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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.

Editors

Linda L. Gustad - 857-5100, ext. 5323
lindag@vawd.uscourts.gov

Bryce J. Hunter - 983-9325
bryson_hunter@gentrylocke.com

Kathleen L. Wright – 983-9360
kathy_wright@gentrylocke.com

Layout and Design

Sharlene A. Sherman

LAWYERS AS TEACHERS

BY G. MICHAEL PACE, JR.

Part of what it means to be a citizen lawyer is to educate the public about the importance of the Rule of Law and the role of lawyers in society today. The Rule of Law means we are a nation of laws, not of men and women. It is the basis of a system by which government is accountable to the law, where every citizen's rights are protected by laws that are equally applied to all people to ensure fairness.



G. Michael Pace, Jr.

The Rule of Law protects against a tyrannical government or mob rule, limits political power, protects against discrimination of all types, and serves as the mediator in disputes between the executive and legislative branches of our government. It also preserves the independence of the judiciary, who interpret and enforce the law. The Rule of Law makes our communities safe, provides a fair opportunity to everyone for economic prosperity, protects the poor and underserved, assures education and public discourse and allows dissent.

The absence of the Rule of Law eliminates these safeguards, giving rise to civil disobedience, chaos and anarchy. Examples of lawlessness and its disturbing effects are evident in other nations where basic human rights are ignored and opportunities are frustrated by the absence of laws or lack of respect for them.

What would happen if "the law of the land" was not the guiding principle in our society? What if there were not lawyers or judges to interpret or enforce the law? How different things would be here. Consider Pakistan where the government imprisoned its lawyers and judges to promote a political regime.

There is not, in my opinion, a sufficient awareness of or appreciation for the Rule of Law in America today. Yet, this is the defining char-

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acteristic of our representative form of democracy that has inspired other nations and their citizens to adopt our model. We simply cannot allow respect for the Rule of Law to be viewed as of lesser importance than any other consideration. If Americans do not honor and respect the Rule of Law, how can others?

These are the times in which citizen lawyers assume their rightful role as educators and protectors in the public interest. This is especially true, as now, when there is a public lack of confidence, erosion of judicial independence and fundamental legal principles, and government and economic turmoil.

Because lawyers are uniquely positioned to teach our children about the Rule of Law as the foundation for everything we have and enjoy as citizens, the Virginia Bar Association has undertaken a significant statewide

program to do just that. Beginning in February 2009, citizen lawyers will assist in teaching the Rule of Law in 7th and 8th grade civics classes throughout Virginia, starting with a pilot program in Roanoke City, Roanoke County and Salem. The Rule of Law curriculum is also intended to be generally available on the Internet to anyone else who wishes to use it, including other schools, civic groups, law schools, local bar associations and others who seek to better educate the public about the Rule of Law.

We anticipate that the VBA and participating citizen lawyers will coordinate with the various schools in our region and that the citizen lawyers will spend the better part of one day a year in those schools teaching the civics classes. We will host a training session in January (the date of which will be announced in the near future) where volunteers can learn more about the program.

A citizenry, educated and enlightened about the preeminence of the Rule of Law in our history and in our society today, is vital to the perpetuation of our system of government. There has never been a more critical time for citizen lawyers to fill this need for education by assisting Virginia teachers in giving students a larger awareness that people in the United States live free because of laws.

This is the message of the VBA Foundation Rule of Law Project, and citizen lawyers in Virginia are uniquely positioned to deliver it. Consider this article as a call to duty. I hope you will be one of the citizen lawyers who will participate in the VBA Rule of Law Project. If you want to teach or if you want to train other lawyers to teach, please contact me at 540/983-9312 or by email at mike_pace@gentrylocke.com.

Thank you.

PRESIDENT'S COLUMN

BY MARK K. CATHEY, PRESIDENT-ELECT



Welcome to the new bar year. I am very honored to serve as your President, along with an incredibly strong and industrious Board of Directors. In addition to the traditional essential functions of a local bar association (e.g. judicial endorse-

ments, regular meetings, a bench-bar conference, this newsletter, and legal aid conflicts referrals), our Association has undertaken a number of new projects in the last several years, most of which are under the umbrella of our Service Committee. We are committed to the Barrister Book Buddies, Youth Court, Santa in the Square, and the Gala and Law Day Celebration.

We have a new tradition of providing strong CLE programs with top-notch faculty; some offer free credits and others are low-priced seminars with proceeds benefiting the RBA Foundation. Funds raised from the CLEs and the Gala have allowed the RBA Foundation to greatly increase its scholarships and charitable grants, which in the

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PRESIDENT'S COLUMN

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past year have broadened to include the new Jane S. Glenn Memorial Endowed Scholarship.

We have other strong programs that are not firmly established annually, or are at least not annual yet. These include the Practice of Law in Southwest Virginia (an excellent seminar with the federal and state judges for new lawyers in the area), the Trial Practice Seminar and Mock Trial, and Wills for Heroes. Depending on demand and, more importantly, the availability of volunteers, all of these programs could become part of our regular lineup.

We have new programs waiting to debut. Mike Pace, our Past President who is President of the VBA, is hard at work on the curriculum for his "Rule of Law" program, which will put our member volunteers in local middle school classrooms. The Oliver Hill Foundation and Washington and Lee University have established a legal aid center at the Oliver Hill House on Gilmer Avenue, which

will require our help in order to succeed. Mike's partner Scott Austin has designed a Non-Profit Resource Center, which needs volunteers to get off the ground. Mike Whitlow has approached me with some ideas to implement legal education for the public and our clients, filling a need expressed to our association last year by Judge Broadhurst.

Notice the frequency of the words "volunteer" and "help" and "need" in the foregoing paragraphs. As you can see, our program and service offerings are larger than ever and growing rapidly. We have more programs than we have volunteers to staff them. Even Barrister Book Buddies is short on volunteers this year. It appears that the primary challenge for me in my time as President will be coming to you and asking for your time. I know that most of our members are already heavily invested in their churches, scout troops, non-profit boards, and other commitments, and that modern law practice puts tremendous strains on our time.

Our changing times, however, require greater commitments from us all.

PS: Speaking of "our changing times," I have set up a President's Blog at roanokebarpresident.blogspot.com. Please keep an eye on it for up-to-date news.

PPS: Our Association is committed to increasing the value that you receive for your membership dollar. Our luncheon venue, the Shenandoah Club, provides a fine meal in an excellent location. Our recent membership meeting speakers have drawn our highest average attendance in years, if not ever. In order to keep our level of member services the same (and our luncheon price the same), we have, for the first time in 10 years, increased dues, from \$60 to \$80 (with email notifications); from \$75 to \$90 (with postage-paid paper notifications). Our application fee has been raised from \$8 to \$25, and our reinstatement fee has raised from \$10 to \$25. We think that these are very reasonable dues and fees, and we hope that you agree.

YOUTH COURT—PART OF THE SOLUTION

BY the HON. DIANE M. STRICKLAND

"All persons having business before the court, please come to order. The Patrick Henry (William Fleming) Youth Court is now in session."

With these words, Roanoke Bar Association volunteers serving as Administrative Officers, convene youth tribunals once a

week in the City High Schools to hold students accountable for their actions and to educate them about the legal system. More than 50 members of the Roanoke Bar have served as Administrative Officers since the program began in 2004.

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HOW YOUTH COURT WORKS

1. A high school student is charged with violating a provision of the School Code of Conduct for which she would ordinarily be suspended from school.

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YOUTH COURT—PART OF THE SOLUTION

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The mission of the Youth Court program is to provide a school-based forum to hold youthful respondents accountable for their actions without disrupting their educational progress. The program’s goals include 1) improving the ability of students to become responsible and productive citizens of the school and larger community; 2) decreasing the number of students that engage in behaviors which require administration and/or law enforcement attention; and 3) decreasing the number of students suspended from school.

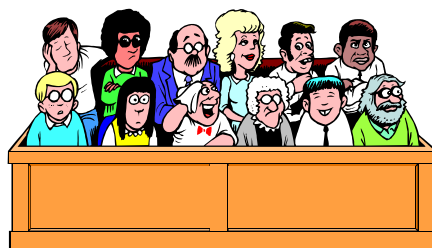
While there are 1255 programs nationwide, Roanoke was the first locality in Virginia to establish Youth Courts. Roanoke has served as a model for other communities in the Commonwealth, and in 2007 the *Commission on Virginia Courts in the 21st Century: To Benefit All, To Exclude None* recommended that “Virginia should support effective alternative dispositions by establishing additional pilots ... such as ... the Youth Court programs in Roanoke City....”

To date, more than 400 cases involving charges ranging from tobacco violations to theft and assaults have been heard in the Roanoke Youth Courts. Because the offender must admit guilt in order to participate in Youth Court, the focus of the proceeding is on eliciting essential dispositional information. The student jurors (more than 100 are participating this

year), with the assistance of the attorney volunteers, develop appropriate, well reasoned questions. The hearings average an hour in duration, following which the jurors deliberate in closed session with the attorney.

Sanctions commonly include community service, counseling, tutoring, written essays and apologies; however, the student jurors often become more creative such as the case where a student was ordered to prepare a meal and serve it at a local shelter from which he had taken food during a school field trip. The dispositions are designed to keep the students in school and engaged. More than 6000 hours of school suspension have been avoided through Youth Court proceedings.

Once the offenders have complied with their sanctions, they are also required to receive training and serve as a member of the student jury panel. In this manner, it is hoped that they will become part of the solution rather than part of the problem. If you are willing to give several hours of your time once per school semester to be part of the solution, please contact Bill Callahan at LeClair Ryan or his legal assistant, Kim Doss Kniceley.



HOW YOUTH COURT WORKS

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2. The student defendant admits guilt and as an alternative to suspension, agrees to go to Youth Court and comply with whatever sanctions the Youth Court jurors impose.
3. A specially trained Youth Court volunteer student is assigned as Advocate to investigate the defendant’s story and gather any witnesses to the incident.
4. Every Thursday afternoon at 3:45 p.m., up to two Youth Court sessions convene, with an RBA attorney presiding as Administrator over each case.
5. After the Administrator opens the session and swears in all participants, the Advocate presents the defendant’s case and the Youth Court jurors question the defendant and any witnesses. While the Administrator does not participate in the questioning, he or she may suggest topics of interest to the jurors.
6. The Youth Court jurors deliberate on the case, determine appropriate sanctions, and the foreperson announces them to the defendant.
7. The defendant signs an agreement to comply with the sanctions. Failure to comply results in suspension.
8. The RBA Attorney meets with the jurors to answer questions and provide constructive guidance for future proceedings.

BOOK BUDDIES STARTS NINTH YEAR

BY LINDA L. GUSTAD

What better way to give back to your community than to share your love of reading with school children. The award-winning Roanoke Bar Association Book Buddies program pairs volunteer readers with a classroom teacher at one of several designated Roanoke City public elementary schools. Each volunteer reads aloud to his or her assigned class for about an hour a month. The rewards for this small contribution of time and effort? A classroom full of new friends taking the adventure of reading together.

"Barrister Book Buddies is one of the most rewarding and best appreciated things lawyers do in Roanoke," says Mark Cathey. "The children really think it is magical. My tradition is to stop at the Gainesboro library on the way to my class and to pick out different books every time. I have been reading to Kindergartners the last few years, so I try to use picture books. I get a lot of questions about the books, which I do my best to answer."

During the 2007-2008 school year, 55 RBA attorneys signed up as Book Buddies at several city schools: Garden City, Lincoln Terrace, Morningside, Preston Park, and the Roanoke Academy for the Performing Arts. The program works with the school system to target schools where children especially need to focus

on reading. Each Buddy is assigned to one teacher's classroom and is responsible for contacting that teacher to work out a reading schedule. Some Buddies work with a partner, and they take turns reading to the same class on different days. Others go twice a month for half an hour. Buddies may choose the books that they read to their classes, or they may confer with the teachers about books that would compliment topics the classes are studying.

"A favorite story I read to my class every year is 'Rikki Tikki Tavi,' by Rudyard Kipling," says one Book Buddy. "It's one of several stories in a literature book that has no picture on the cover and inside, only one black and white picture of Rikki and the cobra. I remind the kids that you can't always judge a book by its cover, and they always agree and ask if there are more good stories in that book."

Of course, all the books you read to your class should be age appropriate. At the end of the school year, the RBA committee chair provides the Book Buddies with gift books, enough so that each child receives one of her very own to take home.

Many Book Buddies have participated in and enjoyed the

program since it began nine years ago. Cathy Caddy is starting her ninth year, working with the same third-grade teacher. A couple years ago, she told the class, "I have been in Mrs. Yeatts' third grade class for 6 years." One little boy said, "But you read so good!" Cathy laughed, "I guess he was thinking that, with my reading skills, I should have at least made it to fourth grade."

Some Buddies add other activities to their reading time. Last year, Cathy and Mrs. Yeatts started a "good listener" program. At the beginning of the school year, Cathy gave each child a bookmark. Each time Cathy read to the class, she would choose one "good listener" and give that child a special sticker to put on his or her bookmark. Throughout the year, all the children got stickers for special occasions, but they really cherished their good listener stickers.

With the teacher's approval, Book Buddy Sara Reynolds stayed after she finished reading to do a craft project with her class. Sara also took homemade cupcakes or other goodies to contribute to the class holiday parties. At the end of the school year, her kindergarten class gave Sara a "Thank you"



BOOK BUDDIES STARTS NINTH YEAR

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book of crayon drawings the children had made of her, each drawing painstakingly signed by the artist. Many Buddies have treasured



pictures or notes on their office walls from children to whom they have read.

"The children love the program – and you," says Cathy Caddy. "In Kroger last week I ran into a student who was in my

class three years ago and she remembered me and asked if I was still reading a couple of the books that she really liked. They remember and, hopefully, are inspired to

read."

Sam Vance reads to a pre-Kindergarten class at Garden City Elementary. His favorite part of being a Book Buddy? The chorus of kids' voices, at the top of their lungs: "Thank you, Mr.

Sam" (followed by a group hug/gang tackle).

Volunteers have been a little slow to sign up for Book Buddies this year, so the program needs you. To become a Book Buddy, go to the sign up page on the RBA website (<http://www.roanokebar.com/events/BBB%20Registration.html>). Fill in your contact information and preferences, and someone will contact you soon to provide you with your class assignment as a Book Buddy.

RBA GOLF TOURNAMENT AND PICNIC

BY BILL BRAXTON

The Roanoke Country Club hosted the annual Roanoke Bar Association Golf Tournament on August 21. Twenty-four attorneys and judges sacrificed their time that afternoon to play golf, endure beautiful weather, and raise almost a thousand dollars for the Roanoke Bar Association Foundation.

The tournament format was captain's choice, and the winning foursome of Mark Feldmann, Rudy Austin, Chris Walters, and Fred King overcame a bogey on their card to shoot an eleven under par 60. When asked about his group's success, Judge King credited Rudy Austin and Mark Feldmann for their knowledge and strategy. "They quickly

learned what shots we should not try." He added "It was a delight to play with all of my teammates."

It was a close tournament as all the other teams finished within five shots of the leaders. The team of Scott Geddes, Amy Geddes, C. J. Covati, and Dan Frankl finished at 7 under par, mostly due to the putting of Amy Geddes. "She made a sixty footer or two" recalled her husband Scott. "She putted like Chi-Chi Rodriguez." Scott was disappointed in his own effort, but stated that his team had a great time. "Hey, a bad day on the golf course beats a good day in the office."

The tournament was followed by cocktails and a picnic dinner where the golfers were joined by

over thirty other bar association members and spouses out on a brick patio next to the course. The fare included some good pulled pork BBQ, grilled chicken sandwiches, and burgers. Even a local food critic was seen helping himself to seconds.

Judge King noted that the whole event was an excellent way to meet fellow lawyers in a non-adversarial atmosphere. "It's a shame that more attorneys, especially young attorneys, don't take the opportunity to meet other members of the bar in the setting that this type of event provides."

Of course, as Red Sox fans will tell you - "There's always next year."

ROANOKE LAW LIBRARY NEWS & INFORMATION

BY JOSEPH KLEIN



This is an election year so you know that change is in the air, and it is no different

here at the Roanoke Law Library. While change can be difficult at first, it is usually for the best in the long run. After offering Lexis.com for several years, we have made the switch to Westlaw. The good news is that we still have free unlimited access to powerful computer assisted legal research whenever the law library is open. The even better news is that we have added many more valuable resources that were not previously available.

We still have access to all state and federal statutes and case law, so if you are looking for a Virginia case or even an annotated statute from California, we have you covered. You can read them here, print them out for \$.10 per page, or download and email them to yourself for future reference.

We now have access to a Legal Journal and Law Review database which features over 600 titles from around the country. We are also able to offer the *Norton Bankruptcy Law and Practice* library, which has the latest information on bankruptcy law and comprehensive coverage of the entire bankruptcy process.

The entire *Restatement of the Law* set is available from the first series to the most current updates. For those who practice in Federal courts, we now offer *Federal Practice and Procedure* by Wright and Miller, as well as *West's Federal Forms*, and *Federal Jury Practice and Instructions*. Westlaw also offers comprehensive legal resources like *American Jurisprudence*, and *American Law Reports*; and trial preparation tools like *American Jurisprudence Trials*, *American Jurisprudence Proof of Facts*, *American Jurisprudence Pleading and Practice Forms Annotated*, and *Causes of Action*. Westlaw also offers *Virginia eforms* which allows you to search for forms and to download the rewritable PDF version which can then be filled out and printed or saved.

These are just some of the new resources that are available to you through Westlaw. Please don't hesitate to call me at 853-2268 with any questions. I will be happy to set up individual training sessions with anyone who is interested. Or you can just come in and search to your heart's content since it is always free.

Write a Novel

November is National Novel Writing Month! In celebration of all those who dare to write 50,000 words in the month of November (and those who write during all months of the year), the Roanoke Library invites you to weekly "write-ins" where we will meet informally for networking, support, and a generally good time! Go to www.roanokeva.gov and click on "Departments," "Libraries," and "Events and programs" for dates, times, and locations. All meetings are held from 6:30 to 7:30 p.m. Writing and technology assistants will be on hand to help you with any of your creative or technical issues. Refreshments are provided at each event as well as free writing tools and the chance to win a valuable prize! Check out www.nanowrimo.org for more information on National Novel Writing Month.



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SANTA IN THE SQUARE— SPONSORED BY THE ROANOKE BAR ASSOCIATION FOUNDATION

On Monday evening, December 8, from 6:00 p.m. to 8:00 pm, the Roanoke Bar Association Foundation and the Science Museum of Western Virginia are proud to sponsor the third annual **Santa in the Square**. Santa in the Square is a holiday party for children and their parents who are living in shelters in our area during the holiday season. For this special event, the children and their parents will be picked up on festively-decorated buses and transported to the Science Museum where they will be treated to an amazing holiday party. The kids will enjoy unlimited use of the Science Museum

and entertainment by clowns, jugglers, and face painters, along with a Planetarium show. They will be treated to their favorite party foods, including pizza, chicken nuggets, and cupcakes, and have their photos taken with Santa Claus. They can visit Santa's Workshop where they can create holiday arts and crafts, and Santa's Sack where they can select a small, special gift to wrap and give to their parents this holiday season. We hope to make this a truly magical evening, but we need your help.

Donations to assist with this event are tax deductible and can be made payable to the Roanoke Bar

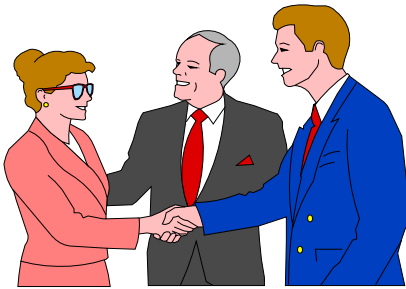
Association Foundation, P. O. Box 18183, Roanoke, VA 24014.

If you have questions or would like to volunteer to assist with the event, please contact Lori Thompson at 510-3011 or lori.thompson@leclairryan.com.



ANNOUNCEMENTS

NEW MEMBERS



The Roanoke Bar Association welcomes the following new active members: D. Adam McKelvey, Esq., Crandall & Katt, PC; Lalita D. Brim, Esq., Office of the Commonwealth's Attorney; Carolyn Nichols Dietz, Esq., Frith, Anderson & Peake, PC.; and Alice Burlinson, Esq., Office of the Attorney General, Office of Child Support and Enforcement.

UPCOMING EVENTS

Put these dates on your calendar!

- Federal Civil Procedure: Overview and Examination of Key Differences Between Federal and State Practice – November 21, 2008, 12-1; Higher Ed. Center, \$25 for members; 1 hour of CLE Credit
- Santa in the Square – December 8, 2008
- Roanoke Bar Association Foundation Gala and Law Day Celebration – May 1, 2009. Proceeds to benefit Oliver Hill House.

OFFICERS:

<i>Mark K. Cathey</i> <i>President</i>	767-2205
<i>Roy V. Creasy</i> <i>President-Elect</i>	342-0729
<i>Francis H. Casola</i> <i>Secretary-Treasurer</i>	983-7716
<i>George A. McLean, Jr.</i> <i>Past-President</i>	982-8430
<i>Catherine L. Caddy</i> <i>Executive Director</i>	342-4905

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Complete and Forward to:

Catherine L. Caddy, c/o Roanoke Bar Association, P.O. Box 18183, Roanoke, VA 24014

Fax: 342-1252

Email: cbtg@roanoke.infi.net