

Reminiscence from the Past

by Richard Cocke

*Some call it the **Twilight Years.** Others call it the **Golden Years.***
*And some crass people even call it **Old Age.***

Whatever it is called, there is still a great deal of energy in the Virginia State Bar Senior Lawyers Section. There is a wealth of experience and wisdom residing in it.

The Early Days

In the beginning, there was Walter Regier. Walter deserves the credit for providing the vision, the inspiration and the guidance for the inauguration of the section. He, along with Felix Edmunds, Leigh Middleditch, Wally McGraw and numerous others, gave their time and talent to the development of this major segment of the bar. (The full list of the original board of governors appears in the box on the page to the right.)

The American Bar Association recognized the value of harnessing the latent talent and experience of the "Old Horses," by organizing a Senior Lawyers Section in 1985; so, the time was ripe for Virginia to follow suit. The establishment of the Senior Lawyers Section was approved at the meeting of the Executive Committee and the Bar Council on February 26 and 27, 1987.

As stated in its bylaws, "The purpose of the Senior Lawyers Section shall be fellowship and liaison with our professional counterparts, including those in the healthcare field; to stress and encourage professionalism by and among members of the Virginia State Bar; to encourage through education a recognition of elder law with particular emphasis upon retirement, pensions, annuities, financial counseling and a variety of other disciplines and fields of interest to the senior lawyer; to institute and participate in the *pro bono publico* activities of the Section; to provide senior citizens with a general understanding of their legal rights and obligations in the elder law areas; to conduct elder law research; to publish section newsletters; to organize elder law seminars; and to offer and promote other educational ventures for the general benefit of the members of the section and the Virginia State Bar and the senior citizens of the Commonwealth of Virginia."

Originally, the age qualification was set at 60; however, in 1990 the bylaws were amended to reduce that threshold to the age of 55 in order to enlarge the potential base of participation.

The 49th annual report of the Virginia State Bar disclosed that "the State Bar consists of 19,485 active members of the bar and bench, of which 2,778, or approximately 14% are senior lawyers over the age of 60 years. We believe that the Senior Lawyers Section will have an impact, not only upon the activities of the Virginia State Bar, but on bars throughout the other states who may wish to pattern their programs after the Virginia initiative." Presently the Virginia State Bar has more than 23,000 active members and slightly more than 3,000 of those are senior in age.

Senior Citizens Handbook

What could be more natural and more meaningful than for the Senior Lawyers Section to undertake the production and distribution of the *Senior Citizens Handbook*? This publication has been described as the most successful product the State Bar has ever produced in the public interest. Currently, a joint product of the Senior Lawyers Section and the Young Lawyers Conference of the Virginia State Bar, it is in its ninth printing.

As stated in its introduction, "This handbook provides a summary of many laws and programs affecting Virginia's elder citizens. While it is designed to meet the needs of seniors, it should serve as a useful tool for other Virginians who are interested in matters affecting our senior citizens. The handbook not only provides practical guidance for addressing many of the problems commonly faced by older Virginians, but it is also a helpful resource for locating those public and private organizations that provide services to seniors. Although the handbook is not intended as a substitute for professional legal assistance, the information presented should assist the reader to become better educated on those legal issues impacting the quality of life of Virginia's senior citizens."

Other Activities

The section has sponsored programs each year, generally at the Virginia State Bar's annual meeting in June, for which continuing legal education credit is arranged. The Senior Lawyers Section has frequently collaborated with other sections, such as the Health Law Section and the Trusts and Estates Section, in the

presentation of these CLE programs. Through the years, programs have been presented on “Legal, Environmental and Other Issues in the Perspective of Aging,” “Senior Lawyers Advising Senior Citizens,” “Counseling Dying Clients and Their Families,” and “*Pro Bono Publico*—Filling the Gap.” Other seminars, including presentations on guardianship, physician assisted suicide, and other topics of interest to senior citizens have also been sponsored. At the 1998 mid-winter bar meeting in Madrid, our section sponsored the lecture by Professor A. E. “Dick” Howard, who spoke on “The Supreme Court from Warren to Rehnquist.”

In 1989, a *pro bono* task force was created by the Virginia State Bar through the efforts of the Senior Lawyers Section. The *pro bono* committee that resulted from this initiative has received numerous awards for its work. On the committee’s recommendation, the Virginia Supreme Court established guidelines for *pro bono* hours by Virginia lawyers.

The section promoted professionalism as one of its primary objectives. In 1989, certificates were issued by the awards committee to bar officials, seminar participants and members of the board of governors. These certificates contained the message of Rosco Pound, former Dean of Harvard Law School: “. . . we mean by the term profession . . . an organized calling in which men pursue a learned art and are united in the pursuit of it as a public service . . . no less . . . because they may make a livelihood thereby . . . the bar association exists primarily for the purposes of the law rather than of the lawyer and for advancement of the administration of justice according to law . . . bar associations have, in the present generation, lifted the standard of professional education, codified professional ethics, promoted uniformity . . . brought about simplification of legal procedure and removal of archaic technicalities.”

In 1997, the board of governors of the section explored their desire to adopt a succinct definition of professionalism. The result of this effort was the recognition that the Virginia Bar Association had already adopted a creed, which our board felt was a clear and succinct statement that we could wholeheartedly endorse. Accordingly, a resolution was adopted which endorsed the Virginia Bar Association Creed and recommended its widespread dissemination.

In 1990, consideration was given to changing the name of the section to “Elder Law Section.” However, the prevailing view was that, while our section was interested in the subject of elder law, it is only a facet of the broader perspective of the Senior Lawyers Section.

At various times, efforts were made to change the structure of our section to bring it into parity with the Young Lawyers Conference. The argument is that balance and fairness call for an equal status to be accorded to both of these segments of the bar. In support of this position, it is pointed out that the YLC is given the highlight positions for their programs at the annual meeting, and the conference members do not pay additional dues. As yet, this idea has not gained sufficient traction to bring it to fruition.

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First Board of Governors

- Walter W. Regirer
- Felix E. Edmunds*
- Walter J. McGraw
- Nancy O. Horne—Secretary, Remington Group
- Marvin G. Bowling, Jr.
- W. Richard Broaddus, III*
- Howard W. Dobbins
- Louis B. Fine*
- Humes J. Franklin, Sr.*
- Walter R. Gambill
- C. Hobson Goddin
- Oliver W. Hill
- Edward S. Hirschler*
- Thomas D. Jordan
- J. Madison Macon, IV
- Julien J. Mason*
- Eugene W. McCaul
- Leigh B. Middleditch, Jr.
- Nicholas A. Spinella
- Joseph E. Spruill

*Deceased

List of Past Chairmen

1987–90	Walter W. Regirer	Richmond
1990–91	Leigh B. Middleditch, Jr.	Charlottesville
1991–92	Walter J. McGraw	Richmond
1992–93	Edward R. Parker	Richmond
1993–94	Nicholas A. Spinella	Richmond (Henrico)
1994–95	J. Hume Taylor, Jr.	Norfolk
1995–96	L. Shields Parsons, Jr.	Norfolk
1996–97	E. Griffith Dodson, Jr.	Roanoke
1997–98	Richard Cocke	Richmond (Henrico)
1998–99	Francis N. Crenshaw	Norfolk
1999–2000	Overton P. Pollard	Richmond
2000–01	Thomas J. Michie, Jr.	Charlottesville

Participation

Many distinguished lawyers have contributed to the activities of the section. Ed Hirschler, while holding high offices in various ABA committees, still found time to edit the *Senior Citizens Handbook* and participate actively as a member of the board of governors. Evans Brasfield and Jack Kay, both past presidents of the VBA, collaborated to pull together a CLE program at the Boar's Head Inn in Charlottesville, featuring Professor David S. Caudill, with a lively "Ethics Update" accompanied by his guitar, and Judge Robert Merhige as luncheon speaker. Oliver Hill has been active on the board and has shared his perspectives and insights. These are but a few of the many who have made a difference.

National Recognition

The publication of Virginia's *Senior Citizens Handbook* has not gone unnoticed, and the American Bar Association has recently undertaken to publish a national prototype of the publication that various states have used and adapted to incorporate local laws. In 1990, it was reported that other states such as Maryland, Kentucky, Tennessee, New York, North Carolina and Oregon have applauded and emulated the activities and initiatives of our section. In 1997, Leigh Middleditch was elected chair of the Senior Law Division of the ABA, in recognition of the years of hard work and leadership that he devoted to the activities of the Senior Lawyers Section.

The Bridge Builder

The following poem, that Past-President Grif Dodson called to our attention, appropriately sets the tone for the Senior Lawyers Section.

And old man, going a lone highway
 Came at the evening, cold and gray,
 To a chasm, vast and deep and wide,
 Through which was flowing a sullen tide.
 The old man crossed in the twilight dim—
 That sullen stream had no fears for him;
 But he turned, when he reached the other side,
 And built a bridge to span the tide.

"Old Man," said a fellow pilgrim near,
 "You are wasting your strength in building here.
 Your journey will end with the ending day;
 You never again must pass this way.
 You have crossed the chasm, deep and wide,
 Why build you the bridge at the eventide?"

The builder lifted his old gray head.
 "Good friend, in the path I have come," he said,
 "There followeth after me today
 A youth whose feet must pass this way.
 This chasm that has been naught to me
 To that fair-haired youth may a pitfall be.
 He, too must cross in the twilight dim;
 Good friend, I am building the bridge for him."

Respectfully Submitted,
 Richard Cocke



Richard Cocke, an attorney and counsellor at law with offices in Richmond, Va., has served in the Richmond metropolitan area for 38 years. He practices general business law, specializing in real estate, wills and estate planning, and small business transactions. Cocke also serves as eminent domain counsel for the Virginia Department of Transportation and is a current member of the Board of Real Estate Assessment & Equalization in Henrico County, Va. He received both his B.A. and L.L.B. from the University of Virginia.

Senior Lawyers Want Members

The Senior Lawyers Section of the Virginia State Bar is campaigning for new members.

All members of the Virginia State Bar in good standing who are 55 years of age or older are eligible for membership. The purposes of the section are to consider and advance the interests of senior lawyers by addressing such issues as adjustment to new developments in the profession by senior lawyers who continue to practice, participation in Virginia State Bar and other activities by senior lawyers, retirement concerns and, in cooperation with other VSB sections, presenting elder law CLE programs.

The benefits of membership—in addition to fellowship, participation in its activities and CLE programs—include receiving the section newsletter and a copy of the *Senior Citizens Handbook*. This is an excellent publication prepared by the VSB Young Lawyers Conference and the Senior Lawyers Section that provides up-to-date information of virtually every elder law issue and concern.

Membership in the section is \$15 per year. To join, call Pat Sliger, VSB liaison, at (804) 775-0576. She will enroll you and send you a copy of our most recent newsletter, a copy of the *Senior Citizens Handbook*, and a statement for your current dues.

As we all know, strength lies in numbers.

Bill Smith, Member of the Board of Governors and Executive Committee, Senior Lawyers Section, Virginia State Bar, (757) 422-1678