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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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ROANOKE CITY ATTORNEY'S OFFICE

BY WILLIAM H. HACKWORTH, CITY ATTORNEY

Our clients collect trash, design and maintain roads, operate parks and recreational facilities, stadiums and civic centers, control animals, inspect buildings and demolish dilapidated ones, maintain government facilities, promote and regulate development, operate libraries, revitalize our community, remove snow, educate children, fight fires, operate a bus system, enforce laws and keep our community safe, provide welfare and relief to the needy, stand in loco parentis for those whose parents will not or can not care for their children, provide programs for senior citizens, rescue and treat people, provide emergency services, and they govern our community. Until July 1, 2004, our clients provided water, and collected and sanitized wastewater. The citizens of our city depend on our clients every time they dial 911, every time they drive on a city street, and every time they send their children off to school.



The City Attorney's office represents the third largest employer in the valley (Roanoke City Schools) and the fifth largest employer (the City of Roanoke), with a combined total of almost 5,000 employees. Representing so many, and such a variety of clients can be a challenge. I usually get an inkling of what I will be working on during the day when I read the morning paper. I find the variety of legal issues we have to face as local government lawyers to be one of the attractions of this type of practice. I can be discussing the law of canines (a local government specialty!) with a citizen one minute, and esoteric finance issues with our bond counsel the next.

Judge Randolph G. Whittle, who served from 1948-1965, was the City's first full-time City Attorney. He was succeeded by James N. Kincanon, who served from 1965 to 1977. Kincanon served as Secretary-Treasurer of the Roanoke Bar Association (RBA) for fifty years. Wilburn C. Dibling, Jr., was City Attorney from 1977-1999, and served as President of the RBA. I became City Attorney in 1999 (previously, I was an Assistant City Attorney from 1978-1988), and have served on the RBA Board of Directors. Elizabeth Dillon, current RBA President, is a former Assistant City Attorney.

While we all have to be generalists, having six attorneys in the office permits us to specialize a bit and to try to develop rapport with our clients. I supervise the office and work primarily with City Council, the City Manager and other Council appointed officers, and the Constitutional and other officers. I serve as counsel to the City's pension system and as general counsel to the Greater Roanoke Transit Company (better known as Valley Metro, our bus

(Continued on page 2)

ROANOKE CITY ATTORNEY'S OFFICE

(Continued from page 1)

company). Throughout the year, I coordinate the work of the City's legislative liaison in Richmond.

My senior assistant, Tim Spencer, started in this office in January 2004, after serving seven years as Danville's City Attorney. Tim's primary clients are the School Division and its Superintendent (Tim attends all School Board meetings), the Police and Fire Departments, and our Human Resources Department.

Steve Talevi handles much of our claims and tort litigation, Workers' Compensation and risk management issues. He represents Parks and Recreation, most of our Public Works Department, and most of our General Services Department. He does our land use work and attends meetings of the Planning Commission, Board of Zoning Appeals, and Architectural Review Board.

Gary Tegenkamp handles our franchise issues (such as the City's cable television franchise) and represents our Engineering, Economic Development, Environmental, and Purchasing offices, and advises GRTC. His main areas are environmental issues, contracts, purchasing, and procurement.

David Collins represents the Departments of Technology, Libraries, and Civic Facilities (he attends meetings of the Civic Center Commission). David assists the Department of Billings and Collections with collections and tax enforcement and does most of our real estate work.

Heather Ferguson devotes all her time to the Department of Social Services. With around 350 children in the care of the City, she spends much of her time in court, especially the Juvenile and Domestic Relations District Court.

Our three legal secretaries are very experienced and knowledge-

able. Fran Fulford has been in our office for 34 years; Patti Saunders (who has a paralegal degree from Virginia Western) has been here almost 14 years, and Leisha Cook, almost 11 years.

I am pleased to have been part of the steering committee which has worked diligently over the last two years to create and implement the new Western Virginia Water Authority, which began operation July 1, 2004, taking over the provision of water and wastewater collection and treatment in the City and Roanoke County. It will provide water service to 155,000 customers and wastewater treatment service to more than 120,000 customers.

Steve Talevi and I have also been serving on the steering committee that is overseeing the process of preparing a new zoning ordinance for the City. This is a project long overdue.

These days the City is largely self-insured, which means that our office handles most litigation involving the City. We do retain counsel for specialized litigation (complex eminent domain and tort cases are recent examples), delinquent real estate tax sales, and most bond work (the City has used the same New York City firm since 1911). Representing clients who employ almost 5,000 employees requires that we all be knowledgeable about the alphabet soup of today's personnel laws - EEO, ADA, FLSA, FMLA, as well as Workers' Compensation, Unemployment Compensation, and the employee grievance systems.

As City Attorney, I have the privilege of serving and working with a large number of citizens, elected and appointed, who fill the various City offices, and who serve on its numerous boards, authorities, commissions, and committees. I admire these people for the time and effort that they contribute to making our community

a better place to live. I would encourage members of the RBA who are not already actively involved in the affairs of their community to do so; they will find it very rewarding.

When I was in college, I was caught up in the idealism of the 1960s, and wanted a career where I could help people. I chose law over the ministry, and have not regretted it. The University of Virginia Law School required applicants to write an essay on why the applicant wanted to attend law school. I wrote that I wanted to be a lawyer for the government, so that I could help improve society. Thirty-four years later, I am glad to be able to say that I am doing what I set out to do.



William H. Hackworth, City Attorney

PRESIDENT'S COLUMN

BY ELIZEBETH K. DILLON



I would like to start this new Bar year by thanking Gene Elliott for a wonderful year as President. Because of

Gene's hard work, the excellent work of the editors of this newsletter, and the efforts of those who worked on the scholarship program, my first duty as President was a pleasure. At the Conference of Local Bar Associations' breakfast at the Virginia State Bar meeting, I accepted an Award of Merit for the James N. Kincanon Merit Scholarship program and a Certificate of Achievement for the Roanoke Bar Review Newsletter on

behalf of the Association and Foundation. Congratulations to Gene, the editors of the newsletter, and to those who worked on the scholarship program and donated money to this worthy cause.

With your help, I hope we can match those successes this year. The Board is trying to increase participation in committee work this year. I invite you to volunteer for committee work or to accept when recruited. The Board committees are listed below with the chair of each committee noted. Please call me or the committee chair to volunteer your services.

I hope to see you at our September 14th luncheon at the Shenandoah Club and at future RBA events.

COMMITTEES:

- Book Buddies - Anne Edenfield
- CLE - Gene Elliott
- Client Relations - James Jennings
- Communications/Website - Walt Peake
- Financial/By-Law Audit - Harry Rhodes
- Legal Aid Conflicts - Hugh Wellons
- Legislative - Mark Cathey
- Library - Melvin Hill
- Membership - Deb Oehlschlaeger
- Memorials - Lori Thompson
- Programs - Steve Higgs
- Young Lawyers - Sam Vance

SERVICE FEE CHANGES FOR SOME TYPES OF PROCESS

Beginning July 1, 2004, there was an increase from \$12.00 to \$25.00 for the following types of process:

1. Service and publication of any notice of a publicly advertised public sale.
2. Service of a Writ of Possession in Unlawful Detainer: There is an additional fee of \$12.00 for each additional defendant.
3. Levy on current money or bank notes or the goods or chattels of a judgement debtor.
4. Service of a declaration in ejectment on a person, firm, or corporation: There is an additional fee of \$12.00 for each additional defendant.
5. Levying a distress warrant or an

attachment.

6. Levying an execution.

There was also an increase in the commission charged for a Sheriff's sale from 5% to 10%.

The following fees remain at \$12.00:

1. Service on any person, firm or corporation of an order, notice, summons or other type of process.
2. Summoning a witness or garnishee on an attachment.
3. Service on any person of an attachment or other process when the body is taken and a return is made.
4. Service of any other order of court not otherwise provided for.

5. Making a return of a writ of fieri facias where no levy is made or no forthcoming bond is taken.



CLE RAISES SCHOLARSHIP FUNDS

BY JOHN D. EURE

On May 20, 2004, thirty-six RBA members attended the Association's first paid CLE in support of the James N. Kincanon Scholarships. After expenses, the program raised \$1605 for the scholarship fund. Attendees earned two hours of CLE credit as they were entertained and enlightened by:

- Frank Friedman's advice on the steps needed to preserve an appeal at the trial level;
- a presentation on tax-deferred property exchanges;

- David Weaver's advice on "Should They Stay or Should They Go - The Impact of Fault in a Divorce;" and
- Professor Roger Groot's bobblehead doll, which completely agreed with the professor's analysis of Crawford v. Washington, the U.S. Supreme Court's recent Confrontation Clause decision.

Responses received by feedback form consistently rated the program as better than average for a CLE program. The program's location, at the

Higher Education Center on North Jefferson Street, received particularly high marks. The responses provided valuable insight into the pricing of the program, the frequency with which RBA members would support similar efforts in the future, and potential topics for future programs.

The officers and directors of the Association warmly thank all who participated -- especially Frank Friedman and David Weaver -- and all who attended for their support of this undertaking.

WILLS FOR HEROES

BY RICHARD D. SCOTT



Study Group

Roanoke attorneys recently completed the first phase of Wills for Heroes, a new community service program sponsored jointly by the Virginia State Bar Young Lawyers Conference, the Virginia Bar Association Young Lawyers Division, and the Roanoke Bar Association. The program offers free wills and other estate planning documents to Roanoke Valley firefighters, police, sheriff's deputies and other emergency personnel - "First Responders." The idea for Wills for Heroes originated with an attorney in Columbia, South Carolina shortly after the 9/11 attacks in 2001. The program was then introduced in Arlington, Virginia, where documents were prepared for over 200 First Responders by members of the bar.

The participating attorneys in Roanoke attended a two hour semi-

nar on June 25, 2004, to learn about the program and the computer software that generates the estate documents. Robyn Smith Ellis of Gentry Locke Rakes & Moore and Rusty Schundler of Woods Rogers & Hazlegrove led the attorney training seminar. They also led seminars for firefighter personnel to introduce the program and explain the need for the documents offered by the program.



L to R—Kelly Hickey, Bryce Hunter, and Michael Barnes

Approximately fifty career firefighters from Roanoke City, Roanoke County and Salem took advantage of the program and received a will, power of attorney and advance medical directive. All of the client interviews, document preparation and signing ceremonies took place at the fire departments' regional training center in Salem on July 21 and 22, 2004.

The attorneys that volunteered



Firefighters

their time include the following: Albie Armfield, David Bowers, Hope Cothran, Stephanie P. Cook, Karen Coon, Robyn Ellis, Tom Farrell, Malissa Giles, Amy Hansen, Bryce Hunter, Brian Jones, Ellen Moore, Monica Mroz, Diana Perkinson, Frank Perkinson, Jr., Elizabeth Perrow, Heather Polzin, Rusty Schundler, Ric Scott, Matt Senfield,



Firefighters

(Continued on page 5)

WILLS FOR HEROES

(Continued from page 4)

Wendy Slemple, Sam Vance and Peter Vieth.

Also participating in the program were four law students, summer associates at Gentry Locke Whit Ellerman, Richard Farley, Marshall Jones, and Jen Wolz who assisted with data entry. Also assisting in this effort were members of the RVLSA, including Audra Chambers, Cathy Freeman, Kelly Hickey, Betty Moorman, Dawn Nichols, Liz Rider, Angela

Shreffler, Mary Spencer, and Karen Switzer who, in addition to entering data, served as notaries and witnesses.

The program's Roanoke organizers, Robyn, Rusty, Elizabeth Perrow of WootenHart and Ric Scott of LeClair Ryan Flippin Densmore, plan to organize another round of document preparation and signing for firefighters who were not able to participate in July, and for police officers, and possibly other First Responders. Plans are for this round to occur in early to mid

October. If you are interested in joining this effort, contact Robyn at 983-9365 or Rusty at 983-7624. The program will continue in the Roanoke Valley until all interested First Responders have taken advantage of the opportunity. Please visit the Roanoke Bar Association's web site at www.roanokebar.com, click on "events" and then on "Wills for Heroes."

"YOUTH COURT" THRIVING IN ROANOKE

BY AUSTIN WARD WEST, JR.

Picture yourself walking into a "class-courtroom" in Patrick Henry's Persinger Hall on a Tuesday afternoon where the defendant, court officers and jury are all under 19 years of age. A mock trial in a civics class? No. Its a real hearing where student peers listen to actual disciplinary cases and decide sanctions. And this dynamic program is being developed as the pilot for the state of Virginia.

With more than 900 courts in 45 states, Youth Courts, Teen Courts or Peer Courts, as they are sometimes called, present an alternative to suspension and other disciplinary sanctions by allowing student

offenders the opportunity to present their cases to a group of their peers for resolution. These programs simultaneously offer education, training and "hands on" experience in the legal system to the many community youth who volunteer.

The first semester of Youth Court was, by all accounts, a great success. More than 50 student volunteers were trained and participated as Juror/Advocates. More than 30 local attorneys attended court and offered feedback to the participants. More than 30 cases were heard on incidents

ranging from class disruption to fighting. Sanctions meted out included community service, counseling, contracts and apologies. The respondents, mostly first time offenders, were spared suspension but given sanctions that included giving back and life skill lessons. In addition, each respondent must go through Youth Court juror training and sit on a jury panel. Seeing the situation from the other side has become an effective tool for youth to recognize the impact of their actions on others.



In the fall of 2002, the Legal Committee began discussing the concept of Youth Court. The Patrick Henry Youth Court model was a joint vision of the Roanoke School system, the GRVCC and a distinguished group of educators, law enforcement officials, attorneys, juvenile judges, juvenile probation and parole officers, civic leaders and students. Headed by Judges Diane Strickland and Joseph Bounds, the committee and school system submitted a proposal to the department of Public Safety which outlined a year-long program to establish a school-based court at Patrick Henry High School. A grant of \$42,000 was approved through the Safe and Drug

Free Schools and Communities Act of 2001 to commence training of students and legal volunteers in anticipation of beginning sessions in the Spring Semester of 2004. In addition, a program coordinator and a part-time liaison were recruited to organize the program operations.

A number of programs and improvements will be instituted over the summer with the assistance of the Youth Court Student Operations Team Board. The goal is to train at least 150 volunteers over the 2004-2005 school year and begin hearing cases two days a week.

The program has also been embraced by the community. Several regional schools are looking forward to establishing their own courts. Our student volunteers have been interviewed on local television and several articles have been written in the local papers. In May, Assistant Secretary of Public Safety, Robert Crouch, personally attended a court session. After a lively question and answer session he praised the participants and stated that the PH Youth Court was going to be the model for the rest of the state. That kind of praise and affirmation will ensure the growth of Youth Court.

ROANOKE LAW LIBRARY NEWS & INFORMATION

BY LORA WILSON



Cell Phones

The Roanoke Law Library permits the use of cellular telephones as long as other library customers or staff are not disturbed.

Please contact the Roanoke Law Library for additional information at (540)853-2268 or email at law_library@ci.roanoke.va.us.

Access the Roanoke Law Library's Collection On-Line at:

www.rvl.info

Whether you are looking for a specific title or a list of available resources, the Roanoke Law Library's collection may be searched from anywhere with internet access. The web address is: www.rvl.info.

Just choose "Law Library" from the Library drop down box. See Figure 1.

Then choose the title or words to be searched. The catalog can be searched by "words or phrases", "author", "title", "subject", "series", or "periodical title".

For additional information, please see library staff.

American Jurisprudence 2d, Proof of Facts 3d & Collier on Bankruptcy

These titles are now current at the Roanoke Law Library.

Did You Know . . . ?

Did you know that library materials from Roanoke, Botetourt County, Roanoke County, and the City of Salem can be returned at the Roanoke Law Library?

Library materials from these libraries can also be routed for pick-up at the Roanoke Law Library. Once the requested material arrives at the Law Library, the staff will let you

know that the material has arrived and will hold it for you to pick up for seven days.

Please contact the Roanoke Law Library for additional information at (540)853-2268 or email at law_library@ci.roanoke.va.us.

RBA Library Committee

The Roanoke Bar Association is now forming the Library Committee. If you would like to be a member of this committee, please contact Melvin L. Hill at (540)344-7947.

Comprehensive Library Study

The next public meetings for the Comprehensive Library Study are July 28 & August 24. For additional information see the Library Comprehensive Study under "What's Hot" at www.roanokegov.com.

Figure 1

The screenshot shows the website header with the logo for Roanoke Valley Libraries and the URL www.rvl.info. The main navigation bar includes links for Search/Home, Topic Search, Kids' Catalog, Suggestions, Research Resources, My Account, and Contact Us. Below the navigation bar is a search form with a text input field, a dropdown menu set to "words or phrase", and a "Search" button. A "library:" dropdown menu is set to "Law Library", with a "Power Search" link below it. Further down, there are input fields for "Library Card Number:" and "PIN (Default PIN is RVL):", followed by a "Login to RVL.INFO" button. The footer contains the text "Powered by: SIRSI" and "Roanoke Valley Libraries - www.rvl.info Your Electronic Library on the Web Powered by: Sirsi Corporation, Copyright © 2000 - 2003".

LAWYERS HELP REBUILDING TOGETHER

BY DAVID BOWERS

Several Roanoke lawyers joined with employees of the Shenandoah Club to participate in the Rebuilding Together "Christmas in April" program here in Roanoke on April 24, 2004, when 29 homes in our city were renovated.

Rebuilding Together is similar to Habitat for Humanity, but instead on building new homes, the Rebuilding Together effort is aimed at renovating and rehabilitating older dwellings in the area. Primarily, the poor and elderly are assisted with this effort. The effort has been a national campaign for more than 25 years, and has been here in Roanoke since 1999. Since then, more than 100 homes in Roanoke have been

renovated by volunteers on the annual work day, which is the last Saturday of the month.

This year, under the auspices of the Bar Association several lawyers/paralegals and employees of the Shenandoah Club, where we have our monthly luncheons, participated: Mary Spencer of WootenHart, Laura Effel of Flippin, Densmore, Morse & Jessee, and individual practitioners Melvin Hill, Brad Braford and David Bowers. Additionally, Nina McGee and Sharon Brown of the Shenandoah Club volunteered. Altogether, about 10 to 12 hours of service were performed by these individuals for the benefit of our community. Each assisted in providing meals at lunch

time to the volunteers at 6 of the 29 homes which were being renovated.

An expression of thanks and recognition should go out to these attorneys/paralegals and Shenandoah Club employees for their volunteer effort in helping to make Roanoke a better place for many people to live.



SKILLS, STRATEGIES AND ETHICS FOR LAWYERS REPRESENTING CLIENTS IN MEDIATION

PRESENTED BY THE JOINT ADR COMMITTEE OF THE VSB-VBA
AND THE
VIRGINIA MEDIATION NETWORK

LOCATIONS AND DATES

September 22, 2004
Blue Ridge Community College
Weyers Cave, VA

September 29, 2004
Virginia Wesleyan College
Norfolk, VA

September 23, 2004
George Mason University
Fairfax, VA

September 30, 2004
Supreme Court of Virginia
Richmond, VA

MCLE Credit Hours (including Ethics) Pending

Program Level: Intermediate/Advanced

Cost: \$125

The Rules of Professional Responsibility require attorneys to advise their clients about mediation as an alternative to litigation. The Rules also refer to collaborative lawyering as an example of lawyer competence and diligence. This course is designed to teach attorneys how to guide their clients through the process of mediation. It will help participants to gain a thorough understanding of how the process works and its potential for a more satisfying outcome for clients. Participants will learn about assessing the interests of their clients, collaborative lawyering and problem solving strategies, skills for dealing with emotions and reality testing, and how to be a helpful and productive part of the mediation process.

For further information, please visit the VMN website at:

www.vamediation.org

Or email questions to: office@vamediation.org

LEGAL AID RECEIVES DEPARTMENT OF JUSTICE GRANT EXTENSION TO AID VICTIMS OF DOMESTIC VIOLENCE

BY JULIA SEXTON AND LARA FINCH

The Legal Aid Society of Roanoke Valley received a two-year grant from the Department of Justice, Office on Violence Against Women in October, 2002. The Legal Assistance to Victims (LAV) Grant Funds have been used to provide comprehensive legal services to victims of domestic violence and increase pro bono representation of victims. Two attorneys and one paralegal have been staffed specifically for representation of victims of domestic violence and all associated work.

Due to the amount of time it took to get the program started, Legal Aid requested, and was granted, a three month extension of the funds provided by the DOJ. Therefore, the office will continue to be funded through December 31, 2004. Moreover, Legal Aid has applied to have the grant renewed for the October 2004 to October 2006 grant period

and has requested to add Botetourt County to the counties and cities served under the grant. At present, this includes Roanoke City, Salem, Roanoke County, Bedford, Craig and Franklin counties.



Legal Aid has been successful in increasing legal services provided to victims of domestic violence, having served over 450 victims of domestic violence in all capacities, including no-fault divorce, custody, landlord/tenant and protective orders matters since the inception of the grant. Legal Aid also held a CLE last winter to attempt to educate the Roanoke and surrounding bars in assisting victims of domestic violence to obtain protective orders. Despite this effort, the office has had difficulty in meeting the goal of increasing pro bono services available to victims.

CLE Opportunity

On September 24, 2004, Legal Aid will be holding another CLE seminar for the legal community. In exchange for 3.0 hours of CLE credit and no registration fee, the office encourages all attendees to represent one victim of domestic violence in a protective order hearing. Many times, these people are unassisted in court and intimidated by their abuser. Representation is often necessary to assist the victim in following through with a protective order. The CLE, entitled "Protecting Victims of Domestic Violence" will take place in a courtroom at the Roanoke County Circuit Court from 9-12:30 on the 24th. Speakers include The Honorable Philip Trompeter, Ellen Weinman, Esq., Randy Leach, Esq., and a number of other individuals involved with programs assisting victims of domestic violence. Anyone interested in attending this CLE should contact the Legal Aid Society of Roanoke Valley in order to register.

39TH ANNUAL BOSSES' NIGHT

PROCEEDS BENEFIT ANNUAL SCHOLARSHIP



*RVLSA...the association
for legal professionals*

Presents

An Evening in Tuscany

at Valhalla Vineyards in the new tasting room "The Cellar Door"



Thursday, October 7, 2004

6:00 pm to 8:30 pm



Catering by Jim Schaal



\$35.00 per person

Includes: wine tasting, heavy hors d'oeuvres, 2 glasses of wine and a tour of the vineyards at 6:30 pm (casual footwear recommended)



Grand Door Price

Donated by Arthur's Jewelry of
Bedford, Virginia



RSVP by Thurs., Sept. 16, 2004 to

Dawn Nichols at 343-2451 or
dnichols@wootenhart.com or mail to
Dawn Nichols, PLS, WootenHart PLC,
P.O. Box 12247, Roanoke, VA

24024-2247

Directions from Roanoke: Take Route 419 West to Keagy Road (at Allstate Ins.), turn left onto Keagy Road. Take first left onto Sugar Loaf Mountain Road, proceed to the top. Valhalla's gate is on the left. Carpooling is recommended, as parking is limited.

2004 GOLF OUTING ANGERS MOTHER NATURE

BY BRYCE HUNTER

Approximately 40 RBA members showed up on a warm Friday, August 20, 2004 at Roanoke Country Club for 18 holes of glory and blood-pressure increasing fun. The team of Judge Kerry Campbell, Dave Barbe, Ray Leven and Cooper Youell turned in the winning score of 9-under par.

The event was not without controversy, however, as a scoring mis-

calculation by the Club's golf professional after prizes were distributed led to calls for the RBA Young Lawyer's Committee chair and Golf Outing organizer, Sam Vance, to resign or face impeachment hearings. By the end of evening "Scorecard Gate" was resolved and the winners were acknowledged appropriately only to have Mother Nature weigh in on the matter. A good ole' fashioned squall

passed overhead at the picnic, bringing at least an inch of rain and too-close-for-comfort lightening strikes. Within 20 minutes, the mini-hurricane named "Phil," in honor of VSB President-elect Phil Anderson, left blue skies and cooler temperatures. Over 65 slightly soggy RBA members and spouses enjoyed the poolside picnic.



"Ahh! Retirement!!!"



"Annika who?"



"Shouldn't this photo be on the scorecard?"



"Charge!"

THE COURT REPORTER

COURTROOM ETIQUETTE

The Order listed below states the cellular phone/communication device policy for the courtrooms in the 23rd Circuit.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF ROANOKE

IN RE:

PROPER ORDER AND DECORUM AND SAFE USE OF COURTROOMS: REQUIREMENT THAT CELLULAR TELEPHONES, WIRELESS COMMUNICATION DEVICES AND OTHER DEVICES BE TURNED OFF IN AND NEAR COURTROOMS, WITNESS ROOMS AND JURY ROOMS

It is ORDERED AND ADJUDGED that if any person in the Roanoke City Courthouse possesses or controls any cellular telephone, wireless communication device, pager, transmitter or video recording device, that person must assure that the device is turned off - deactivated - and remains off:

- in all courtrooms,
- in all witness rooms,
- in all jury rooms, and

in the waiting rooms and hallways that are directly outside of courtrooms, except with a judge's explicit permission. This prohibition does not apply to communication devices used by the Sheriff or Deputy Sheriffs to provide courthouse security. A device set to "mute," "vibrate," or "transmit" has not been turned off or deactivated within the meaning of this order.

The judge of any affected court may summarily punish for contempt anyone who possesses a device that is "on" or "activated" in violation of this order. The judges of the Circuit Court, with concurrence of the Judges of the General District and Juvenile and Domestic Relations District Courts, and of the Sheriff, have entered this order pursuant to Virginia Code Section 8.01-4.

Copies of this order, and appropriate signs, shall be posted in the courthouse and environs; copies of this

order shall be transmitted to the presidents of local bar associations, to local news media, and to the Executive Secretary of the Supreme Court of Virginia.

ENTER: This 28th day of May, 2004

Robert P. Doherty, Jr., Chief Judge
Clifford R. Weckstein, Judge
Jonathan M. Apgar, Judge
James R. Swanson, Judge
Charles N. Dorsey, Judge
William D. Broadhurst, Judge

Editors' Note: This policy is very reasonable when one considers what other jurisdictions have done. For instance, in the District Court of Haverhill, New Hampshire, court officers collect all cellular phones and pagers at the door and keep them until the person leaves court. In the District Court of Salem, New Hampshire, one judge was so upset with ringing and music from the devices, he created a rule that if your phone goes off in court, it will be confiscated, and released only after you make a \$100 donation to the area Boys and Girls Club.

RBA RECOGNIZED BY VIRGINIA STATE BAR

As Elizabeth Dillon describes in the "President's Corner," the Roanoke Bar Association was recognized at the annual Virginia State Bar meeting for its achievements in two areas. An Award of Merit was given for The James N. Kincanon Merit Scholarship program, and a Certificate of Achievement acknowledged the Roanoke Bar Review newsletter.

The newsletter editors would like to congratulate the RBA for re-

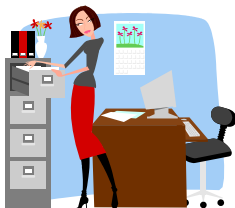
ceiving these honors from the VSB. In addition, we would like to thank the many contributors who provide engaging, insightful, and informative articles for each edition of the Roanoke Bar Review.

Our most special thanks go to **Sharlene Sherman**, who is credited with the layout and design of the newsletter. Sharlene has been an integral part of preparation of the newsletter for the last five years. She not only organizes and prepares the

design of every newsletter, but continuously strives for improvement in the presentation, appearance, and "user-friendliness" of the format. For each edition, Sharlene gives generously of her time and expertise and we are grateful for her persistence, humor, and patience.

Thank you, Sharlene, for all that you do!

STAFF NEWS



RVLSA

By Mary Spencer, CPS, President

The members of RVLSA...the association for legal professionals are beginning an exciting new year of programs. July's program was held at the Salem Avalanche ball-park on July 14, 2004. Some of our speakers for this up-coming year include Brenda Hamilton, Clerk of the Roanoke City Circuit Court; the Honorable Jonathan M. Apgar, Judge; Dale Webb, Esq.; and a forensic scientist. We continue our monthly community projects with events such as the Easter Seal con-

certs in Elmwood Park, Toys for Tots, Relay for Life, Meals on Wheels, and Salvation Army Christmas stockings. We assisted the Young Lawyers with their project, Wills for Heroes, which assists firemen in the drafting of their estate documents. Committee members are working hard on Bosses' Night which will be held this year on October 7, 2004. Watch for up-coming news on this exciting night!

RVLSA officers for the year 2004-2005 are:

President:

Mary Spencer, CPS
WootenHart PLC
343-2451

Vice-President:

Audra Chambers
Neubauer, Sprague & DeBord
343-5678

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RVLSA looks forward to working with the Roanoke Bar Association in the future and appreciates the Bar Association's support. If anyone would like more information about our organization, please feel free to contact any of the officers listed above.

Approved by: Virginia State Bar for 7.5 CLE Credits
Includes 1.0 Ethics

Persuading Judge, Jury & Client "Communication in the Courtroom" — a humorist's perspective

Speaker: Carl Grant—A professional speaker and comedian. He has undergraduate degrees in English, Speech, and an M.A. in Philosophy. He has extensive teaching and coaching experience with clients, including The International Society of Barristers, The Associated Counsel for the Accused, Commercial Law League, Montana Trial Lawyer's Association, Boeing, IBM and USA Today.

Some of the subjects covered by this seminar, include:

- Improving "Presence"
- Delivery that Builds Credibility
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- Pace & Timing
- Dealing with Hostile Witnesses, Opposing Counsel, the Judge, etc.

ROANOKE, VIRGINIA
Wednesday, October 13, 2004
9:00 AM-5:00 PM
Hotel Roanoke
110 Shenandoah Avenue
Questions? Or, call to register with
VISA, MC, DISCOVER, AMEX:
1-888-575-3369 or (206) 364-5289

Seminar Fee:

\$160.00 in advance
\$180.00 at the door

Please Note:

Mail your business card (note on back your seminar date) with check, payable to:

Lehrhoff & Assoc.
Suite 3-6B
14507 Stone Ave. N.,
Shoreline, WA 98133

(If not satisfied, money will be grudgingly refunded.)

ATTORNEY NEEDED

Fidelity National Title Insurance Company, a Fortune 500 Company and the nation's largest title insurer, is seeking an attorney to serve as regional underwriting counsel in Roanoke, to support its rapidly growing presence in Southwest Virginia. Applicants should possess some experience in real estate matters, an outgoing personality, and a willingness to work with a varied customer base. Good speaking skills a plus. Excellent benefits with salary negotiable.

Contact us at 345-8040, or
fax resume to 345-8044.

ANNOUNCEMENTS



New Members

The Roanoke Bar Association welcomes the following new active members: **Timothy R. Spencer, Esq.**, Office of the City Attorney, 215 Church Avenue, Room 464, Roanoke, VA 24011-1595; **James W. Thweatt, III, Esq.**, LeClair Ryan Flippin Densmore,

P.O. Box 1200, Roanoke, VA 24006-1200; **Christina L. Novak, Esq.**, Gentry Locke Rakes & Moore, P. O. Box 40013, Roanoke, VA 24022-0013; **John F. Pyle, Esq.**, Daniel L. Crandall & Associates, PC, 366 Elm Avenue, SW, Roanoke, VA 24016-4028; and **Douglas T. Stark, Esq.**, Daniel L. Crandall & Associates, PC, 366 Elm Avenue, SW, Roanoke, VA 24016-4028.

**EXTRA!
EXTRA!**

The Roanoke Bar Review needs:

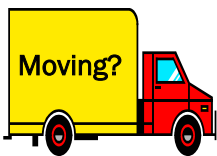
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If you are interested, please contact: Bryson Hunter, (540) 983-9325 or Kathleen Wright, (540) 983-9360

Unbelievable Hunting/Fishing Lease

I have a once in a lifetime hunting/fishing/resort lease available in Halifax County, Virginia. This never before leased property of 1000 acres was given to the family by a land grant from the King of England! It is truly unbelievable and would be perfect for the individual or group.

Contact: James Edmunds II
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