



A RESOLUTION MEMORIALIZING THE LATE ERNEST WADE BALLOU

WHEREAS when the Honorable Ernest Wade Ballou departed this life on January 6, 2004, the president of the Roanoke Bar Association accurately said that “Judge Ballou taught an entire generation of Roanoke lawyers how to be lawyers”; and

WHEREAS in 1969 the Roanoke Bar Association, of which Judge Ballou then was president, endorsed him to fill the vacancy on the Hustings Court bench created by the untimely death of Judge Richard T. Edwards, despite the fact that Judge Ballou refused to seek endorsement, declined to attend the Bar endorsement meeting, and had never practiced criminal law, which was the greatest part of the Hustings Court’s docket; and Governor Mills E. Godwin thereupon appointed to the Hustings Court bench the man known in Clerks’ Offices as “Ernie the Attorney” — a man widely recognized as “a lawyer’s lawyer,” a master of chancery practice, favored by lawyers, litigants and judges as commissioner in chancery. As a result of the Judicial Reorganization Act of 1973, the Hustings Court became part of the four-judge Twenty-third Judicial Circuit; and

WHEREAS this humble and hard-working man was born in Roanoke on December 3, 1921, one of the seven children of Clara Wade Ballou and Charles Edward Ballou. He and his siblings were raised in modest circumstances by parents who taught them industry and virtue — who taught young Ernie lessons that he imparted not only to his four children and ten grandchildren, but to the lawyers who were his extended family during his judicial career; and

WHEREAS after graduating from Jefferson High School in 1939, Judge Ballou continued his education at Roanoke College, which he left to enlist in the United States Navy after the United States entered World War II. The Navy had embarked on a massive shipbuilding program after the attack on Pearl Harbor, knew that it would need college-educated junior officers to help man those ships, and developed the V-12 program to provide undergraduate education for selected applicants, who, if they successfully completed their college courses, qualified for Navy midshipmen schools, which led to commissions as ensigns. The Navy selected Judge Ballou for the V-12 program, sent him to Emory and Henry College, then commissioned him and assigned him to combat duty aboard the destroyer escort U.S.S. McClelland in the Pacific Theater. He served with distinction during World War II, and during the Korean Conflict, was recalled to active duty for an additional 18 months’ service. He retired from the Naval Reserve, as a Commander, in 1966; and

WHEREAS after World War II, Judge Ballou entered law school at his beloved University of Virginia, from which he received an LLB degree in 1949. He practiced law in then-rural Fairfax County for approximately a year before returning home to Roanoke, where he was a sole practitioner before becoming a judge; and

WHEREAS Judge Ballou was one of the original members of the Judicial Inquiry and Review Commission and a Chairman of that body, Chairman of the Committee on District Courts, and member and chair of significant statewide bodies too numerous to mention, but yet primarily focused on assuring that the business of his court was promptly and justly disposed of. His hard work, ceaseless energy, boundless knowledge, acumen, and ability earned him respect of the legal community throughout the Commonwealth, and he was a willing and able tutor to lawyers young and old. He taught and demanded excellence — it was aptly said that a lawyer who learned trial skills in Judge Ballou’s courtroom could perform with success in any courtroom, anywhere. He practiced and taught what he called the “24-hour rule” to maintain good relationships with lawyers whom he sometimes berated for below-par performances. The rule was: He could be mad at them, or they at him, for 24 hours, but no longer; and

WHEREAS Judge Ballou taught the young lawyers who came under his wing to understand and accept the concept that we in the legal community in Roanoke are members of the same family; and

WHEREAS that message continues to be heard because those who learned it from Judge Ballou are today's Bar leaders and judges; and

WHEREAS while during his time on the bench many cities and counties found it necessary to resort to mandamus proceedings to replace outmoded courthouses, Judge Ballou took the lead in working closely with the City of Roanoke to assure that Roanoke's outmoded courthouse was replaced by a modern, safe, and adequate structure approved and funded by action of City Council, rather than mandated by Court order. At the same time, Judge Ballou was instrumental in bringing to Roanoke a random jury selection system that assured that every segment of the community was fairly represented on jury panels; and

WHEREAS Judge Ballou retired on December 31, 1986, afterwards sitting by designation in difficult and complex cases throughout the Commonwealth, and freely giving (but never imposing) his knowledge, wisdom and experience to younger judges; and

WHEREAS Judge Ballou was throughout his adult life a community leader, charitable, caring, and concerned, a driving force in the Roanoke Valley. He was a devoted husband, father, and grandfather, who enjoyed spending time with his family, and was an avid weekend and retirement golfer; and

WHEREAS Judge Ballou was survived by one daughter, Kathryn B. ("Kaki") Clement and her husband Michael, of Charlotte, North Carolina; by three sons, E. Wade Ballou, Jr., and his wife Teri, of Falls Church, Eric E. Ballou and his wife Spencer, of Richmond, and Robert S. Ballou and his wife Beth, of Roanoke; and by 10 grandchildren; and

WHEREAS Judge Ballou was married and devoted to Ruth Sachers Ballou for 48 years. The depth of that devotion was never clearer than after her death. Judge Ballou found his beloved wife, no longer living, on their bathroom floor in December of 2002. He declined rapidly. A year later — almost to a day — caregivers found him, unresponsive, on his bathroom floor. He lingered a few weeks, then passed away.

WHEREAS Ernest Wade Ballou was, in every sense, a true gentleman. Lawyers and litigants alike respected him as an individual and as a jurist. His colleagues and his community held him in the highest esteem because of the devotion with which he served on the bench and because his life was one devoted to his family, his country, and the law. His tenure on the bench was one of great service and stature; more than a lawyer's lawyer and an excellent judge, he was a man of principle. His contributions will be long remembered, and he will be truly missed.

NOW, THEREFORE, BE IT RESOLVED, that the Roanoke Bar Association laments the passing of the Honorable Ernest Wade Ballou, and holds his memory and his contributions to this Association, to this community, and to the cause of justice in high regard; and

BE IT FURTHER RESOLVED that copies of this resolution be furnished to the Circuit Courts of the City and County of Roanoke and the City of Salem and the United States District Court for the Western District of Virginia, Roanoke Division, with motions that the resolution be spread upon the permanent common law order books of those courts; and that copies of this resolution be furnished to Judge Ballou's family to communicate the esteem in which the Roanoke Bar Association holds Judge Ballou and his memory and the Association's sorrow at his passing.

Given under the hands of the president and secretary of the Roanoke Bar Association and the seal of the Association this 14th day of December, 2004:

President, Roanoke Bar Association

TESTE:

Secretary, Roanoke Bar Association