley. In fact, the appointment occurred in the first case in which I appeared before him. Subsequent to my appointment, I complained to him, on a number of occasions, for putting me in that difficult situation. He was very tolerant of my laments and reminded me that having gone through so many complex and multi-faceted problems in that case would make future cases much easier and would make me a better attorney, which of course proved true.

Judge Doherty told me more than once, "I have the best job in the world." He honored his vocation with his intellect, calm demeanor, and mentoring spirit. I did not always agree with Judge Doherty, but as Charlie Phillips said, "He always won—he's got the Robe." I honestly can say I am a better attorney for having practiced before him in the 23rd Circuit.

Judge Doherty and I actually have much in common, one trait being that we are "artistically challenged," which is surprising, since both of us are married to very artistically gifted individuals. His attempts at drawing, to entertain his grandchildren, fill a few recipe boxes. His passion for reading and love of his grandchildren were inspirations for the gift presented to him by members of the Bar: an iPad. Thank you, your Honor, for serving so well this Commonwealth as Judge in the 23rd Circuit for the past 18 years.

Judge John Ferguson  
*Presentation by Deborah Caldwell-Bono, Esq.*

I first met John Ferguson when I was still in undergraduate school and he was a first year law student. His father had brought a pony to the stable where I was working, for the pony to be broken for his young daughter. The pony at that time was seven years old and had human hands laid on him twice; once at age five to be gelded, and a second time when he was caught and loaded onto the trailer to be brought to the barn. He had been running wild with his herd of mares prior to that.



I was assigned the task of breaking the pony. When I went to the stall door and opened it for the first time to see my new charge, I was met with a flash of hind feet. I was a bit apprehensive, to say the least, as to this pony ever being suitable for a young, somewhat inexperienced rider.

As I begin my work with the pony (that they named Smokey, but whose barn name was Baby Face Nelson), many deemed this pony as being "incorrigible." John's father, however, believed in this pony and wanted to see if we couldn't get him properly trained. Despite the difficulties in the beginning, John's father wasn't going to give up hope. With just the right amount of patience, understanding, and a firm hand as needed, this pony blossomed into a wonderful equine partner, and became a beloved member of Judge Ferguson's family for many years.

I tell this story because it so relates to Judge Ferguson's approach on the bench. During his years of service, Judge Ferguson always seemed to find just the right approach with the young girls and boys brought before him, many of whom were also thought to be "incorrigible." Knowing when to apply discipline, praise, encouragement or punishment, Judge Ferguson always seemed to find just the right formula to help a young person through a difficult time. There are undoubtedly many young girls and boys, many of whom are now young women and men, in this Valley who are productive, law-abiding members of society as a result of Judge Ferguson refusing to give up on them, and finding just the right approach for each individual before him.

It was with great pleasure and pride that I presented to Judge Ferguson on May 21, 2013, a small token of the Bar's appreciation and that of the community for his years of service: a pair of binoculars—for outdoor adventures to come. We all wish him many wonderful, happy, healthy years of retirement.

### YOU AND THE LAW

On April 16, 2013, the RBA presented, for the fourth year, the You and the Law Program, which is a service project to educate the general public regarding the law, and specifically misperceptions or misunderstandings the public may have.

Lenden Eakin presented on the current state of firearms law, and Daniel L. Crandall and Patrick Fennell did a presentation on the fundamentals of personal injury law. The feedback from attendees was very positive, as it has been every year.

### Your Ad Here

**Circulation 546 - Reasonable Rates!**

**Full Page \$200**

**Half Page \$100**

**Quarter Page \$50**

**Business Card Size \$25**



## PRESIDENT'S CORNER

BY THOMAS H. MILLER, ESQ., PRESIDENT



As another Bar year draws to a close and with it, the end of my term as your President, I am pleased that our Association has been able to accomplish so much this year in service to our community and service to our members. This is a great Bar Association, and it has been my privilege to serve in a leadership capacity. I look forward to taking over the responsibility of leading the Foundation next year, and I know that this Association will again flourish under the capable leadership of Stephen Lemon.

Since our last newsletter, the Roanoke Law Foundation and the Roanoke Bar Association sponsored a successful **Casino Night Gala** which generated approximately \$5,500.00 in revenue for the Foundation. This event was enjoyed by all in attendance and was a wonderful social gathering affording members with the opportunity to mingle with colleagues and their spouses in a relaxed and fun atmosphere, while enjoying tunes by Jazz Caliber, pictured on Page 10.

With the proceeds raised, the Foundation can continue to support our Association in giving scholarships and funding grants in our community. Be sure to enjoy the photos from our Gala.

At our March meeting, we were enlightened and entertained by Judge Clifford Weckstein, who offered his commentary about the practice of law in the Twenty-third Judicial Circuit and his experiences from the bench. We are appreciative of Judge Weckstein's contribution to our March meeting which culminated a year of excellent programs.

Our April meeting focused on a report from our local legislators, summarizing the most recent General Assembly session in Richmond. All of our local delegation was present, including the three members of our Association who are part of that delegation. We are always glad to welcome our legislators home from a busy session in Richmond, and we encourage their sharing with us their special insight into the process.

The RBA 2013 **Day of Service** Project in April was volunteering at the Feeding America Southwest Virginia Food Bank in Salem. Fifteen of our members participated on a Saturday morning, processing more food than the food bank volunteers ever expected, all the while having a great time in the process.

The last two **CLE offerings** of the Bar year were sponsored by our Association. The first, in April, focused on electronic filing in state courts, which is coming soon to circuit courts near you! Jack Kennedy, Clerk of the Circuit Court of Wise County, graciously provided a seminar on the topic, and we were able to have his seminar count toward our pledge to provide RBA members with four free seminar hours for this year. In addition, Rob Dean provided a very interesting "iPad for Litigators, Part II" seminar. In May, Travis Graham enlightened us about the differences between the new Virginia Rules of Evidence and the Federal Rules of Evidence and Civil Procedure. In addition, Mike Whitlow spoke about estate law matters. We thank all who agreed to teach these CLE seminars during the year, and we hope those attending found them interesting and helpful.

The Association celebrated **Law Day** on May 2, and all in attendance agreed it was a very successful and meaningful pro-

*(Continued on page 7)*

## VIEWS FROM THE BENCH: JUDGE BROADHURST

BY MICHAEL P. GARDNER

The role of the court is to provide certainty and order to the myriad daily disputes brought before it. The 23rd judicial circuit is entering its greatest period of uncertainty in roughly a decade, and Judge William D. Broadhurst has taken on the task of reconciling seemingly-at-odds goals: developing new operating procedures to accommodate new personnel and budgetary restrictions while not disrupting practice norms and litigant needs. It will take time to figure out. "I want to thank the members of the Bar for their patience," Judge Broadhurst said, as the bench manages the transition. He expects the process of adapting to new and fewer personnel to take roughly a year from the time that David Carson begins his judgeship on the first of July.



Complicating the process is the ongoing, weighted caseload study being conducted by the National Center for State Courts. The purpose of the study is to provide a deeper analysis of the raw caseload numbers, which in and of themselves fail to account for important factors such as case complexity. The results will inform the General Assembly's decisions on whether to fill vacancies on the bench, including the empty sixth slot in the 23rd Circuit. The study results are due to the legislature on November 15 of this year. Judge Broadhurst lamented the timing of the study in Roanoke, observing that the window for data gathering came during two of the slower weeks on the court's calendar. For now, its local impact remains a Rumsfeldian "known unknown."

Another potential result of the weighted case study and subsequent legislative decisions is the prospect of circuit realignment. Judge Broadhurst hopes that the process involves more than simply adding counties to circuits found to have lighter loads. "There are philosophical differences among the circuits that need to be respected, born of the variety of communities of interest within each," the Judge explained, that should be taken into account in any realignment. The prospect of a change in the 23rd Circuit's geography is just another variable that adds to the mix of uncertainty.

So, Judge Broadhurst and the other judges have to manage the transition from six judges to four, then from four judges to five, all without knowing whether the 23rd Circuit will go back to six judges in the future, or whether the Circuit's borders will change. During the interim, the 23rd Circuit is taking steps to become more efficient and unify its approach to certain issues in an attempt to reduce or eliminate judge-specific rules. Those changes were detailed by Judge Weckstein in this column's March 2013 edition. They relate to a range of issues, from procedures for structured settlements, to the application of Rule 4:15 of the Rules of Supreme Court of Virginia, to deviations from child-support guidelines. Judge Broadhurst, like every other judge interviewed for this column, stressed that continuances are going to be examined more closely and will probably be less-frequently granted. Don't be surprised, he added, if the bench "heats up the settlement burners" more than usual, either.

Notwithstanding the attempt to unify certain procedures, the 23rd Circuit will purposefully maintain some differences among the courts. Case allocation methods will continue to vary from court to court. Roanoke County is implementing digital files, whereas Sa-

*(Continued on page 7)*

## ABSENCE AND LEAVE

BY CHARLES L. WOODY, ESQ.



The Kanawha County Bar and Kanawha County Circuit Court have a great tradition at the opening term of court. There is a eulogy for those members of the Bar who passed away. I was privileged recently to speak about my partner, Randy Cox. The experience also caused me to remember my spouse's sudden death due to

a heart attack and to distress over other friends and members of the State Bar who have lost their longtime spouses.

The impact of losing a spouse is profoundly difficult not only for the survivor but also for a law firm. A spouse's support of a firm and for a member of a firm is invaluable. The absence of a spouse changes everything for the survivor; but it also changes the landscape for the firm. What the surviving lawyer suffers is not an illness which can be easily addressed by a leave of absence.

According to the American Bar Foundation statistics, there are one-quarter million lawyers 55 years or older. The likelihood of a lawyer over 55 years old losing a spouse is in the offering. Here is what may happen to the lawyer, who experiences the loss. There is depression, and there is an immune deficiency which causes the survivor to be continually physically ill after the spouse's death. There is sleep deprivation because the brain is churning over the loss of a loved one. There is lack of concentration at work. The survivor can also experience memory loss and actual physical pain. There can also be a lack of energy; judgment can be affected by the loss.

After the spouse's death, it can be completely jarring to the survivor to have a benefits clerk ask the survivor to change the beneficiary on a firm retirement plan. The first time that the firm asks the survivor to fill out a form innocuously calling for checking a box about being married or widowed is trauma for the survivor. A casual inquiry by a caring staff member about the survivor's wellbeing can cause a disaster for both the staff member and the lawyer, simply because of the survivor's reaction to an exhibition of kindness.

And there are practical matters to address. Clients should be informed about the lawyer's situation. In my case, the litigation department quickly held a meeting and divided up my cases among a number of lawyers. Courts were contacted and asked for an indulgence. But no one knew how long it would take me to "return." The firm should have a realization that there is no reserve energy available to the surviving lawyer. The lawyer can hardly help himself or herself, much less clients or others within the firm. It takes a great deal of patience to wait for the rebound.

The survivor may fixate on tasks dealing with the loss of a spouse until such time as those tasks are concluded. This means all the thank you notes are written, and the probate is started. The firm, which may feel there was emotional progress with the lawyer's coping with a loss by the passage of time, may find that six months after the death, the survivor has a complete downturn. The surviving lawyer has concluded the tasks associated with the death; but, now there is a void or absence of work associated with the spouse, and work is what lawyers do best: the reality of the loss may set in well after the date of death.

There needs to be coordination between the surviving lawyer and the firm. There are a number of stages of grief: shock, anger, refusal to acknowledge the loss, or abject depression—all of which affect work product. Every work product produced by the surviving lawyer should be vetted by another lawyer before it goes to a client, opposing counsel or to a court. Before advice is given by the surviving lawyer, it should be tactfully discussed by him or her with others

*(Continued on page 8)*

## RICHARD C. RAKES, ESQ., RECIPIENT OF THE FRANK W. "BO" ROGERS, JR., LIFETIME ACHIEVE-

*(Continued from page 1)*

been a prominent fixture of the Kiwanis Club of Roanoke since 1972. With over 40 years of membership in the Kiwanis Club, he is a member of the Legion of Honor. He served as president of the Club in 1983 and can boast of 33 years of perfect attendance at the Kiwanis Club meetings. He has been one of the organization's top fundraisers, which is no surprise to us.

For the last 18 years, Dick has waged an aggressive sales campaign for the Kiwanis pancake breakfast, selling tickets door to door at the firm. And as a gesture of our firm's admiration and pride for all of Dick's contributions to the Kiwanis Club, the firm established an annual scholarship in his name, *The Dick Rakes Kiwanis Scholarship*.

Dick's community service has extended beyond the Kiwanis Club: He participated in the Big Brother Program in the 1950s to 1960s, served as a Scout Leader; and volunteered for Meals on Wheels from 1998 to 2012. An active member of Green Memorial Methodist Church, Dick led a mission trip to Mexico in 1994 and a trip to Ecuador in 2004. Did I mention that Dick speaks Spanish?

Dick has also served on the board of a number of community organizations, including the Conflict Resolution Center. In 2006, he was recognized by the Center for 10 years of dedicated and outstanding service. Dick was instrumental in the creation of the Adult Care Center of the Roanoke Valley's development, which was formed during his leadership as president of the Roanoke Kiwanis Club in the 1980s. He has also served on the board of the Children's Trust of Roanoke Valley.

A certified mediator since 1996, Dick is still a mediator and arbitrator for the Virginia State Bar Fee Dispute Resolution Program and receives referrals from the General District Court and Circuit Court in civil matters. He assures me that his rates are very reasonable, in case you are in need of such services.

Bill Rakes said it this way: "Dick Rakes has demonstrated throughout his career that he is proud to be a lawyer and, most importantly, that pride in his profession has motivated him to serve. This service—both in the profession and the community—has made him an example for others to follow. And significantly, those lay people with whom he has come in contact will have appreciated that lawyers have special skills which make their service effective, and that lawyers do care about people and their communities."

Dick embodies the highest tradition of personal and professional excellence, and his work within the profession and community has significantly enhanced the image and esteem of attorneys in the region.

Dick, thank you for your numerous contributions to the bar and to the community.



Monica Monday presents the engraved Heritage Lamp to Dick Rakes.

## ROANOKE LAW LIBRARY NEWS AND INFORMATION

BY JOSEPH KLEIN, LAW LIBRARIAN



Summer is almost here, and I look forward to some beautiful weather and a few relaxing days at the beach. Every year at this time, I make a special point of reminding everyone of the more recreational materials that we have at the Roanoke Law Library. Because we are a branch of the Roanoke Public Libraries, we have a great collection of newly released, popular fiction, including the latest Dan Brown or James Patterson thriller. We also have a small collec-

tion of nonfiction, including cookbooks and guides to area hiking trails. Until recently, we had only a few audiobooks. Recently, however, we received a nice collection of more than 50 audiobooks in a new format: Playaways.

### Playaways



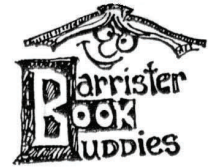
A Playaway is a solid-state, pre-recorded audio player powered by one AAA battery. Each Playaway is about the size of a deck of cards and contains one audiobook. You just plug in your headphones, and listen to your favorite author. To search our playaway selections, go to [www.rvl.info](http://www.rvl.info) and choose "Advanced Search." Then, simply choose the Law Library as your location and in the "limit to" field, choose "playaway audio device." This search will generate a list of all of the Playaways available at the Law Library. Playaways have the same loan period as books—28 days for regular books and 14 days for new books. Please swing by the Law Library, and check out a Playaway for your listening pleasure while doing yard work, ironing, or lounging in the hammock.

### Continuing Legal Education Materials

Some attorneys like to feel productive while on vacation and take advantage of the time to learn about new legal subjects or to re-familiarize themselves with topics they may not practice with regularity. Virginia Continuing Legal Education handbooks are great resources for these purposes and are available for check out by members of the Bar Association. The Roanoke Law Library has hundreds of Virginia CLE publications on a variety of subjects, and they are often the best resources we have for some complex legal issues in Virginia. To see the latest CLE offerings, go to the Roanoke Valley Libraries catalog at [www.rvl.info](http://www.rvl.info), do a "words or phrase" search for "cle," with the Law Library selected as your location. If you are looking for a specific CLE title, just do a "title" search for that title. Another thing to remember about the CLE materials is that many of them have CD-ROMs that can also be checked out. The CD-ROMS include form documents, usually in both Microsoft Word and Wordperfect versions, that you can reproduce and use in your everyday legal practice. As always, feel free to contact me by email ([joseph.klein@roanokeva.gov](mailto:joseph.klein@roanokeva.gov)) or give me a call at 853-2268 with any questions about the CLE collection or any other legal information questions you might have.

## BARRISTER BOOK BUDDIES: THANKS FOR READING!

Dozens of RBA members take time from their hectic schedules to read to kids in the Roanoke City Schools through the Barrister Book Buddies program. Last month the RBA distributed over 600 books to the students who participated in the Barrister Book Buddies program. This year the RBA received this note of appreciation from a school administrator:



*Just wanted to take a moment to say "thanks" to all of our wonderful Barrister Book Buddies. You guys play a valuable role by doing something for our students that many of them never get at home - every child deserves to be read to!! In addition, you present an example of success that is glaringly absent from many of their lives. And, many of you are incredibly generous whenever we issue a plea for financial assistance for any of our kids!*

*We have a great group of students at our school but many of them have so many obstacles that they must overcome in order to be successful. You play an important role in their journey! Thank you!*

Patricia (Trish) McLeod-Jackson  
Family/Community Engagement Coordinator  
Lincoln Terrace Elementary School

The school's motto is "Changing Minds, Changing Lives by Educating Every Child, Every Day, in Every Way!" RBA members can be proud that Barrister Book Buddies plays a part in furthering that worthy goal.

## Congratulations, Heather Hale!



Heather M. Hale, PLS, of Woods Rogers and a member of the RVLSA, was installed as President of the Virginia Legal Secretaries Association (VALS) on April 27, 2013. The installing officer was Richard C. Maxwell, a Principal at Woods Rogers and recently elected President-Elect of the RBA.



## PRESIDENT'S CORNER

(Continued from page 4)

gram. Robert Baldwin of the National Centers for State Courts provided a very thoughtful speech on preserving justice in difficult financial times. This timely topic is far too familiar to the members of our judicial circuit. In addition, the Association was pleased to present the Young Lawyer of the Year Award to Kristin Johnson, career clerk to United States District Judge Michael F. Urbanski, and to present the Frank W. "Bo" Rogers, Jr., Lifetime Achievement Award to Richard C. Rakes. We are pleased and proud of both of these recipients. Our congratulations to the honorees, and to the Committee who selected them.

On May 21, 2013, the Association and the Salem/Roanoke County Bar Association jointly sponsored a **Judicial Retirement Reception** to honor Judges Doherty, Apgar, and Ferguson, each of whom has retired or will be retiring by the end of June. The reception was attended by 150 members of our Bar, demonstrating our respect and admiration of these three judges and the fine work that they have done in service to our community and to our Bar. The Associations jointly presented specially chosen gifts to each of the judges, who were very appreciative of the gifts and recognition.

At our **Annual Meeting** on June 11, 2013, we presented the first annual Jane S. Glenn Scholarship Award and six other Kincanon Scholarships, all \$1,000 awards, to deserving high school and law school students. We also recognized Pro Bono Service Award and Volunteer Service Award recipients, and recognized six influential women from our Association who were recently honored by Virginia Lawyers Weekly. At the conclusion of that meeting, we elected a new president-elect, Rich Maxwell, and a new board to serve for the next administrative year. In addition, the Board elected Joseph Mott to be our new Secretary/Treasurer.

The Roanoke Bar Association exists to assist the members of the Bar by helping to educate them and to provide interesting programs at our monthly meetings. We also strive to be of service to our community in a manner that promotes justice for all. It is my hope that during this past year, we have been able to fulfill those challenges for the members of our Association and the Roanoke Valley. Enjoy your summer, and we will look forward to another exciting year in 2013-14.

*Thomas H. Miller is a Partner at Frankl Miller & Webb, LLP*



Guests at the 2013 Roanoke Law Foundation Gala included Joe Mott, Hugh Welons, Stephen Lemon, Lori Thompson, Tom Miller, Cathy Caddy, Tommy Strelka, Amanda Shaw, and Gene Elliott.

VIEWS FROM THE BENCH:  
JUDGE BROADHURST

(Continued from page 4)

lem and Roanoke City are not (at least, not yet). Judge Broadhurst is attempting to toe the line between efficiency and respect for tradition. He admitted that there will be mistakes along the way and continued to stress that patience will be necessary.

The Bar also has a role to play in smoothing the transition. Judge Broadhurst noted, for instance, that discovery disputes may be "less patiently" received. Even small changes to practice can help. For example, counsel should notify chambers—and obtain the judge's permission—if a witness needs to bring a cell phone to Court in order to testify. Also, judges are not usually aware when a matter is ripe to be heard. Counsel should write directly to chambers (with copies to opposing counsel, of course) when an issue is fully briefed and ready for a hearing. Another point related to discovery disputes: counsel should avoid copying chambers on correspondence concerning disputes among the parties, such as discovery disagreements. This is essentially false advocacy, and it compels the other side to do the same. Judge Broadhurst emphasized that the local Bar is very good about resolving issues without judicial intervention, and he offered his gratitude on that point.

The arrival of soon-to-be Judge Carson will help alleviate some of the issues related to understaffing. This upcoming event prompted Judge Broadhurst to reflect on his early days on the bench and making the transition from practice to judging. He said that his "aha" moment came when, early in his tenure, he was listening to a dispute on an issue of first impression. Judge Broadhurst remembers that counsel were finishing their arguments, and he was musing on how interesting the issue was, when he realized that he would have to rule on that issue in only a few moments. He also observed that, while new judges typically anticipate a degree of social isolation accompanying the job, it is impossible to appreciate that aspect until it is experienced.

Judge Broadhurst closed with a familiar judicial message: communicate with the court. Especially in a period of transition, counsel should feel free to call if they are confused or unsure about where a hearing will be held, how scheduling will be handled, or any other administrative issue. Just try to avoid calling about discovery disputes.

Michael P. Gardner, an Associate with LeClairRyan, has volunteered his time to write our "Views from the Bench" articles this Bar year. The idea behind the series was to encourage young lawyers get to know the judges of the 23rd Circuit and to enhance the dialogue between counsel and the court. The Roanoke Bar Review thanks Mike for his fine reporting. If you or a young attorney in your firm is interested in participating in "Views from the Bench," for more information, please contact Ric Scott at [richard@rscottlawoffice.com](mailto:richard@rscottlawoffice.com) or Linda Gustad at [lindag@vawd.uscourts.gov](mailto:lindag@vawd.uscourts.gov)



## INVESTITURES PLANNED FOR TWO NEW ROANOKE JUDGES



David Carson

The March 2013 issue of the *Bar Review* detailed the Association's endorsement of three Roanoke Valley attorneys as candidates to fill judicial vacancies, and also the questions regarding the General Assembly's and Governor's ability to provide funding necessary to fill those vacancies. In early April, the General Assembly acted to fill two of the three vacancies, electing David B. Carson as a Circuit Court judge and Leisa K. Ciaffone as a judge in the Juvenile & Domestic Relations Court.

Investiture ceremonies for both new judges are planned in late June. Judge Ciaffone's investiture will take place on June 21, 2013 at 3:00 p.m. in Courtroom 4 in the Roanoke County Courthouse. Judge Carson's investiture ceremony will take place on June 25, 2013 at 4:00 p.m. in Courtroom 4 in the Roanoke City Courthouse.

Terms for both new judges officially begin on July 1, 2013.



Leisa Ciaffone

## ABSENCE AND LEAVE

*(Continued from page 5)*

in a collaborative effort. The firm should watch the lawyer's appearance: is appearance declining because of grief, alcohol abuse, or legal prescription drug use? And there may be new and wholly unexpected stress factors for the surviving lawyer such as paying bills or dealing with maintenance issues. For me, if an appliance malfunctioned, it was Armageddon. It is true you have to wait most of a day for a repair person to show up. A best friend of the survivor should be appointed by the firm as a watch-over person.

Travel, which is a typical escape for many who have lost a spouse, should be encouraged by a firm. A three-week bike trip I took to Vietnam was the best physical and mental resuscitation I could have engaged in. [Unknown to me, my firm had a pool with \$5 entry fee, about how quickly I would become lost given my geographical abilities: first day, second day . . .]

Different size firms, of course, have different assets available to help with these situations. A solo practitioner will have a difficult time managing the personal side of a loss and his or her practice. Perhaps the best course of action is to enlist the help of other lawyers with the legal tasks and not to worry about the economic ramifications. To place your health first at such a time is paramount.

With a firm's benevolence and help, the strength of friends, and the support of all with whom you work on a daily basis, the professional drive and interest will return. Some years after my wife died, I met the widow of a lawyer and was married. The first time that I was three hours late (of course due to work demands) to meet her to leave on vacation, she was not the least bit angry. Her first lawyer husband had set the expectations bar. She thought I was early getting home.

Charles L. Woody, Member, Spilman Thomas & Battle, PLLC, East Charleston, West Virginia 25301. cwoody@spilmanlaw.com

Republished with permission from the *West Virginia Lawyer*, January-March 2013 Ed.

## KRISTIN B. JOHNSON: 2013 RBA YOUNG LAWYER OF THE YEAR

*(Continued from page 2)*

Drug Awareness Program to all 8<sup>th</sup> grade students in Roanoke City Schools. The program has since expanded to include other schools.

The Veterans Treatment Court is a program is designed to provide veterans who are repeat offenders with essential mental health counseling, substance abuse services and treatment for post traumatic stress disorder. Kristin played a critical role in the creation of that program in coordinating, drafting and editing the Memorandum of Understanding between the various offices and agencies involved in the program.

Kristin has also been an active member of the Young Lawyers Committees of the RBA and the Virginia Bar Association. She has helped with many RBA projects, including reading to children through the Barristers Book Buddies program.

Kristin has served in the Junior League of the Roanoke Valley since 2007. Among several leadership roles, she has helped to coordinate the Stocked Market, which has raised thousands of dollars to fund philanthropic projects, such as CHIP, Carilion Clinic Children's Hospital, TAP, the West End Center and others. The President-Elect of Junior League commented that "Kristin is someone Junior League knows they can count on to get the job done because she is always willing and able to help and always has a smile on her face!"

One source of the smile on Kristin's face is her son Alex. Kristin has achieved all these accomplishments while being a devoted wife of 10 years to Josh and mother to Alex who just turned four. *Every person* who talked to me about Kristin mentioned what an attentive and dedicated mom she is. To me there is no greater compliment – although what Judge Urbanski said was really nice, too.

I am pleased to present this year's *Young Lawyer of the Year Award* to Kristin Johnson.



Kristin B. Johnson, 2013 Young Lawyer of the Year, and Richard C. Rakes, 2013 recipient of the Frank W. "Bo" Rogers, Jr., Lifetime Achievement Award.



## DAY OF SERVICE VOLUNTEERS

BY RICHARD C. MAXWELL, ESQ.

On April 13, 2013, President Tom Miller, together with members of the Roanoke Bar Association and their family and friends, converged on the Feeding America Southwest Virginia Food Bank to help with the sorting of foods to be given out to the various food pantries across the region. The RBA volunteers received a tour of the Feeding America Southwest Virginia building and learned how donated food was sorted, cleaned, inspected, and packaged for delivery. It became apparent to all that the needs of people in the Roanoke Valley are far beyond the resources of Feeding Virginia. A real spirit of camaraderie was present, and everyone left feeling that they had received more than they had given.

*Richard C. Maxwell is a Principal at Woods Rogers, PLC and recently elected President-Elect of the Roanoke Bar Association*



Day of Service Volunteers

## ROANOKE'S "INFLUENTIAL WOMEN OF VIRGINIA"

In March 2013, Virginia Lawyers Media, publishers of Virginia Lawyers Weekly and the Virginia Medical Law Report, announced the Class of 2013 of "Influential Women of Virginia." This awards program, now in its fifth year, recognizes the outstanding efforts of women in the Commonwealth in all fields, including law, business, health care, education, and the arts. The honors are given to individuals who are making notable contributions to their chosen professions, their communities and society at large.

The Roanoke Bar Association is proud to celebrate this honor with the following local women included among the 2013 honorees:

Cathy Caddy, Roanoke Bar Association, Roanoke

Leisa Ciaffone, Leisa K. Ciaffone PC, Salem

Lauren K. Ellerman, Frith & Ellerman Law Firm, Roanoke

Quinn Feldmann Graeff, Medical Facilities of America Inc., Roanoke

Monica Taylor Monday, Gentry Locke Rakes & Moore, Roanoke

Elizabeth G. Perrow, Woods Rogers PLC, Roanoke

The honorees were celebrated at a gala luncheon on May 16 at the Richmond Marriott in downtown Richmond. The "Influential Woman of the Year" for 2013, elected by vote of the members of the Class of 2013 themselves, was Voila Osborne Baskerville, Girl Scouts of the Commonwealth of Virginia. Each honoree was also profiled in a special publication inserted into the May 20 edition of the Virginia Lawyers Weekly.

To see the entire Influential Women of Virginia Class of 2013, including pictures, go to <http://valawyersweekly.com/2013/03/13/influential-women-of-virginia-for-2013-named/#ixzz2NQuyZ0Eb>

HELP YOUR CLIENT BREAK THE CYCLE OF  
SUBSTANCE ABUSE.



MOUNT REGIS CENTER

*Hope Treatment Recovery*

**Call today: 800-477-3447**

Salem Virginia

**Affordable Self-pay Rates  
Most all Insurances In-network**

**[www.MtRegis.com](http://www.MtRegis.com)**

- Free Assessments
- Medical Detox and 24 Hour RN's
- Residential Treatment up to 45 Days
- Extended Treatment up to 90 Days
- Intensive Outpatient

## 2012 VOLUNTEER SERVICE AWARDS

Lawyers in this association volunteer countless hours of their time every year in service to the Roanoke Valley community. Since 2006, the RBA has encouraged members to track and report their volunteer activities, so that we can publicly recognize their many contributions. The President's Volunteer Service Awards, recognizing contributions of 100 hours or more, are issued by the President's Council on Service and Civic Participation. In addition, the RBA issues Certificates of Commendation to recognize 25 - 99 hours of service.

The following service awards for 2012 were presented at the Annual Meeting on June 11. We know, however, that the awards list would be pages long if all RBA members reported their hours of volunteer service.

### President's Volunteer Service Awards

#### Gold - 500+ Hours

Alton L. Knighton, Jr.

#### Silver - 250 - 499 Hours

Roy V. Creasy  
Thomas H. Miller  
Lori D. Thompson

#### Bronze - 100 - 249 Hours

Erin B. Ashwell	Eugene M. Elliott, Jr.
Jennings T. Bird	J. Lee E. Osborne
John Eric Blanton	Brandy M. Rapp
Lindsey W. Coley*	Henry L. Woodward
Martha W. Elder	

### RBA Certificates of Commendation

#### 50 - 99 Hours

Margaret A. Brown	Stephen W. Lemon
David N. Cohan	Clinton S. Morse
Kevin W. Holt	Kenneth J. Ries*

#### 25 - 49 Hours

William E. Callahan, Jr.	John D. Eure*
Christen C. Church*	Ann McGee Green*
David D. Damico*	Victor S. Skaff, III*

## ROANOKE LAW FOUNDATION AWARDS SCHOLARSHIPS

The Roanoke Law Foundation honored the recipients of the 2013 James N. Kincanon Scholarships and the Jane S. Glenn Scholarship, which were awarded on June 11 at the Annual Meeting of the Roanoke Bar Association.

The Kincanon scholarship was established in honor of James N. Kincanon, Esq., in recognition of his fifty years of service as Secretary/Treasurer of the Association.

The 2013 recipients of the James N. Kincanon Scholarships are:

Grace Meredith Casola, a graduate of Patrick Henry High School, who will be attending the University of Virginia.



James N. Kincanon

Robert Frances Dohs Elder, a graduate of Patrick Henry High School, who will be attending the University of Virginia.

Thomas Daniel Frith, a North Cross School graduate who is attending Washington & Lee School of Law.

Ollie Monroe Bowman Howie, a graduate of William Fleming High School who will be attending Harvard University

Caleb William Richmond, a graduate of William Byrd High School who will be attending Roanoke College.

Charles Matthew West, a graduate of Salem High School who will be attending the University of Virginia.



Jane S. Glenn

The Glenn scholarship was established in memory of Jane S. Glenn, Esq., an outstanding member of the Association who died at the early age of 50 in November, 2007.

With the 2013 awards, the Roanoke Law Foundation has awarded over \$144,000 in scholarships and grants since it was established in 1997.

The 2013 recipient of the Jane S. Glenn Scholarship is Christina Leigh Crawford, a graduate of Cave Spring High School who attends the University of Richmond School of Law.



Jazz Caliber of Roanoke City's Patrick Henry High School entertains guests at the Roanoke Law Foundation Gala on March 15, 2013.



James N. Kincanon Scholarship recipients Grace Casola and Ollie Howie, and Jane S. Glenn Scholarship recipient Christina Crawford attended the RBA Annual Meeting on June 11.

# *A Summer Reception*

*Celebrating Congeniality and Professionalism*



The Young Lawyers Committee

Invites All RBA Members to

A SUMMER RECEPTION



Monday, July 22, 2013

5:00 pm – 7:30 pm

Free Cocktail Reception

REGISTER NOW online at [www.roanokebar.com](http://www.roanokebar.com)

Thanks to our sponsors!  
Frith, Anderson & Peake  
Gentry Locke Rakes & Moore, LP  
LeClairRyan  
Strickland, Diviney & Strelka  
Woods Rogers, PLC



# ANNOUNCEMENTS

## NEW MEMBERS

The Roanoke Bar Association welcomes the following new Active Members:

**Joseph A. Krawczel**  
Advance Auto Parts, Inc.

**Eleanor A. Lasky**  
LeClairRyan

**Charles Carter Lee**  
Woods Rogers, PLC

**John K. Prillaman**  
Woods Rogers, PLC

## UPCOMING EVENTS

### Roanoke Bar Association Meetings 2013 - 2014

September 10, 2013

October 8, 2013

November 12, 2013

December 10, 2013

January 14, 2014

February 11, 2014

March 11, 2014

April 8, 2014

May 1, 2014 (Law Day)

June 10, 2014

**A Summer Reception Celebrating  
Professionalism and Congeniality  
in the Bar**  
July 22, 2013

Go to [www.roanokebar.com](http://www.roanokebar.com) for more information on all upcoming events.

## OFFICERS:

Thomas H. Miller 527-3510  
President

Stephen W. Lemon 982-1000  
President-Elect

Richard C. Maxwell 983-7628  
Secretary-Treasurer

Lori D. Thompson 510-3011  
Past President

Catherine L. Caddy 342-4905  
Executive Director

## BOARD OF DIRECTORS:

David N. Cohan 983-9395

Linda L. Gustad 857-5100

Rhona S. Levine 342-9311

Joseph W. H. Mott 857-2250

J. Lee E. Osborne 983-7516

Richard D. Scott 400-7997

Amanda E. Shaw 224-8019

Thomas E. Strelka 982-7787

Hugh B. Wellons 512-1809

Michael S. Whitlow 904-7835

Henry L. Woodward 344-2089



**DON'T FORGET TO CHANGE YOUR ADDRESS!**

Name: \_\_\_\_\_ Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Complete and Forward to:** Roanoke Bar Association, P.O. Box 18183, Roanoke, VA 24014  
Fax: (540) 342-1252 Email: [roanokebar@earthlink.net](mailto:roanokebar@earthlink.net)