

Hon. James P. Jones, chief U.S. district judge for the Western District of Virginia, prominently displays his judicial commission on his office wall. He explains that, knowing about James Madison's famous 1801 failure to deliver Magistrate Judge Marbury's commission, Judge Jones believed it was important to have proof of his own appointment. The commission is one of the few things hanging in the judge's chambers. Nearby are a photo of his old law office and a picture of the judges of the Fourth Circuit Court of Appeals, taken when Judge Jones was a staff law clerk. Although Judge Jones has earned enough awards and commendations to wallpaper his chambers, he remains modest about his accomplishments.

In just a few years, Judge Jones became a partner in the law firm. According to Senior U.S. District Judge Glen M. Williams, Judge Jones handled more "law-making" cases than anyone else in the area did. In fact, Judge Williams, who appeared many times as Judge Jones' opposing counsel prior to his own appointment, praises Judge Jones as "one of the best lawyers we had in southwest Virginia."

In 1980, President Jimmy Carter nominated Judge Jones for his current position. However, the congressional session ended before the Senate could vote on his appointment, and Carter left office later that year. In retrospect, fate may have prevented Judge Jones from being appointed as a young lawyer — to the benefit of southwestern Virginia.

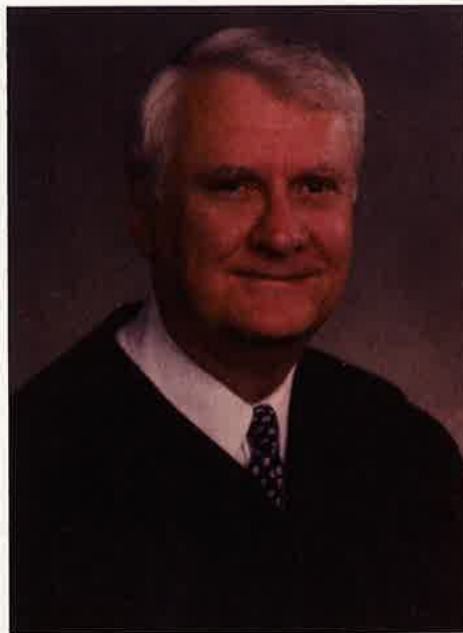
Hon. James P. Jones *Chief U.S. District Judge, Western District of Virginia*

By Allison Kidd

Judge Jones was born in Tampa, Fla., and he grew up in Virginia Beach, Va. After attending public school in Virginia Beach, he left Virginia to enroll in Duke University, where he earned a degree in psychology. Judge Jones returned to Virginia to attend the University of Virginia School of Law. He married his wife, Mary, in between his second and third years of law school and, in 1965, became the first lawyer in his family.

Judge Jones began his legal career in Richmond, Va., as an assistant attorney general for the Commonwealth of Virginia. One year later, he left the attorney general's office to take a position at the U.S. Court of Appeals for the Fourth Circuit, where he served for two years as one of the first pro se law clerks. The Fourth Circuit began receiving a flood of habeas appeals following such landmark criminal decisions as *Gideon v. Wainwright* and *Miranda v. Arizona*. In his position, Judge Jones drafted opinions for the judges and recommended the appointment of counsel in significant cases, helping establish the Fourth Circuit's current system for handling habeas appeals.

After completing his clerkship, Judge Jones found himself increasingly interested in civil litigation; therefore, he left Richmond for the town of Abingdon, Va., in the Blue Ridge Mountains, and the law firm of Penn, Stuart & Eskridge. At the time, he never guessed that he would stay at Penn, Stuart for 28 years; he had been hoping for a career as a government employee. However, Judge Jones quickly found the private practice of law to be a perfect fit, allowing him to "balance a life of intellect with a life of action."



While a busy partner at Penn, Stuart, Judge Jones was elected to a seat in the Virginia Senate. He represented Washington County and the surrounding area from 1983 to 1988, focusing on economic development in the Appalachian region. While in the state Senate, Judge Jones was a member of the Virginia Code Commission, the official body that edits and publishes the Virginia Code, and a member of the Courts of Justice Committee, Virginia's judiciary committee. After deciding not to seek re-election as a state senator, Judge Jones became a member of the state's Senate Ethics Advisory Panel and served on that panel for eight years, eventually becoming chair.

In 1990, Gov. Wilder, then governor of Virginia, appointed Judge Jones to the state's Board of Education. Judge Jones was unanimously elected president of the board in 1992 and was re-elected in 1994.

In addition to his political endeavors, Judge Jones was active in numerous civic organizations while he was a practicing attorney. He is a former president and campaign chair of the Washington County, Va., United Way, a former member of the Virginia board of trustees of the Nature Conservancy, and a former chair of the board of a local hospital, Bristol Regional Medical Center.

In December 1995, President Bill Clinton nominated Judge Jones to fill a vacancy in the Western District of Virginia. As had happened in 1980, it appeared that the Senate might not vote on the President's nominations before adjourning for the year. Indeed, only 15 of Clinton's nominees were approved in 1996, and, in July, Judge Jones

learned that he was one of those 15. Judge Jones watched on C-SPAN as the Senate considered his nomination and the presiding officer announced that his appointment was "so ordered." Judge Jones took office on Aug. 30, 1996.

Judge Jones' docket reflects the community he represented in the state Senate. It contains a relatively large number of energy-related cases arising out of the local coal and gas industries as well as a larger-than-average number of Social Security appeals. Even though Judge Jones has trouble singling out his most notable cases — "they are all interesting to me," he says — several have drawn national attention. Judge Jones made headlines most recently in August 2004, when he dismissed negligence claims against Purdue Pharma, the maker of OxyContin®, for a failure to demonstrate causation. Also in 2004, Judge Jones presided over one of the longest criminal trials in the federal courts held that year: a triple homicide involving three capital defendants.

Judge Glen M. Williams observes that, in Judge Jones' nearly 10 years on the bench, he has "handled some very difficult cases." In the process, Judge Jones has earned an "outstanding reputation as a trial judge among all lawyers in southwest Virginia." Former clerk Jane Small explains, "he is always the most prepared person in the courtroom. Judge Jones has high standards, but for no one so much as for himself."

In addition to earning respect for his "sharp legal mind," Judge Jones is admired for his "deep sense of responsibility to and respect for all those who appear before him in the courtroom," says Small. "The way [he] conducts himself just exemplifies 'judicial demeanor,'" adds U.S. Magistrate Judge Pamela Meade Sargent of the Western District of Virginia.

Outside the courtroom, Judge Jones is active in several judicial and community activities. The chief justice appointed him to the Advisory Committee on the Rules of Criminal Procedure, which is currently considering the effect of the Supreme Court's recent decision in *United States v. Booker*. Judge Jones is also the vice president of the Fourth Circuit District Judges' Association and has served on Fourth Circuit appellate panels — most recently in December 2003. In addition, Judge Jones remains active in the community in which he lives, having served on the board of directors of Virginia's state theater, the Barter Theater, for more than 20 years.

Last year, Judge Jones became chief judge for the Western District of Virginia in the midst of budget cuts and increasing concerns about the safety of our federal courthouses. He oversees seven staffed courthouses and works with three other district judges, four senior judges, and four magistrate judges. In a typical day, Judge Jones might fight for additional courthouse space, handle a sentencing issue in court, and then drive more than an hour to Big Stone Gap, Va., where he hears cases arising in that division. Judge Williams observes that Judge Jones is "more active working ... for the court as chief judge than any other chief judge" has been in his 29 years on the bench.



Chief Judge Jones with several of his former law clerks at a clerk reunion.

While "you often hear people say that someone is a 'pleasure to work with,'" explains Judge Sargent, "Judge Jones truly is. There's just something about him that makes those who work with him feel good about themselves and their work." Law clerks echo this sentiment, praising Judge Jones as both an exceptional judge and a patient teacher. "He is that rare and wonderful find for a law clerk or young lawyer in his court," explains his former clerk, Joseph Price. Judge Jones holds meetings each morning with his law clerks to prepare for the day's events and to review assignments. Once the business is finished, Judge Jones often checks in on how his clerks are adjusting to life in the small town of Abingdon. Many former clerks call him, send him e-mails and photographs of new babies, and attend reunions of Judge Jones' clerks. Several even asked Judge Jones to preside at their marriage ceremonies.

Judge Jones thoroughly enjoys being a judge. The things he liked most about practicing law are still there — the intellectual challenge and opportunity to be practically involved in society — but without the day-to-day concerns associated with running a law firm. When recently asked when he plans to retire, Judge Jones chuckled and answered, "Never."

Off the bench, Judge Jones is a history buff and an avid reader of biographies. He has a particular interest in World War II military history. He enjoys daily walks in the southwestern Virginia mountains with his dog, Lilly, and swims regularly. However, Judge Jones is happiest when he is surrounded by his family. Judge Jones and his wife, Mary, celebrated their 41st wedding anniversary in June 2005. They have three sons, including one who is a lawyer, and six grandchildren.

Perhaps Joseph Price, who clerked for Judge Jones from 1997 to 1998 and has since appeared before him, best summarizes what so many believe: Judge Jones "is precisely the type of person whom you want to have on the federal bench. I wish every district court had one like him." **TFL**

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