

INSIDE THIS ISSUE:

<i>President's Column</i>	2
<i>A Day in the Life of an Immigration Lawyer</i>	3
<i>Drug Treatment Court Update</i>	3
<i>The Big Read</i>	4
<i>Roanoke Law Library News &amp; Information</i>	4
<i>Public Sector Transitions</i>	5
<i>No Bills Night</i>	5
<i>You and the Law</i>	6
<i>Volunteer Service Awards</i>	6
<i>Video CLE Conference</i>	6
<i>RBA Foundation Gala Date Change</i>	7
<i>Ads and Santa in the Square Photos</i>	8
<i>Announcements</i>	9

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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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## IN PURSUIT OF JUSTICE AN INTERVIEW WITH U.S. ATTORNEY TIMOTHY J. HEAPHY

BY KEVIN M. GICK

Dirty looks from across the courtroom, a rude retort during cross examination, perhaps even having your mother's reputation for chastity attacked in a phone call made from the local jail: such is the extent of the psychological abuse that a prosecutor can face from criminal defendants. Most of the time, these expressions of resentment and frustration do not keep you up at night. Rather, they often make for funny stories to recount during weekly office meetings or dinner parties.

But how about a death threat from a homicidal drug lord? That is what recently appointed U.S. Attorney Timothy Heaphy had to endure in 2002 as a rising federal prosecutor. He was preparing for what would be the longest capital murder jury trial in Washington, D.C. history, against a brutal drug gang dubbed "Murder, Inc." It was just one of several high profile cases he handled as an Assistant U.S. Attorney in both D.C. and the Western District of Virginia. It might be an understatement to say that Heaphy earned his stripes before being appointed the top federal prosecutor in this area. It is a background that influences the kind of boss he is today: "I get what it's like to be on the line . . . I'm not that far from that - that was only a few years ago for me."



Timothy J. Heaphy

In fact, less than eight years ago, Heaphy found out that death threats had been made against him by drug kingpin Kevin Gray, who was accused of murdering nearly two dozen people. Heaphy and others in the Washington, D.C. U.S. Attorney's Office had been building a case against Gray and an associate, Rodney Moore, after years of listening to tapped phone lines and encouraging co-conspirators to testify. What made the threats even more disturbing was that Gray's family had a history of targeting prosecutors. In the 1980s, Gray's uncle and criminal mentor, Lynwood, had ordered the shooting of the prosecutor in his own heroin conspiracy case. Even scarier, Lynwood Gray ordered the hit while he was incarcerated. A co-conspirator of Lynwood's made good on the threat, shooting the prosecutor in the neck, right through his tie. (The prosecutor survived.)

In such a tense situation, a lesser prosecutor might have been tempted to take the death penalty off the table and offer the defendants a life sentence. Heaphy did not. Further, he soldiered on knowing that D.C. juries had not imposed the death penalty since the 1950s, and that D.C. voters had consistently rejected the death penalty as a punishment in the local criminal code. In re-

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# IN PURSUIT OF JUSTICE

(Continued from page 1)

sponse to the threats, Heaphy convinced the judge to impose extreme security measures at trial. The jury members were entirely anonymous, identified only by number, the courtroom was separated from the gallery by a Plexiglas wall, and the defendants wore stun belts capable of being remotely activated by U.S. Marshals.

The grueling thirteen-month-long jury trial was one of the toughest periods in Heaphy's trial career, and he was torn between his duties at work and those he had as a father and husband. But he never gave up. The jury convicted Gray of 19 murders and Moore of 10. In his closing argument during the sentencing phase, Heaphy asked for the death penalty. He argued that murder "was a business for them . . . if not this case, when? One murder is not enough? How about two? How about 19?" In spite of the incredible scale of violence committed by Gray and Moore, the jury deadlocked on the death penalty. This automatically resulted in the imposition of multiple life sentences.

Recalling the case, Heaphy says that he did not hesitate to ask for the ultimate sanction. He defends the use of capital punishment in limited situations, such as with repeat murderers like Gray

and Moore. "You reach a point where [the death penalty] is compelled." However, he cautions that "in many jurisdictions, they seek it as a knee-jerk reaction, and we shouldn't. Prosecutors have to be extremely judicious when seeking the death penalty . . . I do think that there are times when [it's appropriate] for the victim's interest, and because . . . it does have a deterrent effect."

During Gray and Moore's trial, when he told the jury, "Give them what they deserve. Sentence them to death," Heaphy remembers seeing Gray's steely composure break for the first time: "Kevin Gray was sitting there and he was holding a piece of paper. This is the most stone-cold killer the city has seen . . . He never showed any sign of weakness until that moment. I remember looking down at him during the closing, and his hands were shaking as he was holding the piece of paper."

Heaphy believes that capital punishment affects the decision-making processes of criminals. Actual testimony from the case offered a clear example. At trial, a cooperating witness testified regarding the kidnapping of a lower-level player in Gray's drug organization. The man was seized off the street, thrown in the back of a moving van, tied up with

duct tape, and interrogated. Gray had the wheelman drive around looking for a suitable place to kill the victim. At one point, the men realized that they were approaching the border into Virginia (where the death penalty has been imposed more frequently than in any other state except Texas). Gray and his men abruptly turned the truck around, and executed the victim in D.C. instead.

Death penalty opponents often reply that even if capital punishment deters some murderers, the risk that an innocent man could be put to death is too great. Heaphy admitted that he struggled with the issue as a young man. I asked him a classic law school hypothetical: "One hundred men are on trial for capital murder. 99 are guilty, but one is entirely innocent. You have two choices: you can execute all 100, or let everyone go free. What do you do?" Heaphy's measured response shows his faith in our criminal justice system as a whole. "It's an artificial hypothetical, because I'd like to think that we have the ability to sort out the one from the 99. It's not a perfect system, but I think generally it works . . . I think we get it right, investigators and law enforcement get it

(Continued on page 5)

# PRESIDENT'S COLUMN

BY ROY V. CREAMY, PRESIDENT



It has been a busy six months for the bar. As usual our luncheons and speakers have provided interesting meetings. eight (many more than we expected). With some scrambling there was enough food to eat and gifts for the children to give to their parents. Thanks to everyone who participated in the wonderful event or provided goods, services, or money and especially Lori Thompson who chaired this project.

I am proud of our community service projects this fall. Barrister Book Buddies are in their tenth year with thirty-three lawyers reading to elementary school students. On December 11, 2009, your association conducted its fourth annual Santa in the Square, and what a night! The first year we had seventy participants, and this year three hundred and ninety

Our newest public service project is our RBA You and the Law Project, which is scheduled to begin on Wednesday, March 10 and run for four consecutive weeks. The project will provide information to the public on how the legal system works with special relevance to how law impacts people's lives. The Bar is also establishing a Speakers Bureau to provide speakers to organizations to discuss legal issues.

The Roanoke Bar Association Foundation Gala and Law Day Celebration is less than three months away, now scheduled for May 21 at the Hotel Roanoke, and we are looking for sponsors, so please sign up. Without sponsors it is almost impossible to net enough proceeds to make a significant financial contribution to our sponsoring organization, Center in the Square. If you can provide the names of any associations, corporations or individuals who would be willing to become a sponsor, please contact me (342-0739) or Lori Thompson (510-3011).

My best wishes to everyone for 2010.

# A DAY IN THE LIFE OF AN IMMIGRATION LAWYER

BY CHRISTINE LOCKHART POARCH

Every type of legal practice has its share of negative stereotypes and misperceptions. In the eyes of some part of the public, corporate lawyers secure the capital interests of overpaid executives, personal injury lawyers chase ambulances and criminal lawyers successfully defend thieves and murderers. And immigration lawyers? We “represent the illegals.” Nevermind that we can do very little for 90% of the 12 to 14 million undocumented who are in the U.S., the stereotype endures. Even among those who are well-versed in the work we do with the immigrant community, there is the persistent perception that we only “fill out forms.”

I would love it if someone’s first response was that immigration lawyers “navigate the treacherous administrative waters of the government’s capricious decision-making,” or at a minimum, “supply essential workers to important and invaluable industries.” The stereotypes are hard to overcome, not because they are intentionally malicious or ignorant, but because they are, in some part, true. We do occasionally represent undocumented individuals and we do our share of filling out forms. We also do our share of the aforementioned, noble fighting against governmental caprice—at least when we’re telling the story.

The practice of immigration law is largely divided into five main types of law: business immigration law, family immigration law, immigration litigation (including deportation and removal defense), humanitarian immigration law (such as seeking asylum for the persecuted), and citizenship and naturaliza-

tion. There are also a few types of visas, like student visas, that don’t fit well into any category.

In the **business immigration law** context, employers are either seeking foreign workers due to shortages in certain key professions or they are trying to keep quality workers in the U.S. by extending their legal status. In this context, the immigration lawyer is not only involved in determining the type of visa for which the employer and employee can qualify, but must also consider ancillary concerns endemic to the practical end of the process, like how long visas are taking to process and whether the individual can remain in the U.S. while that process occurs.

The clientele in the business immigration practice can range from multinational corporations to small storefronts. In each instance, the immigration lawyer must not only properly advise the client as to the process, but must properly manage expectations, which often diverge drastically from the realities of delayed visa processing or inadequate visa numbers. For example, H-1B visas are the type of visa used by specialty occupations—individuals who are highly skilled and typically highly qualified. The application period opens on April 1<sup>st</sup> and nearly every year, the 65,000 visas apportioned to that category are gone within a few days. The exception was 2009, when the economic downturn temporarily slowed the business development that dominates the use of this visa category.

Business immigration law also includes advising employers as to issues

of immigration compliance. Employers are required to verify and document the authorization to work of all employees—not just for immigrants. Immigration enforcement in the past four or five years has made the U.S. employer a gatekeeper for immigration, and the enforcement arm of the immigration bureaucracy has leveraged its enforcement dollars by cracking down on key employers in certain industries. Employers are often confused by what measures they should take to ensure that they escape personal and corporate, criminal and civil liability. The immigration attorney works with the employer to prevent or resolve compliance problems.

**Family immigration law** predominantly involves the process of reuniting families by the application of one member (either a U.S. citizen or a legal permanent resident) for other members of the family. Like employment-based visas, family-based visas have a quota and a preference system, which is based on the degree of family relationship. The only individuals who do not have to “wait in line” are U.S. citizen spouses and their children under 21 years of age. Everyone else has a priority date—the date on which they applied—which is the equivalent of their “ticket” in line to be processed by the immigration service. While everyone processes at a different time based on their priority date and preference category, no preference category is current at this time. For example, immigration is presently processing cases that were filed anywhere from four to

*(Continued on page 7)*

# DRUG TREATMENT COURT UPDATE

BY THE HONORABLE JONATHAN M. APGAR

The Twenty-third Judicial Circuit Drug Treatment Court remains in full operation and continues to accept appropriate participants. There are currently 97 individuals being supervised in this recovery alternative to conviction. On December 4, 2009, twenty-five successful participants graduated from Drug Court in a ceremony held in the Roanoke County Circuit Court

The Honorable James R. Swanson

is the presiding Drug Court Judge starting January 1, 2010. Drug Court reporting proceedings are held every two weeks on a rotating basis among all three courthouses in the Twenty-third Circuit.

Also, a twenty-six minute documentary on our Drug Court was recently completed, and a DVD is available for distribution to appropriate groups and asso-

ciations. It will also be broadcast on Cox Channel 78 in March 2010 and on public television station WCVE in Richmond during May 2010, which is Drug Court Month. For more information about Drug Court, contact Kathryn Van Patten, Director of Court Community Corrections, at 986-1301, or Mike Fosbre, Senior Probation Officer, at 387-5257, Ext 5015.

## THE BIG READ

BY LUCY LEE

THE BIG READ ROANOKE VALLEY is part of the National Endowment for the Arts' Big Read initiative. Residents of the Roanoke Valley will read *A Lesson Before Dying* by Ernest Gaines, and then, throughout the month of March, participate in activities that are planned around themes in the book. All events are free and open to the public. The program is designed to increase a love of pleasure reading and to promote a sense of community.

*A Lesson Before Dying* won the National Book Critics Circle Award in 1993 and was nominated for a Pulitzer Prize. The story, set in Louisiana in 1948, focuses on Jefferson, an innocent, young

black man who is accused, tried and executed for a crime he did not commit. During the trial, the attorney claims his client is not a man; he is more like a hog. The local teacher is charged with "teaching" Jefferson how to reclaim his humanity so that he can go to his death with dignity. Gaines builds an unforgettable story that sheds light on our past while compelling us to think about the world we live in now, and the type of future we want to build for ourselves and our children. It asks the question, "Knowing we're going to die, how should we live?"

March activities include lectures by college professors on the death penalty,

race, literary and historical aspects of the book; a weekly brown bag lunch series by area ministers on religious and moral issues in the book; a staged reading of the play; a writing workshop; book discussion groups; film; live jazz and poetry.

Details of all 23 events can be found at [www.bigreadroanokevalley.org](http://www.bigreadroanokevalley.org). For questions, contact co-chairs Lucy Lee ([lucy.lee@cox.net](mailto:lucy.lee@cox.net)) or Ann McCallum ([treasuresand@cox.net](mailto:treasuresand@cox.net)). *A Lesson Before Dying* is available at libraries and at a discount at most area bookstores.

*Lucy Lee is Co-Chair of The Big Read Roanoke Valley*

## ROANOKE LAW LIBRARY NEWS & INFORMATION

BY JOSEPH KLEIN, LAW LIBRARIAN



Joseph Klein

Times are very difficult, and they may get even more difficult in the future. I believe the Roanoke Law Library is an extremely important resource to all the citizens of the Roanoke Valley, because we provide everyone with the opportunity to keep informed about legal issues. Please keep us in mind, and if you get a chance, remind Roanoke City Administration or your elected officials how important you think we are.

While the collection of the Law Library has changed over the years as our budget has been forced to shrink, I just wanted to remind you, the Roanoke Legal community, of the valuable resources that we still have here at the Roanoke Law Library.

We still have a comprehensive, up to date, collection of annotated Virginia and United States statutes. We also keep historical Virginia Statutes dating back into the 1800's and have the Virginia Acts of the Assembly dating back into the 1800's, allowing you to track legislative changes and see what statutes were in affect on specific dates. We

also have United States Code Congressional and Administrative News for tracking Federal statutory changes.

We still maintain a huge collection of case law reporters, including the current Southeastern Reporters, Federal Reporters, Federal Supplements, and the United States Supreme Court Reports.

We also have the current Michie's Jurisprudence and West's Virginia and West Virginia Digest as well as an updated Corpus Juris Secundum general legal encyclopedia.

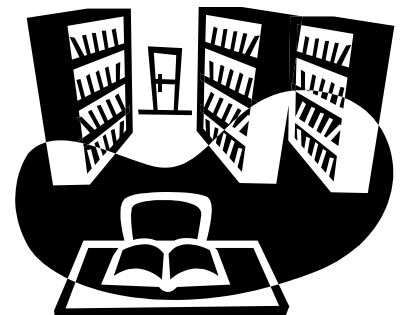
We also have a fairly comprehensive collection of Virginia legal treatises, including West's Virginia Practice Series and the Virginia Continuing Legal Education series. Don't forget, members of the Roanoke Bar Association with a Roanoke Valley Library card are able to check out any of the hundreds of Virginia CLE's we have on a variety of legal topics.

We also have an updated collection of Virginia Forms as well as American Jurisprudence Pleading and Practice Forms and American Jurisprudence Legal Forms.

Finally, we provide free access to the powerful Westlaw computer assisted legal database. Our subscription pro-

vides access to all 50 states and Federal statute and case law, as well as KeyCite, which allows you to check on the validity of cases and find any decision that might affect that validity. With Westlaw, we also have access to hundreds of Law Reviews, American Law Reports, American Jurisprudence Legal Encyclopedia, Am Jur Proof of Facts, Wright's and Miller's Federal Practice and Procedures, and Norton's Bankruptcy Law and Practice.

As you can see, this is a terrific collection, which is provided to you for free, so never hesitate to take advantage of it. This is just a general overview of the collection; we have lots of other resources, and if you have questions about anything specific, please call me at 853-2268.





## IN PURSUIT OF JUSTICE

(Continued from page 2)

right most of the time, and frankly, I think juries get it right almost all of the time.”

Heaphy has seen and worked on both sides of the criminal justice system. In addition to over a dozen years as an Assistant U.S. Attorney, he handled criminal defense work at McGuireWoods, LLP, winning acquittals for his clients in the two federal trials he took before a jury. In contrast to the public’s cynical belief that criminals often go free on “technicalities,” Heaphy believes that our system is generally fair to both defendants and victims of crime. Having returned to the U.S. Attorney’s Office, you might think he disliked the high standard of proof required of prosecutors in order to convict (“proof beyond a reasonable doubt”). In fact, Heaphy agrees that the bar should be where it is. “When you are depriving someone of liberty or life, it ought to be a high burden.”

Despite the many procedural hurdles necessary to convict someone of a crime, Heaphy also believes that victims of crime generally feel satisfied with the process: “I think most victims come away from the system feeling a hope . . . that we paid attention, we took it seriously, we treated them with respect and dignity, and they had an opportunity to voice the impact of a crime on them. There is a therapeutic value in that for victims.”

When he retires from the legal profession, Heaphy says he might like to be a high school English teacher. Teaching is a role that comes easily to him: after getting his undergraduate degree in English, he taught at a private high school in Washington, D.C. Later, at McGuire Woods, he started a book group for juveniles who were incarcerated at the local jail in Charlottesville. Heaphy said that he had hoped to “plant a seed in them, that by reading and writing, [they would find] a way to make sense of the world,

to process [their] own thoughts and feelings.” Heaphy also taught a course in trial advocacy and federal criminal procedure at the University of Virginia.

So which books would be required reading for his high school students? (1) William Golding’s *The Lord of the Flies*, (2) Alice Walker’s *The Color Purple*, (3) Ernest Hemingway’s *For Whom the Bell Tolls*, and of course, (4) Harper Lee’s *To Kill a Mockingbird*. A movie poster for the last of these books is framed on the wall of Heaphy’s office here in Roanoke. At the height of his career, he has not forgotten that the prosecutor’s role is not simply to prosecute the guilty, but also to protect the innocent.

*Kevin M. Gick is an Assistant Commonwealth’s Attorney in Roanoke County.*

## PUBLIC SECTOR TRANSITIONS

### Legal Aid Society of Roanoke Valley:

**David D. Beidler**, staff attorney at Legal Aid since 1984, has been appointed to the position of General Counsel. Mr. Beidler is a graduate of the University of Florida and Antioch Law School and was honored by the Virginia State Bar’s highest recognition of individual legal and achievement, the Legal Aid Award, in 2002. As General Counsel he succeeds Henry L. Woodward, who continues to serve Legal Aid’s clients as Senior Attorney.

### United States District Court for the Western District of Virginia:

**Senior District Judge Glen M. Williams** announced in January 2010 that he would become inactive as a judge as of February 1, 2010, after 47 years with the federal court system. Judge Williams was appointed as a part-time U.S. commissioner in 1963. President Gerald Ford appointed him as United States District Judge in 1976. He

elected senior status in 1988, but continued with an active docket. A number of his former law clerks have achieved distinction in later careers, including George Allen, former Virginia governor and United States Senator, Cynthia Kinser, a Justice of the Supreme Court of Virginia, and Julia Dudley, former United States Attorney.

**District Judge Norman K. Moon** has announced that he will take senior status, effective July 1, 2010. He intends to continue to render substantial judicial service as a senior judge.

**Clerk of Court John F. Corcoran** will retire, effective July 31, 2010. Before becoming Clerk, Mr. Corcoran served as an Assistant United States Attorney and as a Judge Advocate with the United States Marine Corps.

### United States Probation Services:

**William P. “Buddy” Ross III** retired as Chief Probation Officer, effective May

31, 2009, and Deputy Chief Philip K. Williams succeeded Ross as Chief Probation Officer, effective June 1, 2009.

### United States Marshals Service:

**United States Marshal G. Wayne Pike** will retire, effective March 12, 2010. Before becoming Marshal on July 31, 2002, Pike served five terms as the sheriff of Wythe County, totaling over twenty years of service.

**NO BILLS  
NIGHT  
MARCH 16, 2010**

All slots for the No Bills Night have been filled. Thank you to everyone who signed up. To sign up as a back-up volunteer, go to the RBA web site at [www.roanokebar.com](http://www.roanokebar.com).

## YOU AND THE LAW

Last year, Judge William Broadhurst encouraged RBA members to design a way to educate the public about the legal system so that citizens' interaction with the system would be more efficient and less frustrating for the public, the courts, and the lawyers. On March 1, the Roanoke Bar Association proudly announced a new public education program inspired by Judge Broadhurst's comments. The project will have several different facets, all designed to inform the public of both procedural and substantive issues that will give citizens a better idea of how the legal system works.

The cornerstone of the project this year will be a series of four presentations called *You and the Law* that will be made on four Wednesday evenings in March, beginning March 10. They will be held at the Roanoke Higher Education Center and will begin each evening at 7:00 p.m. These presentations are free to the public, but seating is limited and registration is required. To register, call 265-8111.

*You and the Law* will cover some basic information relating to practices and procedures in the general district courts and the circuit courts, as well as covering substantive issues in specific areas of the law. The presentations will have a particular emphasis on educating the public regarding issues and facets of the courts and the law where there may be public misperceptions or a lack of understanding. Presenting judges and lawyers will draw from their personal experiences to give citizens a better idea of how the law and the legal system works.

*You and the Law* will not provide legal services or legal advice concerning specific cases or issues in which citizens may be involved.

Thanks to all those listed below who have volunteered to make this project a success:

### March 10

*You and the Law: Things You Need to Know About the Court System*  
The Honorable William D. Broadhurst  
The Honorable Jacqueline W. Talevi  
Mark E. Feldmann

### March 17

*You and the Law: Ten Things You Need to Know About Civil Litigation*  
Michael S. Whitlow  
*You and the Law: Ten Things You Need to Know About Arbitration, Collaboration, Mediation and Arbitration*  
K. Brett Marston

### March 24

*You and the Law: Ten Things You Need to Know About Bankruptcy*  
Roy V. Creasy  
*You and the Law: Ten Things You Need to Know About Real Estate*  
David B. Bullington

### March 31

*You and the Law: Ten Things You Need to Know About the Traffic and Criminal Courts*  
Raphael E. Ferris  
*You and the Law: Ten Things You Need to Know About Elder Law*  
V. Anne Edenfield

## VOLUNTEER SERVICE AWARDS

March 31, 2010, is the deadline to submit your 2009 service hours. Any RBA member who has provided a minimum of 25 hours of community service, charitable professional services, or pro bono public services is eligible to receive a service award.

An RBA Certificate of Commendation will be presented to anyone with less than 100 hours; those with 100+ hours receive a President's Volunteer Service Award:

- Bronze - 100 - 249 hours
- Silver - 250 - 499 hours
- Gold - 500+ hours

Awards will be presented at the RBA Annual Meeting on June 8. We would like to present as many awards as possible and encourage you to send in your tracking forms.

If you need tracking forms, they are available on the RBA web site at [www.roanokebar.com](http://www.roanokebar.com); click on "news."

## VIDEO CLE CONFERENCE MARCH 25, 2010

Roanoke Higher Education Center, Room 408

9:00 a.m. - 11:00 a.m.

### Topics:

**Trial By Fire: Security Interests and Liens  
in a Bankruptcy Case**

**Tax Issues Affecting Clients  
in a Down Economy**

**Cost: \$50.00**

**Approval is pending for 2.0 hours of CLE**

**Register at [www.roanokebar.com](http://www.roanokebar.com)**

## A DAY IN THE LIFE OF AN IMMIGRATION LAWYER

(Continued from page 3)

fourteen years ago, depending on the preference category or family relationship.

Family immigration law also includes legal issues surrounding foreign adoptions and the legal effect of local adoptions of foreign nationals. Likewise, immigration lawyers may provide legal advice about the immigration effects of divorce, custody disputes or family violence and protective orders.

**Immigration litigation** involves defending individuals who are at risk for deportation as well as litigating immigration issues in the federal district courts or courts of appeals. Deportation proceedings, now known as removal proceedings, are the lion's share of representation in this category in light of Congress' severe restriction of federal court jurisdiction and judicial review.

More than 40% of the estimated 12 to 14 million undocumented in this country are individuals who overstayed the period of their admission. Because a number of the 9/11 hijackers were visa overstays, this group of individuals has been a hot button enforcement priority for immigration, and many of these individuals end up in removal proceedings. Other immigrants wind up in removal proceedings because they are undocumented (overstay or illegal entry) and they are in jail for crimes as serious as drug trafficking or as benign as driving without a license. Immigration enforcement conducts routine and thorough review of local jail rosters and promptly places many of these individuals into removal proceedings. Finally, individuals can be placed into proceedings because the employment, family or other immigration benefit they seek is denied and they are referred to the immigration court to have their case adjudicated and thus, face the risk of deportation if they are not successful.

**Humanitarian immigration law** involves everything from applications for asylum by individuals who fear persecution if they return home, to visas for victims of domestic violence or other serious crimes. This category also includes visas for children who have been abandoned,

neglected or abused and who find themselves either under the local juvenile court's jurisdiction or in the actual custody of the Department of Social Services. To address the growing need for *pro bono* legal representation in this area, interested individuals recently created Tia's Place, a local non-profit that works in conjunction with the Washington & Lee Community Law Center at the Oliver Hill House to provide free legal services to women and children who have been victimized by serious criminal conduct.

While the foregoing areas of immigration law generally involve gaining admission to the U.S. either on a temporary visa or as a permanent resident, individuals file **citizenship** or **naturalization** applications to require the government to acknowledge that they have attained U.S. citizenship either automatically or by process of law. Like visa applications, naturalization requires a careful examination of moral character, consequences of criminal convictions and other eligibility requirements like residency and physical presence. Most naturalization applicants must first become permanent residents and hold that status for 3-5 years before they can apply for to become U.S. citizens. Citizenship determinations, on the other hand, are completely statutory and depend entirely on which law was in place at the time of the child's birth.

While we each maintain a particular focus within immigration law, we are each challenged by common difficulties. Even with competent representation, clients' cases may not proceed as quickly as they would like. Employers are required to comply with myriad immigration regulations and little safe harbor from prosecution. In general, the immigration system itself does not work effectively for employers, employees or families. In part, as immigration attorneys, it is our job to help bring attention to the pervasive dysfunction where necessary. Sometimes we're tilting at windmills. But it is always a good fight.

*Christine Lockhart Poarch practices immigration law in Salem. Jeff Van Doren and Ken Lasky are also immigration lawyers in Roanoke and contributed to this article.*

## DATE FOR 2010 FOUNDATION GALA CHANGED

The 2010 Roanoke Bar Association Foundation Gala will be held on Friday, May 21, at the Hotel Roanoke and Conference Center.

We are proud to have as our partner this year Center in the Square. As Jim Sears, President and General Manager, announced at the February RBA meeting, the Center has great plans for expansion and improvements. It is our hope that profits from the Gala will help them reach their goals.

Highlights of the program will include the presentation of the Frank W. "Bo" Rogers, Jr., Lifetime Achievement Award and the Young Lawyer of the Year Award. Nominations are being accepted until March 31.

We encourage you to attend the Gala and participate as a sponsor. The individual ticket price is \$100 and there are various levels of sponsorship:


- Table Sponsor - \$1,250
- Bronze - \$100 to \$999
- Silver - \$1,000 to \$1,999
- Gold - 2,000 to \$2,999
- Platinum - \$3,000+
- Cocktail Reception - \$3,000
- Wine with Dinner - \$3,000
- Parking - \$1,000
- Video Production - \$750
- Photography - \$500
- Music - \$250

Information about the Gala and instructions for nominating award recipients are available on the RBA web site at [www.roanokebar.com](http://www.roanokebar.com), click on "events."

We hope to see you at the Gala on May 21.




*Where Learning Means Business*






ROANOKE HIGHER EDUCATION CENTER

Looking for ways to save on time, money, and travel?



- RHEC Video and Teleconferencing
- Depositions
- Job Interviews
- Domestic & International Meetings

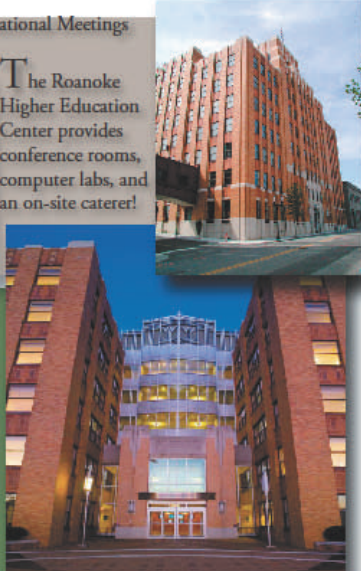
The Roanoke Higher Education Center provides conference rooms, computer labs, and an on-site caterer!

The LEED Certification Mark is a registered trademark owned by the U.S. Green Building Council and is used by permission.

The LEED Gold Certified Claude Moore Education Complex is the perfect venue for larger events!

For more information please call (540) 767-6161  
[www.education.edu/events](http://www.education.edu/events)



**SANTA IN THE SQUARE  
 DECEMBER 11, 2009**





# ANNOUNCEMENTS

NEW MEMBERS
The Roanoke Bar Association welcomes the following new active members:
Nicholas Vincent Albu Woods Rogers, PLC
David B. Bullington The Bullington Law Firm
Michael J. Finney Gentry Locke Rakes & Moore
Joshua D. Goad Johnson, Ayers & Matthews, PLC
Carrie M. Harris Spilman, Thomas & Battle, PPLC
Timothy J. Heaphy U.S. Attorney's Office
Catherine Jackson Huff WootenHart, PLC
Matthew E. Kelly Frith, Anderson & Peake, PC
Travis A. Knobbe Spilman, Thomas & Battle, PLLC
Gregg R. Navala ITT Night Vision
Nicole L. Wagner Spilman, Thomas & Battle, PLLC
Heather R. Willis Gentry Locke Rakes & Moore
New associate member: Tonia J. Drewery Roanoke City Circuit Court

UPCOMING EVENTS
<ul style="list-style-type: none"> <li>• RBA Luncheon - March 9</li> <li>• No Bills Night - March 16</li> <li>• CLE Conference—March 25</li> <li>• You and the Law—March 10, 17, 24, and 31</li> <li>• Volunteer Service Awards—Deadline for 2009 hours is March 31</li> <li>• Nominations for the Frank W. “Bo” Rogers, Jr., Lifetime Achievement Award— Deadline is March 31</li> <li>• Nominations for the Young Lawyer of the Year Award—Deadline is March 31</li> <li>• RBA Luncheon—April 13</li> <li>• Roanoke Bar Association Foundation Gala and Law Day Celebration—May 21</li> <li>• RBA Luncheon and Annual Meeting—June 8</li> </ul>
Go to <a href="http://www.roanokebar.com">www.roanokebar.com</a> for more information on these events.

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**Complete and Forward to:** Roanoke Bar Association, P.O. Box 18183, Roanoke, VA 24014  
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