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

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BREAKFAST OF CHAMPIONS

BY NANCY F. REYNOLDS, ESQ., AND JONNIE L. SPEIGHT, ESQ.

The Roanoke Bar Association has been in existence since 1925. The position of President of the RBA has been held by many remarkable attorneys, only two of whom have been women until this year. Lori Thompson, a partner at LeClairRyan, steps into the President position for the RBA's 2011-2012 year. To honor her and in recognition of the strong leadership of the prior two women presidents of the RBA, members of the RBA Newsletter staff interviewed Lori and the two former presidents, Maryellen Goodlatte and Elizabeth Dillon, over a well-enjoyed breakfast at The Hotel Roanoke.



Maryellen Goodlatte served as the RBA President from 1997-1998. She received her undergraduate degree in 1974 from Bates College, cum laude. She received her juris doctor in 1978 from Washington & Lee University School of Law. She is a partner at Glenn, Feldmann, Darby & Goodlatte, representing clients in a broad range of complex real estate, business and finance matters including land use and zoning. Maryellen was named in 2009 to *Virginia Lawyers Weekly's* Inaugural listing of "Influential Women of Virginia," and she has repeatedly been identified as a member of the "Legal Elite" by *Virginia*

Business Magazine and has been voted a "Virginia Super Lawyer" by other distinguished members of the legal community. Currently, she is featured in the *Best Lawyers in America* in the field of real estate law.

Elizabeth Dillon served as the RBA President from 2004-2005. Elizabeth graduated in 1983 from Lenoir Rhyne College with a B.A. in English. She received her law degree from Wake Forest University School of Law in 1986. Her practice with Guynn, Memmer & Dillon, P.C., where she is a partner, focuses on representing local governments, constitutional officers, and their officials and employees in federal and state courts, in grievance proceedings, and in the Equal Employment Opportunity Commission. Elizabeth was named one of Virginia's "Leaders in the Law 2011" by *Virginia Lawyers Weekly*.



Lori Thompson, the RBA's current President, graduated from Radford University, summa cum laude, in 1992, and from the University of Virginia Law School in 1997. Her practice at LeClairRyan is focused on bankruptcy and creditors' rights. *Virginia Lawyers Weekly* named her an "Influential Woman of Virginia" in 2010, and she has been listed in *Best Lawyers in America* since 2007. Lori has been repeatedly selected as a "Legal Elite" by *Virginia Business Magazine* and has been recognized as a Virginia "Super Lawyer" since 2010.

RBA: What have you observed regarding how the practice of law has changed over the years for women lawyers?

MG: The number of women in the profession has significantly increased since I began practicing in 1978. Mine was only the third class at Washington & Lee Law School that admitted women. When I began my practice, there were only a handful of women practitioners – Melba Pirkey, Diana Perkinson, Diane Strickland, Evelyn Krippendorf, Anne Edenfield, Angela Lloyd, Linda Steele and Ellen Weinman among them. At the time it seemed that our male counterparts were sometimes more deferential to us than warranted.

ED: One of the biggest changes has been the use of technology, from mag cards to fax machines to computers. In the beginning, women litigators seemed to end up in the same area of practice – domestic law. As time has passed, the perspective that a woman lawyer performed well "for a woman" has been replaced with clients wanting women lawyers because they do a better job, have a better eye for detail or provide good counsel.

(Continued on page 7)

PRESIDENT'S CORNER

BY LORI D. THOMPSON, ESQ., PRESIDENT



As the final golden days of summer begin to fade into crisp, invigorating days of autumn, it is time for an exciting new school year for our children, football games (thank heavens the NFL reached a resolution) and . . . the RBA. As you think about the upcoming year, we hope that you will make room on your calendar for our monthly lunch meetings and get involved in a few of our community service projects.

Attending a monthly lunch meeting means more than just excellent desserts and an informative program – which certainly we are planning to have at each meeting this year – it means an opportunity to develop and strengthen relationships with your colleagues in the bar. And when you think about it, that is what distinguishes the practice of law in Southwest Virginia.

Our bar enjoys a collegial, professional atmosphere that practitioners from other jurisdictions envy, and it is our responsibility to preserve that standard. Preservation cannot be accomplished by simply passing a resolution or by our judges and a few attorneys being committed to the cause. It requires that all members of the bar commit and place a high value on the principals of professionalism.

The Roanoke Bar Association has a legacy of promoting professionalism and civility in the practice of law since its inception in 1925. Whether through CLEs led by pillars of the Bar such as Bill Poff and Roberts Moore, the Youth Court program organized by Judge Diane Strickland, or the Bench-Bar conference attended by nearly every judge in this circuit and district, the RBA provides opportunities for us to perpetuate our tradition of excellence and professionalism in the practice of law.

So as you plan your calendar for the upcoming year, please reserve a couple hours each month to join us at RBA monthly luncheon meetings and to engage with your colleagues in one or more of our community service offerings this year.

Lori D. Thompson is a Shareholder at LeClairRyan

CLE Conferences

Lawyer Marketing: An Ethics Guide

September 22, 2011

(approved for 2.0 hours ethics credit)

October 20, 2011

November 15, 2011

(details coming soon)

For information:

www.roanokebar.com

WOMEN IN THE LAW: THE LAW

BY NANCY F. REYNOLDS, ESQ.

It is a statement of the obvious to say that one of the greatest crimes against humanity has been the loss of human potential, the obliteration of innate abilities, and the waste of talent and intellect by societies determined to impose irrational, senseless prejudices on its members, depriving them of opportunities to explore their natural abilities and to participate as full members of society. What we could have accomplished had we the brilliance of which we have deprived ourselves is unknown. The discipline of law, an intellectual pursuit, is no exception to this loss.



It arose simply from the fact that from the very earliest twilight of human society, every woman (owing to the value attached to her by men, combined with her inferiority in muscular strength) was found in the state of bondage to some man. Laws and systems of polity always begin by recognizing the relations they find already existing between individuals.¹

The laws pertaining to women are a reflection of the times in which they were drafted and passed. Many of these laws have been challenged as in violation of the Equal Protection Clause to the United States Constitution. A small sample of such laws that have been found unconstitutional is identified below. Other similar laws still exist, unchallenged and unenforced.

April 1923. The U.S. Supreme Court declared unconstitutional a District of Columbia statute prohibiting women from entering into contracts to set their wages and establishing a Board to set wages for women and children in all occupations. *Adkins v. Children's Hospital*, 261 U.S. 525 (1923).

November 1971. The U.S. Supreme Court found unconstitutional an Idaho statute stating that males are preferred over females when claiming equal entitlement to administer estates in probate. *Reed v. Reed*, 404 U.S. 71 (1971).

January 1972. Texas statute requiring cosmetologists to only serve women clients and barbers to only serve male clients was found unconstitutional. *Bolton v. Texas Bd. Of Barber Examiners*, 350 F. Supp. 494 (N.D. Tex. 1972), *aff'd*, 409 U.S. 807 (1972).

March 1973. South Carolina State Senate resolution that females may be employed as clerical assistants or committee attendants, but not as Senate pages and requiring only females to provide a written statement for a parent or guardian that the parent is responsible for her transportation, safety and supervision to and from work was declared unconstitutional. *Eslinger v. Thomas*, 476 F.2d 225 (4th Cir. 1973).

January 1975. The Louisiana law prohibiting women from serving on a jury unless they filed with the courts a written declaration of desire to serve was "to provide stability to the idea of family life" and was found unconstitutional. *Taylor v. Louisiana*, 419 U.S. 522 (1975).

March 1975. Rhode Island statute that prohibited any establishment with a class C liquor license from serving women because bars are rough places and women need protection was declared unconstitutional. *Women's Liberation Union v. Israel*, 512 F.2d 106 (1st Cir. 1975).

¹ John Stuart Mill, *The Subjection of Women*, 6, (The M.I.T. Press, 1970).

WOMEN IN THE LAW: *THE WOMEN*

BY JONNIE L. SPEIGHT, ESQ.



The nearly 400-year history of American women lawyers is an integral part of both the history of the United States' legal profession and the development of women's equality. "Young women today often have very little appreciation for the real battles that took place to get women where they are today in this country. I don't know how much history young women today know about those battles." Sandra Day O'Connor, 2003.

Women began practicing law in the United States in the 17th Century, long before the 19th Amendment was ratified and gave women the right to vote in 1920. Margaret Brent, who arrived in the American colonies in 1638, is often described as the first women lawyer in America. A Maryland businesswoman, Brent was not a lawyer "admitted to practice" because apparently there were few, if any, lawyers, male or female, "admitted to practice" in the Maryland courts before the 1660s. Rather, people pled their own cases or commissioned "attorneys-in-fact" to plead their cases for them. Brent, reputedly a master negotiator and an accomplished litigator, regularly appeared in Maryland courts to represent herself and to represent others as their attorney-in-fact. Although 17th and 18th Century women, such as Brent, practiced law at the local or county level without formal legal education or admission into a bar (and, thus, did not practice as an "attorney-at-law"), there are no records of how many women practiced under these circumstances.

English common law adopted by the colonies and the United State adversely affected women – particularly married women – who wanted to pursue the practice of law during and beyond the infancy of the United States. The Blackstone Commentaries summarized the common law as to the status of women: "By marriage, the husband and wife are one person in the law. The very being and legal existence of the woman is suspended during the marriage, or at least is incorporated into that of her husband under whose wing and protection she performs everything." In short, once a woman married and became a "feme covert," her husband gained control of her real estate and wages under the common law doctrine of *coverture*. An unmarried woman, however, could own property, make a contract, or sue or be sued.

Despite the common law rules relating to women, the 19th Century saw greater numbers of married and unmarried women entering the legal profession as two significant reform movements began to converge: one was the reformation of legal work, legal education, and ideas about professionalism in the law; and the second movement was for women's equality (also known as the "woman question").¹

In 1869, Arabella Mansfield became the first woman "attorney at law" in the United States when she was formally "admitted to practice" law by the Iowa State Bar. Ada Kepley became the first American woman to earn a formal law degree when she graduated in 1870 from Union College of Law in Chicago (now known as Northwestern University). In 1872, Charlotte E. Ray, became the first black female lawyer to graduate from Howard University Law School and to be admitted to the Washington, D.C. Bar. She reportedly applied as "C.E. Ray" and was admitted because it was assumed she was a man.

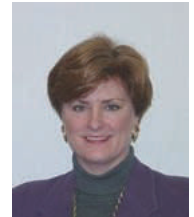
Myra Colby Bradwell, another 19th Century leader, passed the Illinois bar exam with honors in 1869, but the Illinois Supreme Court

INFLUENTIAL RBA WOMEN HONORED

BY JONNIE L. SPEIGHT, ESQ.

The Roanoke Bar Association is proud to announce that RBA members Julia Campbell Dudley, Linda Frith, and Melissa Robinson were named in May 2011 as "Influential Women of Virginia" by Virginia Lawyers Media, publishers of Virginia Lawyers Weekly and the Virginia Medical Law Report. The awards program, which is in its third year, recognizes the outstanding efforts of women in Virginia in law, business, health care, education, and the arts. The women are chosen based on their notable contributions to their professions, their communities, and society at large.

Julia Campbell Dudley, Clerk of the United States District Court, Western District of Virginia since August 2010, has served the Western District for over 25 years. Dudley, a Grayson County, Virginia native, obtained her B.A. Degree in Environmental Science from the University of Virginia in 1982. She received her law degree from the Walter F. George School of Law, Mercer University, in Macon, Georgia, and subsequently served as a law clerk to the Honorable Glen M. Williams, District Judge, in Abingdon. She then served as the Pro Se Law Clerk for the judges and magistrates of the Western District of Virginia until September 1988.



Dudley began her career as a Western District Assistant United States Attorney in October 1988 and was the managing attorney in the U.S. Attorney's Abingdon office for three years, where she won racketeering and corruption cases. She moved to the U.S. Attorney's Roanoke office, where she was appointed to the position of Civil Chief in November 2001 and became the Western District's First Assistant United States Attorney in June 2006. Dudley served as the Western District's top federal prosecutor after the resignation of John Brownlee and before the appointment of Tim Heaphy. Prior to her appointment as Clerk of the United States District Court for the Western District of Virginia, Dudley also served as the crisis management coordinator and ethics advisory officer in the U.S. Attorney's office.

During her years as a federal prosecutor, Dudley personally prosecuted a man who sent threatening e-mails to two women who had been stalked by Virginia Tech shooter Seung-Hui Cho. Other cases under her watch included the arrest of the Page County sheriff, who pled guilty to racketeering, and the restitution agreement requiring Novozymes Biological to pay at least \$250,000 for riverfront improvement after having illegally discharged pollutants into Masons Creek in violation of the Clean Water Act.

Since her appointment as Clerk of the United States District Court for the Western District of Virginia, Dudley presented testimony before the House of Representatives' *Committee on Transportation and Infrastructure*, Subcommittee on Economic Development, Public Buildings and Emergency Management, regarding renovations to the Richard H. Poff Federal Building.



Linda Frith was a founding member of Frith, Anderson & Peake, PC 14 years ago. "FAP," as the firm is colloquially known, is now the fourth largest law firm in the Roanoke Valley with 16 lawyers and a total of 40 employees. Frith graduated from the College of William and Mary in 1979 and received her law degree from Washington and Lee University School of Law in 1982.

¹Mossman, *The First Women Lawyers: "Piecemeal Progress and Circumscribed Success,"* 45 Osgood Hall L.J. 379, 380 (2007).

SUMMARY OF NEW CHANGES TO VIRGINIA'S LAWS

BY KEVIN W. HOLT

Since our last issue in June, a number of changes to Virginia's laws took effect. The legislation was passed by the General Assembly and signed by the Governor. Most changes went into effect on July 1, 2011.

This is not intended to be a complete list, but rather a summary of those changes to Virginia's laws thought to be of general interest to the members of the RBA.

- **Medical Malpractice:** The cap on recovery in medical malpractice actions will increase from \$2 million to \$2.05 million on July 1, 2012. Thereafter, the cap increases by \$50,000.00 annually until it reaches \$3 million.
- **Jurisdictional limits of General District Courts:** The General District Courts' civil jurisdictional limit increased from \$15,000.00 to \$25,000.00.
- **Statute of Limitations/Sexual Abuse Claims:** The statute of limitations for a tort claim based on the sexual abuse of a minor or incapacitated person was extended from two years to 20 years from the removal of the infancy or incapacity or from the time the cause of action otherwise accrues.
- **Criminal Bond/GPS Tracking:** Global Positional System (GPS) tracking may be used for persons released on a secured bond or as a condition of probation or suspended sentence.
- **Search Warrant Affidavits Publicly Available:** The affidavit for a search warrant may be made publicly available only after the warrant has been executed or 15 days after the issuance of the warrant, whichever is earlier.
- **Lost or Destroyed Concealed Handgun Permits:** The holder of a concealed handgun permit may obtain a replacement permit in the event the original one is lost or destroyed. The permit holder must submit a notarized statement to the Clerk of Court that the permit was lost or destroyed and pay a fee not to exceed \$5.00. The Clerk is required to issue a replacement permit within ten business days, and the replacement permit would have the same expiration date as the lost or destroyed permit.

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



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WOMEN IN THE LAW: *THE WOMEN*

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refused to admit her to the bar. The justices admonished all aspiring women attorneys to give serious consideration to whether “engag[ing] in the hot strifes of the bar, in the presence of the public, and with momentous verdicts the prizes of the struggle” was worth “destroy[ing] the deference and delicacy with which it is the pride of our ruder sex to treat” women. *In re Bradwell*, 55 Ill. 535, 542 (1869). Bradwell appealed to the U.S. Supreme Court, arguing that her right to practice law was protected by the 14th Amendment. The U.S. Supreme Court, in an 8-1 decision (Chief Justice Salmon Chase dissented), ruled against Bradwell. The concurring opinion of Justice Bradley reflects the 19th Century societal belief about women:

[T]he civil law, as well as nature itself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman’s protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. . . The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator.

Bradwell v. State of Illinois, 83 U.S. 130, 142 (1873).

Bradwell finally was admitted to the Illinois bar in 1890. Bradwell often used humor to make her point and felt that it was effective in the courtroom. She owned and edited the *Chicago Legal News*, in which she wrote: “A lawyer’s wit sometimes, does more than enliven a dull hour in court. It so opens the eyes for the Judge that he sees with clearness a point that otherwise he would have ignored.”

Ironically, in 1879, just six years after its *Bradwell* decision, the U.S. Supreme Court was compelled to admit the first woman – Belva Ann Lockwood – to its bar. Lockwood, who at 43 years old finished her law school course work in 1873 at the then-new National University Law School (now George Washington University Law School), enlisted the help of President Ulysses S. Grant to force the law school to award to her the law diploma she had earned and needed to become a member of the Washington, D.C. bar. Lockwood finally was admitted to the D.C. bar, although several judges told her they had no confidence in her abilities as a lawyer.² When she tried to gain admission to the Maryland bar, a judge lectured her and told her that God Himself had determined that women were not equal to men and never could be. When she tried to respond on her own behalf, he said she had no right to speak and had her removed from the courtroom.³

The U.S. Supreme Court was compelled to admit Lockwood to its bar in 1879 because Congress passed a law that same year allowing all qualified women attorneys to practice in any federal court. In 1880, Lockwood became the first woman lawyer to argue a case before the U.S. Supreme Court. The Commonwealth of Virginia, however, denied Lockwood admission to its bar as late as 1893 because she was not a man.

Nineteenth Century media often portrayed women lawyers as “Portias,” a reference to Portia, the heroine in Shakespeare’s late 16th Century play, *The Merchant of Venice*, who disguises herself as a male “doctor of the laws” to argue in court against Shylock’s claim that he is entitled to a pound of flesh from Antonio. Would Shakespeare have portrayed Portia as such an effective courtroom advocate absent her male disguise?

Despite judicial resistance and media ridicule, women lawyers continued to achieve significant professional goals in the late 19th Century. By 1878, women were admitted to the bars of the District of Columbia, Maine, Utah, Illinois, Ohio, Indiana, Wisconsin, Minnesota, California, and North Carolina. In 1897, Lutie A. Lyle, a black female attorney, became the first woman law professor in the nation when she joined the faculty of the Central Tennessee College of Law.⁴ In 1898, several women founded Washington College of Law in the District of Columbia – now American University Law School – to accommodate female students rejected from established law schools due to their gender.

In the late 1800s and early 1900s, women used their law degrees in a variety of ways: some did trial work, particularly criminal defense; some entered academia; some became active in the temperance movement or in politics.⁵ Surprisingly, only a handful of late 19th Century women lawyers seem to have been active suffragists. *Id.* Mary Greene, an American female lawyer in 1895, explained her views on suffrage:

My views on the subject differ in so many ways from those of the leaders that I cannot work with them. I do not believe that the ballot will cure all ills, nor do I believe that women are powerless without the ballot. I prefer to teach women how to use the power and the rights they already possess. . . in order that they may know how to ask intelligently for changes in the laws.⁶

By 1920 when women achieved the right to vote, sources suggest there were 1,738 women lawyers in the United States and that all but two states had admitted women to the practice of law. The number of women lawyers doubled by 1930. Then, the growth pace slowed. In 1940, there were almost 4,500 female attorneys; in 1950, about 6,500; in 1960, the Bureau of the Census reported about 7,500 female lawyers.⁷

In the late 1960s and the 1970s, the numbers of female lawyers increased dramatically. By 1970, the Census Bureau reported 13,500 women lawyers; by 1976, almost 38,000 women lawyers. By 1980, the number of women attorneys had increased in 10 years by almost 80% to 62,000.

²Belva A. Lockwood. *My Efforts to Become a Lawyer*, Lippincott’s Monthly Magazine, February 1888, pp. 215-30.

³“Notes”, Albany L.J., 9 Nov. 1878, p. 380.

⁴Nashville Bar Journal (March 2011, Vol. 11, No. 2).

⁵D. Weisberg, *Barred from the Bar: Women and Legal Education in the United States 1870-1890*, 28 J. Leg. Ed. (1977) 485, pp. 494-96, 498, 501.

⁶Mossman, *The First Women Lawyers: “Piecemeal Progress and Circumscribed Success,”* 45 Osgood Hall L.J. 379, 393 (2007).

THE RULE OF LAW PROJECT BEGINS ITS THIRD SCHOOL YEAR IN ROANOKE VALLEY SCHOOLS

BY: G. MICHAEL PACE, JR., ESQ.

Teach the children so it will not be necessary to teach the adults. – Abraham Lincoln



First, let me congratulate all of you who have participated in the Rule of Law Project since it began in the Roanoke Valley in February 2009. In well-deserved recognition of your time and effort, the Roanoke Bar Association and the Salem/Roanoke County Bar Association this summer received the Award of Merit from the Conference of Local Bar Associations of the Virginia State Bar. You are known across Virginia for leading the effort to create generations of good citizens by giving them a better understanding of the rule of law as the very essence of who we are as a nation of diverse people.

In the last three years, more than 100 lawyers and judges from our two bar associations have partnered with civics teachers to teach the meaning and relevance of the rule of law to 4,000 students in 94 7th and 8th grade civics classes. The impact of your efforts on these students is lifelong and serves as an example of what is possible when citizen lawyers and judges become engaged in things that matter.

Statewide, the Rule of Law Project (www.ruleoflaw-vba.org), which is sponsored by The Virginia Bar Association and funded by the Virginia Law Foundation, has now been introduced in 33 school divisions in Virginia. It has also captured the attention of the American Bar Association, state and local bar associations in other states, national teachers' associations, colleges and universities, and civic organizations. The Project has also attracted national and international attention among rule of law advocacy groups, including the World Justice Project.

During the week of October 24, 2011, members of the Roanoke Bar Association and the Salem/Roanoke County Bar Association will again bring education on the rule of law to middle school civics students in the Roanoke Valley. In addition, plans are underway to introduce the Rule of Law Project in 14 schools in Richmond, and in Virginia Beach, Lexington, Prince William County, Scott County and others. We will also expand to more schools in divisions where we have already been.

The purpose of the Rule of Law Project is to change fundamentally the way the rule of law is taught and understood in American schools. With your help, we will educate our youth, enable teachers to teach more effectively the history and theory of the rule of law, and strengthen communities by creating good citizens who actively participate in society.

The rule of law is the first rung on the ladder of understanding the evolutionary elements of the nature and structure of American society. The rule of law is based on the underlying principle that citizens are engaged in making the laws that govern them, that these laws are to be fairly and equally applied to everyone, and that citizens agree to obey the law. Teaching our children these lessons will give them a

(Continued on page 8)



CHRISTINE LOCKHART POARCH,
FORMERLY OF THE POARCH
LAW FIRM



JEFFREY A. VAN DOREN,
FORMERLY OF LECLAIR RYAN

CONTINUING THEIR PRACTICE OF IMMIGRATION LAW WITH



KIMBERLY BOYER BANTA,
FORMERLY OF THE POARCH
LAW FIRM

ANNOUNCING THE FORMATION OF
THEIR NEW PARTNERSHIP



POARCH VAN DOREN
IMMIGRATION • INMIGRACIÓN

BREAKFAST OF CHAMPIONS

(Continued from page 1)

LT: I think all women litigators can think of an experience that is regrettable, but the good news is that those experiences stand out because they are not the norm. The norm is that women are treated as valued colleagues in the bar.

RBA: What motivated you to become a lawyer?

MG: My thesis advisor in college, a woman, encouraged me to go to law school. I was considering a profession as a teacher, but the depressed job market and the encouragement from my professor changed my course.

ED: I was looking for something that was stimulating, interesting, and challenging and that would not get stale over time. One of my political science professors secured for me a part-time job at a law firm, and I found my profession.

LT: I intended to be a high school government and history teacher, but the only jobs available had to be filled by football coaches, rendering me unqualified. I worked for a group that provided education to troubled children or children on probation. While in that job, I took the LSAT, and the rest is history.

RBA: What advice do you wish you had been given when you first started practicing law?

MG: Attorneys need to plan their futures while they are in law school. I worked for a bank before I went to law school. When I began practicing law, my firm's clients included the same bank. My understanding of banking practices was beneficial to the firm's banking clients. The non-legal experiences we bring to our practices can help shape our professional futures.

ED: Think about what you want to do with your law career while you are in law school. Decide in advance what kind of practice and what kind of employer you want.

LT: There should be more planning on the front end. Attorneys are independent, analytical thinkers, but we do not often think about what we want to do. That discussion should be held in law school. Eighty percent of attorneys go to big cities and not all are happy with that choice.

RBA: What motivated you to seek the presidency of the RBA?

MG: I was asked by a Board member to run for the presidency. There was a strong sense among the bar that it was past time for a woman to serve as president.

ED: I did not plan to become the RBA president. I was asked to serve in the position when the President-elect could not fulfill the duties of the position, as he became the president of the Virginia State Bar.

LT: I did not set out to be the president of the RBA. I just became more and more involved with the RBA because I enjoyed spending time with RBA colleagues and found it to be a great opportunity to give back to the community. The thing I like most about the RBA is that you can bring an idea for a program to the RBA, and you get the support and resources to make it happen.

RBA: Maryellen and Elizabeth, what do you consider the greatest accomplishments during your presidencies?

MG: Jimmy Kincanon had just retired after decades of faithful service to the RBA. We needed to ensure stability, accountability and continued professionalism for our organization. We hired Cathy Caddy, and her good work as the RBA's Executive Director has proven our decision to have been the right one. The RBA Foundation was organized and the Barrister Book Buddies pilot program was launched.

ED: We worked to continue the RBA's good work, organized the "Practice of Law in Southwest Virginia Tour," which included tours

of the U.S. District Court for the Western District of Virginia, the U.S. Bankruptcy Court, and the Roanoke City Circuit Court Clerk's Office, and worked hard to persuade non-RBA Board members to become active in the Board's committee work.

RBA: Lori, what do you look forward to about serving as RBA President?

LT: I want to continue with and expand the current RBA programs. I want the members to enjoy their membership through participation and pride in its programs. Lawyers are natural leaders, and the RBA provides many opportunities for its members to lead.

RBA: To attain the RBA President position, an attorney must be known by and have respect of peers and participate in the RBA. How does the woman lawyer do all of this and have a family, a marriage and a home?

MG: Perhaps the professional, family and civic demands placed on a woman lawyer help to explain why so few have served as RBA president.

ED: I have a tremendous husband who truly is an equal partner with me in child-rearing, household duties, and every aspect of family and home life. Only with his support have I been able to participate in the RBA's activities and balance my professional life and home life.

LT: We have to juggle many demands, and we tend to place our needs last in the lineup. We also tend to keep adding tasks to juggle and fail to remove any. It is difficult for women to say "No."

RBA: What advice would you give women lawyers seeking to become President of the RBA?

MG: Women attorneys should look at participation in the RBA as beneficial for their own personal and professional development.

ED: Attend the luncheon meetings and become familiar with what the RBA does and how it is organized. Get involved in committee work and in the RBA's community programs. Let Board members know you are interested in helping.

LT: Get involved. Assist with committees and volunteer in any way possible.

RBA: Who are your heroes in the practice of law?

MG: Bob Glenn. He is a great role model and has been generous with his time and talents. And, I ditto Lori's recognition of Judge Strickland for the work she has done in advancing the cause of justice.

ED: I have had the opportunity to represent many law enforcement officers over the years. These police chiefs, sheriffs, officers and deputies are my legal heroes. They put their lives at risk on a daily basis to enforce the laws that protect all of us. The risk of death or injury is great. According to the National Law Enforcement Officers Memorial Fund, "[o]n average, one law enforcement officer is killed in the line of duty somewhere in the United States every 53 hours." I admire and appreciate their courage and selflessness.

LT: Howard Beck. He was a phenomenal role model. He was humble, intelligent, dedicated and loved the study of law. I also hold Diane Strickland as a hero in the practice of law. She has been a trail blazer with her strong career as a lawyer, service as a judge, and driving force behind the drug courts.

Nancy F. Reynolds is a Partner at LeClairRyan

Jonnie L. Speight is a Partner at Johnson Ayers & Matthews

WOMEN IN THE LAW: *THE LAW*

(Continued from page 2)

April 1975. The U.S. Supreme Court declared unconstitutional a Utah statute because it declared women to have reached the age of majority and not entitled to child support at the age of 18 and males to have reached majority at the age of 21. The rationale for the statute was that it was important for males to receive support and obtain educations because they must provide a home and its essentials. *Stanton v. Stanton*, 421 U.S. 7 (1975).

April 1975. Arkansas statute denying women the right to register to vote until they registered with spouse's last name and indicating marital status was declared unconstitutional. *Walker v. Jackson*, 391 F. Supp. 1395 (E.D. Ark. 1975).

July 1975. Wisconsin statute prohibiting female tavern employees from standing or sitting at or behind the bar and from sitting with male patrons anywhere on the premises was found to be an unconstitutional violation of the equal protection clause. *White v. Fleming*, 522 F.2d 730 (7th Cir. 1975).

June 1979. Indiana statute that denied unemployment compensation to women willing and able to work but denied the opportunity due to pregnancy was deemed unconstitutional. *International Union, United Automobile, Aerospace and Agricultural Implement Workers v. Indiana Employment Security Bd.*, 600 F.2d 118 (7th Cir. 1979).

March 1981. Louisiana statute describing husband as the "head and master" of property jointly owned with wife with the unilateral right to dispose of the property without the wife's consent was declared unconstitutional. *Kirchberg v. Feenstra*, 450 U.S. 455 (1981).

In a review of Equal Protection Clause challenges to state statutes, an interesting trend surfaces. The cases in which the state statutes were declared unconstitutional clustered in the 1970s. Considering that the 14th Amendment was ratified in 1868, this trend merely illustrates the judiciary reflecting societal norms. Prior to the 1970s, for the most part, the courts upheld the statutes treating women differently as serving legitimate state interests. In the 1960s and 1970s, the passage of federal statutes such as the Civil Rights Act of 1964 and the Education Amendments of 1972 reflected changes in society that were also seen in the outcomes of constitutional challenges to state statutes that discriminated against women.

Nancy F. Reynolds is a Partner at LeClairRyan

ROANOKE LAW LIBRARY NEWS AND INFORMATION

BY JOSEPH KLEIN, LAW LIBRARIAN

The summer heat is almost over, and that means that summer vacations are coming to an end and the kids are heading back to school to continue their educations. You can continue your education, too, by using the Roanoke Law Library's huge collection of Virginia Continuing Legal Education resources. We have Virginia CLE resources that cover most topics of Virginia law, including Estate Planning, Criminal Defense, Family Law, Landlord Tenant, and many more. In particular, the Virginia CLE's "Virginia Lawyers Practice Handbook" series is an extremely useful resource for subject area mastery. Most CLEs also include forms and checklists, and many have CD-ROMs with electronic versions of these forms. Virginia CLEs are updated or replaced annually, so they are sure to provide up-to-date information. We receive CLEs on new topics all the time; here is a look at some of our most recent Virginia CLEs additions:



- 23 Issues in Virginia Foreclosure Actions
- Establishing and Maintaining a Successful Social Security Disability Benefits Practice
- Divorce, Foreclosure, and Bankruptcy: dealing with the three areas that clients dread, and dealing with clients through the Process
- Critical Clauses in (almost) Every Contract: recrafting your drafting skills
- Understanding Real Estate Tax Assessment Appeals: from assessment, through Board of Equalization, to Circuit Court

All of our thousands of Virginia CLEs can be checked out for two weeks using your Roanoke Valley Library card. To find out if we have a CLE that will help you, search our online catalog at www.rvl.info and click on "advanced search"; then change the "shelf location" to "Continuing Legal Education" and search, or call us at 540-853-2268 for more information about CLE topics.

We also have begun circulating all the titles in our West Nutshell series. This series of titles is written by recognized legal experts and contains subject specific primers on hundreds of topics and practice areas. The West Nutshell series offers a great general introduction to any area of the law, and I use them all the time in my research. Check to see what titles we have by searching for "nutshell" in the online catalog.

RULE OF LAW PROJECT BEGINS ITS THIRD SCHOOL YEAR

(Continued from page 6)

deeper and more personal understanding of the rule of law and the need to preserve and protect it for future generations. If we do not, we will forget from where we came as "a nation of laws, not of men," the rule of law as we know it will fade away, and America will no longer be the beacon of hope for people who wish to live in free societies around the world.

John Adams once said, "There never was a democracy yet that did not commit suicide." We intend to prove him wrong. Democracies are messy and hard to sustain. They require continuing citizen involvement to make them work. Education, giving all citizens a meaningful understanding of the rule of law, is essential if we are to meet Mr. Adams' challenge and ensure that our democracy lives long and prospers.

For those who have taught a rule of law class in the past, thank you. We encourage you to participate again this year. To those who have not been involved, we promise you an enriching and rewarding experience that will remind you of why you became a lawyer in the first place. Together, we can make the world a better place, one student at a time.

G. Michael Pace, Jr., is a Partner at Gentry Locke Rakes & Moore and Creator of the Virginia Bar Association Rule of Law Project

WOMEN IN THE LAW: *THE WOMEN*

(Continued from page 5)

⁷Epstein, *Women in Law* (New York: Basic Books, 1981), p. 4, Table 1.1.

Law school statistics are not dissimilar to the Census Bureau numbers. According to American Bar Association records, in 1947, women comprised only 3.3% of law students enrolled in ABA-approved schools. That percentage remained fairly static until 1968, when the percentage of female law students jumped to 6 percent. By 1972, that percentage had doubled to 12.1 percent and then, four years later in 1976, had more than doubled to 26.1 percent. By 1992, 50.4% of law students enrolled in ABA-approved schools were women. The pioneer women of the late 1800s and those who followed them made it possible for half the students enrolled in law school in 1992 to be women. As of 2010, 47.2% of law students were women.

Women attorneys made huge strides throughout the 20th Century. Elizabeth N. Tompkin, a 1923 University of Virginia Law School graduate, was the first woman admitted to the Virginia State Bar. In 1928, Genevieve Rose Cline of Ohio became the first woman to become a federal judge when she was appointed to the U.S. Customs Court. Florence Ellinwood Allen, formerly of the Ohio Supreme Court, became the first woman on the federal appellate bench when she was chosen in 1934 to sit on the Sixth Circuit Court of Appeals. In 1949, Burnita Shelton Matthews became the first woman on the federal trial bench when President Harry S. Truman appointed her as a district court judge.

Despite these early 20th Century inroads, the U.S. Supreme Court, as late as 1961, rejected constitutional challenges to state laws that effectively excluded women from jury pools, reasoning that the laws were not invidious discrimination but merely an attempt to accommodate the "special responsibilities" of a woman, "the center of home and family life." *Hoyt v. Florida*, 368 U.S. 57, 62 (1961) (echoing the Blackstone Commentaries on common law *coverture* and Justice Bradley's concurring opinion in *Bradwell*). American society, however, was changing at a much faster pace than the U.S. Supreme Court's judicial philosophy about women. In 1963, Congress enacted the Equal Pay Act, and in 1964, Title VII of the Civil Rights Act, prohibiting discrimination on the basis of gender in the work place.

Almost 20 years after Title VII was enacted, Sandra Day O'Connor was appointed as the first women justice on the U.S. Supreme Court, where she served from 1981 to 2006. Justice O'Connor was the lone female justice for over a decade until she was joined by Justice Ruth Bader Ginsburg in 1993. Currently, three of the nine U.S. Supreme Court justices are women: Justice Ginsburg, Justice Sonia Sotomayor (2009), and Justice Elena Kagan (2010).

The Commonwealth of Virginia appointed its first female jurist, Justice Elizabeth Lacy, to its high court in 1988 – nearly 65 years after admitting the first woman to the Virginia State Bar. Lacy served as the sole female justice on the Court for a decade until Justice Cynthia D. Kinser was appointed in 1998. Three of the seven justices on the Virginia Supreme Court, including the Chief Justice, are women: Chief Justice Kinser, Justice Cleo E. Powell (2011), and Justice Elizabeth A. McClanahan (2011). Justice Powell is the first black woman attorney to serve on the Virginia Supreme Court.

Women attorneys will know they have truly arrived when the news is no longer about being "the first women lawyer" – of any ethnicity – to attain a certain honor or goal. A major issue that continues to confront women lawyers, as it confronts many male lawyers, is the age-old conundrum about how best to balance home and work, family responsibilities, and professional responsibilities. Successfully balancing all of these facets of life may not be "a first," may not make the headlines, and may never been seen by the public eye. Nonetheless, it is the private, individual choices about career, partner, children, and division of labor, made by pioneer women then and now, that slowly, but surely, change society.

INFLUENTIAL RBA WOMEN HONORED

(Continued from page 3)

Since 2004, Frith has served on the City of Roanoke's Economic Development Authority, which has enabled numerous Downtown Roanoke restoration projects. Frith has been a member of the Roanoke Women's Foundation since 2010. In 2010, the Roanoke Women's Foundation awarded a \$50,000 grant to Feeding America Southwest Virginia to establish a permanent stream of revenue for the food bank to grow the program to a projected 894,000 pounds of purchased food by 2013 and more in succeeding years. The Foundation also awarded a \$50,000 grant to the Foundation for Rehabilitation Equipment and Endowment to sanitize and refurbish donated mobility-related equipment to give to those who cannot afford them. The Foundation, in 2010, donated \$58,000 to the Rescue Mission of Roanoke, Inc. for replacing existing beds.

Frith also has served as a VSB Eighth District Disciplinary Committee member since 2007 and as an officer since 2009. She has been a member of First Citizens Bank's Board of Directors, Roanoke Region, since 1998 and a member of North Cross School's Board of Trustees since 2010.



Melissa Robinson is the senior litigator at Glenn Robinson & Cathey, PLC. She graduated in 1985 from the University of Virginia, and she received her law degree in 1988 from the William and Mary Law School. She has served as an officer of the VSB Eighth District Disciplinary Committee since 2009 and as a member since 2007. Robinson left a partnership at a large firm to join what is now a four-member boutique firm. She specializes in representing corporate and insurance clients in catastrophic personal injury, products liability, premises liability, employment law, and automobile/trucking litigation. She also specializes in insurance coverage matters involving both first and third party claims.

Robinson is a Master of the Bench member of the Ted Dalton American Inn of Court. She has served on the Board of Directors of the Virginia Association of Defense Attorneys and of the Roanoke YMCA. She has helped to grade Virginia bar exams for ten years. She is an avid cook and loves to experiment with growing different varieties of tomatoes to use in her recipes.

Jonnie L. Speight is a Partner at Johnson Ayers & Matthews

RBA MEMBERS IN THE NEWS

George A. "Al" McLean, Jr.

Did you know that **Al McLean**, former RBA president and longtime member, is also an avid historian and member of the Board of the Historical Society of Western Virginia? In this role, Al has researched and composed an article, "The Life and Art of Edward Beyer (1820-1865)," recently published as a masterful introduction to *Edward Beyer's Travels Through America: An Artist's View*, a recent Historical Society publication.

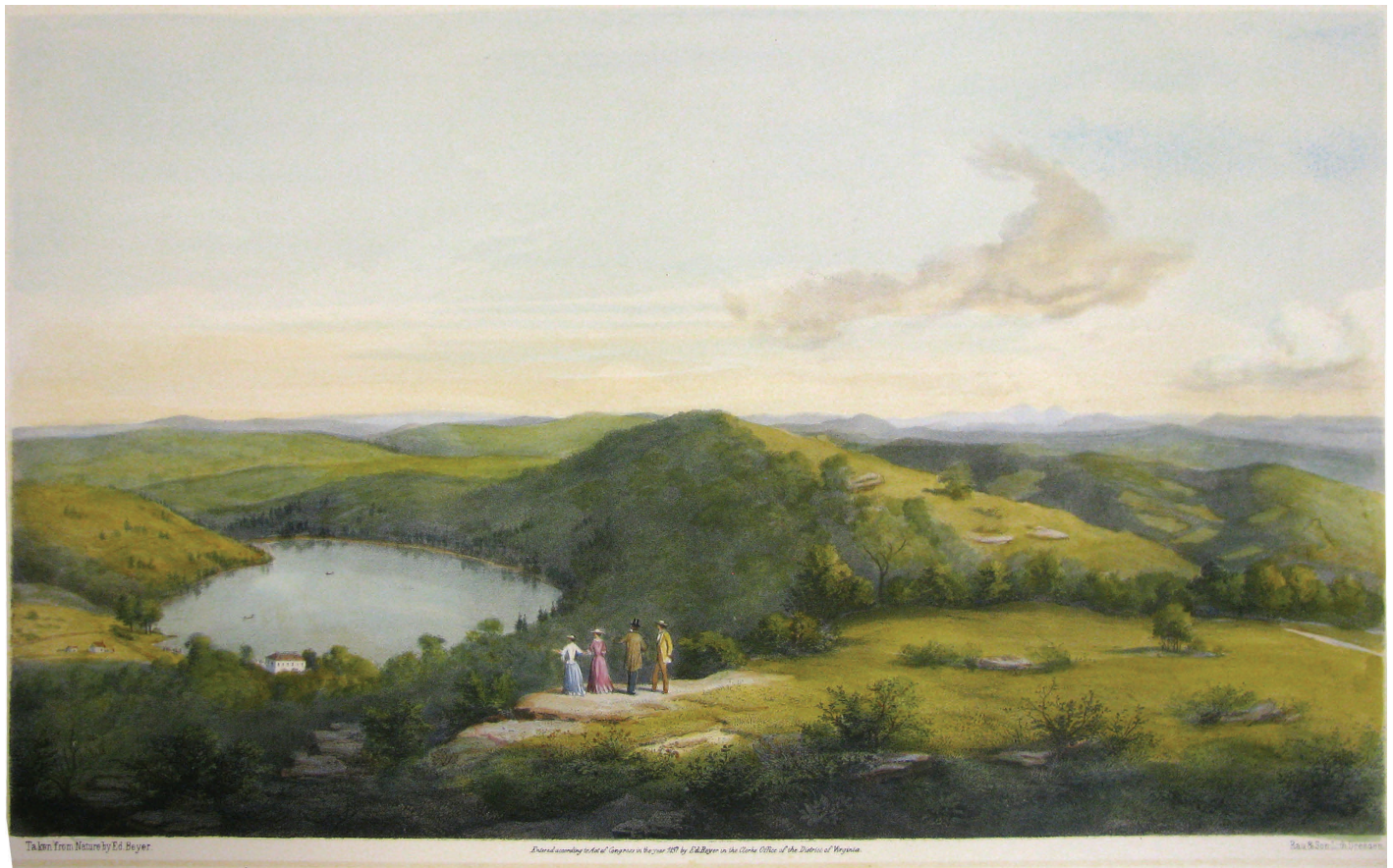
The book itself contains the first English translation of a travel narrative by Edward Beyer, a German artist who travelled extensively in the United States in the 1850's. During this time, Beyer spent almost three years in Virginia, painting and sketching scenes of towns and landmarks in this region, including Hot Springs, White Sulphur Springs, Mountain Lake Hotel, Natural Bridge, Salem, Buchanan, Liberty (now Bedford), Christiansburg, and Wytheville. Many of these Virginia scenes are included in *Edward Beyer's Travels*.

After his return to Germany, Beyer's writings served to narrate a cyclorama of his artwork from his American travels. He also compiled forty-one of his artworks in his *Album of Virginia*, available through the Virginia Historical Society.

A former RBA member, **Linda Steele**, now serves as registrar for the Historical Society. She played a key role in assembling prints of Beyer's artwork for the book and for a recent Historical Society exhibition of his works.



Edward Beyer's Travels Through America: An Artist's View (Blackwell Press 2011), is available from the Historical Society (\$35.00), and may be ordered on line at <http://www.history-museum.org/html/publications.html>.



Salt Pond. By Edward Beyer. Salt Pond, now known as Mountain Lake, is located in Giles County, Virginia.

Place your advertisement in the next *Roanoke Bar Review*
Reasonable Rates - Next Deadline November 15, 2011
Contact an Editor for more information

ANNOUNCEMENTS

NEW MEMBERS	UPCOMING EVENTS	OFFICERS:
<p>The Roanoke Bar Association welcomes the following new Active Members:</p> <p>Ryan L. Nuzzo Anderson, Desimone & Green, PC</p>	<p>Roanoke Bar Association Meetings 2011 - 2012</p> <p>September 13, 2011</p> <p>October 11, 2011</p> <p>November 8, 2011</p> <p>December 13, 2011</p> <p>January 10, 2012</p> <p>February 14, 2012</p> <p>March 13, 2012</p> <p>April 10, 2012</p> <p>June 12, 2012</p> <p>Go to www.roanokebar.com for more information on these and other RBA events.</p>	<p>Lori D. Thompson 510-3011 President</p> <p>Thomas H. Miller 527-3510 President-Elect</p> <p>Steven W. Lemon 982-1000 Secretary-Treasurer</p> <p>Francis H. Casola 983-7716 Past President</p> <p>Catherine L. Caddy 342-4905 Executive Director</p>
RBA CLE CONFERENCES		BOARD OF DIRECTORS:
<p>September 22, 2011</p> <p>October 20, 2011</p> <p>November 15, 2011</p>		<p>Wade T. Anderson 725-3375</p> <p>Michael A. Cleary 345-8344</p> <p>David N. Cohan 983-9395</p> <p>Tracy A. Giles 981-9000</p> <p>Linda L. Gustad 857-5100</p> <p>Aaron B. Houchens 983-7734</p> <p>Richard C. Maxwell 983-7628</p> <p>Richard D. Scott 400-7997</p> <p>Amanda E. Shaw 224-8019</p> <p>Jennie L. M. Waering 857-2905</p> <p>Michael S. Whitlow 904-7835</p>



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