

founded 1886

The Communiqué

President's Corner



Thank you for the honor of electing me as President of The West Virginia Bar Association. Last year's President, Howard Persinger, with the assistance of our very capable Executive Director, Pryce Haynes, has done a great job in fortifying this organization's value to the practicing lawyer in West Virginia.

The West Virginia Bar Association has always been dedicated to enhancing the enjoyment of the practice of law. I am proud to say that our annual meeting, held at The Homestead in September, greatly increased the attendees' enjoyment of the practice of law and each other. The meeting provided a great opportunity for continuing legal education and a beautiful venue for socializing, sports and other distractions. We were even graced with the gregarious, if not downright ornery, presence of Sam Snead. He added a jovial air to our banquet, even

if he did disparage my mother in front of 200 well-dressed people.

The West Virginia Bar Association will hold its 116th annual meeting at The Homestead on September 19, 20 and 21, 2002. This year's annual meeting promises to be even more well-attended, educational and entertaining. We are also in discussions with the Virginia Bar Association (Virginia's voluntary Bar) about joining forces in 2003 for a joint annual meeting at The Greenbrier. Obviously, the details are not yet worked out; however, the opportunity to meet and socialize with our brethren from the Commonwealth holds great intrigue.

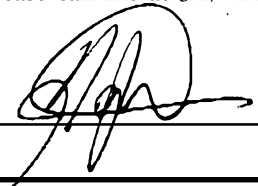
Your Bar Association will continue to protect the interests of West Virginia lawyers in the areas of unauthorized practice of law through our involvement in civil actions and before our State Legislature. Some of our members are presently very involved in protecting the



J. Tyler Dinsmore
 WVBA President

real estate lawyers' area of practice. Also, we are looking into our potential involvement in the controversy over the representation of State agencies. We are also mindful of our duties as citizens since the September 11 tragedy. The West Virginia Bar Association is looking for ways to help. Our young lawyers have offered to help our National Reserve with pressing legal matters, and we are developing a plan for Red Cross fund raisers/blood drives.

If you have any ideas on how we can be of service to our nation and our members, please call me at 347-4234.



Back by popular demand!

The 116th Annual Meeting
 of
 The West Virginia Bar Association

The Homestead Resort
 Hot Springs, Virginia
 September 19 - 21, 2002



Join us!

The West Virginia
 Bar Association

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 President

Pryce M. Haynes II
 Executive Director

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Annual Meeting a Huge Success

If you missed this meeting, you missed a good one! This was one of the best-attended annual meetings in quite a while. Sam Snead was a big hit and everyone had the opportunity to visit and have their pictures taken with Sam.

We were the first group to use The Homestead's new Conference Center, which made a delightful venue for our CLE seminars and exhibitor displays. As usual, the folks at The Homestead were most accomodating in every aspect of our meeting.

Join us next year at The Homestead, September 19 – 21, 2002, for the 116th Annual Meeting. They just keep getting better and better! Mark your calendar now for a great fall weekend in Bath County, Virginia.



Pictured (l-r): Judge C. Berkley Lilly, Phil Hill, Sam Snead and John McCusky.



Pictured (l-r): Courtney Persinger, Sam Snead and H.M. "Mo" Persinger, III.



Pictured (l-r): Jeanne Persinger, Howard Persinger and Jeanne Franklin, President of the Virginia Bar Association.



Pictured (l-r): Greg McNear, Tom Lilly and Hon. Robert B. King.



Bob Stein, Executive Director of the American Bar Association.



Pictured (l-r): Pat Gompers, Lewis Carroll, Andy Miller, Sherri Miller, Sam Snead and Joe Gompers.

New Officers and Executive Council Members elected at Annual Meeting

J. Tyler Dinsmore, with Flaherty, Sensabaugh & Bonasso, P.L.L.C. in Charleston, was elected President of The WVBA, and Robert M. Steptoe, Jr., with Steptoe & Johnson, PLLC in Clarksburg, was elected to the Executive Council, replacing past president Howard M. Persinger, Jr.. Jill Cranston Bentz, with Spilman Thomas & Battle, PLLC in Charleston, as president of the YLD, is also a new member of the Executive Council. Please refer to the listing of the Executive Council members on page 7 of this issue for a complete list of our 2002 EC members.

Honorable Thomas B. Miller, Retired, receives Award of Merit

The West Virginia Bar Association presented its prestigious Award of Merit for "...outstanding lifetime of distinguished service to the legal profession and/or the judiciary in West Virginia," to Honorable Thomas B. Miller, Retired Justice of The West Virginia Supreme Court of Appeals (1976-1994). Presentation of The WVBA's highest award was made by Honorable Thomas B. McHugh, former Chief Justice of The West Virginia Supreme Court of Appeals. During his tenure on the Court, Judge Miller served as Chief Justice in 1982, 1986, and 1990. Judge Miller has received many awards for his remarkable and illustrious career, including the Distinguished West Virginia Award by Governor Gaston Caperton and the Justitia Officium Award by the West Virginia College of Law. Former recipients of The Award of Merit include Edward I. Eiland, Esq. '97, John O. Kizer, Esq. '98, Charles R. McElwee, Esq. '99 and Charles F. Bagley, Jr., Esq. '00.



Pictured (l-r): Honorable Thomas B. McHugh, Honorable Thomas B. Miller, Ret., President Howard M. Persinger, Jr.

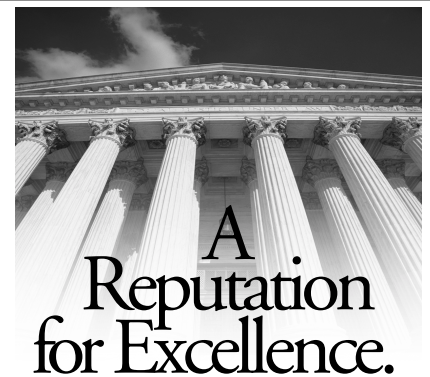
Persinger Completes Successful Year as President

Howard M. Persinger, Jr. of Williamson, West Virginia, passed the gavel at our Annual Meeting to Tyler Dinsmore. Howard energized The WVBA and its Executive Council to one of the best years The WVBA has had in recent history. His tireless efforts and consummate attention to The WVBA's purpose and future success resulted in many accomplishments achieved by The WVBA during Howard's presidency:

- Established a \$10,000 endowment fund named "The West Virginia Bar Association Book Scholarship" at The WVU College of Law
- Achieved a 40% increase in Annual Meeting attendance
- Commissioned our loyal member and past-president Forest J. "Jack" Bowman to write the history of The WVBA (publication of same is anticipated in 2002)
- Established The WVBA University Online which offers CLE to members and non-members (members receive a 36% discount)
- Rekindled our relationship with the Virginia Bar Association
- Developed and implemented comprehensive database software for improved membership and annual meeting organization

There were many tasks carried out with the utmost expediency by Howard's wife, Jeanne. The WVBA is indebted to Jeanne for her able assistance in arranging meetings, following up on many details, and terrific insight and ideas.

*The WVBA extends a sincere thank you and best wishes to
Howard and Jeanne Persinger!*



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The Young Lawyers Division Plans a Big Year

Jill Cranston Bentz, President
Young Lawyers Division

The coming year should be an exciting one for the Young Lawyers Division (“YLD”). We have an enthusiastic group of young lawyers, representing different geographic areas of the State. All of them are committed to ensure that this will be a productive and eventful year for the YLD.

To start, the YLD kicked off the year by co-hosting a tailgate party with the West Virginia University College of Law’s Student Bar Association on Saturday, October 6, 2001, before the Mountaineers’ football game. We had a terrific showing and registered several new members for the YLD.

In an effort to continue our growth, the YLD plans to host “Traveling Receptions” for the legal community in different areas of the State. Specifically, plans are currently underway to host a cocktail reception for lawyers in the Wheeling area this winter and another reception in the Eastern panhandle after that. We hope to coordinate gatherings in other areas as well.

The YLD has also begun plans to host a golf tournament in mid-April and, once again, will host the Bench and Bar Reception in Charleston. In July, we will sponsor an “after-the-bar exam” party for West Virginia’s newest young lawyers.

We have an ambitious year planned and are committed to making this the best yet!

If you or someone you know is interested in becoming involved in the Young Lawyers Division, please contact Pryce Haynes at 800-944-9822 or by E-mail at director@wvbarassociation.org, or me at 304-340-3880 or by E-mail at jbentz@spilmanlaw.com.



Hassig scores ACE at The Homestead!

Logan Hassig, of Snyder & Hassig, New Martinsville, WV, made his first hole-in-one on The Homestead Course par three second hole during The Annual Meeting Golf Scramble on September 28, 2001. Witnesses to Logan’s 125 yard ace with an 8 iron were John and Susan Tinney and Pat Fragile. Sam Snead presented Logan with an autographed Homestead “Hole-in-One Certificate” along with a Homestead “Hole-in-One” coffee mug and a dozen golf balls, compliments of First American Title Insurance Company, during the Friday evening dinner at the Annual Meeting.



Logan Hassig shares a laugh with golf legend Sam Snead.

Congratulations, Logan!

A Plea for The Ages

James "Jay" West
President-Elect, West Virginia Bar Association

Kingsley R. Smith, a good friend and frequent adversary who practiced law with Steptoe & Johnson in Clarksburg until his death often related the following story, particularly when complaints were made of the lack of speed with which his clients dealt with claims.

An older member of the Harrison County Bar served as a Commissioner for a good part of his years of practice. He was never known as a Mr. Speedy in getting things done and frequently had in his breast estates upon which he had done nothing for years. Counsel for the beneficiaries of one of the estates pleaded with the old Commissioner to submit the final settlement of the estate to the County Court for formal approval, but such pleas fell on deaf ears.

Finally, the attorney for the beneficiaries of the estate brought a motion before the Circuit Court of Harrison County seeking an Order requiring the old Commissioner to do his duty. On

the return day for the motion, counsel for the beneficiaries of the estate made an impassioned plea on behalf of his clients pointing out that several of the beneficiaries of the estate had died without receiving the benefits from the estate to which they were entitled, and that other beneficiaries were also threatened with loss of their inheritance - by death - if there was further delay.

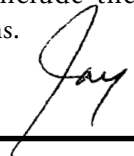
The response made by the old Commissioner when it came his time to speak exemplified my friend Kingsley's philosophy when it came to actually dispensing funds to conclude litigation. The old Commissioner arose and solemnly stated to the Court: "Let us lay the cool finger of patience upon the fevered brow of hurry and haste and with smiling grace await the laws delay."

The Rules of Civil Procedure, particularly as amended in Federal Practice in 1993, were aimed at speeding up, and in the process, reducing expense, in civil litigation. The effect of the rule changes

has not eliminated delay, but probably has reduced it. It affords some comfort to recognize that in a world where hurry and haste have become SOP, the opportunity to await the laws delay with smiling grace still exists - but the delay will be shorter.

Those of you who missed the 115th Annual Meeting of the West Virginia Bar Association at the Homestead on September 27, 28 and 29, 2001, missed some very interesting educational presentations bracketed by social and recreational events in a setting so beautiful that it should be a part of West Virginia. It is apparent to me that in 1863, the wrong ridge was established as the boundary line.

We will be back at the Homestead for the 116th Annual Meeting of our Association September 19, 20 and 21, 2002. You really should include the 2002 meeting in your plans.



2002 Dues statements Coming Soon

Be on the lookout for your 2002 dues statement. Statements are being sent to you in December in order for you to have the opportunity to pay them before January 1, 2002 and receive a tax deduction for 2001! Remember, if your firm has 5 or more attorneys and your firm pays the dues for all attorneys affiliated with your firm with one remittance, you save 10%! Call The WVBA office (800-944-WVBA) for a "list bill" discount form.

The Executive Council approved an increase in the dues, effective 2002. Although the increase may seem high to you at first glance, please keep in mind, it has been almost ten years since our dues were last increased, and it is imperative we maintain a sound financial footing to meet the needs of our membership.

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Jim P. Williams

Vice-President and State Manager

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The West Virginia Bar Association has entered into an agreement with **Boise Cascade Office Products** to provide WVBA members with office products at significant discounts. Boise Cascade is the largest contract stationer in North America, with fifty-two (52) distribution centers in the United States.

You were sent a catalogue from Boise Cascade that includes approximately 1,500 items priced at 50% off list price. These 1,500 items include many of the traditional "high usage" items that most business offices use on a daily basis such as legal pads, pens, filing supplies, etc. In addition, there are no shipping charges, no minimum order size and next-day delivery to most areas in West Virginia.

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It pays to be a member of The WVBA!

Reflections on Our Past

Forest J. Bowman

Chairman, Senior Lawyers Division


In November 1944, as our country was at war, Robert B. McDougle, of Parkersburg, President of The West Virginia Bar Association, announced (to “Members of the West Virginia Bar Association and our Brethren in the Armed Services”) that the Association was contemplating refresher courses after the war for West Virginia lawyers returning from the armed services. He also announced that the War Service Committee, of which Charles McCamic of Wheeling was the Chairman, and which had voluntary lawyers in practically every county, would be continued “for the purpose of helping service men and women with their legal problems.”

In those days the West Virginia Legislature met for legislative purposes only in the “odd” years. 1945 being an “odd” or “legislative” year, President McDougle announced that the Association would present to the 1945 Legislature “a program of progressive and constructive legislation for the welfare of all the people.” (It’s hard to see how anyone could oppose a legislative program designed “for the welfare of all the people.”)

At the Annual Meeting that year (held at the Daniel Boone Hotel in Charleston), President (and Former West Virginia Governor) Homer Holt introduced the main speaker, Rear Admiral Thomas

Leigh Gatch, Judge Advocate General of the Navy. The Association also learned that the WVU Law School enrollment for the fall of 1944 was fourteen, the same number enrolled the preceding year. However, the school was preparing for the influx of veterans expected at the end of the war.

The Association’s newsletter was packed with news of lawyer servicemen, at home and abroad. Familiar names, with unfamiliar military rank, reported in to the Association from military posts in the Pacific, Europe and around the United States.



The West Virginia Bar Association

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