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The views expressed in the *Roanoke Bar Review* do not represent the policy or carry the endorsement of the Association unless specifically noted.

Editors

Justin E. Simmons - 983-7795
jsimmons@woodsrogers.com

Robert E. Dean - 585-1776
rob@robdeanlaw.com

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

Richard D. Scott - 400-7997
richard@rscottlawoffice.com

Christopher S. Dadak - 387-2320
christopherd@guynnwaddell.com

Bradley C. Tobias - 983-9396
tobias@gentrylocke.com

SOLO LAW PRACTICE FOLLOW-UP: WHAT HAPPENS WHEN YOU'RE NOT THERE?

BY RICHARD D. SCOTT, ESQ.

In the March 2016 issue of the *Roanoke Bar Review*, Robert E. Dean prepared an excellent article providing tips for attorneys who are beginning their own firm. Rob's article included suggestions for a wide range of practical issues associated with starting a solo practice: choosing an entity under which to operate a law practice; finding office space; organizing computer systems, documents, files, and bank accounts; and advertising for clients to provide work to keep the new office occupied. Rob's article is a wonderful road map for anyone considering the step of opening a solo practice, or even a small firm.



Members of our bar association have observed for several years that our legal community is seeing a lot of new solo and small-firm start-ups. Many of us have taken the step of starting a solo practice after being part of a larger firm, but during the past few years, the Roanoke Valley has also seen a number of new law-school graduates settle and begin a solo practice without practicing anywhere else. Regardless of the background, once a solo practitioner has actually established an office, and solved many of the issues addressed in Rob's article, the attorney must turn his or her attention to issues related to covering the office when he or she is not available. Whether an attorney's absence is the result of planned time away, or if it is connected to an unexpected, or tragic, incapacity, effective service to the attorney's clients and protection of value for the practice requires careful planning to make sure the practice is covered when the attorney is away.

Remote Access When You're Away

Once you have addressed the start-up issues discussed in Rob's article to establish an office, in many cases your attention will turn next to how to access the office when you are not physically at your desk. Although there may be times it feels like we solo practitioners are in our offices 24 hours a day, 7 days a week, most of us do go home on nights and weekends. As little as 15 or 20 years ago, "going home" may have meant taking a file to review, and a notepad to scratch out a draft or a recorder to dictate. It rarely meant, though, being able to actually connect to an office computer system for e-mail, word processing files, etc. Putting aside the debate of whether or not today's connected world constitutes progress from that time, there are now a host of options to allow you to connect to the office remotely, just as if you were at your office desk.

The ability to connect when you are not physically in the office depends primarily on the choice you made when you set up the computer system for your practice. If you have chosen to maintain all files on a mobile computer, then you can, of course, take it anywhere. But if a practice has advanced far enough to share files with someone else, such as a staff member, you likely have had to create a centralized storage system. If files are maintained on a server-type system based in an office, many options are available to permit you to access the files on that server remotely. Companies such as GoToMyPC advertise heavily for subscription-based remote access ability. Other options to permit access over an Internet connection exist for both Windows and Mac users within the operating systems themselves, with the right level of expertise to set them up.

An alternative for access is to store some or all of your files in a cloud-based storage system, such as DropBox or Box. Professional guidelines permit you to store client information in the cloud, as long as you have exercised normal due diligence to confirm that such storage is secure. Storing files on a system such as DropBox will permit you to access files and other information wherever you can connect to the Internet, whether at home, working away from the office, or, if necessary, at a vacation spot. Again, putting aside the

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PRESIDENT'S CORNER

BY HUGH B. WELLONS, ESQ.



I continue to be honored and excited to be the President of the Roanoke Bar Association this Bar year. We announced at the February RBA member meeting that, with the help of Blue Ridge Legal Services, we planned to reconstitute our pro bono initiatives. Our Association has a long history of providing pro bono services, and many of our members continue to offer services to people in need. The RBA, which has been so active in this respect in

the past, currently seems to be missing its opportunity to facilitate these services. The RBA Board convened a working group to explore where we might help. Representatives from that group met with Susan Proctor of BRLS. Based on that work, the Board approved the Association's agenda to address the specific needs listed below. We will soon announce concrete programs and training that you can participate in if you wish. These programs will include:

- Driver's license reinstatement and criminal conviction expungement;
- No-fault divorces;
- Serving as guardian ad litem for prisoners in no-fault divorces;
- Advice on appointment of guardians;
- Advice on life planning and incapacity planning, including medical directives and powers of attorney; and
- Reconstituting the RBA legal aid referral program to provide full services on specific topics for matters in Roanoke City, and advice on those topics in other local jurisdictions.

Some of this work will involve staff as much as attorneys. Accordingly, we will offer training for lawyers *and staff* on driver's license reinstatement, criminal conviction expungement, and no-fault divorces. Please watch for notices announcing this training and how you can sign up to help provide these services. We count on you to support this effort.

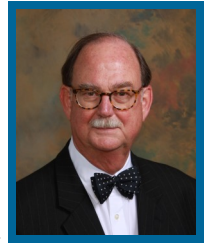
In addition, I call your attention to the following RBA website address: <http://roanokebar.com/volunteer-service-awards/>. Every year in our June meeting, we honor our attorneys who give their time so generously to individuals as well as many organizations in our Valley and elsewhere. Virtually everyone reading this gives time to a church, charity, bar association, school, or something. Whether its traditional pro bono work, work on behalf of your place of worship, serving on a charity board, or volunteering at a local kitchen serving the needy; all of those hours qualify. In order to receive recognition for this work with the RBA, you have to submit the forms available on the website by March 31. If you will just list that work and fill out the forms, the RBA will ensure that you are credited for your effort with a President's Volunteer Service Award. This also helps our Bar, because when negative stereotypes of lawyers arise, we have an immediate retort showing show generous local lawyers are with their time. Please take five minutes to fill this out and submit it. Thank you.

Hugh B. Wellons is a partner at Spilman Thomas & Battle, PLLC.

UPDATE: VIRGINIA STATE BAR ACTIONS AND PROGRAMMING

BY GENE ELLIOTT, ESQ. AND
BRETT MARSTON, ESQ.

As your 23rd Circuit representatives to the Virginia State Bar Council, we appreciate the opportunity to serve the attorneys in this area and to provide you with regular updates from the VSB about items that could affect your practice. Since our last update in September 2016, there have been two meetings of the Bar Council, one of which was held here in Roanoke this past October. The support of the Roanoke Bar Association was well received and much appreciated by members from across the state who attended the meetings at the Hotel Roanoke. The second meeting occurred in late February in Richmond. The following are some of the key points and items from these meetings and other programs of the VSB:



Update on Rule Modifications Requiring Mandatory Reporting of Pro Bono Hours.

In the September edition of the *Roanoke Bar Review*, we summarized the proposal of the Virginia Access to Justice Commission that would amend the Rules of Professional Conduct in Virginia to require all attorneys to report the hours of pro bono service provided during the past year. We appreciate the good number of comments we received from members of the RBA about this important issue. Overwhelmingly, those commenting were opposed to the mandatory reporting requirement. Across the board, those commenting were in favor of pro bono services to the public, but did not, for various reasons, support this proposal.

Ultimately, at the Bar Council meeting in October, there was vigorous debate about this proposal, and the Bar Council voted against the proposal by a close measure. Both of us voted against the proposal, based upon the comments from attorneys in the 23rd Circuit. We both agreed, and still agree, that it is important for attorneys to provide pro bono services, and that the bar should help encourage and make such opportunities available. But we did not agree that the proposal mandating reporting of these hours was in the best interest of the bar or the provision of these services. Bar Council's approval is not mandatory, but certainly would have been helpful to the Commission's efforts.

At this time, we understand that the Commission has not sent the proposal to the Supreme Court of Virginia. The reasons for the delay are unclear.

We will continue to monitor this effort and to look for positive, meaningful ways that the VSB can support pro bono services, including the new Virginia.freelegalanswers.org program being offered through the VSB.

Changes to Rules of Professional Conduct Related to Lawyer Advertising.

At its meeting in February, Bar Council voted overwhelmingly to approve proposed changes to rules 7.1-7.5 of the Rules of Professional Conduct governing lawyer advertising. The VSB's Standing Committee on Legal Ethics proposed the modifications in an effort to simplify and streamline the rules, but not in an effort to relax the practices or limitations on such advertising. The litmus test has been, and would remain, that the advertising not include false or misleading statements. The rule changes, which are, in part, an effort to address the realities of on-line advertising, will now be sent along to the Supreme Court for consideration. Note that the existing LEO limitations on lawyer advertising are likely to remain in full effect, so nothing

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VIEWS FROM THE BENCH: JUDGE THOMAS W. ROE, JR

BY BRADLEY C. TOBIAS, ESQ.



One can undoubtedly picture General District Court Judge Thomas W. Roe's upbringing. A member of the baby-boomer generation, Judge Roe grew up in Columbus, Ohio, in a neighborhood where the houses were 15 feet apart and brimming with his similarly aged peers. An only child, Judge Roe formed a neighborhood sports team with about a dozen other boys of his similar age and background. They would tour around with other local neighborhood groups and scrimmage them in football, baseball, and basketball. Judge Roe continued his athletic adventures through high school, where he played on his school's varsity sports teams. Standing tall at 6'4", Judge Roe is an imposing figure, and his height surely served him well as he played tight end in football (defensive end on defense), small forward in basketball, and first baseman in baseball.

Judge Roe's father was a vice president at a company that specialized in distribution of alcoholic beverages, and his mother was an executive of a new clothing company just opening in Columbus, the Limited. Though he grew up in Ohio, his uncle, James Roe, practiced law here in this region in Botetourt County. During his formative years, Judge Roe remembers coming to visit his uncle in Botetourt and being fascinated by his law practice. Judge Roe remembers that during those visits, his uncle allowed him to visit his friend, Dr. Mankin, a veterinarian. Watching Dr. Mankin's care for animals, Judge Roe even thought that perhaps one day he may go on to become a veterinarian himself.

After high school, Judge Roe enrolled at Ohio's Bowling Green State University. While there, Judge Roe became a member of the Theta Chi fraternity. Judge Roe was not the only sporting enthusiast at BGSU. In his fraternity alone, he met Scott Hamilton (figure skater and Olympic gold medalist) and Ken Marrow and Mark Wells (professional hockey players and members of the 1980 "Miracle on Ice" U.S. Olympic Hockey team). On the academic side, he studied business marketing. Outside of his college activities, Judge Roe worked at a local upscale deli and wine shop, where he quickly developed an interest in wine. When he graduated from college in 1981, Judge Roe applied for and received an offer to work in a California winery. However, after some conversations with his father and his uncle, Judge Roe decided instead to go to law school.

Judge Roe attended law school at Ohio Northern University, where he became most interested in two rather divergent subjects: criminal law and contract law. However, the common thread between the two that Judge Roe saw was that both areas contained complex rules governing tough situations in which everyday people found themselves involved. Judge Roe saw an opportunity in each field to help both his friends and family.

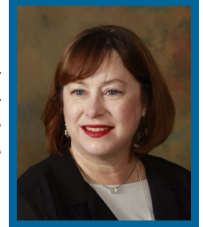
In his first job out of law school, Judge Roe went to work for Universal Communication Systems as an assistant general counsel. There, he helped the company negotiate telephone system contracts, including many with the largest franchise of the Holiday Inn Hotels in America, which was owned by Roanoke's Krisch family. When, in 1987, Bell South bought Universal Communication Systems, and the company's employees were moved to Birmingham, Alabama, Judge Roe decided to go in a different direction. Moving to his other passion of criminal law, he was hired as

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MY SUPERLATIVE CASE

BY SUSAN A. WADDELL, ESQ.

This article is the second installment in a new series of musings from members of the RBA about their superlative cases, legal counseling opportunities, or other law-related endeavors that remind us of why we became lawyers. The RBA invites its members to share stories about their superlative cases.



When I was asked to write about a case that was significant to me, it was difficult to pick one matter out of more than 32 years of legal practice in southwest Virginia. For most of us, helping people is a prime motivator, at least for those who stay in the active practice of law for more than a few years. One of the other things that I think keeps us in active practice is the opportunity to learn and experience new things that we otherwise would not learn or experience. An example of this came early in my career when I was practicing with a firm that was then known as Wooten & Hart. My mentor and hero was David B. Hart, a lawyer with whom I enjoyed practicing for many years. At six-and-a-half feet tall, he retained the athletic build of his youth, although he was then in his 50s. He was and (and still is) known for his imposing physical presence, keen legal mind, and salty wit.

I had just passed the bar in late 1984, when I was asked by Mr. Hart to accompany him to the Radford Army Ammunition Plant to participate in a video demonstration of safety precautions to take around nitrocellulose fiber, a highly explosive material that had been involved in a tragic accident at the facility. The point of the demonstration was to show that if proper safety techniques were used, including keeping the nitrocellulose fiber covered in water while working near it, the material was harmless.

Mr. Hart and I drove to the Radford Army Ammunition Plant, where munitions were manufactured by a government contractor, Hercules, Inc. We were met at the gate by Hercules's general counsel, Gail Waddell, who directed us to a nearby building where we were instructed on safety precautions that would be necessary on the site.

We were required to dress head to foot in a heavy canvas coverall with a thick plastic face shield. We were also required to wear special static guard covers on our shoes. We were told that several extremely explosive substances were being used at the facility and that a spark from static electricity from our shoes could possibly set off an explosion. Mr. Hart had a few choice comments that I cannot now accurately recall. As for myself, after hearing this warning, the entire time I was there I walked with an exaggerated high-stepping gait to avoid dragging the bottom of my feet on the ground and possibly blowing myself up.

Gail loaded us into a golf cart and drove toward the back of the plant to a huge field that she explained was customarily used for explosive detonation and testing. On the way, there were multiple signs that said "pull over when the nitroglycerin truck passes." I told Mr. Hart that I hoped we would pull over if the nitroglycerin truck passed. Mr. Hart said some other choice words that I cannot now accurately recall except that they were different from and even more colorful than his earlier comments. We were both sweating under our canvas garb even though the temperature was in the 50s that day.

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ROANOKE LAW LIBRARY NEWS AND INFORMATION

BY JOSEPH KLEIN, LAW LIBRARIAN



As a Major League Baseball fan, spring is one of my favorite times of the year. Every team begins assembling in Florida or Arizona, all the players are in "the best shape of their lives," and a World Series championship is a possibility for everyone, even the Cu... I mean Indians. Spring is also a great time to live in Roanoke, as things start to turn green and this beautiful place becomes even more beautiful. While coming inside is never a preference this time of year, I would

love to invite you to the Roanoke Law Library, especially if you haven't visited recently. We have a superb collection of legal-research resources, and I would love to speak with you about all of the wonderful services we offer.

Law Library Reference Services

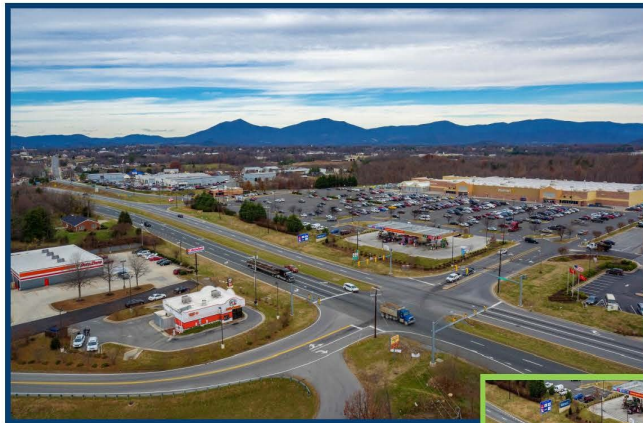
As you hopefully know, the Roanoke Law Library is a branch of the Roanoke Public Library system. We offer all of the services that the other library branches offer, including a small collection of popular fiction and new release DVDs. You can have books from all libraries in the Roanoke Valley (Roanoke City, Roanoke County, Salem, and Botetourt County) sent here, and you can return books for those libraries here as well.

We offer legal reference services to anyone, especially members of the Roanoke legal community. I have almost 20 years of experience providing legal reference and research assistance in law libraries. I have a thorough knowledge of the collection and can assist you in finding resources to answer your query. If we don't have something in our collection, we are also able to borrow materials from other libraries through Inter-library Loan. We provide free access to Westlaw, and our subscription covers all state and federal statutes and case law as well as hundreds of other useful legal resources including American Jurisprudence, American Law Reports, the Restatement of the Law and most major law reviews. I am always available to assist with Westlaw or any of the Roanoke Law Library resources. If you are unable to visit the Roanoke Law Library in person, please don't hesitate to call me at 540-853-2268 or e-mail me at joseph.klein@roanokeva.gov, and I will do my best to answer your legal research questions.

Legal Programs

I am always on the lookout for legal-themed programs to have here at the Roanoke Law Library or at one of the other branches of the Roanoke Public Library. For several years, I have taught a "Legal Information on the Internet" class to the public, and I would love to offer other programs in this vein in the future. If you have any ideas for programs that you would like to see offered by the Roanoke Law Library, either for the Roanoke legal community or for the general public, please contact me, and I would be glad to communicate with you about it.

See the Big Picture



The fast, useful data with immediate access that drone technology can provide is unprecedented. Consider the variety of court cases, whether criminal or civil, where aerial photos or videos could change the outcome of the case: traffic accidents, construction site incidents, and property damage just to name a few. Photos and videos primarily have been taken at the ground level with little consideration given to the depth of perspective from above until now. 323 Unmanned Flight Services can deliver exactly what you need in aerial imaging by providing high resolution still images or your choice of 4K or 1080 video.

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FLIGHT SERVICES

SOLO LAW PRACTICE FOLLOW-UP: WHAT HAPPENS WHEN YOU'RE NOT THERE?

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question of the desirability of being able to connect to the office whenever you are away, if you need to connect to your files, calendar, e-mail, and other office information when you are not physically at your desk, multiple options exist.

Coverage When You're Out of Town

When I was considering the option of starting a solo practice, one of the largest obstacles I perceived was what would happen when I was away from the office for an extended period. I considered that it was one thing to be away at court, or in a meeting, for a few hours. Calls may come in, but few clients, other counsel, or courts expect that the attorney will be literally sitting at his or her desk constantly, waiting for the phone to ring or e-mail to arrive. What happens, though, if that emergency call from a new or existing client comes in when, inevitably, the solo practitioner is away on a vacation, or in an extended trial or meeting? In today's connected world, an attorney away from his or her office can still monitor calls that are made to the office, whether by remote retrieval of voice mail, or by calls or messages coming to a mobile phone. Putting aside questions of whether an attorney wants to, or should, completely disconnect for a time while on vacation, if you are aware of a matter that comes up while you are away, you want to make sure to manage it. At a law firm, I was accustomed to having colleagues who could cover for just about any unexpected call that came in. Knowing how to handle that possibility as a solo attorney can be daunting.

Fortunately, several established solo practitioners counseled me as I started my solo practice that this concern was not as significant as I made it out to be. No amount of advanced planning will eliminate all possible emergency calls when you are away from the office for an extended period. In our community, though, we are fortunate that there are a number of solo and small-firm attorneys who are willing and able to cover in a pinch. This assistance from other attorneys is not quite the same as calling down the hallway of a law firm to an in-house partner or associate, but I have found that there are, indeed, plenty of good options to ask to assist with a matter if something comes in while I'm away. In some cases, other attorneys have been willing to make a single appearance, when permitted by court rules. In other cases, the network worked well to allow me to refer a call to another attorney for coverage while I was away, knowing that the other attorney would return the favor one day. In such instances, contact with a colleague is just a mobile phone call or e-mail message away.

Planning for necessary time away from a new solo practice can be a challenge. New attorneys should not hesitate, though, to make connections with other offices in the community to be there when the inevitable emergency call comes in.

Succession Planning

Planning for a few days away from a solo office is one thing; what about planning for the (hopefully far distant) day when you can no longer be in the office at all? If you have just started a new office, planning for what happens to it when you are ready to retire, or worse, if you are incapacitated, is low on the list of priorities. It is wise, though, to have a formal succession plan not just in mind, but written down where someone else knows where to find it—either a staff member, or another trusted attorney. This issue is not a matter of addressing the attorney's estate plan—that is obviously a good thing for any attorney to develop, but an attorney's individual estate planning issues are a topic for another article. Instead, this point focuses on finding time to outline a plan for what happens to your

PORTRAITS OF RETIRED CIRCUIT COURT JUDGES DOHERTY AND APGAR UNVEILED

Courtroom 3 in the Roanoke County Courthouse was filled to near capacity on the afternoon of Thursday, March 2. The occasion was not a sensational trial, but a ceremony to unveil the official portraits of retired Circuit Court Judges Robert P. Doherty, Jr., and Jonathan M. Apgar. A special session of the Twenty-third Circuit Court of Virginia brought all five of the currently sitting Roanoke Valley circuit court judges to Roanoke County. Judge James Swanson, the resident circuit judge in Roanoke County, presided along with Judges William Broadhurst, Charles Dorsey, David Carson, and Chris Clemens.

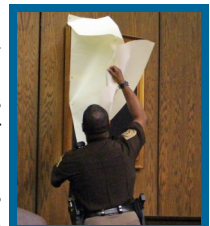
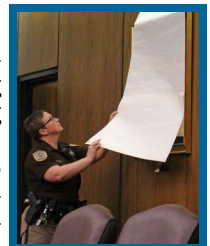


Also attending the ceremony were many members of Judge Doherty's and Judge Apgar's families, Virginia House of Delegates member Greg Habeeb, General District Court Judge Thomas Roe, Roanoke County Commonwealth's Attorney Randy Leach and his Roanoke City counterpart Don Caldwell, and many members of the local bar and courthouse personnel. Special guests included Senior Justice Lawrence L. Koontz, Jr., of the Supreme Court of Virginia and Salem attorney Charlie Phillips, the dean of the Salem/Roanoke County Bar.

Judge Swanson opened the proceedings by welcoming the guests and thanking those who had made possible the funding of the portraits. Judge Swanson singled out for praise Justice Koontz, alluding to the Justice's power of persuasion in helping raise donations for the effort. The portraits were simultaneously unveiled by two court bailiffs. Judge Swanson commented that the portraits had been kept in his office for several months and teased that all the visitors who had seen the portraits agreed that "Judges Doherty and Apgar never looked better."

Judge Apgar made brief remarks thanking those who had assisted him in his career, including Phillips and Caldwell for whom he had worked as a young attorney. Judge Doherty, observing that some of the younger attorneys present might be the subject of future portraits, remarked that recognizing retired judges in this way was also a reminder of the history and continuity of the law.

Since 1985, Courtroom 4 at the Roanoke County Courthouse has housed the collection of portraits of the judges who have presided over the circuit court in Roanoke County, begin



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Hon. Joel C. Cunningham (Ret.)

Retired Judge, 10th Judicial Circuit of Virginia

The Honorable Joel C. Cunningham (Ret.) recently retired after nineteen years of distinguished judicial service. Judge Cunningham first served on the bench of the General District Court for the 10th Judicial District then was elected to serve as a Judge on the Circuit Court of the 10th Judicial Circuit. Prior to his service on the bench, Judge Cunningham served for a decade as Highway Condemnation Counsel for the Virginia Department of Transportation, throughout which time he also enjoyed a successful private practice in Halifax County. Judge Cunningham now brings this distinguished record of leadership and achievement to The McCammon Group to serve the mediation, arbitration, judge pro tempore, and special master needs of lawyers and litigants throughout the Commonwealth and beyond.



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HON. JOHN E. WETSEL, JR. (RET.)

HON. ROBERT W. WOOLDRIDGE, JR. (RET.)

MY SUPERLATIVE CASE

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When we arrived at the testing field, a worker was there with two basketball-sized balls of what look like cotton candy. There was a round level area of some material that looked similar to melted glass where the worker placed the two cotton-candy balls approximately ten feet apart. A videographer was there and he commenced filming the placement of the balls. The worker then took two detonators and put one detonator inside each ball, explaining that the remote controls would allow the operator of the control to initiate a spark from a remote location. He then brought out a water hose and put water on one of the balls and left the other untouched and dry. Gail explained that they would first film an attempt to detonate the wet nitrocellulose and then would film the detonation of the dry nitrocellulose.

At that point everyone got back into the golf cart and pulled back to a barricaded location about 250 yards away for the detonation of the wet material. We stood behind a barricade, which was a thick concrete protective shield with a Plexiglas window that permitted observation. With the video camera rolling, Gail explained that she would now attempt to detonate the cotton-candy ball that had been covered with water via the remote control. Mr. Hart and I were both apprehensive, and Mr. Hart again had a few choice words to say about the demonstration thus far.

With a "click," Gail set off the detonator and nothing happened. She clicked again and again nothing happened. Then, a third time: still nothing. With relief, Mr. Hart pronounced himself happy with the result to that point without any memorable cursing, although I could tell he was still nervous. I know I was.

At that point we got back into the golf cart and, at Gail's direction, drove back about a quarter of a mile away to a point where we could not even see the location of the cotton-candy balls. We got behind another barricade similar to the first. The videographer was filming and Gail clicked the button to detonate the second ball that had not been covered in water. Instantly, there was a huge explosion that caused the ground beneath us to move. A mushroom-shaped cloud exploded about a half mile into the air and began roiling toward us. As we crouched behind the barricade we felt intense heat, and we had to hold onto the hoods of our costumes to prevent losing them in the wind from the blast. As dust settled around us, I looked at Mr. Hart and said, "Mr. Hart, I don't think we need to use this video at trial." Mr. Hart was uncharacteristically silent . . . but no one ever saw that video.



Susan A. Waddell is a partner at Guynn & Waddell, P.C.

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THE HONORABLE SCOTT R. GEDDES SWORN IN AS GENERAL DISTRICT COURT JUDGE

BY CHRISTOPHER S. DADAK, ESQ.

On February 17, 2017, the Honorable Scott R. Geddes was sworn in as judge of the General District Court for the Twenty-third Judicial District of Virginia.

The Honorable Charles N. Dorsey, Chief Judge of the Circuit Court, welcomed and introduced the judges, retired judges, public officials, and other dignitaries. Dr. Carl Hansen, Judge Geddes' father-in-law, performed the invocation.



Judge Geddes was presented his judicial robes by Hugh B. Wellons, president of the Roanoke Bar Association; Peter Lubeck, president of the Salem-Roanoke County Bar Association; and Nanda Davis, president of the Roanoke Chapter of the Virginia

Women Attorneys Association. In a moment of joviality—an omen of much more to come—Judge Geddes upon zipping up his robe commented, “Oh, it’s a little tight.”

The Honorable J. Christopher Clemens, with his usual wit, gave highly entertaining and touching remarks on Judge Geddes, as a substitute judge, lawyer, husband, and coach. He noted that while Judge Geddes provides only his middle initial, he has come to learn that it clearly stands for “Rockstar.” As Judge Clemens (tongue-in-cheek begrudgingly at times) warmly highlighted, Judges Geddes is, for good reason, beloved in his church, by the bailiffs, his former law partners and staff, little league coaches and players, his local community, and many, many others.

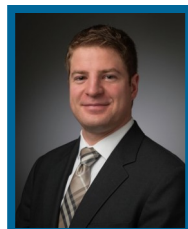


The Honorable Leisa K. Claffone read the commission. Chief Judge Dorsey administered the oath to Judge Geddes, who was joined by his wife, Amy, and two sons.

Judge Geddes started his remarks by thanking the local legislators, the judges, his former law partners, friends, and of course his family (specifically noting that his “best days” or “highlights” of his life always involved his wife, which he did “not think was a coincidence”). He highlighted the honor and weight of responsibilities of serving as a judge that he had already come to understand and grapple with as a substitute judge. He further stressed that it is the best job he’s ever had.

Following the investiture, a reception was held in the courthouse law library.

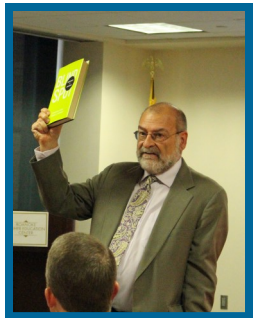
Christopher S. Dadak is an associate at Guynn & Waddell, P.C.



BENCH-BAR CONFERENCE 2017

The Roanoke Bar Association hosted its annual Bench Bar Conference on Friday, February 24, 2017, at the Roanoke Higher Education Center. A crowd of approximately 90 judges and attorneys attended and took part in the event.

The Conference followed a similar format to the past several years' meetings. Professor James Moliterno, Vincent Bradford Professor of Law at Washington & Lee University School of Law, presented a one hour CLE on the topic of “Implicit Bias and the Work of Lawyers and Judges.” Professor Moliterno's thought-provoking presentation began with exercises raising awareness of the existence of unconscious bias and the potential impact of implicit bias on the way we carry out our ethical obligations and work as lawyers and judges.



Following a break, judges from various federal and state courts in Roanoke presented “State of the Judiciary” talks. Chief Judge Glen Conrad of the U.S. District Court for the Western District of Virginia offered statistics on case filings in the Western District of Virginia. Chief Judge Charles Dorsey of



the Twenty-third Judicial Circuit of Virginia provided the update from the Circuit Court, Judge Scott Geddes spoke about the General District Court, and Chief

Judge Onzlee Ware reported on the Juvenile & Domestic Relations Court.

After the judges' remarks, the judges in attendance took questions from the attendees. Lauren Davis, of Frith & Ellerman Law Firm, PC, acted as moderator for the judicial portion of the conference, posing questions to the judges that had been submitted prior to the conference.

The Young Lawyers Committee, chaired by Christen Church of Gentry Locke, Attorneys, organized the conference again this year. The Association thanks Monica Williams, Betty Moorman-Sweat, and Jenny Carnes from the RVLSA for their help with sign in and during the event.



VIEWS FROM THE BENCH: JUDGE THOMAS W. ROE

(Continued from page 3)

an Assistant Commonwealth's Attorney for Roanoke City.

Judge Roe worked in the Commonwealth's Attorney's Office for almost two years, trying everything from misdemeanor traffic to felony murder cases. In 1991, he went to work for his uncle's law firm, which upon his arrival became Carter Roe Emick & Roe. In that same year, Judge Roe was set up with his now wife on a blind date. The two married in 1993.

For almost 25 years, Judge Roe served as partner at the firm through its several name changes, all of which included Roe. That firm is now Spigle Massey & Clay. In his years with the firm, he focused his practice on criminal, domestic relations, personal injury, and traffic law.

Judge Roe and his wife have two daughters—one is currently a senior at James Madison University studying dietetics and nutrition, and the other attends the University of Louisville on scholarship and plays on the women's varsity volleyball team. Outside of his judgeship and relationship with the law, Judge Roe keeps up many of his passions that took root in his pre-law school days. He continues to be a sports enthusiast, with a special interest in golf. He also continues to express his passion for wine, and with his family, he recently took a trip to California's Napa Valley.

Having served on the bench for less than a year, Judge Roe still continues to develop and hone his judicial style and tact. "Sometimes, when the parties are before me arguing, I'm tempted to yell out, I object!" he told me during our interview. Judge Roe commented that one of the most difficult parts of being a judge is remembering that he "is no longer a lawyer." But, he says, "I have great respect for the lawyers in the Roanoke Bar. We have such an accomplished and seasoned group of people with excellent congeniality and professionalism amongst all."

Judge Roe offers up sage advice for the lawyers that come to his court. For those who practice criminal and traffic law on the defense side, he recommends that well in advance of the hearing date, these lawyers try to make an effort to meet with their clients and to secure and effectively prepare their witnesses and exhibits. Another helpful tip that Judge Roe offered: "these days, most, if not all, police officers in Roanoke City and Roanoke County wear body cameras. If you're a criminal defense attorney, ask for the body camera footage if it exists." As for those in the Commonwealth's Attorney's Office, Judge Roe advises that these attorneys meet with the involved police officers and witnesses well before the hearing date and fully understand the facts of a case from their perspectives as soon as possible.

For younger lawyers, Judge Roe emphasizes the importance of getting to know other lawyers in the community. "In the valley, we have so many older, seasoned lawyers who know so much. Younger lawyers should attend bar meetings and connect with these experienced practitioners whenever possible." Judge Roe also said to "do your best to establish that you are reliable. Follow through on your plans and promises. Credibility and reliability can go a long way in many situations." As he nears his one-year anniversary of his investiture into his judgeship, Judge Roe looks forward every day to the cases and people that come to his court. "We, the court are the public face of the law for many who have no prior experience with it. It is an honor to work for these people and provide them with justice." "If there is one thing I enjoy most about being a judge," he told me, "it is interacting with the public."



Bradley C. Tobias is an associate at Gentry Locke.

PORTRAITS OF RETIRED CIRCUIT COURT JUDGES DOHERTY AND APGAR UNVEILED

(Continued from page 5)

ning with Judge John James Allen in 1838, the year the county was created. In 1985, portraits of the 15 former and 5 then-active judges were hung for display in Courtroom 4. Between 1987 and 1994, three new portraits were hung as Judges Clifford R. Weckstein, Diane McQ. Strickland, and Richard C. Pattisall joined the circuit court bench. However, when Judge Doherty joined the court in 1995, there was no space left for additional portraits in Courtroom 4, and it was decided that new portraits would be added to the collection only upon the retirement of a judge.



Judges Doherty and Apgar both retired in 2013, but no funds were available at that time to have their portraits made. At the urging of Justice Koontz in early 2016, the Salem/Roanoke County Bar Association undertook a subscription campaign to raise

the more than \$3,000 that was required to have the portraits completed and framed. Contributions to this effort were received from the Gentry Locke, OPNLAW, and Anderson & Friedman law firms as well as from several local attorneys.

"We were happy to undertake this campaign," said SRCBA Corresponding Secretary John Koehler. Echoing Judge Doherty's comments, Koehler said, "The continuity of the law is represented not



just in the decision rendered by the courts, but also by the judges who make those decisions. We hope that by honoring their service, we are also honoring the tradition of the certainty in the rule of law." The Roanoke Bar Association also promoted the campaign to its members. While the two local bar associations are sometimes viewed as friendly rivals, "we are partners when it comes to showing respect for our judges and courts and bettering our community," said Koehler.

Robert Dementi of Salem photographed Judges Doherty and Apgar and arranged to have the portraits transferred to canvas by Miller's Professional Imaging of Pittsburg, Kansas. The portraits were then sent to Richmond artist Michelle Cheatham for the addition of highlights and shading. The portraits of Judges Doherty and Apgar are the first two to be installed in Courtroom 3. "We expect it will be a few years before another portrait will need to be added to the collection," said Koehler, "but the SRCBA is already planning to build up the special fund to meet that need once it arises."

SOLO LAW PRACTICE FOLLOW-UP: WHAT HAPPENS WHEN YOU'RE NOT THERE?

(Continued from page 7)

practice if the day comes where you cannot handle it.

This point is not just a practical concern. There is formal guidance from legal ethics bodies that while a solo attorney is not required to have a plan in place in the event of death or incapacitation, such attorneys are strongly urged to make such arrangements. The American Bar Association's Formal Opinion 92-369, a 1992 publication, suggests that a lawyer's plan should "at a minimum, include the designation of another lawyer who would have the authority to review client files and make determinations as to which files need immediate attention, and who should notify the clients of their lawyer's death." The Virginia State Bar has not incorporated a mandatory requirement for such planning in the Rules of Professional Conduct, but Comment [5] to Rule 1:3 states: "A lawyer should plan for client protection in the event of the lawyer's death, disability, impairment, or incapacity. The plan should be in writing and should designate a responsible attorney capable of making, and who has agreed to make, arrangements for the protection of client interests in the event of the lawyer's death, impairment, or incapacity."

The Virginia State Bar's web page, at www.vsb.org/site/publications/planning-ahead, provides an excellent set of recommendations and checklists for items for you to consider as you begin to set up a succession plan. The State Bar's materials include a model agreement with another attorney, and a provision for inclusion in a last will and testament to provide for the appointment of an attorney to act as executor to deal with a law practice. It helps answer some key questions to provide for what is often your most valuable asset (his or her legal practice), as well as the protection of your clients' interests. Can someone access your calendar? Does someone know how to access your computer records, bank accounts, and client files if you are not around? Is an attorney authorized to obtain extensions of time in litigation or other matters where needed? Who will collect your accounts of clients who owe you money?

We all mention the proverbial "If I get hit by a bus" what-if scenario on occasion, but it is good to take that fear seriously. As a new solo attorney, you are serving your clients well while you are here, but it can be a tremendous disservice to them if something happens to you, and there is no way for them to even access their files if you are incapacitated, or worse. Make sure to include succession planning in your initial office set-up, to make sure that someone can step in for you and address your clients' needs if you are no longer able to do so.

Beginning a solo, or even small-firm, practice can present many challenges, but it can also provide tremendous flexibility. Many solos take advantage of such flexibility by choosing when and where they provide services to their clients. These ideas can help attorneys take advantage of ways to plan to be away from a main office—and also plan well for the day when they can no longer be in the office at all.

Richard D. Scott is a solo attorney practicing with The Law Office of Richard D. Scott.

UPDATE: VIRGINIA STATE BAR ACTIONS AND PROGRAMMING

(Continued from page 2)

really changes in terms of content, though the rules are becoming more simplified.

Amendments to the Clients' Protection Fund Rules. Also at the February meeting, Bar Council voted to approve changes to the Client's Protection Fund Rules, which will now be sent along for consideration by the Supreme Court.

Legal Ethics Opinion 1886 Approved by Supreme Court. At its October meeting, the Bar Council voted to approve LEO 1886, which sets out the duties of partners and supervisory attorneys in a law firm in determining and handling whether another attorney in the firm suffers or may suffer from significant impairment. The Supreme Court has since considered the LEO and has voted to adopt it effective immediately.

VSB Solo & Small-Firm Practitioner Forum in Lynchburg on April 7 in Lynchburg. The VSB will conduct this program, which is held in different locations each year, in nearby Lynchburg at the Holiday Inn Downtown. This program is intended to help those in small firm or solo practice arrangements to handle challenging issues such as Financial and Business Relations with Clients, Cybersecurity, and Arbitrations. Justice Mims will also lead a Town Hall discussion. More information is available at on the VSB website (vsb.org).

VSB TECHSHOW on April 24 in Richmond. Once again, the VSB is putting on this very popular and well-attended program to help Virginia attorneys face and harness an ever-changing technology environment. More information is available on the VSB website (vsb.org).

VSB Annual Meeting Beginning June 14 in Virginia Beach. We encourage you to make plans to attend this annual gathering of Virginia's attorneys at the beach. It is always good to have a strong delegation of Roanoke attorneys present and participating. Please also consider nominating area attorneys for one of the several awards that are presented during the meeting. More information is available on the VSB website (vsb.org).

Renewal of VSB Agreement with Fastcase for Computerized Legal Research. Many of you use the free computerized legal research that is available through Fastcase. If you do not, you should try this benefit of VSB membership. Recently, the VSB negotiated another three-year deal with Fastcase at a slightly reduced cost to the bar, so be sure to continue to use it or try it out if you never have. It can be accessed from the VSB's website (vsb.org).

There are many opportunities to get involved in the VSB through conferences, committees, and programs. If you want to do so, please contact one of us and we would be glad to put you in touch with the right persons within the VSB. Likewise, if there are ever any issues about which you have concerns with the VSB, do not hesitate to contact either or both of us to discuss.

Gene Elliot is a solo attorney, and Brett Marston is a partner at Gentry Locke.

A special thank you to the wonderful

speakers
at our
monthly
meetings.



YOU AND THE LAW

Roanoke City Court House March 28, 6:00 – 8:30 p.m.

The Roanoke Law Foundation presents

A Look Inside Your

Juvenile & Domestic Relations Court

Topics include:

Social Media & Internet Safety - The Boogeyman Exists,
Record Expungement, Confidentiality of Records, Protective
Orders, Foster Care: Protecting the Youngest Among Us
Pro Se Litigants Mock, Juvenile Detention Hearing
presentation by the Commonwealth's Attorney and
the Public Defender's Office

DARE Officers / Court Security

Register online @ [RoanokeBarAssociation/Events/YouandtheLaw](https://RoanokeBarAssociation.com/Events/YouandtheLaw)

IN MEMORIAM

The following are the Association's losses since September 1, 2016:

Jeffrey A. Fleischhauer

(July 15, 1954 - September 1, 2016)

Howard Jennings Beck, Jr.

(December 15, 1941 – January 23, 2017)

In grateful recognition of the contributions of Mr. Fleischhauer and Mr. Beck to our profession, and their contributions to our Association, the Association laments their passing.

ANNOUNCEMENTS

NEW MEMBERS	UPCOMING EVENTS	OFFICERS
<p>The Roanoke Bar Association welcomes the following new Active members:</p> <p>Jerry C. Booth, Jr. Fidelity National Title Co.</p> <p>Eric D. Chapman CowanPerry P.C</p> <p>James K. Cowan, Jr. CowanPerry</p> <p>Jason Mullins McCandlish Holton</p> <p>Melissa Nicholson Law Office of James Steele</p> <p>M. Steven Osborne, II Lugar Law</p> <p>Kristin Poole Woods Rogers</p> <p>John K. Prillaman OPN Law</p> <p>Leah M. Stiegler Woods Rogers</p> <p>Sabine B. Thaler Public Defenders Office</p> <p>Brian S. Wheeler CowanPerry</p>	<p>Roanoke Bar Association Meetings 2016 - 2017</p> <p>September 13, 2016</p> <p>October 11, 2016</p> <p>November 8, 2016</p> <p>December 13, 2016</p> <p>January 10, 2017</p> <p>February 14, 2017</p> <p>March 14, 2017</p> <p>April 11, 2017</p> <p>May 1, 2017 (Law Day)</p> <p>June 13, 2017 (Annual Meeting)</p> <p>Go to www.roanokebar.com for more information on all upcoming events.</p>	<p>Hugh B. Wellons President 512-1809</p> <p>Kevin W. Holt President-Elect 983-9377</p> <p>J. Lee E. Osborne Secretary-Treasurer 983-7516</p> <p>Joseph Mott Past President 857-2250</p> <p>Diane Higgs Executive Director 342-4905</p> <p>BOARD OF DIRECTORS</p> <p>Lori Jones Bentley 767-2041</p> <p>Christen C. Church 983-9390</p> <p>Robert E. Dean 585-1776</p> <p>Daniel P. Frankl 527-3500</p> <p>Macel H. Janoschka 725-3372</p> <p>Patrick J. Kenney 982-7721</p> <p>James J. O’Keeffe 983-9459</p> <p>Diana M. Perkinson 343-2436</p> <p>Nancy F. Reynolds 510-3037</p> <p>Melissa W. Robinson 767-2203</p> <p>Justin E. Simmons 983-7795</p>



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