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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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*FROM THE BENCH*

## RETIRED FEDERAL JUDGE SAMUEL G. WILSON HAS "SUPERB INTELLECT, KEEN JUDGMENT, GOOD HEART"

BY THE HONORABLE CLIFFORD R. WECKSTEIN

The editors of the *Roanoke Bar Review* asked Circuit Judge Clifford R. Weckstein to write about his long-time friend, U.S. District Judge Samuel G. Wilson, on Judge Wilson's retirement from the bench. When the editors informed Judge Wilson of this, he asked that this piece not run until after his retirement earlier this summer.

Samuel Grayson Wilson was 40 when he became a judge of the United States District Court for the Western District of Virginia. On August 1, 2014, the day after he turned 65, he retired from the bench. The next stop: teaching comparative criminal law at National Taiwan University.



My assignment is to write about Judge Wilson. To describe Sam Wilson, lawyer and judge, let me tell you a story that Irving Younger used to tell. (And given the nature and duration of our friendship, I will not hesitate to refer to the judge as Sam.)

When Sam and I were young lawyers, Irving Younger was the brightest star in the CLE firmament. A law professor, former trial lawyer and trial judge, he educated and entertained lawyers throughout the country, in person and on videotape. As one commentator wrote, "his hearsay lecture was unforgettable, and his lecture on the art of cross-examination was even better." He died of cancer in 1988, at the young age of 55.

In the early 1950's, fresh out of college, and never suspecting that he would become a lawyer, Younger went to work for the *New York Mirror*, covering the New York Giants baseball team. (The Giants moved to San Francisco in 1957.) These are Irving Younger's words:

And I couldn't believe it—I was 21 years old and I was a sports reporter for a New York City newspaper. I would sort of overflow with enthusiasm to my older colleagues. I would say to them, "You know what I saw today, fellows," and they'd say, "No kid, tell us what you saw." I'd say "I saw Willie Mays make the greatest catch I have ever seen. The batter hit the ball out to center field. With the crack of the bat, Willie turned his back to home plate and ran 60 miles an hour right out into center field. He gets about 10 feet from the fence, he looks over his shoulder, the ball was coming down. He's going too fast to stop, he doesn't have room to stop, so he turns himself into a human donut and rolls to the fence. And as he rolls, he gets his glove up between his legs and he catches the ball—the greatest catch I've ever seen. That guy has to be the greatest center fielder who ever lived."

And my older colleagues would say, "No, kid, no. Willie's very good, there's no doubt about that, but he's not the greatest center fielder who ever lived. The greatest center fielder who ever lived was probably Joe DiMaggio." And I'd say, "What are you talking about? I spent every single summer day of my childhood and early adolescence sitting in Yankee Stadium, I must have seen the Yankees

(Continued on page 7)

## PRESIDENT'S CORNER

BY RICHARD C. MAXWELL, ESQ., PRESIDENT



It is my pleasure to serve as the president of the Roanoke Bar Association during its 90<sup>th</sup> year of existence. During my service on the Board of Directors of the RBA, I have been impressed by the willingness of the members to offer their time and talents to support the efforts of the RBA and to make our Valley a better place to live and work. In particular, I would like to acknowledge the leadership of Stephen W. Lemon who artfully guided the RBA last year. I would also like to thank Linda Gustad and Ric Scott and all

the other people who contribute to making the Roanoke Bar Review a publication worth reading.

Following up on its success last year, we will be having a dinner meeting again this year. This event is scheduled for January 13, 2015 at the Shenandoah Club. There will be a social hour before the dinner and the program. People who came to this event last year had a terrific time, so put it on your calendar now. Please also put our regular luncheon meetings on your calendar. The dates are September 9, October 14, November 11, December 9, February 10, March 10, April 14, and the Law Day program on May 1. At our Law Day program, we will have our local legislators present to talk about the completed General Assembly session.

This year the RBA's CLE program is in the capable hands of Heather Ferguson. Heather and the RBA Board are planning this year's offerings which will feature four hours of free CLE and at least two hours of CLE at the RBA's reasonable rates. While we have not set a date, Heather is working on a program which will combine two hours of ethics credits together with a bus trip to tour wineries and breweries around Charlottesville. It doesn't get much better than that. Spouses are encouraged to attend. This promises to be a really fun event.

The RBA is continuing its tradition of service to the community. Members of the RBA will be involved in the Rule of Law program which offers the opportunity to share insights into the legal system with middle school students. Please be sure to sign up to teach a class about the rule of law. I think that you will be amazed at the interest of the students. Lori Thompson will again be heading up Santa at the Station which provides a holiday party for children and families who are living in one of Valley's shelters. One of the great aspects of Santa at the Station is that children get to select and wrap presents for their parents. If you have not volunteered for this program in the past, do it this year. You will certainly be in the holiday spirit when you leave. In the award winning Barrister Book Buddies program, RBA members share a reading experience with elementary school students. Finally, Tom Miller will be leading the You and the Law program. Last year, this program focused on matters involving senior citizens. The response from attorneys, the community, and sponsors was so positive that we are going to keep the focus on legal matters of interest to seniors and their families and hope to turn this into an annual event.

Sometime this Fall we will be launching a revamped RBA website. One of the features of the new website will be a page where people looking for a lawyer can see your name and three practice areas you designate. Remember to check the website for RBA news, events, and programs.

I look forward to seeing you at the October 14 luncheon meeting.

*Rich Maxwell is a Partner at Woods Rogers*

## VIEWS FROM THE BENCH: CIRCUIT COURT JUDGE DAVID B. CARSON

BY JUSTIN E. SIMMONS, ESQ.

A lot can change in a year. Just ask Judge David B. Carson. Roughly a year ago, he was trying cases, and now he is presiding over them as the 23rd Judicial Circuit's newest circuit-court judge. For this installment of Views, I thought I would catch up with him so that we could all learn a little more about the latest one to don the black robe.



Judge Carson was born and raised in La Jolla, California, a seaside community located just north of San Diego. His parents emphasized education in their home and felt strongly that he and his siblings should go east for college. Hence, after graduating from high school, he packed his bags and headed to Hanover, New Hampshire—3,000 miles and a world away from sunny Southern California—to attend Dartmouth College, where his grandfather and brothers had gone before him.

During spring break of his senior year, Judge Carson travelled to Lexington, Virginia, to visit a fraternity brother who was attending law school at Washington and Lee University. Though Judge Carson had already accepted a job with one of the big financial firms in New York City, the trip convinced him that he should go to law school instead. Thus, after finishing at Dartmouth, he too enrolled at Washington and Lee's law school.

Following his graduation from law school, Judge Carson went to clerk for one of his two legal heroes, Judge Jackson L. Kiser, in Danville. The experience, Judge Carson says, proved to be "the best thing he ever did legally."

Once his clerkship was over, Judge Carson intended to return to Southern California where he had already lined up a job with the U.S. Attorney's Office in San Diego. But Regina, the girl he was dating at the time, had other plans. While they had only been seeing each other for a couple of weeks, she could tell that their relationship had a future. She made it clear to him, however, that she would never leave the South. Not wanting to end a good thing, Judge Carson decided to forgo the sunshine of Southern California and put down permanent roots in Virginia, taking a job with the Roanoke civil-defense firm Johnson, Ayers & Matthews, P.L.C. And it turned out to be the best decision of his life: he and Regina have now been married more than 20 years, and they have three children (two boys and a girl) together.

At Johnson Ayers, Judge Carson got to work with his second legal hero, James F. Johnson. "There isn't a lot of flash to Jim," Judge Carson explains, but "he's quietly brilliant. I never saw him get flustered legally."

Judge Carson also got to try a lot of cases at Johnson Ayers, where he worked his entire career in private practice. During his 23 years with the firm, he tried well over 100 jury trials, many of which were quite memorable. In one tough case, he recalls, the plaintiff testified that she could not raise her hands above her head as a result of the injuries she had suffered in a car accident. After the second day of a three-day trial, a Sheriff's deputy who had been in the courtroom during the plaintiff's testimony saw her at the grocery store reaching up above her head with ease to grab gallon milk jugs out of the refrigerator. When the trial resumed the next day, the deputy told Judge Carson what he had seen the plaintiff do, and Judge Carson called him as his first witness. Unsurprisingly, the jury returned a defense verdict.

*(Continued on page 4)*

## PREPARE FOR THE EMPLOYER MANDATE OF THE AFFORDABLE CARE ACT

BY BROOKE C. ROSEN, ESQ.



Confusion (and some disbelief) continues to reign when it comes to implementation of the Affordable Care Act (ACA). While distillation of the entire legislation and associated regulations would be next to impossible in this article, below is a quick summary of helpful points for employers in the Valley seeking to comply with the ACA.

1. What is the employer mandate? Why is it referred to as "pay or play?"

Nothing in the ACA requires any employer to offer group health coverage. However, large employers will have to pay tax penalties if they fail to offer coverage to their full-time employees and their dependents. A full-time employee includes someone who works on average more than 30 hours per week. The penalty does not apply for failing to include coverage for part-time employees or spouses.

A large employer will either elect to "play" by providing affordable minimum essential health coverage to full-time employees and their dependents or "pay" a penalty.

2. When is the employer mandate effective?

The goalpost has moved multiple times on the effective date of the employer mandate. The final rules issued in February 2014 implement the employer mandate on January 1, 2015 for calendar year plans of employers with 100 or more full-time equivalent employees. (The calculation of the number of an employer's full-time equivalent employees is different from determining who is a full-time employee). The employer mandate is delayed until 2016 for employers with 50-99 full-time equivalent employees.

Calculating an employer's number of full-time equivalent employees is one of the biggest administrative burdens for employers under the ACA, especially for those with seasonal or temporary workforces. Employers with fluctuating workforces are highly encouraged to start tracking their full-time equivalent employee numbers even if they are not required to comply with the mandate until 2016 because the analysis in 2016 may involve look-back into 2015.

3. What type of coverage satisfies the employer mandate?

In order to avoid a penalty, a large employer must offer health insurance which provides minimum essential coverage. An insurance company or broker will be able to tell an employer whether coverage being offered qualifies as minimum essential coverage.

A second smaller penalty applies if minimum essential coverage is offered but the premium is "unaffordable" because self-only coverage exceeds 9.5% of the employee's income.

4. What should a small employer be doing in 2014?

Small employers with less than 50 full-time employees are impacted by the ACA despite not being subject to the employer mandate. Small employers may be eligible for a tax credit for health insurance premiums paid by the employer for coverage offered through the Exchange. On the other hand, depending on the household incomes of an employer's workforce, its employees could be eligible for federal subsidies and credits for their individual purchase of health insurance from the Exchange. Small employers currently providing group coverage should engage in a cost-benefit analysis to determine whether they should continue the expense of a group health plan or discontinue group coverage and use the cost savings to increase compensation to assist employees with obtaining individual coverage in the Exchange.

Brooke Rosen is a Partner at Gentry Locke Rakes and Moore, LLP

## WHY JOIN VTLA

BY LAUREN M. ELLERMAN, ESQ

I'll admit, I've always been a joiner. I remember leaving activities night in college with a handful of fliers, having just signed up to join between 13 and 30 different organizations. College Democrats? Yes. College Republicans? Why not? The more clubs I could join, the better, right?

Wrong.

And while it has taken twenty years or so to abandon my old way of thinking, I now believe it is time to choose wisely and intentionally. To ask hard questions and be selective as to what organizations will get my time and money. To join only those professional groups (and social ones) which provide me with sufficient benefit to make the annual fee worth it.

If you have any trial practice, whether your specialty is in family law, personal injury, criminal work or commercial litigation, I would recommend VTLA (Virginia Trial Lawyers Association).

Why spend money to join an optional bar association like VTLA? Here are only a few of the many reasons to join.

**Listserves.** Need an expert? What about a quick cite to the new rules of evidence while you are in trial? Want to refer a case to someone in Norfolk? VTLA listservs are organized, purposeful and helpful at both building business and finding better ways to serve existing clients.

**CLE Opportunities.** Between the committee CLE offerings and its annual convention, VTLA attracts some of the best and brightest trial lawyers in Virginia and beyond to share their insights and ideas.

**Connections.** I spent thirty minutes on the phone with a plaintiff's attorney in Norfolk today, trading experts, stories, ideas and pleadings. VTLA is a great way to make connections.

**New Business.** Wanting to expand your practice? VTLA is a great group to get and give referrals.

**Everyone can join.** VTLA is not just for plaintiff's attorneys. It is for everyone. Defense attorneys and personal injury attorneys alike. If you want to join a group that is not exclusive but does provide a professional benefit, sign on up!

<https://www.vtla.com/>

I think the mission statement says it all: The Virginia Trial Lawyers Association is dedicated to promoting professionalism within the trial bar, enhancing the competency of trial lawyers, and protecting and preserving the liberties, rights, and benefits of an efficient and constitutionally sound judicial system.

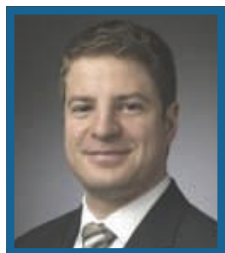
Hope to see you at the next annual meeting!

Lauren Ellerman is a Partner at Frith & Ellerman Law Firm PC



## YLC SUMMER SOCIAL AT THE RIVER AND RAIL BECOMES SUCCESSFUL ANNUAL EVENT

BY CHRISTOPHER S. DADAK, ESQ.



Following high attendance and rave reviews of last year's event, Tommy Strelka, a partner at Strickland, Diviney & Strelka and the chair of the Young Lawyers Committee ("YLC"), expressed hope the YLC Summer Social would become an annual event. On August 4, 2014, those hopes came to fruition when, for the second year running, the YLC organized the RBA Summer Social at The River and Rail Restaurant. For one evening, the RBA

had The River and Rail exclusively for celebrating its camaraderie and professionalism.

Registrations were capped at seventy so as not to overwhelm the charming, but cozy venue. Thanks to the generosity of Frith Anderson & Peake, Gentry Locke Rakes & Moore, LeClair-Ryan, Spilman, Thomas & Battle, and Woods Rogers, members of the RBA enjoyed beer, wine, cocktails, and a variety of appetizers for free.

The event was a repeat success. Macel Janoschka, an associate at Frith Anderson & Peake, described it as a "fantastic event" and relished the "opportunity to chat with colleagues outside of a courtroom, conference room or meeting." David Robinson, an associate at the Lawrence Law Firm, added: "It was great to see some of the younger members of the bar coming out to meet and get to know one another, as well as having the opportunity to meet more seasoned members of the bar."



2014 Summer Social at The River and Rail  
More pictures on Page 11

## VIEWS FROM THE BENCH: CIRCUIT COURT JUDGE DAVID B. CARSON

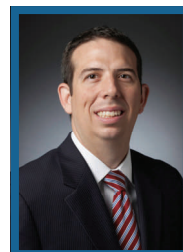
(Continued from page 2)

In addition to private practice, Judge Carson was heavily involved in the Roanoke City Public Schools before taking the bench, serving on the School Board for eight years, seven of them as its chairman. When their oldest child was moving on to middle school, he and Regina decided to become more active in their children's schooling. During his time on the School Board, Judge Carson oversaw many improvements to the school system, including a 30% increase in the graduation rate. "Serving on the School Board," he says, "was the most rewarding professional thing that I have done." And his "biggest regret about going on the bench was that he had to give up his involvement in the school system."

Judge Carson's interest in being a judge began while he was clerking for Judge Kiser. "He [is] just so great," Judge Carson explains, that after trying cases for several years, "it dawned on me that . . . it would be fun and rewarding to try to be the kind of judge that [he is]." And so when the retirements of Judges Apgar and Doherty created a vacancy on the circuit court, Judge Carson, with the encouragement of some members of the Bar, decided to seek the position.

Though Judge Carson has only been on the bench for a short while, he has developed some strong feelings about how judges, attorneys, and parties should conduct themselves. "Judge[s] should never forget," he says, "that we are here for the litigants and not the other way around." This is paramount, he explains, and from it two things follow. First, "being timely and punctual is the least that people can expect. . . . Attorneys and litigants should expect that from me, and I expect that from attorneys and litigants." And second, "everyone should feel like when they leave my courtroom, they have had a chance to have their say and that they have been dealt with fairly."

Despite having only a year or so under his belt, Judge Carson looks comfortable in his new role behind the bench. What's more, it appears that he has already acquired much of the essential wisdom and good habits of his more senior colleagues. I am sure his legal heroes, Judge Kiser and Jim Johnson, are proud.



Justin Simmons is an Associate with Johnson, Ayers & Matthews, PLLC

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## ROANOKE LAW LIBRARY NEWS AND INFORMATION

BY JOSEPH KLEIN, LAW LIBRARIAN



It was wonderful seeing and speaking to so many of you during your visits to the Law Library for the Roanoke Bar Association photo sessions. The Law Library is constantly changing so it can meet the legal research needs of the Roanoke valley, and I was glad so many of you got a chance to poke around and see what we have. Please do not hesitate to give me a call at 853-2268 to answer any questions

about our collection or the services that we provide.

### Law Library Hours

The good news is that we are in the final stages of completing the much needed renovation of the Main Library on Jefferson Street. The bad news is that the Roanoke Law Library will no longer be open from 8:00 AM to 4:30 PM on Wednesdays, as it was during the renovation. We have reverted to our previous hours of 8:00 AM to 12:00 noon every week day. The Roanoke Law Library's current hours of operation are:

Monday	8:00 AM- 4:30 PM
Tuesday	8:00 AM- 12:00 Noon
Wednesday	8:00 AM- 12:00 Noon
Thursday	8:00 AM- 12:00 Noon
Friday	8:00 AM- 12:00 Noon

As you know, the greatest portion of the Roanoke Law Library's budget comes from civil filing fees in the Roanoke City Circuit Court. Those fees have been down substantially for the last several years. When and if the revenue from filing fees increases, it is still our hope to increase the Law Library's hours of operation.

Other library branches that added hours during the renovation of the Main Library have also reverted to their former hours of operation. Please see the Roanoke Public Libraries web page at [www.roanokeva.gov/library](http://www.roanokeva.gov/library) or call me at the Law Library with any questions.

### Westlaw Changes

The Roanoke Law Library subscribes to Westlaw for online legal research and provides free access to all. We currently offer *Westlaw Classic*, but Thomson Legal will soon end support for *Westlaw Classic* and will only support *WestlawNext*. For most of you, this may be good news. I am among the few holdouts who prefer the native Boolean searching that *Westlaw Classic* provides. *WestlawNext* provides a more Google-like search functionality. It uses a universal search backed by a search complex algorithm that eliminates the need to choose a databases or use complicated Boolean search architecture.

At this point, there is no set end date for *Westlaw Classic*, but I am familiarizing myself with *WestlawNext* so that when the transition takes place, it will go as seamlessly as possible. We will experience no loss of service, and I will still be able to assist you with all your legal research queries. Rest assured that *WestlawNext* will still provide all the same powerful resources that were formerly provided by *Westlaw Classic*. We will still have access to all state and federal statutes and case law and the ability to Keycite cases to make sure that they are legally valid. *WestlawNext* will also continue to provide access to all the wonderful American Jurisprudence products, American Law Reports, and other popular legal treatises on which researchers have come to rely. As always, please feel free to call me at any time with questions about *Westlaw* access, for *Westlaw* assistance, or for help with any legal research.

## IN MEMORIAM

*With this edition of the Roanoke Bar Review, the Editorial Committee is implementing an "In Memoriam" feature to recognize the passing of members of the Roanoke Bar Association. The following are the Association's losses since January 1, 2014:*

Kevin O. Barnard, Esq.  
April 3, 1966 - March 26, 2014

John Glenwood Strickler, Sr., Esq.  
April 22, 1928 - April 28, 2014

The Honorable James C. Turk  
May 3, 1923 - July 6, 2014

The Honorable Joseph M. Clarke II  
September 27, 1952 - July 19, 2014

The Honorable M. Caldwell Butler, Esq.  
June 2, 1925 - July 29, 2014

In grateful recognition of the contributions of these members to our profession, and their contributions to our Association, the Association laments the passing of these individuals.

In the coming months, the Association will prepare and adopt a memorial resolution in honor of each of these individuals. To read past resolutions, please go to [www.roanokebar.com](http://www.roanokebar.com) and click on News.



The VWAA Roanoke Chapter invites you to join them for their upcoming events

### September

Wednesday, September 3<sup>rd</sup>  
Noon Luncheon at Carlos

### October

Wednesday, October 1<sup>st</sup>  
Noon Luncheon at the Quarter

### November

Thursday, November 6<sup>th</sup>  
Noon Luncheon at Blue Apron

### December

Thursday, December 4<sup>th</sup>  
Evening Judicial Reception at Schaal's

### January

Wednesday, January 7<sup>th</sup>  
Noon Luncheon at Carlos

### February

Thursday, February 5<sup>th</sup>  
Noon Luncheon at 202 Market

### March

Wednesday, March 4<sup>th</sup>  
Noon Luncheon at Blue Apron

### April

Wednesday, April 16<sup>th</sup>  
Noon CLE Luncheon at Schaal's



# REMEMBERING JUDGE TURK

BY JUDGE TURK LAW CLERKS; COMPILED BY LINDA L. GUSTAD, ESQ.



I can close my eyes and picture myself in Judge Turk's second-floor office like it was yesterday, the red Persian rug, family pictures on the walls, the scent of vanilla and law books, the judge behind the desk with the Roanoke Times crossword puzzle, his dachshund Baby Girl jingling her collar tags as she trots around the desk to greet me. The judge looks up and says, with a cheery smile, "Good morning! How are the girls?" I was privileged to serve as

Judge Turk's pro se law clerk, working on his prisoner case docket, for most of my twenty-one-year career with the court. My daughters, Anna and Laura, grew from babies to teenagers in office conversations with Judge Turk. How grateful I am for those years and all he taught me about justice and respect and life.

A Judge Turk clerkship bonus was **Shirley Simpson**, his judicial assistant, who helped every newly-minted law clerk figure out the job. Shirley knew and worked with Judge Turk for almost 50 years. She says: "This is how I would describe Judge Turk. Life is a gift from God and we, therefore, belong to him. Judge Turk knew this and he accordingly recognized in each individual worth, value, and dignity. He was equally at home with the famous, the lowly, the rich, the poor, the educated, the uneducated. He treated all with respect and dignity. Simply put, he was a caring, compassionate person, and he went around always doing good."

Judge Turk (and Shirley) mentored dozens of law clerks during his 42 years on the Western District bench. In honor of his passing on July 6, 2014, we invited his law clerks to share their memories of Judge Turk and the impact he had on their lives and careers. Whether the remembrances they offer are brief or more detailed, all of them speak from the heart and will, we hope, share Judge Turk with you on a personal level.

**Jonathan Rogers** (1974-1975) says, "My time as an honorary Judge Turk law clerk (I was hired to clerk for Judge Dalton) changed my life in so many ways. It brought me to Roanoke, where I met my wife. I also met Art Strickland, Judge Turk's first law clerk, who became my best friend and practiced law with me. After the clerkship, Judge Turk persuaded me to work for the Commonwealth Attorney's office as a prosecutor and later recommended me for a job at Woods Rogers.

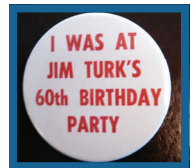
Judge Turk was a champion of justice—always putting the government's case to the test and never letting process or rules get in the way of the right result. We worked together on habeas corpus cases, overturning several state convictions for constitutional violations. In the late 1970's, Art and I appeared before Judge Turk, representing Enten Eller, the first man in the country prosecuted for refusing (on religious grounds) to register for the military draft reinstated under President Carter. Despite strong pressure to support the draft by imposing a stiff penalty on Eller, Judge Turk ordered him to do community service in exchange for dismissal of the conviction.

Judge Turk always saw the person, not the category. He saw the good in people I didn't see any good in and believed in mercy and second chances, and from his example, I believe in second chances more than I did. Judge Turk's principles that I first experienced during my clerkship have stayed with me and affect the way I practice law every day."

**Helene S. Shapo** (1977-1978), professor at Northwestern University Law School for the past 35 years, remembers, "When I clerked for Judge Turk in Charlottesville, I was the first female law clerk in the Western District, recently out of U.Va. Law School, had practiced for a short time, and was close to 40 years old with two young boys. None of this fazed Judge Turk. In his court (held on the 2nd floor of the WPA-era post office), Judge Turk was courteous to everyone in the court, had firm control of his court at all times, and exercised excellent judgment. I learned a lot of law. My sons are now grown men, one of them a lawyer in Chicago, and have families of their own."

**Judge Michael F. Urbanski**, who clerked for Judge Turk (1981-1982), appeared before him, and worked with him as Magistrate Judge and now district judge, says: "I strive every day to live up to Judge Turk's ideal of treating each person with dignity and respect and his view that each case, no matter how big or how small, is important."

**Al Millus** (1982-1983), now a partner at Hinman, Howard & Kattell, in Binghamton, New York, thought his five-minute interview with Judge Turk was a waste of time, but then he got the job! He says, "It could not have been a better year. It really was like working with a family, and I thoroughly enjoyed going to work every day. After he became comfortable with us, Judge Turk gave his clerks a lot of autonomy, and it was a tremendous learning experience. However, youth and arrogance can get you in trouble. I once drafted an opinion in which I included a footnote chastising an attorney for the inartfulness of his pleading. Judge Turk signed the opinion as is. The attorney, horrified, called Judge Turk to apologize, and I overheard Judge Turk saying to him, 'Oh, don't worry a bit about that—one of the law clerks wrote that up!' We reissued the decision without the offending footnote. I don't know how many years it took me to learn that intelligence doesn't necessarily relate to wisdom."



At Judge Turk's 60th birthday party, which also celebrated his first ten years on the bench, we composed a song that we sang to the tune of 'Oh Suzanna.' Here are a couple verses:

You sign a lot of orders, Judge, but it will be a first  
When one comes back from Richmond, that hasn't been reversed.

[referring to habeas corpus petitions the judge had granted]

Oh Judge Turk, our hats are off to you.

After ten years on the federal bench, you're still as good as new."

**Randy Frostick** (1982-1983), now with Vanderpool, Frostick & Nishanian, P.C. in Manassas, says of Judge Turk: "I think he was the greatest judge I have known. In addition to being extremely intelligent and having an intuitive understanding of how the law should be applied to achieve justice in a particular case, Judge Turk had a wonderful sense of humor and optimistic, folksy disposition which made him a pleasure to be around. Although he could be stern and enter harsh judgments when appropriate, he was also kind, compassionate and unpretentious, which was apparent even when he was in the courtroom. I will never forget how he would come down from the bench and shake hands with the attorneys and parties at the conclusion of a trial or hearing. This simple act shaped my views about how parties and opposing counsel should be treated with respect. In addition, Judge Turk was instrumental in helping to develop my ability to analyze the issues, facts and law in a case. After a motion or trial, we would discuss and analyze the evidence and law which was pertinent to deciding the matter, and the correctness of his decisions was consistently confirmed by the results of my research."

(Continued on page 8)

## RETIRED FEDERAL JUDGE SAMUEL G. WILSON

(Continued from page 1)

play hundreds of games, and not once, not bloody once, did I ever see Joe DiMaggio make the kind of catch you see Willie Mays make every day.”

And they’d say, “That’s right, kid. Joe DiMaggio never made a spectacular catch. You see, when Joe DiMaggio played center field and the batter hit the ball into the outfield, as the ball reached the peak of its trajectory, no matter where it was, and turned to begin its descent to the ground, there, standing under the ball, calmly tapping his glove, was Joe DiMaggio.”

That’s the kind of lawyer and judge Sam Wilson has been. Almost never flamboyant, bereft of “black robe fever,” a thinker, a person who sees facts as parts of patterns, coherent wholes — almost instinctively knowing what’s material and what’s a distraction—who understands not just what the Supreme Court held last week, but how that fits in with a case decided six years ago, and how they both affect a case being tried today. Someone with a sound grounding in the common law, and a love for and a sense of history. Someone who, when the ball is coming down, is standing under it, confidently waiting for it to fall into his glove.

In some courtrooms, at least on some days, trials seem like exercises in heavy lifting. Lawyers notice that that doesn’t happen when Judge Wilson is on the bench. Somehow, things just tend to keep moving along.

John Lichtenstein recalls an eight-week long criminal trial. It was the kind of case, he says, in which tension could have overwhelmed the courtroom. Whenever things got close to the boiling point, he says, Judge Wilson “punctured the balloon,” and everyone relaxed. It was, he says, as masterful a job of courtroom management as a lawyer could imagine.

Read a Sam Wilson opinion. It starts out with a plain statement, and continues with straightforward declarative sentences. It tells you what you need to know about the facts and the law, and tells you in such a way that the court’s conclusion seems inevitable. Most of his sentences are about as long as this one. He writes sparsely and well. There are few rhetorical flourishes. And there are no logical gaps.

(But yet: Anyone who was present for Judge Michael F. Urbanski’s investiture as a district judge will recall Judge Wilson’s moving and masterful—lyrical—verbal essay about Judge Urbanski’s family and background. The same is true of those who heard the memorial to Bill Poff that Judge Wilson recently delivered at a Roanoke Bar Association meeting. Former RBA president Ray Leven characterized it as “brilliant. The best memorial I’ve ever seen or heard.” (To read the Bill Poff resolution, go to the RBA website at [www.roanokebar.com](http://www.roanokebar.com) and click on News.)

I have some difficulty believing that 25 years have passed since Sam Wilson took the bench. In part, I suppose, that’s because when we met, on the third floor of the old Roanoke City Courthouse, he and I were 25-year-old brand-new lawyers. And that means that we have been the best of friends for a few months shy of 40 years.

So, when the Roanoke Bar Association asked me to write about him, I was delighted to accept. I may not be objective, but I know a lot about the subject.

Who is Sam Wilson? (Short guy, glasses, thinning gray hair, a waistline smaller than it was at 25, who reputedly can do more chin-ups than anyone else at the Roanoke Athletic Club.)

Retired U.S. Senator John W. Warner, who submitted Sam’s name to the President in 1990, says in 2014 that Sam “has a superb intellect, keen judgment, and a good heart.” Sen. Warner adds

that this is not just his opinion—that it is shared by, among others, Judge Wilson’s peers on the bench.

And indeed, his colleague (and former law partner) U.S. District Judge Michael F. Urbanski, who also praises Judge Wilson’s writing skill, intellectual prowess and judgment, says that “first and foremost, Sam cares about people. He understands that the decisions we make have consequences on people’s lives, profound consequences.”

“Sam is a person of unflagging integrity,” Judge Urbanski says, who is “committed to the rule of law and is devoted to ‘getting it right,’” constantly striving “to make sure that his decisions are both just and consistent with the law.”

When he submitted Sam’s name to the President, Sen. Warner says, “some were astonished by his young age, but none questioned the maturity of his judgment.”

“As the years unfolded,” Sen. Warner says, “Sam built a reputation for philosophical balance, principled reasoning, fairness, and intellectual integrity.” Reputation, as every lawyer knows, is what others in your community say about you. In this case, I think, the perception is the reality.

Sam came to the bench as a skilled and experienced trial lawyer. He started out as an assistant Commonwealth’s Attorney for the City of Roanoke, was briefly an assistant U.S. Attorney, and was United States Magistrate for approximately five years. When he became a district judge, he had been a litigation partner at Woods, Rogers for about nine years.

Among the 369 persons who passed the July 1974 Virginia bar exam were four who later ended up on the bench in Roanoke: Sam Wilson, a cum laude graduate of the Wake Forest University School of Law, my William and Mary law school classmates Glen Conrad and Julian Raney, and me.

In those days, it was common for lawyers, when they received their bar exam results, to be admitted to practice in individual circuit courts. (The special session at which a large group of new lawyers is admitted by the Supreme Court did not then exist.) So, on October 11, 1974, Sam and I each appeared before Judge Ernest W. Ballou, took the oath, and were authorized to practice in the Circuit Court of the City of Roanoke.

That same morning, down the hall in Judge Robert J. Rogers’s courtroom, Bob Rider introduced Sam to me and to Barry N. Lichtenstein, the lawyer for whom I worked. And we then went to trial before Judge Rogers, without a jury.

My client was charged with robbery and malicious wounding. I had been preparing to try the case, which I did. Barry Lichtenstein second-seated me. I called four witnesses, three of whom Sam cross-examined. The details of the trial are blurred in my memory. But I do remember the outcome, which modesty should forbid me from telling you.

(U.S. Magistrate Judge Robert S. Ballou is a son of Judge Ernest Ballou. Judge Rogers was the late “Bo” Rogers’s twin brother; Roanoke lawyer Frank Rogers, III and Virginia’s Secretary of Education, Anne Holton, are among his nieces and nephews. And Roanoke lawyer John Lichtenstein is a son of Barry Lichtenstein. I know the date, and some trial details, because Brenda Hamilton found the file for me.)

In those days, there was no better way to gain significant trial experience, quickly, than by serving as an assistant Commonwealth’s attorney. And Sam did.

We tried a lot more cases then than we do now. It was relatively rare for a jury trial to take more than a day or two, and not

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## REMEMERING JUDGE TURK

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During my clerkship with Judge Turk, the Administrative Office sent Judge Turk a letter saying that it had funding for his court to purchase computers for word processing. Prior to this, his judicial assistant and law clerks had been using typewriters. I excitedly brought the letter to his attention, and after reviewing it, Judge Turk handed it back to me with a smile, saying simply 'you do it.' Before my clerkship ended, Judge Turk's law clerks and assistant were all using word processing equipment for the first time.

Another fond memory was being at his 60th birthday party. I recall it was a surprise party in the main courtroom. We brought him into the courtroom in his robes under the pretense of some hearing, and when he saw everyone there to celebrate his birthday, he was clearly touched, as was everyone who attended the party. Judge Turk had a way of making everyone who worked with him feel like they were all part of an extended community."

**John Fishwick** (1983-1984), now with LichtensteinFishwick in Roanoke: "Judge Turk was a giant. He loved to bring people together. He often was asked to marry people, and couples over the years have often told me how festive he made their marriage ceremonies. He greatly enjoyed naturalization ceremonies, and if you were foolish enough to walk into the courtroom while one was proceeding, the Judge would call on you to speak. He was the master at settling cases, and there was no dispute that he could not find some common ground between the parties. Judge Turk was loyal. He was loyal to his own family and so proud of his children's and grandchildren's accomplishments. He was loyal to the federal court family and stayed in close contact with so many who had worked there. He was loyal to every organization he ever touched. At the end of the day, he was an incredible optimist. When he shook hands with individuals after a case was concluded, he was letting them know that tomorrow would be a better day."

**David Stoner** (1984-1985), now with Greehan, Taves, Pandak & Stoner, PLLC, in Chantilly, Virginia, says: "I will forever owe Judge Turk thanks for taking a leap of faith and hiring me. While law school had been, in many ways, a humbling experience, Judge Turk gave me the chance to prove myself—both to myself and to the world. He gave his clerks tremendous latitude to craft opinions, but always with his guidance and, ultimately, his veto power. There was no doubt who was the judge and who was the clerk. Yet in chambers, he was supremely approachable. And in his approach to the law, he took a practical view, knowing that justice was not always something to be dispensed from the bench to resolve the immediate case, but in civil cases often involved an ongoing relationship between the parties. He realized that litigation can be costly both financially and relationally, so he made every effort to get the two (or more) sides to work things out—sometimes with his active assistance—rather than fight a legal war of attrition. More often than not, his approach worked. But when he had to decide a case, he did so with an intellectual rigor and honesty to the facts that made it hard to argue with the result. His mentoring confirmed in me the honor of public service and opened the door to a career serving local governments throughout Virginia."

**Melissa W. Friedman** (1985-1986), with Anderson & Friedman: "In Judge Turk's courtroom, I received an education in how to practice law, and sometimes, how not to. While my clerkship offered me an introduction to federal practice and many local attorneys, what it taught me most was how fortunate the Western District of Virginia was when President Nixon appointed Judge Turk to the bench. What I sensed in that year has been galvanized over the course of my practice—a knowledge that he had a generous mix of sharp intellect, pragmatism, and deep understanding of and compassion for humanity's weaknesses and strengths, all of which made him a unique jurist. I have stood beside many defendants in Judge Turk's courtroom and each of them, whether they walked out the front door or the side one, felt they had been treated fairly and with respect."

**William J. O'Shaughnessy, Jr.** (1985-1986), now with Quest Diagnostics in Madison, New Jersey, remembers his clerkship experiences: "We had the opportunity to see a 6-week RICO trial, stemming from the failed LBO of the Donnkenny knitting mills. I recall the lawsuit filed by the goat farmers, the Woffords, against the USDA for allowing their goats to starve. I also will never forget my trip to Big Stone Gap. The local population all knew when we arrived, where we ate and the hotel we stayed in. They watched us when we went for our walks. And the jury acquitted a fellow accused of federal tax fraud. Tough venue for the U.S. Attorney to try a federal tax case!"

From Judge Turk, I learned so much—about how to approach the life then in front of me. About the importance of striving for excellence. About caring about people, and having compassion. About seeing as many sides of an issue as you can, including from the perspectives of others. About the importance of family. About taking advantage of the talents and gifts that you are given, and using them for the greater good. If I did not learn these lessons well, it was not because Judge Turk did not exemplify them well. What a wonderful opportunity to have spent a year growing under his wings."

**Julie Dudley** (pro se law clerk, 1986 to 1988): "I clerked for Judge Glen Williams in 1985 in Abingdon, and then became the Pro Se Law Clerk for the Western District and was able to work with each of the judges and magistrate judges—truly an invaluable experience. I will always be thankful to Judge Turk for hiring me for that position. When the glamour of reading prisoners' cigarette smoke-smelling pleadings (often written on toilet paper!) finally faded, I began my career as an Assistant United States Attorney for the Western District, where I served as Civil Chief, First Assistant, and finally United States Attorney. It was always a treat to have Judge Turk presiding over the criminal and civil cases I handled during my 22 years as an AUSA. His steady demeanor and sense of fairness made me look forward to appearing in his court. I knew that whatever the result of a hearing or trial, both sides would be treated fairly and with dignity and respect. In 2010, I became the Clerk of Court for the Western District. Judge Williams gave me the starting point for my career, but Judge Turk was instrumental in keeping me part of the court family for the Western District. And, for that, I'll always be deeply grateful."

**Alex Cobey** (1996 to 1997), a partner at Hogan Lovells US LLP in McLean, remembers: "I have always treasured the time that I spent working with Judge Turk, Shirley, Clara [his intrepid court reporter], and Ian Ford in Roanoke as one of the highlights of my professional career. As a new lawyer, I found the experience of working with Judge Turk to be a humanizing experience and an opportunity to mature in a professional setting. His warmth and good humor cannot be minimized. I find myself looking back on his approach and remembering all of the positive things that one can draw from being a lawyer."

The first time I attended a naturalization ceremony, to my surprise, Judge Turk called on me to speak, and I didn't have any remarks prepared! I liked his practice of giving everyone in the courtroom a chance to speak—it really added a level of dignity and respect to the proceedings. I also remember with fondness the time we spent working on the crossword puzzles. The judge noted that I was particularly skilled at the Jumble, and more than a few times, he wondered aloud whether or not I might have previewed that day's puzzle."

**Ian Ford** (1996-1997) remembers his clerkship (with co-clerk Alex Cobey) as "among the most enjoyable of my legal career. I've always appreciated Judge Turk's instruction to, and patience with, me as a new lawyer, and I've tried to carry those lessons forward to young lawyers. Among many things from that year, I remember a Naturalization ceremony when Judge Turk called on a U.S. Marshall to give his thoughts on citizenship, and life, to the new United States citizens in the courtroom. The U.S. Marshall barked, 'Get a job! Pay

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## RETIRED FEDERAL JUDGE SAMUEL G. WILSON

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uncommon for the same prosecutor and judge, and perhaps defense attorney, to try two or three jury trials on misdemeanor-appeal day in Roanoke City. Sam Wilson tried his share, and more, including several complex homicide cases.

John P. Fishwick, Jr. observes that the judge “has never forgotten his roots as an assistant Commonwealth’s Attorney. He often draws on the incredible trial experience he had as a young lawyer when he makes decisions on evidence and motions during trial.”

His hallmarks in the Commonwealth’s Attorney’s office were preparation and analysis—characteristic traits throughout his career. He prepared on the facts and on the law. He didn’t rely on detectives to interview witnesses—he interviewed and reinterviewed everybody in a case that he was going to try. I am pretty sure that he visited the “crime scene” of every felony case he knew he would be prosecuting. He obsessively researched the law. Bob Rider recalls once being called to a circuit judge’s chambers to “rein Sam in, because he kept arguing with the judge about the law, and he wouldn’t give up.”

Years later, when Sam was at Woods Rogers, he and Dick Cranwell tried a number of civil cases against each other. Things hadn’t changed. “Sam was a good lawyer, and smart,” Cranwell says. “But more than that, he was tenacious.”

U.S. Attorney Paul R. Thomson, Jr. recruited Sam from the Commonwealth’s Attorney’s office in 1976. Though Sam had never tried a civil case, his major assignment as an assistant U.S. Attorney was to represent the government, and the Army Corps of Engineers, in a suit brought by the State Water Control Board over control of Smith Mountain Lake.

In proceedings before Judge James C. Turk, Sam and the United States prevailed, persuading the Court that the Roanoke River was a “navigable waterway of the United States,” over which the federal government’s jurisdiction was supreme. (Sam then left the U.S. Attorney’s office and, in 1978, the Fourth Circuit held that 1976 legislation deprived the Corps of Engineers of jurisdiction.)

When he entered the U.S. Attorney’s office, Sam was an unknown to U.S. District Judges Ted Dalton and James C. Turk. Roughly half a year later, they selected him to serve as U.S. Magistrate.

After he left the magistrate’s position and went to Woods Rogers, “I tried a lot of cases with Sam,” says his former partner, James W. Jennings, Jr. “He’d come in and say, ‘I need help, and you’re the only person here who gets worse cases than I do.’ ‘He’s smart and tenacious,’ Jennings says, echoing others. “But more than that, he’s creative.”

“Making the simple complicated is commonplace,” the great jazz musician Charles Mingus said. It’s a talent that, unfortunately, is possessed by most members of our profession. “Making the complicated simple, awesomely simple, that’s creativity,” Mingus says. And that’s something that Sam does well.

In law practice, Sam worked most closely with the late Bill Poff, and absorbed the teachings of that master lawyer and Renaissance man. Their professional relationship became a lasting personal friendship. Bill and his wife, Spring, lived across the street from Sam and his wife Penny. Sam often visited Bill at home, and was with him in the hospital at the end of his life. Personal relationships matter deeply to Sam.

Over the years, U.S. Magistrate Judge Robert S. Ballou says, Judge Wilson “has honed the ability to help people recognize the advantages of resolving their cases. He teaches through example the art of making judicial decisions that advance the case toward resolution.” He has a keen ability, Judge Ballou says, “to recognize cases that need ‘massaging,’ or issues that need to be brought to the forefront.”

“He has a good ability to step back and look at where a particular issue and decision fits within the entire case and make a decision that advances the entire case being resolved. He masters the issues in a case,” Judge Ballou says, “and knows how to get the lawyers and clients focused on what matters and on where their risks and rewards might be.”

According to John Fishwick, “every lawyer who has argued a case in front of him knows that he is always three or four steps ahead of the attorneys. He always seems to enjoy the back and forth with lawyers at oral argument.”

Sam succeeded Judge Glen M. Williams, who had taken senior status. Judge Williams sat primarily in the Abingdon and Big Stone Gap Divisions and, for approximately the first six years that he was a district judge, so did Judge Wilson. In 1996, after the Senate confirmed James P. Jones of Abingdon as a judge of the Western District, Judge Jones became the resident judge in Abingdon and Big Stone Gap, and Judge Wilson moved his chambers to Roanoke.

In the same year that Sam Wilson became a district judge, the judges of the Western District chose a former Lee County Commonwealth’s Attorney, Cynthia D. Kinser, to serve as the resident U.S. Magistrate Judge for the Abingdon and Big Stone Gap divisions.

In 1997, the two houses of the Virginia General Assembly deadlocked over the selection of a person to succeed to Justice Roscoe B. Stephenson, Jr. on the Supreme Court of Virginia. Thus, the new justice would be chosen by the governor.

As she later told the *Richmond Times-Dispatch*, Magistrate Judge Kinser hadn’t given the Supreme Court seat much thought—until Judge Wilson called her, and urged her to offer her name. She agreed to do so, and was of course appointed to the position by Gov. George F. Allen, Jr. In 2010, her colleagues on the Supreme Bench selected her to serve as Chief Justice.

The late Chief Justice William Rehnquist appointed Sam to two terms on the Committee on Court Administration and Case Management of the United States Judicial Conference. While he served on that committee, federal courts were beginning to implement an electronic case filing system. He was assigned to the Privacy Subcommittee from its inception and therefore was involved in the formulation of important national policies on access to electronic court records at their earliest stages. During his tenure on that committee, he was chief judge of the Western District, and implemented electronic filing in this district, putting this district and its bar in the vanguard of federal courts nationwide.

The Chief Justice also appointed Sam to the Committee on the Judicial Branch, which is tasked with interacting with Congress on issues affecting the judiciary as an institution and the status of federal judicial officers. He also served on the Fourth Circuit Judicial Council and as a member of the board of the federal judges association.

In practice, Sam was a member, and chairman, of the Sixth District Committee (Southern Section) of the Virginia State Bar. He developed an enviable white-collar criminal defense practice at Woods Rogers, and served on the Board of the Criminal Law Section of the Virginia State Bar. When President George H.W. Bush nominated him for the District Court, he was vice chairman of that board. At the last annual Criminal Law Seminar before he was sworn in, the chairman of the section temporarily stepped aside so that Sam was by acclamation selected to serve as chairman of the section.

(His private practice was not confined to criminal cases. He had major corporate clients, zealously represented *The Roanoke Times* in press-access and First Amendment cases, and defended tort claims.)

One of Sam’s leading characteristics is his dedication to his family. He and Penny Wilson have been married for 39 years. They

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## REMEMERING JUDGE TURK

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your taxes!' I do not recall Judge Turk calling on him in later ceremonies."

**David Collins** (1997-1998), now an Assistant City Attorney in Roanoke, says: "Clerking for Judge Turk has been one of the highlights of my legal career. It was during that time that I had my first practical introduction to the legal system. I learned a great number of things about the practice of law in general, federal courts, what judges like and do not like in attorneys, and all aspects of litigation. Those experiences and the lessons gained, continue to serve me well in my practice today. Besides being a great mentor and judge, Judge Turk always maintained a warm, kind, and humble demeanor, a description that is echoed by everyone I have met who has appeared before him, whether he ruled in their favor or not.

Some of my favorite memories of my time with Judge Turk include the judge's efforts to always encourage the parties to settle a dispute, working a crossword puzzle or two with the judge during breaks, and discussing current events. It was those personal moments which left the most lasting impressions. Of course, we will always remember the judge's collegial practice of shaking the hands of each party to a case after a trial was over. It was always a pleasure to appear before Judge Turk in my post-clerkship years. I will truly miss him. The world has lost a great individual."

**Robert "Mike" Doherty** (1999-2000), of Brumberg, Mackey & Wall, in Roanoke, says, "I had the dubious distinction of being [Judge Turk's] first law clerk born *after* he went on the bench. Clerking for Judge Turk was a first-rate education on the human side of lawyers, litigants, and the legal system. I remember the judge getting letters from inmates who wanted his advice on a wide array of subjects – I doubt any other judge gets that kind of 'fan mail' from people in prison that he sent there."

**Jonathan Campbell** (2000-2001), now with Capital One in Richmond, remembers, "Like many of the people who worked with or alongside Judge Turk, he impressed me with both his intellectual power and deep humanity. At the same time as drinking a cup of coffee (which he tapped rhythmically on his desk) and working a cross-word puzzle, he could also listen intently to a law clerk's analysis of a recent case or litigant's brief. He could then recall specific nuanced facts and pick apart a legal theory in open court as if he poured over these cases for hours at a time. His intellectual capacity and curiosity just seemed boundless.

Judge Turk's quest for justice and sincere concern for each defendant was equally unparalleled. I witnessed Judge Turk making the difficult decision to sentence criminal defendants and take the time to shake their hands after such sentencing, looking them in the eye and wishing them well. He meant it, too—I witnessed the angst he felt as the door to the courtroom closed and the weight of that sentencing on him became clear. He understood that although the criminal defendants made poor decisions, they were people, just like him, with family and friends, dreams and fears.

Simply put, Judge Turk was one of a kind. He left a timeless impression on me personally and countless others who had the fortune of practicing before or with him. He will be missed, but his virtues, compassion and integrity will always have a lasting mark on the Western District of Virginia."

**Hunter Eley** (2000-2001) says, "My experience with Judge Turk has defined my career and, at perhaps the most formative of moments, shaped my view of the profession. His Honor uniquely exhibited a keen understanding not just of the law, but of the people who appeared in his courtroom and chambers, each with their very own set of personal problems. That said, one of my favorite memories during that time was outside the courtroom, when we went to a local school to read to a classroom full of young children. I'm pretty sure they all thought Judge Turk was Santa Claus, as all eyes were fixed on His Honor the way they might be if he were taking notes on

whether the little ones were being naughty or nice. Benevolence, mutual respect, gracefulness and steadfast commitment to service—these are the values I took away from my year in Roanoke.

"One last anecdote I cannot leave out! We celebrated Judge Turk's birthday in chambers one afternoon. With the advent of "technology," Clara was able to have a cake made with a scanned image of Judge Turk right on top. She knew this would embarrass His Honor and kept saying, 'Oh, the Judge is NOT going to like this!' but she simply could not help herself. Shirley, Jon, Clara, and I giggled nervously like school children all week in anticipation of the 'big reveal.' To this day I'm not sure what was more entertaining: Judge Turk's sincere surprise and humble refusal to eat a piece of cake bearing his own likeness, or Clara's slightly devious delight in the whole event."

**Angela Stewart** (2001-2002), now Director and Counsel for U.S. Policy and Government Relations at Merck, remembers: "Judge Turk was thoughtful, fair and direct. His dry sense of humor and love of people is what I remember the most. We had a criminal trial—a courier was allegedly stealing money from bank bags. My co-clerk Matt Light and I came up with the phrase 'If the bag won't unzip you must acquit' or something like that. Matt will remember! Anyhow, the Judge thought that was pretty funny. Every day was a new learning experience with the Judge."



Shirley Simpson, Judge Turk and Baby Girl

**Teresa N. Taylor** (2005-2006) says her clerkship is one of her fondest memories of her professional career. She remembers: "Eating lunch together with Judge Turk and his staff every day in chambers was always a treat as the discussion always involved some hot political topic over solving mandatory crossword puzzles. It was such a privilege to see how crisp and gracious he was with everyone before his court, and in his presence. No matter the situation or person, Judge Turk always made it a priority to earnestly be as fair and inclusive as possible. I remember one trial where the witnesses who were brought into court from jail were considered so dangerous that the entire block surrounding the courthouse was shut down and heavy reinforcements were brought in. Judge Turk maintained his

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## RETIRED FEDERAL JUDGE SAMUEL G. WILSON

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are the parents of two daughters, Kelley Wilson Dietz and Layne Wilson Runyon, and are soon to be grandparents. He has two sisters and was a devoted son to his parents, Sam and Tess Wilson.

Both of Sam's daughters are graduates of Wake Forest, where he has for many years been a member of the law school's board of visitors. Neither young woman chose a career in law—but Kelley met her husband Rich when he was one of Judge Wilson's law clerks. (And though Sam has always been reticent to talk about any achievements of his own, he is pleased to brag of Rich's legal prowess and his successes.)<sup>1</sup>

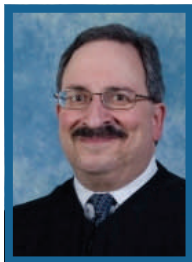
Sam Wilson is also a person of deep and abiding faith—and his faith is not just that of those who attend his church, or believe what he believes.

The central tenets of his life are old-fashioned: Integrity—honesty toward others, honesty with himself, and intellectual honesty—love of family, love of nation, love of God, devotion to the well-being of his family and friends, and determination to make the world better. He has a love of learning and a love of teaching. And he never takes himself too seriously.

Those are the things that define Sam Wilson, and not the trappings of power of a federal district judge. And those are the things that enabled him, with many productive years left, to retire from the bench and serve the world in a new and different way.

Last November, Steve Minor of Bristol wrote in his *SW Virginia Law Blog* of a case that he had recently tried before Judge Wilson in Big Stone Gap.

"The part I will remember," Minor wrote, "was from after the verdict at the tippy tail end of the case, when one of the Marshals was upset that some people in the gallery refused to stand. The judge sent the jury on their way, then stood up and gave a little speech that has stuck in my head. One side is always upset with a jury's verdict, he said. We don't stand when the bailiff cries 'all rise' at the end of a case because we believe there has been perfect justice. What we honor is the pursuit of justice, through this jury system we have that is the best system there is, however imperfect. So, he concluded, he would not punish them for protesting this particular verdict, if that was what they wanted to do, but he wanted them to know that it was earnest quest for justice that makes our justice system worthy of respect. Or that's the gist of what I heard. It was a unique courtroom moment, memorable and unexpected. Probably I won't try another case before Judge Wilson. The odds are against it, but I am grateful for all I have learned in court with him and from him, including in Big Stone Gap last week."



*The Honorable Clifford Weckstein is a Circuit Court Judge in the 23rd Judicial Circuit*

<sup>1</sup>Rich Dietz, a specialist in appellate practice, was appointed by the governor of North Carolina to that state's Court of Appeals in August 2014.]

## 2014 SUMMER SOCIAL AT THE RIVER AND RAIL





## REMEMERING JUDGE TURK

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composure throughout that trial and was completely undisturbed and undistracted by those events. Judge Turk was a great role model. I have often tried to envision what he would have said or done during various difficult professional moments I've had since my time as his law clerk. It goes without saying, that he is an icon who will be greatly missed, and I feel very fortunate to have known him."

**Kristen A. Knapp** (2011-2012), now an associate at Sidley Austin LLP, in Washington, D.C., says: "I missed Judge Turk's Chambers starting the day after my clerkship ended—a testament to how great a mentor Judge Turk was to the young lawyers that joined him in chambers. Even though my clerkship was only one year, I have many more than a typical year's worth of fond memories—from being greeted by Baby Girl on the day I interviewed for the job, to discussions of how to properly record a land deed before the adoption of computerized recording systems in Virginia, to BLT salads and coconut cake from Paul's Restaurant across the street!

Judge Turk always displayed incredible compassion for his fellow man or woman and that is something I found remarkable and inspiring about him. It is far too easy to become jaded by life, yet Judge Turk never let life stop inspiring him. He never would have believed it, but Judge Turk was one of a kind—the rare sort of man most people are lucky to meet once in a lifetime. I am honored to have known Judge Turk and know I am a better person and lawyer as a result."

**Christine D'Elcio** (2012-2014): "I had the honor and pleasure of being Judge Turk's final law clerk and working closely with him these past few years and assure you, he remained—through his last days with us—the man and jurist that we all admire.

Judge Turk's keen sense of justice remained intact. That does not mean he was consistently lenient or harsh; rather, he always did what he believed was right. In civil cases, he encouraged compromise and settlement, and he always made decisions with an eye toward what was just. In criminal cases, he made sure each defendant got a fair shake—and a handshake, too.

Judge Turk's intellectual curiosity never waned. He was always up for a conversation about politics, world events, college sports, or the latest trial that had seized the public's attention. Word jumbles and crosswords remained a staple of his daily life. The last time we spoke, he called from the hospital to inquire about a Supreme Court opinion released on that day, which he was eager to discuss.

Judge Turk continued to care so much about people. He read and responded to letters from defendants and anyone else who wrote him. He entertained visitors in his office, including one or two that the court security officers may have preferred he did not. He listened to the people before him in his courtroom, and saw the good and the humanity in each person. He truly wished each of them well.

Judge Turk remained exceedingly kind. He asked about the children and families of court personnel and genuinely cared about the answers. He spoke proudly and fondly of his own children and grandchildren, and their many accomplishments and talents. He and Mrs. Turk graciously and generously invited his staff to their home, and he made sure my children could attend, so they could be a part of the occasion. I repeatedly saw examples of him helping anyone who asked, to the extent he was able. He so rarely spoke ill of anyone and always seemed to have something positive to say about any situation or any name mentioned.

Judge Turk's sense of humor endured. He loved to tease folks—always with his tongue firmly in cheek. My most cherished times spent with him were listening to him share stories. There were the more serious ones, of course—about his days in the Virginia Senate, the history of desegregation in Virginia's public schools, and him being thrust into the practice of law. My favorites, though, were the stories he told with a twinkle in his eye—about his younger days with his

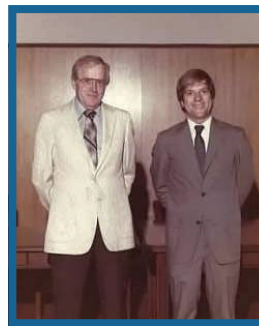
brother, Maynard, stories from his travels, stories from the days when the courthouse family was a lot smaller and socialized more, and stories of particularly memorable cases and defendants. So many times, those of us in the room laughed so hard we wiped tears away, and he laughed right along with us.

Judge Turk's loyalty and devotion to others continued to inspire loyalty from others. He and his judicial assistant, Shirley Simpson, worked together for almost fifty years. FIFTY! They were loyal to each other. He was loyal to his dog, Baby Girl, and she would not leave his side, even when he would go into court.

Two things that I heard Judge Turk say often during my time with him keep coming to mind, so I will close with those. First, he often commented on how much he enjoyed his work. He said many times that it must be so sad to work daily at a job that you did not love. I could not agree more. Thank you, Judge, for giving me a job I truly loved.

Second, whenever a conversation might start to go in a negative direction or start to sound like someone was complaining, he would interject with, 'But it's a good life, isn't it?' Again, I could not agree more. Yes, Judge, it was—and is—a good life."

*Linda Gustad is a pro se law clerk at the United States District Court for the Western District of Virginia*



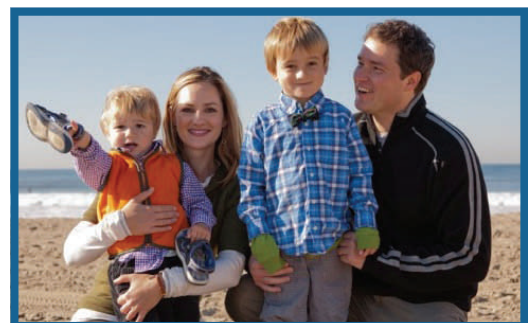
Judge Turk and John Fishwick (1983-1984)



Betsy Gorman, Judge Turk, and Mike Doherty (1999-2000)



Alex Cobey (1996 to 1997), and family, including Kate (11), Will (9) and Chris (6), live in Arlington, where Alex is a partner Hogan Lovells LLP.



Hunter Eley (2000-2001), with Lael, Bowden, and Baird Eley. Hunter is now managing partner of Doll Amir & Eley in Los Angeles.

## REMEMERING JUDGE TURK



**Aaron Cook** (2010-2011) and co-clerk, Casey Jennings (and their pit bulls) and Baby Girl became fast friends. Aaron, now with the Social Security Administration in Roanoke, says: "Judge Turk taught scores of law clerks what it means to be a great lawyer and a good citizen."



**Helene S. Shapo**, (1977-1878) has served as a law professor at Northwestern University Law School for the past 35 years.



**Teresa N. Taylor** (2005-2006), is a partner at Akrivis Law Group, in Washington, D.C. She and her husband Steve have a son, Brock.



**Ian Ford** (1996-1997) founded the law firm of Ford Wallace Thomson (pictured here) in Charleston, South Carolina, pictured. He and his wife, Dee, have three young sons.



**Hiram Ely** (1976-1977) and his wife, Terry, toast Judge Turk on his 40<sup>th</sup> Anniversary on the bench. Now practicing business law and litigation, arbitration, and mediation in Louisville, Kentucky, Ely remembers Judge Turk as "a strong and caring judge that always tempered justice with mercy and legal knowledge with more broad-based wisdom."



**Christine D'Elcio** (2012-2014), Judge Turk, **Linda Gustad**, and **Shea Gibbons** (2012-2013).



# ANNOUNCEMENTS

NEW MEMBERS	UPCOMING EVENTS	OFFICERS																																		
<p>The Roanoke Bar Association welcomes the following new Active members:</p> <p><b>Gary M. Bowman</b> Gary M. Bowman, Attorney at Law</p> <p><b>Harry Wayne Brown</b> The Brown Law Firm</p> <p><b>Brittany Cherie Furr</b> The Steidle Law Firm</p> <p><b>Brittany M. Haddox</b> Terry N. Grimes, Esq., PC</p> <p><b>Richard Bryan Holbrook</b> LeClairRyan</p> <p><b>Emma Maddux Kozlowski</b> Glenn Feldmann Darby &amp; Goodlatte</p> <p><b>Matthew L. Liller</b> Frith, Anderson &amp; Peake, PC</p> <p><b>Jonathan D. Puvak</b> Gentry Locke Rakes &amp; Moore</p> <p><b>John R. Thomas, Jr.</b> Gentry Locke Rakes &amp; Moore</p> <p>The Roanoke Bar Association welcomes the following new Associate member:</p> <p><b>Lawrence W. l'Anson, III</b></p>	<p><b>Roanoke Bar Association Meetings 2014 - 2015</b></p> <p>September 9, 2014</p> <p>October 14, 2014</p> <p>November 11, 2014</p> <p>December 9, 2014</p> <p>January 13, 2015 (evening meeting)</p> <p>February 10, 2015</p> <p>March 10, 2015</p> <p>April 14, 2015</p> <p>May 1, 2015 (Law Day)</p> <p>June 9, 2015</p> <p>Go to <a href="http://www.roanokebar.com">www.roanokebar.com</a> for more information on all upcoming events.</p>	<table><tr><td>Richard C. Maxwell President</td><td>983-7628</td></tr><tr><td>Joseph W. H. Mott President-Elect</td><td>857-2250</td></tr><tr><td>Hugh B. Wellons Secretary-Treasurer</td><td>512-1809</td></tr><tr><td>Stephen W. Lemon Past President</td><td>982-1000</td></tr><tr><td>Catherine L. Caddy Executive Director</td><td>342-4905</td></tr></table> <table><tr><th colspan="2">BOARD OF DIRECTORS</th></tr><tr><td>Heather P. Ferguson</td><td>853-6425</td></tr><tr><td>Daniel P. Frankl</td><td>527-3515</td></tr><tr><td>Linda L. Gustad</td><td>857-5100</td></tr><tr><td>Kevin W. Holt</td><td>983-9377</td></tr><tr><td>Macel H. Janoschka</td><td>725-3372</td></tr><tr><td>Patrick J. Kenney</td><td>982-7721</td></tr><tr><td>Powell M. Leitch, III</td><td>510-3013</td></tr><tr><td>James J. O’Keeffe</td><td>983-9459</td></tr><tr><td>J. Lee E. Osborne</td><td>983-7516</td></tr><tr><td>Richard D. Scott</td><td>400-7997</td></tr><tr><td>Thomas E. Strelka</td><td>982-7787</td></tr></table>	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
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**Complete and Forward to:** Roanoke Bar Association, P.O. Box 18183, Roanoke, VA 24014  
 Fax: (540) 342-1252 Email: [roanokebar@earthlink.net](mailto:roanokebar@earthlink.net)