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Hon. Walter S. Felton Jr.
Chief Judge, Court of Appeals of Virginia

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PROFESSOR ROBERT E. SHEPHERD, JR.
SEPTEMBER 22, 1937 – DECEMBER 11, 2008

*The Honorable Walter S. Felton, Jr. **

The University of Richmond has lost one of its great mentors and teachers. Its faculty has lost a beloved colleague and adviser. Virginia, indeed the nation, has lost one of its great citizens, a person of indomitable spirit whose passion for the disadvantaged and underprivileged was unyielding. The University of Richmond and, in particular, its law school, has benefited immeasurably by the presence and work of Robert Edward Shepherd, Jr.—professor of law, teacher, and mentor to countless law students, alumni, governors, legislators, judges, and citizens. Bob’s teaching, both within and outside the walls of the law school, were, are, and will be an inspiration to those who were privileged enough to learn from him.

In talks to alumni groups and others, Dean Douglass points out that nearly every day Bob’s students argue the meaning of statutes he drafted before sitting judges he taught, which were debated and enacted by legislators he instructed in days past. Indeed, Bob’s legacy endures through those in whom he instilled the values of dedicated service and unrestricted commitment to helping the needy and voiceless. He taught that our Constitution demands equal treatment before the law, that justice must be blind to the status of all parties, and that the courts must protect from arbitrary acts of government, as well as abusive acts of private entities.

Dean Douglass, in his message to the law school community that Professor Shepherd had died, so well stated that Bob’s

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“broadest and deepest legacy will remain the hundreds of students whom he mentored throughout his teaching career and with whom he shared equal measures of his inquisitive spirit, his sense of fair play, and his deep human compassion for those most in need.”

To the good fortune of the University of Richmond School of Law, Professor Shepherd did not cease teaching when he retired in 2001. As Professor Emeritus of Law, he continued to teach until his death at age seventy-one in December 2008. At the time of his death, he was also a visiting professor at the Washington and Lee School of Law. Somewhat portending of his life’s work, Bob wrote a paper for the *Washington and Lee Law Review* while a law student there on child abuse that reportedly became the model from which Virginia’s first comprehensive child abuse statute was drafted.

I did not have the opportunity to be a student in one of Bob’s law school classes, as I graduated from the law school before he joined its faculty in 1978. However, I have benefited greatly from his advice and wisdom during the time we served together on various study commissions and committees and at other times when our paths crossed during our professional lives.

It was during the 1983 Session of the Virginia General Assembly that I had my first opportunity to meet and spend time with Professor Shepherd. As the administrator of the state agency responsible for training the Commonwealth’s prosecutors, part of my responsibility was to review and comment on legislation impacting the criminal justice system pending before the General Assembly. I learned quickly how well respected Bob was by legislators and the administration and that his voice on issues of family law and juvenile justice really mattered. As might be expected of those who knew Bob, he was kind to me, introducing me to legislators and others knowledgeable in family law, juvenile justice, and criminal law and procedure. Even though we were at times on different sides of legislation relating to criminal justice, Bob was always a gentleman and a professional, often persuasive, in his dealings with me as that legislation moved through the General Assembly.

Later, our paths again crossed in an unusual way. After I had become a member of the faculty at the William & Mary School of Law, Bob’s daughter Sharon, a student of that law school, enrolled in the criminal law class I taught. Because it was the

summer session and the class was relatively small, I had the opportunity to get to know Sharon very well. She was among my favorite students, not because she was my friend's daughter, but because of her mature insights on the application of the rule of law in a diverse society. I asked Bob later if he had any concern that my teaching might disturb all that he had taught her to that point in her life, but in his often affable way, he simply stated, "No, she has a strong sense of values." And indeed she did. Bob and I continued to run into each other during the legislative sessions, in the committees on which we both served, and at law conferences over the years.

Shortly after I was elected to the Court of Appeals of Virginia, the court elected Bob to be Reporter of Civil Decisions, and I again was able to benefit from his advice. He served capably in that capacity until he learned of his diagnosis with his life-threatening disease. Bob asked not to be re-elected Court Reporter, turning his attention and strength to his health, his family, and his teaching.

Bob's deep and abiding religious faith guided him in his life and work. He was a man of strong conviction, leavened by a good sense of humor and an occasional twinkle of mischief in his eye. His life was enriched by a wonderful family. His face glowed when he talked about his children and grandchildren, when he immersed himself in their lives and their activities. He was an avid sports fan. He was a vocal supporter of the Baltimore Orioles, and he was unwaveringly loyal to the Birds. He was also a pretty good tennis player, and he regularly attended professional tennis matches in the United States and abroad.

Bob's beloved wife Julia, who predeceased him, was his constant and faithful companion until her death. When Bob was presented with the prestigious Harry L. Carrico Professionalism Award at the Virginia State Bar Annual Criminal Law Seminar on February 14, 2003, Julia, her health rapidly declining, was by his side. At the conclusion of his remarks accepting the award, he turned to Julia, paused, and with a broad smile said simply, "I love you, my Valentine." There was not a dry eye in the audience.

As Bob continued his teaching and work on behalf of youth and families, another special person, Nancy, entered his life. I fondly recall Bob relating, with a chuckle, that he had to call his grand-

son, a teenager, to ask his advice about dating—something he had not done for many years.

Bob's relationship with Nancy blossomed into marriage, a result that must have been divinely ordained, as Nancy was truly an angel. She shared with Bob laughter, life, and the joys of their combined families. And it was Nancy who comforted and cared for Bob while his illness slowly took its toll.

News of Bob's death was a sad moment for those of us who had known this great man. Not only had we lost a friend, but the world lost a necessary voice for the betterment of society, particularly for the disadvantaged and underprivileged. Bob's strong and unapologetic voice fought for assurance that the American Dream of opportunity be available for all, no matter one's race, religious belief, gender, or ethnicity, and that the underprivileged and disadvantaged never be excluded as inconvenient. I once heard Bob tell an audience that many disadvantaged and underprivileged children too often viewed the promise of the American Dream from the outside, looking in through a dirty windowpane, a metaphor hardly consistent with Emma Lazarus's moving words at the base of the Statute of Liberty.

Bob was relentless in championing the cause of children and families, particularly those for whom there are few advocates. He was unyielding in his efforts at all levels of government to obtain necessary funding for programs to guide and educate young people who found themselves detained in the juvenile system. His mission was to provide tools to aid these young people in their return to society. Bob argued that failure to provide such programs and education would simply doom them to failure when they were released. He worked closely with juvenile and domestic relations district court judges to adopt innovative programs to appropriately sanction juvenile offenders, while still teaching alternatives to the behavior that led to trouble at school and with the law.

Bob recognized that government could not provide all the necessary resources to provide these programs and services for the disadvantaged. He enlisted the aid of professional groups, lawyers, doctors, social workers, corporate officials, and religious and charitable organizations, urging them to combine their individual efforts and talents to lend assistance to those who so desperately needed their help. He appealed to our human sensibilities to volunteer and help in whatever way we could and with whatever talents we had.

I am certain that, in the fall of 2008, Bob was enormously pleased to see the opening of UR Downtown—an accomplishment that brings together various groups and resources to provide, among other services, supervised legal assistance for indigent individuals through the law school's Harry L. Carrico Center for Pro Bono Services and the Family Law Clinic. UR Downtown operates in a manner that emulates Bob's vast collaborative efforts, working in conjunction with the Richmond Families Initiative, Central Virginia Legal Aid Society, the Richmond Bar Association, the Virginia Bar Association's Young Lawyers Division, the YWCA of Greater Richmond, and Virginia Commonwealth University graduate students in social work and psychology.

In learning of Bob's death, there was for so many an indescribable loss. It was the realization that never again would we hear his voice or benefit from his wisdom, never again would we hear his words of encouragement or even his criticism. Many of us identified ourselves with this intellectual, kind man. It seems of little importance now that there were differences in opinion over particular legislative proposals or policies. What matters is that Bob's departure leaves us with a feeling of profound personal loss, a sense of emptiness that only time can fill. Learning of his death, we knew we had lost a good person, one who understood the importance of being a lawyer and advocate for causes at times unpopular but necessary. We lost a man who understood that the legal profession requires us to serve in some meaningful way the underprivileged and disadvantaged with enthusiasm and passion, as those voices are most in need of an advocate.

Bob used his law degree and intellectual prowess not for monetary wealth, but for the improvement of humanity and society. He sought to insure the rewards of a free society, one that would benefit not just those whose lives were blessed with comfort, but equally for those who had to view the world through broken and dirty glass panes, unable to shield themselves from the elements. Bob Shepherd was more than a good lawyer and teacher. He was a man filled with the joy of living. He lived a good life, dedicating himself to making the world a fuller place in which to live. When he died, his ledger of life had a substantially positive balance. Every person whose life he touched, whether directly or indirectly, is indebted to him for his commitment to those most in need and for reminding us that we have an obligation to continue his work. In honoring Bob, we should fulfill that obligation.
