

Doing Without D.C.

by James W. Korman

For Three Decades, James Korman Has Been Watching Northern Va.'s Market Grow Up

The Commonwealth of Virginia once gave what is now Arlington County to the federal government to create the District of Columbia. Then Virginia took it back. Ever since, Northern Virginia has been just a little confused. We are not part of the capital city, but the rest of our state regards us with some degree of suspicion.

As someone who has been practicing law in Arlington for three decades, I can say this is certainly true among lawyers. To other Virginians, we are too much like the people over on the "other side of the river." To D.C. practitioners, we remain outsiders.

I went to law school at George Washington University. I worked at a couple of downtown firms while I was in school. That gave me enough exposure to know that I did not want to go with a big D.C. firm or a firm heavily involved with a federal administrative practice. But as a law clerk in the big city, I was pulling down a hefty \$2.65 per hour. I wasn't about to accept less to work for a Virginia firm.

Later, I landed a job as a clerk with the firm where I am still located, and the reluctantly agreed to pay the big deuce sixty-five. They got me back when I passed the bar in 1968 and began as a big-shot attorney at \$7,500 per year. That's right: \$7,500 per year.

Most of the lawyers in Northern Virginia at that time were in solo or dual practices, or in firms with five lawyers or so. My firm, then known as Kinney, Smith & Barham, had six lawyers.

In those days, just about everyone was a general practitioner. A lawyer would handle civil criminal, divorce, wills, real estate, business incorporation, and waxing your car. Whatever. And competition was purely local. Only a few Virginia lawyers were active in Washington or Maryland. Nor did many out-of-state attorneys venture into the commonwealth-maybe they couldn't speak the language.

The typical law office was a three-story commercial building or a converted house clustered with others around the county courthouses. I am talking here about Arlington, Alexandria, and Fairfax counties. I don't want to offend anyone, but Prince William and Loudoun counties were hours away by stagecoach. There was a rumor that their county courthouses did have indoor plumbing, but to be safe it was best to take care of that sort of thing before you left Arlington.

In the 1970s, the leaders of some of the most-established Arlington firms just got old. They retired or died-sometimes you couldn't quite tell which. Some firms had not taken care to see that they kept a generation of new lawyers to succeed the older ones, or they did not treat their associates well enough to keep them.

One result was a series of mergers of Northern Virginia firms. Small firms merged with other small firms to form medium firms. For example, Arlington's Tolbert, Smith, Fitzgerald & Ramsey hooked up with Barham, Radigan & Suiters about 20 years ago. And the bigger guys merged with the smaller guys.

The term *guys* is not politically incorrect as you might think. There were few women attorneys then, and those pioneers who were out there-Betty Thompson, who is still going strong, and Anna Hedrick-tended to have their own practices rather than being a part of one of the male-dominated firms. Much of the same was true in Virginia when it came to minority lawyers. There were a number of excellent African-American attorneys in the Northern Virginia area, but they generally practiced on their own or in small firms. Ours was the first so-called majority firm in Virginia to have an African-American partner when Thomas R. Monroe joined us in the '70s.

Heading West

By the 1980s, firms that had been established in Arlington began to heed Horace Greeley's advice. Some went to Fairfax, and later went to Tysons. The perception was that the action was there because of the population growth and the burgeoning of technology companies and other industries.

As the practice of law changed over the years in Northern Virginia, so did the demographics of the legal profession. A number of the old firms moved west or ceased to exist. Some of the large Richmond firms either sent lawyers to this area, hired lawyers away from existing Northern Virginia firms, or absorbed or merged with established firms so that they could have a presence "up there." Mays & Valentine set up a Northern Virginia shop, McGuire, Woods merged its way in, and Hunton & Williams recruited.

Some of the firms that began to spread tentacles to Northern Virginia were from Washington, Maryland, and elsewhere. Arent Fox crossed the river, and Baltimore's Venable, Baetjer set up a Northern Virginia satellite. Some may have come because the rents were a little more reasonable here than in the big city, yet they could have proximity to halls of government and be near the increasing number of suburban clients. For the most part, however, there was still the invisible barrier between Virginia and the District. There was some interaction, but it was not frequent.

When the other firms left Arlington, we stayed. Our firm, known by then as Bean, Kinney & Korman, had perhaps more Fairfax clients and cases than Arlington, but we figured we had a "presence" in this county, and we thought that in time the trend might subside or even reverse.

As the 1980s boom heated up, it did look like things would begin to turn around. Construction cranes were springing up all over the Arlington skyline. Then came 1989 and, as John Madden so eloquently puts it, "Bam!" The charging Lawrence Taylor of financial momentum ran into the Joe Jacoby of economic inertia. No more construction, no new offices, no law firms slinking back into Arlington. In fact, a number of big firms shrank their Northern Virginia offices.

Whereas during most of the '80s there had been a brisk competition to hire real estate attorneys, that changed almost overnight. I recall having lunch at Hamburger Hamlet in Bethesda one sunny afternoon in 1990 with another lawyer at my firm and a banker. We were discussing an article that had appeared in the paper the day before saying that D.C. law firms were laying off real estate lawyers in droves. There poor souls were out of work with little prospect of catching on someplace else, even considering their experience. Our waitress said to us, "I know what you mean. I'm a real estate lawyer." That put a chill on our conversation.

My firm, meanwhile, was pretty well situated to take advantage of the changing circumstances. We noticed that when our banking clients' loans weren't repaid, they got very cranky. Lawsuits, workouts, deeds in lieu, RTC, FSLIC. We actually had to add lawyers to keep up with the demand.

We took some of the best from other firms that had cut back.

But everyone wanted bankruptcy lawyers. The D.C. mega-firms were trying to hire them away from us. In fact, every time the downtown firms with the big payrolls want to add lawyers, they start looking in what they must consider the minor leagues. They either try to hire away individual attorneys, promising the big bucks, or they seek practice groups or entire law firms to “merge” with them. (I use the word advisedly, because often their intent to merge is pretty much the same as Sylvester the Cat’s intent to “merge” with Tweety Bird.)

The trade for lawyers who go to the larger firms is money for daylight: They get more of the former and less of the latter. Many associates who make the switch are allowed out only on Groundhog Day. Of course, when the legal winds start blowing in some other direction, they may wind up waiting tables at Hamburger Hamlet.

Incoming Tide

But these days, the wind is blowing toward Northern Virginia. Intellectual property is one of the hot fields of law, and the presence of the Patent and Trademark office headquarters in Crystal City has drawn several patent firms to Northern Virginia over the years. In addition, the U.S. District Court for the Eastern District of Virginia has become a prime venue to file suit.

That court has its own local rules and procedures, and they are strictly enforced. Law firms from Washington and elsewhere must associate with Northern Virginia counsel. Who better than the Northern Virginia firms to guide them through Alexandria’s “rocket docket?” Needless to say, this has been a good thing for my firm.

In the last five years, there has been a revival of the influx of large-firm branch offices in Northern Virginia. Fairfax County has aggressively and with considerable success sought to attract high-tech business. With that tide comes the remora fish of the business world: the lawyer. Building has resumed, and office space is at a premium as firms from Connecticut Avenue to California and from Miami to Boston are planting their flags in Northern Virginia.

In 1967, my firm was housed in a three-story white brick building with snappy 1960s turquoise trim. We outgrew the space and moved about 10 or 11 years ago to an eight-story brick and glass building one block from our old space, but still within spitting distance of the Arlington Courthouse. At 23 lawyers we are three time bigger than we were then, and are now one of Virginia’s 50 largest firms. We are now outgrowing this space.

When I began the practice, it seemed that almost everyone was a general practitioner. If the client had money, you had the time, no matter what the legal problem. Now I am just about the only lawyer in my firm who handles work in more than one field. My firm is a general practice firm, but everyone here specializes. All except me, the 2,000-year old lawyer. But I like what I do too much to give up any of it. And I love the practice of law in Virginia-what it was, what it has become, and no doubt, what it will be.

James W. Korman, 57, is managing principle of Bean, Kinney & Korman in Arlington and is a former president of the Arlington County Bar Association. He was born in Washington, and has not been back there since.