

INSIDE THIS ISSUE:

<i>President's Corner</i>	2
<i>Young Lawyer of the Year 2014: Brandy M. Rapp, Esq.</i>	2
<i>Views from the Bench: General District Court Judge Jacqueline F. Ward Talevi</i>	3
<i>You and the Law: Aging with Dignity</i>	3
<i>Reflections on the Virginia Women Attorneys Association</i>	5
<i>Roanoke Law Library News and Information</i>	6
<i>Status of Federal Judgeship Appointment</i>	6
<i>Whatever Happened to NAP Tax Credits for Pro Bono Work?</i>	7
<i>RBA and BRLS Recognize Top Contributors for Pro Bono Legal Services for 2013</i>	7
<i>Celebrating Law Day With Our Legislators</i>	9
<i>89th Annual Meeting</i>	10
<i>RBA is the First Recipient of the Bar Association of the Year Award</i>	11
<i>RBA Web Site Changes on the Way</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

Robert E. Dean - 983-9395
dean@gentrylocke.com

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

Justin E. Simmons - 767-2074
jsimmons@jamlaw.net

Jonnie L. Speight - 904-4980
jspeight@lucasandkite.com

RBA RECOGNIZES MUNDY FOR A LIFETIME OF ACHIEVEMENTS

BY FRANK W. ROGERS, III, ESQ.

At its Law Day luncheon on May 1, 2014, the Roanoke Bar Association presented G. Marshall Mundy with its highest honor, the Frank W. "Bo" Rogers, Jr. Lifetime Achievement Award. This award recognizes an outstanding lawyer who embodies the highest standard of personal and professional excellence in Southwest Virginia and, in doing so, enhances the image and esteem of attorneys in the region.

In his fifty-two years of practice, Marshall has distinguished himself inside and outside of the courtroom. In recognition of his professional skills, Marshall is AV-rated by *Martindale-Hubbell* and listed by *Best Lawyers in America*, *Virginia Super Lawyers*, and Virginia's Legal Elite. He is a Fellow of the Virginia Law Foundation and of the American College of Trial Lawyers, and he is an advocate in the American Board of Trial Advocates.



John Jessee of LeClairRyan has said, "From my very first jury trial with Marshall in 1980 until now, I have had the distinct pleasure of learning from one of the finest trial lawyers in Virginia. The lessons he taught me and other new lawyers were the importance of professionalism, courtesy, diligence, and integrity in the practice of law."

Outside the courtroom, Marshall has faithfully served the profession and his community. From 1986 until 1991, he served as a member of the board of directors of the Roanoke Bar Association, and as the Association's President in 1990-1991. Marshall has served on the Board of Governors of the Virginia State Bar's Senior Law Section, the Board of Governors of the Virginia State Bar Criminal Law Section, and the Board of Governors of the Virginia State Bar Litigation Section (as chairman in 1985).

Marshall has served on the Board of Directors of the Roanoke Chapter of the American Red Cross. Perhaps his greatest labor of love has been his work for and on behalf of the Virginia Military Institute ("VMI"), as a former member of the VMI Alumni Association Board of directors, the Keydet Club Board of Directors, and as former president of the Roanoke Chapter of the VMI Alumni Association. In 2012, Marshall completed an eight-year term of service at the appointment of two Governors of Virginia on VMI's Board of Visitors. General Binford Peay, Superintendent of VMI, has said, "There are few alumni that I have met that are as passionate about their alma mater as Marshall, and even fewer that are as passionate about their alma mater's athletic program. He has been a true gem to VMI."

Marshall and his wife Monika have established a fund with the Foundation for Roanoke Valley to provide grants to worthy organizations, and Marshall has established a scholarship fund at VMI, for a deserving cadet – the Mundy Family Scholarship – in memory of his father and brother, who were also VMI alumni.

Marshall has mentored a number of attorneys over the years, myself included. His style has always been to lead by example. As John Jessee put it, "Over the years, Marshall has shown the attorneys in the Roanoke Valley an example of what it means to be a Virginia attorney in the very best sense of that phrase." Marshall is a gentleman, a devoted father and husband, an advocate for causes near and far, a superb trial lawyer, and a very worthy recipient of the Frank W. "Bo" Rogers, Jr. Lifetime Achievement Award.

Frank W. Rogers, III is a Partner at Mundy, Rogers & Associates, LLP.

(See Law Day pictures on page 9)

PRESIDENT'S CORNER

BY STEPHEN W. LEMON, ESQ., PRESIDENT



It is hard for me to believe that my year serving as your Association's President is drawing to a close. It has been an honor to serve the Roanoke Bar this year, and I thank each of you for the opportunity to serve. We are fortunate in this Valley to have a strong local bar association which is both supportive of and reflective of the camaraderie and civility with which the majority of our dealings with each other are conducted.

I leave you in the capable hands of Rich Maxwell as next year's President and am confident that the best days of our Association are in the future.

I would like to extend my thanks to our Board of Directors for their hard work this past year. I would also like to extend my thanks to Cathy Caddy, our long serving and hardworking Executive Director, for helping to make this year another success for our Association. Through their efforts, as well as those of the membership, 2013-2014 was an exceptional year for the RBA. Please join me in thanking retiring board members Tom Miller (Past President), Rhona Levine, Amanda Shaw and Henry Woodward for their years of service on our Board of Directors.

The Association was honored with three awards at the Virginia State Bar's annual meeting of the Conference of Local Bar Associations on June 13. The Awards of Merit competition is held annually to recognize outstanding projects conducted by local and specialty bar associations of all sizes, to encourage greater service to the public and the profession, and to give local and specialty bar leaders the opportunity to learn from the programs of other bars of similar size. The VSB awarded the RBA with a 2014 **Award of Merit for You and the Law: Aging With Dignity**, the fifth presentation of the *You and the Law* series, presented by the Roanoke Law Foundation at the Salem Civic Center in April. Read more about this program on page 3.

The RBA also received a 2014 **Certificate for Achievement for the Peace of Mind Project**, which provides free estate planning for first responders in the Roanoke Valley, as described below in more detail. Most significantly, the Association is the inaugural recipient of newly created **Bar Association of the Year Award**. The Bar Association of the Year Award is designed to recognize lasting and exemplary contributions to the legal community and the community at large in Virginia, regardless of the size of a bar association. It also recognizes the dedication of local and statewide bar associations and emphasizes the importance of close cooperation between the Virginia State Bar and the local bar leaders.

Cathy Caddy and I accepted these awards on behalf of the Association at the VSB summer meeting. Gene Elliott was also on hand as the Chairman of the Conference of Local Bar Associations as he finished up his year at the helm of the Conference.

This spring the RBA implemented the **Peace of Mind Project** to thank firefighters and police officers for their willingness to put their lives on the line every day for the citizens in our community. This program calls for RBA members who specialize in estate planning to volunteer their time to prepare basic wills, advanced medical directives, and powers of attorney for these first responders and their spouses. The inaugural 2014 Peace of Mind Project is concentrating on Roanoke City firefighters, starting with the newest graduates of the academy and moving up the seniority ladder from there. It was my pleasure to consult with one of our firefighters and his wife about their young family and their planning needs. They truly appreciated

(Continued on page 5)

YOUNG LAWYER OF THE YEAR 2014: BRANDY M. RAPP, ESQ.

BY MICHAEL E. HASTINGS, ESQ.

On May 1, 2014, the Honorable William F. Stone, Jr., the immediate past Chief Judge of the United States Bankruptcy Court for the Western District of Virginia, presented the Roanoke Bar Association's Young Lawyer of the Year Award for 2014 to Brandy M. Rapp. Brandy served as Law Clerk to Judge Stone for one year following her graduation from the University of Richmond School of Law in 2005. In addition to graduating *magna cum laude* from law school, she also served as the Managing Editor of the *University of Richmond Law Review* and was the recipient of the American Bankruptcy Institute's Medal of Excellence in Bankruptcy. Brandy's article, *Sell v. United States: Involuntary Administration of Antipsychotic Medication to Criminal Defendants*, was published in the *University of Richmond Law Review* in 2004.



Following her judicial clerkship with Judge Stone, Brandy became an associate at the Roanoke office of LeClairRyan, A Professional Corporation. She served on the Bankruptcy and Creditors' Rights practice area team, where she earned recognition as a Virginia *Super Lawyer* "Rising Star" in Bankruptcy & Creditor/Debtor Rights by *Law & Politics* magazine (2009 through the present) and was included in the *Best Lawyers of America* in the fields of Bankruptcy and Creditor-Debtor Rights/Insolvency and Reorganization Law and Bankruptcy Litigation (2013 through the present). Brandy was promoted to Partner at LeClairRyan in 2011. While at LeClairRyan, Brandy was an active and important part of many complex and sophisticated bankruptcy cases. For example, Brandy was a key player in the Chapter 11 reorganization proceedings for The Glebe, a continuing care retirement community located in Botetourt County, Virginia. In this case, approximately \$55 million of tax-exempt bonds were restructured, and a plan of reorganization for The Glebe was approved by the Bankruptcy Court for the Western District of Virginia.

Judge Stone commented that, since Brandy's clerkship, "... she has continued to provide evidence that she is a very quick learner and has been a precocious student of the art of being an effective bankruptcy practitioner, including work not only in this area, but also in other venues where the larger business cases are often heard. I have been very gratified by how well she and my other term law clerks that have stayed in, or returned to, this area have acquitted themselves as young lawyers making their way in the world."

Brandy has been an active member of the Roanoke Bar Association, having provided more than one hundred hours of volunteer service each year since 2007. In addition, she has dedicated many hours to representing clients referred by Blue Ridge Legal Services, she has served on the Young Lawyer's Committee of the RBA and the Executive Council of the Young Lawyers Division of the Virginia Bar Association, and she is a charter member of the Rotary Club of the Blue Ridge—New Generations and has served on its board. From 2008 through 2011, Brandy was a member of the board of the Roanoke Adolescent Health Partnership.

When Brandy started in private practice, I was the practice area leader of the Bankruptcy and Creditors' Rights practice group at LeClairRyan. From early in her career, Brandy demonstrated a strong work ethic and superior intellect; however, it is her uncanny

(Continued on page 5)

VIEWS FROM THE BENCH: GENERAL DISTRICT COURT JUDGE JACQUELINE F. WARD TALEVI

BY ROBERT E. DEAN, ESQ.



Growing up in Roanoke, Judge Talevi always hoped to find a profession that would allow her to help people in the community. Her father was a local attorney, and she marveled at his kindness in helping clients. She sought, and found, a career that would allow her to have a similar impact on people's lives.

Judge Talevi graduated from Patrick Henry High School and Virginia Tech. After college, she worked as a probation and parole officer. She served for many years in Roanoke, and then she later worked in the same capacity, helping offenders in the Radford community. She found her work incredibly rewarding.

Her father, however, encouraged her to attend law school. Accepting his advice, Judge Talevi applied and was admitted to Washington & Lee University School of Law. She says her three years in Lexington were "crucial to shaping my career." It was at Washington & Lee where Judge Talevi studied under Professor Roger Groot, a noted criminal law scholar, and helped him publish a criminal law textbook widely used by Virginia lawyers.

After graduation, she sat for the Virginia bar and interviewed with Ray Leven in the Roanoke City Public Defender's Office. "[Ray] took a chance on me. He allowed me to work in my chosen area of practice – criminal law – and I could not have asked for a better friend or mentor upon graduation." Judge Talevi practiced with the public defender's office for 13 years. She represented thousands of indigent defendants during her career.

Judge Talevi says her experience as a public defender taught her to look at the evidence objectively. She focused on the same goal in each case: to exercise judgment and discretion on behalf of the client, while at the same time advocating for his or her rights as the accused.

Evaluating evidence objectively is something she encourages young lawyers to learn early in their careers, too. "The client may say and want certain things. But the lawyer has an obligation to exercise judgment and skill in weighing the evidence in order to effectively represent the client."

She remarked, "The scariest cases as a public defender were those that you know you can win. You want to do a good job for a client – and there's no substitute for thorough preparation."

After serving as a public defender, Judge Talevi was appointed in 1996 to the General District Court for the 23rd Judicial District of Virginia. In her role as a judge, she has relied upon her background as a public defender. "It gives me a perspective of having worked with people from all walks of life," says Judge Talevi. "I focus on the individual in front of me. As a result, I always strive to weigh the evidence carefully and [I] tend to ask a lot of questions before sentencing."

Judge Talevi now serves as chief judge for the General District Court. She developed a therapeutic docket to address defendants who suffer from mental illness, which she identifies as one of the root causes of recidivism. The therapeutic docket routes offenders with mental illness into community programs that provide mental health services, and participation is often part of the sentencing process. "It is important to punish the individual for the consequences of their

(Continued on page 5)

YOU AND THE LAW: AGING WITH DIGNITY

Ideally, with age comes wisdom. As we and our loved ones advance in years, however, we will also encounter a host of new and challenging circumstances and needs. The Roanoke Law Foundation presented a seminar addressing these concerns on April 9, 2014, at the Salem Civic Center entitled "You and the Law: Aging with Dignity." This was the fifth edition of the "You and the Law" series sponsored by the RBA or the Roanoke Law Foundation (or both).

At the seminar, presentations addressed several issues of utmost importance to senior adults and those who care for them. Rhona Levine and Ann Green, RBA members, addressed Long Term Care options and various ways to pay for them. Since many families will opt to employ home caregivers, Mark Dellinger, RBA member, focused on the variety of ways to do so, discussing the tax and legal implications of employing family or others to provide care. Because financial exploitation of vulnerable adults is occurring at an alarming rate, Chris Desimone, Salem/Roanoke County Bar Association member, highlighted cost-free tools and strategies to safeguard seniors' resources. Finally, Anne Edenfield, RBA member, focused on the various Medicare services that are available to seniors.

Each of the more than 60 seminar participants received the Virginia State Bar publication, *Senior Citizen Handbook* (2013 ed.), with over 100 pages of vital information for seniors. In exit survey responses, participants noted that the seminar was "very interesting and informative" and that the speakers were "enlightening" and "engaging." One participant "wish[ed] more people were aware of the program as they could benefit from it" and thanked the RLF for "the opportunity to be [t]here."

Those who missed the Aging with Dignity seminar can view the presentations online and download the handouts, at <http://www.roanokebar.com/news/youandthelaw.html>. Other "You and the Law" programs from past years are also available there for viewing online.



You and the Law: Aging With Dignity speakers Anne Edenfield, Rhona Levine, Mark Dellinger, Chris Desimone, Ann Green, and facilitator Tom Miller

The McCammon Group

is pleased to announce our newest Neutral

THOMAS E. ALBRO, ESQ.

HON. MICHAEL C. ALLEN (RET.)

HON. JOANNE F. ALPER (RET.)

HON. J. MARTIN BASS (RET.)

HON. B. WAUGH CRIGLER (RET.)

HON. JEAN W. CUNNINGHAM

HON. DENNIS W. DOHNAL (RET.)

JOHN G. DOUGLASS, ESQ.

CHESHIRE I'ANSON EVELEIGH, ESQ.

HON. JOHANNA L. FITZPATRICK (RET.)

HON. JEROME B. FRIEDMAN (RET.)

RICHARD S. GLASSER, ESQ.

ROBERT J. GREY, JR., ESQ.

HON. E. PRESTON GRISSOM (RET.)

ROBERT T. HALL, ESQ.

GRAYSON P. HANES, ESQ.

MICHAEL E. HARMAN, ESQ.

SUSAN MASSIE HICKS, ESQ.

BARBARA L. HULBURT, ESQ.

JOHN A.C. KEITH, ESQ.

HON. DONALD H. KENT (RET.)

HON. LARRY B. KIRKSEY (RET.)

HON. STANLEY P. KLEIN (RET.)



Hon. B. Waugh Crigler (Ret.)

Retired Magistrate Judge
United States District Court
Western District of Virginia

After more than thirty years of distinguished judicial service, United States Magistrate Judge Waugh Crigler has recently retired. Prior to his appointment to the bench, Judge Crigler enjoyed a successful litigation career in Culpeper, handling a variety of cases including personal injury, medical malpractice, product liability, and appellate work. As a Magistrate Judge, his docket included complex commercial, construction, employment, and IP matters. A veteran of more than 500 settlement conferences, Judge Crigler now brings his extraordinary dispute resolution experience to The McCammon Group to serve the mediation, arbitration, judge pro tempore, and special master needs of lawyers and litigants throughout the Commonwealth and beyond.

THE
MCCAMMON
GROUP

Dispute Resolution and Prevention

For a complete list of our services and Neutrals throughout VA, DC, and MD, call 1-888-343-0922 or visit www.McCammonGroup.com

HON. LAWRENCE L. KOONTZ, JR. (RET.)

HON. ELIZABETH B. LACY (RET.)

HON. WILLIAM H. LEDBETTER, JR. (RET.)

EDWARD B. LOWRY, ESQ.

JOHN B. MCCAMMON, ESQ.

HON. MICHAEL P. MCWEENY (RET.)

ROBERT T. MITCHELL, JR., ESQ.

JOHN H. OBRION, JR., ESQ.

HON. BARRY R. PORETZ (RET.)

MARK E. RUBIN, ESQ.

HENRY M. SACKETT, III, ESQ.

HON. THOMAS S. SHADRICK (RET.)

HON. PAUL F. SHERIDAN (RET.)

HON. F. BRADFORD STILLMAN (RET.)

SENATOR WALTER A. STOSCH

HON. DIANE M. STRICKLAND (RET.)

HON. ALFRED D. SWERSKY (RET.)

HON. JAY T. SWETT (RET.)

BRUCE E. TITUS, ESQ.

GUY K. TOWER, ESQ.

HON. GLEN A. TYLER (RET.)

HON. ARTHUR B. VIERGE (RET.)

HON. ROBERT W. WOOLDRIDGE, JR. (RET.)

REFLECTIONS ON THE VIRGINIA WOMEN ATTORNEYS ASSOCIATION

BY L. LEIGH R. STRELKA, ESQ., AND JENNIFER ROYER, ESQ.

A Brief History of the VWAA: Perceiving the need for a professional organization dedicated to the particular interests of women attorneys in Virginia, the Virginia Women Attorneys Association was created in 1981. The purposes of the new organization were identified as (and still currently are):

To advance the interests of women attorneys in Virginia,

To encourage their mutual improvement and social interaction, and

To promote the interests of women under the law.



Leigh Strelka

Roads, New River Valley, Loudoun, Fredericksburg, and Prince William.

The VWAA has sponsored and supported events, such as a reception for the then newly appointed Supreme Court Justice Sandra Day O'Connor in 1981, all the way to a CLE and program on human trafficking to be held in June 2014 at the Virginia State Bar Annual Meeting.

VWAA Reflections from Local VWAA Roanoke Chapter Members:

The Roanoke Chapter of the VWAA, which was then known as the Roanoke/New River Valley Chapter, was officially recognized as a chapter by the state organization in 1987. Over the years, the local chapter has grown from informal lunch meetings of four to five women in the mid to late 1970s to a chapter proud to boast approximately 50 current members.

In the 1970s, women attorneys in the Roanoke Valley met as a means of support: to discuss the unique challenges of practicing in a career field long dominated by their male counterparts, to find support in their endeavors to balance the needs of their families with the demands of their profession, for professional support and practice tips, and for simple social camaraderie. Networking, mentorship, and professional and personal support continue to be the hallmarks of the Roanoke chapter.

Over the years, the Roanoke chapter has offered its members unique programming opportunities, including topics on financial planning, maintaining a life/work balance, time management skills, communication styles and effective communication techniques, and stress reduction in addition to topics on current legislative issues, legal ethics, legal research tips, mediation, bankruptcy, and representation of children in the courts, among others.

The Roanoke chapter is a strong supporter of our judiciary. Annually, the chapter hosts a reception to honor our local judiciary. The chapter also hosts justices of the Supreme Court of Virginia, judges of the Virginia Court of Appeals, and our local judges as frequent speak-



Jennifer Royer

At the time the VWAA was created, only 1,000 women attorneys were licensed in Virginia. None of the Commonwealth's 108 Circuit Court Judges were women; there was only one female General District Court Judge and two Juvenile and Domestic Court Judges (for a total of 3 women out of 277 judge-ships). Today, approximately 20,605 women attorneys are licensed, diversity has increased on the bench, and there are multiple VWAA chapters throughout the Commonwealth of Virginia, to include chapters in Roanoke, Northern Virginia, Richmond, Hampton

PRESIDENT'S CORNER

(Continued from page 2)

this outreach program and are certainly deserving. Thank you to all of the members of our Association participating in this year's Peace of Mind program.

Finally, please watch your email inbox for information about the second annual **RBA Summer Social**. You are all invited to this event, sponsored by Young Lawyers Committee under the leadership of Tommy Strelka. Last year's social was fun and well attended, and I hope many of you will join us this year for another enjoyable evening of collegiality at the River and Rail.

Stephen Lemon is a Partner at Martin, Hopkins & Lemon, PC

YOUNG LAWYER OF THE YEAR 2014

(Continued from page 2)

ability to make a complicated problem seem simple that really sets her apart from other lawyers. Combine that with her unassuming and upbeat demeanor, and it is easy to understand why Brandy is sought out by partners and clients alike to handle complicated and high-stakes problems. When I decided to leave LeClairRyan and join another firm that did not have a local presence, I knew that Brandy was a key component.

For these reasons, I was pleased when, on March 31, 2014, Brandy joined the law firm Whiteford, Taylor & Preston LLP in its new Roanoke office, where she is a member of the Business Reorganization and Bankruptcy practice group. I am likewise appreciative that the Roanoke Bar Association recognized her substantial contributions to the legal community in Roanoke with the Young Lawyer of the Year Award.

Michael E. Hastings is a Partner at Whiteford, Taylor & Preston LLP



(See Law Day pictures on page 9)

VIEWS FROM THE BENCH: JUDGE TALEVI

(Continued from page 3)

actions, and to protect the community and keep it safe," says Judge Talevi. "But I am also interested, if possible, on keeping folks out of the cycle of recidivism."

More recently, Judge Talevi has pioneered a post-booking program, in cooperation with the chief magistrate, to route arrestees into mental health services even before they arrive in her courtroom for arraignment. "The goal is to provide a comprehensive approach to make the community safer."

Though much has been accomplished to streamline the court's docket, Judge Talevi is concerned whether the state budget will fully fund local judgeships. Judge Frederick King's retirement left the court with a vacancy that has yet to be filled.

"There will be significant changes in scheduling and in trial date availability as a result of the reduction of the judiciary," says Judge Talevi, unless a fifth judge is appointed to fill Judge King's seat. "Lawyers will be waiting; it is not going to be business as usual." Judge Talevi hopes the final state budget will allow the district court to keep its current allocation of five judges.

Robert Dean is an associate with Gentry Locke Rakes and Moore, LLP



(Continued on page 8)

ROANOKE LAW LIBRARY NEWS AND INFORMATION

BY JOSEPH KLEIN, LAW LIBRARIAN

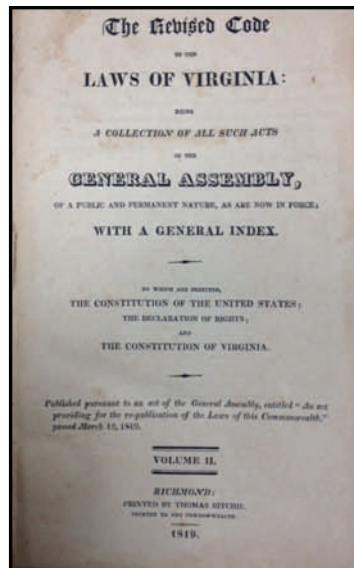


Spring is coming to a close, and the heat of summer is rapidly approaching. I hope you are all planning fantastic vacations with lots of lazy afternoons, relaxing and soaking in the sun. Do not forget that the Roanoke Law Library has a great selection of popular fiction by all the most best-selling authors, including many of the latest and most sought-after "beach reads." Additionally, if you are looking for the latest movie to keep your kids busy between

camp and visits to the pool, we have a fine selection of thousands of DVDs, including many wonderful titles for children and teens.

Spotlight on the Collection

As I do every few years, I wanted to remind everyone that the Roanoke Law Library houses a comprehensive set of historical Virginia statutes and legislative materials. We have most of the volumes of the Code of Virginia dating back into the 1800's, the earliest volume being *The Revised Code of the Laws of Virginia* from 1819. We have every volume of the *Virginia Code* since it was recodified in 1950, and bound volumes of all *Virginia Code* pocket part updates since 1974. These books are extremely rare and valuable resources that provide a wealth of information for historic research. We also have a collection of *The Acts of the General Assembly of Virginia*, dating back into the 1830s. Using a combination of *Virginia Code* volumes and *Acts of the General Assembly* volumes, it is possible to view the exact text of Virginia statutes for any specific date going back to the early 1800s. There are very few copies of these materials anywhere, and the Roanoke Law Library is proud to provide access to them for anyone doing historical statutory or legislative research.



Summer Reading Program: "Paws to Read"

The biggest annual event that the Roanoke Public Library presents is our Summer Reading Program. This summer's program, "Paws to Read," is bigger and better than ever, with hundreds of fun and educational events going on at all city library branches throughout June and July for all ages. Paws to Read offers entertaining ways to encourage school age children to continue reading over the summer when school is out, to keep their reading skills sharp for their return to classes in the fall. You can register your child or teen for Paws to Read at any Roanoke City library branch.

Your public library usually hosts separate adult summer reading programs, but this year, most of the events are for all ages. Join in with your kids for fun craft and jewelry making programs, lots of exciting musical events, and even a combined Technology and Animal petting zoo. For more information on "Paws to Read" and other library happenings, look to *The Spot*, our monthly newsletter that includes a detailed Roanoke Public Libraries event schedule. Grab a copy of *The Spot* at the Roanoke Bar Library or any local library branch or download it from our web page, www.roanokeva.gov/library. You can also call 853-2955 for more information about the Summer Reading Program, Paws to Read.

STATUS OF FEDERAL JUDGESHIP APPOINTMENT

BY KEVIN W. HOLT, ESQ.

On January 21, 2014, the Honorable Samuel G. Wilson, United States District Judge for the Western District of Virginia, announced his retirement. He has accepted a teaching position at National Taiwan University in Taipei, Taiwan. His retirement is effective August 1, 2014. Thereafter, a number of lawyers and judges made known their interest in being appointed to fill the vacancy on the federal bench. The initial announced candidates were:



- Ward Armstrong, Martinsville attorney and former Democratic Party Leader in the Virginia House of Delegates
- Robert S. Ballou, United States Magistrate Judge, Western District of Virginia (Roanoke)
- Elizabeth Dillon, attorney with Gwynn Memmer & Dillon in Salem
- Julia Dudley, Clerk, United States District Court for the Western District of Virginia
- John P. Fishwick, Jr., Roanoke attorney with Lichtenstein Fishwick
- Rachel Harmon, University of Virginia School of Law professor
- Christine Lee, attorney in the Federal Public Defender's Office in Roanoke
- Pamela Meade Sargent, United States Magistrate Judge, Western District of Virginia (Abingdon)
- Faye Spence, First Assistant Federal Public Defender in Roanoke
- Eric Spooner, Senior Counsel at Northrup Grumman Corp.
- Jeb Terrien, Assistant United States Attorney (Harrisonburg)

The various state bar organizations then issued their endorsements and rankings of the candidates.

On April 8, 2014, the Roanoke Bar Association convened a judicial endorsement meeting for the purpose of recommending a candidate or candidates for the judgeship. After several rounds of balloting, two candidates received the RBA's endorsement, John P. Fishwick, Jr. and the Honorable Robert S. Ballou. Pursuant to the RBA's Bylaws, both John Fishwick and Judge Ballou received the RBA's endorsement because there was less than a 5% difference in the number of votes they received. John Fishwick received the higher number of votes.

Following the RBA's endorsements, the candidates for the judgeship interviewed with Virginia's two United States Senators, Mark Warner and Tim Kaine.

On June 9, 2014, it was reported that the two Senators have recommended Ward Armstrong and Elizabeth Dillon to the President of the United States for appointment to the position. President Obama's nomination, once made, will be sent to the United States Senate for confirmation. The timetable for this process is uncertain.

Kevin Holt is a Partner at Gentry Locke Rakes & Moore, LLP

WHATEVER HAPPENED TO NAP TAX CREDITS FOR PRO BONO WORK?

BY JOHN WHITFIELD, ESQ.



A number of our pro bono attorneys have asked about the Neighborhood Assistance Program (NAP) tax credits, wondering why the credits are no longer available for their pro bono work on cases referred by Blue Ridge Legal Services (BRLS) through our Pro Bono Referral Program. Here's the story.

From the late 1980's until July 2012, BRLS was routinely able to offer Neighborhood Assistance Program (NAP) state income tax credits for attorneys' donated services on pro bono cases. BRLS applied each year to the state to be an approved NAP program, and was awarded an annual allocation of the tax credits. If BRLS exhausted our supply of tax credits, we could request a supplemental allocation from the state's reservoir of unused tax credits left over at the end of the state fiscal year. Invariably, any shortage of tax credits was covered in this way for BRLS, for over 20 years.

Things changed dramatically in 2012, with a confluence of two unrelated developments. First, legal aid programs in Virginia and across the country were hit by a fiscal double whammy, with large cuts in federal funding and a collapse of IOLTA revenues due to very low interest rates. At BRLS, we lost a third of our attorney staff and almost a fourth of our entire staff, even though the low-income population we serve had increased 42% over the last decade. Even with these staff cuts, we were still facing an \$80,000 deficit in our budget for 2012 - an unsustainable situation. Things were just about as bad as we had ever seen at legal aid - and that is saying something!

Second, during the 2012 session of the Virginia General Assembly, legislators enacted significant changes to the NAP tax credit program, effective July 1, 2012. They "raised the value" of the credits from 40% to 65% of the value of the donation. At the same time, they set aside approximately half of all the available NAP credits for education-related programs. This meant there were fewer tax credits available for allocation to non-educational NAP programs like BRLS. It also meant that the supply of tax credits would be used up much more quickly for the same amount of donation.

The most dramatic impact of the statutory changes in the NAP program was that the credits became extremely attractive to folks as a tax-planning device. This was a godsend to BRLS in mid-2012, as we laid off staff and stared at an \$80,000 deficit. During the fall of 2012, non-profit organizations with NAP credits across the state were besieged with inquiries from folks wanting to "buy" tax credits. By the end of 2012 (halfway through the state fiscal year), I suspect that the year's supply of NAP credits throughout the entire Commonwealth of Virginia was exhausted. BRLS' Board of Directors agreed that we simply could not turn down cash donations when we were in such a terrible financial situation. As a wonderful result of this sudden influx of cash donations, we were able to wipe out our deficit for 2012. We asked the state for supplemental tax credits for pro bono legal work, but there were no left-over credits—for the first time since we started using the credits back in the late 1980's.

This scenario repeated itself in 2013. Cash donations for NAP tax credits exhausted the BRLS allocation within a few months—cash that we sorely needed. We were able to restore one of our lost attorney positions in the Harrisonburg office in September 2013. We are hoping to be able to restore at least one other attorney position in our Winchester office this coming year, relying on the cash donations generated by the NAP tax credits. Assuming the NAP tax credit program continues in its current form, we are now seeing it as a funding source that will enable us to restore and sustain two attorney posi-

RBA AND BRLS RECOGNIZE TOP CONTRIBUTORS OF PRO BONO LEGAL SERVICES FOR

Law Day, celebrated each year on May 1, commemorates the importance of the Rule of Law. At its 2014 Law Day meeting, the Roanoke Bar Association also celebrated those law firms and attorneys who provided pro bono legal services through Blue Ridge Legal Services in 2013 to help meet the legal needs of the economically disadvantaged.

The top five individual contributors who provided pro bono legal services through BRLS in 2013 were: James R. Cromwell, David J. Damico, Kenneth J. Ries, Victor S. "Dinny" Skaff, III, and B. Webb King. In honor of the dedication and commitment these individuals have shown to helping meet the legal needs of those less fortunate, the RBA has made a \$50.00 donation to the charity of each Top Pro Bono Contributor's choice.

The law firms that provided the most hours of pro bono legal services through BRLS in 2013 were: Gentry Locke Rakes & Moore, LLP; Guynn, Memmer & Dillon, P.C.; Johnson, Ayers & Matthews, P.L.C.; and LeClairRyan. The RBA presented each of these Top Pro Bono Law Firms with a commemorative plaque in honor of the services they contributed.

The RBA and BRLS also extend sincere thanks to the many other lawyers and law firms who provided pro bono legal services through BRLS in 2013.

Please contact Susan Proctor at Blue Ridge Legal Services (344-2080) to find out how you and your firm can help make a difference.



James Cromwell, David Damico, Webb King, Kenneth Ries and Victor Skaff are the top five individual contributions of pro bono legal services for 2013.

REFLECTIONS ON THE VIRGINIA WOMEN ATTORNEYS ASSOCIATION

(Continued from page 5)

ers at our monthly meetings. Importantly, the Roanoke chapter also supports and encourages the endeavors of women seeking appointment to the bench.

The Roanoke chapter supports our local community. Within our legal community, the Roanoke chapter annually offers free or low-cost CLEs to Roanoke Valley attorneys. Our most recent CLE was a fascinating and informative review of immigration myths and truths. Within our greater community, we have traditionally provided *pro bono* support to local organizations such as Total Action Against Poverty (now known as Total Action for Progress), the Roanoke Valley Court Appointed Special Advocate Program, and the Turning Point women's shelter. In our schools, we have participated in "Law Day" poster contests and in the Rule of Law Program in conjunction with the Virginia Law Foundation and the Virginia Bar Association. Service to our community is an important characteristic shared by members of the Roanoke chapter.

How to Join: Did you know that many of our members are not women? Gentlemen of the Roanoke Bar Association, please consider joining our chapter. Even if you are not interested in becoming a formal member, we would welcome you at any of our monthly lunch meetings or events. A large part of the VWAA's mission is to advance the interests of women attorneys and encourage their improvement, which necessarily is intended to include opportunities for networking and mentorship.

To become a member, visit the VWAA website here: <http://www.vwaa.org/membership.htm>

Contributions by Leigh Strelka, Esq., current VWAA Roanoke Chapter President, and Jennifer Royer, Esq., current VWAA Statewide and Roanoke Chapter Board Member.

WHATEVER HAPPENED TO NAP TAX CREDITS FOR PRO BONO WORK?

(Continued from page 7)

tions of the 4.5 positions lost due to the funding cuts suffered in 2011 and 2012.

Even so, the tax credit changes have presented a difficult dilemma for BRLS. We dearly value our pro bono attorney volunteers and the work you do so unselfishly for our clients. We depend on you to help us pursue our shared mission of providing the poor with a level playing field in court and access to justice. However, BRLS must also survive as a viable organization, with a critical mass of staff attorneys, in order to serve as the central hub in the pro bono referral process. (Our Lexington office is down to 1.5 attorneys. Our Winchester office is down to 2 attorneys.) The cash donations from the NAP tax credits have saved the day fiscally for BRLS.

We are painfully aware that these changes mean no NAP credits are left over to reward pro bono work. We ask for your continued support and participation in our Pro Bono Referral Program, notwithstanding the lack of NAP credits. For most attorneys who perform pro bono services for our clients, I suspect, the NAP credits were a nice fringe benefit, but they were never the motivation for doing pro bono work in the first place. Instead, it is the sense of professionalism, as embodied in Rule 6.1, which causes attorneys to do pro bono work for those who cannot afford legal services.

Thank you for the magnificent pro bono work so many of you have performed over the last 30 years, making the Valley a leader for pro bono work in Virginia. I hope you will keep up the great work.

If you have questions or concerns that I have not adequately addressed, please feel free to contact me, John Whitfield, at jwhitfield@brls.org, or (540)433-1830.

John Whitfield is Executive Director of Blue Ridge Legal Services



We're more than just Investigations:

Intel Investigations, LLC is a veteran owned registered small business, comprised of true subject matter experts, from the New York City Police Department's Intelligence Division, Diplomatic Security Unit, United States Marine Corps, and Naval Special Operations Community with over 70 years of real world experience.

WE SPECIALIZE IN:

- *Private Investigations*
- *Surveillance*
- *Executive Protection*
- *Event / Private Security*
- *Criminal Investigations*
- *Safe-Travel*
- *Armed Escorts*
- *Process Service*

For more information please give us a call or visit our website:

540.521.4111 / www.cs-intel.com

Ret. NYPD Sgt. Christopher Strom, President / Email: cstrom@cs-intel.com

DCJS #11000175260 – NY DCJS # 11-6217 – VA, FL, GA, LA, NC, WV, TN, OK / DUNS #526-698-321

"Nothing is Irrelevant"

CELEBRATING LAW DAY WITH OUR LEGISLATORS

BY STEPHANIE GACEK COOK, ESQ.



The RBA's annual celebration of Law Day on May 1, 2014, included the annual Legislative Update from local members of the General Assembly. The Association welcomed Senators John S. Edwards and Ralph K. Smith, and Delegates Gregory D. Habeeb and Sam Rasoul. Each legislator offered remarks about issues and activities from the recent session of the General Assembly.

Senator Edwards focused his comments on progress on mental health legislation reform. Senator Edwards stated he was pleased with the General Assembly's progress, but he acknowledged that it had more work to do on this issue. He reported that the Committee on Education and Health recommended an addition of \$38 million to the state budget to back mental health reform efforts. He added that the Committee is also in the process of forming a commission to make recommendations and provide advice and counsel to the Committee as the General Assembly continues to work on additional reforms.

Senator Edwards also commented on reforms to the state's Standards of Learning. According to Senator Edwards, the number of subjects public schools test will be scaled back in coming years. He described House Bill 930, which limits testing to reading and math only in grades three, four, six and seven. Under that bill, fifth graders will be tested on reading, math, and science, and eighth graders will be tested on reading, writing, math, and science. Virginia Studies, Civics, and Economics will be tested within each local school board's discretion. Senator Edwards also reported that, in addition to the bill providing for these changes, the General Assembly will also create a Standards of Learning Innovation Committee.

Finally, Senator Edwards commented on the status of the General Assembly's efforts to fill local open judgeships. He provided his impression that budget constraints will prevent the 23rd Judicial Circuit from getting a sixth Circuit Court judgeship. Similarly, he stated doubts that the vacancy on the General District Court created by Judge M. Frederick King's retirement would be filled. Finally, Senator Edwards offered his belief that while the Juvenile and Domestic courts merit six judgeships, he suspects the Circuit will receive funding for only five.

Senator Ralph Smith followed Senator Edwards' remarks. He briefly described the General Assembly's efforts to study ethics reform, and invited guidance from the Association on these reforms. He agreed with Senator Edwards that good progress was being made in the area of mental health legislation reform, but that the General Assembly still has work to do. Finally, Senator Smith expressed his views against extending unemployment benefits, stating his position that Virginia cannot achieve greater prosperity by supporting such legislation. He offered his opinion that the creation of more jobs and an increase in employment is the better solution.

Delegate Greg Habeeb led off the comments from the members of the House of Delegates. He focused his remarks on the quality of our judiciary, and provided his own views of the General Assembly's work to preserve this quality. He offered, for instance, his belief that the judgeships were being balanced well according to the case load study, and his optimism that the 23rd Judicial Circuit would receive a sufficient number of judges. Delegate Habeeb also described efforts to reinstate a judicial evaluation program, and reforms the General Assembly considered that would strengthen existing law on encouraging courts to issue opinions in a timely manner.

Delegate Sam Rasoul concluded the Legislative Update. He discussed his support of Medicaid expansion and efforts to strengthen pre-school education. Delegate Rasoul concluded his remarks by offering his thoughts on legislative re-districting, expressing his belief that current district lines are "fundamentally broken."

The Association thanks all of the legislative speakers for their contribution to the Law Day celebration.

Stephanie Gacek Cook is a Partner at Kalbaugh, Pfund & Messersmith, P.C.



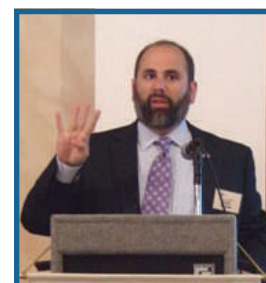
Frank Rogers presents the 2014 Frank W. "Bo" Rogers, Jr., Lifetime Achievement Award to Marshall Mundy



Judge William Stone presents the 2014 Young Lawyer of the Year Award to Brandy Rapp



Senators John Edwards and Ralph Smith



Delegates Greg Habeeb and Sam Rasoul

89TH ANNUAL MEETING - JUNE 10, 2014



Incoming President Rich Maxwell receives the RBA gavel from Past President Stephen Lemon.



President Rich Maxwell presents a plaque to Past President Stephen Lemon in recognition of his year as president of the Association.



Roanoke Law Foundation Chairman Tom Miller presents the 2014 Jane S. Glenn Scholarship to Brittany Burns and the 2014 James N. Kincanon Scholarships to Steve Ambrose, Sabrina Rackow, Tyler Ambrose, and Alexis Hughes. Kincanon scholarship recipients not pictured: Rachel Abshire, Travis Andrews, Mitchell Alexander, and Elena West.



2013 VOLUNTEER SERVICE AWARDS

President's Volunteer Service Awards

Gold - 500+ Hours

Alton L. Knighton, Jr.
Hugh B. Wellons

Silver - 250 - 499 Hours

Roy V. Creasy
Charles L. Downs, Jr.
Martha W. Elder
Lori D. Thompson

Bronze - 100 - 249 Hours

James W. Jennings
Eleanor A. Lasky
Stephen W. Lemon
Thomas H. Miller
J. Lee E. Osborne
Brandy M. Rapp
Henry L. Woodward

RBA Certificates of Commendation

50 - 99 Hours

Jennings T. Bird
David N. Cohan
Michael A. Cleary*
Michael P. Gardner

Kevin W. Holt
Clinton S. Morse
Victor S. Skaff, III*
L. Leigh R. Strelka

25 - 49 Hours

William E. Callahan, Jr.
David J. Damico*
Michael H. Hartley

Kenneth J. Ries*
Kathleen L. Wright*

*Includes 25 or more hours of *pro bono* legal services provided through Blue Ridge Legal Services.

ROANOKE BAR ASSOCIATION IS FIRST RECIPIENT OF THE BAR ASSOCIATION OF THE YEAR AWARD

The Virginia State Bar has named the Roanoke Bar Association as the first winner of its Bar Association of the Year Award.

The award, sponsored by the VSB Conference of Local Bar Associations, recognizes lasting and exemplary contributions to the legal community and the community at large in Virginia. The award also recognizes the dedication of local and statewide bar associations and emphasizes the importance of close cooperation between the Virginia State Bar and bar leaders.

The Roanoke Bar Association has an extensive record of providing services to the community, performing charitable works, and offering pro bono services. Members of the Roanoke Bar have participated in Barrister Book Buddies with the Roanoke City Public Schools for fourteen years. They have worked with the Salem/Roanoke County Bar Association to offer Rule of Law classes in middle schools since 2009 and this year held classes in twelve schools. Members have offered *You and the Law* educational seminars to the public since 2009. In addition, members offer free wills, powers of attorney, advance medical directives,

and estate planning to first responders; participate in the Red Cross blood drive; financially support the Roanoke Law Library; and share in the Oliver Hill Mentoring Program.

The Association also funds charitable works through the Roanoke Law Foundation, including Santa at the Station, a holiday party for underprivileged children, and annual awards of numerous grants and scholarships.

In its nominating letter, the Roanoke Bar Association noted that it "prides itself in providing exceptional opportunities for members to network with colleagues from the bench and the bar, to further their legal education, to participate in community service activities, and to be recognized for their contributions. An extraordinary effort is continuously being made to raise the esteem in which our profession is held by encouraging members to participate in these activities and take advantage of everything the RBA has to offer."

The award was presented on June 13 during the Virginia State Bar Annual Meeting in Virginia Beach.



Annual Meeting of the Virginia State Bar - June 13, 2014

Left: The Bar Association of the Year Award is presented to RBA President Stephen Lemon and RBA Executive Director Cathy Caddy by Conference of Local Bar Associations (CLBA) Chair-Elect Mary Benzinger, VSB President Sharon Nelson, and CLBA Chair Gene Elliott.

Right: Mary Benzinger presents a plaque to Gene Elliott in recognition of his year as Chair of the Conference of Local Bars.

RBA WEB SITE CHANGES ON THE WAY

At some point this summer, RBA members will see some significant changes to the RBA's web page. In addition to updating the design and color scheme of the site, the changes will also expand the capability for RBA members to describe their areas of practice to the public and to other Association members.

The RBA has been considering a change in web hosts for several years, and in late 2013, decided on a new hosting company. The Association's Communications Committee, with extremely valuable assistance and advice from one of the Association's technology experts, Rob Dean of Gentry Locke, has worked with a new web design company to completely rebuild the web site's layout. For the general user of the web page, the changes are largely cosmetic, giving the features of the site a new look and feel. Behind the scenes, though, are significant upgrades and additions. The site will now be based on a modern web formatting platform, Wordpress, which will allow the RBA's web site administrators (primarily Cathy Caddy) much more flexibility in formatting the site's content "in house" without having to pay for further services from a web design company.

Aside from the general formatting changes, the most significant update to the site will allow the Association's members to identify up to three primary areas of practice on their biographical pages. These practice areas will be searchable on the RBA's web site directory. A member of the public, or an attorney with a specialized legal matter to refer, will be able to select the practice area or areas relevant to her case and obtain a list of RBA members who have opted to list the requested specialty as one of their primary practice areas. Look for an e-mail from the RBA this summer about the practice area categories for this membership directory and how to identify your primary areas of practice.

ANNOUNCEMENTS

NEW MEMBERS

The Roanoke Bar Association welcomes the following new Active Members:

Joanna Marie Meyer
LichtensteinFishwick, PLC

David A. Robinson
The Lawrence Law Firm

John B. Rottenborn
Woods Rogers, PLC

CONGRATULATIONS



RBA member Lori Jones Bentley, Esq., of Johnson, Ayers & Matthews PLC, has been named on the *Virginia Lawyers Weekly's* list of Influential Women for 2014. This award program recognizes the outstanding efforts of women in law, business, health care, education, and other fields and honors individuals who are making notable contributions to their chosen professions, their communities, and society at large.

UPCOMING EVENTS

Roanoke Bar Association Meetings 2014 - 2015

September 9, 2014

October 14, 2014

November 11, 2014

December 9, 2014

January 13, 2015
(evening meeting)

February 10, 2015

March 10, 2015

April 14, 2015

May 1, 2015 (Law Day)

June 9, 2015

OFFICERS:

Richard C. Maxwell President	983-7628
Joseph W. H. Mott President-Elect	857-2250
Hugh B. Wellons Secretary-Treasurer	512-1809
Stephen W. Lemon Past President	982-1000
Catherine L. Caddy Executive Director	342-4905

BOARD OF DIRECTORS:

Heather P. Ferguson	853-6425
Daniel P. Frankl	527-3515
Linda L. Gustad	857-5100
Kevin W. Holt	983-9377
Macel H. Janoschka	725-3372
Patrick J. Kenney	982-7721
Powell M. Leitch, III	510-3013
James J. O'Keeffe	983-9459
J. Lee E. Osborne	983-7516
Richard D. Scott	400-7997
Thomas E. Strelka	982-7787



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