

# Ken McFarlane Smith: A Remembrance

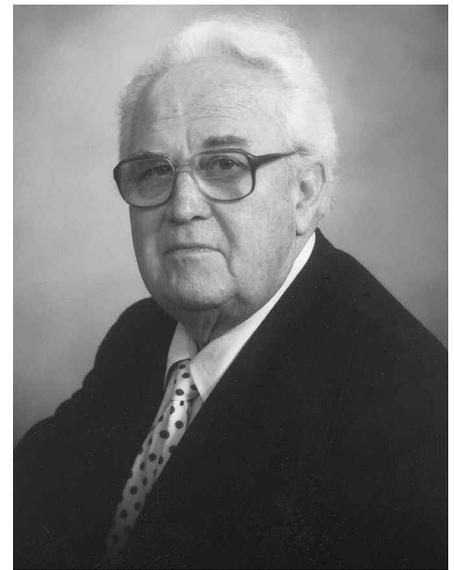
by Manuel A. Capsalis, Virginia State Bar President-elect

Whether it be a fellow attorney, a clerk, or anyone else who encountered Ken, what was most remembered was his upbeat nature and his dignity.

My lasting memory of Ken McFarlane Smith took place at the seventy-fifth anniversary celebration of the Arlington County Bar Association in May 2001. In preparing for the event, we on the planning committee decided that the best way to celebrate the history of the association was to honor those whose careers spanned much of its duration—those who had served in the legal profession at least fifty years. During a wonderful formal event, eleven individuals were recognized. Ken was one of the honorees.

In the bar association's office is a photograph of the honorees together with then-Chief Justice Harry L. Carrico. What I remember most about that evening were the smiles on the faces of Ken and the others, which the photograph beautifully captures. The camaraderie and respect among the honorees were palpable. These were individuals recognized not only for their longevity, but for their accomplishments over a half-century in public service. It was a privilege to be in their presence.

Particularly wonderful about honoring these individuals was the fact that many were still vibrant and active members of the bar. For honorees such as Ken (and



Betty A. Thompson, Earl E. Shaffer, and Senior Justice Charles S. Russell, to name a few), you knew there were many important tasks ahead and much more public service to fulfill.

Ken and the other honorees proved true the adage that the past is prologue to the future. In celebrating the history of their careers, we also celebrated what is profoundly good and honorable about our profession. We celebrated the role of the public servant and the preservation of the Rule of Law, personified in Ken and the others. To honor them was to recognize the dignity of what each had accomplished and the blueprint they gave us to continue on.

Ken's passing on January 20, 2008, is a loss that cannot easily be measured. He wrote a regular column in the *Arlington Bar Journal* recounting the history of the bar. His memory and ability to capture a period in time and place were remarkable. Ken ensured that the history of the Arlington legal community was dutifully preserved.

To say that Ken was a community leader is an understatement. In addition to main-

taining an active legal practice, he served as a substitute judge for more than forty-five years. He was actively involved in the Arlington County Bar Association and the Arlington County Bar Foundation. He was a fellow of the Virginia Law Foundation and served on its board of directors. He received the Virginia State Bar's Tradition of Excellence Award and the William L. Winston Award—the highest honor bestowed by the Arlington County Bar.

He was deeply committed to his beloved church. He was president of the Baptist General Association and for many years served on the board of directors of the Virginia Baptist Foundation. He taught Sunday school for more than two decades. Somehow he also found time to serve as a bell ringer and board member for the Salvation Army. He was a member of the Kiwanis Club for more than fifty years and was chair of the Arlington Kiwanis Foundation. Most importantly, he was a loving husband and father and a doting grandfather.

It is insufficient to say Ken was a successful attorney. Make no mistake about it, he was. Ken was a remarkable person, which is what helped make him a successful attorney. He practiced law with a profound respect for his honored profession. To him, it was a calling.

Without fail, whenever I had the opportunity to spend time with Ken, he was always encouraging. In the days since his passing, as I have spoken with many others who knew him, everyone has said the same. Whether it be a fellow attorney, a clerk, or anyone else who encountered Ken, what was most remembered was his upbeat nature and his dignity.

It seems to me that the wonderful lesson of Ken's life, which spanned eight decades, is that every day counts. It is a lesson easily forgotten in the constant struggles and demands of the legal profession. We are constantly reminded that our primary commodity is our time, which many of us are required to mark in increments of tenths of an hour. We are judged

by all that is deemed necessary to maintain the bottom line. Many are left to wonder, to what end?

Ken figured it out. As Jackie Robinson once said, "A life is not important except in the impact it has on other lives." Ken lived a tremendously important life. He was a profoundly committed public servant, and he was fiercely proud of his profession. His life should be remembered as an inspiration of what can be accomplished. Ken proved that one person can make a difference.

To those of us privileged to have known Ken McFarlane Smith, I believe the greatest honor to his memory would be to live by his example and to remember that every day really does count.

May his memory be eternal.