

Northern Virginia's New Generation of Family Lawyers

Milestones and Defections Reshape the Region's Tight-Knit Divorce Bar

She was a lioness of the Virginia divorce bar, for decades both a fearless litigator and distinctive personality. She practiced in Northern Virginia for 60 years. So when she died of a stroke in late September at age 88 – she never retired -- **Betty A. Thompson** left more than simply a void in the profession.

“In a way it feels like the end of an era – a long era,” said **David Masterman**, a Northern Virginia divorce lawyer who for years opposed Thompson. “And I think we’re starting a new one.”

In fact, the Northern Virginia divorce-law community – approaching 200 lawyers, by many estimates -- has



Thompson

seen a cascade of change in recent years: Since 2008 prominent older lawyers have retired or scaled back their practices. One-time protégés have launched their own firms. And, with surging economic and population growth in the region, caseloads and court dockets have continued to soar. Divorce filings have more than doubled in Virginia’s four north-



“Every profession has its ebbs and flows, its new faces ... it’s fair to say there’s a new generation of divorce lawyers here.”

- *Gerald R. Curran (left) with Grant T. Moher*

ern counties since 1985, to at least 4,000 divorces annually. And by all accounts the profession has grown even more competitive.

As Thompson’s peers attended her funeral, the community recognized it as a milestone, which in turn prompted a reassessment -- of people and practices. “Every profession has its ebbs and flows, its new faces,” says **Gerald R. Curran**, who this summer launched his own practice with colleague **Grant T. Moher**. “It’s fair to say there’s a new generation of divorce lawyers here.”

Divorce law has long been one of the profession’s distinctive practice areas. For starters, there are the unique issues of divorce – emotional outbursts, often genu-

ine, sometimes simply theater – that many lawyers find distasteful and avoid. No other specialty requires the people-management skills that divorce law does. As Vienna divorce lawyer **David Roop** put it: “Assuming the role of counselor, even amateur psychologist, is part of the job. And you’re either good at it or you’re not.” What’s more, divorce lawyers must have a good grasp of other areas of the law – tax law, estate law, pension law, even bankruptcy law.

And it’s no secret that personality and chutzpah have long been central to a divorce lawyer’s success. Experienced divorce lawyers build their own practices, over decades, promoting themselves with a public zeal rare in

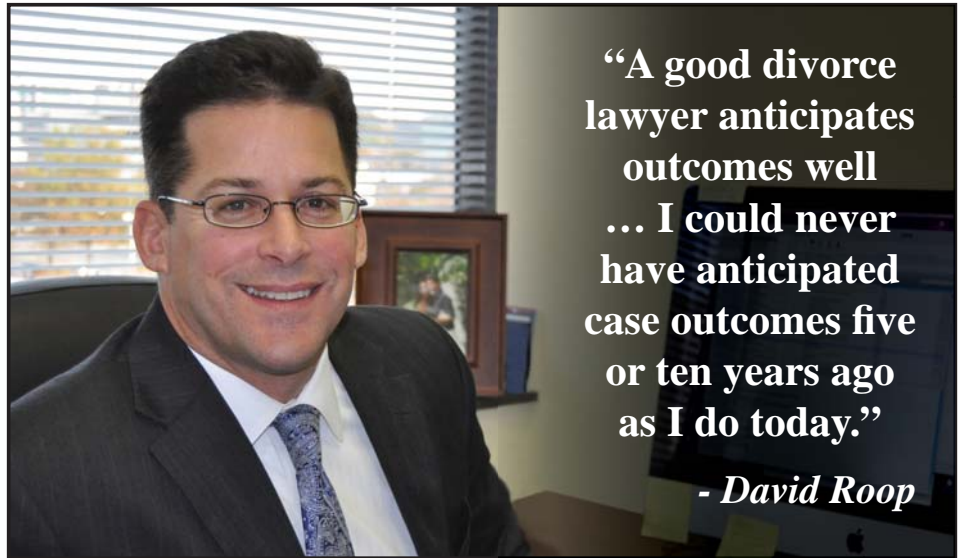
other areas of the law. And large firms, with their dense committees of lawyers, have long eschewed the messiness of divorce law.

It's the same story nationally – divorce law is known for its “cowboy culture” everywhere. But Virginia divorce – some here still call it “domestic relations” law – has been slow to change. Equitable distribution standards, common in many states by the mid 1970s, didn't pass the legislature in Richmond until a decade later, and they're still being amended. Commonwealth judges still use antiquated terms like “visitation” and “adultery.” And while the nationwide trend has been toward “no fault” divorce, marital fault such as adultery and cruelty can still play a role in Virginia divorces.

Northern Virginia, long the engine of growth in the DC region, has always been the state's most competitive area for divorce lawyers.

By all accounts, the transition in Northern Virginia is unmistakable: The fiery Alexandria divorce lawyer **Ilna Grenadier** is now in her 70s. Judge and former star divorce attorney **Joanne Alper** is retired. Others are either retired or semi-retired. Even the popular and personable **Joseph Condo**, onetime president of the Virginia State Bar and now in his mid 60s, is remaking his McLean-based practice, having lost several young partners in recent years.

At the same time, one-time protégés have launched their own firms. Many had to wait until their 40s and 50s to do so. The 53-year-old Masterman and **Cheryl K. Graham**, both one-time partners of Condo's, launched their own practice in 2003; today the colorful and



outspoken Masterman, a one-time punk rock musician, is managing partner of Masterman, Krogmann & Diño on Old Gallows Road.

Two years ago the 45-year-old Graham split off from Masterman and opened an office in her hometown of Leesburg – and in short order became one of the leading practitioners based in Loudoun County. Her hourly rate of \$375 was actually welcomed in Leesburg, where lawyers hadn't kept up with the reality that Loudoun County was by many measures the most affluent county in the nation.

David Roop brought a litigation background to divorce law when he joined Condo & Masterman in 1996. He was named a partner three years later; in 2009 he launched his own practice, and he landed major cases almost immediately. The rest of the divorce bar likes and respects the cheerful yet hard-driving Roop, whose Vienna-based firm, a few hundred yards from the Tyson's Metro stop, has grown steadily.

Then there is the audacious move by Jerry Curran, the long-time go-to divorce litigator of Shoun Bach Walinsky & Curran in Fairfax. Curran and partner

Grant T. Moher, as well as attorney **Jason Weis** and several staff members, left the Shoun firm to launch a new one a few miles away. They have hired two more lawyers since opening their doors in July.

Curran – along with Masterman, Roop and Alexandria's **Jim Cottrell** – are perhaps the leading divorce litigators in Northern Virginia today. Curran, well aware of the financial and career risks, says simply “it was the right time” to start his firm. It includes five professionals and staff from his previous firm. “We felt as though we had to have the right people to make a new firm work – and that's what we got,” he says.

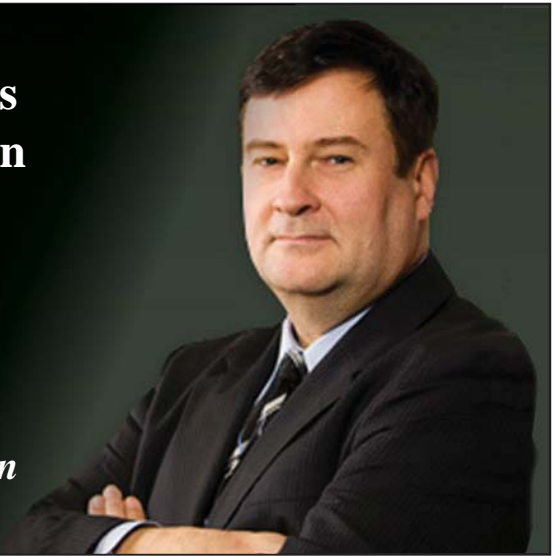
Just this year, too, former Condo partners **John Byrnes** and **Sean Kelly**, both in their early 40s, launched their own firm, also based in Fairfax. Meanwhile, 46-year-old **Keenan Goldsby** has emerged as 12-lawyer Shoun-Bach's key litigator. In fact, the venerable Fairfax firm, founded by Robert Shoun 40 years ago, recruited Goldsby and **Sonya Powell** in the last two years; they, along with litigator **Roberta Henault** and mediation specialist **Susan Butler**, today are key partners. All are in their 40s.

Principals of these rising divorce firms report that most of these developments are typical of any career evolution – “At some point you hit a crossroads,” says Masterman. “It’s pretty normal to want to strike out on your own, especially in peak earning years.”

Roop says there’s more to it. “A good divorce lawyer anticipates outcomes well – after ten years or so of handling cases we can tell, in many cases after a one- or two-hour consultation with a client, where a case should settle. And you work to that goal each time,” says Roop, 49. Experienced divorce lawyers “just develop instincts for outcomes” and, despite higher hourly rates, the outcomes handled by them often cost less simply because of the ability to project a settlement. He adds, “Truth is, I could never have

“In a way it feels like the end of an era – a long era ... And I think we’re starting a new one.”

- David Masterman



anticipated case outcomes five or ten years ago as I do today.”

Divorce law, too, is being buffeted by all the disruptive forces of technology and the internet. Almost all divorce cases – and even the practices themselves -- are influenced by technology. Says Masterman: “There’s a trend no

one talks about – we get fewer phone calls, and more emails and texts. When my office began getting less than ten calls a day, at first I was worried. Why aren’t clients calling? Then I’d walk in my office and find 80 emails in my inbox – all from clients and prospectives. It’s just the way people communicate today.”

HERE THEY COME: NOVA’S NEW DIVORCE LAW FIRMS

Curran|Moher, Fairfax City

– Founded in 2012 by **Gerald R. Curran** and **Grant T. Moher**, former partners of Shoun Bach Walinsky & Curran, now ShounBach. Web: CurranMoher.com

The Roop Law Firm, Vienna

– Founded in 2009 by **David Roop**, onetime name partner of Condo Roop Kelly & Byrnes of McLean. Roop has added three lawyers since he started. Web: RoopLaw.com

Masterman, Krogmann & Diño, Vienna

– Founded in 2010 by partners **David Masterman**, **Carole Krogmann** and **Melannie Diño**. Masterman spent more than 15 years as a partner at Condo & Masterman, and later Masterman & Graham of Vienna. Web: MastermanLaw.com

The Graham Law Firm, Leesburg

– Founded in 2010 by **Cheryl K. Graham**, former partner of Masterman and Condo. Now in her mid 40s, Graham has perhaps the leading solo family law practice based in Loudoun County. Web: CherylKGraham.com

Kelly Byrnes & Danker, Fairfax

– Founded in 2012 by **John Byrnes**, **Sean Kelly** and **Maureen Danker**, who after many years left the practice of Joe Condo in McLean. Web: KbdFamilyLaw.com

ShounBach, Fairfax – One of the largest and leading firms in Northern Virginia, which has added key lawyers in recent years. **Keenan Goldsby** today assumes a key litigation role, as do **Susan Butler** and **Sonya Powell**. Web: Shoun.com

And the practice – as it has for all lawyers – has gone 24/7. “I find that I’m texting my clients as I’m about to hop in the shower. There’s barely a moment when you’re not making yourself available.” Today Masterman’s hourly rate of \$500 gets spliced down to tenths of an hour.

Of course virtually all cases today are influenced by wired lifestyles. Online activity, and especially on social media, gets hauled out in court to prove deceit or ill intent of a spouse. In fact, divorce lawyers remain shocked that clients still believe online activity is some-

how private – when every keystroke is not only recorded but retrieved and often used against the client. “It’s just taking a long time for people – especially older people – to realize that technology means every word is being recorded,” says Curran.

Then there is the impact of the tough economy on divorce. For starters, couples are often fighting over a shrinking base of assets, making divorce agreements harder to forge. Post-settlement disputes – often renegotiations of support after an ex has lost a job, sometimes years after a divorce – are much more common today. What’s more, a small survey of lawyers revealed that “mental health issues” – broadly defined as emotional and substance-abuse problems that require treatment or intervention – are having a greater impact on divorce cases than even five years ago. “Mental health matters factor into many cases I handle today,” says Curran. “That’s a big shift – and a wild card for resolution.”

With the new face of divorce – more numerous, more potentially expensive, and more at stake – there’s been a decade-long push toward alternative methods. Out-of-court mediation and so-called collaborative law have become standard options offered by divorce lawyers in recent years.

Much of that stems from the fact that courts are overwhelmed. Loudoun County has only three family law judges – the same number when the county had half the population twenty years ago. “Unless the parties want to wait for months,” says Graham, “We often encourage mediation



“For all the web sites and online access today, the opinion of a best friend still greatly influences someone going through a divorce.”

- Cheryl Graham

in which we bring in a retired judge – it can be expensive on an hourly basis, but it’s faster and it gets to a workable resolution.”

Collaborative law is the process by which lawyers and clients sign an agreement to stay out of court, then work for resolve their dispute amicably. That process must arrive at a resolution, or the lawyers must vacate the case -- and the client has to start over. It’s popular among individuals who are committed to settling their differences out of court, but who also want the guidance and support of an attorney through the process. Curran and Masterman, both litigators, say Collaborative Law isn’t part of their offering – “it just doesn’t make sense when we resolve so many of our cases already,” says Curran. “The threat of prolonged litigation is the tried-and-true motivator, the sword of Damocles – it’s makes everyone focus on resolving a dispute.” Curran’s partner, Grant Moher, though, has long been a proponent of collaborative law: “I’ve had collaborative work well even in highly contentious cases,” says Moher, who sits on the board of Collaborative Professionals of Northern Virginia.

Divorce law, these leading players say, still has some evolving to do: Divorcing couples, for all the information they are bombarded with today, enter into the process with often unrealistic expectations. “It’s a little ironic,” says Graham. “For all the web sites and online access today, the opinion of a best friend still greatly influences someone going through a divorce.”

The court system, especially in Northern Virginia, remains burdened with overloaded dockets, not only Loudoun but in Fairfax and Arlington counties as well. Cases typically course through the state’s court system for 18 months or longer. In an age in which people are changing professions and living arrangements more rapidly than ever, a two-year wait to get divorced can feel like forever.

But that, even many lawyers agree, is how society wants it, especially in Virginia. “Making it cheap or easy to get divorced may sound compelling,” says Masterman. “But it’s naïve to ignore all the complex personal and economic issues that went into a marriage in the first place.” And, he says, “none of that’s getting any easier.”