

Senior Lawyer NEWS

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Frank O. Brown Jr., Editor



Robert A. Cox, Jr.

A Remembrance by James L. Weinberg, Esquire

Robert “Bob” Cox, Jr. was timeless – in his appearance, demeanor, and values. Bob died on April 9, 2020, at age 96. I was fortunate to know Mr. Cox from a

young age as I grew up observing the firm and its growth as a child, a summer mailroom clerk, and subsequently a colleague of Bob. When I first arrived as an

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Sam Beale, III

A Remembrance by Thomas B. Davidson, Jr., Esquire

Sam Beale was a man of strong character, professionalism, compassion, kindness and humor. He was admired by his law partners and clients, and truly loved

by his family and friends. He passed away on December 2, 2019, having been preceded in death by his loving wife, Beverly Williams Beale. He is survived



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Richard Waters “Dick” Davis

A Remembrance by Gary C. Hancock, Esquire

On June 2, 2019, the City of Radford and the New River Valley lost a giant of the law and the community with the passing of Richard Waters “Dick” Davis at the

age of 87. Dick was a familiar fixture in local courts for sixty years, beginning his practice with the well-known law firm of Dalton, Poff & Turk. Dick’s named law partners went

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Roger Lee Amole, Jr.

A Remembrance by Barbara S. Anderson, Esquire

Roger Lee Amole Jr., of Alexandria, Virginia, passed away 80 years young on January 13, 2020 surrounded by loving family after a courageous battle with

pulmonary arterial hypertension. Born in Roanoke, Virginia, to Mary Dibrell Raleigh and Roger Lee Amole, Sr., Roger graduated from Jefferson High School



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From the Chair of the Senior Lawyers Conference

John D. Eure, Esquire,
Immediate Past Chair, Senior Lawyers Conference

The major task of the Senior Lawyers Conference this year has been a comprehensive update of the *Senior Virginian's Handbook* (formerly known as the *Senior Citizen's Handbook*). Despite severely disrupted working conditions, that task has been completed on schedule. You will read more about this much-needed revision elsewhere in this newsletter. Here, I wish to acknowledge the extraordinary efforts of SLC Board of Governors member Barbara Anderson, editor of the *Handbook*, as well as the work of our SLC board members and other Virginia lawyers who revised individual sections and the highly skilled assistance of the VSB's communications staff. We proudly present this revised *Handbook* to all our fellow-Virginians.

As is true everywhere, the pandemic has disrupted many of our other functions. Current SLC chair Margaret Nelson, working with representatives from other VSB sections and conferences, had planned a spectacular annual meeting CLE on professionalism and collegiality. It is particularly regrettable that the wider bar will not have the benefit of CLE that promised to be both valuable and entertaining. We hope this hard work can be put to use at the 2021 annual meeting. Senior Law Days – where the *Handbook* is most valuable - cannot be held. Frank Brown's presentations to

local bar groups have stopped. Our work on lawyer mentoring initiatives is suspended.

We were unable to host the Annual Meeting's Saturday brunch for 50-year members of the VSB. This wonderful event recognizes and celebrates our true seniors.

“Along many different paths, these lawyers have spent a lifetime as servants of the law. Their presence at the brunch is a physical manifestation of their extraordinary perseverance in our challenging, often difficult, and often rewarding profession, and they are an inspiration to the rest of us.”

Presiding at that brunch is the most pleasant duty of an SLC chair. The VSB has mailed recognition certificates to the members of this year's class, but I deeply regret not being able to present those recognitions in person. In honor and in recognition of their service, I include at the end of this article a list of their names.

Periodically, we publish Remembrances of deceased, distinguished lawyers and judges whose personal and professional qualities were inspirational to members of the profession and the public, and you will find four such Remembrances in this issue: of Roger Amole by Barbara Anderson; of Sam Beale by Thomas Davidson, Jr.;

of Robert A. Cox, Jr. by James L. Weinberg; and of Richard Davis by Gary Hancock.

The SLC's chair is a member of the VSB's Executive Committee and Executive Council. Through that service, I learned much about how our unique self-governing bar works and got to know, and appreciate, many of the people who make this happen. The experience has been truly enjoyable and enlightening, and I am grateful for it. In Virginia, our profession is in good hands.

Eight years ago, the late Renae Reed Patrick, of Blue Ridge Legal Services, invited me to serve on the SLC Board of Governors. I really had no idea what to expect, but figured that if Renae thought this was a worthwhile endeavor, I could trust her judgment. These eight years have indeed been worthwhile. Able, thoughtful, and interesting lawyers from all over the state participate on the SLC board. Getting to know them and working with them has been a privilege. I owe Renae a debt of gratitude that it is sadly too late to repay. I can, however, pay that debt forward by urging other Virginia lawyers to participate actively in VSB activities, in whatever capacity fits your interests and abilities. The bar needs your service, and that service will be rewarding in unexpected ways.

Fifty Year Award Recipients

Admitted July 1, 1969 - June 30, 1970

John B. Adams, Jr.	John W. Edmiston	C. Alexander Hewes, Jr.
Eileen M. Albertson	Homer Lee Elliott	Allen E. Hirschmann
Lars Eric Anderson	Thomas S. Ellis, III	Edward L. Hogshire
William E. Artz	Ralph A. Elmore, III	Barry M. Hollander
Karen Lee Atkinson	William C. Field	William H. Hoofnagle, III
William James Baker	Henry Joseph Flynn	Leighton Summerson Houck
John Sykes Barr	David P. Forbes	Edwin Cutter Hughes, Jr.
Gilbert Anson Bartlett	John Thomas Fowlkes	John E. Hughes, III
B. W. Basheer	B. Roland Freasier, Jr.	James S. Insley
James W. Benton, Jr.	Joel Mark Freed	Matthew M. Jacob
Douglas K. Bergere	Jerome B. Friedman	Paul E. Jensen
Howard Leonard Bernstein	Frank William Frisk, Jr.	Thomas G. Johnson, Jr.
Michael J. Blachman	Thomas McInnis Gachet	George Herman Jones
Richard Jeffrey Bonnie	Richard J. Gallagher	Hugh J. M. Jones, III
Robert D. Bouck	Ronald M. Gates	Albert A. Kashinski
Rosemarie G. Bowie	Gordon Bertram Gay	James D. Kemper, Jr.
Burt A. Braverman	Andrew R. Gelman	William R. Keown
Janet Blake Brydges	W. Peyton George	Edward J. Kessler
Nancy L. Buc	Robert A. Giannasi	Richard W. Kienle
Francis L. Burk, Jr.	Stanley J. Glod	Angus S. King, Jr.
Stephen G. Butler	Jack J. Goehring	William L. Kirby, III
Thomas B. Carr	Walter B. Golden, III	Carol Cole Kleinman
Earl W. Chapman	Webster Lee Golden	Byron Peter Kloeppe
Francis Chester	Michael T. Goode	Harry Lane Kneedler, III
William G. Christopher	Robert C. Goodman, Jr.	J. Richard Knop
James K. Cluverius	Katherine L. Goolsby	Jason David Kogan
Thomas F. Coates, III	Michael J. Graetz	William T. Kresge, Jr.
Irwin Charles Cohen	Edward F. Greco	Richard M. Kurshan
John Marshall Coleman	Jess Frank Greenwalt, Jr.	Jonathan S. Kurtin
Tucker St Martin Coleman	Ray W. Grubbs	Robert P. Kyle
Michael McH. Collins	Donald G. Gurney	Dennis H. Lambert
Thomas A. Connor	Raymond J. Gustini	Edward E. Lane, Jr.
Robert B. Cousins, Jr.	David R. Hackett	Girard C. Larkin, Jr.
Thomas L. Crisman	Barry A. Hackney	Robert deTreville Lawrence, IV
James A. L. Daniel	Virginia H. Hackney	Burton M. Leibert
Joel A. Deboe	Richard D. Hall, Jr.	John Waugh Leonard
Bruce E. Denslow	Paul W. Hallman, Jr.	Robert A. Lester
Joseph H. Dettmar	Ronald S. Hallman	Theodore Alan Levine
James S. W. Drewry	Bruce H. Hamill	Michael Haim Levinson
Seymour Dubow	Thomas Francis Hancock, III	Stephen Lewis
John J. Easton, Jr.	John Waller Harrison	Stuart Miley Lewis
Allen T. Eaton	Pierre M. Hartman	Robert D. Linder
Stephen L. Echols	Randall Stone Hawthorne	Richard Linn

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Elizabeth G. Loggia	Edward A. Plunkett, Jr.	Eric Lee Sisler
Daryll N. Love	Joseph Pogar, Jr.	Daniel D. Smith
David G. Ludwig	G. Michael Price	J. Randolph Smith, Jr.
Gerald Joel MacFarlane	Gary G. Quintiere	John D. Sours
Eugene Mar	James Edward Rainey	Stuart D. Spirn
Eric B. Marcy	David William Ralston	James Roderick St Martin
Carl Markowitz	John H. Raubitschek	Frederick T. Stant, III
Vernon E. Martens, Jr.	Pasquale A. Razzano	Myron T. Steele
James Thayer Martin, Jr.	David D. Redmond	Edward L. Stolarun
Alexander T. Mayo, Jr.	William Ryder Register	Phillip C. Stone
James L. McLemore, III	Michael L. Rigsby	William F. Stone, Jr.
Nancy Mattox McMurrer	Robert Foster Ripley, Jr.	William Jesse Strickland
Gaynor Vanlandingham McNeal	Rollin Anthony Rogers	Aron Leslie Suna
Val S. McWhorter	Alton D. Rollins	Scott Hugh Swan
Jay C. Miner	Filmore E. Rose	Philip J. Sweeney, III
H. Ronnie Montgomery	David Lee Ross	John K. Taggart, III
John Norton Moore	Mark Stuart Rudy	Henry W. Tarring, II
Lester V. Moore, Jr.	Rodney Laird Russell	William L. Taylor
Frank West Morrison	Clement Paul Ryan	Carl John Turnquist
Roger Linwood Morton	John J. Sabourin, Jr.	Paul M. Vincent
James Moushegian	Henry L. Sadler, III	Gerard E. W. Voyer
Thomas J. Mullaney	Stanley M. Salus	Herbert Clare Wamsley
Thomas Orville Murphy	Stanley John Samorajczyk	Jeffrey L. Ward
George H. Myshrall, Jr.	Laurens Sartoris	George D. Webb, II
Carroll T. Neale, III	James R. Saul	Harold C. Wegner
George S. Newman	Charles Kane Schanker	Kemble White
William A. Noell, Jr.	Edward F. Schiff	Paul Whitehead, Jr.
David B. Olson	William McClure Schildt	David K. Wiecking
M. Richard Page	Jerold I. Schneider	Mervin C. Withers
Jon Larry Palmer	Norval Dennis Settle	Franklin David Wolffe
Thomas G. Parachini	William M. Sexton	John Ashton Wray, Jr.
Lloyd J. Parker, Jr.	George Warren Shanks	Hubert H. Young, Jr.
Michael Lee Paup	William Tracey Shaw	Wilhelm Alfons Zeitler
Saul Ralph Pearlman	Raymond John Shelesky	Jeffrey M. Zwerdling
Mosby Garland Perrow, III	Brian Charles Shevlin	John Kenneth Zwerling
Fred Anderson Phelps	Howard B. Silberberg	

associate at Hirschler, Fleischer, Weinberg, Cox and Allen, my office was located between the offices of Alan Fleischer and Bob Cox. (No pressure there.) I had the privilege of working with Bob on matters regarding several of his long-standing clients. Bob worked with a calm demeanor, no matter how testy negotiations became between the parties. He led by example with an intensity and thoroughness that always put the interests of clients first. His methods were not the “leave no stone unturned, don’t worry about the expense,” mentality of the New York practice from which I had come, but a practical, no-nonsense approach to problems and the law.

He recognized that the practice of law is a service, that there is no substitute for timeliness, and that a lawyer should be readily accessible to clients. These standards were always evident in his practice. He was loyal to his long-time clients, and he continued to handle matters for these clients well into his 90s.

As Rick Witthoefft, who joined the firm in 1972, observed: “Bob’s loyalty to his clients was repaid, and seeing that in practice was a good object lesson for us all. He was a patient teacher of younger lawyers and made himself available for us to learn. He insisted that we, individual lawyers and firm, represent our clients professionally and also recognize our duty to the bar and public.”

Bob grew up in Smithfield, Virginia. He attended Virginia Polytechnic Institute as it was then known, for

two years, but was drafted in 1943. After completing officer training, he served in Germany near the end of World War II. He returned to Smithfield where he taught high school math for a year and met and married Clara Atkinson. He attended the University of Virginia, received an undergraduate degree in 1949, and entered law school. He was recalled by the armed forces after two years and spent another year in Germany. Bob completed law school in 1954.

The family moved to Richmond and he became an associate in a small firm that would eventually bear his name, Cohen, Cox and Kelly. Bob joined Hirschler Fleischer in 1965, becoming the third partner in the small firm that also had three associates. Bob’s areas of expertise were commercial transactions, commercial real estate, estate planning and estate administration. Among his clients were some of Richmond’s most important real estate developers. Bob handled the legal work for what would become the area’s largest corporate center, Innsbrook. He was fond of saying that the last record room title examination he did personally was for the land that became Innsbrook.

The 1970s were years of dramatic growth for the firm. Bob’s business acumen and leadership skills enabled him to manage the firm through this period as the firm’s first managing partner. In 1975 his name was added to the firm when it became Hirschler, Fleischer, Weinberg, Cox & Allen. Rick Witthoefft recalls: “My main thought about Bob’s

contributions to the firm, especially in my early years, was his focus on wanting us to move from a collection of lawyers under the same roof to a more structured firm mind-set. Not everyone was on the same page, but Bob stayed steady in that approach and diplomatic in dealing with some strong personalities. As long-term managing partner in earlier days, and an outstanding lawyer as well, Bob was central to the firm’s growth and development as an institutional law firm. Bob could be stern on policing administrative policies (a pointed memo from “RAC” on repeated noncompliance was a rite of passage for some).” Many attorneys still recall sinking stomachs if they picked up their phones to a greeting of “This is Bob Cox” in Bob’s distinctive gravelly voice. You knew that meant you needed to remedy immediately your delinquent timesheets (or similar transgression).

Yet, as Rick said, “Bob was always great company, in and out of the office, and was devoted to the well-being of all of our lawyers and to the firm’s success.” This is the lasting impression of Bob shared by those of us lucky enough to have worked with him.

There were two things – besides the photos of family – you noticed when you walked into Bob’s office. One was a proclamation honoring Bob from Ferrum College where he served as Trustee for many years. The other was a large photograph of his boat the Little Slam. Bob was an avid fisherman and enjoyed spending time with his

wife Clara and their children at their home at Horse Point on the Piankatank River near Deltaville. Bob and Clara also were charter members of Welborne United Methodist Church. He served

in many capacities and was instrumental in the relocation of the Church to its present site.

Bob was a mentor to many at the firm and friend to all. He

was a great lawyer, a patient teacher, and a kind man who enjoyed a good laugh. He had a warm and welcoming smile and always made time to stop by to say hello. We miss him.



Beale continued from page 1

by his four children, Leigh Anne Stevenson, Sam Beale IV (Julie), John Beale (Jessica), Ben Beale (Paige) and his ten grandchildren, all of whom he loved dearly.

Sam was born in Branchville, Virginia where he was the Senior Class President at Boykins High School. Following graduation, he enlisted in the Army and served his country for three years. While in the service he was part of a touring baseball team that traveled to various military bases to entertain the troops. Upon completion of his service, he enrolled in Old Dominion University. There he participated in his love of athletics by continuing to play baseball. Realizing that he was not a candidate for professional baseball, Sam decided to pursue an education in the field of law and subsequently attended the Law School at the College of William and Mary. He ultimately earned his law degree followed by a Masters Degree in Taxation.

Sam began his legal career at Hunton and Williams Law Firm. As the story goes, on the first day of his arrival at the firm, as a new associate from a no-stop light town to metropolitan Richmond, he got on the elevator in his usual casual attire. Joining him on the elevator were several much older

and well-seasoned senior partners both of whom were dressed in their daily three-piece, dark, striped suits. One of the partners humorously asked Sam if he was heading to play golf that day based on his wardrobe. Sam got the message and immediately purchased the appropriate attire required by this prestigious law firm. This was quite an adjustment for Sam as his true personality was folksy and small town. Sam, in his quiet and reflective humor, loved telling his friends about this introduction into the practice of law.

After receiving great legal training there for several years, he branched out on his own and began a firm which is now known as Beale, Davidson, Etherington and Morris, P.C. He was a well-known member of the Virginia State Bar, the Virginia State Bar Association and The Richmond Bar Association. His expertise was in the field of Real Estate Law and he was highly respected by his clients and known for his professionalism among fellow attorneys. He was truly dedicated to his practice and was always available to provide guidance and advice to his clients and fellow attorneys when requested. Sam was an incredible mentor to many, guiding countless individuals and large corporations

through the complexities of residential and commercial real estate transactions which established him as an ultimate authority in those fields. He also became involved within the banking community being instrumental in the formation of Commerce Bank of Virginia and serving on the Board for several years.

Sam was considered by his children as an amazing provider, teacher, coach, and Dad. He taught his children a strong work ethic and a commitment to the classroom. He served as a PTA president in the various schools which his children attended. His children credit both Sam and Bev for guiding them to become the good parents and citizens they are today. He was actively involved in the formation of the Tuckahoe Little League and Kanawha Football Association. This allowed him the opportunity to influence many young children in Henrico County through his coaching talents. He was always available to each of his children and grandchildren by supporting and encouraging their athletic, educational and community endeavors. He rarely missed their events.

After his family, which was always first, his second great love was baseball. He was best described as

having an encyclopedic mind regarding baseball trivia. On many occasions, his friends would try to stump him, without much success, on what they thought were difficult questions. Much of his knowledge was developed through his voracious reading and studying all facets of baseball from an early age.

He loved children. When the Christmas season started, he would dress up as Santa Claus, arrive at the neighborhood party in his convertible MG with a bag of toys on his back to pass out to all the children and then serve his signature Brunswick stew. On many occasions he would stay up all night, outside, and often alone, stirring his personal recipe in big pots for charity sales.

Both Sam and Bev were master gardeners and took great pride in sharing their yard and plants with others. His back yard could easily compete with Lewis Ginter Botanical Garden. Sam was full of humor and when not expecting, he would sneak homemade gnomes painted in college colors and place them in various places in his friends' yards for them to enjoy. Most would wonder who was responsible for the delivery. This goes to the core of his thoughtfulness and humor.

Because Sam and Bev were avid travelers, many of his friends benefitted from his incredibly artistic photography, which was his third greatest love. The halls in the office are covered with his

work. For those of us in the firm we still enjoy our inheritance.

Howard Busbee, a law school classmate and close friend summed up Sam's life and eulogy with the following quote: "What you leave behind is not what is engraved in stone monuments, but what is woven into the lives of others."

I know that Sam's memory and his personal and professional qualities and example are woven into the tapestry of my own life and into the tapestries of the lives of his family, friends, clients, colleagues, associates, and others who were inspired by him. I am most grateful for his friendship and for that inspiration.



on to become federal judges, a congressman, and a justice of the Virginia Supreme Court. While Dick served as a municipal judge sitting on the bench of the General District and Juvenile & Domestic Relations District Courts for 18 years, Dick's niche in the legal community was as a practicing attorney. With his booming and deep voice, he lived up to the classic definition of a trial attorney and the traditional private practice of law in a small town.

Dick was a generous mentor. Judge Randall Duncan, who was mentored by Dick, noted Dick's "absolute passion for trying cases – his not being afraid to try any case," but found that Dick had "a wonderful way of building relationships with local prosecutors and

attorneys, often talking to the other side of a case before a hearing or a trial and educating the prosecutor or opposing counsel about their case such that cases could often be resolved." Judge Duncan correctly stated that "Dick was revered by the bench and the bar."

Dick's love of the law was not surprising, considering that the law was a family tradition for him. Dick's father and grandfather were attorneys. His brother was an attorney and circuit court judge. Uncles and cousins and nieces and nephews too numerous to mention were attorneys and, for a number of years prior to the time of his death, Dick was in private practice with his two sons, Richie and Bev, and ultimately a granddaughter, Nikki Cumberland, as a

fifth generation, who are all chips off the old block. A daughter, Julie O'Kelly is fiscal officer for the Virginia Board of Bar Examiners.

"Dick was a fearsome competitor in the courtroom and particularly before a jury. Dick was a world class orator. When Dick had a co-counsel in a case, Dick was known to say, "You take care of the law, and I'll take care of everything else."

Whenever a case was over, regardless of the level of acrimony or regardless of how hotly contested the case, no one was a more beloved gentleman than Dick Davis. Indeed, he was known for years to entertain the bench and bar of the 27th Judicial Circuit at his river retreat at "Camp

Coffee.” Many delicious meals and libations were enjoyed there due to Dick’s and his late wife, Mary Alice’s, generous hospitality. Dick had an innate sense of collegiality in the profession.

Dick also possessed a larger than life personality. Judge Colin Gibb noted that chief among Dick’s many great qualities was the rapport he had with juries. Dick Davis could relate to and bond with a jury as well as any member of the Bar.

Blacksburg attorney Greg Campbell had a number of cases with Dick through the years, including a case in which a bride had been stood up at the altar. Dick sued the purported groom for the costs of the wedding affair and prevailed. Greg, the groom’s attorney thought surely he would win since breach of promise had been abolished, but Dick prevailed. As Dick’s long-time friend and prominent Radford attorney, Ed Stone, noted, “Dick loved to win and would work tirelessly to do so.”

Dick was a true Renaissance Man, and he had a sense of service and dedication. Growing up in Rocky Mount, he was a star basketball player. After Hampden-Sydney College and Centre College, he was a navigator on United States Air Force B-57 jet bombers. While in Radford, he headed up various community groups, including the Jaycees and Kiwanis, served on the board of various banks, and served on the Board of Carilion Clinic for 15 years. He was an Associate Professor of Business Law at Radford University, and served on the Bar Council for the Virginia State Bar for six years, as well as chairing the Virginia Public Defender Commission.

In a legal career that spanned 60 years, Dick continued to study and prepare for depositions, hearings, and trials. His skill in the courtroom was recognized when he was elected as a Fellow of the American College of Trial Lawyers.

Dick’s favorite pastime was his love of the game of poker. He studied

the game, as he did the law, and, ultimately, authored and published “Hold ‘Em Poker Bible,” a poker classic still for sale today. His third commandment was “Thou must play with patience and discipline. Thou cannot win without an abundance of both.” Dick obviously played poker as he practiced law. He celebrated his 79th birthday by acquitting himself well in the World Series of Poker in Las Vegas.

Beyond Dick’s imposing presence, and when he was not practicing law or playing poker, Dick was a loving and kind father and grandfather. He is survived by his five children, eight grandchildren, and one great-grandchild, with another on the way, as well as innumerable friends with whom he enjoyed the telling of tales, both tall and otherwise. However, most importantly, Dick loved people – regular, ordinary folk whom he enthusiastically represented with class and grace for 60 years. Those same folks loved Dick – not just for his success in representing them, but also for the respect and dignity with which he treated them.



in Roanoke, where he played football and baseball. After graduating from the College of William and Mary in 1964, where he was a member of the Sigma Alpha Epsilon fraternity, he went on to attend William and Mary Marshall-Wythe School of Law, graduating in 1968. Roger was a Captain in the United States Army from 1964-1966 and served as a member of the Army Reserves from 1967-1973.

In addition to sharing a loving marriage for nearly four decades, Roger practiced with his wife, Debra Bray, at their firm, Amole & Bray PC for 20 years. By far, Roger's proudest accomplishment was his family.

He was a dedicated husband and father and was adored by his wife and children. Roger instilled in his children the values of kindness, gratitude, compassion, respect, laughter, and hard work. A man of great integrity and faith, he counted his blessings every single day. He believed laughter was the key to everything in life – he was a wonderful storyteller and always self-deprecating.

Roger was an avid sportsman who enjoyed being outdoors and running, skiing, playing golf, going to the gym, and playing endless hours of sports with his children. A lover of the natural world and all animals, Roger was the sole caretaker of all the family dogs over the years.

Roger was a highly experienced and respected lawyer in Northern Virginia where he practiced law for over 50 years. After beginning his career as a

prosecutor in Alexandria and rising to the position of Deputy Commonwealth Attorney, he went into private practice in 1974 in Old Town Alexandria. Roger's private practice was primarily focused in personal injury litigation and estate planning. A skilled plaintiff's lawyer, he handled significant litigation in the areas of medical malpractice, wrongful death, defamation, business relations, and clergy sexual abuse.

Judge James Clark recalls that Roger holds the record in Alexandria for trying a condominium case in circuit court that lasted nearly four months! But that is not what those who know Roger remember about him, because with Roger it was never about the accomplishments or the wins or the stuff you acquire. Roger knew those things come and go and all you keep is the getting there. What is important to Roger and the rest of us is the moments we shared that do not go away but only multiply and stay with us forever.

Always interested in meeting and getting to know young lawyers in the Alexandria Bar, Roger was a mentor to many of us and to students and young people in the community. Judge Clark, speaking at the memorial service, described his experience beautifully:

It never ceases to amaze how a seemingly chance encounter with another person can alter the arc of one's life. For me Roger was one of those people. I first laid eyes on Roger in the winter of 1973. At the time I was working as an apprentice at Davis Electric

Company in Alexandria hoping to become a licensed electrician and maybe one day have my own business. My younger brother convinced me to go with him to watch two lawyers engage in a debate at T.C. Williams High School. I didn't know any lawyers and certainly had never given a moment's thought to being one, but for some reason I went. It turns out the lawyers involved were Roger and the late John Flowers Mark. To say I was taken by the passion, wisdom and eloquence displayed by these young lawyers would be an understatement. As we left the school, I distinctly remember telling my brother that if going to law school can teach me to speak like those guys (it didn't) then I'm going to be a lawyer. The next day I wrote to get applications and in 1976 became a lawyer in Alexandria, starting as an assistant Commonwealth's Attorney.

Of course, one of the lawyers on "the other side" of some cases was Roger. All the attributes that inspired me 3 years earlier were still there but there was so much more. Sure, Roger was a fierce advocate for his clients, and he won a lot more than he lost. But what was impossible to miss was the graciousness and genuine humility that Roger displayed to everyone he encountered along the way, whether it was lawyers, judges, courthouse staff, or litigants. Everything he did he

did with a warmth that seemed to come as naturally to him as the first breath to a baby.

As we got to know each other I was pleased to count myself among Roger's many friends. When another young lawyer, Carter Land, and I decided to open up our own shop many lawyers, including Roger, encouraged us and promised that they would be sure to send enough clients our way to allow us to keep the lights on. Although those promises were pretty quickly forgotten by most, for Roger what was said was as good as done. He sent us more cases than I can describe and each time we would call to thank him he would immediately thank us for taking the case that he always said he knew was probably a "pain in the (neck)." After a while we quickly realized that the cases were far from being a burden and were in fact the precise kinds of cases

Roger handled routinely, but it was just Roger's way to want us to somehow feel like we were doing him a favor by taking the cases he so kindly referred our way.

Over the years as I watched Roger interact with so many young lawyers I realized (somewhat to my initial dismay) that the mentor/mentee relationship Roger and I enjoyed was not as unique as I had allowed myself to fantasize it to be. Over the decades watching Roger nurture young lawyers was like watching sunshine feeding daisies. It was through his influence that so many blossomed into compassionate caring professionals privileged to experience the joy of being of service to others.

Roger was selected as a Virginia Super Lawyer in 2006 and 2007 and as a District of Columbia Super Lawyer in 2007 and 2008. He was named a member of Outstanding Lawyers in America since 2002

and the Million Dollar Advocates Forum since 1997 and held an AV Preeminent Peer Review Rating from Martindale-Hubbell. Roger is a former President of the Alexandria Bar Association and served as a member and chairperson of the Virginia State Bar Fourth District Committee on lawyer discipline. Roger loved his work because it afforded him the opportunity to work hard and help people in need.

Seth Guggenheim wrote that

"Roger was a true gentleman and truly a gentle man. He was an excellent and deservedly well-respected lawyer who volunteered countless hours to the Virginia State Bar toward the betterment of our profession. I will miss his friendly smile and good fellowship at our Alexandria Bar Association meetings."

Roger will be deeply missed by all who knew him, but his legacy will live on in the good deeds and lives of those he took under his wing and who loved him.



IRS Announces 2020 “Dirty Dozen” List of Tax Scams

Many of which are of special concern to senior citizens and their advisors

(R-2020-160, July 16, 2020)

WASHINGTON — The Internal Revenue Service today announced its annual “Dirty Dozen” list of tax scams with a special emphasis on aggressive and evolving schemes related to coronavirus tax relief, including Economic Impact Payments.

This year, the Dirty Dozen focuses on scams that target taxpayers. The criminals behind these bogus schemes view everyone as potentially easy prey. The IRS urges everyone to be on guard all the time and look out for others in their lives.

“Tax scams tend to rise during tax season or during times of crisis, and scam artists are using pandemic to try stealing money and information from honest taxpayers,” said IRS Commissioner Chuck Rettig. “The IRS provides the Dirty Dozen list to help raise awareness about common scams that fraudsters use to target people. We urge people to watch out for these scams. The IRS is doing its part to protect Americans. We will relentlessly pursue criminals trying to steal your money or sensitive personal financial information.”

Taxpayers are encouraged to review the list in a special section on IRS.gov and be on the lookout for these scams throughout the year. Taxpayers should also

remember that they are legally responsible for what is on their tax return even if it is prepared by someone else. Consumers can help protect themselves by choosing a reputable tax preparer.

The IRS urges taxpayers to refrain from engaging potential scammers online or on the phone. The IRS plans to unveil a similar list of enforcement and compliance priorities this year as well.

An upcoming series of press releases will emphasize the illegal schemes and techniques businesses and individuals use to avoid paying their lawful tax liability. Topics will include such scams as abusive micro captives and fraudulent conservation easements.

Here are this year’s “Dirty Dozen” scams:

Phishing:

Taxpayers should be alert to potential fake emails or websites looking to steal personal information. The IRS will never initiate contact with taxpayers via email about a tax bill, refund or Economic Impact Payments. Don’t click on links claiming to be from the IRS. Be wary of emails and websites – they may be nothing more than scams to steal personal information.

IRS Criminal Investigation has seen a tremendous increase in phishing schemes utilizing emails, letters,

texts and links. These phishing schemes are using keywords such as “coronavirus,” “COVID-19” and “Stimulus” in various ways.

These schemes are blasted to large numbers of people in an effort to get personal identifying information or financial account information, including account numbers and passwords. Most of these new schemes are actively playing on the fear and unknown of the virus and the stimulus payments. (For more see IR-2020-115, IRS warns against COVID-19 fraud; other financial schemes.)

Fake Charities:

Criminals frequently exploit natural disasters and other situations such as the current COVID-19 pandemic by setting up fake charities to steal from well-intentioned people trying to help in times of need. Fake charity scams generally rise during times like these.

Fraudulent schemes normally start with unsolicited contact by telephone, text, social media, e-mail or in-person using a variety of tactics. Bogus websites use names similar to legitimate charities to trick people to send money or provide personal financial information. They may even claim to be working for or on behalf of the IRS to help victims file casualty loss claims and get tax refunds.

Taxpayers should be particularly wary of charities with names like nationally known organizations. Legitimate charities will provide their Employer Identification Number (EIN), if requested, which can be used to verify their legitimacy. Taxpayers can find legitimate and qualified charities with the search tool on IRS.gov.

Threatening Impersonator Phone Calls:

IRS impersonation scams come in many forms. A common one remains bogus threatening phone calls from a criminal claiming to be with the IRS. The scammer attempts to instill fear and urgency in the potential victim. In fact, the IRS will never threaten a taxpayer or surprise him or her with a demand for immediate payment.

Phone scams or “vishing” (voice phishing) pose a major threat. Scam phone calls, including those threatening arrest, deportation or license revocation if the victim doesn’t pay a bogus tax bill, are reported year-round. These calls often take the form of a “robocall” (a text-to-speech recorded message with instructions for returning the call).

The IRS will never demand immediate payment, threaten, ask for financial information over the phone, or call about an unexpected refund or Economic Impact Payment. Taxpayers should contact the real IRS if they worry about having a tax problem.

Social Media Scams:

Taxpayers need to protect themselves against social media scams,

which frequently use events like COVID-19 to try tricking people. Social media enables anyone to share information with anyone else on the Internet. Scammers use that information as ammunition for a wide variety of scams. These include emails where scammers impersonate someone’s family, friends or co-workers.

Social media scams have also led to tax-related identity theft. The basic element of social media scams is convincing a potential victim that he or she is dealing with a person close to them that they trust via email, text or social media messaging.

Using personal information, a scammer may email a potential victim and include a link to something of interest to the recipient which contains malware intended to commit more crimes. Scammers also infiltrate their victim’s emails and cell phones to go after their friends and family with fake emails that appear to be real and text messages soliciting, for example, small donations to fake charities that are appealing to the victims.

EIP or Refund Theft:

The IRS has made great strides against refund fraud and theft in recent years, but they remain an ongoing threat. Criminals this year also turned their attention to stealing Economic Impact Payments as provided by the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Much of this stems from identity theft whereby criminals file false tax returns or supply other bogus information to the IRS

to divert refunds to wrong addresses or bank accounts.

The IRS recently warned nursing homes and other care facilities that Economic Impact Payments generally belong to the recipients, not the organizations providing the care. This came following concerns that people and businesses may be taking advantage of vulnerable populations who received the payments. These payments do not count as a resource for determining eligibility for Medicaid and other federal programs. They also do not count as income in determining eligibility for these programs. See IR-2020-121, [IRS alert: Economic Impact Payments belong to recipient, not nursing homes or care facilities](#) for more.

Taxpayers can consult the Coronavirus Tax Relief page of IRS.gov for assistance in getting their EIPs. Anyone who believes they may be a victim of identity theft should consult the Taxpayer Guide to Identity Theft on IRS.gov.

Senior Fraud:

Senior citizens and those who care about them need to be on alert for tax scams targeting older Americans. The IRS recognizes the pervasiveness of fraud targeting older Americans along with the Department of Justice and FBI, the Federal Trade Commission, the Consumer Financial Protection Bureau (CFPB), among others.

Seniors are more likely to be targeted and victimized by scammers than other segments of society. Financial abuse of seniors is a problem among personal and professional relationships.

Anecdotal evidence across professional services indicates that elder fraud goes down substantially when the service provider knows a trusted friend or family member is taking an interest in the senior's affairs.

Older Americans are becoming more comfortable with evolving technologies, such as social media. Unfortunately, that gives scammers another means of taking advantage. Phishing scams linked to Covid-19 have been a major threat this filing season. Seniors need to be alert for a continuing surge of fake emails, text messages, websites and social media attempts to steal personal information.

Scams targeting non-English speakers:

IRS impersonators and other scammers also target groups with limited English proficiency. These scams are often threatening in nature. Some scams also target those potentially receiving an Economic Impact Payment and request personal or financial information from the taxpayer.

Phone scams pose a major threat to people with limited access to information, including individuals not entirely comfortable with the English language. These calls frequently take the form of a "robocall" (a text-to-speech recorded message with instructions for returning the call), but in some cases may be made by a real person. These con artists may have some of the taxpayer's information, including their address, the last four digits of their Social Security number or other

personal details – making the phone calls seem more legitimate.

A common one remains the IRS impersonation scam where a taxpayer receives a telephone call threatening jail time, deportation or revocation of a driver's license from someone claiming to be with the IRS. Taxpayers who are recent immigrants often are the most vulnerable and should ignore these threats and not engage the scammers.

Unscrupulous Return Preparers:

Selecting the right return preparer is important. They are entrusted with a taxpayer's sensitive personal data. Most tax professionals provide honest, high-quality service, but dishonest preparers pop up every filing season committing fraud, harming innocent taxpayers or talking taxpayers into doing illegal things they regret later.

Taxpayers should avoid so-called "ghost" preparers who expose their clients to potentially serious filing mistakes as well as possible tax fraud and risk of losing their refunds. With many tax professionals impacted by COVID-19 and their offices potentially closed, taxpayers should take particular care in selecting a credible tax preparer.

Ghost preparers don't sign the tax returns they prepare. They may print the tax return and tell the taxpayer to sign and mail it to the IRS. For e-filed returns, the ghost preparer will prepare but not digitally sign as the paid preparer. By law, anyone who is paid to prepare or assists in preparing federal tax

returns must have a Preparer Tax Identification Number (PTIN). Paid preparers must sign and include their PTIN on returns.

Unscrupulous preparers may also target those without a filing requirement and may or may not be due a refund. They promise inflated refunds by claiming fake tax credits, including education credits, the Earned Income Tax Credit (EITC) and others. Taxpayers should avoid preparers who ask them to sign a blank return, promise a big refund before looking at the taxpayer's records or charge fees based on a percentage of the refund.

Taxpayers are ultimately responsible for the accuracy of their tax return, regardless of who prepares it. Taxpayers can go to a special page on IRS.gov for tips on choosing a preparer.

Offer in Compromise Mills:

Taxpayers need to wary of misleading tax debt resolution companies that can exaggerate chances to settle tax debts for "pennies on the dollar" through an Offer in Compromise (OIC). These offers are available for taxpayers who meet very specific criteria under law to qualify for reducing their tax bill. But unscrupulous companies oversell the program to unqualified candidates so they can collect a hefty fee from taxpayers already struggling with debt.

These scams are commonly called OIC "mills," which cast a wide net for taxpayers, charge them pricey fees and churn out applications for a program they're unlikely

to qualify for. Although the OIC program helps thousands of taxpayers each year reduce their tax debt, not everyone qualifies for an OIC. In Fiscal Year 2019, there were 54,000 OICs submitted to the IRS. The agency accepted 18,000 of them.

Individual taxpayers can use the free online Offer in Compromise Pre-Qualifier tool to see if they qualify. The simple tool allows taxpayers to confirm eligibility and provides an estimated offer amount. Taxpayers can apply for an OIC without third-party representation; but the IRS reminds taxpayers that if they need help, they should be cautious about whom they hire.

Fake Payments with Repayment Demands:

Criminals are always finding new ways to trick taxpayers into believing their scam including putting a bogus refund into the taxpayer's actual bank account. Here's how the scam works:

A con artist steals or obtains a taxpayer's personal data including Social Security number or Individual Taxpayer Identification Number (ITIN) and bank account information. The scammer files a bogus tax return and has the refund deposited into the taxpayer's checking or savings account. Once the direct deposit hits the taxpayer's bank account, the fraudster places a call to them, posing as an IRS employee. The taxpayer is told that there's been an error and that the IRS needs the money returned immediately or penalties and interest will result. The

taxpayer is told to buy specific gift cards for the amount of the refund.

The IRS will never demand payment by a specific method. There are many payment options available to taxpayers and there's also a process through which taxpayers have the right to question the amount of tax we say they owe. Anytime a taxpayer receives an unexpected refund and a call from us out of the blue demanding a refund repayment, they should reach out to their banking institution and to the IRS.

Payroll and HR Scams:

Tax professionals, employers and taxpayers need to be on guard against phishing designed to steal Form W-2s and other tax information. These are Business Email Compromise (BEC) or Business Email Spoofing (BES). This is particularly true with many businesses closed and their employees working from home due to COVID-19. Currently, two of the most common types of these scams are the gift card scam and the direct deposit scam.

In the gift card scam, a compromised email account is often used to send a request to purchase gift cards in various denominations. In the direct deposit scheme, the fraudster may have access to the victim's email account (also known as an email account compromise or "EAC"). They may also impersonate the potential victim to have the organization change the employee's direct deposit information to reroute their deposit to an account the fraudster controls.

BEC/BES scams have used a variety of ploys to include requests for wire transfers, payment of fake invoices as well as others. In recent years, the IRS has observed variations of these scams where fake IRS documents are used in to lend legitimacy to the bogus request. For example, a fraudster may attempt a fake invoice scheme and use what appears to be a legitimate IRS document to help convince the victim.

The Direct Deposit and other BEC/BES variations should be forwarded to the Federal Bureau of Investigation Internet Crime Complaint Center (IC3) where a complaint can be filed. The IRS requests that Form W-2 scams be reported to: phishing@irs.gov (Subject: W-2 Scam).

Ransomware:

This is a growing cybercrime. Ransomware is malware targeting human and technical weaknesses to infect a potential victim's computer, network or server. Malware is a form of invasive software that is often frequently inadvertently downloaded by the user. Once downloaded, it tracks keystrokes and other computer activity. Once infected, ransomware looks for and locks critical or sensitive data with its own encryption. In some cases, entire computer networks can be adversely impacted.

Victims generally aren't aware of the attack until they try to access their data, or they receive a ransom request in the form of a pop-up window. These criminals don't want to be traced so they frequently

use anonymous messaging platforms and demand payment in virtual currency such as Bitcoin.

Cybercriminals might use a phishing email to trick a potential victim into opening a link or attachment containing the ransomware. These may include email solicitations to support a fake

COVID-19 charity. Cybercriminals also look for system vulnerabilities where human error is not needed to deliver their malware.

The IRS and its Security Summit partners have advised tax professionals and taxpayers to use the free, multi-factor authentication feature being offered on tax

preparation software products. Use of the multi-factor authentication feature is a free and easy way to protect clients and practitioners' offices from data thefts. Tax software providers also offer free multi-factor authentication protections on their Do-It-Yourself products for taxpayers.



24/7 Help Line: 1-877-545-4682

The Virginia Judges and Lawyers Assistance Program provides confidential, non-disciplinary help to lawyers, judges, law students, bar applicants, and other members of the legal community who are struggling as a result of substance abuse or mental health issues.

Specifically, VJLAP provides the following services, without fee:

- Substance abuse and mental health education for the profession through bar associations, firms and law schools.
- Assessment and treatment referral
- Intervention
- Compliance monitoring for courts and firms
- Support services for family and staff
- Assessments as requested by the Board of Bar Examiners, Character and Fitness Committee
- Assessments, treatment referral and monitoring as requested by the Virginia State Bar, Disciplinary Committee and the involved lawyer, as disposition or diversion
- Support for those in treatment and recovery

Ageism in the Age of Covid-19,

by Edward F. Ansello, Ph.D.,

Director, Virginia Center on Aging, From Age in Action, Volume 35, Number 3, Summer 2020 (with permission)

If ageism includes the less preferential or more harmful treatment of individuals because of their older age, the COVID-19 pandemic has brought it into sharper focus. If one cares to look.

At present, about three quarters of the deaths attributable to COVID-19 are among older adults, according to the CDC. Their greater vulnerability because of intrinsic causes such as the presence of existing illnesses, co-morbidities, and frailty are major causes. But so, too, are other extrinsic causes, conditions outside of the disease's victims. These include social determinants of health like where one lives, access to transportation and health care, economic stability, educational opportunities, and racial segregation. (See Healthy People 2020 for a fuller exploration: www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-health/interventions-resources)

Other extrinsic contributors include a too-common cultural underlayment of bias against growing older and, in effect, against older adults. The COVID-19 pandemic has released, for some people, the politically correct restraints customarily imposed on overt ageism. The worst of social media contains references to this deadly virus as a Boomer Remover.

The Decline Narrative of aging refers broadly to the assumption

that individuals grow less important, contribute less to societal functioning, and deteriorate to decay with advancing age, say 65 or 70 years old. The Narrative is older than Shakespeare's Seven Ages of Man soliloquy that ends with "Last scene of all, that ends this strange eventful history, is second childishness and mere oblivion, sans teeth, sans eyes, sans taste, sans everything."

Practical implications of this biased assumption during this pandemic translate to triaging our focus, resources, and treatments to make older adults last in priority. It's no coincidence that older adults, especially residents of long-term care facilities, account for such a huge percent of deaths related to COVID-19.

The New York Times reported on May 11, 2020 (lifetimes ago in COVID-19 calculus) that, while only 10 percent of the country's cases have occurred in long-term care facilities, deaths related to COVID-19 in these facilities account for more than a third of the country's pandemic fatalities. "In 10 states, the number of residents and workers who have died accounts for half or more than half of all deaths from the virus." Long-term care facilities were often at the back of the line in receiving Personal Protective Equipment (PPEs) from government sources. Very scarce

resources were prioritized for acute care. Inadequate numbers of PPEs, close confinement, and concentrations of already vulnerable residents made for a deadly mix. Tragically, the Decline Narrative can affect not only older adults but also those of us who care for them.

Louise Aronson, geriatrician at UCSF, asks us in a thoughtful essay in *The Atlantic* (March 28, 2020) to imagine how much different the political and medical responses to COVID-19 would be if the pandemic were killing mostly young people, for instance, middle schoolers, rather than older adults.

Ageism is baked into our health care system, she notes.

American medicine lumps elders in with adults, despite plentiful evidence that drugs and diseases behave differently in older bodies. "Atypical presentations" of illnesses and of responses to medicine are common in older adults, wherein the traditional core features of an illness are missing, for example having a fever without having a high temperature, or having adverse drug reactions to a medicine or greater sensitivity to its intended effects that are not seen when the person taking the medicine is younger.

Aronson anticipated the more deadly impact of COVID-19 on older adults, and ascribes contributing factors. "Medical schools

devote months to teaching students about child physiology and disease, and years to adults, but just weeks to elders; geriatrics doesn't even appear on the menu of required training. The National Institutes of Health mandated the inclusion of women and people of color in medical research in 1986, but it didn't issue a similar mandate for elders until 33 years later, in 2019."

I spent six years traveling with Remington Award winning professor of pharmacy Dr. Peter Lamy in our rural geropharmacy training projects; I heard him lament repeatedly that older adults were rarely, if ever, included in the clinical trials of would-be prescription drugs, even though older adults account for the greatest use of so many of them. Instead, assumed effectiveness and dosage efficacy were "extrapolated" statistically from data on younger adults. Companies opted not to spend time or money securing older adults for these tests.

People age 65 and older are at higher risk for COVID-19, declares a June 29, 2020 report from AARP. As are people with chronic medical conditions like heart and kidney diseases, diabetes, and respiratory illness. As AARP notes, "Both groups are heavily represented among the nation's 1.3 million nursing home residents. That concentration is a key reason why 2 in 5 U.S. deaths from COVID-19 have occurred in nursing homes and other long-term care facilities, according to tracking by the Kaiser Family Foundation, but it's not the only one." Other conditions at nursing homes can worsen

the spread of the disease, like shortages of coronavirus tests, shortages of or lack of access to personal protective equipment (PPE) such as masks and gowns, understaffing, and employees who work in multiple facilities, often because of low wages for aging-related care, thereby increasing chances for exposure.

COVID-19 has empowered those who exploit or mistreat older adults, as well.

AARP has reported a significant increase so far this year in frauds and scams perpetrated against older adults, preying on their isolation and health concerns. These include fake vaccines and COVID-19 tests, and stimulus check scams that ask for call backs to verify personal information.

Recently, in the *Journal of Applied Gerontology* (May 8, 2020), Alyssa Elman and 15 co-authors have contributed "Effects of the COVID-19 Outbreak on Elder Mistreatment." They note that COVID-19's social distancing requirements have increased social isolation for many older adults, and closures of group venues like senior centers and communities of faith have, among other things, taken away traditional safety checks that participation in these activities might normally provide older adults. Those receiving care at home from visiting home health aides have found visits cut or eliminated, at the choice of the aide or the aide's agency or the older adult's family, in order to decrease risk of exposure to the COVID-19 virus.

In any event, the informal caregivers end up shouldering greater responsibility, perhaps perceived as burden, for chronic care and there are fewer outside parties to witness or mitigate stressful encounters. As a result, potentially neglectful or abusive scenarios are neither prevented nor detected.

Stay-at-home orders have correlated with significant increases in reported cases of domestic violence and calls to hotlines in countries that have experienced the pandemic earlier, such as France and Spain, according to a recent *New York Times* report by Amanda Taub (April 14, 2020). Elman and colleagues report on challenges and responses to preventing and treating elder mistreatment in New York City. There, such hospital- and emergency department-based elder abuse intervention programs as the Vulnerable Elder Protection Team at New York Presbyterian/Weill Cornell Medical Center have had to reduce the services they provide and reassign health care providers who work within the program in order to provide care for COVID-19 patients

In NYC, Adult Protective Services workers shifted to virtual visits but these can be compromised if a victim of elder mistreatment is on a tele-visit while the perpetrator is in the same room, or even more basically, if the older adult simply lacks the technological equipment to have the tele-visit.

Ombudsman programs are not allowed to enter long term care facilities during the crisis because the Center for Medicare and Medicaid

Services (CMS) has banned these visits. They must, instead, rely on phone calls or teleconferencing to connect with residents. And, if the residents don't know how to contact the Ombudsman for help, they are left vulnerable. Elman et al. do share some promising initiatives: an emergency food program to ensure that basic needs are met during COVID-19, with taxis delivering food to older adults, free of charge; senior centers calling their participants regularly to make sure that they are receiving meals; public benefits, such as food stamps, now being accessible

online and by phone, with agency staff providing assistance to those needing help managing their case or applying by phone.

The authors encourage regular, interdisciplinary meetings among those seeking to prevent or respond to elder mistreatment and vigilance by Adult Protective Services through virtual and in-person visits with at-risk older adults. Of course, this vision can be hampered when Adult Protective Services receive just pennies for each dollar allocated Child Protective Services, which is the

norm across the country. Greater awareness of biases in health care and protective services is needed. The pandemic is worsening across the United States. Ageism is not going away but at least COVID-19 has unveiled some of its manifestations. If we care to look.

[Senior Lawyer News Editor's comment: Constant pro-active vigilance is essential on the part of senior adults, their family members, their caregivers and advisors and other professionals. Awareness and education are essential, and action is critical.]

Guardianships In The Time Of Pandemic

During the COVID-19 pandemic, guardians for older adults and adults with disabilities may have questions about fulfilling their duties and staying connected to people they represent. Guardianship experts, including the National Guardianship Association, ABA Commission on Law and Aging, and the National Center for State Courts, have created a FAQ document with answers, actionable tips, and links to key resources. This resource is aimed at family guardians, professional guardians, public guardians, attorneys, judges, court personnel, and all others who are affected by this issue, and will be regularly updated with new information and links.

Topics addressed by the FAQ sheet include:

- Access to clients or loved ones in nursing homes
- Access to clients or loved ones in residential group settings and hospitals
- Access to courts
- Protecting clients' or loved ones' rights & well-being

The FAQ Sheet may be found by clicking [here](#).

Double Whammy on Law Firms: COVID-19 and The Troubled Economy

by Sharon D. Nelson, Esq. and John W. Simek

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When lawyers turned the calendar page to January 2020, they could not have dreamt of the two-fold nightmare that would descend upon the profession so quickly. A global pandemic and a tanking economy at the same time? We thought we had seen the end of hard times when we finally emerged from The Great Recession in 2009. Some of our lawyer friends still have lines of credit to pay down from that recession.

While government leaders say the economy will “come roaring back” or “I’ll bring the economy back,” most lawyers are skeptical, to say the least.

The New Normal

What have we seen so far? Beyond the fact that virtually all lawyers are working remotely, with some phased reopening in the works, we have seen dismal news.

Clio’s survey, released in May 2020 showed that during March, new legal matters were down more than 30% compared to the first five weeks of 2020 and down by more than 40% from the year’s highest weekly averages. 56% percent of legal professionals say they have seen a serious reduction in the number of people asking for legal help, and 53% say they are significantly less busy.

Though understandable, 49% of companies say that if they had a legal issue now, they would probably delay getting legal help until the pandemic has receded.

Sixty-seven percent of lawyers are worried about the success (and even the survival) of their practice and 57% are worried about making a living over the next few months.

The survey found that 75% of legal professionals report higher levels of stress and anxiety, and nearly half are more worried about their finances than their health. Not all lawyers are in pain. The bankruptcy attorneys are doing just fine – and other areas of law practice have not yet seen a decline.

Eleven percent of firms say they have already laid off staff, the survey found. Another 15% expect layoffs in the next three to six months.

On May 8, LAW.COM published a report on actions taken by major law firms in response to the economic downturn. It was a slash and burn story which rapidly made its way around the listservs and social media.

Firm after firm reported some mixture of layoffs, furloughs, hiring freezes, pay cuts, reductions in party distributions, freezes on discretionary expenses and suspension of summer associate programs.

Young lawyers are looking at a grim future. Those who are graduating this year and passing the bar will not likely find jobs and those who have been with firms for just a year or two are the most likely to be laid off or furloughed. Add to that the burden of their student loans and it is no wonder that they are so anxious.

Where Are We With Technology?

The Clio report says 69% of lawyers view technology as more important to their firm than before COVID-19. Cloud computing is now seen as a necessity for survival by 83%.

Will the way we practice law change? Two-thirds of lawyers believe it will. Shifting to law firm clients, 58% say that, at least for the next couple of months, they prefer meeting with a lawyer by videoconference rather than in person. Sixty-nine percent would prefer to work with a lawyer who shares documents electronically via a web page, app or online portal.

All of this is borne out by our own experiences. For years, lawyers have deferred (mostly because of cost considerations) upgrading their technology and cybersecurity enhancements. We have explained the importance of endpoint protection endlessly, but not until everyone was working remotely did that message hit home.

Cybercriminals, always sniffing the air for new opportunities, quickly realized that lawyers working at home were vulnerable, both because they were often using home machines (unprotected by their firm's security) and using home networks, many of which were not secure. Everyone had to scramble to up their security game under this new working environment. Now everyone wanted endpoint protection – immediately.

Webinars we taught on “Working Remotely – and Securely” attracted hundreds of attendees, suddenly interested in recommended VPNs, ways to speed up home networks, video conferencing tools and their safe usage . . . the list of live questions was so long that we had to extend the webinars past their scheduled end times.

The Future Ain't What It Used to Be

Yogi Berra's words ring true more than ever for lawyers. In two months, we changed how we practice law more than we did in the last two decades. Virtually everyone now knows about e-notaries, how to prepare documents for electronic signature, how to videoconference with colleagues, clients and courts, how to deposit checks via a phone app – and that list just keeps growing . . .

We were struck by the recent words of Professor Richard Susskind, when he gave a virtual talk via Zoom for Harvard Law School to discuss his latest book, *Online Courts and the Future of Justice*. He talked about how we had grafted technology onto the way we had always practiced law, rather than fundamentally changing the way we practice law. But fundamental changes are now here in droves and we will not likely go back to the way law was practiced

before this pandemic. As he said, what he has seen since in the last several months probably means he needs to write a new book.

More than we ever thought possible, we are looking at how we practice law and how we can evolve in practicing law. Online court proceedings are still new, but rapidly becoming normal. There has been lots of lawyer resistance to online courts in the past – but it appears that more and more lawyers and judges are rethinking how we solve our disputes. Mediators have quickly glommed onto Zoom as a tool for conducting mediations. Will we ever go back fulltime to brick and mortar offices? As the Clio study referenced above demonstrates, two-thirds of lawyers believe the future has changed.

When we look back from a future that it is hard to fully see at this moment, we may be astonished at how this topsy-turvy time advanced the practice of law.

FREE ANNUAL CREDIT REPORTS

Federal law requires each of the three nationwide consumer credit reporting companies - Equifax, Experian and TransUnion - to give you a free credit report every 12 months if you ask for it. They also make it easy to accomplish many credit-related tasks right from your computer.

To assist consumers during the COVID-19 pandemic, Equifax, Experian, and TransUnion are now voluntarily offering free weekly online reports through April 2021.

Additional information may be accessed at www.annualcreditreport.com.

Virginia State Bar Launches *Senior Virginians Handbook*

by J. Thomas Tokarz II, Esquire

In April 2020, the Virginia State Bar released the Senior Virginians Handbook to provide valuable information about legal matters and government programs of particular interest to senior citizens. Intended as a plain English overview of a variety of topics, the 111-page Handbook will be an important resource to senior Virginians, as well as their caregivers, advisors, families and loved ones as they work to make educated choices about the myriad issues they face. It can also serve as a starting point for legal research and a practice development tool for attorneys who work with senior citizens.

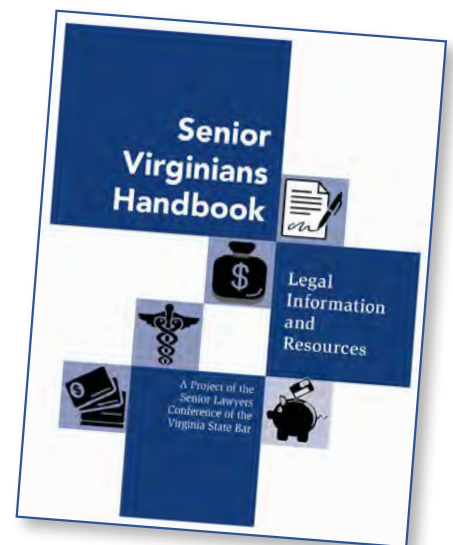
The Handbook is divided into eight sections plus a listing of helpful contacts for those wishing additional information. Best understood as an introduction rather than a comprehensive reference to answer difficult questions, it describes a host of government programs, including Medicare, Medicaid, Social Security, and VA benefits. The Handbook also provides basic information about long-term care, landlord/tenant laws, driving and automobile insurance, consumer rights, grandparent rights, and elder abuse.

The Handbook covers several topics that will probably encourage many readers to seek legal services. Those topics include wills, trusts, advance medical directives, estate planning and administration, and guardianship and conservatorship matters.

It also describes how to find and select an attorney, Virginia's judicial system, and the VSB's fee dispute resolution program.

The Handbook is the handiwork of the VSB Senior Lawyers Conference which enlisted the talents of its Board of Governors and members of the Virginia Academy of Elder Law Attorneys under the tireless direction of Barbara Anderson of Alexandria. The new publication replaces the State Bar's Senior Citizens Handbook which was first published in 1979 and last updated in 2013. Communications staff members at the VSB estimate nearly 300,000 copies have been distributed over the years!

The new edition is published in both PDF format and hard copy, and a Spanish edition is planned for late 2020. The PDF edition is available online at www.vsb.org/docs/Senior_Handbook.pdf. Printed copies of the Handbook are available for free distribution at programs for senior citizens in local courthouses, libraries, and at the Senior Law Day programs produced around the state by local bar associations. Interested persons may order copies by calling the Virginia State Bar at (804) 775-0500 or completing the form at www.vsb.org/docs/orderform.pdf. Many firms order supplies of the book to hand out to new clients to help them understand the complexities they may be facing.



Publishing electronically will facilitate more frequent updates as well as the addition of new topics. If you have suggestions for additional content, find links that are broken, or just want to comment on the book, please contact the VSB at (804) 775-0500 and ask for the SLC's staff liaison, or email: vsbnews@vsb.org.

The Board of Governors extends its sincere appreciation to the following attorneys for their dedication to making this edition of the Handbook an amazing resource of Virginia laws and programs: Sheri Abrams, Amy Allman, Alan Anderson, Barbara Anderson, Tom Bell, Peter Burnett, Grimes Creasy, Julia Crisfield, John Eure, Doris Gelbman, Wayne Glass, Richard Gray, Amy McCullough, Martha McQuade, Jesci Norrington, Kathryn Poe, Tom Tokarz, Robert Vaughan, Edward Weiner, Christopher Wright, Loretta Williams, and Carter Younger. Thank you also to the staff at the Virginia State Bar who tirelessly support the mission of the Bar and the SLC.

Senior Law Day Receives Award of Merit

With significant community and professional support, on August 14, 2019, the Alleghany-Bath-Highland Bar Association organized and hosted a Senior Law Day (Legal Issues for Seniors in Virginia) at Dabney S. Lancaster Community College in Clifton Forge. The program was attended by more than 200 seniors and caregivers. On August 4, 2020, on the steps of the Alleghany County Courthouse, Roy Creasy, Chair-Elect of the Virginia State Bar Conference of Local and Specialty Bar Associations (CLSBA) presented an Award of Merit to the Alleghany-Bath-Highland Bar Association for its efforts.

The 2019 program was moderated by William T. Wilson, Esq., and the featured speakers were: R. Meade Snyder, Esq.; Dr. David E. Crandall; William A. Parks, Esq.; Jeanne M. Hepler, Esq.; Elaine Engleman, Adult Services; Pat Loving, Funeral Director; Ann Gardner,



Commonwealth's Attorney for Alleghany County; Shaun Mabry, Assistant Commonwealth's Attorney; and Sheriff Kevin Hall, Alleghany County Sheriff.

A video of the entire program is available for viewing on the Virginia State Bar [YouTube channel](#). The program consists of ten segments: (1) Estate Documents and Planning; (2) Alzheimer's Disease; (3) Estate Planning and Grandparent's Rights; (4) Paying for Long Term Care; (5) Social Security;

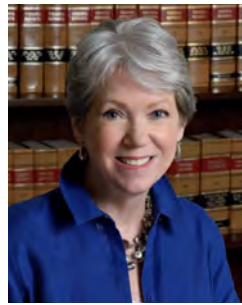
(6) Funeral Planning; (7) Scams and Public Safety (Part 1); (8) Guardianships and Conservatorships; (9) Scams and Public Safety (Part 2); (10) Questions and Answers.

If you are interested, the [SLC website](#) has a "roadmap" for conducting a Senior Citizens Law Day. As more progress is made in dealing with the pandemic, local bar associations, giving due consideration to social distancing; permissible size of group gatherings; federal, state and local public health guidance; development of vaccine(s); quarantines; self-isolation; sheltering in place; personal protective equipment, including face masks, shields, and goggles; proper hygiene; common sense; suitable venues; and available internet technology for virtual group programs; will lead to the safe resurgence of Senior Law Days.

Thanks to the following who have contributed to the writing of articles included in this newsletter:



John D. Eure, Esq. is a practicing attorney in Roanoke, Virginia with the JAM Law Firm. John's practice is in the areas of appellate practice, wills and estates, insurance, adult guardianships, and related matters. He is the Immediate Past Chair of the Senior Lawyers Conference of the Virginia State Bar.



Barbara S. Anderson, Esq. is a practicing attorney and is the managing member of the Life & Estate Planning Law Center, PLLC. focusing on estate and trust planning, probate and trust administration. Mrs. Anderson is past chair of the Conference of Local and Specialty Bar Associations and was re-elected to the VSB Bar Council in 2018. She presently serves on the Board of Governors of the Senior Lawyers Conference. Mrs. Anderson is a Fellow of the Virginia Law Foundation.



Sharon D. Nelson, Esq. is a practicing attorney and the president of Sensei Enterprises, Inc. She is a past president of the Virginia State Bar, the Fairfax Bar Association and the Fairfax Law Foundation. She is a co-author of 18 books published by the ABA.



Gary C. Hancock, Esq. is a practicing attorney and has practiced with the law firm of Gilmer, Sadler, Ingram, Sutherland & Hutton in Pulaski, Virginia for 43 years. He is the Treasurer of the Virginia State Bar Senior Lawyers Conference Board of Governors, a Fellow of the Virginia Law Foundation and a Life Fellow of the American Bar Foundation. Active in bar and community service throughout his career, he chaired the Virginia Board for Community Colleges, served as Mayor of the Town of Pulaski, and serves on the Boyd-Graves Conference.



John W. Simek is vice president of Sensei Enterprises, Inc. He is a Certified Information Systems Security Professional and a nationally known expert in the area of digital forensics. He and Sharon provide legal technology, cybersecurity and digital forensics services from their Fairfax, Virginia firm.



Thomas B. Davidson Jr., Esq., is a practicing attorney, is a principal shareholder of the firm of Beale, Davidson, Etherington & Morris, P.C., and has practiced real estate and corporate law since 1966. He has closed several thousand residential and commercial real estate transactions. For over forty years, he has practiced in the areas of and has extensive knowledge of all aspects of 1031 exchanges, real estate development and real estate financing. He has also represented numerous real estate developers during his career. He taught numerous courses involving real estate law at J. Sargeant Reynolds Community College for 15 years.



James L. Weinberg, Esq. is a practicing attorney, and Chairman and past President of Hirschler Fleischer. Jim's corporate practice focuses on mergers and acquisitions and legal advice to closely-held businesses, and he counsels clients in a wide range of industries on "life events" affecting their businesses. Jim is a graduate of the University of Virginia School of Law and had the privilege to clerk for the Honorable Richard L. Williams in the Eastern District of Virginia Federal District Court.



Dr. Edward F. Ansello is Director of the Virginia Center on Aging and Director of the Virginia Geriatric Education Center at Virginia Commonwealth University in Richmond. His work in the field of aging spans more than 40 years, with focuses that include in-

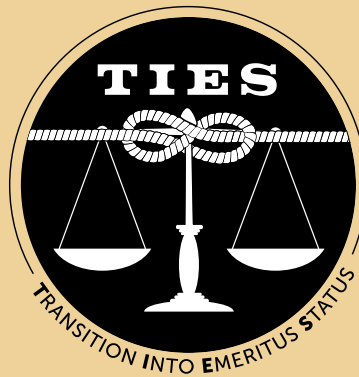
terprofessional geriatrics education, aging with lifelong disabilities, pre-retirement planning, abuse in later life, geropharmacy, coalition building, and the humanities, media and aging.



J. T. (Tom) Tokarz, Esq. is the Acting County Attorney for Henrico County, Virginia. He has been employed by Henrico County for more than 40 years. He is a member of the Board of Governors of the Senior Lawyers Conference of the Virginia State Bar. Tom has exten-

sive litigation knowledge and experience in local government law and related matters.

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For questions about the program, contact the VSB Pro Bono / Access to Legal Services department at (804) 775-0522.

To start the application process toward emeritus status, call the membership department at (804) 775-0530.

Pro Bono Activities By Senior Lawyers

The SLC actively encourages individual 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.

Be a Mentor!

The Young Lawyers Conference Mentorship Network (in partnership with the Senior Lawyers Conference) helps newer lawyers learn from experienced lawyers (retired lawyers, too). Take a quick survey at <http://bit.ly/YLCSLC> if you are willing to help.

Medicare Yearly Wellness Visits

Many senior lawyers are covered under Medicare, and they are eligible for yearly wellness visits. For more details, go to www.medicare.gov/coverage/yearly-wellness-visits; The following is extracted from that website.

- If you've had Medicare Part B (Medical Insurance) for longer than 12 months, you can get a yearly "Wellness" visit once every 12 months to develop or update a personalized prevention plan to help prevent disease and disability, based on your current health and risk factors. Your provider may also perform a cognitive impairment assessment.
- Your costs in Original Medicare. You pay nothing for this visit if your doctor or other qualified health care provider accepts assignment.
- The Part B deductible doesn't apply.
- However, you may have to pay coinsurance, and the Part B deductible may apply if:
- Your doctor or other health care provider performs additional tests or services during the same visit.
- These additional tests or services aren't covered under the preventive benefits.

The cognitive impairment assessment is performed to look for signs of Alzheimer's disease or dementia.

The personalized prevention plan is designed to help prevent disease and disability based on your current health and risk factors. Your provider will ask you to fill out a questionnaire, called a "Health Risk Assessment," as part of this visit. Answering these questions can help you and your provider develop a personalized prevention plan to help you stay healthy and get the most out of your visit.

It can also include:

- A review of your medical and family history.
- Developing or updating a list of current providers and prescriptions.
- Height, weight, blood pressure, and other routine measurements.
- Detection of any cognitive impairment.
- Personalized health advice.
- A list of risk factors and treatment options for you.

A screening schedule (like a checklist) for appropriate preventive services. Get details about coverage for screenings, shots, and other preventive services.