

# ROANOKE BAR REVIEW

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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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## FRANK W. ROGERS, JR.

### A REMEMBRANCE

BY JAMES W. JENNINGS, JR.

"Bo." That is how everybody knew him. It is remarkable that a person of such high renown and esteem would be known by a nickname and called by his nickname even in formal circumstances. It is a measure of the deep affection all held for him that he traveled the world as Bo.

Frank W. Rogers, Jr., came into my life first as a boss, then a tennis partner, then a law partner, and somewhere along the way one of my closest friends. The evolution of my relationship with Bo was not unusual

for no matter how anyone encountered Bo, whether professionally, in civic activities, academia, business or personal affairs, Bo became a friend and for many a "closest friend."

A true gentleman, outstanding lawyer, devoted husband, Daddy, Granddaddy, volunteer, civic leader, sportsman, scholar, and churchman, Bo had a positive impact on all he touched. He had an infectious grin, a jocular sense of humor which led to enjoyable banter, and a keen sense of right and wrong which guided him in all that he did.

It was his integrity and his sense of justice that was felt by lawyers who worked with him. Also, he maintained civility no matter how difficult the situation. He was a powerful advocate and keen advisor who brought common sense and wisdom to the legal matters he handled.

It is fair to say that at Woods Rogers he was part of the essential fabric of the firm and often looked to for guidance. He was the mentor to many starting lawyers within and outside the firm. He joyfully recruited law students and viewed a day of interviewing at a law school as a chance to tell prospective lawyers of the opportunities a life at the bar or bench afforded for the service to others.



(Continued on page 2)

## A REMEMBRANCE

(Continued from page 1)

Within the bar, Bo was a voice for respect for the rule of law and diligence in the pursuit of professionalism. He liked being with lawyers and he always enjoyed bar gatherings. His dedication to the law motivated him to serve the bar by participation on committees of local, state and national bar associations. Not only did he serve, he relished the activity.

He was a family man! His wife, children and grandchildren, not to mention the family dogs, were the centerpiece of his life. Not many lawyers who work as hard or as many hours as he did find a way, like he did, to live a full family life.

His twin brother, Bob, said that he would have been much smarter but he had to give half his

brains to Bo. They went through their young years as “BoBob” and attended Princeton together. Bo took off on a school break for Venice, Italy to expand his intellectual horizons where instead he expanded his very being when he met Lorie also on a break from Connecticut College searching for knowledge herself.

From that point Bo and Lorie commenced a journey together, for they were inseparable. If you ever noticed a Rogers car license plate you saw the number “55,” which represented the year they were married. They brought forth three children all of whom have achieved professional prominence while carrying forward the values instilled in them by loving parents. No matter where I was with Bo there was the daily report on all

three children and an update on the activities of the grandchildren.

Law school at The University of Virginia, The U.S. Army, U.S. Department of Justice, and Georgetown University preceded Bo’s return to his native Roanoke where he joined his father and brother at Woods Rogers. All three were avid tennis players which for a period of time seemed a required activity at Woods Rogers. When Bo told the receptionist at Woods Rogers he was going to court it was true, but his destination was a tennis court.

Despite all of his success and full and active life with never ending enthusiasm for whatever was in store for the day, Bo after all was human. He had a lousy overhead.



## PRESIDENT’S COLUMN—WHAT’S IN IT FOR ME?

BY STEVEN L. HIGGS

In the last issue, we visited the “Fields of Law,” and discussed the good that attorneys do in the Roanoke Valley. In this article, we will answer the question, “What’s in it for me?” Your RBA Board of Directors is working to increase the value that you receive for your membership dollars, for your attendance at meetings, and for your active involvement in the community.

Few of us participate in community service activities because of “what’s in it for us.” On the other hand, it is always nice to be recognized and rewarded for one’s contributions. More impor-

tantly, it is time for attorneys and organized bar associations to take credit for their community service activities to help combat the negative image that the public continues to have of attorneys.

This year, the RBA established a Service Committee, chaired by Tracy Giles, who is charged with encouraging and coordinating our members’ community service, charitable professional services, and *pro bono publico* legal services efforts.

Beginning with our 2006 Law Day celebration, we will recognize RBA members who provide 25 hours or more annually of

community service, charitable professional services, and *pro bono publico* legal services.

We have registered as a “Certifying Organization” with the President’s Volunteer Service Awards, [ <http://www.presidentialserviceawards.gov/> ], and we will certify and recognize our members with those awards as well as our own Certificates of Commendation:

- 25 hours per year: RBA Certificate of Commendation.
- 50 hours per year: RBA Certificate of Commendation.

(Continued on page 3)

## WHAT'S IN IT FOR ME?

(Continued from page 2)

- 100-249 hours per year: Presidential Volunteer Service Award, Bronze Level.
- 250-499 hours per year: Presidential Volunteer Service Award, Silver Level.
- 500 and more hours per year: Presidential Volunteer Service Award, Gold Level.
- 4000 and more hours in a lifetime: President's Call to Service Award.

We will also recognize our members who participate in the Virginia Bar Association's Community Servant Program and Pro Bono Servant Program. We will of course continue to recognize our members who participate in our Legal Aid Conflicts and Private Attorney Involvement programs.

Submitting your volunteer time for recognition is easy, and the deadlines are soft. Go to <http://www.roanokebar.com/Forms/Volunteer%20Service%20Summary.pdf>, fill out the form, and fax it to our Executive Director, Cathy Caddy. If you haven't already submitted your time, and most of you have not, please do so now. If you won't do it for yourself, do it for the RBA. We want to recognize you for the good that you do and, more importantly, we want to take credit for the good that lawyers do in the Roanoke Valley!

What else is "in" your RBA membership? RBA members will have had the opportunity this year to take 9 free hours of CLE, in video format, at our monthly presentation in the Roanoke Law

Library. Our luncheon programs have included 1-½ hours of CLE this year, and Elizabeth Dillon has organized a series of four CLE programs to benefit the Roanoke Bar Association Foundation that includes 12 hours of CLE on various topics at the bargain price of \$25 per hour. The Bench-Bar Conference organized by our Young Lawyers Committee included 1-½ hours of CLE credit, a terrific box lunch, and an opportunity to meet and ask questions of the judges involved in your area of practice.

Our President-Elect, Brett Marston, delivered this year a schedule of programs at our monthly meetings that has increased our average attendance to its highest level in years. This year's speakers have included our own Phil Anderson, this year's Virginia State Bar President; a pre-election forum between the candidates for Attorney General, the closest election in Virginia history; a presentation with CLE credit by the late, great, Roger Groot; a CLE presentation by Judge Michael Urbanski; novel programs from Virginia Tech Professor "Bud" Robertson and from RSO Maestro David Wiley that were intellectually and musically stimulating; a program on the state of the Roanoke City Schools by Mayor Harris and Superintendent Thompson, and a return to the style and verve of former Delegate "Chip" Woodrum's in presenting the annual Legislative Update with Senator



John Edwards. Next year, we will likely return to a 12:00 noon beginning time for our luncheons, so that the programs can end and members can be back at their desks or in court well before 2:00 p.m.

While non-members have had and will continue to have access to our programs, we are now giving preference at registration to RBA members, and have begun charging non-members of the RBA more to attend some of our programs, both to offset some of the administrative overhead associated with producing these quality programs, and to offer another incentive to attorneys to become members of the RBA for reasons other than participating in judicial nominations.

In the early summer, we will survey our members to make sure that we are meeting your needs and expectations, and to see what we can do to improve the quality of your membership in the Roanoke Bar Association. Please respond to the survey, and please let any member of your board of directors know any ideas, comments or criticism that you have.

The RBA enjoys what we believe is the highest percentage of membership among practicing attorneys of any voluntary bar association in the state. We want to maintain and increase that level of membership, and we want to increase the level of our members' participation in bar activities, by improving "what's in it for you."

## EUGENE M. ELLIOTT, JR. INDUCTED AS A FELLOW OF THE VIRGINIA LAW FOUNDATION



Past RBA President Gene Elliott was among 18 members of the Virginia State Bar (VSB) who were inducted into the 2006 Class

of Fellows of the Virginia Law Foundation (VLF) on January 19, 2006. This honor is conferred by the VLF Board of Directors on selected Virginia attorneys, law professors, and retired members of the judiciary who are deemed to be outstanding in their profession and in their community. Induction ceremonies are held annually at the January meeting of the Virginia Bar Association in Williamsburg, Virginia. Total membership is limited to one percent of the active and associate membership of the VSB; current membership of the Fellows is 341.

Other RBA members who are Fellows of the VLF are: J. Rudy Austin Judge James P. Brice, Daniel S. Brown, Judge Jack B. Coulter, J. Albert Ellett, F. Rodney Fitzpatrick, G. Franklin Flippin, Robert E. Glenn, Wilbur L. Hazlegrove, James W. Jennings, James F. Johnson, Talfourd H. Kemper, Heman A. Marshall, S.D. Roberts Moore, G. Marshall Mundy, T.L. Plunkett, Jr., William B. Poff, William R. Rakes, Judge Diane M. Strickland, Judge Kenneth E. Trabue, and Henry L. Woodward.

Congratulations Gene!

## ROANOKE VALLEY PARALEGAL ASSOCIATION

BY SUSAN L. ALBERT, 2006 RVPA PRESIDENT

The Roanoke Valley Paralegal Association [RVPA] is still alive and kicking and off to a busy start in 2006! RVPA meets the first Thursday of the month for fellowship, food and a CLE program. Our meetings are open to everyone in the legal profession who would like to attend. We would love to see you there!

So far this year the RVPA has had speakers on such topics as: Family Medical Leave Act [Agnis Chakravorty], Legal Elements of a Negligence Lawsuit [Tony Russell] and Interviewing Witnesses [Penny Peters]. Our future speakers will discuss such diverse top-

ics as: "How to Get Better Service of Process" [with a process server and the Sheriff of the City of Salem], CASA and using Vocational Rehabilitation experts.

The RVPA has undertaken many charitable endeavors in the last year: raising money for the Hurricane Katrina fund, school supplies for the West End Center, purchasing calling cards for the U.S. troops during the Holidays and collecting non-perishable food items for the Second Harvest Food Bank. The Association is currently collecting teddy bears for the "Teddy Bear Cops Program." This program provides stuffed animals

to local police and fire departments to give to traumatized children they may come in contact with while performing their duties.

The RVPA would like to extend an open invitation to all paralegals and other interested persons in the legal field who are not currently members to join us for lunch and see what the Association is all about! Upcoming meetings will be held on May 4 and June 1.

For further information you may contact: RVPA, P. O. Box 1505, Roanoke, VA 24007 or visit our website: [rvpa.org](http://rvpa.org)

# 2006 BENCH-BAR CONFERENCE A SUCCESS!

BY BRYCE HUNTER

On February 24, 2006, the Roanoke Bar Association held a well-attended and successful Bench-Bar Conference which featured reports, breakout sessions, and informal discussion between judges and attorneys. Over 100 RBA members attended, including members of the Bench. This year's Conference was held at the Roanoke Higher Education Center.

Joe Rainsbury, the 2006 Bench-Bar Committee Chair, delivered opening remarks followed by judicial presentations on the State of the Judiciary in the 23<sup>rd</sup> Circuit. Chief Circuit Judge Jonathan M. Apgar opened with an update on matters within the Circuit Court; Judge M. Frederick King presented the State of the Judiciary from the perspective of the General District Court and Judge Joseph P. Bounds reported on the State of the Juvenile and Domestic Relations courts in the Circuit.

Special guest Professor W. Hamilton Bryson from the University of Richmond School of Law delivered remarks regarding the history of the distinction of law and equity practice and how the recent merger of law and equity in Virginia will effect legal practices. Rudy Austin presented a one-hour ethics CLE followed by a discussion among Conference participants.

Special thanks to members of the Bench Bar Committee of the RBA's Young Lawyers Committee who organized the Conference (Joe Rainsbury, Chair; Wade Anderson; Bryce Hunter; Leighton Richards; Mike Richards; and Amanda Shaw).



Cathy Caddy



Rudy Austin



Justices Agee and Koontz



Professor Bryson and Joe Rainsbury

# GALA AND LAW DAY CELEBRATION

BY RICHARD D. SCOTT

The Roanoke Bar Association Foundation will hold its inaugural Gala and Law Day Celebration on Friday evening, April 28, 2006 at the Hotel Roanoke. The Roanoke Bar Association has always observed "Law Day," traditionally with a luncheon on or around May 1 of each year, but this is the first year the Bar Association has expanded the event to a black tie-optional dinner and recognition celebration.

The proceeds of this event will benefit the Roanoke Bar Association Foundation, and will go primarily to fund the Foundation's James N. Kincanon Scholarships, given annually to outstanding students who express an interest in pursuing a career in law.

At the Gala, the Bar Association

will honor the first-ever recipients of two special awards the Bar Association has created this year. One award is a lifetime achievement award for outstanding service to the Bar Association, named in honor of Frank W. "Bo" Rogers. Mr. Rogers was one of the Association's most well-respected members before his death late last year. The Bar Association has selected T.L. Plunkett, Jr. as the recipient of the 2006 lifetime achievement award. The Bar Association will also honor the contributions of one of its young lawyers with the Young Lawyer of the Year Award, this year honoring Lori D. Thompson, a partner at LeClair Ryan Flippin Densmore.

In addition to these awards, the Association will recognize two

groups of important honorees: recipients of the Bar Association's Volunteer Service Awards for pro bono service to the community, and the students who have been selected as recipients of the Foundation's Kincanon scholarships.

The keynote speaker for the evening will be Air Force Colonel Will A. Gunn, who was the Chief Defense Attorney for enemy combatants at Guantanamo Bay, Cuba. Col. Gunn's discussion of the issues he faced in that role has been very well-received at other speaking engagements over the past year, and the Association is looking forward to bringing him to Roanoke for this event.

We look forward to seeing everyone at the Gala.

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## A THANK YOU NOTE FROM CHERYL SMITH

*Dear Colleagues:*

*Tomorrow will be six months since the accident and each day I am blessed with the prayers and thoughts, financial support and professional assistance of so many of you. Thank you.*

*My days and nights are filled with the care of the children. As you may know, our daughter, Caitlin, is a walking miracle. Despite the medical reports that she had exhibited no motor responses from her waist down, God had other plans. We are told that Caitlin is one of two children with an incomplete spinal injury to walk out of Kluge Children's Rehabilitation Center. Caitlin is progressing in physical therapy and getting back into the swing of being a fifth grader.*

*God has big plans for Connor. The first miracle is that Connor is with us today and the second is Connor's daily progress. Cognitively Connor is alert and responsive. His patience and willingness to try everything asked of him inspires each of us and each of his therapists every day. Although he faces physical challenges and is still completely dependent upon us for his care, he tries to sit and stand and reach and grasp. Today, in speech therapy, Connor vocalized the letter sounds for MOM! Each month Connor returns to Kluge Children's Rehabilitation Center for evaluation and when his cognitive and motor skills are sufficient for him to sustain six hours of rehabilitation five days each week, we will return to Charlottesville with him.*

*In the meantime, I continue to be awed by the support of the legal community. You have made it possible to keep my office open. Thank you.*

*Developing the Collaborative Family Law practice will assist in my ability to practice family law and care for the children. I am excited enough about the opportunity to offer Collaborative Family Law Services in the Roanoke Valley and surrounding counties that I want to ask for your assistance in spreading the word about this alternative to divorce, custody and support litigation. The Collaborative Family Law Process is based upon honesty, compromise, cooperation, moderation, integrity and professionalism. It offers clients the opportunity to maintain control of their case and focus all of their emotional and financial resources on settlement instead of the animosity and costs of extensive litigation to obtain a court imposed solution.*

*If divorce is inevitable, clients who desire an alternative should have the opportunity to select a resolution process that is designed to maintain dignity and minimize the feelings of hurt, anger and alienation. In Collaborative Family Law the parties and the trained Collaborative Lawyers agree in writing not to go to court. Each party then meets privately with his or her attorney, then in four way collaboration meetings to identify the needs and interest of both parties and to explore resolution. All information is shared. Additional experts, such as child and financial specialists, may join the process if needed. The final agreement is the result of mutual problem solving by all involved.*

*Currently there are ten trained Collaborative Family Law attorneys in Roanoke, as well as many others in Lynchburg, Charlottesville, Northern Virginia and Richmond.*

*Please keep us and this alternative to divorce, custody, and support litigation in mind as you encounter family, friends and acquaintances contemplating divorce. Feel free to contact Lisa or Darlene at my office for more information. Thank you.*

*Cheryl Watson Smith*

# ROANOKE LAW LIBRARY NEWS & INFORMATION

BY JOSEPH KLEIN

Spring is here, the flowers are blooming, and summer is just around the bend. The Roanoke Law Library has added a collection of popular fiction and nonfiction, classic fiction, DVD's, and books on CD from the general library collection to meet all your recreational needs. Also don't forget that you can request library materials from any Roanoke Valley Library be sent to the Law Library for pickup using the Roanoke Valley Libraries online catalog at URL [www.rvl.info](http://www.rvl.info). So stop by at your convenience to pick up reading materials for that long flight or your summer trip to the beach or mountains.

If you don't have time for recreational reading also remember that Roanoke Bar Association members are able to check out Virginia Continuing Legal Education materials. The Law Library has hundreds of CLE's in a

broad range of topics compiled by Virginia legal experts. These books are invaluable for their in-depth treatment of common legal practice areas and relevant forms. To see if we have a CLE that might help you, search our online catalog at [www.rvl.info](http://www.rvl.info). Simply change the library to "law library" and search by subject. Any materials that are available in "LAW-CLE" can be checked out.

I would like to add another reminder that the Law Library is now part of the Roanoke WiFi zone. You can access the internet with any laptop with a wireless network adapter. Give us a call at 853-2268 or go to URL [www.roanokewifi.com](http://www.roanokewifi.com) for more details.

The Roanoke Valley Bookfest has been moved from the fall to summer this year and will be held on August 26th. This is an exciting and informative program that offers all a chance to hear authors

discuss their works and the process of writing. This year we are also presenting the first annual "Local Voices" panel which includes self-published authors from the Roanoke Valley. If you are interested in submitting a manuscript for the "Local Voices" panel or getting more information regarding the Roanoke Valley Bookfest visit URL [www.roanokeva.gov/library/bookfest](http://www.roanokeva.gov/library/bookfest) or email [valleybookfest@roanokeva.gov](mailto:valleybookfest@roanokeva.gov).

Please contact the Roanoke Law Library at 853-2268 or email me at [joseph.klein@roanokeva.gov](mailto:joseph.klein@roanokeva.gov) with any questions or comments you might have about the Roanoke Law Library. The Law Library is here to make your life easier and any suggestions you might have are welcome.



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# ANNOUNCEMENTS

News From the Roanoke City Circuit Court – *By The Honorable Clifford R. Weckstein*

T.L. Plunkett, Jr., who has served as one of three Commissioners of Accounts for the Circuit Court of the City of Roanoke since September 6, 1984, has notified the court that he will retire from that position, effective April 15, 2006. Mr. Plunkett is a former president of the Roanoke Bar Association and Bar Council representative from this circuit.

The six circuit judges unanimously have appointed Deborah A. Oehlschlaeger to serve as a Commissioner of Accounts for the Circuit Court of the City of Roanoke. Her term will commence on the effective day of Mr. Plunkett's retirement, April 15, 2006. S.L. Fellers, Jr. and J. Albert Ellett - who, like Mr. Plunkett, were appointed on September 6, 1984 - continue to serve as Commissioners of Accounts for the Circuit Court of the City of Roanoke.

Under Virginia Code Sec. 26-8, Commissioners of Account serve indefinite terms "at the pleasure of the court."

New Members

The Roanoke Bar Association welcomes the following new active members: **Marta J. Anderson, Esq.**, Law Offices of David J. Damico, P. O. Box 1578, Roanoke, VA 24007; **James W. Ellerman, Esq.**, Gentry, Locke, Rakes & Moore, LLP, P.O. Box 40013, Roanoke, VA 24022-0013; **Dudley Cabell Vest, Esq.**, Woods Rogers PLC, P.O. Box 14125, Roanoke, VA 24038-4125; **Robert E. Rude, Esq.**, Coleman &

Massey, PC, P.O. Box 1489, Roanoke, VA 24007; **Rose-Anne Schmidt, Esq.**, Kalbaugh, Pfund & Messersmith, PC, 2840 Electric Road, Suite 104, Roanoke, VA 24018; **Christine M. Frentz, Esq.**, Woods Rogers PLC, P.O. Box 14125, Roanoke, VA 24038-4125; **Lauren Page Morgan, Esq.**, Office of the Public Defender, 210 First Street, SW, Suite 420, Roanoke, VA 24011; **Matthew J. Pollard, Esq.**, Office of the Public Defender, 210 First Street, SW, Suite 420, Roanoke, VA 24011; **Shyrell A. Reed, Esq.**, Gentry, Locke, Rakes & Moore, LLP, P.O. Box 40013, Roanoke, VA 24022-0013; and new associate member, **Juliana F. Perry, Esq.**, 3287 Allendale Street, SW, Roanoke, VA 24014.

May CLE Session

The Association will once again sponsor a series of 3-hour CLE conferences to be held at the Roanoke Higher Education Center in May and June. Preliminary information is available on the web site at [www.roanokebar.com](http://www.roanokebar.com). Topics and other details will be posted soon. The proceeds from this series will benefit the James N. Kincanon Scholarship Fund.

WVALA Officers


The Western Virginia Association of Legal Administrators has announced its officers for the 2006-2007 year: Diane T. Smith, Wooten-Hart, President; Donna L. Brown, LeClair Ryan Flippin Densmore, Vice President; Jo Ann All, The Weaver Law Firm, Secretary; and Frank F. Pittard, Gentry Locke Rakes & Moore, Treasurer.

RVLSA Officers

The RVLSA would like to congratulate the following officers for 2006-2007:

President - Heather Hale, PLS of WoodsRogers; Vice-President - Cathy Freeman, PLS of Moss & Rocovich; Secretary - Sandy Grisso of Moss & Rocovich; Treasurer - Kelly Hickey, PP, PLS of Gentry, Locke, Rakes & Moore; Governor - Mary Spencer, CPS of WootenHart; Alternate Governor - Faye Vucich of Frankl, Miller & Webb.

OFFICERS:	
<i>Steven L. Higgs</i> <i>President</i>	400-7990
<i>K. Brett Marston</i> <i>President-Elect</i>	983-9391
<i>Mark K. Cathey</i> <i>Secretary-Treasurer</i>	767-2205
<i>Elizabeth K. Dillon</i> <i>Past-President</i>	387-2320
<i>Catherine L. Caddy</i> <i>Executive Director</i>	342-4905
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