

# Senior Lawyers Conference

by Homer C. Eliades, Chair



## A Lawyer Looks Back

I JUST TURNED EIGHTY LAST MONTH. This click of life's odometer has brought on quite a bit of reflection. Since fifty-three of those eighty years have been spent practicing law in a small town, many of these reflections have been about just that. Although some days have been more enjoyable than others, all my days as an attorney have been rewarding. Needless to say, I've seen quite a few changes — some of which I like and some of which I do not. But I remain very proud of my chosen profession.

As a young lawyer recently discharged from the Army, I thought I was ready to enter the legal arena. My first visit to the Hopewell General District Court was an eye-opener. The Hopewell District Court was located in a building that also housed the jail. It was not a very impressive courtroom. I was amazed when I saw the judge walk into the courtroom wearing no robe and smoking a cigarette. The lawyers were not wearing jackets or neckties — only slacks and short-sleeved shirts. It was a surprisingly casual atmosphere.

The circuit court was located in another building, and the amenities were somewhat better. Term days were important in my early days of practicing law, because it was then that cases were set for trial, and young lawyers were always hoping to be appointed to represent indigent criminal defendants. The magnanimous pay in those days was \$25 to represent a criminal defendant charged with a misdemeanor and \$100 for a defendant charged with a felony. In some instances, the grand jury would issue a true bill on term day in the morning, and the defendant would be tried later that same after-

noon. Justice came swiftly in most cases (although not always). The defense lawyer might talk to the arresting officer and to the commonwealth's attorney and then try the case that very same day. There were no Miranda rights issues to deal with in those days.

I remember being asked to represent a very difficult defendant who had already been through two other appointed attorneys. He had advised the court that he was unhappy with the prior representation that he had been given. I agreed to take this rape case, and I worked diligently in preparing his defense — meeting with my client, talking to witnesses, gathering experts, and negotiating with the commonwealth's attorney. The defendant was found not guilty. The judge awarded me \$50 for attorney's fees. I advised the court that if that was all that the court could pay, then the Commonwealth of Virginia could keep the money. Thus ended my court appointments.

In most localities, there was only one part-time commonwealth's attorney who prosecuted all of the cases. That person could be prosecuting in the morning in one jurisdiction and defending an individual in another jurisdiction that afternoon.

Interestingly, we had district judges who were also the juvenile judges. Would you believe that district court judges did not have to be attorneys fifty years ago? Yes. In the County of Sussex, we had a doctor who sat as a judge. And we had several judges who had never attended a four-year college or university.

Some judges had a unique way of dispensing justice. I represented a gentleman who held a supervisory posi-

tion at a local factory. He was stopped by a police officer who charged him with reckless driving (speeding ninety miles per hour in a fifty-five mph zone). The judge was inclined to give him jail time, but I had witnesses testify that my client was a wonderful person and that he had no prior record whatsoever. The judge ended up fining my client substantially. The judge suspended all jail time and forewent any suspension of driving privileges. However, he ordered my client to attend church twelve Sundays in a row. Can you see that happening today?

There was a juvenile judge who would mete out punishment with a whip — literally. He would allow the parent to take the child in a room and whip him. If the parent was reluctant, he would have a police officer carry out the whipping with the permission of the parent.

A certain circuit judge did not like to see lawyers come into his court with long hair. If they did, he would invite them to leave the courtroom. On one occasion, that judge stopped a case that I was trying with an older lawyer and told the lawyer to turn his chair so that he would be facing a wall with his back to the jury (this was in response to a less-than-professional snicker and mumble from the lawyer). One never knew what this judge would do or say in the courtroom. Life in his court was always interesting.

Let me conclude anecdotally with a situation that occurred when I was young and inexperienced. I was trying a civil automobile accident case in which opposing counsel and I had

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agreed to stipulate the amount of property damage to be approximately \$7,000. As I was about to rest the plaintiff's side, I felt a tug on my jacket. Defense counsel then reminded me that I had not put into evidence the fact that we had stipulated to the amount of property damage. I have never forgotten this kind and gracious act. This was the character of many of the lawyers during that time. They were gentlemen who were respected by the judiciary, the bar, and court personnel. This type of professionalism and civility seems to have waned somewhat over the years. My hope is that all attorneys would be on both the giving and receiving end of this type of professional courtesy.

I miss the interaction that lawyers and judges had years ago, and I would like to see that renewed. I learned so much as a young lawyer from experienced lawyers and judges who took the time to offer me very constructive criticism. The bench and bar can always benefit from shared advice and encouragement.

Here's to a few more years in a profession that has brought me many challenges but has given me such great satisfaction. ■