

## JUDGE JAMES C. TURK, A PORTRAIT

The Honorable James C. Turk's portrait was unveiled in a well-attended ceremony in the Ted Dalton Ceremonial Courtroom in the United States District Court for the Western District of Virginia on April 17, 2015. Many family, colleagues, friends, and lawyers attended the ceremony to honor Judge Turk's memory and service of more than forty years on the bench.



**Portrait of the Honorable James C. Turk,  
unveiled in April 17, 2015 ceremony**

Appointed by President Nixon in 1972 to the bench of the Western District of Virginia, Judge Turk, who took senior status in 2002, continued to hear cases in the Western District of Virginia until he died in July 2014. His elevation to the bench was a mere continuation of Judge Turk's public service. He was elected and served in the Virginia Legislature from 1959 to 1972, while in the active practice of law.

Judge Turk had a humble beginning, the son of a farmer and a school teacher in Roanoke County. He began attending school in a one-room schoolhouse and subsequently graduated from William Byrd High School in 1939. After graduation, he worked for Norfolk & Western Railway. He served in the United States Army from 1943-1946 and in the Army Reserves until the mid-sixties. After being honorably discharged from active duty, he attended Roanoke College in Salem, Virginia and graduated in 1949 with the help of the GI Bill.

He then was awarded a scholarship to attend Washington and Lee University School of Law. There, Judge Turk served as an editor of the Law Review, graduated second in his class in

1952 and met Barbara Duncan – his future wife. He was also inducted into both Phi Beta Kappa and Omicron Delta Kappa.

In 1952, Judge Turk began practicing law with the firm of Dalton and Poff in Radford, Virginia. He was hired by Ted Dalton, his future mentor, to help the practice while Richard Poff ran for Congress. Richard Poff was successfully elected to Congress. Judge Turk found a home in Radford and in the law firm with Ted Dalton, and practiced there until 1972 during which time he litigated cases throughout Southwest Virginia.

After serving in the Virginia Senate, Ted Dalton became a United States District Judge in the Western District of Virginia in 1959. That same year, Judge Turk ran and succeeded Judge Dalton in the Virginia Senate. At the time, he was one of the two Republican State Senators along with Floyd Landreth. Other legislators referred to Landreth and Judge Turk as “the old man and young boy.” In the Virginia Senate, Judge Turk helped end massive resistance to racial integration. Judge Turk rose to be minority leader in the Virginia Senate from 1965 until 1972, while he continued to practice law and be a husband and father.

Married in 1954, Judge Turk and his wife Barbara had five children, three of whom followed Judge Turk’s footsteps in attending Roanoke College, and two of them continued on to become lawyers, one of whom was appointed by the Virginia Legislature as a Circuit Court Judge in Montgomery County, Virginia.

Judge Turk’s appointment to the bench in 1972 came with a swift and successful confirmation vote that occurred while Judge Turk was driving back home from Washington D.C. after his confirmation hearing. He learned of his appointment from a radio broadcast in his car. In the early days of his tenure on the bench, he spent significant time traveling throughout the district to hear cases in all seven divisions of the Court. He served as Chief Judge of the district from 1973 to 1993.

In his many years on the bench, and with all the power vested in a lifetime appointed Federal Judge, Judge Turk never lost sight of the affect that he and his rulings would have on litigants of all kinds. He made it a practice to come down from the bench and shake the hands of all civil litigants and criminal defendants, as well as their attorneys, after court proceedings. “At the end of the day, he was an incredible optimist. When he shook hands with individuals after a case was concluded, he was letting them know that tomorrow would be a better day,” said one of his former law clerks, John Fishwick. Perhaps a couple of lesser known snapshots into Judge Turk’s daily life best illustrate his conscientious and genuine concern for people. With a friend, he routinely led a Bible study for a number of years for prisoners at a state correctional unit in Pulaski, Virginia and donated clothing for the prisoners to wear on job interviews. He received dozens of letters from these men and responded to each one. Several men visited Judge Turk later to tell him how much those Bible study sessions helped them turn around their lives.

He was so well respected and trusted that one fugitive would only turn himself in to Judge Turk and did so instead of surrendering to other federal authorities. In another instance of fairness, kindness, and justice, Judge Turk, while in a multi-day trial in Abingdon, Virginia, traveled one night with a U. S. Marshal to pick up a defendant. After doing so, he convened court, oversaw a prompt resolution of the matter, encouraged the attorneys in the multi-day trial to donate funds to purchase a bus ticket for the defendant to return home, and sent the defendant home by bus to begin serving his probation.

A Memorial Resolution presented to the Roanoke Bar Association on April 14, 2015 by his successor on the bench, the Honorable Glen E. Conrad, recounted how Judge Turk received many letters of gratitude from those whose lives he touched by his kind acts inside and outside the courtroom. “Judge Turk was committed to fairness and justice, and he sincerely believed that every person had value and something positive to offer,” Judge Conrad observed for this

article. “I think his most important and consistent virtue in court was not writing opinions and deciding complex legal issues, both of which he did extremely well, but rather in making the law work to benefit individuals and helping them right their course,” he added. Similar observations were shared recently by state circuit court Judge Clifford Weckstein, who practiced before Judge Turk before himself becoming a judge. Judge Weckstein commented that while there may be other judges with “greater technical command of the rules of evidence, or with greater mastery of abstruse areas of substantive law, and judges whose writing style is more pleasing, there are no judges with a bigger heart, few, if any, with greater intellect, and fewer still who combine a nearly unerring moral compass with a deep belief that nearly all of us are good people who can become better.” “He was blazingly smart.” Judge Weckstein wrote in an article in Virginia Lawyer magazine shortly after Judge Turk’s passing. “I’m not sure that some of the lawyers practicing in front of him knew how quick his mind was. He could see where a trial was heading – or where a lawyer’s strategy was going to take her – well before anyone else in the courtroom,” he noted.

During his long tenure, Judge Turk presided over several high profile cases, which ultimately ended up in the United States Supreme Court, including Falwell v. Flynt, the 1983 libel case involving the Reverend Jerry Falwell and the adult magazine publisher Larry Flynt, 1985 U. S. Dist. Lexis 20586 (W.D.Va. Apr. 19, 1985) (involving plaintiff Falwell’s claims of invasion of privacy, libel, and intentional infliction of emotional distress); Eldridge v. Weinberger, 361 F. Supp. 520 (W.D.Va. 1973) (involving the question of due process requirements prior to termination of social security benefits); and EEOC v. Christiansburg Garment Co., Inc., 376 F. Supp. 1067 (W.D.Va. 1974) (involving the standard for recovery of attorney’s fees by prevailing defendants in Title VII cases).

While serving on the bench over the years, he mentored nearly eighty law clerks, as well as numerous pro se law clerks and college and law student interns, read, did puzzles, took hearing and trial notes in shorthand, traveled, and never stopped learning. Along the way, he helped establish with his brother Maynard, also a lawyer, the Turk pre-law program at Roanoke College and served as President of the Roanoke College Alumni Association. He served on the Board of Directors for the Radford University Foundation and its C. E. Richardson Foundation, and as a Trustee for Radford Community Hospital. He was a member of the First Baptist Church in Radford and the Rotary International. Judge Turk loved being a judge and he loved to laugh. He taught others along the way by example and sometimes with words. He really, really had fun being a judge. “He loved his job. And his job, as he saw it, was to do justice, every day and in every way,” said Judge Weckstein. And, being the son of a school teacher, he knew discipline and good manners from a very young age. “He knew better than to speak of someone discourteously – and Judge Turk had no tolerance for incivility in the courtroom,” added Judge Weckstein. At the same time, Judge Conrad noted, “Judge Turk always believed that the courtroom should be a friendly and comfortable place. While this may not have been true for every litigant on every day of Judge Turk’s long career, I think that most would agree that his genuine concern for his fellow man permeated his courtroom, and that almost all came away with good feelings, as well as firm confidence in our system of justice.”

It was thus fitting that the courtroom in the Richard Poff Federal Courthouse was full at the unveiling of his portrait on April 17, 2015, where his legacy will live near the portraits of other distinguished jurists, including his mentor Judge Dalton, and in the midst of those who have succeeded him and who endeavor daily to carry on his work. Who knows – his portrait might speak up someday and let some evidence in “for what it’s worth.”

The Roanoke Chapter of the Federal Bar Association was pleased to assist with the portrait unveiling ceremony.

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