



ROANOKE BAR REVIEW

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Spring 2004

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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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CONFESSIONS OF JUDGMENT — A SIMPLE PROCESS?

BY BRYCE HUNTER

One way to save a client substantial litigation expenses that result when an obligor defaults on a debt instrument, such as a promissory note, is to incorporate provisions into that debt instrument allowing for a client, or the obligor's attorney-in-fact, to confess judgment against the obligor. While this procedure may appear to be a simple concept, the ability of a party to confess judgment is governed by statute in Virginia and requires strict adherence to such statute.

This article is not intended to be a comprehensive discussion of confession of judgment issues so please consult proper legal sources when representing clients. This article is intended to point out a few pitfalls you may encounter when dealing with confessions of judgment. Most citations are omitted due to space limitations. The terms obligor, debtor, or defendant are used interchangeably. Likewise, the terms obligee, creditor, and plaintiff are used interchangeably as well.

What is it? A confession of judgment is a party's acknowledgement that a debt is justly due and has all the attributes of other judgments. It is essentially a written agreement in which an obligor, whether or not a suit is pending, admits liability and accepts the amount of agreed-upon damages he must pay to the plaintiff. The obligor also agrees that the statement may be filed as a court judgment against him if he does not pay or perform as agreed.¹ Understanding the authority to confess judgment is a point of confusion, particularly for clients unfamiliar with the Virginia Code (the "Code"). The obligor (or debtor) gives power of attorney to the obligee, or obligee's attorney-in-fact, to confess judgment against the obligor.

Sections 8.01-431 through 8.01-441 of the Code set out the statutory procedure for judgments by confession in the clerk's office of any circuit court in the Commonwealth. These statutes apply in two different cases: (1) § 8.01-431 applies when a suit is pending and permits a defendant (or obligee) to confess judgment in the clerk's office for the amount the plaintiff is willing to accept; and (2) § 8.01-432 applies, whether or not a suit is pending, and permits a debtor, or his attorney-in-fact (based on a power of attorney) to confess judgment in a clerk's office for such amount as the creditor may be willing to accept.

Drafting confession language in debt instruments: When drafting confession of judgment language in debt instruments, make sure that the debt instrument states the amount for which judgment is to be confessed, or at least contains facts from which such amount can be definitely ascertained. Confes-

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PRESIDENT'S COLUMN

BY EUGENE M. ELLIOTT, JR.



I take this opportunity, both personally and on behalf of the Roanoke Bar Association, to congratulate Phil Anderson on his unopposed nomination to serve next year as President-elect of the Virginia State Bar and in the following year as its President. We will miss him as President of our Association next year. He has served diligently as a Director, Secretary and President-elect. His wisdom and hard work have been invaluable. He has been committed to making this organization progressive and yet user friendly. He is bright and affable. He is always willing to under-

take what needs to be done and to do it well. Apparently the Virginia State Bar discovered all of this about the same time we did. We extend to you our support and best wishes for your success!

As we wind down our fiscal year, I encourage each of you to support our initial Continuing Legal Education Program scheduled for May 20, 2004, at the Roanoke Higher Education Center. John Eure has worked hard to bring this from a concept to reality. Your support of this program will generate funds for scholarships which we traditionally award to area students. We enjoy a strong financial profile, but we have endeavored this year to build into the budget a money generating program to allow contributions to worthwhile community projects without increasing dues. This type of programming has been very successful in the Richmond, Fairfax and other large bar associations in

Virginia. Like the Bench Bar Meeting, with local CLE programs, we are able to learn more regarding local practice in our Courts, as opposed to a state program which centers on views which may differ in the eastern or northern parts of Virginia. I welcome your comments and suggestions for programs in the coming year.

The editors thank Gene Elliott for his many contributions to this newsletter and to the entire Association. We wish him the best of luck in his future endeavors!

YOUTH COURT IN SESSION



Notwithstanding the snow which caused school closing on not only the first but also the second Youth Court session, the program is off to a good start. Ten jury trials have been held, most involving charges of assault and battery. The study jurors have been enthusiastic and anxious to learn, albeit a bit nervous at the outset. However, the lawyer advisers have done a terrific job of building confidence in the jurors and aiding them in better understanding the process and what is required of them.

Because the offender must admit guilt in order to participate in Youth

Court, the focus of the proceeding is on eliciting dispositional information. The students, with the assistance of their attorney mentors have developed appropriate, well reasoned questions. One difficulty they have encountered has been the failure to have all necessary witnesses present. In an effort to address this problem, the position of student advocate has now been added to the program. These advocates are charged with the responsibility of meeting before trial with the parties to explain the process and identify necessary witnesses.

The hearings have been averaging an hour in duration, following which the jurors deliberate in closed session with their attorney adviser present. The verdicts thus far have included

mandatory counseling, community service, anger management classes and written apologies. Once the offenders have complied with their sanctions, they are also required to serve as a member of a student jury panel. In this manner, it is hoped that they will become part of the solution rather than part of the problem.

The response from all participants has been positive. The students are learning about the role of law in society and its application to young people. The attorneys are making a professional contribution that directly impacts the lives of the students in a manner that promotes respect for the legal system and the bar. If you would like to participate, contact *Doug Densmore* or *Al McLean*.

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April 13, 2004

Members of the Roanoke Bar Association:

On July 1, 2004, I am slated to become the President of the Roanoke Bar Association, a position that I would not have considered remotely within my reach 18 ½ years ago when I started the practice of law here in Roanoke. Ironically enough, on that same day I will assume my duties as President Elect of the Virginia State Bar, also a position that I would not have considered within my reach 18 ½ years ago.

Finding oneself in this rather unique position is perhaps a testament to the odd manner in which circumstances sometimes coalesce in ways we could not have expected, despite our best-laid plans. Regardless of how this occurred, suffice it to say that it has been, at once, the most professionally gratifying and humbling experience of my professional career.

Through the Roanoke Bar Association and the practice of law in this Valley, I have been blessed with wonderful opportunities, greater than I deserve, the support and friendship of professional colleagues enough to last a lifetime, and living examples here in Roanoke of the highest and best that our noble profession has to offer.

I want to thank each of you for all of those things and for the privilege and honor you have extended to me to serve as a Board member, officer and President – Elect of this organization. The experiences gained here and the friendships established will always be cherished.

As much as I would like to pursue this course to its natural destination, circumstances have taken me on a different course. This Association deserves and needs a President who can attend to its needs without the distraction of the demands of other organizations. Effective April 30, 2004, I will step down as President - Elect of the Roanoke Bar Association and begin planning for the upcoming Virginia State Bar year.

I hope you will understand that this has not been an easy decision, but one that I think is necessary in order for this Association to continue to move forward while allowing me to pursue a unique public service opportunity. The Roanoke Bar is in great hands. The current Board and Elizabeth Dillon are keenly focused on the challenges facing this organization and will lead us in an exemplary fashion.

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Again, I want to thank you from the bottom of my heart for this special privilege extended to me. Even though I will not be President of the Roanoke Bar, it and its members will always be very special to me.

Sincerely,



Phillip V. Anderson

PVA/plr

MESSAGE FROM THE GENERAL DISTRICT COURT

As a follow-up from the 2004 Bench-Bar Conference, Judge Talevi sent to the Bench-Bar Committee the following announcement regarding a change in the scheduling of bond hearings in the General District Court:

“As many of you know, effective January 5, 2004, the judges of the General District Court in Roanoke City decided to establish a separate docket for bond hearings. Therefore,

all criminal and traffic bond hearings will be heard at 1:45 p.m. on any business day unless an attorney receives prior approval from the court. Scheduling the bond hearing with the deputy clerk and providing notices to the Commonwealth Attorney should not be a departure from previously utilized scheduling practices. The Judge then sitting in the division in which the underlying charge will be heard will conduct the bond hearing, how-

ever, if that judge is unavailable, any available judge may preside. We hope the availability of three judges during the afternoon hour to address bond issues outweighs any inconvenience the new docket may initially create in your schedules. Should you have any concerns or questions about the new docket for bond hearings, please do not hesitate to stop by my office or contact me at 853-2511.”

CONFESSIONS OF JUDGMENT — A SIMPLE PROCESS?

(Continued from page 1)

sion of judgment is a very serious and controversial remedy that appears to be at odds with the American concept of due process. In fact, some courts have held that confessing judgment against an unsophisticated debtor may be a federal 1983 violation. See Jordan v. Fox, Rothschild, O'Brien & Frankel, 20 F.3d 1250, 1267 (3d Cir. 1994) (holding that a private attorney who enlists the compulsive powers of the state to seize property by executing on a confessed judgment without pre-deprivation notice or hearing may be held liable under 1983). As a result, confession of judgment clauses re-

quire specific wording, information, and acknowledgments to make them enforceable.

In Virginia, Section § 8.01-433.1 provides that:

No judgment shall be confessed upon a note, bond, or other evidence of debt pursuant to a confession of judgment provision contained therein which does not contain a statement typed in boldface print of not less than eight point type on its face:

**IMPORTANT NOTICE
THIS INSTRUMENT CONTAINS
A CONFESSION OF JUDGMENT
PROVISION WHICH CONSTITUTES
A WAIVER OF IMPORTANT**

RIGHTS YOU MAY HAVE AS A DEBTOR AND ALLOWS THE CREDITOR TO OBTAIN A JUDGMENT AGAINST YOU WITHOUT ANY FURTHER NOTICE.

This section shall only apply to notes, bonds, or other evidences of debt containing confession of judgment provisions entered into after January 1, 1993.

Pointer #1: It is best to include this language on the *front* page of the document. “Face” may be interpreted as the first page or on the front of subsequent pages, but why take a chance on your confession being no good?

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THE COURT REPORTER

REDACTION OF PERSONAL IDENTIFIERS FROM ALL PLEADINGS AND PROCEDURAL RULES FOR ELECTRONIC FILING IN THE U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

On January 5, 2004, a Standing Order was entered providing that, effective February 9, 2004, personal and sensitive information, including such items as social security numbers, financial account numbers, dates of birth, and names of minority children, should be excluded from pleadings (including electronic filings) or partially redacted if they are not "necessary and relevant to the case," and should be filed under seal (in compliance with the Federal Rules) if such information must be included. Additionally, "caution"

should be exercised when including information regarding employment histories, financial information, trade secrets, and medical matters.

On February 2, 2004, a Standing Order was entered: (1) providing that all pleadings filed in the U.S. District Court for the Western District of Virginia will be available through PACER, and (2) providing for procedural guidelines for electronically filing pleadings and achieving effective service of such pleadings.

Please visit the Western District at <http://www.vawd.uscourts.gov/storders/redaction.pdf> for a complete copy of the January 5, 2004 Standing Order and <http://www.vawd.uscourts.gov/storders/proceduresecf.pdf> for a complete copy of the February 2, 2004 Standing Order.

ders/redaction.pdf for a complete copy of the January 5, 2004 Standing Order and <http://www.vawd.uscourts.gov/storders/proceduresecf.pdf> for a complete copy of the February 2, 2004 Standing Order.



PUBLIC NOTICE

APPOINTMENT OF NEW MAGISTRATE JUDGE

The Judicial Conference of the United States has authorized the appointment of a part-time United States magistrate judge for the Western District of Virginia at Harrisonburg. The current annual salary of the position is \$36,642. The term of office is 4 years.

The duties of the position are demanding and wide-ranging, to include: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; and (3) conduct of various pretrial matters and evidentiary proceedings on delegation from a district judge. The basic authority of a United States magistrate judge is specified in 28 U.S.C. § 636.

To be qualified for appointment an applicant must

(1) Be, and have been for at least five years, a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the

Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and have been engaged in the active practice of law for a period of at least 5 years (with some substitutes authorized);

(2) Be competent to perform all the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness;

(3) Be less than seventy years old; and

(4) Not be related to a judge of the district court.

A merit selection panel composed of attorneys and other members of the community will review all applicants and recommend to the district judges in confidence the five persons it considers best qualified. The court will make the appointment fol-

lowing an FBI full-field investigation and an IRS tax check of the applicant selected by the court for appointment. An affirmative effort will be made to give consideration to all qualified applicants, including women and members of minority groups.

Application forms and more information on the magistrate judge position in this court may be obtained from the clerk of the district court at 116 N. Main Street, Room 314, Harrisonburg, VA 22802. The form is also available on the court's Internet website at www.vawd.uscourts.gov. Applications must be submitted only by applicants personally and **must be received by May 30, 2004.**

All applications will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the merit selection panel and the judges of the district court. The panel's deliberations will remain confidential.

ROANOKE LAW LIBRARY NEWS & INFORMATION

BY LORA WILSON

COMPREHENSIVE LIBRARY SYSTEM STUDY

A consultant will be performing a comprehensive study of the Roanoke Public Libraries.

The purpose of this Study is to identify future library services and programs, as well as to determine the needs in library collections and library facilities. The Study Findings and Recommendations will provide a strategic direction for the Roanoke Public Libraries as it evolves into a state-of-the-art library system.

Community participation in this Study is essential to its effectiveness. There are many ways in which you can participate in the community assessment process.

First, share information about the Comprehensive Library System Study with others in your community.

- Include an announcement of the study in your office newsletter.
- Encourage your colleagues,

employees, friends, and family members to participate in this study even if they don't currently use the library.

Second, be a direct participant in the Study's community assessment process.

- Volunteer to serve on the Comprehensive Library System Study Steering Committee.
- Participate in focus groups, telephone surveys, and community gathering activities.
- Inform Library Advisory Board Members or Library Staff of issues or concerns that occur during the Study process.

Third, actively involve yourself in discussions of the Study Findings and Recommendations.

- Offer to facilitate and/or host

a meeting to review and consider the Study Findings and Recommendations.

- Provide input to City Council on the importance of the Study Findings and Recommendations for your business.
- Attend and participate in any public meetings or hearings on the Study Findings and Recommendations.



Remember, this Comprehensive Library System Study will impact the way in which future Library Services are provided. Your participation in this Study is essential to its effectiveness.

For more information, contact:

Sheila Umberger
Head of Technical Services
Roanoke Public Libraries
706 South Jefferson Street
Roanoke, Virginia 24016
(540) 853-2478

CONFESSIONS OF JUDGMENT — A SIMPLE PROCESS?

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Pointer #2: ALWAYS include provisions for attorneys' fees and costs of collections in the debt instrument.

Where to confess? When drafting a debt instrument consider where the obligee, or the attorney-in-fact, can confess.

Pointer #3: Include in the debt instrument a convenient jurisdiction where you or your client can confess. For example, if a client in Charlottesville is a creditor to a debtor living in Staunton, the obvious choice is to give the client the ability to confess judgment in Charlottesville. While certainty of a jurisdiction in which to

confess judgment is the best policy, Virginia courts have held that such certainty is not fatal to an obligee's ability to confess "in any court," "at any time." See *Walker v. Temple*, 130 Va. 567, 107 S.E. 720 (1921) (power of attorney authorized confession of judgment "in any court," "at any time").

Who can confess? Typically, an attorney-in-fact that is named in debt instrument will confess judgment. Such attorney-in-fact need not be a member of the bar.

Pointer #4: BRING IDENTIFICATION!! The clerk must verify that you are indeed the attorney-in-fact named in the debt instrument. The Virginia

Attorney General has opined that an attorney-in-fact cannot appoint another to act on his behalf.

Pointer #5: Consider listing two or more attorneys-in-fact, especially if you have larger institutional clients. Doing so will provide your client with additional convenience. Be certain, however, to use the conjunction "or." If you use "and," all attorneys-in-fact listed must confess. For instance: "Debtor hereby appoints John Doe and Jane Doe as his true and lawful attorneys-in-fact." In this example, both John and Jane must go together to the clerk's office to confess.

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RBA MONTHLY MEETING RECAPS

BY BRYCE HUNTER

January 13, 2004: The RBA hosted Virginia State Bar President Jeannie Dahnk. President Dahnk praised the 36,000 Virginia lawyers for their dedication to their communities and congratulated the Roanoke Bar for its particular area contributions. Ms. Dahnk brought two publications with her: a VSB fact sheet, and "Legally Informed," a brochure detailing different legal services available throughout the Commonwealth. These publications were created to let the public know more about the Bar and specifically about the numerous hours lawyers donate to the Virginia population.

The fact sheet points out the Virginia State Bar is entirely self-funded. Its membership has increased by almost 12% over the last five years. Much of the Bar's disciplinary action and policy making is completed by volunteers. Volunteers also help staff programs to improve legal services and public access to those services. Volunteers assist with legal education programs. Additionally, Virginia lawyers donated 14,603 hours in pro bono services during 2000 - 2001, just through participation with licensed legal aid societies.

"Legally Informed" educates readers about various legal services available, with contact names and phone numbers. The booklet provides information about legal advice and assistance for senior citizens, the mentally ill, crime victims, and non-profit organizations, among other topics. Both of these publications are available through the Virginia State Bar.

President Dahnk believes this information will not only help Commonwealth residents, but will explain the benefits provided by Virginia lawyers, generating good will toward the profession.

President Dahnk reminded the assembly that the Virginia State Bar Annual Meeting is scheduled for June 17 - 19, 2004 in Virginia Beach.

February 10, 2004: The RBA debated the topic of merger of law and equity in Virginia. Robert Wood of Edmunds & Williams spoke as a proponent of the merger while Chief Judge Doherty spoke as an opponent of the merger. The Judicial Council of Virginia's Advisory Committee on Rules of Court is considering Amendments to the Rules of Court, which would create a single form of action for claims at law and equity.

According to the materials provided at the meeting, the proposed rule changes would, in effect, create one form of action in Virginia courts, called a civil action. The objective is to avoid mistakes and burdens that now occur when parties attempt to select the side of court on which to bring a claim, defense or counterclaim, and the problems of transferring suits from one side of court to the other, the Chancellor enjoining the action at law, and the confusion and multiplicity of proceedings required to accord jury trial rights where they belong. While the proposed rule changes create a single procedure system for civil cases, the distinctions between law and equity concerning the substance of equitable claims and defenses, rights of action, limitation principles, and powers and limits on the courts in entertaining such actions will be preserved.

The RBA adopted a resolution memorializing the passing and contributions of Beverly Purnell Eggleston, Jr.

March 9, 2004: The RBA hosted the Roanoke City mayoral candidates: current Vice Mayor Nelson Harris, Alice Hincker, and Mac MaCadden attended. George

Sgouros was unable to attend due to a prior commitment.

Each candidate presented their platform and briefly mentioned the issues that each sees as being crucial for the next mayor and council. After the candidates presentations, RBA members asked questions ranging from sports facilities to school safety.

Also at the March meeting, the RBA adopted a resolution memorializing the passing and contributions of William Greer Ammen. Finally, Phil Anderson announced that he was the only candidate to submit his name for VSB President position and will become the President-elect.

April 13, 2004: The RBA agenda called for a legislative update by Delegates Williams Fralin and Onzlee Ware, but events in Richmond precluded their appearance. In lieu of the Delegates' reports, Jay Warren of News Channel 10 (WSLS) provided some comments about the budget impasse in the General Assembly. Mr. Warren opined that a state government shutdown was possible if the House of Delegates, Senate and Governor do not reach a compromise by May 19, 2004.

The RBA adopted a resolution memorializing the passing and contributions of John Locke.



CONFESSIONS OF JUDGMENT — A SIMPLE PROCESS?

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Pointer #6: Most importantly, when confessing judgment, you must present to the clerk the original debt instrument which will become part of the clerk's files. Have your clients hold onto that note in a secure place!

Confession of judgment forms: Virginia courts have developed a standard form on which to confess judgment (Form CC-1420). While the form is fairly straight-forward, the section dealing with the actual amount confessed can be tricky.

Pointer #7: Depending on the particular clerk's preference, it may be best to clearly delineate how you derive the amount confessed. For instance, in a case where John Doe is a creditor and Jane Doe is the debtor:

I, the above-named debtor(s), acknowledge myself to be justly indebted to, and do confess judgment in favor of, the above-named creditor(s) in the sum of \$200,000.00 plus interest of \$5,000.00 less payment by Debtor of \$5,000.00 which equals \$200,000.00 (Two Hundred Thousand and 00/100 dollars) together with interest thereon at the rate of 9 % from December 4, 2003 until paid and cost of this proceeding (including the attorney's fees and collection fees provided for in the instrument on which the proceeding is based).

Pointer #8: Notice that the Form CC-1420 language contemplates that the amount confessed *includes* attorney fees and collection fees, so be sure to add such amounts to the bottom line figure (\$200,000.00 in the above example).

Pointer #9: To save time and effort, send the completed Form CC-1240 to the particular clerk's office before confessing to ensure the clerk will accept the confession form. In one case, I had the authority to con-

fess judgment in Danville. I completed the form and drove to Danville only to be told by the deputy clerk that I had not completed the form properly.

Once judgment is confessed, what happens?

If a judgment is confessed by an attorney-in-fact, the clerk, within ten days of judgment of confession, causes judgment to be served upon the judgment debtor (one of your collection fees is a \$12.00 service fee for the Sheriff).

Like a motion for judgment, a judgment debtor must be given time to respond. He has 21 days from notice to him to seek to set aside judgment against him, "on any ground which would have been an adequate defense or setoff in an action at law instituted upon the judgment creditor's note, bond or other evidence of debt upon which such judgment was confessed." Va. Code Ann. § 8.01-433 (2003). Section 8.01-433 continues: "Whenever any such judgment is set aside or modified the case shall be placed on the trial docket of the court, and the proceedings thereon shall thereafter be the same as if an action at law had been instituted upon the bond, note or other evidence of debt upon which judgment was confessed. After such case is so docketed, the court shall make such order as to the pleadings, future proceedings and costs as to the court may seem just."

Pointer #10: Failure to serve a copy of the order of the confession of judgment within 60 days from the date of entry thereof shall render the judgment void as to any debtor not served. This requirement begs the question whether you can confess again on the same obligation if you did not serve the debtor within the 60 day time period? The Roanoke City Clerk argues since you would have confessed the first time with the

original debt instrument, you cannot confess a second time because you no longer possess the original debt instrument (even though the debt instrument is part of the court's files).

Pointer # 11: Confirm with the clerk after 21 days of notice to debtor whether the debtor responded.

What is the effect of the confession of judgment?

1. **Lien:** A judgment by confession constitutes a lien as does any other judgment and the lien is binding from the time such judgment is recorded on the judgment lien docket of the clerk's office of the county or city in which land of the defendant lies. See Va. Code Ann. § 8.01-431 (2003).

2. **Merger of Original Cause of Action:** A judgment by confession merges the original cause of action like any other judgment. See Beazley v. Sims, 81 Va. 644 (1886). That is, once a debt is confessed, no cause of action remains on the original note.

3. **Estoppel:** A confession of judgment precludes a party from availing himself of any equity of which he was or must be presumed to have been acquainted at the time of the confession. See Pate v. Southern Bank & Trust, 214 Va. 596, 203 S.E.2d 126 (1974) ("a defendant confessing judgment is estopped from denying the authority on which it was confessed.")

4. **Release of Errors:** A confession of judgment is a release of all previous errors in the cause. See Saunders v. Lipscomb, 90 Va. 647, 19 S.E. 450 (1894). However, confession of judgment cannot give jurisdiction of the subject matter. See Wynn v. Scott, 34 Va. (7 Leigh) 63 (1836).

I trust this small bit of information provides you with some basic knowledge of confessions of judgment.

¹ *Black's Law Dictionary* defines it as: "Judgment where a defendant gives the plaintiff a cognovit or written confession of the action by virtue of which the plaintiff enters judgment. The act of a debtor in permitting judgment to be entered against him by his creditor, for a stipulated sum, by a written statement to that effect or by warrant of attorney, without the institution of legal proceedings of any kind."

STAFF NEWS



RVPA

By Vicki W. Shrewsbury, President

The Roanoke Valley Paralegal Association (RVPA) is pleased to announce our 2004 Officers, Board Members and State and National Representatives:

Officers

President—Vicki Shrewsbury
Woods Rogers PLC
Vice-President—Marilyn Hubbard
Woods Rogers PLC
Secretary—Penny Stinnett
Leisa K. Ciaffone, P.C.
Treasurer—Susan Albert
The Krasnow Law Firm

Board Members

Yvonne Austin
Woods Rogers PLC
Rose Marie Dudley
Resolution Facilitators, Inc.
Sharon Hupp
Gentry Locke Rakes & Moore
Lisa Palmer
Woods Rogers PLC
Laura Skeen
Coleman & Massey, P.C.

Representatives

Virginia Alliance of Paralegal Associations (VAPA) Representative—
Mandy Belue
Jones Glenn & Robinson
National Association for Legal Assistants (NALA) Representative—
Kathy Ward
Woods Rogers PLC

This year is off to a great start! In February, Richard C. Maxwell with Woods Rogers PLC provided us with an "Overview of Bankruptcy." In March, Jeffrey A. Van Doren with Flippin Densmore Morse & Jessee spoke to RVPA about immigration matters. Other proposed topics for

2004 include a television representative to discuss legal issues in the media, structured settlements, new faces in the Clerk's office, HIPAA, jury findings and investigations. The CLE Committee continues to be very busy planning for informative, educational and engaging speakers for our membership. One of our many projects planned for 2004 includes a seminar in the Fall to address identity theft and the obstacles to dealing with or preventing it.

If you would like any information regarding our monthly meetings, upcoming seminars, or membership, please feel free to contact me at (540) 983-7695 or at shrewsbu@woodsrogers.com.

RVPA is pleased to provide continuing legal education and to be a source of information and assistance to our membership and the community. We hope that you will continue to support the paralegals in your office!

RVLSA

By Mary Spencer, CPS, President

RVLSA... *the association for legal professionals* installed new officers at their meeting held at the Patrick Henry on April 15, 2004. The 2004/2005 officers are: Mary Spencer, CPS—President, Wooten-Hart; Audra Chambers—Vice President, Neubauer, Sprague & DeBord; Heather Hale, PLC, Secretary, Woods Rogers PLC; Jenny Booth, PLS—Treasurer, WootenHart; Cathy Freeman, PLS—Governor, Moss & Rucovich; and Faye Vucich—Alternate Governor, Gentry Locke Rakes & Moore. RVLSA members volunteered to work a concession stand once or twice a month at the Roanoke Civic Center during the winter and spring months. The money we made enabled us to present two scholarships.

Our Scholarship recipients are Hali Wood from Liberty High School in Bedford and Dreama Carter from National College of Business and Technology. This is one of our most important projects and we are very pleased to have been able to assist two future legal professionals this year.

RVLSA would like to congratulate Karen Switzer, PP, PLS, on her election to the NALS Regional Director position.

Over the past year, we have participated in the presentation of a Technology Seminar in November, 2003, as well as the community projects of Easter Seal's Concerts in Elmwood Park, Salvation Army Christmas Stockings, Relay for Life, and Coat for a Kid, just to name a few. We provided gifts and financial support to two families at Christmas. Our members have been busy attending seminars throughout the state this year. We have assisted, and will continue to assist, the Bar Association whenever requested.

From April 29 through May 2, 2004, the VALS will have their annual meeting in Richmond, Virginia. On Friday, the seminar will include a tour of the Virginia Supreme Court, Virginia Court of Appeals, the Attorney General's Office and the General Assembly. This will be a great opportunity for staff members to become familiar with the various Virginia state courts. If anyone would like information, please have them contact Mary Spencer, CPS at 343-2451. Information regarding this seminar, as well as the rest of that weekend, will be handed out at the upcoming Bar meetings.

On behalf of RVLSA, I would like to thank the members of the Roanoke Bar Association for their support. We look forward to working with the RBA in the future.

ANNOUNCEMENTS



New Members

The Roanoke Bar Association welcomes the following new active mem-

bers: **Sarah Leighton Richards, Esq.**, Frith, Anderson & Peake, PC, P. O. Box 1240, Roanoke, VA 24006-1240; **Neil A. Horn, Esq.**, Neil Horn, PC, 333 West Church Avenue, SW, Roanoke, VA 24016; **Charlene Rene Day, Esq.**, Office of the Public Defender, 210 First Street, SW, Suite 420, Roanoke, VA 24011; **Greg Habeeb, Esq.**, Gentry Locke Rakes & Moore, P. O. Box 40013, Roanoke, VA 24022-0013; **David W. Steidle, Esq.**, Office of the Public Defender, 210 First Street, SW, Suite 420, Roanoke, VA 24011; and **Kari Kristina Munro, Esq.**, Woods Rogers PLC, P.O. Box 14125, Roanoke, VA 24038-4125.

Roanoke Bar Association

CLE CONFERENCE

Thursday, May 20, 2004

Roanoke Higher Education Center
3:00—5:00 p.m.

Tentative topics are listed below. Approval is pending for 2.0 hours of CLE Credit.

Like-Kind Exchanges and Their Use in Many Areas of Practice
Preserving Your Appeal at the Trial Level

Domestic Law Issue—TBA

Roger D. Groot

Alumni Professor of Law

Washington & Lee University

Analyzing *Crawford v. Washington*
The Recent Confrontation Clause Decision from the U.S. Supreme Court

Proceeds from the conference will be placed in the James N. Kincanon Merit

Scholarship Fund. The Kincanon scholarships are granted each year to students who demonstrate diligence in and commitment to their studies, academic excellence, and an interest in the pursuit of law.

Complete details and registration information will be sent when finalized. In the meantime, check the Roanoke Bar Association website (www.roanokebar.com) for updates.

Future Memorials

The editors are still collecting any comments that RBA members wish to provide on the lives and careers of Judge Ernest Ballou and James Kincanon. The RBA will be presenting memorial resolutions for each in the near future. Please send any comments you would like to see published in the

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Hilarity for Charity

Featuring Comedian

Leroy Seabrooks

Showtime's "Funniest Person in North Carolina"

Shaftman Performance Hall
at the
Jefferson Center

Thursday
April 29, 2004

8:15 PM

(6:30 Hors D'oeuvres, Cash Bar, & Silent Auction)



To order tickets, call the Jefferson Center box office at **345-2550**, or go to www.jeffcenter.org.

\$30 regular (\$35 at the door), \$25 group, \$20 student.

Please support the Center's nonprofit work in mediation services and conflict resolution training.

ANNOUNCEMENTS

newsletter to Bryce Hunter, Gentry Locke Rakes & Moore, P.O. Box 40013, Roanoke, VA 24022-0013 or email: bryson_hunter@gentrylocke.com.

School, 1220 Fifth Street, NW, Roanoke, VA. The reception is open to the public and is free of charge.

Oliver Hill Foundation

In honor of Oliver W. Hill's contributions to the civil rights and legal communities and in anticipation of the 50th Anniversary of the *Brown v. Board of Education* decision, the Oliver Hill Foundation, Inc. was established to continue the civil rights work of Mr. Hill, to help train a new generation of lawyers in the field of civil rights, and to restore and preserve as a historical landmark the boyhood home of Mr. Hill, which is located at 401 Gilmer Avenue, N.W., in Roanoke.

The Oliver Hill Foundation will hold a reception celebrating the 50th Anniversary of *Brown v. Board of Education* and the 97th birthday of Oliver W. Hill on Sunday, May 2, 2004 at 3 p.m. at the Lucy Addison Magnet

Roanoke Bar Association

LAW DAY LUNCHEON
Monday, May 3, 2004
The Shenandoah Club
12:00 noon

Honored Guest Speaker:
The Honorable James Turk
United States District Court
Topic: *Brown v. Board of Education*

Please RSVP by April 26, 2004
and cancel by April 28, 2004 to:

Roanoke Bar Association
c/o Russell T. Schundler, Esq.
Post Office Box 14125
Roanoke, Virginia 24038-4125

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