

# Senior Lawyer NEWS

Volume 22, Issue 1, Spring 2013

Frank O. Brown Jr., Editor

Virginia State Bar Annual Meeting Edition



## Remembrance Of John H. Tate, Jr.



By William T. Wilson, Esquire

On December 11, 2012, one of my favorite lawyers and my friend, John H. Tate, Jr., passed away after a brief illness. He was 74 years old and lived in Marion.

He was survived by his wife, Rebecca Jane Raines Tate, and four children, John Harvey Tate III, Campbell Byron Tate, Luke Bradford Tate and Ashley Elizabeth Tate.

It occurred to me that when we lawyers gather to talk about ethics, pro bono work, community service, the Rule of Law, and what a lawyer ideally ought to be, we should have a picture on the wall of John Tate to point to as an example of the “ideal lawyer” that we want to hold up as an example for our profession.

John was all about service to his community, his family and his profession. The list of his accomplishments is long. To mention a few, he was a member of the Virginia House of Delegates (1995-2001), where he served ably; he was former chair of the Senior Lawyers Conference (SLC) of the VSB, and was a member of

that conference at the time of his death; he graduated from William and Mary College in 1960 and went on to receive his



*(from left) John H. Tate, Jr. and Chief Justice Kinser stand before the Forever Tree at its dedication to Chief Justice Hassell on the Capitol grounds in 2012.*

law degree at Washington and Lee in 1963; he had an extensive private practice in Marion for almost 50 years, much of which was pro bono work; he served on the board of Southwest Virginia Bankshares and was chairman at the time of his death; he was County Attorney for Smyth County from 1977 until 2011; he served several terms on the VSB Council; and he had served on many community boards and committees

in the Marion community and elsewhere in the Commonwealth.

John’s funeral was at the First United Methodist Church in

Marion. Warren Haynie, an attorney in the Northern Neck and the current chair of the SLC, and I attended. The church was packed. We heard some things we didn’t know. For instance, we learned that before age 3, John gave a public recitation of “T’was The Night Before Christmas” that the community never forgot; that he sang solos as a tenor; that much of his legal work

had been pro bono; that he was known in his community as a skillful, wise and thorough lawyer; that if you spoke with John on the street, you would receive a letter from him the next day saying it was good to see you yesterday; and that when John went into the House of Delegates in 1995, he told people, “I want to help the people of Southwest Virginia. They need a strong voice and I am going to be that strong voice.”

Continued on page 2 >

John was especially proud of serving on the SLC, and being its chair. While serving on the SLC Board, he initiated a statewide "Tree Planting Program" using the senior lawyers, and others to distribute and plant trees of all kinds around the Commonwealth, often at his own expense. John had the spirit of an apple tree planter, as exemplified in William Cullen Bryant's poem, "The Planting of the Apple-Tree. In this poem, Bryant wrote about the hopeful, prospective and optimistic act of planting an apple tree, the tangible fruits of which the planter may or may not personally enjoy, but the intangible fruits of providing for the future, he will enjoy. After writing of the abundant life of the apple tree and the benefits which it will provide, he concluded with a description of the decline of the apple tree in its old age and of young people of that distant time asking, "Who planted this old apple-tree?" The answer is



that John Tate, and many others with his encouragement, planted that tree as a gift to future generations. John enjoyed being referred to affectionately as "Johnny Appleseed." His tree planting program has been a great success and the SLC is continuing that program. We also plan to plant a tree in Marion in John's memory.

John was a man of modest and generous spirit. He recognized and respected the achievements

and accomplishments of others. He worked tirelessly and successfully in having a "Forever Tree" planted in Virginia's Capitol Square in memory of the late Chief Justice Leroy Rountree Hassell, Sr..

When John became a member of the Virginia House of Delegates, he acquired the title "Honorable." I cannot think of anyone who deserves that title more. He was "honorable" in all he did: as a family man, as a Delegate representing his people, as a community servant and, as a darn good lawyer. We're lucky to have had him in our profession. What a fine example he was for all of us. We miss him!!-.

*William T. Wilson is a Past Chair and member of the VSB Senior Lawyers Conference. He is a partner with Wilson, Updike & Nicely of Covington, Virginia.*

## Senior Lawyers Receive Prestigious 2013 Law Awards

The Senior Lawyers Conference congratulates the following Senior Lawyers who have received prestigious law awards in 2013:

- The late **Murray J. Janus** of Richmond and the late **Roderick B. Mathews** of Richmond were honored with The Virginia Law Foundation 2013 Annual Rule of Law Award.
- **Claire G. Cardwell** of Richmond received the Virginia State Bar Criminal Law Section 2013 Harry L. Carrico Professionalism Award.
- **W. Joseph Owen III**, of Midlothian received the 2013 Tradition of Excellence Award of the Virginia State Bar General Practice Section.
- **Darrel Tillar Mason**, of Manakin Sabot, received the Diversity Conference Annual Clarence M. Dunnaville, Jr. Achievement Award.
- **John R. Rellick**, of Tappahannock, received the 2013 Virginia Legal Aid Award from the Virginia State Bar Access to Legal Services Committee.
- **W. Taylor Reveley III**, the 27th president of the College of William & Mary, received the William R. Rakes Leadership in Education Award from the Virginia State Bar Section on the Education of Lawyers in Virginia.
- **Ronald R. Tweel**, of Charlottesville, received the 2013 Betty A. Thompson Lifetime Achievement Award from the Virginia State Bar Family Law Section.

---

# The Senior Lawyers Conference

The purpose of the Senior Lawyers Conference is to uphold the honor of the profession of law, to apply the knowledge and experience of the profession to the promotion of the public good, to encourage cordial discourse and interaction among the members of the Virginia State Bar (VSB), and to pursue its Mission and Goals as follows:

The SLC shall serve the particular interests of senior lawyers and promote the welfare of seniors generally. In serving the interests of senior lawyers the SLC will plan and present programs and activities and produce publications of interest to senior lawyers, and coordinate activities for senior lawyers by, for, and with state and local bar associations. To promote the welfare of seniors generally, the SLC will study issues of concern to seniors, prepare and present programs and publications designed to explore and develop such issues, advocate appropriately on behalf of such issues and cooperate with other entities interested in such matters.

As of May 1, 2013, the Senior Lawyers Conference has 16,200 members. All members of the VSB who are in good standing and are 55 years of age or older are members of the SLC.

The periodic meetings of the SLC Board for the 2013-2014 Bar year will be held at Westminster-Canterbury of the Blue Ridge in Charlottesville. The Board will meet four times, beginning in September, 2013. All dates will be announced on the SLC website at [www.vsb-slc.com](http://www.vsb-slc.com). The 2013 SLC annual business meeting will be held on June 14, 2013, immediately after the SLC CLE Workshop at the VSB Annual Meeting in Virginia Beach.

## Senior Citizens Law Day Programs

The Senior Citizens Law Day programs, under the format developed by Bill Wilson of Covington, is a successful one conducted by local bar associations and individual lawyers as a public service in reaching out to senior citizens in our communities and providing them with education about their rights and responsibilities under the law. The programs have been presented all over the Commonwealth, and they represent win-win-win situations for the

public, for the lawyers who are involved in planning and presenting the programs, and for the legal profession. For more information, please call SLC Liaison Stephanie Blanton at (804) 775-0576.

## Senior Lawyer News—Website and Mailed Newsletters

The Senior Lawyer News is published as an online newsletter. Periodically, we publish Remembrances of deceased distinguished lawyers or judges whose personal and professional qualities are inspirational to members of the legal profession. Volunteers are needed to write articles for future issues of The Senior Lawyer News. Please let Frank O. Brown, Jr. (804-673-7545) know if you are interested in writing an article for the newsletter.

## Protecting Lawyers' and Clients' Interests In the Event of the Lawyers' Disability, Death or Other Disaster

The SLC Web Site at <http://www.vsb.org/site/conferences/slc/attorney-resources-publications> contains the following documents to assist lawyers in their planning: *Durable Special Power of Attorney Regarding Law Practice*; *Agreement Regarding Law Practice*; *Last Will and Testament provisions with appropriate powers to Executor*. In addition, Frank O. Brown, Jr. presents a CLE Ethics program to local bar associations on this topic. This program is presented as a one hour, one and one-half hour, or two hour program, with full ethics credit. The program has been presented at least once in Abingdon, Alexandria, Arlington, Big Stone Gap, Boydton, Covington, Charlottesville, Danville, Fairfax, Farmville, Fredericksburg, Gloucester, Harrisonburg, Henrico, Irvington, Keyville, Leesburg, Luray, Mclean, Melfa, Norfolk, Richmond, Roanoke, Salem, Smyth County, Stratford Hall, Virginia Beach, Williamsburg, Winchester, and several additional times in some of these locations. Additional programs are being planned in other locations in the future. If your local bar association is interested in having this ethics program presented, at no charge, please call SLC Liaison Stephanie Blanton at (804) 775-0576. The *Checklist on Closing a Law Practice* is also available on the website.

## **VSB Annual Meeting CLE Workshop**

Each year at the VSB Annual Meeting, the SLC sponsors a CLE workshop. The workshop this year is the Annual Meeting Showcase CLE titled: **“Cocktail Party Advice: How to Answer Basic Legal Questions from Friends, Neighbors, Clients and Partners”** (2.0 MCLE credits). The program will include lively interaction among a panel of seasoned practitioners and the audience on questions posed by the Moderator, John M. Oakey, Jr., Esquire, of Richmond. The workshop panel members are: James F. Andrews, Esquire, of Petersburg; Frank O. Brown, Jr., Esquire, of Henrico County; Carrollyn Charles, Esquire, of Virginia Beach; and Andrew M. Sacks, Esquire, of Norfolk. The time and location are **Friday, June 14, 2013, 8:45 AM–10:45 AM, Cavalier Beach Club, Rooms A & B.**

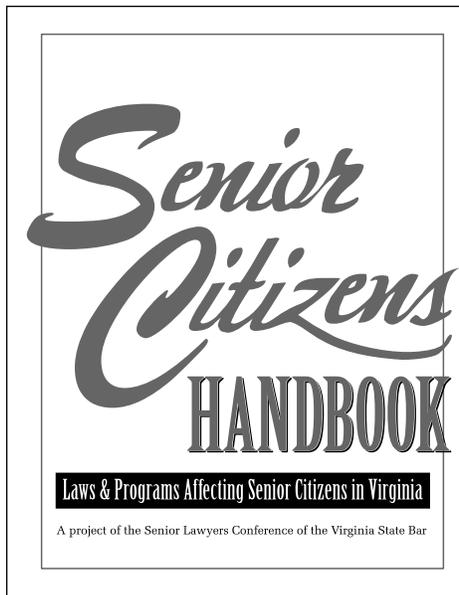
## **Brunch and Ceremony Honoring 50-Year VSB Members**

At the VSB Annual Meeting, the SLC sponsors a brunch and awards ceremony at which the senior lawyers who are receiving their 50 year membership awards are honored. A special certificate will be presented to these Senior Lawyers to commemorate this milestone in their professional lives. It is by special invitation to the honored guests and will be held on Saturday, June 15, 2013, at the Cavalier Oceanfront.

**Visit the SLC Web Site  
at [www.vsb-slc.com](http://www.vsb-slc.com)**

## **Pro Bono Activities by Senior Lawyers**

The SLC actively encourages pro bono activities by senior lawyers. To find out how you can become involved in providing pro bono services, please call John Oakey at (804) 775-4336, or e-mail him at [joakey@mcguirewoodsemeritus.com](mailto:joakey@mcguirewoodsemeritus.com).



## **Senior Citizens Handbook—2013 Edition**

Produced by the SLC, this newly revised 114+ page handbook is the VSB's most requested publication. It is a resource for seniors, their families, and their caregivers to provide an overview of and contact information for opportunities and choices facing senior citizens today, with a summary of how specific laws affect Virginia's older citizens and practical advice on issues such as Social Security, Pensions, Supplemental

Nutrition Assistance Program, Federal Income Taxes, Medicaid, Medicare, Alzheimer's Disease, Long Term Care, Nursing Homes, Assisted Living Facilities, Adult Day Care, Home Care, Continuing Care Retirement Communities, Housing, Reverse Mortgages, Divorce and the Elderly, Real Estate Transfers, Estate Planning, Probate and Estate Administration, Advance Directives and Powers of Attorney, Guardianship and Conservatorship, Funeral Services, Protection of Legal Rights, Landlord/Tenant Issues, Selecting and Working with a Lawyer, Consumer Protection, Discrimination, Grandparent Rights, Personal Safety and Security, Elder Abuse, Alternative Dispute Resolution, Virginia's Court System, and more. There is also an extensive list of governmental and community service organizations that details the various services available to senior citizens. If you are interested in obtaining single copies of the Senior Citizens Handbook for personal use, or in obtaining multiple copies for use in a Senior Law Day Program, please call Stephanie Blanton, VSB SLC Liaison, at (804) 775-0576 for more information.



The *Senior Citizens Handbook* is available online at <http://www.vsb.org/docs/conferences/senior-lawyers/VSB-SCHandbook.pdf>.