



by Robert A. Ziogas and Phillip R. Lingafelt

Judge James C. Turk, a Judicial Remembrance

Honorable James C. Turk was a U.S. district court judge for the Western District of Virginia from 1972 until his death in 2014. On April 17, Judge Turk's family, colleagues, friends, and admirers packed the Ted Dalton Ceremonial Courtroom in the U.S. District Court for the Western District of Virginia to unveil Judge Turk's judicial portrait and celebrate his 40-year legacy in service of the court.

Judge Turk had a humble beginning. He was the son of a farmer and a schoolteacher in Roanoke County, Virginia, and grew up on a farm. His elementary school was a one-room schoolhouse. He graduated from William Byrd High School in 1939. After graduation, he worked for Norfolk & Western Railway. He served in the U.S. Army from 1943 to 1946 and in the Army Reserve until the mid-'60s. 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.

Turk was awarded a scholarship to attend Washington and Lee University School of Law. There, he served as an editor of the *Washington and Lee 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, Turk began practicing law with the firm of Dalton and Poff in Radford, Virginia. He was hired by Ted Dalton, his future mentor and a member of the Virginia Senate, to help the practice while Richard Poff ran for (and was successfully elected to) U.S. Congress. Turk practiced at Dalton, Poff, and Turk until 1972, litigating cases throughout southwest Virginia.



Portrait of Hon. James C. Turk, unveiled on April 17.

When Dalton became a U.S. district judge for the Western District of Virginia in 1959, Turk ran for Dalton's seat in the Virginia legislature, becoming one of only two Republican senators (the other was Floyd Landreth). Other legislators referred to Landreth and Turk as "the old man and young boy." In the Virginia Senate, Turk helped end massive resistance to racial integration. He 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.

In 1954, Turk married Barbara Duncan. They had five

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children together, 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 effect 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," says John Fishwick, a former law clerk and partner at Lichtenstein Fishwick PLLC in Roanoke.

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 he 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 their lives around.

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 multiday 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 multiday 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 by his successor on the bench, Hon. 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 ex-

tremely well, but rather in making the law work to benefit individuals and helping them right their course." Similar observations were shared recently by state circuit court Judge Clifford Weckstein, who practiced before Judge Turk before 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."

During his long tenure, Judge Turk presided over several high-profile cases that ended up in the U.S. Supreme Court, including *Falwell v. Flynt*, the 1983 libel case involving Rev. Jerry Falwell and 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.*, 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 80 law clerks, as well as numerous pro se law clerks and college and law student interns. He read, did puzzles, took hearing and trial notes in shorthand, traveled, and never stopped learning. Along the way Judge Turk 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 and his brother, Maynard, also a lawyer, established the Turk pre-law program at Roanoke College.

He was a member of the First Baptist Church in Radford and Rotary International.

Judge Turk loved being a judge, and he loved to laugh.

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