

## INSIDE THIS ISSUE:

<i>RBA Reception Honors Judge Clifford Weckstein</i>	1
<i>President's Corner</i>	2
<i>Legal Writing for Screen Readers</i>	2
<i>Views from the Bench: Judge Paul Black</i>	3
<i>My Superlative Case</i>	3
<i>Roanoke Law Library News and Information</i>	4
<i>Virginia Tech Athletic Director Whit Babcock Speaks to RBA Members About Leadership (and Sports)</i>	4
<i>Judge Strickland Receives First Harris Judicial Service Award</i>	7
<i>Santa at the Station</i>	10
<i>Announcements</i>	12

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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## RBA RECEPTION HONORS JUDGE CLIFFORD R. WECKSTEIN

BY JUSTIN E. SIMMONS, ESQ.

On October 6, 2016, Roanoke Bar Association members and friends gathered at The Shenandoah Club in Roanoke to celebrate the career of recently retired Twenty-third Judicial Circuit Court Judge Clifford R. Weckstein, who served nearly three decades on the bench. With well over a hundred in attendance, it was a lively affair.

After nearly an hour of mingling over cocktails and hors d'oeuvres, the program got underway. The event's organizer, John Lichtenstein, whose father, Barry Lichtenstein, was Judge Weckstein's mentor and later partner, was the first to take the podium, serving as emcee for the evening. He welcomed everyone and introduced the night's first speaker—Roanoke City Mayor Sherman Lea.

Mayor Lea, who worked many years with Virginia's Department of Corrections, spoke fondly about his interactions with Judge Weckstein and thanked him for his support of the Department. Roanoke City Councilman Ray Ferris then read a proclamation honoring Judge Weckstein at the direction of the Roanoke City Council and, together with Mayor Lea, proudly proclaimed October 6, 2016, as "The Honorable Clifford R. Weckstein Day."

In addition to the proclamation, Mayor Lea and Councilman Ferris presented Judge Weckstein with the City's highest award—a Key to the City. Hugh Wellons and Peter Lubeck, the presidents of the RBA and the Salem/Roanoke County Bar Association, then presented Judge Weckstein with a picture of an ornamental chair (the actual chair did not arrive in time for the reception) as a token of appreciation from the members of the two associations. (After the event, Judge Weckstein graciously asked that the cost of the chair be donated to the Roanoke Law Foundation.)

Following these presentations and some additional remarks from John Lichtenstein, retired U.S. District Court Judge Samuel Wilson addressed the crowd. He spoke about his great friendship with Judge Weckstein, which started over four decades ago when they were brand-new lawyers. They were both sworn in on October 11, 1974, by the late Judge Ernest W. Ballou, and later that same day appeared on opposite sides in their first case, Judge Wilson for the prosecution and Judge Weckstein for the defense. Judge Wilson also recounted some of the highlights of Judge Weckstein's long career and praised his second-to-



## 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 have a lot of initiatives coming, and I'd like to give you a bit of a preview. But first, please ask yourself this: What award or public notice or accomplishment has (or would) mean the most to me? What will have the most long-lasting impact? Martindale-Hubbell AV rating? Listing in *Best Lawyers in America* or the *Virginia Legal Elite*? Chair of a

Section, or even President, of the ABA or the VSB or the VBA? Article in the *Roanoke Times* or feature on local TV news?

Please be honest. Having thought this through, did you realize that the award or notice or achievement that will mean the most to you when you retire has nothing to do with practicing law? Practicing law well is not unimportant; in fact, it's extremely important. We are trained to do that. We represent not only ourselves, but our clients, our firms/partners, and our profession. It allows us to help support our families. But as our careers begin to wind down, what most of us will cherish will be what we accomplished as people, raising children, being good spouses or friends, and helping our communities. In other words, we will remember best and be most proud of accomplishments *outside* our practice, even if (or because?) those accomplishments sometimes are tied to being a good lawyer. Where do you find those kinds of opportunities? You can find them in civic organizations, arts organizations, help with the homeless and the destitute, and in your church, synagogue, or mosque. The RBA will provide some of these opportunities, as well.

As I write this, members of the RBA have: completed teaching Rule of Law to hundreds of middle school students; participated in Book Buddies, reading to elementary classes; written wills for first responders or military; sponsored and contributed to *You and the Law*; aided persons in finding a lawyer; and dealt with complaints against some of our members. This month we also provided Christmas to many homeless children and their families at Santa at the Station, an event that was sponsored by the Roanoke Bar Foundation and others. It was a terrific opportunity for us "give back" to our community in a way that was both meaningful and fun! Our Board is exploring other ways to give back.

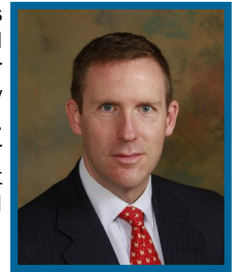
A special committee of our Board is exploring needs for pro bono legal assistance and ways to train and facilitate connecting willing lawyers with needful clients. The VSB, in connection with the Virginia Lawyer Referral Service, is testing a new software program to help match people in need with qualified lawyers who are willing to help pro bono or "low bono." This new software is not available yet in Roanoke, but it will be coming here soon. In the meantime, we are exploring the areas of need and discussing how best to provide lawyers with appropriate training. For example, several years ago the RBA provided training for Roanoke lawyers to handle no-fault divorces for people who qualify for legal aid. We hope to offer more opportunities in the future. One of our goals over the next few years is to provide more opportunity for service. We hope that you will support this effort. Thank you for what you have done in the past and continue to do for our community and our Bar. Happy Holidays!

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

## LEGAL WRITING FOR SCREEN READERS

BY JAY O'KEEFFE, ESQ.

This article first outlines the differences between reading on an electronic screen and reading on paper, and then offers strategies for legal writers whose readers are increasingly consuming their content on electronic devices. Because this article appears in a newsletter that is distributed by e-mail, you are almost certainly reading it on a screen. And by now, I have almost certainly lost your attention.



That was fast.

And you're back. See what we did there? It wasn't just the achingly handsome (if very *serious*) picture inset, although that may have helped draw you back in. Really, it was more a combination of simple tricks involving white space and the F-pattern that you were using to skim the article. Bear with me, and we'll go over these and similar techniques that you can use to trick judges or colleagues into reading the key parts of your work product.

### 1. Your audience is increasingly reading your work on a screen.

If you are a lawyer, then you are, almost by definition, a professional writer. You communicate in writing every day with clients, colleagues, opposing counsel, and courts. Those audiences are increasingly reading your written content on screens. Clients read your e-mails on their phones. Lawyers read your letters (or more likely, your e-mails) on their desktop screens. Trial court judges are toting laptops and reviewing submissions on ECF or OCRA. Federal appellate judges were early adopters of the iPad, and the jurists on Virginia's state appellate courts are issued Surface tablets.

This move to screens is not just a matter of reader convenience. It's a paradigm shift.

### 2. Readers approach text differently depending on the medium.

Let's do a quick thought experiment: close your eyes, and picture someone studying. Take a moment. View in the whole scene, and note the details.

What did you see? More likely than not, you pictured someone reading a book. Possibly in a library, sipping a warm beverage with a fire crackling in the background. You surely did not envision someone furiously flicking at her iPhone in a busy airport.

That makes sense, because screen readers approach text differently than paper readers. Book readers study, while screen readers skim.

### A. It's harder to read text on a screen.

Why do screen readers approach text differently? To begin with, it's physically harder to read on a screen than it is to read on paper. Studies show that people read more slowly, less accurately, and less comprehensively when they read on a screen. It's not even close; word-for-word, we read 10 to 30 percent more slowly on a screen. This may, at least in part, be the result of biology: our eyes evolved to see (and read) by reflected light. We typically don't spend much time staring directly at a light source like a light bulb or the sun. But when we read on a screen, that's exactly what we're doing—and it wears out our eyes. This results in eyestrain, headaches, and blurred vision. These symptoms affect about 70 percent of people who work long hours in front of computers. They are so common that the

(Continued on page 8)

## VIEWS FROM THE BENCH: JUDGE PAUL BLACK

BY BRADLEY C. TOBIAS, ESQ.



Sitting in Judge Dalton's old chambers in the former U.S. federal court building at 210 Church Avenue here in Roanoke, Judge Paul Black occupies a space familiar to him through his family history. Many years ago, his great-grandfather ran the Registered Mail section of the U.S. Post Office in the same building, and Judge Black still possesses his great-grandfather's portrait of George Washington, which now hangs in his chambers. Judge Black welcomed me into what felt like a homey setting, providing me a tour of the building and introducing me to his clerks. Judge Black, ever praising of the cordiality of the Western District of Virginia bar, exuded the same sentiments and calming presence as we sat down to talk on what would otherwise turn out to be a rather volatile election day.

A native of Roanoke, Judge Black attended Northside High School. His father owned several NAPA automotive parts stores around the valley and Judge Black helped out, driving delivery trucks around the area. Judge Black also had a summer job moving and delivering furniture with Lawrence Transfer.

A native of Roanoke, Judge Black attended Northside High School. His father owned several NAPA automotive parts stores around the valley and Judge Black helped out, driving delivery trucks around the area. Judge Black also had a summer job moving and delivering furniture with Lawrence Transfer.

Judge Black graduated from Northside in 1978 and went on to attend college at Washington & Lee University. He remembers fondly one summer in college, when he interned for Roanoke-area Congressman M. Caldwell Butler in Washington, D.C., living among other summer interns in the dormitories of George Washington University. He enjoyed living in Washington and the political culture there in what he described as the "heyday of the Reagan administration." Judge Black later worked for Senator John Warner in his Richmond office.

After graduating from Washington & Lee, Judge Black entered the University of Richmond School of Law in the fall of 1982. The summer following his first year there, he traveled to the United Kingdom and took classes at Cambridge University. He recalls developing an interest in bankruptcy law through a friend of his father's, Jim Douthat, an attorney with the firm that is now Woods Rogers. Judge Black's father and Mr. Douthat had a shared interest in classic cars. One day, Mr. Douthat invited the curious young Judge Black along with him to attend a bankruptcy court hearing involving a local car dealership. Finding the subject matter of the hearing to be fascinating, Judge Black also took a seminar in business reorganization and bankruptcy law at Richmond the following year. In the summer after his second year, Judge Black obtained a summer associate position with Williams Mullen, where he gained practical experience doing civil litigation and working on commercial bankruptcy cases. The following year, upon his graduation from Richmond in 1985, Judge Black was selected for a one-year judicial clerkship with Judge Blackwell Shelley, a bankruptcy judge in the Eastern District of Virginia.

While in his clerkship with Judge Shelley, Judge Black observed the unique way in which the federal bankruptcy judge would hear a significant case with another judge in the Eastern District, District Judge Robert R. Merhige. During Judge Black's clerkship, Judge Shelley and Judge Merhige supervised the reorganization of Richmond-based pharmaceutical company

(Continued on page 9)

## MY SUPERLATIVE CASE

BY NANCY REYNOLDS, ESQ.

*This article launches a 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. Our first article comes from Nancy Reynolds.*



This simple traffic case was handed-off to me about ten years ago. I think about it at least once a week. It was my first and last traffic case, and I was warned that no one walked away from this judge without at least a fine. This case was assessed as demanding a harsher penalty.

An 18-year-old young man was driving south on Interstate 81. He was returning home from a technical college in Pennsylvania. His family had relocated to Smith Mountain Lake about six months prior. A State trooper pulled him over for speeding, but did not issue a ticket. About 15 minutes after the roadside counseling, the young man was pulled over again by the same trooper. This time, the young man was issued a ticket for following too closely. Apparently, he had come up behind the trooper and was tailgating him at 65 miles per hour. This set of facts elicited in me a visceral response, questioning the kind of "punk" I had for a client.

I arranged to meet with my client at the courthouse an hour in advance of the hearing. When I arrived, the young man and his father were present. From the off, it was apparent that something was not "right." The young man spoke in an almost syncopated rhythm with thoughts that were not quite connecting. I learned a lot about "books" and "covers" and jumping to conclusions.

My client suffered from severe attention-deficit/hyperactivity disorder. During the five months before going off to school in Pennsylvania, he and his father practiced driving around the local area and extended their routes to include the I-81 corridor. They practiced the drive to and from college, and dad thought his son had memorized the route. He had to allow his son to be a normal college student driving home from school.

During his first solo drive down I-81, the young man stopped at every exit and called home to make sure he was on the correct route. Dad was getting worried because his son was already two hours late. He was speeding when the trooper stopped him the first time because he was supposed to be home by a set hour. He apologized, and the trooper was kind.

So why, ladies and gentlemen, did he tailgate the trooper? Dad told him to find a pace vehicle to follow to keep his speed in check. What better pace vehicle can there be than a trooper's cruiser? But there's more. He told me and the court that somehow he knew the trooper would help get him home.

There was no fine or penalty that day—only tissues. The judge spoke with dad about working more with his son on driving skills. And the State trooper? He stopped me on the way out of the courthouse and thanked me.

This is my feel-good case when I wonder why I had the hair-brained notion that I could be a lawyer.

Nancy Reynolds is a shareholder at LeClairRyan.



## ROANOKE LAW LIBRARY NEWS AND INFORMATION

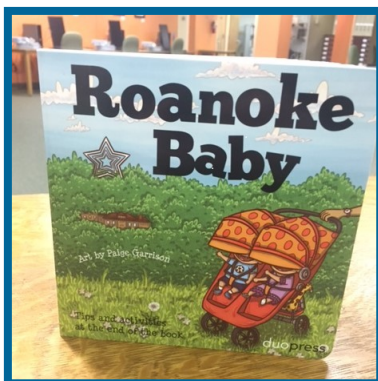
BY JOSEPH KLEIN, LAW LIBRARIAN



For me, this truly is the most wonderful time of the year. I love the holidays, spending time with family, driving around town looking at Christmas lights, gorging myself on cookies, and watching my daughter open her Christmas gifts. It's also a great time to reflect on the year and to give thanks for the many blessings in my life. I am extremely thankful for the support that the Roanoke Bar Association and its members have given to the Roanoke Law Library this year and for the entire 12 years I have been here. You are a wonderful organization to work with and to serve, and I look forward to many more years serving you.

I want to take a moment to remind those of you who are not taking advantage of the Law Library about some of our services. The Law Library is open to all Monday from 8 a.m. to 4:30 p.m., and Tuesday through Friday from 8 a.m. to 12 p.m. We have a comprehensive collection of Virginia and Federal legal resources and also provide free access to Westlaw, which has case law and statutes from all 50 states. I began working in law libraries almost 20 years ago and have copious experience performing all types of legal research, and I would love to assist you with your legal research needs. The Law Library has an attorney's lounge where you can relax before or after court, make phone calls, or chat with your colleagues. We also have subscriptions to the *Roanoke Times*, *Wall Street Journal*, *Virginia Lawyers Weekly*, and *National Law Journal*, so feel free to stop by to catch up on the news of the day. If you have any questions feel free to call me at 540-853-2268 or e-mail me at [joseph.klein@roanokeva.gov](mailto:joseph.klein@roanokeva.gov).

As I wrote last year at this time, if you are looking for a special gift for someone young or young at heart, please consider *Roanoke Baby*, a board book that all Roanoke Public Library branches, including the Law Library, are selling for \$10. The Life Ring Foundation has given the Roanoke Public Library a sizeable grant to support early childhood literacy and, in particular, has thrown support behind the Library's Star City Reads program. This program is Roanoke's campaign to have all children in the city reading at grade level by the third grade. Reading to pre-school-age children is the most powerful tool that parents can use to prepare their children for school. One of the initiatives of the program is to provide every child born in Roanoke Memorial Hospital with a copy of *Roanoke Baby*, which is illustrated by Paige Garrison. This wonderfully fun book has scenes we are all familiar with around the valley and would be a great gift for anyone who has a special connection with our wonderful town.



## VIRGINIA TECH ATHLETIC DIRECTOR WHIT BABCOCK SPEAKS TO RBA MEMBERS ABOUT LEADERSHIP (AND SPORTS)

BY CHRISTOPHER S. DADAK, ESQ.

On October 11, 2016, Virginia Tech Athletic Director, Whit Babcock, came to speak at the Roanoke Bar Association monthly luncheon. He began his talk with a quick survey of the room as to sports fan and (tongue-in-cheek) the ratio of Hokies to Hoos. Mr. Babcock's talk did, of course, include a discussion of a number of sports-related topics, such as the student-athlete experience, (legendary) Coach Frank Beamer and his philosophies, the transition to Coach Justin Fuente, and certain metrics Virginia Tech's athletic department strives for and by which it measures itself. However, the majority of the talk focused on leadership principles applicable to any lawyer or law firm.



Mr. Babcock's discussion of leadership emphasized the perspective of those being led—in our professional situation, most likely staff or associates. He stated that those people, consciously or subconsciously, ask themselves three questions about their "leader": "Do you care about me?" "Can I trust you?" and "Can you help me?" These are the powerful motivators, regardless whether the issue involves a student-athlete or a paralegal in a large law firm, and can even apply to personal situations as well. In order to successfully lead, one must assess and plan according to these criteria or priorities. Mr. Babcock's presentation focused, of course, on how Virginia Tech athletics prioritizes these goals, but the principles translate to a lawyer-staff or partner-associate relationship just as well.

Mr. Babcock provided a bullet point list of the culture that the Virginia Tech athletic department is fostering. The motivation is to achieve "something bigger than ourselves" and pull together for a common cause. The methods (or means) at the department are positive energy, not caring who gets the credit (team goals), no self-promoters (humility), "NO gossip," and "comparison is the thief of joy." That last one will likely surprise (passionate) sports fans as, in victory and defeat, we tend to focus precisely on comparing our program or team to another.

The lessons from the talk can be summarized with a Colin Powell quote that Mr. Babcock emphasized:

The day soldiers stop bringing you their problems is the day you have stopped leading them. They have either lost confidence that you can help them or concluded that you do not care. Either case is a failure of leadership. If this were a litmus test, the majority of CEOs would fail. One, they build so many barriers to upward communication

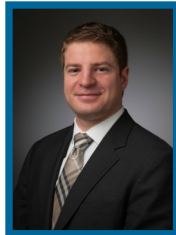
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**VIRGINIA TECH ATHLETIC DIRECTOR  
WHIT BABCOCK SPEAKS TO RBA  
MEMBERS ABOUT LEADERSHIP (AND  
SPORTS)**

*(Continued from page 4)*

that the very idea of someone lower in the hierarchy looking up to the leader for help is ludicrous. Two, the corporate culture they foster often defines asking for help as weakness or failure, so people cover up their gaps, and the organization suffers accordingly. Real leaders make themselves accessible and available. They show concern for the efforts and challenges faced by underlings—even as they demand high standards. Accordingly, they are more likely to create an environment where problem analysis replaces blame.

Mr. Babcock was self-deprecating (even pointing towards University of Virginia athletics as a model in certain areas), humorous, and polished throughout his talk. Successful individuals from other fields and walks of life have much to offer to the local Bar in terms of perspective, strategy, and professional and personal development, and Mr. Babcock is one of those individuals. I look forward to the next speakers in this vein already scheduled for upcoming RBA luncheons.



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

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**at the**  
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**Thank you to the Rule of Law Day Volunteers:**

Hugh Wellons, Mike Pace, Peter Lubeck, Stephen Kennedy, Nancy Reynolds, Judge Diane Strickland, Patrick Kenney, William Braxton, Lori Thompson, Joanna Meyer, Judge Onzlee Ware, Judge J. Talevei, Judge Robert Bal-lou, Henry Woodward, Rich Maxwell, John Koehler, John Eure, Phillip Parker, Stephen Poff, Joe Mott, Kevin Holt, Charles Downs, Philip Parker, and Lori Bentley.

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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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## RBA RECEPTION HONORS JUDGE CLIFFORD R. WECKSTEIN

(Continued from page 1)

-none legal abilities and writing skills as well as his tremendous commitment to professional education. (For more of Judge Wilson's



thoughts on Judge Weckstein's career, see "Longest Sitting Active Circuit Judge Retires" in the December 2015 issue of the *Roanoke Bar Review*.)

Next to speak were attorney and former legislator Richard Cranwell and current U.S. Attorney John Fishwick. Both men commented on Judge Weckstein's brilliant legal mind and outstanding control of the courtroom, and thanked him for his dedicated service to the Commonwealth.

The audience then heard from three of Judge Weckstein's colleagues from the bench—Henry County Circuit Court Judge David Williams, Roanoke City Circuit Court Judge William Broadhurst, and Roanoke City Juvenile and Domestic Relations Judge Onzlee Ware. Judge Williams shared a few fun (but not necessarily true) facts about Judge Weckstein, including that he was the one who successfully fought for the cannon of judicial conduct requiring judges to wear clothes underneath their robes. Judge Williams ended his remarks on a more serious note, commenting that there is no one who is more admired and respected in judicial circles than Judge Weckstein and that he is proud to call him his friend.

Judge Broadhurst began his remarks with a bit of humor as well, noting that his self-esteem has skyrocketed since Judge Weckstein's retirement. He explained that while his opinions had improved over the years, they still looked like "general hieroglyphics" whenever he compared them to Judge Weckstein's Shakespeare. So now that he is no longer confronted with Judge Weckstein's work on a daily basis, Judge Broadhurst said that he is feeling much better about his own work. Putting that aside, however, Judge Broadhurst remarked that Judge Weckstein was a wonderful colleague who was always happy to share his wisdom when asked. And, Judge Broadhurst concluded, if our Bar has a reputation for civility and professionalism, that is in large part due to Judge Weckstein's insistence that lawyers appearing in his courtroom exhibit such qualities.

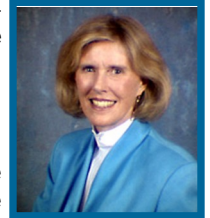
For his part, Judge Ware talked about Judge Weckstein's compassion for litigants and lawyers. He observed that Judge Weckstein never rushed a case; he always took his time, giving due consideration to the issues before him. Judge Ware also talked about Judge Weckstein's habit of marking up submitted orders until they were unrecognizable. On this subject, Judge Ware spoke about one instance where he took an order that Judge Weckstein had written in another case with similar issues, made very minor changes, and submitted it to him, thinking that it would finally make the grade. But Judge Ware was wrong—that order came back just as marked up as all the others. In conclusion, Judge Ware praised Judge Weck-

(Continued on page 8)

## JUDGE STRICKLAND RECEIVES FIRST HARRIS JUDICIAL SERVICE AWARD

BY JOHN S. KOEHLER, ESQ.

At its Fall CLE Seminar and Membership Meeting held October 7, 2016, the Salem/Roanoke County Bar Association (SRCBA) presented the first George W. Harris, Jr., Judicial Service Award to retired 23rd Circuit Court Judge Diane McQ. Strickland. The Harris Judicial Service Award was established this year by the SRCBA as a companion award to the Richard Lee Lawrence Lifetime Service Award, which was created last year. Former Roanoke County Board of Supervisors Chairman and longtime attorney Charles Osterhoudt was the first recipient of the Lawrence Lifetime Service Award, which was presented at the 2015 Fall Meeting. The SRCBA intends to alternate the presentation of the two awards in coming years.



The Harris Judicial Service Award was named in honor of the late George W. Harris, Jr., a long-serving judge of the 23rd General District Court. During remarks before the presentation, SRCBA Corresponding Secretary John S. Koehler noted that the appointments of both Judge Harris and Judge Strickland were hallmark events for the Roanoke Valley, as Judge Harris was its first African-American judge and Judge Strickland, its first female judge. Koehler further noted that anyone who appeared before them both could attest that they had markedly different styles, but as Judge Vincent Lilley—who practiced before and served alongside both—might have put it: "George and Diane might not have said their alphabet the same way, but they both started at A and ended at Z."

United States District Court Judge Elizabeth K. Dillon, the first woman appointed as a District Judge in the Western District of Virginia, presented the award to Judge Strickland on behalf of the SRCBA. Judge Dillon began her remarks by quoting President Woodrow Wilson:

You are not here merely to make a living. You are here to enable the world to live more amply, with greater vision, and with a finer spirit of hope and achievement. You are here to enrich the world. You impoverish yourself if you forget this errand.

"Diane Strickland is committed to this errand," Judge Dillon said.

Judge Dillon noted that Judge Strickland has served the citizens of the Roanoke Valley and Virginia for more than four decades, first for 14 years as a private attorney, then for 15 more as a judge, and since 2002 as a mediator. Judge Dillon noted that among the highlights of Judge Strickland's tenure on the bench was her founding of the first Drug Court in Virginia, which has now expanded to 37 other jurisdictions and has seen more than 883 participants graduate in the Roanoke Valley alone. Judge Dillon said that Judge Strickland's championing of this cause showed that she was, in the words of Margaret Mead, part of that "small group of thoughtful, concerned citizens [who] can change the world." Judge Dillon concluded her remarks by noting that "Diane has served as a role model and inspiration to me because of her character—her integrity, honesty, professionalism, kindness, caring heart, and service."

(Continued on page 9)

## RBA RECEPTION HONORS JUDGE CLIFFORD R. WECKSTEIN

(Continued from page 7)

stein for bringing great integrity to the bench, always looking out for the underprivileged.



Attorney Deborah Caldwell also shared a few words. She spoke about facing Judge Weckstein when she was with the Office of the Commonwealth's Attorney and he was in private practice. She noted that he was the ideal attorney and that she aspired to be like him. He was always prepared, knowing the law, the facts, and his client. She further commented that practicing before him after he went on the bench had made her a better lawyer.

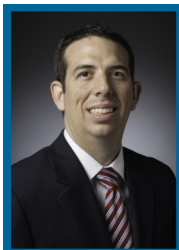
Judge Weckstein was the last to speak. He started by thanking all those in attendance and all those who had a hand in putting the event together. He also thanked his children, two of whom were present, for their love and support. He then talked about many of the lawyers and judges who shaped him into the lawyer and judge that he became. He

also spoke about the wonderful relationships that he had with his colleagues during his time on the bench. He ended by noting how fortunate he was to do something—the law—that was both a profession and a pleasure, and by thanking all those who made that possible.

The reception, which was fully funded by the generous contributions of RBA members and friends, was a smashing success and a fitting tribute to a fine man and jurist. I had the privilege of

clerking for Judge Weckstein for two years, and I wholeheartedly endorse all that was said about him during the evening. Our Bar was fortunate to have such an incredible judge for almost three decades. He will truly be missed.

*Justin E. Simmons is an associate at Woods Rogers.*



## LEGAL WRITING FOR SCREEN READERS

(Continued from page 2)

American Optometric Association officially recognizes computer vision syndrome.

The speed differential could also be the result of technology. My pedestrian laser printer renders text at a much higher effective resolution than the relatively high-end screens that I use. Higher effective resolution translates into sharper text, which ought to make reading easier and faster. The difference in reader speed could also be a function of conditioning. Maybe I'm slower on a screen because I grew up reading on paper, but my kids will be the opposite. These explanations are not mutually exclusive, and there may be other factors at play. Whatever the real story turns out to be, screen readers are—at least for now—materially slower than paper readers.

This handicap is compounded by other disadvantages. Paper is easier to manipulate than pdf. It's more convenient to flip pages and scan footnotes in a hard copy document than it is to perform the same exercise on a screen. Paper documents also give readers visual and tactile cues as they progress through the text. A reader can tell how far she's moved through a hard-copy memo just by the height and weight of the pages in her left and right hands, and she can also look back to post-it notes or dog-eared pages to jog her memory about earlier points. These cues help readers to remember their place in the document, which may aid comprehension. It's easier to mark up a paper document. To be sure, you can perform similar operations in pdf. It's just nowhere near as intuitive.

And it gets worse. Computers and tablets are a constant source of distraction. Anyone reading your document on a screen probably has the internet—the sum total of human knowledge and achievement, plus soccer scores—beckoning him at every second. Modern operating systems don't just encourage multitasking. They enforce it, affirmatively interrupting the reader with notifications. Studies show that it takes the average reader about 64 seconds to recover from the distraction created by an e-mail notification.

Compounding the writer's challenge, search engines and word-search functions have trained screen readers to expect instant access to information. When we consume content digitally, we have been conditioned to be impatient. Think of your own experiences word-searching a Lexis or Westlaw database. Now compare that to the traditional, paper-based approach that you learned in law school, when you started with a treatise, moved to a digest, homed in on a set of cases, read them, Shephardized them, read some more cases, and got to the answer. Would you have the patience (not to mention the physical endurance) to complete the same exercise on a screen?

### B. Screen readers compensate by cheating.

To compensate for these deficiencies, screen readers approach text differently than paper readers. Eye-tracking studies show that book readers study, while screen readers browse. Book readers typically read left to right and read every word. Screen readers do not.

Instead, screen readers move through text in an F-shaped pattern, scanning for the most important content and following visual cues. They tend to first read a few lines across the top of the page. They then read headings and topic sentences further down the page. After that, they scan down the left side of the text for additional visual cues like outlines, bullet points, pictures, or

(Continued on page 10)



## VIEWS FROM THE BENCH: JUDGE PAUL BLACK

*(Continued from page 3)*

A.H. Robins Co. after it filed for bankruptcy, primarily due to litigation related to the company's Dalkon Shield birth control device. In a unique arrangement, the two judges often sat on the bench together during the hearings.

Following his time with Judge Shelley, Judge Black went on to work with Mays & Valentine in Richmond, where his practice focused on securities litigation, civil RICO claims, and the occasional bankruptcy case.

In 1991, after his first child was born, Judge Black and his family moved back to Roanoke and he joined Wetherington & Melchionna. There, Judge Black maintained a practice of general civil litigation and helped further develop the firm's commercial banking clientele, focusing on bankruptcy and problem loan issues. In 1994, Judge Black became a shareholder of the firm and helped expand the firm's bankruptcy practice.

Another partner of the firm, Webster Day, and Judge Black had developed and maintained contacts with several lawyers working for Spilman Thomas & Battle in West Virginia, including one of Judge Black's former colleagues at Mays & Valentine and the two, along with Olin Melchionna and Nick Ammar, worked to engineer the merger of what was Melchionna, Day, Ammar & Black with Spilman in July 2007. Though the firm changed in name, Judge Black continued to focus on working on bankruptcy, lender liability, and problem loan issues for the prior firm's longstanding clients, as well as several new institutions, from Pennsylvania to North Carolina. Judge Black continued his membership with Spilman until he was appointed to the bench in 2014.

Now, Judge Black sits as one of two appointed federal bankruptcy judges in the Western District of Virginia, along with Judge Rebecca Connelly. Judge Black sits and hears cases in the Roanoke, Abingdon, Big Stone Gap, and Danville divisions. He reports that with just two judges in the district, his caseload keeps him very busy, especially with the travel, even though case filings are down from historic levels, both locally and nationwide. He generally hears more Chapter 13 bankruptcy cases, but reports that he has handled some large Chapter 11 energy and real-estate-related cases in the last two years. Judge Black stated that like any docket, the caseload ebbs and flows.

For Judge Black, one of his favorite things about his judgeship is the interaction that he has with the people that come before the court. "For a large part of the population, we are the face of the federal judiciary," he noted. "We have a real ability to turn lives around here. This court has the power to do that."

In his time out of court, Judge Black likes to travel with his family. His recent travels include trips to Barcelona, San Francisco, and Seattle. His wife, who is from Richmond, now helps direct the preschool program at Second Presbyterian Church. She previously worked for several years as a paralegal for the Virginia State Bar before taking time off to raise their three daughters. Though they did not meet until after college, Judge Black recalls that he and his wife, a Sweet Briar alumna, remember attending some of the same social events during their concurrent collegiate years. Now he and his wife are busy planning their eldest daughter's wedding in the coming year.

For lawyers practicing in his court, Judge Black offers essential practical advice. First, for those lawyers unfamiliar with the practice of bankruptcy law, he reminds them that "if you can practice in federal district court, then you can practice in our court. We have the same rules of evidence and civil procedure, as we are,

after all, a federal court." Second, for those lawyers unfamiliar with this court but interested in learning, Judge Black advises that they consider a fundamentals course and that "they spend a day in our court and watch. They should go observe the court, see its culture, and see the way that good lawyers handle themselves."

For those more experienced lawyers that work in bankruptcy, Judge Black advises that they should take the time to do their best to prepare the case before they get to court. He notes that "client contact, particularly in bankruptcy cases, can sometimes be a challenge." Those lawyers working with bankruptcy clients should "get as much prep work done as they can before they get to court and should not try to resolve their case the day before they are scheduled to go to court." Judge Black compliments the cordial bar of the Western District and commends the fact that there seems to be a prevalence of "counsel who can be strong advocates, yet not be too difficult to get along with in doing so."

Judge Black offers sage advice to young and newly admitted lawyers to the bar. "Get out of the office," he says. Judge Black spent many years involved with the State Bar Disciplinary system, as well as various state-wide litigation and bankruptcy sections. "Go and make connections everywhere you can. Get involved with state bar organizations and become an active presence for the Roanoke valley. You may meet other lawyers from across the State who don't know anyone else in this region. When they get a case out here, then you'll be the person they call."



*Bradley C. Tobias is an associate at Gentry Locke.*

## JUDGE STRICKLAND RECEIVES FIRST HARRIS JUDICIAL SERVICE AWARD

*(Continued from page 7)*

SRCBA President Peter Lubeck presented the award plaque to Judge Strickland, which includes a quotation by American mercantile entrepreneur James Cash Penny: "Honor bespeaks worth. Confidence begets trust. Service brings satisfaction. Cooperation proves the quality of leadership." In accepting the award, Judge Strickland expressed her thanks to the many members of the bar who had appeared with and before her during her years in the courts. She said that she drew inspiration and strength from the knowledge that our bar was among the most collegial and professional that she had encountered during her career.



*John S. Koehler is a career law clerk to Sr. Justice Lawrence L. Koontz, Jr.*

## LEGAL WRITING FOR SCREEN READERS

(Continued from page 8)

tables. Screen readers are less likely to read words near the end of a paragraph, the bottom of the page, or in the lower-right quadrant.

### 3. Simple steps to make legal writing more effective on a screen.

Once we understand the challenges that screen readers face and the compensatory strategies that they employ, it's easy to come up with strategies to make legal writing more accessible to them. Here are some tips:

- Use frequent and easy-to-follow headings that summarize content and arguments.
- Forecast the structure and content of your argument with a summary.
- Start paragraphs with topic sentences.
- Craft white space to direct your reader's attention. White space doesn't just give the reader's eyes a break; it guides them to the key parts of your argument.
- Use visual cues like bullet points and numbered lists.
- Break complicated information into shorter, easily digested chunks. Avoid long paragraphs and long sentences. Shorter paragraphs → more topic sentences → greater comprehension when scanning on a screen.
- Employ an easy-to-grasp structure that will help readers to understand your argument.
- Avoid substantive footnotes. It's much harder to view footnotes on a screen than it is on paper, especially if the reader is using a tablet.
- At the sentence level, keep your subject, verb, and object close together, and near the start of the sentence.
- Wherever possible, use pictures, tables, and graphs.

Of course, strategies and best practices are always evolving. One way to keep current is to study effective clickbait—Buzzfeed, Slate, etc.—and try to deconstruct the approach that those authors are using. While a legal brief needn't follow the conventions of an online listicle—"You'll Never Believe What Appellant Told the District Court!"—the people behind those articles understand how screen reading works; their livelihoods depend on it. As professional writers, lawyers would do well to track these online authors' innovations, keeping what works in the legal context and tossing the rest.

Finally, it's worth considering the obvious objection to these strategies: that they call on lawyers to dumb-down their work. Not so. As William Wheeler observed, "Good writing is clear thinking made visible." These strategies—none of which are original, and all of which borrow from (or downright plagiarize) the work of others—simply remove some of the unnecessary visual obstructions that have gathered around legal writing over the years.

Jay O'Keeffe is a member of Johnson, Rosen & O'Keeffe, LLC.

## SANTA AT THE STATION BRINGS HOLIDAY CHEER TO LOCAL FAMILIES

BY CHRISTOPHER S. DADAK, ESQ.

On December 12, 2016, the Roanoke Law Foundation sponsored the 11th annual Santa at the Station held at the Virginia Transportation Museum. Lori Thompson, as always, spearheaded the effort and graciously put in significant time to ensure that the event was a success. Santa at the Station put over 60 volunteers (mostly from the legal community) to work providing a holiday celebration for less-fortunate families in the Roanoke area. Families from the Rescue Mission, Family Promise of Roanoke, TAP Permanent Supportive Housing Project, ARCH, and Head Start attended the event. This year almost 200 children and family members came to Santa at the Station.



The children and their families can, free of charge, see the entire museum, which has various holiday activities throughout. The event includes face painting, Santa's "Workshop" (arts and crafts), holiday (temporary) tattoos, Santa's Sack where children can select gifts for their parents, food and drinks, and, of course, family photographs with Santa. RBA President, Hugh Wellons, led a talented and joyous group of Christmas carolers throughout the museum over the course of the evening.



The event puts a smile on the face of every child who attends. It truly embodies the holiday spirit. The following thoughts and feedback from volunteers reveal how participating in the event is a rewarding experience for any RBA member and how much joy it brings to the local children.

Andrew Gerrish "look[s] forward to Santa at the Station every year because it is such a great opportunity to help make local families' holidays special. This year [he]

(Continued on page 11)



## SANTA AT THE STATION BRINGS HOLIDAY CHEER TO LOCAL FAMILIES

*(Continued from page 10)*

helped everyone take photos with Santa. Our Santa was fantastic as always, and every kid left with a candy cane and a smile."

Nancy Reynolds discovered that "the efforts, talents and commitment of this dedicated group of volunteers were heart-warming. The children were so adorable and well-mannered that we all wanted to take them home. At a time when it is difficult to be a parent who cannot give their child the moon and stars, their gratitude was tangible and they expressed it repeatedly." She even "discovered in herself a budding tattoo artist for exceptional children."



For Stephen Kennedy, this was his "fifth opportunity with Santa at the Station, and it was good to see both the veteran volunteers and newcomers enjoying each other's company while giving back to this wonderful community. This year's event was very well attended by the children and their families. Smiles could be seen wall to wall as the kids bounced between the craft room, face painting table, the dinner line, and photos with Santa. The experience is truly a gift for all involved, attendees, and volunteers alike. I encourage all who may be inclined to join us next year for another memorable experience."



Santa in the Station never fails to put Macel Janoschka in the holiday spirit. "It was just wonderful to see kids in reindeer antlers with red noses and big smiles on their face," she commented.

Santa at the Station was also made possible through the generosity of Chick-fil-A; Roy V. Creasy, Attorney at Law; Julie C. Dudley, Esq.; Frankl, Miller & Webb, LLP; Stephen H. Kennedy, Jr., Attorney at Law, PLLC; LeClairRyan; Raymond F. Leven, Esq.; George A. McLean, Jr.; Amy Mogetz, Esq.; Easter P. Moses, Esq.; J. Lee E. Osborne, Esq.; Robert Dementi Photography; Law Office of Richard D. Scott; Mark and Lori Thompson; and the Virginia Museum of Transportation.

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





# ANNOUNCEMENTS

NEW MEMBERS	UPCOMING EVENTS	OFFICERS
<p>The Roanoke Bar Association welcomes the following new Active members:</p> <p>John Brian Barnett Attorney at Law</p> <p>Yvgeni Sientje Henderson Attorney at Law</p> <p>Anne Marshall Deaton Lukacs Lukacs Law, PC</p> <p>Daniel H. Smith Frith Anderson &amp; Peake, PC</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>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>
<p>The Roanoke Bar Association congratulates the following new Lifetime member:</p> <p>Jennings T. Bird The Bird Law Firm, PC</p>	<p>Go to <a href="http://www.roanokebar.com">www.roanokebar.com</a> for more information on all upcoming events.</p>	



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