



1995-2013

McCANDLISH & LILLARD "RE-ESTABLISHED"

The combination of the McCandlish Firm and Miles & Stockbridge, while for over a decade very productive for both original firms, would run its course. By the mid-1990's the Fairfax lawyers came to believe that the regional vision which had led to the merger was no longer a top priority. The vision was that of Lowell Bowen, the managing principal of Miles & Stockbridge, Bill Bauknight, and the Firm's Virginia principals. A significant factor in this change was the evolution of regional banking based not in Baltimore, Washington or Richmond, but in Charlotte, North Carolina. More and more of the Fairfax lawyers' clients would have conflicts of interests with clients of lawyers in other parts of Miles & Stockbridge, particularly in the health care and banking areas, and the real estate market was suffering. By the Spring of 1995 the Fairfax lawyers determined to withdraw, as a group, from Miles & Stockbridge and "re-establish" the McCandlish Firm. The McCandlish Firm had remained active to retain the retirement plan already in place at the time of the Miles & Stockbridge merger. In its simplest terms, the "split-off" was accomplished by reactivating the McCandlish Firm's professional corporation.

On July 1, 1995 the Virginia lawyers formally announced the re-establishment of **McCandlish & Lillard, a Professional Corporation**, much to the delight of Bob and Josephine McCandlish, who by now had retired to Winchester, Virginia, as well as the Lillard family. Sadly, Rothwell J. Lillard had passed away on September 6, 1989, and would not know that his legacy to the Firm would be symbolized with his name. Robert J. McCandlish, Jr. would live to see the re-emergence of the Firm, before passing away on March 25, 1996. Bob McCandlish and Jack Lillard, longtime friends and law partners, are laid to rest at The Old Fairfax City Cemetery, near Truro Episcopal Church, only a few blocks from where they lived and worked together as law partners for many, many years. The bonds of family, friendship and partnership brought the three original founders of the Firm to a final repose close to one another. Despite its quiescent status for nearly a decade, there was never any debate among the Virginia lawyers that the new, "old" Firm would properly bear the name "McCandlish & Lillard."

R. Kevin Kennedy had returned to practice with his old colleagues less than a year before the re-establishment of McCandlish & Lillard. He pursued a corporate, banking, and commercial real-estate based practice until 1999 when he again departed for an opportunity to become President of Excel Title Corporation, a new venture underwritten by a Firm client, George Mason Mortgage Corporation. During his two tenures with the Firm (1981-86; 1994-99), Kennedy's practice focused primarily on real estate acquisition, development, construction and

permanent financing. He developed significant experience in financial and collateral restructuring of troubled loans, and also had experience in tax-exempt bond financing. Presently he is sole owner of the law firm of R. Kevin Kennedy, PLC.

In 1995 William McCauley ("Mac") Arnold joined the Firm as a principal. Arnold brought and has continued to develop his considerable experience in the defense and collection of construction-related claims involving delay, defective specification, acceleration and scope of work disputes in private and governmental building projects.⁵² His background includes three years with the Fairfax County Attorney's Office representing the County on land use matters. Arnold is one of the first attorneys in Virginia to receive certification in civil trial advocacy from the National Board of Trial Advocacy. He is also qualified as a Certified Financial Planner, a designation granted by the Institute of Certified Financial Planners. The designation is useful in Arnold's practice in the estate-planning area.

Jack Rust returned to the Firm in 1996. Since his departure in 1984 Rust had started a bank (Patriot National Bank), and continued his business and commercial litigation practice. While with the Firm the second time, Rust helped start a second bank (Cardinal Bank, N.A.) and continued his law practice. However, the unexpected death of an incumbent created the opportunity for Jack Rust to return to politics, and in 1998 he sought and won re-election to the Virginia House of Delegates. Politics, the bank, and business interests would demand more and more of Rust's time, and he would leave the Firm for the second time by the end of 1998.

In 1996 Eric J. Berghold became a principal in McCandlish & Lillard. Berghold has developed extensive trial experience in the courts of Northern Virginia, and appears frequently before the Worker's Compensation Commission. Since joining the Firm his practice has focused primarily on commercial litigation and health care malpractice, and includes workmen's compensation, tort liability, mechanic's liens, landlord/tenant disputes, and bankruptcy. Berghold has taught continuing legal education courses on workmen's compensation and employment law.

In 1997 Adam W. Smith⁵³ became a principal in McCandlish & Lillard. Smith originally came to the Firm as an associate with Gary W. Brown in 1990, and remained with Miles & Stockbridge briefly after the split, before returning to the Firm in 1996. Smith has developed a reputation for comprehensive preparation and research in his litigation practice, which focuses primarily in the defense of medical malpractice, products liability, legal malpractice, and general tort liability claims. He also enjoys a growing personal injury practice.

In July, 1997, on the eve of the Human Genome Research Project and the cloning of "Dolly" the sheep (to mention only two events that foretell the changes in medicine that would test the legal system by posing unimagined legal issues), Brian R. Sanderson joined McCandlish & Lillard as an associate. Brian Sanderson came to the Firm with several years experience participating in the defense of physicians and hospitals in cases of medical liability. He was hired to help support the growing Medical Malpractice Defense Group, and focused his efforts in representation of Inova Fairfax Hospital, Inova Alexandria Hospital, and Inova Mount Vernon Hospital. In addition to his medical malpractice work, Brian Sanderson has also participated in the defense of products liability and premises liability cases.

In 1998 the Firm gained a Loudoun County presence by welcoming back Stephen C. Price as a principal, along with an associate, Lawrence J. McClafferty. Their previous practices were in Leesburg and they continue the Leesburg Office of McCandlish & Lillard. Price had been an associate with McCandlish, Lillard, Church & Best from 1974-1977 before pursuing an LL.M. at Cambridge, and returning to announce the opening of his own office for the general practice of law in Leesburg in 1977. Since his early years with McCandlish & Lillard, Price has developed broad experience as a litigator in commercial and real estate related cases in the Virginia and Federal Courts.⁵⁴ His practice includes unfair competition, business, tort and contractual disputes. He has also served as right-of-way counsel for the Virginia Department of Transportation, and represents landowners in condemnation and a variety of real-estate related matters, including litigation. He embodies the Firm's tradition of service to the profession and civic activity.⁵⁵ McClafferty's practice focuses on civil litigation, particularly with respect to community associations, employment matters and commercial disputes. In addition to successfully handling Consumer Protection Act and other commercial matters, McClafferty has successfully represented plaintiffs in Loudoun and Fairfax in disputes between homeowner associations and residents. One such case gave McClafferty his first opportunity to defend successfully a trial judgment on appeal to the Virginia Supreme Court.⁵⁶ In 2007, McClafferty was elected President of the Loudoun County Bar Association.⁵⁷

A few months later in 1998 John W. Farrell joined the Firm as a principal to expand the Firm's practice in the area of real estate development, land use, environmental regulation and zoning. Farrell brought over 25 years of experience in these areas and has represented landowners and developers in innumerable land-use and environmental cases and controversies. Farrell has extensive experience on behalf of lenders and borrowers in transactions involving real estate acquisition, construction and development loans, leasing and sale of mixed-use communities, condominium and residential projects, commercial and retail properties, and workouts and foreclosures of non-performing loans. Farrell has lectured to bar groups and trade associations in his areas of expertise, and is active in civic affairs.⁵⁸

In the late spring of 1998 Peyton Mahaffey asked his good friend Daniel P. Lyon, by now a senior litigation associate, to help represent a Fairfax couple whom he was persuaded had been defrauded by a Northern Virginia builder/developer. Mahaffey and Lyon had worked successfully on numerous trials and appeals beginning with a six-day fraud case in 1991 when Lyon was a summer clerk. The precedent-setting case of *Prospect Development Co. v. Bershader, et al.*, 258 Va. 75 (1999), 515 S.E.2d 291 proved to be one of their most interesting and successful collaborations, establishing new law in Virginia and drawing substantial attention in the legal community and area newspapers.⁵⁹

The 1999 census reported that Fairfax County had a population of 945,717, and Fairfax City's population was 20,697. Arlington County had been eclipsed at a mere 174,818. In existence for over 90 years, the Firm had grown steadily to meet the needs of the changing and growing metropolitan area. The growth continues and the Firm adapts to meet the needs of its clients. Fairfax County is listed and recorded by some measure as the wealthiest county in the nation, while Loudoun County was reported in 1999 as being the fastest growing county in the United States. Much to the chagrin of established residents, Loudoun experienced tremendous growth. In addition to being the focus of many high tech industries, Loudoun had a close encounter with Disney, was the site of the nation's first privately owned toll road, and is wrestling with the

potential of an outer beltway that would slice the county into East and West forever. The ever-illusory balance between old and new, tradition and growth, is a natural incubator of legal issues. Besides growth in population to think about, the boomers are now ever closer to being sixty. The Federal Government has informed the citizens that Social Security is not as secure as it should be and statistics demonstrate that only five out of every one hundred Americans will be able to afford any form of retirement. Through publications, television, and radio, new topics are arising. These will become everyday issues, and they include income tax planning, estate planning, home based businesses and the right to die. While such things were not always the domain of the average person, as the new century is upon us these and many other remarkable concepts are the stuff of daily discussion as well as political platforms. A far cry from a story told by Mavis Cobb, a Fairfax lawyer who passed away in April 2000. Upon receiving her Law degree in 1937, she went to the office of then Commonwealth's Attorney Hugh B. Marsh seeking employment, and was turned down. Mr. Marsh told her there were discussions in his office "that you shouldn't know about". She had worked with Senator John W. Rust in his Fairfax law office as a clerk and title examiner. She was qualified and determined. As it was told by Ms. Cobb, she opened her own practice after initially working at the Justice Department, and did well.

Vicki L. Layman joined the Firm as a principal in 1999 in the medical malpractice defense area. Layman began her legal career in Louisville, Kentucky in 1983. In 1989 Layman moved to Fairfax, Virginia and began a full-time practice of defending hundreds of health care providers, predominantly in civil actions before Medical Malpractice Review Panels, as well as the circuit courts of Northern Virginia. By mid-2006, the landscape of medical malpractice defense work for physicians had changed, and in early 2007, Layman left the firm to go into plaintiff's personal injury and plaintiff's medical malpractice work.

In December 1999 the Firm added Ralph M. Tener as a principal. Tener was brought in to head the Firm's new Information Technology Group. Early in his formal affiliation with McCandlish & Lillard, Tener negotiated the sale of a client's business: an auspicious beginning when the client is a start-up software and internet company, sold to a publicly held company for \$6.5 Million cash, \$1.5 Million in publicly traded stock, and a \$3 Million cash earn-out. Thirty (30) years after Jack Lillard's tenure as Class President, Tener served as President of the University of Virginia Law School Class of 1978. Tener has a substantial background in computer law, has represented clients in numerous venture capital investments and sales and acquisitions of business and information technology products, and maintains an active trademark and copyright registration practice. Tener is also active in the bar and teaching Continuing Legal Education.⁶⁰

By the year 2000 the Firm had successfully expanded into new areas in a continuing effort to meet the legal needs of a dynamic Northern Virginia, which has been, among other things, the epicenter of telecommunications and internet related businesses, whether publicly traded, privately held, or startup. The Firm reorganized itself into five practice groups: the Business Group, the Real Estate Group, the Individual Services Group, the Litigation Group and the Information and Technology Group. A number of attorneys are active in more than one group. Growth and change continues.⁶¹ The Firm was joined by Timothy J. Callahan in an Of-Counsel capacity. Callahan is an experienced trusts and estates attorney who had practiced with Ralph Tener for many years. Callahan was a delightful addition to the Firm's Trusts and Estates

Practice, and its Individual Services Group, before resigning in 2005 to move to Portsmouth, Virginia, where he heads a title insurance company. In the Spring of 2000 Stephen K. Fox left the Firm to re-establish his own private practice of law in Fairfax.

On January 1, 2000 Daniel P. Lyon became a principal in the Firm. In the eight years following law school and a summer clerkship with the Firm, Lyon, who had become a CPA prior to attending law school, gained extensive experience litigating commercial issues on behalf of businesses and individuals at the trial and appellate level. His experience includes issues concerning technology, employment, covenants not to compete, banking, real estate and fiduciary duties. Early in his career, he worked as a litigator on numerous trials and appeals. Later on, Lyon developed substantial experience aiding entrepreneurs in the formation, operation and growth of their businesses. He insures that the intellectual property of his clients is properly protected through the integrated use of trademark, copyright, patent and trade secret laws. Lyon has co-authored articles on the Bershader case as well as covenants not to compete, and has lectured on the latter subject for the Fairfax Bar Association Continuing Legal Education Committee. He has served extensively on the Central Fairfax Chamber of Commerce since 1983 and was its Chairman for the Year 2000.

In a departure from his typical business litigation practice, Mahaffey was approached in 2000 by an existing client to represent his minor child whose lower leg was traumatically amputated in a bizarre boating accident. The case was complicated by the fact that there was initial litigation in Oklahoma (the home of the mother and child), the defendant resided in Georgia, and the accident happened in the mountains of North Carolina. A suggestion had been made by one carrier that there was very little insurance coverage. Suspicious of an apparently “generous” offer of \$100,000, Mahaffey sought a stay in the Oklahoma case, and filed suit in the state court for Fulton County, Georgia. Ultimately, additional insurance was disclosed, the case was mediated, and annuity was negotiated that would pay the child \$8.2 Million over his lifetime in a structured manner.⁶²

Ann C. Wessel joined McCandlish & Lillard as an associate in September 2000, following a summer clerkship with the Firm in 1999. From 2000 – 2003, Wessel worked in the Litigation Group of the Firm, focusing her practice on medical malpractice defense, family law, and commercial litigation matters.⁶³ In May 2003, Kate McSweeney joined the firm as a summer associate and remained with the firm during her last year of law school, becoming a full time associate in August 2004. Her practice areas included litigation, land use, family law, and general business law.⁶⁴

J. Robert McAllister, III joined the Firm on January 1, 2004 as Senior Counsel. Prior to joining the Firm, he was a principal in the law firm of Adams, Porter and Radigan, Ltd. which had ceased operations as of December 31, 2003. McAllister specializes in business, healthcare and tax-exempt organization law. He is actively using these specialties with the Firm. Accompanying McAllister to the firm was Anne Reilly Jones, a Summa Cum Laude graduate of St. Joseph’s

University in Philadelphia, Pennsylvania in 1980. Jones, who had returned to the practice of law sometime earlier after taking a break to focus on raising a family, has a substantial background in Economics, Mathematical Economics, Monetary Theory and Econometrics. She spent time early in her career as an economist with the Federal Reserve in Washington, D.C. before resigning to attend Georgetown University Law Center where she graduated in 1987. At the Firm, Jones has put her prior experience in business economics and the Regulatory world to use by concentrating her practice in the areas of health care, business, and corporate law. She has also developed a growing expertise in the area of not-for-profit representation in connection with one of the Firm's valued clients, The Claude Moore Charitable Foundation, Inc.

Doctor Claude Moore was a highly-respected philanthropist, living in Loudoun County. Peter Arntson assisted Dr. Moore with his estate planning. Almost all of his assets were left to the Claude Moore Charitable Foundation. Jesse Wilson and Peter Arntson became two of the Foundation's four Trustees. When Dr. Moore died in 1991, his estate consisted almost entirely of real estate, which was in a deep recession. The value of his estate was less than \$20,000,000. Through careful management, the value of those assets has risen dramatically to a December 31, 2007 estimated value in excess of \$250,000,000, with the Foundation donating about 5% per year to charitable causes, primarily in Virginia. Part of that management was the rezoning of 600 areas of land that was replanned to be the terminus station for metros' Silver Line, Moorefield Station. That rezoning effort, led by Randy Sutliff, increased the density of the parcel from 600 homes to 6,000 homes plus 9,750,000 sq. feet of non-residential (office, retail, hotel, etc.). It is the largest increase in allowed use in the history of Loudoun County.

In 2004 the Firm was approached to represent a large condominium unit owner's association in connection with a very substantial and complex claim against a developer arising from claimed defective construction in a very large Fairfax condominium complex. The Firm took on the representation and thus began a four-year saga in which the Firm, led by Robert H.J. Loftus, pursued the developer with claims of fraud and abuse of the corporate privilege and piercing the corporate veil in addition to the underlying claims of defective construction, breach of contract, breach of warranty and related counts. The case was bifurcated into a defective construction case handled very successfully by W. McCauley Arnold and Robert Loftus. Next came the challenge of persuading the court to defeat corporate immunity and impose personal liability because of fraud and abuse of the corporate privilege. Five weeks of trial took place over a period of six months involving more than 800 exhibits. On the eve of trial, the developer attempted to abort the proceedings by placing its corporate entities in bankruptcy. A quick trip to the bankruptcy court resulted in the assets of the estate being abandoned and trial proceeded. Proof of the case required tracing the movement of funds through a maze of corporations and construction projects spanning almost a decade. Loftus's persistence paid off when the court imposed a \$7.3 Million verdict upon the developer and his wife, a co-owner of the business.⁶⁵

In 2005 Regina Petruzzi Neumann (then Regina M. Petruzzi) became an associate at McCandlish & Lillard. Neumann concentrates her practice in the area of General Litigation, with particular emphasis on business torts, professional liability, medical malpractice defense and personal injury litigation. Prior to joining the Firm, she practiced with a firm in Pittsburgh, Pennsylvania, where she appeared before state and federal courts. While practicing at McCandlish & Lillard, Neumann expanded her practice to include domestic relations matters;

however, despite residing and starting a family in the heart of Redskins country, she has been unwilling to separate completely from her roots and remains a die-hard Pittsburgh Steelers' Fan. Ms. Neumann left the firm 2011 to establish a Northern Virginia presence for a firm headquartered in her native Pittsburgh and focused on intellectual property.

In the summer of 2005, Anne Rocktashel, a former engineer with Sprint and Cisco Systems, joined the Firm as a Summer Associate, while attending George Washington University Law School. In August 2006, she became a full time Associate at McCandlish & Lillard, focusing general litigation with particular emphasis on commercial matters and business torts, in addition to business, corporate law, and domestic relations. Ms. Rocktashel departed the firm in 2012 to focus exclusively on employment law matters at another reputable firm in Northern Virginia.

Beginning in 2006, the Firm got heavily back into a practice area from two generations earlier – location of electric transmission lines. This time around, the Firm did not represent the power companies. Randy Sutliff and Anne Jones represented a large group of landowners opposed to a transmission line in western Loudoun County. That matter was successfully resolved by emergency legislation enacted by the General Assembly which created a “pilot project,” installing the line underground. Following that, in 2008 Randy Sutliff, Eric Berghold, Anne Jones and Anne Rocktashel represented the Board of Supervisors of Fauquier County in a three week proceeding before the State Corporation Commission regarding a proposed 500 Kv transmission line, which would begin in western Pennsylvania across West Virginia, through the Shenandoah Valley and Fauquier County to Bull Run. The proposed line represents not only the first real challenge to asserted “need,” but also the first transmission line proposed in Virginia subject to potential federal intervention.

In October 2006, a 90-year affiliation between McCandlish & Lillard and the Commissioner of Accounts Office, came to a close.⁶⁶ Jesse B. Wilson, III retired from the Commissioner of Accounts Office after 24 years of service to the citizens of the 19th Judicial Circuit, and Peter A. Arntson after 13 years of service. A farewell luncheon was held in their honor on October 11, 2006 at Maggiano's Restaurant at Tysons Galleria II. Their retirement marked the end of an era for the Firm that had begun with the appointment of F.D. Richardson as Commissioner of Accounts in 1916, as well as the conclusion of two long and distinguished careers of public service to the FBA and the citizens of Fairfax County in the Commissioner of Accounts Office.

In 2007, R. Peyton Mahaffey succeeded Randolph A. Sutliff as the President and managing partner of the Firm.⁶⁷ To make the transition more interesting, if not more difficult, Charlotte M. Andrews, the Firm's beloved and long-standing Office Administrator, announced her retirement to Myrtle Beach, South Carolina after nearly 25 years of service to the Firm in administration. In 2009, Tom Duka was hired as the Firm Administrator and continues in this post. Having the benefit of years of experience as an administrator and Office Manager at law firms similar in size and much bigger than McCandlish, Mr. Duka has overseen office renovations and relocations, the hiring of many new staff members and attorneys at the Firm, and smoothly managed the often complex challenges related to the incorporation of new technologies into the practice of law.

Since 2007, the firm has welcomed several new attorneys.

In 2007, Will Walsh, joined the Firm as a Summer Associate, while attending George Mason University Law School. In August 2008, Mr. Walsh became a full time Associate at McCandlish & Lillard. A Northern Virginia native, Mr. Walsh's practice focuses on a broad range of business and real estate matters for the firm's clients. He is a co-chair of the Business Law Section of the Fairfax Bar Association.

In 2008, the Firm welcomed Christopher Leins as Summer Associate. A native of Northern Virginia, Mr. Leins was attending Wake Forest University School of Law at the time. A year later, in August 2009, Mr. Leins joined the firm as a full time Associate. Mr. Leins' practice included commercial litigation, real estate litigation, and medical malpractice defense. Mr. Leins left the Firm in 2013 to focus his practice exclusively on ERISA litigation and labor and employment law disputes in federal court.

In 2009, Laura Golden Liff joined the firm as a Summer Associate while she attended The Catholic University of America, Columbus School of Law in Washington, DC. Another Northern Virginia native, Ms. Liff joined the firm full-time as an Associate in August 2010. Ms. Liff devotes a great deal of time and energy in encouraging pro bono participation among the firm's attorneys. She serves as a chair of Virginia Bar Association's Pro Bono Hotline and has been recognized as being among Virginia's "Legal Elite" by *Virginia Business* for her leadership. Ms. Liff additionally is an active member of the Fairfax Bar Association, the Virginia State Bar, the Virginia Women Attorney's Association and the American Bar Association. Ms. Liff's practice has included family law and domestic relations, as well as complex commercial and fiduciary litigation.

The firm hired Derek E. Karchner as a Summer Associate in 2010, while he attended The Catholic University of America, Columbus School of Law in the evenings. In 2011, Mr. Karchner joined the firm full-time as an Associate. Mr. Karchner's practice includes significant involvement in the firm's business and real estate practice groups, as well as experience in real estate and commercial litigation. Mr. Karchner is active with the Dulles Area Transportation

Association and NAIOP Northern Virginia. In the first few years of his practice, Mr. Karchner has: prevailed as single chair at trial in the Loudoun County Circuit Court involving a real estate contract dispute; helped a client negotiate and secure amendment to a franchise agreement; helped client secure a \$200,000 arbitration award involving dispute over client's exercise of a right of first refusal to purchase retail space it had been leasing. He has also been selected as one of Virginia's "Legal Elite" by *Virginia Business* magazine.

In 2012, the firm welcomed Angela G. Campbell and Autumn D. McCullough as full-time Associates with the firm. Each brings a wealth of experience to bear on their work for the firm's clients. Ms. Campbell, resident in the firm's Leesburg office and a graduate of Cumberland School of Law, focuses her practice on general civil litigation, commercial litigation, and business law. Prior to joining McCandlish Lillard, Ms. Campbell served on the staff of U.S.

Senate Majority Leader Trent Lott from 1997 to 2005. During her tenure on Capitol Hill, Ms. Campbell progressed in responsibility, working extensively with transportation issues and funding, land and water infrastructure issues, appropriations and federal funding support for major economic development projects, and was ultimately appointed the Senator's Counsel and Director of Projects. Ms. McCulloch brought with her to the firm a successful and thriving estate planning and administration practice, and continues to focus on these areas, while also devoting time to real estate and business matters. In 2012, Ms. McCulloch was named as a Virginia Business Legal Elite Outstanding Young Lawyer.

2012 also saw the relocation of the Firm's Leesburg office. Having outgrown its long-standing home at 212 East Market Street, the Firm's Leesburg office moved into a newly constructed office space at 201 Loudoun Street in Leesburg.

While 2012 saw many positive developments, the firm also mourned the passing of Jesse B. Wilson, III after a long battle with illness. Just months before Mr. Wilson's passing, the Firm had re-instituted a tradition he had started. Hound Dog Day was (and is) celebrated by the firm each year on August 2nd, exactly six months after Groundhog Day. According to legend, if Mr. Wilson's hound dog walked by his water bowl on August 2nd and stopped, the region could expect summer to continue, but if he kept walking, winter would certainly come early.

A sign of its continued growth, McCandlish Lillard hired Jerad Tomac as an Associate in 2013. Mr. Tomac is a graduate of The Catholic University of America, Columbus School of law and worked at McCandlish as a Summer Associate in 2012. Mr. Tomac's practice focuses on all aspects of estate and trust planning, administration and litigation; guardianship and conservatorship matters; as well as other civil litigation. Mr. Tomac brings a unique perspective to the firm as an Associate, having worked prior to and during law school full-time as a Law Clerk for the Hon. John H. Rust, Jr., the Fairfax Commissioner of Accounts, where he facilitated and assisted in drafting reports for dozens of hearings related to fiduciary matters. Prior to attending law school, Jerad served in the U.S. Army as a Signals Intelligence Analyst at Goodfellow AFB, San Angelo, Texas; Camp Essayons, Uijongbu, South Korea; the Defense Language Institute, Presidio of Monterey; and the 704th Military Intelligence BDE, Ft. Meade, Maryland.

Continuing to Look Forward

Today, we view ourselves as beneficiaries of a legacy of excellence and leadership built over more than a century of practice in Northern Virginia. Far from being stuck in the past, this legacy drives us toward the future, and helps us anticipate the legal challenges our clients will face tomorrow. While we are proud of our history, we speak the language of technology. We believe that the lawyers at McCandlish Lillard not only benefit from a tradition of excellence, we stand ready to counsel and advise our clients when possible, and fight when necessary, in order to face tomorrow with confidence and success, no matter how uncertain it may seem.

⁵² **William McCauley Arnold's Reported Cases:** *In re: Thompson*, 92 F.3d 1182 (4th Cir. 1996); *Light v. Beaver Creek Development Partners*, 125 F.3d 848 (4th Cir. 1997).

⁵³ **Adam W. Smith's Reported Cases:** *Cameron v. WMATA*, 649 A.2d 291 (D.C. 1994); *Weston v. WMATA*, 98 F.3d 682 (D.C. Cir. 1996); *Dada v. Children's Hosp.*, 715 A.2d 904 (D.C. 1998); *Simon v. Forer*, 265 Va. 483, 578 S.E.2d 792 (2003).

⁵⁴ **Stephen C. Price's Reported Cases:** *Cale v. Paderick*, 546 F.2d 577 (4th Cir. Va. 1976); *Cradle of Democracy Broadcasting Co. v. David Green Broadcast Consultants Corp.*, 33 B.R. 1004 (1983); *McLean Bank v. Nelson*, 232 Va. 420 (1986); *United States v. 198.73 Acres of Land*, 800 F.2d 434 (4th Cir. Va. 1986); *Trout v. Commonwealth Trans. Comm'r*, 241 Va. 69 (1991); *First State Holdings, Inc. v. Shor Leesburg Assn., L.P.*, 28 Va. Cir. 314 (1992); *DCDF Inc. v. Shay*, 30 Va. Cir. 185 (1993); *Sjurseth v. Loudoun Co.*, 31 Va. Cir. 335 (1993); *DCDF, Inc. v. Cam-Net Data Sys.*, 31 Va. Cir. 457 (1993); *Alberts v. Karl Mintjens Furniture International, Inc.*, 30 Va. Cir. 245 (1993); *Dator Corporation v. Rufus S. Lusk & Son*, 1995 U.S. App. Lexis 14605; *Loudoun County Bd of Supervisors v. Vanguard Ltd. Pshp.*, 38 Va. Cir. 200 (1995); *Miller v. Miller*, 1996 Va. App. Lexis 499; *Wilson v. Farmington on the Green Homeowners' Assn.*, 1997 Va. Cir. Lexis 693; *Stephens v. Caruthers*, 97 F. Supp. 2d, 698 (2000); *Am. Online, Inc. v. E*Trade Group, Inc.*, 59 Va. Cir. 48 (2002); *Shilling v. Jimenez*, 268 Va. 202 (2004); *Kerttula v. Candea*, 68 Va. Cir. 414 (2005); *Gowin v. Granite Depot, LLC*, 272 Va. 246 (2006); *Phoenix Renovation Corp. v. Rodriguez*, 461 F. Supp. 2d 411 (E. D. Va. 2006), *Phoenix Renovation Corp. v. Rodriguez*, 461 F. Supp. 2d 411 (E.D. Va. 2006).

⁵⁵ **Stephen C. Price** is a past president of the Loudoun County Bar Association and is a member of the Board of Governors of the Virginia Bar Association. For 10 years he served as a substitute judge for the General District Courts of Loudoun, Fauquier and Rappahannock Counties. Price has served on the Virginia Advisory Board for George Washington University and the Board of Oatlands Dodona Manor and the Loudoun County Legal Aid Society. Price is a member of the Church of Our Saviour, Oatlands, where he has served as a vestryman. He has been an Assistant Scoutmaster with Troop 961 in Bluemont. He is the past president of the American Friends of Cambridge University.

⁵⁶ **Lawrence J. McClafferty's Reported Cases:** *Sully Station II Community Association, Inc. v. Reginal W. Dye, et al.*, Va. (Record No. 991078, 2000), S.E.2d ; Reported Circuit Court cases include *In re: Sadie Irene Reid*, 48 Va. Cir 342 (Loudoun Cir. Ct. 1999); *Martin v. Ashburn Farm*; *Pugh v. Ashburn Farm* (Loudoun Cir. Ct. 1999); *Cornwell v. Main Street Village Association*, 42 Va. Cir 48 (Loudoun Cir. Ct. 1997).

⁵⁷ The Firm has always encouraged its lawyers to be active in professional Bar Associations. In addition to countless committee memberships and pro bono activities, bar association activities have included **two Northern Virginia Young Lawyers Association Presidents** (Randolph W. Church, Jr. and R. Peyton Mahaffey); **six Fairfax Bar Association Presidents** (Robert J. McCandlish, Rothwell J. Lillard, Hugh Marsh, Jesse B. Wilson, III, and Stephen L. Best); **two Loudoun County Bar Associations Presidents** (Stephen C. Price and Lawrence J. McClafferty); and **two Virginia Bar Association Presidents** (Robert J. McCandlish, 1960 and Jesse B. Wilson, III, 1979).

⁵⁸ **John W. Farrell** has been a lecturer and instructor in real estate, land use and environmental law for the Virginia Law Foundation, Northern Virginia Building Industry Association, and the National Business Institute. He is the former chairman of the Planning Board of the Town of Walpole, Massachusetts and the past chairman of the Land Use Environment and Transportation Committee of the Fairfax County Chamber of Commerce.

⁵⁹ *Prospect Development Co. v. Bershader, et al.*, 258 Va. 75 (1999), 515 S.E.2d 291 established new law in Virginia in at least two areas. It is the first time the Virginia Supreme Court has created a negative easement (an easement requiring the owner of the servient tract to refrain from certain uses of land) by estoppel. It was also the first time the Virginia Supreme Court has held that a chancellor, in the exercise of his discretion, may award attorney's fees to a defrauded party. Essentially, this recognized in Virginia a formal exception to the "American Rule" which had generally been interpreted to prohibit the award of attorney's fees in the absence of a statute or contract permitting attorney's fees.

⁶⁰ **Ralph M. Tener** founded the Computer Law Section of the Fairfax Bar Association in 1986, and served as its Chairman for 8 years. He has also served as president of the Board of Directors of the D.C. Computer Law Forum, and currently teaches the intellectual property segment of a course on government contracting and computer law for the University of Virginia Continuing Legal Education Center in Falls Church, Virginia.

⁶¹ In the Fall of 1999, **Ann C. Wessel** and **Jovanna V. Diaz**, third-year law students at the University of Virginia and American University, respectively, accepted offers of employment as first-year associates starting in the Fall of 2000. Wessel, who clerked for the Firm in the Summer of 1999, joined the Litigation Group, and Diaz worked with attorneys in the Information Technology, Business, and Real Estate Groups.

⁶² Bryan P. McCoy, Natural Parent and Natural Guardian of Logan McCoy, a minor, et al. v. Wright, State Court for Fulton County, Georgia, Case No. 00VS008862B (2000).

⁶³ An active member of the Fairfax Bar Association, Wessel served on the Community Outreach Committee as a Subcommittee Chair from 2001-2003, and as President of the Committee from 2003-2006. Wessel routinely devoted time to handling pro bono family law cases through the FBA's Pro Bono Committee. In September of 2003, Wessel transitioned to the national security arena, working with Homeland Defense for the Defense Department for several years, and more recently with the Department of Homeland Security.

⁶⁴ McSweeney had made a mid-life career change after more than two decades as a senior broadcast executive and media consultant in the television industry primarily in various capacities at Turner Broadcasting Systems. From 1997 through 2002 she was an independent business consultant and began attending George Mason University School of Law. She left the firm in August 2005 to pursue a different area of practice with a firm in the District of Columbia.

⁶⁵ *The Board of Directors of the Westbriar Condominium Unit Owner's Association v. Jade WFW, LLC, et al.*, Circuit Court of Fairfax County, Law No. 214196. Final Order entered December 18, 2007. The case is on appeal.

⁶⁶ See *infra* at note 4.

⁶⁷ In addition to Mahaffey succeeding Sutliff as President in 2007, Ralph M. Tener succeeded Gary W. Brown as Chairman, Daniel P. Lyon became the Firm's Treasurer, and Eric J. Berghold was given new responsibilities as Vice-President in Charge of Human Resources