



The Honorable A. Christian Compton A Remembrance

Chief Justice Leroy R. Hassell Sr.

On April 8, 2006, Virginia lost a very distinguished Justice who had dedicated his professional life to Virginia's judicial system. And, the Justices and Senior Justices of the Supreme Court of Virginia lost a great friend, Asbury Christian Compton.

Justice Compton was born in Portsmouth, Virginia on October 24, 1929. He grew up in Hanover County, where he attended public schools. His parents were George P. Compton and Edyth Christian Compton.

Justice Compton received his undergraduate and law degrees from Washington & Lee University. He was very proud of Washington & Lee University, where he later served as a member of its Board of Trustees. Justice Compton received an honorary doctorate of law degree from Washington & Lee in 1975.

Justice Compton was an excellent basketball player when he was an undergraduate student. He was the captain of the varsity basketball team. In 1950, Washington & Lee's basketball team played the University of Richmond. Richmond led during most of the game. Justice Compton scored six points on three consecutive possessions in the last two minutes of the game to lead Washington & Lee to victory.

Justice Compton served in the United States Navy during the Korean War. He spent two years on the aircraft carrier, the USS Bennington. He also served as a member of the Staff of the Commander for the Naval Base at Norfolk. Justice Compton was awarded a letter of commendation for his heroic actions during an explosion aboard a ship at sea in May 1954.

Justice Compton practiced law in Richmond from 1957 to 1966. He was a partner with the former law firm of May, Garrett, Miller, Newman & Compton.

Governor Mills E. Godwin, Jr., appointed Compton to the Circuit Court of the City of Richmond, then the Law and

Equity Court of the City of Richmond. In 1974, during his second term as Governor, Godwin appointed Justice Compton to the Supreme Court of Virginia.

Justice Compton served on the Supreme Court of Virginia as an active member from September 1974 until February 1, 2000. He served as a Justice over 25 years, and he devoted over 33 years in service to Virginia's judicial system.

Justice Compton's service as a Justice and Senior Justice of

the Supreme Court of Virginia is illustrated by a high degree of commitment and dedication to the Court, a strong sense of fairness, and a devotion to the rule of law. Former Chief Justice Carrico stated upon Justice Compton's retirement as an active member of this Court: "The character of his career on the Supreme Court of Virginia is amply reflected through 25 years of careful, well-reasoned opinions which demonstrate deep legal scholarship, an abiding concern for *stare decisis*, and a keen interest in the judicial role."

Justice Compton was married for over 52 years to Betty Leigh Stephenson Compton. He was the proud father of three daughters, Leigh, Mary, and Melissa, and he had eight grandsons.

Once I asked Justice Compton what inspired him to attend

“The character of his career on the Supreme Court of Virginia is amply reflected through 25 years of careful, well-reasoned opinions which demonstrate deep legal scholarship, an abiding concern for *stare decisis*, and a keen interest in the judicial role.”

— Former Chief Justice Carrico

MESSAGE FROM THE CHAIR

William T. Wilson

Attorney at Law and Chair, Senior Lawyers Conference



As I have chaired the Senior Lawyer's Conference, and even before that, as a member of the conference's Board of Governors, I have been impressed by the energy, insight and productivity of the senior lawyers. Many of them give countless hours to our conference programs when they just as easily could be enjoying the rocking chair of retirement. We are also blessed with a Board of Governors that is as active as any group of young lawyers I know. I thank them all for their service. I also thank the very able Patricia A. Sliger, our liaison with the Virginia State Bar, for her help.

Although mentioned elsewhere, it is worthwhile to list again some of the Senior Lawyer Conference programs:

- Senior Law Day Program—The conference has been encouraging all local bar associations to conduct Senior Law Day programs in their jurisdictions. This is a program patterned after one that was successfully executed in Covington by the Alleghany-Bath-Highland Bar. A panel of eight lawyers, including a general district court judge, divided the Senior Citizens Handbook and explained it to an audience of one hundred senior citizens. Because of the success of that program, the conference has not only enthusiastically sponsored the program but has also agreed to furnish Senior Citizens Handbooks to bar associations willing to put on similar programs. Both Chief Justice Leroy R. Hassell Sr. and VSB president Phillip V. Anderson have endorsed the program. If you are interested in putting on a Senior Law Day Program, please contact Pat Sliger at (804) 775-0576.
- Senior Citizens Handbook—This is the handbook that is jointly produced and distributed by the Senior Lawyers Conference and the Young Lawyers Conference. It is a great book for both senior citizens and younger citizens who are interested in senior law issues.
- Frank O. Brown Jr., former Senior Lawyer Conference chair and now editor of this newsletter, is stumping the commonwealth explaining to local bar associations the value of lawyers' preparing for death and disability.
- Emeritus Rule—The conference was instrumental in getting the Supreme Court of Virginia to adopt a rule that permits retiring lawyers to provide free legal services to indigents without having to meet some of the requirements of active membership.
- Program for VSB Annual Meeting—Entitled "So You're Going to a Nursing Home/Assisted Living Facility," this program fits in well with our Senior Law Day program and is designed to educate senior citizens and their families about the technicalities, complications and pitfalls involved when one is considering becoming a resident of one of these institutions. The panel included state Senator R. Creigh Deeds; Commissioner Anthony Conyers Jr. of the Virginia Department of Social Services; Linda L. Wilhelm, Director of Training and Education for the Virginia Department of Health Center for Quality Healthcare; T. Daniel Frith III, a plaintiff's litigator in nursing home and assisted living facility cases; and Andrew H. Hook, whose practice focuses on elder law estate issues. I moderated the panel.
- Web site—The Senior Lawyers Conference has a Web site designed to provide helpful information to the profession and the public. Again, Frank Brown keeps that program going (and, in fact, set it up). www.vsb.org/slc/index.html.
- Other programs—Senior lawyers are also well represented on the committees and commissions set up through the initiatives of Chief Justice Hassell, i.e. "Involuntary Commitment," "Fees for Lawyers who Represent Indigent Defendants" and "Courts in the Twenty-First Century".

Senior lawyers give unselfishly back to the profession while they try to demonstrate to the younger lawyers, by example, the value of civility and professionalism. It's been "quite a trip so far" (as "Gus" said in Lonesome Dove). Thanks for having me serve. 

Virginia Advance Directives Day

April 18, 2006

Frank Overton Brown Jr., Attorney-At-Law And Past Chair, Senior Lawyers Conference

Under the very capable and energetic leadership of Nathan Kottkamp of the firm of McGuire Woods LLP, the first Virginia Advance Directives Day was organized by the Health Law Section of the Virginia State Bar in conjunction with the Virginia Hospital & Healthcare Association, Virginia Health Care Association, Virginia Association of Nonprofit Homes for the Aging, Virginia Association for Hospices, Health Law Section of the Virginia Bar Association, Senior Lawyers Conference of the Virginia State Bar, Medical Society of Virginia, Richmond Academy of Medicine and Virginia Department for the Aging.

April 18, 2006 was designated by Governor Timothy M. Kaine as Virginia Advance Directives Day, a day designed to raise public awareness of the need to plan ahead for health care decisions related to end of life care and medical decision-making whenever patients are unable to make informed decisions for themselves, also to encourage the specific use of Advance Directives to communicate these important health care decisions. Please see the accompanying photograph of the Proclamation signing at the Governor's Office.



A link to the Advance Directives Day web site may be found on the Senior Lawyers Conference web site at www.vsb.org/slc under Attorney Resources and the topic "Virginia Advance Directives and Health Care Decision Making." This site will remain active throughout the year, and on the Providers' page, it contains a sample form of Virginia Advance Directive (large and small print), Advance Directives Primer, Advance Directives Checklist, Health Care Decisions Act Summary, a pamphlet called "Your Right to Decide", and a 31 minute educational audio presentation by Nathan Kottkamp on Advance Directives.

The first Virginia Advance Directives Day was an overwhelming success with almost 200 hospitals and other health care facilities participating, including every hospital in the Commonwealth of Virginia. Media coverage was provided in more than 30 newspapers, and, in addition there was radio and television coverage. The response by the public indicates that the program was very well received, and Virginia Advance Directives Day will take place again on April 17, 2007. Members of local Bar Associations and individual attorneys or firms who wish to participate by providing speakers for supporting educational programs should contact Nathan Kottkamp at nkottkamp@mcguirewoods.com for more information. It is an excellent opportunity to provide a service to the public and to generate significant public goodwill at the same time. According to Nathan Kottkamp, "As you all know, recognizing the importance of Advance Directives should not be reserved for a single day or an event such as this." To that end, local Bar Associations and individual attorneys or firms can provide educational programs at any time throughout the year.

◀ Proclamation signing on April 14, 2006 at the Governor's Office. Pictured standing, left to right, are Susan Hogg, Virginia Association of Hospices; Matthew R. O. Brown, of Frank O. Brown Jr., P.C.; Frank O. Brown Jr., VSB Senior Lawyers Conference; Julie Christopher, Commissioner of Virginia Department for the Aging; Dana Steger, Virginia Association of Nonprofit Homes for the Aging; Nathan Kottkamp, VSB Health Law Section and Chair of Committee to Establish Virginia Advance Directives Day; William Peterson, Deputy Commissioner of Virginia Department for the Aging; Rose Moore, Physician Practice Advocate for Medical Society of Virginia; seated, Governor Timothy M. Kaine. Present, but not pictured: Marilyn Tavenner, Virginia Secretary of Health and Human Resources, and Laura Kottkamp.

For additional information, see the Article titled "Advance Medical Directives" in the Spring 2005 issue of the Senior Lawyer News, Volume 15, Issue 2, which can be accessed on the SLC web site under Attorney Resources and Senior Lawyer newsletters. It is important to bear in mind that while there is a suggested form for a Virginia Advance Directive, an Advance Directive does not have to be a "one size fits all" document, but should and can be tailored to express the specific wishes and intentions of individual clients. 

Frank W. Rogers, Jr. 1928–2005 A Remembrance

James W. Jennings Jr., Attorney at Law

“Bo.” That is how everybody knew him. It is remarkable that a person of such high renown and esteem would be known by a nickname and called by his nickname even in formal circumstances. It is a measure of the deep affection all held for him that he traveled the world as Bo.

Frank W. Rogers, Jr., came into my life first as a boss, then a tennis partner, then a law partner, and somewhere along the way one of my closest friends. The evolution of my relationship with Bo was not unusual for no matter how anyone encountered Bo, whether professionally, in civic activities, academia, business or personal affairs Bo became a friend and for many a “closest friend.”

A true gentleman, outstanding lawyer, devoted husband, Daddy, Granddaddy, volunteer, civic leader, sportsman, scholar, and churchman, Bo had a positive impact on all he touched. He had an infectious grin, a jocular sense of humor which led to enjoyable banter, and a keen sense of right and wrong which guided him in all that he did.

It was his integrity and his sense of justice that was felt by lawyers who worked with him. Also, he maintained civility no matter how difficult the situation. He was a powerful advocate and keen advisor who brought common sense and wisdom to the legal matters he handled.

“Bo took off on a school break for Venice, Italy to expand his intellectual horizons where instead he expanded his very being ...”

It is fair to say that at Woods Rogers he was part of the essential fabric of the firm and often looked to for guidance. He was the mentor to many starting lawyers within and outside the firm. He joyfully recruited law students and viewed a day of interviewing at a law school as a chance to tell prospective lawyers of the opportunities a life at the bar or bench afforded for the service to others.

Within the bar Bo was a voice for respect for the rule of law and diligence in the pursuit of professionalism. He liked being with lawyers and he always enjoyed bar gatherings. His dedication to the law motivated him to serve the bar by participation on committees of local, state and national bar

associations. Not only did he serve, he relished the activity.

He was a family man! His wife, children and grandchildren, not to mention the family dogs, were the centerpiece of his life. Not many lawyers who work as hard or as many hours as he did find a way, like he did, to live a full family life.

His twin brother, Bob, said that he would have been much smarter but he had to give half his brains to Bo. They went

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through their young years as “BoBob” and attended Princeton together. Bo took off on a school break for Venice, Italy to expand his intellectual horizons where instead he expanded his very being when he met Lorie also on a break from Connecticut College searching for knowledge herself.

From that point Bo and Lorie commenced a journey together, for they were inseparable. If you ever noticed a Rogers car license plate you saw the number “55,” which represented the year they were married. They brought forth three children all of whom have achieved professional prominence while carrying forward the values instilled in them by loving parents. No matter where I was with Bo there was the daily report on all three children and an update on the activities of the grandchildren.

Law school at The University of Virginia, The U.S. Army, U.S. Department of Justice, and Georgetown University preceded Bo’s return to his native Roanoke where he joined his father and brother at Woods Rogers. All three were avid tennis players which for a period of time seemed a required activity at Woods Rogers. When Bo told the receptionist at Woods Rogers he was going to court it was true, but his destination was a tennis court.

Despite all of his success and full and active life with never ending enthusiasm for whatever was in store for the day, Bo after all was human. He had a lousy overhead. [🏠](#)

Middle Peninsula Bar Association and Senior Lawyers Conference hold CLE conference



On May 11, 2006, in Gloucester, Virginia, Frank O. Brown, Jr. of the Senior Lawyers Conference presented “Protecting Your and Your Clients’ Interests In The Event Of Your Disability, Death Or Other Disaster” to The Middle Peninsula Bar Association, following the Association’s Bench Bar Conference. This program, which can be one or two hours in length with full ethics CLE credit is presented at no charge to local bar associations throughout the Commonwealth. It provides practical advice and forms

for your use in planning to protect your and your clients’ interests in the event of your disability, death, or other disaster. Such effective planning can avoid the undesirable consequences of the Virginia State Bar having to petition the Circuit Court to appoint a receiver for your law practice in the event of your disability or death. Please contact Pat Sliger at the Virginia State Bar (804) 775-0500 to arrange this for your local bar association. [📄](#)

Virginia Uniform Trust Code

Frank O. Brown Jr.

The Virginia Uniform Trust Code (2005 Acts, ch. 935) becomes effective on July 1, 2006. It is the first major codification of the law of trusts in Virginia, and it contains significant provisions affecting inter vivos and testamentary trusts, with which every practitioner should be familiar. It is contained in Chapter 31 of Title 55 of the Code, and begins with §55-541.01. With permission of the University of

Richmond Law Review, we present “The Uniform Trust Code”, by John E. Donaldson and Robert T. Danforth, from the University of Richmond Law Review, 40 U. Rich. L. Rev. 325 (2005). Use the following link to access the full text of the law review article:

http://www.vsb.org/slc/attorney/newsletterwinter06/UTC_401.pdf [📄](#)

The Coming Tsunami: Aging in the Commonwealth of Virginia

Julie Christopher, Commissioner, Virginia Department for the Aging

Tsunamis are gigantic waves that come ashore with little or no warning. A tsunami is caused by earthquakes or volcanoes that move the land on the bottom of the ocean causing an earth tremor. When a tremor shakes the land under the sea, it causes the water at the surface to rise up in a hump. This high swell of water starts moving towards the shore. After a long trip, this swell finally reaches land and roars onto the beach as a wave. This tsunami can be a wall of water 21 feet to 100 feet high!

As the population in Virginia continues to age and the proportion of younger adults in relation to older adults continues to shrink, a tsunami-like scenario is developing. Demographic experts and aging professionals have offered various projections on the potential impact of this growth in the older population on Virginia's economy, health care system, and various federal and state funded services. The number of older Virginians, for example (those persons who are age 60 or older), will increase substantially over the next 25 years according to U.S. Census Bureau projections. By 2030, it is projected that there will be about 1.3 million more older Virginians than in 2000 – a 120% increase.

Virginia is being warned of an impending aging tsunami. *Now* is the time when we should be developing long-term solutions and strategies to strengthen and support our local Area Agencies on Aging. Unfortunately, because much of the impending danger, like the tsunami example, is developing under the surface, it may not attract the attention and urgency that it deserves until it is too late. Are we as a Commonwealth overlooking an impending catastrophe that will adversely impact future generations?

Critical issues for Virginia include:

The Concept of "Aging In Place". Education for frail elderly and disabled Virginians, and their families, so that they are able to prepare adequately to stay independent in their own homes for as long as possible.

The Growing Need for Public Guardianship. Public guardianship refers to the appointment and responsibility of a public official or publicly-funded entity who serves as a legal guardian in the absence of

willing and responsible family members and friends to serve, or without resources to employ, a private guardian. The Virginia Public Guardian and Conservator Programs was established by law in 1997 in § 2.1-373.10 - § 2.1-373.14 of the Code. Virginia currently funds only a fraction of the public guardianship programs required to meet the needs of indigent frail older and disabled adults.

More Education About Fraud, Scams, and Abuse against the Elderly. Empowering seniors and their caretakers, through education, to prevent victimization through financial or physical abuse.

"Virginia is being warned of an impending aging tsunami."

And bringing this closer to home – what plans are currently underway in the Commonwealth? The 2006 session of the General Assembly passed two bills aimed at addressing the growing impact of an aging population on state services. **HB 110** mandates each state agency to include in their strategic plan an analysis of the impact that the aging of the population will have on its ability to deliver services and a description of how the agency is responding to these changes including five specific actions the agency plans to take. **HB 854** requires each state agency to designate an existing employee to advise and alert the agency head of opportunities to make policies, programs, and regulations senior-friendly and disability-friendly.

The warning has been sounded and together we can act *now* to adequately prepare for our future. 🏛️

Outlook For The Future

Jack W. Burtch, Jr. Attorney At Law and Chair-Elect Senior Lawyers Conference

At the outset, I want to salute Bill Wilson, our outgoing Chair. Bill has been a strong leader who has helped put this Section on a solid footing. He continued the very successful *Senior Citizens Handbook*, now in its eleventh printing. He actively encouraged Senior Law Days around the state, which bring in speakers and sponsor workshops to help shed new light for senior citizens on everything from employment to available social services. Finally, the seminar on long-term health care issues at this June 2006 Virginia State Bar meeting bears his imprint. I count myself lucky to follow in the footsteps of such a vigorous leader.

As a lawyer, I've often heard the mantra, "Put your money where your mouth is." Now, as Chair-Elect for the Senior Lawyers Conference of the Virginia State Bar, I find I'm really looking forward to applying that principle to my new job—that is, putting my energy where my passion is. During this upcoming year, I intend to focus on the very real service senior lawyers can offer to our profession: working more effectively with junior lawyers. I want to raise the standard of professionalism and improve the practice of law, and I've got some very practical ideas of how to go about doing just that.

And so, I want to carry on Bill's legacy by continuing Senior Law Days, as we build on our reputation for providing useful, timely and accurate advice. I also intend to begin the revision process for the *Senior Citizens Handbook*, which must be constantly updated to reflect new laws and services. The *Handbook*, a joint project of the Young Lawyers Conference and the Senior Lawyers Conference, is one of the ways junior and senior lawyers can work together. As senior

administrators of retirement communities and agencies on aging will tell you, this handbook is only as practical as it is current. While our online format makes it easier to keep information timely, our printed edition is just as crucial in terms of reaching users in more rural areas, especially those without easy Internet access.

But, as every how-to book will tell you, success comes to those who follow their bliss. My passion is intergenerational communication, and what I'd like to see is a new world of law in which senior lawyers and junior lawyers really hear one another. That means discussing legal issues and problems

by finding mutual ground and a common vocabulary. It entails patience and understanding on both sides, as we mesh the experience and expectations of veteran lawyers with the different ideas and methods of those newly graduated from law school.

I'm here to serve. Please call me with your ideas and suggestions. I'm not only available to listen, I'm accessible. As your Chair-Elect, I'm also accountable, so this is your chance. I've undertaken to bring lawyers closer together this year. And while I can't close the generation gap by myself, I think we can do it together. It's certainly a worthwhile task, and there's no better

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time than right now. Thank you. 

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law school. He replied, "that decision was easy." Justice Compton's father prepared him for a legal career at a very early age. One Sunday, when Compton was a very young boy, his parents invited a member of the Supreme Court of Virginia to dinner. Young Compton was attired in a white shirt, white shorts, white socks, and white shoes. When young Compton grew older, his dad encouraged him to attend Washington & Lee. Young Compton concluded that his father knew what was best for him, and he enthusiastically charted the course that his father had set.

Justice Compton was a member of the Board of Trustees of

Washington & Lee University. He was the president of the Washington & Lee Alumni Association. He was also a member of the Board of Trustees of the Collegiate Schools for 16 years, and he served as chairman of the board for two years. He was a faithful member of the Trinity United Methodist Church.

Justice Compton was a great friend and mentor. I will miss his smile and sense of humor. My life and the lives of the Justices and Senior Justices have been enriched by our service with Justice Compton. 

VISIT THE SENIOR LAWYERS CONFERENCE WEB SITE

Please visit the Senior Lawyers Conference at www.vsb.org/slc. This site contains a wealth of information, including newsletter archives, valuable links and other resources which will help you personally and in your practice. Please visit often for new information. Thank you.



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