

Leonard C. Heath Jr. and the View from the Roof

by Deirdre Norman

IT WAS 104 DEGREES one summer day in 1983, when at 2:00 p.m. on the front canopy roof of the Williamsburg Candle Factory, Len Heath had an epiphany about being a lawyer. Heath was installing metal flashing at the bottom of a white wall that led to the upper roof of the building. That wall both blocked any hint of a breeze and reflected the sun directly back on him. Around him, the men were pouring hot asphalt that reached temperatures of 450 degrees onto the flat tar paper. The men wore blue uniforms that had gradually turned to white as the salt from their sweat dried into the fabric. Some of the men were in their 40s and 50s and a couple were in their 60s.

“I stood up and took a Kodak picture in my mind that day,” says Heath. “I was 22 years old, and I was starting law school in a few days, and I thought, ‘If you ever get tired of studying or practicing law, remember this day.’ It was my day of inspiration.”

The new president of the Virginia State Bar is a partner in Heath, Overbey, Verser & Old, PLC in Newport News and is the first lawyer from the peninsula to hold that office in 50 years. His firm handles a variety of cases ranging from personal injury to criminal defense to business litigation. Heath maintains an AV Preeminent rating and was recently invited to become a Fellow of the Litigation Counsel of America. Yet he almost became a roofer.

“The Heaths are from a long line of roofers,” he says. Heath’s father left school in North Carolina to start working on the farm that his family tended as sharecroppers, and, after his own father suffered a stroke, he came to Newport News at the age of 15 to live with an uncle who was a roofer. Heath’s father married and eventually started his own commercial roofing company, but tragedy struck soon after, when Heath’s



mother died of breast cancer. Heath was just ten years old.

“After my mother died, I was going in the wrong direction, getting in trouble,” Heath says. “My father said, ‘you are working with me.’ That summer I started sweeping the shop, doing what they wanted me to do for five dollars a day when I was twelve. By 14, I wanted to work on the roof fulltime. It was a great part of my education. I met some of the smartest people I know on job sites.”

Despite, or perhaps because of, having to leave school early, Heath’s father put a great emphasis on school, and Heath graduated from Central Baptist School where he was president of the student body and first in his class. He went on to graduate from William & Mary with every intention of using his business degree to take over his father’s roofing company, which had grown to 75 employees. But his senior year he took a business law class and for the first time in his academic career he failed a test. “I was stunned,” he says. “And intrigued at the thought process involved. I actually had to work in the class and, ultimately, that professor went on to write my recommendation for [William

& Mary] law school.”

Heath joined Williams Worrell Kelly & Greer, P.C. in Norfolk in 1986 and says, “I had wanted to do transactional work, but I hated it. At the end of each deal I had a big stack of documents and very little feedback. But one of the great things we did at that firm as associates was spend each Friday in Norfolk General District Court in front of Judge Lydia Taylor. After a year, I knew I wanted to do litigation.”

Litigator William T. Prince was assigned to mentor Heath, and of this Heath says, “Who you are as a lawyer is formed by your first exposure to the law. About ten years earlier in 1978, Bill Prince had been the 40th president of the Virginia State Bar. He encouraged me to get involved with the bar as I sat in his office that day, and what he could not know and I did not know, of course, is that one day in 2018 I would be inducted as the 80th president of the Virginia State Bar.”

Heath took his mentor’s advice to heart, eventually serving in numerous roles at the VSB, including the MCLE Board, the Ethics Committee, Council, the Budget & Finance Committee, the Future of Law Committee and the Executive Committee, before being named president-elect. Heath also had another life-changing event occur at the firm when he met a paralegal named Kimberly, whom he managed to date, fall in love with, and ask to marry him without the partners at the firm even knowing they were a couple. They were married on December 2, 1989, with one colleague commenting, “I didn’t even know that you knew each other.” Today, they have three children: Jordan, who is a rising third-year at Regent Law School; and Caitlin and Kyle, both at Virginia Tech, with Caitlin studying human development and Kyle studying electrical engineering.

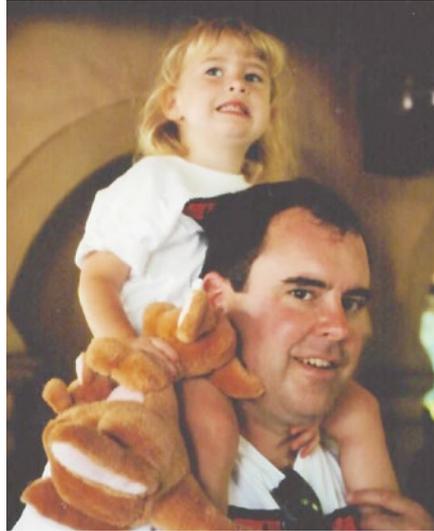
The bulk of Heath's practice is now litigation of all types, with a specialty he developed back in his days at Williams Worrell in "...a very narrow niche protecting electric transmission rights-of-way." He says he was given his first such case with the caveat, "You are probably going to lose." He went on to win that case, and to create a specialty that he has practiced successfully for 30 years in which he works to protect the area surrounding power lines from encroachment.

Perhaps his most noteworthy plaintiff's case involved a minor teenager who had cut off his hand in a circular saw accident. The hand was reattached, but the ensuing lawsuit saw Heath and his firm suing not only the man who was supervising the teenager but also the teen's parents on behalf of the teen. The case garnered national media attention, including invitations from the Montel Williams and Jenny Jones shows, all of which Heath promptly declined. The case settled two days before oral argument was set to begin in front of the Supreme Court of Virginia.

Heath's demeanor turns thoughtful when asked about his goals for his year as VSB president. "As with many things in my life, it goes back to my early years at Williams Worrell. Of the 25 lawyers working with me there in 1987, as of today two have committed suicide. They were really good lawyers, and they were wonderful people. When you see that, you want to do something about it." He says his main goal for his year as president will be to continue to expand the ongoing discussion on lawyer wellness.

"We talk about it now. We didn't then. But we are still really just starting the discussion. I have a son who is going into the profession, and I want it to be safe. When I worked construction, I had the right tools, the right hat, the right boots. We need to figure out what the tools are that will help to equip lawyers to be safe in their profession as well.

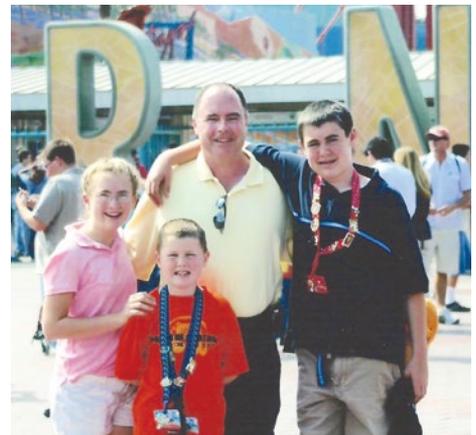
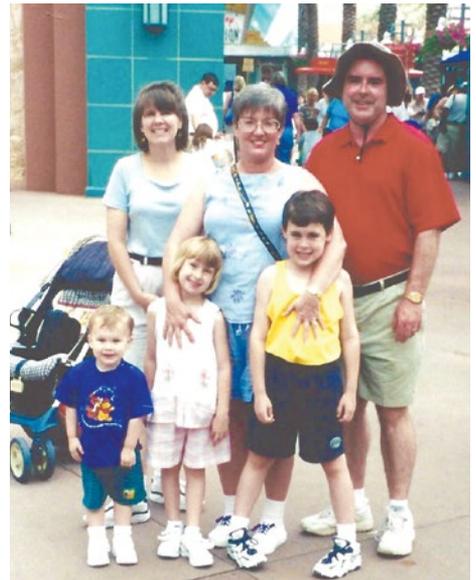
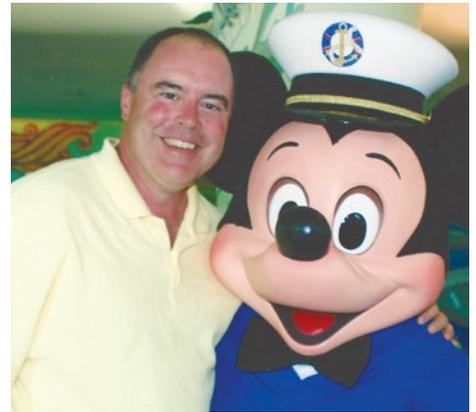
"I love the practice of law. I can't imagine doing anything else. I like being around lawyers and I like taking care of lawyers," he concludes.



And what is there to know about Leonard C. Heath Jr. that you might never guess by meeting him in the courtroom or at the Virginia State Bar? When asked this Heath pauses for a minute as if weighing the answer then says simply, "I am a Walt Disney aficionado. I have been to Disneyland twice and Walt Disney World well over 25 times." When given the option by his wife Kim to have a home office at their new house, Heath instead chose to have what he calls The Cave – a room full of Disney memorabilia collected over the course of his lifetime. As with many things in Heath's life, he can draw a straight line from a past event and connect it to the present and the man he became.

"When I was a kid we only had a black and white TV. One day I was watching the *Wonderful World of Disney* at my friend's house and Tinkerbell came out and waved her wand and the scene changed to color. I was transfixed." Then, when his mother passed away in 1971, his father took him to Disneyland. That sealed the deal. "My mom had just died and that was so hard, but I still had the greatest time."

And that is how the boy who was heading in the wrong direction grew up not to be a roofer, but a lawyer, who loves his family, the law, and Disney.



The Heath family at Disney over the years.

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fer from wellness issues, may never get to the point of actually being clinically impaired. However, even wellness problems that fall short of clinical impairment can affect our clients, our families, and the profession.

In Virginia, we have proud connections to the National Task Force report. Three individuals involved in the report have either direct or close ties to the Commonwealth of Virginia. First, Chief Justice Donald W. Lemons is one of the co-authors of the report. Justice Lemons has always been an advocate for the profession and for lawyers in general and his leadership in the issuance of this report is something for which we should be grateful. Second, the Virginia State Bar's own Kathleen M. Uston served as a peer reviewer for the report. Finally, Chris Newbold is also a co-author. Chris serves as ALPS liaison to the VSB through our endorsed lawyer professional liability carrier program.

The National Task Force report has already had an impact in Virginia. First, our executive director has forwarded the report to all components of the VSB to address wellness issues. Positive institutional change has already been effectuated in this regard. In addition, Chief Justice Lemons asked Justice William Mims to convene a panel to examine well-being issues in Virginia. That committee continues its deliberations and should have a report forthcoming before the end of this calendar year. You may have also noticed that CLE providers are addressing wellness issues in their presentations. I highly commend these programs.

As we begin our self-evaluation, we know that the answers will not be simple. Personally, I have compiled a list of "occupational risks to lawyer well-being." As I write this article, I have a list of 19 specific elements of the practice of

law that can affect lawyer mental health. Not all of the characteristics apply to every lawyer, but each characteristic can cause well-being issues. What we are finding is that well-being issues impact "Big Law" and solos, trial attorneys and business attorneys, and government attorneys and those in the private sector. When it comes to age, at least the initial studies reflect that wellness issues impact younger lawyers more than seasoned attorneys. And, shockingly, at least one report shows that wellness issues arise as early as the second year of law school.

For those of us who simply feel honored to have been allowed to participate in our great profession, these wellness statistics are unacceptable. I am proud to be a lawyer. I like being with lawyers. One of my children is on the path to becoming a lawyer. So, if you cannot tell by now, wellness will be at the top of my agenda for the coming year. Please feel free to contact me with your thoughts and suggestions on the topic. The "experts" are the attorneys across this great commonwealth who, day in and day out, actually practice law. We are the ones who must participate in the critical self-evaluation, not only for ourselves, but for those attorneys yet to come. But, most importantly, we are compelled to do this for our clients and the public trust.

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Leonard C. Heath Jr.

Heath, Overbey, Verser & Old, PLC

Virginia State Bar:

Executive Committee
Council
Legal Ethics
Budget and Finance
Better Annual Meeting Committee
Bench – Bar Relations
Future of Law Practice
Lawyer Insurance
Mandatory Continuing Legal Education
Study Committee on the Future of Law
Professionalism Course Faculty

Other Affiliations:

Fellow in the Litigation Counsel of America
American Bar Association
Newport News Bar Association
Virginia Bar Association
Virginia Trial Lawyers Association
Williamsburg Bar Association

Education:

The College of William & Mary, B.B.A.
The College of William & Mary Marshall-Wythe School of Law, J.D.

Family:

Len and Kim Heath are the parents of three children: Jordan, Caitlin, and Kyle

**Read more about Lawyer Well-Being on the VSB website at
http://www.vsb.org/site/members/lawyer_well_being**